

ORDINANCE NO. 046, 2024
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING CHAPTER 26 OF THE CODE OF THE CITY OF
FORT COLLINS TO CLARIFY TERMINOLOGY REGARDING
CONTROL VALVES AND WATER SERVICE AND FIRE LINES

A. The City owns and operates a water utility that, among other things, provides treated water service to customers in its service area.

B. The City owns and is responsible for water mains that convey treated water, and these water mains have service and fire lines that branch off to convey water to customers' properties.

C. It is and has been the policy of the City that the initial portion of service and fire lines adjacent to the water main belong to and are the responsibility of the City, and the latter, "downstream" portions of service lines belong to and are the responsibility of customers.

D. On a given service line, as provided in City Code Sections 26-41, 26-44, 26-48, 26-94, 26-95, 26-96, 26-97, 26-116, and 26-117, the location where the City's ownership and responsibility for the service line end, and where customer's ownership and responsibility begin, is the location on the service line just downstream of the City's curb stop, which is not a defined term in City Code.

E. The City's understanding and intent of City Code and the City's water utility system has always been that the curb stop is a City-owned control valve on the service line that allows the City to control the flow of water in the service line, and this understanding and intent have historically guided administration of the water utility.

F. The term curb stop has periodically caused some confusion because it is a term used in the water distribution industry term that is not necessarily intuitive; for instance, curb stops may or may not be located beneath a street curb, and may instead be located on the customer's property or in City-owned right-of-way, particularly as the specific locations of curbs may change over time without necessarily changing the location of the curb stop; and the essential function of curb stops is not dependent on their location relative to the curb.

G. The term curb stop has also periodically caused some confusion because it is a term used in the water distribution industry that is not always used consistently; for instance, a curb stop for one water provider may be understood to be slightly different than a curb stop for another water provider.

H. On a given fire line, as provided in City Code Sections 26-100, the location where the City's ownership and responsibility for the fire line ends, and where customer's ownership and responsibility begins, is the location on the service line just downstream of the City's control valve, which is not a defined term in City Code.

I. City staff has therefore proposed to clarify the use of the definitions of control valves and curb stops in City Code related to service and fire lines to clarify their definition consistent with the City's historical and current understanding and intent and administration.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That Section 26-41 of the Code of the City of Fort Collins is hereby amended as follows:

Sec. 26-41. - Definitions.

...

Control valve shall mean a City-owned control valve on the service or fire line that allows the City to control the flow of water in the service or fire line. *Control valves* may or may not be included in other structures, including those commonly known as curb stops.

...

Service line (water, public and private) shall mean the water delivery pipeline running from the City water main to the building or property to be served consisting of a publicly owned and maintained portion from the main to the control valve and a privately owned and maintained portion from the control valve including the outlet coupling to the building or other point of use or distribution on the lot or premises served. The terms *water service pipe* and *building supply* as used in the plumbing code have the same meaning. The public portion of a service line is also referred to as a service line stub or as a public service line as distinguished from the term private service line which refers to the privately owned and maintained portion of the service line.

...

Section 2. That Section 26-44 of the Code of the City of Fort Collins is hereby amended as follows:

Sec. 26-44. - Composition of the water utility.

Except for private mains and that portion of the service line considered privately owned between the control valve and the structure served, all water and water rights, waterworks and their appurtenances, fire hydrants, machinery, equipment and supplies used by the City to supply its water users with water, shall constitute the water utility.

Section 3. That Section 26-48 of the Code of the City of Fort Collins is hereby amended as follows:

Sec. 26-48. - Authority to turn on water.

No person other than a duly authorized employee of the City shall open or turn on any control valve or any other City water valve regulating the flow of water from the City water mains to any premises, lot, building or house for any reason.

Section 4. That Section 26-94 of the Code of the City of Fort Collins is hereby amended as follows:

Sec. 26-94. - Individual service lines for each building required.

...

