

# AGENDA

## CITY COUNCIL WORK SESSION

October 19, 2020

4:00 PM, City Council Chambers  
130 S Galena Street, Aspen



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### WEBEX

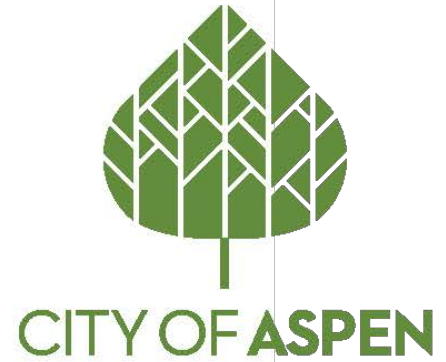
Go to: [www.webex.com](http://www.webex.com) Click "Join" at the top right-hand corner  
Enter Meeting Number 126 901 3593  
Password provided 81611  
Click "Join Meeting"

OR

Join by phone  
Call: 1-408-418-9388  
Meeting number (access code): 126 901 3593 #

### I. WORK SESSION

- I.A. 2021 Recommended Budget Review - 120 Wheeler Opera House Fund; 150 Housing Development Fund (recap); 160 Stormwater Fund; 421 Water Utility Fund; 431 Electric Utility Fund

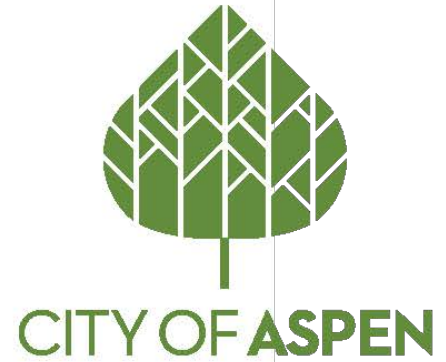


# **2021 BUDGET DEVELOPMENT**

**Wheeler Opera Fund, Housing Development Fund  
(recap), Stormwater Fund Water Utility Fund, Electric  
Utility Fund**

# Questions / Outstanding Items

- Staff to evaluate impact of repurposing parking spaces and see if there is a “mental health” impact tied to this alternative use.
- Arts grants funding decision. Subsidize non-Wheeler Real Estate Transfer Tax (RETT) revenue towards arts grants?



# **2021 BUDGET DEVELOPMENT**

**Wheeler Opera House (120 Fund)**

Nancy Lesley, Interim Director

OCTOBER 19, 2020

# What We Do: Wheeler Presents & Festivals



WHEELER  
*Wins!*



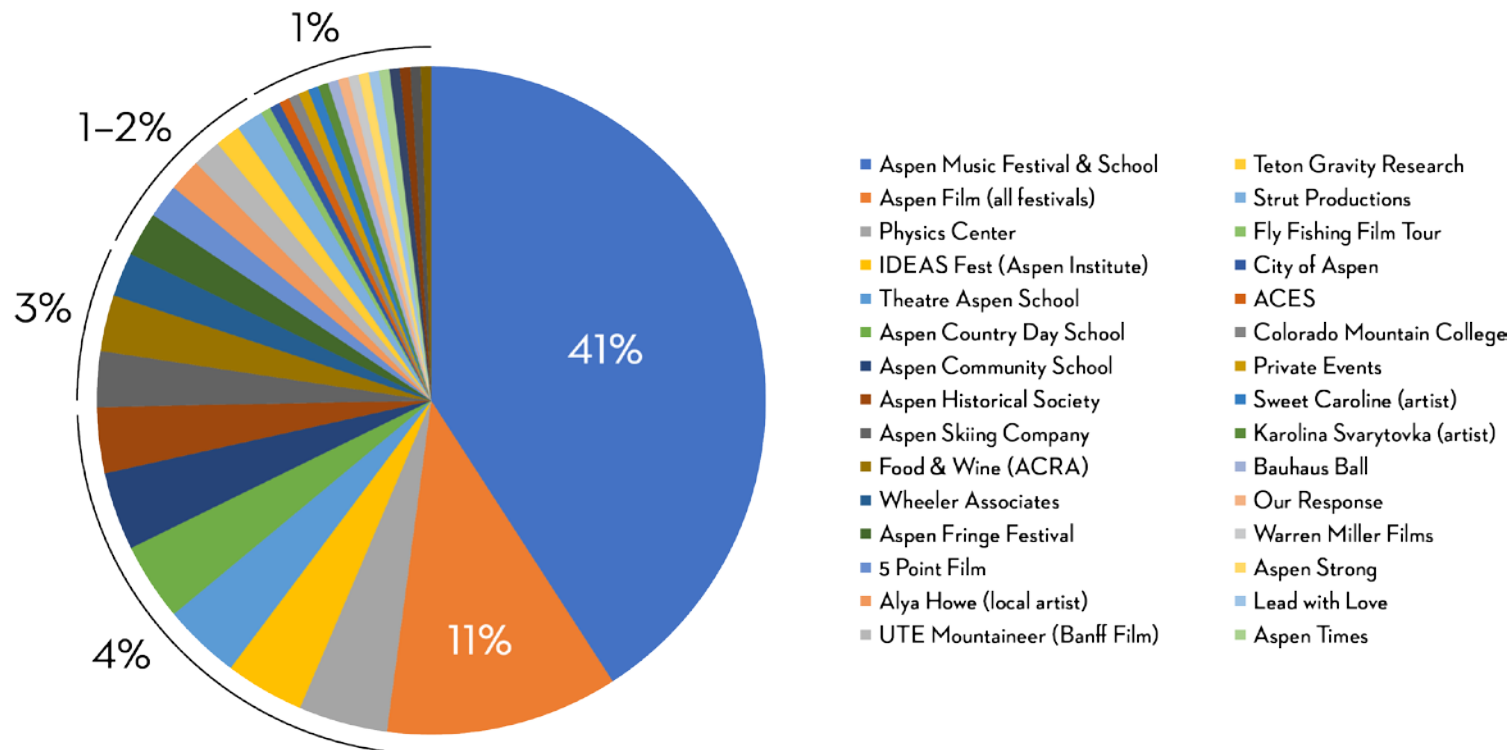


# What We Do: Community Usage



# What We Do: Community Access

User Programs (186 days/129 public programs)



# What We Do: Community Ticketing Services



\$2 MILLION IN ANNUAL SALES

## ONSITE

Community  
Box Office

## ONLINE

Over 50% of total  
sales and growing

## OFFSITE

Over 20 clients  
& 30 outside venues



# Strategic Alignment

**SAFE &  
LIVED-IN**  
COMMUNITY OF CHOICE

**FISCAL  
HEALTH &**  
ECONOMIC VITALITY

- HISTORIC VENUE (EST. 1889)
- ARTS & CULTURE HUB
- YEAR-ROUND DIVERSE PROGRAMMING
- COMMUNITY ACCESS
- AFFORDABILITY

# Changes Due to COVID

## THE WHEELER OPERA HOUSE CLOSED DUE TO COVID ON MARCH 13, 2020

Once the Aspen Music Festival announced their season cancellation in May, the Wheeler Advisory Board and City Council agreed to move forward with the **Masonry Capital Project**.

The Wheeler Staff was re-assigned to various departments. With their assistance, downtown Aspen still had gorgeous flower beds, golf was able to open, tennis was able to open and the HR and Communications Departments received some extra help.

### VIRTUAL PERFORMANCES

Matt Belies • Suzanne Vega • SHEL

### ARTSTHRIVE INITIATIVE

Partnering with **RED BRICK ARTS AND SCHOOLS** to bring music to kids

# Supplemental Requests

## Recommended Supplementals

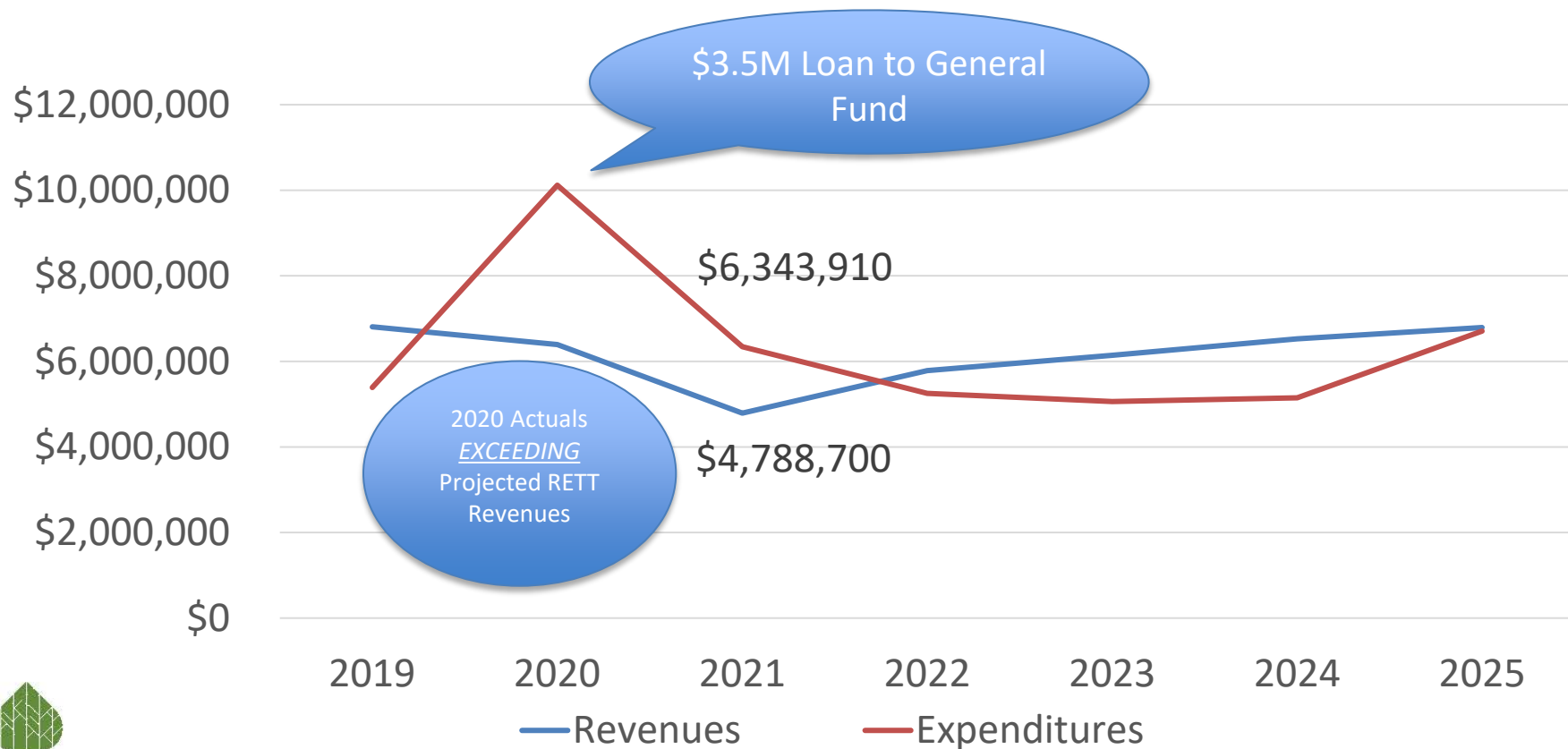
- Operational Reductions: One-time (\$154K)
- Cafeteria Plan: ~\$7,600

