
ORDINANCE NO. 15

Series 2023

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ASPEN, COLORADO, AMENDING AND ADDING TO TITLE 25 OF THE MUNICIPAL CODE OF THE CITY OF ASPEN--UTILITIES—SPECIFICALLY CHAPTERS 25.04 ELECTRICITY; 25.08 WATER SERVICE – GENERAL PROVISIONS; 25.12 UTILITY CONNECTIONS; 25.16 WATER RATES AND CHARGES; 25.28 WATER MANAGEMENT; AND 25.30 WATER EFFICIENT LANDSCAPING STANDARDS.

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 maintaining and improving the City's infrastructure to create more efficient and resilient systems for the community that relies on these important services; and

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

WHEREAS, the City Council supports policies and goals for the equitable access and allocation of finite resources for all customers; and

WHEREAS, City Utilities believes in regular rate studies to ensure customers' needs are met, revenues and expenditures are aligned, and the public electric and water systems remain sustainable and resilient.

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

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:

Sec. 25.04.035. Electric Community Investment Fee.

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

EV Charging services will be charged under Commercial ECI fee structure unless located directly in a Single Family Residence in which case those services will be charged at the Residential ECI fee structure.

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, 2024, all residential, commercial and city facilities customers of the Aspen Electric Department shall pay the ECI fee as follows:

Panel Amps	ECI Residential		ECI Commercial		
	1 Phase 120/240V	3 Phase 120/208V	1 Phase 120/240V	3 Phase 120/208V	3 Phase 277/480V
100	\$1,985	\$3,968	\$5,293	\$5,952	\$13,735
200	\$3,970	\$7,936	\$10,585	\$11,903	\$22,891
300	\$7,939	\$12,897	\$15,878	\$17,855	\$41,204
400	\$10,585	\$17,196	\$21,171	\$23,807	\$54,939
600	\$18,041	\$29,307	\$36,081	\$40,573	\$93,631
800	\$24,054	\$39,076	\$48,108	\$54,098	\$124,841
1000	\$30,068	\$48,845	\$60,136	\$67,622	\$156,052
1200	\$36,081	\$58,614	\$72,163	\$81,147	\$187,262
1400	\$42,095	\$68,383	\$84,190	\$94,671	\$218,472
1600	\$48,108	\$78,152	\$96,217	\$108,196	\$249,683
1800	\$54,122	\$87,921	\$108,244	\$121,720	\$280,893
2000	\$60,136	\$97,690	\$120,271	\$135,245	\$312,104
2200	\$66,149	\$107,459	\$132,298	\$148,769	\$343,314
2400	\$72,163	\$117,228	\$144,325	\$162,294	\$374,524
2600	\$75,410	\$122,504	\$150,820	\$169,597	\$391,378
2800	\$78,803	\$128,016	\$157,607	\$177,229	\$408,990
3000 and above	\$82,350	\$133,777	\$164,699	\$185,204	\$427,394

(Ord. No. 27-2017 ; Ord. No. 24-2019 , § 1, 11-26-2019; Ord. No. 17-2020 , § 1, 11-24-2020; Ord. No. 20-2021 , § 1, 11-23-2021; Ord. No. 16-2022 , § 1, 11-29-2022)

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

- (a) *Purpose.* The purpose of this section is to identify those affordable housing projects that may be eligible for exemption from, and waivers of, the utility investment charges and system development charges when connecting to the City of Aspen's electric system. There are three (3) types of affordable housing projects that are eligible for exemptions or waivers: (i) projects that are determined to be Qualified Affordable Employee Housing as defined herein; (ii) affordable housing projects that are eligible to receive Affordable Housing Credits pursuant to Chapter 26.540 of the Municipal Code; and (iii) projects that consist of a mix of

affordable housing units subject to the Aspen/Pitkin County Housing Authority Guidelines, as may be amended from time to time; and, unrestricted (free market) units. To be eligible for an exemption or waiver pursuant to this section of the Municipal Code, a project shall have installed in all units properly maintained and continuously operable electric efficiency devices and practices as designated from time to time by the City Council by ordinance, resolution, or by regulations issued by the City Manager or the Electric Department.

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

- (1) *Qualified Affordable Employee Housing* shall be defined as publicly or privately constructed and owned projects which:
 - a. Are not constructed for mitigation purposes or which receive any form of Affordable Housing Credits such as those set forth at Chapter 26.540 of the Municipal Code; and
 - b. Are composed of one hundred percent (100%) employee housing units; and,
 - c. Are deed restricted to ensure that all units are subject to, and administered by, Aspen/Pitkin County Housing Authority Guidelines, as may be amended from time to time; and,
 - d. Are maintained as qualified affordable housing.
- (2) The *Fee Waiver Schedule* referred to in this section is the percent of the utility investment charges that may be waived based upon the category of the units within the affordable housing project. The Fee Waiver Scheduled is set forth in Figure 1, below.

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

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

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

- (a) All projects on properties within the City of Aspen Electric Utility service area that require staff and/or engineering review or that will add distributed energy systems that could include battery storage are subject to electric development review fees prior to issuance of a city electric permit. No solar photovoltaic and/or battery storage systems will be allowed to connect to City of Aspen Electric service without a signed Interconnection Agreement.
- (b) The electric development review fee shall be as set forth in Subsection (c) of the Section.
- (c) Electric Development Review Fees. Effective January 1, 2024, utility staff review fees for distributed energy systems are:

System Size in kW	Distributed Energy System Only	Distributed Energy System and Battery Storage
0 - 9.99 kW	\$200	\$250
10 - 24.99 kW	\$500	\$1,000
15 kW and up	\$800	\$2,000

(Ord. No. 20-2021 , § 1, 11-23-2021; Ord. No. 16-2022 , § 1, 11-29-2022)

Sec. 25.04.040. Electric service rates.

- (a) EV Charging services will be charged as a Large Commercial Customer if the electric meter connected to the EV Charger has a measured kW use of 40 kW or more for a minimum of 7 out of 12 months in both of the last 2 years. If the electric meter connected to the EV Charger has a measured use of less than 40 kW for 7 out of 12 months in the past two years, and if the EV charger is not situated within a Single Family Residence, it will be charged as a Small Commercial Customer. If the electric meter connected to the EV Charger is located directly in a Single Family Residence, it will be charged as a Residential Customer.

