

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

*Codification
District of
Columbia
Official Code*

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To prohibit the Mayor from approving the installation of a private fire hydrant unless a person responsible for the maintenance, repair, or replacement of the private fire hydrant is established in perpetuity; to require the Mayor to establish ownership of a private fire hydrant through a title search, and require the Mayor to notify an established owner, in writing, of the need to maintain, repair, or replace a private fire hydrant; to provide the Mayor and the District of Columbia Water and Sewer Authority with a right of access to inspect a private fire hydrant's operational capacity and to require the Mayor to conduct such inspection; to require the Mayor to notify the established owner of a private fire hydrant and the District of Columbia Water and Sewer Authority of the need for maintenance, repair, or replacement; and to provide the District of Columbia Water and Sewer Authority with a right of access to maintain, repair, or replace a private fire hydrant, including the connected water distribution system, and bill the owner for the cost of such repairs, and the power to obtain and enforce a lien against the owner of the private fire hydrant for such costs.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Private Fire Hydrant Act of 2010".

Sec. 2. Definitions.

For the purposes of this act, the term "private fire hydrant" means a hydrant which is not owned by the District of Columbia. The term "private fire hydrant" does not include any private water distribution system connecting the private fire hydrant to the public water system.

Sec. 3. Private fire hydrants.

The Mayor shall not approve any permit or related plan that authorizes the installation of a private fire hydrant without an agreement, to be recorded in the land records of the Recorder of Deeds, establishing the entity or person, and successors thereof, responsible for the maintenance, repair, and replacement of the private fire hydrant in perpetuity.

Sec. 4. Maintenance of private fire hydrants.

(a) The District of Columbia Water and Sewer Authority shall have a right of access to inspect, maintain, repair, or replace any private fire hydrant, including the connected water distribution system, in the District of Columbia.

(b) If the identified owner of a private fire hydrant fails to effect the maintenance, repair, or replacement as required in the notice provided pursuant to section 5(c), the District of Columbia Water and Sewer Authority may effect such maintenance, repair, or replacement of the private fire hydrant and the connected water distribution system.

(c) The District of Columbia Water and Sewer Authority shall bill the owner of the private fire hydrant for the cost of the maintenance, repair, or replacement. If the owner fails to pay for the repair, the District of Columbia Water and Sewer Authority shall have the authority to obtain and enforce a lien against the owner of the private fire hydrant in accordance with procedures established by section 104 of the District of Columbia Public Works Act of 1954, approved May 18, 1954 (68 Stat. 102; D.C. Official Code § 34-2407.02).

(d) The District of Columbia Water and Sewer Authority shall keep and maintain records of all inspections, maintenance, repair, and replacement of a private fire hydrant and shall make the records available to the owner of the private fire hydrant upon request. The records shall be kept and maintained for not less than 10 years.

Sec. 5. Inspection of private fire hydrants.

(a) The Mayor and the District of Columbia Water and Sewer Authority shall have a right of access for the inspection of any private fire hydrant in the District of Columbia to determine operational ability and compliance with applicable standards. The Mayor and the District of Columbia Water and Sewer Authority shall designate, through a memorandum of understanding, the agency or authority responsible for the inspection of private fire hydrants (“Inspection Agency”). If such a memorandum of understanding is not executed and in effect, then the Mayor shall be the Inspection Agency for purposes of this act.

(b) The Inspection Agency shall regularly inspect all private fire hydrants in the District of Columbia to determine operational ability and compliance with applicable standards.

(c) Upon determination by the Inspection Agency that a private fire hydrant is in need of maintenance, repair, or replacement, and if ownership has been determined pursuant to section 6 of this act, the Inspection Agency shall notify:

(1) The Mayor and the District of Columbia Water and Sewer Authority of the status of the private fire hydrant; and

(2) The owner of the private fire hydrant, in writing, of:

(A) The location of the private fire hydrant in need of maintenance, repair, or replacement;

(B) The owner’s responsibility with regard to the maintenance, repair and replacement of the private fire hydrant;

(C) The maintenance, repair, and replacement identified as necessary for the private fire hydrant;

(D) The owner's responsibility to effect the maintenance, repair, and replacement identified in the notice within a specified period of time, which shall be not less than 60 days of the date on which notice is provided under this section; and

(E) The right of the District of Columbia Water and Sewer Authority to effect the maintenance, repair and replacement of the private fire hydrant and bill the owner as described in section 4.

(d) The Inspection Agency shall keep and maintain records of all inspections made of a private fire hydrant and shall make the records available to the owner of the private fire hydrant upon request. The records shall be kept and maintained for not less than 10 years.

Sec. 6. Private fire hydrants: determination of ownership.

(a)(1) The Mayor shall determine the ownership of a private fire hydrant through a title search. The location of a private fire hydrant on the property of a single-family dwelling is insufficient, by itself, for determining ownership under this subsection.

(2) The Mayor shall notify the person identified as the owner of the private fire hydrant, in writing, that the person has been identified as the owner of the private fire hydrant and, as such, is responsible for the maintenance, repair, and replacement of the private fire hydrant.

(b) If the Mayor is unable to establish ownership of a private fire hydrant under subsection (a) of this section, the District shall be responsible for the maintenance, repair, and replacement of the private fire hydrant.

(c) This section shall not apply to private fire hydrants on the property of non-residential institutions, including colleges and universities, or on the property of the federal government or a foreign government.

Sec. 7. Limitations on responsibility for maintenance, repair, and replacement of private fire hydrants.

(a) This act establishes responsibility for the maintenance, repair, and replacement of private fire hydrants that had been permitted prior to October 8, 2009. If this responsibility belongs to the District government, pursuant to this act, the cost to effect the maintenance, repair, or replacement of a the fire hydrant shall be subject to the availability of appropriations.

(b) The responsibility for conducting and notifying owners of the results of a title search, and the inspection, of the private fire hydrants as required by this act, shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan.

Sec. 8. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal

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impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 9. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

Chairman
Council of the District of Columbia

Mayor
District of Columbia