

ORDINANCE NO. 20

Series 2021

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ASPEN, COLORADO, AMENDING AND ADDING TO TITLE 25 OF THE MUNICIPAL CODE OF THE CITY OF ASPEN--UTILITIES--SPECIFICALLY CHAPTERS 25.04 ELECTRICITY; 25.08 WATER SERVICE – GENERAL PROVISIONS; 25.12 UTILITY CONNECTIONS; 25.16 WATER RATES AND CHARGES; 25.30 WATER EFFICIENT LANDSCAPING STANDARDS; AND, DELETING CHAPTER 25.24 SUPPLY OF MUNICIPAL WATER FOR SNOWMAKING PURPOSES.

WHEREAS, the City owns and operates a public electric and water system; and

WHEREAS, the City Council has adopted a policy of requiring all users of the electric and water system operated by the City of Aspen to pay fees that fairly approximate the costs of providing such services; and

WHEREAS, the City Council supports electric and water rate structures that place a value on, and incentive for, conservation and efficiency programs, policies, and improvements; and

WHEREAS, the rates outlined in Title 25 of the municipal code support the Utilities revenue stream and ultimately support the ever-increasing costs of utility operation, long-range planning, resource development, and sustainability programing.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASPEN, COLORADO:

Section 1.

That Title 25 of the Municipal Code of the City of Aspen, Colorado, which section sets forth Utilities, is hereby amended, and added to, to read as follows:

Chapter 25.04. ELECTRICITY

Sec. 25.04.035. Electric Community Investment Fee.

The Electric Department must expand the electric system facilities to accommodate new development without decreasing current reliability and service standards. The Electric Department distributes electricity to the customers in its service area by means of an integrated and interdependent system-wide network of electric facilities. The Electric Community Investment (ECI) fee will be charged to any customer requesting services for new development and expansion of existing services within the service area as measured at breaker size at meter. If breaker size is not listed in Table below, billing amps are rounded up to next available amperage size shown below.

The ECI will provide additional capital to the Electric Department to pay for a portion of the new facilities needed to deliver electric services to new or expanded services. Effective January 1, 2022, all residential, commercial and city facilities customers of the Aspen Electric Department shall pay the ECI fee as follows:

Breaker Amperage	ECI Residential		ECI Commercial		
	1 Phase 120/240V	3 Phase 120/208V	1 Phase 120/240V	3 Phase 120/208V	3 Phase 277/480V
100	\$1,501	\$ 3,001	\$ 4,002	\$ 4,500	\$ 10,385
200	\$3,002	\$ 6,001	\$ 8,004	\$ 9,001	\$ 17,309
300	\$6,003	\$ 9,752	\$ 12,006	\$ 13,501	\$ 31,156
400	\$8,004	\$ 13,003	\$ 16,008	\$ 18,001	\$ 41,542
600	\$12,528	\$ 20,352	\$ 25,056	\$ 28,176	\$ 65,022
800	\$16,704	\$ 27,136	\$ 33,409	\$ 37,568	\$ 86,695
1000	\$20,880	\$ 33,920	\$ 41,761	\$ 46,960	\$ 108,369
1200	\$25,056	\$ 40,704	\$ 50,113	\$ 56,352	\$ 130,043
1400	\$29,233	\$ 47,488	\$ 58,465	\$ 65,744	\$ 151,717
1600	\$33,409	\$ 54,272	\$ 66,817	\$ 75,136	\$ 173,391
1800	\$37,585	\$ 61,056	\$ 75,169	\$ 84,528	\$ 195,065
2000	\$41,761	\$ 67,840	\$ 83,522	\$ 93,920	\$ 216,739
2200	\$45,937	\$ 74,624	\$ 91,874	\$ 103,312	\$ 238,412
2400	\$50,113	\$ 81,409	\$ 100,226	\$ 112,704	\$ 260,086
2600	\$52,368	\$ 85,072	\$ 104,736	\$ 117,776	\$ 271,790
2800	\$54,725	\$ 88,900	\$ 109,449	\$ 123,076	\$ 284,021
3000 and above	\$57,187	\$ 92,901	\$ 114,374	\$ 128,614	\$ 296,802

(Ord. NO 27-2017 ; Ord. No. 24-2019 , § 1, 11-26-2019; Ord. No. 17-2020 , § 1, 11-24-2020)

Sec. 25.04.037. Fees for distributed energy systems attached to Aspen Electric.

- (a) All projects on properties within the City of Aspen Electric Utility service area that require staff and/or engineering review or that will add distributed energy systems that could include battery storage are subject to electric development review fees prior to issuance of a city electric permit.
- (b) The electric development review fee shall be as set forth in Subsection (c) of the Section.
- (c) [Electric Development Review Fees.]

System Size in kW	Distributed Energy System Only	Distributed Energy System and Battery Storage
< 15 kW	\$150.00	\$1,000.00
15 kW and up	\$500.00	\$1,000.00

Sec. 25.04.039 Senior electric rates.

Any qualified senior citizen who so applies shall be entitled to an adjustment in the individual electric residential availability rates set forth in Section 25.04.040.

Qualified senior citizen shall be defined by the Pitkin County Social Services Department in consultation with the Pitkin County Senior Services Council.

The Utilities Director shall first coordinate with Pitkin County Social Services Department and the Pitkin County Senior Services Council as necessary to ensure that qualified senior citizens are made aware of their eligibility for this program and application procedure is conducive to their participation.

A metered residence owned or leased by qualified seniors shall pay on a monthly basis the sum of charges of: Seventy percent (70%) of standard availability charge; one hundred percent (100%) of electric consumption charge (kwh); and applicable sales tax.

(Ord. No. 17-2020, § 1, 11-24-2020)

Sec. 25.04.040. Electric service rates.

- (a) Effective in the January 2022 monthly billing, all residential, commercial and city facilities customers of the Aspen Electric Department shall pay a monthly customer availability charge as follows:

AMP Size	Standard Residential Customer	Senior Residential Customer - 70%	Small Commercial Customer	Large Commercial Customer
100 AMP	\$22.72	\$15.91	\$27.19	\$24.58
200 AMP	\$44.24	\$30.97	\$52.39	\$45.46
300 AMP	\$88.68	\$62.08	\$85.72	\$72.49
400 AMP	\$129.27	\$90.49	\$124.68	\$104.50
600 AMP	\$228.04	\$159.63	\$219.50	\$183.92
800 AMP	\$343.76	\$240.63	\$330.59	\$278.16
1000 AMP	\$478.85	\$335.19	\$460.28	\$386.45
1200 AMP	\$625.15	\$437.61	\$600.73	\$507.72
1600 AMP	\$962.74	\$673.92	\$924.81	\$780.38
1800 AMP	\$1,146.12	\$802.28	\$1,100.85	\$935.77
2000 AMP	\$1,350.62	\$945.43	\$1,297.17	\$1,102.08
2200 AMP	\$1,580.22	\$1,106.16	\$1,517.69	\$1,289.43
2400 AMP	\$1,848.86	\$1,294.20	\$1,775.70	\$1,508.64
2600 AMP	\$2,163.17	\$1,514.22	\$2,077.57	\$1,765.10
2800 AMP	\$2,530.91	\$1,771.64	\$2,430.75	\$2,065.17
3000 AMP and above	\$2,961.16	\$2,072.81	\$2,843.98	\$2,416.25

- (b) In addition to the monthly customer availability charge, and effective in the January 2022 monthly billing, the residential customer shall pay the sum of the metered use of electric energy measured in kilowatt-hours (kWh) during the department's monthly meter reading cycle multiplied by the appropriate service rate as follows:

AMP Size	Usage Up To	Per KWh	Additional Usage Up To	Per KWh	Additional Usage Up To	Per KWh	Remaining Usage Over	Per KWh
100 AMP	400	\$0.0865	1,080	\$0.1296	1,920	\$0.1964	1,920	\$0.3438
200 AMP	520	\$0.0865	1,360	\$0.1296	2,800	\$0.1964	2,800	\$0.3438
300 AMP	1,600	\$0.0865	3,600	\$0.1296	6,160	\$0.1964	6,160	\$0.3438
400 AMP	1,600	\$0.0865	3,600	\$0.1296	6,160	\$0.1964	6,160	\$0.3438
600 AMP	2,800	\$0.0865	5,440	\$0.1296	8,800	\$0.1964	8,800	\$0.3438
800 AMP	2,800	\$0.0865	5,440	\$0.1296	8,800	\$0.1964	8,800	\$0.3438
1000 AMP	2,800	\$0.0865	5,440	\$0.1296	8,800	\$0.1964	8,800	\$0.3438
1200 AMP	2,800	\$0.0865	5,440	\$0.1296	8,800	\$0.1964	8,800	\$0.3438
1600 AMP	2,800	\$0.0865	5,440	\$0.1296	8,800	\$0.1964	8,800	\$0.3438
1800 AMP	2,800	\$0.0865	5,440	\$0.1296	8,800	\$0.1964	8,800	\$0.3438
2000 AMP	2,800	\$0.0865	5,440	\$0.1296	8,800	\$0.1964	8,800	\$0.3438
2200 AMP	2,800	\$0.0865	5,440	\$0.1296	8,800	\$0.1964	8,800	\$0.3438
2400 AMP	2,800	\$0.0865	5,440	\$0.1296	8,800	\$0.1964	8,800	\$0.3438
2600 AMP	2,800	\$0.0865	5,440	\$0.1296	8,800	\$0.1964	8,800	\$0.3438
2800 AMP	2,800	\$0.0865	5,440	\$0.1296	8,800	\$0.1964	8,800	\$0.3438
3000 AMP and above	2,800	\$0.0865	5,440	\$0.1296	8,800	\$0.1964	8,800	\$0.3438

