

TITLE 25
UTILITIES^{1, 2, 3}

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- ¹ **Charter reference**—Ordinances fixing rates of City owned utilities not to be passed as emergency ordinances, §4.11; Public utilities generally, §11.1 et seq.
- ² **Cross-reference**—Buildings and building regulations, Title 8; Streets and sidewalks, Title 21; Land use regulations, Title 26; Cable television systems, Title 27.
- ³ **State law reference**—Municipal utilities, C.R.S. 31-15-707 et seq.; Public improvements, C.R.S. 31-15-701 et seq.

Chapter 25.04
ELECTRICITY¹

¹ **Cross-reference**—Electrical Code, § 8.24.010 et seq.

Sec. 25.04.010. Operation and control of Electric Department.

The electric light and power system owned and operated by the City and used to supply the City and the inhabitants thereof with electric light and power, shall be known as "The Aspen Electric Department." The operation and management of the Electric Department shall be under the control of the City Manager, who shall direct the construction of additions thereto and the maintenance and operation thereof and in all cases not particularly provided for by this Code, shall determine in what manner and upon what terms, electric power may be taken from such system by any property owner or consumer of electric power and the character of the connections and appliances which may be made or used therefor. (Code 1962, § 3-4-1; Code 1971, § 23-16, [Ord. No. 38-2016](#))

Charter references—Authority to establish departments, § 6.9.

Sec. 25.04.020. Powers and duties of Superintendent of Electric Department.

The Superintendent of the Electric Department shall be the manager of the department, who shall have charge of all facilities of such Department and it shall be his or her duty to manage the department and to maintain and control the same as directed by the City Manager and as provided in this Chapter. The Superintendent of the Electric Department shall be the manager of the department, who shall have charge of all facilities of such Department and it shall be his or her duty to manage the department and to maintain and control the same as directed by the City Manager and as provided in this Chapter.

The Superintendent of the Electric Department shall have control of the installation and extension of all electric lines, transformers, generating and other equipment, general supervision of the making of all service connections and the regulation of the electric supply to all users of electric power. He or she shall also have charge of and be responsible for all tools, machinery, wire, poles, meters, fixtures, materials and all other apparatus and appliances owned by the City or used by it in the maintenance and the operation of the electric system and shall keep account of all such material and the manner in which the same is used, kept or disposed of.

The Superintendent shall supervise and administer the connection of all service drops. (Code 1962, §§ 3-4-2, 3-4-5; Code 1971, § 23-17, [Ord. No. 38-2016](#))

Sec. 25.04.030. Lighting and power rate schedule.

All rates for lighting and power, including street lighting, the extension policy and the rules and regulations governing the operation of the Electric Department shall be as set forth in the most recent rate schedule as set by the City Council and, if service is for outside the City limits, as approved for the department by the Public Utilities Commission of the State of Colorado, hereinafter referred to as the PUC, a copy of which shall be on file in the office of the Director of Finance and available for inspection by any consumer or applicant for service at any time during reasonable business hours. (Code 1962, § 3-4-6; Code 1971, § 23-18)

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. 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, 2018, 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	1 Phase 120/240V	3 Phase, 120/208V	3 Phase, 277/480V
100	\$ 1,079	\$ 2,876	\$ 3,234	\$ 7,463
200	\$ 2,157	\$ 5,752	\$ 6,468	\$ 12,439
300	\$ 4,314	\$ 8,628	\$ 9,702	\$ 22,390
400	\$ 5,752	\$ 11,504	\$ 12,937	\$ 29,854
600	\$ 8,628	\$ 17,257	\$ 19,405	\$ 44,781
800	\$ 11,504	\$ 23,009	\$ 25,873	\$ 59,708
1000	\$ 14,380	\$ 28,761	\$ 32,342	\$ 74,634
1200	\$ 17,257	\$ 34,513	\$ 38,810	\$ 89,561
1400	\$ 20,133	\$ 40,265	\$ 45,278	\$ 104,488
1600 and above	\$ 22,028	\$ 44,057	\$ 49,542	\$ 114,327

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

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

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

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

- (i) Qualified Employee Housing shall be defined as publicly or privately constructed and owned projects which:
 - 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
 - are composed of one hundred percent (100%) employee housing units; and,
 - 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,
 - are maintained as qualified employee housing.
- (ii) The Fee Waiver Schedule refers to the following schedule of the percent of the utility investment charges that may be waived based upon the category of the units within the affordable housing project.

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% Waiver
Category 2	70% Waiver
Category 3	40% Waiver
Category 4	0% Waiver
Category 5	0% Waiver
Category 6	0% Waiver
Category 7	0% Waiver
Resident Occupied	0% Waiver
Free Market Units	0% Waiver

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

- 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,
- were not constructed for mitigation purposes.

(c) Qualified Employee Housing. Qualified Employee housing shall be exempt from any electric community investment charges when connection is made to the City of Aspen's electric system.

(d) Projects Receiving Affordable Housing Credits. 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 electric community investment charge as set forth in 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 these units or there is no association with free market development, are eligible for a waiver of the percentage of the total electric community investment charge as set forth in the Fee Waiver Schedule.

(f) Revocation of Exemptions and Waivers. In the event that Qualified Employee Housing units, projects receiving Affordable Housing Credits, or projects that are considered Affordable and Free Market Mix projects, receive an exemption or a waiver in accordance with this section, and thereafter fail to continue being affordable housing units as contemplated herein; or, the electric efficiency/conservation devices and practices are not be 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 electric community investment 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) Electric Community Investment Charge Waiver - Single Occurrence. Electric community investment charge waivers for employee housing exemptions 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 an electric community investment charge waiver, however a credit for the AMPs assigned to the specific employee housing unit will be allowed against additional fees due to these improvements.

Sec. 25.04.040. Electric service rates.

(a) Effective in the January 2019 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	Residential Customer	Small Commercial Customer	Large Commercial Customer
100 AMP	\$9.95	\$9.54	\$6.87
200 AMP	24.42	23.20	16.00
300 AMP	43.16	40.88	27.82
400 AMP	65.36	61.83	41.81
600 AMP	118.37	111.86	75.23
800 AMP	181.14	171.10	114.81
1000 AMP	252.34	238.30	159.71
1200 AMP	331.07	312.61	209.35
1600 AMP	508.62	480.18	321.29
1800 AMP	606.52	572.57	383.02
2000 AMP	710.01	670.25	448.27

(b) In addition to the monthly customer availability charge, and effective in the January 2019 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	\$0.0863	1,080	\$0.1295	1,920	\$0.1943	1,920	\$0.3400
200 AMP	520	\$0.0863	1,360	\$0.1295	2,800	\$0.1943	2,800	\$0.3400
300 AMP	1,600	\$0.0863	3,600	\$0.1295	6,160	\$0.1943	6,160	\$0.3400
400 AMP	1,600	\$0.0863	3,600	\$0.1295	6,160	\$0.1943	6,160	\$0.3400
600 AMP	2,800	\$0.0863	5,440	\$0.1295	8,800	\$0.1943	8,800	\$0.3400
800 AMP	2,800	\$0.0863	5,440	\$0.1295	8,800	\$0.1943	8,800	\$0.3400
1000 AMP	2,800	\$0.0863	5,440	\$0.1295	8,800	\$0.1943	8,800	\$0.3400
1200 AMP	2,800	\$0.0863	5,440	\$0.1295	8,800	\$0.1943	8,800	\$0.3400
1600 AMP	2,800	\$0.0863	5,440	\$0.1295	8,800	\$0.1943	8,800	\$0.3400
1800 AMP	2,800	\$0.0863	5,440	\$0.1295	8,800	\$0.1943	8,800	\$0.3400
2000 AMP	2,800	\$0.0863	5,440	\$0.1295	8,800	\$0.1943	8,800	\$0.3400

(c) Effective January 1, 2019 all electric accounts that service 5 or more individual units shall be considered a small commercial customer and shall have rates associated with a small commercial account rather than a residential account. Additionally, all commercial accounts that do not meet the requirements for large commercial designation shall be considered small commercial accounts, which includes previous class of small commercial city facilities customers. In addition to the monthly customer availability charge, and effective in the January 2019 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	\$0.0927	2320	\$0.1159	4800	\$0.1739	4800	\$0.2782
200 AMP	1280	\$0.0927	3120	\$0.1159	5760	\$0.1739	5760	\$0.2782
300 AMP	3360	\$0.0927	7120	\$0.1159	12240	\$0.1739	12240	\$0.2782
400 AMP	3360	\$0.0927	7120	\$0.1159	12240	\$0.1739	12240	\$0.2782
600 AMP	6560	\$0.0927	13200	\$0.1159	18400	\$0.1739	18400	\$0.2782
800 AMP	13600	\$0.0927	28000	\$0.1159	44800	\$0.1739	44800	\$0.2782
1000 AMP	13600	\$0.0927	28000	\$0.1159	44800	\$0.1739	44800	\$0.2782
1200 AMP	13600	\$0.0927	28000	\$0.1159	44800	\$0.1739	44800	\$0.2782
1600 AMP	13600	\$0.0927	28000	\$0.1159	44800	\$0.1739	44800	\$0.2782
1800 AMP	13600	\$0.0927	28000	\$0.1159	44800	\$0.1739	44800	\$0.2782
2000 AMP	13600	\$0.0927	28000	\$0.1159	44800	\$0.1739	44800	\$0.2782

(d) In addition to the monthly customer availability charge, and effective in the January 2019 monthly billing, the **large commercial** customer, which includes previous class of large commercial city facilities customers, (with operable demand metering systems in place and measured usage of forty (40) kW and greater) shall pay the sum of the metered use of electric energy measured in kilowatt-hours (kWh) during the department's monthly meter reading cycle multiplied by the appropriate service rate as follows, plus a demand charge per kW of metered customer peak usage for that meter reading cycle:

AMP Size	Usage Up To	Per KWh	Remaining Usage Over	Per KWh	Demand Charge on Customer Peak kW
100 AMP	23200	\$0.0727	23200	\$0.0909	\$14.22
200 AMP	23200	\$0.0727	23200	\$0.0909	\$14.22
300 AMP	23200	\$0.0727	23200	\$0.0909	\$14.22
400 AMP	23200	\$0.0727	23200	\$0.0909	\$14.22
600 AMP	23200	\$0.0727	23200	\$0.0909	\$14.22
800 AMP	23200	\$0.0727	23200	\$0.0909	\$14.22
1000 AMP	23200	\$0.0727	23200	\$0.0909	\$14.22
1200 AMP	23200	\$0.0727	23200	\$0.0909	\$14.22
1600 AMP	23200	\$0.0727	23200	\$0.0909	\$14.22
1800 AMP	23200	\$0.0727	23200	\$0.0909	\$14.22
2000 AMP	23200	\$0.0727	23200	\$0.0909	\$14.22

(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](#))

Sec. 25.04.045. Late payment charge.

Payments for electric service, transformers and other associated electric fees and charges shall be due thirty (30) days after the billed date. Any amount due, but not received by the City by the due date, shall be subject to a past due monthly interest charge of one and one-half percent (1½%) of the total amount due; subject, however, to a minimum charge of three dollars (\$3.00). Balances of less than five dollars (\$5.00) shall not be subject to this charge. ([Ord. 36-1996, §§ 2, 3](#); [Ord. No. 45-1999, § 16 \(part\)](#); [Ord. No. 30-2012 §29](#), [Ord. No. 38-2016](#))

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

It shall be unlawful for any person, unless authorized by the provisions of this Code or other ordinance of the City, to injure or in anywise damage or to meddle or interfere with in any way any property or appliance constituting or being a part of such Electric Department or the electric system controlled and operated thereby or any fence, guard rail, box cover, pole, wire, transformer, connector, insulator or any other structure, apparatus or appliance used as a part of such Electric Department or electric distribution system. (Code 1962, § 3-4-7; Code 1971, § 23-19)

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

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

It shall be unlawful for any person, unless authorized by the provisions of this Code or other ordinances of the City, to trespass upon any grounds or premises of the Electric Department. (Code 1962, § 3-4-7; Code 1971, § 23-20)

Cross-reference—Trespassing generally, § 15.04.280.

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

It shall be unlawful for any person to make any connection with the electric system or any portion thereof, without first having obtained permission therefor, as in this Title and, if for service outside the City limits, the PUC approved rules and regulations provided. It shall be unlawful for any person not authorized by this Title or, the PUC approved rules and regulations to make any connection if for service outside the City limits, to the electric system. (Code 1962, § 3-4-8; Code 1971, § 23-21)

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

(a) The Manager shall disconnect the electrical service to any consumer who fails to pay any electric service charges and fees fifteen (15) days after their due date.

(b) All the rates and charges specified in the approved schedules shall be paid by the owner of the premises on which the electric power was issued or the occupant thereof and all such rates and charges from the time the same shall be due and payable shall become and remain a lien upon the premises until such rates or charges shall be paid and such rates and charges for electric power may be collected against any owner or occupant by suit, such action to be brought in the name of the City in any court having jurisdiction thereof and shall be prosecuted as an action in personam against the owner or occupant or by an action in rem for the enforcement of the lien or both.

(c) Any lien for unpaid electric power rates and charges against any premises may also be collected as provided by the statutes of the State for the collection of taxes and other liens and assessments against real estate. (Code 1962, § 3-4-10; Code 1971, § 23-22; [Ord. No. 11-1979, § 1](#), [Ord. No. 38-2016](#))

Sec. 25.04.090. Receipt for payment of service charge.

Upon the payment of any charge for electric power and lights, the Director of Finance shall issue or cause to be issued a receipt which shall state the date thereof, the amount of money received, from whom received and on what premises or through which meter the electric power was used for the payment of which the money was paid. (Code 1962, § 3-4-9; Code 1971, § 23-23)

Sec. 25.04.100. Termination on wasteful use.

