
ORDINANCE NO. 20

Series 2024

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; 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 programing.

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

Section 1.

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

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, 2025, 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	\$2,282	\$4,563	\$6,087	\$6,844	\$15,795
200	\$4,565	\$9,127	\$12,173	\$13,689	\$26,325
300	\$9,130	\$14,832	\$18,260	\$20,533	\$47,385
400	\$12,173	\$19,776	\$24,347	\$27,378	\$63,180
600	\$21,649	\$35,168	\$43,298	\$48,688	\$112,357
800	\$28,865	\$46,891	\$57,730	\$64,918	\$149,810
1000	\$36,081	\$58,614	\$72,163	\$81,147	\$187,262
1200	\$43,298	\$70,337	\$86,595	\$97,376	\$224,715
1400	\$50,514	\$82,060	\$101,028	\$113,606	\$262,167
1600	\$57,730	\$93,783	\$115,460	\$129,835	\$299,619
1800	\$64,946	\$105,505	\$129,893	\$146,064	\$337,072
2000	\$72,163	\$117,228	\$144,325	\$162,294	\$374,524
2200	\$79,379	\$128,951	\$158,758	\$178,523	\$411,977
2400	\$86,595	\$140,674	\$173,190	\$194,753	\$449,429
2600	\$90,492	\$147,004	\$180,984	\$203,516	\$469,653
2800	\$94,564	\$153,619	\$189,128	\$212,675	\$490,788
3000 and above	\$98,819	\$160,532	\$197,639	\$222,245	\$512,873

(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; Ord. No. 15-2023, § 1, 11-28-2023)

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, 2025, 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	\$500.00	\$700.00
10—24.99 kW	\$1,000.00	\$1,500.00
25 kW and up	\$2,000.00	\$4,000.00

(Ord. No. 20-2021, § 1, 11-23-2021; Ord. No. 16-2022, § 1, 11-29-2022; Ord. No. 15-2023, § 1, 11-28-2023)

Sec. 25.04.038. Electric utility application fee.

Effective January 1, 2025, an application fee of one-hundred dollars (\$100) shall be assessed upon submission of any Electric Utility Permit application.

Sec. 25.04.040. Electric service rates.

(a) The rates applicable to EV Charging services will be subject to service rates for a Large Commercial Customer if the electric meter connected to the EV Charger has a measured kW use of 40 kW for any twelve (12) consecutive months. If the electric meter connected to the EV Charger has a measured use of less than 40 kW for the prior twelve (12) consecutive months, 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 2025 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	\$31.97	\$30.14
200 AMP	\$46.02	\$32.21	\$61.60	\$55.73
300 AMP	\$106.29	\$74.40	\$100.79	\$88.87
400 AMP	\$154.93	\$108.45	\$146.59	\$128.12
600 AMP	\$273.31	\$191.32	\$258.09	\$225.49
800 AMP	\$412.01	\$288.41	\$388.71	\$341.04
1000 AMP	\$573.91	\$401.74	\$541.19	\$473.81
1200 AMP	\$749.26	\$524.48	\$706.33	\$622.49
1400 AMP	\$951.57	\$666.10	\$896.86	\$789.64
1600 AMP	\$1,153.87	\$807.71	\$1,087.39	\$956.80
1800 AMP	\$1,373.64	\$961.55	\$1,294.37	\$1,147.31
2000 AMP	\$1,618.75	\$1,133.13	\$1,525.20	\$1,351.22
2200 AMP	\$1,893.93	\$1,325.75	\$1,784.49	\$1,580.93
2400 AMP	\$2,215.90	\$1,551.13	\$2,087.85	\$1,849.68
2600 AMP	\$2,592.61	\$1,814.83	\$2,442.79	\$2,164.13
2800 AMP	\$3,033.35	\$2,123.35	\$2,858.06	\$2,532.03
3000 AMP and above	\$3,549.02	\$2,484.31	\$3,343.93	\$2,962.48

