

ORDINANCE

AN ORDINANCE AMENDING SECTIONS 13.04.140 AND 13.08.130 OF THE MANITOU SPRINGS MUNICIPAL CODE REGARDING THE DELEGATION OF RESPONSIBILITY FOR MAINTENANCE AND REPAIR OF WATER AND SEWER LINES

WHEREAS, the City has determined that the Manitou Springs Municipal Code (“Code”) does not clearly delineate responsibility for the maintenance and repairs of water and sewer lines between the City and the property owner; and

WHEREAS, the City desires to clarify that responsibility and codify its current practice in addressing the maintenance and repair of water and sewer lines.

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

Section 1: Section 13.04.140(A) of the Manitou Springs Municipal Code is hereby amended to read as follows:

The owner of any premises connected to the City's sewage collection system shall be responsible for the maintenance of the service line and appurtenances thereto, from and including the connection to the collector line for the premises served. The owner shall keep his or her service line in good condition and shall replace, at his or her expense, any portions thereof which, in the opinion of the City, have become so damaged or disintegrated as to be unfit for continued use. The owner must secure all required permits and meet all conditions set forth in Section 13.04.120. The City is responsible for maintenance and necessary repairs for all areas of the sewer lines not designated as the responsibility of the owner. If a problem with sewer service is detected, the City shall conduct an initial investigation of the sewer lines to the property to determine the location of the problem.

Section 2: Section 13.04.140 of the Manitou Springs Municipal Code is hereby amended by the addition of a new subsection D:

D. If the owner fails to make repairs as required by the City and pursuant to Section 13.04.140(A), the City shall have the right to enter onto the property and make the necessary repairs. The City shall assess all costs, including City staff time, associated with the repairs to the property owner and include such amount in the next statement to the owner as provided for in Chapter 13.16 of this Code. Such costs shall become due and payable in the same manner as the monthly rate charge and shall be collected in the same manner pursuant to Chapter 13.16 of this Code. Costs and staff time associated with the initial investigation shall not be charged to the owner.

Section 2: Section 13.08.130 of the Manitou Springs Municipal Code is hereby repealed and reenacted as follows:

- A. The owner shall be responsible for all maintenance and necessary repairs to all water service lines from the curb stop in the street right-of-way to the owner's premises. If a problem with water service is detected, the City shall conduct an initial investigation of the water lines to the property to determine the location of the problem and shut off service to the property if necessary. If the problem is located in the service line from the curb stop to the meter and to the owner's premises, such repair and all associated costs shall be borne solely by the owner. If the problem is located between the curb stop and the main, such repair and all associated costs shall be borne solely by the City.
- i. Where curb stops are located outside the City held right-of-way, a new curb stop shall be placed in or near the right-of-way at the time of leak repair. The cost for this new curb stop and the service line from the main to the new curb stop, will be borne by the City. Line replacement costs, if required, where located outside the City held right-of-way, shall be borne solely by the owner, or the old curb stop may be abandoned in place. Leak repair, in this scenario, will be the responsibility of the owner, City staff will expose the service line from corporation stop to approximate right-of-way, install a new curb stop, and turn off service until the owner can repair their leak.
 - ii. Where curb stops are located outside the City held right-of-way, until such time that they are relocated, the owner shall be responsible for the water service line from the main to the meter on the owner's premises.
 - iii. Owners may relocate curb stops to the City held right-of-way, at their own expense, at any time, to assure City responsibility of repair costs from the curb stop to the water main.
 - iv. In cases where more than one residence is on a single service line, at the time of leak repair, a single curb stop shall be placed in the City held right-of-way. If additional service connections are needed, the associated cost shall be borne solely by the property owner.
- B. The City is responsible for maintenance and necessary repairs for all areas of the water lines which are not designated as the responsibility of the owner.
- C. If the owner fails to make repairs as required by the City, the City shall have the right to enter onto the property and make the necessary repairs and/or turn off water to the property. The City shall assess all costs, including City staff time, associated with the repairs to the owner and include such costs in a statement to the owner as provided for in Chapter 13.16 of this Code. Such costs shall become due and payable in the same manner as the monthly rate charge and shall be collected in the same

manner as Chapter 13.16 of this Code. Costs and staff time associated with the initial investigation shall not be charged to the owner.

D.

Section 3: If any article, section, paragraph, sentence, clause or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 4: This ordinance is deemed necessary for the protection of the health, welfare and safety of the community.

Passed on first reading and ordered published this 3rd day of January, 2017.

/s/ Donna Kast
City Clerk, Donna Kast

A Public Hearing on this ordinance will be held at the March 21, 2017 City Council meeting. The Council Meeting will be held at 6:00 P.M. at City Hall, 606 Manitou Avenue, Manitou Springs, Colorado.

Ordinance Published: January 5, 2017 (in full)
City's Official Website and City Hall

Passed on second reading and approved by City Council this 21st day of March, 2017.

/s/ Nicole Nicoletta
Mayor, Nicole Nicoletta

Attest: /s/ Donna Kast
City Clerk, Donna Kast

Ordinance Published: March 23, 2017 (in full)
City's Official Website and City Hall