- (b) Effective in the January 2024 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	\$23.64	\$16.55	\$31.34	\$28.84
200 AMP	\$46.02	\$32.21	\$60.39	\$53.33
300 AMP	\$102.20	\$71.54	\$98.80	\$85.04
400 AMP	\$148.97	\$104.28	\$143.71	\$122.59
600 AMP	\$262.80	\$183.96	\$253.00	\$215.77
800 AMP	\$396.16	\$277.31	\$381.05	\$326.33
1000 AMP	\$551.84	\$386.29	\$530.53	\$453.37
1200 AMP	\$720.44	\$504.31	\$692.41	\$595.64
1400 AMP	\$914.97	\$640.48	\$879.19	\$755.59
1600 AMP	\$1,109.49	\$776.64	\$1,065.96	\$915.53
1800 AMP	\$1,320.81	\$924.57	\$1,268.86	\$1,097.83
2000 AMP	\$1,556.49	\$1,089.54	\$1,495.15	\$1,292.94
2200 AMP	\$1,821.09	\$1,274.76	\$1,749.32	\$1,512.74
2400 AMP	\$2,130.67	\$1,491.47	\$2,046.71	\$1,769.90
2600 AMP	\$2,492.89	\$1,745.02	\$2,394.65	\$2,070.79
2800 AMP	\$2,916.68	\$2,041.68	\$2,801.74	\$2,422.82
3000 AMP and above	\$3,412.52	\$2,388.76	\$3,278.04	\$2,834.70

- (b) In addition to the monthly customer availability charge, and effective in the January 2024 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	\$0.0962	1,080	\$0.1442	1,920	\$0.2229	1,920	\$0.3939
200 AMP	520	\$0.0962	1,360	\$0.1442	2,800	\$0.2229	2,800	\$0.3939
300 AMP	1,600	\$0.0962	3,600	\$0.1442	6,160	\$0.2229	6,160	\$0.3939
400 AMP	1,600	\$0.0962	3,600	\$0.1442	6,160	\$0.2229	6,160	\$0.3939
600 AMP	2,800	\$0.0962	5,440	\$0.1442	8,800	\$0.2229	8,800	\$0.3939
800 AMP	2,800	\$0.0962	5,440	\$0.1442	8,800	\$0.2229	8,800	\$0.3939
1000 AMP	2,800	\$0.0962	5,440	\$0.1442	8,800	\$0.2229	8,800	\$0.3939

1200 AMP	2,800	\$0.0962	5,440	\$0.1442	8,800	\$0.2229	8,800	\$0.3939
1400 AMP	2,800	\$0.0962	5,440	\$0.1442	8,800	\$0.2229	8,800	\$0.3939
1600 AMP	2,800	\$0.0962	5,440	\$0.1442	8,800	\$0.2229	8,800	\$0.3939
1800 AMP	2,800	\$0.0962	5,440	\$0.1442	8,800	\$0.2229	8,800	\$0.3939
2000 AMP	2,800	\$0.0962	5,440	\$0.1442	8,800	\$0.2229	8,800	\$0.3939
2200 AMP	2,800	\$0.0962	5,440	\$0.1442	8,800	\$0.2229	8,800	\$0.3939
2400 AMP	2,800	\$0.0962	5,440	\$0.1442	8,800	\$0.2229	8,800	\$0.3939
2600 AMP	2,800	\$0.0962	5,440	\$0.1442	8,800	\$0.2229	8,800	\$0.3939
2800 AMP	2,800	\$0.0962	5,440	\$0.1442	8,800	\$0.2229	8,800	\$0.3939
3000 AMP and above	2,800	\$0.0962	5,440	\$0.1442	8,800	\$0.2229	8,800	\$0.3939

- (c) Effective January 1, 2022, all electric accounts that service 5 or more individual units shall be considered a small commercial customer and shall have rates associated with a small commercial account rather than a residential account. Additionally, all commercial accounts that do not meet the requirements for large commercial designation shall be considered small commercial accounts, which includes previous class of small commercial city facilities customers.
- (d) EV Charging services will be charged as a Large Commercial Customer if the electric meter connected to the EV Charger has a measured kW use of 40 kW or more for a minimum of 7 out of 12 months in both of the last 2 years. If the electric meter connected to the EV Charger has a measured use of less than 40 kW for 7 out of 12 months in the past two years, and if the EV charger is not situated within a Single-Family Residence, it will be charged as a Small Commercial Customer. If the electric meter connected to the EV Charger is located directly in a Single-Family Residence, it will be charged as a Residential Customer.
- (e) In addition to the monthly customer availability charge, and effective in the January 2024 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	\$0.1050	2320	\$0.1313	4800	\$0.1970	4800	\$0.3152

200 AMP	1280	\$0.1050	3120	\$0.1313	5760	\$0.1970	5760	\$0.3152
300 AMP	3360	\$0.1050	7120	\$0.1313	12240	\$0.1970	12240	\$0.3152
400 AMP	3360	\$0.1050	7120	\$0.1313	12240	\$0.1970	12240	\$0.3152
600 AMP	6560	\$0.1050	13200	\$0.1313	18400	\$0.1970	18400	\$0.3152
800 AMP	13600	\$0.1050	28000	\$0.1313	44800	\$0.1970	44800	\$0.3152
1000 AMP	13600	\$0.1050	28000	\$0.1313	44800	\$0.1970	44800	\$0.3152
1200 AMP	13600	\$0.1050	28000	\$0.1313	44800	\$0.1970	44800	\$0.3152
1400 AMP	13600	\$1.1050	28000	\$0.1313	44800	\$0.1970	44800	\$0.3152
1600 AMP	13600	\$0.1050	28000	\$0.1313	44800	\$0.1970	44800	\$0.3152
1800 AMP	13600	\$0.1050	28000	\$0.1313	44800	\$0.1970	44800	\$0.3152
2000 AMP	13600	\$0.1050	28000	\$0.1313	44800	\$0.1970	44800	\$0.3152
2200 AMP	13600	\$0.1050	28000	\$0.1313	44800	\$0.1970	44800	\$0.3152
2400 AMP	13600	\$0.1050	28000	\$0.1313	44800	\$0.1970	44800	\$0.3152
2600 AMP	13600	\$0.1050	28000	\$0.1313	44800	\$0.1970	44800	\$0.3152
2800 AMP	13600	\$0.1050	28000	\$0.1313	44800	\$0.1970	44800	\$0.3152
3000 AMP and above	13600	\$0.1050	28000	\$0.1313	44800	\$0.1970	44800	\$0.3152

