

# AGENDA

## CITY COUNCIL REGULAR MEETING

November 24, 2020

5:00 PM, City Council Chambers  
130 S Galena Street, Aspen



### I. CALL TO ORDER

### II. ROLL CALL

### III. SCHEDULED PUBLIC APPEARANCES

### IV. CITIZENS COMMENTS & PETITIONS

(Time for any citizen to address Council on issues NOT scheduled for a public hearing. Please limit your comments to 3 minutes)

City of Aspen invites you to join this Webex meeting: Please visit [www.webex.com](http://www.webex.com) to access the meeting.

Meeting number (access code): 126 550 8876

Meeting password: 81611

Tuesday, November 24, 2020

4:30 pm | (UTC-07:00) Mountain Time (US & Canada) | 5 hrs

More ways to join:

Join from the meeting link

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Tap to join from a mobile device (attendees only)

+1-720-650-7664,,1265508876## United States Toll (Denver)

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### V. SPECIAL ORDERS OF THE DAY

- a) Councilmembers' and Mayor's Comments
- b) Agenda Amendments
- c) City Manager's Comments
- d) Board Reports

### VI. CONSENT CALENDAR

(These matters may be adopted together by a single motion)

VIA. Resolution #100, Series of 2020 - 2021 EOTC Budget

VIB. Draft minutes of November 10th, 2020

**VII. NOTICE OF CALL-UP**

**VIII. FIRST READING OF ORDINANCES**

VIIIA. Ordinance #21, Series of 2020 - Mayor and Council Compensation

**IX. PUBLIC HEARINGS**

IXA. Resolution #092, Series of 2020 - City of Aspen 2021 Budget Resolution

IXB. Resolution #093, Series of 2020 - 2021 APCHA Budget Resolution

IXC. Resolution #094, Series of 2020 - Aspen Country Inn & Truscott II 2021 Budget Resolution

IXD. Ordinance #17, Series of 2020 - 2021 Electric and Water Rates & Fees

IXE. Ordinance #19, Series of 2020 Budget - Fall Supplemental

IXF. Ordinance #20, Series of 2020 - 2021 Budget - Fee Ordinance

**X. ACTION ITEMS**

**XI. EXECUTIVE SESSION**

Pursuant to C.R.S.4-6-402 (4)(a) The purchase, acquisition, lease, transfer, or sale of any real, personal, or other property interest; except that no executive session shall be held for the purpose of concealing the fact that a member of the local public body has a personal interest in such purchase, acquisition, lease, transfer or sale; (4)(b) Conferences with an attorney for the local public body for the purposes of receiving legal advice on specific legal questions. (4)(e) Determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators.

The specific items of discussion include the following:

The Thomas M. Marshall Revocable Trust and The Ellen M. Marshall Revocable Trust v. The City of Aspen, et al., Pitkin County District Court Case No.: 2016 CV 30119.

Burlingame Ranch II Condominium Owners Association, Inc. v. the City of Aspen Arbitration, and City of Aspen v. Burlingame Ranch II Condominium Owners Association, Case No.: 2020CV30055

Proposed Amended and Restated Agreement for Purchase and Sale of Water with Aspen Skiing Company.

Cooper Street Pier Deed Restriction

## **XII. ADJOURNMENT**



## MEMORANDUM

**TO:** Mayor and City Council

**THRU:** John D. Krueger, Director of Transportation

**FROM:** David Pesnichak, Regional Transportation Administrator

**DATE OF MEMO:** October 30, 2020

**MEETING DATE:** November 24, 2020

**RE:** EOTC 2021 1/2% Transit Sales and Use Tax Budget

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**REQUEST OF COUNCIL:** Attached for your approval is a resolution and budget which, if approved, would authorize the initial 2021 budget for the Pitkin County 1/2 cent transit sales and use tax as summarized below.

Total 2021 Net Revenues (after RFTA contribution)	\$ 1,727,704
Total 2021 Expenditures	<u>5,302,799</u>
Annual Surplus (Deficit)	\$(3,575,095)
 Cumulative EOTC Savings	 \$ 7,279,642
Unobligated EOTC Savings	\$ 1,279,642

The Pitkin County Commissioners, Snowmass Village Town Council and Aspen City Council meet together as the Elected Officials Transportation Committee (“EOTC”) to oversee the budget for the Pitkin County 1/2 cent transit sales and use tax.

**PREVIOUS COUNCIL ACTION:**

City Council unanimously approved the proposed 2021 budget at the October 29th EOTC meeting.

**SUMMARY AND BACKGROUND:**

The City of Aspen as a member of the EOTC is required to approve the budget by resolution. Each other member of the EOTC is also required to approve the budget by resolution before the budget can be considered adopted.

**DISCUSSION:**

The vision of the EOTC states that “We envision the Roaring Fork Valley as the embodiment of a sustainable transportation system emphasizing mass transit and mobility that contributes to the happiness and wellbeing of residents and visitors.”

The mission of the EOTC is to “Work collectively to reduce and manage the volume of vehicles on the road and parking system and continue to develop and support a comprehensive multi-modal, long-range strategy that will insure a convenient, equitable and efficient transportation system for the Roaring Fork Valley.”

Further, the requirements for the expenditure of Transit Sales and Use Tax funding from State Statute and the voter approved ballot language require that the tax funds be utilized for “financing, Constructing, Operating and Managing the Mass Transportation System within the Roaring Fork Valley”

The 2021 budget provides for a use of the funds in a manner consistent with the EOTC, vision, mission as well as Statutory and ballot requirements.

**FINANCIAL IMPACTS:**

There are no financial implications to the City as these are Pitkin County-EOTC funds and not City funds.

**ENVIRONMENTAL IMPACTS:**

By encouraging mass transit and working to manage or reduce the number of vehicles on the road system, the EOTC is having positive impacts on the environment.

**ALTERNATIVES:**

Council can decide not to approve the 2021 EOTC budget and send it back to the EOTC for further discussion and approval.

**RECOMMENDATIONS:**

Staff recommends that Council approve the attached resolution to approve the EOTC budget.

**CITY MANAGER COMMENTS:**

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**ATTACHMENTS:**

- Resolution Approving the Initial 2021 Budget for the ½-Cent Transit Sales and Use Tax Fund
- 2021 EOTC Budget Approved October 29, 2020

**RESOLUTION NO. 100  
SERIES OF 2020**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ASPEN, COLORADO,  
APPROVING THE INITIAL 2021 BUDGET FOR THE PITKIN COUNTY 1/2 CENT TRANSIT  
SALES AND USE TAX**

WHEREAS, the Aspen City Council, the Pitkin County Board of County Commissioners and the Town Council of Snowmass Village (the "Parties") have previously identified general elements of their Comprehensive Valley Transportation Plan (the "Plan") which are eligible for funding from the Pitkin County one-half cent transit sales and use tax; and

WHEREAS, by intergovernmental agreement dated September 14, 1993, the Parties agreed:

- a. to conduct regular public meetings as the Elected Officials Transit Committee ("EOTC") to continue to refine and agree upon proposed projects and transportation elements consistent with or complimentary to the Plan; and
- b. that all expenditures and projects to be funded from the County-wide one-half cent transit sales and use tax shall be agreed upon by the Parties and evidenced by a resolution adopted by the governing body of each party; and

WHEREAS, at the EOTC meeting held on October 29, 2020, the Parties considered and approved the attached initial 2021 budget for the Pitkin County one-half cent transit sales and use tax; and

WHEREAS, the City of Aspen wishes to ratify the approvals given at the EOTC meeting by adoption of this resolution.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Aspen, Colorado, that the attached initial 2021 budget for the one-half cent transit sales and use tax is hereby approved as summarized below:

<b>Total 2021 Net Revenues (after RFTA contribution)</b>	<b>\$ 1,727,704</b>
<b>Total 2021 Expenditures</b>	<b>5,302,799</b>

RESOLVED, APPROVED, AND ADOPTED this 24<sup>th</sup> day of November, 2020, by the City Council for the City of Aspen, Colorado.

\_\_\_\_\_  
Torre, Mayor

I, Nicole Henning, duly appointed and acting City Clerk, do certify that the foregoing is a true and accurate copy of that resolution adopted by the City Council of the City of Aspen, Colorado, at a meeting held November 24, 2020.

\_\_\_\_\_  
Nicole Henning, City Clerk

## Adopted 2021 EOTC Budget

<b>EOTC Transit Project Funding</b>	<b>Actual 2018</b>	<b>Actual 2019</b>	<b>Projection or Budget 2020</b>	<b>Projection or Budget 2021</b>	<b>Plan 2022</b>	<b>Plan 2023</b>	<b>Plan 2024</b>	<b>Plan 2025</b>
<b><u>FUNDING SOURCES:</u></b>								
Pitkin County 1/2% sales tax	5,669,869	6,929,287	6,389,943	<b>6,389,943</b>	6,597,616	6,812,039	7,033,430	7,262,016
less RFTA contribution (81.04% of 1/2% sales tax)	4,594,862	5,615,494	5,178,410	<b>5,178,410</b>	5,346,708	5,520,476	5,699,892	5,885,138
net 1/2% sales tax funding to EOTC	1,075,007	1,313,793	1,211,533	<b>1,211,533</b>	1,250,908	1,291,563	1,333,538	1,376,878
Pitkin County 1/2% use tax	1,484,002	1,648,572	443,902	<b>425,000</b>	438,813	453,074	467,799	483,002
Investment income & misc.	166,211	295,008	252,213	<b>91,171</b>	92,083	93,464	95,100	96,764
<b>Total Funding Sources</b>	<b>2,725,220</b>	<b>3,257,373</b>	<b>1,907,648</b>	<b>1,727,704</b>	<b>1,781,804</b>	<b>1,838,101</b>	<b>1,896,437</b>	<b>1,956,644</b>
<b><u>FUNDING USES:</u></b>								
<b><u>Ongoing / Operational</u></b>								
Use tax collection costs & overhead	67,213	143,616	157,764	<b>177,028</b>	180,923	184,903	188,971	193,317
Administrative costs & meeting costs	4,781	11,215	12,400	<b>12,400</b>	12,673	12,952	13,237	13,541
Country Inn taxi program in-lieu of bus stop safety improvements	2,108	6,982	7,000	<b>7,000</b>	7,154	7,311	7,472	7,644
X-Games transit subsidy	115,000	115,000	115,000	<b>115,000</b>				
Brush Creek Park and Ride operating costs	30,252	33,240	42,000	<b>42,882</b>	95,000	97,090	99,226	101,508
No-fare Aspen-Snowmass-Woody Creek bus service - year-round	650,556	662,158	690,075	<b>813,678</b>	880,043	915,245	951,855	989,929
WE-cycle operational support	100,000	100,000	100,000	<b>100,000</b>				
Brush Creek BRT connecting service - spring, summer, fall (50% from Snowmass Sav)	294,400							
Regional Transportation Administrator	34,492	133,450	140,881	<b>141,189</b>	146,429	151,554	159,132	164,702
<b>sub-total Ongoing / Operational</b>	<b>1,298,801</b>	<b>1,205,662</b>	<b>1,265,120</b>	<b>1,409,177</b>	<b>1,322,222</b>	<b>1,369,055</b>	<b>1,419,893</b>	<b>1,470,641</b>
net funding available for projects	1,426,419	2,051,711	642,528	<b>318,527</b>	459,582	469,046	476,544	486,003
<b><u>Projects</u></b>								
Buttermilk/SH82 Pedestrian Crossing Analysis	22,753							
Battery Electric Bus Program		500,000						
Variable message sign on Hwy 82		11,310	552,709					
Snowmass Mall transit station (2000 Ballot Required Funding \$7M - 2022 balance \$5,278,787)	50,000	-	650,000	<b>300,000</b>	6,000,000			
EOTC Professional Services, Regional Transportation Participation			8,000	<b>5,000</b>				
Brush Creek Park and Ride FLAP grant match (Not including \$500,000 RFTA contribution pending RFTA Board approval - EOTC balance to be reduced if contribution approved)			44,506	<b>3,493,622</b>				
Community Task Force - Integrated Mobility System Feasibility, Phase 2			10,000	<b>25,000</b>				
Upper Valley Transit Enhancement Study (Airport to MC Roundabout - Bike/Ped Access to Transit Stops, Transit Efficiency, Regional Transit Airport Connectivity)				<b>45,000</b>				
Bike / Ped Connection from BC P&R to Rio Grande / AABC - Feasibility				<b>25,000</b>				
<b>sub-total Projects</b>	<b>72,753</b>	<b>511,310</b>	<b>1,265,215</b>	<b>3,893,622</b>	<b>6,000,000</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>Total Uses</b>	<b>1,371,554</b>	<b>1,716,972</b>	<b>2,530,335</b>	<b>5,302,799</b>	<b>7,322,222</b>	<b>1,369,055</b>	<b>1,419,893</b>	<b>1,470,641</b>
<b>EOTC ANNUAL SURPLUS/(DEFICIT)</b>	<b>1,353,666</b>	<b>1,540,401</b>	<b>(622,687)</b>	<b>(3,575,095)</b>	<b>(5,540,418)</b>	<b>469,046</b>	<b>476,544</b>	<b>486,003</b>
<b>EOTC CUMULATIVE SURPLUS FUND BALANCE</b>	<b>9,937,022</b>	<b>11,477,423</b>	<b>10,854,737</b>	<b>7,279,642</b>	<b>1,739,224</b>	<b>2,208,270</b>	<b>2,684,814</b>	<b>3,170,817</b>
Unobligated EOTC Fund Balance (Current Year Operations and All Current and Future Projects)	(1,733,124)	318,587	961,115	<b>1,279,642</b>	1,739,224	2,208,270	2,684,814	3,170,817
<b><u>Revenue projections:</u></b>								
a) sales tax	5.83%	22.21%	-7.90%	<b>0.00%</b>	3.25%	3.25%	3.25%	3.25%
b) use tax	-8.6%	11.1%	-73.1%	<b>-4.26%</b>	3.25%	3.25%	3.25%	3.25%
c) investment earnings rate	1.64%	1.5%	0.5%	<b>0.69%</b>	1.00%	1.50%	1.75%	1.75%

At 5:00 p.m. Mayor Torre called the regular meeting to order with Councilmembers Richards, Mesirow, Mullins and Hauenstein joining via video conference.

CITIZEN COMMENTS:

Mark Ganzi – Mr. Ganzi said they are proceeding with the snow polo event on the basis that they can conduct the event in line with past practices and key laws related to the COVID 19 procedures. He said they successfully conducted polo events all summer and are confident they can do so this winter. We want to do what's best and in the interest of the city. We all have grave concerns about how this horrible disease can move very quickly. We want to throw a great event and we can so in increments. We are not doing a VIP tent this year, but many small tents will be available. We are trying to work with ESPN to broadcast the games and are working with corporate partners. It's hard to do these things in this type of environment. The plan was to bring this to Wagner Park, and we can produce the event in either place and we want to continue to raise money for the hospital.

Lee Mulcahy – Mr. Mulcahy said he's very sad today because the local judge wants blood. Peace is the father of civilization. The system is the system. He said he loves the mayor, but that APCHA violated their own guidelines. If you look at the first compliance letter, it's all in black and white. The US Court of Appeals ruled against APCHA and he is grateful to them. We need to take a closer look at this. Should we compromise? Let's let the Mulcahy's do community service and pay the new fines. His father was the American dream and is the male version of Lauren Bobert. You can come together with Skippy and Ward to send a message and come together before there is violence. We will not surrender.

Andrew Isreal – Mr. Isreal is speaking on behalf of Protect Wagner Park and said they are opposed and object to a change in venue for the snow polo championships. We are quite Concerned about COVID 19 at this event. The change to Wagner was not fully vetted. Snow polo has been a controversial issue previously when Torre, Rachel and Ann were all on council. The event is impactful and a drain on resources and puts the health of the park at risk.

Mike Maple – Mr. Maple said he is here to talk about the north and east side of Aspen. Across the river and above Smuggler is the densest area in the community. Despite high density, access is challenging. The sidewalks are narrow and there are not very many access points. An ordinance signed on September 17<sup>th</sup>, 2019 included as a condition of approval, the installation of a sidewalk along Gibson Avenue. He supported the extension of a sidewalk. This project is now under construction, it's time to complete the rest of the sidewalk in this area. A substandard sidewalk has been proposed by the city. Please push your staff to afford installation of a proper 5 ft sidewalk, and promptly commence work so the sidewalk can connect from Gibson. On another note, he fully supports the idea of using Wagner Park for polo.

Christine Benedetti – Ms. Benedetti said she is here to speak about financial policies. We learned in September that the city has 3.5 million in bonds with Wells Fargo Bank. They are the second leader in financial fossil fuel development. We'd like to ask council to adopt a policy restricting the purchase of bonds in fossil fuel companies. We are asking council to direct the city's finance director to sell the Wells Fargo bonds. We encourage the council to make this a public movement. Denver and Boulder have already done this.

Mayor Torre said this item is on our agenda and we will address it.



John Sarpa – Mr. Sarpa said he wants the community to know it's been a huge benefit to the Aspen Valley Hospital to hold this event. We want to be good stewards of the lands. The polo folks have raised over 2 million over the past couple of years and is an important event. This sets us up for our biggest event, which is summer polo. This is very important to the hospital and keeping them well funded.

Deborah Breen – Ms. Breen said she's echoing what John said and this has been very beneficial to the hospital. All hospitals are challenged across the country right now. We have erred on the side of caution on how this is going to look this year. Wagner offers a larger venue so that social distancing is easier. She has the utmost confidence in the Ganzi's and the polo club. It's a great thing for the community.

Miller Ford – Mr. Ford said he is circling back and is happy to report that things are falling into place and thanked them for the emails that have been sent and the work that has been done. Thank you to Courtney DeVito. She has been pivotal. We now have 4 meetings taking place in doors at the Red Brick, St. Mary's and the Episcopal church for supporting their 12 step fellowship program. He can't rest yet, however, because the high season is coming, and they only have capacity for 8 or 10 people. We do have protocols in place for now, but will be seeking a larger space.

Mayor Torre told him council won't stop looking and helping.

Justin Todd – Mr. Todd is here representing the St. Regis. He's echoing in support of the polo event and said they are a partner of the event. We anticipate doing the same thing this year. it's a positive event for the community and has tremendous economic impact. We appreciate council support.

Chris Bryan – Mr. Bryan said he represents Protect Wagner Park. This group is solely interested in protecting the park. He's been in touch with all members of council and he wants to reiterate that Aspen is in the middle of a pandemic. Right now, no more than five people can congregate in a park. This is not a good event for public health. If for some reason, we are eager to sponsor the event, and there is a compromise to have the health safety plan approved by the county, we need to keep it at the Rio Grande. It's actually the largest park in the city and is more than capable of hosting this event in a more prudent fashion.

Lucia Jayne – Ms. Jayne is echoing Christine Benedetti regarding the fossil fuel investment. She is in favor of not funding these big companies and said the finance department can look for other options for lower risk options.

Mayor Torre asked if council wants to add the snow polo conversation to action items and council agreed.

#### COUNCILMEMBER COMMENTS:

Councilwoman Richards thanked Mike Maple for his concern and said she supports following up on this.

Councilman Hauenstein said we've had council discussions on which areas of town are on the priority list for completing sidewalks. Trish Aragon went through this with us and we should have a follow up discussion with her.

Councilwoman Mullins supports taking a look at this too. Public comment has been really useful lately.

Councilwoman Mullins said for everyone to hang in there. It's such a difficult and strange time. Last week we saw there are seven houses over 20 million dollars under contract and then this week, there

are eleven new units in the lottery and over 200 people put in applications. There is quite a dichotomy in town with housing right now. We, as the city, are working really hard to support everyone economically and socially and emotionally through a really tough winter.

Councilman Hauenstein said it's really important for everyone to stay vigilant. Protect yourself at all times. Keep your guard up. We all have COVID fatigue right now. He got a call from someone upset at the city for not enforcing the mask zone. It's everyone's responsibility, however, and it's a show of respect. Public health is the number one priority, and we won't allow unsafe events to proceed.

Councilman Mesirow said we have presumptive election results, and it feels good. We just had the highest voter turnout in U.S. history. It's really important that we approach this with grace regarding others with a different perspective with an intention to heal. Regarding COVID, we only have ourselves to protect our jobs, businesses and our health.

Councilwoman Richards said she is taking a different tactic regarding the election outcome. She is disappointed with this lack of peaceful transition. No healing will occur until we have a truth commission, and she doesn't feel safe yet. She spoke at length about COVID frustrations and she doesn't want anyone acting like this is going to be any kind of normal winter. It's not going to be normal again for a very long time.

Mayor Torre extending appreciation to Barry Ramsberg and Jeannie Seebold have done a wonderful job of being concerned citizens regarding testing. Last week he and Ann volunteered at the schools for testing and participated in the testing as well to keep students able to attend school in person. Pitkin County is going to open more testing sites as well as the City of Aspen. Clark's market has testing available for asymptomatic individuals. He reiterated the five commitments.

AGENDA AMENDMENTS: Mayor Torre mentioned the addition of the snow polo discussion.

CITY MANAGER COMMENTS:

Sara Ott said the positivity rates are alarmingly high throughout Colorado. It's an unfortunate reality. She encourages people to pay attention to the COVID dial dashboard at the state level to understand data. We are doing ok in Pitkin County regarding our hospital beds, but hospitals throughout the state are full. Effective tomorrow, the Red Brick will be closed for 7 days. We cannot staff this facility because people are in quarantine. We will also delay the opening of the ice garden by a week. We are evaluating what will happen if we go into the red zone. We won't be able to keep the activity centers open.

Mayor Torre commended Ms. Ott and staff.

Ms. Ott continued talking about grants and any potential changes by council that were presented by the grant committee.

Council discussed at length.

Councilwoman Richards suggested to increase funding.

Mayor Torre said he needs to do more research.

Councilman Hauenstein, Councilwoman Mullins and Mayor Torre said they don't want to take a look right now and trust the committee and their decisions, but they will do more research and look into at a later date. Councilman Hauenstein said this is something to revisit in the new year.

#### BOARD REPORTS:

Councilwoman Mullins said she had BOCC today and RFTA and Reudi Water & Power on Thursday. There's a CML policy meeting on December 4<sup>th</sup>.

Councilman Mesirow said that he had APCHA and they reviewed their yearlong workplan and public outreach strategy as well as proposed regulation changes.

Councilman Hauenstein has RFTA and CORE coming up.

Mayor Torre said he has the Wheeler tomorrow with an update on the executive director search. He has Sister Cities this Thursday, and Ward will also be there. There is a Pitkin County Health and ACRA business zoom meeting update and Q&A this Thursday at 9 am.

#### CONSENT CALENDAR:

Mayor Torre said he would like to pull Resolution #095 – City of Financial Policies - Pete Strecker

Mr. Strecker shared two slides and walked council through briefly. He said the city's investments mirror the state regulations.

Councilman Hauenstein said he is leaving this to Pete's expertise as to where to invest. He trusts Pete to redistribute the funds. He doesn't support boycotting a particular bank, and said instead, they could send Wells Fargo a signal about our stance.

Councilwoman Richards said she supports the disinvestment.

Mr. Strecker said the city would have to give up 1 and a ½ percentage points. He said this is a 2.9 million dollar holding.

Councilwoman Mullins said she would like more information. We don't want to lose money for the city. Not everyone is supportive of the city making less money due to a statement about climate change, although it is an important one. We need to come up with a strategy, and this isn't a quick fix. We will need Pete to look into this a little more deeply.

Councilman Mesirow said he shares the goal of climate change, but he's a little with Ann for a need of more information before they take action.

Mayor Torre agrees there's a need for more information.

Councilman Hauenstein motioned to continue Resolution #095 to a meeting in January; Councilwoman Richards seconded.

Councilman Hauenstein motioned to approve the remainder of the consent calendar; Councilwoman Richards seconded.

Councilwoman Mullins mentioned the Open Space board appointments.

Mayor Torre said that both applicants are highly qualified and respected, and they will do fantastic job. He asked for other citizens to apply to the other boards that are currently advertised.

Roll call vote: Hauenstein, yes; Mesirow, yes; Mullins, yes; Richards, yes; Torre, yes. 5-0, motion carried.

ORDINANCE #17, SERIES OF 2020 – 2021 Electric and Water Rates and Fees - Tyler Christoff

Mr. Christoff said this ordinance contains their annual updates to utility rates and fees in Title 25. This material was reviewed with council at the October 19<sup>th</sup> utilities budget work session and no changes have occurred since. There is a continuation of the affordable housing fee structure and the addition of a new senior rate reduction class within the electric fund.

Councilwoman Mullins asked if the senior rate is based on age or income or both. Mr. Christoff said it is based on age. He is going to verify and follow up for second reading.

Mayor Torre asked for more information on the long-range plan regarding cost of service model that brings the utility in line with changes that we are making for budgeting. He noted the availability charge going up 20%. Mr. Christoff said he will bring back more information on this for second reading.

Councilman Hauenstein motioned to read; Councilwoman Mullins seconded.

Roll call vote: Hauenstein, yes; Mesirow, yes; Mullins, yes; Richards, yes; Torre, yes. 5-0, motion carried.

City Clerk, Nicole Henning, read the ordinance.

Councilman Hauenstein motioned to approve; Councilwoman Mullins seconded.

Roll call vote: Hauenstein, yes; Mesirow, yes; Mullins, yes; Richards, yes; Torre, yes. 5-0, motion carried.

ORDINANCE #19, SERIES OF 2020 – 2020 City of Aspen Fall Supplemental Budget Ordinance – Pete Strecker

Mr. Strecker said this is for 2020 and holds an increase of 5.6 million. The majority is outlined in the slide, and there are two large items which were previously approved: the ISIS debt refinancing, and the 2.5-million-dollar project at the Wheeler currently going on.

Councilwoman Richards said we've all seen these supplementals and is comfortable making a motion to read. Councilwoman Mullins seconded.

Roll call vote: Hauenstein, yes; Mesirow, yes; Mullins, yes; Richards, yes; Torre, yes. 5-0, motion carried.

Ms. Henning read the ordinance.

Councilwoman motioned to approve; Councilwoman Richards seconded.

Roll call vote: Hauenstein, yes; Mesirow, yes; Mullins, yes; Richards, yes; Torre, yes. 5-0, motion carried.

ORDINANCE #20, SERIES OF 2020 - 2021 Fee Ordinance – Pete Strecker

Mr. Strecker said this is largely unchanged from 2020 to 2021. There are two adjustments which need to be made: the right of way occupancy should be \$9.00 per square foot and the parking space residential fee should be \$25.00 per day.

Councilman Hauenstein motioned to read; Councilman Mesirow seconded.

Roll call vote: Hauenstein, yes; Mesirow, yes; Mullins, yes; Richards, yes; Torre, yes. 5-0, motion carried.

Ms. Henning read the ordinance.

Mayor Torre said he is interested about the golf fee schedule. He fielded a lot of comments, complaints, and suggestions this year around the golf course operations and would like to have a small discussion around this. He would like to know how our fee structures relate to some of the impacts we saw this year, so he would like more information on this for second reading.

Councilwoman Mullins motioned to approve; Councilwoman Richards seconded.

#### ACTION ITEMS:

##### SNOW POLO – Austin Weiss

Councilman Hauenstein said there will be no snow making this year due to water, it must meet county event protocol and he wanted to know if there would not be any bleachers this year. Mr. Weiss said he has not seen any bleachers in the illustrations for this year. Mr. Ganzi agreed that there will be no bleachers and only 50 people inside of the event.

Councilman Hauenstein said he is inclined to move this back to the Rio Grande after all the public comment, and since it's a bigger venue, it makes sense.

Councilman Mesirow said it's a big part of the kaleidoscope of the Aspen experience. He supports the event at the Rio Grande. He thinks that doing it at Wagner sends the wrong message. He feels it's most appropriate. He agrees with Andy and Chris regarding the location, but their comments about it being a "super spreader" are totally off base. It's confounding and inaccurate and he didn't appreciate it.

Councilwoman Mullins said the value of the event as a fundraiser and the value of the tradition is very important. She's assured that it won't go ahead without an approved safety plan. The solution is to move it back down to the Rio Grande. It's a more appropriate place for the games.

Councilwoman Richards said she's the odd man out. It's an extremely short-term event. She said this is an anniversary year and it would be very visible and enjoyable to have it at Wagner. She's doesn't see the same viewability at Rio Grande. The money they raise is massive. She said the construction site down there is pretty ugly and it's not going to view well of Aspen. Wagner would be much prettier at this time. The Motherlode gets to use Wagner and they don't raise a dime for anyone. She's willing to stand up for a little pressure.

Mayor Torre said he is a fan of this event. He thinks it's really neat, and it's well put on and well managed. This has also been successful at Rio Grande, and he likes it better because of the solar exposure. It's an odd year for this request, but he's excited to support it at Rio Grande. It's just the wrong year to make change to this.

Councilman Hauenstein said he can't disagree with Rachel on all her points but he thinks the Rio Grande is the best place with what's going on.

RESOLUTION #097, SERIES OF 2020 – Extension of Vested Right, Aspen Alps Condominiums 300 Building  
– Phillip Supino & Michelle Bonfils-Thibeault

Mr. Supino said the applicant has been very diligent in pursuing this project, and it's a project of necessity. The Alps desperately needs to do. Staff is recommending an 18-month extension and staff would be very comfortable with that.

Alan Richman said building 300 is quite distressed. It's tilted, skewed and misaligned. Repairing it would have been costly and uncertain, so they decided to replace the building. All approvals were granted, and vested rights were received. The approved plan set was submitted, and a complete building plan was prepared. Steady progress has been made to complete this project. Due to the pandemic, the project got shut down and skewed from it's original timetable.

Ms. Bonfils said there are four main criteria for approving extension of vested rights, and staff finds that the four criteria have been met.

Councilman Hauenstein is fine with this at 18 months.

Councilwoman Mullins asked why only 18 months and Ms. Bonfils said she feels it will keep the applicant on task.

Councilwoman Richards said should there be further delays with the COVID year, she can see making this longer. It's a legitimate extension request and she supports it.

Councilman Hauenstein motioned to approve; Councilwoman Richards seconded.

Mayor Torre is supportive and appreciative of staff.

Mayor Torre opened public comment.

Mayor Torre closed public comment.

Roll call vote: Hauenstein, yes; Mesirow, yes; Mullins, yes; Richards, yes; Torre, yes. 5-0, motion carried.

RESOLUTION #099, SERIES OF 2020 – School District IGA – CJ Oliver & Katherine Sand

Mr. Oliver explained where the funding will go and Ms. Sand went over the plan highlights: Steering Committee, Teen Voice/Teen Connector, Early Childhood Connector, Continuous Evaluation.

Councilwoman Mullins gave kudos to Katherine and she gives full support.

Councilman Mesirow is in full support and said Katherine is remarkable.

Councilwoman Richards thanked Katherine and her team. She is happy to support this request.

Mayor Torre echoed everyone's sentiments and said he feels really good about the direction they are going.

Councilman Hauenstein motioned to approve; Councilman Mesirow seconded.

Roll call vote: Hauenstein, yes; Mesirow, yes; Mullins, yes; Richards, yes; Torre, yes. 5-0, motion carried.

City Attorney, Jim True, said that Resolution #097 was conducted properly as a public hearing since public comment was opened up. It should have been listed under the public hearings section but is ok because it was opened up to the public. Mr. True said that staff is recommending that council move into

an executive session. There were three items noticed and they will be adding two items to the agenda: Centennial Owners Association vs. the City of Aspen, as well as the HomeTrek Contract.

Councilwoman Richards motioned to move into executive session, Councilwoman Mullins seconded.

Roll call vote: Hauenstein, yes; Mesirow, yes; Mullins, yes; Richards, yes; Torre, yes. 5-0, motion carried.

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Nicole Henning, City Clerk



## MEMORANDUM

**TO:** Mayor and City Council

**FROM:** James R. True, City Attorney

**DATE OF MEMO:** November 18, 2020

**MEETING DATE:** November 24, 2020

**RE:** Ordinance # 21 (Series of 2020)/Mayor and Council Compensation

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**SUMMARY:** Council has requested that an ordinance be placed on the agenda for consideration of a raise in Mayor and Council compensation. Ordinance #21 is attached for your consideration at first reading.

**PREVIOUS COUNCIL ACTION:** Section 3.6 of the Aspen Municipal Charter states, in pertinent part, as follows:

The members of the council shall receive such compensation, and the mayor such additional compensation, as the council shall prescribe by ordinance; provided, however, that the compensation of any member during his term of office shall not be increased or decreased. ...

Based on this provision, Council raised the compensation for the Mayor and Council pursuant to Ordinance #1 adopted in March of 2001. Ordinance #1, Series of 2001, is attached. Compensation has remained at that level since then. In 2008, a permanent modification of compensation tied to County Commissioner salaries, which is set by state statute, was considered as a Charter amendment. However, that effort was abandoned.

In April of 2019, Ordinance #11 was brought Council to provide an increase of \$200 per month for Council and Mayor. It also included an automatic increase based on CPI at the beginning of each term for Council. Ordinance #11, Series of 2019 was tabled at first reading and was not timely taken off the table. Pursuant to applicable rules it has been deemed to have died.

**DISCUSSION:** Ordinance #21, Series of 2020, provides for an increase of \$1000 per month for Council and Mayor. It also includes an automatic increase based on CPI at the beginning of each term for Council, and each term for Mayor. This allows an increase to occur at the beginning of a new term so that no Council member receives an increase during





his or her term. The health insurance stipend will continue but the benefits that are available have been modified.

In addition, I have attached hereto a memo from Ron LaBlanc dated September 22, 2020 that provides data obtained by staff regarding compensation provided to elected officials in other western, resort municipalities.

The compensation of elected officials is debated throughout this country on a regular basis. There are many varied opinions regarding amount and purpose. I will not attempt to capsule those opinions and that debate.

**RECOMMENDED ACTION:** Staff does not have a recommendation for action by Council. If this is passed on first reading, staff recommends that the public hearing be set for the regular meeting on December 8, 2020.



ORDINANCE NO. 21  
(Series of 2020)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ASPEN, COLORADO, INCREASING THE COMPENSATION FOR THE OFFICES OF MAYOR AND CITY COUNCILPERSON.

WHEREAS, Section 3.6 of the Home Rule Charter for the City of Aspen provides that members of the City Council and Mayor shall receive such compensation as the Council shall prescribe by ordinance; and

WHEREAS, the current levels of compensation for the Mayor (\$2,325.00 per month) and members of City Council (\$1,700.00 per month) were established in January 2001, and have not been adjusted since that time; and

WHEREAS, the City Council desires to provide a reasonable and equitable increase in the levels of compensation provided to the Mayor and members of the City Council so as to reflect not only the increase in the cost of living since 2001, but the increase in the commitment of time necessarily required to fulfill the duties of such elective offices; and

WHEREAS, the City Council desires to establish a salary that is fair compensation and maintain that salary as it relates to increases in the cost of living without further action by Council.

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

Section 1.

The monthly compensation for the office of Mayor shall be increased from \$2,325.00 per month to \$3,325.00 per month; the monthly compensation for City Council members shall be increased from \$1,700.00 per month to \$2,700.00 per month. Increases in compensation as set forth herein shall become effective upon the first regular City Council meeting in April 2021, for the Mayor and June 2021 for those Council Members elected in the general election of 2021. In

accordance with Section 3.6 of the Home Rule Charter, no current member of the City Council, including the Mayor, shall be entitled to receive such compensation increase until their present term of office has expired, and they have been duly elected or appointed to a new term. Thus, for Council positions set for election in March 2023, increases in compensation as set forth herein shall become effective upon the first regular City Council meeting in April 2023.