## WHEN SHOULD THE WHEELER RE-OPEN?

ADVISORY BOARD RECOMMENDATION

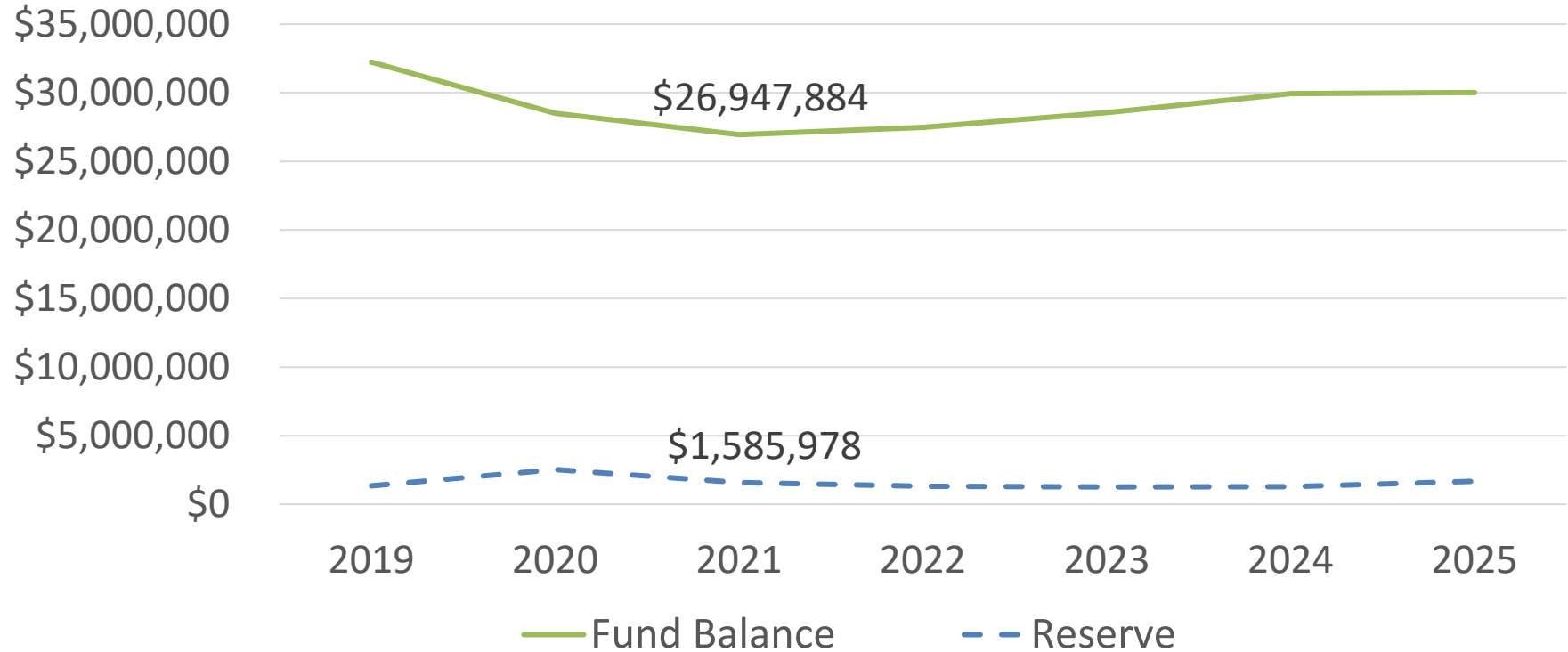
RE-OPENING PLANS

# Revenues & Expenditures

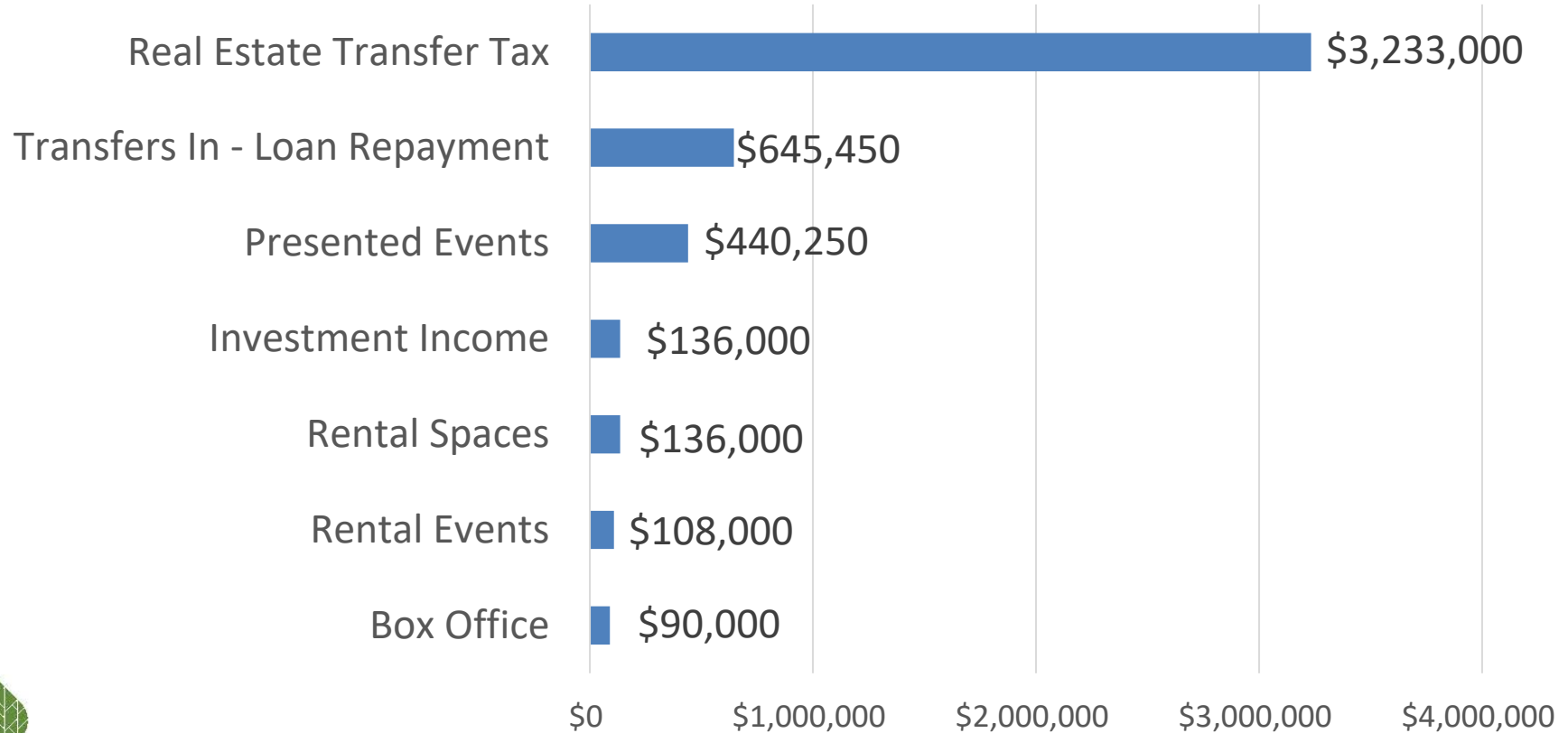




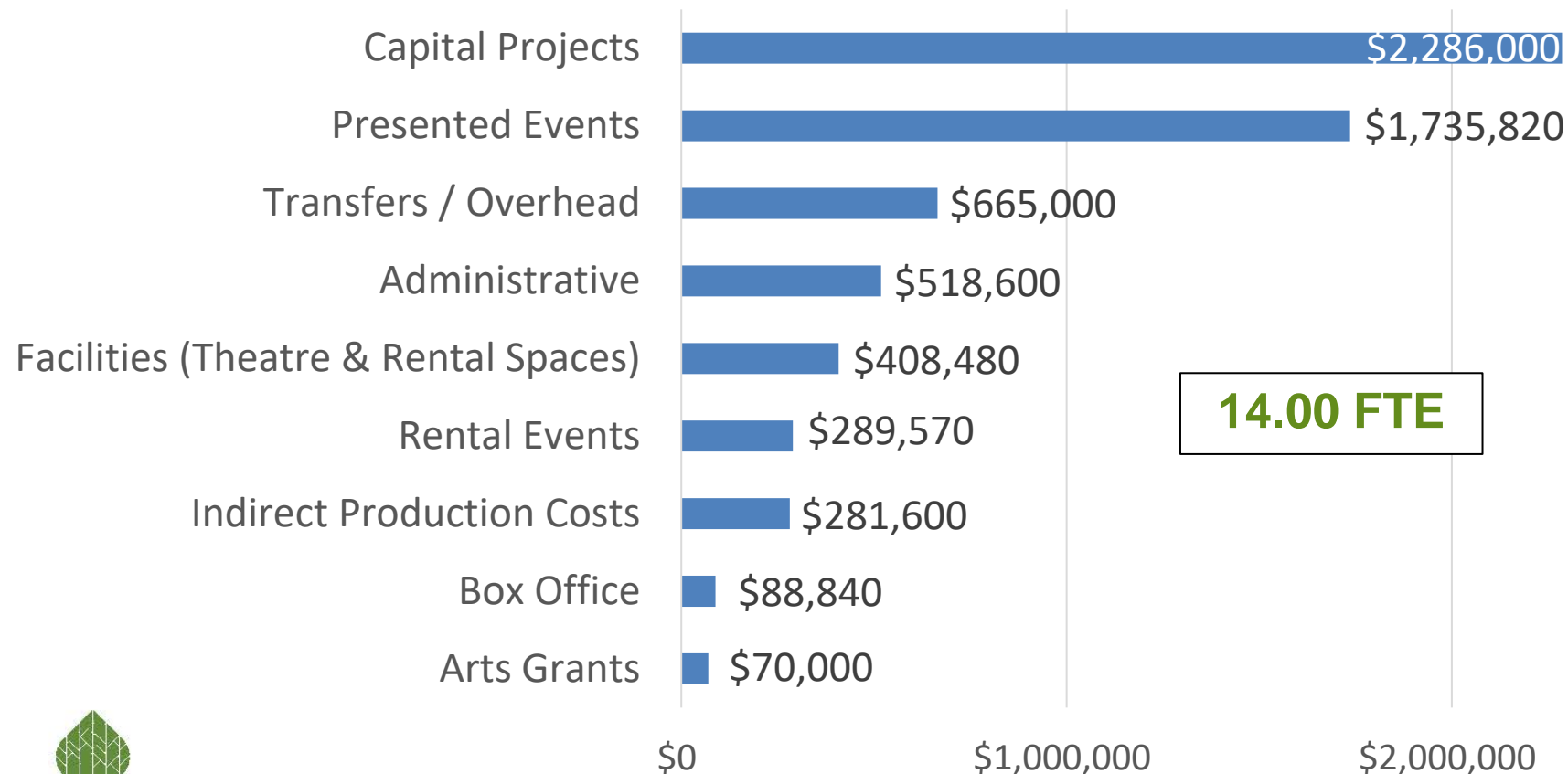
# Fund Balance



# Revenue Sources

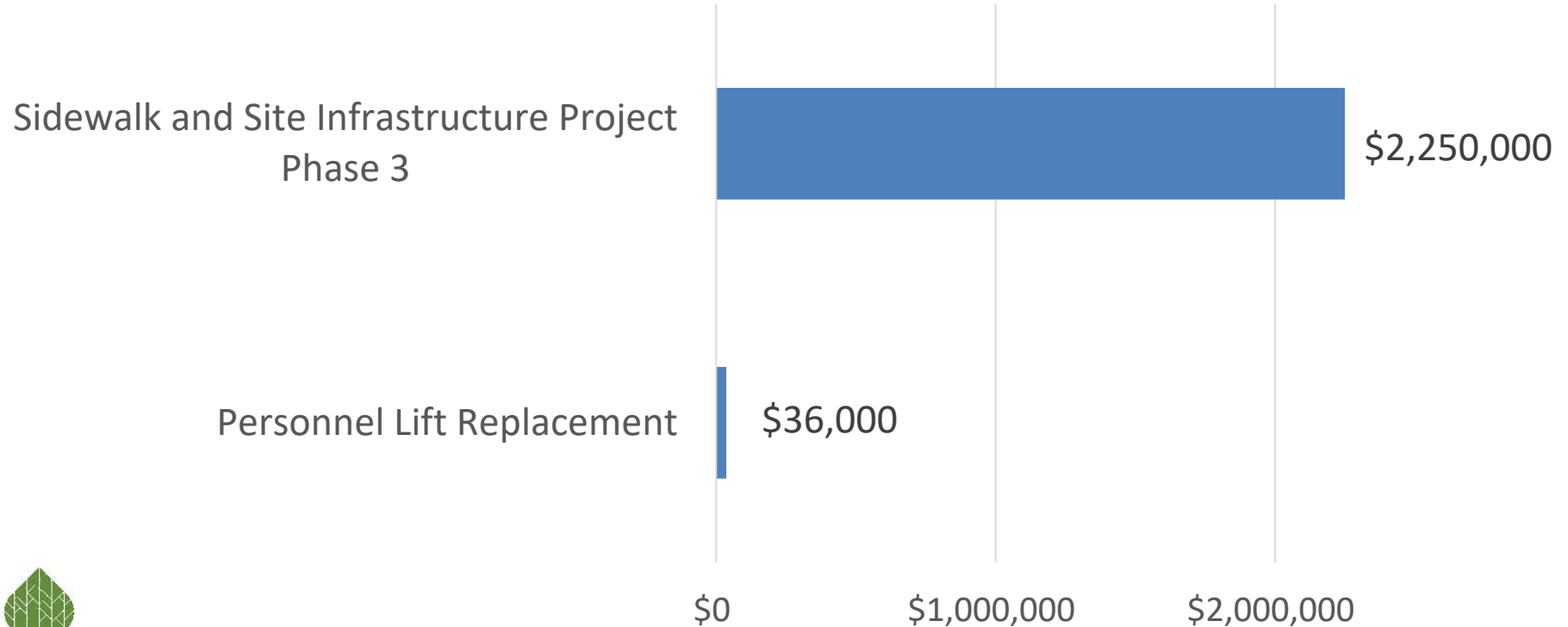


# Expenditure by Program



# 2021 Capital Projects

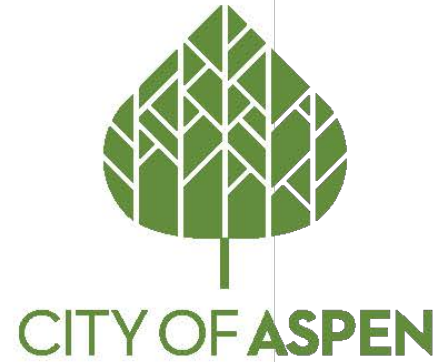
- Planned Capital Projects



# QUESTIONS?







# **2021 BUDGET DEVELOPMENT**

## **Housing Development (150 Fund) Recap**

Chris Everson

OCTOBER 19, 2020 19

# Affordable Housing Need

## 2019 Greater Roaring Fork Regional Housing Study:

- Aspen to Snowmass area has a 3,000-unit shortfall
- Projected to increase to 3,400 units by 2027
- Shortfall is spread across the entire affordability spectrum

### **Affordable Housing..**

- Advances quality of life and supports a strong and diverse year-round community
- Supports a viable and healthy local workforce which is invested in the Aspen area
- Increases opportunity for people to live and participate in community where they work
- Supports a diverse mix of people participating in a healthy year-round community
- Helps to reduce adverse transportation impacts, improves environmental sustainability

# Housing Produced by City 2005-2020

Occupancy	Facility	Units	Own/Rent
2005	Annie Mitchell	39	Own
2006	Little Ajax	14	Own
2007	Burlingame Ranch I	91	Own
2015	Burlingame Ranch II	86	Own
2020	802 West Main (Aug)	10	Rent
2020	517 Park Circle (Nov)	11	Rent
2020	488 Castle Creek (Dec)	24	Rent
<b>Total Produced 2005 – 2020</b>		<b>275</b>	

# Housing Currently In Planning

Occupancy	Facility	Units	Own/Rent
2022	Burlingame Ranch Ph3	79	Own
2024	Burlingame SF Homes	2	Own
2026	Lumberyard	TBD	TBD
<b>Total In Planning</b>		<b>81 + TBD</b>	

\*Plus Flexibility for 2022 Funds, Potential Future Development Projects

# Recap from Sept 14/15 Work Sessions

- Council work sessions held on September 14 & 15 to discuss priorities for 150 Fund in order to define financial needs
- 2022 Maintain Flexibility in 150 Fund for Potential Future Projects
- Borrowing may be needed for a Phased Lumberyard Implementation
- Reviewing existing tax resources to assess a possible vote on expansion of uses
- Staff to continue research for any potential new taxes if Council wishing to pursue that option
- Evaluation for any repurposing of existing taxes or assessment of new taxes would be completed in advance of associated ballot deadlines



# On the Horizon

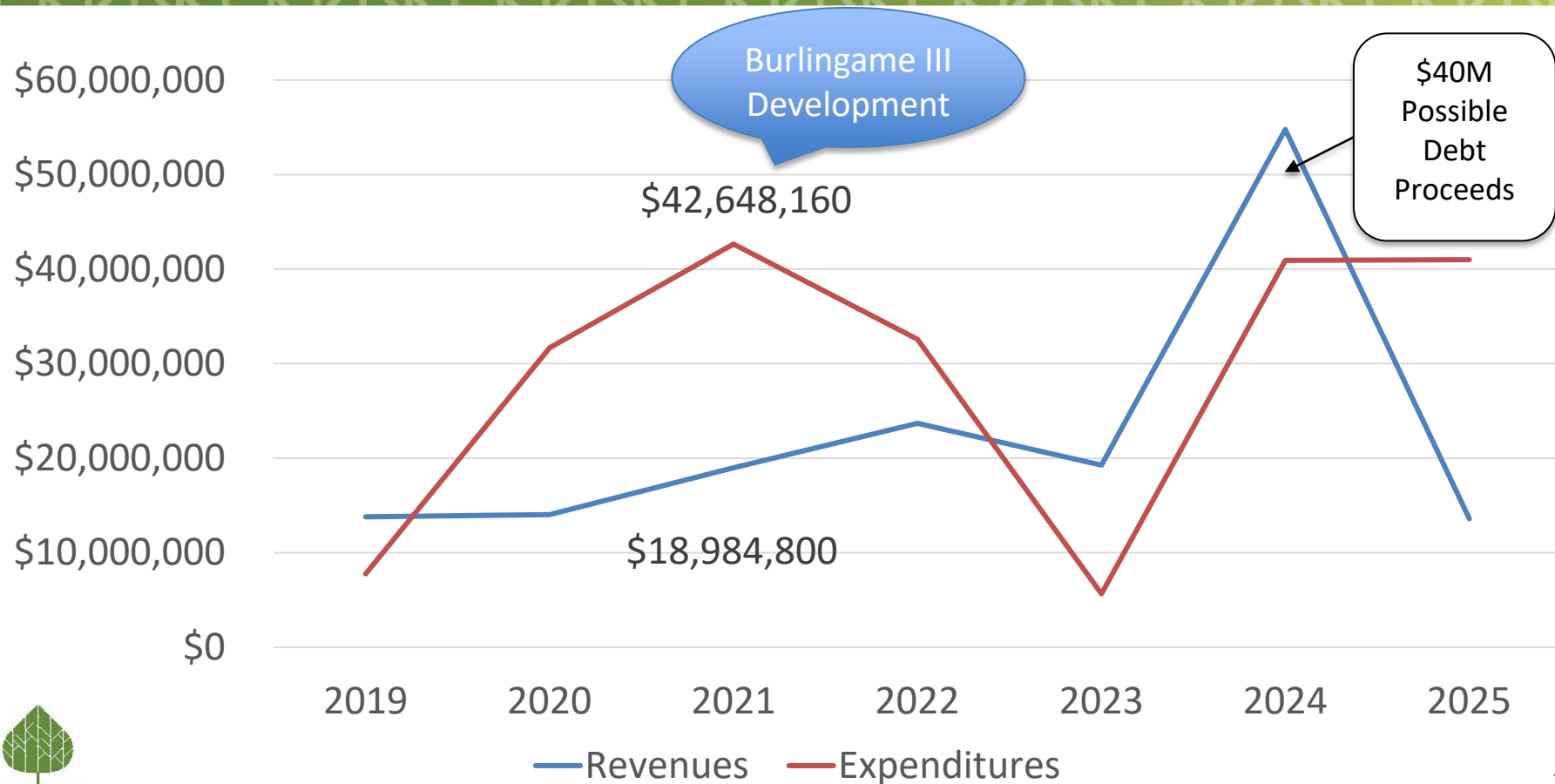
## In the LRP

- 2021 Burlingame Ranch Ph3 Const. Start / Occupancy Sept 2022
  - 2021 Lumberyard – Schematic Design, Application Prep/Submit
  - 2022 Placeholder for Potential Future Development Projects
  - 2023 Final Two Single Family Homes at Burlingame Ranch
- 

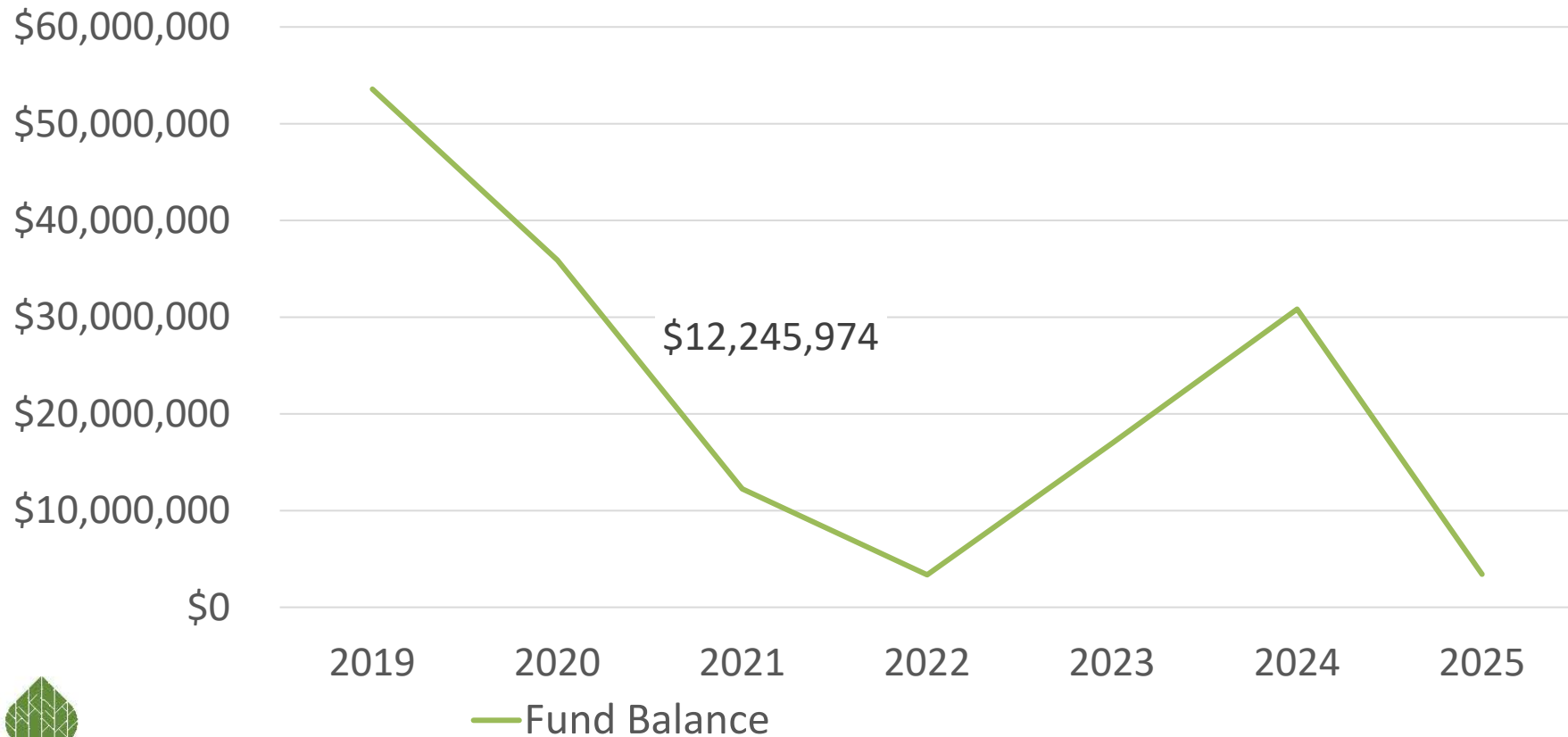
## Not in the LRP

- No Specific Potential Future Development Projects = Flexible
- Housing Needs Analysis/Study/Update
- Capital Reserves Policy, Deed Restriction Extensions

