

St. Louis City Ordinance 63245

FLOOR SUBSTITUTE

BOARD BILL NO. [94] 94

INTRODUCED BY ALDERMAN FREEMAN BOSLEY, SR.

An ordinance prohibiting tampering with fire hydrants, playing in water discharged from fire hydrants and allowing a minor to play in water discharged from fire hydrants; amending section 23.10.040, Revised Code 1980 Anno; containing penalty provisions, a severability clause and an emergency clause.

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:

SECTION ONE. No person shall tamper with any fire hydrant without obtaining a permit to do so from the City of St. Louis Water Division. As used herein "fire hydrant" includes fire hydrants, fire plugs or other devices for connecting a fire hose to a water main. The word "tamper" shall include, but not be limited to, the removal of the cap or any other part of said device; the insertion of any object or material into said device; the application of any wrench, tool, implement or other object or material to said device; the attachment of a hose or any other instrument to said device; or the use of said device in any fashion so as to permit water to flow therefrom. This section shall not apply to the owner of said device, the agents, permittees, and employees of said owner, representatives of the City of St. Louis, or any fire fighting personnel engaged in any activity related to fire fighting or the maintenance and operation of fire fighting equipment.

SECTION TWO. No person shall in a public street or other public place play, stand or lay in water discharged from a fire hydrant unless said discharge was established by the City for said activities.

SECTION THREE. No parent or guardian, excluding foster parents, of any unemancipated minor under eighteen years of age, in his or her care and custody, shall allow such minor to engage in conduct prohibited by Section One or Section Two hereof.

SECTION FOUR. The parent or guardian, excluding foster parents, of any unemancipated minor, under eighteen years of age, in their care and custody, shall be liable for any damages caused by said unemancipated minor, as the result of a violation of Section One or Section Two of this Ordinance, up to an amount of One Thousand Dollars (\$1,000.00). Such liability shall not be a bar

to prosecution of any other proceeding against the unemancipated minor for a violation of Section One or Section Two of this Ordinance. If necessary, to the extent permitted by law, the unemancipated minor shall be detained by the police until the parent or guardian can be located and processed.

SECTION FIVE. Section 23.10.040 of the Revised Code, City of St. Louis, 1980 Anno, is amended to read as follows:

Any person violates this ordinance who shall himself, or by any of his family, agents, tenants or servants, take water from the waterworks without a permit for the use of water, or who shall without lawful authority open any stopcock, valve or other fixture appertaining to such works, or who shall injure, deface or impair any part, or appurtenance of the waterworks, or shall throw or cast anything into the reservoirs of the works.

SECTION SIX. Any person convicted of violating this ordinance shall be punishable by a fine of not less than one dollar (\$1.00) up to five hundred dollars (\$500.00) or by imprisonment for up to ninety days or by both fine and imprisonment. If and as determined by the Court, an individual can choose to perform community service in lieu of the fine or imprisonment.

SECTION SEVEN. The section and provisions of this Ordinance are severable. In the event that any section or provision of this Ordinance is found by a court of competent jurisdiction to be unconstitutional, the remaining sections or provision of this Ordinance are so essentially and inseparably connected with, and so dependent upon, the void section or provision that it cannot be presumed that the Board of Aldermen would have enacted the valid section or provision without the void one; or unless the court finds the valid sections, standing alone, are incomplete and incapable of being executed in accordance with legislative intent.

SECTION EIGHT. Emergency Clause. This being an ordinance for the preservation of public peace, health and safety, it is hereby declared to be an emergency measure within the meaning of Sections 19 and 20 of Article IV of the Charter of the City of St. Louis and therefore this ordinance shall become effective immediately upon its passage and approval by the Mayor.

Legislative History

1ST READING	REF TO COMM	COMMITTEE	COMM SUB	COMM AMEND
05/26/94	05/26/94	PS	06/16/94	
2ND READING	FLOOR AMEND	FLOOR SUB	PERFECTN	PASSAGE
06/17/94		07/08/94	07/08/94	07/15/94
ORDINANCE	VETOED		VETO OVR	
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