

**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.54  
INTRODUCED BY  
COUNCIL MEMBER ANDERSON**

A BILL FOR AN ORDINANCE  
AMENDING ENGLEWOOD  
MUNICIPAL CODE SECTIONS 12-1B-9  
AND 12-2-4 TO ALLOW FOR SERVICE  
CONNECTIONS TO CROSS  
ADJOINING PROPERTIES TO  
ENSURE WATER AND SEWER  
SERVICE TO NEW SUBDIVISIONS  
PERMITTED FOLLOWING THE  
ADOPTION OF CODE NEXT

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. 54  
INTRODUCED BY COUNCIL  
MEMBER

**A BILL FOR**

**AN ORDINANCE AMENDING ENGLEWOOD MUNICIPAL CODE SECTIONS 12-1B-9 AND 12-2-4 TO ALLOW FOR SERVICE CONNECTIONS TO CROSS ADJOINING PROPERTIES TO ENSURE WATER AND SEWER SERVICE TO NEW SUBDIVISIONS PERMITTED FOLLOWING THE ADOPTION OF CODE NEXT**

**WHEREAS**, the City of Englewood aims to facilitate growth and development, particularly within new subdivisions permitted under the City’s Code Next initiative; and

**WHEREAS**, it is necessary to update the municipal code to allow for service connections to cross adjoining properties to ensure adequate water and sewer services in such new developments; and

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

**WHEREAS**, the Englewood City Council finds and declares that the adoption of amendments to Title 12, Chapter 1B, Section 12-1B-9 and Title 12, Chapter 2, Section 12-2-4 of the Englewood Municipal Code as set forth herein are needed to ensure efficient water and sewer service while protecting the rights of property owners.

**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 1B, Section 12-1B-9 of Englewood Municipal Code is hereby amended to read as follows (deleted provisions struck through; new provisions underlined):

**12-1B-9: Number of Users on Service Restricted.**

- A. *More Than One Premises To A Service Connection Prohibited:* Each premises or property or building(s) situated on a premises or property in a manner which would allow the premises or property to be subdivided and the building(s) sold separately shall be served by a separate service connection directly to the nearest main ~~without crossing other adjoining premises or properties and~~ with separate curb stops or other authorized water shut-off valve device involving only one account when water is turned on or shut off. If a service connection is required to cross adjoining premises

or properties, it may only do so through a dedicated easement. This easement must be recorded and maintained, and no permanent structures shall be constructed within the easement area to ensure unobstructed access and future serviceability. Extension of service to another premises ~~or building~~ from an existing service connection is prohibited and shall be subject to shutoff without the City being liable for any damage. Exceptions to this requirement may be granted by the City Manager or designee with the concurrence of the Water and Sewer Board upon a review of a written request of the property owner, in which the property owner illustrates with both written and graphic descriptions, why the exception should be granted. Existing premises, properties or buildings which do not conform to this requirement may maintain their service connection configurations unless and until such time, in the opinion of the City Manager or designee with the concurrence of the Water and Sewer Board, the service must be separated.

- B. *Two Or More Users On Same Service Line:* In case two (2) or more users are supplied from the same service line, if any of the parties fail to pay the water charges when due, or to comply with any rule of the City, the City reserves the right to shut off the water to the whole service until such charges are paid, or the rules strictly complied with, and it is expressly stipulated that no claim for damage or otherwise may be made against the City by any user whose water charges have been paid or who has complied with the rules of the City, because of such turnoff, it being expressly stipulated that the necessity for such shut off shall be deemed to be the joint act of all served through such service.

## **Section 2. Amendment of Englewood Municipal Code**

Title 12, Chapter 2, Section 12-2-4 of Englewood Municipal Code is hereby amended to read as follows (deleted provisions struck through; new provisions underlined):

### **12-2-4: Private Sewers, Connections and Repairs.**

- A. *Structures to Have Separate Connections.* Each parcel containing one or more structures requiring sanitary sewer service shall have a separate service connection directly to a main without ~~crossing adjoining parcels or~~ extending service from one parcel to another. Each structure in a planned unit development requiring sanitary sewer service shall have a separate service line connected to the main. If a service connection is required to cross adjoining premises or properties, it may only do so through a dedicated easement. This easement must be recorded and maintained, and no permanent structures shall be constructed within the easement area to ensure unobstructed access and future serviceability With the Water and Sewer Board's review and approval, the City Manager's designee may grant a variance to this requirement if a written request establishes good cause why the requirement imposes an undue burden and that an exception would not harm the City, its sanitary sewer or utility service, or surrounding properties. Parcels not conforming to this requirement prior to its effective date may maintain existing service connection configurations

unless the City Manager's designee and the Water and Sewer Board direct the service be separated.