(b) In addition to the monthly customer availability charge, and effective in the January 2025 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	\$0.1012	1,080	\$0.1517	1,920	\$0.2345	1,920	\$0.4144
200 AMP	520	\$0.1012	1,360	\$0.1517	2,800	\$0.2345	2,800	\$0.4144
300 AMP	1,600	\$0.1012	3,600	\$0.1517	6,160	\$0.2345	6,160	\$0.4144
400 AMP	1,600	\$0.1012	3,600	\$0.1517	6,160	\$0.2345	6,160	\$0.4144
600 AMP	2,800	\$0.1012	5,440	\$0.1517	8,800	\$0.2345	8,800	\$0.4144
800 AMP	2,800	\$0.1012	5,440	\$0.1517	8,800	\$0.2345	8,800	\$0.4144
1000 AMP	2,800	\$0.1012	5,440	\$0.1517	8,800	\$0.2345	8,800	\$0.4144
1200 AMP	2,800	\$0.1012	5,440	\$0.1517	8,800	\$0.2345	8,800	\$0.4144
1400 AMP	2,800	\$0.1012	5,440	\$0.1517	8,800	\$0.2345	8,800	\$0.4144
1600 AMP	2,800	\$0.1012	5,440	\$0.1517	8,800	\$0.2345	8,800	\$0.4144
1800 AMP	2,800	\$0.1012	5,440	\$0.1517	8,800	\$0.2345	8,800	\$0.4144
2000 AMP	2,800	\$0.1012	5,440	\$0.1517	8,800	\$0.2345	8,800	\$0.4144
2200 AMP	2,800	\$0.1012	5,440	\$0.1517	8,800	\$0.2345	8,800	\$0.4144
2400 AMP	2,800	\$0.1012	5,440	\$0.1517	8,800	\$0.2345	8,800	\$0.4144
2600 AMP	2,800	\$0.1012	5,440	\$0.1517	8,800	\$0.2345	8,800	\$0.4144
2800 AMP	2,800	\$0.1012	5,440	\$0.1517	8,800	\$0.2345	8,800	\$0.4144
3000 AMP and above	2,800	\$0.1012	5,440	\$0.1517	8,800	\$0.2345	8,800	\$0.4144

(c) Effective January 1, 2022, all electric accounts that service five (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. 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) In addition to the monthly customer availability charge, and effective in the January 2025 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	\$0.1122	2320	\$0.1403	4800	\$0.2105	4800	\$0.3368
200 AMP	1280	\$0.1122	3120	\$0.1403	5760	\$0.2105	5760	\$0.3368
300 AMP	3360	\$0.1122	7120	\$0.1403	12240	\$0.2105	12240	\$0.3368
400 AMP	3360	\$0.1122	7120	\$0.1403	12240	\$0.2105	12240	\$0.3368
600 AMP	6560	\$0.1122	13200	\$0.1403	18400	\$0.2105	18400	\$0.3368
800 AMP	13600	\$0.1122	28000	\$0.1403	44800	\$0.2105	44800	\$0.3368
1000 AMP	13600	\$0.1122	28000	\$0.1403	44800	\$0.2105	44800	\$0.3368
1200 AMP	13600	\$0.1122	28000	\$0.1403	44800	\$0.2105	44800	\$0.3368
1400 AMP	13600	\$0.1122	28000	\$0.1403	44800	\$0.2105	44800	\$0.3368
1600 AMP	13600	\$0.1122	28000	\$0.1403	44800	\$0.2105	44800	\$0.3368
1800 AMP	13600	\$0.1122	28000	\$0.1403	44800	\$0.2105	44800	\$0.3368
2000 AMP	13600	\$0.1122	28000	\$0.1403	44800	\$0.2105	44800	\$0.3368
2200 AMP	13600	\$0.1122	28000	\$0.1403	44800	\$0.2105	44800	\$0.3368
2400 AMP	13600	\$0.1122	28000	\$0.1403	44800	\$0.2105	44800	\$0.3368
2600 AMP	13600	\$0.1122	28000	\$0.1403	44800	\$0.2105	44800	\$0.3368

2800 AMP	13600	\$0.1122	28000	\$0.1403	44800	\$0.2105	44800	\$0.3368
3000 AMP and above	13600	\$0.1122	28000	\$0.1403	44800	\$0.2105	44800	\$0.3368

(e) In addition to the monthly customer availability charge, and effective in the January 2025 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 twelve (12) out of twelve (12) months in both of the last two (2) years.

