

ORDINANCE NO. 25-\_\_\_\_\_

AN ORDINANCE AMENDING PART 4 (CONNECTION AND INSTALLATION OF SYSTEM) OF ARTICLE 4 (WATER CODE) OF CHAPTER 12 (UTILITIES) OF THE CODE OF THE CITY OF COLORADO SPRINGS 2001, AS AMENDED, PERTAINING TO CONNECTION TO COLORADO SPRINGS UTILITIES WATER SYSTEM

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLORADO SPRINGS:

Section 1. Part 4 (Connection and Installation of System) of Article 4 (Water Code) of Chapter 12 (Utilities) of the Code of the City of Colorado Springs 2001, as amended, is amended to read as follows:

12.4.401: CONNECTION REQUIRED:

The owner of any ~~house~~**premises that is** or ~~other building~~**will be** occupied for ~~business~~**commercial, industrial, or residence**~~residential~~ purposes, situated within the City and abutting any street, alley or right-of-way in which there is now located or may in the future be located a water distribution main, is hereby required at the **premises** owner's expense to connect the building by means of a service line directly with the distribution main in accord with the provisions of this ~~article~~**part**. The point or points at which connection is made to the distribution main shall be determined by the Chief Executive Officer.

12.4.402: CONNECTION REQUIREMENT; EXCEPTION:

A. Connection to the water supply system shall not be required for any ~~property~~**premises** which is served by an existing well or other water supply system, which system is approved by the El Paso County Health Department and which system serves the ~~property~~**premises** in substantially the same manner as it would be served by the water supply system.

B. This section shall apply solely to ~~property~~**premises** served by an existing well or other water supply system prior to connection to the water supply system, and shall not be construed to permit any ~~person~~**premises** already connected to the water supply system, ~~whose property~~**which premises** may subsequently be served by a well or other water supply system, to disconnect from the water supply system.

\* \* \*

12.4.403: CONNECTION REQUIREMENT; VIOLATION:

It shall be unlawful for any person who owns any ~~house~~**premises that is** occupied or ~~other building will be used~~ for ~~business~~**commercial, industrial,** or ~~residence~~**residential** purposes situated within the City to fail to connect the ~~house or building~~**premises to the** water supply system in accord with the requirements of this part.

\* \* \*

#### 12.4.405: CONNECTION TO SYSTEM; EXCLUSION OF LIABILITY:

The City and Utilities shall not be subjected to any liability for any **damage**, deficiency, in ~~the or defect associated with the premises owner's~~ installation, **maintenance, repair, replacement or operation of or the premises owner's failure to install, maintain, repair, replace or operate the infrastructure required by this part for connection of the premises to the water supply system** for which ~~the premises owner is not discovered by inspection~~**responsible**, nor shall ~~the owner of the such~~ premises **owner** be absolved from **any** liability for ~~the deficiency and any damage resulting damage or from responsibility~~**a premises owner's installation, maintenance, repair, and replacement of or failure to install, maintain, repair, replace or operate such infrastructure for which they are responsible or any liability** to correct ~~the a~~ deficiency **or defect in such infrastructure**.

#### 12.4.406: INSTALLATION; EXCAVATIONS FOR:

All excavations for water service installation or repair shall be performed in accord with this Code, ~~and the rules and regulations of Utilities, and service standards and specifications related to connection to the water supply system~~, as applicable. The excavations shall meet all applicable safety standards, including any requirements as to barricades and lights. Streets, sidewalks, parkways and other public property disturbed in the course of work shall be restored in a manner satisfactory to the Department of Public Works of the City.

#### 12.4.407: CONNECTION TO SYSTEM; CONFORMANCE TO CODE RULES AND REGULATIONS:

**All infrastructure for connection of a premises to the water supply system including, but not limited to, service lines, main lines, meter pits and appurtenances thereto required by this part shall be designed, installed, inspected, maintained, repaired, replaced, and connected and disconnected from the water supply system in accord with this Code, Utilities' tariffs and service standards and specifications related to connection to the water supply system and water quality, as well as the requirements of the Regional Building Code. Additionally, all existing and new infrastructure and appurtenances thereto including, but not limited to, service lines, main lines and meter pits shall conform to the requirements of Utilities, Federal or State water quality control laws and regulations.**

#### 12.4.407**8**: SERVICE LINE; SEPARATE FOR EACH BUILDING; EXCEPTIONS:

A. The **premises** owner shall provide a separate and independent domestic service line, and an individual meter shall be provided from mains for each and every structurally independent residential, commercial, or industrial building, whether or not they are on a

single platted lot under common ownership unless the Utilities, in the reasonable exercise of its discretion, may determine that other means are more suitable in the operation of its system.

