

CHAPTER 3 PUBLIC PROPERTY AND PUBLIC WORKS

ARTICLE 9 GROUNDWATER UNDERDRAINS

PART 1 TITLE

SECTION:

3.9.101: Title

3.9.101: TITLE: The title of this Article shall be The City Groundwater Underdrain Code and this article may be cited as such.

CHAPTER 3 PUBLIC PROPERTY AND PUBLIC WORKS

ARTICLE 9 GROUNDWATER UNDERDRAINS

PART 2, GENERAL PROVISIONS

SECTION:

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3.9.201 DEFINITIONS: Unless the context specifically indicates otherwise, the following terms, as used in this article, shall have the meanings hereinafter designated:

Article or this article: means Chapter 3, Article 9 of this Code of the City of Colorado Springs.

Groundwater: Subterranean water (permeated stormwater).

Service line: The underdrain line extending from the property, building, establishment, or grounds up to and including the connection to the underdrain main line. Service lines are owned by the property owner.

Underdrain main line: The underdrain in the public street, right-of-way or easement which collects and transports groundwater from connected service lines and is connected to the City's stormwater system.

House: Detached residential structure containing no more than three single family dwelling units.

### 3.9.202 LEGISLATIVE DECLARATION:

- A. The general health, safety and welfare of the people of Colorado Springs is protected and safeguarded by stormwater and drainage control. The City Council finds that the provision of underdrains in the public streets, right-of-way and easements especially but not limited to those built by developers, sometimes results in underdrain failures, which can cause water damage to private property, public property, public streets, and public infrastructure. There is no clear delineation of ownership of underdrains in the City's public streets, which creates confusion regarding maintenance or repair of the underdrain systems.
- B. The City Council finds and declares that, effective on January 1, 2010, all underdrain main lines in the streets, right-of-way and easements owned by the City are a part and facility of the City's stormwater system and shall be City Property upon acceptance of the Street and termination of all builder or developer warranty period in accord with the City's Subdivision Code.

3.9.203 CONNECTION REQUIRED: PERMITS: The owner and builder of any house, for which construction commences on or after January 1, 2010 and which includes an underdrain system in its construction plans, and which is situated within the City and abutting any street, alley or right of way in which there is now located, or may in the future be located, an underdrain main line, is hereby required at the builder and owner's expense to connect the house's foundation drain system by means of a service line directly with the underdrain main line in accord with the provisions of this article. The point or points at which connection is made to the underdrain main line shall be determined by the City Engineer. No connection to the underdrain main line shall be made without first obtaining a permit issued by the City Engineer. No refunds for unused permits shall be made, and permits shall not be transferable.

### 3.9.204: CONNECTION REQUIRED: VIOLATION:

- A. It shall be unlawful for any person who builds or owns any house adjacent to a public street which is subject to this article to fail to connect to the underdrain main line in

accord with the requirements of this article unless specifically waived in writing by the City Engineer.

B. It shall be unlawful for any person to connect any surface stormwater system, including but not limited to roof gutters and downspouts, or discharge any other materials into the underdrain system. The groundwater underdrain system is strictly for the purposes of groundwater collection.

3.9.205: CONNECTIONS ALLOWED FOR BUILDINGS THAT DO NOT FIT THE DEFINITION OF A HOUSE: The City Engineer may allow connections of other buildings to the underdrain main line based on environmental considerations. These connections if allowed shall be subject to this article and will require the issuance of a revocable permit per section Chapter 3 Article 2.

3.9.206: CONNECTION TO SYSTEM: EXCLUSION OF LIABILITY: The City shall not be subjected to any liability for any deficiency in the connection to an underdrain main line or the construction or installation of any underdrain main line which is not discovered by inspection, nor shall the owner or builder of the premises be absolved from liability for the deficiency and any resulting damage or from responsibility to correct the deficiency.

3.9.207: INSTALLATION AND CONNECTION: EXCAVATIONS FOR: All excavations for service line connections or repair shall be performed in accord with this Code and the rules and regulations of the City Engineer, as applicable.