AMP Size	Usage Up To	Per KWh	Remaining Usage Over	Per KWh	Demand Charge on Customer Peak kW
100 AMP	23200	\$0.0773	23200	\$0.0966	\$23.38
200 AMP	23200	\$0.0773	23200	\$0.0966	\$23.38
300 AMP	23200	\$0.0773	23200	\$0.0966	\$23.38
400 AMP	23200	\$0.0773	23200	\$0.0966	\$23.38
600 AMP	23200	\$0.0773	23200	\$0.0966	\$23.38
800 AMP	23200	\$0.0773	23200	\$0.0966	\$23.38
1000 AMP	23200	\$0.0773	23200	\$0.0966	\$23.38
1200 AMP	23200	\$0.0773	23200	\$0.0966	\$23.38
1400 AMP	23200	\$0.0773	23200	\$0.0966	\$23.38
1600 AMP	23200	\$0.0773	23200	\$0.0966	\$23.38
1800 AMP	23200	\$0.0773	23200	\$0.0966	\$23.38
2000 AMP	23200	\$0.0773	23200	\$0.0966	\$23.38
2200 AMP	23200	\$0.0773	23200	\$0.0966	\$23.38
2400 AMP	23200	\$0.0773	23200	\$0.0966	\$23.38
2600 AMP	23200	\$0.0773	23200	\$0.0966	\$23.38
2800 AMP	23200	\$0.0773	23200	\$0.0966	\$23.38
3000 AMP and above	23200	\$0.0773	23200	\$0.0966	\$23.38

(f) In addition to the monthly customer availability charge, and effective in the January 2025 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	520	0.1012	1404	0.1517	2450	0.2345	2,451	0.4144
200 AMP	1050	0.1012	2750	0.1517	3900	0.2345	3,901	0.4144

(g) In addition to the monthly customer availability charge, and effective in the January 2025 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	\$0.1012	1,242	\$0.1517	2,208	\$0.2345	2,208	\$0.4144
200 AMP	598	\$0.1012	1,564	\$0.1517	3,220	\$0.2345	3,220	\$0.4144
300 AMP	1,840	\$0.1012	4,140	\$0.1517	7,084	\$0.2345	7,084	\$0.4144
400 AMP	1,840	\$0.1012	4,140	\$0.1517	7,084	\$0.2345	7,084	\$0.4144
600 AMP	3,220	\$0.1012	6,256	\$0.1517	10,120	\$0.2345	10,120	\$0.4144
800 AMP	3,220	\$0.1012	6,256	\$0.1517	10,120	\$0.2345	10,120	\$0.4144
1000 AMP	3,220	\$0.1012	6,256	\$0.1517	10,120	\$0.2345	10,120	\$0.4144
1200 AMP	3,220	\$0.1012	6,256	\$0.1517	10,120	\$0.2345	10,120	\$0.4144
1400 AMP	3,220	\$0.1012	6,256	\$0.1517	10,120	\$0.2345	10,120	\$0.4144
1600 AMP	3,220	\$0.1012	6,256	\$0.1517	10,120	\$0.2345	10,120	\$0.4144
1800 AMP	3,220	\$0.1012	6,256	\$0.1517	10,120	\$0.2345	10,120	\$0.4144
2000 AMP	3,220	\$0.1012	6,256	\$0.1517	10,120	\$0.2345	10,120	\$0.4144
2200 AMP	3,220	\$0.1012	6,256	\$0.1517	10,120	\$0.2345	10,120	\$0.4144
2400 AMP	3,220	\$0.1012	6,256	\$0.1517	10,120	\$0.2345	10,120	\$0.4144

2600 AMP	3,220	\$0.1012	6,256	\$0.1517	10,120	\$0.2345	10,120	\$0.4144
2800 AMP	3,220	\$0.1012	6,256	\$0.1517	10,120	\$0.2345	10,120	\$0.4144
3000 AMP and above	3,220	\$0.1012	6,256	\$0.1517	10,120	\$0.2345	10,120	\$0.4144

(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; Ord. No. 15-2023, § 1, 11-28-2023)

Sec. 25.04.045. Late payment charge.

- (a) Payments for electric service, transformers and other associated electric fees and charges shall be due on the 25th of the following month 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).
- (b) Utility customers shall notify the Utility Department of any change in mailing and contact information associated with their account within thirty (30) days of the change. Failure to provide the Utility Department with accurate contact information shall not exempt the customer from compliance with this Title or any City Utility rules and regulations, or fees and penalties accessed by the Utility, including late fees.