- (c) Effective January 1, 2022, all electric accounts that service 5 or more individual units shall be considered a small commercial customer and shall have rates associated with a small commercial account rather than a residential account. Additionally, all commercial accounts that do not meet the requirements for large commercial designation shall be considered small commercial accounts, which includes previous class of small commercial city facilities customers and current and future Electric Vehicle charging stations. In addition to the monthly customer availability charge, and effective in the January 2022 monthly billing, the small commercial customer shall pay the sum of the metered use of electric energy measured in kilowatt-

hours (kWh) during the department's monthly meter reading cycle multiplied by the appropriate service rate as follows:

AMP Size	Usage Up To	Per KWh	Additional Usage Up To	Per KWh	Additional Usage Up To	Per KWh	Remaining Usage Over	Per KWh
100 AMP	880	\$0.0928	2320	\$0.1160	4800	\$0.1741	4800	\$0.2813
200 AMP	1280	\$0.0928	3120	\$0.1160	5760	\$0.1741	5760	\$0.2813
300 AMP	3360	\$0.0928	7120	\$0.1160	12240	\$0.1741	12240	\$0.2813
400 AMP	3360	\$0.0928	7120	\$0.1160	12240	\$0.1741	12240	\$0.2813
600 AMP	6560	\$0.0928	13200	\$0.1160	18400	\$0.1741	18400	\$0.2813
800 AMP	13600	\$0.0928	28000	\$0.1160	44800	\$0.1741	44800	\$0.2813
1000 AMP	13600	\$0.0928	28000	\$0.1160	44800	\$0.1741	44800	\$0.2813
1200 AMP	13600	\$0.0928	28000	\$0.1160	44800	\$0.1741	44800	\$0.2813
1600 AMP	13600	\$0.0928	28000	\$0.1160	44800	\$0.1741	44800	\$0.2813
1800 AMP	13600	\$0.0928	28000	\$0.1160	44800	\$0.1741	44800	\$0.2813
2000 AMP	13600	\$0.0928	28000	\$0.1160	44800	\$0.1741	44800	\$0.2813
2200 AMP	13600	\$0.0928	28000	\$0.1160	44800	\$0.1741	44800	\$0.2813
2400 AMP	13600	\$0.0928	28000	\$0.1160	44800	\$0.1741	44800	\$0.2813
2600 AMP	13600	\$0.0928	28000	\$0.1160	44800	\$0.1741	44800	\$0.2813
2800 AMP	13600	\$0.0928	28000	\$0.1160	44800	\$0.1741	44800	\$0.2813
3000 AMP and above	13600	\$0.0928	28000	\$0.1160	44800	\$0.1741	44800	\$0.2813

- (d) In addition to the monthly customer availability charge, and effective in the January 2022 monthly billing, the large commercial customer, which includes previous class of large commercial city facilities customers and current and future Electric Vehicle charging stations, (with operable demand metering systems in place and measured usage of forty (40) kW and greater) shall pay the sum of the metered use of electric energy

measured in kilowatt-hours (kWh) during the department's monthly meter reading cycle multiplied by the appropriate service rate as follows, plus a demand charge per kW of metered customer peak usage for that meter reading cycle:

AMP Size	Usage Up To	Per KWh	Remaining Usage Over	Per KWh	Demand Charge on Customer Peak kW
100 AMP	23200	\$0.0638	23200	\$0.0797	\$19.83
200 AMP	23200	\$0.0638	23200	\$0.0797	\$19.83
300 AMP	23200	\$0.0638	23200	\$0.0797	\$19.83
400 AMP	23200	\$0.0638	23200	\$0.0797	\$19.83
600 AMP	23200	\$0.0638	23200	\$0.0797	\$19.83
800 AMP	23200	\$0.0638	23200	\$0.0797	\$19.83
1000 AMP	23200	\$0.0638	23200	\$0.0797	\$19.83
1200 AMP	23200	\$0.0638	23200	\$0.0797	\$19.83
1600 AMP	23200	\$0.0638	23200	\$0.0797	\$19.83
1800 AMP	23200	\$0.0638	23200	\$0.0797	\$19.83
2000 AMP	23200	\$0.0638	23200	\$0.0797	\$19.83
2200 AMP	23200	\$0.0638	23200	\$0.0797	\$19.83
2400 AMP	23200	\$0.0638	23200	\$0.0797	\$19.83
2600 AMP	23200	\$0.0638	23200	\$0.0797	\$19.83
2800 AMP	23200	\$0.0638	23200	\$0.0797	\$19.83
3000 AMP and above	23200	\$0.0638	23200	\$0.0797	\$19.83

- (e) In addition to the monthly customer availability charge, and effective in the January 2022 monthly billing, an alternative 200 AMP customer rate shall be available for new deed-restricted, residential properties with electric heat and built in compliance with International Energy Conservation Codes 2015 edition as stated in Municipal Code 8.46 including amendments as stated in Ordinance 40, Series of 2016. This rate will only be applied to deed-restricted residential electric accounts that have been reviewed and approved as a qualifying residential property by the Utilities Director. This rate shall be the sum of the metered use of electric energy measured in kilowatt-hours (kWh) during the department's monthly meter reading cycle multiplied by the appropriate service rate as follows:

AMP Size	Usage Up To	Per KWh	Additional Usage Up To	Per KWh	Additional Usage Up To	Per KWh	Remaining Usage Over	Per KWh
200 AMP	1,100	\$0.0865	2,800	\$0.1296	4,000	\$0.1964	4,000	\$0.3438

(Code 1971, § 23-18.1; Ord. No. 42-1984, § 1 ; Ord. No. 76-1992, § 1 ; Ord. No. 36-1996, § 1 ; Ord. No. 41-2004, § 1 ; Ord. No. 7-2006, § 1 ; Ord. No. 37-2008 ; Ord. No. 29-2011 ; Ord. No. 36-2011 ; Ord. No. 37-2014, § 1 ; Ord. No. 44-2015 , Ord. No. 38-2016 , Ord. No. 27-2017 ; Ord. No. 28-2018 ; Ord. No. 24-2019 , § 1, 11-26-2019; Ord. No. 17-2020 , § 1, 11-24-2020)

Sec. 25.04.046. Property owners financially liable for unpaid utility charges and fees. In situations where unpaid electric utility charges and fees remain on a finalized owner or tenant account, the current owner will be financially responsible and liable for these previous amounts due forty-five (45) days after the transfer of previous owner or tenant.

Chapter 25.08. WATER SERVICE—GENERAL PROVISIONS

Sec. 25.08.090. Equivalent capacity units.

(a) All water service shall be rated by the Water Department in accordance with the following table:

(1) LONG-TERM RESIDENTIAL (Occupancy extending more than one (1) month):

	ECU
1st full bath	0.36
2nd full bath	0.24
Each additional full bath	0.12
Each kitchen (full cooking facilities)	0.25
Each kitchenette (modest cooking facilities)	0.15
Each bedroom	0.10

(2) LODGING BEDROOMS (Occupancy per person extending less than one (1) month):

	ECU
Each bedroom with no bath or cooking facilities, but with dormitory style bathrooms in hallways	0.45
Each bedroom with no bath, but with modest cooking facilities and dormitory style bedrooms in hallways	0.60
Each bedroom with full bath but no cooking facilities	0.55
Each bedroom with full bath and wet bar (microwave and under the counter icebox)	0.65
Each bedroom with full bath and modest cooking facilities	0.70

(3) SHORT- OR MIXED-TERM RESIDENTIAL (Occupancy per person extending less than one (1) month):

	ECU
Each full bath	0.36
Each kitchen (full cooking facilities)	0.25

Each bedroom	0.30
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(4) IRRIGATION:

	Line Size	Minimum ECU Rating
Each bib hose in addition to sprinkler system (fixed piping/spray or drip emitters, i.e., hose bib w/ irrigation)	Any	0.05
Hose bib only (i.e., hose bib for irrigation):		
1 st hose bib	Any	0.20
2 nd hose bib	Any	0.10
3 rd hose bib	Any	0.05

Yard Hydrant	.5/hydrant
Irrigation System - Spray	0.01/100 Sq. Ft.
Drip Irrigation System	0.001/100 Sq. Ft.