In the event the Superintendent of the Electric Department shall determine that any electric customer has failed to abide by the prohibitions of Section 15.04.440, whether or not convicted of the same, he or she shall notify such customer that continued consumption of electricity for such purposes shall subject him to discontinuance of service; and upon continued consumption of electrical power for such purposes by any customer so notified, the Superintendent shall discontinue electrical service. (Code 1971, § 23-24; [Ord. No. 12-1976, § 2](#))

Sec. 25.04.110. Deposit for electric service.

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

Residential service: one hundred dollars (\$100.00).

Commercial service:

(1) An amount equal to the service bills for the subject property for the three (3) highest months of usage during the prior year, if the applied-for use of the property is similar to the prior use; or

(2) If there is no similar prior space or use on which to compute the amount provided in Subsection (a)(1) above, then an amount to be determined by the Utilities Director within his or her sole discretion and based on a reasonable estimate of three (3) months' service for a space and use similar to the subject property.

(b) Subject to the approval of the Utilities Director based on previous credit history with the City of Aspen Utilities, the owner of the premises on which the electricity is used may approve waiver of their tenant's deposit requirement. To request approval of the Utilities Director, the owner must complete an application which informs the owner of the possibility of a lien upon the premises for unpaid bills, pursuant to Section 25.04.090 above.

- (a) Deposits shall be held by the Director of Finance until service is discontinued and final service bills paid and will accrue interest at five percent (5%) per annum starting thirty (30) days after receipt of the monies until the date of disconnection. Return of the unused portion of the deposit plus interest will be made within forty-five (45) days from date the final bill is issued. Effective January 1, 2013 no deposit will accrue interest.
(Code 1971, § 23-25; [Ord. No. 28-1982](#), § 1; [Ord. No. 68-1994](#), § 14; [Ord. No. 57-2000](#), § 7; [Ord. No. 30-2012](#) §37)

Sec. 25.04.120. Electric service and disconnect charges.

A service charge of forty dollars (\$40.00) is hereby established for each new account that is setup for electric service. If a disconnection is made in accordance with Section 25.04.080 above because of nonpayment of electric service charges, the disconnect charge of sixty dollars (\$60.00) shall be due prior to reconnection of electric service. (Code 1971, § 23-26; [Ord. No. 53-1992](#), § 2; [Ord. No. 45-1999](#), § 15; [Ord. No 37-2014](#)§2)

Sec. 25.04.121. Discontinuance of service.

(a) Grounds for discontinuance. If any utility service charges remain unpaid for fifteen (15) days after their due date, the City may terminate service for the type of utility service for which payment has not been made. In addition, the City may terminate a utility service for violation of any rule or regulation concerning such utility as set forth in this Title.

(b) Notice of termination. In order to terminate any services the City shall send a notice of termination by first class mail or, at the City's option, by certified mail, return receipt requested, or by posting in a conspicuous place at or near the main entrance to the premises served by such utility service to the customer listed on the City records and, at the City's option, to the occupant of the premises served and/or the owner of the premises served.

(c) Effective date of discontinuance of service. The effective date of the discontinuance of utility service shall be Ten (10) days after the mailing by the City of a notice of termination.

(d) When utility service is not discontinued. Utility service shall not be discontinued:

(1) Between 12:00 p.m. on Friday and 8:00 a.m. on the following Monday or between 12:00 p.m. on the day prior to and 8:00 a.m. on the day following any federal holiday or City holiday.

(2) During any period when termination of service would be especially dangerous to the health or safety of any residential customer or permanent resident of the customer's household and such customer has established that he/she was unable to pay for the service as regularly billed by the City or is able to pay for such service but only in reasonable installments. Termination of service that would be especially dangerous to the health or safety of the residential customer or a permanent resident of the customer's

household means that the termination of service would aggravate an existing medical condition or create a medical emergency for the customer or a permanent resident of the customer's household. Such shall be deemed to be the case when a physician licensed by the State makes a certification thereof in writing and said certification is received by the City. In the event a medical certification is delivered to or received by the City, a non-discontinuance of service as herein prescribed shall be effective for sixty (60) days from the date of said medical certification. A residential customer may invoke the provisions of this paragraph no more than once during any period of twelve (12) consecutive months.

(3) In the event a customer at any time proffers full payment of any utility bill by cash or bona fide check to the City of Aspen Finance department.

(4) If violations of rules or regulations concerning the receipt or use of utility service have ceased.

(e) Reconnection. Nothing contained in this section shall preclude the City from charging a reconnection fee as required by Section 25.04.120 before reconnecting a utility service discontinued pursuant to this section. In addition, prior to reconnection, all charges for that type of utility service must be paid to the City.

(f) Delivery of notice. Notwithstanding anything to the contrary in this section, whenever reference is made herein to a notice or other document being mailed or delivered, that phrase shall mean that the notice or other document is either deposited in the United States mail, postage paid, first class or certified mail, return receipt requested, at the City's option, or physically delivered to the addressee, which physical delivery will be accomplished by either handing to someone over eighteen (18) years of age at the premises served or by posting upon the main entrance of the premises served by the utility service in a conspicuous place. ([Ord. No. 38-2016](#))

Sec. 25.04.130. Billing errors.

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

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

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

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

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

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

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

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

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

Chapter 25.06 WATER DISTRIBUTION STANDARDS

25.06.010 Purpose and Intent

The purpose of this Chapter is to ensure development in the City of Aspen meets minimum standards for working with potable, reuse, and raw water. It is the City's intent to establish Water

Distribution Standards that will ensure the public health, safety and welfare, within the City of Aspen Water Utility service area.

25.06.020 Adoption of Water Distribution Standards

Pursuant to the powers and authority conferred by the Home Rule Charter of the City of Aspen, there is hereby adopted and incorporated herein by reference as if fully set forth those standards contained in the Water Distribution Standards, as may be amended from time to time by City Council Resolution. At least one (1) copy of the Water Distribution Standards shall be available for public inspection at the City Clerk's Office, the Water Department, the Engineering Department, and the City of Aspen's website.

25.06.030 Applicability

This Chapter applies to all planning, design, construction, development, redevelopment, and modifications and additions to any water distribution component within the City of Aspen Water Utility service area.

Unless specifically exempted, the provisions of this Chapter shall supplement any and all existing laws and shall apply to all persons, without restriction, and to conditions arising after the adoption thereof, to conditions not legally in existence at the time of adoption of this title, and to conditions which, in the opinion of the water superintendent or designee, constitute a distinct hazard to life or property.

The Water Distribution Standards provide policies and design guidelines to city agencies, design professionals, private developers, and community groups for residential and commercial development that will ensure the public health, safety and welfare within the City limits of Aspen.

The City of Aspen shall use the policies, criteria and information including specifications and standards in the latest edition of the Water Distribution Standards for the proper implementation of the requirements of this Title. The Water Distribution Standards may be periodically amended as necessary to provide additional clarity or to reflect procedural revisions or changes in construction or engineering practices. Such revisions to these standards or requirements may consist of either "procedural" revisions or "technical" revisions. Any other amendments to the Water Distribution Standards shall be adopted by City Council Resolution. Examples include revisions that are considered major changes, changes in law and changes that will cause significant increased cost or controversy.

25.06.040 Review Procedure

A. Review Process. The City Utilities Director or his or her designee shall have the authority on behalf of the City of Aspen to determine that all design and construction is completed to a level that is equal to or exceeds the requirements set forth in this Chapter and the Water Distribution Standards.

25.06.050 Variances

A. The City may grant variances to the Water Distribution Standards when practical difficulties or unnecessary hardships exist that cause inconsistencies with the purpose and intent of the construction standards. These issuances shall not compromise the operation or safety of the potable water distribution system.

B. Requests for variances from the standards, policies, or submittal requirements of this document shall be submitted in writing with appropriate documentation and justification to the Deputy Director of Utilities. Variance requests must, at a minimum, contain the following:

1. Benefit to the City of Aspen and the existing water system and customers.
2. Criteria under which the applicant seeks a variance.
3. Written justification for non-compliance with the standards, cost is not a compelling reason for a variance.
4. Proposed alternate criteria or standards to comply with the intent of the criteria.
5. Supporting documentation, including necessary calculations.
6. The proposed variance's potential adverse impacts for adjacent landowners.
7. An analysis of the variance request signed and stamped by a Professional Engineer who is licensed in Colorado.

C. Expiration. Except as otherwise established in this Title or through vesting of a site specific development plan pursuant to Title 26, a variance granted under this Chapter shall automatically expire after twelve (12) months from the date of approval unless a building permit application submittal is accepted by the Chief Building Official. The City Utility Director may grant an extension to an approved variance. All requests for extensions must be submitted prior to the expiration of the variance, must demonstrate good cause showing the extension is necessary, and must demonstrate that the circumstances for granting the variance are still applicable.

D. Appeals. An applicant may appeal a variance decision pursuant to Section 25.06.050, Appeals.

25.06.050 Appeals

A. Initiation. An applicant aggrieved by an order, requirement, decision, or determination of the City Utilities Director ("Director") may be appealed to the Administrative Hearing Officer, pursuant to the procedures set out in Chapter 26.108 of this Code except to the extent set forth herein. The notice of appeal shall be filed with the Director within fifteen (15) days following the date of such order, requirement, decision, or determination. The notice of appeal shall state in detail the action appealed, the grounds for the appeal, and the relief sought. Failure to file such a notice of appeal within the prescribed time shall constitute a waiver of any rights under this

Chapter to appeal any order, requirement, decision, or determination.

B. Effect of filing an appeal. The filing of a notice of appeal shall stay any proceedings in furtherance of the action appealed from unless the Director certifies in writing to the Administrative Hearing Officer that a stay poses an imminent peril to life or property, in which case the appeal shall not stay further proceedings. The Administrative Hearing Officer may review such certification and grant or deny a stay of proceedings.

C. Timing of appeal. The Administrative Hearing Officer shall consider the appeal within thirty (30) days following the date of filing the notice of appeal, or as soon thereafter as is practical under the circumstances.

D. Action by Administrative Hearing Officer. The Administrative Hearing Officer shall review the record of the action taken by the Director and provide a decision to the Applicant in writing. The Administrative Hearing Officer may reverse or affirm wholly or partly the order, requirement, decision or determination appealed from and shall enter such order, as they deem appropriate under the circumstance.

[\(Ordinance #15, 2019\)](#)

Chapter 25.08
WATER SERVICE — GENERAL PROVISIONS^{1, 2}

¹ **Editor's note**—Ord. No. 27-1985, § 1, repealed former Art. III, Divs. 1—6, relative to water service and enacted in lieu thereof a new Art. III, Divs. 1—6 [Chapters 25.08—25.28], as herein set out. The provisions of former Art. III derived from the following ordinances:

Ord. No.	Section	Ord. No.	Section
21-1975	1	30-1982	1—3
34-1977	4	3-1983	1(A)—(E)
60-1980	1	8-1983	1
36-1981	1	52-1983	1
39-1981	1	18-1984	1(A)—(D)
40-1981	1	19-1984	1
41-1981	1	25-1985	1(A)—(D)
42-1981	1	26-1985	1
21-1982	1	46-1985	1
28-1982	2		

² **Cross-reference**—Plumbing Code, § 8.36.010 et seq.; tapping charges, § 8.36.040; health and quality of environment, Title 13; water quality, § 13.04.010 et seq.

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

The water collection, treatment and distribution system owned and operated by the City shall be known collectively as "The City of Aspen Water Utility." The operation and management of this utility shall be under the control of the City Manager, who shall direct the construction of additions thereto and the maintenance and operation thereof and, in all cases not particularly provided for by this Code or other ordinances of the City, shall determine in what manner and upon what terms water may be taken from the water utility by any property owner or water consumer and the character of the connections and appliances which may be made or used therefor. (Code 1971, § 23-36; [Ord. No. 27-1985](#), § 1)

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

(a) The Superintendent shall, under the direction of the City Manager, have charge of all facilities of the water utility and it shall be his or her duty to supervise the water utility and maintain and control the same as directed by the City Manager and as provided in this Chapter.

(b) The Superintendent shall have control of the laying of all water mains. The Superintendent shall have the general supervision of the putting in of all utility connections, service pipes or other connections with the water mains and the regulation of the water supply to all users of water. He or she shall also have charge of and be responsible for all tools, machinery, pipes, meters, fixtures, plumbing materials and all other appliances owned by the City or used by it in the maintenance and operation of the water utility and shall keep account of all such material and the manner in which the same is used, kept or disposed of.

(c) It is hereby made the duty of the Director to manage the water purification plants and other water utility properties; to periodically report to the City Manager of his or her activities as director and of the condition of the water utility; and to make such suggestions concerning the same as the nature of the service may require.

(d) It shall be the duty of the Superintendent to keep all fire hydrants in repair and test the same frequently to see if the same are in order and he or she may let water from the hydrants whenever it shall be necessary for the testing of the condition of the waterworks or for purifying the water or for the repairing of the water utility or for watering the trees in extreme need.

(e) The Water Department shall install, maintain and operate special hydrants for street washing, construction works or other lawful purposes. The Water Department may grant permission to any person to draw water from these special hydrants. All water drafted for such purposes shall be assessed in accordance with applicable rates prescribed by this Chapter. The Water Department shall not grant permission for drafting of water from fire hydrants for street washing, construction and other such uses except in cases of extreme need. (Code 1971, § 23-37; [Ord. No. 27-1985](#), § 1)

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

(a) The members of the Fire Department, under the direction of the chief of the Fire Department or other officer in charge, shall at all times have free access to the fire hydrants in case of fire and for the purposes of cleaning, washing or testing their engines or other apparatus.

(b) It shall be unlawful for any unauthorized person to open or operate any fire hydrant, draw water therefrom or obstruct the approach thereto.