(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; Ord. No. 15-2023, § 1, 11-28-2023)

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: two hundred dollars (\$200.00).
 - 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; Ord. No. 17-2020, § 1, 11-24-2020)

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 one hundred fifty dollars (\$150.00) 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; Ord. No. 17-2020, § 1, 11-24-2020)

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 **on grade** 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 **outdoor** 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; Ord. No. 15-2023, § 1, 11-28-2023)

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 bathrooms 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) 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: 0.02 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 $\frac{1}{8}$ " of supply line diameter)	0.10
Dishwasher drawer (single)	0.05
Steamer oven	0.05
Household clothes washer	0.10
Commercial clothes washer (per $\frac{1}{8}$ " of supply line diameter)	0.10
Commercial icemaker (per $\frac{1}{8}$ " 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

- (c) No **outdoor** 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 account/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
$\frac{3}{4}$ "	1.0
1"	2.0
$1\frac{1}{4}$ "	3.0
$1\frac{1}{2}$ "	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; Ord. No. 15-2023, § 1, 11-28-2023)

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 eight thousand two dollars and eighty cents (\$8002.80)/ECU commencing January 1, 2025.
- (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 water 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; Ord. No. 15-2023, § 1, 11-28-2023)

Sec. 25.12.025. Water 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 water development review fee shall be as set forth in Subsection (e) of the Section.
- (e) [Water Development Fees.]

Water Development Review Fees	2025 Rate
Projects with Up To 200 Sq. Ft. of Affected Area	\$475.00
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") or 50% or greater interior alteration.	Fee calculated according to affected area. Affected area is calculated as square footage of the building footprint, plus the total square footage of exterior disturbance. Calculation instructions are set forth in Section (f), below.
Interior or exterior work that requires a Water review (Utilities, Engineering-Dev, Engineering-Water, WELS) or includes adding, removing, or changing any water fixtures or impacting a component of the ECU table in Section 25.08.090	Fee calculated according to utility affected area. Utility affected area is the total square footage of all rooms/work areas in which water fixtures or components of ECU table are affected, plus the total square footage of any water related exterior disturbance. Calculation instructions are set forth in Section (g), below.
Interior or exterior work that does not require a Water review (Utilities, Engineering-Dev, Engineering-Water, WELS) or includes adding, removing, or changing any water fixtures or impacting a component of the ECU table in Section 25.08.090	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; Ord. No. 17-2020, § 1, 11-24-2020; Ord. No. 16-2022, § 1, 11-29-2022; Ord. No. 15-2023, § 1, 11-28-2023)

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, 2025:

Billing Area	2025 Charges per ECU
Billing Area 1	\$13,020
Billing Area 2	\$26,041
Billing Area 3	\$26,041
Billing Area 4	\$16,275
Billing Area 5	\$22,786
Billing Area 6	\$26,041
Billing Area 7	\$19,530
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, 2025, Well System Development fees that be calculated at a rate of one thousand nine hundred ninety-two dollars and sixty cents (\$1,992.60)/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; Ord. No. 15-2023, § 1, 11-28-2023; Ord. No. 15-2023, § 1, 11-28-2023)

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, 2025, the utility hookup charge shall be as follows:

Line Size	2025 Charges
3/4"	\$2,200.00

1"	\$2,700.00
1.5"	\$3,200.00
2"	\$5,500.00
4"	\$7,500.00
6"	\$9,500.00
8"	\$11,500.00

- (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; Ord. No. 17-2020, § 1, 11-24-2020; Ord. No. 20-2021, § 1, 11-23-2021)

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 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. Exceptions may be granted in cases where the account owner can prove, to the satisfaction of the Water Distribution Superintendent, that the pretap meets the minimum requirements of the latest edition of the City of Aspen Water Distribution Standards.

