

## **PRIVATE FIRE HYDRANT ORDINANCE FOR THE TOWN OF RUTLAND**

### **SECTION I. AUTHORITY**

Pursuant to 20 V.S.A. § 2291(13), 24 V.S.A. § 2291(14) and 24 V.S.A. § 2291(15) the following ordinance is promulgated in order to regulate the inspection, testing, maintenance, correction, and repair of fire hydrants located on private property in the Town of Rutland and those fire hydrants located in the rights of way of a public highways of the Town of Rutland that the Town of Rutland does not own. This Ordinance is designated as a civil ordinance pursuant to 24 V.S.A. § 1971(b).

### **SECTION II. PURPOSES**

The purposes of this Ordinance are to:

- (1) Provide standards and requirements for the inspection, testing, maintenance, correction, and repair of fire hydrants located on private property of the Town of Rutland, as well as fire hydrants located in the right of way of a public highway in the Town of Rutland that are owned by a fire district or any person or entity other than the Town of Rutland.
- (2) Ensure that every private fire hydrant to which the Fire Department of the Town of Rutland or other municipal fire department connects in the event of a fire or other emergency will function as designed to produce the water necessary to respond appropriately to the fire or other emergency.
- (3) Protect the public health, safety and general welfare of the Town of Rutland.

### **SECTION III. DEFINITIONS**

- (1) **EMERGENCY IMPAIRMENT** – A condition where a private fire hydrant is out of service due to an unexpected occurrence, such as frozen or ruptured hydrant components or an interruption of the water supply to the system.
- (2) **FIRE DEPARTMENT** – The Fire Department of the Town of Rutland.
- (3) **HYDRANT** – A private fire hydrant as defined below.
- (4) **IMPAIRED HYDRANT** – A private fire hydrant which is not operational due to an emergency impairment or a preplanned impairment.
- (5) **IMPAIRMENT** – A shutdown of a private fire hydrant which renders the hydrant non-operational and therefore out of service.
- (6) **IMPAIRMENT TAG** – A tag affixed to a private fire hydrant to indicate that the hydrant is out of service. The Fire Department may determine the requirements of an impairment tag and the means and location of its attachment to a hydrant.
- (7) **INSPECTION** – A visual examination of a private fire hydrant to verify that it appears to be in operating condition and is free from physical damage.

(8) ISSUING MUNICIPAL OFFICIAL - A constable of the Town of Rutland, the town attorney, town grand juror, administrative assistant, officer and any other person designated by the Board of Selectmen to issue and pursue before the Traffic and Municipal Ordinance Bureau a municipal complaint to enforce this Ordinance.

(9) MAINTENANCE – Work performed to keep a private fire hydrant operable or to make repairs.

(10) NFPA STANDARD – Publication 25 of the National Fire Protection Association (NFPA) entitled Standard for the Inspection, Testing and Maintenance of Water-Based Fire Protection Systems 2002, and any subsequent amendments or revisions thereto.

(11) OWNER – The person that holds record title to the property upon which a private fire hydrant is located. For fire hydrants located in the right of way of a public highway in the Town of Rutland that are not owned by the Town of Rutland, the owner is the person that owns the fire hydrant itself.

(12) OWNER’S DESIGNEE - Where the owner is not the occupant of the premises upon which a private fire hydrant is located, the occupant, management firm, or managing individual designated by the owner through specific provisions in the lease, written use agreement, or management contract owner to assume the responsibility to inspect, test, and maintain, correct and repair a private fire hydrant located on the owner’s property.

(13) PERSON - Any institution, public or private corporation, individual, partnership, fire district, or other entity.

(14) PRE-PLANNED IMPAIRMENT – A condition where a private fire hydrant is out of service due to work that has been planned in advance.

(15) PRIVATE FIRE HYDRANT – A valved connection to a water main for the purpose of supplying water to a fire hose or other fire protection apparatus and that is not located within the right of way of a public highway of the Town of Rutland. A private fire hydrant also includes any fire hydrant located in a right of way of a public highway in the Town of Rutland that is owned by a fire district or any person other than the Town of Rutland.

(16) QUALIFIED – Having knowledge of the installation, construction, operation, maintenance, correction or repair of a fire hydrant and the hazards involved.

(17) RECORD – Written documentation of the inspection, testing, maintenance, correction, or repair of a private fire hydrant.

(18) SHALL – Indicates a mandatory requirement.

(19) TESTING – A procedure of periodic physical and operational checks used to determine whether a private fire hydrant is capable of being operated as intended and will perform as intended, e.g. water-flow tests. These tests follow up on the original tests at intervals specified in this Ordinance.

**SECTION IV. GENERAL REQUIREMENTS**

(1) Responsibility for properly maintaining a private fire hydrant shall be that of the owner of the property or the owner's designee.

(a) Where the owner of a private fire hydrant has designated an occupant, management firm, or managing individual, through specific provisions in the lease, written use agreement, or management contract, to be responsible for the inspection, testing and maintenance of a private fire hydrant in accordance with this Ordinance, the owner's designee shall comply with the requirements of this Ordinance and shall be subject to enforcement of this Ordinance in the event of a failure to so comply.

(2) By means of periodic inspections, tests, maintenance, correction, and repair, every private fire hydrant shall be maintained in proper working condition, consistent with this Ordinance, the NFPA Standard, and the manufacturer's specifications or recommendations.

(3) Inspection, testing, maintenance, correction and repair shall be implemented with the procedures meeting or exceeding those established in this Ordinance and the NFPA Standard, and shall be in accordance with the manufacturer's specifications or recommendations. This Ordinance shall control in the event of a conflict among any of the aforementioned applicable standards. Inspection, testing, maintenance, correction, and repair shall be performed by qualified maintenance personnel or a qualified contractor.