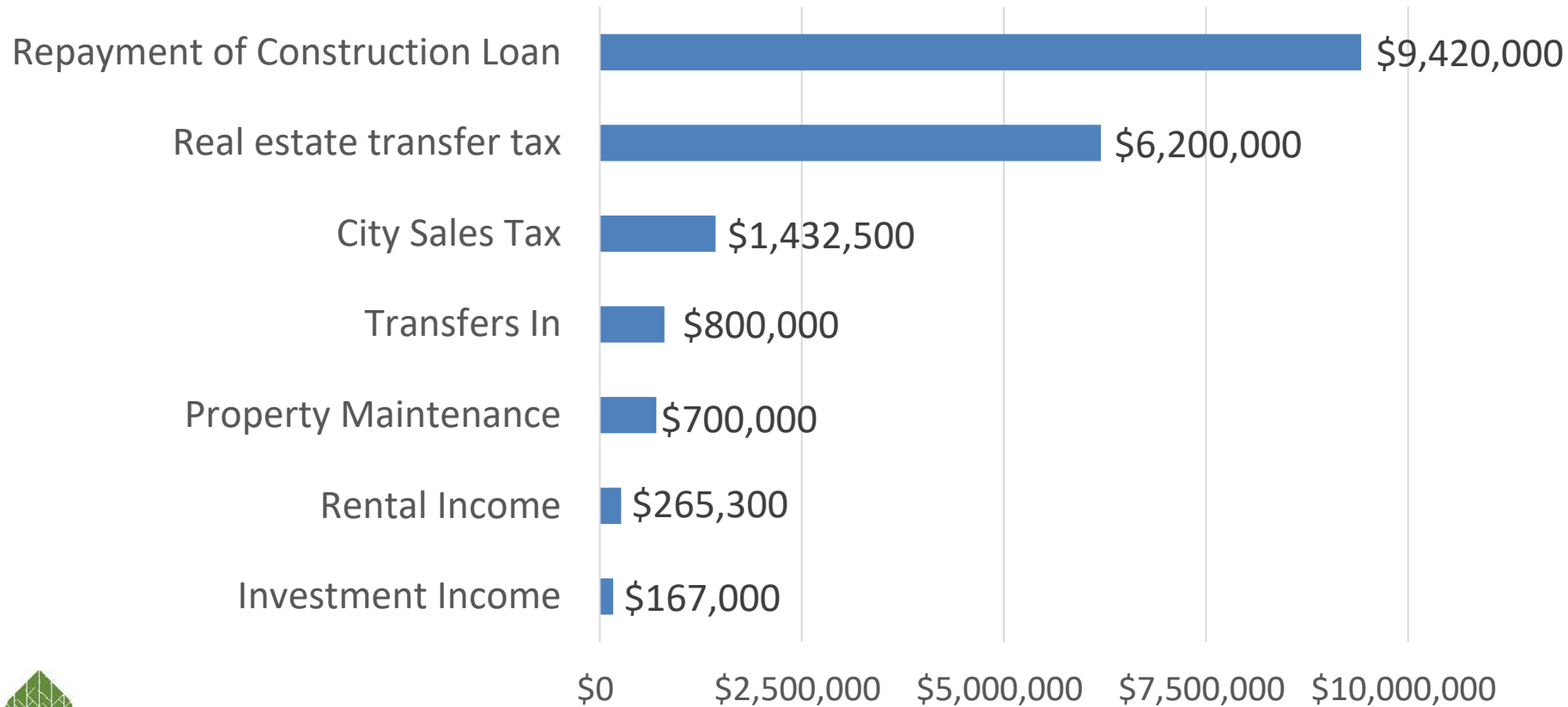
# Revenues & Expenditures



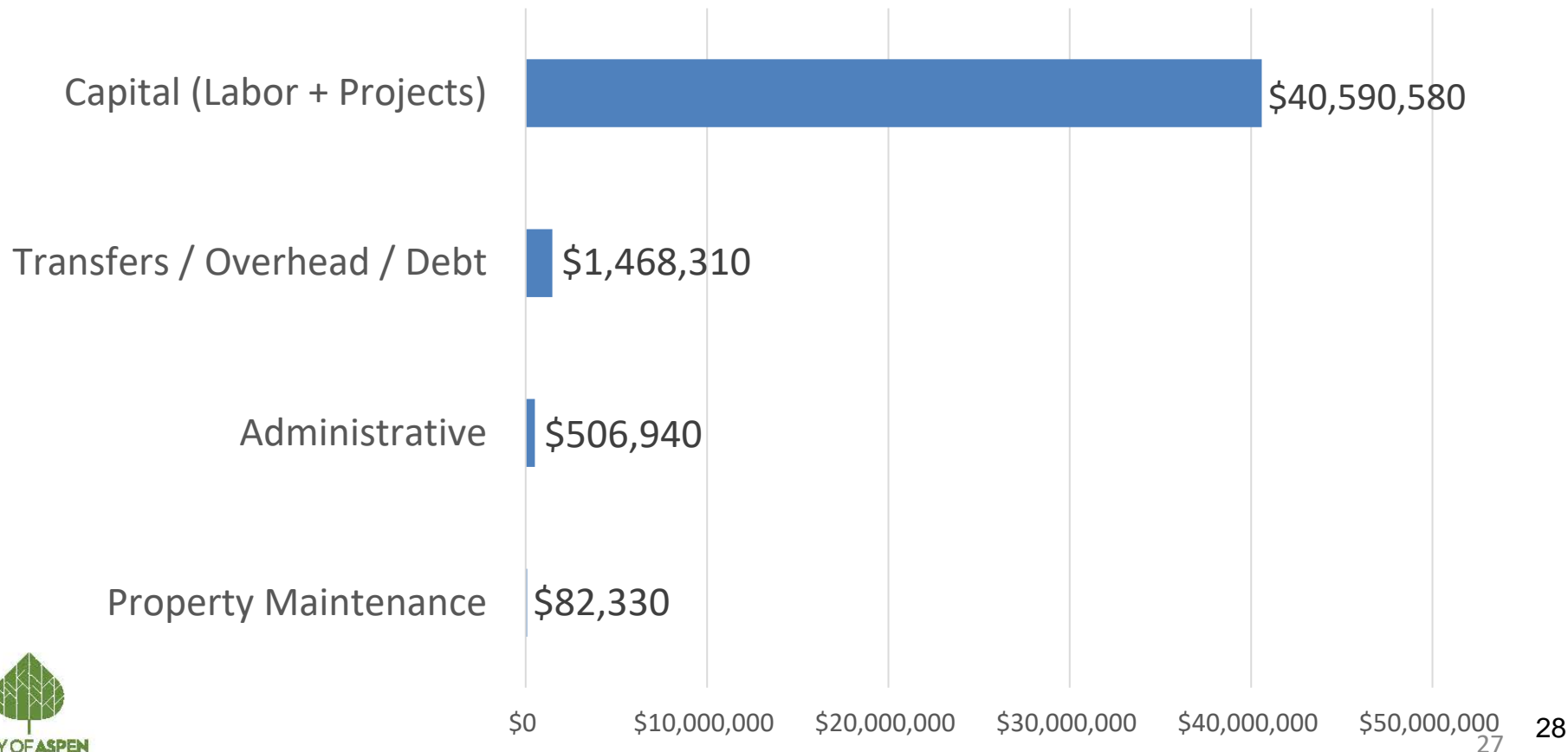
# Fund Balance



# Revenue Sources

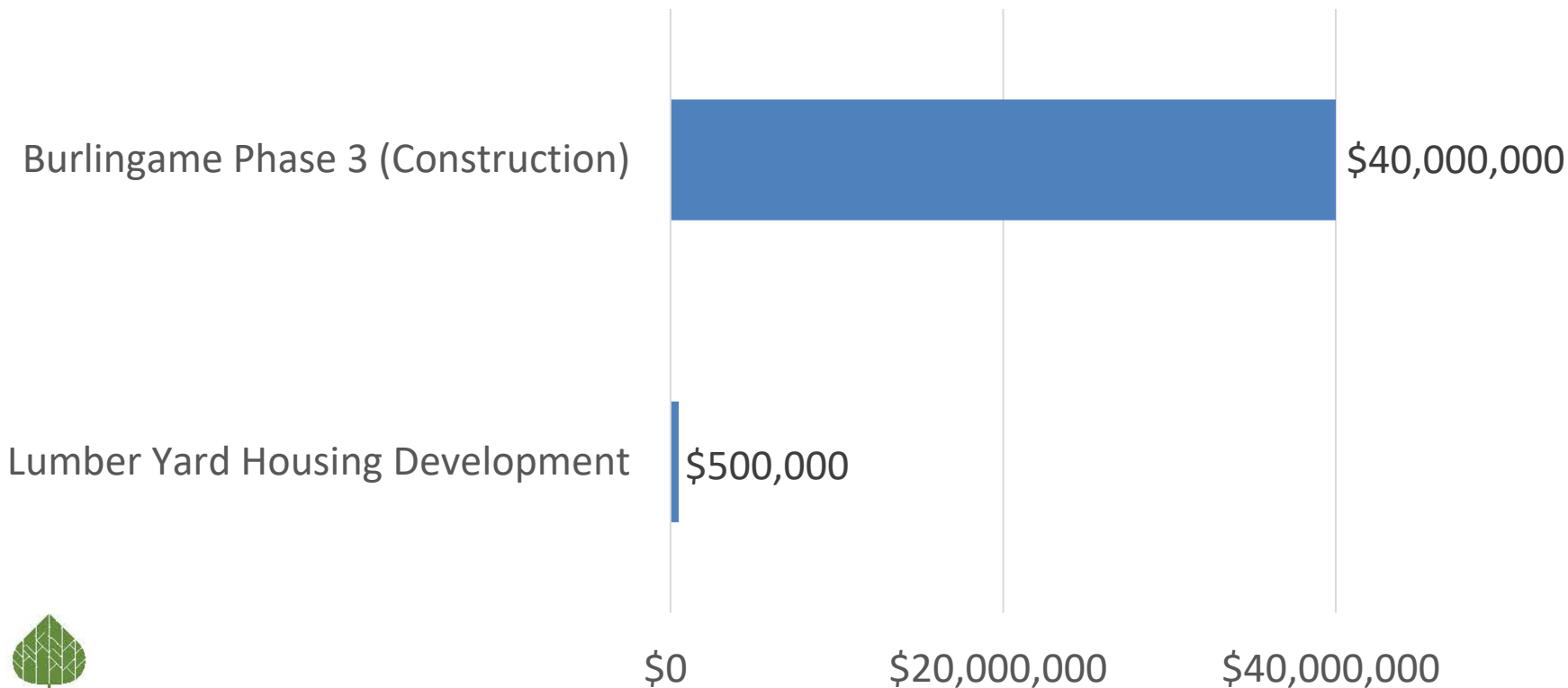


# Expenditure by Program

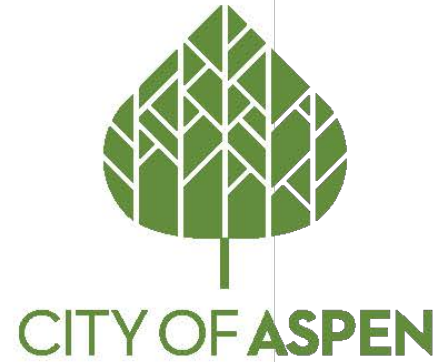




# 2020 Capital Projects



# Questions?



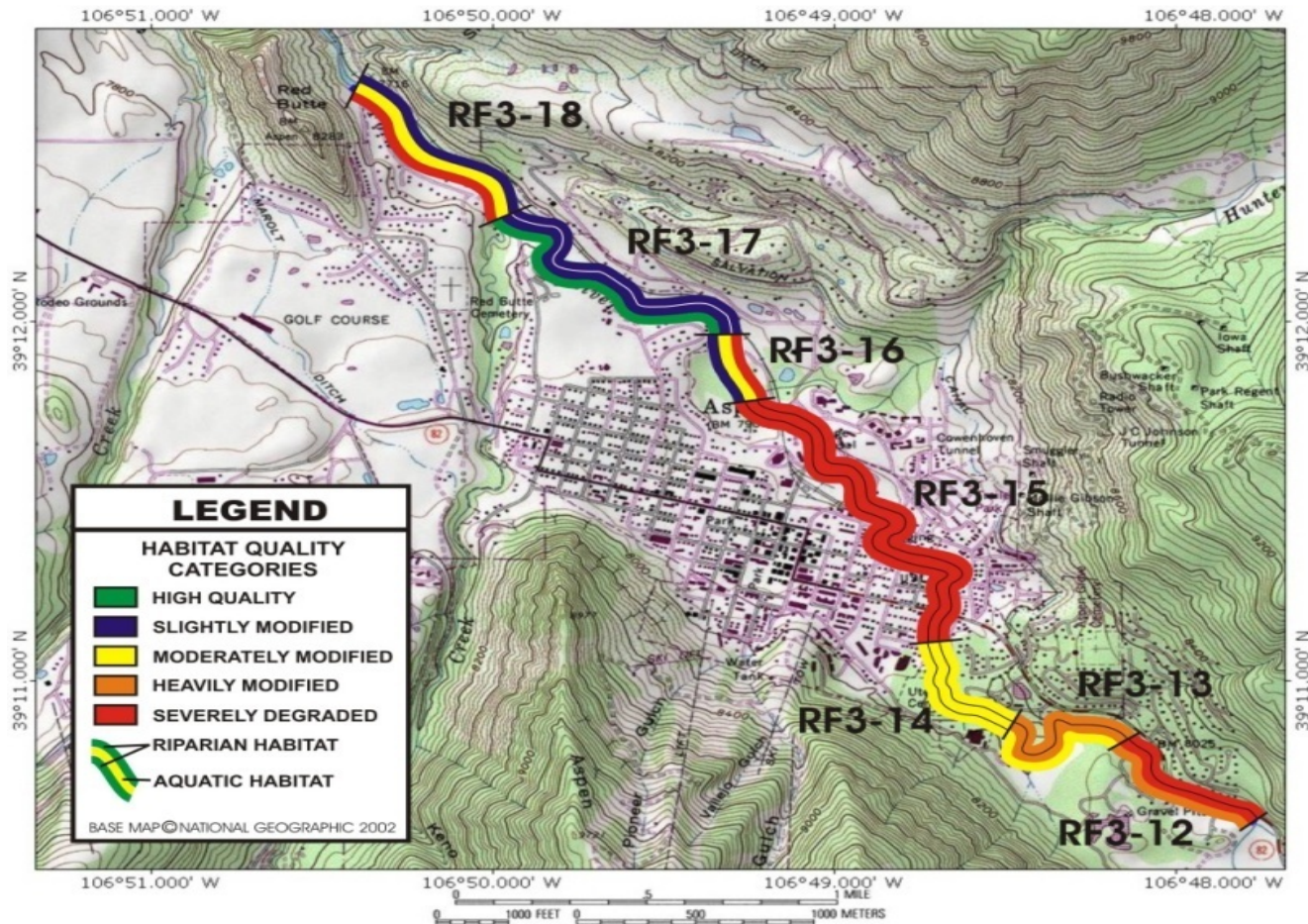
# 2021 BUDGET DEVELOPMENT

Stormwater (160 Fund)

April Long, Stormwater Manager

OCTOBER 19, 2020<sup>31</sup>

# What We Do – River Health





# What We Do – River Health



1. Polluted  
Runoff

The diagram consists of two large green arrows. The first arrow points from the left towards the center and contains the text '1. Polluted Runoff'. The second arrow points from the center towards the right and contains the text 'Education, Regulation, Treatment'. The arrows are connected at their tails, forming a continuous path from the polluted runoff image to the treatment facility image.

Education,  
Regulation,  
Treatment



Mill Street Stormwater Outfall

A photograph showing a stormwater outfall. The water is murky brown and flows over a rocky, uneven ground. There are many bare, dry branches in the foreground, partially obscuring the view of the water.

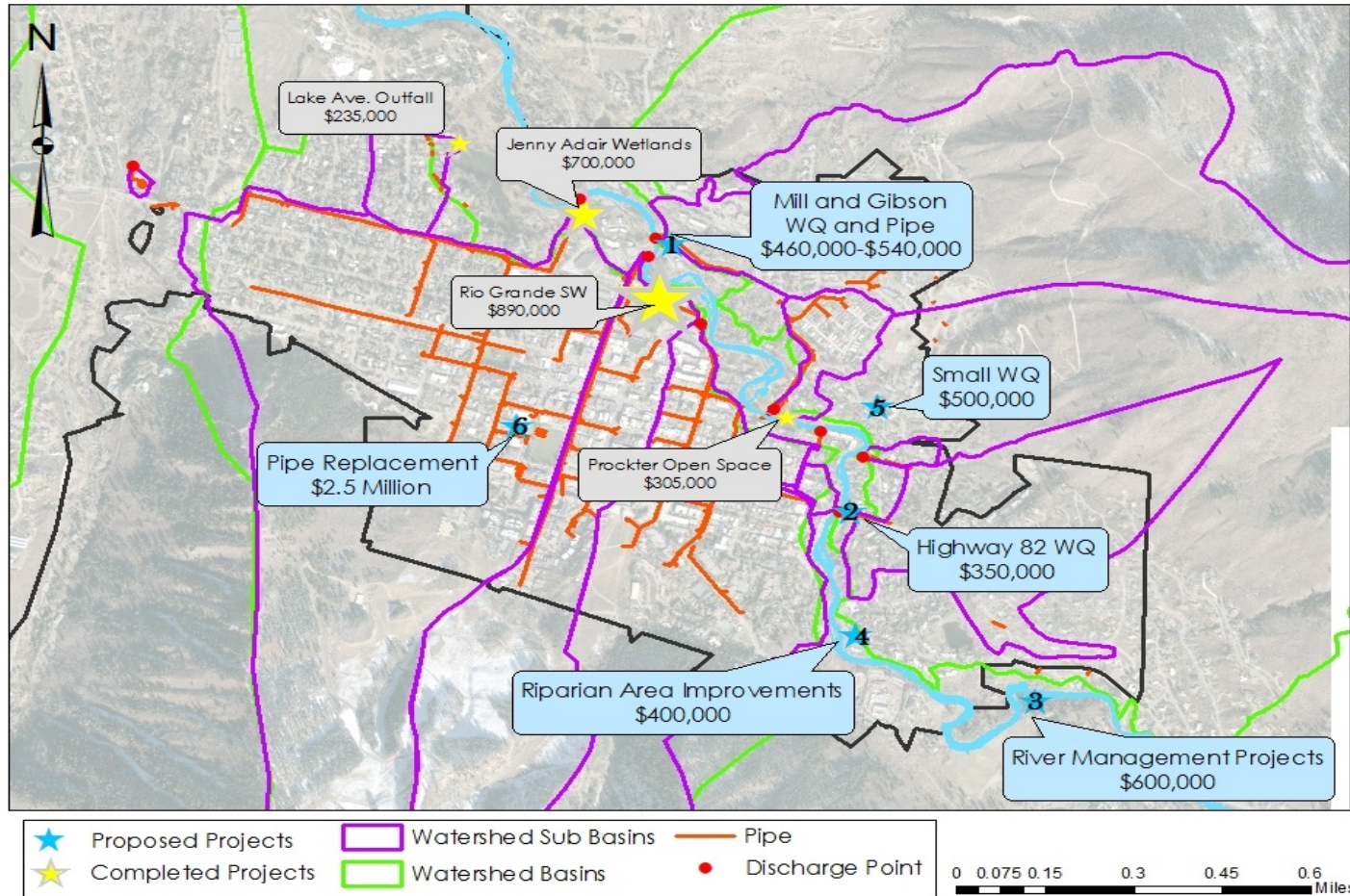


Rio Grande Park Stormwater Treatment Facility

A photograph of a stormwater treatment facility. The water is clear and flows over a series of small, cascading stone structures. The surrounding area is lush with green plants, flowers, and rocks. In the background, there are trees and mountains under a clear blue sky.