(c) Wrenches for fire hydrants shall be furnished by the Superintendent to the Fire Department for the use of its members and to such other persons as he or she may deem proper and it shall be unlawful for any person to whom a wrench is furnished to permit the same to be taken from his or her control, to use the same or to permit the use of the same by any other person or for other purpose than that authorized by the provisions of this Chapter or by the Superintendent of pursuance thereof. (Code 1971, § 23-38; [Ord. No. 27-1985](#), § 1)

Sec. 25.08.040. Inspection of premises receiving service.

The City Manager, Superintendent or other designated official may from time to time examine and inspect any premises where water from the water utility is used in or upon such premises in order to ascertain the nature, character and extent of such water use and the condition of the water pipes, fixtures and appliances and to determine if water is being wasted upon the premises. During the times that such inspections are being made, the Superintendent or other designated official shall accurately tabulate the appliances and fixtures used for water and other water demand factors as may be required in connection with the establishment of the rate to be charged to any such premises and the report thereof shall be available upon request. (Code 1971, § 23-39; [Ord. No. 27-1985](#), § 1)

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

(a) It shall be unlawful for any person to injure or in any way damage or interfere with property or appliances constituting or being a part of the water utility or any fence, guard rail, box cover or building or any other structure constructed or used to protect any part of the water utility.

(b) It shall be unlawful for any person, unless authorized by this Chapter, to trespass upon the water utility or the grounds upon which the same are constructed.

(c) It shall be unlawful for any person to cast, place, pump or deposit in the water utility any substance or material which will in any manner injure or obstruct the same. (Code 1971, § 23-40; [Ord. No. 27-1985](#), § 1)

Sec. 25.08.060. Definitions.

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

- (a) *Annual water budget* means those direct and indirect expenditures and costs, including debt service, required to provide water service in the coming year, as documented in the annual budget.
- (b) *Building permit or plumbing permit* means the permit or permits issued pursuant to Title 8 of this Code or by Pitkin County, Colorado pursuant to County building regulations.
- (c) *Carriage of untreated water rights* means those rights held by a water user other than the City of Aspen and conveyed through a ditch, pipeline or other series of water conveyance facilities owned and/or operated by the City of Aspen. Rates charged for conveyance of this water are referred to as “carriage” rates for raw water.
- (d) *Comprehensive water management plan* means the comprehensive water management plan for the City as initially prepared and adopted in 1980 and as thereafter revised and updated.

- (e) *Director of water treatment and supply, Director, Water Superintendent or Superintendent, Director of Utilities* means the Director of the City of Aspen Water Utility, who, under the direction of the City Manager, has charge of all facilities of the Aspen water utility and has the duty to supervise the utility and to maintain and control the same.
- (f) *Equivalent capacity unit (ECU)* means a unit reflecting that part of the capacity of the water system necessary to serve a standard water customer, with multiples or fractions of the unit including a maximum number and type of water fixtures, a maximum irrigated area, certain cooking facilities or other water demand factors.
- (g) *Hook-up charge* means a charge based on a new customer's line size to recover certain costs of making a physical connection to the water system.
- (h) *Utility connection permit* means permission by the City to physically connect to the water system or to change the use of any existing connection and any additional contractual terms which may be imposed.
- (i) *Utility investment charge* means a charge to recover certain capital costs allocated to new customers which charge is based on a new customer's ECU rating and billing area factor.
- (j) *Water demand factor or fixture* means any of the water demand factors or fixtures set forth in Subsections 25.08.090(a) or (b) below.
- (k) *Water Department* means the department of the City under the supervision of the Director of Utilities.
- (l) *Water service billing area, billing area or area of water service billing* means an area established by the City Water Department for purposes of calculating and assessing tap and/or other water service fees. The designation of a water service billing area as provided for in this Title shall not be construed as an offer, obligation, exclusive right, willingness or ability to serve any customer, prospective customer or geographical area with municipal water or water services.
- (m) *Water service or utility service* means any connection to the water system and shall include but is not limited to all requirements service, irrigation only, fire protection only and irrigation and fire protection only service.
- (n) *Water system, City water system, water utility, municipal utility system, municipal water utility system or City water utility* means the City water utility as defined in Section 25.08.010. (Code 1971, § 23-41; [Ord. No. 27-1985](#), § 1; [Ord. No. 39-1993](#), § 1; [Ord. No. 30-2012](#)§1)

Sec. 25.08.070. Billing areas and billing area factors.

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

Billing area	Nam
1	Central Aspen
2	Eastside
3	Northside
4	Westside
5	Maroon/Castle Creeks

5A	Moore Project Highlands Base Area
6	Airport
7	Music School
8	Reserved

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

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

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

(c) The billing area weighting factors in Subsection (b) above shall be applied in calculating the demand and fire protection charges, as well as utility investment charges, under Sections 25.16.010; 25.16.020; and, 25.12.040, except as otherwise provided herein. (Code 1971, § 23-42; [Ord. No. 27-1985](#), § 1; [Ord. No. 34-1988](#), §§ 4, 5; [Ord. No. 39-1993](#), § 2; [Ord. No. 41-1998](#), § 2; [Ord. No. 30-2012](#) §2)

Sec. 25.08.080. Rate reviews.

(a) The monthly demand, fire protection, variable and pumping charges in Sections 25.16.010 and 25.16.020 shall be set annually in accordance with rate setting principles adopted by the American Water Works Association as necessary to recover the cost of service and with the following criteria:

- (1) The expected annual revenue from all such monthly charges plus the expected annual revenue from utility investment charges shall be approved by City Council annually.
- (2) The monthly demand and fire protection charge per customer shall be based upon:
 - (a) The customer's ECU rating.
 - (b) The customer's billing area factor.

(c) The applicable rate per ECU established by City Council for the appropriate calendar year.

(3) Rate setting shall establish a sufficient reserve fund.

(4) The monthly variable charge per customer shall be based upon:

(a) The thousands of gallons of ordinary water used by the customer during the monthly meter reading cycle at the rate established by City Council. In establishing the unit cost of water, the cost of service will be considered by Council.

(5) The monthly pumping charge per customer shall be based upon:

(a) The thousands of gallons delivered to the customer via pumping during the monthly meter reading cycle.

(b) The number of pump stations required to deliver water to the customer.

(c) The rate established by City Council.

(b) No schedule of water rates and charges proposed pursuant to such annual or five (5) year reviews shall be effective except after public hearing and thirty (30) days' notice to the public. Such notice shall be given by keeping open for public inspection at the office of the Director of Finance the proposed annual water budget and the proposed schedule of the rates and charges. In addition, notice shall be given by publishing a notice of the availability of the proposed budget and rate schedule at least once in a newspaper of general circulation in the affected billing area(s) of the City water utility at least thirty (30) days and no more than sixty (60) days prior to the date set for public hearing on the adoption of the proposed schedule. The published notice shall also specify the date, time and place for the public hearing on the proposed budget and rate schedule. The City Council may adjourn and reconvene said hearings as necessary. For good cause shown, the City Council may adopt a new budget and rate schedule without thirty (30) days' notice and public hearing by an order specifying the budget and rate schedule, the circumstances necessitating the adoption of the rate schedule and budget without thirty (30) days' notice and public hearing, the time when the changes shall take effect and the manner in which the changes shall be published.

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

Sec. 25.08.090. Equivalent capacity units.

(a) All water service shall be rated by the Water Department in accordance with the following table: (1) LONG-TERM RESIDENTIAL (Occupancy extending more than one (1) month):

	ECU
1st full bath	0.36
2nd full bath	0.24

Each additional full bath	0.12
Each kitchen (full cooking	0.25
Each kitchenette (modest cooking	0.15
Each bedroom	0.10

(2) LODGING BEDROOMS (Occupancy per person extending less than one (1) month):

	ECU
Each bedroom with no bath or cooking facilities, but with dormitory style bathrooms in hallways	0.45
Each bedroom with no bath, but with modest cooking facilities and dormitory style bedrooms in hallways	0.60
Each bedroom with full bath but no cooking facilities	0.55
Each bedroom with full bath and wet bar (microwave and under the counter icebox)	0.65
Each bedroom with full bath and modest cooking facilities	0.70

(3) SHORT- OR MIXED-TERM RESIDENTIAL (Occupancy per person extending less than one (1) month):

	ECU
Each full bath	0.36
Each kitchen (full cooking facilities)	0.25
Each bedroom	0.30

(4) IRRIGATION:

	Line Size	Minimum ECU Rating
Each bib hose in addition to sprinkler system (fixed piping/spray or drip emitters, i.e. hose bib w/ irrigation)	Any	0.05
Hose bib only (i.e. hose bib for irrigation)		
1 st hose bib	Any	0.20
2 nd hose bib	Any	0.10
3 rd hose bib	Any	0.05

	Credit for Conversion of Existing Hose Bibs / Yard Hydrant			Line Size	Minimum ECU Rating
	Up to 3/4" Yard	1st Hose Bib	2nd Hose Bib		

	Hydrant				
Yard Hydrant				Up to 3/4"	0.50
Sprinkler System On House Meter Note: Standard Allowance in Sq. Ft. is 3,000 Sq. Ft. – Additional is Assessed at 0.01 ECUs per 100 Sq. Ft.	0.50	0.20	0.10	Up to 3/4"	0.30
Drip System On House Meter Note: Standard Allowance in # of Drip Emitters is 300 Drip Emitters – Additional is Assessed at 0.001 ECUs per Drip Emitter	0.50	0.20	0.10	Up to 3/4"	0.30

Credit subject to verification that utility connection fees applicable at time of installation were paid.

	Sprinkler System/Spray Nozzles Standard Allowance in Sq. Ft.	Drip Systems Standard Allowance in # of Drip Emitters	Line Size	Minimum ECU Rating
Sprinkler or Drip System On Separate Meter				
For all System sizes, sprinkler system coverage will be assessed 0.01 ECUs per 100 square feet of spray nozzle coverage in excess of Standard Allowance, and 0.001 ECUs per additional drip emitter in excess of Standard Allowance.	10,000 Sq. Ft.	1,000 Drip Emitters	Up to 3/4"	1.00
	20,000 Sq. Ft.	2,000 Drip Emitters	1"	2.00
	40,000 Sq. Ft.	Individually Rated	1.5"	4.00
	80,000 Sq. Ft.	Individually Rated	2"	8.00
	200,000 Sq. Ft.	Individually Rated	3"	20.00
	300,000 Sq. Ft.	Individually Rated	4"	30.00
	600,000 Sq. Ft.	Individually Rated	5"	60.00

¹ Credit subject to verification that utility connection fees applicable at time of installation were paid.

(5) RESTAURANTS: Each seat: 0.08 ECU. *Note: Temporary public seating for restaurants will be charged at an annual rate of ten dollars and zero cents (\$10.00) per seat to be paid once a year at time of permitting.

(6) NONPROFIT CAFETERIA (including school cafeterias): Each seat: 0.048 ECU
1st 25/0.024
ECU thereafter.

- (7) OFFICE SPACE: Each one hundred (100) square feet: 0.02 ECU. (8) RETAIL SPACE: Each one hundred (100) square feet: 0.01 ECU.
- (9) COMMERCIAL RECREATIONAL FACILITIES: Each customer: 0.05 ECU.
- (10) NONPROFIT RECREATIONAL FACILITIES (including school gyms): Each customer/pupil: 0.048 ECU 1st 25/0.024 ECU thereafter.
- (11) THEATERS, AUDITORIUMS, CONVENTION HALLS AND ASSEMBLY PLACES: Each 10 seats: 0.080 ECU year round/0.048 ECU summer.
- (12) SCHOOL ROOMS (not including cafeteria, kitchens, gyms, auditoriums and administrative office space): Each pupil: 0.04 ECU 1st 25/0.02 ECU thereafter.
- (13) WAREHOUSE OR INDUSTRIAL SPACE: Each one thousand (1,000) square feet: 0.15 ECU.
- (14) GAS STATIONS: Each service or lubrication bay: 0.25 ECU.
- (15) CAR WASHES: Each manual washing bay: 0.95 ECU/each automatic washing bay: 1.45 ECU.
- (16) HOSPITALS, NURSING HOMES, SANITARIUMS, AND DETENTION CENTERS: Each bed: 0.50 ECU.

(b) The Water Department shall establish fixture or irrigated area maximums for all ECU ratings under Subsection (a). For all fixtures or irrigated area in excess of said maximums, the Water Department shall increase the ECU rating in accordance with the following table:

	ECU
Toilet/urinal	0.05
Mop/laundry sink (per compartment)	0.05
Kitchen sink (per compartment)	0.05
Lavatory sink (per compartment)	0.02
Combo toilets (toilet/bidet, toilet/lav)	0.07
Bar sink (per compartment)	0.05
Garbage disposal	0.05
Household dishwasher	0.10
Commercial dishwasher (per 1/8" of supply line diameter)	0.10
Dishwasher drawer (single)	0.05
Steamer oven	0.05
Household clothes washer	0.10
Commercial clothes washer (per 1/8" of supply line diameter)	0.10
Commercial icemaker (per 1/8" of supply line diameter)	0.05
Tub/shower (combined or separate)	0.05
Bidet	0.05
Wet saunas	0.08
Humidifiers	0.05

Jacuzzi (per 100 gal. of capacity)	0.02
Hot tub/spa pool (per 100 gal. of capacity)	0.01
Swimming pool (per 1,000 gal. of capacity): Summer use only	0.01
(6 month maximum) Year-round use	0.02
100 sq. ft. irrigation:	
Hose bib/no separate sprinkler system	0.01
Yard hydrant	
Sprinkler systems	0.015
Industrial process or waste water (not served by sanitary sewer): Each 1,000 gal./day non-consumptively used	1.50
Each 1,000 gal./day consumptively used	3.90
Fountains:	
Non-continuous drinking	0.05
Continuous drinking	0.50
Non-recycling decorative	0.50
Recycling decorative	0.10
Water softener (per ECU):	0.02
Residential	0.01
Commercial	
Fire protection sprinkler heads	0.00

(c) In the event that the water service cannot be adequately rated under the tables in Subsections (a) and (b) or if there are unusual or special circumstances warranting a special ECU rating, the service may be rated as determined by the Water Department at the customer's expense. The Water Department may also adjust the ECU rating of any water service if the metered demand of such service differs substantially from the ECU rating under Subsections (a) and (b).

