



# Town of Castle Rock

## Agenda Memorandum

**Agenda Date:** 6/2/2020

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**Item #:** 14. **File #:** TMP 2020-184

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**To:** Honorable Mayor and Members of Town Council

**From:** Mark Marlowe, P.E., Director of Castle Rock Water  
Tim Friday, P.E., Assistant Director of Castle Rock Water  
Mark Billman, EHS Program Analyst

### **Ordinance Amending Chapter 13.12 and 15.38 of the Castle Rock Municipal Code which Define Ownership and Responsibility for Water Systems**

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#### **Executive Summary**

The purpose of this memorandum is to request Council approval of two Ordinances (see **Attachment A**). The first ordinance is to make an amendment to Chapter 13.12.050 of the Castle Rock Municipal Code to include language that defines fire protection service lines and clarifies the limits of ownership and responsibility for commercial and residential fire protection service lines connected to the Castle Rock Water distribution system. The second ordinance is to adopt amendments to Chapter 4.4.10.6 of the 2018 Water System Design Criteria Manual to similarly clarify the limits of ownership for residential fire service lines, which is incorporated into code by reference in Chapter 15.38 - Water System Design Criteria Manual.

Castle Rock Water considers that fire service lines leaking within the right of way pose a significant risk of cross contamination to the distribution system. Castle Rock Water is very responsive to leaking domestic service lines for which ownership within the right of way lies with the Town. Currently, Castle Rock Water is in a quandary responding to leaking residential fire service lines within the right of way because ownership is with the homeowner. Most homeowners don't have the resources to respond to this type of leak because the repair typically costs \$4,000 to \$5,000, requires a construction permit from the Town to work within the right of way and can involve significant asphalt repair work. Castle Rock Water, through changes to the municipal code and the criteria manual, proposes to assume ownership of all present and future residential fire protection service lines within the right of way, similar to the Town's ownership of domestic drinking water service lines. This is to ensure that repairs are performed in a timely manner to minimize damage to streets and pavement subgrade, but foremost to be able to mitigate potential cross connection contamination to the water distribution system posed by unaddressed leaking fire service lines.

The Code does not currently provide distinction of ownership with respect to existing fire service lines which serve many residential customers. This has become problematic in cases of repair or abandonment of fire service lines. Abandonment of some fire service lines have been authorized by the Castle Rock Fire Department (CRFD), and without a clear distinction of ownership and responsibility, a proper abandonment which clearly protects the integrity of the distribution system from the threat of cross connection would be in question. The same holds true for the need for occasional repair due to leaks on a fire service line.

The proposed Code changes will redefine the limits of ownership of residential fire service lines existing prior to 2018. The ultimate goals are protecting the Castle Rock Water distribution system from cross connection contamination and to minimize potential damage to streets from leaking service lines.

Staff recommends approval of the proposed changes to Titles 13 and 15 and with changes to 15 by reference to Chapter 4.4.10.6 of the Water System Design 2018 Criteria Manual on first and second readings.

### **Notification and Outreach Efforts**

Castle Rock Water staff have shared the proposed code changes with and requested comments from the following stakeholders:

- Technical Review Committee
- Development Review Team
- Developers Roundtable
- Homeowners impacted by the change

There was not significant feedback or any concerns provided by any of these groups.

### **History of Past Town Council, Boards & Commissions, or Other Discussions**

On December 4, 2018, Town Council adopted by ordinance the Water System Design 2018 Criteria Manual, which includes the current policy regarding residential fire service line ownership.

On April 29, 2020, Castle Rock Water Commission reviewed the proposed changes to code and decided to table the issue until a full copy of the ordinance was available for review and a letter to homeowners impacted by the change had been sent.

On May 27, 2020, Castle Rock Water Commission reviewed the ordinance and...

