

**ORDINANCE # 013**  
(Series 2025)

**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 the following sections of Title 25 of the Municipal Code of the City of Aspen, Colorado, which section sets forth Utilities, are hereby amended and added to, to read as follows (changes highlighted in yellow):

### **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.

Electric vehicle (EV) charging stations installed for the exclusive use of a single-family residence or a multi-family residential building shall be subject to the residential ECI fee rate. EV charging stations installed for public use, or provided as an amenity by a business, hotel, restaurant, or other commercial establishment for use by the general public, shall be subject to the commercial ECI fee rate.

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, 2026, 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	\$2,625	\$5,248	\$7,000	\$7,871	\$18,164
200	\$5,250	\$10,496	\$13,999	\$15,742	\$30,274
300	\$10,499	\$17,056	\$20,999	\$23,613	\$54,492
400	\$13,999	\$22,742	\$27,999	\$31,484	\$72,656
600	\$25,979	\$42,202	\$51,957	\$58,426	\$134,829
800	\$34,638	\$56,270	\$69,276	\$77,901	\$179,772
1000	\$43,298	\$70,337	\$86,595	\$97,376	\$224,715
1200	\$51,957	\$84,404	\$103,914	\$116,852	\$269,657
1400	\$60,617	\$98,472	\$121,233	\$136,327	\$314,600
1600	\$69,276	\$112,539	\$138,552	\$155,802	\$359,543
1800	\$77,936	\$126,606	\$155,871	\$175,277	\$404,486
2000	\$86,595	\$140,674	\$173,190	\$194,753	\$449,429
2200	\$95,255	\$154,741	\$190,509	\$214,228	\$494,372
2400	\$103,914	\$168,809	\$207,828	\$233,703	\$539,315
2600	\$108,590	\$176,405	\$217,181	\$244,220	\$563,584
2800	\$113,477	\$184,343	\$226,954	\$255,210	\$588,945
3000 and above	\$118,583	\$192,639	\$237,167	\$266,694	\$615,448

(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; Ord. No. 20-2024, § 1, 11-19-2024)



### 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, 2026, 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	\$700.00	\$1,000.00
10-24.99 kW	\$1,200.00	\$3,000.00
25 kW and up	\$4,000.00	\$5,000.00

(Ord. No. 20-2021, § 1, 11-23-2021; Ord. No. 16-2022, § 1, 11-29-2022; Ord. No. 15-2023, § 1, 11-28-2023; Ord. No. 20-2024, § 1, 11-19-2024)

### Sec. 25.04.038. Electric utility application fee.

Effective January 1, 2026, an application fee of two-hundred fifty dollars (\$250.00) shall be assessed upon submission of any Electric Utility Permit application.

(Ord. No. 20-2024, § 1, 11-19-2024)

### Sec. 25.04.040. Electric service rates.

- (a) Electric vehicle (EV) charging stations installed for the exclusive use of a single-family residence or a multi-family residential building shall be billed at the residential kWh rate. EV charging stations installed for public use, or provided as an amenity by a business, hotel, restaurant, or other commercial establishment for use by the general public, shall be billed under the applicable commercial rate structure. Commercial EV stations shall be billed at the small commercial rate unless the account records a peak demand of 40 kilowatts (kW) or greater in each billing month, in which case the large commercial rate shall apply.
- (b) Effective in the January 2026 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	\$24.35	\$17.05	\$33.25	\$31.95
200 AMP	\$47.40	\$33.18	\$64.07	\$59.08
300 AMP	\$111.60	\$78.12	\$104.82	\$94.21
400 AMP	\$162.68	\$113.88	\$152.46	\$135.81
600 AMP	\$286.98	\$200.89	\$268.42	\$239.03

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800 AMP	\$432.61	\$302.83	\$404.27	\$361.52
1000 AMP	\$602.61	\$421.83	\$562.86	\$502.26
1200 AMP	\$786.72	\$550.70	\$734.61	\$659.88
1400 AMP	\$999.15	\$699.41	\$932.77	\$837.07
1600 AMP	\$1,211.56	\$848.09	\$1,130.92	\$1,014.26
1800 AMP	\$1,442.32	\$1,009.62	\$1,346.19	\$1,216.21
2000 AMP	\$1,699.69	\$1,189.78	\$1,586.27	\$1,432.36
2200 AMP	\$1,988.63	\$1,392.04	\$1,855.94	\$1,675.87
2400 AMP	\$2,326.70	\$1,628.69	\$2,171.45	\$1,960.76
2600 AMP	\$2,722.24	\$1,905.57	\$2,540.59	\$2,294.09
2800 AMP	\$3,185.02	\$2,229.51	\$2,972.49	\$2,684.09
3000 AMP and above	\$3,726.47	\$2,608.53	\$3,477.81	\$3,140.38

