

Ordinance No. 275-2024

AN ORDINANCE OF THE CITY OF CLEARLAKE, CALIFORNIA, ADDING CHAPTER 13-3 TO THE CLEARLAKE MUNICIPAL CODE, ESTABLISHING FIRE HYDRANT INSPECTION AND TESTING REQUIREMENTS

WHEREAS, the City of Clearlake is responsible for providing for the health, safety and welfare of its residents, visitors, animals, wildlife, and water supply; and

WHEREAS, under Cal. Const. art. XI, §7, cities may make and enforce within their limits all local, police, sanitary and other ordinances not in conflict with general laws; and

WHEREAS, the City Council of the City of Clearlake finds that substantial evidence supports a determination that local climatic, geological and topographical conditions are present in Clearlake which necessitate local regulations to ensure proper flow from fire hydrants in the City, in that:

1. Wildfire is a severe threat to our way of life and has greatly impacted our community, through small fires as well as the Sulphur Fire in 2017, the Cache Fire in 2021 and the Boyles Fire in 2024.
2. The City is not responsible for providing water service to the community and instead relies on three separate water companies, Highlands Mutual Water Company, Golden State Water Company and Konociti County Water District. Each company/district uses different standards and processes for maintaining their systems and infrastructure.
3. Fire response has been impacted by lack of available fire hydrants and lack of adequate fire flow in some areas; past experience shows that adequate water flow to buildings is critical to protecting property and human life.
4. Information provided by companies/districts on fire flow has been dated, incomplete or difficult to obtain.
5. It is in the community's interest to have clear, accurate and up to date information on the adequacy of fire flows and infrastructure readiness throughout the City in hopes of avoiding future wildfire disasters and other emergencies. It is also in the community's interest to provide for public safety and protection of property.
6. The Safety Element of the Clearlake General Plan lists fire hazards as a key safety theme; Goal SA-1 seeks to provide "a community protected from injury, loss of life and property damage resulting from...fire;" Objective SA 1.3 aims to "reduce the risk of damage and destruction from wild land fires;" and Program SA1.3.3.3 "...recognizes that portions of the City are located in a Very High Fire Hazard Severity Zone...." and

WHEREAS, the City, pursuant to the provisions of the California Environmental Quality Act ("CEQA") (Cal. Pub. Res. Code §§21000 and following) and State CEQA Guidelines (14 CCR §§15000 and following) has determined that this ordinance is not a project under CEQA pursuant to Title 14, Section 15378 (b)(5) of the California Code of Regulations;

NOW, THEREFORE, the City Council of the City of Clearlake, California does hereby ordain as follows:

SECTION 1. The above recitals are true and hereby incorporated into this ordinance.

SECTION 2. Chapter 13-3 is hereby added to the Clearlake Municipal Code, to read as follows:

13-3 FIRE HYDRANT INSPECTION, TESTING, AND MAINTENANCE.

13-3.1 Purpose.

It is the intent and purpose of the City Council, in enacting this ordinance to ensure compliance with established standards and protocols in inspection, testing, maintenance, and marking of fire hydrants throughout the City.

13-3.2 Definitions.

Authority Having Jurisdiction (AHJ).

An organization, office, or individual responsible for enforcing the requirements of a code or standard, or for approving equipment, materials, an installation, or a procedure.

Fire Flow.

The flow rate of a water supply, measured at 20 pounds per square inch (1.4 bar) residual pressure, that is available for firefighting.

National Fire Protection Association (NFPA).

A non-profit organization that sets standards and codes for fire, electrical and building safety.

Hydrant Definitions.

a. Dry Barrel Hydrant (Frostproof Hydrant).

A type of hydrant with the main control valve below the frost line between the footpiece and the barrel.

b. Fire Hydrant.

A valved connection on a water supply system having one or more outlets and that is used to supply hose and fire department pumpers with water.

c. Flow Hydrant.