- (c) Notwithstanding the provisions of Subsection (a) above, the Utilities Executive Director may, after review and approval of the related plans and specifications, authorize the service of more than one (1) property by a single, common, private water service line, provided that:

...

- (4) The line must include a separate branch line to each single-family attached property, and each branch line must include a control valve that meets the requirements of the City Development Construction Standards. These private service control valves must be exterior to the dwellings, within a utility easement that has been conveyed to the City and readily accessible and operable by City personnel. The private service control valves shall be the City's control point for that single-family attached dwelling.
- (5) The line beyond the City control valve and all branch service lines including the private service control valves must be owned, operated, maintained, repaired and replaced, as needed, by a legal entity representing all of the owners of the properties served by the line.

...

Section 5. That Section 26-95 of the Code of the City of Fort Collins is hereby amended as follows:

Sec. 26-95. - Installation and maintenance of service lines; user responsibilities; liability.

- (a) *Installation.* All costs and expenses incidental to the installation and connection of a water service line, including, but not limited to, a common private water service line, shall be borne by the applicant for a water service permit who shall retain or employ a licensed contractor or plumber to install a service line. For the installation of that portion of any service line within the public right-of-way or street, the contractor or plumber shall also be licensed by the City under Article XI of this Chapter. The utility may install the portion of the service line from the main to the control valve upon payment of a tap charge by the applicant. The applicant is responsible for restoring streets, sidewalks, parkways and other property disturbed in the course of the work to acceptable City standards after the connection is made.

- (b) *Maintenance.* The owner of any property connecting to the water utility is responsible for the installation and maintenance at the owner's own expense and risk of the water service line from the control valve to the structure being served and all other water pipes, machinery and apparatus which may be required for applying and utilizing City water on the property. The owner shall keep the private service line in good and safe condition and, at the owner's expense, shall keep all pipes, fixtures and appliances on the property tight and in good working order to prevent waste of water. The owner is responsible for all leaks or damages on account of leaks from the private service line and other apparatus within the property served.

...

Section 6. That Section 26-96 of the Code of the City of Fort Collins is hereby amended as follows:

Sec. 26-96. - Maintenance responsibility of utility.

The utility shall maintain all public water facilities and mains, public service lines, fire hydrants, other public system appurtenances and water meters. However, if the portion of the service line in use between the water main and the control valve is made of materials other than copper or ductile iron, then the entire service line will be deemed to be a private main of the premises serviced by the line, and the City will not be responsible for any part of its maintenance until such time as the line is replaced with conforming materials pursuant to Subsection 26-97(a) below and any regulations promulgated thereunder. The utility is not responsible for maintenance of common private water service lines.

Section 7. That Section 26-97 of the Code of the City of Fort Collins is hereby amended as follows:

Sec. 26-97. - Water service lines; general regulations.

...

- (c) *Materials.* In the case where the service line between the water main and the premises has been deemed a private main because it is made of materials other than ductile iron or copper, it shall be replaced by copper or ductile iron lines at the expense of the user when, in the opinion of the Utilities Executive Director, such line has become so disintegrated as to be unfit for further use. Once such a line has been replaced with the required materials, it becomes part of the water utility, and the utility will assume the maintenance of the service line between the water main and the control valve the same as for any public service line. This provision shall not apply to a common private water service line.

Section 8. That Section 26-116 of the Code of the City of Fort Collins is hereby amended as follows:

Sec. 26-116. - Permissible fees and charges.

The utility may adopt fees and charges which may include, but need not be limited to, the following:

- (1) Fees for turning water on or off at the control valve;

...

Section 9. That Section 26-117 of the Code of the City of Fort Collins is hereby amended as follows:

Sec. 26-117. - Turn on/off fee.

The charge for turning the water service to a premises on or off at the control valve shall be as prescribed in § 26-129.

Introduced, considered favorably on first reading on March 19, 2024, and approved on second reading for final passage on April 2, 2024.

Mayor

ATTEST:

Chief Deputy City Clerk

Effective Date: April 12, 2024

Approving Attorney: Eric Potyondy