- (d) In addition to the monthly customer availability charge, and effective in the January 2024 monthly billing, the large commercial customer, which includes previous class of large commercial city facilities customers and current and future Electric Vehicle charging stations, (with operable demand metering systems in place and measured usage of forty (40) kW and greater) shall pay the sum of the metered use of electric energy measured in kilowatt-hours (kWh) during the department's monthly meter reading cycle multiplied by the appropriate service rate as follows, plus a demand charge per kW of metered customer peak usage for that meter reading cycle. To qualify for the large commercial rate, accounts must meet or exceed forty (40) kW peak monthly demand a minimum of seven (7) out of twelve (12) months in both of the last two (2) years.
- (e) EV Charging services will be charged as a Large Commercial Customer if the electric meter connected to the EV Charger has a measured kW use of 40 kW or more for a minimum of 7 out of 12 months in both of the last

2 years. If the electric meter connected to the EV Charger has a measured use of less than 40 kW for 7 out of 12 months in the past two years, and if the EV charger is not situated within a Single Family Residence, it will be charged as a Small Commercial Customer. If the electric meter connected to the EV Charger is located directly in a Single Family Residence, it will be charged as a Residential Customer.

AMP Size	Usage Up To	Per KWh	Remaining Usage Over	Per KWh	Demand Charge on Customer Peak kW
100 AMP	23200	\$0.0703	23200	\$0.0879	\$22.70
200 AMP	23200	\$0.0703	23200	\$0.0879	\$22.70
300 AMP	23200	\$0.0703	23200	\$0.0879	\$22.70
400 AMP	23200	\$0.0703	23200	\$0.0879	\$22.70
600 AMP	23200	\$0.0703	23200	\$0.0879	\$22.70
800 AMP	23200	\$0.0703	23200	\$0.0879	\$22.70
1000 AMP	23200	\$0.0703	23200	\$0.0879	\$22.70
1200 AMP	23200	\$0.0703	23200	\$0.0879	\$22.70
1400 AMP	23200	\$0.0703	23200	\$0.0879	\$22.70
1600 AMP	23200	\$0.0703	23200	\$0.0879	\$22.70
1800 AMP	23200	\$0.0703	23200	\$0.0879	\$22.70
2000 AMP	23200	\$0.0703	23200	\$0.0879	\$22.70
2200 AMP	23200	\$0.0703	23200	\$0.0879	\$22.70
2400 AMP	23200	\$0.0703	23200	\$0.0879	\$22.70
2600 AMP	23200	\$0.0703	23200	\$0.0879	\$22.70
2800 AMP	23200	\$0.0703	23200	\$0.0879	\$22.70
3000 AMP and above	23200	\$0.0703	23200	\$0.0879	\$22.70

- (e) In addition to the monthly customer availability charge, and effective in the January 2024 monthly billing, an alternative 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
100 AMP	775	0.0962	2,050	0.1442	2,550	0.2229	2,550	0.3939
200 AMP	1,050	0.0962	2,750	0.1442	3,900	0.2229	3,900	0.3939
300 AMP	1,840	0.0962	4,140	0.1442	7,084	0.2229	7,084	0.3939

- (f) In addition to the monthly customer availability charge, and effective in the January 2024 monthly billing, an alternative customer rate shall be available for new, all-electric residential properties. This rate shall be

available for all electric residential properties with new or upgraded construction that complies with the International Energy Conservation Code 2021 edition as stated in Municipal Code 8.46, including amendments as stated in Ordinance 1, Series of 2023. This rate will only be applied to residential electric accounts that have been reviewed and approved as a qualifying 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:

(1) Residential all-electric monthly kWh rate:

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	460	\$0.0962	1,242	\$0.1442	2,208	\$0.2229	2,208	\$0.3939
200 AMP	598	\$0.0962	1,564	\$0.1442	3,220	\$0.2229	3,220	\$0.3939
300 AMP	1,840	\$0.0962	4,140	\$0.1442	7,084	\$0.2229	7,084	\$0.3939
400 AMP	1,840	\$0.0962	4,140	\$0.1442	7,084	\$0.2229	7,084	\$0.3939
600 AMP	3,220	\$0.0962	6,256	\$0.1442	10,120	\$0.2229	10,120	\$0.3939
800 AMP	3,220	\$0.0962	6,256	\$0.1442	10,120	\$0.2229	10,120	\$0.3939
1000 AMP	3,220	\$0.0962	6,256	\$0.1442	10,120	\$0.2229	10,120	\$0.3939
1200 AMP	3,220	\$0.0962	6,256	\$0.1442	10,120	\$0.2229	10,120	\$0.3939
1400 AMP	3,220	\$0.0962	6,256	\$0.1442	10,120	\$0.2229	10,120	\$0.3939
1600 AMP	3,220	\$0.0962	6,256	\$0.1442	10,120	\$0.2229	10,120	\$0.3939
1800 AMP	3,220	\$0.0962	6,256	\$0.1442	10,120	\$0.2229	10,120	\$0.3939
2000 AMP	3,220	\$0.0962	6,256	\$0.1442	10,120	\$0.2229	10,120	\$0.3939
2200 AMP	3,220	\$0.0962	6,256	\$0.1442	10,120	\$0.2229	10,120	\$0.3939
2400 AMP	3,220	\$0.0962	6,256	\$0.1442	10,120	\$0.2229	10,120	\$0.3939
2600 AMP	3,220	\$0.0962	6,256	\$0.1442	10,120	\$0.2229	10,120	\$0.3939
2800 AMP	3,220	\$0.0962	6,256	\$0.1442	10,120	\$0.2229	10,120	\$0.3939