- (c) In addition to the monthly customer availability charge, and effective in the January 2026 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	\$0.1083	1,080	\$0.1624	1,920	\$0.2509	1,920	\$0.4435
200 AMP	520	\$0.1083	1,360	\$0.1624	2,800	\$0.2509	2,800	\$0.4435
300 AMP	1,600	\$0.1083	3,600	\$0.1624	6,160	\$0.2509	6,160	\$0.4435
400 AMP	1,600	\$0.1083	3,600	\$0.1624	6,160	\$0.2509	6,160	\$0.4435
600 AMP	2,800	\$0.1083	5,440	\$0.1624	8,800	\$0.2509	8,800	\$0.4435
800 AMP	2,800	\$0.1083	5,440	\$0.1624	8,800	\$0.2509	8,800	\$0.4435
1000 AMP	2,800	\$0.1083	5,440	\$0.1624	8,800	\$0.2509	8,800	\$0.4435
1200 AMP	2,800	\$0.1083	5,440	\$0.1624	8,800	\$0.2509	8,800	\$0.4435
1400 AMP	2,800	\$0.1083	5,440	\$0.1624	8,800	\$0.2509	8,800	\$0.4435
1600 AMP	2,800	\$0.1083	5,440	\$0.1624	8,800	\$0.2509	8,800	\$0.4435
1800 AMP	2,800	\$0.1083	5,440	\$0.1624	8,800	\$0.2509	8,800	\$0.4435



2000 AMP	2,800	\$0.1083	5,440	\$0.1624	8,800	\$0.2509	8,800	\$0.4435
2200 AMP	2,800	\$0.1083	5,440	\$0.1624	8,800	\$0.2509	8,800	\$0.4435
2400 AMP	2,800	\$0.1083	5,440	\$0.1624	8,800	\$0.2509	8,800	\$0.4435
2600 AMP	2,800	\$0.1083	5,440	\$0.1624	8,800	\$0.2509	8,800	\$0.4435
2800 AMP	2,800	\$0.1083	5,440	\$0.1624	8,800	\$0.2509	8,800	\$0.4435
3000 AMP and above	2,800	\$0.1083	5,440	\$0.1624	8,800	\$0.2509	8,800	\$0.4435

- (d) 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.
- (e) In addition to the monthly customer availability charge, and effective in the January 2026 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	\$0.1212	2320	\$0.1516	4800	\$0.2274	4800	\$0.3639
200 AMP	1280	\$0.1212	3120	\$0.1516	5760	\$0.2274	5760	\$0.3639
300 AMP	3360	\$0.1212	7120	\$0.1516	12240	\$0.2274	12240	\$0.3639
400 AMP	3360	\$0.1212	7120	\$0.1516	12240	\$0.2274	12240	\$0.3639
600 AMP	6560	\$0.1212	13200	\$0.1516	18400	\$0.2274	18400	\$0.3639
800 AMP	13600	\$0.1212	28000	\$0.1516	44800	\$0.2274	44800	\$0.3639
1000 AMP	13600	\$0.1212	28000	\$0.1516	44800	\$0.2274	44800	\$0.3639
1200 AMP	13600	\$0.1212	28000	\$0.1516	44800	\$0.2274	44800	\$0.3639
1400 AMP	13600	\$0.1212	28000	\$0.1516	44800	\$0.2274	44800	\$0.3639

1600 AMP	13600	\$0.1212	28000	\$0.1516	44800	\$0.2274	44800	\$0.3639
1800 AMP	13600	\$0.1212	28000	\$0.1516	44800	\$0.2274	44800	\$0.3639
2000 AMP	13600	\$0.1212	28000	\$0.1516	44800	\$0.2274	44800	\$0.3639
2200 AMP	13600	\$0.1212	28000	\$0.1516	44800	\$0.2274	44800	\$0.3639
2400 AMP	13600	\$0.1212	28000	\$0.1516	44800	\$0.2274	44800	\$0.3639
2600 AMP	13600	\$0.1212	28000	\$0.1516	44800	\$0.2274	44800	\$0.3639
2800 AMP	13600	\$0.1212	28000	\$0.1516	44800	\$0.2274	44800	\$0.3639
3000 AMP and above	13600	\$0.1212	28000	\$0.1516	44800	\$0.2274	44800	\$0.3639

