

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.55
INTRODUCED BY
COUNCIL MEMBER RUSSELL**

A BILL FOR AN ORDINANCE
AMENDING ENGLEWOOD
MUNICIPAL CODE SECTIONS 12-1-1-,
12-1-4, 12-1B-7, and 12-1B-8 TO
ELIMINATE THE REQUIREMENT FOR
CURB STOPS FOR RESIDENTIAL
CUSTOMERS WHERE A WATER
METER WITH A SHUT-OFF VALVE IS
INSTALLED

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.

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Official Website of the City of
Englewood, Colorado

ORDINANCE
NO.
SERIES OF 2024

COUNCIL BILL NO. 55
INTRODUCED BY COUNCIL
MEMBER

A BILL FOR

AN ORDINANCE AMENDING ENGLEWOOD MUNICIPAL CODE SECTIONS 12-1-1-, 12-1-4, 12-1B-7, and 12-1B-8 TO ELIMINATE THE REQUIREMENT FOR CURB STOPS FOR RESIDENTIAL CUSTOMERS WHERE A WATER METER WITH A SHUT-OFF VALVE IS INSTALLED

WHEREAS, advancements in water meter technology have led to the installation of new meters that include integrated shut-off valves, rendering separate curb stops for residential customers unnecessary; and

WHEREAS, eliminating the requirement for curb stops simplifies maintenance and reduces costs for both the City and property owners without compromising control over water services; and

WHEREAS, the Water and Sewer Board has recommended Council adopt changes to the 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 1 to the Englewood Municipal Code as set forth herein are needed to modernize the City's water service regulations.

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

12-1-1: Definitions.

The following definitions shall apply to this Chapter:

A. Air Gap: A physical separation of the potable and the nonpotable water systems by an air space (air gap). This will be a vertical distance between a supply pipe or faucet supplying potable water and the flood rim of a tank, pumping fixture or other device that holds or collects nonpotable water. The distance between the two (2) will be at least two

(2) times the diameter of the potable outlet but never less than one inch (1"). In the case where an emergency bypass of an air gap is needed, an approved reduced pressure principle device shall be installed within the bypass.

B. Approved: Accepted by the City as meeting the specification stated or cited in this Chapter.

C. Auxiliary Water Supply: Any water supply on or available to the premises other than the purveyor's approved public potable water supply. This auxiliary supply may include water from another purveyor's public potable water supply or any natural source(s) such as a well, spring, river, stream, etc., or reused waters or "industrial fluids." These supplies may be polluted or contaminated or may be objectionable and constitute an unacceptable water source over which the City does not have sanitary control.

D. Back Pressure: Backflow caused by a pump, elevated tank, boiler or means that could create pressure within the system greater than the supply pressure.

E. Back Siphonage: The flow of water or other liquids, mixtures, or substances into the distribution system of the potable water supply system from any source caused by the sudden reduction of pressure in the potable water supply system.

F. Backflow Preventor: A device or means designed to prevent backflow or back siphonage.

G. Certified Inspector and Tester: A State certified tester from the City will inspect, test, and certify all approved devices. If additional inspectors and testers are needed, the City will provide a list of certified inspectors and testers.

H. Check Valve: A self-closing device which is designed to permit the flow of fluids in one direction and to close if there is a reversal of flow. The single check valve is considered to be an approved backflow prevention device only in limited instances and only on individual review by the City.

I. Contamination: An impairment of the quality of the potable water by sewage, industrial fluids or waste liquids, compounds or other materials to a degree which creates an actual hazard to the public health through poisoning or through the spread of disease.

J. Critical Level: Level C-L or C/L marking on a backflow prevention device or vacuum breaker which is a point conforming to approved standards and established by the testing laboratory (usually stamped on the device by the manufacturer) which determines the minimum elevation above the flood-level rim of the fixture or receptacle served at which the device may be installed. When a backflow prevention device does not bear a critical level marking, the bottom of the vacuum breaker, combination valve, or the bottom of any such approved device shall constitute the critical level.

K. Cross Connection: Any physical arrangement whereby a public water supply is connected, directly or indirectly, with any other water supply system, sewer, drain, conduit, pool, storage reservoir, plumbing fixture, or other device which contains, or may contain,

contaminated water, sewage, or other waste or liquid of unknown or unsafe quality which may be capable of contamination to the public water supply as a result of backflow. Bypass arrangements, jumper connections, removable sections, swivel or changeover devices, and other temporary or permanent devices through which, or because of which, backflow could occur are considered to be a cross connection.

L. Cross Connections Controlled: A connection between a potable water supply system and a nonpotable water system with an approved backflow prevention device properly installed that will continuously afford the protection commensurate with the degree of hazard.

M. Curb stop: Means a shut-off valve attached to the service line that is located at the curb on the City Right of Way or within an easement at or near a customer's property line for the purpose of regulating the flow of water from the main to the customer.