3000 AMP and above	3,220	\$0.0962	6,256	\$0.1442	10,120	\$0.2229	10,120	\$0.3939
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(Code 1971, § 23-18.1; Ord. No. 42-1984, § 1 ; Ord. No. 76-1992, § 1 ; Ord. No. 36-1996, § 1 ; Ord. No. 41-2004, § 1 ; Ord. No. 7-2006, § 1 ; Ord. No. 37-2008 ; Ord. No 29-2011 ; Ord. No. 36-2011 ; Ord. No. 37-2014, § 1 ; Ord. No. 44-2015 , Ord. No. 38-2016 , Ord. No. 27-2017 ; Ord. No. 28-2018 ; Ord. No. 24-2019 , § 1, 11-26-2019; Ord. No. 17-2020 , § 1, 11-24-2020; Ord. No. 20-2021 , § 1, 11-23-2021; Ord. No. 16-2022 , § 1, 11-29-2022)

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 three percent (3%) 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.

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.

Temporary Irrigation is temporarily installed irrigation for the sole purpose of low water use and drought tolerant plant establishment pursuant to the terms set forth in a City of Aspen Temporary Irrigation Water Service Agreement.

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 feature is defined as a design element in which open water serves primarily an aesthetic or decorative beneficial use. Water features include, but are not limited to ponds, lakes, waterfalls, jets, fountains, artificial streams, water stairs, infinity pools, or cascades wherein potable water is artificially supplied to create or operate the feature. Water features do not include swimming pools or hot tubs. No water features will be allowed on Aspen Water utility accounts effective January 1, 2022.

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; Ord. No. 17-2020 , § 1, 11-24-2020; Ord. No. 16-2022 , § 1, 11-29-2022)

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:

The first and second hose bibs at each water account property will be rated according to a tiered schedule of 0.20 ECUs for the first hose bib, 0.10 ECUs for the second hose bib, and 0.05 ECUs for each additional hose bib thereafter. The 0.05 ECUs described in the code is intended to apply this rating to hose bibs that are to be used specifically for additional irrigation on top of/alongside any hard-plumbed "sprinkler system" if/when present.

Hose bib ECU ratings::

1 st hose bib	Any Line-Size	0.20
2 nd hose bib	Any Line-Size	0.10
3 rd -and additional hose bib(s)	Any Line-Size	0.05

Yard Hydrant	.5/hydrant
Irrigation System—Spray	0.01/100 Sq. Ft.
Low-Flow Bubbler	0.005/100 Sq. Ft.
Drip Irrigation System	0.001/100 Sq. Ft.

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

	ECU
Toilet/urinal	0.05
Mop/laundry sink (per compartment)	0.05
Kitchen sink (per compartment)	0.05
Lavatory sink (per compartment)	0.02
Combo toilets (toilet/bidet, toilet/lav)	0.07
Bar sink (per compartment)	0.05
Garbage disposal	0.05
Household dishwasher	0.10
Commercial dishwasher (per ½" of supply line diameter)	0.10
Dishwasher drawer (single)	0.05
Steamer oven	0.05
Household clothes washer	0.10
Commercial clothes washer (per ½" of supply line diameter)	0.10
Commercial icemaker (per ½" of supply line diameter)	0.05
Steam room	0.08
Water bottle fill station	0.05
Whole home humidifier	0.30
Single room humidifier	0.05
Coffee urn	0.05
Tub/shower (combined or separate)	0.05
Bidet	0.05
Wet saunas	0.08
Room humidifier	0.05

Jacuzzi/spa (per 100 gal. of capacity)	0.02
Plunge pool (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 gallons per day for non-consumptive use	1.50
Each 1,000 gallons per day for consumptive use	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
1 st Hose bib	0.20
2 nd Hose bib	0.10
Additional Hose bib(s)	0.05
Overhead Spray Irrigation	0.01/100 sq. ft.
Bubbler Irrigation	0.005/100 sq. ft.
Drip Emitter Irrigation	0.001/100 sq. ft.
Recirculating Water Feature (Pre-existing Only)	0.10
Yard Hydrant	0.05

- (c) No water features will be allowed on Aspen Water utility accounts effective January 1, 2022. A water feature is defined as a design element in which open water serves primarily an aesthetic or decorative beneficial use. Water features include, but are not limited to: ponds, lakes, waterfalls, jets, fountains, artificial streams, water stairs, infinity pools, or cascades wherein potable water is artificially supplied to create or operate the feature. Water features do not include swimming pools or hot tubs.
- (d) Effective January 1, 2023, single family residential water accounts being served or requesting city treated water will be eligible for a maximum of 4.0 Equivalent Capacity Units (ECUs), per parcel.
- (e) 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).

In no event shall the ECU rating be less than the following minimums:

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

4"	20.0
6"	30.0
8"	60.0

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

- (f) The ECU rating per customer pursuant to Subsections (a), (b), (c) or (e) 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.
- (g) Commercial agricultural uses shall be limited to a maximum of one (1) ECU of potable water without the prior express written consent of the City Manager.

(Code 1971, § 23-44; Ord. No. 27-1985, § 1; Ord. No. 36-1995, § 1; Ord. No. 43-1996, § 16; Ord. No. 30-2012 § 4; Ord. No. 15-2019, § 2, 6-24-2019; Ord. No. 24-2019, § 1, 11-26-2019; Ord. No. 17-2020, § 1, 11-24-2020; Ord. No. 20-2021, § 1, 11-23-2021; Ord. No. 16-2022, § 1, 11-29-2022)

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 **\$7,410.00** per 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; Ord. No. 17-2020 , § 1, 11-24-2020)

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	2024 Rate
Projects with 0 to 200 Sq. Ft. of Affected Area	\$400.00
Projects with 201 to 5,000 Sq. Ft. of Affected Area	\$2.36/sq. ft.
Projects of 5,001 to 15,000 Sq. Ft. of Affected Area	\$2.36/sq. ft. for 1st 5,000 sq. ft. + \$1.97/sq. ft. thereafter
Projects with more than 15,000 Sq. Ft. of Affected Area	\$2.36/sq. ft. for 1st 5,000 sq. ft. + \$1.97/sq. ft. for next 10,000 sq. ft. + \$1.81 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.