- (f) In addition to the monthly customer availability charge, and effective in the January 2026 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	\$0.0850	23200	\$0.1062	\$24.32
200 AMP	23200	\$0.0850	23200	\$0.1062	\$24.32
300 AMP	23200	\$0.0850	23200	\$0.1062	\$24.32
400 AMP	23200	\$0.0850	23200	\$0.1062	\$24.32
600 AMP	23200	\$0.0850	23200	\$0.1062	\$24.32
800 AMP	23200	\$0.0850	23200	\$0.1062	\$24.32
1000 AMP	23200	\$0.0850	23200	\$0.1062	\$24.32
1200 AMP	23200	\$0.0850	23200	\$0.1062	\$24.32
1400 AMP	23200	\$0.0850	23200	\$0.1062	\$24.32
1600 AMP	23200	\$0.0850	23200	\$0.1062	\$24.32
1800 AMP	23200	\$0.0850	23200	\$0.1062	\$24.32
2000 AMP	23200	\$0.0850	23200	\$0.1062	\$24.32
2200 AMP	23200	\$0.0850	23200	\$0.1062	\$24.32
2400 AMP	23200	\$0.0850	23200	\$0.1062	\$24.32
2600 AMP	23200	\$0.0850	23200	\$0.1062	\$24.32



2800 AMP	23200	\$0.0850	23200	\$0.1062	\$24.32
3000 AMP and above	23200	\$0.0850	23200	\$0.1062	\$24.32

- (g) In addition to the monthly customer availability charge, and effective in the January 2026 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	470	0.1083	1354	0.1623	2400	0.2509	2,400	0.4434
200 AMP	1025	0.1083	2725	0.1623	3875	0.2509	3,875	0.4434

- (h) In addition to the monthly customer availability charge, and effective in the January 2026 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	\$0.1083	1,242	\$0.1624	2,208	\$0.2509	2,208	\$0.4435
200 AMP	598	\$0.1083	1,564	\$0.1624	3,220	\$0.2509	3,220	\$0.4435
300 AMP	1,840	\$0.1083	4,140	\$0.1624	7,084	\$0.2509	7,084	\$0.4435
400 AMP	1,840	\$0.1083	4,140	\$0.1624	7,084	\$0.2509	7,084	\$0.4435
600 AMP	3,220	\$0.1083	6,256	\$0.1624	10,120	\$0.2509	10,120	\$0.4435
800 AMP	3,220	\$0.1083	6,256	\$0.1624	10,120	\$0.2509	10,120	\$0.4435
1000 AMP	3,220	\$0.1083	6,256	\$0.1624	10,120	\$0.2509	10,120	\$0.4435
1200 AMP	3,220	\$0.1083	6,256	\$0.1624	10,120	\$0.2509	10,120	\$0.4435

1400 AMP	3,220	\$0.1083	6,256	\$0.1624	10,120	\$0.2509	10,120	\$0.4435
1600 AMP	3,220	\$0.1083	6,256	\$0.1624	10,120	\$0.2509	10,120	\$0.4435
1800 AMP	3,220	\$0.1083	6,256	\$0.1624	10,120	\$0.2509	10,120	\$0.4435
2000 AMP	3,220	\$0.1083	6,256	\$0.1624	10,120	\$0.2509	10,120	\$0.4435
2200 AMP	3,220	\$0.1083	6,256	\$0.1624	10,120	\$0.2509	10,120	\$0.4435
2400 AMP	3,220	\$0.1083	6,256	\$0.1624	10,120	\$0.2509	10,120	\$0.4435
2600 AMP	3,220	\$0.1083	6,256	\$0.1624	10,120	\$0.2509	10,120	\$0.4435
2800 AMP	3,220	\$0.1083	6,256	\$0.1624	10,120	\$0.2509	10,120	\$0.4435
3000 AMP and above	3,220	\$0.1083	6,256	\$0.1624	10,120	\$0.2509	10,120	\$0.4435

(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; Ord. No. 20-2024, § 1, 11-19-2024)

#### **Sec. 25.04.125. Electric service bill adjustments.**

- (a) A customer account for electric service that experiences an unplanned and abnormally high usage event—clearly distinguishable as an outlier when compared to the account's consumption history for the prior three years, or since the account owner was first listed on the account, whichever period is shorter—may be eligible for a billing adjustment. The adjustment shall reclassify all kilowatt hours (kWh) of electricity associated with the unplanned event to be billed at the current first-tier electric rate. Only the electric consumption charge shall be subject to adjustment; all other components of the bill, including fixed service charges, and fees, shall remain unchanged. The new tax amount will be calculated off the adjusted electric bill. Prior to any adjustment being applied, the account owner must provide satisfactory evidence that the cause of the unplanned electric usage has been identified and resolved. Only one such adjustment shall be permitted per electric account for the same account owner within any rolling 24-month period.