3.9.208: SERVICE LINE CONFORMANCE TO RULES AND REGULATIONS: The size, slope, alignment, and materials of construction of a service line, and the methods to be used in excavating, placing of the pipe, otherwise installing the service line, connecting to the main line, jointing, testing, backfilling and inspection of a trench shall all conform the requirements of the Building Code and Plumbing Code as adopted by the City Council, and other City and Springs Utilities standard specifications, applicable rules and regulations.

3.9.209: SERVICE LINES SEPARATE FOR EACH BUILDING: EXCEPTIONS:

- A. The owner or builder shall provide a separate and independent underdrain service line for each and every structurally independent residential, building, whether or not they are on a single platted lot under common ownership, unless the City Engineer, in the reasonable exercise of the City Engineer's discretion, may determine that other means are more suitable in the operation of the underdrain system.
- B. The City does not assume any obligation nor acquire any liability whatsoever for damage to the connecting property or any portion thereof or any other properties caused by or resulting from any connection to a underdrain main line as aforementioned, or from the failure of the service line or underdrain main line.

3.9.210: MAINTENANCE OF SERVICE LINES: Responsibility for the maintenance and repair or replacement of an underdrain service line and appurtenances thereto, in public streets or public easements, shall be borne by the owner of the premises. Where more than one premises are connected to a single service line, the owners of the respective premises shall be jointly and severally responsible for the maintenance, repair, or replacement of the service line which is the owner's responsibility. The maintenance, repair or replacement of a service line or larger collected service line systems located within private streets, private rights-of-way or other private easements is the responsibility of the owner.

3.9.211: COMPLIANCE WITH SUBDIVISION REQUIREMENTS: No service line or underdrain main line shall be laid or placed in any proposed addition or subdivision within the City until the addition or subdivision is platted and approved in accord with this Code.

3.9.212: UNDERDRAIN MAIN LINE CONNECTION FEE:

- A. An underdrain main line connection fee is hereby imposed on each connection to an underdrain main line. The fee shall also be imposed on each property annexed into the City which is connected to an underdrain system located in any street which becomes a City street through the annexation process. The fee shall be used to pay for the operation, maintenance, administration, capital improvements, construction or reconstruction, and routine functions of the City underdrain main line system. This fee is deemed by the City Council to be in payment for use of the City underdrain main line system by the connecting property on which the fee is imposed and the owners thereof. The underdrain main line connection fee rate and structure shall be set from time to time by City Council Resolution.
- B. Payment due: The underdrain main line connection fee shall be paid at the time the building permit for the building is issued. No building permit shall be issued unless and until the underdrain main line connection fee is paid.

- C. Underdrain Main Line Connection Fund: There is hereby created an underdrain Main Line Connection Fund which shall be a fund of the City of Colorado Springs. All underdrain main line connection fees collected by the City shall be deposited into the Underdrain Main Line Connection Fund. The fees, and any other funds, placed into the Underdrain Main Line Connection Fund shall only be used to fund the activities set forth in this section, and shall not be placed into the City's general fund or used for any purpose other than the functions and activities of this section.
- D. Nothing in this article shall relieve any person from the obligation to pay plan review fees, inspection fees or any other fees as may be required through the Development Review Process, for Excavation or other permits, or any other City fee or charge whatsoever.

3.9.213: CITY PROPERTY EXEMPT: The underdrain main line connection fee shall not be imposed or collected on any City building or facility.

3.9.214: COLLECTION ENFORCEMENT:

- A. Determination and collection of fees: Any underdrain main line connection fee due to the City which is not paid when due may be recovered by the City Attorney in an action at law. The employees of the City shall, at all reasonable times, have access to any premises within the City for inspection, repair or the enforcement of the provisions of this Article and for the proper determination of fees.
- B. Unpaid fees to be a priority lien: All fees made pursuant to this Article shall be a priority lien upon the property to which the fee is associated from the date the fee becomes due until such fee is paid. The owner of every building, premises, lot or house shall be obligated to pay the fee imposed thereon. No changes of ownership or occupation shall affect the application of this Article and the failure of any owner to learn that he or she purchased property against which a lien for an underdrain main line connection fee exists shall in no way affect the responsibility for such payment. Any delinquent amount may be enforced by assessment upon the property and premises served and certification to the El Paso County Treasurer for collection under and pursuant to the authority and procedure provided in the City Code.