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- (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; Ord. No. 17-2020 , § 1, 11-24-2020; Ord. No. 16-2022 , § 1, 11-29-2022)

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, 2024:

Billing Area	2024 Charges per ECU
Billing Area 1	\$11,730
Billing Area 2	\$23,460
Billing Area 3	\$23,460
Billing Area 4	\$14,663
Billing Area 5	\$20,528
Billing Area 6	\$23,460
Billing Area 7	\$17,595
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 eight hundred forty-five dollars (\$1,845.000)/ECU.

(Code 1971, § 23-58; Ord. No. 27-1985, § 1 ; Ord. No. 54-1986, § 1 ; Ord. No. 34-1988, § 6 ; Ord. No. 19-1990, § 3 ; Ord. No. 39-1993, § 5 ; Ord. No. 30-2012 § 8 ; Ord. No. 28-2018 ; Ord. No. 24-2019 , § 1, 11-26-2019; Ord. No. 17-2020 , § 1, 11-24-2020; Ord. No. 20-2021 , § 1, 11-23-2021; Ord. No. 16-2022 , § 1, 11-29-2022)

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, 2024, the utility hookup charge shall be as follows:

Line Size	2024 Charges
3/4"	\$2,000.00
1"	\$2,500.00
1.5"	\$3,000.00
2"	\$5,000.00
4"	\$7,000.00
6"	\$9,000.00
8"	\$11,000.00

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

(Code 1971, § 23-58; Ord. No. 27-1985 , § 1; Ord. No. 54-1986 , § 1; Ord. No. 34-1988, § 6; Ord. No. 19-1990 , § 3; Ord. No. 39-1993 , § 5; Ord. No. 30-2012 § 9; Ord. No. 30-2018 ; Ord. No. 24-2019 , § 1, 11-26-2019; Ord. No. 17-2020 , § 1, 11-24-2020; Ord. No. 20-2021 , § 1, 11-23-2021)

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 Waiver
Category 2	70% Fee Waiver
Category 3	40% Fee Waiver
Category 4	0% Fee Waiver
Category 5	0% Fee Waiver
Resident Occupied	0% Fee Waiver
Free Market Units	0% Fee Waiver

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

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 2024 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	\$6.80
2	2.00	\$13.60
3	2.00	\$13.60
4	1.25	\$8.50
5	1.75	\$11.90
6	2.00	\$13.60
7	1.50	\$10.20

- (b) Effective in the January 2024 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	3.78	10,000	\$4.85	14,000	\$6.94	14,000	\$15.63

- (c) Effective in the January 2024 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	\$3.36

2	\$6.72
3	\$10.08

- (d) Effective in the January 2024 monthly billing, all metered accounts shall pay a monthly fire protection charge per ECU as follows:

Billing Area	Billing Factor (Included)	Per ECU Rate
1	1.00	\$4.95
2	2.00	\$9.90
3	2.00	\$9.90
4	1.25	\$6.19
5	1.75	\$8.66
6	2.00	\$9.90
7	1.50	\$7.43

(Code 1971, § 23-101; Ord. No. 27-1985, § 1 ; Ord. No. 48-1986, § 1[A]; Ord. No. 51-1987, § 1 ; Ord. No. 18-1988, § 1; Ord. No. 34-1988, § 1 ; Ord. No. 19-1990, § 2 ; Ord. No. 39-1993, § 6; Ord. No. 45-1999, § 16 ; Ord. No. 41-2004, § 2 [part] ; Ord. No. 7-2006, § 2 ; Ord. No. 35-2011, § 2 ; Ord. No. 30-2012 § 20 ; Ord. No 38-2014, § 1 ; Ord. No 45-2015 § 1 ; Ord. No. 38-2016 ; Ord. No. 27-2017 ; Ord. No. 28-2018 ; Ord. No. 24-2019 , § 1, 11-26-2019; Ord. No. 17-2020 , § 1, 11-24-2020; Ord. No. 20-2021 , § 1, 11-23-2021; Ord. No. 16-2022 , § 1, 11-29-2022)

Sec. 25.16.011. Bulk rates for metered water service.

- (a) Effective in the January 2024 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 2,940,000 gallons	\$5.86
Over 2,940,000 gallons	\$13.74

- (b) Effective January 1, 2024, the demand charge per fill up for fill station water sales pursuant to Subsection 25.08.020(e) shall be thirty-five dollars (\$35.00) per day.
- (c) Effective January 1, 2024, the variable charge for fill station bulk water sales pursuant to Subsection 25.08.020(e) shall be twenty dollars and 0.52 cents (\$20.52) per one thousand (1,000) gallons. Bulk water charges for service line and mainline leaks/breaks created by non-Utility Department staff will be charged at a rate of twenty-one dollars (\$21.00) per one thousand (1,000) gallons in areas that are gravity feed, thirty dollars (\$30.00) per one thousand (1,000) gallons in water service areas that are in a one-pump zone; and, thirty-five dollars (\$35.00) per one thousand (1,000) gallons in areas that are in a two-pump zone.

(Ord. No. 45-2015 ; Ord. No. 38-2016 ; Ord. No. 28-2018 ; Ord. No. 24-2019 , § 1, 11-26-2019; Ord. No. 17-2020 , § 1, 11-24-2020; Ord. No. 20-2021 , § 1, 11-23-2021; Ord. No. 16-2022 , § 1, 11-29-2022)

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, 2023, the non-pressurized raw water rate per irrigation season is as follows:

Non-Pressurized Raw Water	2023 and 2024 Rate
Per 1,000 Sq. Ft.	\$49.44

- (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) A one-time application and processing fee is due for each Raw Water License Agreement when a new, fully executed agreement has been signed by the owner and a City of Aspen Utilities representative. As of January 1, 2024, the one-time application and processing fee is one hundred fifty dollars, (\$150.00)
- (e) It shall be unlawful for any person to pump or convey water from the raw water ditches without a valid raw water license agreement. Any persons doing so will be subject to a penalty of five hundred dollars (\$500.00) for the first offense, one thousand dollars (\$1,000.00) for the second offense and one thousand five hundred dollars (\$1,500.00) for each additional offense.

