

Fire Hydrant Obstruction Ordinance
Brunswick Regional Water & Sewer H2GO

BRUNSWICK REGIONAL WATER & SEWER H2GO

AN ORDINANCE OF BRUNSWICK REGIONAL WATER & SEWER H2GO, PROHIBITING THE OBSTRUCTION OF ANY FIRE HYDRANTS OR OTHER FIRE PROTECTION EQUIPMENT WITH PLANTS, FENCING, LANDSCAPING MATERIALS OR OTHER OBJECTS, AND PROVIDING PENALTIES, AND OTHER REMEDIES FOR VIOLATIONS THEREOF.

WHEREAS, the Brunswick Regional Water & Sewer H2GO water distribution system is provided for two primary purposes: (1) drinking water supply and (2) fire protection; and

WHEREAS, pursuant to Article 1, Part 2, Section 55 of the North Carolina G.S. 130A, the Board of Commissioners (the "BOARD") is empowered to adopt ordinances to protect the health, safety, and welfare of persons or property within the Brunswick Regional Water & Sewer H2GO district; and

WHEREAS, the H2GO Board of Commissioners believes that the obstruction of fire hydrants and other fire protection equipment by plants, tress, landscaping or fencing materials, or other objects or structures, inhibits the maintenance of such fire hydrants and impedes first responders' ability to quickly locate and gain unfettered access to critical fire hydrants during emergencies and thus poses an obvious and substantial danger and unreasonable risk to the health, safety, and welfare of persons and property within the Brunswick Regional Water & Sewer H2GO district; and

WHEREAS, the H2GO Board of Directors, pursuant to above authority and consistent with applicable sections of the North Carolina Fire Prevention Code, seeks hereby to prevent the obvious dangers caused by the obstruction of fire hydrants with plants, trees, landscaping materials, fencing, or other obstructing objects or structures, and to provide appropriate penalties and remedies for violations of this Ordinance.

Section 1: Title. This Ordinance shall be known and designated as the "Fire Hydrant Obstruction Ordinance of Brunswick Regional Water & Sewer H2GO".

Section 2: Obstructions to Fire Hydrants and Other Fire Protection Equipment Prohibited. Posts, fences, vehicles, plants, trees, growth, trash, landscaping materials, rock materials, storage and other materials, structures or objects shall not be placed or kept near fire hydrants, fire department inlet connections or fire protection system control valves (collectively referred to as "fire hydrants" or "fire protection equipment") in a manner that would prevent fire hydrants or other fire protection equipment from being immediately discernible or readily accessible. H2GO employees and the fire department shall not be deterred nor hindered from gaining immediate and safe access to any such fire hydrants or other fire protection equipment.

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Section 3: Buffer Area around Fire Hydrants and Other Fire Protection Equipment. A three (3) foot clear space shall be maintained around the circumference of fire hydrants and other fire protection equipment except as otherwise required or approved by the Board of Commissioners upon the recommendation of the Executive Director. No grass, plants or other objects within this three (3) foot radius shall exceed six (6) inches in height. No loose rocks or any other objects which may pose a tripping hazard shall be permitted within the foregoing radius. In conjunction with the three (3) foot radius, all fire hydrants and other fire protection equipment must have an unimpeded view range of at least two (2) feet to each side along the roadway.

Section 4: Violations and Penalties. Any person violating any provision of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine of not more than ONE THOUSAND (\$1,000.00) DOLLARS, plus costs, and, in default of payment of said fine and costs, to a term of imprisonment not to exceed thirty (30) days. Each violation of any provision of this Ordinance shall constitute a separate offense. In addition, in any civil enforcement action brought by H2GO to collect unpaid fines or penalties imposed pursuant to this Ordinance, H2GO shall also be entitled to collect all costs, expenses, and attorney fees associated with such action.

Section 5: Right to Enter and Remove Obstructions; Liens. In addition to any other penalties and remedies provided herein or otherwise available under law, upon the failure of the owner or person in charge of or in possession of the property to remove any offending obstruction in violation of this Ordinance after receiving a notice of violation, any duly authorized employee or contractor of H2GO, or other entity having jurisdiction or control over the fire hydrant or the premises upon which the fire hydrant is located may, without further notice to the owner or persons in charge or possession of such property, enter upon the premise and cause the removal of all offending obstructions to the fire hydrant or other fire protection equipment. The costs of such action to remove offending obstruction shall be charged against the owner(s) or other person(s) in charge of said premises and shall also be charged against the real estate upon which the fire hydrant and the offending obstructions are located and shall be in lien upon such real estate.

Section 6: H2GO Reservation of Right to Enter Upon Lands to Maintain Fire Hydrants. Nothing in this Ordinance shall be interpreted as limiting in any manner the right of H2GO, or any other entity having jurisdiction or control over any fire hydrant to entering upon any right-of-way, easement or other premises upon which any fire hydrant or other fire protection equipment is located to cause the removal of any and all obstructions or other objects or structures whose presence is inconsistent with the right to gain unfettered access to and to maintain such fire hydrant or other fire protection equipment and/or appurtenant rights-of-way, easements or other premises upon which such fire protection equipment is located. Nor shall any person be entitled to the return of, or to any compensation for, any offending obstructions removed or for any damages caused to any such obstructions or to the premises by or as a result of the entry and removal of such obstructions.

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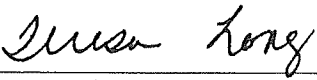
Section 7: Severability. In the event that any section or sections of this Ordinance, or parts of the same, shall be declared to be invalid by any Court of competent authority, the remaining provisions of this Ordinance shall continue in full force and effect notwithstanding.

Section 8: Repealer. Any other Ordinance or part(s) of any Ordinance(s) which conflicts with the terms and provisions of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

Section 9: Effective Date: This Ordinance shall take effect immediately as provided under law.


ORDAINED AND ENACTED this 17 day of July, 2018

ATTEST:



Teresa Long, Clerk to the Board

Brunswick Regional Water & Sewer H2GO



Jeff Gerken, Chairman