

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.

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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)

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 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.

It is hereby made the duty of the Superintendent to make a report to the City Manager monthly or more often if required, of his or her doings as Superintendent and of the condition of the electric system and it shall also be his or her duty to make such suggestions and recommendations concerning the same as the nature of the service may require.

The Superintendent shall supervise and administer the connection of all service drops. (Code 1962, §§ 3-4-2, 3-4-5; Code 1971, § 23-17)

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. 25.04.040. Electric service rates.

- (a) Effective November 1, 2011, and through December 2012, all retail customers of the Aspen Electric Department shall pay a monthly customer availability charge as follows: 100 amp

- electric customers shall pay five and 59/100 dollars (\$5.59) per bill; 200 amp electric customers shall pay eleven and 18/100 dollars (\$11.18) per bill; 300 amp electric customers shall pay twenty and 97/100 (\$20.97) per bill; 400 amp electric customers shall pay twenty-seven and 95/100 dollars (\$27.95) per bill; 600 amp electric customers shall pay forty-one and 93/100 dollars (\$41.93) per bill; 800 amp electric customers shall pay fifty-five and 90/100 dollars (\$55.90) per bill; 1000 amp electric customers shall pay sixty-nine and 88/100 dollars (\$69.88) per bill; 1200 amp electric customers shall pay eighty-three and 85/100 dollars (\$83.85) per bill; 1600 amp electric customers shall pay one hundred twelve and 00/100 dollars (\$112.00) per bill; 1800 amp electric customers shall pay one hundred twenty-six and 00/100 dollars (\$126.00) per bill; and, 2000 amp customers shall pay one hundred forty and 00/100 dollars (\$140.00) per bill.
- (b) Effective January 1, 2013, all retail customers of the Aspen Electric Department shall pay a monthly customer availability charge as follows: 100 amp electric customers shall pay six and 01/100 dollars (\$6.01) per bill; 200 amp electric customers shall pay twelve and 02/100 dollars (\$12.02) per bill; 300 amp electric customers shall pay twenty-two and 54/100 (\$22.54) per bill; 400 amp electric customers shall pay thirty and 05/100 dollars (\$30.05) per bill; 600 amp electric customers shall pay forty-five and 08/100 dollars (\$45.08) per bill; 800 amp electric customers shall pay sixty and 10/100 dollars (\$60.10) per bill; 1000 amp electric customers shall pay seventy-five and 13/100 dollars (\$75.13) per bill; 1200 amp electric customers shall pay ninety and 15/100 dollars (\$90.15) per bill; 1600 amp electric customers shall pay one hundred twenty-one and 00/100 dollars (\$121.00) per bill; 1800 amp electric customers shall pay one hundred thirty-six and 00/100 dollars (\$136.00) per bill; and, 2000 amp customers shall pay one hundred fifty-one and 00/100 dollars (\$151.00) per bill.
- (c) Effective January 1, 2014, all retail customers of the Aspen Electric Department shall pay a monthly customer availability charge as follows: 100 amp electric customers shall pay six and 47/100 dollars (\$6.47) per bill; 200 amp electric customers shall pay twelve and 94/100 dollars (\$12.94) per bill; 300 amp electric customers shall pay twenty-four and 27/100 (\$24.27) per bill; 400 amp electric customers shall pay thirty-two and 35/100 dollars (\$32.35) per bill; 600 amp electric customers shall pay forty-eight and 53/100 dollars (\$48.53) per bill; 800 amp electric customers shall pay sixty-four and 70/100 dollars (\$64.70) per bill; 1000 amp electric customers shall pay eighty and 88/100 dollars (\$80.88) per bill; 1200 amp electric customers shall pay ninety-seven and 05/100 dollars (\$97.05) per bill; 1600 amp electric customers shall pay one hundred thirty and 00/100 dollars (\$130.00) per bill; 1800 amp electric customers shall pay one hundred forty-six and 00/100 dollars (\$146.00) per bill; and, 2000 amp customers shall pay one hundred sixty-two and 00/100 dollars (\$162.00) per bill.
- (d) Effective January 1, 2015, all retail customers of the Aspen Electric Department shall pay a monthly customer availability charge as follows: 100 amp electric customers shall pay six and 96/100 dollars (\$6.96) per bill; 200 amp electric customers shall pay thirteen and 92/100 dollars (\$13.92) per bill; 300 amp electric customers shall pay twenty-six and 10/100 (\$26.10) per bill; 400 amp electric customers shall pay thirty-four and 80/100 dollars (\$34.80) per bill; 600 amp electric customers shall pay fifty-two and 20/100 dollars (\$52.20) per bill; 800 amp electric customers shall pay sixty-nine and 60/100 dollars (\$69.60) per bill; 1000 amp electric customers shall pay eighty-seven and 00/100 dollars (\$87.00) per bill; 1200 amp electric customers shall pay one hundred five and 00/100 dollars (\$105.00) per bill; 1600 amp electric customers shall pay one hundred forty and 00/100 dollars (\$140.00) per bill; 1800 amp electric customers shall pay one hundred fifty-seven and 00/100 dollars (\$157.00) per bill; and, 2000 amp customers shall pay one hundred seventy-four and 00/100 dollars (\$174.00) per bill.