B. ~~Where~~ **For or lots used for single-family residential purposes where** one building stands at the rear of another on an interior lot which cannot be subdivided, the domestic service line from the front building may, upon application to Utilities, be extended to the rear building and the whole considered as one water service **connection**. If the buildings become separately owned, Utilities will be under no obligation to furnish water to independent metered connections without payment of charges required by ~~applicable tariffs or this Code~~. **Utilities' applicable tariffs or this Code. For lots used for commercial purposes, Utilities may, upon application and at its sole discretion, allow extension of the service line from the primary building to another building on the same parcel in which the use of water is fundamental to the commercial use of the primary building unless otherwise prohibited by Utilities' tariffs and service standards and specifications related to connection to the water supply system, as well as the requirements of the Regional Building and Plumbing Codes 1.**

C. ~~When a water main extension must be made onto private property for the installation of fire protection facilities, the installation plans shall be submitted to the Colorado Springs Fire Department and Utilities for approval. The main extension and all other appurtenant fire safety systems installed by the owner/developer of the property shall remain the property of the property owner/developer and shall be maintained in accord with section 12.4.410 of this part. Upon approval by Utilities and the Colorado Springs Fire Department, these lines may also be used as private water service lines to furnish one or more buildings with their domestic water supply.~~

D. ~~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 connection to the water supply system as aforementioned, or from the failure of the service line, except as specifically set forth in the water service standard specifications.~~

#### **12.4.4098: SERVICE LINE; CONFORMANCE TO RULES AND REGULATIONS MAINTENANCE, REPLACEMENT, AND REPAIR OF:**

A. ~~The size, slope, alignment and materials of construction of a service line, and the methods to be used in excavating, placing of the pipe, jointing, testing, backfilling and inspection of a trench shall all conform to the requirements of the Building and Plumbing Codes 1 and water service standard specifications and other applicable rules and regulations of the City. Additionally, all existing and new service lines shall conform to the requirements of the water service quality control regulations.~~ **The demarcation point between Utilities' and the premises owner's responsibility for the maintenance, repair or replacement of a service line is the right of way or public utility easement line adjacent to the distribution main where the service line tap is located.**

B. **A curb stop shall be installed at the demarcation point to enable operation and maintenance of the service line. All curb stops shall be jointly owned by the premises owner and Utilities. Only Utilities may operate, maintain, repair and/or replace a curb stop. Utilities is solely responsible for the operation and maintenance thereof. Utilities is**

responsible for repairing and replacing all curb stops that are damaged by Utilities, or that Utilities has determined is defective or at the end of its useful life. The premises owner is responsible for reimbursing Utilities for the costs Utilities incurs in repairing and replacing curb stops that are damaged as a result of the premises owner's installation, operation, maintenance, repair or replacement of a service line or any appurtenances thereto.

C. Where an existing service line does not have an installed curb stop, has a curb stop that is not located on or near the demarcation point, or has a curb stop that Utilities has determined is defective or at the end of its useful life, Utilities shall install a curb stop on or near the demarcation point meeting the requirements of this part at the expense of Utilities as funds are determined to be available by the Chief Executive Officer and in the manner determined by the Chief Executive Officer. Upon completion of the installation, the new curb stops shall be jointly owned by Utilities and the premises owner. The requirements of this section shall not create any duty of care on behalf of Utilities or the City for the benefit of any person.