## Chapter 25.12. UTILITY CONNECTIONS

### 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 three hundred twenty three dollars (\$8,323.00)/ECU commencing January 1, 2026.
- (c) Any person who desires to connect to the municipal water utility system or who is already connected to the municipal water utility system and intends to add or change a water demand factor or fixture shall file an application for utility service provided in Subsections (e) and (f) of this Section and pay all fees prior to obtaining a required building or plumbing permit. If no building or plumbing permit is required, the application shall be made prior to making the connection or to adding or changing the water demand factor or fixtures. All utility development review fees, utility investment charges, system development fees, hook-up charges, water main extension costs, and water rights dedication or fees in lieu of water rights dedication shall be due and payable when all city submittal fees are due unless prior written approval is obtained from the Water Department for a different method of payment.
- (d) Persons seeking an alternate method of payment of the assessment fee(s), shall make written application to the Water Department specifying the method of payment and all related forms. The Water Department upon review of the application, shall either approve, disapprove, or modify the proposal to satisfy Water Department needs.
- (e) Applications for utility service shall be made in writing to the Water Department on such forms as the Water Department may prescribe. Except as provided in Subsection (f) of this Section, application must be made by the owner of the property to be served or his or her duly authorized agent, designating the property, stating the purpose for which the water may be required and stating the ECU rating associated with such purpose.
- (f) Any person not an owner may apply to the Water Department for utility service to property which said person occupies but does not own. The application shall state the location of the property, the purpose for which water is required and the interest of the applicant in the property. The Director of Utilities may, in the



exercise of his or her discretion, accept the non-owner application for utility service and may impose such conditions as it sees fit with regard to the account, including the furnishing of a deposit.

- (g) A utility connection application shall be required, utility investment charges shall be assessed and, where appropriate, water rights dedication (or payment in lieu of water rights dedication) shall be required for any new or expanded use of water, whether or not such new or expanded use requires a new or enlarged utility service connection.

(Code 1971, § 23-56; Ord. No. 27-1985, § 1; Ord. No. 8-1988, § 1; Ord. 39-1993, § 4; Ord. No. 16-1994, §§ 1, 2; Ord. No. 30-2012 § 6; Ord. No. 24-2019, § 1, 11-26-2019; Ord. No. 17-2020, § 1, 11-24-2020; Ord. No. 15-2023, § 1, 11-28-2023; Ord. No. 20-2024, § 1, 11-19-2024)

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

- (a) All projects on properties within the City of Aspen that require engineering development review or that will add, change, or remove plumbing fixtures are subject to the utility development review prior to issuance of a City building permit; All projects on properties outside City of Aspen limits that may change or impact City water service are subject to the utility development review prior to submittal of a Pitkin County building permit application.
- (b) Applicable review fees and utility investment charges must be paid prior to issuance of a City of Aspen building permit, and/or prior to submitting an application for a Pitkin County building permit. In the case of permits with minimal changes and 100 or less utility square feet, up to a 90% fee reduction may be provided.
- (c) If submitting a building permit application to Pitkin County for a project that may change or impact City water service, the following documents are required for the utility development review: (1) Utility development review application; (2) relevant building plans, which may include architectural, civil, and/or water efficient landscape sets; (3) City water service agreement; (4) ECU Calculator.
- (d) The utility development review fee shall be as set forth in Subsection (e) of the Section.
- (e) [Utility Development Fees.]

Utility Development Fees	2025 Rate
Projects with 0 to 200 Sq. Ft. of Affected Area	\$475.00
Projects with 201 to 5,000 Sq. Ft. of Affected Area	\$2.45/sq. ft.
Projects of 5,001 to 15,000 Sq. Ft. of Affected Area	\$2.45/sq. ft. for 1st 5,000 sq. ft. + \$2.05/sq. ft. thereafter
Projects with more than 15,000 Sq. Ft. of Affected Area	\$2.45/sq. ft. for 1st 5,000 sq. ft. + \$2.05/sq. ft. for next 10,000 sq. ft. + \$1.88 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

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	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) Fee Calculation Guidelines**

- (1) To align this guideline with the rest of Section 25.12.025 Utility Development Review Fee, the calculation for percent of alteration will follow items (h)(2) through (h)(4) below.
- (2) If 50% or more of the interior is altered (excluding flooring), the Affected Area Square Footage will be used to calculate fees.
- (3) If the alteration is less than 50% after excluding flooring, the Utility Review Square Footage Total will be used instead.
- (4) Important Clarification: If flooring replacement is the sole factor that increases the alteration percentage from below 50% to 50% or more, the Water Utility will default to using the Utility Review Square Footage Total. This will include the total square footage of all rooms or work areas where water fixtures or ECU table components are affected plus any square footage of exterior soil disturbance—grading, landscaping, impervious areas, layback, stock pile areas, and construction access.