- (e) In addition to the monthly customer availability charge, the 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 retail service rate as follows.
- (i) Effective November 1, 2011, and through December 2012, the retail rate for 100 AMP residential customers shall be \$0.0669 per kWh for first five hundred (500) kWh of metered usage; \$0.1004 per kWh for metered usage from five hundred one (501) to one thousand three hundred fifty (1,350) kWh; \$0.1506 per kWh for metered usage from one thousand three hundred fifty-one (1,351) to two thousand four hundred (2,400); and, \$0.2636 per kWh for metered usage in excess of two thousand four hundred (2,400) kWh. Effective January 1, 2013, the retail rate for 100 AMP residential customers shall be \$0.0699 per kWh for first five hundred (500) kWh of metered usage; \$0.1049 per kWh for metered usage from five hundred one (501) to one thousand three hundred fifty (1,350) kWh; \$0.1574 per kWh for metered usage from one thousand three hundred fifty-one (1,351) to two thousand four hundred (2,400); and, \$0.2755 per kWh for metered usage in excess of two thousand four hundred (2,400) kWh. Effective January 1, 2014, the retail rate for 100 AMP residential customers shall be \$0.0712 per kWh for first five hundred (500) kWh of metered usage; \$0.1068 per kWh for metered usage from five hundred one (501) to one thousand three hundred fifty (1,350) kWh; \$0.1602 per kWh for metered usage from one thousand three hundred fifty-one (1,351) to two thousand four hundred (2,400); and, \$0.2804 per kWh for metered usage in excess of two thousand four hundred (2,400) kWh. Effective January 1, 2015, the retail rate for 100 AMP residential customers shall be \$0.0719 per kWh for first five hundred (500) kWh of metered usage; \$0.1079 per kWh for metered usage from five hundred one (501) to one thousand three hundred fifty (1,350) kWh; \$0.1619 per kWh for metered usage from one thousand three hundred fifty-one (1,351) to two thousand four hundred (2,400); and, \$0.2833 per kWh for metered usage in excess of two thousand four hundred (2,400) kWh.
- (ii) Effective November 1, 2011, and through December 2012, the retail rate for 200 AMP residential customers shall be \$0.0669 per kWh for first six hundred fifty (650) kWh of metered usage; \$0.1004 per kWh for metered usage from six hundred fifty-one (651) to one thousand seven hundred (1,700) kWh; \$0.1506 per kWh for metered usage from one thousand seven hundred one (1,701) to three thousand five hundred (3,500); and, \$0.2636 per kWh for metered usage in excess of three thousand five hundred (3,500) kWh. Effective January 1, 2013, the retail rate for 200 AMP residential customers shall be \$0.0699 per kWh for first six hundred fifty (650) kWh of metered usage; \$0.1049 per kWh for metered usage from six hundred fifty-one (651) to one thousand seven hundred (1,700) kWh; \$0.1574 per kWh for metered usage from one thousand seven hundred one (1,701) to three thousand five hundred (3,500); and, \$0.2755 per kWh for metered usage in excess of three thousand five hundred (3,500) kWh. Effective January 1, 2014, the retail rate for 200 AMP residential customers shall be \$0.0712 per kWh for first six hundred fifty (650) kWh of metered usage; \$0.1068 per kWh for metered usage from six hundred fifty-one (651) to one thousand seven hundred (1,700) kWh; \$0.1602 per kWh for metered usage from one thousand seven hundred one (1,701) to three thousand five hundred (3,500); and, \$0.2804 per kWh for metered usage in excess of three thousand five hundred (3,500) kWh. Effective January 1, 2015, the retail rate for 200 AMP residential customers shall be \$0.0719 per kWh for first six hundred fifty (650) kWh of metered usage; \$0.1079 per kWh for metered usage from six hundred fifty-one (651) to one thousand seven hundred (1,700) kWh; \$0.1619 per kWh for metered usage from one

thousand seven hundred one (1,701) to three thousand five hundred (3,500); and, \$0.2833 per kWh for metered usage in excess of three thousand five hundred (3,500) kWh.