D. Utilities shall be solely responsible, financially or otherwise, for the maintenance, repair and replacement of the portions of the service line and all appurtenances thereto located within public rights-of-way, between the connection to the distribution main and the point of demarcation described in subsection A of this section. The premises owner shall be solely responsible, financially and otherwise, for the maintenance, repair and replacement of the service line and all appurtenances thereto located from the point of demarcation to the structure served by the service line. The premises owner shall maintain and keep the portion of the service line for which they are responsible in good condition and shall repair or replace, at the premises owner's expense, any portion thereof which is leaking. Where more than one premises is connected to a single service line, the owners of the respective premises shall be jointly and severally responsible for maintenance, repair and replacement of the portion of the service line for which they are responsible. Maintenance, repair and replacement of service lines within private rights-of-way or private easements is the responsibility of the premises owner. All repaired or replaced service lines must be inspected by Utilities for compliance with this section prior to use. Utilities shall have the right to access and operate service lines and valves located within private property, private rights-of-way or private easements. Utilities shall repair and/or replace any such service lines or valves damaged by Utilities.

E. Lead service lines are not permitted to be connected to the water supply system. Responsibility for replacing lead service lines shall be allocated amongst Utilities and the premises owner(s) as described in subsection C of this section.

F. If Utilities becomes aware that a portion of a service line contains lead, Utilities will provide notice pursuant to section 12.4.417 to the premises owner that the service line contains lead. Utilities will continue to provide such notice to the premises owner and record a copy of such notice in the records of the El Paso County Recorder annually until the entire lead service line is replaced. The premises owner is not obligated to replace the portion of the lead service line for which they are responsible.

**G. If a premises owner or user discovers that the service line serving a premises is leaking, they shall inform Utilities of the leak within twenty-four (24) hours of discovery by contacting Utilities' Customer Service Department.**

**H. If Utilities discovers a leak on the portion of a service line for which the premises owner is responsible it shall provide notice of same pursuant to section 12.4.417.**

**I. If a service line that is greater than one inch (1") in diameter is leaking, the premises owner shall have seventy-two (72) hours to repair or replace the portion of the leaking service line for which they are responsible. The seventy-two (72) hour period shall begin at the earlier of when Utilities is notified of the leak by the premises owner or when Utilities provides notice of the leak pursuant to section 12.4.417.**

**J. If a service line that is less than or equal to one inch (1") in diameter is leaking, the premises owner shall have forty-five (45) days to repair or replace the portion of the leaking service line for which they are responsible. The forty-five (45) day period shall begin at the earlier of when Utilities is notified of the leak by the premises owner or when Utilities provides notice of the leak pursuant to section 12.4.417.**

**K. If a premises owner does not repair or replace the leaking service line within the timeframes set forth in subsections I and J of this section, Utilities may suspend water service to the premises served by the leaking service line under section 12.1.115 until the service line is repaired or replaced as required by this section.**

**K. The Chief Executive Officer may order the emergency suspension of water service to a premises served by a leaking service line under section 12.1.117 of this chapter for as long as the suspension is necessary when, in the opinion of the Chief Executive Officer, such suspension is necessary to protect any person or the water supply system including, but not limited to, when the Chief Executive Officer determines that a service line leak:**

- 1. Poses an imminent safety concern;**
- 2. Is causing water to pool on the ground surface and temperatures are below or are expected to fall below thirty-two (32) degrees Fahrenheit;**
- 3. Will result in a violation of any Federal, State or local laws, ordinances, resolutions, regulations, policies and rules including, but not limited to, those relating to water quality or stormwater control; or**
- 4. Is causing damage to adjacent streets, property or structures.**

**Utilities will make reasonable efforts to notify the affected premises owner and customer(s) of record of the emergency suspension within a reasonable period after it occurs and what steps are necessary for water service to be restored to the premises.**

**L. The premises owner shall be responsible for compliance with this section. In the event of an alleged violation with regard to a leaking service line, proof of the existence of the leak together with (1) proof that the leak originated from a service line serving the owner's premises, (2) proof that the premises owner was aware of the leak or that notice of the leak was served by Utilities, and (3) proof that the premises owner did not repair or**

replace the service line within the required timeframe shall constitute prima facie evidence that the premises owner has violated this section.