# What We Do – River Health





# What We Do – River Health



2. Riparian  
Areas

Assessment,  
Restoration,  
Incentives

Removed Riparian Area

Healthy Riparian Area



# What We Do – River Health



# What We Do – Infrastructure

Failing and  
Flooding



Rusted Out Bottom of CMP

Plan, Maintain,  
Replace  
Greener and Cleaner



"Green" Infrastructure, West End



# Strategic Alignment



Safe & Lived-In  
Community of Choice



Smart, Customer  
Focused  
Government



Protect Our  
Environment

# Changes Due to COVID

- **Operational adjustments**
  - No intern, therefore, no water quality monitoring this summer
  - Reduced training and travel budget
  - Reduced funds for maintenance and repair
- **Service Delivery**
  - Essentially unchanged – still inspecting and maintaining
- **Capital Changes**
  - No change due to COVID... already reduced expenditures to protect fund balance

# On the Horizon



- **Funding gap**
- **Two more major outfalls**
  - TMDL - State will set a standard and require implementation of a plan
  - Hotter future, less flow in river



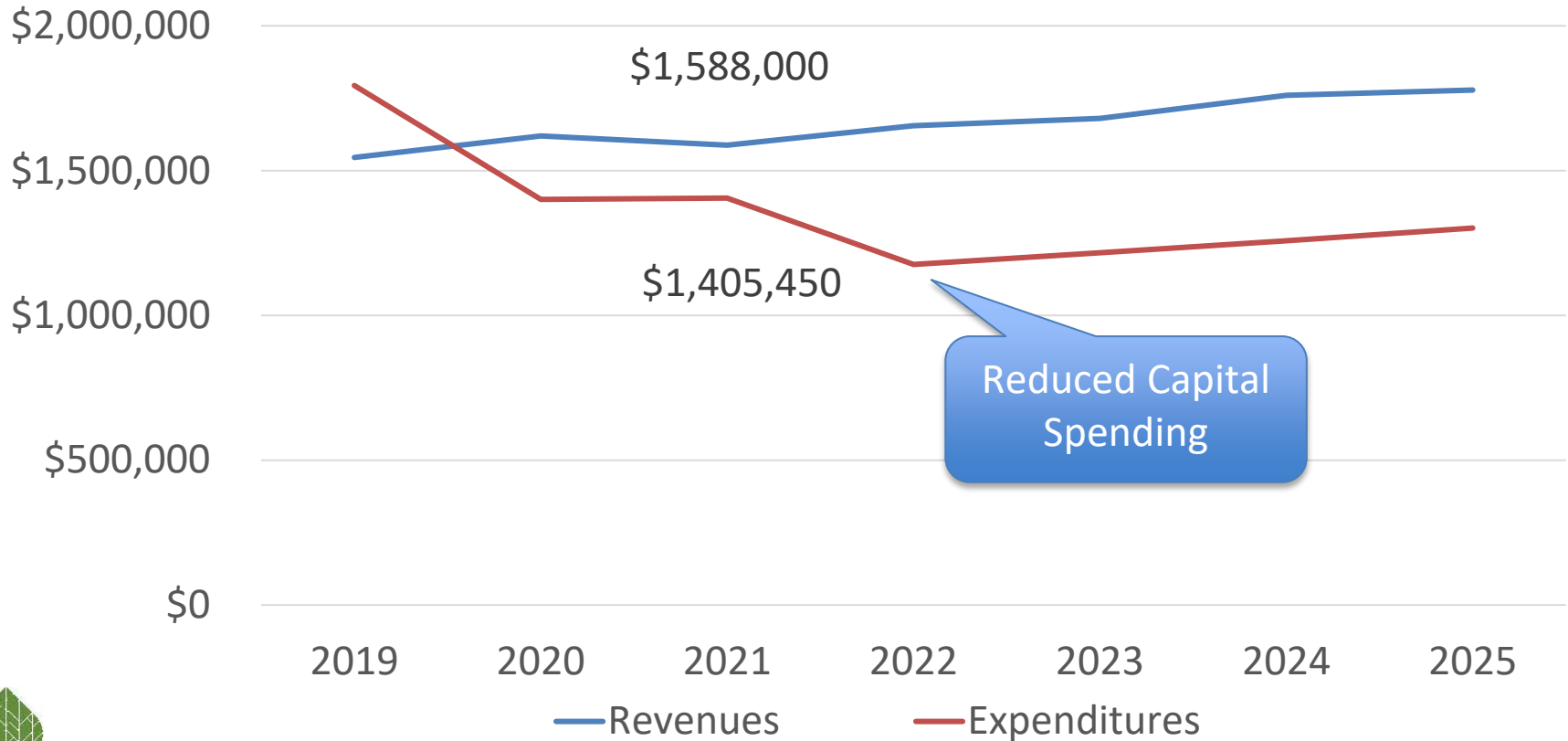
- **Funding gap**
- **Emergency replacement of failing pipes**

# Supplemental Requests

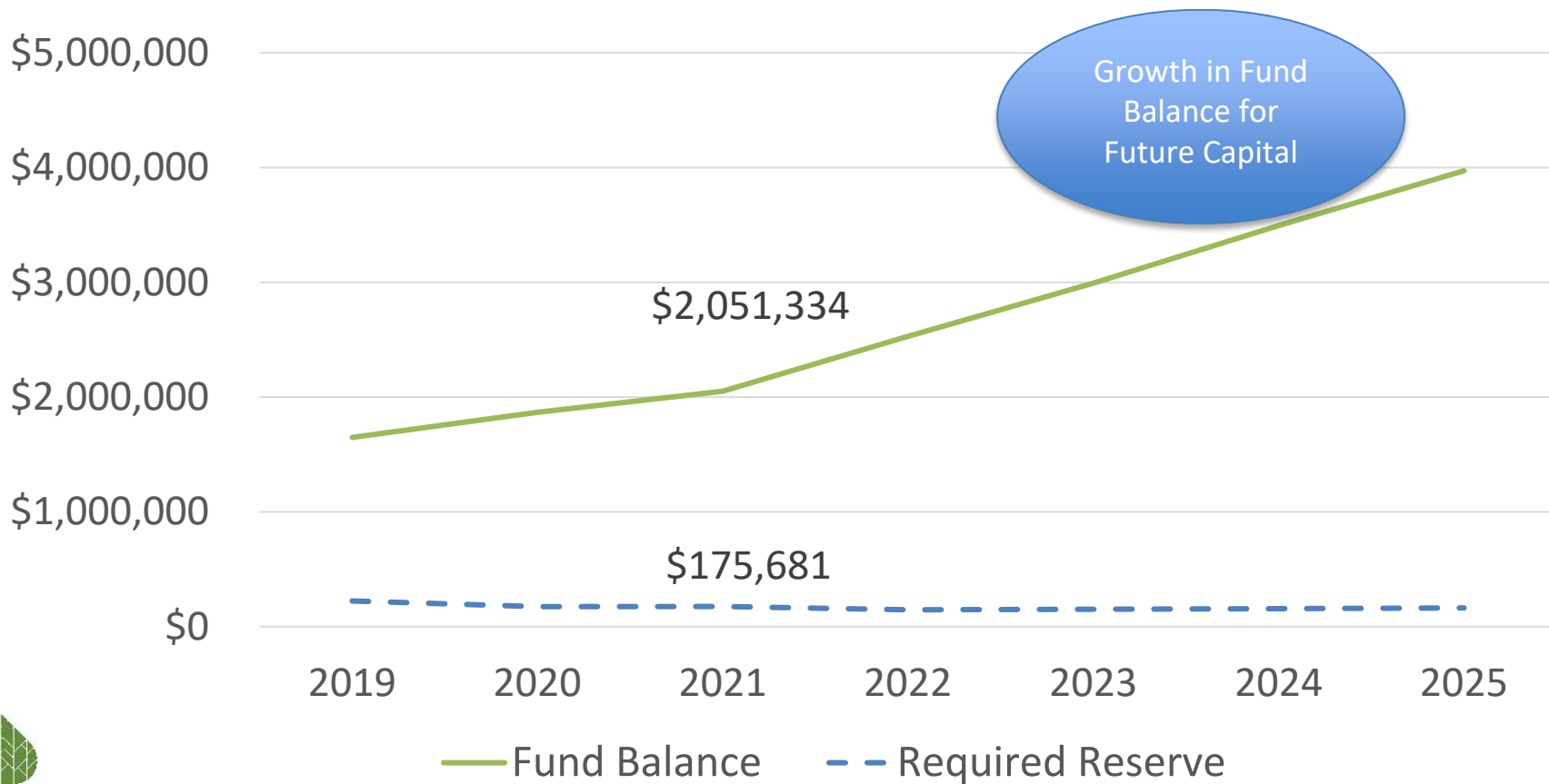
## Recommended

- Operational Reductions: One-time (\$26.2K)
- Cafeteria Plan: \$3.2K

# Revenues & Expenditures

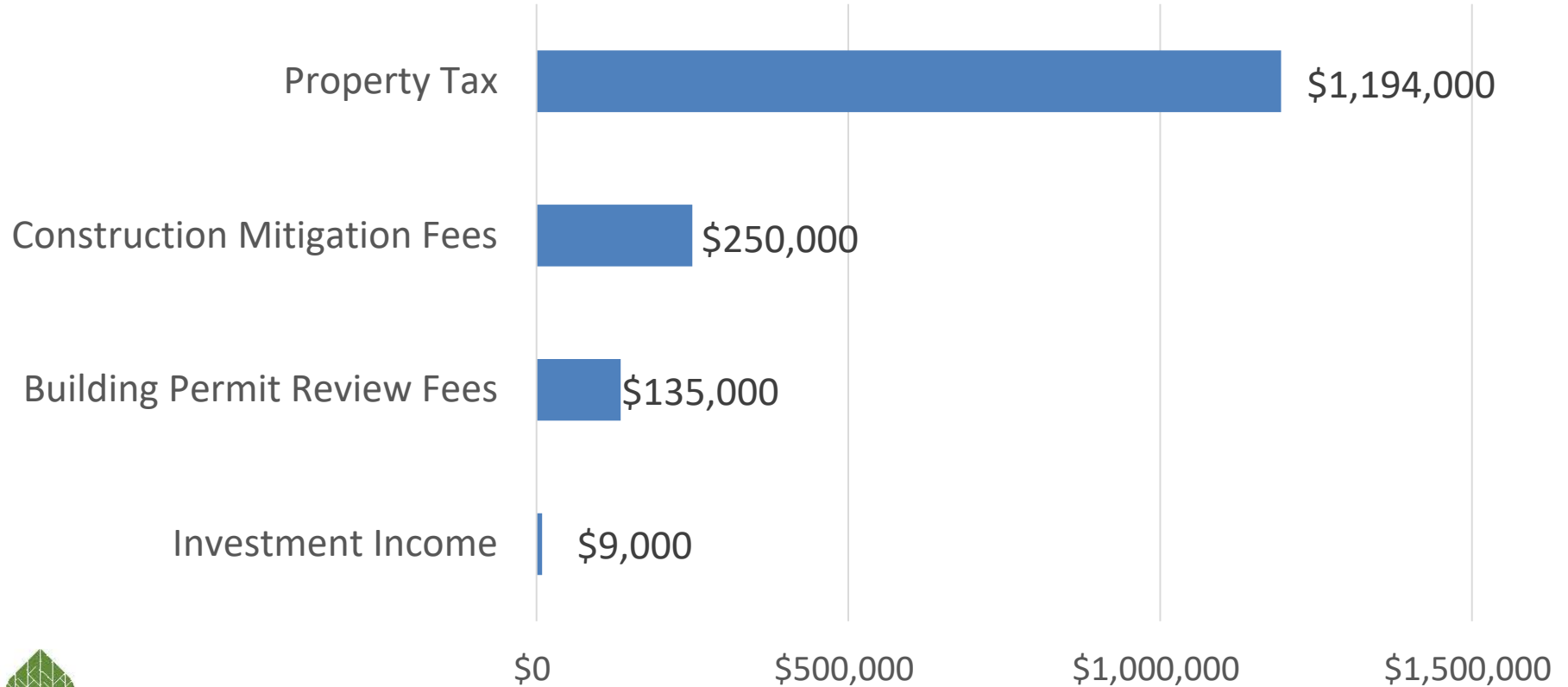


# Fund Balance

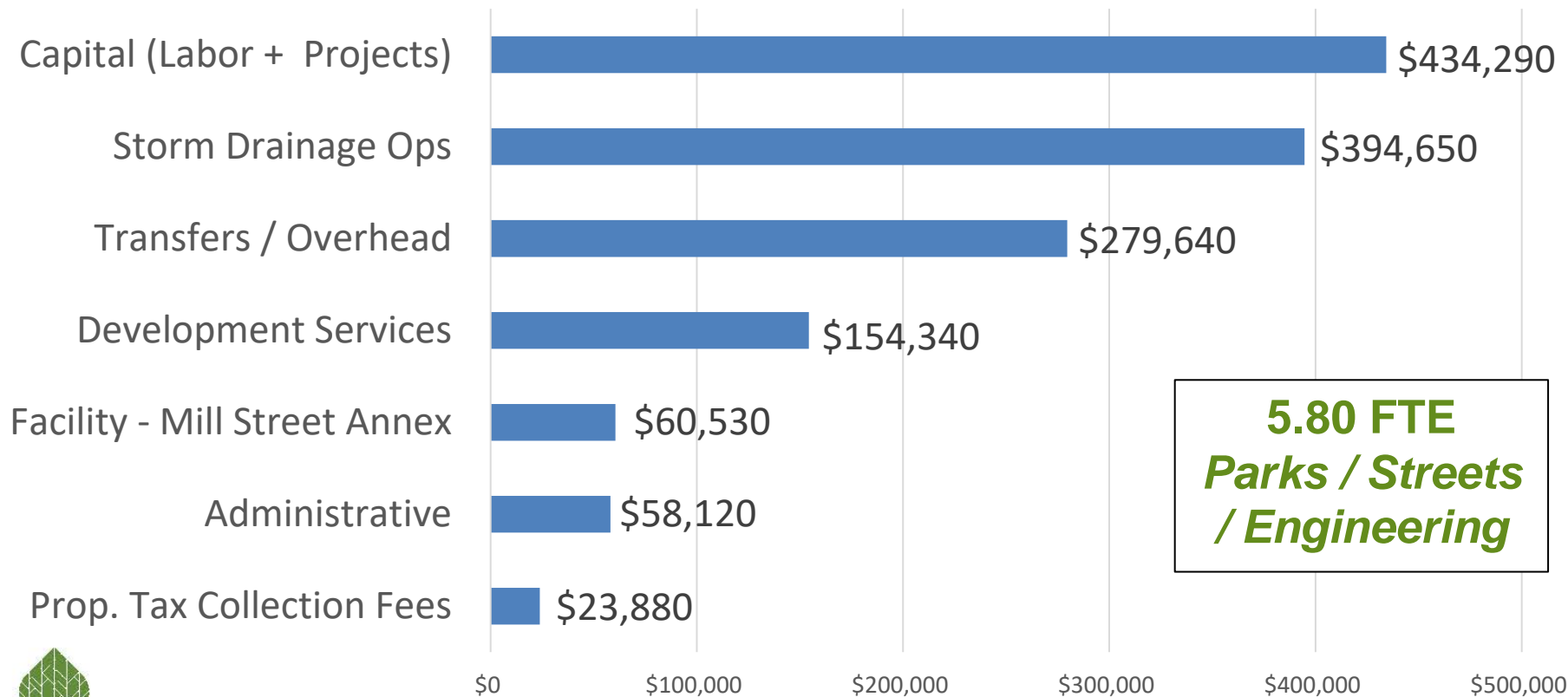




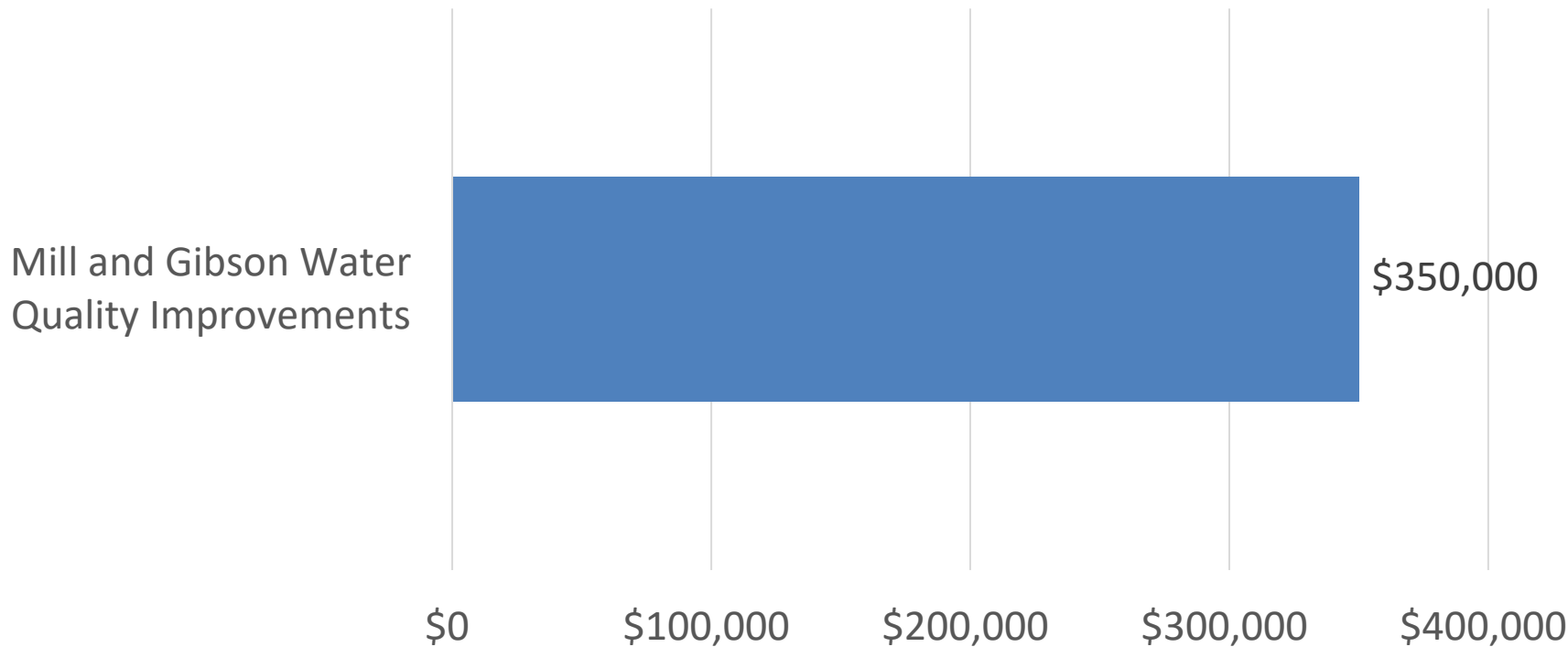
# Revenue Sources



# Expenditure by Program



# 2021 Capital Projects



# Questions?



CITY OF **ASPEN**

# **2021 BUDGET DEVELOPMENT**

## **Water (421 Fund)**

Tyler Christoff, Ryan Loebach, Lee Ledesma, Steve Hunter, Justin Forman

OCTOBER 19, 2020

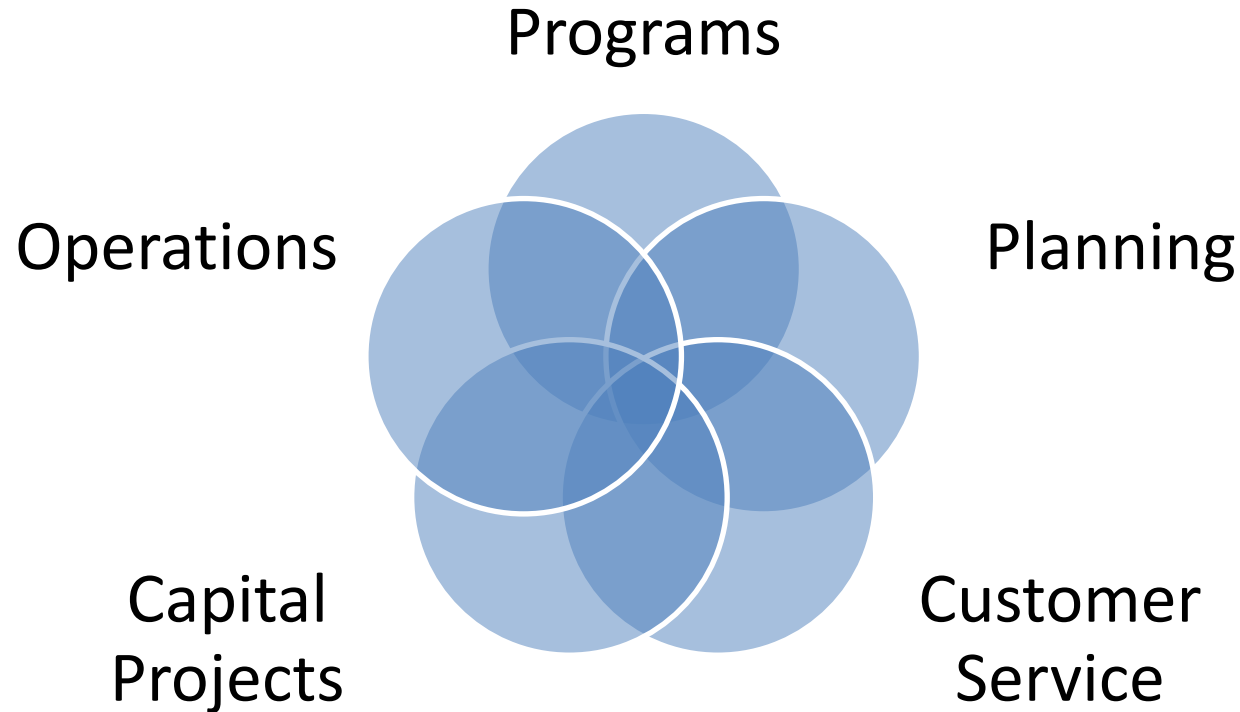
# What We Do:



We provide clean, safe, and reliable water  
to the Aspen community

# How We Do it:

## Aspen's Integrated Water Supply System



# Strategic Alignment



Community  
Engagement



Safe & Lived-In  
Community of Choice



Protect our  
Environment



Smart, Customer  
Focused Government



Fiscal Health &  
Economic Vitality

Utility service is a core function of our local government



# Changes Due to COVID

- Uninterrupted service to our community
- Operational adjustments
  - Safety of essential workers
  - New model of customer connection (online vs in-person)
- Financial diligence
  - Curtailed minor spending
  - Capitalized on contractor availability/pricing
  - Doubled down on maintenance practices



# Supplemental Requests

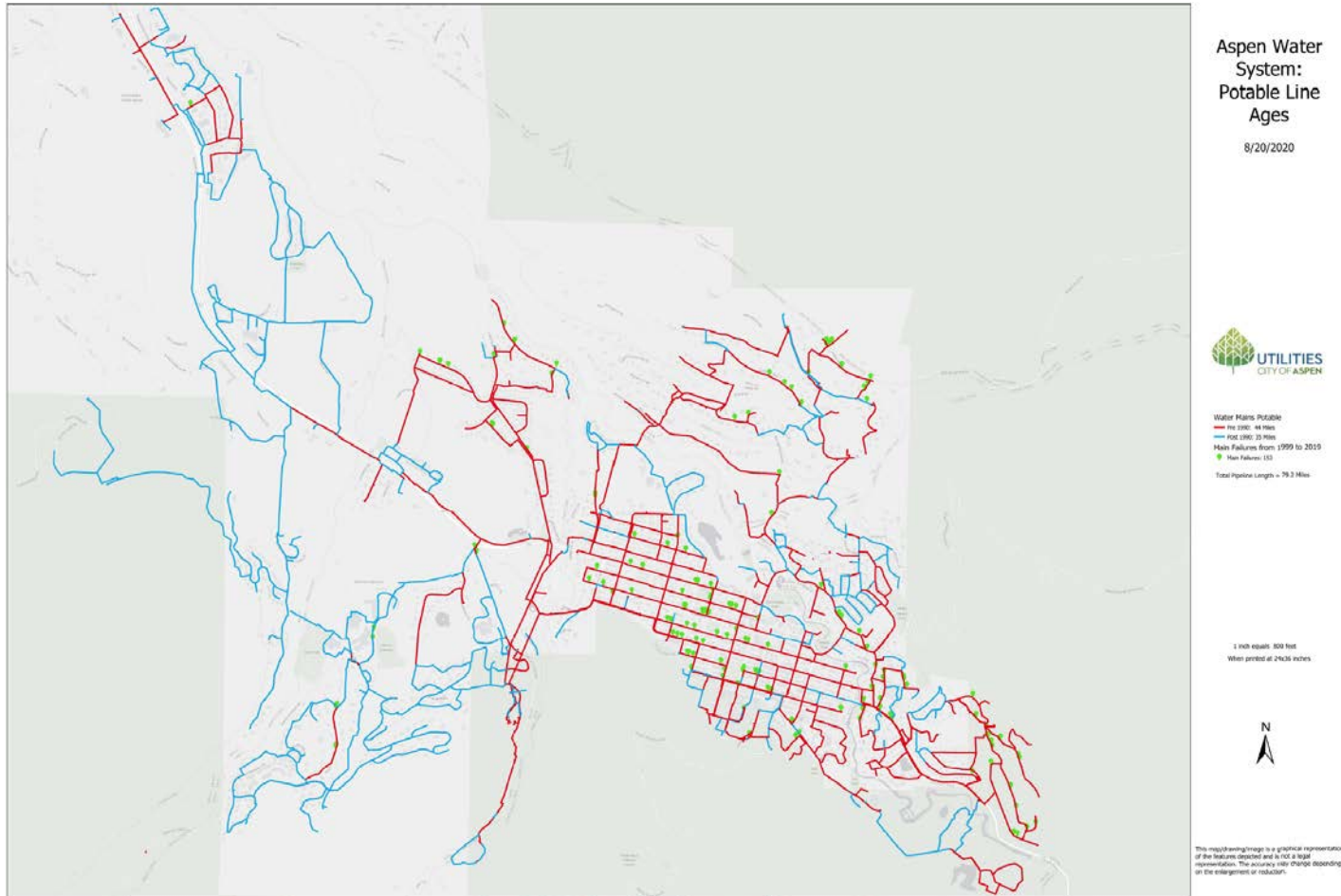
## Recommended

- Operational Reductions: One-time (\$160.5K)
- Cafeteria Plan: \$13.6K

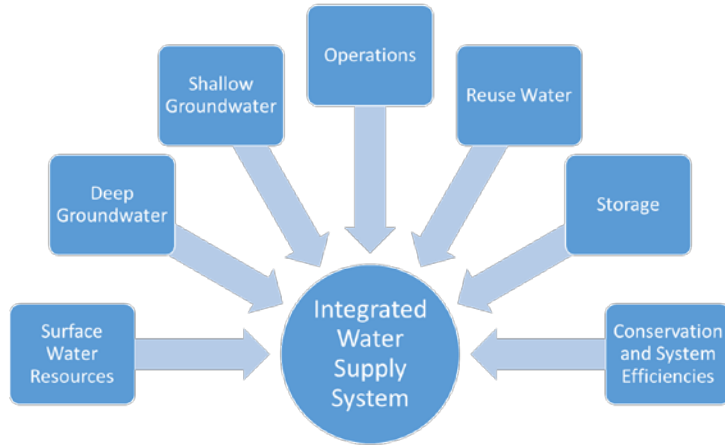
# On the Horizon

- Aspen Intelligent Metering (AIM)
- Integrated Resource Plan
- Infrastructure maintenance and replacement
- Cost of service transition

# Reinvesting in water infrastructure:

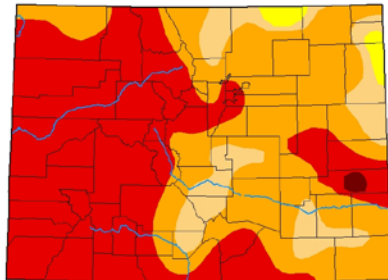


# Planning for our future:



**U.S. Drought Monitor  
Colorado**

**September 22, 2020**  
(Released Thursday, Sep. 24, 2020)  
Valid 8 a.m. EDT



**Intensity:**

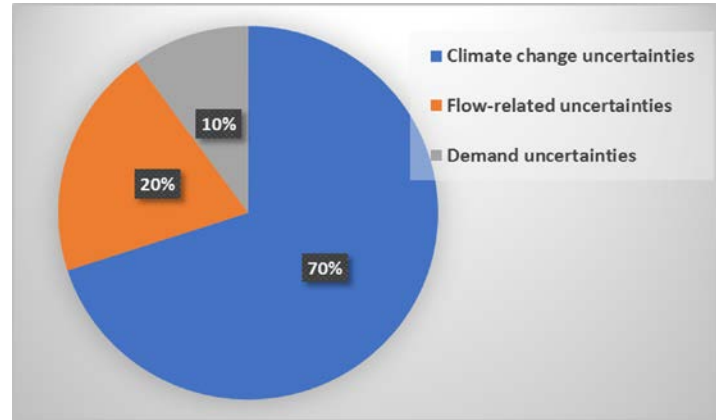
- None
- D0 Abnormally Dry
- D1 Moderate Drought
- D2 Severe Drought
- D3 Extreme Drought
- D4 Exceptional Drought

The Drought Monitor focuses on broad-scale conditions. Local conditions may vary. For more information on the Drought Monitor, go to <https://droughtmonitor.unl.edu/about.aspx>

**Author:**  
David Rappaport  
U.S. Department of Agriculture

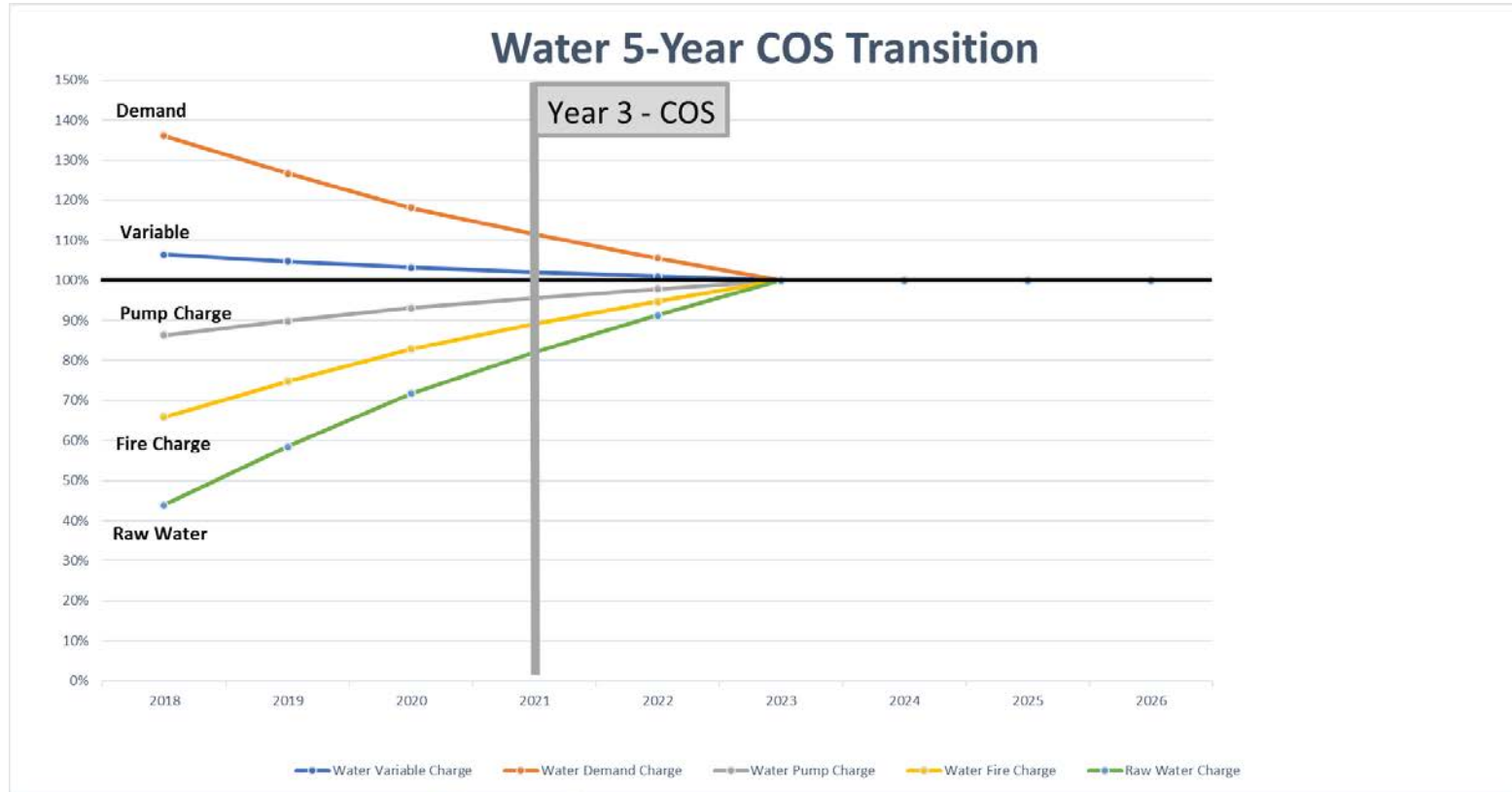


[droughtmonitor.unl.edu](https://droughtmonitor.unl.edu)





# 5-Year Cost of Service Transition



# Year 3 - Residential Water Service - Downtown

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

# Year 3 – Residential Water Service – Pumped

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



# Year 3 – Commercial Water Service - Downtown

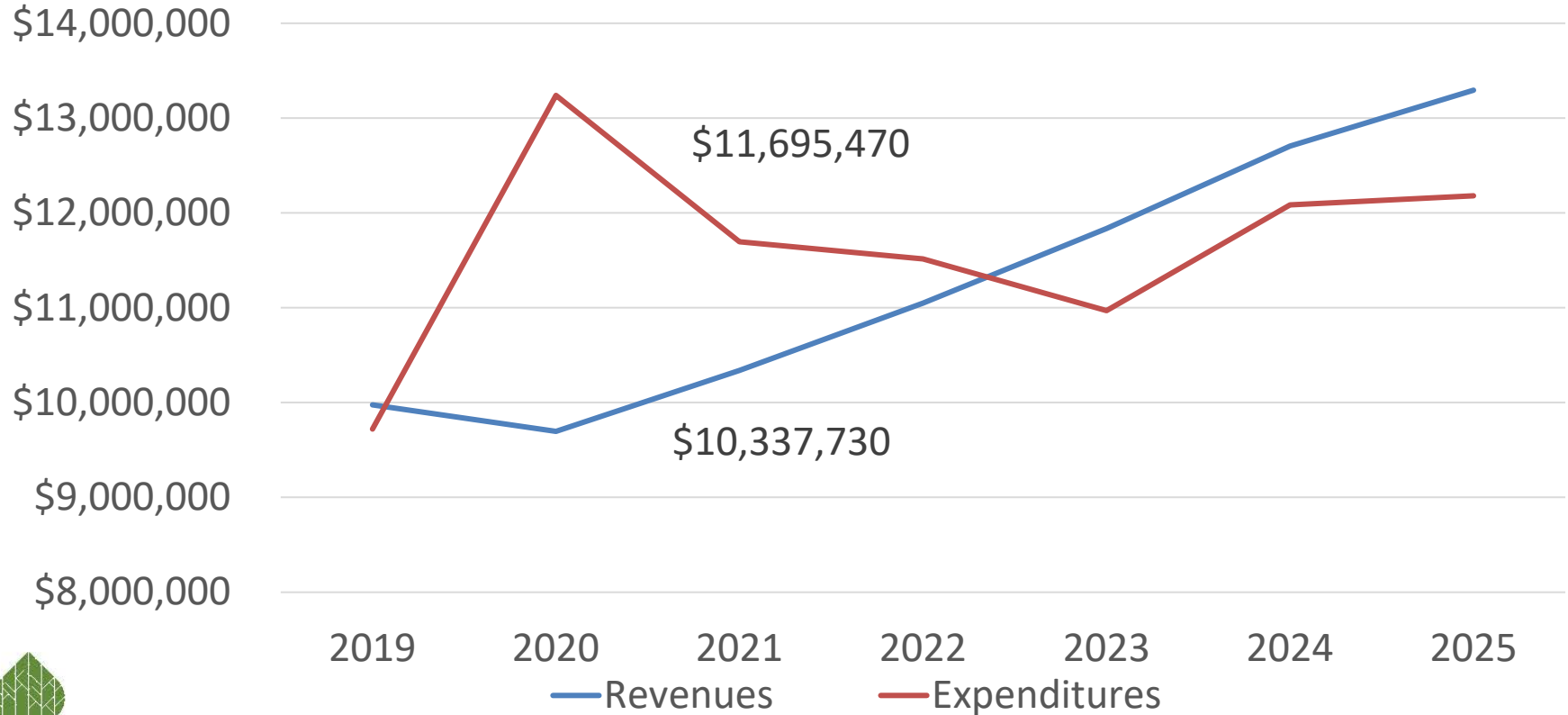
<b>WATER UTILITY RATES</b>	<b><u>2020</u> <u>AVERAGE</u> <u>BILL</u></b>	<b><u>PROPOSED</u> <u>RATE CHANGE</u></b>	<b><u>2021</u> <u>AVERAGE</u> <u>BILL</u></b>
<b>Water Variable (Consumption)</b>	<b>\$348.29</b>	<b>5.79%</b>	<b>\$368.46</b>
<b>Water Demand</b>	<b>\$55.57</b>	<b>0.99%</b>	<b>\$56.12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