- (5) RESTAURANTS: Each seat: 0.07 ECU.
- (6) NONPROFIT CAFETERIA (including school cafeterias): Each seat: 0.048 ECU 1st 25/0.024 ECU thereafter.
- (7) OFFICE SPACE: Each one hundred (100) square feet: 0.02 ECU.
- (8) RETAIL SPACE: Each one hundred (100) square feet: 0.01 ECU.
- (9) COMMERCIAL RECREATIONAL FACILITIES: Each customer: 0.04 ECU.
- (10) NONPROFIT RECREATIONAL FACILITIES (including school gyms): Each customer/pupil: 0.04 ECU.
- (11) THEATERS, AUDITORIUMS, CONVENTION HALLS AND ASSEMBLY PLACES: Each ten (10) seats: 0.080 ECU year-round/0.048 ECU summer.
- (12) SCHOOL ROOMS (not including cafeteria, kitchens, gyms, auditoriums, and administrative office space): Each pupil: 0.02 ECU per maximum capacity.
- (13) WAREHOUSE OR INDUSTRIAL SPACE: Each one thousand (1,000) square feet: 0.12 ECU.
- (14) GAS STATIONS: Each service or lubrication bay: 0.25 ECU.
- (15) CAR WASHES: Each manual washing bay: 0.95 ECU/each automatic washing bay: 1.45 ECU.
- (16) HOSPITALS, NURSING HOMES, SANITARIUMS, AND DETENTION CENTERS: Each bed: 0.50 ECU.
- (b) The Water Department shall establish fixture or irrigated area maximums for all ECU ratings under Subsection (a). For all fixtures or irrigated area in excess of said maximums, the Water Department shall increase the ECU rating in accordance with the following table:

	ECU
Toilet/urinal	0.05
Mop/laundry sink (per compartment)	0.05
Kitchen sink (per compartment)	0.05
Lavatory sink (per compartment)	0.02
Combo toilets (toilet/bidet, toilet/lav)	0.07
Bar sink (per compartment)	0.05

Garbage disposal	0.05
Household dishwasher	0.10
Commercial dishwasher (per ¼" of supply line diameter)	0.10
Dishwasher drawer (single)	0.05
Steamer oven	0.05
Household clothes washer	0.10
Commercial clothes washer (per ¾" of supply line diameter)	0.10
Commercial icemaker (per ¾" of supply line diameter)	0.05
Steam room	0.08
Water bottle fill station	0.05
Whole home humidifier	0.30
Coffee urn	0.05
Tub/shower (combined or separate)	0.05
Bidet	0.05
Wet saunas	0.08
Humidifiers	0.05
Jacuzzi/spa (per 100 gal. of capacity)	0.02
Swimming pool (per 1,000 gal. of capacity):	0.02
Industrial process or wastewater (not served by sanitary sewer): Each 1,000 gal./day non-consumptively used	1.50
Each 1,000 gal./day consumptively used	3.90
Fountains:	
Non-continuous drinking	0.05
Continuous drinking	0.50
Non-recycling decorative	0.50
Recycling decorative	0.10
Water softener (per ECU):	
Residential	0.02
Commercial	0.01
Fire protection sprinkler heads	0.00

- (c) No outdoor water features will be allowed on Aspen Water utility accounts effective January 1, 2022.
- (d) In the event that the water service cannot be adequately rated under the tables in Subsections (a) and (b) or if there are unusual or special circumstances warranting a special ECU rating, the service may be rated as determined by the Water Department at the customer's expense. The Water Department may also adjust the ECU rating of any water service if the metered demand of such service differs substantially from the ECU rating under Subsections (a) and (b).
- (d) In no event shall the ECU rating be less than the following minimums:

Line Size	Minimum ECU Rating
¾"	1.0
1"	2.0
1¼"	3.0
1½"	4.0
2"	8.0

4"	20.0
6"	30.0
8"	60.0

For line sizes larger than six (6) inches, the minimum ECU rating shall be determined by the Water Department after consultation with the City Manager.

- (e) The ECU rating per customer pursuant to Subsections (a), (b), (c) or (d) shall be applied in calculating utility investment charges under Section 25.12.040 and in calculating monthly demand, extraordinary water use, and fire protection charges under Sections 25.16.010 and 25.16.020.
- (f) Commercial agricultural uses shall be limited to a maximum of one (1) ECU of potable water without the prior express written consent of the City Manager.

(Code 1971, § 23-44; Ord. No. 27-1985, § 1; Ord. No. 36-1995, § 1; Ord. No. 43-1996, § 16; Ord. No. 30-2012 § 4; Ord. No. 15-2019, § 2, 6-24-2019; Ord. No. 24-2019, § 1, 11-26-2019; Ord. No. 17-2020, § 1, 11-24-2020)

Chapter 25.12. UTILITY CONNECTIONS

Sec. 25.12.040. Utility investment charges.

- (a) The utility investment charge per each equivalent capacity unit (ECU) for each billing area shall be as set forth in Subsection (d) of this Section.
- (b) The total utility investment charge for a customer shall be the customer's ECU rating multiplied by the charge in Subsection (d).
- (c) Before any water is furnished, pursuant to a utility connection application and permit, Water Department personnel shall inspect the property designated on the application and shall certify on the application that the ECU rating on the application equals the ECU rating for the property as developed. Prior to inspection, water may only be furnished to the property for construction purposes upon proper payment therefor. If the ECU rating for the property as developed is less than the ECU rating on the application, the applicant shall be entitled to a refund of any overpayment of the total utility investment charge, but no refund shall be made of any utility hookup charge or of any water main extension costs, water rights dedication fees, interest on any overpayment or other connection costs because of a reduced ECU rating. If the ECU rating of the developed property is greater than the ECU rating on the application and no larger or additional connections are made, no water shall be furnished until the deficit in the total utility investment charge has been paid. If a larger or additional connection is made, no water shall be furnished until the deficits in the total utility investment charge, the utility hookup charge and all other applicable charges and fees, have been paid. In every case, the Utility Connection Permit shall be amended as necessary to reflect the final ECU rating for the property, and the connections.
- (d) Utility investment charges (tap fees) are computed as follows:
 - (1) For the purpose of utility investment charge computation, the following fees shall be assessed per ECU effective January 1, 2022:

Billing Area	Charges per ECU
Billing Area 1	\$9,868
Billing Area 2	\$19,736

Billing Area 3	\$19,736
Billing Area 4	\$12,335
Billing Area 5	\$17,269
Billing Area 6	\$19,736
Billing Area 7	\$14,802
Billing Area 8	Reserved

The total utility investment charge shall be the utility investment charge per ECU multiplied by the number of ECU points for the utility connection applied for by the applicant.

- (e) System development charges recommended by the Water Department may be authorized from time to time by the City Council. System development charges are fees intended to provide for additional water system development that is intended to enhance the reliability of City water service to all customers, and may include, for example, well system development fees or plant investment fees. Effective January 1, 2021, Well System Development fees that be calculated at a rate of one thousand six hundred seventy-five dollars (\$1,675.000)/ECU.

(Code 1971, § 23-58; Ord. No. 27-1985, § 1; Ord. No. 54-1986, § 1 ; Ord. No. 34-1988, § 6 ; Ord. No. 19-1990, § 3 ; Ord. No. 39-1993, § 5 ; Ord. No. 30-2012 § 8 ; Ord. No. 28-2018 ; Ord. No. 24-2019 , § 1, 11-26-2019; Ord. No. 17-2020 , § 1, 11-24-2020)

Sec. 25.12.060. Utility hookup charge.

- (a) A utility hookup charge shall be paid to the City to recover the cost of labor and equipment required to make a tap. Effective January 1, 2022, the utility hookup charge shall be as follows:

Line Size	Charges
3/4"	\$1,500.00
1"	\$2,000.00
1.5"	\$2,500.00
2"	\$3,000.00
4"	\$4,000.00
6"	\$5,000.00
8"	\$6,000.00

- (b) In addition to the costs listed above, the cost of the corporation stop, and other materials used in making the tap shall be charged at the actual cost of materials plus a twenty-five percent (25%) handling and stocking charge. The cost of the installation of the corporation stop shall also be included. The water user shall furnish and pay for all other materials, labor and all expenses in and about the making of all connections with the main, including all costs of the service lines and meter installations, except for the specific costs included in the utility hookup charge in this Section.
- (c) If warranted by unusual or special circumstances, the Water Department may impose special utility hookup charges.

(Code 1971, § 23-58; Ord. No. 27-1985, § 1; Ord. No. 54-1986 , § 1; Ord. No. 34-1988, § 6; Ord. No. 19-1990 , § 3; Ord. No. 39-1993 , § 5; Ord. No. 30-2012 § 9; Ord. No. 30-2018 ; Ord. No. 24-2019 , § 1, 11-26-2019; Ord. No. 17-2020 , § 1, 11-24-2020)

Sec. 25.12.070. Additional service; fixtures; credits.