(Ord. No. 41-2004, § 5 ; Ord. No. 35-2011, § 3 ; Ord. No. 30-2012 § 23 ; Ord. No. 45-2015 , Ord. No. 38-2016 ; Ord. No. 27-2017 ; Ord. No. 28-2018 ; Ord. No. 24-2019 , § 1, 11-26-2019; Ord. No. 17-2020 , § 1, 11-24-2020; Ord. No. 20-2021 , § 1, 11-23-2021; Ord. No. 16-2022 , § 1, 11-29-2022)

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, 2023, metered rates for pressurized raw water accounts for seasonal delivery of non-potable water is as follows:

Metered Pressurized Raw Water - Billing to Occur Monthly - May through October	2023 and 2024 Rate
Per 1,000 Gallons	\$5.73

- (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, 2023, the unmetered, pressurized raw water rate for seasonal delivery of non-potable water is as follows:

Unmetered Pressurized Raw Water - Billing to Occur Monthly - May through October	2023 and 2024 Rate
Seasonal Rate Per 1,000 Sq. Ft.	\$201.85
Monthly Rate Per 1,000 Sq. Ft. - Based on 6-Month Irrigation Season	\$33.64

- (e) Carriage rates for raw water, (see "Definitions" section), shall be the same as those in Paragraph (d)(1) except where a valid contract provides for alternate method and procedures for billing.
- (f) It shall be unlawful for any person to pump or convey water from the raw water ditches without a valid raw water license agreement. Any persons doing so will be subject to a penalty of five hundred dollars (\$500.00) for the first offense, one thousand dollars (\$1,000.00) for the second offense and one thousand five hundred dollars (\$1,500.00) for each additional offense.

(Ord. No. 41-2004, § 5 ; Ord. No. 30-2012 § 23 ; Ord. No. 38-2014 § 3 ; Ord. No. 45-2015 ; Ord. No. 27-2017 ; Ord. No. 28-2018 ; Ord. No. 24-2019 , § 1, 11-26-2019; Ord. No. 17-2020 , § 1, 11-24-2020; Ord. No. 20-2021 , § 1, 11-23-2021; Ord. No. 16-2022 , § 1, 11-29-2022)

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 2024 month billing, all temporary construction accounts shall pay a monthly demand charge per ECU as follows:

Billing Area	Billing Factor (Included)	Per ECU Rate
1	1.00	\$8.50
2	2.00	\$17.00
3	2.00	\$17.00
4	1.25	\$10.63
5	1.75	\$14.88
6	2.00	\$17.00
7	1.50	\$12.75

- (b) Effective in the January 2024 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	\$4.95
2	2.00	\$9.90
3	2.00	\$9.90
4	1.25	\$6.19
5	1.75	\$8.66
6	2.00	\$9.90
7	1.50	\$7.43

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

(Ord. No. 35-2011 § 4 ; Ord. No. 30-2012 § 24 ; Ord. No. 38-2014 § 4 ; Ord. No. 45-2015 ; Ord. No. 27-2017 ; Ord. No. 28-2018 ; Ord. No. 24-2019 , § 1, 11-26-2019; Ord. No. 17-2020 , § 1, 11-24-2020; Ord. No. 20-2021 , § 1, 11-23-2021; Ord. No. 16-2022 , § 1, 11-29-2022)

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 **2024** 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	\$6.80
2	2.00	\$13.60
3	2.00	\$13.60
4	1.25	\$8.50
5	1.75	\$11.90
6	2.00	\$13.60
7	1.50	\$10.20

- (b) Effective in the January **2024** 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	\$4.95
2	2.00	\$9.90
3	2.00	\$9.90
4	1.25	\$6.19
5	1.75	\$8.66
6	2.00	\$9.90
7	1.50	\$7.43

(Ord. No. 35-2011 § 5 ; Ord. No. 30-2012 § 26 ; Ord. No. 38-2014 § 5 ; Ord. No. 45-2015 , Ord. No. 38-2016 ; Ord. No. 27-2017 ; Ord. No. 28 2018 ; Ord. No. 24-2019 , § 1, 11-26-2019; Ord. No. 17-2020 , § 1, 11-24-2020; Ord. No. 20-2021 , § 1, 11-23-2021; Ord. No. 16-2022 , § 1, 11-29-2022)

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 **2024** monthly billing, all pre-tap accounts shall pay a monthly demand charge per ECU as follows:

Billing Area	Billing Factor (Included)	Per ECU Rate
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1	1.00	\$6.80
2	2.00	\$13.60
3	2.00	\$13.60
4	1.25	\$8.50
5	1.75	\$11.90
6	2.00	\$13.60
7	1.50	\$10.20

- (b) Effective in the January 2024 monthly billing, all pre-tap accounts shall pay a monthly fire protection charge per ECU as follows:

Billing Area	Billing Factor (Included)	Per ECU Rate
1	1.00	\$4.95
2	2.00	\$9.90
3	2.00	\$9.90
4	1.25	\$6.19
5	1.75	\$8.66
6	2.00	\$9.90
7	1.50	\$7.43

(Ord. No. 35-2011 § 6 ; Ord. No. 30-2012 § 26 ; Ord. No. 38-2014 § 6 ; Ord. No. 45-2015 , Ord. No. 38-2016 ; Ord. no. 27-2017 ; Ord. No. 28-2018 ; Ord. No. 24-2019 , § 1, 11-26-2019; Ord. No. 17-2020 , § 1, 11-24-2020; Ord. No. 20-2021 , § 1, 11-23-2021; Ord. No. 16-2022 , § 1, 11-29-2022)

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 2024 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	\$121.22
2	2.00	\$242.46
3	2.00	\$242.46
4	1.25	\$151.53
5	1.75	\$212.16
6	2.00	\$242.46
7	1.50	\$181.85

- (b) Effective in the January 2024 monthly billing, all unmetered water service accounts shall pay a monthly fire protection charge per ECU as follows:

Billing Area	Billing Factor (Included)	Per ECU Rate
1	1.00	\$4.95
2	2.00	\$9.90
3	2.00	\$9.90

4	1.25	\$6.19
5	1.75	\$8.66
6	2.00	\$9.90
7	1.50	\$7.43

(Ord. No. 35-2011, § 6 ; Ord. No. 30-2012 § 27 ; Ord. No. 38-2014, § 7 ; Ord. No. 45-2015 , Ord. No. 38-2016 ; Ord. No. 27-2017 ; Ord. No. 28-2018 ; Ord. No. 24-2019 , § 1, 11-26-2019; Ord. No. 17-2020 , § 1, 11-24-2020; Ord. No. 20-2021 , § 1, 11 23 2021; Ord. No. 16-2022 , § 1, 11-29-2022)

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 2024 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%	\$6.12
2	2.00	90%	\$12.24
3	2.00	90%	\$12.24
4	1.25	90%	\$7.65
5	1.75	90%	\$10.71
6	2.00	90%	\$12.24
7	1.50	90%	\$9.18

- (2) Effective in the January 2024 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	\$3.78	10,000	\$4.85	14,000	\$6.94	14,000	\$15.63

- (3) Effective in the January 2024 monthly billing, all senior 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	\$3.36
2	\$6.72
3	\$10.08

- (4) Effective in the January 2024 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%	\$4.46
2	2.00	90%	\$8.91
3	2.00	90%	\$8.91
4	1.25	90%	\$5.57
5	1.75	90%	\$7.80
6	2.00	90%	\$8.91
7	1.50	90%	\$6.68

- (e) 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 2024 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%	\$36.37
2	2.00	30%	\$72.74
3	2.00	30%	\$72.74
4	1.25	30%	\$45.46
5	1.75	30%	\$63.65
6	2.00	30%	\$72.74
7	1.50	30%	\$54.56

- (2) Effective in the January 2024 monthly billing, all senior unmetered accounts shall pay a monthly fire protection charge per ECU as follows:

Billing Area	Billing Factor (Included)	Percentage of Regular Metered Demand	Per ECU Rate
1	1.00	30%	\$1.49
2	2.00	30%	\$2.97
3	2.00	30%	\$2.97
4	1.25	30%	\$1.86
5	1.75	30%	\$2.60
6	2.00	30%	\$2.97

7	1.50	30%	\$2.23
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(Code 1971, § 23-102; Ord. No. 27-1985, § 1 ; Ord. No. 48-1986, § 1(A) (B) ; Ord. No. 51-1987, § 2 ; Ord. No. 1-1988 ; Ord. No. 8-1990, § 2 ; Ord. 39-1993, § 7 ; Ord. No. 35-2011, § 8 ; Ord. No. 30-2012, § 28 ; Ord. No. 38-2014, § 8 ; Ord. No. 45-2015 ; Ord. No. 38-2016 ; Ord. No. 27-2017 ; Ord. No. 28-2018 ; Ord. No. 24-2019 , § 1, 11-26-2019; Ord. No. 17-2020 , § 1, 11-24-2020; Ord. No. 20-2021 , § 1, 11-23-2021; Ord. No. 16-2022 , § 1, 11-29-2022)

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 three percent (3%) 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 ; Ord. No. 17-2020 , § 1, 11-24-2020)

Sec. 25.16.030. Meter regulations; mandatory metering.

- (a) Except as expressly provided in this Chapter, all water service shall be metered. The Water department requires mandatory metering of all properties receiving treated water. An unmetered rate is only allowed if a property is under construction and there is no physical and/or safe method to install a meter during the completion of the construction project. Once construction is complete, no Certificate of Occupancy will be given without a passed water meter install and inspection.
- (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; Ord. No. 17-2020 , § 1, 11-24-2020)

Sec. 25.28.021 – Voluntary Valley-Wide Recommended Irrigation Schedule.

This is a voluntary water wasting section and as such is considered subordinate to the following mandatory code sections: (1) Sec.25.28.020 Wasting of water prohibited; (2) Sec. 25.28.022 Exceptions to wasting of water; and, (3) Sec. 25.28.030 Water shortage declaration.

In addition to the above-mentioned mandatory water wasting sections, this voluntary section strongly encourages any person or entity using water from the City water system or any system connected thereto to voluntarily adhere to the following recommendations to avoid wasting irrigation water. For purposes of this Section, *wasting irrigation water* shall mean the following:

(a) Watering with spray irrigation between the hours of 9:00 a.m. and 6:00 p.m. or outside of the water use schedule defined here:

- i. Customers whose property address (base number) ends in an odd number may irrigate outdoors on Wednesdays, Fridays, and Sundays only.
- ii. Customers whose property address (base number) ends in an even number (including 0) may irrigate outdoors on Tuesdays, Thursdays, and Saturdays only.
- iii. No outside irrigation shall be allowed on Mondays.
- iv. In effect, a customer with an address ending in an odd number may only water on Wednesdays, Fridays, and Sundays between the hours of 12:00 a.m. and 9:00 a.m. and/or between the hours of 6:00 p.m. and 11:59 p.m. A customer with an address ending in an even number may only water on Tuesdays, Thursdays, and Saturdays between the hours of 12:00 a.m. and 9:00 a.m. and/or between the hours 6:00 p.m. and 11:59 p.m.

Sec. 25.28.022. Exceptions to wasting of water.

The following activities do not constitute the wasting of water for purposes of Section 25.20.020:

- (a) Flow resulting from firefighting or routine inspection of fire hydrants or from fire training activities; or
- (b) Flow resulting from routine inspection, operation, or maintenance of a utility water system; or
- (c) Water applied as a dust control measure; or
- (d) Water used for construction or maintenance activities where the application of water is the appropriate methodology and where no other practical alternative exists; or
- (e) Street sweeping; or
- (f) Other watering activities reasonably necessary to protect public health or safety.

(Ord. No. 10-2020, § 2, 8-25-2020)

Sec. 25.28.030. Water shortage declaration.