**(i) 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; Ord. No. 20-2024, § 1, 11-19-2024)

#### **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, 2026.

Billing Area	2026 Charges per ECU
Billing Area 1	\$14,973
Billing Area 2	\$29,947
Billing Area 3	\$29,947
Billing Area 4	\$18,717
Billing Area 5	\$26,203

Billing Area 6	\$29,947
Billing Area 7	\$22,460
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, 2026, Well System Development fees that be calculated at a rate of two thousand seventy-three dollars (\$2,073.00)/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; Ord. No. 20-2024, § 1, 11-19-2024)

#### **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, 2026, the utility hookup charge shall be as follows:

Line Size	2026 Charges
3/4"	\$2,288.00
1"	\$2,808.00
1.5"	\$3,328.00
2"	\$5,720.00
4"	\$6,760.00
6"	\$7,800.00
8"	\$9,880.00

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

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



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

- (a) *Purpose.* The purpose of this section is to identify those affordable housing projects that may be eligible for exemption from, and waivers of, the utility investment charges and system development charges when connecting to the City of Aspen's water system. There are three (3) types of affordable housing projects that are eligible for exemptions or waivers: (i) projects that are determined to be Qualified Affordable Employee Housing as defined herein; (ii) affordable housing projects that are eligible to receive Affordable Housing Credits pursuant to Chapter 26.540 of the Municipal Code; and (iii) projects that consist of a mix of affordable housing units subject to the Aspen/Pitkin County Housing Authority Guidelines, as may be amended from time to time; and, unrestricted (free market) units. To be eligible for an exemption or waiver pursuant to this section of the Municipal Code, a project shall have installed in all units properly maintained and continuously operable water conservation devices and practices as designated from time to time by the City Council by ordinance, resolution, or by regulations issued by the City Manager or the Water Department.
- (b) *Definitions.* As used in this Code, unless the context requires otherwise, the following terms shall be defined as follows:
- (1) *Qualified Affordable Employee Housing* shall be defined as publicly or privately constructed and owned projects which:
    - a. Are not constructed for mitigation purposes or which receive any form of Affordable Housing Credits such as those set forth at Chapter 26.540 of the Municipal Code; and
    - b. Are composed of one hundred percent (100%) employee housing units; and,
    - c. Are deed restricted to ensure that all units are subject to, and administered by, Aspen/Pitkin County Housing Authority Guidelines, as may be amended from time to time; and,
    - d. Are maintained as qualified affordable housing.
  - (2) The *Fee Waiver Schedule* referred to in this section is the percent of the utility investment charges that may be waived based upon the category of the units within the affordable housing project. The Fee Waiver Schedule is set forth in Figure 1, below.

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

- (3) *Affordable and Free Market Mix* shall be defined as a project that:
  - a. Consist of a mix of both deed restricted housing to ensure that all units are subject to the Aspen/Pitkin County Housing Authority Guidelines, as may be amended from time to time and unrestricted housing (free market) units; and,
  - b. Were not constructed for mitigation purposes.

- (c) Qualified Affordable Employee housing shall be exempt from all utility investment charges, **development review fees**, and system development charges when connection is made to the City of Aspen's water system.
- (d) Affordable Housing Credits Program. Projects that receive Affordable Housing Credits pursuant to Chapter 26.540 of the Municipal Code are eligible for a waiver of the percentage of the total utility investment charge, **development review fees**, and system development charge as set forth in the Fee Waiver Schedule. If a project has a mix of categories, the waiver shall be determined on a unit by unit basis pursuant to the Fee Waiver Schedule.
- (e) Affordable and Free Market Mix. Projects that are determined to be Affordable and Free Market Mix of units, and where no mitigation is required for the free market units, are eligible for a waiver of the percentage of the total utility investment charge, **development review fees**, and system development charge as set forth in the Fee Waiver Schedule for the affordable housing units. If a project has a mix of categories, the waiver shall be determined on a unit by unit basis pursuant to the Fee Waiver Schedule.
- (f) Revocation of Exemptions and Waivers. In the event that Qualified Employee Housing units, projects receiving Affordable Housing Credits, or projects that are considered Affordable and Free Market Mix projects, receive an exemption or a waiver in accordance with this section, and thereafter fail to continue being affordable housing units as contemplated herein; or, the water conservation devices and practices are not installed as required, are not properly maintained or continuously operable, the developer of such units and the owners thereof shall be jointly and severally liable to reimburse the City for the cost of the utility investment charges, **development review fees**, and system development charges exempted by this Section. The City Manager shall establish a method of accomplishing this payment so as not to be unduly burdensome on the developer or owners.
- (g) Subsequent Project Changes. Utility connection charge, **development review fees**, and system development charge waivers for affordable housing credit projects and affordable and free market mixed projects are a one-time occurrence at the time of project completion. Additions, remodels, and, or changes that occur after original project completion will not receive a utility connection charge or system development charge waiver, however a credit for the ECU's assigned to the specific employee housing unit will be allowed against additional fees due to these improvements.