- (a) No additional service, change of fixtures or demand factors, or change in use of an existing utility connection may be made without application and a utility connection permit issued therefor by the Water Department pursuant to this Chapter. Utility connection permits may be subject to conditions necessary to protect the best interests of the city water utility, including a requirement that a larger tap be installed.
- (b) Any additional service, change of fixtures or demand factors or changes in use shall be subject to payment of a utility investment charge (tap fee) and applicable system development charge, based upon the additional ECU rating associated with such additional service, change of fixtures or demand factors or change in use. In no event shall there be any refund or reimbursement under this Section for a reduction in the ECU rating for any utility service. If a larger utility service connection is required, the utility hookup charge shall be assessed as for a new utility service connection.
- (c) In the calculation of the utility investment charge and applicable system development charge to be paid by the owner of residential or commercial structures, which are to be substantially remodeled or rebuilt, the utility investment charge and applicable system development charge shall be the charge determined in accordance with Section 25.12.040 for the completed structure, minus the amount of any utility investment charges and system development charges actually previously paid by the landowner or the predecessor of the landowner for connection of water service to the existing structure or structures on the property. Where structures are not substantially remodeled or rebuilt but are merely renovated or less than substantially remodeled the utility investment charge and system development charge shall be the charge determined in accordance with Section 25.12.040 for a new connection having an ECU rating equal to the difference between the new ECU rating of the structure and the former ECU rating of the structure; provided, however, that new water conserving devices are installed in the structure which meet the City standards for new water using devices.
 - (1) "Substantial remodel" shall be defined as the increase by fifty percent (50%) in the water using capacity of new water using devices or fixtures installed on a property, as measured by the ECU rating of the existing and proposed structure(s).
 - (2) "Rebuilt" shall be defined as the removal and total reconstruction of a structure on a particular piece of property.
 - (3) The calculation for the credit to be given for property on which the structures are substantially remodeled or rebuilt shall take into account the amount actually paid for utility investment charges (tap fees) and system development charges in the records as maintained by the City. If no such records are maintained or it is impossible to determine the credit to be given, the credit shall be as calculated by the Water Department, taking into account the following in addition to other criteria deemed relevant:
 - a. Size of the water main servicing the area;
 - b. Size of the service line to the property;
 - c. Size of the meter installed;
 - d. Age and use of the building;
 - e. Date of original connection to the city water service;
 - f. History of fixture installations and upgrades;
 - g. Fees charged to similarly situated customers
 - h. Any verifiable and relevant records of the applicant;

- i. Consideration other than money (e.g., water system upgrades, easements, or water rights) given to the City in exchange for the charge for utility connection or net benefit to the water system; and,
 - j. Unamortized capital expended for improvements to the system since the date of connection which has not been recovered by the water rates paid by the landowner.
- (4) In the event the landowner disputes the amount of credit to be given, he or she shall request and pay the costs of arbitration of the issue by the manager of the City of Aspen Finance department. The conclusion of the arbitrator shall be final if the land is located within the incorporated limits of the City. The City, at its sole discretion, may decline to connect or increase water service for customers outside of the City at the credit established by the arbitrator.

(Code 1971, § 23-62; Ord. No. 27-1985, § 1; Ord. No. 19-1990 ; Ord. No. 30-2012 § 10; Ord. No. 17-2020 , § 1, 11-24-2020)

Sec. 25.12.150. Disconnections; maintenance of corporation stop, curb stop, curb box and meters.

- (a) In case any owner of premises on which water is used shall cease to use water and desires to disconnect his or her premises, he or she shall not be permitted to remove the curb stop, curb box or meter and appurtenances, except with permission from the Water Department. Corporation stops will be installed by the Water Department but are the property of the owner and shall only be removed or operated by the owner.
- (b) The owner of property serviced shall be responsible for the repair and maintenance of the service line, corporation stop, curb stop, curb box and meter and is further responsible for insuring that none of the above become damaged or inaccessible by reason of landscaping, foliage, or construction of improvements on the premises. Note: Maximum allowable age of water meters installed within the Aspen Water Service Area is twenty-five (25) years. Water meters exceeding twenty-five (25) years of age will be required for replacement by the Aspen water department through a customer outreach process. New water meters and their install will be at the expense of the property owner.
- (c) In such event a meter, remote and/or Meter Transmitting Unit (MTU) is damaged or concealed or otherwise made inaccessible, the Water Department shall direct that the water user be billed the unmetered rate for his or her water service until such time as the meter, remote and/or MTU is again made operable or accessible by the owner.

(Code 1971, § 23-70; Ord. No. 27-1985, § 1; Ord. No. 30-2102 § 18; Ord. No. 17-2020 , § 1, 11-24-2020)

Chapter 25.16. WATER RATES AND CHARGES

Sec. 25.16.010. Monthly rates for metered water service.

All metered water accounts except temporary construction, grandfathered-in, and pre-tap customer accounts shall pay on a monthly basis the sum of charges one (1) through four (4) that follow:

- (a) Effective in the January 2021 monthly billing, all metered accounts shall pay a monthly demand charge per ECU as follows:

Billing Area	Billing Factor (Included)	Per ECU Rate
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1	1.00	\$6.22
2	2.00	\$12.44
3	2.00	\$12.44
4	1.25	\$7.78
5	1.75	\$10.89
6	2.00	\$12.44
7	1.50	\$9.33

- (b) Effective in the January 2021 monthly billing, all metered accounts shall pay a monthly variable charge per ECU as follows:

Usage Per ECU Up To	Per 1,000 Gallons Rate	Additional Usage Per ECU Up To	Per 1,000 Gallons Rate	Additional Usage Per ECU Up To	Per 1,000 Gallons Rate	Remaining Usage Per ECU Over	Per 1,000 Gallons Rate
4,000	\$3.31	12,000	\$4.24	16,000	\$6.08	16,000	\$9.11

- (c) Effective in the January 2021 monthly billing, all metered accounts within service area pumped zones shall pay a monthly pumping charge per one thousand (1,000) gallons as follows:

# of Pumps	Rate Per 1,000 Gallons Pumped
1	\$2.85
2	\$5.70
3	\$8.55

- (d) Effective in the January 2021 monthly billing, all metered accounts shall pay a monthly fire protection charge per ECU as follows:

Billing Area	Billing Factor (Included)	Per ECU Rate
1	1.00	\$4.06
2	2.00	\$8.12
3	2.00	\$8.12
4	1.25	\$5.08
5	1.75	\$7.11
6	2.00	\$8.12
7	1.50	\$6.09

(Code 1971, § 23-101; Ord. No. 27-1985, § 1 ; Ord. No. 48-1986, § 1[A]; Ord. No. 51-1987, § 1 ; Ord. No. 18-1988, § 1; Ord. No. 34-1988, § 1 ; Ord. No. 19-1990, § 2 ; Ord. No. 39-1993, § 6; Ord. No. 45-1999, § 16 ; Ord. No. 41-2004, § 2 [part] ; Ord. No. 7-2006, § 2 ; Ord. No. 35-2011, § 2 ; Ord. No. 30-2012 § 20 ; Ord. No 38-2014, § 1 ; Ord. No 45-2015 § 1 , Ord. No. 38-2016 ; Ord. No. 27-2017 ; Ord. No. 28-2018 ; Ord. No. 24-2019 , § 1, 11-26-2019; Ord. No. 17-2020 , § 1, 11-24-2020)

Sec. 25.16.011. Bulk rates for metered water service.

- (a) Effective in the January 2021 monthly billing, the bulk water sales rate and two-tier structure for Buttermilk Metro District will be:

Monthly Block Tiers In Per 1,000 Gallons	Rate Per 1,000 Gallons
First 2,940 gallons	\$5.12
Over 2,940 gallons	\$12.01

- (b) Effective January 1, 2019, the demand charge per fill up for the filler hydrant bulk water sales pursuant to Subsection 25.08.020(e) shall be twenty dollars (\$25.00) per use.
- (c) Effective January 1, 2019, the variable charge for filler hydrant raw water bulk water sales pursuant to Subsection 25.08.020(e) shall be \$15.00 per 1,000 gallons.

(Ord. No. 45-2015 , Ord. No. 38-2016 ; <https://records.cityofaspen.com/WebLink/DocView.aspx?id=1412784> web="yes">Ord. No. 28-2018 ; Ord. No. 24-2019 , § 1, 11-26-2019; Ord. No. 17-2020 , § 1, 11-24-2020)

Sec. 25.16.012. Raw water rates for general raw water accounts.

- (a) The raw water rates for non-pressurized raw water irrigation accounts for unmetered service on a per thousand (1,000) irrigated square foot basis to be billed prospectively on an annual basis at the start of each irrigation season are as follows:
- (b) Effective January 1, 2021 the non-pressurized raw water rate per irrigation season is as follows:

Non-Pressurized Raw Water	2022 Rate
Per 1,000 Sq. Ft.	\$41.79

- (c) Carriage rates for raw water (refer to "Definitions" section), shall be the same as set forward in Paragraph (d) below except where a valid contract for conveyance of the customer's own water rights provides for a different rate.
- (d) It shall be unlawful for any person to pump or convey water from the raw water ditches without a valid raw water license agreement. Any persons doing so will be subject to a penalty of five hundred dollars (\$500.00) for the first offense, one thousand dollars (\$1,000.00) for the second offense and one thousand five hundred dollars (\$1,500.00) for each additional offense.

(Ord. No. 41-2004, § 5 ; Ord. No. 35-2011, § 3 ; Ord. No. 30-2012 § 23 ; Ord. No. 45-2015 , Ord. No. 38-2016 ; Ord. No. 27-2017 ; Ord. No. 28-2018 ; Ord. No. 24-2019 , § 1, 11-26-2019; Ord. No. 17-2020 , § 1, 11-24-2020)

Sec. 25.16.013. Raw water rates for Thomas Raw Water and other pressurized non-potable line accounts.

- (a) Raw water rates for accounts using the Thomas Raw Water line or any other pressurized, non-potable water line accounts (including reclaimed water) shall be set in accordance with methods established for cost recover recommendations by the American Water Works Association.