#### Section 2.

The monthly compensation for City Council members shall be increased based on the increase in the Denver-Aurora-Lakewood CPI (“CPI”) every four years to take effect at the commencement of a new term for each Council position. For Council members elected in 2021, the CPI compensation increase shall take effect in April 2025, and each April every four years thereafter. For Council members elected in 2023, the CPI increase shall take effect in April 2027, and each April every four years thereafter. The monthly compensation for Mayor shall be increased by the CPI every two years commencing April 2023. The Director of Finance shall calculate and implement the CPI increase authorized pursuant to this Section 2.

#### Section 3.

In addition, compensation for the office of Mayor and for City Council members shall include an amount sufficient to allow those officeholders to participate in health insurance benefits. The Mayor and each member of Council shall be entitled to receive a stipend in addition to their monthly compensation equal to the cost of health insurance benefits authorized for regular full time City employees; provided, however, that the stipend is actually used to purchase health insurance through the City or a third party insurer and that the stipend does not exceed the cost of health insurance premiums for a single person. The Mayor or any Council Member using a third-party insurer shall provide evidence of the insurance obtained to the City’s Human Resources

Department. If electing the City of Aspen health insurance benefits, the Mayor and City Council members may also elect dental and vision insurance. The above additional benefits are offered to the Mayor and City Council members at the same rates as regular full-time employees. If enrolling in the City of Aspen health plan, the Mayor and City Council members may enroll eligible dependents, at the Mayor's or Councilmember's full expense, in compliance with the Affordable Health Care Act. The stipend shall be determined by the Human Resources Department and implemented at the commencement of each Mayor or Council Member's term and shall remain the same throughout the elected individual's term. Further benefits for the Mayor and City Council members shall include access to a deferred compensation (457b) retirement plan, Employee Assistance Program, and the Elected Official Wellbeing Program.

#### Section 4.

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional in a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and shall not affect the validity of the remaining portions thereof.

#### Section 5.

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

A public hearing on the ordinance shall be held on the 8<sup>th</sup> day of December 2020, in the City Council Chambers, Aspen City Hall, Aspen, Colorado.

INTRODUCED, READ AND ORDERED PUBLISHED as provided by law by the City Council of the City of Aspen on the 24<sup>th</sup> day of November 2020.

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Torre, Mayor

ATTEST:

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Nicole Henning, City Clerk

FINALLY adopted, passed and approved this 8th day of December 2020.

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Torre, Mayor

ATTEST:

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Nicole Henning, City Clerk



## MEMORANDUM

TO: Sara Ott, City Manager

FROM: Ron LeBlanc, Special Projects Manager

Copy: Jim True, City Attorney  
Alissa Farrell, Administrative Services Director

MEMO DATE: September 22, 2020

RE: Comparison of City Council Compensation

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### REQUEST FROM CITY MANAGER:

Per your direction, a review of comparable communities was completed to determine a comparison of compensation provided to Mayors and members of the governing body. This has been drafted as an information memo.

### BACKGROUND:

The City Council discussed the topic of Mayor and Council compensation during a Work Session on March 9, 2020. The agenda packet contained a memo prepared by City Attorney Jim True, with the assistance of Alissa Farrell who prepared a table of data to illustrate comparisons of various cities. For the convenience of those who may be reading this memo, the agenda memo dated March 5 is attached. The summary of the legal basis for the current City Council compensation has not changed since the previous discussion.

The focus of this memo is to provide expanded and updated comparison data with other cities. This information was compiled using information obtained from the Colorado Municipal League (CML), Colorado Association of Ski Towns (CAST), and individual contacts with additional cities. TABLE 1 – COMPARISON OF SALARIES FOR ELECTED OFFICIALS displays data from 28 cities and towns throughout the Rocky Mountain West. While these communities are similar to Aspen in many respects, each community has a distinctive character that makes it unique.

The majority of these peer cities are from Colorado. Colorado has a strong Home Rule tradition that is rooted in the Constitution of the State of Colorado. The majority of these peer Colorado communities operate with a Home Rule Charter that was adopted by a vote of the people and follow the Council-Manager form of government. Five of these peer cities in Colorado are statutory

towns (Basalt, Eagle, Estes Park, Fraser, and Grand Lake) taking their powers and authorities from state statutes.

The powers granted to the Mayor, City Council and City Manager are very similar for each of the peer cities in Colorado. The Council or Town Board is the legislative body. In most situations, the Mayor is a voting member of the governing body. Their role is to set policy including the approval of the annual budget. The governing body is responsible for appointing the city manager, city attorney and municipal judge.

It might be instructive to provide additional details regarding roles and responsibilities. The Aspen City Charter specifies that the Mayor is “recognized as the head of government for all ceremonial and legal purposes and he or she shall execute and authenticate legal instruments requiring his or her signature as such official.” This is typical language found in most Home Rule Charters that are based on the National Civic League’s Model City Charter. Only three mayors in Colorado possess true executive authority (such as developing the annual budget and hiring/ firing staff) can be found in Denver (technically a city/county consolidation), Colorado Springs and Pueblo. The vast majority of municipalities in Colorado view the Office of Mayor as a part time position.

The powers and duties of City Managers in Colorado represent a traditional executive function, designed to “execute” the policies of the governing body. The Aspen City Charter enumerates the powers and duties of the City Manager in Section 6.3. The City Manager is responsible for all personnel functions, developing an annual budget, reporting financial condition on a routine basis, supervising and directing the various departments and managing the day to day affairs of the City.

A notable exception to this is the Town of Avon which was initially created with a Council-Mayor form of government and provides for a Council-Manager form when the Council determines such form is appropriate.

Five peer cities used in this comparison are located outside Colorado. These are Jackson WY, Ketchum ID, Moab UT, Park City UT, and Sun Valley ID. All of these communities more closely resemble statutory communities in Colorado rather than Home Rule municipalities. Ketchum, Moab, Park City and Sun Valley are statutory municipalities established under state statutes. Jackson operates under a Charter Ordinance that was adopted by the City Council. In Ketchum, Moab, Park City, and Sun Valley, the Mayor serves as the Chief Executive.

The form of government may be a contributing factor to explain why the salaries of these five out of state communities are the highest of the peer cities. Park City has the highest salaries for elected officials. It pays its Mayor \$3,706 per month and City Council members are paid \$1,914 per month. Jackson is the second highest: Mayor (\$3,275); Council (\$2,729). This is followed by Ketchum with salaries for Mayor (\$3,122) and Council (\$1,734). The City of Aspen comes in at number four on the list as it pays the Mayor \$2,325 per month and members of the City Council receive \$1,700 per month. Snowmass Village is number five on the list at \$2,200 per month for Mayor with City Council getting paid \$1,700 per month. The City of Sun Valley is next paying their Mayor \$1,700/month and City Council \$1,000/month. Most Colorado communities pay less than \$1,500 per month for Mayor and \$1,042 per month for City Council.

Colorado has 271 incorporated cities and towns. Denver, Colorado Springs, Aurora, and Pueblo compensate their Mayors more than Aspen. Denver, Colorado Springs, and Pueblo follow the Mayor-Council form of government. The Mayors in these cities receive: Denver- \$14,266/month, Colorado Springs - \$8,614/month, Aurora - \$6,867/month, and Pueblo - \$12,500/month. It appears that the City of Aspen currently compensates the Mayor \$2,325/month (fourth highest in the state) while the majority of Colorado cities compensate the Mayor less than \$1,500/month.

A sitting Council cannot vote to increase their compensation until an election has taken place for their seat on the governing body. The comparison data reflects the most recently approved salary for Mayor and Council in that municipality. While some sitting elected officials who have not run for re-election under the new ordinance may be compensated at the old rate, all newly elected members of the governing body will be compensated at the new rate after the next election.

Benefits are also part of the total compensation for members of the City Council. This becomes very complicated to identify and quantify. Benefits for members of the governing body differ greatly from city to city. Of the 28 peer cities, only ten were confirmed to offer health, life, dental, and vision insurance (Aspen, Avon, Durango, Estes Park, Jackson, Park City, Snowmass Village, Steamboat Springs, Sun Valley and Telluride). These costs are budgeted annually, however, not every member of the governing body who is eligible opts to take the city's insurance. The out of state peer cities frequently also contribute to the state pension system on behalf of the elected official. Typically, the vesting period for a state retirement system is five years, most terms of office are only four years. Those municipalities that offer health insurance and paid retirement will also have the highest total compensation numbers. Most of the peer cities in Colorado offer a wide range of low cost/no cost benefits such as wellness passes to recreation centers, free car washes at the city owned facility, and cell phone stipends.

#### SUMMARY:

This information represents the most current data available. The COVID economy has forced some cities to reduce salaries, including those of elected officials. However, those reductions are considered to be temporary, so the maximum authorized salaries are reflected in these data.

TABLE 1 – COMPARISON OF SALARIES FOR ELECTED OFFICIALS

<u>City/Town</u>	<u>Population</u>	<u>Mayor</u> Month	<u>Council</u> Month
Avon	6,442	\$1,500	\$750
Aspen	7,287	\$2,325	\$1,700
Basalt	4,658	\$1,562	\$1,042
Breckenridge	5,038	\$1,500	\$1,000
Carbondale	6,997	\$1,500	\$900
Crested Butte	1,771	\$900	\$500
Dillon	983	\$900	\$400
Durango	19,097	\$1,117	\$876
Eagle	7,085	\$800	\$500
Estes Park	6,310	\$917	\$667



Fraser	1,348	\$140/mtg	\$100/mtg
Frisco	3,281	\$950	\$500
Glenwood Springs	9,972	\$1,200	\$1,000
Grand Lake	516	\$0	0
Gunnison	6,914	\$750	\$625
Jackson Wyoming	10,427	3,275	\$2,729
Ketchum, Idaho	2,889	\$3,122	\$1,734
Moab, Utah	5,268	\$1,000	\$700
Mt. Crested Butte	886	\$300/mtg	\$150/mtg
Mountain Village	1,432	\$800	\$400
Park City, Utah	13,382	\$3,706	\$1,914
Silverthorne	5,129	\$750	\$300
Snowmass Village	2,741	\$1,700	\$1,200
Steamboat Springs	13,764	\$1,192	\$895
Sun Valley, Idaho	1,499	\$1,700	\$1,000
Telluride	2,494	1,000	\$800
Vail	5,408	\$1,000	\$625
Winter Park	1,087	\$400/mtg	\$200/mtg



ORDINANCE NO. 1  
(Series of 2001)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ASPEN, COLORADO, INCREASING THE COMPENSATION FOR THE OFFICES OF MAYOR AND CITY COUNCILPERSON.

WHEREAS, Section 3.6 of the Home Rule Charter for the City of Aspen provides that members of the City Council and Mayor shall receive such compensation as the Council shall prescribe by ordinance; and

WHEREAS, the current levels of compensation for the Mayor (\$1,725.00 per month) and members of City Council (\$1,200.00 per month) were established in March, 1996, and have not been adjusted since that time; and

WHEREAS, the City Council desires to provide a reasonable and equitable increase in the levels of compensation provided to the Mayor and members of the City Council so as to reflect not only the increase in the cost of living since 1996, but the increase in the commitment of time necessarily required to fulfill the duties of such elective offices; and

WHEREAS, the City Council finds that the current compensation for the Mayor and members of Council even after being adjusted for increases in the CPI are not sufficient to encourage persons from all economic backgrounds to participate in public service; and

WHEREAS, increasing the compensation of the Mayor and members of Council may provide one incentive for citizens with modest financial incomes to consider public service; and

WHEREAS, the City Council desires to proclaim and establish a custom and policy of evaluating and adjusting the compensation levels for the Mayor and council members more frequently than it has in the past.

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

Section 1.

The monthly compensation for the office of Mayor shall be increased from \$1,725.00 per month to \$2,325.00 per month; the monthly compensation for City Council members shall be increased from \$1,200.00 per month to \$ 1,700.00 per month. In addition, compensation for the office of Mayor and for City Council members shall be increased by an amount sufficient to allow those officeholders to participate in health insurance benefits as follows. The Mayor and each member of Council shall be entitled to receive a stipend in addition to their monthly compensation equal to the cost of health insurance benefits authorized for regular full time City employees; provided, however, that the stipend is actually used to purchase health insurance through the City or a third party insurer and that the stipend does not exceed the cost of health insurance premiums for a single person. All increases in compensation as set forth herein shall become effective upon the first regular City Council meeting in June 2001. In accordance with Section 3.6 of the Home Rule Charter, no current member of the City Council, including the Mayor, shall be entitled to receive such compensation increase until their present term of office has expired and they have been duly elected or appointed to a new term.

Section 2.

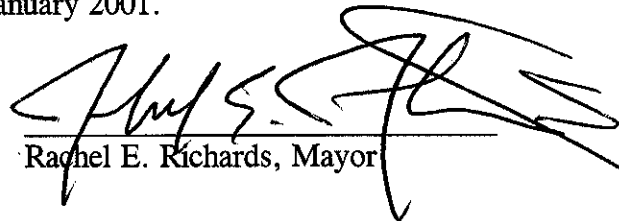
If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional in a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and shall not affect the validity of the remaining portions thereof.

Section 3.

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

A public hearing on the ordinance shall be held on the 12 day of February, 2001, in the City Council Chambers, Aspen City Hall, Aspen, Colorado.

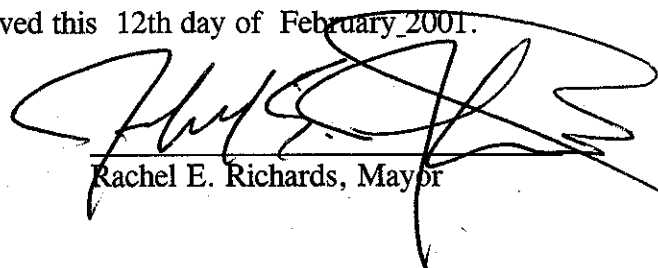
INTRODUCED, READ AND ORDERED PUBLISHED as provided by law by the City Council of the City of Aspen on the 22nd day of January 2001.

  
Rachel E. Richards, Mayor

ATTEST:

  
Kathryn S. Koch, City Clerk

FINALLY adopted, passed and approved this 12th day of February 2001.

  
Rachel E. Richards, Mayor

ATTEST:

  
Kathryn S. Koch, City Clerk



## MEMORANDUM

**TO:** City Council

**FROM:** Sara Ott, City Manager  
Pete Strecker, Finance Director

**MEETING DATE:** November 24, 2020

**RE:** Adoption of the 2021 Budget, Resolution No. 92 (Series 2020)

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**Request of Council:** The 2021 Proposed Budget for the City of Aspen has been prepared and submitted for Council adoption. The combined net budget authority for operational, debt service and capital outlay equals \$140,959,368 (excluding double-counted interfund transfers).

The proposed spending plan reflects an increase of 24.8% from the 2020 original budget and reflects this Council's commitment to investment in the final phase of Burlingame affordable housing development (\$40 million). Excluding this one item, proposed 2021 net appropriations are proposed to decrease 10.6% from the 2020 original budget.

**Previous Actions:** City Council and staff worked through the 2021 Proposed Budget during 8 work sessions held throughout September, October, and early November. These work sessions progressed through each of the twenty-one City funds, proposed changes to municipal fees for the next year, grant funding recommendations and more.

**Summary and Background:** The proposed 2021 budget is largely a “stay the course” budget for operations, focused on maintaining core city services while recognizing that a level of belt tightening is responsible given economic uncertainty remains. For most departments, reductions of up to 5% were proposed and incorporated to begin the new fiscal year from a conservative stance. These cuts were made without affecting life/safety or other outward facing public services.

Similarly, capital budgets (excluding capital expenses related to the construction of Burlingame Phase 3) were reviewed and refocused towards projects preserving critical infrastructure, maintaining safety, or even accelerated to take advantage of better pricing or reduced impact to the community.

Finally, new supplemental funding (called out and assessed individually on their own merits) sought for the new year equals \$1.33 million. These requests increased the operational budget by just 1.8% and reflect wage and partial cafeteria benefit authority for elected officials and staff; preservation for full arts grants in the absence of normal funding resources; temporary staff to assist with COVID-19 recovery efforts; funding for multiple assessments around staff well-being and retention; software costs associated with the electronic permitting system; energy efficiency grant funds for small lodges and more.

**Adjustments Since Initial Proposal:**

Incorporated into the final proposal are minor adjustments from the originally released budget. These changes were discussed with the Council at the November 2<sup>nd</sup> and 9th work sessions and are summarized below:

- \$250,000 Increase for the Aspen School District's share of tobacco tax revenues
- \$70,450 Increase to the City's 50% share of the APCA subsidy
- \$29,000 Increase to partially fund increased Council salaries
- \$20,090 Increase to the Truscott I property management fees paid to APCA
- \$15,720 Increase to multiple funds for the City's CIRSA property insurance premium
- \$30,000 Decrease to the Marolt property management fees paid to APCA
- \$990 Decrease to adjust the budget available for grants

	2020 Orig. Budget	2021 Budget	\$ Change	% Change
<b>Revenues</b>	<b>\$151,495,585</b>	<b>\$136,886,998</b>	<b>(\$14,608,587)</b>	<b>(9.6%)</b>
Base Operating: On-Going	\$75,985,910	\$74,884,300	(\$1,101,610)	(1.4%)
Base Operating: One-Time	\$891,000	N/A	(\$891,000)	N/A
Supplementals	N/A	\$1,329,240	\$1,329,240	N/A
Reductions	\$0	(\$1,975,410)	(\$1,975,410)	N/A
Total Operating	\$76,876,910	\$74,238,130	(\$2,638,780)	(3.4%)
Capital Outlay	\$28,660,750	\$59,426,280	\$30,765,530	107.3%
Debt Service	\$7,408,320	\$7,294,958	(\$113,362)	(1.5%)
<b>Net Appropriations</b>	<b>\$112,945,980</b>	<b>\$140,959,368</b>	<b>\$28,013,388</b>	<b>24.8%</b>
Transfers	\$34,501,270	\$27,054,440	(\$7,446,830)	(21.6%)
<b>Total Appropriations</b>	<b>\$147,447,250</b>	<b>\$168,013,808</b>	<b>\$20,566,558</b>	<b>13.9%</b>
<b>Ending Fund Balance</b>	<b>\$127,354,152</b>	<b>\$129,640,748</b>	<b>\$2,286,596</b>	<b>1.8%</b>

**Recommendations:** Staff recommends approval of the proposed resolution adopting the 2021 Budget.

**City Manager Comments:**

**RESOLUTION NO. 92  
(SERIES OF 2020)**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ASPEN,  
COLORADO ADOPTING THE 2021 MUNICIPAL BUDGET AND  
AUTHORIZING APPROPRIATIONS PURSUANT THERE TO**

**WHEREAS**, the City Manager, designated by Charter to prepare the budget, has prepared and submitted to the Mayor and City Council the annual budget for the City of Aspen, Colorado for the fiscal year beginning January 1, 2021 and ending December 31, 2021; and

**WHEREAS**, in accordance with Section 9.8 of the Home Rule Charter, the Council shall adopt the budget by resolution on or before the final day established by law as December 15<sup>th</sup> for certification of the ensuing year's tax levy to the county; and

**WHEREAS**, Article 9 of the Aspen Home Rule Charter requires the adoption of an annual budget with the opportunity for the public to participate at a public hearing at least 15 days prior to the statutory deadline for certification of the ensuing year's tax levy to the county, it is the intent of the Council by adoption of this budget to follow the requirements of City Charter; and

**WHEREAS**, the budget as submitted in Exhibit A sets forth the amount to be appropriated for expenditure, and estimated revenues, for each accounting fund for the calendar year of 2021,

**NOW THEREFORE**, be it resolved by City Council, that the budget for the City of Aspen, Colorado for fiscal year 2021, attach hereto as Exhibit A and incorporated herein by this reference, is hereby adopted. All constituted appropriations amounting to \$168,013,808, and estimated revenues amounting to \$136,886,998, are hereby declared to be sufficient and necessary to pay the expenses and certain indebtedness, and provide for a reasonable fund balance at the close of the fiscal year beginning January 1, 2021 and ending December 31, 2021, as required pursuant to 29-1-103 (2), C.R.S.

Adopted this 24th, day of November 2020

\_\_\_\_\_  
Torre, Mayor

I, Nicole Henning, duly appointed and acting City Clerk of the City of Aspen, Colorado, do hereby certify that the foregoing is a true and accurate copy of the Resolution adopted by the City Council at its meeting held on the 24th day of November 2020.

\_\_\_\_\_  
Nicole Henning, City Clerk

## Exhibit A: City of Aspen 2021 Appropriation by Fund

Fund Name	Opening Balance	Revenues	Expenditures	Ending Balance
001 - General Fund	\$21,684,034	\$35,886,705	\$36,831,720	\$20,739,019
100 - Parks and Open Space Fund	\$6,330,884	\$11,990,820	\$13,559,500	\$4,762,204
120 - Wheeler Opera House Fund	\$28,503,094	\$4,788,700	\$6,344,570	\$26,947,224
130 - Tourism Promotion Fund	\$22,978	\$2,412,750	\$2,412,750	\$22,978
131 - Public Education Fund	\$0	\$2,547,000	\$2,547,000	\$0
132 - REMP Fund	\$3,108,990	\$816,000	\$1,586,700	\$2,338,290
141 - Transportation Fund	\$9,368,619	\$4,938,270	\$4,641,700	\$9,665,189
150 - Housing Development Fund	\$35,909,334	\$18,984,800	\$42,718,690	\$12,175,444
152 - Kids First Fund	\$4,866,062	\$1,994,345	\$2,603,640	\$4,256,767
160 - Stormwater Fund	\$1,868,784	\$1,588,000	\$1,405,620	\$2,051,164
250 - Debt Service Fund	\$245,270	\$6,135,568	\$6,134,568	\$246,270
000 - Asset Management Plan Fund	\$29,441,463	\$4,675,700	\$6,234,750	\$27,882,413
421 - Water Utility Fund	\$4,859,292	\$10,337,730	\$11,696,840	\$3,500,182
431 - Electric Utility Fund	\$2,505,661	\$10,614,640	\$10,442,050	\$2,678,251
451 - Parking Fund	\$1,598,578	\$4,007,830	\$4,273,270	\$1,333,138
471 - Golf Course Fund	\$759,753	\$2,242,040	\$2,324,870	\$676,923
491 - Truscott I Housing Fund	\$595,017	\$1,321,250	\$1,595,410	\$320,857
492 - Marolt Housing Fund	\$1,069,517	\$852,500	\$1,476,400	\$445,617
501 - Employee Benefits Fund	\$3,471,129	\$5,980,400	\$6,295,700	\$3,155,829
505 - Employee Housing Fund	\$3,727,393	\$2,697,900	\$436,410	\$5,988,883
510 - Information Technology Fund	\$831,706	\$2,074,050	\$2,451,650	\$454,106
				\$0
<b>Total Gross Appropriations</b>	<b>\$160,767,558</b>	<b>\$136,886,998</b>	<b>\$168,013,808</b>	<b>\$129,640,748</b>
		(\$27,054,440)	(\$27,054,440)	
<b>Total Net Appropriations</b>		<b>\$109,832,558</b>	<b>\$140,959,368</b>	







## MEMORANDUM

**TO:** City Council

**FROM:** Sara Ott, City Manager  
Pete Strecker, Finance Director

**MEETING DATE:** November 24, 2020

**RE:** Approval of Resolution No. 93 (Series 2020) – 2021 Budget for the Housing Administration Fund, Smuggler Affordable Housing Fund and APCA Development Fund

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**Request of Council:** Staff is requesting for City Council recognition of the Aspen Pitkin County Housing Authority (APCHA), Smuggler Affordable Housing Fund and APCA Development Fund budgets for calendar year 2021.

**Previous Actions:** The 2021 proposed budgets for these three affordable housing funds were presented and discussed at the November 2<sup>nd</sup> and November 9<sup>th</sup> work sessions with City Council. Approval of the APCA budget by resolution has occurred annually as a statement of recognition by the Council for its support of budget and subsidy provided by the City of Aspen.

**Summary and Background:** The 2021 Proposed Budget for APCA reflects the next phases of the HomeTrek computer system project, with licensing and maintenance costs associated with the project being incorporated within the pro forma. The initial capital investment for the software upgrade reduced fund balance to near targeted required reserve levels. The estimate for HomeTrek's operating costs in 2021 requires an increase to the City and County subsidies of \$70,450 each. Looking forward, future years subsidies will fluctuate to solely maintain the annual required reserve level and will ebb and flow with due to one-time financial events.

The budgets for Smuggler Affordable Housing Fund (wholly owned by APCA) reflect operational and capital costs associated with this low-income rental property.

The APCA Development Fund has an opening balance of \$249,247. These funds are available for use in 2021. At this time, no expenditure authority has been requested out of this fund. In 2020, there was a significant change to the fund balance. \$1 million was approved to be sent to APCA Administration fund in September of 2020. This funding will be used for the potential purchase of property in the Burlingame area.

<b>Fund Name</b>	<b>Opening Balance</b>	<b>Revenue Budget</b>	<b>Expenditure Budget</b>	<b>Ending Balance</b>
Housing Administration (APCHA) Fund	\$622,275	\$2,376,740	\$2,673,319	\$325,696
Smuggler Housing Fund	\$400,830	\$75,134	\$78,530	\$397,434
APCHA Development Fund	\$249,247	\$0	\$0	\$249,247
<b>Total</b>	<b>\$1,272,352</b>	<b>\$2,451,874</b>	<b>\$2,751,849</b>	<b>\$972,377</b>

**Recommendations:** Staff requests City Council approval of the proposed budget for the Housing Administration Fund, Smuggler Affordable Housing Fund and the APCHA Development Fund for 2021.

**City Manager Comments:**

**RESOLUTION NO. 93**

**(SERIES OF 2020)**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ASPEN,  
COLORADO APPROVING THE 2021 BUDGET FOR ASPEN PITKIN COUNTY  
HOUSING AUTHORITY, SMUGGLER AFFORDABLE HOUSING FUND AND  
APCHA DEVELOPMENT FUND**

**WHEREAS**, the Aspen Pitkin County Housing Authority is a standalone entity, uniquely separate from the City of Aspen and Pitkin County, and

**WHEREAS**, the City of Aspen directly appoints one director and one alternate director, and jointly with the County Commissioners appoints three additional directors and one alternate director. The County Commissioners appoints the remaining two, one director and one alternate director, for a total of the eight Board Members for the Aspen Pitkin County Housing Authority, with the intent that City of Aspen is expressly represented in matters concerning affordable housing in and around the Aspen community, and

**WHEREAS**, the City of Aspen annually subsidizes the operations of the Aspen Pitkin County Housing Authority administrative functions, and

**WHEREAS**, pursuant to the current intergovernmental agreement, the Housing Authority Executive Director must prepare and present annual budgets and make recommendations to the City and County for their adoption, and

**WHEREAS**, the budget as submitted in Exhibit A sets forth the amount anticipated to be appropriated by the Aspen Pitkin County Housing Authority for expenditure, and estimated revenues, for each accounting fund for the calendar year of 2021,

**NOW THEREFORE**, be it resolved by City Council, that the budget for the Aspen Pitkin County Housing Authority, Smuggler Affordable Housing and APCA development for fiscal year 2021 is hereby approved. All constituted appropriations amounting to \$2,751,849, and estimated revenues amounting to \$2,451,874, are hereby declared to be sufficient and necessary to pay the expenses and certain indebtedness, and provide for a reasonable fund balance at the close of the fiscal year beginning January 1, 2021 and ending December 31, 2021, as required pursuant to 29-1-103 (2), C.R.S.

Adopted this 24th day of November 2020.

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Torre, Mayor

I, Linda Manning, duly appointed and acting City Clerk of the City of Aspen, Colorado, do hereby certify that the foregoing is a true and accurate copy of the Resolution adopted by the City Council at its meeting held on the 24th day of November 2020.

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Nicole Henning, City Clerk

### **Housing Administration and APCA Funds - Exhibit A**

<b>Fund Name</b>	<b>Opening Balance</b>	<b>Revenue Budget</b>	<b>Expenditure Budget</b>	<b>Ending Balance</b>
Housing Administration (APCHA) Fund	\$622,275	\$2,376,740	\$2,673,319	\$325,696
Smuggler Housing Fund	\$400,830	\$75,134	\$78,530	\$397,434
APCHA Development Fund	\$249,247	\$0	\$0	\$249,247
<b>Total</b>	<b>\$1,272,352</b>	<b>\$2,451,874</b>	<b>\$2,751,849</b>	<b>\$972,377</b>



## MEMORANDUM

**TO:** City Council

**FROM:** Sara Ott, City Manager  
Pete Strecker, Finance Director

**MEETING DATE:** November 24, 2020

**RE:** 2021 Budget for the Truscott Phase II Affordable Housing Fund and Aspen Country Inn Affordable Housing Fund - Component Unit Funds of the City of Aspen

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**Request of Council:** Staff is requesting City Council approval of the Truscott Phase II Affordable Housing Fund and Aspen Country Inn Affordable Housing Fund budgets for 2021.

**Previous Actions:** The 2021 Proposed Budget for the Truscott Affordable Housing Fund and the Aspen Country Inn Affordable Housing Fund was presented and discussed at the November 9th work session with City Council.

**Summary and Background:** Truscott Phase II Affordable Housing Fund annual revenues are structured to cover the annual operations and debt service payments in this fund. In 2021, painting of buildings 10-70 and 200-300 is budgeted at \$400,000. This project is funded by the cash reserves that have accumulated over time to address capital maintenance and repairs.

The City of Aspen is the managing general partner for the ACI Affordable 1 LLLP. This Limited Liability Limited Partnership - which also has a limited partner (APCHA) and an investment limited partner (Boston Capital) - owns the Aspen Country Inn. This entity was formed in June 2016 to facilitate the renovation of these affordable housing units using tax credits and other conventional financing in addition to existing cash. As the City is the managing general partner, the City must adopt an annual budget. For 2021, the annual authority is outlined below and reflects positive cash flow, which will be used to maintain the required operating and replacement reserves (as outlined in the operating agreement of the LLLP), and to pay down the developer fee owed to the City for the renovation work previously performed.

<b>Fund Name</b>	<b>Opening Balance</b>	<b>Revenue Budget</b>	<b>Expenditure Budget</b>	<b>Ending Balance</b>
Truscott Phase II Affordable Housing Fund	\$535,004	\$1,162,180	\$1,328,880	\$368,304
ACI Affordable Housing Fund	\$116,253	\$373,020	\$359,810	\$129,463
<b>Total</b>	<b>\$651,257</b>	<b>\$1,535,200</b>	<b>\$1,688,690</b>	<b>\$497,767</b>

**Recommendations:** Staff proposes that Council approve the proposed budget for the Truscott Phase II Affordable Housing Fund and the Aspen Country Inn Affordable Housing Fund for 2021.

**City Manager Comments:**

**RESOLUTION NO. 94  
(SERIES OF 2020)**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ASPEN,  
COLORADO ADOPTING THE 2021 TRUSCOTT PHASE II AFFORDABLE  
HOUSING FUND AND ASPEN COUNTY INN AFFORDABLE HOUSING FUND,  
WHICH ARE COMPONENT UNIT FUNDS OF THE CITY OF ASPEN,  
AUTHORIZING APPROPRIATIONS PURSUANT THERE TO**

**WHEREAS**, the City Manager, designated by Charter to prepare the budget, has prepared and submitted to the Mayor and City Council the annual budget for the City of Aspen, Colorado for the fiscal year beginning January 1, 2021 and ending December 31, 2021; and

**WHEREAS**, the budget as submitted in Exhibit A sets forth the amount to be appropriated for expenditure, and estimated revenues, for each accounting fund for the calendar year of 2021,

**NOW THEREFORE**, be it resolved by City Council, that the budget for the City of Aspen, Colorado, Truscott Phase II Affordable Housing Fund for fiscal year 2021 is hereby adopted with Appropriations amounting to \$1,328,880, and estimated revenues amounting to \$1,162,180. Aspen Country Inn Affordable Housing Fund for fiscal year 2021 is hereby adopted with Appropriations amounting to \$359,810, and estimated revenues amounting to \$373,020. That all are hereby declared to be sufficient and necessary to pay the expenses and certain indebtedness, and provide for a reasonable fund balance at the close of the fiscal year beginning January 1, 2021 and ending December 31, 2021, as required pursuant to 29-1-103 (2), C.R.S.

Adopted this 24th, day of November 2020.

\_\_\_\_\_  
Torre, Mayor

I, Nicole Henning, duly appointed and acting City Clerk of the City of Aspen, Colorado, do hereby certify that the foregoing is a true and accurate copy of the Resolution adopted by the City Council at its meeting held on the 24th day of November 2020.

\_\_\_\_\_  
Nicole Henning, City Clerk

**Separate Component Unit Funds - Exhibit A**

<b>Fund Name</b>	<b>Opening Balance</b>	<b>Revenue Budget</b>	<b>Expenditure Budget</b>	<b>Ending Balance</b>
Truscott Phase II Affordable Housing Fund	\$535,004	\$1,162,180	\$1,328,880	\$368,304
ACI Affordable Housing Fund	\$116,253	\$373,020	\$359,810	\$129,463
<b>Total</b>	<b>\$651,257</b>	<b>\$1,535,200</b>	<b>\$1,688,690</b>	<b>\$497,767</b>



## MEMORANDUM

**TO:** Mayor and City Council

**FROM:** Tyler Christoff, Utilities Director  
Ryan Loebach, Senior Project Manager  
Lee Ledesma, Utilities Finance/Administrative Manager  
Justin Forman, Utilities Operations Manager  
Steve Hunter, Utility Resource Manager

**THROUGH:** Scott Miller, Public Works Director  
Pete Strecker, Finance Director

**MEMO DATE:** November 16<sup>th</sup>, 2020

**MEETING DATE:** November 24<sup>th</sup>, 2020

**RE:** Public Hearing – Ordinance #17 – 2021 Electric and Water Rates and Fees

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**REQUEST OF COUNCIL:** Staff requests approval of Ordinance #17, Series of 2020, representing updates to Title 25—Utilities—of the City of Aspen Municipal Code as presented during the October 19, 2020 Council work session on 2021 Electric and Water budgets and the November 10<sup>th</sup> First reading of this ordinance.

All proposed amendments and additions to Title 25 of the municipal code have been highlighted in yellow, shown in Exhibit A.

**SUMMARY AND BACKGROUND:** Council approved Cost of Service rates with a 5-year transition in November of 2018. 2019 water and electric rates represented Year One of the 5-year transition. 2020 water and electric rates represent Year Two. 2021 proposed water and electric rates represent Year Three of this 2018 Cost of Service rate study. This transition represents an incremental approach to utility rate increases. Staff believes this transition meets the functional needs of the utility while creating sustainable change for our customers. Most recently, Council reviewed proposed electric and water rate and fee increases as presented during the October 19, 2020 Council work session.

**DISCUSSION:** Raftelis Financial Consultants were contracted in 2019 to provide a fee recommendation based on the Utility's cost of service. Staff reviewed these recommendations and incorporated them into Ordinance #17 (Exhibit A). Details on proposed rate and fee increases that will be effective January 1, 2021 are shown below.

### **Year Three—Electric Utility Cost of Service Rate Proposal**

Year Three of the 2018 approved 5-Year Cost of Service rates are incorporated in Ordinance #17, (Exhibit A). Applying the Year Three rate adjustments results in updated average electric utility customer monthly bills. Tables below are intended to demonstrate average monthly cost impacts to the various customer classes including residential; affordable housing with electric heat; small commercial; and, large commercial.