# Year 3 – Water Tap Fees

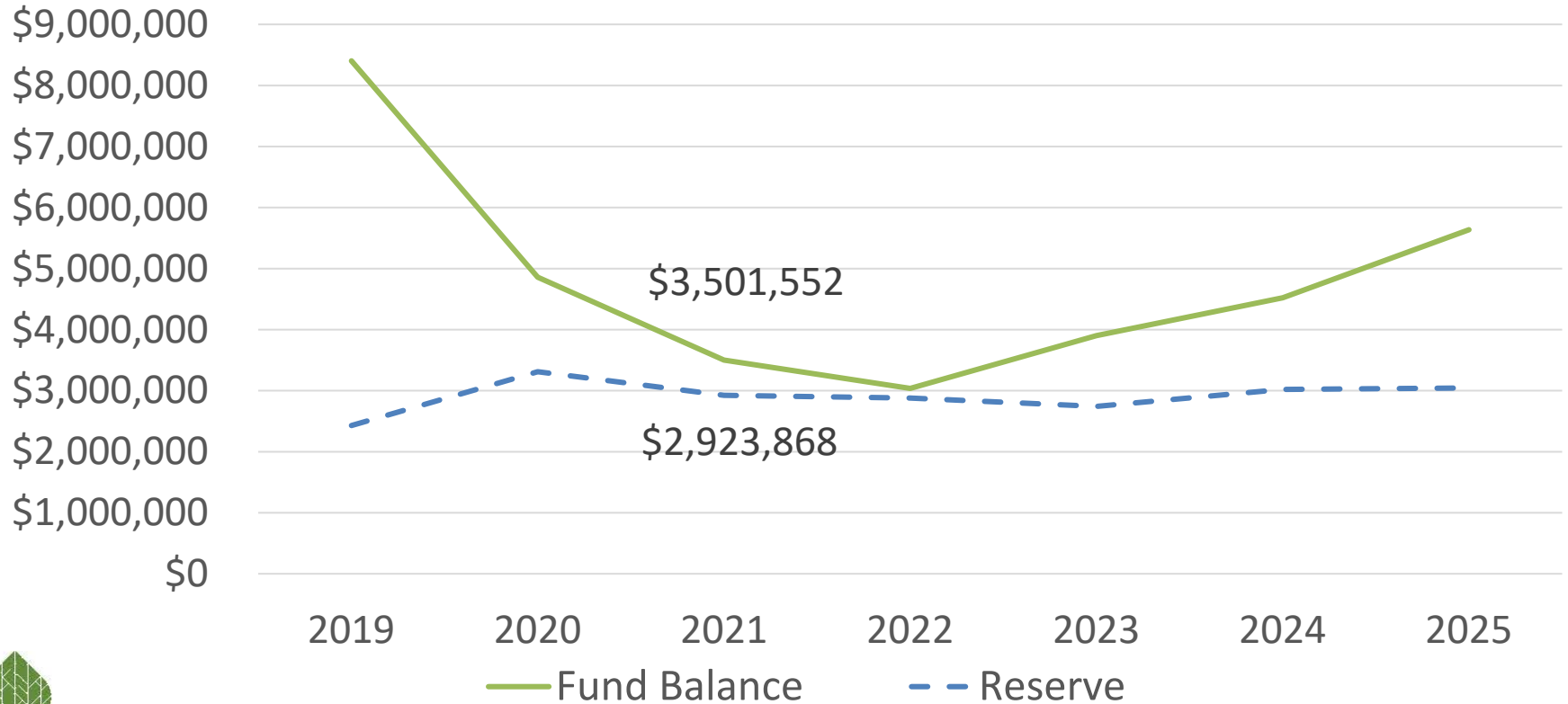
- One-time fees assessed to a new customer connecting to the water system or to an existing customer who is increasing their demand on the system.
- Cost recovery model for applicant's incremental increased demand on Water infrastructure

**2021 – Proposed 17.26% increase**

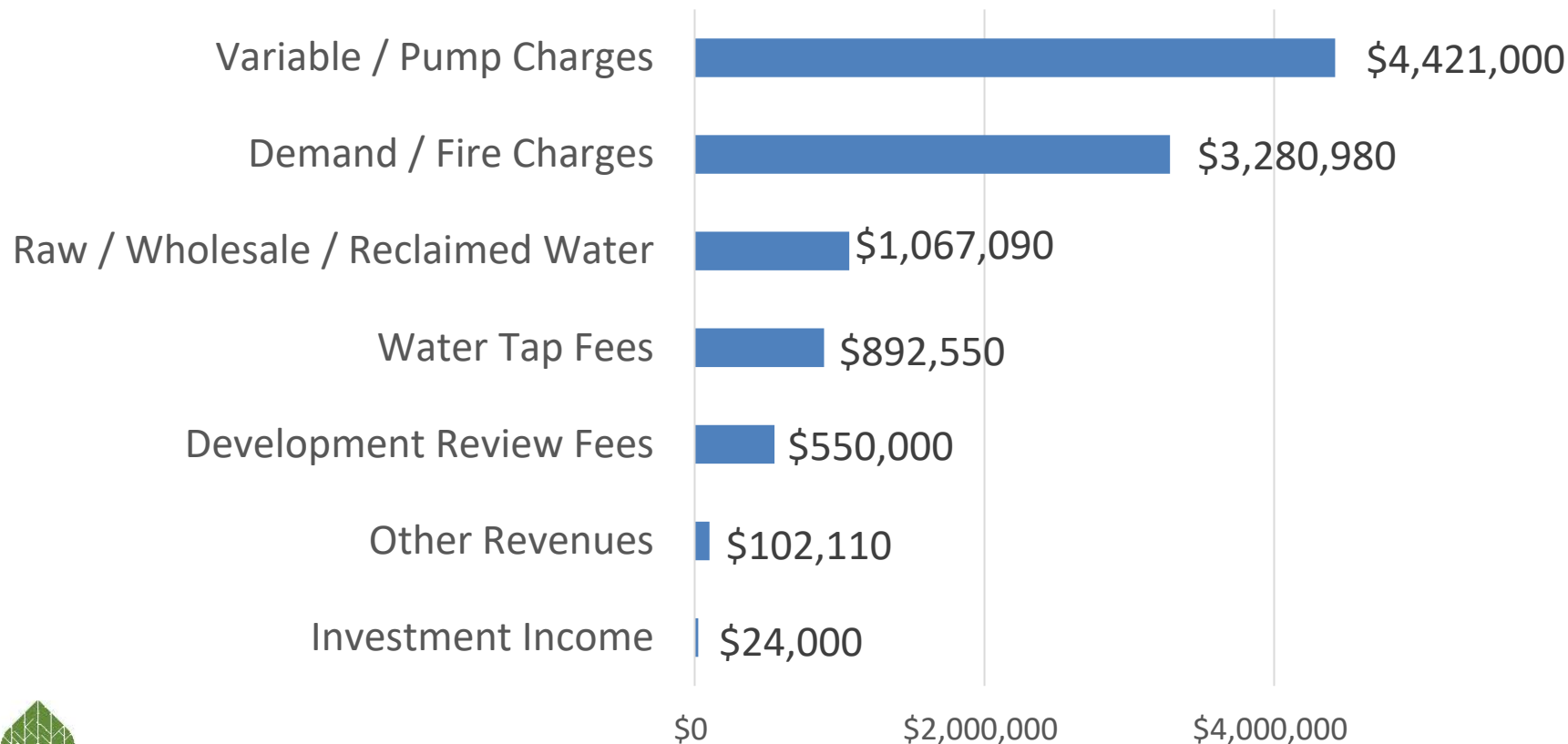
# Revenues & Expenditures



# Fund Balance

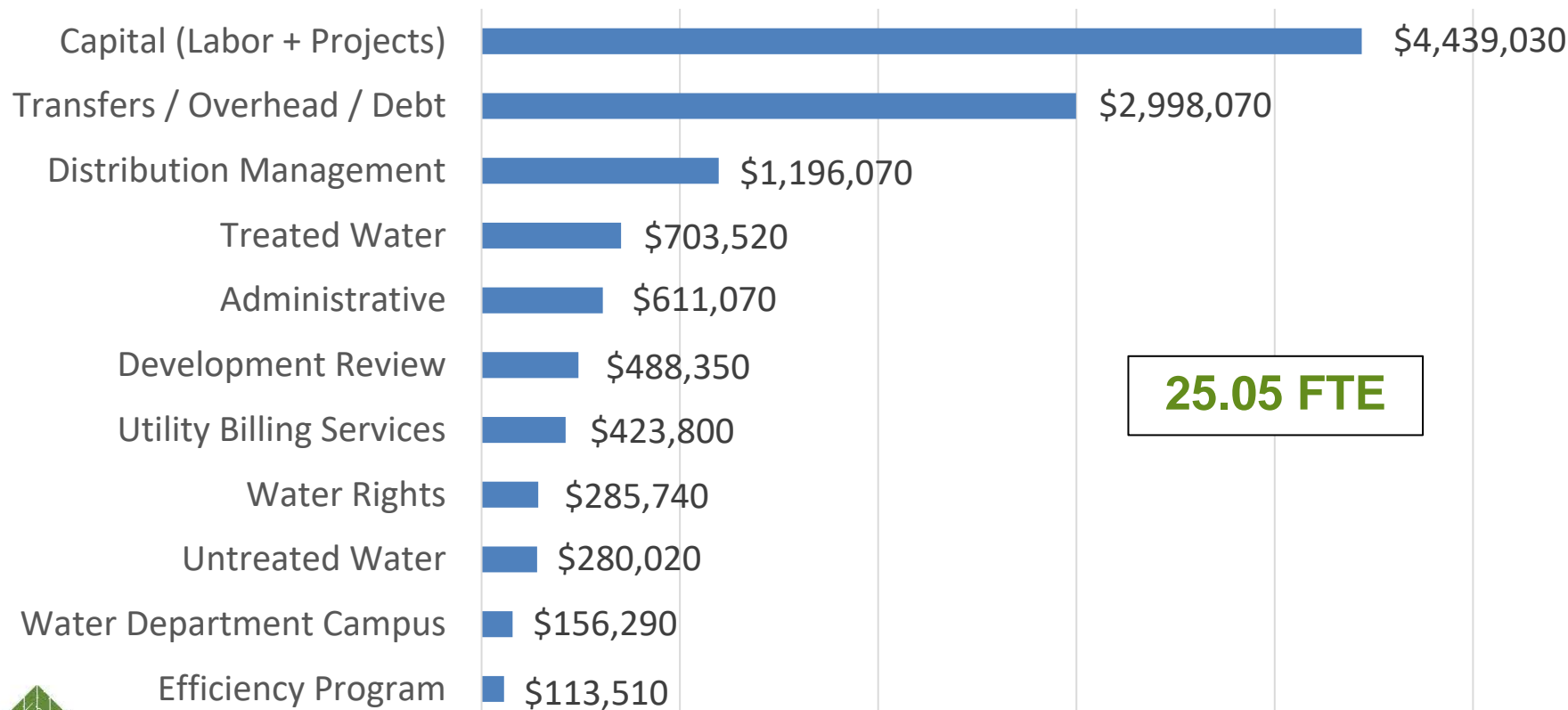


# Revenue Sources



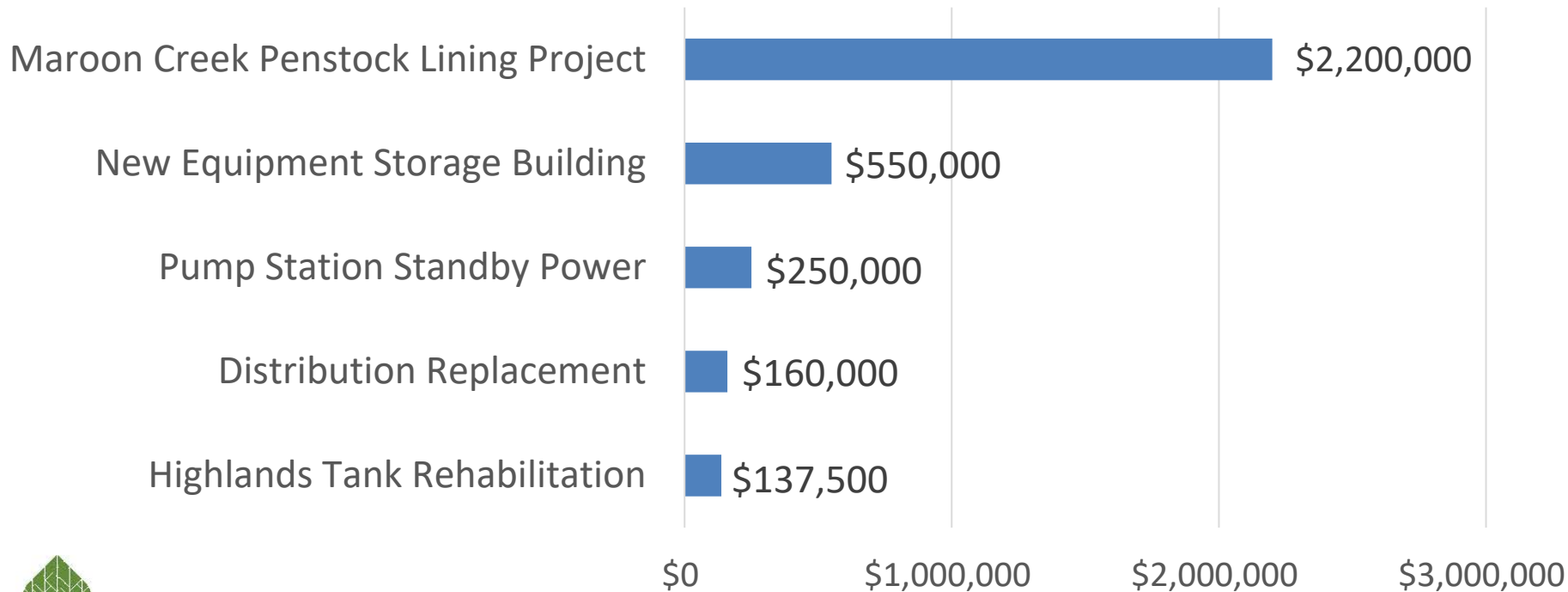


# Expenditure by Program

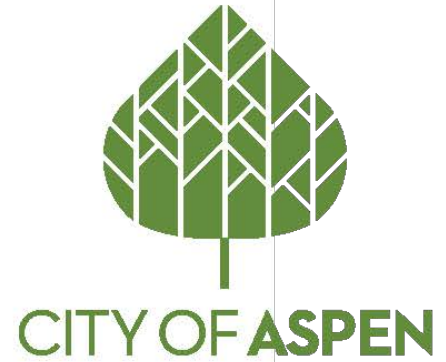


# 2021 Capital Projects

- Largest 5 Projects



# Questions?



# **2021 BUDGET DEVELOPMENT**

**Electric (431 Fund)**

Tyler Christoff, Justin Forman, Steve Hunter, Ryan Loebach, Lee Ledesma

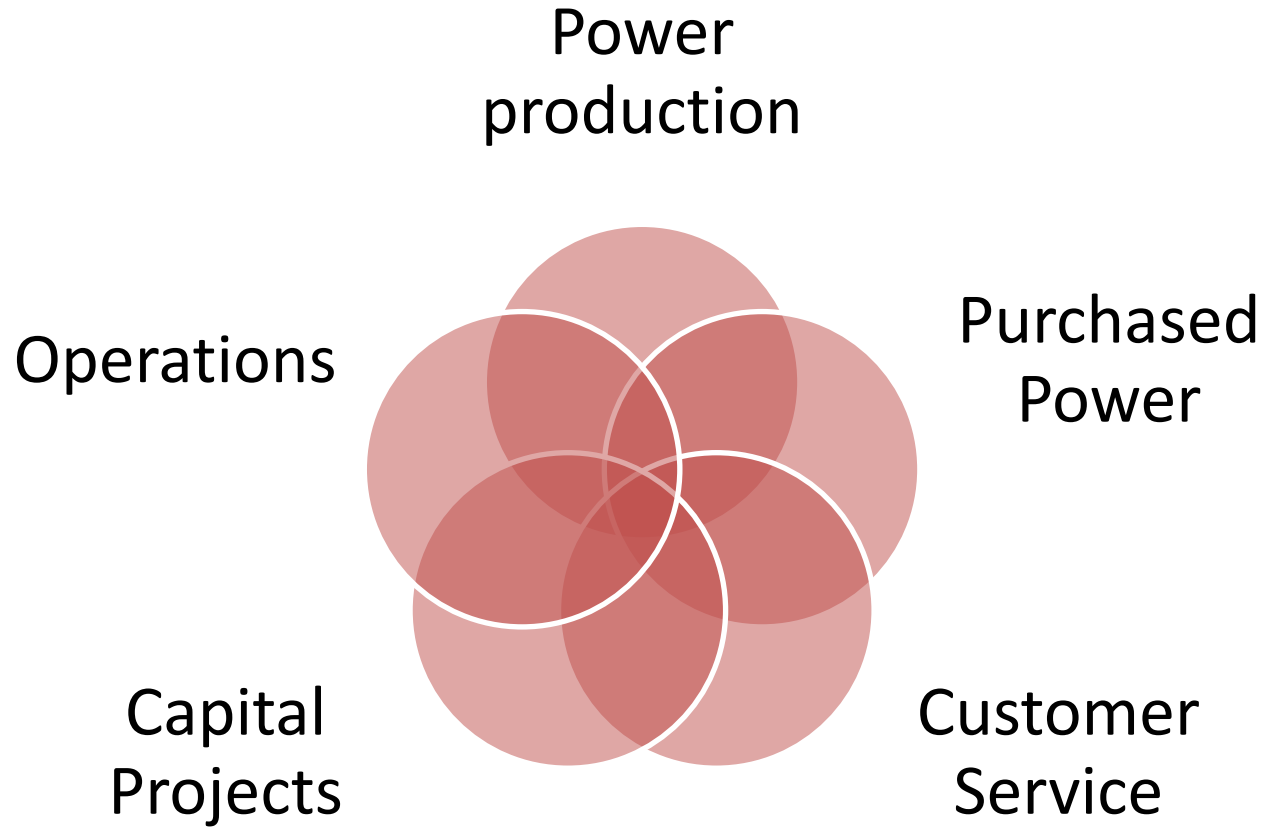
**OCTOBER 19, 20<sup>68</sup>**

# What We Do:



We provide safe, reliable, and renewable electricity to our community

# How We Do It:





# Strategic Alignment



Community  
Engagement



Safe & Lived-In  
Community of Choice



Protect our  
Environment



Smart, Customer  
Focused Government



Fiscal Health &  
Economic Vitality

Utility service is a core function of our local government

# Changes Due to COVID

- Uninterrupted service to our community
- Operational adjustments
  - Safety of essential workers
  - New model of customer connection (online vs in-person)
- Financial diligence
  - Curtailed minor spending
  - Capitalized on contractor availability/pricing
  - Doubled down on maintenance practices



# Supplemental Requests

## Recommended

- Operational Reductions: One-time (\$90.1K)
- Cafeteria Plan: \$7.2K

# On the Horizon

- Aspen Intelligent Metering (AIM)
- Infrastructure Replacement
- Cost of service transition