### **Discussion**

Changes to the criteria manual adopted in 2018 established that residential properties requiring a

domestic and fire service line would be served by a single tap on the water distribution main, with the domestic and fire lines teed off the single service line (with separate isolation valves to each), with ownership the same as for a domestic tap. However, prior to this change, residential fire service lines required a separate tap on the distribution main, with ownership of the entire fire protection line from the main to the building, similar to the case for commercial properties. The historic practice of requiring separate, privately owned fire service lines to residential units had become problematic in cases of repair or abandonment of fire service lines. Abandonment of some fire service lines have been authorized by the CRFD. Proper abandonment of the pre-2018 lines requires that the tap be abandoned at the distribution main, within the right of way, in order to protect the integrity of the distribution system. Similarly, a fire service leaking within the right of way line would require the homeowner to complete a costly repair for which most are unsuited to undertake. Leaking fire service lines within the right of way have the potential to cause significant damage to subgrade and street pavement and was one of the driving reasons for changing the criteria manual to allow for residential fire service lines to be teed from the domestic service line within the property outside the right of way, thus limiting the number of service lines within the right of way and eliminating the need for a resident to repair a fire service line within the right of way. The 2018 criteria changes were good, but still left the problem of roughly 165 pre-2018 historic residential fire service lines in the system that resided within the right of way.

There are several reasons for the need for these changes to the Code and the Water System Design Criteria Manual. First, nowhere in Title 13 is there a clear discussion of the ownership of residential fire protection service lines. Title 15 of the code merely adopts by reference the Water System Design 2018 Criteria Manual, which established that fire service lines could be teed from the domestic service line and did not have to be a completely separate service line from the main to the house. However, there are over 165 existing residences (prior to 2018) which are served by two taps

- one for metered domestic water, and one for unmetered fire suppression. It has always been clear from the criteria manual and practice that the residential customer assumes ownership and responsibility of fire service lines from the tap on the distribution main to the building.

Per Title 15 of municipal code, the CRFD can and has required the installation of residential fire lines in particular neighborhoods where firefighting capabilities were compromised due to various reasons. Over time, there have been instances where a residential property owner has petitioned the CRFD, and has been granted permission for the abandonment of their fire service line. In these cases, the owner may not have been aware that their ownership extended to the tap on the distribution main, and/or for financial reasons chose not to properly abandon the service line, but rather to shut the water off at the street. In the case of abandonment, simply shutting the water off at the street is not adequate. A fire service line is a potential cross connection hazard which could compromise the integrity of the distribution system. The line must be disconnected properly from the main to ensure the elimination of a cross connection.

Similarly, since 2006 there have been a number of occasions where leaks have occurred on fire service lines. Under the current practice, customers were notified and reminded of their responsibility to repair the leak. Residential customers may not understand the extent of their ownership responsibilities within the right of way, and being faced with the significant cost of repair, either shut the water off at the property line, or due to inaction, Castle Rock Water was forced to repair the line in order to minimize street damage.

In each of these scenarios and under the current fire service ownership definition, the customer is currently required to pay for and to contract work in the right of way, which is not preferable. Castle Rock Water employees are best equipped to respond to and perform water associated work within the public right of way in a timely manner to protect health, property and infrastructure. This code change will place the ownership and responsibility of performing repairs on residential fire service lines within the Town right of way on Castle Rock Water.

### **Budget Impact**

The financial impact would only be if Castle Rock Water agrees to permanently abandon and cap the fire lines. The idea would be to complete the permanent removal in coordination with a Public Works Pavement Maintenance Project (PW PMP) that would cover the re-asphalting of the street. Total cost of abandonment and repair would be in the realm of approximately \$4,000 - \$5,000 per fire service line as long as the work is combined with a PW PMP project. Castle Rock Water staff propose to charge the customer a standard fee of \$200 to abandon residential fire service lines to help offset the cost for this work. The need to abandon these lines will be a rare event, and this is not expected to be a significant budget impact. Repair of lines in the right of way is also a rare event, and again this is not expected to have a significant budget impact.

### **Staff Recommendation**

Staff and Castle Rock Water Commission recommend approval of the ordinance as presented.

### **Proposed Motion**

*"I move to approve the Ordinance as introduced by title."*

### **Attachments**

Attachment A	Ordinance
Attachment B:	Letter to Homeowners with Fire Lines