ELECTRIC UTILITY RATES	2020 AVERAGE BILL	PROPOSED RATE CHANGE	2021 AVERAGE BILL
kWh Charges	\$180.07	-0.40%	\$179.29
Availability Charges	\$36.68	20.6%	\$44.24
Average Residential - Aspen	\$216.75		\$223.53
200 AMP Service / 1500 kwh (percentage change)			3.13%

ELECTRIC UTILITY RATES	2020 AVERAGE BILL	PROPOSED RATE CHANGE	2021 AVERAGE BILL
kWh Charges	\$146.16	-0.40%	\$145.51
Availability Charges	\$36.68	20.6%	\$44.24
Affordable Housing w/Electric Heat	\$182.84		\$189.75
200 AMP Service / 1500 kwh (percentage change)			3.78%

ELECTRIC UTILITY RATES	2020 AVERAGE BILL	PROPOSED RATE CHANGE	2021 AVERAGE BILL
kWh Charges	\$201.23	-0.50%	\$200.30
Availability Charges	\$35.12	22.3%	\$42.94
Average Small Commercial	\$236.35		\$243.24
200 AMP Service / 2,000 kwh (percentage change)			2.92%



ELECTRIC UTILITY RATES	2020 AVERAGE BILL	PROPOSED RATE CHANGE	2021 AVERAGE BILL
kWh Charges	\$3,394.74	-5.20%	\$3,218.00
Demand kW Charges	\$2,207.40	9.80%	\$2,422.76
Availability Charges	\$67.87	26.20%	\$85.65
Average Large Commercial	\$5,670.01		\$5,726.41
400 AMP Service / 45,000 kwh / 130 kw (percentage change)			0.99%

### **Year Three—Water Utility Cost of Service Rate Proposal**

Year Three of the 2018 approved 5-Year Cost of Service rates are incorporated in Ordinance #17, (Exhibit A). Applying the Year Three rate adjustments results in the following average water utility customer monthly bills. Tables below are intended to demonstrate average monthly cost impacts to the various customer classes including residential (downtown customer); residential (pumped zone customer); and commercial.

WATER UTILITY RATES	<u>2020</u> <u>AVERAGE</u> <u>BILL</u>	<u>PROPOSED</u> <u>RATE CHANGE</u>	<u>2021</u> <u>AVERAGE</u> <u>BILL</u>
Water Variable (Consumption)	\$29.50	5.76%	\$31.20
Water Demand	\$16.23	0.97%	\$16.39
Fire Charge	\$8.28	15.04%	\$9.53
Average Residential -- Downtown	\$54.02		\$57.12
2.67 ECUs & 0 Pumps / 10,000 gallons (percentage change)			5.74%

WATER UTILITY RATES	<u>2020</u> <u>AVERAGE</u> <u>BILL</u>	<u>PROPOSED</u> <u>RATE CHANGE</u>	<u>2021</u> <u>AVERAGE</u> <u>BILL</u>
Water Variable (Consumption)	\$179.34	5.79%	\$189.72
Water Demand	\$48.64	0.99%	\$49.12
Fire Charge	\$24.82	15.08%	\$28.56
Pump Charge	\$118.45	9.76%	\$130.00
Average Residential -- Red Mtn.	\$371.24		\$397.40
4.0 ECUs & 1 Pumps / 50,000 gallons (percentage change)			7.05%

WATER UTILITY RATES	<u>2020 AVERAGE BILL</u>	<u>PROPOSED RATE CHANGE</u>	<u>2021 AVERAGE BILL</u>
Water Variable (Consumption)	\$348.29	5.79%	\$368.46
Water Demand	\$55.57	0.99%	\$56.12
Fire Charge	\$28.33	15.18%	\$32.63
Average Commercial	\$432.19		\$457.21
9.14 ECUS & 0 Pumps / 100,000 gallons (percentage change)			5.79%

### **Water Utility Investment Fees/Tap Fees**

For water utility investment/tap fee computation, the following fees are assessed per equivalent capacity unit, (ECU). An ECU is a unit reflecting that part of the capacity of the water system necessary to serve a standard water customer. Each City water account has an individual ECU rating based on water fixtures, irrigated area, and other factors indicative of water demand. Raftelis Financial Consultants were contracted in 2019 to provide a fee adjustment recommendation based on current utility costs and comparative water utilities within Colorado. The table below outlines the recommended 2021 rates and associated increase.

Water Utility Investment Charge - Tap Fees			
<u>BILLING AREAS</u>	<u>2020 TAP FEES</u>	<u>2021 TAP FEES (per ECU)</u>	<u>% INCREASE</u>
1	\$7,960	\$9,334	17.26%
2	\$15,920	\$18,668	17.26%
3	\$15,920	\$18,668	17.26%
4	\$9,950	\$11,668	17.26%
5	\$13,930	\$16,335	17.26%
6	\$15,920	\$18,668	17.26%
7	\$11,940	\$14,001	17.26%

### **Electric Community Investment Fees**

The Electric Community Investment (ECI) fee is charged to any customer requesting services for new development and expansion of existing services within the service area and is measured at each individual electric meter. The ECI provides 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. Staff is recommending a 10% fee adjustment

based on comparative electric utilities within Colorado. The table below outlines the recommended 2021 rates and associated increase.

AMP	Residential		Commercial		
	<u>1 PHASE</u> <u>120/240V</u>	<u>3 PHASE</u> <u>120/208V</u>	<u>1 PHASE</u> <u>120/240V</u>	<u>3 PHASE</u> <u>120/208V</u>	<u>3 PHASE</u> <u>277/480V</u>
100	\$ 1,305	\$ 2,609	\$ 3,480	\$ 3,913	\$ 9,031
200	\$ 2,610	\$ 5,218	\$ 6,960	\$ 7,827	\$ 15,051
300	\$ 5,220	\$ 8,480	\$ 10,440	\$ 11,740	\$ 27,092
400	\$ 6,960	\$ 11,307	\$ 13,920	\$ 15,653	\$ 36,123
600	\$ 10,440	\$ 16,960	\$ 20,880	\$ 23,480	\$ 54,185
800	\$ 13,920	\$ 22,613	\$ 27,841	\$ 31,307	\$ 72,246
1000	\$ 17,400	\$ 28,267	\$ 34,801	\$ 39,133	\$ 90,308
1200	\$ 20,880	\$ 33,920	\$ 41,761	\$ 46,960	\$ 108,369
1400	\$ 24,360	\$ 39,574	\$ 48,721	\$ 54,787	\$ 126,431
1600	\$ 27,841	\$ 45,227	\$ 55,681	\$ 62,613	\$ 144,492
1800	\$ 31,321	\$ 50,880	\$ 62,641	\$ 70,440	\$ 162,554
2000	\$ 34,801	\$ 56,534	\$ 69,601	\$ 78,267	\$ 180,615
2200	\$ 38,281	\$ 62,187	\$ 76,561	\$ 86,093	\$ 198,677
2400	\$ 41,761	\$ 67,840	\$ 83,522	\$ 93,920	\$ 216,739
2600	\$ 43,640	\$ 70,893	\$ 87,280	\$ 98,146	\$ 226,492
2800	\$ 45,604	\$ 74,083	\$ 91,208	\$ 102,563	\$ 236,684
3000 Plus	\$ 47,656	\$ 77,417	\$ 95,312	\$ 107,178	\$ 247,335

### **Senior Electric Availability Rates**

Utilities staff has recognized the potential impact rates may have on individuals with fixed incomes. Similar to a program created in the Water Utility in the early 1990s, staff is proposing a senior electric discount rate for qualified low-income seniors as certified by the Pitkin County Senior Services organization. Basic criteria include: (1) Proof of age of 60 years or older; and, (2) Proof of a senior's household not exceeding the current year's "Federal poverty level" by more than 250%, utilizing federal tax returns as qualifying proof. Currently these income thresholds sit at \$31,900 for a one-member senior household, \$43,100 for a two-member senior household, and \$54,300 for a three-member senior household.

The table below is intended to illustrate the potential average impact to a qualifying senior's monthly electric bill.

ELECTRIC UTILITY RATES	2021 AVERAGE BILL STANDARD	% PROPOSED FOR NEW SENIOR RATE	2021 AVERAGE BILL
kWh Charges	\$67.62	100.00%	\$67.62
Availability Charges	\$44.24	70.00%	\$30.97
Average Residential - Senior	\$111.86		\$98.59
200 AMP Service / 700 kwh (percentage change)			-11.86%

**FINANCIAL IMPACTS:** The financial implications of the proposed electric and water rate adjustments, as well as the fee adjustments, are outlined in Water and Electric Long-Range Plans and will be part of the 2021 Budget book at the November first and second reading of Title 25—Utilities—Ordinance changes. Both the Water and Electric Departments are enterprise funds supported solely by our customer base. The proposed rates outlined in Title 25 of the municipal code support the Utilities revenue stream and ultimately support the ever-increasing cost of utility operation.

**ENVIRONMENTAL IMPACTS:** The electric and water rate structures continue to place a value on, and an incentive for, conservation and efficiency practices, programs, and policies.

**ALTERNATIVES:** Council may request portions of the recommended rate and fee adjustments be modified during the November 2020 First Reading of Ordinance #17, Series of 2020, which will become effective January 1, 2021.

**RECOMMENDATIONS:** Staff requests Council move to adopt Ordinance #17, Series 2020, which will become effective January 1, 2021.

**CITY MANAGER COMMENTS:**

**ATTACHMENTS:**

Exhibit A – Ordinance #17, Series of 2020 – Title 25 - Utilities - Aspen Municipal Code

ORDINANCE NO. 17

Series 2020

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; AND, 25.16 WATER RATES AND CHARGES.

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.

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<sup>1</sup>**

<sup>1</sup> **Cross-reference**—Electrical Code, § 8.24.010 et seq.

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 each individual electric meter. 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, 2021, all residential, commercial and city facilities customers of the Aspen Electric Department shall pay the ECI fee as follows:

Panel Amps	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	\$ 1,305	\$ 2,609	\$ 3,480	\$ 3,913	\$ 9,031
200	\$ 2,610	\$ 5,218	\$ 6,960	\$ 7,827	\$ 15,051
300	\$ 5,220	\$ 8,480	\$ 10,440	\$ 11,740	\$ 27,092
400	\$ 6,960	\$ 11,307	\$ 13,920	\$ 15,653	\$ 36,123
600	\$ 10,440	\$ 16,960	\$ 20,880	\$ 23,480	\$ 54,185
800	\$ 13,920	\$ 22,613	\$ 27,841	\$ 31,307	\$ 72,246
1000	\$ 17,400	\$ 28,267	\$ 34,801	\$ 39,133	\$ 90,308
1200	\$ 20,880	\$ 33,920	\$ 41,761	\$ 46,960	\$ 108,369
1400	\$ 24,360	\$ 39,574	\$ 48,721	\$ 54,787	\$ 126,431
1600	\$ 27,841	\$ 45,227	\$ 55,681	\$ 62,613	\$ 144,492
1800	\$ 31,321	\$ 50,880	\$ 62,641	\$ 70,440	\$ 162,554
2000	\$ 34,801	\$ 56,534	\$ 69,601	\$ 78,267	\$ 180,615
2200	\$ 38,281	\$ 62,187	\$ 76,561	\$ 86,093	\$ 198,677
2400	\$ 41,761	\$ 67,840	\$ 83,522	\$ 93,920	\$ 216,739
2600	\$ 43,640	\$ 70,893	\$ 87,280	\$ 98,146	\$ 226,492
2800	\$ 45,604	\$ 74,083	\$ 91,208	\$ 102,563	\$ 236,684
3000 and above	\$ 47,656	\$ 77,417	\$ 95,312	\$ 107,178	\$ 247,335

( [Ord. NO 27-2017](#); Ord. No. [24-2019](#), § 1, 11-26-2019

**Sec. 25.04.036. - Waivers and exemptions from electric community investment charges for certain employee housing projects.**

(a) Purpose. The purpose of this section is to identify those affordable housing projects that may be eligible for exemption from, and waivers of, the utility investment charges and system development charges when connecting to the City of Aspen's electric system. There are three (3) types of affordable housing projects that are eligible for exemptions or waivers: (i) projects that are determined to be Qualified Affordable Employee Housing as defined herein; (ii) affordable housing projects that are eligible to receive Affordable Housing Credits pursuant to [Chapter 26.540](#) of the Municipal Code; and (iii) projects that consist of a mix of affordable housing units subject to the Aspen/Pitkin County Housing Authority Guidelines, as may be amended from time to time; and, unrestricted (free market) units. To be eligible for an exemption or waiver pursuant to this section of the Municipal Code, a project shall have installed in all units properly maintained and continuously operable electric efficiency devices and practices as designated from time to time by the City Council by ordinance, resolution, or by regulations issued by the City Manager or the Electric Department.

(b) Definitions. As used in this Code, unless the context requires otherwise, the following terms shall be defined as follows:

(1) *Qualified Affordable Employee Housing* shall be defined as publicly or privately constructed and owned projects which:

- a. Are not constructed for mitigation purposes or which receive any form of Affordable Housing Credits such as those set forth at [Chapter 26.540](#) of the Municipal Code; and
- b. Are composed of one hundred percent (100%) employee housing units; and,
- c. Are deed restricted to ensure that all units are subject to, and administered by, Aspen/Pitkin County Housing Authority Guidelines, as may be amended from time to time; and,
- d. Are maintained as qualified affordable housing.

(2) The *Fee Waiver Schedule* referred to in this section is the percent of the utility investment charges that may be waived based upon the category of the units within the affordable housing project. The Fee Waiver Scheduled is set forth in Figure 1, below.

Housing Categories as referenced in the Aspen/Pitkin County Housing Authority Guidelines, as may be amended from time to time.	Fee Waiver Level
Category 1	100% Fee Wavier
Category 2	70% Fee Waiver
Category 3	40% Fee Waiver
Category 4	0% Fee Waiver

Housing Categories as referenced in the Aspen/Pitkin County Housing Authority Guidelines, as may be amended from time to time.	Fee Waiver Level
Category 5	0% Fee Waiver
Category 6	0% Fee Waiver
Category 7	0% Fee Waiver
Resident Occupied	0% Fee Waiver
Free Market Units	0% Fee Waiver

Figure 1.

(3) *Affordable and Free Market Mix* shall be defined as a project that:

a. consist of a mix of both deed restricted housing to ensure that all units are subject to the Aspen/Pitkin County Housing Authority Guidelines, as may be amended from time to time and unrestricted housing (free market) units; and,

b. were not constructed for mitigation purposes.

(c) Qualified Affordable Employee housing shall be exempt from all utility investment charges and system development charges when connection is made to the City of Aspen's electric system.

(d) Affordable Housing Credits Program. Projects that receive Affordable Housing Credits pursuant to [Chapter 26.540](#) of the Municipal Code are eligible for a waiver of the percentage of the total utility investment charge and system development charge as set forth in the Fee Waiver Schedule. If a project has a mix of categories, the waiver shall be determined on a unit by unit basis pursuant to the Fee Waiver Schedule.

(e) Affordable and Free Market Mix. Projects that are determined to be Affordable and Free Market Mix of units, and where no mitigation is required for the free market units, are eligible for a waiver of the percentage of the total utility investment charge and system development charge as set forth in the Fee Waiver Schedule for the affordable housing units. If a project has a mix of categories, the waiver shall be determined on a unit by unit basis pursuant to the Fee Waiver Schedule.

(f) Revocation of Exemptions and Waivers. In the event that Qualified Employee Housing units, projects receiving Affordable Housing Credits, or projects that are considered Affordable and Free Market Mix projects, receive an exemption or a waiver in accordance with this section, and thereafter fail to continue being affordable housing units as contemplated herein; or, the electric efficiency devices and practices are not installed as required, are not properly maintained or continuously operable, the developer of such units and the owners thereof shall be jointly and severally liable to reimburse the City for the cost of the utility investment charges and system development charges exempted by this Section. The City Manager shall establish a method of accomplishing this payment so as not to be unduly burdensome on the developer or owners.

(g) Subsequent Project Changes. Utility connection charge and system development charge waivers for affordable housing credit projects and affordable and free market mixed projects are a one-time occurrence at the time of project completion. Additions, remodels, and, or changes that occur after original project completion will not receive a utility connection charge or system development charge waiver, however a credit for the ECU's assigned to the specific employee housing unit will be allowed against additional fees due to these improvements.



(Ord. No. [24-2019](#), § 1, 11-26-2019)

**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: 70% of standard availability charge; 100% of electric consumption charge (kwh); and, applicable sales tax.

**Sec. 25.04.040. - Electric service rates.**

- (a) Effective in the January 2021 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	\$22.29	\$20.15
200 AMP	\$44.24	\$30.97	42.94	37.26
300 AMP	\$72.10	\$50.47	69.69	59.42
400 AMP	\$105.10	\$73.57	101.36	85.65
600 AMP	\$183.90	\$128.73	177.02	148.32
800 AMP	\$277.22	\$194.06	266.60	222.53
1000 AMP	\$383.08	\$268.15	368.22	306.70
1200 AMP	\$500.12	\$350.09	480.58	399.78

1600 AMP	\$764.08	\$534.86	733.98	609.67
1800 AMP	\$909.62	\$636.73	873.69	725.40
2000 AMP	\$1,063.48	\$744.44	1,021.40	847.75
2200 AMP	\$1,244.27	\$870.99	1,195.03	991.87
2400 AMP	\$1,455.80	\$1,019.06	1,398.19	1,160.49
2600 AMP	\$1,703.28	\$1,192.30	1,635.88	1,357.77
2800 AMP	\$1,992.84	\$1,394.99	1,913.98	1,588.59
3000 AMP and above	\$2,331.62	\$1,632.14	2,239.36	1,858.66

- (b) In addition to the monthly customer availability charge, and effective in the January 2021 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	\$0.0856	1,080	\$0.1284	1,920	\$0.1926	1,920	\$0.3371
200 AMP	520	\$0.0856	1,360	\$0.1284	2,800	\$0.1926	2,800	\$0.3371
300 AMP	1,600	\$0.0856	3,600	\$0.1284	6,160	\$0.1926	6,160	\$0.3371
400 AMP	1,600	\$0.0856	3,600	\$0.1284	6,160	\$0.1926	6,160	\$0.3371
600 AMP	2,800	\$0.0856	5,440	\$0.1284	8,800	\$0.1926	8,800	\$0.3371
800 AMP	2,800	\$0.0856	5,440	\$0.1284	8,800	\$0.1926	8,800	\$0.3371
1000	2,800	\$0.0856	5,440	\$0.1284	8,800	\$0.1926	8,800	\$0.3371

AMP								
1200 AMP	2,800	\$0.0856	5,440	\$0.1284	8,800	\$0.1926	8,800	\$0.3371
1600 AMP	2,800	\$0.0856	5,440	\$0.1284	8,800	\$0.1926	8,800	\$0.3371
1800 AMP	2,800	\$0.0856	5,440	\$0.1284	8,800	\$0.1926	8,800	\$0.3371
2000 AMP	2,800	\$0.0856	5,440	\$0.1284	8,800	\$0.1926	8,800	\$0.3371
2200 AMP	2,800	\$0.0856	5,440	\$0.1284	8,800	\$0.1926	8,800	\$0.3371
2400 AMP	2,800	\$0.0856	5,440	\$0.1284	8,800	\$0.1926	8,800	\$0.3371
2600 AMP	2,800	\$0.0856	5,440	\$0.1284	8,800	\$0.1926	8,800	\$0.3371
2800 AMP	2,800	\$0.0856	5,440	\$0.1284	8,800	\$0.1926	8,800	\$0.3371
3000 AMP and above	2,800	\$0.0856	5,440	\$0.1284	8,800	\$0.1926	8,800	\$0.3371

- (c) Effective January 1, 2021 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. In addition to the monthly customer availability charge, and effective in the January 2021 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	\$0.0919	2320	\$0.1149	4800	\$0.1724	4800	\$0.2758
200 AMP	1280	\$0.0919	3120	\$0.1149	5760	\$0.1724	5760	\$0.2758
300 AMP	3360	\$0.0919	7120	\$0.1149	12240	\$0.1724	12240	\$0.2758
400 AMP	3360	\$0.0919	7120	\$0.1149	12240	\$0.1724	12240	\$0.2758
600 AMP	6560	\$0.0919	13200	\$0.1149	18400	\$0.1724	18400	\$0.2758
800 AMP	13600	\$0.0919	28000	\$0.1149	44800	\$0.1724	44800	\$0.2758
1000 AMP	13600	\$0.0919	28000	\$0.1149	44800	\$0.1724	44800	\$0.2758
1200 AMP	13600	\$0.0919	28000	\$0.1149	44800	\$0.1724	44800	\$0.2758
1600 AMP	13600	\$0.0919	28000	\$0.1149	44800	\$0.1724	44800	\$0.2758
1800 AMP	13600	\$0.0919	28000	\$0.1149	44800	\$0.1724	44800	\$0.2758
2000 AMP	13600	\$0.0919	28000	\$0.1149	44800	\$0.1724	44800	\$0.2758
2200 AMP	13600	\$0.0919	28000	\$0.1149	44800	\$0.1724	44800	\$0.2758
2400 AMP	13600	\$0.0919	28000	\$0.1149	44800	\$0.1724	44800	\$0.2758
2600 AMP	13600	\$0.0919	28000	\$0.1149	44800	\$0.1724	44800	\$0.2758
2800	13600	\$0.0919	28000	\$0.1149	44800	\$0.1724	44800	\$0.2758

AMP								
3000 AMP and above	13600	\$0.0919	28000	\$0.1149	44800	\$0.1724	44800	\$0.2758

- (d) In addition to the monthly customer availability charge, and effective in the January 2021 monthly billing, the large commercial customer, which includes previous class of large commercial city facilities customers, (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	\$18.64
200 AMP	23200	\$0.0638	23200	\$0.0797	\$18.64
300 AMP	23200	\$0.0638	23200	\$0.0797	\$18.64
400 AMP	23200	\$0.0638	23200	\$0.0797	\$18.64
600 AMP	23200	\$0.0638	23200	\$0.0797	\$18.64
800 AMP	23200	\$0.0638	23200	\$0.0797	\$18.64
1000 AMP	23200	\$0.0638	23200	\$0.0797	\$18.64
1200 AMP	23200	\$0.0638	23200	\$0.0797	\$18.64
1600 AMP	23200	\$0.0638	23200	\$0.0797	\$18.64
1800 AMP	23200	\$0.0638	23200	\$0.0797	\$18.64
2000 AMP	23200	\$0.0638	23200	\$0.0797	\$18.64

2200 AMP	23200	\$0.0638	23200	\$0.0797	\$18.64
2400 AMP	23200	\$0.0638	23200	\$0.0797	\$18.64
2600 AMP	23200	\$0.0638	23200	\$0.0797	\$18.64
2800 AMP	23200	\$0.0638	23200	\$0.0797	\$18.64
3000 AMP and above	23200	\$0.0638	23200	\$0.0797	\$18.64

- (e) In addition to the monthly customer availability charge, and effective in the January 2021 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	\$0.0856	2,800	\$0.1284	4,000	\$0.1926	4,000	\$0.3371

(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)

Sec. 25.04.045. - Late payment charge.

Payments for electric service, transformers and other associated electric fees and charges shall be due thirty (30) days after the billed date. Any amount due, but not received by the City by the due date, shall be subject to a past due monthly interest charge of one and one-half percent (1½%) of the total amount due; subject, however, to a minimum charge of three dollars (\$3.00). Balances of less than five dollars (\$5.00) shall not be subject to this charge.

( [Ord. 36-1996, §§ 2, 3](#); [Ord. No. 45-1999, § 16 \(part\)](#); [Ord. No. 30-2012 § 29](#), [Ord. No. 38-2016](#).)

Sec. 25.04.050. - Injuring or damaging Electric Department property prohibited.

It shall be unlawful for any person, unless authorized by the provisions of this Code or other ordinance of the City, to injure or in anywise damage or to meddle or interfere with in any way any property or appliance constituting or being a part of such Electric Department or the electric system controlled and operated thereby or any fence, guard rail, box cover, pole, wire, transformer, connector, insulator or any other structure, apparatus or appliance used as a part of such Electric Department or electric distribution system.

(Code 1962, § 3-4-7; Code 1971, § 23-19)

**Cross reference**— Injury to public or private property, § 15.04.240.

Sec. 25.04.060. - Trespassing on Electric Department grounds or premises prohibited.

It shall be unlawful for any person, unless authorized by the provisions of this Code or other ordinances of the City, to trespass upon any grounds or premises of the Electric Department.

(Code 1962, § 3-4-7; Code 1971, § 23-20)

**Cross reference**— Trespassing generally, § 15.04.280.

Sec. 25.04.070. - Permission required for electrical system connections; unauthorized connections prohibited.

It shall be unlawful for any person to make any connection with the electric system or any portion thereof, without first having obtained permission therefor, as in this Title and, if for service outside the City limits, the PUC approved rules and regulations provided. It shall be unlawful for any person not authorized by this Title or, the PUC approved rules and regulations to make any connection if for service outside the City limits, to the electric system.

(Code 1962, § 3-4-8; Code 1971, § 23-21)

Sec. 25.04.080. - Payment of charges for service; lien and collection of nonpayment.

- (a) The Manager shall disconnect the electrical service to any consumer who fails to pay any electric service charges and fees fifteen (15) days after their due date.
- (b) All the rates and charges specified in the approved schedules shall be paid by the owner of the premises on which the electric power was issued or the occupant thereof and all such rates and charges from the time the same shall be due and payable shall become and remain a lien upon the premises until such rates or charges shall be paid and such rates and charges for electric power may be collected against any owner or occupant by suit, such action to be brought in the name of the City in any court having jurisdiction thereof and shall be prosecuted as an action in personam against the owner or occupant or by an action in rem for the enforcement of the lien or both.
- (c) Any lien for unpaid electric power rates and charges against any premises may also be collected as provided by the statutes of the State for the collection of taxes and other liens and assessments against real estate.

(Code 1962, § 3-4-10; Code 1971, § 23-22; [Ord. No. 11-1979, § 1](#), [Ord. No. 38-2016](#).)

Sec. 25.04.090. - Receipt for payment of service charge.

Upon the payment of any charge for electric power and lights, the Director of Finance shall issue or cause to be issued a receipt which shall state the date thereof, the amount of money received, from whom received and on what premises or through which meter the electric power was used for the payment of which the money was paid.

(Code 1962, § 3-4-9; Code 1971, § 23-23)

Sec. 25.04.100. - Termination on wasteful use.

In the event the Superintendent of the Electric Department shall determine that any electric customer has failed to abide by the prohibitions of Section 15.04.440, whether or not convicted of the same, he or she shall notify such customer that continued consumption of electricity for such purposes shall subject him to discontinuance of service; and upon continued consumption of electrical power for such purposes by any customer so notified, the Superintendent shall discontinue electrical service.

(Code 1971, § 23-24; [Ord. No. 12-1976](#), § 2)

Sec. 25.04.110. - Deposit for electric service.

- (a) When a tenant applies for electric service at a new location, the applicant shall be required to place a cash deposit in the following manner:

Residential service: one hundred fifty dollars (\$150.00).

Commercial service:

- (1) An amount equal to the service bills for the subject property for the three (3) highest months of usage during the prior year, if the applied-for use of the property is similar to the prior use; or
  - (2) If there is no similar prior space or use on which to compute the amount provided in Subsection (a)(1) above, then an amount to be determined by the Utilities Director within his or her sole discretion and based on a reasonable estimate of three (3) months' service for a space and use similar to the subject property.
- (b) Subject to the approval of the Utilities Director based on previous credit history with the City of Aspen Utilities, the owner of the premises on which the electricity is used may approve waiver of their tenant's deposit requirement. To request approval of the Utilities Director, the owner must complete an application which informs the owner of the possibility of a lien upon the premises for unpaid bills, pursuant to Section 25.04.090 above.
- (1) Deposits shall be held by the Director of Finance until service is discontinued and final service bills paid and will accrue interest at five percent (5%) per annum starting thirty (30) days after receipt of the monies until the date of disconnection. Return of the unused portion of the deposit plus interest will be made within forty-five (45) days from date the final bill is issued. Effective January 1, 2013 no deposit will accrue interest.

(Code 1971, § 23-25; [Ord. No. 28-1982](#), § 1; [Ord. No. 68-1994](#), § 14; [Ord. No. 57-2000](#), § 7; [Ord. No. 30-2012](#) § 37; [Ord. No. 24-2019](#), § 1, 11-26-2019)

Sec. 25.04.120. - Electric service and disconnect charges.

A service charge of forty dollars (\$40.00) is hereby established for each new account that is setup for electric service. If a disconnection is made in accordance with Section 25.04.080 above because of



nonpayment of electric service charges, the disconnect charge of sixty dollars (\$60.00) shall be due prior to reconnection of electric service.

(Code 1971, § 23-26; [Ord. No. 53-1992, § 2](#); [Ord. No. 45-1999, § 15](#); [Ord. No 37-2014 § 2](#))

Sec. 25.04.121. - Discontinuance of service.

- (a) *Grounds for discontinuance.* If any utility service charges remain unpaid for fifteen (15) days after their due date, the City may terminate service for the type of utility service for which payment has not been made. In addition, the City may terminate a utility service for violation of any rule or regulation concerning such utility as set forth in this Title.
- (b) *Notice of termination.* In order to terminate any services the City shall send a notice of termination by first class mail or, at the City's option, by certified mail, return receipt requested, or by posting in a conspicuous place at or near the main entrance to the premises served by such utility service to the customer listed on the City records and, at the City's option, to the occupant of the premises served and/or the owner of the premises served.
- (c) *Effective date of discontinuance of service.* The effective date of the discontinuance of utility service shall be ten (10) days after the mailing by the City of a notice of termination.
- (d) *When utility service is not discontinued.* Utility service shall not be discontinued:
  - (1) Between 12:00 p.m. on Friday and 8:00 a.m. on the following Monday or between 12:00 p.m. on the day prior to and 8:00 a.m. on the day following any federal holiday or City holiday.
  - (2) During any period when termination of service would be especially dangerous to the health or safety of any residential customer or permanent resident of the customer's household and such customer has established that he/she was unable to pay for the service as regularly billed by the City or is able to pay for such service but only in reasonable installments. Termination of service that would be especially dangerous to the health or safety of the residential customer or a permanent resident of the customer's household means that the termination of service would aggravate an existing medical condition or create a medical emergency for the customer or a permanent resident of the customer's household. Such shall be deemed to be the case when a physician licensed by the State makes a certification thereof in writing and said certification is received by the City. In the event a medical certification is delivered to or received by the City, a non-discontinuance of service as herein prescribed shall be effective for sixty (60) days from the date of said medical certification. A residential customer may invoke the provisions of this Paragraph no more than once during any period of twelve (12) consecutive months.
  - (3) In the event a customer at any time proffers full payment of any utility bill by cash or bona fide check to the City of Aspen Finance department.
  - (4) If violations of rules or regulations concerning the receipt or use of utility service have ceased.
- (e) *Reconnection.* Nothing contained in this Section shall preclude the City from charging a reconnection fee as required by Section 25.04.120 before reconnecting a utility service discontinued pursuant to this Section. In addition, prior to reconnection, all charges for that type of utility service must be paid to the City.
- (f) *Delivery of notice.* Notwithstanding anything to the contrary in this Section, whenever reference is made herein to a notice or other document being mailed or delivered, that phrase shall mean that the notice or other document is either deposited in the United States mail, postage paid, first class or certified mail, return receipt requested, at the City's option, or physically delivered to the addressee, which physical delivery will be accomplished by either handing to someone over eighteen (18) years of age at the premises served or by posting upon the main entrance of the premises served by the utility service in a conspicuous place.

( [Ord. No. 38-2016](#) )

Sec. 25.04.130. - Billing errors.

- (a) When an error has been made in an electric utility account, the following shall apply:

Each electric utility customer is responsible for using reasonable diligence to review billing statements and for immediately notifying the utility of a billing error.

- (1) When the utility determines that an electric utility customer has overpaid for utility service and the overpayment occurred no more than twenty-four (24) months before the date the error is made known to the utility, the utility will issue to the customer a credit to the Customer's account without interest, as reimbursement for the overpayment.

Previous Customer accounts at same service location will be reviewed to determine if they were affected by the overbilling. If it is determined that an overbilling affected a previous Customer with the twenty-four-month period as described herein, reasonable efforts will be made to locate the Customer and refund any amounts owed due to the overbilling.

Any refund check mailed to the last known address of the Customer and returned unpaid to the City or not cashed by the Customer within two (2) years of either the date of delivery or mailing of the check, will be retained by the City and will be credited as miscellaneous revenue for the utility service which was overpaid.

Prior to final determination of an overbilling refund credit or refund, each of the following conditions must be met:

- a. The customer could not have discovered the error with reasonable inquiry prior to the date of discovery;
  - b. Documentation evidencing the overpayment is available in utility records or has been provided to the utility; and
  - c. The utility confirms the accuracy and sufficiency of the documentation based on utility records.
  - d. The overbilling is not the result of changes, modifications, updates, or alterations by the Customer or its agent that affects the metering accuracy, multiplier, or other metering components without evidence of prior notification to and approval of the Utility.
- (2) When the Utility determines that a current electric utility customer has been undercharged and has underpaid for utility service, the customer shall be billed for the correct amount unless the undercharges occurred more than six (6) months before the date the error is discovered and the following conditions are met:
- a. The customer could not have discovered the error with reasonable inquiry.
  - b. Each utility customer is responsible for using reasonable diligence to review billing statements and for immediately notifying the utility of a billing error.
  - c. Bills for corrected usage and other utility rate code charges shall be due and payable in the same manner as regular bills for service.

In the event of an inaccurate billing due to the diversion or theft of utility service, the City retains the right to back bill for the entire period of occurrence.

- (3) Any attempt or action by an electric utility customer to mislead the utility with regard to a billing error shall be a violation of code, punishable by fine as provided for wherein. Each day upon which any violation shall continue shall constitute a separate offense, punishable as such. Additionally, the Utility reserves the right to pursue other compensation or charges to the fullest extent of the law.

Sec. 25.06.010. - Purpose and Intent.

The purpose of this Chapter is to ensure development in the City of Aspen meets minimum standards for working with potable, reuse, and raw water. It is the City's intent to establish Water Distribution Standards that will ensure the public health, safety, and welfare, within the City of Aspen Water Utility service area.

(Ord. No. [15-2019](#), § 1, 6-24-2019)

Chapter 25.08. - WATER SERVICE—GENERAL PROVISIONS [\[3\]](#)

Footnotes:

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**Editor's note**— Ord. No. 27-1985, § 1, repealed former Art. III, Divs. 1—6, relative to water service and enacted in lieu thereof a new Art. III, Divs. 1—6 [Chapters 25.08—25.28], as herein set out. The provisions of former Art. III derived from the following ordinances: Ord. No. 21-1975, § 1; Ord. No. 34-1977, § 4; Ord. No. 60-1980, § 1, Ord. No. 36-1981, § 1; Ord. No. 39-1981, § 1; Ord. No. 40-1981, § 1; Ord. No. 41-1981, § 1; Ord. No. 42-1981, § 1; Ord. No. 21-1982, § 1; Ord. No. 28-1982, § 2; Ord. No. 30-1982, §§ 1—3; Ord. No. 3-1983, § 1(A)—(E); Ord. No. 8-1983, § 1; Ord. No. 52-1983, § 1; Ord. No. 18-1984, § 1(A)—(D); Ord. No. 19-1984, § 1; Ord. No. 25-1985, § 1(A)—(D); Ord. No. 26-1985, § 1; and Ord. No. 46-1985, § 1.

**Cross reference**— Plumbing Code, § 8.36.010 et seq.; health and quality of environment, Title 13; water quality, § 13.04.010 et seq.

Sec. 25.08.010. - City of Aspen water utility operation and control.

The water collection, treatment and distribution system owned and operated by the City shall be known collectively as "The City of Aspen Water Utility." The operation and management of this utility shall be under the control of the City Manager, who shall direct the construction of additions thereto and the maintenance and operation thereof and, in all cases not particularly provided for by this Code or other ordinances of the City, shall determine in what manner and upon what terms water may be taken from the water utility by any property owner or water consumer and the character of the connections and appliances which may be made or used therefor.

(Code 1971, § 23-36; [Ord. No. 27-1985](#), § 1)

Sec. 25.08.020. - Powers and duties generally of the Water Superintendent.