The hydrant that is used for the flow and flow measurement of water during a flow test.

d. Flush Hydrant (Below Ground Hydrant).

A type of hydrant that is installed below the ground level that is intended for use in congested urban areas or aircraft movement areas.

e. Private Fire Hydrant.

A valved connection on a water supply system having one or more outlets that is used to supply hose and fire department pumpers with water on private property.

f. Public Hydrant.

A valved connection on a water supply system having one or more outlets that is used to supply hose and fire department pumpers with water.

g. Residual Hydrant.

The hydrant that is used for measuring static and residual pressures during a flow test.

h. Wet Barrel Hydrant.

A type of hydrant that is intended for use where there is no danger of freezing weather and where each outlet is provided with a valve and an outlet.

Rated Capacity.

The flow available from a hydrant at the designated residual pressure (rated pressure), either measured or calculated.

Residual Pressure.

The pressure that exists in the distribution system, measured at the residual hydrant at the time the flow readings are taken at the flow hydrants.

Static Pressure.

The pressure that exists at a given point under normal distribution system conditions measured at the residual hydrant with no hydrants flowing.

13-3.3 Inspection, Testing, and Maintenance Required.

Inspection, testing, and maintenance of fire hydrants, public and private, throughout the City is hereby required. National Fire Protection Association (“NFPA”) 291, Recommended Practice for Water Flow Testing and Marking of Hydrants, as then in effect, shall be the standard for conducting hydrant inspection, testing and reporting.

13-3.4 Annual Inspection and Testing Required.

a. Prior to July 1, 2025, each water district/company providing service in the City of Clearlake shall perform an initial inspection and flow test on each hydrant in the City through which they deliver water to the City in compliance with the NFPA 291 standard, using one of the licensed professionals listed in 13-3.4, below.

b. No later than July 1, 2025, each water district/company providing service in the City of Clearlake shall submit a report of the inspection and testing required in subparagraph a. to the Lake County Fire Protection District and City of Clearlake. The report shall be in a format approved by the City of Clearlake and contain information regarding the timing, location, findings and corrective actions taken for each inspection and flow test as provided in NFPA 291.

c. After the initial inspection and flow test, and prior to July 1 of the year, each water district/company providing service in the City of Clearlake shall perform the maintenance required by this Chapter annually and the flow testing as provided by NFPA 291 every five (5) years.

13-3.4 Maintenance, Testing, and Recordkeeping Required.

Each water district/company providing service in the City of Clearlake shall perform maintenance and testing, and maintain records in a form and format acceptable to the City of Clearlake, for each hydrant through which they deliver water in the City as set out below.

- a. Annual Maintenance shall be conducted by a certified Water Distribution Operator or person with equal or greater qualifications, and shall include at least the following:
 - 1. Ensure hydrant is visible and accessible
 - 2. Remove caps and inspect threads, gaskets and cap chains.

3. Clean and lubricate threads
 4. Check condition of pentagon operating nut.
 5. Locate and exercise the underground control valve (key valve, road box or foot valve)
 6. Clean and paint hydrant per NFPA 291 standard
 7. Immediate correction of any deficiency noted.
- b. Five Year Maintenance shall include at least the following:
1. Perform annual maintenance as outlined above using a certified Water Distribution Operator or person with equal or greater qualifications.
 2. Perform flow testing in accordance with NFPA 291, Recommended Practices for Fire Flow Testing and Marking of Hydrants. Flow testing must be completed by one of the following licensed professionals:
 - i. C-16 – Fire Protection Contractor
 - ii. C-36 – Plumbing Contractor
 - iii. C-34- Pipeline Contractor
 - iv. California State Fire Marshal – License A, Type
 - v. California Registered Civil Engineer
 3. Immediately correct any deficiencies noted.
- c. Record Keeping
1. Records in a form and format acceptable to the City of Clearlake shall be maintained for all maintenance and testing performed on, and all corrective actions taken on, public fire hydrants. Copies of such records for the previous calendar year shall be delivered to the Fire District and City annually, no later than July 1.
 2. Records in a form and format acceptable to the City of Clearlake shall be maintained by the property owner for all maintenance and testing of private fire hydrants. Copies of such records for the previous calendar year shall be delivered to the Fire District and City annually, no later than July 1.