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

Line Size	Minimum ECU
¾"	1.0
1"	2.0
1¼"	3.0
1½"	4.0
2"	8.0
4"	20.0
6"	30.0
8"	60.0

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

(e) The ECU rating per customer pursuant to Subsections (a), (b), (c) or (d) shall be applied in calculating utility investment charges under Section 25.12.040 and in calculating monthly demand, extraordinary water use, and fire protection charges under Sections 25.16.010 and 25.16.020.

(f) Commercial agricultural uses shall be limited to a maximum of 1 ECU of potable water without the prior express written consent of the City Manager.

(Code 1971, § 23-44; [Ord. No. 27-1985](#), § 1; [Ord. No. 36-1995](#), § 1; [Ord. No. 43-1996](#), § 16; [Ord. No. 30-2012](#) §4; [Ord. No. 15-2019](#))

Chapter 25.12

UTILITY CONNECTIONS

Sec. 25.12.010. Connection to municipal utility system.

All buildings, structures, facilities, parks or the like within the City limits which use water shall be connected to the municipal treated water utility system. No person shall connect an independent water supply onto the municipal water utility system. Except pursuant to a written agreement with the City, raw (untreated) water service, if any, serving properties within the City limits shall be provided only by the City, and no person shall install or use a well or other untreated water system, even if it is not connected to the municipal water utility system.

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

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

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

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

Sec. 25.12.020. Application for utility service.

(a) Where both the utility service connection and all points of consumption are within the corporate limits of the City, this shall be considered to be a utility service within the corporate limits of the City and shall be made as provided in this Chapter and in accordance with the Aspen Area Community Plan and City Council resolutions relating to water policies and operating procedures, as such exist at the time of the request for connection.

(b) Every extension of water service where either the utility service connection or any point of consumption is outside the corporate limits of the City shall be considered an extraterritorial tap and shall be made only pursuant to agreement with the City, in accordance with the City water main extension policy and consistent with the Aspen Area Community Plan

and City Council resolutions relating to water policy and operating procedures as such exist at the time of the request for connection, and such extraterritorial service must be approved by City Council ordinance as required by the Charter. The City shall not be obligated to extend water service outside the corporate limits of the City and may grant water service only upon a determination that no conflict exists between the best interests of the City, as expressed in the Aspen Area Community Plan and as otherwise determined by the City Council and the prospective water use. The City may impose such contract, water rights dedication, system development fees, and bond requirements as it deems necessary to safeguard the best interests of the City. An individual extraterritorial connection (including a fire hydrant) made to an existing City water main, pursuant to Water Department procedures for such connections, is deemed to be an extraterritorial water connection approved by City Council without the need for further City Council ordinance.

(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 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 upon making the application 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)

Sec. 25.12.025. Utility development review fee.

(a) All plans involving connection to the city water service will be reviewed and approved prior to submitting either a City of Aspen or Pitkin County building permit application.

(b) Utility development review fees must be paid prior to submitting a building permit application to either the city or county if applicant currently has, or is planning to have, a connection to city water service.

(c) If submitting a building permit application to Pitkin County involving connection to city water service, the following documents are also required at time of payment of utility development review fees to the city: (1) city water service agreement; (2) county permit application; and, (3) county plans associated with permit application.

(d) The utility development review fee shall be as set forth in Subsection (e) of the Section.

(e)

Utility Development Fees	2019 Rate
Basic Projects with 0 to 100 Sq. Ft. of Affected Area	\$55/Review
Minor Projects with 101 to 5,000 Sq. Ft. of Affected Area	\$1.05/Sq. Ft.
Intermediate Projects of 5,001 to 15,000 Sq. Ft. of Affected Area	\$1.05/Sq. Ft. for 1 st 5,000 Sq. Ft. + \$0.80/Sq. Ft. Thereafter
Major Projects with more than 15,000 Sq. Ft. of Affected Area	\$1.05/Sq. Ft. for 1 st 5,000 Sq. Ft. + \$0.80/Sq. Ft. for next 10,000 Sq. Ft. + \$0.55;/Sq. Ft. Thereafter

(f) Calculating affected area -- (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. For example, for an interior remodel, the building footprint alteration is measured by the square footage of the work area.

(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 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 stock pile 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) Definitions:

(1) Building footprint alteration square footage is the work area portions of an existing building undergoing reconfiguration of space, the addition or elimination of any door or window, the reconfiguration or extension of any system, or the installation of any additional equipment. Building footprint alteration square footage excludes areas only undergoing the removal and replacement or the covering of existing materials, elements, equipment, or fixtures using new materials, elements, equipment, or fixtures that serve the same purpose.

(2) 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.

(3) Building square footage includes both the building footprint alteration square footage and the new square footage.

(4) 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.

(5) 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.

(6) 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 stock pile areas.

(7) Affected area is the building square footage plus the disturbance area, with the building square footage equaling the building footprint alteration plus the new square footage.

([Ord. No. 38-2016](#); [Ord. No. 28-2018](#))

Sec. 25.12.030. Utility connection permit.

(a) No utility connection permit shall be issued, except pursuant to this Section unless the utility connection permit is issued and paid for pursuant to a phasing agreement, prepayment agreement or other agreement with the City to the contrary.

(b) No utility connection applicant shall receive a utility connection permit for a new utility service prior to the issuance of a building or plumbing permit for the structures or fixtures for which water service is requested. The addition of any water demand factor or fixture or change of service of an existing connection shall require a utility connection permit.

(c) It shall be unlawful for any person not authorized by this Chapter to make any connection to any main of the water utility or for any unauthorized person to connect to the water utility or for any person to add a water demand factor or fixture or to change service contrary to the provisions of this Chapter.

(d) All utility connection permits as required by this Chapter shall be issued by the Water Department and shall set forth all those requirements specified in Subsections 25.12.020(e) and (f). The Water Department keep a duplicate or record of all utility connection permits issued.

(e) Any permit issued pursuant to this Section shall expire upon failure to make the authorized utility connection by the time of expiration of the building or plumbing permit for the structures or fixtures proposed to be serviced. In the event of expiration of a utility connection permit, the applicant, upon request, shall be refunded any utility connection charges not expended by the City for the benefit of the applicant. No interest on any unspent charges shall be paid

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

Sec. 25.12.040. Utility investment charges.

(a) The utility investment charge per each equivalent capacity unit (ECU) for each billing area shall be as set forth in Subsection (d) of this Section.

(b) The total utility investment charge for a customer shall be the customer's ECU rating multiplied by the charge in Subsection (d).

(c) Before any water is furnished, pursuant to a utility connection application and permit, Water Department personnel shall inspect the property designated on the application and shall certify on the application that the ECU rating on the application equals the ECU rating for the property as developed. Prior to inspection, water may only be furnished to the property for construction purposes upon proper payment therefor. If the ECU rating for the property as developed is less than the ECU rating on the application, the applicant shall be entitled to a refund of any overpayment of the total utility investment charge, but no refund shall be made of any utility hookup charge or of any water main extension costs, water rights dedication fees, interest on any overpayment or other connection costs because of a reduced ECU rating. If the ECU rating of the developed property is greater than the ECU rating on the application and no larger or additional connections are made, no water shall be furnished until the deficit in the total utility investment charge has been paid. If a larger or additional connection is made, no water shall be furnished until the deficits in the total utility investment charge, the utility hookup charge and all other applicable charges and fees, have been paid. In every case, the Utility Connection Permit shall be amended as necessary to reflect the final ECU rating for the property, and the connections.

(d) Utility investment charges (tap fees) are computed as follows:

(i) For the purpose of utility investment charge computation, the following fees shall be assessed per ECU effective January 1, 2019:

Billing Area	Charges per ECU
Billing Area 1	\$7,019.00
Billing Area 2	\$14,038.00
Billing Area 3	\$14,038.00
Billing Area 4	\$8,774.00
Billing Area 5	\$12,284.00
Billing Area 6	\$14,038.00
Billing Area 7	\$10,529.00
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.

(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](#))

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, 2019 the utility hookup charge shall be as follows:

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

Line Size	Charges
6"	\$2,500.00
8"	\$2,500.00

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

(c) If warranted by unusual or special circumstances, the Water Department may impose special utility hookup charges.

(Code 1971, § 23-58; [Ord. No. 27-1985](#), § 1; [Ord. No. 54-1986](#), § 1; [Ord. No. 34-1988](#), § 6; [Ord. No. 19-1990](#), § 3; [Ord. No. 39-1993](#), § 5; [Ord. No. 30-2012](#) §9; [Ord. No. 30-2018](#))

Sec. 25.12.050. City-County water trust.

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

Sec. 25.12.060. Utility hookup charge.

(a) A utility hookup charge shall be paid to the City to recover the cost of labor and equipment required to make a tap. The utility hookup charge shall be as follows:

Line Size	Hookup Charge
¾ inch	\$600.00
1 inch	\$600.00
1½ inch	\$800.00
2 inch	\$800.00
4 inch	\$1,200.00
6 inch	\$1,800.00
8 inch	\$1,800.00

(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, § 23-61; [Ord. No. 27-1985](#), § 1; [Ord. No. 11-1988](#), § 1; [Ord. No. 53-1995](#), § 21; [Ord. No. 30-2012](#) §9)

Sec. 25.12.070. Additional service; fixtures; credits.

(a) No additional service, change of fixtures or demand factors or change in use of an existing utility connection may be made without application and a utility connection permit

issued therefor by the Water Department pursuant to this Chapter. Utility connection permits may be subject to conditions necessary to protect the best interests of the city water utility, including a requirement that a larger tap be installed.

(b) Any additional service, change of fixtures or demand factors or changes in use shall be subject to payment of a utility investment charge (tap fee) and applicable system development charge, based upon the additional ECU rating associated with such additional service, change of fixtures or demand factors or change in use. In no event shall there be any refund or reimbursement under this Section for a reduction in the ECU rating for any utility service. If a larger utility service connection is required, the utility hookup charge shall be assessed as for a new utility service connection.

(c) In the calculation of the utility investment charge and applicable system development charge to be paid by the owner of residential or commercial structures, which are to be substantially remodeled or rebuilt, the utility investment charge and applicable system development charge shall be the charge determined in accordance with Section 25.12.040 for the completed structure, minus the amount of any utility investment charges and system development charges actually previously paid by the landowner or the predecessor of the landowner for connection of water service to the existing structure or structures on the property. Where structures are not substantially remodeled or rebuilt but are merely renovated or less than substantially remodeled the utility investment charge and system development charge shall be the charge determined in accordance with Section 25.12.040 for a new connection having an ECU rating equal to the difference between the new ECU rating of the structure and the former ECU rating of the structure; provided, however, that new water conserving devices are installed in the structure which meet the City standards for new water using devices.

(1) "Substantial remodel" shall be defined as the increase by fifty percent (50%) in the water using capacity of new water using devices or fixtures installed on a property, as measured by the ECU rating of the existing and proposed structure(s).

(2) "Rebuilt" shall be defined as the removal and total reconstruction of a structure on a particular piece of property.

(3) The calculation for the credit to be given for property on which the structures are substantially remodeled or rebuilt shall take into account the amount actually paid for utility investment charges (tap fees) and system development charges in the records as maintained by the City. If no such records are maintained or it is impossible to determine the credit to be given, the credit shall be as calculated by the Water Department, taking into account the following in addition to other criteria deemed relevant:

- a. Size of the water main servicing the area;
- b. Size of the service line to the property;
- c. Size of the meter installed;
- d. Age and use of the building;
- e. Date of original connection to the city water service;
- f. History of fixture installations and upgrades;
- g. Fees charged to similarly situated customers

- h. Any verifiable and relevant records of the applicant;
- i. Consideration other than money (e.g., water system upgrades, easements or water rights) given to the City in exchange for the charge for utility connection or net benefit to the water system; and,
- j. Unamortized capital expended for improvements to the system since the date of connection which has not been recovered by the water rates paid by the landowner.

(4) In the event the landowner disputes the amount of credit to be given, he or she shall request and pay the costs of arbitration of the issue by the manager of the Aspen Consolidated Sanitation District. The conclusion of the arbitrator shall be final if the land is located within the incorporated limits of the City. The City, at its sole discretion, may decline to connect or increase water service for customers outside of the City at the credit established by the arbitrator . (Code 1971, § 23-62; [Ord. No. 27-1985](#), § 1; [Ord. No. 19-1990](#), § ; [Ord. No. 30-2012](#) §10)

Sec. 25.12.080. Oversized tap; fire protection system.

(a) If a utility service connection larger than that determined in Section 25.12.060 above is desired, the enlarged connection may be installed upon approval by the Water Department and upon payment of the applicable utility investment charges, system development charges, and hook-up charges and upon the issuance of a utility connection permit.

(b) In the event a larger size utility service connection is necessary for a private fire protection system, the utility investment charge and system development charge shall be computed only upon the ECU rating for the building exclusive of the fire protection system. Nothing herein shall, however, relieve the water user from paying the full utility hookup charge, including cost of the tap, all pipes, valves, valve boxes and meter. (Code 1971, § 23-63; [Ord. No. 27-1985](#), § 1; [Ord. No. 30-2012](#) §11)

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

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

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

(e) Water service line bypass piping around existing or future water meters shall be accepted on a limited case-by-case basis and can only be implemented if a water customer has received prior written approval from the Aspen Water department utility. Bypass piping materials and configuration, if pre-approved, shall be installed in accordance with the latest edition of the City of Aspen Water Department Distribution Standards.