- (a) The Superintendent shall, under the direction of the City Manager, have charge of all facilities of the water utility and it shall be his or her duty to supervise the water utility and maintain and control the same as directed by the City Manager and as provided in this Chapter.
- (b) The Superintendent shall have control of the laying of all water mains. The Superintendent shall have the general supervision of the putting in of all utility connections, service pipes or other connections with the water mains and the regulation of the water supply to all users of water. He or she shall also have charge of and be responsible for all tools, machinery, pipes, meters, fixtures, plumbing materials and all other appliances owned by the City or used by it in the maintenance and

operation of the water utility and shall keep account of all such material and the manner in which the same is used, kept or disposed of.

- (c) It is hereby made the duty of the Director to manage the water purification plants and other water utility properties; to periodically report to the City Manager of his or her activities as director and of the condition of the water utility; and to make such suggestions concerning the same as the nature of the service may require.
- (d) It shall be the duty of the Superintendent to keep all fire hydrants in repair and test the same frequently to see if the same are in order and he or she may let water from the hydrants whenever it shall be necessary for the testing of the condition of the waterworks or for purifying the water or for the repairing of the water utility or for watering the trees in extreme need.
- (e) The Water Department shall install, maintain, and operate special hydrants for street washing, construction works or other lawful purposes. The Water Department may grant permission to any person to draw water from these special hydrants. All water drafted for such purposes shall be assessed in accordance with applicable rates prescribed by this Chapter. The Water Department shall not grant permission for drafting of water from fire hydrants for street washing, construction, and other such uses except in cases of extreme need.

(Code 1971, § 23-37; [Ord. No. 27-1985](#), § 1)

Sec. 25.08.030. - Access to fire hydrants; unauthorized obstruction or operation of hydrant prohibited; wrenches for fire hydrants.

- (a) The members of the Fire Department, under the direction of the chief of the Fire Department or other officer in charge, shall at all times have free access to the fire hydrants in case of fire and for the purposes of cleaning, washing or testing their engines or other apparatus.
- (b) It shall be unlawful for any unauthorized person to open or operate any fire hydrant, draw water therefrom or obstruct the approach thereto.
- (c) Wrenches for fire hydrants shall be furnished by the Superintendent to the Fire Department for the use of its members and to such other persons as he or she may deem proper and it shall be unlawful for any person to whom a wrench is furnished to permit the same to be taken from his or her control, to use the same or to permit the use of the same by any other person or for other purpose than that authorized by the provisions of this Chapter or by the Superintendent of pursuance thereof.

(Code 1971, § 23-38; [Ord. No. 27-1985](#), § 1)

Sec. 25.08.040. - Inspection of premises receiving service.

The City Manager, Superintendent or other designated official may from time to time examine and inspect any premises where water from the water utility is used in or upon such premises in order to ascertain the nature, character and extent of such water use and the condition of the water pipes, fixtures and appliances and to determine if water is being wasted upon the premises. During the times that such inspections are being made, the Superintendent or other designated official shall accurately tabulate the appliances and fixtures used for water and other water demand factors as may be required in connection with the establishment of the rate to be charged to any such premises and the report thereof shall be available upon request.

(Code 1971, § 23-39; [Ord. No. 27-1985](#), § 1)

Sec. 25.08.050. - Trespassing on water utility property; injury to water utility or obstruction to water utility.

- (a) It shall be unlawful for any person to injure or in any way damage or interfere with property or appliances constituting or being a part of the water utility or any fence, guard rail, box cover or building or any other structure constructed or used to protect any part of the water utility.
- (b) It shall be unlawful for any person, unless authorized by this Chapter, to trespass upon the water utility or the grounds upon which the same are constructed.
- (c) It shall be unlawful for any person to cast, place, pump, or deposit in the water utility any substance or material which will in any manner injure or obstruct the same.

(Code 1971, § 23-40; [Ord. No. 27-1985](#), § 1)

Sec. 25.08.060. - Definitions.

The following definitions shall apply under this Chapter concerning water service:

*Annual water budget* means those direct and indirect expenditures and costs, including debt service, required to provide water service in the coming year, as documented in the annual budget.

*Building permit or plumbing permit* means the permit or permits issued pursuant to Title 8 of this Code or by Pitkin County, Colorado pursuant to County building regulations.

*Carriage of untreated water rights* means those rights held by a water user other than the City of Aspen and conveyed through a ditch, pipeline or other series of water conveyance facilities owned and/or operated by the City of Aspen. Rates charged for conveyance of this water are referred to as "carriage" rates for raw water.

*Comprehensive water management plan* means the comprehensive water management plan for the City as initially prepared and adopted in 1980 and as thereafter revised and updated.

*Director of water treatment and supply, Director, Water Superintendent or Superintendent, Director of Utilities* means the Director of the City of Aspen Water Utility, who, under the direction of the City Manager, has charge of all facilities of the Aspen water utility and has the duty to supervise the utility and to maintain and control the same.

*Equivalent capacity unit (ECU)* means a unit reflecting that part of the capacity of the water system necessary to serve a standard water customer, with multiples or fractions of the unit including a maximum number and type of water fixtures, a maximum irrigated area, certain cooking facilities or other water demand factors.

*Hook-up charge* means a charge based on a new customer's line size to recover certain costs of making a physical connection to the water system.

*Payment in lieu of water rights dedication* is a payment that the City, in its sole discretion, may accept in lieu of a water rights dedication from a party seeking extraterritorial water service, in an amount determined by the City, in its sole discretion, to be reasonably necessary to purchase and change water rights, or otherwise acquire water rights and supplies of sufficient quantity and seniority, at an appropriate location, to reliably provide water for the proposed water demands of the project.

*Utility connection permit* means permission by the City to physically connect to the water system or to change the use of any existing connection and any additional contractual terms which may be imposed.

*Utility investment charge* means a charge to recover certain capital costs allocated to new customers which charge is based on a new customer's ECU rating and billing area factor.

*Water demand factor or fixture* means any of the water demand factors or fixtures set forth in Subsections 25.08.090(a) or (b) below.

*Water Department* means the department of the City under the supervision of the Director of Utilities.

*Water rights dedication* is a dedication required by any party seeking extraterritorial water service from the City of water rights acceptable to the City. "Water rights acceptable to the City" shall mean such water rights as are determined by the Water Department, in its sole discretion, to be sufficient in quantity, seniority and location, to reliably provide for the proposed water demands of the project, as well as water rights historically used on the property to be served.

*Water service billing area*, billing area or area of water service billing means an area established by the City Water Department for purposes of calculating and assessing tap and/or other water service fees. The designation of a water service billing area as provided for in this Title shall not be construed as an offer, obligation, exclusive right, willingness, or ability to serve any customer, prospective customer or geographical area with municipal water or water services.

*Water service or utility service* means any connection to the water system and shall include but is not limited to all requirements service, irrigation only, fire protection only and irrigation and fire protection only service.

*Water system, City water system, water utility, municipal utility system, municipal water utility system or City water utility* means the City water utility as defined in Section 25.08.010.

*Well development charge* recovers the capital costs of development groundwater sources capable of being integrated into the potable water supply system by any party seeking extraterritorial water service from the City.

(Code 1971, § 23-41; [Ord. No. 27-1985](#), § 1; [Ord. No. 39-1993](#), § 1; [Ord. No. 30-2012](#) § 1; Ord. No. [24-2019](#), § 1, 11-26-2019)

Sec. 25.08.070. - Billing areas and billing area factors.

(a) The billing areas of the Water Department shall be known as follows:

Billing area	Name
1	Central Aspen
2	Eastside
3	Northside
4	Westside
5	Maroon/Castle Creeks
6	Airport
7	Music School
8	Reserved

A customer shall be located in the billing area in which either the customer's point of connection to the water system is located or in which the customer consumes any water. Where a customer's point of connection and any point of consumption are in different billing areas, the customer shall be located in one of the areas at the Water Department's discretion.

- (b) Annual debt service and other annual fixed costs approved for the water system shall be allocated among billing areas in accordance with the following weighting factors:

Billing area	Weighting Factor
1	1.00
2	2.00
3	2.00
4	1.25
5	1.75
6	2.00
7	1.50

- (c) The billing area weighting factors in Subsection (b) above shall be applied in calculating the demand and fire protection charges, as well as utility investment charges, under Sections 25.16.010; 25.16.020; and 25.12.040, except as otherwise provided herein.

(Code 1971, § 23-42; [Ord. No. 27-1985](#), § 1; [Ord. No. 34-1988](#), §§ 4, 5; [Ord. No. 39-1993](#), § 2; [Ord. No. 41-1998](#), § 2; [Ord. No. 30-2012](#), § 2; Ord. No. [24-2019](#), § 1, 11-26-2019)

Sec. 25.08.080. - Rate reviews.

- (a) The monthly demand, fire protection, variable and pumping charges in Sections 25.16.010 and 25.16.020 shall be set annually in accordance with rate setting principles adopted by the American Water Works Association as necessary to recover the cost of service and with the following criteria:
- (1) The expected annual revenue from all such monthly charges plus the expected annual revenue from utility investment charges shall be approved by City Council annually.
  - (2) The monthly demand and fire protection charge per customer shall be based upon:
    - a. The customer's ECU rating.
    - b. The customer's billing area factor.
    - c. The applicable rate per ECU established by City Council for the appropriate calendar year.
  - (3) Rate setting shall establish a sufficient reserve fund.

- (4) The monthly variable charge per customer shall be based upon:
- The thousands of gallons of ordinary water used by the customer during the monthly meter reading cycle at the rate established by City Council. In establishing the unit cost of water, the cost of service will be considered by Council.
- (5) The monthly pumping charge per customer shall be based upon:
- The thousands of gallons delivered to the customer via pumping during the monthly meter reading cycle.
  - The number of pump stations required to deliver water to the customer.
  - The rate established by City Council.
- (b) No schedule of water rates and charges proposed pursuant to such annual or five (5) year reviews shall be effective except after public hearing and thirty (30) days' notice to the public. Such notice shall be given by keeping open for public inspection at the office of the Director of Finance the proposed annual water budget and the proposed schedule of the rates and charges. In addition, notice shall be given by publishing a notice of the availability of the proposed budget and rate schedule at least once in a newspaper of general circulation in the affected billing area(s) of the City water utility at least thirty (30) days and no more than sixty (60) days prior to the date set for public hearing on the adoption of the proposed schedule. The published notice shall also specify the date, time, and place for the public hearing on the proposed budget and rate schedule. The City Council may adjourn and reconvene said hearings, as necessary. For good cause shown, the City Council may adopt a new budget and rate schedule without thirty (30) days' notice and public hearing by an order specifying the budget and rate schedule, the circumstances necessitating the adoption of the rate schedule and budget without thirty (30) days' notice and public hearing, the time when the changes shall take effect and the manner in which the changes shall be published.

(Code 1971, § 23-43; [Ord. No. 27-1985](#), § 1; [Ord. No. 51-1987](#), § 3; [Ord. No. 18-1988](#), § 2; [Ord. No. 34-1988](#), §§ 2, 3; [Ord. No. 39-1993](#), § 3; [Ord. No. 35-2011](#), § 1; [Ord. No. 29-2012](#), § 3)

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

(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 <sup>st</sup> hose bib	Any	0.20
2 <sup>nd</sup> hose bib	Any	0.10
3 <sup>rd</sup> hose bib	Any	0.05

Yard Hydrant	0.5/hydrant
Irrigation System - Spray	0.01/100 Sq. Ft.
Drip Irrigation System	0.001/Drip Emitter

- (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
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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 ½" of supply line diameter)	0.10
Dishwasher drawer (single)	0.05
Steamer oven	0.05
Household clothes washer	0.10
Commercial clothes washer (per ½" of supply line diameter)	0.10
Commercial icemaker (per ½" 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) 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
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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)

#### Chapter 25.12. - UTILITY CONNECTIONS

##### Sec. 25.12.010. - Connection to municipal utility system.

All buildings, structures, facilities, parks, or the like within the City limits which use water shall be connected to the municipal treated water utility system. No person shall connect an independent water supply onto the municipal water utility system. The City of Aspen shall be the sole provider of all treated and untreated water service to the Subject Property for all purposes, including irrigation. Without Aspen's prior written permission, there shall be no use on the Subject Property of raw or treated water from wells, ditches, or other sources. The owner of the Subject Property will not develop, allow, or utilize an independent treated or untreated water system, or any wells within or serving the Subject Property.

(Code 1971, § 23-55; [Ord. No. 27-1985](#), § 1; [Ord. No. 30-2012](#) § 5; Ord. No. [24-2019](#), § 1, 11-26-2019)

##### Sec. 25.12.015. - Raw water supplies (non-potable).

This Section is applicable to all connections to the City of Aspen Water Utility potable water system. Raw water supplies for irrigation systems shall be provided exclusively by the City of Aspen Water Utility. The owner of the property proposed to be irrigated from City of Aspen water facilities shall dedicate the city all raw water transmission facilities and all water rights appurtenant to the proposed property. For those developments in which raw water irrigation can be used, development proposals shall include provisions for recording of covenants and restrictions against the use of treated water outdoors and against the use of untreated water other than in accordance with the landscaping, irrigation, and drainage management plan provided for in a development proposal.

[\(Ord. No. 27-2017\)](#)

Sec. 25.12.020. - Application for utility service.

- (a) Where both the utility service connection and all points of consumption are within the corporate limits of the City, this shall be considered to be a utility service within the corporate limits of the City and shall be made as provided in this Chapter and in accordance with the Aspen Area Community Plan and City Council resolutions relating to water policies and operating procedures, as such exist at the time of the request for connection.
- (b) Every extension of water service where either the utility service connection or any point of consumption is outside the corporate limits of the City shall be considered an extraterritorial tap and shall be made only pursuant to agreement with the City, in accordance with the City water main extension policy and consistent with the Aspen Area Community Plan and City Council resolutions relating to water policy and operating procedures as such exist at the time of the request for connection, and such extraterritorial service must be approved by City Council ordinance as required by the Charter. The City shall not be obligated to extend water service outside the corporate limits of the City and may grant water service only upon a determination that no conflict exists between the best interests of the City, as expressed in the Aspen Area Community Plan and as otherwise determined by the City Council and the prospective water use. The City may impose such contract, water rights dedication, system development fees, and bond requirements as it deems necessary to safeguard the best interests of the City. An individual extraterritorial connection (including a fire hydrant) made to an existing City water main, pursuant to Water Department procedures for such connections, is deemed to be an extraterritorial water connection approved by City Council without the need for further City Council ordinance. If the City agrees to accept a payment in lieu of water rights dedication, that fee will be six thousand seven hundred thirty-six dollars (\$6,736.00)/ECU commencing January 1, 2021.
- (c) Any person who desires to connect to the municipal water utility system or who is already connected to the municipal water utility system and intends to add or change a water demand factor or fixture shall file an application for utility service provided in Subsections (e) and (f) of this Section and pay all fees prior to obtaining a required building or plumbing permit. If no building or plumbing permit is required, the application shall be made prior to making the connection or to adding or changing the water demand factor or fixtures. All utility development review fees, utility investment charges, system development fees, hook-up charges, water main extension costs, and water rights dedication or fees in lieu of water rights dedication shall be due and payable when all city submittal fees are due unless prior written approval is obtained from the Water Department for a different method of payment.
- (d) Persons seeking an alternate method of payment of the assessment fee(s), shall make written application to the Water Department specifying the method of payment and all related forms. The Water Department upon review of the application, shall either approve, disapprove, or modify the proposal to satisfy Water Department needs.
- (e) Applications for utility service shall be made in writing to the Water Department on such forms as the Water Department may prescribe. Except as provided in Subsection (f) of this Section, application must be made by the owner of the property to be served or his or her duly authorized

agent, designating the property, stating the purpose for which the water may be required and stating the ECU rating associated with such purpose.

- (f) Any person not an owner may apply to the Water Department for utility service to property which said person occupies but does not own. The application shall state the location of the property, the purpose for which water is required and the interest of the applicant in the property. The Director of Utilities may, in the exercise of his or her discretion, accept the non-owner application for utility service and may impose such conditions as it sees fit with regard to the account, including the furnishing of a deposit.
- (g) A utility connection application shall be required, utility investment charges shall be assessed and, where appropriate, water rights dedication (or payment in lieu of water rights dedication) shall be required for any new or expanded use of water, whether or not such new or expanded use requires a new or enlarged utility service connection.

(Code 1971, § 23-56; [Ord. No. 27-1985](#), § 1; [Ord. No. 8-1988](#), § 1; [Ord. 39-1993](#), § 4; [Ord. No. 16-1994](#), §§ 1, 2; [Ord. No. 30-2012](#) § 6; Ord. No. [24-2019](#), § 1, 11-26-2019)

#### Sec. 25.12.025. - Utility development review fee.

- (a) All projects on properties within the City of Aspen that require engineering development review or that will add, change, or remove plumbing fixtures are subject to the utility development review prior to issuance of a City building permit; All projects on properties outside City of Aspen limits that may change or impact City water service are subject to the utility development review prior to submittal of a Pitkin County building permit application.
- (b) Applicable review fees and utility investment charges must be paid prior to issuance of a City of Aspen building permit, and/or prior to submitting an application for a Pitkin County building permit.
- (c) If submitting a building permit application to Pitkin County for a project that may change or impact City water service, the following documents are required for the utility development review: (1) Utility development review application; (2) relevant building plans, which may include architectural, civil, and/or water efficient landscape sets; (3) City water service agreement; (4) ECU Calculator.
- (d) The utility development review fee shall be as set forth in Subsection (e) of the Section.
- (e) [Utility Development Fees.]

Utility Development Fees	2021 Rate
Projects with 0 to 200 Sq. Ft. of Affected Area	\$250.00
Projects with 201 to 5,000 Sq. Ft. of Affected Area	\$1.50/sq. ft.
Projects of 5,001 to 15,000 Sq. Ft. of Affected Area	\$1.50/sq. ft. for 1 <sup>st</sup> 5,000 sq. ft. + \$1.25/sq. ft. thereafter
Projects with more than 15,000 Sq. Ft. of Affected Area	\$1.50/sq. ft. for 1 <sup>st</sup> 5,000 sq. ft. + \$1.25/sq. ft. for next 10,000 sq. ft. + \$1.15 sq. ft. thereafter

Project Type	Applicability and Calculation
New Construction (including "scrape and replace")	Fee calculated according to affected area. Affected area is calculated as square footage of the building footprint, plus the square footage of exterior disturbance. Calculation instructions are set forth in Section (f), below.
Interior or exterior work that triggers an engineering development review, or includes adding, removing, or otherwise making changes to any plumbing fixtures on the property	Fee calculated according to utility affected area. Utility affected area is the total square footage of all rooms/work areas in which plumbing fixtures are affected, plus the total square footage of any exterior disturbance. Calculation instructions are set forth in Section (g), below.
Interior or exterior work that does not trigger an engineering development review, and does not include making any addition(s), subtraction(s), or other change(s) to plumbing fixtures	No Review or Fee Required.

- (f) Calculating affected area for new construction projects—Affected area shall be calculated as follows:
- (1) Enter building footprint alteration. Building footprint alteration is defined as a level 2 alteration of work area within the building.
  - (2) Enter new square footage. New square footage is the gross floor area being added to the building or structure as part of the project.
  - (3) Enter building square footage. Building square footage is the building footprint alteration plus the new square footage. Add the amounts calculated in Section (1) and Section (2) of this Subsection (f) to determine building square footage.
  - (4) Enter square footage of the grade floor area of the project.
  - (5) Enter net building square footage. Net building square footage is equal to either the building square footage or the grade floor square footage, whichever is smaller. Enter the smaller of the two (2) numbers calculated in Section (3) or Section (4) of this Subsection (f) to determine net building square footage.
  - (6) Enter the disturbance area. The disturbance area is the exterior area of the building where the ground is disturbed. This includes soil grading, landscaping, removing impervious area, adding impervious area, and replacing impervious areas, layback areas, construction access areas and stockpile areas.
  - (7) Total Affected Area equals the net building square footage plus the disturbance area. To arrive at total affected area, add the values calculated in Section (5) and Section (6) of Subsection (f) of this Section.



- (g) Calculating utility affected area for remodel/renovation/alteration projects—Utility affected area shall be calculated as follows:
- (1) Enter utility building footprint alteration. Utility building footprint alteration is defined as a level 2 alteration of work area within the building in which plumbing fixtures are affected. For example, for an interior remodel, the utility building footprint alteration is measured by the total square footage of each room in which plumbing fixtures are added, removed, or otherwise changed.
  - (2) Enter new square footage. New square footage is the gross floor area being added to the building or structure as part of the project.
  - (3) Enter utility building square footage. Utility building square footage is the utility building footprint alteration plus the new square footage. Add the amounts calculated in Section (1) and Section (2) of this Subsection (g) to determine utility building square footage.
  - (4) Enter square footage of the grade floor area of the project.
  - (5) Enter net utility building square footage. Net utility building square footage is equal to either the utility building square footage or the grade floor square footage, whichever is smaller. Enter the smaller of the two (2) numbers calculated in Section (3) or Section (4) of this Subsection (g) to determine net utility building square footage.
  - (6) Enter the disturbance area. The disturbance area is the exterior area of the building where the ground is disturbed. This includes soil grading, landscaping, removing impervious area, adding impervious area, and replacing impervious areas, layback areas, construction access areas and stockpile areas.
  - (7) Total Utility Affected Area equals the net utility building square footage plus the disturbance area. To arrive at total utility affected area, add the values calculated in Section (5) and Section (6) of Subsection (g) of this Section.
- (h) Definitions:
- (1) Building footprint alteration square footage is the work area portions of an existing building undergoing reconfiguration of space, the reconfiguration or extension of any system, or the installation of any additional equipment.
  - (2) Utility building footprint alteration square footage is the total area of rooms within the building in which any plumbing fixtures are affected. For example, for an interior remodel, the utility building footprint alteration is measured by the square footage of each room in which plumbing fixtures are added, removed, or otherwise changed.
  - (3) New square footage is measured within the inside perimeter of the exterior walls of the new addition under consideration, without deduction for corridors, stairways, ramps, closets, the thickness of interior walls, columns, or other features. New square footage includes the exterior usable area under the horizontal project of the roof or floor above not surrounded by exterior walls.
  - (4) Building square footage includes both the building footprint alteration square footage and the new square footage.
  - (5) Utility building square footage includes both the utility building footprint alteration square footage and the new square footage.
  - (6) Grade floor area is measured within the inside perimeter of the exterior walls of a building, without deduction for corridors, stairways, ramps, closets, the thickness of interior walls, columns, or other features. Grade floor area includes the exterior usable area under the horizontal projection of the roof or floor above not surrounded by exterior walls.
  - (7) Net building square footage includes both the building footprint alteration square footage and the new square footage; however, the total shall not exceed the area of the grade floor area of the complete new building.

- (8) Net utility building square footage includes both the utility building footprint alteration square footage and the new square footage; however, the total shall not exceed the area of the grade floor area of the complete new building.
- (9) Disturbance area is defined by exterior area of the building where the ground is disturbed. This includes, but is not limited to, soil grading, landscaping, removing impervious area, adding impervious area, replacing impervious area, layback areas, construction access areas, and stockpile areas.
- (10) Affected area is the net building square footage plus the disturbance area, with the net building square footage equaling the smaller of either the building footprint alteration plus the new square footage or the grade floor square footage.
- (11) Utility affected area is the net utility building square footage plus the disturbance area, with the net utility building square footage equaling the smaller of either the utility building footprint alteration plus the new square footage or the grade floor square footage.

( [Ord. No. 38-2016](#) ; [Ord. No. 28-2018](#) ; Ord. No. [24-2019](#) , § 1, 11-26-2019)

#### Sec. 25.12.030. - Utility connection permit.

- (a) No utility connection permit shall be issued, except pursuant to this Section unless the utility connection permit is issued and paid for pursuant to a phasing agreement, prepayment agreement or other agreement with the City to the contrary.
- (b) No utility connection applicant shall receive a utility connection permit for a new utility service prior to the issuance of a building or plumbing permit for the structures or fixtures for which water service is requested. The addition of any water demand factor or fixture or change of service of an existing connection shall require a utility connection permit.
- (c) It shall be unlawful for any person not authorized by this Chapter to make any connection to any main of the water utility or for any unauthorized person to connect to the water utility or for any person to add a water demand factor or fixture or to change service contrary to the provisions of this Chapter.
- (d) All utility connection permits as required by this Chapter shall be issued by the Water Department and shall set forth all those requirements specified in Subsections 25.12.020(e) and (f). The Water Department keep a duplicate or record of all utility connection permits issued.
- (e) Any permit issued pursuant to this Section shall expire upon failure to make the authorized utility connection by the time of expiration of the building or plumbing permit for the structures or fixtures proposed to be serviced. In the event of expiration of a utility connection permit, the applicant, upon request, shall be refunded any utility connection charges not expended by the City for the benefit of the applicant. No interest on any unspent charges shall be paid

(Code 1971, § 23-57; [Ord. No. 27-1985](#) , § 1; [Ord. No. 30-2012](#) § 7)

#### 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, 2021:

Billing Area	Charges per ECU
Billing Area 1	\$9,334
Billing Area 2	\$18,668
Billing Area 3	\$18,668
Billing Area 4	\$11,668
Billing Area 5	\$16,335
Billing Area 6	\$18,668
Billing Area 7	\$14,001
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)

Sec. 25.12.050. - City-County water trust.

[Ord. No. 62-1993 § 1](#) repealed this Section.

(Code 1971, § 23-60; [Ord. No. 27-1985](#), § 1; [Ord. No. 62-1993](#), § 1)

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, 2021 the utility hookup charge shall be as follows:

Line Size	Charges
3/4"	\$1,000.00
1"	\$1,500.00
1.5"	\$1,750.00
2"	\$2,000.00
4"	\$2,500.00
6"	\$3,000.00
8"	\$3,500.00

- (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)

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 Aspen Consolidated Sanitation District. 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)

Sec. 25.12.080. - Oversized tap; fire protection system.

- (a) If a utility service connection larger than that determined in Section 25.12.060 above is desired, the enlarged connection may be installed upon approval by the Water Department and upon payment of the applicable utility investment charges, system development charges, and hook-up charges and upon the issuance of a utility connection permit.
- (b) In the event a larger size utility service connection is necessary for a private fire protection system, the utility investment charge and system development charge shall be computed only upon the ECU rating for the building exclusive of the fire protection system. Nothing herein shall, however, relieve the water user from paying the full utility hookup charge, including cost of the tap, all pipes, valves, valve boxes and meter.

(Code 1971, § 23-63; [Ord. No. 27-1985](#), § 1; [Ord. No. 30-2012](#) § 11)

**Cross reference—** Fire Prevention and Protection, Title 11.

Sec. 25.12.090. - Requirements for service pipes; location of curb stops.

- (a) All water service lines shall be laid at least seven (7) feet below the existing grade of the street or ground.
- (b) No service line shall be covered prior to inspection and approval by the Water Department.
- (c) All service lines shall have a copper thaw wire of not less than number four (4) gauge installed between the corporation stop and the point of entry to the building in such manner so as to provide an electrical circuit through the service line.
- (d) No connection inserted in or connected with the service line shall have an inside diameter of less than three-quarters ( $\frac{3}{4}$ ) of an inch and every tap shall be made of brass. The service line shall be of heavy serviceable copper; provided that a substitute material may be permitted by the Water Department, in its sole discretion, on written request. The service line shall extend from the main to the outside line of the sidewalk at which point shall be placed a curb stop with cover and in case the point of delivery is such that there is no sidewalk or if it be in an alley, then the curb stop shall be placed just outside the lot line or at such point as the Water Department shall direct, so that the same shall be accessible to the Water Department for the purpose of turning on or shutting off water without entering on private premises.
- (e) Water service line bypass piping around existing or future water meters shall be accepted on a limited case-by-case basis and can only be implemented if a water customer has received prior written approval from the Aspen Water department utility. Bypass piping materials and configuration, if pre-approved, shall be installed in accordance with the latest edition of the City of Aspen Water Department Distribution Standards.

- (f) All inactive city water accounts with pretaps made twenty (20) or more years ago must abandon their pretapped water service line and retap a new water service line prior to activation and acceptance of property's Aspen water service.

(Code 1971, § 23-64; [Ord. No. 27-1985](#), § 1; [Ord. No. 30-2012](#) § 12; [Ord. No. 28-2018](#))

Sec. 25.12.100. - Single utility connections serving more than one building.

- (a) In all cases where service lines have been constructed from a single utility connection to different houses, buildings or premises and a separate curb stop accessible to the Water Department has been placed on the line leading to each house, building or premises, so that water can be easily turned on and shut off from the premises or any of them, the continued use of such extensions will be permitted. A Shared Water Service Line Agreement will be executed and filed for these instances.
- (b) No connection with the water utility or use of water shall be made through any extension of the service line serving any other premises except as provided in this Section.
- (c) Nothing herein shall be construed to relieve any water utility applicant from paying any charge attributable to the new or increased water service.

(Code 1971, § 23-65; [Ord. No. 27-1985](#), § 1; [Ord. No. 30-2012](#) § 13)

Sec. 25.12.110. - Barricades and safety measures for excavations.

All excavations in the street with regard to the water service shall be made in conformity to this Code and other ordinances of the City and suitable barricades and guards shall be placed around such excavation and shall be sufficient to protect all persons from injury and damage and sufficient warning lights shall be kept illuminated near such excavations from twilight until sunrise in order to protect all persons from injury or damage thereby. The person making such excavations shall be liable for all injuries or damages resulting from his or her failure to comply with this Section.

(Code 1971, § 23-66; [Ord. No. 27-1985](#), § 1; [Ord. No. 30-2012](#) § 14)

Sec. 25.12.120. - Testing of completed connection.

When any utility connection for water service has been completed and the service is found to comply with the provisions of this Chapter, the Water Department shall test the connection to determine that the connection and service are in proper operating condition. No water shall be turned on to make this test by anyone except the Water Department or a person acting under its order.

(Code 1971, § 23-67; [Ord. No. 27-1985](#), § 1; [Ord. No. 30-2012](#) § 15)

Sec. 25.12.130. - Maintenance of service pipes and fixtures.

The owner of any premises for which a utility connection is made shall at all times keep all service lines, fixtures and appliances from the point of connection at the corporation stop to and on his or her premises tight and in good working order so as to prevent any waste of water. In case any line or fixture shall be found to leak water or be damaged, the owner shall forthwith repair and correct the same and the owner shall be responsible for thawing frozen pipes from the point of connection with the main at the corporation stop to his or her premises. If after notice to the owner by the Water Department to repair leaking or damaged service lines, fixtures or related infrastructure, such repair is not made, the Water Department may have the service lines, fixtures or related infrastructure repaired or replaced. Any costs

incurred by the water utility in so doing shall become a lien upon the premises and be satisfied against the same.

(Code 1971, § 23-68; [Ord. No. 27-1985](#), § 1; [Ord. No. 30-2012](#) § 16)

Sec. 25.12.140. - Notice to repair defective plumbing fixtures; discontinuance of service for failure to comply.

- (a) If, at any time, the Water Department shall ascertain that the plumbing fixtures or appliances on any premises are so defective as to waste water, the Water Department shall notify the user of the water or his or her agent, to repair the same and if the same are not repaired within forty-eight (48) hours from the time of such notice being served upon the water user or the agent, the Water Department may shut off the water from the premises and immediately notify the customer.
- (b) It shall be unlawful for any person to fail or refuse to comply with the order provided in this Section.

(Code 1971, § 23-69; [Ord. No. 27-1985](#), § 1; [Ord. 30-2012](#) § 17)

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 are the property of the water utility and shall only be removed or operated by the Water Department.
- (b) The owner of property serviced shall be responsible for the repair and maintenance of the service line, 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 25 years. Water meters exceeding 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)

Sec. 25.12.160. - Waivers and exemptions from utility investment charges for certain employee housing projects.

- (a) Purpose. The purpose of this section is to identify those affordable housing projects that may be eligible for exemption from, and waivers of, the utility investment charges and system development charges when connecting to the City of Aspen's water system. There are three (3) types of affordable housing projects that are eligible for exemptions or waivers: (i) projects that are determined to be Qualified Affordable Employee Housing as defined herein; (ii) affordable housing projects that are eligible to receive Affordable Housing Credits pursuant to [Chapter 26.540](#) of the Municipal Code; and (iii) projects that consist of a mix of affordable housing units subject to the Aspen/Pitkin County Housing Authority Guidelines, as may be amended from time to time; and, unrestricted (free market)



units. To be eligible for an exemption or waiver pursuant to this section of the Municipal Code, a project shall have installed in all units properly maintained and continuously operable water conservation devices and practices as designated from time to time by the City Council by ordinance, resolution, or by regulations issued by the City Manager or the Water Department.

(b) Definitions. As used in this Code, unless the context requires otherwise, the following terms shall be defined as follows:

(1) *Qualified Affordable Employee Housing* shall be defined as publicly or privately constructed and owned projects which:

- a. Are not constructed for mitigation purposes or which receive any form of Affordable Housing Credits such as those set forth at [Chapter 26.540](#) of the Municipal Code; and
- b. Are composed of one hundred percent (100%) employee housing units; and,
- c. Are deed restricted to ensure that all units are subject to, and administered by, Aspen/Pitkin County Housing Authority Guidelines, as may be amended from time to time; and,
- d. Are maintained as qualified affordable housing.

(2) The *Fee Waiver Schedule* referred to in this section is the percent of the utility investment charges that may be waived based upon the category of the units within the affordable housing project. The Fee Waiver Scheduled is set forth in Figure 1, below.

Housing Categories as referenced in the Aspen/Pitkin County Housing Authority Guidelines, as may be amended from time to time.	Fee Waiver Level
Category 1	100% Fee Wavier
Category 2	70% Fee Waiver
Category 3	40% Fee Waiver
Category 4	0% Fee Waiver
Category 5	0% Fee Waiver
Category 6	0% Fee Waiver
Category 7	0% Fee Waiver
Resident Occupied	0% Fee Waiver
Free Market Units	0% Fee Waiver

Figure 1.

(3) *Affordable and Free Market Mix* shall be defined as a project that:

a. consist of a mix of both deed restricted housing to ensure that all units are subject to the Aspen/Pitkin County Housing Authority Guidelines, as may be amended from time to time and unrestricted housing (free market) units; and,

b. were not constructed for mitigation purposes.

(c) Qualified Affordable Employee housing shall be exempt from all utility investment charges and system development charges when connection is made to the City of Aspen's water system.

(d) Affordable Housing Credits Program. Projects that receive Affordable Housing Credits pursuant to [Chapter 26.540](#) of the Municipal Code are eligible for a waiver of the percentage of the total utility investment charge and system development charge as set forth in the Fee Waiver Schedule. If a project has a mix of categories, the waiver shall be determined on a unit by unit basis pursuant to the Fee Waiver Schedule.

(e) Affordable and Free Market Mix. Projects that are determined to be Affordable and Free Market Mix of units, and where no mitigation is required for the free market units, are eligible for a waiver of the percentage of the total utility investment charge and system development charge as set forth in the Fee Waiver Schedule for the affordable housing units. If a project has a mix of categories, the waiver shall be determined on a unit by unit basis pursuant to the Fee Waiver Schedule.

(f) Revocation of Exemptions and Waivers. In the event that Qualified Employee Housing units, projects receiving Affordable Housing Credits, or projects that are considered Affordable and Free Market Mix projects, receive an exemption or a waiver in accordance with this section, and thereafter fail to continue being affordable housing units as contemplated herein; or, the water conservation devices and practices are not installed as required, are not properly maintained or continuously operable, the developer of such units and the owners thereof shall be jointly and severally liable to reimburse the City for the cost of the utility investment charges and system development charges exempted by this Section. The City Manager shall establish a method of accomplishing this payment so as not to be unduly burdensome on the developer or owners.

