



MEMORANDUM

Office of the City Attorney

Phone: 334-5011/Fax 334-2229
Box 46

FIRST-READING:

DATE: ~~September 27, 1999~~

SECOND READING:

October 11, 1999

TO: Mayor and City Commission

FROM: Marion J. Radson, City Attorney

SUBJECT: ORDINANCE 0-99-72 FIRE HYDRANT PROTECTION

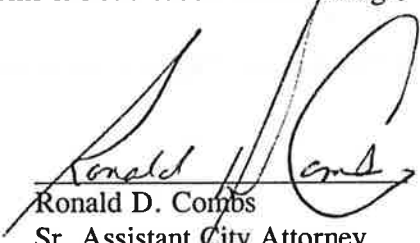
An ordinance of the City of Gainesville, Florida, amending section 10-9 of the Code of Ordinances, to require that fire hydrants have at least a three (3) foot radius clear of obstructions; requiring protective posts for certain fire hydrants when required by fire chief or designee; providing a schedule for compliance; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

RECOMMENDATION: The City Commission adopt the proposed ordinance.

At its meeting on July 26, 1999, the City Commission authorized the City Attorney to draft and the Clerk of the Commission to advertise an ordinance amending section 10-9 requiring each fire hydrant to be free from obstructions. All existing fire hydrants must comply with this section on or before December 1, 1999. Additionally, protective posts may be required as a condition of site plan approval, or shall be required for any existing fire hydrant by order of the fire chief or designee. The owner/operator will be allowed at least sixty (60) days to comply with this order.

At First Reading the City Commission changed the word "area" which appears in the title to the word "radius". This is not a substantive change.

Prepared by:


Ronald D. Combs
Sr. Assistant City Attorney

Approved and
Submitted by:


Marion J. Radson
City Attorney

RDC/bas

Passed on First Reading by a vote of 5-0.

An ordinance of the City of Gainesville, Florida, amending section 10-9 of the Code of Ordinances, to require that fire hydrants have at least a three (3) foot radius clear of obstructions; requiring protective posts for certain fire hydrants when required by fire chief or designee; providing a schedule for compliance; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

WHEREAS, notice has been given once by publication in a newspaper of general circulation notifying the public of this proposed ordinance and of a Public Hearing in the City Commission Auditorium in City Hall, City of Gainesville; and

WHEREAS, a Public Hearing was held pursuant to the published notice described at which hearing the parties in interest and all others had an opportunity to be and were, in fact, heard;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF GAINESVILLE, FLORIDA:

Section 1. Section 10-9 of the Code of Ordinances, City of Gainesville, is amended to read as follows:

~~Sec. 10-9. Same—Obstructing.~~

~~It shall be unlawful for any person to obstruct with building material or otherwise any fire hydrant.~~

Sec. 10-9. Same - Protection from Obstructions and Damage

(a) Each fire hydrant shall be free from obstructions on all sides by a minimum clearance of three (3) feet. It shall be unlawful for any person to cause, suffer or permit the obstruction of a

1 fire hydrant; or to allow access to any fire hydrant to be obstructed by the erection, construction,
2 or installation of any object, pole, shrub, bush, or any other object within a three (3) foot radius
3 from any fire hydrant. This section does not prohibit grass, paving, or other material located at
4 ground level that does not interfere with access to the hydrant or its operation in the opinion of
5 the fire chief or designee.

6 (b) Fire Hydrant Protection Posts

7 The fire chief or designee may require the placement of protection posts to be erected and
8 maintained around a fire hydrant under the following conditions:

9 (1) Fire hydrants that are exposed to vehicular damage or obstructions (i.e., a
10 loading dock), in the opinion of the fire chief or designee, shall be protected by protection
11 posts as provided in subsection (2) below.

12 (2) Protective Posts shall meet the following minimum requirements:

13 a. Be a minimum of three (3) inch diameter schedule 40 PVC or three
14 (3) inch diameter steel pipe set in thirty six (36) inches depth of
15 concrete at least fifteen (15) inches in diameter. The inside of the
16 pipe shall be filled with solid concrete.

17 b. Be located at least three (3) feet from the fire hydrant.

18 c. Extend above ground to a minimum of fire hydrant height.

19 d. Be spaced a minimum of three (3) linear feet to protect the fire
20 hydrant.

21 (c) Schedule for Compliance

22 (1) All existing fire hydrants shall be made to comply with subsection (a) of this section
23 on or before December 1, 1999.

1 (2) Protective posts as provided in subsection (b) above shall be required as a condition
2 of site plan approval, or shall be required for any existing fire hydrant by order of the fire chief or
3 designee and the owner/operator shall be allowed at least sixty (60) days to comply with said order.

4 **Section 2.** If any section, sentence, clause or phrase of this ordinance is held to be invalid
5 or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect
6 the validity of the remaining portions of this ordinance.

7 **Section 3.** All ordinances, or parts of ordinances, in conflict herewith are to the extent of
8 such conflict hereby repealed.

9 **Section 4.** This ordinance shall become effective immediately upon adoption.

10
11 PASSED AND ADOPTED this _____ day of _____, 1999.

12 _____
13 PAULA M. DELANEY
14 MAYOR

15
16 ATTEST:

Approved as to form and legality

17 _____
18 CLERK OF THE COMMISSION

17 _____
18 MARION J. RADSON
19 CITY ATTORNEY

20 This ordinance passed on first reading this ____ day of _____, 1999.

21 This ordinance passed on second reading this ____ day of _____, 1999.

22 t\b\o\0-99-72ord