- (b) Where specific rates are established by a valid contract for raw water service and such rates result in a lower cost of service than that provided in Subsection 25.16.012(a), the contractual rate will prevail.
- (c) All water use from the system requires the installation of an operable water meter. Such uses in place prior to 2009 shall install an operable water meter no later than January 20, 2009.
- (d) Provisions for billing are as follows: All pressurized raw water accounts shall have a working meter at the beginning of each irrigation season, no later than April 15th.
- (1) Effective January 1, 2022 metered rates for pressurized raw water accounts for seasonal delivery of non-potable water is as follows:

Metered Pressurized Raw Water - Billing to Occur Monthly - May through October	2021 Rate
Per 1,000 Gallons.	\$4.84

- (2) If the raw water meter required in paragraph (c) above ceases to function properly during the irrigation season, a seasonal bulk water delivery rate has been established as the basis for billing the non-potable pressurized water delivery. Effective January 1, 2022 the unmetered, pressurized raw water rate for seasonal delivery of non-potable water is as follows:

Unmetered Pressurized Raw Water - Billing to Occur Monthly - May through October	2022 Rate
Seasonal Rate Per 1,000 Sq. Ft.	\$170.60
Monthly Rate Per 1,000 Sq. Ft. - Based on 6-Month Irrigation Season	\$28.43

- (e) Carriage rates for raw water, (see "Definitions" section), shall be the same as those in Paragraph (d)(1) except where a valid contract provides for alternate method and procedures for billing.
- (f) It shall be unlawful for any person to pump or convey water from the raw water ditches without a valid raw water license agreement. Any persons doing so will be subject to a penalty of five hundred dollars (\$500.00) for the first offense, one thousand dollars (\$1,000.00) for the second offense and one thousand five hundred dollars (\$1,500.00) for each additional offense.
- (Ord. No. 41-2004, § 5 ; Ord. No. 30-2012 § 23 ; Ord. No. 38-2014 § 3 ; Ord. No. 45-2015 ; Ord. No. 27-2017 ; Ord. No. 28-2018 ; Ord. No. 24-2019 , § 1, 11-26-2019; Ord. No. 17-2020 , § 1, 11-24-2020)

Sec. 25.16.014. Monthly rates for temporary construction water service.

All temporary construction water accounts shall pay monthly the sum of charges one (1) and two (2).

- (a) Effective in the January 2022 month billing, all temporary construction accounts shall pay a monthly demand charge per ECU as follows:

Billing Area	Billing Factor (Included)	Per ECU Rate
1	1.00	\$6.22
2	2.00	\$12.44
3	2.00	\$12.44
4	1.25	\$7.78
5	1.75	\$10.89

6	2.00	\$12.44
7	1.50	\$9.33

- (b) Effective in the January 2022 monthly billing, all temporary construction accounts shall pay a monthly fire protection charge per ECU as follows:

Billing Area	Billing Factor (Included)	Per ECU Rate
1	1.00	\$3.57
2	2.00	\$7.14
3	2.00	\$7.14
4	1.25	\$4.46
5	1.75	\$6.25
6	2.00	\$7.14
7	1.50	\$5.36

- (c) Construction accounts shall pay demand and fire protection charges at the same rates as metered customers for a temporary nine-month period. Variable and pumping charges will be waived for a maximum of nine (9) months, or the duration of the construction project, whichever is less. Construction account ECU's will be based on information shown on the building permit and "review" utility connection permit.

(Ord. No. 35-2011 § 4 ; Ord. No. 30-2012 § 24 ; Ord. No. 38-2014 § 4 ; Ord. No. 45-2015 ; Ord. No. 27-2017 ; Ord. No. 28-2018 ; Ord. No. 24-2019 , § 1, 11-26-2019; Ord. No. 17-2020 , § 1, 11-24-2020)

Sec. 25.16.015. Monthly rates for grandfathered-in water service

All grandfathered-in water accounts shall pay monthly the sum of charges one (1) and two (2).

- (a) Effective in the January 2022 monthly billing, all grandfathered-in accounts shall pay a monthly demand charge per ECU as follows:

Billing Area	Billing Factor (Included)	Per ECU Rate
1	1.00	\$6.22
2	2.00	\$12.44
3	2.00	\$12.44
4	1.25	\$7.78
5	1.75	\$10.89
6	2.00	\$12.44
7	1.50	\$9.33

- (b) Effective in the January 2022 monthly billing, all grandfathered-in accounts shall pay a monthly fire protection charge per ECU as follows:

Billing Area	Billing Factor (Included)	Per ECU Rate
1	1.00	\$3.57
2	2.00	\$7.14
3	2.00	\$7.14
4	1.25	\$4.46

5	1.75	\$6.25
6	2.00	\$7.14
7	1.50	\$5.36

(Ord. No. 35-2011 § 5 ; Ord. No. 30-2012 § 26 ; Ord. No. 38-2014 § 5 ; Ord. No. 45-2015 , Ord. No. 38-2016 ; Ord. No. 27-2017 ; Ord. No. 28-2018 ; Ord. No. 24-2019 , § 1, 11-26-2019; Ord. No. 17-2020 , § 1, 11-24-2020)

Sec. 25.16.016. Monthly rates for pre-tap water service.

All pre-tap water accounts shall pay the sum of charges one (1) and two (2).

- (a) Effective in the January 2022 monthly billing, all pre-tap accounts shall pay a monthly demand charge per ECU as follows:

Billing Area	Billing Factor (Included)	Per ECU Rate
1	1.00	\$6.22
2	2.00	\$12.44
3	2.00	\$12.44
4	1.25	\$7.78
5	1.75	\$10.89
6	2.00	\$12.44
7	1.50	\$9.33

- (b) Effective in the January 2022 monthly billing, all pre-tap accounts shall pay a monthly fire protection charge per ECU as follows:

Billing Area	Billing Factor (Included)	Per ECU Rate
1	1.00	\$4.06
2	2.00	\$8.12
3	2.00	\$8.12
4	1.25	\$5.08
5	1.75	\$7.11
6	2.00	\$8.12
7	1.50	\$6.09

(Ord. No. 35-2011 § 6 ; Ord. No. 30-2012 § 26 ; Ord. No. 38-2014 § 6 ; Ord. No. 45-2015 , Ord. No. 38-2016 ; Ord. no. 27-2017 ; Ord. No. 28-2018 ; Ord. No. 24-2019 , § 1, 11-26-2019; Ord. No. 17-2020 , § 1, 11-24-2020)

Sec. 25.16.020. Monthly rates for unmetered water service.

All unmetered water accounts shall pay the sum of charges one (1) and two (2).

- (a) Effective in the January 2022 monthly billing, all unmetered water service accounts shall pay a monthly demand charge per ECU as follows:

Billing Area	Billing Factor (Included)	Per ECU Rate
1	1.00	\$110.79
2	2.00	\$221.60

3	2.00	\$221.60
4	1.25	\$138.50
5	1.75	\$193.90
6	2.00	\$221.60
7	1.50	\$166.20

- (b) Effective in the January 2022 monthly billing, all unmetered water service accounts shall pay a monthly fire protection charge per ECU as follows:

Billing Area	Billing Factor (Included)	Per ECU Rate
1	1.00	\$4.06
2	2.00	\$8.12
3	2.00	\$8.12
4	1.25	\$5.08
5	1.75	\$7.11
6	2.00	\$8.12
7	1.50	\$6.09

(Ord. No. 35-2011, § 6 ; Ord. No. 30-2012 § 27 ; Ord. No. 38-2014, § 7 ; Ord. No. 45-2015 , Ord. No. 38-2016 ; Ord. No. 27-2017 ; Ord. No. 28-2018 ; Ord. No. 24-2019 , § 1, 11-26-2019; Ord. No. 17-2020 , § 1, 11-24-2020)

Sec. 25.16.021 Senior Water Rates.

- (a) Any qualified senior citizen who so applies shall be entitled to an adjustment in the individual water rates set forth in Sections 25.16.010 and 25.16.020.
- (b) Qualified senior citizen shall be defined by the Pitkin County Social Services Department in consultation with the Pitkin County Senior Services Council.
- (c) The Utilities Director shall first coordinate with Pitkin County Social Services Department and the Pitkin County Senior Services Council as necessary to ensure that qualified senior citizens are made aware of their eligibility for this program and application procedure is conducive to their participation.
- (d) A metered residence owned or leased by qualified seniors shall pay on a monthly basis the sum of charges one (1) through four (4) that follow:
- (1) Effective in the January 2022 monthly billing, all senior metered accounts shall pay a monthly demand charge per ECU as follows:

Billing Area	Billing Factor (Included)	Percentage of Regular Metered Demand	Per ECU Rate
1	1.00	90%	\$5.60
2	2.00	90%	\$11.20
3	2.00	90%	\$11.20
4	1.25	90%	\$7.00
5	1.75	90%	\$9.80
6	2.00	90%	\$11.20
7	1.50	90%	\$8.40

- (2) Effective in the January 2022 monthly billing, all senior metered accounts shall pay a monthly variable charge per ECU as follows:

Usage Per ECU Up To	Per 1,000 Gallons Rate	Additional Usage Per ECU Up To	Per 1,000 Gallons Rate	Additional Usage Per ECU Up To	Per 1,000 Gallons Rate	Remaining Usage Per ECU Over	Per 1,000 Gallons Rate
4,000	\$3.31	12,000	\$4.24	16,000	\$6.08	16,000	\$9.11

- (3) Effective in the January 2022 monthly billing, all senior metered accounts within service area pumped zones shall pay a monthly pumping charge per 1,000 gallons as follows:

# of Pumps	Rate Per 1,000 Gallons Pumped
1	\$2.85
2	\$5.70
3	\$8.55

- (4) Effective in the January 2022 monthly billing, all senior metered accounts shall pay a monthly fire protection charge per ECU as follows:

Billing Area	Billing Factor (Included)	Percentage of Regular Metered Demand	Per ECU Rate
1	1.00	90%	\$3.65
2	2.00	90%	\$7.31
3	2.00	90%	\$7.31
4	1.25	90%	\$4.57
5	1.75	90%	\$6.39
6	2.00	90%	\$7.31
7	1.50	90%	\$5.48