#### Notes

1. For Plumbing Code, see the City's Zoning Code, chapter 7 of this Code.

#### 12.4.41009: SERVICE LINES; STANDARDS FOR METER PITS; INSTALLATION AND MAINTENANCE:

A. ~~All service lines for connection to the water supply system shall be installed in accord with the provisions of this article and of water service standard specifications.~~ **The premises owner shall be responsible for designing, installing, maintaining and replacing all meter pits and appurtenances thereto necessary for provision of water service to the premises, except as provided in subsection B of this section.**

B. ~~All service lines and pipes appurtenant thereto which are laid in streets, alleys or other public grounds shall be of type "K" copper, unless otherwise provided in the water service standard specifications.~~ **Existing meter pits not originally constructed in compliance with this section which contain five-eighths inch ( $\frac{5}{8}$ "") through one inch (1") water meters, shall be replaced with new meter pits meeting the requirements of this section by Utilities and at the expense of Utilities as funds are determined to be available by the Chief Executive Officer and in the manner determined by the Chief Executive Officer, provided, however, that the replacement of the meter pits shall be accomplished only with the consent of the premises owner. Subsections C, D, and E of this section shall not apply to such existing meter pits until they have been replaced by Utilities. Upon completion of the replacement by Utilities, the replacement pits shall become property of the premises owner, who shall thereafter be responsible for maintenance, repair, and replacement of the meter pit. If the premises owner does not consent to the replacement, the customer's water service may be subject to termination. The requirements of this section shall not create any duty of care on behalf of Utilities or the City for benefit of any person.**

C. ~~All service lines shall be connected to a curb stopcock so that water may be shut off from the service line at any time. The stopcock shall be level with the adjacent ground surface and shall be protected by an adjustable iron box or cylinder not less than five feet (5') in length. All stopcocks shall be furnished by the City and paid for by the applicant for water service.~~ **Utilities shall provide notice pursuant to section 12.4.417 if Utilities discovers a meter pit to be out of compliance with the requirements of this section.**

D. ~~A water pressure regulator shall be installed in each service line connected to a distribution main owned by Utilities.~~ **The premises owner shall have sixty (60) days to bring the meter pit into compliance with the requirements of this section. The sixty (60) days shall begin when Utilities provides notice pursuant to section 12.4.417 that the meter pit is out of compliance with this section.**

**E. If a premises owner does not bring the meter pit into compliance within the timeframe set forth in subsection D of this section, Utilities may suspend water service to the premises served by the meter pit pursuant to section 12.1.115 until the meter pit is brought into compliance with this section.**

**F. In the event of an alleged violation of this section, proof that the meter pit is not in compliance together with (1) proof that the meter pit serves the owner's premises, (2) proof that notice of the non-compliance was provided by Utilities, and (3) proof that the premises owner did not bring the meter pit into compliance within the required timeframe shall constitute prima facie evidence that the premises owner has violated this section.**

**G. In order for the water service to be reconnected to the premises where the meter pit has not been brought into compliance with the requirements of this section, the customer(s), user or premises owner shall first make arrangements satisfactory to the Chief Executive Officer for bringing the meter pit into compliance and shall pay the following charges to Utilities prior to reinstatement:**

- 1. The cost of repairing or replacing any damaged Utilities equipment;**
- 2. Actual or estimated damages incurred by Utilities or the City as a result of the meter pit's noncompliance; and**
- 3. Cost of investigation and enforcement.**

~~12.4.410: SERVICE LINE; MAINTENANCE OF:~~

~~Responsibility for the maintenance and replacement of the service line and appurtenances thereto, in public rights-of-way, generally between the connection to the distribution main and the property line or the curb stop if the curb stop is on or near the property line, shall be borne by Utilities. Responsibility for the maintenance and replacement of the service line and appurtenances thereto, from the property line or curb stop if the curb stop is on or near the property line, shall be borne by the owner of the premises. The owner shall keep the service line and all pipes and fixtures on the owner's premises in good repair so as to prevent waste of water. Where more than one premises are connected to a single service line, the owners of the respective premises shall be jointly and severally responsible for maintenance and repair of the service line which is the owner's responsibility. Maintenance and replacement of the service line within private rights-of-way or private easements is the responsibility of the owner.~~

~~12.4.411: METER PITS; INSTALLATION AND MAINTENANCE:~~

~~A. Except as provided in subsection B of this section, all meter pits shall be constructed and maintained by the property owner in compliance with the requirements of the water service standard specifications.~~

~~B. Existing meter pits not originally constructed in compliance with the requirements of the water service standard specifications, which contain five eighths inch ( $\frac{5}{8}$ " ) through one inch (1") water meters, shall be replaced with new meter pits meeting the requirements of the water service standard specifications at the expense of Utilities as~~