(g) Subsequent Project Changes. Utility connection charge and system development charge waivers for affordable housing credit projects and affordable and free market mixed projects are a one-time occurrence at the time of project completion. Additions, remodels, and, or changes that occur after original project completion will not receive a utility connection charge or system development charge waiver, however a credit for the ECU's assigned to the specific employee housing unit will be allowed against additional fees due to these improvements.

( [Ord. No. 8-1995, § 1](#) ; [Ord. No. 36-1995](#) , § 2; [Ord. No. 13-2011](#) ; [Ord. No. 30-2012](#) § 19; [Ord. No. 24-2019](#) , § 1, 11-26-2019)

## 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
1	1.00	\$6.14
2	2.00	\$12.28
3	2.00	\$12.28
4	1.25	\$7.68
5	1.75	\$10.75
6	2.00	\$12.28
7	1.50	\$9.21

- (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	\$3.12	12,000	\$4.01	16,000	\$5.74	16,000	\$8.61

- (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	\$2.60
2	\$5.20
3	\$7.80

- (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	\$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

(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)

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	\$4.84
Over 2,940 gallons	\$11.35

- (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/0/doc/1412784/Page1.aspx> web="yes">[Ord. No. 28-2018](#) ;  
 Ord. No. [24-2019](#), § 1, 11-26-2019)

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	2021 Rate
Per 1,000 Sq. Ft.	\$34.70

- (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)

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, 2021 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.	\$4.02

- (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, 2021 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	2021 Rate
Seasonal Rate Per 1,000 Sq. Ft.	\$141.67
Monthly Rate Per 1,000 Sq. Ft. - Based on 6-Month Irrigation Season	\$23.61

- (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)

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 2021 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	\$6.14
2	2.00	\$12.28

3	2.00	\$12.28
4	1.25	\$7.68
5	1.75	\$10.75
6	2.00	\$12.28
7	1.50	\$9.21

- (b) Effective in the January 2021 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

( [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)

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 2021 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	\$6.14
2	2.00	\$12.28
3	2.00	\$12.28
4	1.25	\$7.68
5	1.75	\$10.75
6	2.00	\$12.28
7	1.50	\$9.21

- (b) Effective in the January 2021 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)



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 2021 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	\$6.14
2	2.00	\$12.28
3	2.00	\$12.28
4	1.25	\$7.68
5	1.75	\$10.75
6	2.00	\$12.28
7	1.50	\$9.21

- (b) Effective in the January 2021 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	\$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
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( [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)

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 2021 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	\$109.48
2	2.00	\$218.97
3	2.00	\$218.97
4	1.25	\$136.86
5	1.75	\$191.60
6	2.00	\$218.97
7	1.50	\$164.23

- (b) Effective in the January 2021 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	\$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, § 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)

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 **2021** 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%	\$5.53
2	2.00	90%	\$11.05
3	2.00	90%	\$11.05
4	1.25	90%	\$6.91
5	1.75	90%	\$9.67
6	2.00	90%	\$11.05

7	1.50	90%	\$8.29
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- (2) Effective in the January 2021 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	\$3.12	12,000	\$4.01	16,000	\$5.74	16,000	\$8.61

- (3) Effective in the January 2021 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	\$2.60
2	\$5.20
3	\$7.80

- (4) Effective in the January 2021 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%	\$3.21
2	2.00	90%	\$6.43
3	2.00	90%	\$6.43

4	1.25	90%	\$4.02
5	1.75	90%	\$5.62
6	2.00	90%	\$6.43
7	1.50	90%	\$4.82

(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 2021 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%	\$32.85
2	2.00	30%	\$65.69
3	2.00	30%	\$65.69
4	1.25	30%	\$41.06
5	1.75	30%	\$57.48
6	2.00	30%	\$65.69
7	1.50	30%	\$49.27

(2) Effective in the January 2021 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
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1	1.00	30%	\$1.07
2	2.00	30%	\$2.14
3	2.00	30%	\$2.14
4	1.25	30%	\$1.34
5	1.75	30%	\$1.87
6	2.00	30%	\$2.14
7	1.50	30%	\$1.61

(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)

Sec. 25.16.022. - Late payment charge.

Payments for water service, utility investment charges, system development charges, hook-up fees, and utilities review fees shall be due thirty (30) days after billed date. Any amount due, but not received by the City by the due date, shall be subject to a past due monthly interest charge of one and one-half percent (1½%) of the total amount due; subject, however, to a minimum charge of three dollars (\$3.00). Balances of less than five dollars (\$5.00) shall not be subject to this charge.

( [Ord. 36-1996, §§ 2, 3](#) ; [Ord. No. 45-1999, § 16 \(part\)](#); [Ord. No. 30-2012 § 29](#) , [Ord. No. 38-2016](#) .)

Sec. 25.16.030. - Meter regulations; mandatory metering.

- (a) Except as expressly provided in this Chapter, all water service shall be metered.
- (b) The installation of all meters shall conform to specifications of the Water Department.
- (c) The Water Department may, in its sole discretion, install a meter on any connection which has not been converted to metered service by June 1, 1985 and shall charge the customer all costs of such installation. The Water Department may also, in its sole discretion, disconnect any water service which has not been converted to metered service by June 1, 1985 and may not reconnect such service until it is metered. The customer shall pay all costs of any such connection and reconnection including any utility investment charges, system development fees and hook-up charges which may be due.

(Code 1971, § 23-104; [Ord. No. 27-1985](#) , § 1; [Ord. No. 30-2012 § 30](#))

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.
  - (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.
  - (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
    - 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 imprisonment, 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), 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](#) )

Sec. 25.16.040. - Receipts.

On payment of any water rates or charges, the Finance Department shall issue a receipt therefor stating the date of payment, the amount of money received, from whom received and on what premises the water was used.

(Code 1971, § 23-105; [Ord. No. 27-1985](#), § 1; [Ord. No. 30-2012](#) § 31)

Sec. 25.16.050. - Liability for payment; lien and court action for nonpayment.

- (a) The Water Department shall disconnect the water service to any consumer who fails to pay any water service charges, utility investment charges, or utilities review fees fifteen (15) days after their due date.
- (b) All the rates and charges specified in this Chapter shall be paid by the owner of the premises on which the water is used. All such water rates and charges from the time such shall be due and chargeable shall become and remain a lien upon the premises until such rates or charges shall be paid. Water rates and charges may be collected against any owner by suit, such action to be in the name of the City in any court having jurisdiction thereof and to be prosecuted as an action at law personally against such owner or by a suit in equity for the enforcement of such lien.

- (c) Any lien for unpaid water rates and charges against any premises may also be collected as provided by the statutes of the State for the collection of taxes and other liens and assessments against real estate.

(Code 1971, § 23-106; [Ord. No. 27-1985, § 1](#) ; [Ord. No. 30-2012 § 32](#) , [Ord. No. 38-2016](#).)

Sec. 25.16.060. - Water service connect and disconnect charges.

A service charge of forty dollars (\$40.00) is hereby established for each new account that is setup for water service. If a disconnection is made in accordance with Section 25.16.050 above because of nonpayment of water service charges, utility investment charges or utilities review fees, the disconnect charge of sixty dollars (\$60.00) shall be due prior to reconnection of water service.

(Code 1971, § 23-107; [Ord. No. 27-1985, § 1](#) ; [Ord. No. 53-1992, § 1](#) ; [Ord. No. 68-1994, § 13](#) ; [Ord. No. 45-1999, § 16 \[part\]](#) ; [Ord. No. 30-2012 § 33](#) ; [Ord. No 38-2014, § 9](#) , [Ord. No. 38-2016](#) )

Sec. 25.16.061. - Discontinuance of service.

- (a) *Grounds for discontinuance.* If any utility service charges remain unpaid for fifteen (15) days after their due date, the City may terminate service for the type of utility service for which payment has not been made. In addition, the City may terminate a utility service for violation of any rule or regulation concerning such utility as set forth in this Title.
- (b) *Notice of termination.* In order to terminate any services the City shall send a notice of termination by first class mail or, at the City's option, by certified mail, return receipt requested, or by posting in a conspicuous place at or near the main entrance to the premises served by such utility service to the customer listed on the City records and, at the City's option, to the occupant of the premises served and/or the owner of the premises served.
- (c) *Effective date of discontinuance of service.* The effective date of the discontinuance of utility service shall be ten (10) days after the mailing by the City of a notice of termination.
- (d) *When utility service is not discontinued.* Utility service shall not be discontinued:
- (1) Between 12:00 p.m. on Friday and 8:00 a.m. on the following Monday or between 12:00 p.m. on the day prior to and 8:00 a.m. on the day following any federal holiday or City holiday.
  - (2) During any period when termination of service would be especially dangerous to the health or safety of any residential customer or permanent resident of the customer's household and such customer has established that he/she was unable to pay for the service as regularly billed by the City or is able to pay for such service but only in reasonable installments. Termination of service that would be especially dangerous to the health or safety of the residential customer or a permanent resident of the customer's household means that the termination of service would aggravate an existing medical condition or create a medical emergency for the customer or a permanent resident of the customer's household. Such shall be deemed to be the case when a physician licensed by the State makes a certification thereof in writing and said certification is received by the City. In the event a medical certification is delivered to or received by the City, a non-discontinuance of service as herein prescribed shall be effective for sixty (60) days from the date of said medical certification. A residential customer may invoke the provisions of this Paragraph no more than once during any period of twelve (12) consecutive months.
  - (3) In the event a customer at any time proffers full payment of any utility bill by cash or bona fide check to the City of Aspen Finance department.
  - (4) If violations of rules or regulations concerning the receipt or use of utility service have ceased.
- (e) *Reconnection.* Nothing contained in this Section shall preclude the City from charging a reconnection fee as required by Section 25.04.120 before reconnecting a utility service discontinued

pursuant to this Section. In addition, prior to reconnection, all charges for that type of utility service must be paid to the City.

- (f) *Delivery of notice.* Notwithstanding anything to the contrary in this Section, whenever reference is made herein to a notice or other document being mailed or delivered, that phrase shall mean that the notice or other document is either deposited in the United States mail, postage paid, first class or certified mail, return receipt requested, at the City's option, or physically delivered to the addressee, which physical delivery will be accomplished by either handing to someone over eighteen (18) years of age at the premises served or by posting upon the main entrance of the premises served by the utility service in a conspicuous place.

( [Ord. No. 38-2016](#) )

Sec. 25.16.070. - No turn-on without payment of unpaid water charges.

In any case where the water has been shut off from any premises, for any causes stated in this Chapter or at the request of the owner of the premises, the Water Department shall not turn it on again or order it to be turned on until all outstanding water rates and charges have been paid and the owner requests the service by making application and receives a permit for such connection.

(Code 1971, § 23-108; [Ord. No. 27-1985](#), § 1; [Ord. No. 30-2012](#) § 34)

Sec. 25.16.080. - Determination of charge when more than one business exists in one building.

Whenever more than one (1) business shall be carried on in any one (1) store, room or other building, it shall be the duty of the Superintendent to decide whether or not more than one (1) charge for water service shall be made for such use.

(Code 1971, § 23-109; [Ord. No. 27-1985](#), § 1; [Ord. No. 30-2012](#) § 35)

Sec. 25.16.090. - Deposit for water service.

- (a) When applying for water service at a new location, each applicant shall be required to place a cash deposit in the following manner:

Residential service: One hundred fifty dollars (\$150.00).

Commercial service:

- (1) An amount equal to the service bills for the subject property for the three (3) highest months of usage during the prior year, if the applied-for use of the property is similar to the prior use; or
  - (2) If there is no similar prior space or use on which to compute the amount provided in Subsection (a) Paragraph (1) above, then an amount to be determined by the Finance Director within his or her sole discretion and based on a reasonable estimate of three (3) months' service for a space and use similar to the subject property.
- (b) Subject to the approval of the Utilities Director based on previous credit history with the City utilities, the owner of the premises on which the water is used may approve waiver of their tenant's deposit requirement. To request approval of the Utilities Director, the owner must complete an application which informs the owner of the possibility of a lien upon the premises for unpaid bills, pursuant to Section 25.04.090 above.
- (c) These deposits will be held by the Director of Finance until service is discontinued and final service bills are paid and will accrue interest at five percent (5%) per annum starting thirty (30) days after receipt of the monies until the date of disconnection. Return of the unused portion of the deposit plus

interest will be made within forty-five (45) days from date the final billing is issued. Effective January 1, 2013 no deposit will accrue interest.

( [Ord. No. 30-2012 § 36](#) ; [Ord. No. 38-2014, § 10](#) ; Ord. No. [24-2019](#) , § 1, 11-26-2019)

Sec. 25.16.100. - Billing errors.

(a) When an error has been made in a water utility account, the following shall apply:

Each water utility customer is responsible for using reasonable diligence to review billing statements and for immediately notifying the utility of a billing error.

- (1) When the water utility determines that a utility customer has overpaid for utility service and the overpayment occurred no more than twenty-four (24) months before the date the error is made know to the utility, the utility will issue to the customer a credit to the Customer's account without interest, as reimbursement for the overpayment.

Previous Customer accounts at same service location will be reviewed to determine if they were affected by the overbilling. If it is determined that an overbilling affected a previous Customer with the twenty-four-month period as described herein, reasonable efforts will be made to locate the Customer and refund any amounts owed due to the overbilling.

Any refund check mailed to the last known address of the Customer and returned unpaid to the City or not cashed by the Customer within two (2) years of either the date of delivery or mailing of the check, will be retained by the City and will be credited as miscellaneous revenue for the utility service which was overpaid.

Prior to final determination of an overbilling refund credit or refund, each of the following conditions must be met:

- a. The customer could not have discovered the error with reasonable inquiry prior to the date of discovery;
  - b. Documentation evidencing the overpayment is available in utility records or has been provided to the utility; and
  - c. The utility confirms the accuracy and sufficiency of the documentation based on utility records.
  - d. The overbilling is not the result of changes, modifications, updates, or alterations by the Customer or its agent that affects the metering accuracy, multiplier, or other metering components without evidence of prior notification to and approval of the Utility.
- (2) When the Utility determines that a current utility customer has been undercharged and has underpaid for utility service, the customer shall be billed for the correct amount unless the undercharges occurred more than six (6) months before the date the error is discovered and the following conditions are met:
    - a. The customer could not have discovered the error with reasonable inquiry.
    - b. Each utility customer is responsible for using reasonable diligence to review billing statements and for immediately notifying the utility of a billing error.
    - c. Bills for corrected usage and other utility rate code charges shall be due and payable in the same manner as regular bills for service.

In the event of an inaccurate billing due to the diversion or theft of utility service, the City retains the right to back bill for the entire period of occurrence.

- (3) Any attempt or action by a utility customer to mislead the utility with regard to a billing error shall be a violation of code, punishable by fine as provided for wherein. Each day upon which any violation shall continue shall constitute a separate offense, punishable as such. Additionally, the Utility reserves the right to pursue other compensation or charges to the fullest extent of the law.

(Code 1971, § 23-110; [Ord. No. 27-1985](#), § 1; [Ord. No. 68-1994](#), § 15; [Ord. No. 57-2000](#), § 8; [Ord. No. 29-2011](#))

## **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 10th day of November, 2020.

Attest:

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Nicole Henning, City Clerk

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Torre, Mayor

**FINALLY, adopted, passed, and approved this 24th day of November, 2020.**

Attest:

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Nicole Henning, City Clerk

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Torre, Mayor

Approved as to form:

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James R. True, City Attorney





## MEMORANDUM

**TO:** City Council

**FROM:** Sara Ott, City Manager  
Pete Strecker, Finance Director

**MEETING DATE:** November 24, 2020

**RE:** Second Reading – 2020 Fall Supplemental

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**Request of Council:** Staff is requesting an amendment to the City's 2020 budget that increases total expenditure appropriations from \$199.4 million to \$208.3 million. The majority of the requested increase can be summarized by the approximate \$2.0 million related to refinancing the Isis theater building debt; \$2.0 million for previously approved renovations to the exterior of the Wheeler Opera House; \$1.5 million for previously approved funding for the new city offices, and \$1.0 million as a double count for transfers between funds associated with the city offices increase. Detail of the full request is outlined in the attached exhibits.

**Budget Ordinance Changes Included in Second Reading:**

- At the July 27, 2020 City Council work session, Council supported an appropriation increase of \$1,500,000 to the Asset Management Fund for programming changes and increased construction costs at the new city offices. The increase was supported by a \$1,000,000 transfer from the REMP Fund for energy efficiency upgrades, and the appropriation of \$500,000 of interest earnings on previously issued debt for the project.
- At the November 10, 2020 City Council regular meeting, Council approved an intergovernmental agreement with the Aspen School District to begin remitting Tobacco Tax collections. In 2020, the amount to be paid is \$83,333.

**Previous Actions:** Council adopted the original 2020 Budget in November 2019, when there weren't strong headwinds present in the economic environment. With the COVID pandemic reaching mountain communities in early March and changing the near term fiscal outlook substantially for individuals, businesses and government alike, City Council took emergency action and adopted two ordinances (Ord. #4 and #5, Series 2020) to appropriate \$6 million in relief and recovery funding.

Additionally, in the Spring Supplemental (Ord. #7), Council increased appropriations by \$42 million (largely rollover authority from the prior year for capital projects) but also included \$9.1 million in operating reductions and \$4.9 million in capital pullback to partially offset \$25 million in expected declines in revenues.

**Summary and Background:** Staff has provided periodic updates to Council about the improving revenue outlook for the City, especially the City's share of the County sales tax, real estate transfer taxes, golf course revenues, and development fees, totaling \$18.3 million. While that is a welcome improvement, forecasted revenues remain down, especially sales and lodging tax revenues. While the general outlook for Aspen appears significantly better than it did back in

March, there is still a good deal of uncertainty surrounding the impact of COVID-19 on travel and tourism, dining out, and sales of luxury goods.

This supplemental remains lean and largely reflects only previously approved items, and ultimately the City's projected net position is expected to improve by \$20.9M even with these changes.


	Original Budget	Ord #4 & Ord #5 COVID Relief Pkg	Ord #7 Spring Supplemental	Requested Fall Supplemental	Proposed 2020 Budget
<b>Proj. Opening Balance</b>	<b>\$123,305,817</b>	<b>\$0</b>	<b>\$89,290,241</b>	<b>\$9,204,340</b>	<b>\$221,800,398</b>
Original Revenues	\$151,495,585	\$0	\$0	\$0	\$151,495,585
New Revenues (Exh D)	\$0	\$0	\$617,380	\$18,844,220	\$19,461,600
Transfers (Exh D)	\$0	\$0	\$199,590	\$1,718,280	\$1,917,870
COVID Reductions	\$0	\$0	(\$25,016,960)	\$0	(\$25,016,960)
COVID Increases	\$0	\$3,500,000	\$0	\$0	\$3,500,000
<b>Revenues</b>	<b>\$151,495,585</b>	<b>\$3,500,000</b>	<b>(\$24,199,990)</b>	<b>\$20,562,500</b>	<b>\$151,358,095</b>
Base	\$74,897,470	\$0	\$0	\$0	\$74,897,470
New Requests (Exh B)	\$1,979,440	\$0	\$198,270	\$575,670	\$2,753,380
Savings Program	\$0	\$0	\$3,826,330	\$0	\$3,826,330
Carry Forwards	\$0	\$0	\$1,049,930	\$0	\$1,049,930
Technical (Exh C)	\$0	\$0	\$468,980	\$700,997	\$1,169,977
COVID Increases	\$0	\$6,000,000	\$0	\$0	\$6,000,000
COVID <u>Net</u> Reduction	\$0	\$0	(\$8,848,060)	\$0	(\$8,848,060)
<b>Operating Budget</b>	<b>\$76,876,910</b>	<b>\$6,000,000</b>	<b>(\$3,304,550)</b>	<b>\$1,276,667</b>	<b>\$80,849,027</b>
Original	\$28,660,750	\$0	N/A	\$0	\$28,660,750
New Requests (Exh B)	\$0	\$0	\$1,050,980	\$300,000	\$1,350,980
Carry Forwards	\$0	\$0	\$51,378,513	\$0	\$51,378,513
Technical (Exh C)	\$0	\$0	\$101,760	\$3,654,748	\$3,756,508
COVID <u>Net</u> Reduction	\$0	\$0	(\$4,909,700)	\$0	(\$4,909,700)
<b>Capital Outlay</b>	<b>\$28,660,750</b>	<b>\$0</b>	<b>\$47,621,553</b>	<b>\$3,954,748</b>	<b>\$80,237,051</b>
<b>Debt Service (Exh C)</b>	<b>\$7,408,320</b>	<b>\$0</b>	<b>\$0</b>	<b>\$1,960,000</b>	<b>\$9,368,320</b>
<b>Net Appropriations</b>	<b>\$112,945,980</b>	<b>\$6,000,000</b>	<b>\$44,317,003</b>	<b>\$7,191,415</b>	<b>\$170,454,398</b>
Original Transfers	\$34,501,270	\$0	\$0	\$0	\$34,501,270
Technical (Exh C)	\$0	\$0	\$199,590	\$1,718,280	\$1,917,870
COVID Reductions	\$0	\$0	(\$2,107,520)	\$0	(\$2,107,520)
COVID Increases	\$0	\$3,500,000	\$0	\$0	\$3,500,000
<b>Transfers</b>	<b>\$34,501,270</b>	<b>\$3,500,000</b>	<b>(\$1,907,930)</b>	<b>\$1,718,280</b>	<b>\$37,811,620</b>
<b>Total Appropriations</b>	<b>\$147,447,250</b>	<b>\$9,500,000</b>	<b>\$42,409,073</b>	<b>\$8,909,695</b>	<b>\$208,266,018</b>
<b>Proj. Ending Balance</b>	<b>\$127,354,152</b>	<b>(\$6,000,000)</b>	<b>\$22,681,178</b>	<b>\$20,857,145</b>	<b>\$164,892,475</b>

**Recommendations:** Staff recommends second reading approval of the revised spending plan for 2020, allowing for appropriation approval of previously authorized projects and technical adjustments (Exh. C), and new spending requests (Exh B.).

**City Manager Comments:**

# CITY OF ASPEN 2020 APPROPRIATIONS BY FUND

Exhibit A

 <b>Fund Name</b>	Revenues						Expenses					
	Opening Balance	2020 Adopted Revenue	Ordinances #4 & #5	2020 Spring Supplemental	2020 Fall Supplemental	2020 Amended Revenue Budget	2020 Adopted Expense	Ordinances #4 & #5	2020 Spring Supplemental	2020 Fall Supplemental	2020 Amended Expense Budget	2020 Ending Balance
<b>General Governmental Fund</b>												
001 - General Fund	\$21,779,065	\$36,091,050	\$3,500,000	(\$3,493,260)	\$2,092,000	\$38,189,790	\$36,709,130	\$3,500,000	(\$493,000)	\$567,063	\$40,283,193	\$19,685,662
<b>Subtotal General Gov't Funds</b>	<b>\$21,779,065</b>	<b>\$36,091,050</b>	<b>\$3,500,000</b>	<b>(\$3,493,260)</b>	<b>\$2,092,000</b>	<b>\$38,189,790</b>	<b>\$36,709,130</b>	<b>\$3,500,000</b>	<b>(\$493,000)</b>	<b>\$567,063</b>	<b>\$40,283,193</b>	<b>\$19,685,662</b>
<b>Special Revenue Governmental Funds</b>												
100 - Parks and Open Space Fund	\$7,810,212	\$13,692,910	\$0	(\$4,214,700)	\$2,141,500	\$11,619,710	\$14,180,960	\$0	(\$1,202,628)	\$40,920	\$13,019,252	\$6,410,670
120 - Wheeler Opera House Fund	\$32,229,013	\$5,865,220	\$0	(\$1,972,000)	\$3,490,000	\$7,383,220	\$5,459,320	\$3,500,000	\$1,084,691	\$2,459,068	\$12,503,079	\$27,109,154
130 - Tourism Promotion Fund	\$322,978	\$2,993,610	\$0	(\$1,240,900)	\$368,300	\$2,121,010	\$2,991,800	\$0	(\$940,900)	\$370,110	\$2,421,010	\$22,978
131 - Public Education Fund	(\$53,049)	\$2,920,000	\$0	(\$823,000)	(\$66,400)	\$2,030,600	\$2,920,000	\$0	(\$823,000)	(\$119,449)	\$1,977,551	\$0
132 - REMP Fund	\$5,215,281	\$914,010	\$0	\$0	\$0	\$914,010	\$1,945,400	\$0	\$0	\$1,000,000	\$2,945,400	\$3,183,891
141 - Transportation Fund	\$7,612,925	\$5,404,090	\$0	(\$1,325,100)	\$926,300	\$5,005,290	\$6,809,520	\$0	(\$1,157,860)	\$4,740	\$5,656,400	\$6,961,815
150 - Housing Development Fund	\$53,571,379	\$21,687,160	\$0	(\$4,359,000)	\$6,885,600	\$24,213,760	\$16,488,840	\$1,000,000	\$13,695,697	\$122,400	\$31,306,937	\$46,478,202
152 - Kids First Fund	\$6,230,769	\$2,334,325	\$0	(\$679,000)	\$353,400	\$2,008,725	\$2,709,290	\$1,500,000	(\$432,440)	\$8,660	\$3,785,510	\$4,453,984
160 - Stormwater Fund	\$1,649,441	\$1,436,490	\$0	\$0	\$0	\$1,436,490	\$1,364,030	\$0	\$75,507	\$4,660	\$1,444,197	\$1,641,734
<b>Subtotal Special Revenue Funds</b>	<b>\$114,588,949</b>	<b>\$57,247,815</b>	<b>\$0</b>	<b>(\$14,613,700)</b>	<b>\$14,098,700</b>	<b>\$56,732,815</b>	<b>\$54,869,160</b>	<b>\$6,000,000</b>	<b>\$10,299,067</b>	<b>\$3,891,109</b>	<b>\$75,059,336</b>	<b>\$96,262,428</b>
<b>Debt Service Governmental Fund</b>												
250 - Debt Service Fund	\$864,461	\$6,244,110	\$0	\$0	\$2,127,000	\$8,371,110	\$6,238,030	\$0	\$0	\$2,042,870	\$8,280,900	\$954,671
<b>Subtotal Debt Service Fund</b>	<b>\$864,461</b>	<b>\$6,244,110</b>	<b>\$0</b>	<b>\$0</b>	<b>\$2,127,000</b>	<b>\$8,371,110</b>	<b>\$6,238,030</b>	<b>\$0</b>	<b>\$0</b>	<b>\$2,042,870</b>	<b>\$8,280,900</b>	<b>\$954,671</b>
<b>Capital Projects Governmental Funds</b>												
000 - Asset Management Plan Fund	\$51,823,759	\$9,723,680	\$0	(\$111,000)	\$1,545,800	\$11,158,480	\$3,502,700	\$0	\$28,615,536	\$1,557,893	\$33,676,129	\$29,306,110
<b>Subtotal Capital Fund</b>	<b>\$51,823,759</b>	<b>\$9,723,680</b>	<b>\$0</b>	<b>(\$111,000)</b>	<b>\$1,545,800</b>	<b>\$11,158,480</b>	<b>\$3,502,700</b>	<b>\$0</b>	<b>\$28,615,536</b>	<b>\$1,557,893</b>	<b>\$33,676,129</b>	<b>\$29,306,110</b>
<b>Enterprise Proprietary Funds</b>												
421 - Water Utility Fund	\$8,403,925	\$10,162,120	\$0	(\$699,300)	\$800,000	\$10,262,820	\$11,973,150	\$0	\$1,266,455	\$691,411	\$13,931,016	\$4,735,729
431 - Electric Utility Fund	\$5,281,556	\$10,169,550	\$0	(\$1,106,600)	(\$208,000)	\$8,854,950	\$10,083,450	\$0	\$1,746,775	(\$61,531)	\$11,768,694	\$2,367,812
451 - Parking Fund	\$7,023,315	\$4,939,030	\$0	(\$1,522,500)	\$0	\$3,416,530	\$8,429,050	\$0	(\$145,137)	\$70,010	\$8,353,923	\$2,085,922
471 - Golf Course Fund	\$570,908	\$2,578,450	\$0	(\$856,110)	\$107,000	\$1,829,340	\$2,341,270	\$0	(\$312,535)	\$141,320	\$2,170,055	\$230,193
491 - Truscott I Housing Fund	\$911,804	\$2,401,400	\$0	\$0	\$0	\$2,401,400	\$2,268,290	\$0	\$323,467	\$1,840	\$2,593,597	\$719,607
492 - Marolt Housing Fund	\$2,044,127	\$1,453,120	\$0	\$0	\$0	\$1,453,120	\$2,457,590	\$0	\$266,680	\$1,690	\$2,725,960	\$771,287
<b>Subtotal Enterprise Funds</b>	<b>\$24,235,635</b>	<b>\$31,703,670</b>	<b>\$0</b>	<b>(\$4,184,510)</b>	<b>\$699,000</b>	<b>\$28,218,160</b>	<b>\$37,552,800</b>	<b>\$0</b>	<b>\$3,145,705</b>	<b>\$844,740</b>	<b>\$41,543,245</b>	<b>\$10,910,550</b>
<b>Internal Proprietary Funds</b>												
501 - Employee Benefits Fund	\$3,542,159	\$5,538,880	\$0	\$0	\$0	\$5,538,880	\$5,806,600	\$0	\$0	\$0	\$5,806,600	\$3,274,439
505 - Employee Housing Fund	\$3,989,154	\$2,576,640	\$0	(\$1,797,520)	\$0	\$779,120	\$421,410	\$0	\$666,775	\$0	\$1,088,185	\$3,680,089
510 - Information Technology Fund	\$977,216	\$2,369,740	\$0	\$0	\$0	\$2,369,740	\$2,347,420	\$0	\$174,990	\$6,020	\$2,528,430	\$818,526
<b>Subtotal Internal Service Funds</b>	<b>\$8,508,529</b>	<b>\$10,485,260</b>	<b>\$0</b>	<b>(\$1,797,520)</b>	<b>\$0</b>	<b>\$8,687,740</b>	<b>\$8,575,430</b>	<b>\$0</b>	<b>\$841,765</b>	<b>\$6,020</b>	<b>\$9,423,215</b>	<b>\$7,773,054</b>
<b>ALL FUNDS</b>	<b>\$221,800,398</b>	<b>\$151,495,585</b>	<b>\$3,500,000</b>	<b>(\$24,199,990)</b>	<b>\$20,562,500</b>	<b>\$151,358,095</b>	<b>\$147,447,250</b>	<b>\$9,500,000</b>	<b>\$42,409,073</b>	<b>\$8,909,695</b>	<b>\$208,266,018</b>	<b>\$164,892,475</b>
Less Interfund Transfers		\$34,501,270	\$3,500,000	(\$1,907,930)	\$1,718,280	\$37,811,620	\$34,501,270	\$3,500,000	(\$1,907,930)	\$1,718,280	\$37,811,620	
<b>NET APPROPRIATIONS</b>		<b>\$116,994,315</b>	<b>\$0</b>	<b>(\$22,292,060)</b>	<b>\$18,844,220</b>	<b>\$113,546,475</b>	<b>\$112,945,980</b>	<b>\$6,000,000</b>	<b>\$44,317,003</b>	<b>\$7,191,415</b>	<b>\$170,454,398</b>	



## 2020 FALL SUPPLEMENTAL NEW REQUESTS

Department/Description	Operating
<p><b>Merit Pay:</b> Merit salary increases occur on hiring date anniversaries, based upon performance in previous 12 months. Merit increases for staff were suspended on April 1 due to the financial uncertainty of COVID, resulting in 145 employees receiving merit increases in 1st quarter, 2020 and more than 150 current employees becoming ineligible in quarters 2,3, and 4 due to the suspension. As shared with Council in monthly financial reports, revenues are down, but not as significantly as initially estimated. It is recommended the remaining employees be eligible for merit increases up to 4% in 2020. The total impact of this supplemental across all funds is approximately \$199K. This supplemental will assist in addressing internal equity by catching up employees who are became ineligible. There is sufficient revenue in the various funds to address this matter. If approved, staff will adjust the 2021 budget to include the merit salary increases of these employees in the 2021 spring supplemental request. This change will not result in merit increases in 2021, rather it only addressed the inequity in the application of the suspension in 2020.</p>	
001 - General Fund	\$93,780
100 - Parks and Open Space Fund	\$23,210
120 - Wheeler Opera House Fund	\$4,320
141 - Transportation Fund	\$2,990
152 - Kids First Fund	\$6,700
160 - Stormwater Fund	\$4,660
421 - Water Utility Fund	\$20,750
431 - Electric Utility Fund	\$17,130
451 - Parking Fund	\$8,180
471 - Golf Course Fund	\$7,470
491 - Truscott I Housing Fund	\$1,840
492 - Marolt Housing Fund	\$1,690
510 - Information Technology Fund	\$6,020
<b>Citywide:</b>	<b>\$198,740</b>
<p><b>2021 Election Preparation:</b> The City Clerk's office is requesting additional funding for the 2021 City of Aspen election. Due to COVID-19 and the uncertainty of City Hall being opened up to the public to drop off ballots and vote, the City will install a ballot box in front of City Hall (Armory Building). This will make it easier for the voting public to drop off their ballots without having to enter the building. Funds are requested for a ballot box, installation, and surveillance. Additionally, we will need to provide PPE to the voting public and election judges. The Clerk's Office is also requesting a small fund for marketing and advertising to get the word out to the public on what voting will look like in 2021 and that there will be a ballot box available and its location.</p>	
	\$15,380
<b>City Clerk's Office Subtotal:</b>	<b>\$15,380</b>
<p><b>Contract Support for Processing Land Use Cases and Reviewing Building Permits:</b> The Planning staff has had vacancies in two senior positions--Planning Director and Senior Planner--since early this year. At the same time, the Planning workload has continued to increase. In the Building Department, the number of permits being submitted by applicants has outpaced the staff's capacity to review them timely. The Department estimates that it needs \$150,000 in contractor support to process this workload over the next 6 months. It has \$50,000 that it can put towards the needed contracts, and is requesting supplemental funding of \$100,000, split between the Building and Planning cost centers. This work will be started in 2020, but the work will carry into 2021. We will be asking for an operating carry forward in 2021 of any unused funds to keep the work moving forward.</p>	
	\$25,000
<b>Planning Subtotal:</b>	<b>\$25,000</b>

Department/Description	Operating	f
<b>Contract Support for Processing Land Use Cases and Reviewing Building Permits:</b> The Planning staff has had vacancies in two senior positions--Planning Director and Senior Planner--since early this year. At the same time, the Planning workload has continued to increase. In the Building Department, the number of permits being submitted by applicants has outpaced the staff's capacity to review them timely. The Department estimates that it needs \$150,000 in contractor support to process this workload over the next 6 months. It has \$50,000 that it can put towards the needed contracts, and is requesting supplemental funding of \$100,000, split between the Building and Planning cost centers. This work will be started in 2020, but the work will carry into 2021. We will be asking for an operating carry forward in 2021 of any unused funds to keep the work moving forward.	\$75,000	
<b>Building Subtotal:</b>	<b>\$75,000</b>	