- (a) A water shortage shall be declared upon a finding by the City Council that the City is facing a shortage in its supply of water due to drought, system capacity, or any other cause. Such a finding shall be made by resolution.
- (b) The provisions of this Chapter shall apply to the use of the treated water supply, including fill station(s) for bulk water sales; pressurized and non-pressurized raw water, and reuse water of the City to the extent any City-customer agreements provide for curtailment of water use or suspension of water delivery during water shortages or emergencies.
- (c) The City Council shall regulate the water service usage in accordance with subsection (a) of this section through adoption by resolution of a "drought mitigation and response plan", which shall be prepared and maintained by the Aspen Utilities Department.
- (d) The City Manager shall promulgate rules and regulations to implement the response plan as appropriate to address the water shortage declared by City Council. Such rules and regulations may include exemptions, as deemed appropriate by the City Manager.
- (e) When the resolution finding a water shortage is approved, the plan set forth in the rules and regulations shall be implemented. Such rules and regulations shall have full force and effect and shall be enforceable until such a time as the water shortage is found by City Council to have ended. It shall be an additional

responsibility of the Utilities Director, under direction of the City Manager, to ensure that the measures described in the rules and regulations are carried out and to provide sufficient coordination between City departments.

- (f) In the event of an emergency, the City Manager shall have the authority to institute rules and regulations affecting the uses of all water served by the water delivery system until such a time that a water shortage declaration can be made by the City Council but no longer than 21 consecutive days.

(Ord. No. 10-2020 , § 2, 8-25-2020)

Sec. 25.28.050. Monthly rates for water shortages.

Unless an alternative system of charges is adopted by City Council, temporary rates will be in effect during the time that the City Council declares a water shortage. Factors from the tables below will be specified in the rules and regulations for the water shortage declared by City Council and will be applied to monthly variable charges identified in Section 25.16.010 to develop temporary rate increases. Temporary rate increases shall go into effect after a minimum of a 48-hour notification of this rate change by the City of Aspen City Manager and as set forth in the rules and regulations provided via Public Notice.

- (a) Four-Tier Rate Structure:

Billing Tier	Usage in Gallons Per ECU	Stage 1	Stage 2	Stage 3	Emergency Response
I	0 to 4,000	1.0	1.0	1.0	1.0
II	4,001 to 10,000	1.0	1.0	1.0	1.0
III	10,001 to 14,000	1.0 to 2.0	1.0 to 2.0	1.0 to 2.0	1.0 to 2.0
IV	Over 14,000	1.0 to 2.50	1.0 to 2.50	1.0 to 2.50	1.0 to 2.50

- (b) Two-Tier Rate Structure (Bulk Water Customers):

Billing Tier	Usage in Gallons Per ECU	Stage 1	Stage 2	Stage 3	Emergency Response
I	0 to 2,940	1.0	1.0	1.0	1.0
II	Over 2,940	1.0 to 1.75	1.0 to 1.75	1.0 to 1.75	1.0 to 1.75

- (c) One-Tier Rate Structure (Bulk Water Customers/Fill Stations):

Billing Tier	Usage in Gallons Per ECU	Stage 1	Stage 2	Stage 3	Emergency Response
I	0 to 999,999,999	1.0 to 2.0	1.0 to 2.0	1.0 to 2.0	1.0 to 2.0

- (d) Raw Water Rate Structure, Pressurized and Non-Pressurized:

Non-Pressurized Raw Water	Pressurized Raw Water	Stage 1	Stage 2	Stage 3	Emergency Response
Per 1,000 Sq. Ft	Per 1,000 Gallons	1.0 to 2.0	1.0 to 2.0	1.0 to 2.0	1.0 to 2.0

(Ord. No. 10-2020 , § 2, 8-25-2020)

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

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

(Ord. No. 16-2017; Ord. No. 28-2018 ; Ord. No. 9-2020 , § 1, 1-28-2020; Ord. No. 20-2021 , § 1, 11-23-2021)

Sec. 25.30.080. Deposit Requirements for Temporary Certificates of Occupancy.

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

Therefore, if a property owner, or their representative, requests a Temporary Certificate of Occupancy for improvements made on a City or County parcel with connection to City Water prior to complete installation of the irrigation system and landscaping, and completion of a third-party audit, with final City of Aspen Approval Letter, the property owner will submit an estimate to complete the remaining irrigation and landscaping work and pay a deposit according to the schedule below prior to issuance of the Temporary Certificate of Occupancy. Development on properties with a Temporary Certificate of Occupancy-issued after the onset/persistence of winter conditions must complete associated irrigation and landscaping installation per submitted plans and pass a completed 3rd Party Audit and City of Aspen Final Inspection prior to July 15th of the subsequent irrigation season.

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

Deposit Schedule for Landscaping and Irrigation	
Remaining Project Cost Estimate	Deposit
\$0—\$1,000,000	50% - minimum \$10,000
\$1,000,001 to \$999,999,999	30%

(Ord. No. 24-2019 , § 1, 11-26-2019; Ord. No. 9-2020 , § 1, 1-28-2020; Ord. No. 20-2021 , § 1, 11-23-2021; Ord. No. 16-2022 , § 1, 11-29-2022)

Sec. 25.30.085. Requirements for Temporary Irrigation Water Service Agreements.

- (a) *Temporary Irrigation Water Service Agreements.* Based on the terms and conditions of an approved city water user's Temporary Irrigation Water Service Agreement, the city will provide treated water service to the subject property for purposes of temporary irrigation of a predetermined amount of irrigated square feet for a predetermined period of time. The location, amount, plants, specifications, etc. of planned temporary irrigation on the subject property will be reviewed and approved prior to executing a Temporary

Irrigation Water Service Agreement. A \$25,000.00, (twenty-five thousand dollar), deposit from property owner is also required prior to the city executing a Temporary Irrigation Water Service Agreement with an existing water customer for a parcel already receiving city water.

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 14th day of November, 2023.

Attest:



Nicole Henning, City Clerk



Torre, Mayor

FINALLY, adopted, passed, and approved this 28th day of November, 2023.

Attest:



Nicole Henning, City Clerk

Torre, Mayor



Approved as to form:



James R. True, City Attorney