~~funds are determined to be available by the Chief Executive Officer and in the manner determined by the Chief Executive Officer, provided, however, that the replacement of the meter pits shall be accomplished only with the consent of the affected customer. Upon completion of the installation, the replacement pits shall become property of the affected customer, who shall thereafter be responsible for maintenance. If the customer does not consent to the replacement, the customer's water service may be subject to termination for violation of subsection A of this section. The requirements of this section shall not create any duty of care on behalf of Utilities or the City for benefit of any person.~~

#### ~~12.4.412: NONCOMPLYING METER PITS; INTERRUPTION OF SERVICE AND RECONNECTION:~~

~~A.—— If Utilities discovers any meter pit to be out of compliance with the requirements of the water service standard specifications, written notice thereof shall be given to the property owner and customer of record by certified mail, return receipt requested. If the meter pit is not brought into compliance with the requirements of the water service standard specifications, water service to the premises served thereby may be interrupted as provided in applicable tariffs.~~

~~B.—— In order for the water service to be reconnected to the premises where the meter pit has not been brought into compliance with the requirements of the water service standard specifications, the customer, user or owner shall first make arrangements satisfactory to the Chief Executive Officer for bringing the meter pit into compliance and shall pay the following charges to Utilities prior to reconnection:~~

- ~~1.—— The cost of repairing or replacing any damaged Utilities equipment;~~
- ~~2.—— Actual or estimated damages incurred by Utilities or the City as a result of the meter pit's noncompliance; and~~
- ~~3.—— Cost of investigation and enforcement.~~

#### ~~12.4.113: MAINS AND LINES; MANNER OF EXTENSION:~~

**A.** Distribution mains to supply and distribute water to and throughout areas or additions shall be **installed and** extended by the owner ~~or developer of the~~ premises to be served by the ~~lines main~~ from the existing distribution main to the point or points of the property line of the premises farthest from the existing distribution main: **in compliance with Utilities' tariffs.** The extension requirement may be waived by the Chief Executive Officer in the event that the Chief Executive Officer determines that extension to the farthest point from the existing distribution main is not necessary for the efficient expansion of the water supply system. In any event, distribution mains shall be extended by the owner ~~or developer of the~~ premises to be served by the mains to a point which permits the shortest possible service line between the distribution main and the property line of the premises served thereby. Thereafter the distribution mains shall be extended to adjoining premises in compliance with the latest edition of ~~"Standard Specifications For Water Main Installations" as promulgated, supplemented and amended by the Chief Executive Officer~~ **Utilities' service standards and specifications related to connection to the water supply system.** Extensions shall not be made for remote or isolated service unless the applicant requesting the service shall provide for the cost of the extension to the point of service and the extension is approved by the Chief Executive Officer.

**B. When a distribution main extension must be made onto private property for the installation of fire protection facilities, the installation plans shall be submitted to the Colorado Springs Fire Department and Utilities for approval. The main extension and all other appurtenant fire safety systems installed by the owner of the premises shall remain the property of the owner and shall be maintained, repaired or replaced in accord with this part. Upon approval by Utilities and the Colorado Springs Fire Department, the distribution mains may also be used as private water service lines to furnish one or more buildings with their domestic water supply in accordance with this Code, Utilities' tariffs and service standards and specifications related to connection to the water supply system.**

**12.4.4142: WATER MAINS AND FACILITIES; COMPLIANCE WITH SUBDIVISION REQUIREMENTS:**

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**12.4.4153: EXISTING LINES; CONDITIONS FOR USE:**

Existing service lines ~~and/or~~, distribution mains, **and meter pits** may be used in connection with new buildings only when they are found by the Chief Executive Officer to meet all requirements of this ~~article~~ **part**.