Department/Description	Operating	Capital
<b>Remote Network Access Fees:</b> In response to COVID-19, the department had to purchase 25 NetMotion licenses to be able to have officers work remotely and still access our system in a secure manner. This represents the increased cost of the new licenses.	\$7,700	
<b>Police Subtotal:</b>	<b>\$7,700</b>	
<b>001 - General Fund Total:</b>	<b>\$123,080</b>	
<b>Projector Purchase:</b> The current projector is over 8 years old and the current technology has surpassed the ability of the current projector to show movies in the format they are filmed in which creates some issues when showing films. This capital expense was planned for 2021, but is being requested now in light of the COVID-19 shutdown.	\$0	\$0
<b>Restaurant &amp; Bar Improvement and Repair:</b> Necessary repairs to the restaurant include floor and vent hood repairs. These are the responsibility of the City, not the tenant. This project was planned for 2021, but is being requested now because the restaurant tenant is not currently occupying the site.	\$0	\$0
<b>120 - Wheeler Fund Total:</b>	<b>\$0</b>	<b>\$0</b>
<b>312 W. Hyman Repairs:</b> This unit was possibly going to be redeveloped by the buyer. It has been empty and on the market for 2 years. Asset was tasked with readying the unit for use by staff. During occupation of the unit both of the original water and waste lines from the 1980's failed, requiring extensive repairs.	\$120,000	
<b>150 - Housing Development Fund:</b>	<b>\$120,000</b>	
<b>Golf Lessons:</b> As part of its agreement with the golf lessons lease holder, the City collects revenues and remits them to the vendor. This year due to COVID and a resurgence and golf popularity, golf lessons will bring in more revenue than any year in the past. The expense and revenue accounts need to be adjusted in order to pay the vendor.	\$80,000	
<b>Golf Cart Fleet Rentals:</b> Per the Pitkin County regulations for golf course operations, as part of COVID-19 public health orders, golf carts could not be shared unless persons were living in the same household. Due to this mandate, additional golf carts were needed for operations in 2020. 20 additional golf carts were rented for the golf season to allow the operation to run effectively. This request is to cover increased cart rental costs, and labor to maintain the additional fleet.	\$40,500	
<b>Golf Simulator:</b> Additional labor was utilized to run the golf simulator at the golf clubhouse January through early March 2020. This operation was successful in that it realized more revenues than expenses and also drove increased sales in the restaurant.	\$13,350	
<b>471 - Golf Course Fund:</b>	<b>\$133,850</b>	
<b>Total New Requests - Operating / Capital:</b>	<b>\$575,670</b>	<b>\$0</b>



## 2020 TECHNICAL ADJUSTMENTS

Department/Description	Operating	Capital	Debt	Transfers Out
<b>New City Offices Reprogramming Costs:</b> At the July 27, 2020 City Council work session, Council supported the increased use of \$1.5 million from the REMP Fund and accrued interest on previously issued debt, for reprogramming and upgrades for the New City Offices (Project 51112 City Offices 425 Rio Grande).	\$0	\$1,500,000	\$0	\$0
<b>Traffic Solutions Trailer Purchase:</b> Two variable message signs (VMS) were purchased in an effort to have these type of signs available for any messaging the city/departments might need to get out to drivers/public. These signs can be remotely updated at any time, providing a great tool to send out important or emergency messaging when needed. The purchase of the signs will help offset high rental costs, and speed up the rollout of important public safety information. The signs were purchased using COVID-19 authorized funds for the Police Department.	\$45,800	\$0	\$0	\$0
<b>Release of Capital Reserves:</b> The City is holding capital reserve contributions on behalf of the former owner of the ISIS Theater that need to be released.	\$12,093	\$0	\$0	\$0
<b>000 - Asset Management Fund Total:</b>	<b>\$57,893</b>	<b>\$1,500,000</b>	<b>\$0</b>	<b>\$0</b>
<b>Transfer to Debt Service for Payment of ISIS Theater Debt:</b> The City of Aspen made a \$80,480 payment on September 1, 2020 on behalf of Aspen Film. This will be repaid, interest free, by Aspen Film on or before September 1, 2022 as part of a new sublease with Aspen Film.	\$0	\$0	\$0	\$80,480
<b>Nonclassified Subtotal:</b>	<b>\$0</b>	<b>\$0</b>		<b>\$80,480</b>
<b>Payment of Tobacco Tax funds to Aspen School District:</b> Per an IGA approved on November 10, 2020 (Resolution No. 99, Series of 2020), the City will release previously collected Tobacco Tax funds to the Aspen School District in an amount of \$20,833 per month for the remaining 4 months of the year.	\$83,333	\$0	\$0	\$0
<b>CDOT Streets Activation Grant:</b> \$50,000 grant from CDOT to facilitate street activation in Winter. This grant requires a 10% match of \$5,000.	\$50,000	\$0	\$0	\$0
<b>Traffic Solutions Trailer Purchase (Transfer to AMP Fund):</b> Two variable message signs (VMS) were purchased in an effort to have these type of signs available for any messaging the city/departments might need to get out to drivers/public. These signs can be remotely updated at any time, providing a great tool to send out important or emergency messaging when needed. The purchase of the signs will help offset high rental costs, and speed up the rollout of important public safety information. The signs were purchased using COVID-19 authorized funds for the Police Department.	\$0	\$0	\$0	\$45,800
<b>Mayor and Council Subtotal:</b>	<b>\$133,333</b>	<b>\$0</b>	<b>\$0</b>	<b>\$45,800</b>
<b>I-70 West Training Reimbursement:</b> The Aspen Police Department has been awarded \$18,000 for Empathy Based Interrogation training. The training is scheduled to be on November 2-4th. In order to secure this training we needed to do a deposit of \$5,000, which could not be covered by the grant until the training is completed. The APD paid for that deposit and once the training is completed we will receive the \$5,000 some time after the training and in order to keep this within this years budget we are requesting to be reimbursed at this time.	\$5,000	\$0	\$0	\$0
<b>POST Training Grant:</b> The Aspen Police Department was awarded \$5,000 in grant money to cover a portion of the Roaring Fork Training Program. This program consists of four agencies working together to provide training in the following areas: firearms, arrest control, driving, active shooter and less lethal use of force.	\$5,000	\$0	\$0	\$0
<b>Police Subtotal:</b>	<b>\$10,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>001 - General Fund Total:</b>	<b>\$143,333</b>	<b>\$0</b>	<b>\$0</b>	<b>\$126,280</b>



Department/Description	Operating	Capital	Debt	Transfers Out
<b>Wheeler Exterior and Masonry Repairs:</b> Repairs are being made to the exterior of the Wheeler Opera House per resolutions #74 and #75. This is a previously unplanned capital project that was started in 2020 due to the Wheeler's closure as a result of COVID-19.	\$0	\$2,057,000	\$0	\$0
<b>Expanded Arts Grants Payments:</b> Council authorized increased grant payments to arts organizations as a part of the City's COVID-19 response. This amount is the increase over the budgeted amount.	\$0	\$146,000	\$0	\$0
<b>Reduce Over-appropriation to Project 51041 - Wheeler Building and Site Improvements:</b> Project 51041 was over-appropriated in the spring 2020 supplemental (Ordinance 7 Series 2020) by \$48,252. At the time that the ordinance was adopted, certain expenses had not yet been recorded for 2019 that would have otherwise reduced the carryforward amount requested.	\$0	(\$48,252)	\$0	\$0
<b>120 - Wheeler Opera House Fund Total:</b>	<b>\$0</b>	<b>\$2,154,748</b>	<b>\$0</b>	<b>\$0</b>
<b>True Up Appropriation Authority</b> - Technical adjustment to reflect changes in revenue projections from sales tax and the amount of funds that can be remitted to ACRA.	\$370,110	\$0	\$0	\$0
<b>130 - Tourism Promotion Fund:</b>	<b>\$370,110</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>True Up Appropriation Authority</b> - Technical adjustment to reflect changes in revenue projections from sales tax and the amount of funds that can be remitted to the school district.	(\$119,449)	\$0	\$0	\$0
<b>131 - Public Education Fund Total:</b>	<b>(\$119,449)</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Transfer REMP Funds to Asset Management Fund for New City Offices:</b> At the July 27, 2020 work session, Council supported the transfer of \$1,000,000 from the REMP Fund (132) to pay for increased costs related to energy efficiency reprogramming of the new city offices (Project 51112 City Offices 425 Rio Grande).	\$0	\$0	\$0	\$1,000,000
<b>132 - REMP Fund:</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$1,000,000</b>
<b>ISIS Debt Payoff:</b> Payoff of previous outstanding ISIS debt from proceeds of debt reissuance (shown as a revenue increase in the 250 Fund).	\$0	\$0	\$1,960,000	\$0
<b>ISIS Theater Refinanced Debt Issuance Costs:</b> Professional services costs related to the reissuance of ISIS Theater debt, per ordinance #14 (Series 2020).	\$66,250	\$0	\$0	\$0
<b>Interest Expense on Old ISIS Theater Debt:</b> Payoff of accrued interest for old ISIS Theater debt through 9/1/2020, per ordinance #14 (Series 2020).	\$16,620	\$0	\$0	\$0
<b>250 - Debt Service Fund:</b>	<b>\$82,870</b>	<b>\$0</b>	<b>\$1,960,000</b>	<b>\$0</b>
<b>Transfer - Project 50594 Electric AIM - Mesh Network:</b> Revised apportionment of the automated metering (AIM) project between the two utility funds based on the benefits provided to each fund. This is an accounting action and does not increase total project costs.	\$0	\$878,661	\$0	(\$208,000)
<b>421 - Water Utility Fund:</b>	<b>\$0</b>	<b>\$878,661</b>	<b>\$0</b>	<b>(\$208,000)</b>
<b>Transfer - Project 50594 Electric AIM - Mesh Network:</b> Revised apportionment of the automated metering (AIM) project between the two utility funds based on the benefits provided to each fund. This is an accounting action and does not increase total project costs.	\$0	(\$878,661)	\$0	\$800,000
<b>431 - Electric Utility Fund:</b>	<b>\$0</b>	<b>(\$878,661)</b>	<b>\$0</b>	<b>\$800,000</b>

Department/Description	Operating	Capital	Debt	Transfers Out
<b>Employee Payout:</b> Per City policy, payout of employee accrued PTO and sick leave.				
001 - General Fund	\$73,040	\$0	\$0	\$0
451 - Parking Fund	\$61,830	\$0	\$0	\$0
<b>Food Tax Rebate Program:</b> Rebates have come in approximately \$31K higher than budgeted.				
001 - General Fund	\$7,550	\$0	\$0	\$0
100 - Parks and Open Space Fund	\$17,710	\$0	\$0	\$0
141 - Transportation Fund	\$1,750	\$0	\$0	\$0
150 - Housing Development Fund	\$2,400	\$0	\$0	\$0
152 - Kids First Fund	\$1,960	\$0	\$0	\$0
<b>Total Technical Adjustments - Operating / Capital / Transfers:</b>	<b>\$700,997</b>	<b>\$3,654,748</b>	<b>\$1,960,000</b>	<b>\$1,718,280</b>



## 2020 FALL REVENUE & TRANSFER DETAIL

Department/Description	New Revenue	Transfers In
<b>REMP Funding Transfer to New City Offices:</b> Council previously authorized the transfer of \$1,000,000 from the REMP Fund (132) to pay for increased costs related to energy efficiency reprogramming of the new city offices (Project 51112 City Offices 425 Rio Grande).	\$0	\$1,000,000
<b>Interest on Debt Proceeds from 2017 COP for New City Offices:</b> Interest earned on the issuance of certificates of participation for the New City Offices is being allocated for increased costs related to reprogramming of the new city offices (Project 51112 City Offices 425 Rio Grande).	\$500,000	\$0
<b>Traffic Solutions Trailer Purchase Transfer:</b> Two variable message signs (VMS) were purchased in an effort to have these type of signs available for any messaging the city/departments might need to get out to drivers or the public. These signs can be remotely updated at any time, providing a great tool to send out important or emergency messaging when needed. The purchase of the signs will help offset high rental costs, and speed up the rollout of public safety information. The signs were purchased using COVID-19 authorized funds (within the General Fund) for the Police Department.	\$0	\$45,800
<b>000 - Asset Management Fund Total:</b>	<b>\$500,000</b>	<b>\$1,045,800</b>
<b>CDOT Streets Activation Grant:</b> \$50,000 grant from CDOT to facilitate street activation in Winter. This grant requires a 10% match of \$5,000 which will be funded from existing authority within the COVID response funding appropriated in the Spring.	\$50,000	\$0
<b>Mayor and Council Subtotal:</b>	<b>\$50,000</b>	<b>\$0</b>
<b>I-70 West Training Reimbursement:</b> The Aspen Police Department has been awarded \$18,000 for Empathy Based Interrogation training. The training is scheduled to be on November 2-4th. In order to secure this training, a deposit of \$5,000 was required which can not be covered by the grant until the training is completed. The APD paid for that deposit, and once the training is completed the City will receive the \$5,000 some time after the training and will be reimbursed.	\$5,000	\$0
<b>POST Training Grant:</b> The Aspen Police Department was awarded \$5,000 in grant money to cover a portion of the Roaring Fork Training Program. This program consists of four agencies working together to provide training in the following areas: firearms, arrest control, driving, active shooter and less lethal use of force.	\$5,000	\$0
<b>Police Subtotal:</b>	<b>\$10,000</b>	<b>\$0</b>
<b>001 - General Fund Total:</b>	<b>\$60,000</b>	<b>\$0</b>
<b>ISIS Theater Debt Reissuance Proceeds:</b> New proceeds of \$1,960,000 will retire the original remaining 2007 debt issue for the ISIS Theater. The additional borrowing above this principal payoff amount will be applied towards: (1) the payoff the interest that has accrued since Sept 1; (2) the administrative costs to facilitate the refinancing; and (3) add to fund balance temporarily until the upgrade for the chiller can be performed and the capital expense is incurred.	\$2,127,000	\$0
<b>Transfer to Debt Service Fund (250) for Payment of ISIS Theater Debt:</b> The City of Aspen made the semiannual principal and interest payment on September 1, 2020. This payment typically is made with cash on hand from monthly lease payments made by Aspen Film to the City. Since Aspen Film has been behind on its rent payments since March 2020, the City needed to apply General Fund dollars to bridge the shortfall. As discussed with Council, this use of City funds will be temporary as these deferred rent payments shall be addressed within a new sublease with Aspen Film and will require their payment in full on or before September 1, 2022 (interest free).	(\$80,480)	\$80,480
<b>250 - Debt Service Fund</b>	<b>\$2,046,520</b>	<b>\$80,480</b>

Department/Description	New Revenue	Transfers In
<b>Golf Lessons:</b> As part of its agreement with the golf lessons lease holder, the City collects revenues and remits them to the vendor. This year due to COVID and a resurgence and golf popularity, golf lessons will bring in more revenue than any year in the past. The expense and revenue accounts need to be adjusted to this increased revenue amount. The spring supplemental assumed approximately \$60,000 in revenue, but year-to-date collections exceed \$135,000.	\$80,000	\$0
<b>Golf Simulator:</b> Additional labor was utilized to run the golf simulator at the golf clubhouse January through early March 2020. This operation was successful in that it realized more revenues than expenses and also drove increased sales in the restaurant.	\$15,000	\$0
<b>Golf Cart Fleet Rentals:</b> Per the Pitkin County regulations for golf course operations, as part of COVID-19 public health orders, golf carts could not be shared unless persons were living in the same household. Due to this mandate, additional golf carts were needed for operations in 2020. 20 golf carts were rented for the 2020 golf season to allow the operation to run effectively. The increased usage, and an increase in play lead to higher than anticipated revenues. The revenue only partially offsets the \$40,500 increased cost of additional cart leases and cleaning.	\$12,000	\$0
<b>471 - Golf Course Fund:</b>	<b>\$107,000</b>	<b>\$0</b>
<b>Transfer - Project 50594 Electric AIM - Mesh Network:</b> This project was originally appropriated in full within the Electric Utility Fund at \$1,800,000, with an internal transfer from the Water Utility Fund of \$800,000 offsetting the impact to the Electric Fund (due to the dual benefit to both utilities). Upon reflection of the accounting for this work, and in accordance to governmental accounting principals, the project budget should be allocated appropriately between the Electric and Water Utility Funds and this transfer from 2019 (when the project budget was first appropriated) needs to be reversed. This is an accounting action and does not change the total cost of the project. There are like adjustments to the expenditure impacts within the Technical section of this Fall Supplemental.	\$0	\$800,000
<b>421 - Water Utility Fund Total:</b>	<b>\$0</b>	<b>\$800,000</b>
<b>Transfer - Project 50594 Electric AIM - Mesh Network:</b> Similarly to the transfer noted above, this Spring Supplemental to revise transfers between the Water and Electric Funds needs to be reversed to zero out. This also is an accounting action that does not change the total cost of the project. There are like adjustments to the expenditure impacts within the Technical section of this Fall Supplemental.	\$0	(\$208,000)
<b>431 - Electric Utility Fund:</b>	<b>\$0</b>	<b>(\$208,000)</b>
<b>Sales/Lodging/Real Estate Transfer Tax Revisions:</b> Tax revenue estimates have changed significantly since budgets were adjusted in the spring 2020 supplemental. This will bring revenue budgets for Sales, Lodging, and Real Estate Transfer Taxes up to the forecasted amounts shown in the 2021 Proposed Budget for the following funds:		
001 - General Fund	\$2,032,000	\$0
100 - Parks and Open Space Fund	\$2,141,500	\$0
120 - Wheeler Opera House Fund	\$3,490,000	\$0
130 - Tourism Promotion Fund	\$368,300	\$0
131 - Public Education Fund	(\$66,400)	\$0
141 - Transportation Fund	\$926,300	\$0
150 - Housing Development Fund	\$6,885,600	\$0
152 - Kids First Fund	\$353,400	\$0
<b>Total Revenue / Transfers In:</b>	<b>\$18,844,220</b>	<b>\$1,718,280</b>

*ORDINANCE No. 19*

**(Series of 2020)**

**AN ORDINANCE APPROPRIATING AN INCREASE IN THE**

- **ASSET MANAGEMENT PLAN FUND EXPENDITURES OF \$1,557,893;**
- **GENERAL FUND OF \$567,063;**
- **PARKS AND OPEN SPACE FUND OF \$40,920;**
- **WHEELER OPERA HOUSE FUND OF \$2,459,068;**
- **TOURISM PROMOTION FUND OF \$370,110;**
- **REMP FUND OF \$1,000,000**
- **TRANSPORTATION FUND OF \$4,740;**
- **HOUSING DEVELOPMENT FUND OF \$122,400;**
- **KIDS FIRST FUND OF \$8,660;**
- **STORMWATER FUND OF \$4,660;**
- **DEBT SERVICE FUND OF \$2,042,870;**
- **WATER UTILITY FUND OF \$691,411;**
- **PARKING FUND OF \$70,010;**
- **GOLF COURSE FUND OF \$141,320;**
- **TRUSCOTT I HOUSING FUND OF \$1,840;**
- **MAROLT HOUSING FUND OF \$1,690;**
- **INFORMATION TECHNOLOGY FUND OF \$6,020.**

**AN ORDINANCE DECREASING AN APPROPRIATION IN THE**

- **PUBLIC EDUCATION FUND OF \$119,449**
- **ELECTRIC UTILITY FUND OF \$61,531;**

WHEREAS, by virtue of Section 9.12 of the Home Rule Charter, the City Council may make supplemental appropriations; and

WHEREAS, the City Manager has certified that the City has unappropriated current year revenues and/or unappropriated prior year fund balance available for appropriations in the following funds: Asset Management Plan Fund, General Fund, Parks And Open Space Fund, Wheeler Opera House Fund, Tourism Promotion Fund, Public Education Fund, REMP Fund, Transportation Fund, Housing Development Fund, Kids First Fund, Stormwater Fund, Debt Service Fund, Water Utility Fund, Electric Utility Fund, Parking Fund, Golf Course Fund, Truscott Housing Fund, Marolt Housing Fund, Employee Housing Fund, Information Technology Fund.

WHEREAS, the City Council is advised that certain expenditures, revenue and transfers must be approved.

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

**Section 1**

Upon the City Manager's certification that there are current year revenues and/or prior year fund balances available for appropriation in the above-mentioned funds, the City Council hereby makes supplemental appropriations as itemized in the Exhibit A.

**Section 2**

If any section, subdivision, sentence, clause, phrase, or portion of this ordinance is for any reason invalid or unconstitutional by any court or competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion thereof.

**INTRODUCED, READ, APPROVED AND ORDERED PUBLISHED AND/OR POSTED ON FIRST READING on the 10th day of November 2020.**

**A public hearing on the ordinance shall be held on the 24th day of November 2020, in the City Council Chambers, City Hall, Aspen, Colorado.**

ATTEST:

\_\_\_\_\_  
Nicole Henning, City Clerk

\_\_\_\_\_  
Torre, Mayor

**FINALLY ADOPTED AFTER PUBLIC HEARING on the 24th day of November 2020.**

ATTEST:

\_\_\_\_\_  
Nicole Henning, City Clerk

\_\_\_\_\_  
Torre, Mayor

Approved as to Form:

\_\_\_\_\_  
Jim True, City Attorney



## MEMORANDUM

**TO:** City Council

**FROM:** Sara Ott, City Manager  
Pete Strecker, Finance Director

**MEETING DATE:** November 24, 2020

**RE:** Second Reading – 2021 Fee Ordinance No. 20 (Series 2020)

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**Request of Council:** This memorandum outlines the proposed ordinance related to the adoption of departmental fees included in the City's Municipal Code under sections 2.12 (Administrative) and 26.104 (Land Use). A separate ordinance regarding utility rates has been brought forward for Council consideration in addition to this proposed general fee ordinance.

**Fee Ordinance Second Reading Changes:** Corrections were made to the Temporary Occupation Right of Way to be \$9 per square foot (continuation of the 2020 rate) and to the Parking – Residential Space Rental Fee to be \$25 per day (also continuation of the 2020 rate).

**Previous Actions:** Each year, City Council adopts a new fee structure that brings current fees forward and adjusts any fees that do not properly align with projected service demand and/or required revenue generation. Fees currently in effect, including any prior changes, were most recently adopted for the 2020 fiscal year in November 2019.

**Summary and Background:** Fees are reviewed annually by both City staff and Council, prior to their renewed adoption. Eleven years have elapsed since a comprehensive evaluation and update of the City's fees on land use development reviews and building permits was last conducted by an outside party. Consequently, a third-party study and analysis of those fees, and expanding the scope to include engineering, utility, recreation, and other current programming fees by the City is anticipated to be conducted in 2021. While this study was planned for 2020, the pandemic and operating constraints caused the delay. This critical study requires outside expertise of public fees, state law, and will be a joint undertaking by Engineering, Utilities, Community Development, and Parks departments.

As noted during this year's budget work sessions, a limited number of targeted increases were recommended for only a few departments. Proposed fee changes include select fees within the following departments:

- **Golf Course:** Golf cart rates were updated, and twilight passes are proposed to increase on average 4%, due to a record year and overcapacity.
- **Recreation:** The member and nonmember rates for drop-in fees were delineated for simplification but are not otherwise changed. The rental rates for the pavilion and ARC meeting room were also adjusted.
- **Police:** Recording fees were updated to reflect research time to corresponding records requests. The VIN inspection fee increased from \$20 to \$25.

- **Parking:** The hybrid vehicle residential permit and the fourth permit for resident/guest were deleted due to non-use. The loading zone reservation fee was also increased.
- **Community Development:** The Community Development department worked in tandem with Pitkin County to offer contractor licenses and business use permits for six more specialized contractors.

Fee revenue is not expected to fluctuate much as a result of the proposed fee changes but will depend on the volume of sales or services rendered and on the economic environment. Any fee can be amended in any manner as desired by the Council.

**Recommendations:** Staff recommends approval of the proposed ordinance amending the current fee schedule.

**City Manager Comments:**



## ORDINANCE NO. 20

Series of 2020

### AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ASPEN, COLORADO, AMENDING THE MUNICIPAL CODE OF THE CITY OF ASPEN TO ADJUST CERTAIN MUNICIPAL FEES INCLUDED UNDER SECTION 2 AND 26 OF THE MUNICIPAL CODE.

WHEREAS, the City Council has adopted a policy of requiring consumers and users of the miscellaneous City of Aspen programs and services to pay fees that fairly approximate the costs of providing such programs and services; and

WHEREAS, the City Council has determined that certain fees currently in effect do not raise revenues sufficient to pay for the attendant costs of providing said programs and services, or are set above levels necessary to achieve full reimbursement of costs.

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

*That Section 2.12.010 of the Municipal Code of the City of Aspen, Colorado, which section sets forth user fees for the Aspen Municipal Golf Course, is hereby amended to read as follows:*

#### **Sec. 2.12.010. Aspen Municipal Golf Course**

	Early Season	Regular Season
<b>Greens Fees / Passes</b>		
Platinum	\$2,499.00	\$2,550.00
Gold	\$1,529.00	\$1,560.00
Silver	\$959.00	\$980.00
20 Punch	\$769.00	\$785.00
Junior	\$199.00	\$199.00
Family Twilight*	\$1,030.00	\$1,050.00
Twilight	\$635.00	\$640.00
Senior Greens Fee – 9 Hole	\$40.00	\$40.00
Senior Greens Fee – Resident	\$72.50	\$72.50
Military Rate (Must Show Proper ID)	N/A	\$84.00
Green Fee – Max Rate	N/A	\$180.00
Green Fee – Junior	N/A	\$49.00
Green Fee – Guest of Member	N/A	\$84.00

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	<b>Early Season</b>	<b>Regular Season</b>
<b>Cart and Club Rentals</b>		
Golf Cart – 18 Holes	N/A	\$24.00
Golf Cart – Members: 18 Holes	N/A	\$22.00
Golf Cart – 9 Holes	N/A	\$19.00
Golf Cart – Members: 9 Holes	N/A	\$17.50
Golf Cart Punch Pass	N/A	\$389.00
Pull Cart – 18 Holes	N/A	\$17.50
Pull Cart – Members: 18 Holes	N/A	\$15.00
Pull Cart – 9 Holes	N/A	\$12.00
Pull Cart – Members: 9 Holes	N/A	\$10.00
Rental Clubs – 18 Holes	N/A	\$65.00
Rental Clubs – 9 Holes	N/A	\$45.00
<b>Lockers and Range</b>		
Locker for Season	N/A	\$369.00
Range Large Bucket	N/A	\$12.00
Range Large Bucket – Members	N/A	\$11.00
Range Small Bucket	N/A	\$10.00
Range Small Bucket – Members	N/A	\$8.00
Range Punch Pass	N/A	\$209.00
Unlimited Range Punch Pass	N/A	\$999.00

(Code 1971, §2-33; Ord. No. 44-1991, §12; Ord. No. 77-1992, §16; Ord. No. 68-1994, §5; Ord. No. 53-1995, §2; Ord. No. 43-1996, §1; Ord. No. 49-1998, §1; Ord. No. 45-1999, §1; Ord. No. 57-2000, §1; Ord. No. 5-2002 §1; Ord. No. 47-2002 §18; Ord. No. 63-2003, §8; Ord. No. 2-2004, §1; Ord. No. 38-2004, §10; Ord. No. 49-2005, §12; Ord. No. 48, 2006, §1; Ord. No. 52-2007; Ord. No. 29-2010§12; Ord. No. 33-2011§1; Ord. No. 29-2012; Ord. No. 48-2013; Ord. No. 36-2014; Ord. No. 43-2015; Ord. No. 36-2016; Ord. No. 30-2017; Ord. No. 40-2018; Ord. No. 32-2019)

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*That Section 2.12.014 of the Municipal Code of the City of Aspen, Colorado, which section sets forth user fees for Recreation Department Fun Passes, is hereby amended to read as follows:*

**Sec. 2.12.014 Recreation Department Fun Pass**

The Recreation Department shall issue Fun Passes that provides access to the holder of such a pass to the following facilities and activities: use of the James E. Moore Pool, public or open skating at the Lewis Ice Arena or Aspen Ice Garden, use of the climbing wall at the Red Brick Recreation Center, fitness classes held at the Red Brick Recreation Center, aquatic fitness classes at the Aspen Recreation Center, tennis court rental and usage at the Aspen Tennis Center. Usage, participation and access to the above activities may be limited to certain times and dates as indicated on the pass.

	Online Fee	In-Person Fee
<b>Daily Admission</b>		
Youth - Resident	N/A	\$9.25
Youth - Guest (All Inclusive)*	N/A	\$23.00
Adult - Resident	N/A	\$11.25
Adult - Guest (All Inclusive)*	N/A	\$25.00
Senior	N/A	\$9.25
Twilight	N/A	\$7.00
Guest 10 Visit Card	\$140.00	\$160.00
	Online Fee	In-Person Fee
<b>Monthly Pass</b>		
Youth / Senior - Resident	\$55.00	\$64.00
Adult - Resident	\$99.00	\$115.00
Family - Resident	\$192.00	\$220.00
Each Additional	\$21.00	\$24.00
<b>20 Visit Card</b>		
Youth / Senior Resident	\$150.00	\$180.00
Adult Resident	\$195.00	\$219.00
<b>3 Month Pass</b>		
Youth / Senior Resident	\$132.00	\$151.00
Adult Resident	\$234.00	\$268.00
Family Resident	\$370.00	\$426.00
Each Additional	\$34.00	\$40.00

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	Online Fee	In-Person Fee
<b>6 Month Pass</b>		
Youth / Senior Resident	\$257.00	\$296.00
Adult Resident	\$321.00	\$368.00
Family Resident	\$699.00	\$749.00
Each Additional	\$64.00	\$75.00
<b>Annual Pass</b>		
Youth Resident	\$454.00	\$499.00
Adult Resident	\$552.00	\$639.00
Family Resident	\$1,199.00	\$1,259.00
Each Additional	\$123.00	\$143.00

\*All Inclusive - includes full facility usage of swimming pool, cardio and weight rooms, exercise & fitness classes, climbing tower, public ice skating, equipment rentals including towel, ice skates and locker.

(Ord. No. 27-2003, §2; Ord. No. 38-2004, §14; Ord. No. 49-2005, §3; Ord. No. 48, 2006, §2; Ord. No. 52-2007; Ord. No. 40-2008; Ord. No. 27-2009§1; Ord. No. 29-2010§1; Ord. No. 29-2012; Ord. No. 48-2013; Ord. No. 36-2014; Ord. No. 43-2015; Ord. No. 36-2016; Ord. No. 30-2017; Ord. No. 40-2018; Ord. No. 32-2019)

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*That Section 2.12.015 of the Municipal Code of the City of Aspen, Colorado, which section sets forth user fees for the Aspen Recreation Center, is hereby amended to read as follows:*

**Sec. 2.12.015. Aspen Recreation Center**

	Online Fee	In-Person Fee
<b>ARC Meeting Room Rental</b>		
Flat Rate	\$28.00	\$28.00

(Ord. No. 27-2003, §1; Ord. No. 63-2003, §9; Ord. No. 38-2004, §13; Ord. No. 49-2005, §4; Ord. No. 48, 2006, §3; Ord. No. 40-2008; Ord. No. 27-2009§2; Ord. 29-2010§2; Ord. No. 29-2012; Ord. No. 48-2013; Ord. No. 36-2014; Ord. No. 43-2015; Ord. No. 36-2016; Ord. No. 30-2017; Ord. No. 40-2018; Ord. No. 32-2019)

**Sec. 2.12.020. Aspen Ice Garden and Lewis Ice Arena**

	Online Fee	In-Person Fee
<b>Rent Entire Facility</b>		
Aspen Ice Garden	N/A	\$5,250.00
Lewis Ice Arena	N/A	\$5,250.00
<b>Rent Private - Ice</b>		
Aspen Ice Garden	N/A	\$295.00
Lewis Ice Arena	N/A	\$295.00
<b>Rent Non-Profit</b>		
Aspen Ice Garden	N/A	\$249.00
Lewis Ice Arena	N/A	\$249.00
<b>Other Fees</b>		
Skate Sharpening	N/A	\$7.00
Skate Sharpening - Same Day	N/A	\$12.00
Pick-up Hockey, One Time	N/A	\$15.00
Pick-up Hockey, 10 Punch Pass	\$126.00	\$137.00
Freestyle 20 Punch Pass	\$199.00	\$222.00
Skating Classes	N/A	N/A
Figure Skates and V Cut Sharpening	N/A	\$15.00
<b>Locker Rental</b>		
Six Months	N/A	\$75.00

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(Code 1971, §2-34; Ord. No. 44-1991, §12; Ord. No. 77-1992, §16; Ord. No. 67-1993, §6; Ord. No. 68-1994, §6; Ord. No. 53-1995, §3; Ord. No. 43-1996, §2; Ord. No. 49-1998, §2; Ord. No. 45-1999, §2; Ord. No. 57-2000 §2; Ord. No. 47-2002 §16; Ord. No. 27-2003; Ord. No. 63-2003, §10; Ord. No. 2-2004, §2; Ord. No. 38-2004, §2; Ord. No. 49-2005, §7; Ord. No. 48, 2006, §4; Ord. No. 52-2007; Ord. No. 27-2009§3; Ord. No. 29-2010§3; Ord.