(Code 1971, § 23-64; Ord. No. 27-1985, § 1; Ord. No. 30-2012 § 12; Ord. No. 28-2018; 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 2025 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	\$7.14
2	2.00	\$14.28
3	2.00	\$14.28
4	1.25	\$8.93
5	1.75	\$12.50
6	2.00	\$14.28
7	1.50	\$10.71

(b) Effective in the January 2025 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	\$3.97	10,000	\$5.09	14,000	\$7.29	14,000	\$16.41

(c) Effective in the January 2025 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	\$3.53
2	\$7.06
3	\$10.59

(d) Effective in the January 2025 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	\$5.20
2	2.00	\$10.40
3	2.00	\$10.40
4	1.25	\$6.50
5	1.75	\$9.10
6	2.00	\$10.40
7	1.50	\$7.80

(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; Ord. No. 15-2023, § 1, 11-28-2023)

Sec. 25.16.011. Bulk rates for metered water service.

(a) Effective in the January 2025 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	\$6.15
Over 2,940,000 gallons	\$14.43

(b) Effective January 1, 2025, the demand charge per fill up for fill station water sales pursuant to Subsection 25.08.020(e) shall be thirty-six dollars and seventy-five cents (\$36.75) per day.

(c) Effective January 1, 2025, the variable charge for fill station bulk water sales pursuant to Subsection 25.08.020(e) shall be twenty-one dollars and fifty-five cents (\$21.55) 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-three dollars and ten cents (\$23.10) per one thousand (1,000) gallons in areas that are gravity feed, thirty-three dollars (\$33.00) per one thousand (1,000) gallons in water service areas that are in a one-pump zone; and, thirty-eight dollars and fifty cents (\$38.50) 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; Ord. No. 15-2023, § 1, 11-28-2023)

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, 2025, the non-pressurized raw water rate per irrigation season is as follows:

Non-Pressurized Raw Water	2025 Rate
Per 1,000 Sq. Ft.	\$51.91

(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; Ord. No. 15-2023, § 1, 11-28-2023)

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, 2025, 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	2025 Rate
Per 1,000 Gallons	\$6.01

- (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, 2025, 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	2025 Rate
Seasonal Rate Per 1,000 Sq. Ft.	\$211.95
Monthly Rate Per 1,000 Sq. Ft. - Based on 6-Month Irrigation Season	\$35.32

- (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; Ord. No. 15-2023, § 1, 11-28-2023)

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

All temporary construction water accounts shall pay monthly the sum of charges (a) and (b).

(a) Effective in the January 2025 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	\$8.93
2	2.00	\$17.85
3	2.00	\$17.85
4	1.25	\$11.16
5	1.75	\$15.62
6	2.00	\$17.85
7	1.50	\$13.39

(b) Effective in the January 2025 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	\$5.20
2	2.00	\$10.40
3	2.00	\$10.40
4	1.25	\$6.50
5	1.75	\$9.10
6	2.00	\$10.40
7	1.50	\$7.80

(c) Construction accounts shall pay demand and fire protection charges 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; Ord. No. 15-2023, § 1, 11-28-2023)

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 2025 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	\$7.14
2	2.00	\$14.28
3	2.00	\$14.28
4	1.25	\$8.93
5	1.75	\$12.50
6	2.00	\$14.28
7	1.50	\$10.71

(b) Effective in the January 2025 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	\$5.20
2	2.00	\$10.40
3	2.00	\$10.40
4	1.25	\$6.50
5	1.75	\$9.10
6	2.00	\$10.40
7	1.50	\$7.80

(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; Ord. No. 15-2023, § 1, 11-28-2023)

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 2025 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	\$7.14
2	2.00	\$14.28
3	2.00	\$14.28
4	1.25	\$8.93
5	1.75	\$12.50
6	2.00	\$14.28
7	1.50	\$10.71

(b) Effective in the January 2025 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	\$5.20
2	2.00	\$10.40
3	2.00	\$10.40

4	1.25	\$6.50
5	1.75	\$9.10
6	2.00	\$10.40
7	1.50	\$7.80

(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; Ord. No. 15-2023, § 1, 11-28-2023)

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 2025 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	\$127.28
2	2.00	\$254.58
3	2.00	\$254.58
4	1.25	\$159.11
5	1.75	\$222.76
6	2.00	\$254.58
7	1.50	\$190.94

(b) Effective in the January 2025 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	\$5.20
2	2.00	\$10.40
3	2.00	\$10.40
4	1.25	\$6.50
5	1.75	\$9.10
6	2.00	\$10.40
7	1.50	\$7.80

(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; Ord. No. 15-2023, § 1, 11-28-2023)