- (iii) Effective November 1, 2011, and through December 2012, the retail rate for 300 AMP residential customers shall be \$0.0669 per kWh for first two thousand (2,000) kWh of metered usage; \$0.1004 per kWh for metered usage from two thousand one (2,001) to four thousand five hundred (4,500) kWh; \$0.1506 per kWh for metered usage from four thousand five hundred one (4,501) to seven thousand seven hundred (7,700); and, \$0.2636 per kWh for metered usage in excess of seven thousand seven hundred (7,700) kWh. Effective January 1, 2013, the retail rate for 300 AMP residential customers shall be \$0.0699 per kWh for first two thousand (2,000) kWh of metered usage; \$0.1049 per kWh for metered usage from two thousand one (2,001) to four thousand five hundred (4,500) kWh; \$0.1574 per kWh for metered usage from four thousand five hundred one (4,501) to seven thousand seven hundred (7,700); and, \$0.2755 per kWh for metered usage in excess of seven thousand seven hundred (7,700) kWh. Effective January 1, 2014, the retail rate for 300 AMP residential customers shall be \$0.0712 per kWh for first two thousand (2,000) kWh of metered usage; \$0.1068 per kWh for metered usage from two thousand one (2,001) to four thousand five hundred (4,500) kWh; \$0.1602 per kWh for metered usage from four thousand five hundred one (4,501) to seven thousand seven hundred (7,700); and, \$0.2804 per kWh for metered usage in excess of seven thousand seven hundred (7,700) kWh. Effective January 1, 2015, the retail rate for 300 AMP residential customers shall be \$0.0719 per kWh for first two thousand (2,000) kWh of metered usage; \$0.1079 per kWh for metered usage from two thousand one (2,001) to four thousand five hundred (4,500) kWh; \$0.1619 per kWh for metered usage from four thousand five hundred one (4,501) to seven thousand seven hundred (7,700); and, \$0.2833 per kWh for metered usage in excess of seven thousand seven hundred (7,700) kWh.

- (iv) Effective November 1, 2011, and through December 2012, the retail rate for 400 AMP residential customers shall be \$0.0669 per kWh for first two thousand (2,000) kWh of metered usage; \$0.1004 per kWh for metered usage from two thousand one (2,001) to four thousand five hundred (4,500) kWh; \$0.1506 per kWh for metered usage from four thousand five hundred one (4,501) to seven thousand seven hundred (7,700); and, \$0.2636 per kWh for metered usage in excess of seven thousand seven hundred (7,700) kWh. Effective January 1, 2013, the retail rate for 400 AMP residential customers shall be \$0.0699 per kWh for first two thousand (2,000) kWh of metered usage; \$0.1049 per kWh for metered usage from two thousand one (2,001) to four thousand five hundred (4,500) kWh; \$0.1574 per kWh for metered usage from four thousand five hundred one (4,501) to seven thousand seven hundred (7,700); and, \$0.2755 per kWh for metered usage in excess of seven thousand seven hundred (7,700) kWh. Effective January 1, 2014, the retail rate for 400 AMP residential customers shall be \$0.0712 per kWh for first two thousand (2,000) kWh of metered usage; \$0.1068 per kWh for metered usage from two thousand one (2,001) to four thousand five hundred (4,500) kWh; \$0.1602 per kWh for metered usage from four thousand five hundred one (4,501) to seven thousand seven hundred (7,700); and, \$0.2804 per kWh for metered usage in excess of seven thousand seven hundred (7,700) kWh. Effective January 1, 2015, the retail rate for 400 AMP residential customers shall be \$0.0719 per kWh for first two thousand (2,000) kWh of metered usage; \$0.1079 per kWh for metered usage from two thousand one (2,001) to four thousand five hundred (4,500) kWh; \$0.1619 per kWh for metered usage from four thousand five hundred one (4,501) to seven thousand seven hundred (7,700); and, \$0.2833 per kWh for metered usage in excess of seven thousand seven hundred (7,700) kWh.

