

CITY OF ENGLEWOOD

**NOTICE OF APPROVAL
OF A BILL FOR AN ORDINANCE**

On the 21st day of October 2024, the City Council of the City of Englewood, Colorado, approved on first reading the following Council Bill:

**BY AUTHORITY
COUNCIL BILL NO.53
INTRODUCED BY
COUNCIL MEMBER RUSSELL**

A BILL FOR AN ORDINANCE
AMENDING ENGLEWOOD
MUNICIPAL CODE SECTION 12-1A-11
REGARDING ACCESS TO PREMISES
FOR LEAD SERVICE LINE
REPLACEMENT AND WATER METER
INSTALLATION

Copies of the aforesaid council bill are available for public inspection in the office of the City Clerk, City of Englewood, Civic Center, 1000 Englewood Parkway, Englewood, Colorado 80110 or it can be found at <http://www.englewoodco.gov>, Government, Legal/Public Notices.

PUBLISHED: OCTOBER 23, 2024
Official Website of the City of
Englewood, Colorado

ORDINANCE
NO.
SERIES OF 2024

COUNCIL BILL NO. 53
INTRODUCED BY COUNCIL
MEMBER

A BILL FOR

**AN ORDINANCE AMENDING ENGLEWOOD MUNICIPAL CODE
SECTION 12-1A-11 REGARDING ACCESS TO PREMISES FOR
LEAD SERVICE LINE REPLACEMENT AND WATER METER
INSTALLATION**

WHEREAS, the City of Englewood is committed to the efficient and safe replacement of lead service lines and the proper installation of water meters; and

WHEREAS, changes to state-mandated inspection processes in lead service line replacement have eliminated the need to mandate interior inspections of homes for such replacements; and

WHEREAS, the installation and replacement of water meters continue to require access to the interior of premises when meters are moved from inside the home to an external location; and

WHEREAS, the Water and Sewer Board has recommended Council adopt changes to Englewood Municipal Code to reflect these changes; and

WHEREAS, the Englewood City Council finds and declares that the adoption of amendments to Title 12, Chapter 1 to the Englewood Municipal Code as set forth herein are needed to ensure efficient service and public safety.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF
THE CITY OF ENGLEWOOD, COLORADO, AS FOLLOWS:**

Section 1. Amendment of Englewood Municipal Code

Title 12, Chapter 1A, Section 12-1A-11 of Englewood Municipal Code is hereby amended to read as follows (deleted provisions struck through; new provisions underlined):

12-1A-11: Inspection; Access to Property.

For ~~inspection of Customer Side Service Lines~~, meter installation, and meter reading purposes, duly authorized employees of the City shall be allowed free access at all reasonable hours to any property where water is used. All such employees shall carry a City identification card and shall display the same upon request to the occupant of any premises to which access is sought. ~~Areas of the property deemed reasonably necessary by~~

~~the City to conduct such inspection, including the Customer-Side Service Line, shall be open for inspection at all reasonable times to authorized representatives of the City to inspect for safety hazards, Customer-Side Service Line material and specifications, and violation of EMC. Should access be denied or the City discover a violation of EMC, or State or Federal statutes relating to plumbing and water supplies or the regulations adopted pursuant thereto, the City may deny or immediately discontinue service to the premises by providing for a physical break in the service line until the customer has corrected the condition(s). The City shall not be liable for any damages resulting from any inspection or disconnection of service under this Chapter.~~

A. *Exterior Inspections:* Duly authorized employees of the City shall be granted access at all reasonable hours to any property for the purposes of inspecting Customer-Side Service Lines exterior to the property, meter installation, and meter reading. Such employees shall carry a City identification card and shall present it upon request to the occupant of any premises to which access is sought.

B. *Interior Access:* Inspection access to the interior of a residence shall be limited to cases where it is necessary to inspect Customer-Side Service Lines that are not accessible from the exterior of the property, or when there is a reasonable belief of safety hazards, material violations, or other conditions that necessitate interior inspection. Prior to requesting access to the interior of a residence, the City shall provide notice to the customer, explaining the purpose of the inspection and the specific areas to be inspected. Access shall be granted only after the customer has given consent. If consent is denied, the City may seek appropriate legal remedies, including obtaining an administrative warrant, to gain access if it deems the inspection necessary.

C. *Denial of Access and Violations:* If access to necessary areas for exterior inspections or interior access following the grant of a warrant is denied or if a violation of any applicable law or regulation related to plumbing and water supplies is discovered, the City may deny or immediately discontinue water service to the premises. This may include providing for a physical break in the service line until the customer has corrected the condition(s) to the satisfaction of the City.

D. *Reconnection of Service:* Once the customer has corrected any condition(s) leading to the disconnection of service, the City shall promptly restore water service, provided all requirements are met and any required inspections are completed.

Section 2. General Provisions Applicable to this Ordinance

The following general provisions and findings are applicable to the interpretation and application of this Ordinance:

A. Severability. If any clause, sentence, paragraph, or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance or its application to other persons or circumstances.

B. Inconsistent Ordinances. All other Ordinances or portions thereof inconsistent or conflicting with this Ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

C. Effect of repeal or modification. The repeal or modification of any provision of the Code of the City of Englewood by this Ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purposes of sustaining any and all proper actions, suits, proceedings, and prosecutions for the enforcement of the penalty, forfeiture, or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

D. Safety Clauses. The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Englewood, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained. This Safety Clause is not intended to affect a Citizen right to challenge this Ordinance through referendum pursuant to City of Englewood Charter 47.

E. Publication. Publication of this Ordinance may be in the City's official newspaper, the City's official website, or both. Publication shall be effective upon the first publication by either authorized method.

F. Actions Authorized to Effectuate this Ordinance. The Mayor is hereby authorized and directed to execute all documents necessary to effectuate the approval authorized by this Ordinance, and the City Clerk is hereby authorized and directed to attest to such execution by the Mayor where necessary. In the absence of the Mayor, the Mayor Pro Tem is hereby authorized to execute the above-referenced documents. The execution of any documents by said officials shall be conclusive evidence of the approval by the City of such documents in accordance with the terms thereof and this Ordinance. City staff is further authorized to take additional actions as may be necessary to implement the provisions of this Ordinance, and has authority to correct formatting and/or typographical errors discovered during codification.

G. Enforcement. To the extent this ordinance establishes a required or prohibited action punishable by law, unless otherwise specifically provided in Englewood Municipal Code or applicable law, violations shall be subject to the General Penalty provisions contained within EMC § 1-4-1.