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 2025 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%	\$6.43
2	2.00	90%	\$12.85
3	2.00	90%	\$12.85
4	1.25	90%	\$8.03
5	1.75	90%	\$11.25
6	2.00	90%	\$12.85
7	1.50	90%	\$9.64

(2) Effective in the January 2025 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	\$3.97	10,000	\$5.09	14,000	\$7.29	14,000	\$16.41

(3) Effective in the January 2025 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	\$3.53
2	\$7.06
3	\$10.59

(4) Effective in the January 2025 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%	\$4.68
2	2.00	90%	\$9.36
3	2.00	90%	\$9.36

4	1.25	90%	\$5.85
5	1.75	90%	\$8.19
6	2.00	90%	\$9.36
7	1.50	90%	\$7.02

(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 2025 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%	\$38.18
2	2.00	30%	\$76.37
3	2.00	30%	\$76.37
4	1.25	30%	\$47.73
5	1.75	30%	\$66.83
6	2.00	30%	\$76.37
7	1.50	30%	\$57.28

(2) Effective in the January 2025 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%	\$1.56
2	2.00	30%	\$3.12
3	2.00	30%	\$3.12
4	1.25	30%	\$1.95
5	1.75	30%	\$2.73
6	2.00	30%	\$3.12
7	1.50	30%	\$2.34

(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; Ord. No. 15-2023, § 1, 11-28-2023)

Sec. 25.16.022. Late payment charge.

(a) Payments for water service, utility investment charges, system development charges, hook-up fees, and utilities review fees shall be due on the 25th of the following month 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).

(b) Utility customers shall notify the Utility Department of any change in mailing and contact information associated with their account within thirty (30) days of the change. Failure to provide the Utility Department with accurate contact information shall not exempt the customer from compliance with this Title or any City Utility rules and regulations, or fees and penalties accessed by the Utility, including late fees.

(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; Ord. No. 15-2023, § 1, 11-28-2023)

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

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

(b) The provisions of this Section apply to all commercial, industrial, multi-family, and single-family residential service connections with the City's potable water system.

(c) Definitions:

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

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

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

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

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

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

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

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

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

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

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

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

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

Single-family means:

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

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

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

(d) Requirements:

- (1) Commercial, industrial, multi-family, and single-family service connections shall be subject to a survey for cross connections. If a cross connection has been identified, an appropriate backflow prevention assembly and or method shall be installed at the customer's water service connection within ninety (90) days of its discovery. The assembly shall be installed downstream of the water meter or as close to that location as deemed practical by the public water system. If the assembly or method cannot be installed within ninety (90) days, the Utilities Department shall take action to control or remove the cross connection, suspend service to the cross connection, and/or receive an alternative compliance schedule from the Colorado Department of Public Health and Environment.
- (2) In no case shall it be permissible to have connections or tees between the meter and the containment backflow prevention assembly, unless such connections or tees are adequately controlled to achieve containment by isolation.
 - a. In instances in which an appropriate backflow preventer cannot be installed to achieve containment, the property owner must install approved backflow prevention devices or methods at all cross-connections within the premises plumbing system to achieve containment by isolation.

- (3) Backflow prevention assemblies and methods shall be installed in a location which provides access for maintenance, testing, and repair, and in accordance with the guidelines and requirements set forth in the Plumbing Code currently observed by the City of Aspen.
- (4) Reduced pressure principle backflow preventers shall not be installed in a manner or location that is subject to flooding.
- (5) Provisions shall be made to provide adequate drainage from the discharge of water from reduced pressure principle backflow prevention assemblies. Such discharge shall be conveyed in a manner which does not impact waters of the state.
- (6) All assemblies and methods shall be protected to prevent freezing. Those assemblies and methods used for seasonal services may be removed upon cessation of those seasonal services in lieu of being protected from freezing. Any and all assemblies and methods that are removed from seasonal points of service in lieu of being protected from freezing must be reinstalled and tested by a certified cross connection control technician prior to recommencing seasonal service.
- (7) Where a backflow prevention assembly or method is installed on a water supply system using storage water heating equipment such that thermal expansion causes an increase in pressure, an approved, listed, and adequately sized expansion tank or other approved device having a similar function to control thermal expansion shall be installed.
- (8) All backflow prevention assemblies shall be inspected and tested at the time of installation and inspected and tested at least once annually thereafter. Such tests must be conducted by a Certified Cross-Connection Control Technician. Backflow Inspectors are required to tag inspected backflow assemblies indicating date of inspection, a pass/fail designation, and their certification information. This tag requirement includes PVBs on irrigation systems.
- (9) The City Utilities Department shall require inspection, testing, maintenance and as needed repairs and replacement of all backflow prevention assemblies and methods, and of all required installations within a customer's premises plumbing system in the cases where containment assemblies and or methods cannot be installed. City Utilities customers shall be charged up to fifty dollars (\$50.00) per day fee for non-compliant and/or uninspected backflow assemblies past the twelve-month required inspection date.
- (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.