- (v) Effective November 1, 2011, and through December 2012, the retail rate for 600 AMP residential customers shall be \$0.0669 per kWh for first three thousand five hundred (3,500) kWh of metered usage; \$0.1004 per kWh for metered usage from three thousand five hundred one (3,501) to six thousand eight hundred (6,800) kWh; \$0.1506 per kWh for metered usage from six thousand eight hundred one (6,801) to eleven thousand (11,000); and, \$0.2636 per kWh for metered usage in excess of eleven thousand (11,000) kWh. Effective January 1, 2013, the retail rate for 600 AMP residential customers shall be \$0.0699 per kWh for first three thousand five hundred (3,500) kWh of metered usage; \$0.1049 per kWh for metered usage from three thousand five hundred one (3,501) to six thousand eight hundred (6,800) kWh; \$0.1574 per kWh for metered usage from six thousand eight hundred one (6,801) to eleven thousand (11,000); and, \$0.2755 per kWh for metered usage in excess of eleven thousand (11,000) kWh. Effective January 1, 2014, the retail rate for 600 AMP residential customers shall be \$0.0712 per kWh for first three thousand five hundred (3,500) kWh of metered usage; \$0.1068 per kWh for metered usage from three thousand five hundred one (3,501) to six thousand eight hundred (6,800) kWh; \$0.1602 per kWh for metered usage from six thousand eight hundred one (6,801) to eleven thousand (11,000); and, \$0.2804 per kWh for metered usage in excess of eleven thousand (11,000) kWh. Effective January 1, 2015, the retail rate for 600 AMP residential customers shall be \$0.0719 per kWh for first three thousand five hundred (3,500) kWh of metered usage; \$0.1079 per kWh for metered usage from three thousand five hundred one (3,501) to six thousand eight hundred (6,800) kWh; \$0.1619 per kWh for metered usage from six thousand eight hundred one (6,801) to eleven thousand (11,000); and, \$0.2833 per kWh for metered usage in excess of eleven thousand (11,000) kWh.
- (vi) Effective November 1, 2011, and through December 2012, the retail rate for 800 AMP residential customers shall be \$0.0669 per kWh for first three thousand five hundred (3,500) kWh of metered usage; \$0.1004 per kWh for metered usage from three thousand five hundred one (3,501) to six thousand eight hundred (6,800) kWh; \$0.1506 per kWh for metered usage from six thousand eight hundred one (6,801) to eleven thousand (11,000); and, \$0.2636 per kWh for metered usage in excess of eleven thousand (11,000) kWh. Effective January 1, 2013, the retail rate for 800 AMP residential customers shall be \$0.0699 per kWh for first three thousand five hundred (3,500) kWh of metered usage; \$0.1049 per kWh for metered usage from three thousand five hundred one (3,501) to six thousand eight hundred (6,800) kWh; \$0.1574 per kWh for metered usage from six thousand eight hundred one (6,801) to eleven thousand (11,000); and, \$0.2755 per kWh for metered usage in excess of eleven thousand (11,000) kWh. Effective January 1, 2014, the retail rate for 800 AMP residential customers shall be \$0.0712 per kWh for first three thousand five hundred (3,500) kWh of metered usage; \$0.1068 per kWh for metered usage from three thousand five hundred one (3,501) to six thousand eight hundred (6,800) kWh; \$0.1602 per kWh for metered usage from six thousand eight hundred one (6,801) to eleven thousand (11,000); and, \$0.2804 per kWh for metered usage in excess of eleven thousand (11,000) kWh. Effective January 1, 2015, the retail rate for 800 AMP residential customers shall be \$0.0719 per kWh for first three thousand five hundred (3,500) kWh of metered usage; \$0.1079 per kWh for metered usage from three thousand five hundred one (3,501) to six thousand eight hundred (6,800) kWh; \$0.1619 per kWh for metered usage from six thousand eight hundred one (6,801) to eleven thousand (11,000); and, \$0.2833 per kWh for metered usage in excess of eleven thousand (11,000) kWh.

