

ORDINANCE NO. C-_____

An ordinance concerning City of Spokane fire hydrant fees, permits and use; amending sections 13.04.130, 13.04.1904, 13.04.1918, and 13.04.2024 of the Spokane Municipal Code, and declaring an emergency.

WHEREAS, the City of Spokane has the legal authority to operate a water system (RCW 35.92.010) and a sewerage and solid waste disposal system (RCW 35.92.020); and

WHEREAS, the City of Spokane maintains and operates approximately 7,500 water hydrants within the designated water service area. Water usage from these hydrants by permitted individuals and companies amounts to approximately 1.5 billion gallons of water use each year; and

WHEREAS, the City of Spokane has authority to set rates for all consumptive use of water; and

WHEREAS, there have been recent incidents of use of a water hydrant which resulted in contamination of the drinking water system; and

WHEREAS, it is of paramount importance to the City of Spokane to manage access to its water hydrants to ensure safe, reliable water is available for all customers; and

WHEREAS, time is of the essence to adopt the proposed ordinance changes, as contractors will start applying for hydrant permits shortly after the first of the calendar year.

NOW THEREFORE, the City of Spokane does ordain:

Section 1. That SMC section 13.04.130 is amended to read as follows:

Section 13.04.130 Use of Fire Hydrants – Permits, Stop Valves and Stopcock

A. Use of a fire hydrant is a privilege and will be allowed in very limited circumstances following written application and written approval by the Director of the Water and Hydro-electric Department or their designee, in the form of a Hydrant Permit. Hydrant permits will only be issued to approved and specified hydrants. Use of multiple hydrants concurrently with a single permit is unlawful.

~~((A.))~~**B.** It is unlawful for any person, except when duly authorized by the director, ~~((and except a member of the fire department,))~~ to open, operate, close, turn on, turn off, interfere with, attach any pipe or hose to or connect anything with any fire hydrant, stop valve or stopcock belonging to the City.

~~((B-))~~C. Any person, other than employees of the City ~~((f))~~Fire ~~((d))~~Department or City Public Works Division, requiring the use of any hydrant, stopcock or valve belonging to the City must make written application for the same, in advance and to the director. ~~((The director shall then send a hydrant inspector to open such hydrant, stopcock or valve, and the time of such inspector shall be charged to the person making application for the use of such hydrant, stopcock or valve.))~~

~~((C-))~~D. ~~((Should it be necessary for the inspector to remain at the hydrant, stopcock or valve until the person using the same has secured the necessary supply of water, the full time consumed by the inspector shall be charged to the person securing such service. The director may require a deposit in advance as a condition for supply of such water.))~~ The director may also permit, following submittal of a written application and written approval, qualified plumbers, licensed and bonded in accordance with state laws and on file with the City, to open and shut the street cock in order to make the necessary repairs or to test their work. ~~((, and in))~~ ~~((i))~~ In every such case such persons shall leave the stop cock as they found it. They shall be responsible for any damage, losses or liabilities of the City or third parties arising from their acts, errors or omissions.

E. Revocation of Permit: The Director has authority to revoke or deny request for a Hydrant Permit, as deemed necessary, in their sole discretion.

F. Expiration: Hydrant Permits shall be valid from the date of issue through December 31st of that calendar year.

Section 2. That SMC section 13.04.1904 amended to read as follows:

Section 13.04.1904 Stealing Water

No person may take water or permit water to be taken from the water supply of the City through any means unauthorized by the water and hydroelectric services department, or use or permit the use of said water without making payment for the service. Any unauthorized connection will be assessed a fine up to one thousand (\$1,000) dollars per day. Three or more violations in the calendar year, will result in treble fines per violation per day.

Section 3. That SMC section 13.04.1918 is amended to read as follows:

Section 13.04.1918 Obstructing Fire Hydrants

No person may:

A. obstruct the access to any fire hydrant by placing around, thereon, or within twenty feet thereof, any stone, brick, lumber, dirt, rubbish or other material; or

- B. open or operate any fire hydrant without a valid hydrant permit; or
- C. draw or attempt to draw water ~~((there))~~ from a hydrant without a valid hydrant permit; or
- D. willfully or carelessly injure the same; or
- E. fill up or cover over any valve box; or
- F. in any manner tamper with or injure the same.

