

ORDINANCE NO. 1571

An Ordinance enacting new provisions to be identified as Sections 30-28.1 and 30-28.2, Article I of Chapter 30 of the City of Jamestown Municipal Code, relating to Private Fire Protection and establishing costs for water and water infrastructure for fire protection for properties located within the city limits of Jamestown which are served by Stutsman Rural Water District or water utilities other than the city of Jamestown.

WHEREAS, City of Jamestown has determined for the public health, safety, and welfare to provide fire protection services to all buildings within City Limits;

WHEREAS, the City desires to maintain a robust water system capable of providing fire protection services to all property within City Limits;

WHEREAS, the City recognizes that there are certain circumstances where a property may maintain its own fire hydrants connected to the City's water supply while also receiving and paying for City water for general use;

WHEREAS, the City also recognizes there are certain circumstances where a property maintains its own fire hydrants and desires to connect to the City's water supply solely for fire protection services,

WHEREAS, the City, in order maintain a functioning water system, requires these private systems to be properly maintained;

WHEREAS, the City further desires to ensure the cost of service is reimbursed from properties which will receive the benefit of city water for fire protection, but does not otherwise pay for City water assists to maintain the City's water infrastructure; and

WHEREAS, the City desires to enact an ordinance to reflect the same.

NOW THEREFORE, be it ordained by the City Council of the City of Jamestown as follows:

Article I Generally

30-28.1 Connection to City's Water Service for Fire Protection Purposes.

For purposes of this Section, Fire Protection shall mean a water supply accessed by hydrants to allow the City to fight fires for the benefit of properties serviced by the Jamestown Fire Department. Fire Protection shall not include any internal systems a property may install.

This Section shall apply to properties which are solely connected to the City's water mains for fire protection purposes. This Section shall not apply to any property that otherwise pays for metered water service from the City. The installation, repair, removal, expansion or maintenance of any water lines from the City's existing main line shall be at the sole cost of the property owner and shall meet all City specifications as otherwise set forth in this code. City may not

provide water or related infrastructure for any internal fire suppression systems a property owner may install. In the event City determines it is necessary to install, modify, relocate, remove or repair a water main, City shall assess the costs of such work amongst the benefitting properties in accordance with Article 1 Chapter 30 of the City of Jamestown Municipal Code. City shall have the authority to access any infrastructure attached to the City's main line.

In addition, these properties shall pay a monthly fee equal to the existing City's rate for residential and business standby rate. This fee shall be administered in the same manner as other City utilities. In the event the owner of the property fails to make prompt payment of these fees, the city may, in addition to any other remedies available to the City, assess the costs to the property pursuant to Section 40-05-01.1, N.D.C.C. after notice is provided to the owner.

Sec. 30-28.2 Private Hydrant – Maintenance by Owner.

- (a) For purposes of this section, "private hydrant" means a hydrant that is privately owned or located on private property.
- (b) All private hydrants shall be usable and accessible by the City of Jamestown for inspection, testing, flushing, fire-fighting, or any other City business. City is authorized to use any private hydrant including entering onto private property where the private hydrant is located for fire-fighting activity, including to adjacent properties.
- (c) The City's public works and fire departments shall develop policies and procedures relating to inspection, testing, flushing, maintenance, repairs, and replacements of private hydrants. When performing any obligation under this section, the owner of the private hydrant or hydrants and/or the owner's representative shall comply with the policies and procedures established by the City's public works and fire departments, the private hydrant's manufacturer's specifications or recommendations, and any applicable laws.
- (d) A private hydrant, along with all associated infrastructure, including pipes, stems, valves, and water mains, shall be kept in good operating condition at all times at the expense of the owner.
- (e) A private hydrant shall be maintained accessible and free from obstruction at all times by the owner in accordance with the most recently adopted International Fire Code.
- (f) Upon notice from the city, an owner of a private hydrant shall permit the City or any person authorized by the city to conduct an inspection, flushing, testing, maintenance, repair, replacement, or removal of obstructions as directed by the City, at the owner's expense. The cost of such services shall be determined from time to time by the City Council.

(g) All private hydrants shall be inspected and tested on an annual basis. The inspection and testing shall be completed by the City or a person authorized by the City. Upon completion of the inspection, a copy of it shall be provided to the owner.

(h) If an inspection indicates maintenance or repairs are necessary, the owner shall contract with a qualified contractor and the maintenance and/or repairs shall be completed and documentation establishing proof of completion shall be submitted to the fire chief within thirty (30) days of the date of the inspection was provided to the owner.

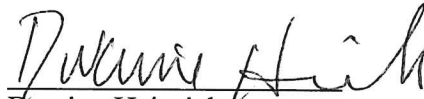
(i) If, after 30 days from written notice provided by the City, the owner of the private hydrant fails, refuses, or neglects to comply with any obligation in subsections (d) through (h), the city may take the appropriate and necessary action and charge the costs of such action or for the service of inspecting, testing, or flushing to the owner via the City's utility bill or disconnect service to that property. In the event the owner fails or refuses to pay, the city may assess the costs to the property pursuant to Section 40-05-01.1, N.D.C.C. after notice is provided to the owner.

ATTEST:

APPROVED:



Sarah Hellekson
City Administrator



Dwaine Heinrich
Mayor

Introduced by: Council Member Buchanan

Seconded by: Council Member Steele

First Reading: July 3, 2023

Second Reading: August 7, 2023

Final Passage: August 7, 2023

Roll Call No. 4 showed: 5 ayes, 0 nays, 0 absent.