

ORDINANCE NO. 2009-14

AN ORDINANCE AMENDING CHAPTER 34, "FIRE PREVENTION AND PROTECTION," OF THE ORDINANCES OF THE VILLAGE OF STICKNEY, ILLINOIS BY ADDING AN ARTICLE VI, ENTITLED "PRIVATE FIRE HYDRANT INSPECTION AND MAINTENANCE"

BE IT ORDAINED BY THE PRESIDENT AND THE BOARD OF TRUSTEES OF THE VILLAGE OF STICKNEY, COOK COUNTY, ILLINOIS, A HOME RULE UNIT OF GOVERNMENT AS FOLLOWS:

**WHEREAS**, the Village of Stickney (the "Village") is a home rule municipality in accordance with the Constitution of the State of Illinois of 1970; and

**WHEREAS**, the Village of Stickney seeks to maintain the safety and the welfare of the residents of the Village; and

**WHEREAS**, certain fire hydrants within the Village of Stickney are located on property not owned and controlled by the Village of Stickney; and

**WHEREAS**, the Village of Stickney wishes to ensure that fire hydrants located on property not owned and controlled by the Village of Stickney are functional and in good working order; and

**WHEREAS**, this Ordinance advances the goal of maintaining the Village of Stickney as a good and safe place to live.

NOW THEREFORE BE IT ORDAINED BY THE PRESIDENT AND THE BOARD OF TRUSTEES OF THE VILLAGE OF STICKNEY, COUNTY OF COOK, ILLINOIS.

**Section 1. Recitals.** The facts and statements contained in the preamble to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance.

**Section 2. Adoption.** Chapter 34 Article VI, is hereby adopted into the Municipal Code of the Village of Stickney, and shall read as follows:

**Sec. 34-200. Authority.**

Pursuant to Article VII, Section 6 of the Illinois Constitution, and 65 ILCS 5/1-2-1, 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 Village of Stickney and those fire hydrants located in the rights of way of public highways of the Village of Stickney that the Village of Stickney does not own.

**Sec. 34-201. Purposes.**

The purposes of this Article are to:

(a) Provide standards and requirements for the inspection, testing, maintenance, correction, and repair of fire hydrants located on private property of the Village of Stickney, as well as fire hydrants located in the right of way of a public highway in the Village of Stickney that are owned by a fire district or any person or entity other than the Village of Stickney.

(b) Ensure that every private fire hydrant to which the Fire Department of the Village of Stickney 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.

(c) Protect the public health, safety and general welfare of the Village of Stickney.

**Sec. 34-202. Definitions**

(a) 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.

(b) FIRE DEPARTMENT – The Fire Department of the Village of Stickney.

(c) HYDRANT – A private fire hydrant as defined below.

(d) IMPAIRED HYDRANT – A private fire hydrant which is not operational due to an emergency impairment or a preplanned impairment.

(e) IMPAIRMENT – A shutdown of a private fire hydrant which renders the hydrant non-operational and therefore out of service.

(f) 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.

(g) 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.

(h) ISSUING MUNICIPAL OFFICIAL - An officer and any other person designated by the Village of Stickney Board of Trustees to issue and pursue a municipal complaint to enforce this Article.

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

(j) 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.

(k) 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 Village of Stickney that are not owned by the Village of Stickney, the owner is the person that owns the fire hydrant itself.

(l) 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.

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

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

(o) 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 Village of Stickney. A private fire hydrant also includes any fire hydrant located in a right of way of a public highway in the Village of Stickney that is owned by any person other than the Village of Stickney.

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

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

(r) SHALL – Indicates a mandatory requirement.

(s) 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 Article.

**Sec. 34-203. Adoption of National Fire Protection Association Publication 25.**

All private fire hydrants must conform to the NFPA Standard, as defined in Section 34-202, above. The National Fire Protection Association’s Publication 25 is hereby adopted by reference as if set forth fully herein. Three copies shall be on file with the Village Clerk and are available for public use, inspection, and examination.

**Sec. 34-204. General Requirements**

(a) Responsibility for properly maintaining a private fire hydrant shall be that of the owner of the property or the owner’s designee. 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 Article, the owner's designee shall comply with the requirements of this Article and shall be subject to enforcement of this Article in the event of a failure to so comply.

(b) By means of periodic inspections, tests, maintenance, correction, and repair as set forth in Section 34-205, below, every private fire hydrant shall be maintained in proper working condition, consistent with this Article, the NFPA Standard, and the manufacturer's specifications or recommendations. In the event of a conflict between or among any of the foregoing, the strictest regulation shall apply.

(c) Inspection, testing, maintenance, correction and repair shall be implemented with the procedures meeting or exceeding those established in this Article and the NFPA Standard, and shall be in accordance with the manufacturer's specifications or recommendations. In the event of a conflict between or among any of the foregoing, the strictest regulation shall apply. Inspection, testing, maintenance, correction, and repair shall be performed by qualified maintenance personnel or a qualified contractor.

(d) The owner or owner's designee shall notify the Fire Department before testing or shutting down a private fire hydrant or its water supply. This notification shall include the purpose for the shutdown, the private fire hydrant involved, and the estimated time that the hydrant will be impaired. Notice shall be effective if given in writing and provided to the Fire Department no less than forty-eight (48) hours prior to such shutting-down.

(e) The owner or owner's designee shall notify the Fire Department when the private fire hydrant is returned to service. Such notice may be given in writing or orally to the Fire Department.

(f) The owner or owner's designee shall correct or repair any deficiencies, damaged parts, or impairments found while performing the inspection, testing, and maintenance requirements of this Article, in the time frames set forth in Section 34-205, below.

(g) The owner or owner's designee shall 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.

