

2001-0327

INTRODUCED BY: BARRY MINNICH
COUNCILMAN, DISTRICT VII

ORDINANCE NO. 01-10-2

An ordinance of the Parish of St. Charles providing that the Code of Ordinances, Parish of St. Charles, be amended by revising Chapter 9, Article I, of said Code, by adding Section 9-3, Obstruction or Defacement of Fire Hydrants and Section 9-4, Penalty.

WHEREAS, the St. Charles Parish Code consists in part of Chapter 9, entitled Fire Protection and Prevention; and,

WHEREAS, Chapter 9, Article I, references general fire protection and prevention provisions; and,

WHEREAS, the general protection and maintenance of the Parish Fire Protection System, including fire hydrants, is important to the safety and well-being of the citizens and their property within St. Charles Parish; and,

WHEREAS, adequate safeguards are not currently provided to address the protection of the fire hydrants in the Code.

THE ST. CHARLES PARISH COUNCIL HEREBY ORDAINS:

SECTION I. That the St. Charles Parish Code of Ordinances, Chapter 9, Article I, is hereby amended by adding the following:

Sec. 9-3. Obstruction or Defacement of Fire Hydrants.

- (a) **Definitions.** Terms defined for purposes of this section:
- (1) *Fire Hydrant:* A public utility device on public or private property which provides a water supply for the local fire department.
 - (2) *Obstacles:* Anything placed or allowed to remain adjacent to a fire hydrant, including, but not limited to, garbage, trash, refuse, fences, shrubs, trees, flowers, vines, mail boxes, vehicles, water craft, trailers, structures, or other movable or immovable objects.
- (b) **Prohibitions.** The following acts are prohibited with regard to fire hydrants:
- (1) It shall be unlawful for anyone to place any obstacle within a five-foot radius of any fire hydrant within the Parish as measured from the top center of the hydrant except as herein provided.
 - (2) It shall be unlawful for any person who owns or manages property adjoining the berm on which a fire hydrant may be located to allow any obstacles within a five-foot radius of the fire hydrant.
 - (3) It shall be unlawful for anyone to paint, alter the original appearance of, or deface in any manner any fire hydrant within the Parish except as provided herein.
 - (4) It shall be unlawful for anyone to obstruct any fire hydrant from view, block access to it from a public street, or impede emergency access to any fire hydrant.
 - (5) It shall be unlawful for any unauthorized person(s) to operate or tamper with any fire hydrant within the Parish.
- (c) **Exceptions.** The following are exceptions to the prohibitions set forth in above section:
- (1) Nothing herein shall prohibit the Department of Waterworks, or its designees, from performing normal maintenance or otherwise performing necessary repairs to any fire hydrant.

- (2) Protective post(s) as deemed necessary by the Department of Waterworks, the Fire Department or any Volunteer Fire Department under contract with the Parish to provide fire protection services shall be exempt from the provisions of this Section only if express written consent is granted by the Department of Waterworks, and the Fire Department which provides fire protection services for the area involved and such department approves the design and location of the protective post(s). The Department of Waterworks and the appropriate Fire Department shall be notified prior to and after the post(s) is (are) installed, and both the Department of Waterworks and the Fire Department or their designees shall inspect the site prior to and immediately after installation to insure proper compliance with this section.
- (3) Nothing herein shall prohibit the planting and cultivation of small flowering plants (but not shrubbery of any kind) within five (5) feet of a fire hydrant provided that such plants are maintained at a height not exceeding the height of the hose connections on such hydrant and such plants are approved by the Fire Department providing fire protection services to the area in which such hydrant is located. The St. Charles Parish Department of Waterworks, the various Fire Departments in the Parish, or any of their agents or employees, shall not be liable for any damage caused to such plants as a result of use, maintenance, or testing of any fire hydrant.
- (d) **Enforcement.** In addition to the penalties prescribed by Section 9-4 of this Code of Ordinances, each Fire Department of the Parish shall have the authority to request the removal of any obstructions not in compliance with this section in the area in which such Fire Department provides fire protection services.

Sec. 9-4. Penalty.

The violation of any provision of this Section shall be punishable by a fine not exceeding five hundred dollars (\$500.00) or imprisonment for a term not exceeding six (6) months or by both fine and imprisonment within the discretion of the court. Each day any violation of any provision of this Section shall continue constitutes a separate offense.

State Law References: R.S. 40:1491, R.S. 33:1243

The foregoing ordinance having been submitted to a vote, the vote thereon was as follows:

YEAS: RAMCHANDRAN, FAUCHEUX, HILAIRE, FABRE, ABADIE, AUTHEMENT, BLACK, MARINO, MINNICH
 NAYS: NONE
 ABSENT: NONE

And the ordinance was declared adopted this 1st day of October, 2001, to become effective five (5) days after publication in the Official Journal.

Obstruction of Fire Hydrants rev2

CHAIRMAN: Benny Minnich
 SECRETARY: Barbara J. Grant
 DLVD/PARISH PRESIDENT: Oct. 2, 2001
 APPROVED: _____ DISAPPROVED: _____

PARISH PRESIDENT: Albert D. Lopez
 RETD/SECRETARY: Oct - 2, 2001
 AT: 2:55 pm RECD BY: BGG