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

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

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

(a) In all cases where service lines have been constructed from a single utility connection to different houses, buildings or premises and a separate curb stop accessible to the Water Department has been placed on the line leading to each house, building or premises, so that water can be easily turned on and shut off from the premises or any of them, the continued use of such extensions will be permitted. A Shared Water Service Line Agreement will be executed and filed for these instances.

(b) No connection with the water utility or use of water shall be made through any extension of the service line serving any other premises except as provided in this Section.

(c) Nothing herein shall be construed to relieve any water utility applicant from paying any charge attributable to the new or increased water service. (Code 1971, § 23-65; [Ord. No. 27-1985](#), § 1; [Ord. No. 30-2012](#) §13)

Sec. 25.12.110. Barricades and safety measures for excavations.

All excavations in the street with regard to the water service shall be made in conformity to this Code and other ordinances of the City and suitable barricades and guards shall be placed around such excavation and shall be sufficient to protect all persons from injury and damage and sufficient warning lights shall be kept illuminated near such excavations from twilight until sunrise in order to protect all persons from injury or damage thereby. The person making such excavations shall be liable for all injuries or damages resulting from his or her failure to comply with this section. (Code 1971, § 23-66; [Ord. No. 27-1985](#), § 1; [Ord. No. 30-2012](#) §14)

Sec. 25.12.120. Testing of completed connection.

When any utility connection for water service has been completed and the service is found to comply with the provisions of this Chapter, the Water Department shall test the connection to determine that the connection and service are in proper operating condition. No water shall be turned on to make this test by anyone except the Water Department or a person acting under its order. (Code 1971, § 23-67; [Ord. No. 27-1985](#), § 1; [Ord. No. 30-2012](#) §15)

Sec. 25.12.130. Maintenance of service pipes and fixtures.

The owner of any premises for which a utility connection is made shall at all times keep all service lines, fixtures and appliances from the point of connection at the corporation stop to and on his or her premises tight and in good working order so as to prevent any waste of water. In case any line or fixture shall be found to leak water or be damaged, the owner shall forthwith repair and correct the same and the owner shall be responsible for thawing frozen pipes from the point of connection with the main at the corporation stop to his

or her premises. If after notice to the owner by the Water Department to repair leaking or damaged service lines, fixtures or related infrastructure, such repair is not made, the Water Department may have the service lines, fixtures or related infrastructure repaired or replaced. Any costs incurred by the water utility in so doing shall become a lien upon the premises and be satisfied against the same. (Code 1971, § 23-68; [Ord. No. 27-1985](#), § 1; [Ord. No. 30-2012](#) §16)

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

(a) If, at any time, the Water Department shall ascertain that the plumbing fixtures or appliances on any premises are so defective as to waste water, the Water Department shall notify the user of the water or his or her agent, to repair the same and if the same are not repaired within forty-eight (48) hours from the time of such notice being served upon the water user or the agent, the Water Department may shut off the water from the premises and immediately notify the customer.

(b) It shall be unlawful for any person to fail or refuse to comply with the order provided in this Section. (Code 1971, § 23-69; [Ord. No. 27-1985](#), § 1; [Ord. 30-2012](#) §17)

Sec. 25.12.150. Disconnections; maintenance of corporation stop, curb stop, curb box and meters.

(a) In case any owner of premises on which water is used shall cease to use water and desires to disconnect his or her premises, he or she shall not be permitted to remove the curb stop, curb box or meter and appurtenances, except with permission from the Water Department. Corporation stops are the property of the water utility and shall only be removed or operated by the Water Department.

(b) The owner of property serviced shall be responsible for the repair and maintenance of the service line, curb stop, curb box and meter and is further responsible for insuring that none of the above become damaged or inaccessible by reason of landscaping, foliage or construction of improvements on the premises.

(c) In such event a meter, remote and/or Meter Transmitting Unit (MTU) is damaged or concealed or otherwise made inaccessible, the Water Department shall direct that the water user be billed the unmetered rate for his or her water service until such time as the meter, remote and/or MTU is again made operable or accessible by the owner. (Code 1971, § 23-70; [Ord. No. 27-1985](#), § 1; [Ord. No. 30-2102](#) §18)

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

(b) **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 types of affordable housing projects that are eligible for exemptions or waivers: (i) projects that are determined to be Qualified 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.

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

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

- 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
- are composed of one hundred percent (100%) employee housing units; and,
- 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,
- are maintained as qualified employee housing.

(ii) The *Fee Waiver Schedule* refers to the following schedule of the percent of the utility investment charges that may be waived based upon the category of the units within the affordable housing project.

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

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

- 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,
- were not constructed for mitigation purposes.

- (c) **Qualified Employee Housing.** Qualified Employee housing shall be exempt from any utility investment charges and system development charges when connection is made to the City of Aspen’s water system.
- (d) **Projects Receiving Affordable Housing Credits.** Projects that receive Affordable Housing Credits pursuant to Chapter 26.540 of the Municipal Code are eligible for a waiver of the percentage of the total utility investment charge and system development charge as set forth in the Fee Waiver Schedule.
- (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 these units or there is no association with free market development, are eligible for a waiver of the percentage of the total utility investment charge and system development charge as set forth in the Fee Waiver Schedule.
- (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 be installed as required, are not properly maintained or continuously operable, the developer of such units and the owners thereof shall be jointly and severally liable to reimburse the City for the cost of the utility investment charges and system development charges exempted by this Section. The City Manager shall establish a method of accomplishing this payment so as not to be unduly burdensome on the developer or owners.
- (g) **Utility Connection Charge and System Development Charge Waiver - Single Occurrence.** Utility connection charge and system development charge waivers for employee housing exemptions 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](#))

**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:

(1) Effective in the January 2019 monthly billing, all metered accounts shall pay a monthly demand charge per ECU as follows:

Billing Area	Billing Factor (Included)	Per ECU Rate
1	1.00	\$6.00
2	2.00	\$12.00
3	2.00	\$12.00
4	1.25	\$7.50
5	1.75	\$10.50
6	2.00	\$12.00
7	1.50	\$9.00

(2) Effective in the January 2019 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	\$2.76	12,000	\$3.54	16,000	\$5.07	16,000	\$7.60

(3) Effective in the January 2019 monthly billing, all metered accounts within service area pumped zones shall pay a monthly pumping charge per 1,000 gallons as follows:

# of Pumps	Rate Per 1,000 Gallons Pumped
1	\$2.10
2	\$4.20
3	\$6.30

(4) Effective in the January 2019 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	\$2.58
2	2.00	\$5.16
3	2.00	\$5.16
4	1.25	\$3.23
5	1.75	\$4.52
6	2.00	\$5.16
7	1.50	\$3.87

(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](#); <https://records.cityofaspen.com/WebLink/0/doc/1412784/Page1.aspx>.Ord. No. 28-2018)

Sec. 25.16.011. Bulk rates for metered water service.

(a) Effective in the January 2019 monthly billing, the bulk water sales rate and two-tier structure for Buttermilk Metro District will be:

Monthly Block Tiers in Per 1,000 Gallons	Rate Per 1,000 Gallons
First 2,940 gallons	\$4.28
Over 2,940 gallons	\$10.02

(Ord. No. 45-2015, Ord. No. 38-2016; <https://records.cityofaspen.com/WebLink/0/doc/1412784/Page1.aspx>.Ord. No. 28-2018)

Sec. 25.16.012. Raw water rates for general raw water accounts.

(a) Effective January 1, 2019, the demand charge per fill up for the filler hydrant bulk water sales pursuant to Subsection 25.08.020(e) shall be twenty dollars (\$25.00) per use.

(b) Effective January 1, 2019, the variable charge for filler hydrant raw water bulk water sales pursuant to Subsection 25.08.020(e) shall be \$15.00 per 1,000 gallons.

(c) 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:

(d) Effective January 1, 2019 the non-pressurized raw water rate per irrigation season is as follows:

Non-Pressurized Raw Water	2019 Rate
Per 1,000 Sq. Ft.	\$20.89

(e) Carriage rates for raw water (refer to “Definitions” section), shall be the same as set forward in Paragraph (d) above except where a valid contract for conveyance of the customer’s own water rights provides for a different rate.

(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 \$500 for the first offense, \$1,000 for the second offense and \$1,500 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](#))

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.

(i) Effective January 1, 2019 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	2019 Rate
Per 1,000 Gallons.	\$2.42

(ii) 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, 2019 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	2019 Rate
Seasonal Rate Per 1,000 Sq. Ft.	\$85.30
Monthly Rate Per 1,000 Sq. Ft. – Based on 6-Month Irrigation Season	\$14.22

(e) Carriage rates for raw water, (see “Definitions” section), shall be the same as those in Paragraph (d) (i) 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 \$500 for the first offense, \$1,000 for the second offense and \$1,500 for each additional offense. (Ord. No. 41-2004, §5; Ord. No. 30-2012 §23; Ord. No. 38-2014§3)

(e) Carriage rates for raw water, (see “Definitions” section), shall be the same as those in Paragraph (d) (i) 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 \$500 for the first offense, \$1,000 for the second offense and \$1,500 for each additional offense.

[\(Ord. No. 41-2004, §5; Ord. No. 30-2012 §23; Ord. No. 38-2014§3; Ord. No. 45-2015; Ord. No. 27-2017; Ord. No. 28-2018\)](#)

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

All temporary construction water accounts shall pay monthly the sum of charges one (1) and two (2).

(1) Effective in the January 2019 month billing, all temporary construction accounts shall pay a monthly demand charge per ECU as follows:

Billing Area	Billing Factor (Included)	Per ECU Rate
1	1.00	\$6.00
2	2.00	\$12.00
3	2.00	\$12.00
4	1.25	\$7.50
5	1.75	\$10.50
6	2.00	\$12.00
7	1.50	\$9.00

(2) Effective in the January 2019 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	\$2.58
2	2.00	\$5.16
3	2.00	\$5.16
4	1.25	\$3.23
5	1.75	\$4.52
6	2.00	\$5.16
7	1.50	\$3.87

[\(Ord. No. 35-2011§4; Ord. No. 30-2012 §24; Ord. No. 38-2014§4; Ord. No. 45-2015; Ord. No. 27-2017; Ord. No. 28-2018\)](#)

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).

(1) Effective in the January 2019 monthly billing, all grandfathered-in accounts shall pay a monthly demand charge per ECU as follows:

Billing Area	Billing Factor (Included)	Per ECU Rate
1	1.00	\$6.00
2	2.00	\$12.00
3	2.00	\$12.00
4	1.25	\$7.50
5	1.75	\$10.50
6	2.00	\$12.00
7	1.50	\$9.00

(2) Effective in the January 2019 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	\$2.58
2	2.00	\$5.16
3	2.00	\$5.16
4	1.25	\$3.23
5	1.75	\$4.52
6	2.00	\$5.16
7	1.50	\$3.87

[\(Ord. No. 35-2011 §5; Ord. No. 30-2012 §26; Ord. No. 38-2014§5; Ord. No. 45-2015, Ord. No. 38-2016; Ord. No. 27-2017; Ord. No. 28-2018\)](#)

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).

(1) Effective in the January 2019 monthly billing, all pre-tap accounts shall pay a monthly demand charge per ECU as follows:

Billing Area	Billing Factor (Included)	Per ECU Rate
1	1.00	\$6.00
2	2.00	\$12.00
3	2.00	\$12.00
4	1.25	\$7.50
5	1.75	\$10.50
6	2.00	\$12.00
7	1.50	\$9.00

(2) Effective in the January 2019 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	\$2.58

2	2.00	\$5.16
3	2.00	\$5.16
4	1.25	\$3.23
5	1.75	\$4.52
6	2.00	\$5.16
7	1.50	\$3.87

[\(Ord. No. 35-2011§6; Ord. No. 30-2012 §26; Ord. No. 38-2014§6; Ord. No. 45-2015, Ord. No. 38-2016; Ord. no. 27-2017; Ord. No. 28-2018\)](#)

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).

(1) Effective in the January 2019 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	\$106.27
2	2.00	\$212.54
3	2.00	\$212.54
4	1.25	\$132.84
5	1.75	\$185.97
6	2.00	\$212.54
7	1.50	\$159.40

(2) Effective in the January 2019 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	\$2.58
2	2.00	\$5.16
3	2.00	\$5.16
4	1.25	\$3.23
5	1.75	\$4.52
6	2.00	\$5.16
7	1.50	\$3.87

[\(Ord. No. 35-2011§6; Ord. No. 30-2012 §27; Ord. No. 38-2014§7; Ord. No. 45-2015, Ord. No. 38-2016; Ord. No. 27-2017; Ord. No. 28-2018\)](#)

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 2019 monthly billing, all senior metered accounts shall pay a monthly demand charge per ECU as follows:

Billing Area	Billing Factor (Included)	Percentage of Regular Metered Demand	Per ECU Rate
1	1.00	90%	\$5.40
2	2.00	90%	\$10.80
3	2.00	90%	\$10.80
4	1.25	90%	\$6.75
5	1.75	90%	\$9.45
6	2.00	90%	\$10.80
7	1.50	90%	\$8.10

(2) Effective in the January 2019 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	\$2.76	12,000	\$3.54	16,000	\$5.07	16,000	\$7.60

(3) Effective in the January 2019 monthly billing, all senior metered accounts within service area pumped zones shall pay a monthly pumping charge per 1,000 gallons as follows:

# of Pumps	Rate Per 1,000 Gallons Pumped
1	\$2.10
2	\$4.20
3	\$6.30

(4) Effective in the January 2019 monthly billing, all senior metered accounts shall pay a monthly fire protection charge per ECU as follows:

Billing Area	Billing Factor (Included)	Percentage of Regular Metered Demand	Per ECU Rate
1	1.00	90%	\$2.32
2	2.00	90%	\$4.64
3	2.00	90%	\$4.64
4	1.25	90%	\$2.90
5	1.75	90%	\$4.06
6	2.00	90%	\$4.64
7	1.50	90%	\$3.48

(e) An unmetered residence owned or leased by qualified senior citizens shall pay on a monthly basis the sum of charges one (1) through four (2) that follow:

(1) Effective in the January 2019 monthly billing, all senior unmetered accounts shall pay a monthly demand charge per ECU as follows:

Billing Area	Billing Factor (Included)	Percentage of Regular	Per ECU Rate
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		Unmetered Demand	
1	1.00	30%	\$31.88
2	2.00	30%	\$63.76
3	2.00	30%	\$63.76
4	1.25	30%	\$39.85
5	1.75	30%	\$55.79
6	2.00	30%	\$63.76
7	1.50	30%	\$47.82

(2) Effective in the January 2019 monthly billing, all senior unmetered accounts shall pay a monthly fire protection charge per ECU as follows:

Billing Area	Billing Factor (Included)	Percentage Regular Unmetered Demand	of Per Rate ECU
1	1.00	30%	\$0.77
2	2.00	30%	\$1.55
3	2.00	30%	\$1.55
4	1.25	30%	\$0.97
5	1.75	30%	\$1.35
6	2.00	30%	\$1.55
7	1.50	30%	\$1.16

(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](#)).

