

OFFICE OF THE CITY CLERK
808 W. SPOKANE FALLS BLVD.
SPOKANE, WASHINGTON 99201-3342
509.625.6350

January 27, 2020

City Clerk File No.:
ORD C35878
CR: RES 2019-0118

COUNCIL ACTION MEMORANDUM

RE: EMERGENCY ORDINANCE C35878 CONCERNING CITY OF SPOKANE FIRE HYDRANT FEES, PERMITS AND USE (Council Sponsor: Council President Beggs)

During its 3:30 p.m. Administrative Session held Monday, January 27, 2020, upon review of the January 27, 2020, Current Agenda, the Spokane City Council took the following action:

Motion by Council Member Burke, seconded by Council Member Cathcart, **to add** the new version of the fire hydrant ordinance (C35878) (and thereby substitute it to replace the previously filed ordinance); **carried unanimously (Council Member Mumm absent).**

At its 6:00 p.m. Legislative Session held January 27, the City Council considered Emergency Ordinance C35878. Subsequent to public testimony from one individual and Council commentary, the following action was taken:

Upon Unanimous Roll Call Vote (with Council Member Mumm voting "aye" via the telephone), the City Council passed Emergency Ordinance C35878 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.

Terri L. Pfister, MMC
Spokane City Clerk



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January 6, 2020


City Clerk File No.:
ORD C35878

COUNCIL ACTION MEMORANDUM

RE: EMERGENCY ORDINANCE C35878 CONCERNING CITY OF SPOKANE FIRE HYDRANT FEES, PERMITS AND USE (Council Sponsor: Council President Beggs)

During its 3:30 p.m. Administrative Session held Monday, January 6, 2020, upon review of the January 6, 2020, Current Agenda, the Spokane City Council took the following action:

Motion by Council Member Kinnear, seconded by Council Members Burke and Stratton, **to defer** Emergency Ordinance C35878—concerning City of Spokane fire hydrant fees, permits and use—to the January 27, 2020, Agenda; **carried unanimously.**



Terri L. Pfister, MMC
Spokane City Clerk

**Agenda Sheet for City Council Meeting of:**

01/06/2020

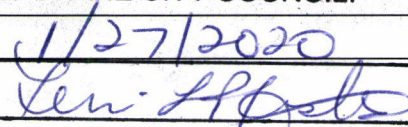
Date Rec'd	12/16/2019
Clerk's File #	ORD C35878
Renews #	
Cross Ref #	
Project #	
Bid #	
Requisition #	

Submitting Dept	WATER & HYDROELECTRIC SERVICES
Contact Name/Phone	DAN KEGLEY 625-7821
Contact E-Mail	DKEGLEY@SPOKANECITY.ORG
Agenda Item Type	Emergency Ordinance
Agenda Item Name	4100 - EMERGENCY ORDINANCE FIRE HYDRANT FEES, PERMITS AND USE

Agenda Wording
 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.

Summary (Background)
 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. 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.

Fiscal Impact	Grant related? NO	Budget Account
	Public Works? NO	
Select	\$	#
Select	\$	#
Select	\$	#
Select	\$	#

Approvals		Council Notifications	
Dept Head	KEGLEY, DANIEL	Study Session	
Division Director	SIMMONS, SCOTT M.	Other	PIES 12/16/19
Finance	ALBIN-MOORE, ANGELA	Distribution List	
Legal	SCHOEDEL, ELIZABETH	aalbinmoore@spokanecity.org	
For the Mayor	ORMSBY, MICHAEL	eschoedel@spokanecity.org	
Additional Approvals		dkegley@spokanecity.org	
Purchasing			
		PASSED BY	
		SPOKANE CITY COUNCIL:	
		 _____	

CITY CLERK

Briefing Paper

Public Infrastructure, Environment and Sustainability Committee

Division & Department:	Public Works Division
Subject:	Hydrant Permit Program revisions
Date:	12/10/19
Author (email & phone):	Dan Kegley dkegley@spokanecity.org 625-7840
City Council Sponsor:	Breean Beggs
Executive Sponsor:	Scott Simmons
Committee(s) Impacted:	Public Infrastructure, Environment and Sustainability Committee
Type of Agenda item:	<input type="checkbox"/> Consent <input checked="" type="checkbox"/> Discussion <input type="checkbox"/> Strategic Initiative
Alignment: (link agenda item to guiding document – i.e., Master Plan, Budget, Comp Plan, Policy, Charter, Strategic Plan)	Strategic Plan
Strategic Initiative:	Water System Resiliency
Deadline:	
Outcome: (deliverables, delivery duties, milestones to meet)	Approval of an ordinance to update the City's Hydrant Permit Program.
Background/History:	
<p>A proposal to update the City's hydrant permit program and hydrant use policies to support the Water Department's mission of providing safe, clean, and reliable drinking water to customers. The new program is designed to enhance hydrant security, ensure use of necessary equipment to protect the water supply, and appropriately account for water use. The program also is designed to complement additional hydrant security measures that are being evaluated, including the installation of hydrant locks and water fill stations.</p>	
Executive Summary:	
<ul style="list-style-type: none"> • Update SMC with Ordinance revisions for water hydrant permits • Communicate to affected members of the community (contractors) • Require use of water department provided and approved equipment • Meter water use for all hydrant permits 	
Budget Impact:	
Approved in current year budget? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Annual/Reoccurring expenditure? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If new, specify funding source: Water Rates Other budget impacts: (revenue generating, match requirements, etc.)	
Operations Impact:	
Consistent with current operations/policy? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Requires change in current operations/policy? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Specify changes required: Known challenges/barriers:	

ORDINANCE NO. C35878

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))~~n 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.

E. 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 January 27, 2020.

[Signature]
Council President

Attest:

[Signature]
City Clerk

[Signature]
Mayor

Approved as to form:
[Signature]
Assistant City Attorney

2/5/2020
Date

January 27, 2020
Effective Date