MN. Customer-Side Service Line:

1. *Residential.* For single-family structures, the water service line from the inlet of the curb stop to the first connection to premise plumbing inside the property. Where there is no curb stop, the Customer-Side Service Line is the water service line from the outlet of the water meter downstream to the first connection to premise plumbing inside the property.

2. *Industrial, Multifamily, and Commercial.* For any structure other than a structure for a single-family residence, including without limitation industrial, multifamily, and commercial buildings, the water line from the water main to the first connection to the premise plumbing inside the property.

3. All of the building's plumbing is part of the Customer-Side Service Line.

NO. Degree of hazard: The evaluation of the potential risk to public health and the adverse effect of the hazard upon the potable water system. There are several categories, some of which are health hazard, plumbing hazard, pollutional hazard and system hazard.

OP. Distribution System: The network of water pipes, hydrants, valves and appurtenances including mains and service lines, owned and operated by the City and/or Utility used for the delivery of water from the Source to the Customer-Side Service Line.

PQ. Double Check Valve Assembly: An assembly of two (2) independently operating, approved check valves in one casing with tightly closing shut-off valves on each side of the check valves, plus properly located test cocks for the testing of each check valve. The entire assembly shall meet the City's approval.

QR. Flood-Level Rim: The edge of the receptacle from which water overflows.

RS. Galvanized Requiring Replacement ("GRR"): A water service line constructed of galvanized iron or steel, that is currently or has previously been connected to lead material. The Utility will assume all galvanized material in the distribution system to be classified

as GRR. The term includes the Customer-Side Service Line and/or the Utility-Side Service Line.

ST. *Hose Connection Vacuum Breakers*: A single check with atmospheric vacuum breaker vent. Installation is directly on hose bibbs, service sinks and wall hydrants, not for continuous pressure.

FU. *Industrial Fluids System*: Any system containing a fluid or solution which may be chemically, biologically or otherwise contaminated or polluted in a form or concentration such as would constitute a health, system, pollutional, or plumbing hazard if introduced into an approved water supply. This may include, but not be limited to: polluted or contaminated waters; all types of process waters and reused waters originating from the public potable water system which may have questionable sanitary quality; chemicals in fluid form; plating acids and alkalies; circulated cooling waters that are chemically or biologically treated or stabilized with toxic substances; contaminated natural waters such as from wells, springs, streams, rivers, irrigation canals or systems, etc.; oils, gases, glycerine, paraffins, caustic and acid solutions and other liquid and gaseous fluids used in industrial or other purposes or for fire fighting purposes.

UV. *Irrigation System*: An automated or mechanical means of watering (turf, shrubs, trees, plants or any organic growth).

YW. *Lead Reduction Program*: A project or activity that aims to lower the concentration of lead in drinking water by the (i) replacement of lead service lines; and (ii) testing, planning, or other relevant activities, as determined by the City Manager, to identify and address conditions (including corrosion control) that contribute to increased concentration of lead in drinking water.

WX. *Lead Service Line ("LSL")*: A water service line constructed of lead. The term includes the Customer-Side Service Line and/or the Utility-Side Service Line.

XY. *License*: The permission to use water for the purpose specified in the authority to use.

YZ. *Licensee*: Any person, corporation, governmental authority or agency authorized to use water under a license.

ZAA. *Meter*: Any device used to measure the volume and/or flow rate of water through that device and shall include the use of any and all necessary accompanying equipment including, but not limited to, meter pits, electronic data transmitters, and connecting hardware.

AA BB. *Nonpotable Water*: Water that is not safe for human consumption or that is of questionable potability.

BB CC. *Plumbing Contractor*: A person, firm, corporation or other entity licensed by the State of Colorado as a master plumber and under bond to the City to perform plumbing work in the City.

~~CC~~ DD. *Pollution*: The presence of any foreign substance (organic, inorganic, radiological or biological) in the water that may degrade the water quality so as to constitute a hazard.

~~DD~~ EE. *Potable Water*: Water free from impurities in amounts sufficient to cause disease or harmful physiological effects, conforming with State of Colorado drinking water regulations.

~~EE~~ FF. *Premises*: A tract of land with buildings thereon.

~~FF~~ GG. *Property*: Property as defined in EMC § 15-1-2.

~~GG~~ HH. *Property Owner*: A person or legal entity having a possessory interest, legal or equitable, in property, which defined term includes an estate, trust or lien.

~~HH~~ II. *Reduced Pressure Principle Device*: An assembly of two (2) independently operating, approved check valves in one casing with an automatically operating differential relief valve between the two (2) check valves, tightly closing shut-off valves on either side of the check valves plus properly located test cocks for the testing of the check and relief valves. The entire assembly shall meet the design and performance specifications and approval of the City.

~~II~~ JJ. *Reuse Water*: Any or all water that has been from the potable water supply and mixed, used or altered in any way that or would constitute a health or potential hazard.

~~JJ~~ KK. *Service Line or Pipe*: All piping lawfully installed between the water main (or an extension thereof) and the licensee's property lines.