- (c) An unmetered residence owned or leased by qualified senior citizens shall pay on a monthly basis the sum of charges one (1) through two (2) that follow:

- (1) Effective in the January 2022 monthly billing, all senior unmetered accounts shall pay a monthly demand charge per ECU as follows:

Billing Area	Billing Factor (Included)	Percentage of Regular Metered Demand	Per ECU Rate
1	1.00	30%	\$33.24
2	2.00	30%	\$66.48
3	2.00	30%	\$66.48
4	1.25	30%	\$41.55
5	1.75	30%	\$58.17
6	2.00	30%	\$66.48
7	1.50	30%	\$49.86

- (2) Effective in the January 2022 monthly billing, all senior unmetered accounts shall pay a monthly fire protection charge per ECU as follows:

Billing Area	Billing Factor (Included)	Percentage of Regular Metered Demand	Per ECU Rate
1	1.00	30%	\$1.22
2	2.00	30%	\$2.44
3	2.00	30%	\$2.44
4	1.25	30%	\$1.52
5	1.75	30%	\$2.13
6	2.00	30%	\$2.44
7	1.50	30%	\$1.83

(Code 1971, § 23-102; Ord. No. 27-1985, § 1 ; Ord. No. 48-1986, § 1(A) (B) ; Ord. No. 51-1987, § 2 ; Ord. No. 1-1988 ; Ord. No. 8-1990, § 2 ; Ord. 39-1993, § 7 ; Ord. No. 35-2011, § 8 ; Ord. No. 30-2012, § 28 ; Ord. No. 38-2014, § 8 ; Ord. No. 45-2015 ; Ord. No. 38-2016 ; Ord. No. 27-2017 ; Ord. No. 28-2018 ; Ord. No. 24-2019 , § 1, 11-26-2019; Ord. No. 17-2020 , § 1, 11-24-2020)

Sec. 25.16.023. Property owners financially liable for unpaid utility charges and fees. In situations where unpaid water utility charges and fees remain on a finaled owner or tenant account, the current owner will be financially responsible and liable for these previous amounts due forty-five (45) days after the transfer of previous owner or tenant.

Sec. 25.16.035. Backflow prevention and cross-connection control.

- (a) The purpose of this backflow prevention and cross-connection control program is to protect the City's water system from contaminants or pollutants that could enter the distribution system by backflow from a customer's water supply system through the service connection. As a supplier of public drinking water, the City of Aspen has the authority to survey all service connections within the City's water distribution system to determine whether any connection is a cross-connection; to control all service connections within the distribution system that are cross-connections; to charge a fee for the administration of the cross-connection control program; to maintain records of surveys and the installation, testing and repair of all backflow prevention assemblies permitted or required under this program; and to administer, implement and enforce the provisions of this cross-connection control program.
- (b) The provisions of this Section apply to all commercial, industrial, multi-family, and single-family residential service connections with the City's potable water system.
- (c) Definitions:

Active Date means the first day that a backflow prevention assembly or backflow prevention method is used to control a cross-connection in each calendar year.

Air Gap is a physical separation between the free-flowing discharge end of a potable water supply pipeline and an open or non-pressure receiving vessel installed in accordance with standard AMSE A112.1.2.

Backflow means the undesirable reversal of flow of water or mixtures of water and other liquids, gases, or other substances into the public water systems distribution system from any source or sources other than its intended source.

Backflow Contamination Event means backflow into a public water system from an uncontrolled cross connection such that the water quality no longer meets the Colorado Primary Drinking Water Regulations or presents an immediate health and/or safety risk to the public.

Backflow Prevention Assembly means any mechanical assembly installed at a water service line or at a plumbing fixture to prevent a backflow contamination event, provided that the mechanical assembly is appropriate for the identified contaminant or pollutant at the cross connection and is an in-line field-testable assembly.

Backflow Prevention Method means any method and/or non-testable device installed at a water service line or at a plumbing fixture to prevent a backflow contamination event, provided that the method or non-testable device is appropriate for the identified contaminant or pollutant at the cross connection.

Certified Cross-Connection Control Technician means a person who possesses a valid Backflow Prevention Assembly Tester certification from one of the following approved organizations: American Society of Sanitary Engineering (ASSE) or the American Backflow Prevention Association (ABPA). If a certification has expired, the certification is invalid.

Containment means the installation of a backflow prevention assembly or a backflow prevention method at any connection to the City's water system that supplies an auxiliary water system, location, facility, or area such that backflow from a cross connection into the City's water system is prevented.

Containment by Isolation means the installation of backflow prevention assemblies or backflow prevention methods at all cross connections identified within a customer's water system such that backflow from a cross connection into the City's water system is prevented.

Controlled means having an appropriate and properly installed, maintained, and tested or inspected backflow prevention assembly or backflow prevention method that prevents backflow through a cross connection.

Cross Connection means any connection that could allow any water, fluid, or gas such that the water quality could present an unacceptable health and/or safety risk to the public, to flow from any pipe, plumbing fixture, or a customer's water system into a public water system's distribution system or any other part of the public water system through backflow

Multi-Family means a single residential connection to the City water system's distribution system from which two (2) or more separate dwelling units are supplied water.

Service Connection means any connection of a water supply or premises plumbing system to the City of Aspen's water distribution or system.

Single-family means:

- (1) A single dwelling which is occupied by a single family and is supplied by a separate service line; or
- (2) A single dwelling comprised of multiple living units where each living unit is supplied by a separate service line.

Uncontrolled means not having an appropriate and/or properly installed and maintained and tested or inspected backflow prevention assembly or backflow prevention method, or the backflow prevention assembly or backflow prevention method does not prevent backflow through a cross connection.

Water Supply System means a water distribution system, piping, connection fittings, valves and appurtenances within a building, structure, or premises. Water supply systems are also referred to commonly as premises plumbing systems.

(d) Requirements:

- (1) Commercial, industrial, multi-family, and single-family service connections shall be subject to a survey for cross connections. If a cross connection has been identified, an appropriate backflow prevention

assembly and or method shall be installed at the customer's water service connection within ninety (90) days of its discovery. The assembly shall be installed downstream of the water meter or as close to that location as deemed practical by the public water system. If the assembly or method cannot be installed within ninety (90) days, the Utilities Department shall take action to control or remove the cross connection, suspend service to the cross connection, and/or receive an alternative compliance schedule from the Colorado Department of Public Health and Environment.

- (2) In no case shall it be permissible to have connections or tees between the meter and the containment backflow prevention assembly, unless such connections or tees are adequately controlled to achieve containment by isolation.
 - a. In instances in which an appropriate backflow preventer cannot be installed to achieve containment, the property owner must install approved backflow prevention devices or methods at all cross-connections within the premises plumbing system to achieve containment by isolation.
- (3) Backflow prevention assemblies and methods shall be installed in a location which provides access for maintenance, testing, and repair, and in accordance with the guidelines and requirements set forth in the Plumbing Code currently observed by the City of Aspen.
- (4) Reduced pressure principle backflow preventers shall not be installed in a manner or location that is subject to flooding.
- (5) Provisions shall be made to provide adequate drainage from the discharge of water from reduced pressure principle backflow prevention assemblies. Such discharge shall be conveyed in a manner which does not impact waters of the state.
- (6) All assemblies and methods shall be protected to prevent freezing. Those assemblies and methods used for seasonal services may be removed upon cessation of those seasonal services in lieu of being protected from freezing. Any and all assemblies and methods that are removed from seasonal points of service in lieu of being protected from freezing must be reinstalled and tested by a certified cross connection control technician prior to recommencing seasonal service.
- (7) Where a backflow prevention assembly or method is installed on a water supply system using storage water heating equipment such that thermal expansion causes an increase in pressure, an approved, listed, and adequately sized expansion tank or other approved device having a similar function to control thermal expansion shall be installed.
- (8) All backflow prevention assemblies shall be inspected and tested at the time of installation and inspected and tested at least once annually thereafter. Such tests must be conducted by a Certified Cross-Connection Control Technician. Backflow Inspectors are required to tag inspected backflow assemblies indicating date of inspection, a pass/fail designation, and their certification information. This tag requirement includes PVBs on irrigation systems.
- (9) The City Utilities Department shall require inspection, testing, maintenance and as needed repairs and replacement of all backflow prevention assemblies and methods, and of all required installations within a customer's premises plumbing system in the cases where containment assemblies and or methods cannot be installed.
- (10) All costs for design, installation, maintenance, testing and as needed repair and replacement are to be borne by the customer.
- (11) No grandfather clauses exist except for fire sprinkler systems in which the installation of a backflow prevention assembly or method will compromise the integrity of the fire sprinkler system.