(Ord. No. 8-1995, § 1; Ord. No. 36-1995, § 2; Ord. No. 13-2011; Ord. No. 30-2012 § 19; Ord. No. 24-2019, § 1, 11-26-2019; Ord. No. 17-2020, § 1, 11-24-2020; Ord. No. 15-2023, § 1, 11-28-2023)

## Chapter 25.16. WATER RATES AND CHARGES

### Sec. 25.16.010. Monthly rates for metered water service.

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

- (a) Effective in the January **2026** 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	<b>\$8.22</b>
2	2.00	<b>\$16.43</b>
3	2.00	<b>\$16.43</b>
4	1.25	<b>\$10.27</b>
5	1.75	<b>\$14.38</b>
6	2.00	<b>\$16.43</b>

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7	1.50	\$12.32
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- (b) Effective in the January 2026 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	\$4.56	10,000	\$5.86	14,000	\$8.39	14,000	\$18.87

- (c) Effective in the January 2026 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	\$4.06
2	\$8.12
3	\$12.18

- (d) Effective in the January 2026 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	\$5.98
2	2.00	\$11.96
3	2.00	\$11.96
4	1.25	\$7.48
5	1.75	\$10.47
6	2.00	\$11.96
7	1.50	\$8.97

(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; Ord. No. 20-2024, § 1, 11-19-2024)

#### Sec. 25.16.011. Bulk rates for metered water service.

- (a) Effective in the January 2026 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	\$7.07
Over 2,940,000 gallons	\$17.42

- (b) Effective January 1, 2026, the demand charge per fill up for fill station water sales pursuant to Subsection 25.08.020(e) shall be **forty-four dollars (\$44.00)** per day.
- (c) Effective January 1, 2026, the variable charge for fill station bulk water sales pursuant to Subsection 25.08.020(e) shall be **twenty-six dollars (\$26.00)** 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 **thirty dollars (\$30.00)** per one thousand (1,000) gallons in areas that are gravity feed, **forty-two dollars (\$42.00)** per one thousand (1,000) gallons in water service areas that are in a one-pump zone; and, **forty-nine dollars (\$49.00)** per one thousand (1,000) gallons in areas that are in a two-pump zone.

(Ord. No. 45-2015; Ord. No. 38-2016; Ord. No. 28-2018; Ord. No. 24-2019, § 1, 11-26-2019; Ord. No. 17-2020, § 1, 11-24-2020; Ord. No. 20-2021, § 1, 11-23-2021; Ord. No. 16-2022, § 1, 11-29-2022; Ord. No. 15-2023, § 1, 11-28-2023; Ord. No. 20-2024, § 1, 11-19-2024)

#### **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, 2026, the non-pressurized raw water rate per irrigation season is as follows:

<b>Non-Pressurized Raw Water</b>	<b>2026 Rate</b>
Per 1,000 Sq. Ft.	<b>\$54.51</b>

- (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; Ord. No. 20-2024, § 1, 11-19-2024)

#### **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, 2026, 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	2026 Rate
Per 1,000 Gallons	\$6.31

- (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, 2026, 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	2026 Rate
Seasonal Rate Per 1,000 Sq. Ft.	\$222.54
Monthly Rate Per 1,000 Sq. Ft. - Based on 6-Month Irrigation Season	\$37.09

- (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; Ord. No. 20-2024, § 1, 11-19-2024)

#### 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 2026 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	\$11.81
2	2.00	\$23.62
3	2.00	\$23.62
4	1.25	\$14.76
5	1.75	\$20.67
6	2.00	\$23.62

7	1.50	\$17.72
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- (b) Effective in the January 2026 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	\$5.98
2	2.00	\$11.96
3	2.00	\$11.96
4	1.25	\$7.48
5	1.75	\$10.47
6	2.00	\$11.96
7	1.50	\$8.97

