

ORDINANCE NO. 2464
INTRODUCED BY: Fiedler

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO,
AMENDING ARTICLE 13 OF THE BRIGHTON MUNICIPAL CODE FOR INSPECTION OF WATER
SERVICE LINES

WHEREAS, customer health and well-being is of utmost importance to the City, and the City is required to examine water service lines for lead as lead exposure can lead to many health issues, such as damage to the brain and nervous system; and

WHEREAS, the City Council seeks to take proactive measures to ensure the water quality at every customer connection meets the water quality standards specified by the Federal Safe Drinking Water Act, the Environmental Protection Agency, and the Colorado Department of Public Health and Environment; and

WHEREAS, the Colorado Department of Public Health and Environment has adopted a new regulation that requires the City to inventory service lines to determine whether any have lead; and

WHEREAS, as a first step in a multi-phase project to achieve these goals, the City requires the ability to access customer property to assess the material of the service line connecting to the City's water utility system ("Project"); and

WHEREAS, due to the many health risks of exposure to lead, the City will be conducting an inventory of services lines; and

WHEREAS, the City Council finds it is in the best interest of the City, its residents, and utility customers to have the municipal code authorize City staff and their contractors to enter upon and access customer property for the health and safety of its residents.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF BRIGHTON, COLORADO,
AS FOLLOWS:

Section 1. Section 13-4-40 shall be amended to read as follows:

Sec. 13-4-40. Inspection of facilities; Right of entry.

The water service facilities required for service of water pursuant to this Article shall be subject to inspection by the Director or any other duly authorized officer at any and all reasonable times in accordance with the right of entry provisions of this Code and as set forth below, and in the event of refusal on the part of any licensee or user of water to permit such inspection, the water service may be thereupon discontinued.

- (a) Duly authorized employees, or contractors working for and on behalf of duly authorized employees, of the City shall be allowed right of entry to areas of private property deemed reasonably necessary to comply with local, state and federal drinking water regulations. Access to areas of the property deemed reasonably necessary for compliance, including the customer-owned service

line or portion of the water service line, may be required and shall be granted following the procedures described in (c) and (d) below.

- (b) Right of entry authorized under this sub-section shall be limited to inspection of pipe materials necessary to confirm that no service line materials exist that may be harmful to the health of the property owner or occupants of the structure.
- (c) The City shall make reasonable efforts to inform the property owner and/or occupant 48-hours in advance of exercising the rights of entry under this section in-person or by informational brochure left at the property.
- (d) The City shall restore the property, to the extent practicable, to the condition prior to the City's right of entry. The City shall make all reasonable effort to prevent damage to the owner-side of the water service line and all other private property and to restore to the prior condition.

Section 2. As provided in City Charter Section 5.9(A), this Ordinance, either as presented or as amended, shall be published in full as it was adopted prior to taking final action. This Ordinance shall be in full force and effect five days after its final publication, as provided in City Charter Section 5.8.

INTRODUCED, PASSED ON FIRST READING AND ORDERED PUBLISHED THIS 7th DAY OF JANUARY 2025.

INTRODUCED, PASSED ON FINAL READING AND ORDERED PUBLISHED BY TITLE ONLY THIS 21st DAY OF JANUARY 2025.

CITY OF BRIGHTON, COLORADO

GREGORY MILLS, Mayor

ATTEST:

NATALIE HOEL, City Clerk

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APPROVED AS TO FORM:

ALICIA CALDERÓN, City Attorney