(b) Violations and Penalties:

- (1) 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.
- (2) In addition to penalties set forth in this section, failure to comply with the terms of this Code, including, but not limited to, failure to pay the necessary fees, charges and taxes, and failure to otherwise comply with the terms of this Code shall constitute an offense and a violation thereof. Violation of this Code

may result in an administrative fine of not less than fifty dollars (\$50.00) per day per assembly added as a fee to the customer's monthly bill.

- (3) Failure of the customer to cooperate in the installation, maintenance, testing, or inspection of backflow prevention assemblies required by these standards shall be grounds for the discontinuation of water service to the premises or the requirement. treated water service shutoff, and placement onto the unmetered water rate. Delinquency for each calendar month shall constitute a separate offense.
- (3) Service of water to any premises may be discontinued by the Utility Director if unprotected cross-connections exist on the premises. When a defect is found in an installed backflow prevention assembly, or if a backflow prevention assembly has been removed or bypassed, the service may be discontinued. Service shall not be restored until such conditions or defects are corrected.
- (5) Discontinuation of service may be summary, immediate, and without written notice whenever, in the sole discretion of the Director, such action is necessary to protect the purity of the public potable water supply or safety of the water system.

(Ord. No. 38-2016 ; 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. 25.30.030. Applicability.

- (a) After June 22, 2017, the City of Aspen Water Efficient Landscaping standards shall apply to the following projects that use City of Aspen potable water, as well as to Aspen raw water accounts utilizing City-owned water rights:
 - (1) Landscaping, grading, installing or disturbing hardscapes, additions to structures, etc. that has a disturbance area greater than one thousand (1,000) square feet and greater than twenty-five percent (25%) of the entire lot or parcel.
 - (2) Permit applications with more than ten thousand (10,000) square feet of affected area, which is defined as the square footage of the building footprint, plus the square footage of exterior disturbance.
 - (2) All building permits that trigger a "substantial remodel" per Title 25 of the Municipal Code, defined as the increase by fifty percent (50%) or more in the water using capacity of new water using devices or fixtures installed on a property, as measured by the ECU rating of the existing and proposed structure(s).
 - (3) All permit applications with internal work only that demolishes greater than 50% of the existing structure, (based on the entire square footage of rooms where floors, ceilings, or walls are exposed over the square footage of the structure).

(Ord. No. 18-2002 § 3 [part]; Ord. No. 17-2018; Ord. No. 28-2018; Ord. No. 9-2020, 1-28-2020; Ord. No. 9-2020, § 1, 1-28-2020; 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 twenty-five thousand dollar (\$25,000.00) 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.

(b) Water accounts that have an active Temporary Irrigation Water Service Agreement as of January 1st, 2025, shall be charged a ten dollar (\$10.00) monthly fee until such temporary agreement is dissolved.

(Ord. No. 15-2023, § 1, 11-28-2023)

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 12th day of November, 2024.

Attest:



Nicole Henning, City Clerk



Torre, Mayor

FINALLY, adopted, passed, and approved this 19th day of November, 2024.

Attest:

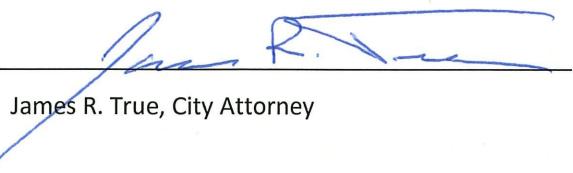


Nicole Henning, City Clerk



Torre, Mayor

Approved as to form:



James R. True, City Attorney