- (vii) Effective November 1, 2011, and through December 2012, the retail rate for 1200 AMP residential customers shall be \$0.0669 per kWh for first three thousand five hundred (3,500) kWh of metered usage; \$0.1004 per kWh for metered usage from three thousand five hundred one (3,501) to six thousand eight hundred (6,800) kWh; \$0.1506 per kWh for metered usage from six thousand eight hundred one (6,801) to eleven thousand (11,000); and, \$0.2636 per kWh for metered usage in excess of eleven thousand (11,000) kWh. Effective January 1, 2013, the retail rate for 1200 AMP residential customers shall be \$0.0699 per kWh for first three thousand five hundred (3,500) kWh of metered usage; \$0.1049 per kWh for metered usage from three thousand five hundred one (3,501) to six thousand eight hundred (6,800) kWh; \$0.1574 per kWh for metered usage from six thousand eight hundred one (6,801) to eleven thousand (11,000); and, \$0.2755 per kWh for metered usage in excess of eleven thousand (11,000) kWh. Effective January 1, 2014, the retail rate for 1200 AMP residential customers shall be \$0.0712 per kWh for first three thousand five hundred (3,500) kWh of metered usage; \$0.1068 per kWh for metered usage from three thousand five hundred one (3,501) to six thousand eight hundred (6,800) kWh; \$0.1602 per kWh for metered usage from six thousand eight hundred one (6,801) to eleven thousand (11,000); and, \$0.2804 per kWh for metered usage in excess of eleven thousand (11,000) kWh. Effective January 1, 2015, the retail rate for 1200 AMP residential customers shall be \$0.0719 per kWh for first three thousand five hundred (3,500) kWh of metered usage; \$0.1079 per kWh for metered usage from three thousand five hundred one (3,501) to six thousand eight hundred (6,800) kWh; \$0.1619 per kWh for metered usage from six thousand eight hundred one (6,801) to eleven thousand (11,000); and, \$0.2833 per kWh for metered usage in excess of eleven thousand (11,000) kWh.
- (viii) Effective November 1, 2011, and through December 2012, the retail rate for 1600 AMP residential customers shall be \$0.0669 per kWh for first three thousand five hundred (3,500) kWh of metered usage; \$0.1004 per kWh for metered usage from three thousand five hundred one (3,501) to six thousand eight hundred (6,800) kWh; \$0.1506 per kWh for metered usage from six thousand eight hundred one (6,801) to eleven thousand (11,000); and, \$0.2636 per kWh for metered usage in excess of eleven thousand (11,000) kWh. Effective January 1, 2013, the retail rate for 1600 AMP residential customers shall be \$0.0699 per kWh for first three thousand five hundred (3,500) kWh of metered usage; \$0.1049 per kWh for metered usage from three thousand five hundred one (3,501) to six thousand eight hundred (6,800) kWh; \$0.1574 per kWh for metered usage from six thousand eight hundred one (6,801) to eleven thousand (11,000); and, \$0.2755 per kWh for metered usage in excess of eleven thousand (11,000) kWh. Effective January 1, 2014, the retail rate for 1600 AMP residential customers shall be \$0.0712 per kWh for first three thousand five hundred (3,500) kWh of metered usage; \$0.1068 per kWh for metered usage from three thousand five hundred one (3,501) to six thousand eight hundred (6,800) kWh; \$0.1602 per kWh for metered usage from six thousand eight hundred one (6,801) to eleven thousand (11,000); and, \$0.2804 per kWh for metered usage in excess of eleven thousand (11,000) kWh. Effective January 1, 2015, the retail rate for 1600 AMP residential customers shall be \$0.0719 per kWh for first three thousand five hundred (3,500) kWh of metered usage; \$0.1079 per kWh for metered usage from three thousand five hundred one (3,501) to six thousand eight hundred (6,800) kWh; \$0.1619 per kWh for metered usage from six thousand eight hundred one (6,801) to eleven thousand (11,000); and, \$0.2833 per kWh for metered usage in excess of eleven thousand (11,000) kWh.

