

### Redlined Code Section

Deleted language indicated by strikethrough and inserted language indicated by underline.

## Chapter 90. Water Code – Fire Hydrants

### **Sec. 90.01. - Use of hydrants.**

No person shall, without authority, use or interfere with any fire hydrant. The water utility may permit water to be used temporarily from any fire hydrant for other than domestic purposes, in localities where no other supply can be obtained, by attaching a hydrant meter assembly to one of the hydrant openings and controlling the supply by means of a small valve. Such permission will not be granted unless a written application is first made on the regular form of the water utility in accordance with the rules, regulations and rates governing the same.

### **Sec. 90.02. Permits.**

- (a) Application for permits to use a fire hydrant shall be made at the office of the board of water commissioners. Permits will be granted only when, in the opinion of the water utility, the use of the fire hydrant will not unduly jeopardize the rights of the public and when water cannot be conveniently had from any other source.
- (b) Permits will be issued for a minimum period of thirty (30) days or multiple thirty-day periods and are renewable thereafter at the established rate.
- (c) The location of the hydrant ~~or hydrants~~ used shall be approved or denied by the water utility at the time of application for as shown on the permit. Other locations must be approved by the water utility prior to the use of any other hydrant. which All hydrants shall be accessible available for inspection by the water utility ~~inspectors~~ at all times.

### **Sec. 90.03. ~~Cash d~~Deposit required.**

Applicants to whom permits are granted shall be required to make a ~~cash~~ Hydrant Use Permit Deposit in the amount listed in the fee schedule established pursuant to Sec. 85.08. of one thousand dollars (\$1,000.00) in advance. The deposit is for the purpose of guaranteeing payment for water used, charges accrued and to cover any breakage or damage to the fire hydrant or meter. Upon return of the equipment issued to the permittee by the utility, said deposit, less charges against the permittee's account, will be returned to the permittee.

### **Sec. 90.04. Charges for hydrant use permits.**

- (a) ~~An charge of forty dollars (\$40.00) plus all applicable sales taxes~~ Administration and Inspection fee in the amount listed in the fee schedule established pursuant to Sec. 85.08 shall be applied for each permit for each thirty-day period or fraction thereof. Such charge is to cover the cost of permit administration.

- (b) ~~An charge of ten dollars (\$10.00) plus all applicable sales taxes~~Individual Hydrant Fee in the amount listed in the fee schedule established pursuant to Sec. 85.08 for each thirty-day period or fraction thereof shall be applied for each hydrant used by the permittee. Such charge is to cover the cost of inspection and ordinary wear and tear on the hydrant.
- (c) A charge for the volume of water plus all applicable sales taxes shall be applied according to the highest water rate. Measurement of water volume shall be by use of the hydrant meter issued to each permittee or by estimate if meter reading is unavailable or deemed inaccurate by the water utility.
- (d) Charges for the water service base fee and right-of-way recovery fees, and other charges as may be established by city council plus all applicable sales taxes shall be applied and shall not be less than those applied to any retail water account.
- (e) If the water utility approves issuance of a hydrant permit during the period from December 1 to April 1, a Winter Month Surcharge in the amount listed in the fee schedule established pursuant to Sec. 85.08~~an additional charge of thirty dollars (\$30.00) plus all applicable sales taxes~~ shall be applied for each thirty-day period or fraction thereof. Such additional charge is to compensate for the cost of extraordinary inspection required when a hydrant is operated during winter months.

#### **Sec. 90.05. Obstructing fire hydrants.**

No person shall obstruct the access to any fire hydrant by placing or permitting any debris, building material or other obstruction to remain on or about the hydrant which will in any manner interfere with its immediate use. minimally 3 feet in all directions.

#### **Sec. 90.06. Manner of use of hydrants.**

The issuance of a special hydrant permit to any person shall entitle them to the loan and use, during the time for which the permit was issued, of a hydrant wrench and hydrant meter assembly. All water used through a fire hydrant shall be controlled by the use of a valve attached to the hydrant meter assembly and, while water is being used, the hydrant shall be opened and closed according to instructions provided by water utility personnel. Hydrants shall be operated only by means of a standard hydrant wrench. It ~~is~~shall be unlawful for any unauthorized person to use other than a standard hydrant wrench to open or close a fire hydrant. ~~excepting only an employee of the city when so permitted. No person shall use a fire hydrant without using a standard hydrant cap or reducing cap and hydrant wrench secured from the water utility, numbered and properly identified with their permit.~~

#### **Sec. 90.07. Charge for private hydrants.**

Private hydrant owners shall be charged an Annual Private Hydrant Fee, annual stand-by charge of twenty five dollars (\$25.00) in the amount listed in the fee schedule established pursuant to Sec. 85.08, for each hydrant located on private property and connected to the city water main through an unmetered pipe.

### **Sec. 90.08. - Illegal use of hydrants.**

Except for use by personnel of the fire department and water utility, hydrants may only be used by permit issued by the utility, and all water taken from a hydrant must be metered. Anyone found using water from a hydrant without having first obtained a proper permit shall be subject to the following:

1. A one thousand dollar (\$1,000) fine.
2. Water utility will confiscate any and all hydrant nozzle adaptors and appurtenances and such confiscated adaptors and appurtenances will become the property of the water utility.

This section shall also apply to unmetered private hydrants.

### **Sec. 90.09. Use of hydrants by public agencies.**

For the purposes of this section only, "public agency" means any municipality or other governmental or political subdivision, as well as any department or agency thereof. This includes, but is not limited to, counties, school districts, the Metropolitan Council, and any department or agency thereof.

Notwithstanding any other provision within this chapter to the contrary, a public agency may annually apply to the board of water commissioners for a permit to use fire hydrants, which permit shall be granted upon the public agency's agreement to:

- (1) Pay an Annual Public Agency Hydrant Use Permit Fee in the amount listed in the fee schedule established pursuant to Sec. 85.08~~annual permit fee of one hundred dollars (\$100.00) per calendar year or portion thereof;~~
- (2) Submit a list of those hydrants that it desires to use, and use only approved hydrants;
- (3) Notify the board of each use and pay an Individual Public Agency Hydrant Fee and Pump After Use Fee where applicable in the amount listed in the fee schedule established pursuant to Sec. 85.08~~annual use fee of five dollars (\$5.00) for each individual hydrant that is used (regardless of the number of uses). In addition, hydrants used from December 1 through April 1 shall be charged a winter inspection fee of thirty dollars (\$30.00) for each individual hydrant that is used (regardless of the number of uses) during the winter months.—~~
- (4) Pay for all water used, at the regular consumption rate; and A charge for the volume of water shall be applied according to the highest water rate. Measurement of water volume shall be by use of the hydrant meter issued to each permittee or by estimate if meter reading is unavailable or deemed inaccurate by the water utility.
- (5) Charges for the water service base fee and right-of-way recovery fees, and other charges as may be established by city council shall be applied and shall not be less than those applied to any retail water account.
- (6) Assume liability for any loss or damage arising from such use.