(4) The owner or owner's designee shall notify the Fire Department of the Town of Rutland before testing or shutting down a private fire hydrant or its water supply.

(a) This notification shall include the purpose for the shutdown, the private fire hydrant involved, and the estimated time that the hydrant will be impaired.

(5) The owner or owner's designee shall notify the Fire Department when the private fire hydrant is returned to service.

(6) The owner or owner's designee shall promptly correct or repair any deficiencies, damaged parts, or impairments found while performing the inspection, testing, and maintenance requirements of this Ordinance.

(7) The owner or owner's designee shall promptly correct or repair any deficiencies, damaged parts, or impairments of any private fire hydrant of which the owner or owner's designee has knowledge or, in the exercise of reasonable care, ought to have knowledge.

**SECTION V. INSPECTION, TESTING, MAINTENANCE, CORRECTION and REPAIR**

(1) This section shall provide the minimum requirements for the routine inspection, testing, maintenance, correction, and repair of private fire hydrants. These functions shall be permitted to be carried out simultaneously.

(2) On or before October 1 of each year, the owner or the owner's designee shall inspect, test, maintain, and if necessary, correct, and repair each private fire hydrant to ensure proper functioning, with the necessary repair or corrective action taken as shown in Table 1.

(a) The owner or owner's designee shall conduct an inspection of a private fire hydrant after each time the hydrant is operated.

(3) When conducting a test of a private fire hydrant, the hydrant shall be opened fully and water flowed until all foreign material has cleared.

(a) Flow shall be maintained for not less than one (1) minute.

(b) After operation, the hydrant shall be observed for proper drainage from the barrel.

(c) Full drainage shall take no longer than sixty (60) minutes.

(d) Where soil conditions or other factors are such that the hydrant barrel does not drain within sixty (60) minutes, or where the ground water level is above that of the hydrant drain, the hydrant drain shall be plugged and the water in the barrel shall be pumped out.

(e) A hydrant does not drain as required shall be identified clearly as needing pumping after each operation.

(4) Private fire hydrants shall be lubricated annually to ensure that all stems, caps, plugs, and threads are in proper operating condition.

(5) Private fire hydrants shall be kept free of snow, ice, or other materials and protected against mechanical damage so that free access is ensured.

(6) The owner or the owner's designee shall repair as soon as possible a private fire hydrant which is impaired or otherwise does not function as required by this Ordinance, the NFPA Standard, or the manufacturer's specifications.

(a) After completing all necessary repairs to a private fire hydrant, the owner or the owner's designee shall inspect and test the hydrant as necessary consistent with the standards of this Ordinance, including without limitation Table 1, to ensure that the hydrant is operational.

## **SECTION VI. IDENTIFICATION AND NOTIFICATION OF IMPAIRED HYDRANT**

(1) The owner or owner's designee shall notify the Fire Department in advance of a preplanned impairment of a private fire hydrant.

(2) The owner or the owner's designee shall notify the Fire Department immediately of an emergency impairment of a private fire hydrant.

(3) The owner or owner’s designee shall affix an impairment tag to an impaired hydrant at the commencement of a preplanned impairment and at the time of discovery of an emergency impairment.

(4) Once the necessary inspection and testing confirm that repairs have restored a private fire hydrant to operational status, the owner or the owner’s designee shall remove the impairment tag and shall notify the Fire Department that the hydrant is operational.

**SECTION VII. RECORDS**

(1) Records shall indicate the procedure performed concerning the inspection, testing, maintenance, correction, and repair of a private hydrant. Such records shall include the organization that performed the work, the results, and the date, as well as such other pertinent information as the Fire Department shall require.

(2) Records shall be maintained by the owner or the owner’s designee.

(3) The owner or owner’s designee shall submit to the Administrative Officer of the Town of Rutland a record of the annual inspection, test, maintenance, correction and repair of each private fire hydrant and its components.

(4) The owner shall retain the original records of a private fire hydrant for the life of the private fire hydrant.

(5) Subsequent records shall be retained for a period of one year after the next inspection, test, maintenance, correction or required by this Ordinance.

**SECTION VIII. ENFORCEMENT VIOLATIONS and PENALTIES**

(1) A civil penalty of not more than \$500 may be imposed for a violation of this Ordinance. Each week that the violation continues shall constitute a separate violation of this Ordinance.

(2) An issuing municipal official is authorized to recover by the issuance of a municipal complaint, civil penalties in the following amounts for each violation of this Ordinance:

First Violation	\$50
Second Violation	\$100
Third Violation	\$300
Fourth and Subsequent Violations	\$500

(3) In lieu of the civil penalties provided in subsection 2 of this section, an issuing municipal official is authorized to recover a waiver fee in the following amount, from any person to whom a municipal complaint is issued, who declines to contest the municipal traffic complaint and pays the waiver fee:

First Violation	\$25
Second Violation	\$50
Third Violation	\$150
Fourth and Subsequent Violations	\$250

(4) Other Relief - In addition to the enforcement procedures available before the Traffic and Municipal Ordinance Bureau, the Town of Rutland may pursue any remedy authorized by law, including without limitation, the maintenance of a civil action in superior court pursuant to 24 V.S.A. § 1974a(b) to obtain injunctive and other appropriate relief.

**SECTION IX. EFFECTIVE DATE**

This Ordinance shall become effective sixty (60) days after its adoption by the Select Board. If a petition is timely filed under 24 V.S.A. § 1973, the taking effect of this Ordinance shall be governed by 24 V.S.A. § 1973(e).