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No. 33-2011§2; Ord. No. 29-2012; Ord. No. 48-2013; Ord. No. 36-2014; Ord. No. 43-2015; Ord. No. 36-2016; Ord. No. 30-2017; Ord. No. 40-2018; Ord. No. 32-2019)

*That Section 2.12.030 of the Municipal Code of the City of Aspen, Colorado, which section sets forth user fees for the James R. Moore Pool, is hereby amended to read as follows:*

**Sec. 2.12.030. James E. Moore Pool**

	Online Fee	In-Person Fee
<b>Youth Swim Lessons</b>		
Youth Lessons	\$40.00	\$42.00
Private Lessons	\$50.00	\$53.00
Lifeguard Training	\$270.00	\$299.00
Kayak Roll Session without Membership	N/A	\$15.00
Kayak Roll with Membership	N/A	\$4.75
Water Polo Drop In without Membership	N/A	\$15.00
Water Polo Drop In with Membership	N/A	\$4.75
<b>Rentals</b>		
Entire Aquatic Facility – For Profit	N/A	\$295.00
Entire Aquatic Facility – Non Profit	N/A	\$249.00
Single Lane Rental in Lap Pool	N/A	\$21.00
Single Lane Rental - Non Profit	N/A	\$13.00

(Code 1971, §2-35; Ord. No. 44-1991, §12; Ord. No. 77-1992, §16; Ord. No. 53-1995, §4 [part]; Ord. No. 43-1996, §3; Ord. No. 49-1998, §3; Ord. No. 45-1999, §3; Ord. No. 47-2002 §17; Ord. No. 63-2003, §11; Ord. No. 38-2004, §15; Ord. No. 49-2005 §5; Ord. No. 48, 2006, §5; Ord. No. 40-2008; Ord. No. 27-2009§4; Ord. No. 29-2010§4; Ord. No. 29-2012; Ord. No. 48-2013; Ord. No. 36-2014; Ord. No. 43-2015; Ord. No. 36-2016; Ord. No. 30-2017; Ord. No. 40-2018; Ord. No. 32-2019)

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*That Section 2.12.040 of the Municipal Code of the City of Aspen, Colorado, which section sets forth user fees for miscellaneous leisure and recreation fees, is hereby amended to read as follows:*

**Sec. 2.12.040. Miscellaneous Leisure and Recreation Fees**

	Online Fee	In-Person Fee
<b>Adult Programs</b>		
Adult Basketball – Drop In	N/A	\$5.00
Adult Volleyball – Drop In	N/A	\$6.00
Men’s Recreation Basketball	\$780.00	\$820.00
Adult Soccer	\$500.00	\$500.00
Adult Softball – Men’s League	\$1,000.00	\$1,000.00
Adult Softball – Coed League	\$875.00	\$899.00
Adult Flag Football	\$450.00	\$500.00
Ariel, Circus, Silks & Trapeze – Drop In	N/A	\$20.00
Ariel, Circus, Silks & Trapeze – Monthly	N/A	\$60.00
<b>Tennis</b>		
Tennis Clinics – Adult	N/A	\$31.00
Tennis Clinics – Punch Pass, Adult	\$263.00	\$299.00
Tennis Lessons - Private (Max Rate)	\$100.00	\$100.00
Tennis Court Rental Fees (Per Court)	\$30.00	\$30.00
Tennis Ball Machine Rental	\$32.00	\$35.00
Tennis One Month Membership - Individual	\$68.00	\$82.00
Tennis One Month Membership - Couple	\$94.00	\$109.00
Tennis One Month Membership - Family	\$120.00	\$138.00
<b>Youth Programs</b>		
Youth Baseball	\$135.00	\$141.00
T-Ball	\$72.00	\$77.00
Girls Softball	\$132.00	\$141.00
Day Camp	\$44.00	\$48.00
Martial Arts – Monthly	N/A	\$48.00
Sailing	\$250.00	\$255.00
Tennis Clinics - Youth	N/A	\$21.00
Tennis Clinics - Punch Pass, Youth	\$185.00	\$255.00
Youth Biking	\$55.00	\$63.00
Specialty Camps	\$280.00	\$282.00



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	Online Fee	In-Person Fee
<b>Youth Intramurals</b>		
Soccer	\$99.00	\$105.00
Soccer – Kindergarten	\$56.00	\$65.00
Basketball	\$101.00	\$117.00
Basketball – Kindergarten	\$55.00	\$63.00
Flag Football	\$92.00	\$106.00
<b>Climbing Wall</b>		
Beginner Rock Rats	\$70.00	\$76.00
Boulder Rats	\$84.00	\$99.00
Intermediate / Advanced Climbing	\$95.00	\$99.00
Junior Rats	\$56.00	\$65.00
Gymnasium Rental - 1 Hour	\$69.00	\$80.00
Junior AROCK	\$56.00	\$65.00
AROCK	\$104.00	\$112.00
<b>Other Fees</b>		
Red Brick Facility Rental	N/A	\$150.00
Playhouse	\$5.00	\$5.00
Sled Rental	\$10.00	\$10.00
Pickleball Drop In Fee	\$10.00	\$10.00
Pickleball Clinic	\$150.00	\$150.00
Pickleball Summer/Winter Pass	\$150.00	\$150.00
Personal Training Session – 1 hour	\$90.00	\$90.00
ARC – Birthday Party – Birthday Room	\$150.00	\$150.00
ARC – Pavilion Rental	\$29.00	\$29.00
Shower – Drop In	\$6.50	\$6.50
Hockey League – Winter	\$320.00	\$320.00
Hockey Mountain High Tournament – Reg.	\$1,000.00	\$1,000.00
ARC – Turkey Triathlon	\$30.00	\$30.00
	<b>Online Fee</b>	<b>In-Person Fee</b>
Skate Rental	\$3.00	\$3.00
Towel Rental	\$3.00	\$3.00

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(Code 1971, §2-36; Ord. No. 44-1991, §12; Ord. No. 77-1992, §16; Ord. No. 68-1994, §7; Ord. No. 53-1995, §4 [part]; Ord. No. 43-1996, §4; Ord. No. 49-1998, §4; Ord. No. 45-1999, §4; Ord. No. 57-2000, §3; Ord. No. 47-2002, §15; Ord. No. 63-2003, §12; Ord. No. 38-2004, §12; Ord. No. 49-2005, §6; Ord. No. 48, 2006, §6); Ord. 52-2007; Ord. No. 40-2008; Ord. No. 27-2009§2; Ord. No. 29-2010§5; Ord. No. 29-2012; Ord. No. 48-2013; Ord. No. 36-2014; Ord. No. 43-2015; Ord. No. 36-2016; Ord. No. 30-2017; Ord. No. 40-2018; Ord. No. 32-2019)

*That Section 2.12.043 of the Municipal Code of the City of Aspen, Colorado, which section sets forth user fees for the Red Brick Center for the Arts, is hereby amended to read as follows:*

### **Sec. 2.12.043. Red Brick Center for the Arts Fees**

<b>Program Fees</b>	
Adult – Masterpiece Mine	\$45.00
Adult – Watercolor	\$45.00
Adult – Ceramic	\$225.00
Youth – Summer Camp	\$280.00
Youth – After School Camp	\$20.00
Youth – Pre-K Studio	Free
Youth – All Day Art Camp	\$60.00
Gallery Exhibition Fee (one-time)	\$40.00
Gallery Commission (% of gross sales)	35%
<b>Facility Fees</b>	
Tenant Rent (per sq. foot)	\$1.92
Parking Permit	\$107.00
Room Rental (per hour)	\$25.00

(Ord. No. 40-2018; Ord. No. 32-2019)

**ORDINANCE NO. 20**

Series of 2020

*That Section 2.12.045 of the Municipal Code of the City of Aspen, Colorado, which section sets forth user fees for the Wheeler Opera House, is hereby amended to read as follows:*

**Sec. 2.12.045. Wheeler Opera House**

	<b>For-Profit</b>	<b>Non-Profit</b>
<i>All Rates Below Include Rehearsals &amp; Performances</i>		
Ticketed Performance Day Rate	\$685	\$390
Ticketed 2nd Performance Same Day Rate	\$340	\$190
Ticketed 2nd Performance Consecutive Day Rate	\$480	\$270
Ticketed Performance Weekly Rate (<= 5 Days)	\$2,600	\$1,550
Non-Ticketed Community Events Day Rate	N/A	\$130.00
Lobby Performance Stage (105 seated, 125 standing)	\$800	\$525
<b>Facility – Private Events (Plus Labor)</b>		
Full Venue	\$1,700	\$815
Lobby Rental (Max 20; No A/V or Food, 4 Hr Max)*	\$200	\$100
Lobby Rental (Max 125; Hourly w/ 2 Hr Min)	\$100	\$75
Wedding Flat Fee (Full Venue, 450 Max)	\$5,000	N/A
Wedding Flat Fee (Lobby Only, 125 Max)	\$1,750	N/A
Photo Shoot in Venue (per Hour)	\$150	N/A
<i>* business hours only, no additional labor fees</i>		
<b>Box Office Royalty</b>		
Inside Sales (as percent of sales)	5%	5%
Outside Sales (as percent of sales)	6%	6%
Per-Order Processing Fee	\$5	\$5
<b>Credit Card Billback</b>		
Visa & Mastercard	3%	3%
American Express	4%	4%
<b>Box Office Ticket Sellers</b>		
Inside Events (per hour)	\$28.50	\$25.00
Outside Events (per hour, includes transit)	\$35.00	\$35.00

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	<b>For-Profit</b>	<b>Non-Profit</b>
<b>Box Office Set-Up</b>		
5+ days notice	\$30	\$28
3-4 days notice	\$40	\$38
2 or less days notice	\$60	\$55
<b>Support Services</b>		
Ticket Printing / Ticket	\$0.12	\$0.08
Client Database Entry	\$95	\$95
Non-Standard Box Office Reports / Report	\$20	\$20
Pass Barcoding (per barcoded entered)	\$0.50	\$0.25
Pass Database Entry (per 100 entries)	\$125	\$95
Theatre Technician Rates / Hr	\$29.50	\$27.50
Production Manager (Audio/Lights) Rates / Hr	\$35.50	\$33.50
Custodial Charge / Day	\$95	\$68
Food Custodial Charge / Day	\$160	\$95
Front of House Manager Rate / Hr (2 hr min)	\$35.50	\$33.50
Front of House Staff Rate / Hr (2 hr min)	\$28.50	\$26.50
Lobby Set-Up Fee (stage, chairs, tables, etc.)	\$200	\$100
Theatre Live Events Seat Removal (pit area)	\$250.00	\$100.00
Coffee/Tee Service (per 100 people)	\$30	\$20
Catering Coordination	\$34.50	\$32.50
Merchandise Seller	\$150	5% of gross sales
Merchandise – Recorded Material & Other	10% / 20% of gross	N/A
Piano Tuning	\$175	\$175
Supplies	At Cost	At Cost

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	<b>For-Profit</b>	<b>Non-Profit</b>
<b>Equipment / Instrument Rental</b>		
1999 Steinway Rental / Performance	\$360	\$255
Piano Tuning / Tune	\$225	\$200
Keyboard Rental / Performance	\$150	\$100
Drum Rental / Performance	\$250	\$200
Fender Rental / Performance	\$75	\$50
Pro Bass Rental / Performance	\$75	\$50
Fogger or Hazer / Performance	\$40	\$25
Video Media Rental	\$250	\$100
(Christie, DCP, Sony HD Deck)		
Video Media Rental / Week	\$900	\$400
(Panasonic HD Video Projector)		
Intelligent Light Package / day	\$250	\$100
Dance Floor / event	\$200	\$150
Presentation Laptop / day	\$100	\$65

\*In order to qualify for non-profit rates, organization must be a registered Roaring Fork Valley non-profit organization or qualifying performing artist.

(Ord. No. 68-1994, §8; Ord. No. 53-1995 §5; Ord. No. 45-1999, §5; Ord. No. 49-1998, §5; Ord. No. 57-2000, §4; Ord. No. 12-2003, §1; Ord. No. 63-2003, §13; Ord. No. 38-2004, §11; Ord. No. 48, 2006, §7; Ord. No. 40-2008; Ord. No. 27-2009§6; Ord. No. 29-2010 §6; Ord. No. 29-2012; Ord. No. 48-2013; Ord. No. 36-2014; Ord. No. 43-2015; Ord. No. 36-2016; Ord. No. 30-2017; Ord. No. 40-2018; Ord. No. 32-2019)

**ORDINANCE NO. 20**

Series of 2020

*That Section 2.12.050 of the Municipal Code of the City of Aspen, Colorado, which section sets forth user fees for the Aspen Police Department, is hereby amended to read as follows:*

**Sec. 2.12.050. Aspen Police Department fees**

<b>Law Enforcement Records</b>	
Accident Reports – In Person	\$5.00
Case Reports	\$5.00
Per Copied Page	\$0.25
<b>Arrest History / Background Checks</b>	
Arrest History / Background Checks	\$10.00
Per Copied Page	\$0.25
Criminal History Report Per Name Search (5 names per person)	\$25.00
Extensive Records Search Per Hour	\$25.00
Communications Logging / Hour	\$15.00
Per Audio CD	\$25.00
Case Report/Accident Photos / CD	\$20.00
Records Research / Additional Hour	\$25.00
Body Worn Camera (BWC) Video Per Case	\$25.00
BWC Records Research / Additional Hour	\$25.00

<b>Aspen Police Department</b>	
Alarm User Permit	\$114.00
First False Alarm / Year	\$118.00
Second False Alarm / Year	\$237.00
Third and Fourth False Alarm / Year	\$358.00
All Bank Alarms	\$380.00
Late Fees	\$12.00
Central Alarm License Fee	\$314.00
Vehicle Inspection	\$20.00
Certified VIN Inspection	\$25.00
Off-Duty Security/Officer/Hour	\$95.00
Notary Fees	\$5.00

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<b>Dog Vaccination and License Fees</b>	
Annual Dog Tag Fees	\$20.00
Spayed/Neutered Dog Tag Fee	\$10.00
Senior Citizen/Active Service Dog Tag Fee	FREE
Replacement Tag	\$4.00

(Code 1971, §2-38; Ord. No. 77-1992, §17; Ord. No. 68-1994, §§9—11; Ord. No. 53-1995, §§6—10; Ord. No. 43-1996, §§5—7; Ord. No. 49-1998, §§6—8; Ord. No. 45-1999, §§6—9, 20; Ord. No. 57-2000, §§5, 12; Ord. No. 47-2002, §2; Ord. No. 63-2003, §2; Ord. 2-2004, §3; Ord. 38-2004, §1; Ord. No. 49-2005, §1; Ord. No. 48, 2006, §8; Ord. No. 40-2008; Ord. No. 27-2009§7; Ord. No. 29-2010§7; Ord. No. 33-2011; Ord. No. 29-2012; Ord. No. 48-2013; Ord. No. 36-2014; Ord. No. 43-2015; Ord. No. 36-2016; Ord. No. 30-2017; Ord. No. 40-2018; Ord. No. 32-2019)

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*That Section 2.12.051 of the Municipal Code of the City of Aspen, Colorado, which section sets forth user fees for the Engineering Department, is hereby amended to read as follows:*

**Sec. 2.12.051. Engineering Department fees**

<b>Permit and Application Fees</b>	
Encroachment License and Application	\$401.70
Encroachment Fees (Minor Encroachment < 3 hrs)	\$100.00
Vacation Application (\$325 / hr for estimated 18 hours)	\$5,850.00
Right-of-way Permit (waived for sidewalk replacement work; additional hourly review rate of \$325/hr will be applied to projects requiring more than 4 hours of review time)	\$401.70
<b>Encroachment Fees</b>	
Permanent Encroachment Fee (per permit)	\$1,000.00
Permanent Encroachment for Earth Retention (per cuft/mo)	\$1.40
<b>Temporary Occupation of Right-of-Way Under Encroachments</b>	
By commercial operations not associated with construction, including contractors and vendors (per sqft/mo)	\$2.50
Base cost within the core by commercial operations associated with construction, including contractors and vendors (per sqft/mo). Fees increase by 20% for first exception granted, 30% increase for second exception granted, 40% increase for every exception granted thereafter.	\$9.00
Outside of the core by commercial operations associated with construction including contractors and vendors (per sqft/mo)	\$7.00
<b>Map and Plan Printing</b>	
Per copy cost	\$5.00
<b>Landscape and Grading Permit</b>	
Engineering Development Review Fee	See fee schedule
Construction Mitigation Review Fee (as applicable)	See fee schedule
Utilities Development Review Fee (as applicable)	See fee schedule
Parks Development Review Fee (as applicable)	See fee schedule
Zoning Hourly Review Fee (as applicable)/hr	\$325.00

(Ord. No. 47-2002, §3; Ord. No. 49-2005, §13; Ord. No. 48, 2006, §9; Ord. No. 52-2007; Ord. No. 40-2008; Ord. No. 27-2009§8; Ord. No. 29-2010§8; Ord. No. 29-2012; Ord. No. 48-2013; Ord. No. 36-2014; Ord. No. 43-2015; Ord. No. 36-2016; Ord. No. 30-2017; Ord. No. 40-2018; Ord. No. 32-2019)



**ORDINANCE NO. 20**

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*That Section 2.12.052 of the Municipal Code of the City of Aspen, Colorado, which section sets forth user fees for the Environmental Health Department, is hereby amended to read as follows:*

**Sec. 2.12.052. Environmental Health Department fees**

<b>Environmental Health Fees</b>	
Event Plan Review	\$30.00
Event Inspection Fee	\$70.00
Swimming Pool Plan Review	\$79.00
<b>Environmental Health Fees (continued)</b>	
Restaurant Site Inspection	\$82.00
Food Safety Training	\$82.00
Large Childcare	\$100.00
Small Childcare	\$50.00
Plan review application	\$100.00
Plan review & pre-operational inspection (not to exceed)	\$580.00
HACCP plan review – written (not to exceed)	\$100.00
HACCP plan review – on-site (not to exceed)	\$400.00
Real estate review (not to exceed)	\$75.00
<b>Food Service License</b>	
Free (K-12 school, penal institution, non-profit serving food insecure populations)	\$0.00
Limited food service (convenience, other)	\$270.00
Restaurant 0-100 Seats	\$385.00
Restaurant 101-200 Seats	\$430.00
Restaurant Over 200 Seats	\$465.00
Grocery store (0 – 15,000 sq. ft.)	\$195.00
Grocery store (> 15,000 sq. ft.)	\$353.00
Grocery store w/ deli (0 – 15,000 sq. ft.)	\$375.00
Grocery store w/ deli (> 15,000 sq. ft.)	\$715.00
Mobile Unit (full-service)	\$385.00
Mobile Unit (pre-packaged)	\$270.00
Oil & Gas (Temporary)	\$855.00
Special Event (full-service)	\$255.00
Special Event (pre-packaged)	\$115.00

## ORDINANCE NO. 20

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Enforcement Fees and Penalties	
Civil Penalty (4 consecutive or 4/5 inspections that don't "pass")	\$1,000.00

(Ord. No. 47-2002, §4; Ord. No. 63-2003, §2 Ord. No. 38-2004, §3; Ord. No. 49-2005, §2; Ord. No. 48, 2006, §10; Ord. No. 40-2008; Ord. No. 15-2009; Ord. No. 27-2009§9; Ord. No. 29-2010§9; Ord. 33-2011; Ord. No. 29-2012; Ord. No. 48-2013; Ord. No. 36-2014; Ord. No. 43-2015; Ord. No. 36-2016; Ord. No. 30-2017; Ord. No. 40-2018; Ord. No. 32-2019)

*That Section 2.12.053 of the Municipal Code of the City of Aspen, Colorado, which section sets forth user fees for the Geographic Information System Department, is hereby amended to read as*

### Sec. 2.12.053. Geographic Information System (GIS) Department fees

GIS Fees	
Preprinted Map Small (11" x 17" or smaller)	\$14.00
Preprinted Map Large <u>on Photo Paper</u> (greater than 11" x 17")	\$100.00
Large Format Plotting (greater than 11" x 17")	\$30.00
Custom Mapping and Analysis or Misc. Services (per hour, <u>min. 1 hr</u> )	\$325.00

(Ord. No. 47-2002, §5; Ord. No. 63-2003, §3; Ord. No. 48, 2006, §11; Ord. No. 52-2007; Ord. No. 27-2009§10; Ord. No. 29-2010§10; Ord. No. 33-2011; Ord. No. 29-2012; Ord. No. 48-2013; Ord. No. 36-2014; Ord. No. 43-2015; Ord. No. 36-2016; Ord. No. 30-2017; Ord. No. 40-2018; Ord. No. 32-2019)

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*That Section 2.12.060 of the Municipal Code of the City of Aspen, Colorado, which section sets forth user fees for the Parking Department, is hereby amended to read as follows:*

**Sec. 2.12.060. Parking fees**

<b>Rio Grande Plaza Parking</b>	
Hourly Rate	\$2.00
Maximum Daily Fee	\$12.00
Validation Stickers / Visit	\$6.00
Business Pass (Unlimited Monthly Access)	\$150.00
Unlimited Use Monthly Pass With Reserved Space	\$250.00
Lost Ticket Fee	\$25.00
5-Day Unlimited Access Hotel Pass	\$60.00
Special Events Pass / Day	\$6.00
Access Replacement Card	\$20.00
<b>Commercial Core Pay Parking (between 7:00 AM and 6:00 PM)</b>	
Hourly Rates (10:00am to 11:00am) High Season	\$4.00
Hourly Rates (11:00am to 3:00pm) High Season	\$6.00
Hourly Rates (3:00pm to 6:00pm) High Season	\$4.00
Hourly Rates (10:00am to 11:00am) Low Season	\$2.00
Hourly Rates (11:00am to 3:00pm) Low Season	\$4.00
Hourly Rates (3:00pm to 6:00pm) Low Season	\$2.00
30 minutes	\$1.00
Single Space Meters (per 15 minutes)	\$0.50
<b>Residential Permit Parking</b>	
Residential Day Pass	\$8.00
Space Rental Fee / Day	\$25.00
First and Second Permit for Residence and Guest	Free
Third Permit for Resident and Guest	\$25.00
Lodge Guest Permit (4-days)	\$3.00
Business Vehicle Permit	\$125.00
High Occupancy Vehicle Permit	Free
Loading Zone Reservation	\$5.00
<b>Miscellaneous Parking</b>	
Delivery Vehicle Permit	\$100.00
Service Vehicle	50% of parking rates
Construction – Residential / Month	\$40.00
Construction – Commercial / Day	\$100.00
Reserved Spaces for Approved Activities	\$50.00

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<b>Miscellaneous Parking (continued)</b>	
Handicapped Parking	Free
Permit Replacement	\$75.00
Tow Truck Cancellation Fee	\$40.00
Boot Fee	\$75.00
Towing Fee (Tickets / Snow / Farmer's)	\$160.00
Towing Fee (72 Hour / Abandoned)	\$200.00
Ticket Late Fee	\$10.00
Neighborhood Electric Vehicles	Free

1-The residential permit parking program restrictions shall be in effect from 8:00 a.m. until 5:00 p.m., Monday through Friday (official holidays exempted), unless otherwise specified.

2-Neighborhood electric vehicles (NEV's) are defined as follows: A low-speed electric vehicle which does not exceed speeds of 20-25 mph. The vehicle must have seat belts, headlights, windshield wipers, safety glass, tail lamps, front and rear turn signals and stop lamps. These vehicles must have a vehicle identification number (VIN) and be state-licensed. NEV's are only permitted within the City limits and on roads that have speed limits less than 40 mph.

3-High Season includes the months of Jan, Feb, Mar, Jun, Jul, Aug, Sep, and Dec. Low Season includes Apr, May, Oct and Nov.

(Code 1971, §2-39; Ord. No. 36-1994, §1; Ord. No. 68-1994, §12; Ord. No. 53-1995, §20; Ord. No. 43-1996, §17; Ord. No. 49-1998, §9; Ord. No. 45-1999, §9; Ord. No. 57-2000, §5; Ord. No. 4-2002, §1; Ord. No. 47-2002, §19; Ord. No. 63-2003, §15; Ord. No. 49-2005, §14; Ord. No. 39-2007; Ord. No. 33-2011; Ord. No. 29-2012; Ord. No. 48-2013; Ord. No. 36-2014; Ord. No.. 43-2015; Ord. No. 36-2016; Ord. No. 30-2017; Ord. No. 40-2018; Ord. No. 32-2019)

**ORDINANCE NO. 20**

Series of 2020

*That Section 2.12.070 of the Municipal Code of the City of Aspen, Colorado, which section sets forth user fees for the City Clerk's Office, is hereby amended to read as follows:*

**Sec. 2.12.070. Liquor and marijuana license application fees**

<b>Liquor Licenses</b>	
Beer Permit (3.2% by Volume)	\$10.00
Special Event Permit	\$25.00
New License	\$1,000.00
Transfer of Location or License	\$750.00
Hotel & Restaurant or Tavern including Modest- Renewal Fee	\$178.75
Beer & Wine including Modest- Renewal Fee	\$152.50
Retail Liquor Store or Drug Store-Renewal Fee	\$122.50
Arts or Club-Renewal Fee	\$115.00
3.2 Beer-Renewal Fee	\$103.75
Optional Premises License	\$50.00
Temporary Permit	\$100.00
Late Renewal Application Fee	\$500.00
Tastings Permit	\$100.00
<b>Marijuana Licenses</b>	
Medical or Retail Marijuana Center New License Fee	\$2,000.00
Medical or Retail Marijuana Optional Premise Cultivation License	\$2,000.00
Medical or Retail Marijuana Infused Products Manufacturers' License	\$2,000.00
Medical Marijuana Center Applying for Retail Marijuana Store License	\$2,000.00
Medical or Retail Marijuana Transfer of Ownership	\$750.00
Medical or Retail Marijuana Change of Location	\$500.00
Medical or Retail Marijuana Change of Corporation or LLC Structure	\$100.00
Medical or Retail Marijuana Modification of Premises	\$100.00
Renewal of Retail or Medical Marijuana License	\$1,000.00

(Code 1971, §2-40; Ord. No. 8-1994, §4; Ord. No. 45-1999, §10; Ord. No. 24-2004, §2; Ord. No. 29-2012; Ord. No. 48-2013; Ord. No. 36-2014; Ord. No. 43-2015; Ord. No. 36-2016; Ord. No. 30-2017; Ord. No. 40-2018; Ord. No. 32-2019)

**ORDINANCE NO. 20**

Series of 2020

*That Section 2.12.080 of the Municipal Code of the City of Aspen, Colorado, which section sets forth user fees for the Parks Department, is hereby amended to read as follows:*

**Sec. 2.12.080. Parks Department fees**

<b>Event Fees</b>	
Application Fee	
For Profit	\$141.00
Non-Profit	\$56.00
Business License	
One Day	\$18.00
Two Days	\$29.00
Event Fees – Non-Profit	
Under 50 People	\$56.00
50-100 People	\$224.00
101-200 People	\$337.00
201-500 People	\$561.00
Over 500 People	\$1,683.00
Event Fees – For Profit	
Under 50 People	\$197.00
50-100 People	\$449.00
101-200 People	\$673.00
201-500 People	\$3,927.00
Over 500 People	\$5,610.00
Exclusive Use of Park	\$8,415.00
Athletic Camps	
Local (per hour)	\$29.00
Non-Local (per hour)	\$45.00
Athletic Tournaments/Event	\$842.00
Sports Classes / Day Care	
Local (per hour)	\$29.00
Non-Local (per hour)	\$45.00
Flags on Main Street/Flag	\$18.00
Banners on Main Street/Banner	\$18.00
<b>Mall Space Leasing</b>	
Price per Square Foot	\$4.43

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Series of 2020

<b>Filming</b>	
3-10 People	\$153.00
11-30 People: Still	\$255.00
11-30 People: Video	\$357.00
31-49 People: Still	\$357.00
31-49 People: Video	\$459.00
50 and Over People	\$867.00
<b>Tree Fees</b>	
Removal Permit	\$82.00
Removal Permit - Development	\$220.00
Mitigation Fee	\$46.00
<b>Development Fees</b>	
Encroachments - Minor Review	\$75.00
Encroachments - Major Review	\$150.00
Right of Ways - Minor Review	\$75.00
Right of Ways - Major Review	\$150.00
Landscaping and Grading Permit	\$74.00
Landscape/Resource Review (per sqft)	\$0.06

(Ord. No. 45-1999, §11; Ord. No. 47-2002, §6; Ord. No. 63-2003, §14; Ord. No. 38-2004, §5; Ord. 52-2007; Ord. No. 33-2011; Ord. No. 29-2012; Ord. No. 48-2013; Ord. No. 36-2014; Ord. No. 43-2015; Ord. No. 36-2016; Ord. No. 30-2017; Ord. No. 40-2018; Ord. No. 32-2019)

**ORDINANCE NO. 20**

Series of 2020

*That Section 2.12.100 of the Municipal Code of the City of Aspen, Colorado, which section sets forth user fees for the Building and Planning Department, is hereby amended to read as follows:*

**Sec. 2.12.100. Building and Planning**

This Section of the Code sets forth building permit fees for the City Community Development Department, and shall be applied to applications submitted on or after January 1, 2021:

<b>BUILDING PERMIT FEES</b>	
Total Valuation: \$1.00 to \$5,000.00	\$25.00
Total Valuation: \$5,001.00 to \$50,000.00	50% of sum of \$25 + 5.0% of permit valuation over \$5,000
Total Valuation: \$50,001.00 to \$100,000.00	75% of sum of \$2,275 + 3.5% of permit valuation over \$50,000
Total Valuation: \$100,001.00 to \$250,000.00	\$4,025 + 2.5% of permit valuation over \$100,000
<b>BUILDING PERMIT FEES (continued)</b>	
Total Valuation: \$250,001.00 to \$500,000.00	\$7,775 + 2.0% of permit valuation over \$250,000
Total Valuation: \$500,001.00 to \$1,000,000.00	\$12,775 + 1.75% of permit valuation over \$500,000
Total Valuation: \$1,000,001.00 to \$2,500,000.00	\$21,525 + 1.5% of permit valuation over \$1,000,000
Total Valuation: \$2,500,001.00 to \$5,000,000.00	\$44,025 + 1.25% of permit valuation over \$2,500,000
Total Valuation: Above \$5,000,000	\$75,275 + 0.75% of permit valuation over \$5,000,000 plus 0.5% of permit valuation over \$10,000,000
Building Permit Review Fee (per hour)	\$325.00
<b>Fees Due Upon Permit Submittal</b>	
Plan Check Fees (as percent of total building permit outlined above)	65%
Energy Code Fee (as percent of total building permit outlined above)	15%



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<b>Fees Due Upon Permit Issuance</b>	
Building Permit Fee (as percent of total building permit outlined above)	100%
GIS Fee (applicable only if changing building footprint)	\$500.00
Renewable Energy Mitigation Payment	(see details below)
Use Tax Deposit – City of Aspen	2.1% of value of materials for projects over \$100,000
Use Tax Deposit – Pitkin County	0.1% of value of materials

<b>RENEWABLE ENERGY MITIGATION PAYMENT</b>	
<b>Residential Exterior Energy Use</b>	
Snowmelt – includes roof and gutter de-icing systems	\$34 per square foot divided by boiler efficiency (AFUE)
Outdoor Pool	\$136 per square foot divided by boiler efficiency (AFUE)
Spa – pkg. or portable spas < 64 sqft are exempt	\$176 per square foot divided by boiler efficiency (AFUE)
<b>Residential Onsite Renewable Credits (certain restrictions may apply)</b>	
Photovoltaic Systems	\$6,250 per KWH
Solar Hot Water Systems	\$125 per square foot
Ground Source Heat Pumps	\$1,400 per 10,000 BTU per hr
<b>Commercial Exterior Energy Use</b>	
Snowmelt – includes roof and gutter de-icing system	\$60 per square foot divided by boiler efficiency (AFUE)
Outdoor Pool	\$170 per square foot divided by boiler efficiency (AFUE)
Spa – pkg. or portable spas < 64 sqft are exempt	\$176 per square foot divided by boiler efficiency (AFUE)
<b>Commercial Onsite Renewable Credits (certain restrictions may apply)</b>	
Photovoltaic Systems	\$6,250 per KWH
Solar Hot Water Systems	\$224.65 per square foot
Ground Source Heat Pumps	\$1,400 per 10,000 BTU per hr

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**CHANGE ORDER FEES**

*Applications for change orders shall cause a revision to the overall project valuation. Fees for the previously submitted permit application shall not be refunded or credited toward change order fees. Not all change orders will require additional fees in each fee category. A change order fee applies each time a change order is submitted. A change order may propose multiple changes, and applicants are encouraged to "bundle" their change order requests to minimize fees.*

**Fees Due Upon Change Order Issuance**

Change Order Plan Check Fee for All Review Age	\$325.00/hr.
Change Order Energy Code Review Fee – if applic	\$325.00/hr.
Change Order Building Permit Fee (as a percentage	5%

**PHASED PERMITTING FEES**

*Applications for Building Permits may be issued in "phases" prior to the entire permit being ready for issuance. For a permit to be issued in phases, all elements of that phase must be reviewed and approved by the Building Department and applicable referral agencies. A Phased Building Permit still requires complete submission of all required documents and information for all phases at initial permit application submission. Issuance of a permit in phases is at the discretion of the Chief Building Official. Fees for phased permit issuance are in addition to fees due for issuance of a complete building permit.*

Fees Due at Issuance of Phase 1 Permit:	
Building Permit Review Phasing Fee	35% of Building Permit Fee
Zoning Review Phasing Fee	10% of Zoning Review Fee
Construction Mitigation Phasing Fee	50% of Construction Mitigation Fee
Engineering Development Review Phasing Fee	10% of Engineering Fee
Parks Phasing Fee	10% of Parks Review Fee
Utilities Development Review Phasing Fee	10% of Utilities Review Fee

**SPECIAL SERVICES FEES**

Inspection Fee Outside of Normal Business Hrs. (p	\$325.00/hr.
Re-inspection Fee (per inspection)	\$325.00/hr.
Special Inspections Fee for Unspecified Inspection Type (per hour, min. 1 hr)	\$325.00/hr.
Building Permit Extension Fee – per Occurrence	7.5% of Building Fee Permit (\$5,000 maximum per extension)

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<b>REPAIR FEES</b>	
Permit Fee	\$25.00
Plan Review Fee	\$325.00/hr.
Zoning Review Fee	\$325.00/hr.
Construction Mitigation Review Fee	10% of CMP Review Fee
Engineering Review	10% of Engineering Review Fee
Parks Review Fee	\$325.00/hr.
<b>RE-ROOFING AND ROOFING FEE</b>	
Permit Fee	\$25.00
Plan Review Fee	\$25.00/100 sqft of roofing
Zoning Review Fee	\$325.00/hr.
Construction Mitigation Review Fee	10% of CMP fee
Parks Review	\$325.00/hr.
<b>INTERIOR FINISH &amp; FIXTURE REMOVAL FEE</b>	
Permit Fee	\$25.00 (minimum)
Plan Review Fee	\$325.00/hr. (1 hr. minimum)
Construction Mitigation Fee	10% of CMP Review Fee
<b>TEMPORARY STRUCTURE</b>	
Permit Fee	\$25.00
Plan Review Fee	\$325.00/hr. (1 hr. minimum)
Parks Review Fee	\$325.00/hr. (1 hr. minimum)
Fire Department Review Fee	\$100.00
<b>CERTIFICATE OF OCCUPANCY</b>	
Permanent Certificate	Included in Building Permit Fee
Temporary Certificate per Occurrence (max \$5,000 ea.)	7.5% of Building Permit Fee

## ORDINANCE NO. 20

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### ENFORCEMENT FEES AND PENALTIES

*Projects that had a Land Use review cannot submit for a building permit until all invoices related to the Land Use review have been paid in full. Additional penalties, pursuant to Municipal Code Section 26.104.070, Land Use Application Fees, also may be applicable.*

*For violations of the adopted building codes other than a stop work order or correction notice, the Chief Building Official may issue a Municipal Court citation. Fees, fines, and penalties by citation for violations of the Building Code shall be established by the Municipal Court Judge according to the scope and duration of the offense. Penalties may include: revocation of Contractor License(s); prohibition of any work on the property for a period of time; recovery of costs to the public for any required remediation of the site; additional Building Permit Review Fees; fees to recover administrative costs required by City staff to address the violation; and, other fees, fines, and penalties or assessments as assigned by the Municipal Court Judge.*

*No Certificate of Occupancy shall be issued until all fees have been paid in full. Violations of this policy are subject to fines.*

Stop Work Order or Correction Notice – 1st Infraction	2 Times Permit Valuation Fee
Stop Work Order or Correction Notice – 2nd Infraction	4 Times Permit Valuation Fee
Stop Work Order or Correction Notice – 3rd Infraction (license subject to suspension or	8 Times Permit Valuation Fee

### COMMUNITY PURPOSE DISCOUNT PROGRAMS

*The Chief Building Official may from time to time implement lower fees to encourage certain types of building improvements as directed by the City Council or City Manager. Example programs may include energy efficiency improvements, accessibility improvements and the like. Special fees shall not exceed those otherwise required.*

*Notwithstanding the building permit fee schedule, City Council may authorize a reduction or waiver of building permit fees, engineering review fees, or construction mitigation fees as deemed appropriate. The Community Development Director shall waive building permit fees for General Fund Departments of the City of Aspen consistent with City policy.*

*The Community Development Director may reduce building permit review fees by no more than 50% for projects with a fee significantly disproportionate to the service requirements. The City may not waive or reduce fees collected on behalf of a separate government agency. The City may not reduce or waive a tax.*

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**FEE WAIVERS FOR NON-PROFIT ORGANIZATIONS**

*Applications submitted for Building Permits by nonprofit organizations (as determined by their 501(c)3 status and those organizations that do not have a tax base) are eligible to have planning/building permit fees waived based on the following schedule:*

**Building Plan Check, Energy Code, Permit Fees, Engineering, Parks and Utilities Review Fees:**

Project Valuation < = \$5,000	100% Fee Waiver
Project Valuation > \$5,000	50% Fee Waiver of Fees for Project Valuations between \$5,000 and \$250,000

*Fee waivers shall not exceed a combined value of \$15,000 for a single project per twelve consecutive month period. All other applicable utilities fees are not subject to this waiver, including but not limited to: investment charge, connection permit, tap fees, hook-up charges, service fees, and electric extension costs.*

**FEE WAIVERS FOR AFFORDABLE HOUSING PROJECTS**

*Applications submitted for new projects that are 100 percent affordable housing are eligible for a 100 percent fee waiver for Building, Engineering, Parks, Zoning, and Utility Plan Review fees; Construction Mitigation Plan Review; Aspen Energy Code Payment; Building Permit Fee; and GIS Fee; excluding fees levied by jurisdictions other than the City of Aspen. This fee waiver shall be limited to new projects, and does not apply to existing individual affordable housing units that may be seeking a remodel, expansion, etc.*

**SMALL LODGE PROGRAM**

*Applications for Building Permits for Small Lodges, as defined in Ordinance 15, Series 2015, are eligible for reduced building permit review fees based on the following schedule. To be eligible for the discount, all lodges must enter into an agreement with the City stating that the property will remain a lodge for a minimum number of years, and that if the use changes during that time period, the property shall owe the City 100% of the building permit fees. The reductions shall apply to Plan Check, Energy Code, Zoning Review, Engineering Review, CMP, and Building Permit fees.*

<b>Category of Work</b>	<b>% of Building Permit Fee Charged</b>	<b>Length of City Agreement</b>
Minor interior upgrade (e.g., paint, carpet, light fixtures)	25%	5 years
Minor exterior upgrade (e.g., new windows, new paint/exterior materials)	25%	5 years
Major interior upgrade A (e.g., remodel units, including bathrooms)	50%	10 years
Major interior upgrade B (e.g., remodel common areas and any kitchen/food service facilities)	50%	10 years

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Redevelopment or Major Expansion	75%	20 years
<b>EXPIRED or CANCELLED PERMITS and REFUNDS</b>		
<p><i>Plan Check fees are not refundable for expired or cancelled permits. Impact mitigation fees for un-built projects (construction not started) shall be refunded 100%. Building permit and impact fees for partially constructed projects are not refundable. Expired or cancelled permits are not renewable. Projects with expired or cancelled permits must reapply for building permits and pay all applicable fees. Projects with expired or cancelled permits that have previously paid impact fees need only pay (or be refunded) the difference in impact fees when applying for a new permit.</i></p>		

*This Section of the Code sets forth engineering review fees for the City Engineering Department, and shall be applied to applications submitted on or after January 1, 2021:*

<b>Engineering Development Fees</b>	
200 – 500 Square Feet	\$567.74
501 – 1000 Square Feet	\$1,703.21
1,001 – 15,000 Square Feet	\$1,703.21 + \$2.14 per sq. ft. over 1,000
Above 15,000 Square Feet	\$1,703.21 + \$2.14 per sq. ft. over 1,000 + \$0.103 over 15,000
Additional Planning Review Fee (per hr, min. ½ hr)	\$325.00/hr.
<b>Construction Mitigation Fees</b>	
400 – 15,000 Square Feet	\$1.07 per sq. ft.
Above 15,000 Square Feet	\$1.07 per sq. ft. to 15,000 + \$0.05 per sq. ft. over 15,000
<p><i>Fifty percent of the construction mitigation fee will be collected at permit submission; the remaining fifty percent upon permit issuance. Fees are not triggered unless a Construction Mitigation Review is performed. Triggers for the Construction Mitigation Review are located in the Construction Mitigation Plan requirements.</i></p>	
<b>Additional Review Fee</b>	
Hourly fee to review changes, additions, or revisions to plans or land use review cases	\$325.00/hr.