~~KK~~ LL. *Source*: Includes all components of the facilities utilized in the production, treatment, storage, and delivery of water to the distribution system.

~~LL~~ MM. *Submerged Inlet*: A water pipe or extension thereto from a public water supply terminating in a tank, vessel, fixture or appliance which may contain water of questionable quality, waste or other contaminant and which is unprotected against backflow.

~~MM~~ NN. *Utility-Side Service Line*: For residential properties, the City-owned portion of the water service line is from the water main to the inlet of the curb stop, not including the curb stop. Where there is no curb stop, the City-owned portion of the water service line is from the water main to the water meter, including the water meter. For Industrial, Commercial, and Multifamily, the water main.

~~NN~~ OO. *Utility System*: The source facilities and the distribution system and shall include all those facilities of the water system under the complete control of the utility up to the point where the customer-side service line.

~~OO~~ PP. *Vacuum*: Any pressure less than that exerted by the atmosphere.

PP QQ. *Vacuum Breaker, Atmospheric Nonpressure, Type:* A vacuum pressure breaker designed so as not to be subjected to static line pressure or installed where it would be under pressure for not more than twelve (12) hours in any twenty four (24) hour period.

QQ RR. *Vacuum Breaker, Pressure Type:* A vacuum breaker designed so as to be subjected to static line pressure. The single unit will be supplied with shut-off valve on each side and ball type test cocks.

RR SS. *Water Service Connection:* The terminal end of a service connection from the public potable water system where the water utility loses jurisdiction and sanitary control over the water system (see definition of customer-side service line). There shall be no unprotected takeoffs from the service line ahead of any meter or backflow prevention device located at the point of delivery to the customer's water system. Service connection shall also include water service connection from a fire hydrant and all other temporary or emergency water service connections from the public potable water system.

SS TT. *Water System:* All facilities owned and operated by the City of Englewood that are involved in the production, treatment, or distribution of water to the City's customers.

Section 2. Amendment of Englewood Municipal Code

Title 12, Chapter 1, Section 12-1-4 of Englewood Municipal Code is hereby amended to read as follows (deleted provisions struck through; new provisions underlined):

12-1-4: Work to be Done by Plumbers.

All work on water pipes or fixtures which are connected to the City's potable water distribution system ~~and which are located from the curb stop to a point one foot (1') inside the building~~ shall be accomplished by a Plumbing Contractor under bond to the City.

Section 3. Amendment of Englewood Municipal Code

Title 12, Chapter 1B, Section 12-1B-7 of Englewood Municipal Code is hereby amended to read as follows (deleted provisions struck through; new provisions underlined):

12-1B-7: Materials Purchased from City.

In the case of permanent connections to the mains of the City water system, or the transfer of service from flat rate water to metered water, the applicant shall purchase from the City the following materials:

- A. The tapping saddle and corporation stop by which connection is made to the main, and, for Industrial, Multifamily, and Commercial users, the curb stop valve.
- B. Water meter and radio frequency encoder receiver transmitter, and meter yoke and pit when required.

Section 4. Amendment of Englewood Municipal Code

Title 12, Chapter 1B, Section 12-1B-8 of Englewood Municipal Code is hereby amended to read as follows (deleted provisions struck through; new provisions underlined):

12-1B-8: User to Provide Curb Stop.

- A. Residential Customers with Integrated Shut-Off Meters: For residential properties equipped with water meters that include an integrated shut-off valve located in the exterior meter pit, separate curb stops are not required.
- B. Other Properties (Industrial, Multifamily, Commercial, and Residential Users Not Covered by Subsection A): Every Owners of propertyies using water that are not equipped with the integrated shut-off valve meters described in Subsection A, shall provide and maintain a curb stop on the service pipe outside of their premises protected by a valve box, by means of which the water may be turned on or off from the premises by any employee of the City, and shall maintain the same in good working order.

In ~~the case of~~ properties where the domestic water supply is connected to a fire line, the domestic water connection to the fire line shall be at the property line, and both the fire line and the domestic water service shall be protected with curb valves by which the two services may be shut off independently at property line. The valve box shall be so maintained that at all times it will be conveniently accessible in good order for turning water on and off with the cover at the level of the adjacent ground.

- C. Failure to Provide Curb Stop When Required: If the Property Owner fails to maintain the curb stop in working order as required, the City will replace the curb stop and a fee for labor shall be assessed as set by City Council, which shall be due and payable by the Property Owner and shall be billed to the property by the City within thirty (30) days after the service has been performed.

If City personnel are required to clean out a Property Owner's valve box, for whatever reason, either at the request of the Property Owner for an emergency or for a delinquent turn-off, a fee as set by City Council for labor shall be assessed, which shall be due and payable by the Property Owner and shall be billed to the Property by the City within thirty (30) days after the service has been performed.

The City does not assume any obligation nor acquire any liability whatsoever for damage to the connecting Property or any portion thereof or to any other properties caused by or resulting from any maintenance or construction work undertaken under this Section.

Section 5. 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.