**12.4.4164: CONSTRUCTION; REQUIREMENTS FOR COMMENCEMENT AND COMPLETION:**

Approval of a building permit or a utility service plan (when a building permit is not required) for any premises to be served by a connection to the water supply system of the City, including connections to all private water systems, shall be obtained within one hundred twenty (120) days from the date of payment of the charges set out in Utilities' tariffs. Construction of the premises or facility to be served by the connection must begin within one hundred eighty (180) days from building permit issuance or utility service plan approval and the construction shall be pursued to completion without suspension or abandonment, ~~as provided in the City's Building Code or as provided in Utilities' tariffs or service standards and specifications.~~ Failure to comply with the above requirements shall result in cancellation of Utilities' approval of the connection permit. The refund or the application of credit of the connection charges shall be as provided in Utilities' tariffs.

**12.4.415: ENTRY AND INSPECTION:**

**Whenever necessary for the purposes of this part, the Chief Executive Officer has the power, upon the presentation of proper credentials, to enter and inspect at any reasonable time and in any reasonable manner any property, premises, or place for the purpose of ascertaining noncompliance with this part, or assuring proper repair, replacement, or maintenance of a distribution main, meter pit or service line. Any entry shall be at reasonable times unless an emergency situation exists. The premises owner or the occupant of the premises shall render all proper assistance in entry and inspection activities. If entry or inspection to any premises is denied, the Chief Executive Officer is empowered to obtain a warrant to enter any property, premises, or place from the Colorado Springs Municipal Court. Nothing in this section shall limit Utilities' ability to enter a premises in the emergency situations described in this part.**

#### 12.4.417: DISCONNECTION:

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B. Disconnection, Customer-Responsibility; Transfer of Water Development Charge: ~~In the event that If the~~ a premises of a customer is disconnected from the water system, **the premises owner**customer shall be responsible for all costs of the disconnection. Transfer of credit associated with a water development charge is generally prohibited; however, transfers may be permitted in limited circumstances in accordance with Utilities' tariffs.

C. Installation Of New Service Line: ~~In the event that If a~~ **premises owner**customer desires to install a new service line for a premises for which an existing service line is available, the new service line shall not be connected until the existing service line is disconnected from the distribution main.

D. Failure To Use Service Line:

1. In the event that a previously used service line is not used for a continuous period of one year or more, Utilities may, at the **premises owner's** customer's expense, shut off the service line at the corporation stopcock; provided, however, the shutoff may be delayed if the **premises owner**customer states in writing that the service line will be in regular use within a specific time agreed to by Utilities. If a **premises owner**customer shall fail or refuse to pay the cost of the shutoff within thirty (30) days after billing, then in addition to any other remedies that may be available to Utilities, the cost may be assessed against the ~~property~~**premises** formerly served in the same manner as water development charges may be assessed against the ~~property~~**premises**.

2. Any service line classified as abandoned and/or inactive through previous City Code or Utilities' rules and regulations (**those that existed** prior to March 1, 2016) shall be returned to service upon request, payment of all applicable fees and costs, and compliance with all applicable rules and regulations.

#### 12.4.417: NOTICE:

**All notices required by this part shall be provided to the premises owner and customer(s) of record, by posting the notice to the premises in a conspicuous place and by sending the notice by certified mail, return receipt requested, to the last known address of the premises owner and customer(s) of record. Service shall be deemed to have provided notice to the premises owner and customer(s) of record upon receipt of the notice by the property owner or customer(s) of record, or upon posting the notice to premises.**

#### 12.4.418: DISPUTE RESOLUTION:

**Any premises owner's disputes with Utilities concerning this section shall be resolved in accord with the dispute resolution procedures set forth in Utilities' tariffs.**

#### 12.4.419: METERS; INSTALLATION AND MAINTENANCE:

**All water meters shall be furnished and installed by Utilities at the expense of Utilities and Utilities shall retain ownership of the meters. Utilities shall perform all necessary maintenance and/or repair of meters, including replacement of meters; provided, however, that the premises owner shall be responsible for protecting the meter against freezing and damage.**

Section 2. This ordinance shall be in full force and effect from and after its final adoption and publication as provided by Charter.

Section 3. Council deems it appropriate that this ordinance be published by title and summary prepared by the City Clerk and that this ordinance be available for inspection and acquisition in the office of the City Clerk.

Introduced, read, passed on first reading and ordered published this \_\_\_\_ day of \_\_\_\_\_, 2025.

**Finally passed:** \_\_\_\_\_

\_\_\_\_\_  
Lynette Crow-Iverson, Council President

ATTEST:

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Sarah B. Johnson, City Clerk