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*This Section of the Code sets forth electrical permit fees for the City Community Development Department, and shall be applied to applications submitted on or after January 1, 2021:*

<b>RESIDENTIAL ELECTRICAL FEES</b>	
<i>Fee is based on the enclosed living area only, includes construction of, or remodeling or addition to a single-family home, duplex, condominium, or townhouse. If not wiring any portion of the above listed structures, and are only changing or providing a service, see "Other Electrical Installation Fees" below.</i>	
Living area not more than 1,000 square feet	\$155.00
Living area 1,001 to 1,500 square feet	\$233.00
Living area 1,501 to 2,000 square feet	\$310.00
Living area over 2,000 square feet	\$310.00 + \$16.00 per 100 sqft over 2,000
<b>Other Electrical Installation Fees</b>	
<i>Including some residential installations that are not based on square footage (not in a living area, i.e., garage, shop, and photovoltaic, etc.). Fees in this section are calculated from the total cost to customer, including electrical materials, items and labor - whether provided by the contractor or the property owner. Use this chart for a service connection, a temporary meter, and all commercial installations.</i>	
Installation Permit on Projects Valuing Less than \$2,000	\$155.00
Installation Permit on Projects Valuing \$2,000 or More	\$155.00 + \$16.00 per thousand dollars (rounded up)
Re-Inspections	\$77.50
Extra Inspections	\$77.50
Photovoltaic Generation System (Valuation based on cost to customer of labor, materials, & items)	
Residential: Valuation not more than \$2,000	\$115.00
Residential: Valuation \$2,001 and above	\$115.00 plus \$11.50 per thousand or fraction thereof (max \$500)
Commercial: Valuation not more than \$2,000	\$115.00
Commercial: Valuation \$2,001 and above	\$115.00 plus \$11.50 per thousand or fraction thereof (max \$1,000)

**ORDINANCE NO. 20**

Series of 2020

*This Section of the Code sets forth mechanical permit fees for the City Community Development Department, and shall be applied to applications submitted on or after January 1, 2021:*

<b>MECHANICAL PERMIT FEES</b>	
Mechanical Permit (per unit)	\$66.31
Supplemental Permit for which the original has not expired, been canceled or finalized (per unit)	\$26.53
<b>UNIT FEE SCHEDULE</b>	
<b>Furnaces (installation or relocation)</b>	
Forced-air or gravity-type furnace or burner, including attached ducts and vents; floor furnace, including vent; suspended heater; recessed wall heater or floor-mounted unit heater (per unit)	\$66.31
<b>Appliance Vents (installation, relocation or replacement)</b>	
Each appliance vent installed and not included in an appliance permit	\$33.16
<b>Cooling Systems</b>	
Each refrigeration unit, cooling unit, absorption unit or each heating, cooling, absorption or evaporative cooling system, including installation of controls regulated by the Mechanical Code	\$33.16
<b>Boilers, Compressors and Absorption Systems (installation or relocation)</b>	
Each boiler or compressor to and including 3 horsepower (10.6 kW) or each absorption system to and including 100,000 Btu/h (29.3 kW)	\$66.31
Each boiler or compressor over 3 horsepower (10.6 kW) to and including 15 horsepower (52.7 kW) or each absorption system over 100,000 Btu/h (29.3 kW) to and including 500,000 Btu/h (293.1 kW)	\$132.63
Each boiler or compressor over 15 horsepower (52.7 kW) to and including 30 horsepower (105.5 kW) or each absorption system over 500,000 Btu/h (146.6 kW) to and including 1,000,000 Btu/h (293.1 kW)	\$176.83
Each boiler or compressor over 30 horsepower (105.5 kW) to and including 50 horsepower (176 kW) or each absorption system over 1,000,000 Btu/h (293.1 kW) to and including 1,750,000 Btu/h (512.9 kW)	\$265.25



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Series of 2020

Each boiler or compressor over 50 horsepower (176 kW) or each absorption system over 1,750,000 Btu/h (512.9 kW)	\$331.56
<b>Air Handlers</b>	
<i>Fee does not apply to units included with a factory-assembled appliance, cooling unit, evaporative cooler or absorption unit for which a permit is required elsewhere in the Mechanical Code.</i>	
Each air-handling unit to and including 10,000 cubic feet per minute (cfm) (4,719 L/s), including ducts attached thereto	\$33.16
Each air-handling unit over 10,000 cfm (4,719 L/s)	\$66.31
<b>Evaporative Coolers</b>	
Each evaporative cooler other than portable type	\$33.16
<b>Ventilation and Exhaust</b>	
Each ventilation fan connected to a single duct	\$26.53
Each ventilation system which is not a portion of any heating or air-conditioning system authorized by a permit	\$33.16
Each hood which is served by the mechanical exhaust, including the ducts for such hood	\$33.16
<b>Miscellaneous</b>	
Each appliance or piece of equipment regulated by the Mechanical Code but not classed in other appliance categories or for which no other fee is listed in the table	\$33.16
<b>Other Mechanical Inspections Fees</b>	
Hourly inspection fee outside of normal business hrs (min. 2 hrs)	\$325.00
Re-inspection fees assessed under Section 305.8 (per inspection)	\$325.00
Hourly inspections fee for unspecified inspection type(min. 1 hr)	\$325.00
Hourly fee for additional plan review required by changes, additions or revisions to plans or plans for which an initial review has been completed	\$325.00

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Series of 2020

*This Section of the Code sets forth plumbing permit fees for the City Community Development Department, and shall be applied to applications submitted on or after January 1, 2021:*

<b>PLUMBING PERMIT FEES</b>	
Plumbing Permit (per issuance)	\$66.31
Each supplemental permit for which the original has not expired, been canceled or finalized	\$26.53
<b>UNIT FEE SCHEDULE</b>	
<b>Fixtures and Vents</b>	
Each plumbing fixture or trap or set of fixtures on one trap (including water, drainage piping and backflow protection)	\$26.53
For repair or alteration of drainage or vent piping, each fixture	\$13.26
<b>Sewers, Disposal Systems and Interceptors</b>	
Each building sewer and each trailer park sewer	\$265.25
Each industrial waste pretreatment interceptor, including its trap and vent, excepting kitchen-type grease interceptors functioning as traps	\$66.31
Rainwater systems, per drain (inside buildings)	\$33.16
<b>Water Piping and Water Heaters</b>	
For installation, alteration or repair of water piping or water-treating equipment or both, each	\$26.53
For each water heater, including vent	\$33.16
<b>Gas Piping Systems</b>	
Each gas piping system of one to five outlets	\$13.26
Each additional outlet over five, each	\$6.63
<b>Lawn Sprinklers, Vacuum Breakers and Backflow Protection Devices</b>	
Each lawn sprinkler system on any one meter, including backflow protection devices thereof	\$26.53
For atmospheric-type vacuum breakers or backflow protection devices not included in Fixtures and Vents:	
1 to 5 devices	\$26.53
Over 5 devices, each	\$6.63
Each backflow-protection device other than atmospheric-type vacuum breakers:	
2 inches (50.88 mm) and smaller	\$33.16
Over 2 inches (50.8 mm)	\$53.05

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<b>Swimming Pools</b>	
Each public pool	\$1,591.50
Each public spa	\$795.75
Each private pool	\$530.50
Each private spa	\$265.25
<b>Miscellaneous</b>	
Each appliance or piece of equipment regulated by the Plumbing Code but not classed in other appliance categories or for which no other fee is listed in this code	\$33.16
<b>Other Plumbing Inspection Fees</b>	
Hourly inspection fee outside of normal business hrs. (min. 2 hrs)	\$325.00
Re-inspection fees – inspections required after a failed inspection (per inspection)	\$325.00
Hourly inspections fee for unspecified inspection type (min. 1 hr)	\$325.00
Hourly fee for additional plan review required by changes, additions or revisions to plans or plans for which an initial review has been completed	\$325.00

**ORDINANCE NO. 20**

Series of 2020

*This Section of the Code sets forth licensing fees for the City Community Development Department, and shall be applied to applications submitted on or after January 1, 2021:*

<b>General Contractor Licenses (3-year term)</b>	
Unlimited	\$450.00
Commercial	\$450.00
Light Commercial	\$450.00
Homebuilder	\$450.00
<b>Specialty Contractor Licenses (3-year terms)</b>	
Alteration and Maintenance	\$142.00
Drywall Fire Resistive Construction & Penetrations	\$142.00
Excavation	\$142.00
Insulation / Energy Efficiency	\$142.00
Mechanical Contractor	\$142.00
Radon Mitigation	\$142.00
Roofing	\$142.00
Solid Fuel and Gas Appliance	\$142.00
Temporary Contractor	\$142.00
Tent Installer	\$142.00
Concrete	\$142.00
Low Voltage	\$142.00
Masonry	\$142.00
Fire Alarm System Installer	\$142.00
Fire Sprinkler System Installer	\$142.00

(Ord. No. 63-2003, §7; Ord. No. 38-2004, §6; Ord. No. 49-2005, §8; Ord. No. 48, 2006, §12; Ord. No. 3-2011, §1; Ord. No. 29-2012; Ord. No. 43-2015; Ord. No. 36-2016; Ord. No. 30-2017; Ord. No. 40-2018; Ord. No. 32-2019)

**ORDINANCE NO. 20**

Series of 2020

*That Section 2.12.130 of the Municipal Code of the City of Aspen, Colorado, which section sets forth user fees for the Car-to-Go Carshare Program, is hereby amended to read as follows:*

**Sec. 2.12.130. Car-To-Go Carshare Program fees**

<b>FEES</b>	
Application	\$25.00
Monthly Membership	\$10.00
Hourly Usage	\$4.00 - \$6.00
Per Mile Usage	\$0.40 - \$0.60
Fixed daily Rate	\$70.00 - \$90.00
No Reservation Fee	\$50.00
Emergency Cleaning (per hour, plus cleaning costs)	\$50.00
Missing/Incorrect Trip Ticket/Reservation	\$30.00 - \$50.00
NSF Check	\$30.00 - \$50.00
Lost Key Fee	\$30.00 - \$50.00
Late Return Fee (per hour, plus applicable taxi fees)	\$30.00 - \$50.00
Low Fuel Fee (plus applicable taxi fees)	\$30.00 - \$50.00
<b>CREDITS</b>	
Inconvenience Credit (per hour, plus applicable taxi fees)	\$30.00 - \$50.00
Referral	\$25.00
Refuel / Wash	\$4.00 / \$6.00

(Ord. No. 29-2012; Ord. No. 36-2014; Ord. No. 43-2015; Ord. No. 36-2016; Ord. No. 30-2017; Ord. No. 40-2018; Ord. No. 32-2019)

## ORDINANCE NO. 20

Series of 2020

*That Section 2.12.140 of the Municipal Code of the City of Aspen, Colorado, which section sets forth user fees for the Stormwater Department, is hereby amended to read as follows:*

### **Sec. 2.12.140. Stormwater fees**

Fee-in-Lieu of Detention Fee (per cubic foot of detention req.)	\$78.78
<i>(a) The fee is based on 100 percent of the estimated cost of constructing a detention facility on-site. The City Engineer at his/her sole discretion may require a certified cost estimate for construction of detention meeting the standards contained in the Urban Runoff Management Plan (Manual) established in Sec 28.02.010 and may accept at his/her sole discretion this amount to be paid in-lieu-of detention.</i>	
<i>(b) Required detention storage shall be calculated at the rate of 6.20 cubic feet per 100 square feet of impervious area. The City Engineer at his/her sole discretion may require a certified storage volume estimate for construction of detention meeting the standards contained in the Urban Runoff Management Plan (Manual) established in Sec 28.02.010 and may accept at his/her sole discretion this amount to be used for detention volume storage requirements.</i>	

(Ord. No. 40-2008; Ord. No. 27-2009§11; Ord. No. 29-2010§11; Ord. No. 15-2011§2; Ord. No. 29-2012; Ord. No. 48-2013; Ord. No. 36-2014; Ord. No. 43-2015; Ord. No. 36-2016; Ord. No. 30-2017; Ord. No. 40-2018; Ord. No. 32-2019)

## ORDINANCE NO. 20

Series of 2020

*That Section 26.104.070 of the Municipal Code of the City of Aspen, Colorado, which section sets forth land use application fees, is hereby amended to read as follows:*

### **Sec. 26.104.070. Land Use Application Fees**

This Section of the code sets forth certain fees related to planning and historic preservation as follows, applicable to applications submitted on or after January 1, 2021:

#### **Planning Review: Deposit and Billing Administration**

*The Community Development Department staff shall keep an accurate record of the actual time required for the processing of each land use application and additional billings shall be made commensurate with the additional costs incurred by the City when the processing of an application by the Community Development Department takes more time than is covered by the deposit. In the event the processing of an application by the Community Development Department takes less time than provided for by the deposit, the Department shall refund the unused portion of the deposited fee.*

*The Community Development Director shall establish appropriate guidelines for the regular issuance of invoices and collection of amounts due.*

*The Community Development Director shall establish appropriate guidelines for the collection of past due invoices, as required, which may include any of the following: 1) assessment of additional late fees for accounts at least 90 days past due in an amount not to exceed 1.75% per month, 2) stopping application processing, 3) reviewing past-due accounts with City Council, 4) withholding the issuance of a Development Order, 5) withholding the recordation of development documents, 6) prohibiting the acceptance of building permits for the subject property, 7) ceasing building permit processing, 8) revoking an issued building permit, 9) implementing other penalties, assessments, fines, or actions as may be assigned by the Municipal Court Judge.*

*Flat fees for the processing of applications shall be cumulative. Applications for more than one land use review requiring an hourly deposit on planning time shall require submission of the larger deposit amount.*

*The Community Development Director shall bill applicants for any incidental costs of reviewing an application at direct costs, with no administrative or processing charge.*

*Land use review fee deposits may be reduced if, in the opinion of the Community Development Director, the project is expected to take significantly less time to process than the deposit indicates. A determination shall be made during the pre-application conference by the case planner. Hourly billing shall still apply.*

## ORDINANCE NO. 20

Series of 2020

*Review fees for projects requiring conceptual or project review, final or detail review, and recordation of approval documents. Unless otherwise combined by the Director for simplicity of billing, all applications for conceptual/project, final/detail, and recordation of approval documents shall be handled as individual cases for the purposes of billing. Upon conceptual/project approval all billing shall be reconciled, and all past due invoices shall be paid prior to the Director accepting an application for final/detail review. Final/detail review shall require a new deposit at the rate in effect at the time of final application submission. Upon final/detail approval, all billing shall again be reconciled prior to the Director accepting an application for review of recordation documents.*

*Notwithstanding the planning review fee schedule, the Community Development Director shall waive planning review fees for General Fund Departments of the City of Aspen consistent with City policy.*

*Notwithstanding the planning review fee schedule, City Council may authorize a reduction or waiver of planning review fees as deemed appropriate.*

### **Fee Waivers for Non-Profit Organizations**

*Applications submitted for Land Use/Historic Preservation reviews by nonprofit organizations, (as determined by their 501(c)3 status and those organizations that do not have a tax base) are eligible to have planning review fees waived based on the following schedule:*

Total Fees < \$2,500	100% Waiver
Total Fees \$2,500 - \$10,000	50% Waiver

*Fee waivers shall not exceed a combined value of \$6,250 for a single project per organization over a twelve consecutive month period. Notwithstanding the planning review fee schedule, City Council may authorize a reduction or waiver of planning review fees as deemed appropriate.*

### **Fee Waivers for Affordable Housing Projects**

*Applications submitted for new projects that are 100 percent affordable housing are eligible for a 100 percent fee waiver of Planning Review fees.*

### **Free Services**

Pre-Application / Pre-Permit Meetings	Free
Call-in / Walk-in Development Questions	Free
GMQS – SF or Dx on Historic Landmark	Free
Historic Designation	Free
Historic Preservation – Exempt Development	Free



**ORDINANCE NO. 20**

Series of 2020

**Free Services (continued)**

Historic Preservation – Minor Amendment, HPO Review	Free
Historic Preservation – Minor Amendment, Monitor Review	Free
Development Order Publication Fee	Free
First Residential Design Compliance Review	Free

*Applicant meetings with a Planner to discuss prospective planning applications or prospective building permit applications are a free service and staff time is not charged to the applicant. However, this service is limited to the time reasonably necessary for understanding a project's requirements, review procedures, City regulations, etc. An applicant shall be billed for any pre-application or pre-permit staff time significantly in excess of that which is reasonably necessary. Billing will be at the Planning hourly billing rate. The applicant will be notified prior to any billing for pre-application or pre-permit service.*

**Planning Review – Administrative, Flat Fees**

GMQS – Temporary Food Vending	\$81.00
Code Interpretation – Formal Issuance	\$81.00
Historic Preservation – Certification of No Negative Effect	\$81.00
Temporary Use – Admin.	\$163.00
GMQS – SF or Dx Replacement, Cash-in-Lieu	\$325.00
GMQS – SF or Dx Replacement, Admin.	\$325.00
GMQS – Change-in-Use for Historic Landmark	\$325.00
GMQS – Minor Enlargement for Historic Landmark	\$325.00
GMQS – Alley Store	\$325.00
GMQS – Exemption from MF Housing Replacement	\$325.00
Residential Design Compliance Review (after 1st free review)	\$163.00
Residential Design Variance, Admin.	\$325.00
GMQS – Minor Enlargement, Non-Historic	\$650.00

**Planning Review – Administrative, Hourly Fees**

*If review process takes less time than the number of hours listed below, refunds will be made to applicants for unused hours purchased within initial deposits.*

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Review of Administrative Subdivisions, Condominium Plats, or Amendments (Includes City Attorney and other referral departments' time at same hourly rate; City Engineer review time billed at rate specified below)	\$650.00 (2-hour deposit)
Recordation Documents Review - Subdivision plats, Subdivision exemption plats (except condominiums), PD plans, development agreements, subdivision agreements, PD agreements, or amendments to recorded documents (Includes City Attorney and other referral departments' time at same hourly rate; City Engineer review time billed at rate specified below)	\$975.00 (3-hour deposit)
Administrative wireless telecommunication review	\$975.00 (3-hour deposit)
Admin. Condominium or Special Review Admin. ESA or ESA Exemption Admin. Subdivision – Lot Line Adjustment Admin. PD Amendments Admin. Commercial Design Review Amendment	\$1,300.00 (4-hour deposit)
Additional Hours – If necessary (per hour)	\$325.00
<b>Referral Agency Fees: Administrative, If Applicable</b>	
Hourly Engineering Review Fee (billed with Planning Case)	\$325.00
Hourly Aspen / Pitkin County Housing Authority (billed with Planning Case)	\$325.00
City Parks Department, Flat Fee	\$650.00
City Environmental Health Department, Flat Fee	\$650.00
<b>Planning Review: One-Step Hourly Fee</b>	
Historic Preservation – Minor Development Historic Preservation – Major Development up to 1,000 sq. ft. Temporary Use, City Council Vested Rights Extension, City Council Appeals of Administrative or Board Decisions	\$1,300.00 (4-hour deposit)

**ORDINANCE NO. 20**

Series of 2020

Historic Preservation – Major Development over 1,000 sq. ft. Historic Preservation – Demolitions and Off-Site Relocations Historic Preservation – Substantial Amendment Board of Adjustment Variance Timeshare -- P&Z Review	\$1,950.00 (6-hour deposit)
Growth Management (includes AH certification), Conditional Use Special Review (includes ADU @ P&Z), Environmentally Sensitive Area Review, Residential Design Variance – P&Z Minor Subdivision – Lot Split, Historical Lot Split	\$3,250.00 (10-hour deposit)
PD Amendment – P&Z Only SPA Amendment, P&Z Only Commercial Design Review, Conceptual or Final Growth Management, Major P&Z or City Council Subdivision “Other” Review – City Council Only	\$4,690.00
Additional Hours – If necessary (per hour)	\$325.00

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<b>Referral Agency Fees: One-Step Review, If Applicable</b>	
Hourly Engineering Review Fee (billed with Planning Case)	\$325.00
Hourly Aspen / Pitkin County Housing Authority (billed with Planning Case)	\$325.00
City Parks Department, Flat Fee	\$975.00
City Environmental Health Department, Flat Fee	\$975.00
<b>Planning Review: Two-Step Hourly Fee</b>	
Major Subdivision Review Land Use Code Amendment Rezoning or Initial Zoning (Annexations)	\$7,800.00 (24-hour deposit)
Additional Hours – If necessary (per hour)	\$325.00
<b>Referral Agency Fees: Two-Step Review, If Applicable</b>	
Hourly Engineering Review Fee	\$325.00
Hourly Aspen / Pitkin County Housing Authority (billed with Planning Case)	\$325.00
City Parks Department, Flat Fee	\$1,300.00
City Environmental Health Department, Flat Fee	\$1,300.00
<b>Planning Review: PD Hourly Fee</b>	
Planned Development or PD Substantial Amendment	\$10,400.00 (32-hour deposit)
Additional Hours – If necessary (per hour)	\$325.00
<b>Referral Agency Fees: PD Reviews, If Applicable</b>	
Hourly Engineering Review Fee (billed with Planning Case)	\$325.00
Hourly Aspen / Pitkin County Housing Authority (billed with Planning Case)	\$325.00
City Parks Department, Flat Fee	\$1,625.00
City Environmental Health Department, Flat Fee	\$1,625.00
<b>Planning Review: Public Project Review or Joint Applicant</b>	
<i>Applications for the City's Public Project process shall be assessed land use review fees and/or a portion of joint planning costs as determined appropriate by City Council. If no such determination is made, the application shall be billed as a PD.</i>	
<b>Planning Review: Other</b>	
Hourly fee for any additional plan review for which no other specific fee has been established	\$325.00

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(Ord. No. 57-2000, §9; Ord. No. 47-2002, §8; Ord. No. 63-2003, §4; Ord. No. 38-2004, §7; Ord. No. 49-2005, §9; Ord. No. 48, 2006, §13; Ord. 52-2007; Ord. No.4 - 2011, §2; Ord. No. 29-2012; Ord. No. 36-2014; Ord. No. 43-2015; Ord. No. 36-2016; Ord. No. 30-2017; Ord. No. 40-2018; Ord. No. 32-2019)

*That Section 26.104.072 of the Municipal Code of the City of Aspen, Colorado, which section sets forth zoning review fees, is hereby amended to read as follows:*

### **Sec. 26.104.072. Zoning Review fees**

This Section of the code sets forth certain fees related to zoning as follows, applicable to applications submitted on or after January 1, 2021:

*Zoning review fees shall apply to all development requiring a building permit and all development not requiring a building permit, but which requires review by the Community Development Department. The fee covers the Zoning Officer's review of a permit, including any correspondence with the case planner, Historic Preservation Officer, the Department's Deputy Director or Director, or other City staff.*

*A permit or a change order to a permit that requires a floor area, height, net leasable, or net livable measurement by the Zoning Officer shall be considered a Major permit. Official confirmation of existing conditions of a property that requires measurement of floor area, height, net leasable area, or net livable area of a structure, prior to demolition or for other purposes also shall be considered a Major permit. All other permits are considered minor permits.*

*For the purposes of zoning fees, the square footage used to calculate the fee shall be the greater of the gross square footage affected by the permit or the gross square footage that must be measured to review the permit. All change orders to a permit require additional fees.*

*For projects with multiple uses, the zoning review fee for each individual use shall be calculated based on the gross square footage of the use and added to determine the total project fee.*

*Zoning review fees for major permits for properties within a Planned Development shall be 125% of the fee schedule.*

*Zoning referral fees - for official zoning comments on a planning application - shall be according to the fees policy for planning review.*

**ORDINANCE NO. 20**

Series of 2020

*Notwithstanding the zoning review fee schedule, the Community Development Director shall waive zoning review fees for General Fund Departments of the City of Aspen consistent with City policy.*

*Notwithstanding the zoning review fee schedule, City Council may authorize a reduction or waiver of zoning review fees as deemed appropriate.*

**Fees Due at Permit Submittal**

Zoning Permit Fee of \$500 or More

50% of Zoning Permit Fee

**Special Services – Zoning Review**

Hourly Zoning Review Fee

\$325.00

Expedited Zoning Review Fee – services subject to authorization by Community Development Director and subject to department workload, staffing and effects on other projects

Double applicable zoning review fee

Change Order Fees: For changes not requiring a new measurement of floor area, height, net leasable, or net livable space

Minor Zoning Fee

Change Order Fees: For changes requiring a new measurement of floor area, height, net leasable, or net livable space

Major Zoning Fee

*Change orders for projects within a PD shall be assessed 125% of the fee schedule.*

*Applicant meetings with the Zoning Officer to discuss prospective planning applications or prospective building permit applications are a free service and staff time is not charged to the applicant. However, this service is limited to the time reasonably necessary for understanding a project's requirements, review procedures, City regulations, etc. An applicant shall be billed for any pre-application or pre-permit staff time significantly in excess of that which is reasonably necessary. Billing will be at the Zoning hourly billing rate. The applicant will be notified prior to any billing for pre-application or pre-permit service.*

Business License Approval – Zoning (other fees may be required by City Finance)

Free

Vacation Rental Permit – Zoning (other fees may be required by City Finance)

Free

Special Review or Inspection Hourly Fee – Zoning (when no fee is otherwise established, 1 hour minimum)

\$325.00

Certificate of Occupancy or Final Inspection Fee – Zoning

Included in Zoning Review Fee

**ORDINANCE NO. 20**

Series of 2020

<b>Demolition Zoning Review Fees</b>	
Minor Zoning Fee – does not require measurement or confirmation of existing conditions	
Up to 500 square feet	\$65.00
501 to 2,500 square feet	\$163.00
2,501 to 5,000 square feet	\$244.00
Over 5,000 square feet	\$325.00
Major Zoning Fee – requires measurement or confirmation of existing conditions	Major fee according to specified land use
<b>Exterior Repair Zoning Review Fees</b>	
<i>Applies to residential, commercial, lodging, arts/cultural/civic, or institutional exterior repair work requiring a building permit or review by the Historic Preservation Officer. Based on wall area or roof area being repaired. (Excludes signs and awnings.)</i>	
Up to 500 square feet	\$33.00
501 to 2,500 square feet	\$65.00
2,501 to 5,000 square feet	\$163.00
Over 5,000 square feet	\$325.00
<b>Residential Zoning Review Fees</b>	
<i>Applies to single-family, duplex, accessory dwelling units, carriage houses, multi-family, and residential units in a mixed-use building.</i>	
Minor Zoning Fee - Existing Development, Minor Remodel, or Minor Change Order	
- Projects up to \$5,000 in total valuation	\$33.00
- Projects Over \$5,000 in total valuation:	
Up to 500 square feet	\$325.00
501 to 2,500 square feet	\$650.00
2,501 to 5,000 square feet	\$975.00
Over 5,000 square feet	\$1,300.00
Major Zoning Fee – New Development, Major Remodel, Demolition with Confirmation, Major Change Order	
Up to 500 square feet (minimum \$325.00)	\$1.30 / SF
501 to 2,500 square feet	\$1.40 / SF
2,501 to 5,000 square feet	\$1.55 / SF
Over 5,000 square feet	\$1.70 / SF
<i>Major residential permits within a PD shall be 125% of the above fee schedule.</i>	

**ORDINANCE NO. 20**

Series of 2020

<b>Commercial Zoning Review Fees</b>	
<i>Applies to commercial projects and commercial portions of a mixed-use project</i>	
Minor Zoning Fee - Existing Development, Minor Remodel, or Minor Change Order	
- Projects up to \$5,000 in total valuation	\$33.00
- Projects Over \$5,000 in total valuation:	
Up to 500 square feet	\$325.00
501 to 2,500 square feet	\$650.00
2,501 to 5,000 square feet	\$975.00
Over 5,000 square feet	\$1,300.00
Major Zoning Fee – New Development, Major Remodel, Demolition with Confirmation, Major Change Order	
Up to 500 square feet (minimum \$325.00)	\$1.30 / SF
501 to 2,500 square feet	\$1.40 / SF
2,501 to 5,000 square feet	\$1.55 / SF
Over 5,000 square feet	\$1.70 / SF
<i>Major commercial permits within a PD shall be 125% of the above fee schedule.</i>	
<b>Lodging Zoning Review Fees</b>	
Minor Zoning Fee - Existing Development, Minor Remodel, or Minor Change Order	
- Projects up to \$5,000 in total valuation	\$33.00
- Projects Over \$5,000 in total valuation:	
Up to 500 square feet	\$325.00
501 to 2,500 square feet	\$650.00
2,501 to 5,000 square feet	\$975.00
Over 5,000 square feet	\$1,300.00
Major Zoning Fee – New Development, Major Remodel, Demolition with Confirmation, Major Change Order	
Up to 5,000 square feet (minimum \$325.00)	\$0.51 / SF
Over 5,000 square feet	\$0.62 / SF
<i>Major lodging permits within a PD shall be 125% of the above fee schedule.</i>	



**ORDINANCE NO. 20**

Series of 2020

<b>Arts/Cultural/Civic/Institutional Zoning Review Fees</b>	
Minor Zoning Fee - Existing Development, Minor Remodel, or Minor Change Order	
- Projects up to \$5,000 in total valuation	\$33.00
- Projects Over \$5,000 in total valuation:	
Up to 1,000 square feet	\$325.00
1,001 to 5,000 square feet	\$650.00
5,001 to 10,000 square feet	\$975.00
Over 10,000 square feet	\$1,300.00
Major Zoning Fee – New Development, Major Remodel, Demolition with Confirmation, Major Change Order	
Up to 5,000 square feet (minimum \$325.00)	\$0.51 / SF
Over 5,000 square feet	\$0.62 / SF
<i>Major Arts/Cultural/Civic/Institutional permits within a PD shall be 125% of the above fee schedule.</i>	
<b>Signs/Awnings/Outdoor Merchandising – Zoning Review Fees</b>	
Individual Sign Permit Fee (per sign)	\$65.00
Multiple Sign Permit Fee (per business, unlimited signs)	\$163.00
Sandwich Board Sign License (must be renewed annually)	Free
<i>Sandwich board locations must be approved by Zoning Officer.</i>	
<b>Outdoor Merchandising on Public Property</b>	
0 to 4 SF	Free
4 to 50 SF	\$65.00
More than 50 SF	\$163.00
<i>Outdoor merchandise location must be approved by the Zoning Officer.</i>	
Awnings require a Building Permit	Refer to Building Permit Fee Schedule
Individual Banner Installation Fee	\$67.00
Double Banner Installation Fee	\$165.00
Light Pole Banner Installation Fee (per pole)	\$20.00
<b>Fence– Zoning Review Fee</b>	
Single Family and Duplex Residential	\$65.00
All Other Uses	\$163.00

**ORDINANCE NO. 20**

Series of 2020

<b>Wildlife Resistant Trash and Recycling Enclosures –</b>	
<b>Combined Zoning and Building Review Fee</b>	
Single Family and Duplex Residential	\$65.00
All Other Uses	\$163.00
<b>Enforcement Fees, Fines, and Penalties</b>	
<i>No certificate of occupancy or temporary certificate of occupancy shall be issued until all fees have been paid in full. Failure to pay applicable fees is subject to fines, penalties, or assessments as assigned by the Municipal Court Judge.</i>	
<b>Non-Permitted Work Fee</b>	
<i>Work done without a zoning approval (when one is required), without a building permit (when one is required), or work done counter to an issued zoning approval is subject to this enforcement fee. Non-permitted work fee is per infraction and per project. Additional hourly fees may be applicable to account for staff time. No other action on the project may occur until non-permitted work issue has been rectified to the satisfaction of the Community Development Director. Any correction requiring a building permit or zoning application shall also be subject to the Correction Order Fees described below.</i>	
First Infraction (minimum of \$325)	Hourly fee for staff time in excess of one hour
Second Infraction (minimum of \$650)	Hourly fee for staff time in excess of one hour
Third Infraction (minimum of \$975)	Hourly fee for staff time in excess of one hour
<b>Correction Order Fee</b>	
<i>This fee shall apply to any work required to correct a zoning violation or to permit work that has been accomplished without a permit or not covered by an issued permit. Infractions are per project. For any correction requiring a planning review, the planning review fees shall be increased according to the below schedule.</i>	
First Infraction (minimum of \$500)	Two Times Zoning Review Fee
Second Infraction (minimum of \$500)	Four Times Zoning Review Fee
Third Infraction (minimum of \$500; subject to additional penalties by citation as assigned by the Municipal Judge)	Eight Times Zoning Review Fee
<b>Municipal Court Enforcement - Zoning</b>	
<i>Fees, fines, and penalties by citation for violations of the Land Use Code shall be established by the Municipal Court Judge according to the scope and duration of the offense. Zoning Enforcement Fee may include an assessment for administrative time required by the Zoning Officer to address the violation.</i>	

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A public hearing on the ordinance shall be held on the 10th day of November, 2020, in the City Council Chambers, City Hall, Aspen, Colorado.

INTRODUCED, READ AND ORDERED PUBLISHED as provided by law by the City Council of the City of Aspen on the 10th day of November, 2020.

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Torre, Mayor

ATTEST:

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Nicole Henning, City Clerk

FINALLY adopted, passed and approved this 24th day of November 2020.

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Torre, Mayor

ATTEST:

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Nicole Henning, City Clerk