- (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; Ord. No. 20-2024, § 1, 11-19-2024)

#### 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 2026 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	\$8.22
2	2.00	\$16.43
3	2.00	\$16.43
4	1.25	\$10.27
5	1.75	\$14.38
6	2.00	\$16.43
7	1.50	\$12.32

- (b) Effective in the January 2026 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	\$5.98
2	2.00	\$11.96
3	2.00	\$11.96
4	1.25	\$7.48
5	1.75	\$10.47



6	2.00	\$11.96
7	1.50	\$8.97

(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; Ord. No. 20-2024, § 1, 11-19-2024)

#### 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 2026 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	\$8.22
2	2.00	\$16.43
3	2.00	\$16.43
4	1.25	\$10.27
5	1.75	\$14.38
6	2.00	\$16.43
7	1.50	\$12.32

- (b) Effective in the January 2026 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	\$5.98
2	2.00	\$11.96
3	2.00	\$11.96
4	1.25	\$7.48
5	1.75	\$10.47
6	2.00	\$11.96
7	1.50	\$8.97

(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; Ord. No. 20-2024, § 1, 11-19-2024)

#### 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 2026 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	\$146.37
2	2.00	\$292.77
3	2.00	\$292.77
4	1.25	\$182.98
5	1.75	\$256.18
6	2.00	\$292.77
7	1.50	\$219.58

- (b) Effective in the January 2026 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	\$5.98
2	2.00	\$11.96
3	2.00	\$11.96
4	1.25	\$7.48
5	1.75	\$10.47
6	2.00	\$11.96
7	1.50	\$8.97

(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; Ord. No. 20-2024, § 1, 11-19-2024)

#### 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 2026 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	70%	\$5.75
2	2.00	70%	\$11.50
3	2.00	70%	\$11.50



4	1.25	70%	\$7.19
5	1.75	70%	\$10.06
6	2.00	70%	\$11.50
7	1.50	70%	\$8.63

- (2) Effective in the January 2026 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	\$4.56	10,000	\$5.86	14,000	\$8.39	14,000	\$18.87

- (3) Effective in the January 2026 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	\$4.06
2	\$8.12
3	\$12.18

- (4) Effective in the January 2026 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	70%	\$4.19
2	2.00	70%	\$8.37
3	2.00	70%	\$8.37
4	1.25	70%	\$5.23
5	1.75	70%	\$7.33
6	2.00	70%	\$8.37
7	1.50	70%	\$6.28

- (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 2026 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%	\$43.91
2	2.00	30%	\$87.83
3	2.00	30%	\$87.83

4	1.25	30%	\$54.89
5	1.75	30%	\$76.85
6	2.00	30%	\$87.83
7	1.50	30%	\$65.88

(2) Effective in the January 2026 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%	\$1.79
2	2.00	30%	\$3.59
3	2.00	30%	\$3.59
4	1.25	30%	\$2.24
5	1.75	30%	\$3.14
6	2.00	30%	\$3.59
7	1.50	30%	\$2.69

(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; Ord. No. 20-2024, § 1, 11-19-2024)

#### 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. Annual tests must be completed by October 31<sup>st</sup> of each year or before the anniversary of their last test, whichever is sooner. 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.
- (i) 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.
  - (4) 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; Ord. No. 20-2024, § 1, 11-19-2024)

#### **Sec. 25.16.040. Receipts.**

On payment of any water rates or charges, the Finance Department shall issue a receipt therefor stating the date of payment, the amount of money received, from whom received and on what premises the water was used. (Code 1971, § 23-105; Ord. No. 27-1985, § 1; Ord. No. 30-2012 § 31; Ord. No. 17-2020, § 1, 11-24-2020)

#### **Sec. 25.16.061. Discontinuance of service.**

- (a) *Grounds for discontinuance.* If any utility service charges remain unpaid for fifteen (15) days after their due date, the City may terminate service for the type of utility service for which payment has not been made. In

addition, the City may terminate a utility service for violation of any rule or regulation concerning such utility as set forth in this Title.

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

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

#### **Sec. 25.16.090. Deposit for water service.**

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



Residential service: 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) Paragraph (1) above, then an amount to be determined by the Finance Director within his or her sole discretion and based on a reasonable estimate of three (3) months' service for a space and use similar to the subject property.
- (b) Subject to the approval of the Utilities Director based on previous credit history with the City utilities, the owner of the premises on which the water is used may approve waiver of their tenant's deposit requirement. To request approval of the Utilities Director, the owner must complete an application which informs the owner of the possibility of a lien upon the premises for unpaid bills, pursuant to Section 25.04.090 above.
- (c) These deposits will be held by the Director of Finance until service is discontinued and final service bills are paid and will accrue interest at five percent (5%) per annum starting thirty (30) days after receipt of the monies until the date of disconnection. Return of the unused portion of the deposit plus interest will be made within forty-five (45) days from date the final billing is issued. Effective January 1, 2013 no deposit will accrue interest.