- (ix) Effective November 1, 2011, and through December 2012, the retail rate for 1800 AMP residential customers shall be \$0.0669 per kWh for first three thousand five hundred (3,500) kWh of metered usage; \$0.1004 per kWh for metered usage from three thousand five hundred one (3,501) to six thousand eight hundred (6,800) kWh; \$0.1506 per kWh for metered usage from six thousand eight hundred one (6,801) to eleven thousand (11,000); and, \$0.2636 per kWh for metered usage in excess of eleven thousand (11,000) kWh. Effective January 1, 2013, the retail rate for 1800 AMP residential customers shall be \$0.0699 per kWh for first three thousand five hundred (3,500) kWh of metered usage; \$0.1049 per kWh for metered usage from three thousand five hundred one (3,501) to six thousand eight hundred (6,800) kWh; \$0.1574 per kWh for metered usage from six thousand eight hundred one (6,801) to eleven thousand (11,000); and, \$0.2755 per kWh for metered usage in excess of eleven thousand (11,000) kWh. Effective January 1, 2014, the retail rate for 1800 AMP residential customers shall be \$0.0712 per kWh for first three thousand five hundred (3,500) kWh of metered usage; \$0.1068 per kWh for metered usage from three thousand five hundred one (3,501) to six thousand eight hundred (6,800) kWh; \$0.1602 per kWh for metered usage from six thousand eight hundred one (6,801) to eleven thousand (11,000); and, \$0.2804 per kWh for metered usage in excess of eleven thousand (11,000) kWh. Effective January 1, 2015, the retail rate for 1800 AMP residential customers shall be \$0.0719 per kWh for first three thousand five hundred (3,500) kWh of metered usage; \$0.1079 per kWh for metered usage from three thousand five hundred one (3,501) to six thousand eight hundred (6,800) kWh; \$0.1619 per kWh for metered usage from six thousand eight hundred one (6,801) to eleven thousand (11,000); and, \$0.2833 per kWh for metered usage in excess of eleven thousand (11,000) kWh.
- (x) Effective November 1, 2011, and through December 2012, the retail rate for 2000 AMP and above residential customers shall be \$0.0669 per kWh for first three thousand five hundred (3,500) kWh of metered usage; \$0.1004 per kWh for metered usage from three thousand five hundred one (3,501) to six thousand eight hundred (6,800) kWh; \$0.1506 per kWh for metered usage from six thousand eight hundred one (6,801) to eleven thousand (11,000); and, \$0.2636 per kWh for metered usage in excess of eleven thousand (11,000) kWh. Effective January 1, 2013, the retail rate for 2000 AMP and above residential customers shall be \$0.0699 per kWh for first three thousand five hundred (3,500) kWh of metered usage; \$0.1049 per kWh for metered usage from three thousand five hundred one (3,501) to six thousand eight hundred (6,800) kWh; \$0.1574 per kWh for metered usage from six thousand eight hundred one (6,801) to eleven thousand (11,000); and, \$0.2755 per kWh for metered usage in excess of eleven thousand (11,000) kWh. Effective January 1, 2014, the retail rate for 2000 AMP and above residential customers shall be \$0.0712 per kWh for first three thousand five hundred (3,500) kWh of metered usage; \$0.1068 per kWh for metered usage from three thousand five hundred one (3,501) to six thousand eight hundred (6,800) kWh; \$0.1602 per kWh for metered usage from six thousand eight hundred one (6,801) to eleven thousand (11,000); and, \$0.2804 per kWh for metered usage in excess of eleven thousand (11,000) kWh. Effective January 1, 2015, the retail rate for 2000 AMP and above residential customers shall be \$0.0719 per kWh for first three thousand five hundred (3,500) kWh of metered usage; \$0.1079 per kWh for metered usage from three thousand five hundred one (3,501) to six thousand eight hundred (6,800) kWh; \$0.1619 per kWh for metered usage from six thousand eight hundred one (6,801) to eleven thousand (11,000); and, \$0.2833 per kWh for metered usage in excess of eleven thousand (11,000) kWh.