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- (12) All building plans for new buildings must be submitted to the City of Aspen Water and Engineering Departments for review and must be approved by both Departments prior to the provision of water service. Building plans must show:
- a. Water service type, service line size, and location;
 - b. Water meter size and location;
 - c. Backflow prevention assembly size, type, and location;
 - d. Fire sprinkler system type, line size, location, and type of backflow prevention assembly.
- (13) All fire sprinkler lines shall have a minimum protection of an approved double check valve assembly for containment of the system.
- (14) All glycol (ethylene or propylene), or antifreeze systems shall have an approved reduced pressure principle backflow preventer for containment.
- (15) Dry fire systems shall have an approved double check valve assembly installed upstream of the air pressure valve.
- (16) In cases wherein the installation of a backflow prevention assembly or method will compromise the integrity of the fire sprinkler system, the City Utilities Department can choose to not require the backflow protection. In such cases, the City Utilities Department will measure chlorine residual at a location representative of the service connection once a month and perform periodic bacteriological testing at the site. If the City Utilities Department suspects water quality issues, the Department will evaluate the practicability of requiring that the fire sprinkler system be flushed periodically and require such flushing where practicable.
- (e) Backflow prevention assemblies or methods shall be tested by a certified cross-connection control technician upon installation and tested at least once annually thereafter. The tests shall be conducted at the expense of the customer.
- (1) Any backflow prevention assemblies or methods that are non-testable shall be inspected at least once annually by a certified cross-connection control technician and replaced at least every five (5) years by a master plumber. The inspections and replacements shall be made at the expense of the customer.
 - (2) As necessary, backflow prevention assemblies or methods shall be repaired and retested or replaced and tested at the expense of the customer whenever the assemblies or methods are found to be defective.
 - (3) Testing gauges shall be tested and calibrated for accuracy at least once annually.
- (f) Reporting and Recordkeeping:
- (1) Copies of records of test reports, repairs and retests, or replacements shall be kept by the customer for a minimum of three (3) years.
 - (2) Copies of records of test reports, repairs and retests shall be submitted to the Utilities Department by mail, e-mail, or hand-delivery by the testing company or testing technician.
 - (3) Information on test reports shall include, but may not be limited to,
 - a. Assembly or method type
 - b. Assembly or method location
 - c. Assembly make, model and serial number
 - d. Assembly size

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- e. Test date; and
 - f. Test results including all results that would justify a pass or fail outcome
 - g. Certified cross-connection control technician certification agency
 - h. Technician's certification number
 - i. Technician's certification expiration date
 - j. Test kit manufacturer, model, and serial number
 - k. Test kit calibration date
- (4) The Utilities Department must notify the Colorado Department of Public Health and Environment's Water Quality Control Division (CDPHE) of any suspected or confirmed backflow contamination event and consult with the CDPHE on any appropriate corrective measures no later than twenty-four (24) hours after learning of the backflow contamination event. The Utilities Department shall notify the CDPHE within forty-eight (48) hours after it becomes aware of any backflow prevention and cross-connection control violation or any backflow prevention and cross-connection control treatment technique violation. The CDPHE shall distribute public notice of violations as specified in and required by Colorado Primary Drinking Water Regulation 11.
- (g) A properly credentialed representative of the City Utilities Department shall have the right-of-entry to survey any and all buildings and premises for the presence of cross-connections and/or possible contamination risks or hazards, and for determining compliance with this Section. This right-of-entry shall be a condition of water service from the City in order to protect the health, safety, and welfare of customers throughout the City's water distribution system.
- (h) Compliance:
- (1) Customers shall cooperate with the installation, inspection, testing, maintenance, and as needed repair and replacement of backflow prevention assemblies and with the survey process. For any identified uncontrolled cross-connections, the Utilities Department shall complete one of the following actions within ninety (90) days of its discovery:
 - a. Control the cross connection
 - b. Remove the cross connection
 - c. Suspend service to the cross connection
 - (2) The Utilities Department shall give notice of violation in writing to any owner whose plumbing system has been found to present a risk to the City's water distribution system through any uncontrolled cross connection(s). The notice shall state that the owner must install a backflow prevention assembly or method at each service connection to the owner's premises to achieve containment, or that the owner must install a backflow prevention assembly on each cross-connection hazard on the premises plumbing system to achieve containment by isolation. The notice of violation will give a date by which the owner must comply.
 - a. In instances in which a backflow prevention assembly or method cannot be installed to achieve containment, the owner must install approved backflow prevention assemblies or methods at all cross-connections within the owner's water supply system to achieve containment by isolation. The notice of violation will give a date by which the owner must comply.
 - (3) On or before May 1, 2017, and on or before May 1 of each year thereafter, the Utilities Department shall develop and submit to the Colorado Department of Public Health and Environment its written backflow prevention and cross-connection control annual report for the prior calendar year, as required by Colorado Primary Drinking Water Regulation 11.

(i) Violations and Penalties:

- (1) It shall be unlawful for any City water customer to operate the customer's premises plumbing system or water supply system contrary to or in violation of any of the provisions of this Code.
- (2) A violation of any of the provisions of the Code shall constitute a misdemeanor, punishable upon conviction by a fine, imprisonment, or both a fine and improvement, as set forth in Section 1.04.080 of this Code. A separate offense shall be deemed committed on each day or portion thereof that the violation of any of the provisions of this Code occurs or continues unabated after the time limit set for abatement of the violation.
- (3) Failure to comply with the terms of this Article, including, but not limited to, failure to pay the necessary fees, charges and taxes, and failure to otherwise comply with the terms of this Article shall constitute an offense and a violation thereof. Every person violating this Article shall be punished, upon conviction, by a fine of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) per assembly, or by imprisonment for not more than ten (10) days, or both such fine and imprisonment for each offense. Delinquency for each calendar month shall constitute a separate offense.

(Ord. No. 38-2016 ; Ord. No. 17-2020 , § 1, 11-24-2020)

~~Chapter 25.24. SUPPLY OF MUNICIPAL WATER FOR SNOWMAKING PURPOSES~~

~~Sec. 25.24.010. Definition of "snowmaking."~~

~~Snowmaking shall be defined as the conversion of water to artificial snow through a permitted process and its placement on a Nordic ski trail or permitted ski area for the purpose of supplementing or augmenting natural precipitation. Snowmaking shall include the ancillary use of water for the irrigation of permitted ski areas for ski slopes maintenance and protection. Water utilized for snowmaking shall not be used for residential, commercial or industrial or other municipal purposes besides snowmaking.~~

~~(Code 1971, § 23-160; Ord. No. 27-1985, § 1; Ord. No. 39-1993 § 8)~~

~~Sec. 25.24.020. Authorization of contracts for the supply of municipal water for snowmaking purposes.~~

~~Municipal water may only be supplied for snowmaking purposes pursuant to a contract which is approved by the City Council and whose terms include, at a minimum, the fees, charges and rates established in Section 25.24.030 below. Any such contract may include any additional terms or considerations which the City Council deems appropriate. Any such contract shall be binding upon the parties for the entire term thereof under the said Section 25.24.030 below as in effect at the time the contract was made.~~

~~(Code 1971, § 23-161; Ord. No. 27-1985, § 1)~~

~~Sec. 25.24.030. Water service rates for the supply of municipal water for snowmaking purposes.~~

- ~~(a) —Investment and hook-up charges. The utility investment and hook-up charges imposed by Sections 25.12.040 and 25.12.060 above shall not apply to the supply of municipal water for snowmaking purposes. The combined utility investment and hook-up charges for such water service shall be as set forth below:~~

Tap Size (inches)	Utility Investment	ECU	Hook-up Charge
6	\$50,000	60.1—100.0	\$ 5,000
8	75,000	100.1—150.0	6,900
10	131,600	150.1—270.0	7,000
12	175,000	270.1—432.0	10,000

In the event a tap size is requested different than the sizes set forth herein, the City Manager may establish combined utility investment and hook up charges appropriate for the requested tap size. The combined utility investment and hook up charges set forth herein are based upon the provision of raw or treated water service, at the option of the City, with the requirement that all water utility service to domestic and commercial customers shall be satisfied first and the provision of water service to snowmaking customers shall be on an interruptible basis as approved by the City Council in the individual contracts for snowmaking services. In the event that non-snowmaking service demands require a reduction in snowmaking service, all snowmaking customers shall have their service reduced on a first in time/first in right basis. Snowmaking customers having a contract of an earlier date shall be cut off or curtailed only after all snowmaking customers having contracts of a later date have been cut off.

~~(b) — Water rates and charges. The water rates and charges imposed by Sections 25.16.010 and 25.16.020 above shall not apply to the supply of municipal water for snowmaking purposes. The rate per one thousand (1,000) gallons of municipal water supplied for snowmaking shall be computed as follows:~~

~~(1) — The sum of the "total operating expenses before depreciation" and the "depreciation" figures contained in the City audited financial statement for the water fund for the five (5) years immediately preceding the year of use shall be divided by the sum of the annual total treated water consumption contained in the City Water Department Annual Report for the five (5) years immediately preceding the year of use, deriving the resultant rate which is expressed in terms of dollars and cents per one thousand (1,000) gallons, which shall be multiplied by the number of one thousand (1,000) gallons increments delivered; provided, however, that if the City changes its accounting methods and such change results in an increased charge for the supply of municipal water for snowmaking purposes that would not have resulted but for such change of accounting methods, any snowmaking water user, at its sole option and expense, may recompute such charge under the accounting method in existence prior to such change. If the City Finance Director (or comparable officer) concurs in such recomputed charge, that rate shall be paid by the snowmaking water user. In the event concurrence is not obtained, the snowmaking water user, at its sole option and expense, may retain a qualified certified public accountant, acceptable to the City finance Director (or comparable officer) to make such recomputations, which will then be binding upon the City and the snowmaking water user.~~

~~(2) — The rate so established shall be applied uniformly for the succeeding period April 16th through April 15th of the following year. The rate shall be annually redetermined for each April 16th through April 15th period during the term of any contract for the supply of municipal water for snowmaking purposes.~~

~~(3) — The Council is authorized to charge for such additional costs as are necessary to fairly reflect the costs of supplying service. All such additional costs shall be reflected in the contract executed pursuant to Section 25.24.020 above.~~

~~(c) — Fees and rates for in-City snowmaking; rates for out of City snowmaking. All fees and rates provided for herein shall be for in-City snowmaking use only. Due to the aerial extent of snowmaking, "in-City snowmaking" shall be defined as snowmaking for which the point of connection to the City water system is located within the City boundaries. Fees and rates for out of City snowmaking shall be double those fees and rates provided for in Subsections (a) and (b) of this Section.~~

CHAPTER 25.30. WATER EFFICIENT LANDSCAPING STANDARDS

Sec. 25.30.010. Purpose.

