

**PUBLIC WORKS AND UTILITIES
MEMORANDUM #09-26**

DATE: June 11, 2009
TO: Honorable Mayor Kathleen M. Novak and City Council Members
FROM: Bill Simmons, City Manager *WAS*
David Willett, Director of Public Works/Utilities *DW*
Raymond Reling, Chief Plant Operator *RR*
Pam Acre, Stormwater Coordinator *PA*
Shelley Stanley, Water Quality Coordinator *SS*

SUBJECT: Regulating Horses on Public Lands for Water Quality Protection CB-1675

RECOMMENDATION:

No formal action is required at this time. This report is being provided at the request of City Council for informational purposes, summarizes regulation of horses in nearby communities, and potential impacts to water quality.

BACKGROUND:

Regulation of Horses: A search of a number of nearby municipalities (Adams County, Arvada, Aurora, Broomfield, Commerce City, Denver, Douglas County, Golden, Jefferson County, Lakewood, Thornton, and Westminster) was conducted. Most do not have specific ordinances prohibiting horses from public Right-of-Way (ROW). For example, Arvada prohibits horses from public parks except for designated equestrian trails, but does not prohibit horses on public ROW. Westminster code states livestock (horses are not specified) is prohibited in residential-zoned private properties, but there is no restriction on livestock on public ROW and open space. Thornton states that horseback riding shall be permitted only upon authorized bridle paths, unless other areas are specifically designated by the Director, but the current trail map does not designate any such paths.

Most municipalities require dog owners to pick up after their dogs, several have language that requires animal owners to remove waste from public and private (not their own) properties.

A member of Denver's stormwater program stated that since Denver has such a long history related to livestock and has a mounted police patrol unit, that "horses are a tradition more so then [sic] a nuisance in Denver".

Regulatory background: Escherichia coli (E. coli) is regulated both in raw water (streams, creeks, ponds, lakes, and reservoirs) and in treated (drinking) water. The Environmental Protection Agency (EPA) is the overarching water quality regulatory agency for the United States. The principal EPA regulations related to water quality are the: Clean Water Act (CWA) for raw water and the Safe Drinking Water Act (SDWA) for treated water. States are allowed to adopt state specific water quality standards as long as the statewide standards are at least as strict as the national or EPA standards, this is called primacy. Colorado is a primacy state.

Water quality standards for both raw and treated water are set by the Colorado Water Quality Control Commission (Commission). The Commission is the administrative agency responsible for developing specific state water quality policies. The Commission adopts water quality classifications and standards for surface and ground waters of the state, as well as various regulations aimed at achieving compliance with those classifications and standards.

The Colorado Water Quality Control Division (Division) is the enforcement agency. The Division is Colorado's leading agency for monitoring and reporting on the quality of state waters, preventing water pollution, protecting, restoring and enhancing the quality of surface and groundwater, and assuring that safe drinking water is provided from all public water systems.

Streams and lakes throughout our state are classified into use categories. The water quality in the streams and lakes must meet one or more of the designated use classifications. The four use classifications are: Recreation, Aquatic Life, Agriculture, and Domestic Water Supply. Recreation is further divided into four subcategories:

- Class E – Existing Primary Contact Use (formerly Rec 1a)
- Class P – Potential Primary Contact Use (formerly Rec 1b)
- Class N – Not Primary Contact Use (formerly Rec 2)
- Class U – Undetermined Use

Not all of the streams and lakes in Colorado have a use classification; consequently, the Division has no regulatory control in this situation. Grange Hall Creek does not have a use classification, and is not a source of drinking water supply for the City therefore it is not required to be monitored.

Escherichia coli (E. coli) is a pathogen indicator and has a water quality standard applied to both recreational and domestic water supply use classifications. The E. coli criterion adopted for recreation Class E is 126 colony forming units (cfu) per 100 milliliters (ml) of raw water. This level is based on EPA criteria recommendations, which are derived from an anticipated risk level of 8 swimmer illnesses per 1000 swimmers. The recreation Class P criterion of 205 cfu per 100 ml is based on a policy decision to accept a higher risk level - 10 illnesses per 1000 swimmers - for this classification, based on the assumption that primary contact uses are not currently likely to be occurring for these water segments, although such uses may be a potential in the future. The E. coli criterion for recreation Classes N and U waters is set at 630 cfu per 100 ml, based on an EPA policy recommendation that the criteria for secondary recreation uses not be set higher than five times the primary use standard. Finally, the E. coli criterion for domestic water supply is 630 cfu per 100 ml.

No information on monitoring for water quality impacts associated specifically with horse waste has been conducted by any of the above mentioned municipalities including Northglenn.

STAFF REFERENCE:

If Council Members have any comments or questions, they may contact Raymond Reling at (303) 450-4049 or rreling@northglenn.org.

SPONSORED BY: COUNCIL MEMBERS DOWNING AND PAIZ

COUNCILMAN'S BILL

ORDINANCE NO.

No. CB-1675
Series of 2009

Series of 2009

A BILL FOR AN ORDINANCE AMENDING SECTION 14-3-8 OF THE NORTHGLENN MUNICIPAL CODE TO PROHIBIT HORSES ON PUBLICLY OWNED OR MAINTAINED PARK OR OPEN SPACE PROPERTY

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

Section 1. Section 14-3-8 of the Northglenn Municipal Code is amended by the addition thereto of a new subsection (h) to read as follows:

(h) It shall be unlawful for any person to permit or allow a horse on publicly owned or maintained park or open space property, including trails, unless such person has received written permission from the City Manager in the form of a permit or license for a special event or parade.

INTRODUCED, READ AND ORDERED POSTED this 11th day of June, 2009.


KATHLEEN M. NOVAK
Mayor

ATTEST:


JOHANNA SMALL, CMC
City Clerk


PASSED ON SECOND AND FINAL READING this _____ day of _____, 2009.

KATHLEEN M. NOVAK
Mayor

ATTEST:

JOHANNA SMALL, CMC
City Clerk

APPROVED AS TO FORM:



COREY Y. HOFFMANN
City Attorney