Section 4. That SMC section 13.04.2024 is amended to read as follows:

Section 13.04.2024 Hydrant Fees, Consumption Charges and Fines

Hydrant fees for 2020 are as follows:

- A. Hydrant Permit Fees.
 - 1. Annual Hydrant permit fee~~((daily))~~: Five Hundred dollars (\$500.00) per year ~~((Fifty dollars (\$50.00)))~~
 - 2. Hydrant meter and backflow device deposit: A deposit of One Thousand Five Hundred dollars (\$1,500), or surety, verified insurance or bond documentation as approved by the Director of Water and Hydro-electric Department is required for all hydrant permits. ~~((permit monthly: Two hundred dollars (\$200.00)))~~.
 - ~~((3. Hydrant permit yearly: Four hundred fifty dollars (\$450.00)).~~
 - ~~4. Hydrant permit where meter is needed to measure water use: Six hundred dollars (\$600.00) meter deposit.~~
 - ~~5. Valve rental fee daily: Thirty five dollars (\$35.00).~~
 - ~~6. Valve rental fee monthly: Seventy five dollars (\$75.00).~~
- ~~B. Hydrant Flow Tests: Two hundred eighty five dollars (\$285.00).~~
- ~~C. Construction Estimates: Three hundred seventy five dollars (\$375.00-.)~~
- ~~((D.))~~ B. Damages ~~((Other Charges))~~.
 - 1. Damage to a meter or backflow device will result in a forfeit of the deposit, Fifteen Hundred dollars (\$1,500), or other recovery available to the City. ~~((Three~~

~~hundred seventy five dollars (\$375.00) for each hydrant disk that is not returned at the time the hydrant permit expires.))~~

2. Repair of any damage to the hydrant or surrounding area as a result of use by the permit holder is the responsibility of and will be billed to the permit holder. Deposit may be forfeited. ~~((Fifty dollar (\$50.00) replacement charge for any lost or stolen hydrant disk.))~~

3. Failure to pay damages will result in revocation of all hydrant permits and denial of any requests for a hydrant permit until paid in full. ~~((Seventy five dollars (\$75.00) for any hydrant wrench not returned upon hydrant permit expiration.))~~

~~((4. Hydrant gate valves may be rented from the water and hydroelectric services department for a maximum of thirty calendar days.~~

~~a. Daily rental fee is Thirty five dollars (\$35.00).~~

~~b. Monthly rental fee is Seventy five dollars (\$75.00).~~

~~5. Two hundred fifty dollar (\$250.00) refundable deposit is required for all valve rentals. Failure to return the hydrant valve or failure to return it within the thirty-day time frame will result in forfeiture of the deposit.~~

~~6. Three hundred seventy five dollar (\$375.00) fine for anyone using a hydrant, other than for fire protection, without purchasing a hydrant permit and without using the hydrant disk.))~~

C. Consumption Charges.

1. The Outside City Rate to Other Purveyors listed in SMC 13.04.2014, in effect at the time of usage will be applied.

a. All water usage from a hydrant shall be measured by required meter, as outlined above.

b. Failure to use required meter, will be considered a violation of this chapter and may result in civil or criminal enforcement to include without limitation, fees, fines, restitution and/or referral for prosecution.

D. Fines:

Any person other than employees of the City Fire Department or City Public Works Division connecting to or accessing any hydrant without an approved Hydrant Permit will be assessed a fine up to one thousand (\$1,000) dollars per day. Subsequent

violations may result in increased penalties and forfeiture of future eligibility to obtain a hydrant permit.

G. Annual Adjustment:

Any fees listed in this section may be adjusted annually.

Section 5. Emergency. This ordinance is necessary for the immediate preservation of the public health and safety of the public and public water supply system.

PASSED by the City Council on _____.

Council President

Attest:

Approved as to form:

City Clerk

Assistant City Attorney

Mayor

Date

Effective Date

PASSED by the City Council on _____.

Council President