Editor's note—Ord. No. 1-1988, § 1, adopted Jan. 25, 1988 amended former § 23-102 by amending previously uncodified Subsection (d) and at the discretion of the editor these provisions have been included herein and revised slightly in order to delete references to "out-of-the-City service charge" and "location of resident," inasmuch as former § 23-101 does not discern between in-City and out-of-City residence location.

Sec. 25.16.022. Late payment charge.

Payments for water service, utility investment charges, system development charges, hook-up fees, and utilities review fees shall be due thirty (30) days after billed date. Any amount due, but not received by the City by the due date, shall be subject to a past due monthly interest charge of one and one-half percent (1½%) of the total amount due; subject, however, to a minimum charge of three dollars (\$3.00). Balances of less than five dollars (\$5.00) shall not be subject to this charge. ([Ord. 36-1996, §§ 2, 3](#); [Ord. No. 45-1999, § 16 \(part\)](#); [Ord. No. 30-2012 §29](#), [Ord. No. 38-2016](#).)

Sec. 25.16.030. Meter regulations; mandatory metering.

- (a) Except as expressly provided in this Chapter, all water service shall be metered.
- (b) The installation of all meters shall conform to specifications of the Water Department.

(c) The Water Department may, in its sole discretion, install a meter on any connection which has not been converted to metered service by June 1, 1985 and shall charge the customer all costs of such installation. The Water Department may also, in its sole discretion, disconnect any water service which has not been converted to metered service by June 1, 1985 and may not reconnect such service until it is metered. The customer shall pay all costs of any such connection and reconnection including any utility investment charges, system development fees and hook-up charges which may be due. (Code 1971, § 23-104; [Ord. No. 27-1985](#), § 1; [Ord. No. 30-2012](#) §30)

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

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

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

(c) Definitions:

(1) "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.

(2) "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.

(3) "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.

(4) "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.

(5) "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.

(6) “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.

(7) “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.

(8) “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.

(9) “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.

(10) “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.

(11) “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

(12) “MULTI-FAMILY” means a single residential connection to the City water system’s distribution system from which two or more separate dwelling units are supplied water.

(13) “SERVICE CONNECTION” – means any connection of a water supply or premises plumbing system to the City of Aspen’s water distribution or system.

(14) “SINGLE-FAMILY” means:

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

(15) “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.

(16) “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.

- i. In instances in which an appropriate backflow preventer cannot be installed to achieve containment, the property owner must install approved backflow prevention devices or methods at all cross-connections within the premises plumbing system to achieve containment by isolation.

(3) Backflow prevention assemblies and methods shall be installed in a location which provides access for maintenance, testing and repair, and in accordance with the guidelines and requirements set forth in the Plumbing Code currently observed by the City of Aspen.

(4) Reduced pressure principle backflow preventers shall not be installed in a manner or location that is subject to flooding.

(5) Provisions shall be made to provide adequate drainage from the discharge of water from reduced pressure principle backflow prevention assemblies. Such discharge shall be conveyed in a manner which does not impact waters of the state.

(6) All assemblies and methods shall be protected to prevent freezing. Those assemblies and methods used for seasonal services may be removed upon cessation of those seasonal services in lieu of being protected from freezing. Any and all assemblies and methods that are removed from seasonal points of service in lieu of being protected from freezing must be reinstalled and tested by a certified cross connection control technician prior to recommencing seasonal service.

(7) Where a backflow prevention assembly or method is installed on a water supply system using storage water heating equipment such that thermal expansion causes an increase in pressure, an approved, listed, and adequately sized expansion tank or other approved device having a similar function to control thermal expansion shall be installed.

(8) All backflow prevention assemblies shall be inspected and tested at the time of installation, and inspected and tested at least once annually thereafter. Such tests must be conducted by a Certified Cross-Connection Control Technician.

(9) The City Utilities Department shall require inspection, testing, maintenance and as needed repairs and replacement of all backflow prevention assemblies and methods, and of all required installations within a customer's premises plumbing system in the cases where containment assemblies and or methods cannot be installed.

(10) All costs for design, installation, maintenance, testing and as needed repair and replacement are to be borne by the customer.

(11) No grandfather clauses exist except for fire sprinkler systems in which the installation of a backflow prevention assembly or method will compromise the integrity of the fire sprinkler system.

(12) All building plans for new buildings must be submitted to the City of Aspen Water and Engineering Departments for review, and must be approved by both Departments prior to the provision of water service. Building plans must show:

- i. Water service type, service line size, and location;
- ii. Water meter size and location;
- iii. Backflow prevention assembly size, type, and location;
- iv. 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 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,

- i. Assembly or method type
- ii. Assembly or method location
- iii. Assembly make, model and serial number
- iv. Assembly size
- v. Test date; and
- vi. Test results including all results that would justify a pass or fail outcome
- vii. Certified cross-connection control technician certification agency
- viii. Technician's certification number
- ix. Technician's certification expiration date
- x. Test kit manufacturer, model and serial number
- xi. 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 24 hours after learning of the backflow contamination event. The

Utilities Department shall notify the CDPHE within 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:

- i. Control the cross connection
- ii. Remove the cross connection
- iii. 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.

- i. In instances in which a backflow prevention assembly or method cannot be installed to achieve containment, the owner must install approved backflow prevention assemblies or methods at all cross-connections within the owner's water supply system to achieve containment by isolation. The notice of violation will give a date by which the owner must comply.

(3) On or before May 1, 2017, and on or before May 1 of each year thereafter, the Utilities Department shall develop and submit to the Colorado Department of Public Health and Environment its written backflow prevention and cross-connection control annual report for the prior calendar year, as required by Colorado Primary Drinking Water Regulation 11.

(i) Violations and Penalties:

(1) It shall be unlawful for any City water customer to operate the customer's premises plumbing system or water supply system contrary to or in violation of any of the provisions of this Code.

(2) A violation of any of the provisions of the Code shall constitute a misdemeanor, punishable upon conviction by a fine, imprisonment, or both a fine and improvement, as set forth in Section 1.04.080 of this Code. A separate offense shall be deemed committed on each day or portion thereof that the violation of any of the provisions of this Code occurs or continues unabated after the time limit set for abatement of the violation.

(3) Failure to comply with the terms of this Article, including but not limited to failure to pay the necessary fees, charges and taxes, and failure to otherwise comply with the terms of this Article shall constitute an offense and a violation thereof. Every person violating this Article shall be punished, upon conviction, by a fine of not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00), or by imprisonment for not more than ten (10) days, or both such fine and imprisonment for each offense. Delinquency for each calendar month shall constitute a separate offense. ([Ord. No. 38-2016](#))

Sec. 25.16.040. Receipts.

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

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

(a) The Water Department shall disconnect the water service to any consumer who fails to pay any water service charges, utility investment charges, or utilities review fees fifteen (15) days after their due date.

(b) All the rates and charges specified in this Chapter shall be paid by the owner of the premises on which the water is used. All such water rates and charges from the time such shall be due and chargeable shall become and remain a lien upon the premises until such rates or charges shall be paid. Water rates and charges may be collected against any owner by suit, such action to be in the name of the City in any court having jurisdiction thereof and to be prosecuted as an action at law personally against such owner or by a suit in equity for the enforcement of such lien.

(c) Any lien for unpaid water rates and charges against any premises may also be collected as provided by the statutes of the State for the collection of taxes and other liens and assessments against real estate. (Code 1971, § 23-106; [Ord. No. 27-1985](#), § 1; [Ord. No. 30-2012](#) §32, [Ord. No. 38-2016](#).)

Sec. 25.16.060. Water service connect and disconnect charges.

A service charge of forty dollars (\$40.00) is hereby established for each new account that is setup for water service. If a disconnection is made in accordance with Section 25.16.050 above because of nonpayment of water service charges, utility investment charges or utilities review fees, the disconnect charge of sixty dollars (\$60.00) shall be due prior to reconnection of water service. (Code 1971, § 23-107; [Ord. No. 27-1985](#), § 1; [Ord. No. 53-1992](#), § 1; [Ord. No. 68-1994](#), § 13; [Ord. No. 45-1999](#), § 16 [part]; [Ord. No. 30-2012](#) §33; [Ord. No 38-2014](#), §9, [Ord. No. 38-2016](#))

Sec. 25.16.061. Discontinuance of service.

(a) Grounds for discontinuance. If any utility service charges remain unpaid for fifteen (15) days after their due date, the City may terminate service for the type of utility service for which payment has not been made. In addition, the City may terminate a utility service for violation of any rule or regulation concerning such utility as set forth in this Title.

(b) Notice of termination. In order to terminate any services the City shall send a notice of termination by first class mail or, at the City's option, by certified mail, return receipt requested, or by posting in a conspicuous place at or near the main entrance to the premises served by such utility service to the customer listed on the City records and, at the City's option, to the occupant of the premises served and/or the owner of the premises served.

(c) Effective date of discontinuance of service. The effective date of the discontinuance of utility service shall be Ten (10) days after the mailing by the City of a notice of termination.

(d) When utility service is not discontinued. Utility service shall not be discontinued:

(1) Between 12:00 p.m. on Friday and 8:00 a.m. on the following Monday or between 12:00 p.m. on the day prior to and 8:00 a.m. on the day following any federal holiday or City holiday.

(2) During any period when termination of service would be especially dangerous to the health or safety of any residential customer or permanent resident of the customer's household and such customer has established that he/she was unable to pay for the service as regularly billed by the City or is able to pay for such service but only in reasonable installments. Termination of service that would be especially dangerous to the health or safety of the residential customer or a permanent resident of the customer's household means that the termination of service would aggravate an existing medical condition or create a medical emergency for the customer or a permanent resident of the customer's household. Such shall be deemed to be the case when a physician licensed by the State makes a certification thereof in writing and said certification is received by the City. In the event a medical certification is delivered to or received by the City, a non-discontinuance of service as herein prescribed shall be effective for sixty (60) days from the date of said medical certification. A residential customer may invoke the provisions of this paragraph no more than once during any period of twelve (12) consecutive months.

(3) In the event a customer at any time proffers full payment of any utility bill by cash or bona fide check to the City of Aspen Finance department.

(4) If violations of rules or regulations concerning the receipt or use of utility service have ceased.

(e) Reconnection. Nothing contained in this section shall preclude the City from charging a reconnection fee as required by Section 25.04.120 before reconnecting a utility service discontinued pursuant to this section. In addition, prior to reconnection, all charges for that type of utility service must be paid to the City.

(f) Delivery of notice. Notwithstanding anything to the contrary in this section, whenever reference is made herein to a notice or other document being mailed or delivered, that phrase shall mean that the notice or other document is either deposited in the United States mail, postage paid, first class or certified mail, return receipt requested, at the City's option, or physically delivered to the addressee, which physical delivery will be accomplished by either handing to someone over eighteen (18) years of age at the premises served or by posting upon the main entrance of the premises served by the utility service in a conspicuous place. ([Ord. No. 38-2016](#))

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

In any case where the water has been shut off from any premises, for any causes stated in this Chapter or at the request of the owner of the premises, the Water Department shall not turn it on again or order it to be turned on until all outstanding water rates and charges have been paid and the owner requests the service by making application and receives a permit for such connection. (Code 1971, § 23-108; [Ord. No. 27-1985](#), § 1; [Ord. No. 30-2012](#) §34)

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

Whenever more than one (1) business shall be carried on in any one (1) store, room or other building, it shall be the duty of the Superintendent to decide whether or not more than one (1) charge for water service shall be made for such use. (Code 1971, § 23-109; [Ord. No. 27-1985](#), § 1; [Ord. No.30-2012](#) §35)

Sec. 25.16.090. Deposit for water service.

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

Residential service: One hundred dollars

(\$100.00). 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.

[\(Ord. No. 30-2012 §36; Ord. No. 38-2014§10\)](#)

Sec. 25.16.100. Billing errors.

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

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

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

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

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

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

- a. the customer could not have discovered the error with reasonable inquiry prior to the date of discovery;
- b. documentation evidencing the overpayment is available in utility records or has been provided to the utility; and
- c. The utility confirms the accuracy and sufficiency of the documentation based on utility records.
- d. The overbilling is not the result of changes, modifications, updates, or alterations by the Customer or its agent that affects the metering accuracy, multiplier, or other metering components without evidence of prior notification to and approval of the Utility.