13-3.5 Compliance With Requirements for Water Discharged During Inspections and Flow Testing.

Flow testing constitutes a planned event and shall comply with all applicable discharge requirements set by any jurisdictional agency, including the City and the Regional Water Quality Control Board. Public drinking water contains disinfecting chemicals that may be harmful to certain aquatic species. Best Management Practices shall be employed to ensure compliance with all discharges to the City storm drainage systems or to natural drainage courses.

13-3.6 Damage to City or Private Property and Public Safety.

The owner of all fire hydrants subject to the inspection and testing requirements of this ordinance shall assume sole liability for all actions taken to comply, including causing damage to public or private property, or causing a violation of downstream permit conditions or receiving water limitations.

In addition, the discharge of large quantities of water can cause temporary local flooding and present traffic hazards. The fire hydrant owner shall employ proper traffic control measures to protect vehicles, pedestrians and other users of all public and private property impacted by inspection and testing operations.

13-3.7 Violation; Penalty.

Violation of this Chapter is a public nuisance and misdemeanor. Whenever an act is made unlawful by this Chapter, or the doing of an act is required by this Chapter, the violation shall be punished by a fine not exceeding one thousand dollars (\$1000) or imprisonment for a term not exceeding six (6) months, or by both such fine and imprisonment; provided, nevertheless, that any such aforesaid violation or offense may be deemed an infraction as defined by Section [19C](#) of the California Penal Code and charged as such in the discretion and at the election of the City prosecuting attorney, in which event the punishment therefor shall not be imprisonment, but a fine not to exceed the amounts specified by Government Code Section [36900](#) as then in effect.

SECTION 3. **ENVIRONMENTAL DETERMINATION.** The proposed ordinance has been reviewed for compliance with CEQA, the CEQA Guidelines, and the City’s environmental procedures. Because the proposed ordinance is an administrative activity which will not result in direct or indirect physical changes to the environment, it has been found to be not a project under Section 15378 (b)(5) of the CEQA Guidelines.

SECTION 4. **INCONSISTENCIES.** Any provision of the Clearlake Municipal Code or appendices thereto inconsistent with the provisions of this ordinance, to the extent of such inconsistencies and/or further, is hereby repealed or modified to the extent necessary to affect the provisions of this ordinance.

SECTION 5. **SEVERABILITY.** If any provision or clause of this ordinance or the application thereof to any person or circumstances is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other provisions or clauses or applications of this ordinance which can be implemented without the invalid provision, clause or application; and to this end, the provisions of this ordinance are declared to be severable.

SECTION 6. **EFFECTIVE DATE.** This ordinance shall be in full force and effect commencing thirty (30) days after its final adoption and a summary hereof shall be published once within fifteen (15) days in _____, a newspaper of general circulation printed and published in the County of Lake and circulated in the City of Clearlake and hereby designated for that purpose by the City Council.

SECTION 7. The City Clerk shall certify to the passage and adoption of this ordinance and shall cause the same to be published in the manner and form provided by law in _____, a newspaper of general circulation printed and published in the City of Clearlake, State of California, which said newspaper is hereby designated for that purpose.

Introduced at a regular meeting of the City Council on the ___ day of ____, 2024, by the following roll call vote:

MOTION:

AYES:

NOES:

ABSENT

ABSTAINED

Passed and Adopted this day of December, 2024 by the following vote:

AYES:
NOES:
ABSENT OR NOT VOTING: None

David Claffey
Mayor, City of Clearlake

ATTEST:

Melissa Swanson
City Clerk, City of Clearlake

APPROVED AS TO FORM:

Dean J. Pucci, City Attorney