- (a) Promote the values and benefits of healthy landscapes while recognizing the need to invest water and other resources as efficiently as possible.
- (b) Establish a structure for planning, designing, installing, maintaining, and managing water-efficient landscapes in new construction and renovated/rehabilitated projects.
- (c) Use water efficiently without waste by setting a Maximum Applied Water Budget as an upper limit for water use and reduce water use to the lowest practical amount.

(Ord. No. 16-2017 ; Ord. No. 28-2018 ; Ord. No. 9-2020 , § 1, 1-28-2020)

Sec. 25.30.020. Adoption of City of Aspen Water Efficient Landscaping Standards

Pursuant to the powers and authority conferred by the laws of the State of Colorado and the Charter of the City of Aspen, there is hereby adopted and incorporated herein by reference as if fully set forth the City of Aspen Water Efficient Landscaping Standards as may be amended from time to time by City Council Ordinance. At least one (1) copy of the City of Aspen Water Efficient Landscaping Standards shall be available for inspection at the City of Aspen Utilities Department, the City of Aspen Parks department, and City of Aspen Community Development Department.

(Ord. No. 16-2017; Ord. No. 28-2018 ; Ord. No. 9-2020 , § 1, 1-28-2020)

Sec. 25.30.030. Applicability.

- (a) After June 22, 2017, the City of Aspen Water Efficient Landscaping standards shall apply to the following projects that use City of Aspen potable water:
 - (1) Landscaping, grading, installing or disturbing hardscapes, additions to structures, etc. that has a disturbance area greater than one thousand (1,000) square feet and greater than twenty-five percent (25%) of the entire lot or parcel.
 - (2) All building permits that trigger a "substantial remodel" per Title 25 of the Municipal Code, defined as the increase by fifty percent (50%) or more in the water using capacity of new water using devices or fixtures installed on a property, as measured by the ECU rating of the existing and proposed structure(s).

(Ord. No. 18-2002 § 3 [part]; Ord. No. 17-2018 ; Ord. No. 28-2018 ; Ord. No. 9-2020 , 1-28-2020; Ord. No. 9-2020 , § 1, 1-28-2020)

Sec. 25.30.040. Review Authority.

Utilities Director, or designee, is authorized to make and enforce the rules and regulations contained in the Water Efficient Landscaping Standards in order to carry out the intent of the standards and this Chapter.

Where no specific or applicable rules, regulations, or standards appear to be set forth in the Water Efficient Landscaping Standards, other rules, regulations, or standards, and recommended practices, as published by professional associations, technical organizations, model code groups, and similar entities, may be used by the City for guidance.

(Ord. No. 16-2017 ; Ord. No. 28-2018 ; Ord. No. 9-2020 , 1-28-2020; Ord. No. 9-2020 , § 1, 1-28-2020)

Sec. 25.30.050. Review Procedure.

- (a) *Review Process.* The Utilities Director shall have the authority on behalf of the City of Aspen to determine that all design and construction is completed to a level that is equal to or exceeds the requirements set forth in this Chapter and the Water Efficient Landscaping Standards.
- (b) Prior to requesting a Final WELS inspection for Landscaping and Irrigation, applicant must appoint a project lead for Final Packet Submittal. A complete Packet must be submitted through the City's permitting software to the WELS Plans Review Technician before applicant is authorized to request a Final inspection from City Staff.

(Ord. No. 16-2017; Ord. No. 28-2018 ; Ord. No. 9-2020 , 1-28-2020; Ord. No. 9-2020 , § 1, 1-28-2020)

Sec. 25.30.060. Variances.

- (a) The City may grant variances to the Water Efficient Landscaping Standards when practical difficulties or unnecessary hardships exist that cause inconsistencies with the purpose and intent of the standards.
- (b) Requests for variances from the standards, policies, or submittal requirements of this document shall be submitted in writing with appropriate documentation and justification to the City Utilities Director. Variance requests must, at a minimum, contain the following:
 - (1) Criteria under which the applicant seeks a variance;
 - (2) Justification for not complying with the standards;
 - (3) Proposed alternate criteria or standards to comply with the intent of the criteria;
 - (4) Supporting documentation, including necessary calculations;
 - (5) The proposed variance's potential adverse impacts for adjacent landowners; and,
 - (6) An analysis of the variance request, signed by a qualified landscape professional or qualified irrigation design professional, depending on the topic of the request.
- (c) Upon receipt of a complete application for a variance, the City Utilities Director shall prepare a statement to recommend that the variance be approved or denied or to request a modification of the proposed variance.

(Ord. No. 16-2017 ; Ord. No. 28-2018 ; Ord. No. 9-2020 , § 1, 1-28-2020)

Sec. 25.30.070. Existing Compliance.

- (a) The City may grant a determination of compliance for existing projects or portions of existing properties in sufficient compliance meeting the minimum standards.
- (b) Requests for determination of compliance shall be submitted in writing with appropriate documentation and justification to the City Utilities Director. Requests for determination of existing compliance must, at a minimum, contain the following:

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- (1) Landscape and Irrigation Documentation Package; and
 - (2) Irrigation audit report performed by a third-party certified landscape irrigation auditor.
- (c) Upon receipt of a complete application for a determination of existing compliance, the City Utilities Director shall prepare a statement to recommend that the determination be approved or denied or to request a modification of the proposed determination.

(Ord. No. 16-2017; Ord. No. 28-2018 ; Ord. No. 9-2020 , § 1, 1-28-2020)

Sec. 25.30.080. Deposit Requirements for City of Aspen Temporary Certificates of Occupancy or Pitkin County Certificates of Occupancy.

In accordance with the Water Efficient Landscaping Standards, Section 5.8.3, The City of Aspen shall: (a) Receive the signed Approval Letter from the project applicant; (b) Approve or deny the Approval Letter. If the Approval Letter is denied, the City of Aspen shall provide information to the project applicant regarding reapplication, appeal, or other assistance; (c) If a certificate of occupancy is issued in winter months when landscaping and irrigation systems cannot be inspected for compliance, Aspen Water Department will require a deposit equal to the identified cost to complete the landscaping and irrigation plan. Once compliance has been confirmed, the deposit will be returned in full.

Therefore, if a property owner, or their representative, requests a Temporary Certificate of Occupancy for City parcel on City Water or County parcel on City Water prior to complete installation of the landscape and irrigation, followed by a third-party audit, and final City of Aspen Approval Letter, the property owner will submit an estimate to complete the remaining irrigation and landscaping work and pay a deposit as set out below prior to issuance of the Temporary Certificate of Occupancy.

For project cost estimates, applicant is required to submit remaining project cost details including: plant costs, labor costs, and irrigation system costs.

Deposit Schedule for Landscaping and Irrigation	
Project cost estimate	Deposit
\$0—50,000	50% -- Minimum \$5,000.00
\$50,000—100,000	25%
Over \$100,000	15%

(Ord. No. 24-2019 , § 1, 11-26-2019; Ord. No. 9-2020 , § 1, 1-28-2020)

Section 2.

Any and all existing ordinances or parts of ordinances of the City of Aspen covering the same matters as embraced in this Ordinance are hereby repealed and all ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed; provided, however, that such 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 taking effect of this Ordinance.

Section 3.

If any section, subsection, sentence, clause, or phrase of this Ordinance is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this

Ordinance. The City of Aspen hereby declares that it would have adopted this Ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases thereof be declared invalid or unconstitutional.

Section 4.

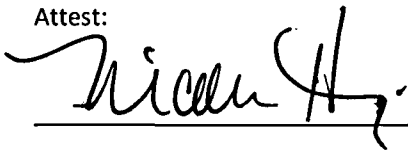
This Ordinance shall take effect thirty (30) days after passage, adoption and publication thereof as provided by law.

Section 5.

This ordinance shall not affect any existing litigation and shall not operate as an abatement of any action or proceeding now pending under or by virtue of the ordinance repealed or amended as herein provided, and the same shall be conducted and concluded under such prior ordinances.

FIRST READING OF THIS ORDINANCE WAS INTRODUCED, READ, ORDERED AND PUBLISHED as provided by law, by the City Council of the City of Aspen on the 9th day of November, 2021.

Attest:



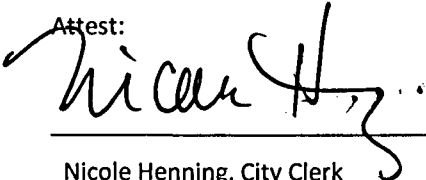
Nicole Henning, City Clerk



Torre, Mayor

FINALLY, adopted, passed, and approved this 23rd day of November, 2021.

Attest:



Nicole Henning, City Clerk



Torre, Mayor

Approved as to form:



James R. True, City Attorney