(2) When the Utility determines that a current utility customer has been undercharged and has underpaid for utility service, the customer shall be billed for the correct amount unless the undercharges occurred more than six (6) months before the date the error is discovered and the following conditions are met:

- a. The customer could not have discovered the error with reasonable inquiry.
- b. Each utility customer is responsible for using reasonable diligence to review billing statements and for immediately notifying the utility of a billing error.
- c. Bills for corrected usage and other utility rate code charges shall be due and payable in the same manner as regular bills for service.

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

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

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

Chapter 25.18 STORMWATER SYSTEMS

Sec. 25.18.010. Definitions.

For the purposes of this Title, certain words or phrases are defined as follows:

Development. The proposed development creates at least five hundred (500) square feet of new impervious area.

Redevelopment. The proposed development disturbs at least five hundred (500) square feet of the existing impervious area. ([Ord. No. 22, 2007](#), §1)

Sec. 25.18.020. Stormwater system development fee.

(a) A stormwater system development fee shall be assessed against all properties at the time of development or redevelopment of the property. The fee shall be assessed against the total impervious area of the development, not simply the increased impervious area, minus the amount of any stormwater system development fee actually previously paid by the landowner or the predecessor of the landowner for connection to the stormwater system. The system development fee shall be two dollars and eighty-eight cents (\$2.88) per square foot of total impervious area.

(b) The calculation for the credit to be given for property on which the structures are substantially remodeled or rebuilt shall take into account the amount actually paid for stormwater system development fees in the records as maintained by the City. ([Ord. No. 22, 2007](#), §1)

Chapter 25.20 MISCELLANEOUS PROVISIONS

Sec. 25.20.010. Tampering with meter prohibited.

It shall be unlawful for any person to tamper with any water meter installed on any service connection on the water mains of the City or to place, install or put on or near any such meter any

instrument or device which will affect the operation thereof or the reading thereof. It is further declared to be unlawful to interfere with or prevent the Superintendent or any employee of the City from examining and reading any such meter. (Code 1971, §23-150; [Ord. No. 27-1985](#), §1)

Sec. 25.20.020. Wasting of water prohibited.

It shall be unlawful for any person using water from the City water system or any system connected thereto, to waste water. For purposes of this Section, *to waste water* shall mean any of the following:

(a) The unnecessary running of water, which is not applied to any beneficial use, through or out of any water closet, lavatory, urinal, bathtub, hose, hydrant, faucet or other fixture, appliance or apparatus whatsoever, through the neglect or by reason of faulty or imperfect plumbing or fixture; or

(b) The continuous application of water to lawns, sod, landscaping or amenity resulting in ponding or the flowing of water into drainage or storm drainage facilities; or

(c) Failure to repair an irrigation system unit which is known to be leaking. (Code 1971, §23-151; [Ord. No. 27-1985, §1](#); [Ord. No. 37-1991, §5](#))

(d) Violation of restrictions imposed in connection with a declared water shortage per Chapter 25.28.

(Code 1971, §23-151; [Ord. No. 27-1985, §1](#); [Ord. No. 37-1991, §5](#))

Sec. 25.20.030. Shut offs; emergency measures.

(a) If after a permit to use water is issued, it is ascertained that water is being used on any premises not authorized by the permit or in a greater amount or for a different purpose than that provided for in the permit or if any water user fails or refuses to pay water charges for the use of water as the same shall become due, it shall be the duty of the Superintendent to terminate water service; providing, however, that the City shall give notice to the owners of premises prior to the time the water service is terminated.

(b) The Superintendent reserves the right to shut off the street mains for repairing the mains or making connections or extensions to the same or for the purpose of cleaning the same. No main shall be shut off except in emergency without prior notice to the water users affected. No licensed plumber or other person shall shut off the water from any of the City mains or make a tap thereon. In case of any emergency, the City Manager may restrict the use of water until the next meeting of the City Council. (Code 1971, §23-152; [Ord. No. 27-1985, §1](#) [Ord No. 30-2015](#))

Sec. 25.20.040. Use of water on premises other than permit holder's.

It shall be unlawful for any person having a permit to use water on his or her premises or any occupant of such premises to allow any person to take water from the premises unless the occupant or the owner of the premises on which he or she uses or intends to use such water has a permit to do so as provided in this Title. (Code 1971, §23-153; [Ord. No. 27-1985, §1](#))

Sec. 25.20.050. Use of lawn sprinklers and nozzles.

It shall be unlawful for any person at any time to use water for sprinkling or irrigating through a hydrant or hose, without a nozzle or lawn sprinkler and no sprinkler opening used shall be more than three-eighths ($\frac{3}{8}$) inch in diameter. The City Council shall have the authority to establish by resolution, motion or otherwise any and all other restrictions as to the use of water for sprinkling or irrigation and a violation of any such orders or regulations as imposed by the City Council shall be considered a violation of this Code. (Code 1971, §23-154; [Ord. No. 27-1985, §1](#))

Sec. 25.20.060. Use of water for sprinkling or irrigation during fire prohibited.

It shall be unlawful to use water for sprinkling or irrigation purposes during any fire or while the Fire Department is using water for fire purposes and when the fire alarm is sounded. (Code 1971, §23-155; Ord. [No. 27-1985](#), §1)

Sec. 25.20.070. Determination as to whether inside or outside of City.

(a) Except as set forth in Subsection (b) hereof, any water user or customer with a point of connection or of consumption outside the City limits shall be subject to the out-of-City service charge provided by Subsection 25.16.010(g) and to any other out-of-City rates, fees and charges imposed by virtue of this Title. If any use of water through a tap or connection is made outside the City limits, all use through such tap or connection shall be deemed outside of the City regardless of the location of the point of connection.

(b) Without regard to whether their service connection or use be outside the City municipal, quasi-municipal, other governmental agencies and school districts supported in whole or in part by general property taxes shall be deemed inside the City for purposes of assessing water rates or surcharges and any and all fees and charges imposed by virtue of this Chapter. (Code 1971, §23-156; [Ord. No. 27-1985](#), §1)

Editor's note—It should be noted that the current provisions of Code §25.16.010 do not make a distinction between "out-of-city" service and "in-city service," in relation to rates for water service. Also, §25.16.010 does not now contain a Subsection (g).

Sec. 25.20.080. Consumer education.

The Director of water shall develop a consumer education program to provide water consumers with information relating to water conservation. The consumer education program shall include, at a minimum, periodic distribution to water consumers of brochures on various water conservation topics. In addition, the Director of water may conduct seminars on water management techniques for both residential and commercial irrigation systems. (Code 1971, § 23-157; [Ord. No. 37-1991](#), § 6)

Chapter 25.24

SUPPLY OF MUNICIPAL WATER FOR SNOWMAKING PURPOSES

Sec. 25.24.010. Definition of "snowmaking."

Snowmaking shall be defined as the conversion of water to artificial snow through a permitted process and its placement on a Nordic ski trail or permitted ski area for the purpose of supplementing or augmenting natural precipitation. Snowmaking shall include the ancillary use of water for the irrigation of permitted ski areas for ski slopes maintenance and protection. Water utilized for snowmaking shall not be used for residential, commercial or industrial or other municipal purposes besides snowmaking. (Code 1971, § 23-160; [Ord. No. 27-1985](#), § 1; [Ord. No. 39-1993](#) § 8)

Sec. 25.24.020. Authorization of contracts for the supply of municipal water for snowmaking purposes.

Municipal water may only be supplied for snowmaking purposes pursuant to a contract which is approved by the City Council and whose terms include, at a minimum, the fees, charges and rates

established in Section 25.24.030 below. Any such contract may include any additional terms or considerations which the City Council deems appropriate. Any such contract shall be binding upon the parties for the entire term thereof under the said Section 25.24.030 below as in effect at the time the contract was made. (Code 1971, § 23-161; [Ord. No. 27-1985](#), § 1)

Sec. 25.24.030. Water service rates for the supply of municipal water for snowmaking purposes.

(a) Investment and hook-up charges. The utility investment and hook-up charges imposed by Sections 25.12.040 and 25.12.060 above shall not apply to the supply of municipal water for snowmaking purposes. The combined utility investment and hook-up charges for such water service shall be as set forth below:

Tap Size (inches)	Utility Investment	ECU	Hook-up Charge
6	\$50,000	60.1—100.0	\$ 5,000
8	75,000	100.1—150.0	6,900
10	131,600	150.1—270.0	7,000
12	175,000	270.1—432.0	10,000

In the event a tap size is requested different than the sizes set forth herein, the City Manager may establish combined utility investment and hook-up charges appropriate for the requested tap size. The combined utility investment and hook-up charges set forth herein are based upon the provision of raw or treated water service, at the option of the City, with the requirement that all water utility service to domestic and commercial customers shall be satisfied first and the provision of water service to snowmaking customers shall be on an interruptible basis as approved by the City Council in the individual contracts for snowmaking services. In the event that non-snowmaking service demands require a reduction in snowmaking service, all snowmaking customers shall have their service reduced on a first-in-time/first-in-right basis. Snowmaking customers having a contract of an earlier date shall be cut off or curtailed only after all snowmaking customers having contracts of a later date have been cut off.

(b) Water rates and charges. The water rates and charges imposed by Sections 25.16.010 and 25.16.020 above shall not apply to the supply of municipal water for snowmaking purposes. The rate per one thousand (1,000) gallons of municipal water supplied for snowmaking shall be computed as follows:

- (1) The sum of the "total operating expenses before depreciation" and the "depreciation" figures contained in the City-audited financial statement for the water fund for the five (5) years immediately preceding the year of use shall be divided by the sum of the annual total treated water consumption contained in the City Water Department Annual Report for the five (5) years immediately preceding the year of use, deriving the resultant rate which is expressed in terms of dollars and cents per one thousand (1,000) gallons, which shall be multiplied by the number of one thousand (1,000) gallons increments delivered; provided, however, that if the City changes its accounting methods and such change results in an increased charge for the

supply of municipal water for snowmaking purposes that would not have resulted but for such change of accounting methods, any snowmaking water user, at its sole option and expense, may recompute such charge under the accounting method in existence prior to such change. If the City Finance Director (or comparable officer) concurs in such recomputed charge, that rate shall be paid by the snowmaking water user. In the event concurrence is not obtained, the snowmaking water user, at its sole option and expense, may retain a qualified certified public accountant, acceptable to the City finance Director (or comparable officer) to make such recomputations, which will then be binding upon the City and the snowmaking water user.

(2) The rate so established shall be applied uniformly for the succeeding period April 16th through April 15th of the following year. The rate shall be annually redetermined for each April 16th through April 15th period during the term of any contract for the supply of municipal water for snowmaking purposes.

(3) The Council is authorized to charge for such additional costs as are necessary to fairly reflect the costs of supplying service. All such additional costs shall be reflected in the contract executed pursuant to Section 25.24.020 above.

(c) Fees and rates for in-City snowmaking; rates for out-of-City snowmaking. All fees and rates provided for herein shall be for in-City snowmaking use only. Due to the aerial extent of snowmaking, "in-City snowmaking" shall be defined as snowmaking for which the point of connection to the City water system is located within the City boundaries. Fees and rates for out-of-City snowmaking shall be double those fees and rates provided for in Subsections (a) and (b) of this Section. (Code 1971, § 23-162; [Ord. No. 27-1985](#), § 1)

Chapter 25.28 **WATER SHORTAGES**

Sec. 25.28.010. Applicability.

a. This Chapter shall become effective upon a finding by the City Council that the City is facing a shortage in its supply of water. Such a finding shall be made by resolution. To the extent reasonable, findings of applicability of the stages set forth in this Chapter shall be coordinated with similar findings by other water users in the same drainage basin. Findings by the State engineer and the Water Conservation Board may also be considered.

b. The provisions of this Chapter shall apply to the use of the treated water supply, pressurized and non-pressurized raw water, and reuse water of the City to the extent any city/customer agreements provide for curtailment of water use or suspension of water delivery during water shortages or emergencies.

c. When the resolution finding a water shortage is approved, the three-stage plan set forth in this Chapter shall be implemented. The duration of each stage and the restrictions to be imposed shall be decided by the City Council and included in the resolution finding the water shortage, according to the exigencies of the particular situation in question. It shall be an additional responsibility of the Water Superintendent, under direction of the City Manager, to ensure that the measures described for each implementation Stage are carried out and to provide sufficient coordination between City departments. (Code 1971, § 23-200; [Ord. No. 27-1985, § 1](#); Ord. No.

Sec. 25.28.015 Policy and priority.

When water shortages occur, restrictions on the use of water are imposed in order to assure an adequate water supply for municipal water customers for all municipal purposes. However, the restrictions during shortages recognize that certain uses must have priority, especially in cases of extreme shortage. Therefore, during any declared shortage, the hierarchy of uses, and/or purposes, in descending order, to assist in interpretation and implementation of these restrictions, is: (1) water for necessary public health and safety; (2) protection of natural environment; (3) potable water supply; (4) reclaimed water supply; (5) raw water pressurized; (5) raw water non-pressurized; (6) hydroelectric power generation. Note that reuse/reclaimed water is not subject to curtailment in any of the three Water Shortage stages. [Ord No. 30-2015](#); [Ord. No. 27-2017](#))

Sec. 25.28.020. Stages.

(a) Stage One. The objective of water use restrictions during this stage is a ten percent (10%) reduction in treated water use; ten percent (10%) reduction in pressurized raw water use; and, ten percent (10%) reduction in non-pressurized raw water use. Voluntary conservation is encouraged during this condition. During the period designated Stage One, the City Council, by resolution, shall adopt one or more of the following additional measures which may be altered by resolution of the City Council during a Stage One condition:

(1) There shall be potable water, pressurized raw water, and non-pressurized raw water lawn watering only to the extent determined permissible by the City Council according to the demands of the particular period in question. If no other specific schedule is adopted by City Council, an odd-even schedule shall be in effect on a voluntary basis. An “odd-even” schedule means that addresses ending in odd numbers and addresses ending in even numbers will water on alternate days, with odd numbers only irrigating on odd-numbered days and even numbers only irrigating on even-numbered days.