(Ord. No. 30-2012 § 36; Ord. No. 38-2014, § 10; Ord. No. 24-2019, § 1, 11-26-2019; Ord. No. 17-2020, § 1, 11-24-2020)

#### **Sec. 25.16.095. Potable water bill adjustments.**

- (a) A customer account for potable water service that experiences an unplanned and abnormally high-water usage event—clearly distinguishable as an outlier when compared to the account's consumption history for the prior three years, or since the account owner was first listed on the account, whichever period is shorter—may be eligible for a billing adjustment. The adjustment shall reclassify all gallons of water associated with the unplanned event to be billed at the current first-tier water rate. Only the water consumption charge shall be subject to adjustment; all other components of the bill, including fixed service charges and fees, shall remain unchanged. Prior to any adjustment being applied, the account owner must provide satisfactory evidence that the cause of the unplanned water usage has been identified and resolved. Account holder must also show proof of following any drought restrictions as applicable prior to bill adjustment. Only one such adjustment shall be permitted per water account for the same account owner within any rolling 24-month period.

## CHAPTER 25.30. WATER EFFICIENT LANDSCAPING STANDARDS

### 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.
  - (3) Landscape and Grading Permit applications with any modifications to an existing irrigation system.
  - (4) All permit applications with internal work that alters greater than 50% of the existing structure, based on the entire square footage of the existing building.

Note: Separate permits within three years for the same property that have a combined total disturbance area that meets any of the above triggers will be subject to compliance with WELS.

(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; Ord. No. 20-2024, § 1, 11-19-2024)

### 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, 2026, shall be charged a twenty-five dollar (\$25.00) monthly fee until such temporary agreement is dissolved.

(Ord. No. 15-2023, § 1, 11-28-2023; Ord. No. 20-2024, § 1, 11-19-2024)



## **Section 2.**

All other provisions of Title 25 not amended herein shall remain in full force and effect.

## **Section 3.**

Any scrivener's errors contained in the code amendments herein, including but not limited to mislabeled subsections or titles, may be corrected administratively following adoption of the Ordinance.

## **Section 4.**

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 5.**

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 6.**

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

## **Section 7.**

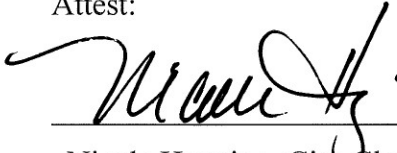
This ordinance shall not affect any existing litigation and shall not operate as an abatement of any action or proceeding now pending under or by virtue of the ordinance repealed or amended as herein provided, and the same shall be conducted and concluded under such prior ordinances.

## **Section 8.**

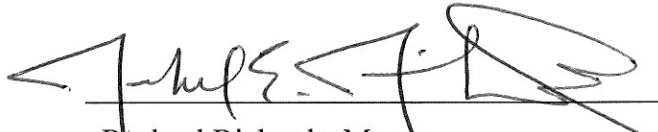
A public hearing on this ordinance shall be held on the 18<sup>th</sup> day of November, at a regular meeting of the Aspen City Council commencing at 5:00 p.m. in the City Council Chambers, Aspen City Hall, Aspen, Colorado.

**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 11th day of November, 2025.

Attest:



Nicole Henning, City Clerk



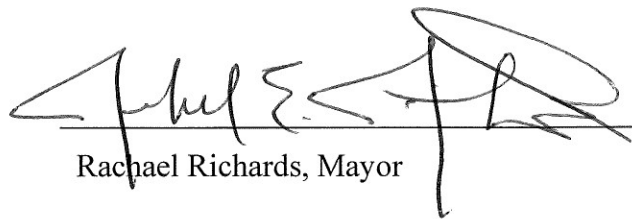
Rachael Richards, Mayor

**FINALLY, adopted, passed, and approved this 18th day of November, 2025.**

Attest:

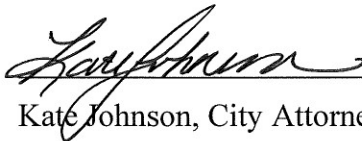


Nicole Henning, City Clerk



Rachael Richards, Mayor

Approved as to form:



Kate Johnson, City Attorney