

Offered by Councillor Maureen E. Feeney

CITY OF BOSTON

IN THE YEAR TWO THOUSAND TEN

AN ORDINANCE REGARDING THE ILLEGAL USE OF FIRE HYDRANTS



WHEREAS, The illegal opening of fire hydrants throughout the City of Boston poses significant dangers to Boston residents, as well as the destruction of public and private property; and,

WHEREAS, Simultaneous unauthorized hydrant openings cause a dangerous drop in water pressure, impairing the ability of the Boston Fire Department to respond to fire emergencies; and,

WHEREAS, The pressure from illegally opened fire hydrants sometimes force people, especially young children, into the paths of motorists; and,

WHEREAS, The volume of water released from illegally opened fire hydrants many times floods private homes, leaving them with significant and costly damages; and

WHEREAS, The existing ordinance relating to the illegal use of fire hydrants lacks the strength and stringency necessary to deter this behavior and protect the residents of the City of Boston; NOW, THEREFORE,

Be it ordained by the City Council of Boston, as follows:

Section 1.

CBC Chapter XVI is hereby amended by striking out section 16-20 (Water Supply) in its entirety and inserting in place thereof the following:

16-20 WATER SUPPLY

16-20.1 Water Infrastructure Usage

No person shall open, use, operate, make a connection with, turn on or off or draw off water from, or otherwise tamper with a water pipe, reservoir, valve, or fire hydrant owned by the City unless acting as a duly authorized representative of the Boston Water & Sewer Commission ("Commission") or the Boston Fire Department ("Fire Department") or in accordance with a written permit from the Commission. No person shall allow water to be taken from his premises,

use water for any purpose other than that for which he pays, or use water in any way inconsistent with regulations set forth by the Commission or the City; except in accordance with a written permit from the Commission or in case of fire in the neighborhood. No person shall damage, injure, or interfere with the registering apparatus of a water meter put in by the City. No person shall be in possession of a tool, mechanism or device designed to open, use, operate, make a connection with, or otherwise turn on or off or draw off water from a fire hydrant, except a duly authorized representative of the Boston Water & Sewer Commission or the Boston Fire Department or agent thereof.

16-20.1 (a) *Permits*

The Commission may grant a permit to a person, other than an employee of the Commission or of the Fire Department, to open, use, operate, make a connection with, or turn on or off or draw off water from a water pipe, reservoir, valve, or fire hydrant owned by, or drawing water from pipes owned by, the City, upon such terms, fees, and conditions as prescribed by the Commission or by law.

16-20.1 (b) *Permittee Obligations*

Every permittee shall open, use, operate or make a connection with, or turn on or off or draw off water from a water pipe, reservoir, valve, or fire hydrant in accordance with such rules, regulations, terms, and conditions as may be prescribed by the Commission for the purpose of protecting and maintaining continuous access and usability of any such water pipe, reservoir, valve, or fire hydrant that may be affected by permittee's actions.

16-20.2 *Fines*

Any unauthorized person who knowingly opens, uses, operates, makes a connection with, turns on or off or draws off water from, or otherwise tampers with a water pipe, reservoir, valve, or fire hydrant owned by the City, or is otherwise in violation of 16-20.1, shall be liable for a fine of \$300 or the maximum allowable by law. The Commission, Fire Department officials, the Boston Police Department, and Inspectional Services Department shall have the power to impose such fines and issue citations for that purpose.

16-20.3 *Criminal Penalties*

In addition to the fines set forth in 16-20.2 of this section and pursuant to Section 13 of Chapter 266 of the General Laws, any unauthorized person who knowingly and repeatedly opens, uses, operates, makes a connection with, turns on or off or draws off water from, or otherwise tampers with a water pipe, reservoir, valve, or fire hydrant owned by the City may be guilty of a misdemeanor and, upon conviction thereof, shall be punishable by imprisonment not exceeding thirty days for each violation.

16-20.4 *Civil Liability*

Any person or entity, including any agency representing the City of Boston, aggrieved as a result of a violation of 16-20.1, may institute an action for damages against the violating party.

16-20.5        *Severability*

The provisions of this section are severable; and if any of the provisions of this section shall be held unconstitutional or otherwise invalid by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions.

*Section 2.*

The provisions of these sections shall be effective immediately upon passage.