(2) Public education materials shall be provided to encourage efficient use of the available water supply.

(3) Public facilities will be directed to implement water use restrictions by administrative order, including: limiting irrigation of public parks and golf courses to an extent greater than the target reduction in overall water use; reducing street washing to minimum level necessary to comply with air quality standards and suspending fire hydrant flushing and testing except when required for completion and acceptance of a newly constructed water system.

(4) Upon declaration of Stage One water shortage, increases in water rates for tiers three (3) and four (4), (Sections 25.16.010 and 25.16.020 and 25.16.021), shall be imposed as mandated by the City of Aspen City Manager up to the maximum rates defined in Section 25.28.040.

(b) Stage Two. Prior to the expiration of Stage One, a period known as Stage Two shall be designated by the City Council, if the Council deems the entry of such stage necessary. The Council may continue Stage One or terminate the water shortage period at its discretion, by resolution. The objective of water conservation measures during Stage Two is a fifteen percent (15%) reduction in treated water use; seventeen and one-half percent (17.5%) reduction in pressurized raw water use; and, twenty percent (20%) reduction in non-pressurized raw water use; and, zero percent (0%)

reduction in reuse water use. Upon commencement of Stage Two, the City Council, by resolution, shall adopt one or more of the following additional measures, as well as any Stage One measures, which may be altered by resolution of the City Council during a Stage Two condition:

(1) There shall be no washing of sidewalks, driveways, parking areas, tennis courts, patios or other paved areas.

(2) There shall be no refilling of swimming pools with water furnished by the City.

(3) There shall be no noncommercial washing of privately owned cars, other motor vehicles, trailers or boats, except from a bucket and except that a hose equipped with a positive shut-off nozzle may be used for a quick rinse.

(4) No new public or private landscaping installations shall be allowed with the exception of that required as a minimum for erosion control of disturbed surfaces as determined by the City.

(5) No new water connections shall be authorized; however, existing authorizations shall be honored; provided, however, that this subsection (5) shall not apply to users on a well whose well has run dry.

(6) Watering of golf courses and parks shall be managed to achieve the reduction in water use based on type of specified water and delivery mechanism as set forth above.

(7) Water shall not be used for dust control, except pursuant to authorization from the City or Pitkin County Environmental Health Department and only to the extent necessary to comply with air quality standards.

(8) Except for fighting fire, there shall be no use of water from a fire or specially designated loading hydrant for human consumption or for use in connection with animals, street washing or construction water supply. Hydrant draft permits for any of the above uses shall be suspended for the duration of the Stage Two or Three designation.

(9) Watering of any lawn, garden, landscaped area, tree, shrub or other plant shall be prohibited from 9:00 a.m. to 5:00 p.m., except from a hand-held hose or container or drip irrigation system. These limitations are in addition to any applicable limits from Stage One (e.g., odd-even watering schedule). The allowable time limits for irrigation (both day of week and time of day) may be modified by City Manager in accordance with the need for water conservation.

(10) Flat rate water customer accounts shall be reviewed by City Manager and if metering is possible but not established within 10 days of mailing of notice to the customer, a fifty percent (50%) surcharge will be added. This surcharge shall be in addition to, and not in lieu of, any other penalty available for violation of this ordinance.

(11) Upon declaration of Stage Two water shortage, increases in water rates for tier three (3) and tier four (4), (Sections 25.16.010 and 25.16.020 and 25.16.021), shall be imposed as mandated by the City of Aspen City Manager up to the maximum rates defined in Section 25-28.040.

(c) Stage Three. Prior to the completion of Stage Two, the City Council shall determine by resolution whether to: (1) terminate the water shortage period; (2) revert to Stage One; (3) extend the time for Stage Two; (4) alter the use restrictions; or (5) enter Stage Three. If entered, Stage Three shall last until the City Council determines by resolution that the water shortage no longer exists. The City Council shall have the power to revert back to Stage One or Stage Two in its discretion or alter the use conditions should circumstances during Stage Three change and suggest such a course of action. The objective of restrictions in effect during Stage Three is to obtain a twenty percent (20%)

reduction in treated water use; twenty-five percent (25%) reduction in pressurized raw water use; and, thirty percent (30%) reduction in non-pressurized raw water use. Upon commencement of Stage Three, the City Council, by resolution, shall adopt one or more of the following additional measures, as well as any Stage One or Two measures, which may be altered by resolution of the City Council during a Stage Three condition:

- (1) Exterior watering shall be prohibited except from a hand-held hose or container.
- (2) City Manager may authorize other specific measures to be implemented during Stage Three to increase water use as necessary to protect the public health, safety and welfare.
- (3) Upon declaration of Stage Three water shortage, increases in water rates for tier three (3) and tier four (4), (Sections 25.16.010 and 25.16.020 and 25.16.021), shall be imposed as mandated by the City of Aspen City Manager up to the maximum rates defined in Section 25.28.040.

(Code 1971, § 23-201; [Ord. No. 27-1985](#), § 1; [Ord. No. 18-2002](#) § 3; [Ord. No. 15-2012](#); [Ord. No. 30-2015](#))

Sec. 25.28.030. Violations and sanctions.

(a) It shall be unlawful for any person to violate any mandatory restriction imposed under a Stage Two or Three water shortage as described in this Chapter.

(b) Prior to any disconnection for a violation, a written notice shall be placed on the property where the violation occurred and mailed to the person who is regularly billed for water service where the violation occurs and to any other person known to the City who is responsible for the violation or its correction. The notice shall describe the violation and order that it be corrected, cured or abated immediately or within such specified time as the City Manager determines is reasonable under the circumstances. If said order is not complied with, the Water Department may disconnect the service where the violation occurs. Disconnection following the procedures of this paragraph is also a possible sanction for other waste of water pursuant to the definitions provided in Section 25.20.020 regardless of whether a Stage One, Two or Three water shortage has been declared by City Council.

(c) The fine for a first offense of violation of the restrictions established pursuant to this Ordinance shall be five hundred dollars (\$500.00).

(d) The penalty for the second and any subsequent offense shall be in accordance with Section 1.04.080 of the Municipal Code.

(e) As set forth in Section 1.04.120 of the Municipal Code, the application of any penalty for violations of this Chapter does not constitute the condoning or legalizing of any prohibited condition or prevent the abatement or enforced removal of such condition by any lawful means available to the City, nor does it preclude the City from pursuing disconnection of potable or non-potable water supplies for violation of Stage Two water shortage or Three water shortage. The penalties shall also be in addition to any water surcharges established pursuant to this Chapter.

(Code 1971, § 23-202; [Ord. No. 27-1985](#), § 1; [Ord. No. 18-2002](#) § 3 [part] [Ord. No.30-2015](#))

Sec. 25.28.040. Monthly rates for water shortages.

Unless an alternative system of charges is adopted by City Council, the following temporary rates will be in effect during the time that City Council declares a water shortage.

(1) Four-Tier Rate Structure:

(a) A variable charge for the first and second tier of water consumption shall remain the same unless otherwise directed by the City of Aspen City Manager with a minimum of a 48-hour notification of the rate change via Public Notice on local radio and within daily local newspaper publications.

(b) A variable charge not to exceed a maximum of 175% of the existing per thousand gallons rate for tier three shall go into effect after a minimum of a 48-hour notification of this rate change by City of Aspen City Manager via Public Notice on local radio and within daily local newspaper publications.

(c) A variable charge not to exceed a maximum of 200% of existing per thousand gallons rate for tier four shall go into effect after a minimum of a 48-hour notification of this rate change by City of Aspen City Manager via Public Notice on local radio and within daily local newspaper publications. (Ord. No. 18-2002 § 3 [part]) (2) Two-Tier Rate Structure:

(a) (d) In a two-tier rate structure, as applicable to wholesale water sales, second tier shall be subject to a 185% surcharge for a Stage One, Two and/or Three water shortage declaration.

(b) ([Ord. No. 18-2002](#) § 3 [part]; [Ord. No. 15-2012](#); [Ord. No. 30-2015](#))

CHAPTER 25.30

WATER EFFICIENT LANDSCAPING STANDARDS

Sec. 25.30.010. Purpose.

(a) Promote the values and benefits of healthy landscapes while recognizing the need to invest water and other resources as efficiently as possible.

(b) Establish a structure for planning, designing, installing, maintaining and managing water-efficient landscapes in new construction and renovated/rehabilitated projects.

(c) Use water efficiently without waste by setting a Maximum Applied Water Budget as an upper limit for water use and reduce water use to the lowest practical amount. ([Ord. No. 16-2017](#); [Ord. No. 28-2018](#))

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

Pursuant to the powers and authority conferred by the laws of the State of Colorado and the Charter of the City of Aspen, there is hereby adopted and incorporated herein by reference as if fully set forth the City of Aspen Water Efficient Landscaping Standards as may be amended from time to time by City Council Ordinance. At least one (1) copy of the City of Aspen Water Efficient Landscaping Standards shall be available for inspection at the City of Aspen Utilities Department, the City of Aspen Parks department, and City of Aspen Community Development Department. ([Ord. No. 16-2017](#); [Ord. No. 28-2018](#))

Sec. 25.30.0030. 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:

- (i) Landscaping, grading, installing or disturbing hardscapes, additions to structures, etc. that has a disturbance area greater than 1,000 square feet and greater than 25% of the entire site.
- (ii) All new construction with internal work only that demolishes greater than 50% of the existing structure, (based on the entire square footage of rooms where floors, ceilings, or walls are exposed over the square footage of the structure).; ([Ord. No. 17-2018](#); [Ord. No. 28-2018](#))

Sec. 25.30.040. Review Authority.

Utilities Director, or designee, is authorized to make and enforce the rules and regulations contained in the Water Efficient Landscaping Standards in order to carry out the intent of the standards and this Chapter.

Where no specific or applicable rules, regulations, or standards appear to be set forth in the Water Efficient Landscaping Standards, other rules, regulations, or standards, and recommended practices, as published by professional associations, technical organizations, model code groups, and similar entities, may be used by the City for guidance. ([Ord. No.16-2017](#); [Ord. No. 28-2018](#))

Sec. 25.30.050. Review Procedure.

A. Review Process. The Utilities Director shall have the authority on behalf of the City of Aspen to determine that all design and construction is completed to a level that is equal to or exceeds the requirements set forth in this Chapter and the Water Efficient Landscaping Standards. ([Ord. No. 16-2017](#); [Ord. No. 28-2018](#))

Sec. 25.30.060. Variances.

(a) The City may grant variances to the Water Efficient Landscaping Standards when practical difficulties or unnecessary hardships exist that cause inconsistencies with the purpose and intent of the standards.

(b) Requests for variances from the standards, policies, or submittal requirements of this document shall be submitted in writing with appropriate documentation and justification to the City Utilities Director. Variance requests must, at a minimum, contain the following:

- (i) Criteria under which the applicant seeks a variance;
- (ii) Justification for not complying with the standards;
- (iii) Proposed alternate criteria or standards to comply with the intent of the criteria;
- (iv) Supporting documentation, including necessary calculations;
- (v) The proposed variance's potential adverse impacts for adjacent landowners; and,
- (vi) An analysis of the variance request, signed by a qualified landscape professional or qualified irrigation design professional, depending on the topic of the request.

(c) Upon receipt of a complete application for a variance, the City Utilities Director shall prepare a statement to recommend that the variance be approved or denied or to request a modification of the proposed variance. ([Ord. No. 16-2017](#); [Ord. No. 28-2018](#))

Sec. 25.30.070. Existing Compliance.

(a) The City may grant a determination of compliance for existing projects meeting the minimum standards.

(b) Requests for determination of compliance shall be submitted in writing with appropriate documentation and justification to the City Utilities Director. Requests for determination of existing compliance must, at a minimum, contain the following:

- (i) Landscape and Irrigation Documentation Package; and
- (ii) Irrigation audit report performed by a third party certified landscape irrigation auditor.

(c) Upon receipt of a complete application for a determination of existing compliance, the City Utilities Director shall prepare a statement to recommend that the determination be approved or denied or to request a modification of the proposed determination. ([Ord. No. 16-2017](#); [Ord. No. 28-2018](#))

Sec. 25.30.080. Appeals.

(a) Initiation. An applicant aggrieved by an order, requirement, decision, or determination of the City Utilities Director may file an appeal with the Administrative Hearing Officer, pursuant to the procedures set out in Chapter 26.108 of this Code except to the extent set forth herein. The notice of appeal shall be filed with the City Utilities Director within fifteen (15) days following the date of such order, requirement, decision, or determination. The notice of appeal shall state in detail the action appealed, the grounds for the appeal, and the relief sought. Failure to file such a notice of appeal within the prescribed time shall constitute a waiver of any rights under this section to appeal any order, requirement, decision, or determination.

(b) Effect of Filing an Appeal. The filing of a notice of appeal shall stay any proceedings in furtherance of the action appealed from unless the City Utilities Director certifies in writing to the Administrative Hearing Officer that a stay poses an imminent peril to life or property, in which case the appeal shall not stay further proceedings. The Administrative Hearing Officer may review such certification and grant or deny a stay of proceedings.

(c) Timing of Appeal. The Administrative Hearing Officer shall consider the appeal within thirty (30) days following the date of filing the notice of appeal, or as soon thereafter as is practical under the circumstances.

(d) Action by Administrative Hearing Officer. The Administrative Hearing Officer shall review the record of the action taken by the City Utilities Director, and provide a decision to the Applicant in writing. The Administrative Hearing Officer may reverse or affirm wholly or partly the order, requirement, decision or determination appealed from and shall enter such order, as they deem appropriate under the circumstance. ([Ord. No. 16-2017](#); [Ord. No. 28-2018](#))