# Reinvesting in Electric Infrastructure



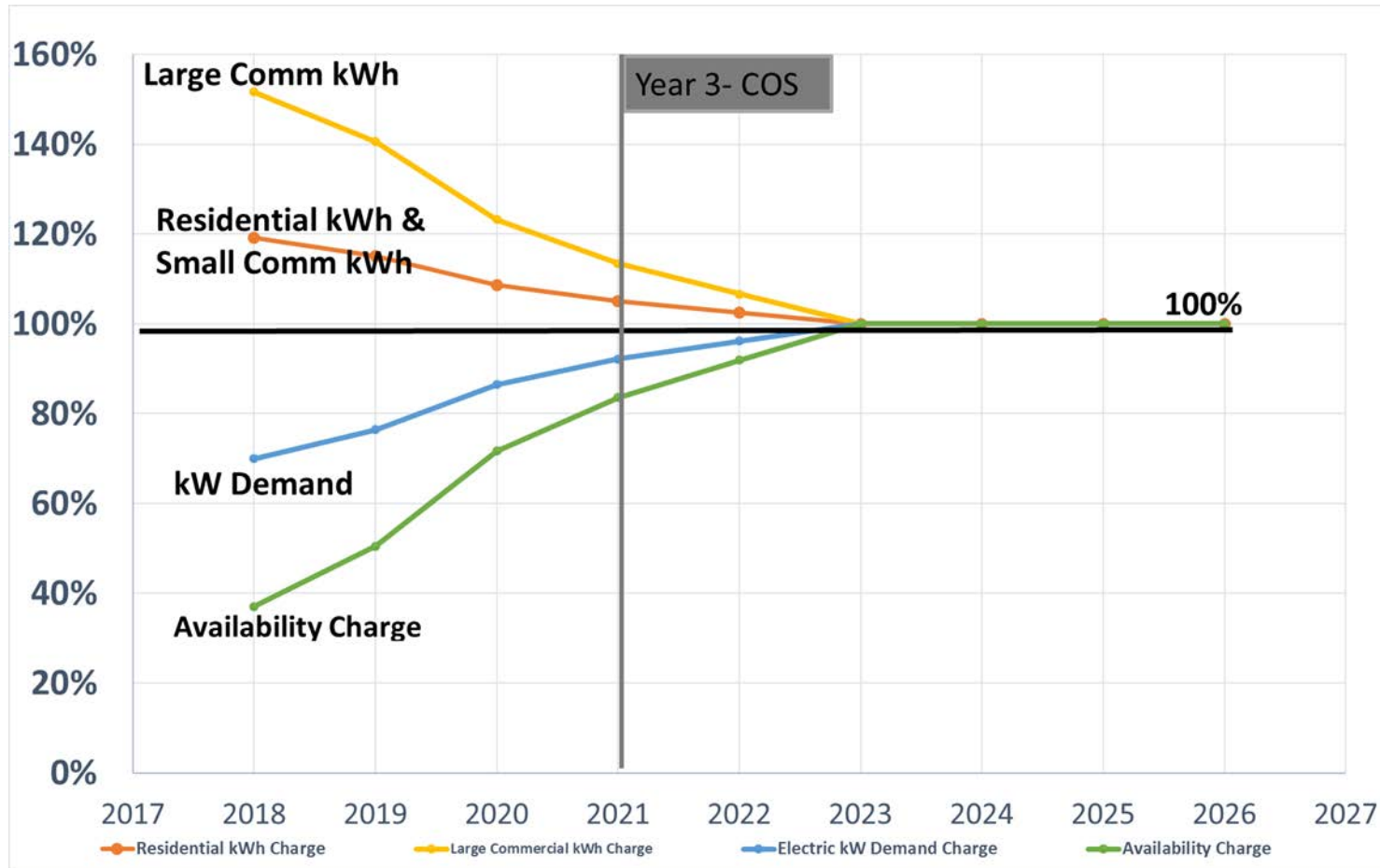


# Planning for the future





# 5-Year Cost of Service Transition



# Year 3 – Electric Residential – Aspen Average

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
<i>Average Residential - Aspen</i>	\$216.75		\$223.53
<i>200 AMP Service / 1500 kwh</i>			3.13%

## Year 3 – Electric Residential – Affordable Housing

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

# Year 3 – Electric Small Commercial

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

# Year 3 – Electric Large Commercial

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
<i>Average Large Commercial</i>	\$5,670.01		\$5,726.41
<i>400 AMP Service / 45,000 kwh / 130 kw</i>			0.99%

# Year 3 – Electric Community Investment Fee

- One-time fees assessed to a new customer connecting to the electric system or to an existing customer who is increasing their demand on the system
- Cost recovery model for applicant's incremental increased demand on Electric infrastructure