**Sec. 34-205. Inspection, Testing, Maintenance, Correction and Repair.**

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.

(a) 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 the table inset below.

(b) The owner or owner's designee shall conduct an inspection of a private fire hydrant after each time the hydrant is operated, and shall correct or repair any deficiencies within five (5) business days of finding the same. If it is not commercially feasible for the owner to make such repairs within five (5) business days of finding a deficiency, the owner or owner's designee shall notify the Fire Department immediately, both orally and in writing, of the defect and the reason that the defect cannot be repaired within five (5) business days. Where a deficiency cannot reasonably be repaired within five (5) business days, the owner or owner's designee shall correct or repair any deficiencies within a reasonable amount of time.

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

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

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

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

(4) 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 water in the barrel shall be pumped out.

(5) A hydrant that does not drain as required shall be identified clearly as needing pumping after each operation. This shall be accomplished by affixing a tag, designated by the Fire Department for hydrants in need of pumping, to the hydrant.

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

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

(f) The owner or the owner's designee has a continuing duty to ensure that the private fire hydrant is in proper working condition pursuant to the requirements of this Article, and shall repair a private fire hydrant which is impaired or otherwise does not function as required by this Article, the NFPA Standard, or the manufacturer's specifications within the applicable time frame set forth in this Section.

(g) 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 Article, including without limitation Table 1, to ensure that the hydrant is operational.

TABLE INSET

CONDITION	CORRECTIVE ACTION
Inaccessible	Make accessible
Barrel contains water or ice (presence could indicate a faulty drain or a leaky hydrant valve)	Repair and drain
Improper drainage from barrel	Repair drain
Leaks at outlets or at top of hydrant	Repair or replace gaskets, packing, or parts as necessary
Cracks in hydrant barrel	Repair or replace
Tightness of outlets	Lubricate if necessary, tighten if necessary
Worn, damaged nozzle threads	Repair or replace
Worn hydrant operating nut	Repair or replace
Availability of operating wrench	Make sure wrench is available
Cracked or peeled paint, exposed rust unpainted metal	Remove rust, paint hydrant as necessary

**Sec. 34-206. Identification and Notification of an Impaired Hydrant.**

(a) The owner or owner's designee shall notify the Fire Department in writing, not less than forty-eight (48) hours prior to the impairment, of a preplanned impairment of a private fire hydrant.

(b) The owner or the owner's designee shall orally notify the Fire Department immediately of an emergency impairment of a private fire hydrant. The owner or owner's designee shall provide written notice of the emergency impairment to the Fire Department as soon as practicable.

(c) 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. Impairment tags are available from the Fire Department.

(d) 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.

**Sec. 34-207. Records.**

(a) 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.

- (b) Records shall be maintained by the owner or the owner's designee.
- (c) The owner or owner's designee shall submit to the Fire Chief of the Fire Department a record of the annual inspection, and any records of any testing, maintenance, corrections and repairs of each private fire hydrant and its components. Such records shall be provided to the Fire Chief of the Fire Department no more than five (5) business days after the completion of any inspection
- (d) The owner shall retain the original records of a private fire hydrant for the life of the private fire hydrant.
- (e) All records other than those referred to in Subsection (d), above, shall be retained for a period of one year after the next inspection, test, maintenance, correction or required by this Article.

**Sec. 34-208. Penalties for Violations.**

- (a) A civil penalty of not more than \$500 may be imposed for a violation of the sections of this Article. Each day that the violation continues shall constitute a separate violation of this Article.
- (b) In addition to the enforcement procedures available, the Village of Stickney may pursue any remedy authorized by law, including, but not limited to, declaratory and injunctive relief. In any action or proceeding for a purpose mentioned in this section, the Circuit Court of Cook County, or any court with jurisdiction of such action or proceeding has the power to, and in its discretion may, issue a restraining order or a preliminary injunction, as well as a permanent injunction, upon such terms and under such conditions as will do justice and enforce the purposes set forth above.

**Section 3. Home Rule.** This Ordinance is enacted under the Home Rule powers of the Village as set forth in the Constitution and laws of the State of Illinois.

**Section 4. Effective Date.** This Ordinance shall be in full force and effect after its passage, approval and publication in the manner provided by law.

**Section 5. Conflicts.** This Ordinance supersedes all ordinances or parts of ordinances directly conflicting with the terms and provisions contained herein, but only to the extent of such conflict.

**Section 6. Severability.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

**Section 7. Certification and Publication.** The Village Clerk of the Village of Stickney shall certify to the adoption of this Ordinance and cause the same to be published in pamphlet form.

PASSED AND APPROVED at a regular meeting of the President and the Board of Trustees of the Village of Stickney, Illinois, this 16th day of June, 2009.

AYES:

Lazansky, Mares, Morelli, Schimel, Zeedyk  
\_\_\_\_\_  
\_\_\_\_\_

NAYS:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

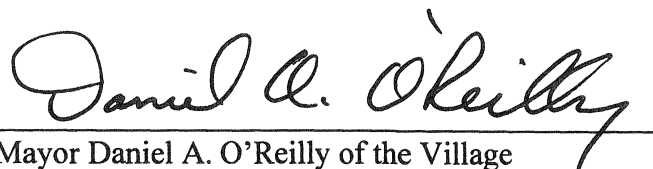
ABSENT:

Roll\_\_\_\_\_

ABSTAIN:


\_\_\_\_\_  
\_\_\_\_\_

APPROVED by me this 16th day of June, 2009.



Mayor Daniel A. O'Reilly of the Village  
of Stickney, Cook County, Illinois

ATTESTED, Filed in my office,  
and published in pamphlet form  
this 16th day of June, 2009.

  
Audrey McAdams,  
Clerk of the Village of Stickney, Cook County, Illinois

Posted  
6/17/09