

(Published in the Topeka Metro News June 17, 2013)

**ORDINANCE NO. 19823**

AN ORDINANCE introduced by Jim Colson, City Manager, amending City of Topeka Code § 13.10.010, § 13.10.410 through § 13.10.460 concerning private fire hydrants and specifically repealing said original section as well as creating new § 13.10.415.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TOPEKA, KANSAS:

Section 1. That section 13.10.010, Definitions, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

**Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

“City water service line” means only the section of water pipe that connects to the water main and extends to the city’s water meter for that property. The city water service line does not include any section of water pipe that extends from the city’s water meter to the structure, premises or yard hydrant being served or any portion of water pipe on private property.

“Customer water service line” means only the section of water pipe that connects from the city’s water meter for that property and extends to the structure, premises or yard hydrant being served on any portion of water pipe on private property by means of which potable water is furnished to the customer.

“Fire protection line” means a pipe connected to a public water main that extends from the shut-off valve at the City main to a customer’s premises for the purpose of providing water from a main to a structure(s).

30           "Private fire hydrant" means a fire hydrant that is: (1) not owned by a governmental entity; (2) is  
31           connected to a fire protection line or a city water main installed for the primary purpose of providing  
32           protection to property; and (3) has either two 2 ½ inch hose connections or one 4 ½ inch hose  
33           connection or both.

34           "Water mains" means the water pipes, including fittings and equipment, used to  
35           distribute water throughout the territory served by the potable water supply system of  
36           the city and by which water is provided to the ultimate customers. Water mains are  
37           owned by the city and are located on public property, public right-of-way or easement.

38           Section 2. That section 13.10.410, Installation, of The Code of the City of  
39           Topeka, Kansas, is hereby amended to read as follows:

40           **Installation.**

41           It shall be unlawful for any person to install or operate, ~~or cause to be installed,~~  
42           ~~on public or private property, any private~~ fire hydrant ~~for use other than that type and~~  
43           ~~style presently approved by the water division~~ unless in accordance with Article VI.

44           Section 3. "That The Code of the City of Topeka, Kansas, is hereby amended  
45           by adding a section, to be numbered 13.10.415, which said section reads as follows:

46           **Requirements.**

47           (a) Each owner of a private fire hydrant shall comply with all of the following  
48           requirements:

49                   (1) The hydrant shall be used only for fire protection;

50                   (2) The hydrant shall be approved by the fire chief and the water  
51                   superintendent or their designees prior to installation.

52                   (3) The hydrant shall be installed in accordance with the City of Topeka  
53                   and Shawnee County Standard Technical specifications in such a manner and

54 location so that the hydrant is accessible at all times to the fire department for the  
55 purpose of fire protection.

56 (4) The connecting water line between the city water main shall not be  
57 less than six inches in diameter. When connected to a fire protection line, the  
58 owner shall ensure that there is backflow protection in accordance with TMC  
59 14.35.560.

60 (5) The hydrant shall be painted a bright red color and the pumper  
61 nozzle cap (or hose nozzle caps in absence of pumper nozzle) is painted  
62 industrial yellow in accordance with the standards of the water division.

63 (b) Inspection, testing, maintenance, repair. Each owner of a private fire  
64 hydrant shall be responsible for the repair and maintenance of each hydrant. This  
65 responsibility includes, but is not limited to the following:

66 (1) The owner shall perform testing, at the request of the fire  
67 department or water division, which demonstrates that the hydrant is in proper  
68 operating condition; and

69 (2) The owner shall perform a flow test on a schedule established by  
70 the water superintendent and submit the results, on a form provided by the water  
71 division, to the water superintendent within 10 days of the test.

72 Section 4. That section 13.10.420, Obstruction, of The Code of the City of  
73 Topeka, Kansas, is hereby amended to read as follows:

74 **Obstruction.**

75 No person shall obstruct, ~~in any way, easy~~ accessibility of a public or private fire  
76 hydrant by placing material of any kind, ~~fences or temporary structures, trenches or~~  
77 ~~holes, making it dangerous to firefighters in connecting to the fire hydrant, or impair the~~

accessibility of a fire hydrant in any way, including but not limited to snow accumulation, parked vehicles, refuse, equipment or any obstruction that would impair accessibility to any firefighter.

Section 5. That section 13.10.430, Use by city departments and divisions, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

**Use by city departments and divisions.**

Water used by all city departments and divisions from a fire hydrant shall be measured by a method acceptable to the water superintendent. The fire department shall submit a report monthly to the water ~~divisions~~superintendent stating estimated water usage for firefighting. All other city divisions or departments shall report monthly to the water ~~divisions~~superintendent the amount of water used by their department or division.

Section 6. That section 13.10.440, Changing location, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

**Changing location.**

Any change in the location of a private fire hydrant ~~must meet the approval of~~shall be approved by the fire chief, the city engineer and the water ~~divisions~~superintendent or designee. The cost of moving a hydrant shall be paid by the party desiring the change.

Section 7. That section 13.10.450, Altering color, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

**Altering color.**

It shall be unlawful for any person to alter the color of any fire hydrant in the city absent permission of the water superintendent or designee.

Section 8. That section 13.10.460, Damage to, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

**Damage to fire hydrant.**

(a) Any person who ~~shall, in any way,~~ damages or impairs the operation of a fire hydrant shall immediately notify the water division, ~~giving his name and address and the exact location of the fire hydrant impaired.~~

(b) Each owner of a private fire hydrant shall notify both the fire chief and the water superintendent if the owner has knowledge that a private water hydrant has been damaged or is inoperable.

Section 9. That original § 13.10.010, § 13.10.410 through § 13.10.460 of The Code of the City of Topeka, Kansas, are hereby specifically repealed.

Section 10. This ordinance shall take effect and be in force from and after its passage, approval and publication in the official City newspaper.

Section 11. This ordinance shall supersede all ordinances, resolutions or rules, or portions thereof, which are in conflict with the provisions of this ordinance.

Section 12. Should any section, clause or phrase of this ordinance be declared invalid by a court of competent jurisdiction, the same shall not affect the validity of this ordinance as a whole, or any part thereof, other than the part so declared to be invalid.

PASSED AND APPROVED by the City Council June 11, 2013.

CITY OF TOPEKA, KANSAS

Larry E. Wolgast, Mayor

ATTEST:

Brenda Younger, City Clerk