

**CITY OF CENTRAL, COLORADO  
ORDINANCE 12-13**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CENTRAL,  
COLORADO AMENDING CERTAIN PROVISIONS OF ARTICLE II OF  
CHAPTER 13 OF THE CENTRAL CITY MUNICIPAL CODE; SPECIFICALLY  
REGULATIONS PERTAINING TO YARD HYDRANTS**

**WHEREAS**, the City of Central is a home rule municipality that is authorized, pursuant to its Home Rule Charter, the Colorado Constitution and state law, to adopt ordinances in furtherance of the health, safety and welfare of the City's inhabitants; and

**WHEREAS**, in furtherance of the public health, safety and welfare of the City of Central, the City Council revised Chapter 13 of the Municipal Code through the passage of Ordinance 12-08, adopted following second reading on August 7, 2012; and

**WHEREAS**, at the public hearing on Ordinance 12-08, the City Council requested City staff to delay enforcement of Section 13-124 of the Municipal Code and to consider further amendments to the City's yard hydrant regulations; and

**WHEREAS**, City staff has proposed amendments to the City's existing yard hydrant regulations; and

**WHEREAS**, the City Council considered the proposed revisions to Section 13-124 of the Municipal Code in a Council study session held on October 16, 2012; and

**WHEREAS**, City Council conducted a public hearing, with proper notice provided, to consider adoption of this Ordinance as required by law.

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CENTRAL,  
COLORADO THAT:**

**Section 1.** Section 13-124 of Article II of Chapter 13, titled "Yard hydrants" is hereby amended to read as follows in its entirety:

**Sec. 13-124. Yard hydrants.**

- (a) No yard hydrant or standpipe ("yard hydrant") will be allowed at any premises within the City, unless a premises has an existing yard hydrant on the effective date of this Section. No new yard hydrants shall be installed within the City at any premises following the effective date of this Section.
- (b) Any yard hydrant located within the City on the effective date of this Section shall be allowed to remain for so long as the yard hydrant remains functional and in compliance with all applicable requirements of this Section 13-124. In

all instances, if an existing yard hydrant becomes non-functional and needs to be repaired or replaced in order to properly function, such yard hydrant shall be replaced with a yard hydrant that meets the requirements of the “American Society of Sanitary Engineers (ASSE) Standard 1057, Performance Requirements for Freeze Resistant Yard Hydrants with Backflow Protection” (2001). Any non-functional yard hydrant that is not replaced with a yard hydrant meeting the ASSE requirements shall be permanently removed or otherwise permanently disabled at the homeowner’s expense, in accordance with Subsection (g) below. No yard hydrant shall be utilized as a primary source of potable water for the customer.

- (c) Each yard hydrant allowed pursuant to this Section 13-124 shall:
  - (1) have adequate backflow prevention, consisting of a screw-on vacuum breaker or other backflow preventer approved by the City; and
  - (2) be separately metered with a radio-read meter approved by the City; and
  - (3) Meet the ASSE requirements specified in Subsection (b) of this Section, if an existing yard hydrant is replaced following the effective date of this Section.
- (d) All yard hydrants shall be in compliance with the applicable requirements of Subsection (c) of this Section on or before April 1, 2013. Except as specifically set forth in this Subsection (d), all costs related to complying with the requirements of Subsection (c) of this Section shall be borne by the customer. The City shall reimburse each customer installing a radio-read meter on a yard hydrant fifty percent (50%) of the cost of the radio-read meter, up to a maximum reimbursement of one hundred and twenty five dollars (\$125.00) per customer.
- (e) Any yard hydrant not separately metered by April 1, 2013 shall be subject to a yard hydrant special assessment of four hundred and fifty dollars (\$450.00) per applicable irrigation season. The special assessment shall be billed to the customer at the rate of seventy five dollars (\$75.00) per month for the six month period beginning April 1 of each calendar year and ending September 30 of each calendar year, inclusive. The yard hydrant special assessment is intended to approximate fair and equitable water usage charges for all non-metered yard hydrants. The City shall retain the right to adjust the yard hydrant special assessment by Ordinance, as provided in Section 12.3 of the City’s Home Rule Charter.
- (f) For all premises having a permitted yard hydrant, water meters for said premises will be replaced within the customer’s home, where physically possible and where recommended by the Public Works Department. If the

Public Works Department determines that the water meter may not be replaced within the customer's home, then a meter pit will be considered.

- (g) Any existing yard hydrant not meeting the applicable requirements of this Section must be abandoned and disconnected from the City water system, or otherwise permanently disabled, within thirty (30) days following: (1) the date on which the customer discovers that the yard hydrant is non-functional and fails to replace the yard hydrant as required by Subsection (b) of this Section; or (2) delivery of written notice by the City. If a customer fails to disconnect an unauthorized yard hydrant from the City water system within the applicable time period, the City may proceed to disconnect or permanently disable the same and the customer shall be responsible for all cure charges, as set forth in Section 13-56 of this Chapter, and any other applicable fees or penalties authorized by this Chapter.
- (h) In accordance with Section 13-83 of this Chapter, duly authorized City representatives shall be permitted to enter upon property at reasonable times for the purpose of inspecting yard hydrants in order to properly administer and enforce this Section 13-124.

**Section 2. Codification Amendments.** The codifier of Central City's Municipal Code is hereby authorized to make such numerical and formatting changes as may be necessary to incorporate the provisions of this Ordinance within the Central City Municipal Code.

**Section 3. Severability.** Should any one or more sections or provisions of this Ordinance be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance, the intention being that the various sections and provisions are severable.

**Section 4. Repeal.** Any and all ordinances or codes or parts thereof in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed; provided, however, that the repeal of any such ordinance or code or part thereof shall not revive any other section or part of any ordinance or code heretofore repealed or superseded and this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the effective date of this Ordinance.

**Section 5. Effective Date.** This Ordinance shall become effective immediately following publication, public hearing and the approval of City Council following second reading in accordance with Sections 5.9 and 5.10 of the City Charter.

**INTRODUCED AND READ** by title only on first reading at the regular meeting of the City Council of the City of Central on the 6<sup>th</sup> day of November, 2012, at Central City, Colorado.

**CITY OF CENTRAL, COLORADO**

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Ronald E. Engels, Mayor

Approved as to form:

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Linda C. Michow, City Attorney

ATTEST:

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Reba Bechtel, City Clerk

**PASSED AND ADOPTED** on second reading, at the regular meeting of the City Council of the City of Central on the 20<sup>th</sup> day of November, 2012.

**CITY OF CENTRAL, COLORADO**

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Ronald E. Engels, Mayor

ATTEST:

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Reba Bechtel, City Clerk

**POSTED IN FULL AND PUBLISHED BY TITLE AND SUMMARY** in the Weekly Register Call newspaper on November 8, 2012.

**POSTED AND PUBLISHED BY TITLE [AND SUMMARY IF AMENDED ON SECOND READING]** in the Weekly Register Call newspaper on November 22, 2012.

**CITY OF CENTRAL, COLORADO**

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Ronald E. Engels, Mayor

ATTEST:

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Reba Bechtel City Clerk