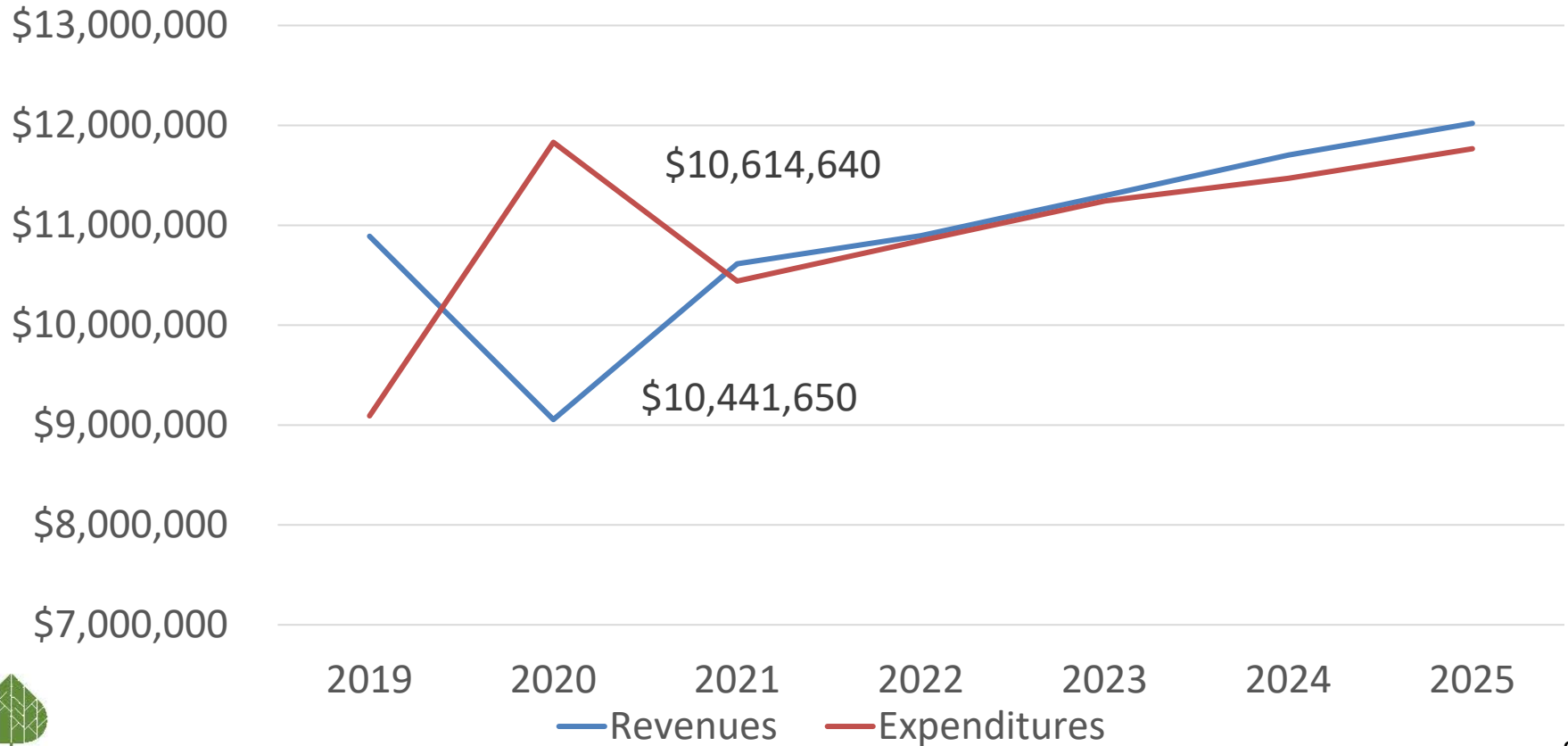
**2021 - 10% increase proposed**



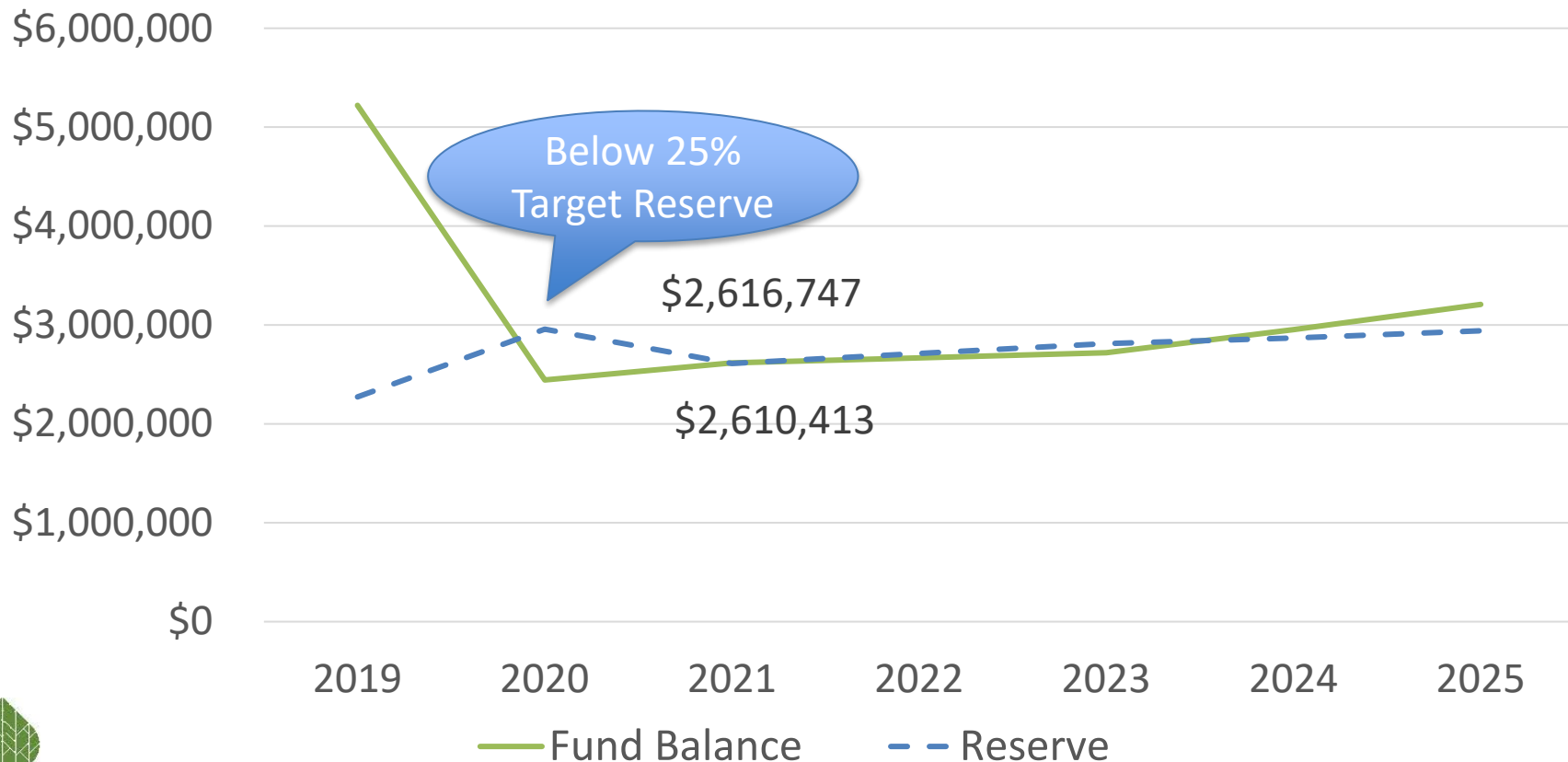
# Proposed Senior Rate Class

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%

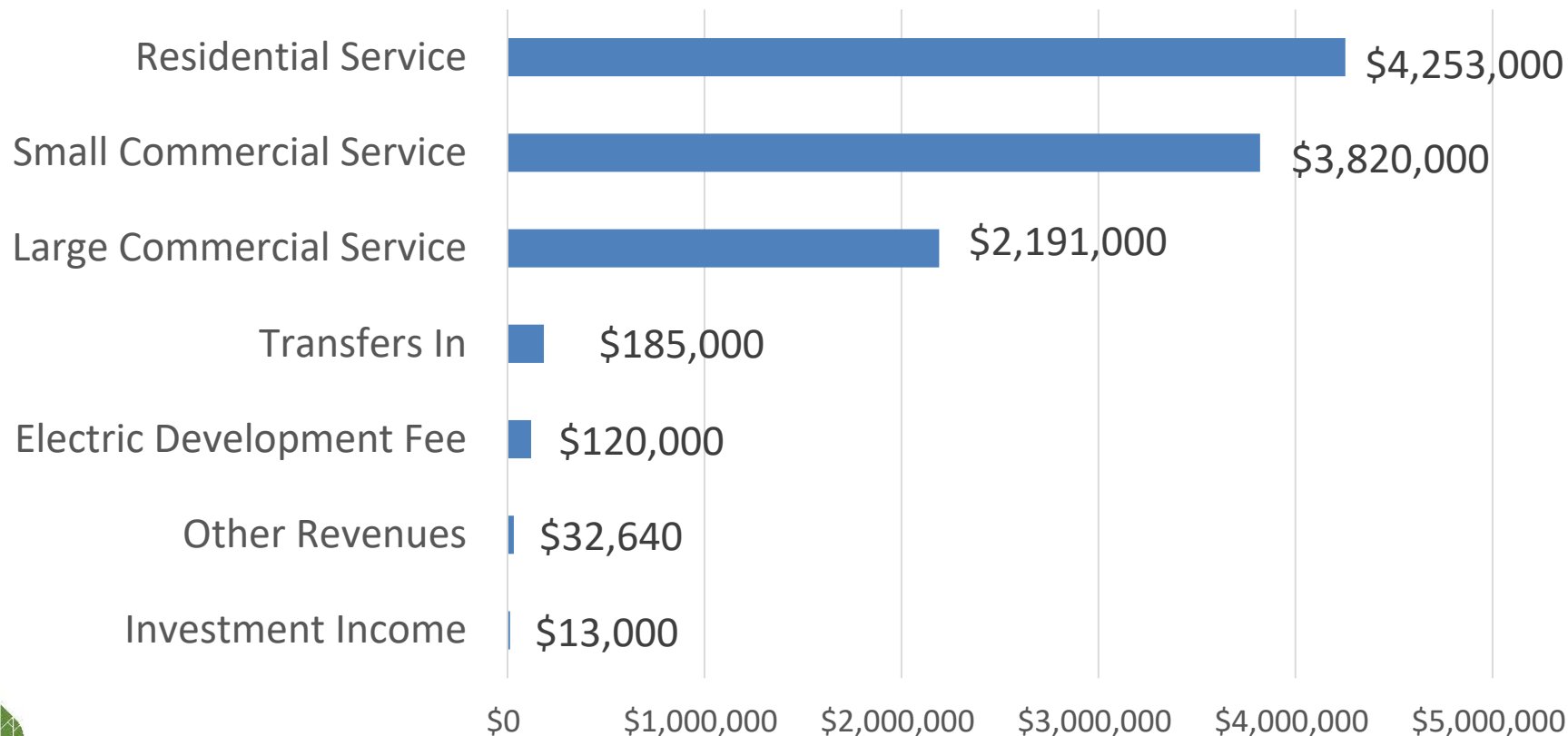
# Revenues & Expenditures



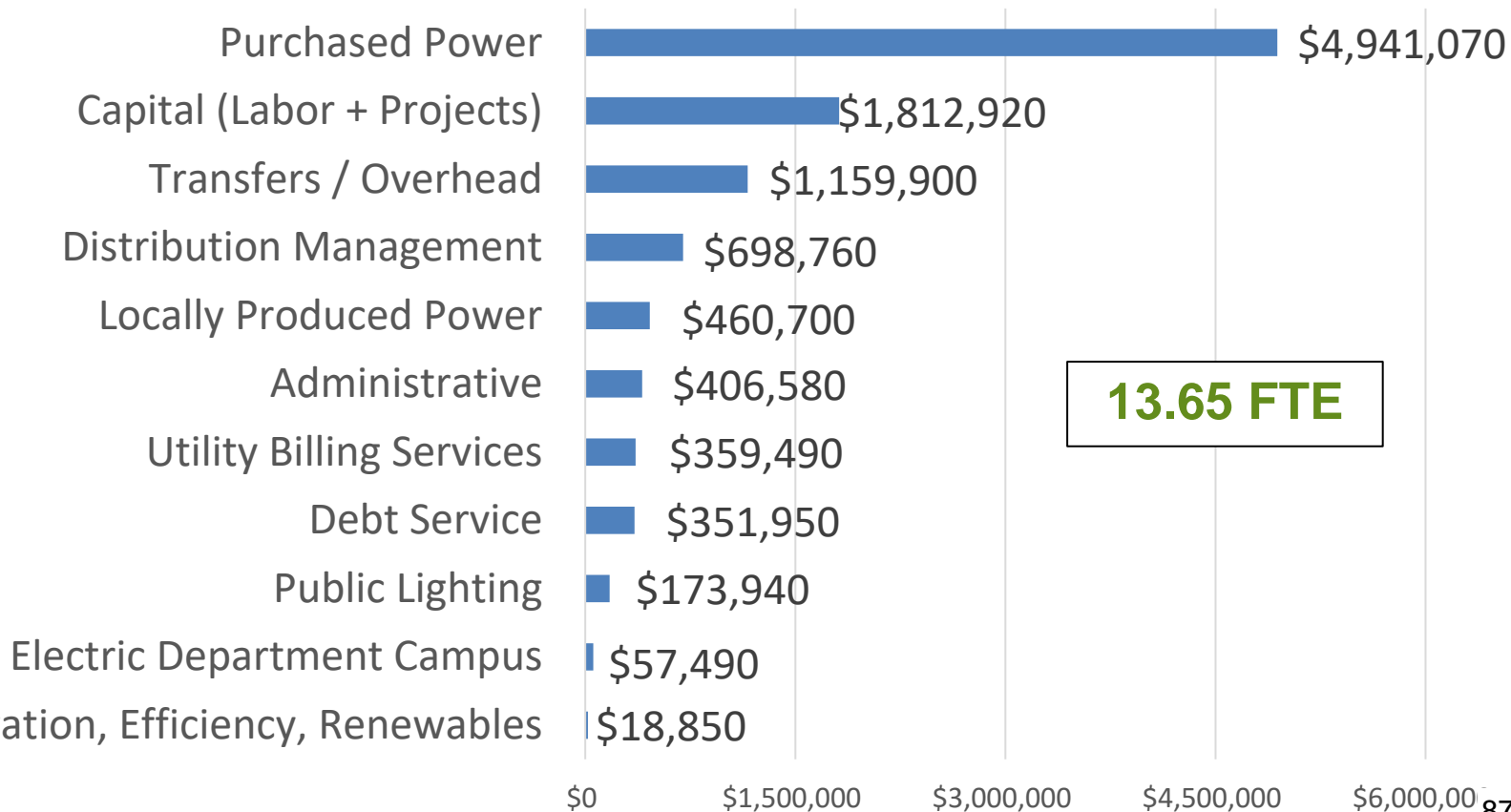
# Fund Balance



# Revenue Sources

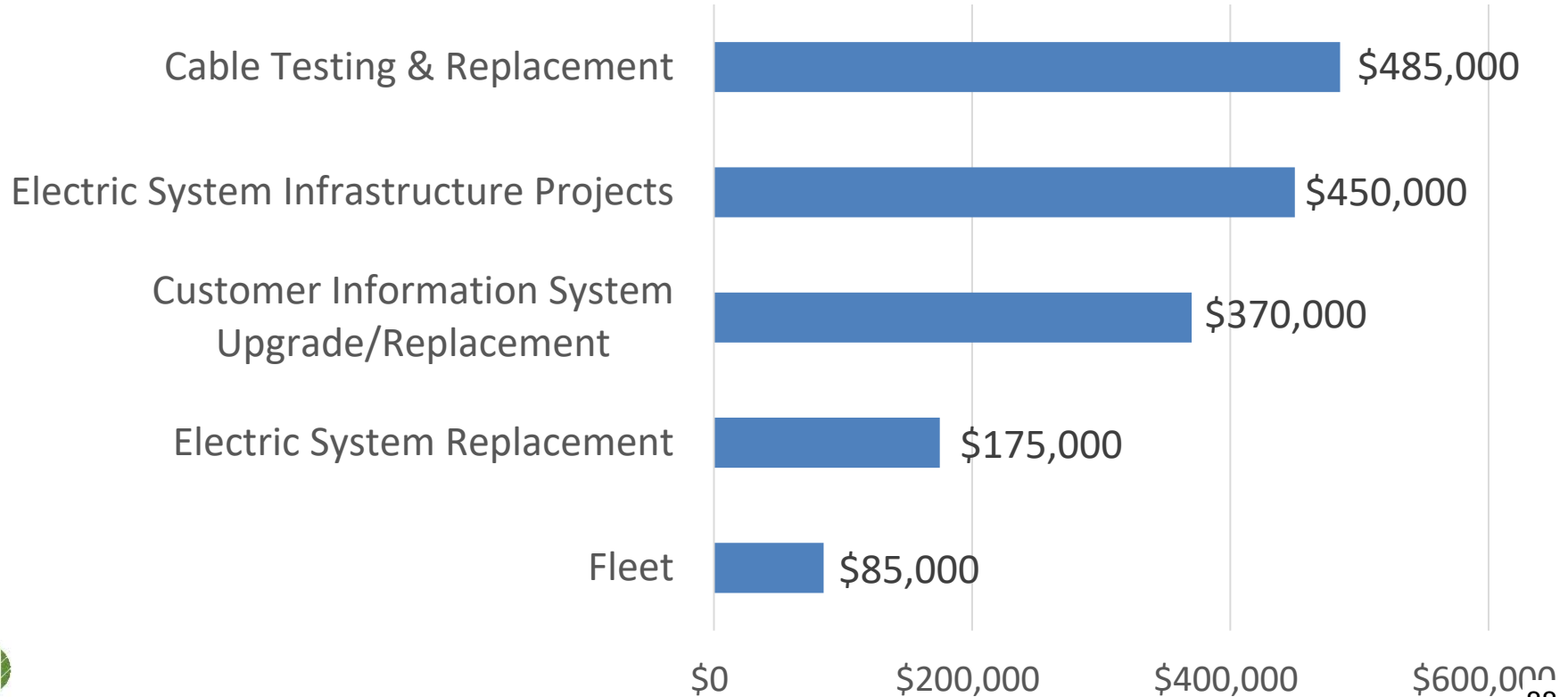


# Expenditure by Program



# 2021 Capital Projects

- Largest 5 Projects





# Questions?



Wheeler Opera House  
2021 Budget Deliberation

**Exhibit A**



## MEMORANDUM

**TO:** Wheeler Advisory Board

**FROM:** Nancy Lesley, Interim Wheeler Executive Director

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### DISCUSSION:

Staff is working to get approval from the County to open the Wheeler to the public in December. If approval is granted from the County, the next step is to take this to City Council. The role of this Board is to advise City Council on policy and priority as it relates to theatre operations. Therefore, the questions below are related to December only. We will discuss winter in a future meeting.

With the current social distancing orders, the Wheeler can accommodate 53 people. Staff would *potentially* need a day in between certain performances – and at times multiple days for cleaning and sanitizing. With the new cleaning and sanitizing protocol, the Wheeler will NOT be doing multiple shows in a day.

### Initial Policy Questions Wheeler Advisory Board Discussion & Recommendation:

- Is this enough to warrant opening given the potential health risks of bringing the public indoors?
- Does the community benefit by hosting a handful of shows with a maximum patronage of 53?

If the above questions can be answered affirmatively and the recommendation is to open the Wheeler, then staff is requesting the Advisory Board consider the following:

For this discussion purpose, we are only looking at Wheeler or PFM booked shows. The costs calculated include artist guarantee plus all fixed and variable expenses related to putting on that show.

Below is a list of the shows on the calendar for December. Each of these shows was negotiated with an assumption of a 490 seat house (a small number of tickets are held back for marketing and PR purposes) With the 53 person limit, and assuming all 53 seats are sold, the range of subsidy for each ticket would range between \$260 to \$620 per ticket/per show. Which means if we have a sell out on the \$620 subsidy, we have just subsidized that show by roughly \$33,000.

Johnny Peers and the Muttville Comix | Family | December 11, 2020

Kathleen Madigan | Adult Comedy | December 18, 2020

A Christmas Carol | Family | December 20, 2020

BritBeat | Music Beatles Cover Band | December 25, 2020

Paula Poundstone | Adult Comedy | December 27, 2020

Justin Willman | Family Magic | December 29, 2020

Staff believes it's important to renegotiate and learn if the artist is willing and comfortable to travel for a show for 53 people at a lower rate.

Included on the calendar is a CO-PRO with Belly-Up for a New Year's Eve concert along with a few other musical evenings. In conversation with our partner, given the capacity restrictions under COVID, under the present circumstances it doesn't make financial sense.

Additional Policy Questions for the Wheeler Advisory Board:

- How much of a financial loss is acceptable during COVID?
- Who is the target audience (community or tourist)?
- Is a higher priced ticket for a tourist acceptable?
- Is there a priority for a specific genre of performances/shows?
- Is competing against a tax paying entity or a non-profit acceptable?
- What is the definition of success?

Operational changes that will be made during COVID, or during the current Public Health Orders are as follows:

- No will call. Tickets must be purchased in advance and printed or on the phone screen
- Assigned arrival times to stagger the 53 patrons
- No bar service
- No intermission
- Assigned seating only, no changes
- No water fountain service
- No coat check
- Extra hand sanitizing stations

Staff is exploring the possibility of taking out all of the seats as this would increase seating capacity by approximately 12 seats. The bigger question as to whether the public will be comfortable with the proximity and larger crowd size, is an unknown. If this is the route chosen, then the Wheeler team would need time to deep dive into this and come up with fully vetted plan.

- Does the Wheeler Advisory Board have any feedback on this staff consideration?

The Wheeler Team recommendation is two shows per week with one film and one live performance with solo artist. Staff would also recommend having a few days in between 1<sup>st</sup> and 2<sup>nd</sup> shows to modify plans if needed.

- What does the Wheeler Board recommend for frequency of programming?

Other avenues to provide entertainment without opening the venue to the public include streaming options like Suzanne Vega. With this option the artist provides everything, and the Wheeler can both purchase tickets for give-away or promote the event and have the customer directly purchase.

- Does the Wheeler Advisory Board recommend pursuing these options?

Regionally: Vilar isn't doing any winter programming until after the New Year.

Exhibit A: Letter from PFM

Hello Nancy,

In February of this year, our industry began a complete shutdown.

**Since that time:**

- Thousands of events have been cancelled across the country (hundreds of thousands across the world).
- As of LAST MONTH - 77% of the people in our industry have lost 100% of their income. That number has only increased since then.
- 96% of companies have cut staff.
- 97% of 1099 workers have lost their jobs.
- Businesses are failing under a lack of income and economic pressure.
- The supply chain has been COMPLETELY devastated under the weight of cancellations and unknown futures.
- Given the fact that every State's protocol and gathering restrictions are different – the touring model for all ARTISTS and Broadway tours, is not possible. This makes it that much more challenging to deliver profile events to a market like Aspen.
- Our company (PFM) has moved over 350 shows across the country between Broadway and One Nighters, and have cancelled countless others for which new dates are not available. Originally moving from Spring 2020 to Summer or Fall 2020, to then move from Fall 2020 to Spring 2021. Now Spring of 2021 to Summer & Fall 2021 OR Spring of 2022. Some of these shows have now been moved as many as four times.
- All dates that were moved to FALL 2020 – February 2021 in other PFM markets, already have backup dates on hold to formally move to FALL 2021 – SPRING 2022. Sadly, the events of the world are forcing us to take precautionary measures to present these shows when it is safe to do so. This is applicable across the country for fellow colleagues as well.

**The determining factors for when events can proceed:**

- Rapid Testing becomes available
- A drug to help mitigate the spread
- Capacity restrictions lifted across the country
- A vaccine is available and released

Based on my experience and the trends we are seeing across the country, it would be my recommendation that *The Wheeler Opera House* remain DARK and formally move all shows that are still on the books for December 2020 to December 2021 (for which we already have backup dates on hold – and approval from the major agencies to do). We as a company are not presenting ANY events in ANY of our markets for the remainder of the 2020 calendar year (and for the most part – all events have been officially moved out of January thru February 2021 as well). Again, not because this is what we wanted to do, but because this was directed from the major Agencies on behalf of the Artist and Artist Management.



The following Artists are still CONFIRMED for this coming December 2020 at The Wheeler:

- Johnny Peers & The Mutville Comix on December 11<sup>th</sup> (able to move to December 2021)
- Kathleen Madigan on December 18<sup>th</sup> (holding December 17-18, 2021 for Postponement options)
- A Christmas Carol on December 20<sup>th</sup> (holding December 19, 2021 for a Postponement option)
- BritBeat on December 25<sup>th</sup> (holding December 25 for a Postponement option)
- Paula Poundstone on December 27<sup>th</sup> (holding December 26<sup>th</sup> for a Postponement option)
- Justin Willman: Magic in Real Life on December 29<sup>th</sup> (holding December 27-29, 2021 for Postponement options)

The following Artists are still CONFIRMED for next season:

- Paul Reiser on January 16, 2021 for Wheeler Wins show (would suggest you moved to 2022)
- The Rocket Man Show on February 14, 2021 (would suggest you move to 2022)
- Steel Betty on March 26, 2021 (would suggest you move to 2022)

To my knowledge, most (if not all) Presenters are being forced to not present shows until they are able to do so WITHOUT a capacity restriction. Unfortunately, the numbers do not work to be able to do so, without taking a massive financial loss (with safety for our patrons to return to the Theater being most important).

There are a handful of FREE or INEXPENSIVE options for you to engage your audiences virtually, which would be my suggestion for the time being. Some of which are available this coming December 2020 (others I could compile as options for 2021 season).

Unfortunately, it financially does not work to pay an Artist a full (or near full) Guarantee, for a streamed show. As ticket sales are not resulting in a strong financial return to justify the risk.

I wish I had better news and a glimmer of hope for when the show can go on... but for now, I would recommend that we proceed fiscally responsibly and cautiously.

Let me know if you have any further questions or concerns.

Sincerely,

-A

*Amanda Bonafine* || Director of Concerts ||

Providence Performing Arts Center || Professional Facilities Management

220 Weybosset St., Providence, RI 02903 | 401.574.3137 | [abonafine@ppacri.org](mailto:abonafine@ppacri.org)

Seat Capacity 1872 [Barbara B Mann Performing Arts Hall- Fort Myers, FL](#)  
Seat Capacity 3200 [Suncoast Credit Union Arena – Ft Myers, FL](#)  
Seat Capacity 1471 [Coral Springs Center for the Arts - Coral Springs, FL](#)  
Seat Capacity 2712 [Durham Performing Arts Center- Durham, NC](#) (Contact Brad Saks for all programming needs [bsaks@dpacnc.com](mailto:bsaks@dpacnc.com))  
Seat Capacity 2290 [Hanover Theatre- Worcester, MA](#)  
Seat Capacity 3127 [Providence Performing Arts Center- Providence, RI](#)  
Seat Capacity 1931 [Veteran's Memorial Auditorium- Providence, RI](#) (Can scale down to 1,000 seats with curtaining system)  
Seat Capacity 850 [North Shore Center for the Performing Arts- Skokie, IL](#) (Can scale down to 543 seats)  
Seat Capacity 504 [The Wheeler Opera House - Aspen, CO](#)

From: Chip Fuller <[chipjfuller@mac.com](mailto:chipjfuller@mac.com)>  
Sent: Wednesday, September 30, 2020 5:05 PM  
To: Ward Hauenstein <[ward.hauenstein@cityofaspen.com](mailto:ward.hauenstein@cityofaspen.com)>; Torre <[torre@cityofaspen.com](mailto:torre@cityofaspen.com)>; Ann Mullins <[Ann.Mullins@cityofaspen.com](mailto:Ann.Mullins@cityofaspen.com)>; Skippy Mesirow <[skippy.mesirow@cityofaspen.com](mailto:skippy.mesirow@cityofaspen.com)>; Rachael Richards <[rachael.richards@cityofaspen.com](mailto:rachael.richards@cityofaspen.com)>  
Cc: Nancy Lesley <[nancy.lesley@cityofaspen.com](mailto:nancy.lesley@cityofaspen.com)>; Diane Foster <[diane.foster@cityofaspen.com](mailto:diane.foster@cityofaspen.com)>  
Subject: Wheeler Board 9/30 special meeting summary

The board discussed the possibility of opening the Wheeler for events in December 2020 and came up with these recommendations:

The Wheeler should try to open in December 2020, with safety being the top priority. Having events is a significant step towards normalcy for the community, regardless of capacity and level of performance. There should be 1-2 events max per week to allow for time to clean and disinfect the theater. Programming should be local oriented, inexpensive and community/family focused. If possible, collaborations with other area arts groups should be explored, such as children presenting their fall Theater Aspen final class presentations on the Wheeler Stage. The Wheeler should explore increasing exposure beyond building maximum capacity (currently 53) through streaming or other means. In addition, if there are creative ideas to utilize other venues in the community, they should be explored. Programming and planning for 2021 can be addressed in November once we have more information from health officials and the community.

Next Wheeler Board regular meeting is 10/14 at 3:00,

Thanks  
Chip



## 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:** October 12, 2020

**MEETING DATE:** October 19, 2020

**RE:** 2021 Water and Electric Budget Presentation

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**REQUEST OF COUNCIL:** Staff requests review of proposed changes to Title 25—Utilities—of the Aspen Municipal Code covering water and electric rates, fees, policies, and calculation tables as shown in Exhibit A, Ordinance #17, Series of 2020.

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.

**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 applied them to Aspen's rate structure to propose the following changes to Title 25 of the municipal code.

### **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 reflect average monthly cost impacts to the various customer classes including residential; affordable housing with electric heat; small commercial; and, large commercial.

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

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

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

<b>ELECTRIC UTILITY RATES</b>	<b>2020 AVERAGE BILL</b>	<b>PROPOSED RATE CHANGE</b>	<b>2021 AVERAGE BILL</b>
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
<b><i>Average Large Commercial</i></b>	<b>\$5,670.01</b>		<b>\$5,726.41</b>
<b><i>400 AMP Service / 45,000 kwh / 130 kw (percentage change)</i></b>			<b>0.99%</b>

**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 reflect average monthly cost impacts to the various customer classes including residential (downtown customer); residential (pumped zone customer); and commercial.

<b>WATER UTILITY RATES</b>	<b><u>2020</u> <u>AVERAGE</u> <u>BILL</u></b>	<b><u>PROPOSED</u> <u>RATE CHANGE</u></b>	<b><u>2021</u> <u>AVERAGE</u> <u>BILL</u></b>
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
<b><i>Average Residential -- Downtown</i></b>	<b>\$54.02</b>		<b>\$57.12</b>
<b><i>2.67 ECUs &amp; 0 Pumps / 10,000 gallons (percentage change)</i></b>			<b>5.74%</b>

<b>WATER UTILITY RATES</b>	<b><u>2020</u> <u>AVERAGE</u> <u>BILL</u></b>	<b><u>PROPOSED</u> <u>RATE CHANGE</u></b>	<b><u>2021</u> <u>AVERAGE</u> <u>BILL</u></b>
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
<b><i>Average Residential -- Red Mtn.</i></b>	<b>\$371.24</b>		<b>\$397.40</b>
<b><i>4.0 ECUs &amp; 1 Pumps / 50,000 gallons (percentage change)</i></b>			<b>7.05%</b>

<b>WATER UTILITY RATES</b>	<b><u>2020</u> <u>AVERAGE</u> <u>BILL</u></b>	<b><u>PROPOSED</u> <u>RATE CHANGE</u></b>	<b><u>2021</u> <u>AVERAGE</u> <u>BILL</u></b>
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
<b><i>Average Commercial</i></b>	<b>\$432.19</b>		<b>\$457.21</b>
<b><i>9.14 ECUS &amp; 0 Pumps / 100,000 gallons (percentage change)</i></b>			<b>5.79%</b>



### **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.

<b>Water Utility Investment Charge - Tap Fees</b>			
<b><u>BILLING AREAS</u></b>	<b><u>2020 TAP FEES</u></b>	<b><u>2021 TAP FEES</u> <u>(per ECU)</u></b>	<b><u>% INCREASE</u></b>
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.

	Residential		Commercial		
<b><u>AMP</u></b>	<b><u>1 PHASE</u></b> <b><u>120/240V</u></b>	<b><u>3 PHASE</u></b> <b><u>120/208V</u></b>	<b><u>1 PHASE</u></b> <b><u>120/240V</u></b>	<b><u>3 PHASE</u></b> <b><u>120/208V</u></b>	<b><u>3 PHASE</u></b> <b><u>277/480V</u></b>
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, staff is proposing a senior discount rate for qualified individuals 65 and older on our monthly availability charge. The table below illustrates the potential average impact to a qualifying senior's monthly electric bill.

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

**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 prior to November 2020 First Reading of Ordinance #17, Series of 2020, which will become effective January 1, 2021.

**RECOMMENDATIONS:** Staff recommends using proposed draft updates to electric and water rates, fees, policies, and calculation tables shown in Exhibit A as the basis for First Reading at a regular City Council meeting in November of 2020.

**CITY MANAGER COMMENTS:**

**ATTACHMENTS:**

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

## ORDINANCE NO. 17

Series 2021

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ASPEN, COLORADO, AMENDING AND ADDING TO TITLE 25 OF THE MUNICIPAL CODE OF THE CITY OF ASPEN--UTILITIES<sup>1,2,3</sup>—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:

	ECI Residential		ECI Commercial		
Panel Amps	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.

<b>Housing Categories as referenced in the Aspen/Pitkin County Housing Authority Guidelines, as may be amended from time to time.</b>	<b>Fee Waiver Level</b>
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:

	<b>ECU</b>
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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 1/8" of supply line diameter)	0.10
Dishwasher drawer (single)	0.05
Steamer oven	0.05
Household clothes washer	0.10
Commercial clothes washer (per 1/8" of supply line diameter)	0.10
Commercial icemaker (per 1/8" 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:

<b>Metered Pressurized Raw Water - Billing to Occur Monthly - May through October</b>	<b>2021 Rate</b>
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:

<b>Unmetered Pressurized Raw Water - Billing to Occur Monthly - May through October</b>	<b>2021 Rate</b>
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:

<b>Billing Area</b>	<b>Billing Factor (Included)</b>	<b>Per ECU Rate</b>
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 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 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, 2021.

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, 2021.**

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