- B. *Existing Private Sewers.* Upon structure demolition or replacement of sewer lines, cast iron, clay tile or concrete sewer service pipes must be replaced from the structure to the main with approved pipe. The Water and Sewer Board may grant a variance to this requirement for owner-occupied property if City Utilities staff determines existing pipe is in sound condition. Utilities staff may require testing at the owner's expense to conclusively establish the sound condition of existing sewer service pipe. At the property owner's expense, abandoned private sewers shall be plugged at the sewer main, inspected, and approved by the City upon discontinuance of service. Expenses shall include the City's plan review and inspection fee. City Utilities staff may approve use of existing sewer saddles or wye connections for new sewer service. If an abandoned sewer service is not disconnected at the main in a timely manner, the property owner shall pay double the City's costs, including labor and materials, plus the City fee to disconnect service from the main.
- C. *Private Lift Stations.* Sewage lift stations are prohibited, except when the City Manager's designee determines the sewer discharge pipe cannot be located to allow gravity flow to the public sewer. Sewage lift stations shall be owned, operated, and maintained by the user. Outdoor sewage lift stations require Water and Sewer Board approval, upon submission of compelling evidence that no alternative is feasible and compliance with the following: bolt-down, gasketed lids; vents that extend above the building roofline; water-tight containment structures with top rim elevations that extend at least six inches (6") above the rim elevation of the nearest toilet bowl; and an agreement running with the land to defend and indemnify the City from all damages and liability regarding the lift station.
- D. *Installation and Maintenance.* The applicant shall pay all costs of installing and connecting a private sewer, including a licensed and bonded sewer contractor or plumber to connect and install the sewer and service line from the public sewer main to the structure. The applicant and owner shall hold the City harmless for any loss or damage directly or indirectly caused by installation of the service line or malfunction of any private sewer.

The owner of property connecting to the POTW shall maintain and repair the service line from the public sewer main to ensure it remains in good condition, it is not damaged or disintegrated as to be unfit for further use, nor does it permit infiltration into the system. All repairs shall be completed by a licensed and bonded contractor within thirty (30) days after notification by the City. The owner is responsible to repair public right-of-way and improvements damaged by any sewer line repair.

- E. *Permit Required.* Construction of a private sewage disposal system requires a City permit.
- F. *Connection Requirement.*

1. The holder of a private sewer permit shall notify the City when ready for inspection and connection to the public sewer; connection shall only be made if all permit requirements were met, and only under City supervision.
  2. The City may require the owner of any structure used for human occupancy, or activity to connect the structure to a public sewer located within four hundred feet (400') of the property line within ninety (90) days after service of notice by personal delivery or conspicuously posting on the property and mailing by registered mail to the owner of record's address on file with the Arapahoe County Assessor. A residential owner may receive a temporary exemption upon establishing severe economic hardship resulting from compliance, for the duration of the hardship. Upon connection to the public sewer, any private sewage disposal system shall be emptied, cleaned, and filled with dirt or sand.
  3. If a public sewer is not available within four hundred feet (400') of the property line, the owner shall utilize a private sewage disposal system to dispose of sewage.
  4. It shall be unlawful to cause any solid or liquid waste to be deposited or discharged to any wastewater collection facilities unless through a City-approved connection.
- G. *Damage to POTW.* No person shall damage, deface, or tamper with any POTW structure, appurtenance or equipment.
- H. *Septic Waste Fees and Charges.* A City permit is required for a wastewater or septic tank waste hauler, and such haulers shall pay the City permit fee and fee for disposal of hauled wastewater or septage.
- I. *New Construction Over Existing Sewer Service Lines.* Prior to constructing a permanent structure or an expansion of an existing structure, the owner shall determine the location of the existing sewer service line and, if it is within the proposed construction site, either relocate the line outside of the construction site or replace the line with material appropriate for use inside the structure.

### **Section 3. 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.