- (xi) Effective November 1, 2011, and through December 2012, the retail rate for 100 AMP small commercial customers shall be \$0.0857 per kWh for first one thousand one hundred (1,100) kWh of metered usage; \$0.1071 per kWh for metered usage from one thousand one hundred one (1,101) to two thousand nine hundred (2,900) kWh; \$0.1607 per kWh for metered usage from two thousand nine hundred one (2,901) to six thousand (6,000); and, \$0.2571 per kWh for metered usage in excess of six thousand (6,000) kWh. Effective January 1, 2013, the retail rate for 100 AMP small commercial customers shall be \$0.0854 per kWh for first one thousand one hundred (1,100) kWh of metered usage; \$0.1068 per kWh for metered usage from one thousand one hundred one (1,101) to two thousand nine hundred (2,900) kWh; \$0.1602 per kWh for metered usage from two thousand nine hundred one (2,901) to six thousand (6,000); and, \$0.2563 per kWh for metered usage in excess of six thousand (6,000) kWh. Effective January 1, 2014, the retail rate for 100 AMP small commercial customers shall be \$0.0846 per kWh for first one thousand one hundred (1,100) kWh of metered usage; \$0.1058 per kWh for metered usage from one thousand one hundred one (1,101) to two thousand nine hundred (2,900) kWh; \$0.1587 per kWh for metered usage from two thousand nine hundred one (2,901) to six thousand (6,000); and, \$0.2539 per kWh for metered usage in excess of six thousand (6,000) kWh. Effective January 1, 2015, the retail rate for 100 AMP small commercial customers shall be \$0.0838 kWh for first one thousand one hundred (1,100) kWh of metered usage; \$0.1048 per kWh for metered usage from one thousand one hundred one (1,101) to two thousand nine hundred (2,900) kWh; \$0.1572 per kWh for metered usage from two thousand nine hundred one (2,901) to six thousand (6,000); and, \$0.2515 per kWh for metered usage in excess of six thousand (6,000) kWh.
- (xii) Effective November 1, 2011, and through December 2012, the retail rate for 200 AMP small commercial customers shall be \$0.0857 per kWh for first one thousand six hundred (1,600) kWh of metered usage; \$0.1071 per kWh for metered usage from one thousand six hundred one (1,601) to three thousand nine hundred (3,900) kWh; \$0.1607 per kWh for metered usage from three thousand nine hundred one (3,901) to seven thousand two hundred (7,200); and, \$0.2571 per kWh for metered usage in excess of seven thousand two hundred (7,200) kWh. Effective January 1, 2013, the retail rate for 200 AMP small commercial customers shall be \$0.0854 per kWh for first one thousand six hundred (1,600) kWh of metered usage; \$0.1068 per kWh for metered usage from one thousand six hundred one (1,601) to three thousand nine hundred (3,900) kWh; \$0.1602 per kWh for metered usage from three thousand nine hundred one (3,901) to seven thousand two hundred (7,200); and, \$0.2563 per kWh for metered usage in excess of seven thousand two hundred (7,200) kWh. Effective January 1, 2014, the retail rate for 200 AMP small commercial customers shall be \$0.0846 per kWh for first one thousand six hundred (1,600) kWh of metered usage; \$0.1058 per kWh for metered usage from one thousand six hundred one (1,601) to three thousand nine hundred (3,900) kWh; \$0.1587 per kWh for metered usage from three thousand nine hundred one (3,901) to seven thousand two hundred (7,200); and, \$0.2539 per kWh for metered usage in excess of seven thousand two hundred (7,200) kWh. Effective January 1, 2015, the retail rate for 200 AMP small commercial customers shall be \$0.0838 per kWh for first one thousand six hundred (1,600) kWh of metered usage; \$0.1048 per kWh for metered usage from one thousand six hundred one (1,601) to three thousand nine hundred (3,900) kWh; \$0.1572 per kWh for metered usage from three thousand nine hundred one (3,901) to seven thousand two hundred (7,200); and, \$0.2515 per kWh for metered usage in excess of seven thousand two hundred (7,200) kWh.

- (xiii) Effective November 1, 2011, and through December 2012, the retail rate for 300 AMP small commercial customers shall be \$0.0857 per kWh for first four thousand two hundred (4,200) kWh of metered usage; \$0.1071 per kWh for metered usage from four thousand two hundred one (4,201) to eight thousand nine hundred (8,900) kWh; \$0.1607 per kWh for metered usage from eight thousand nine hundred one (8,901) to fifteen thousand three hundred (15,300); and, \$0.2571 per kWh for metered usage in excess of fifteen thousand three hundred (15,300) kWh. Effective January 1, 2013, the retail rate for 300 AMP small commercial customers shall be \$0.0854 per kWh for first four thousand two hundred (4,200) kWh of metered usage; \$0.1068 per kWh for metered usage from four thousand two hundred one (4,201) to eight thousand nine hundred (8,900) kWh; \$0.1602 per kWh for metered usage from eight thousand nine hundred one (8,901) to fifteen thousand three hundred (15,300); and, \$0.2563 per kWh for metered usage in excess of fifteen thousand three hundred (15,300) kWh. Effective January 1, 2014, the retail rate for 300 AMP small commercial customers shall be \$0.0846 per kWh for first four thousand two hundred (4,200) kWh of metered usage; \$0.1058 per kWh for metered usage from four thousand two hundred one (4,201) to eight thousand nine hundred (8,900) kWh; \$0.1587 per kWh for metered usage from eight thousand nine hundred one (8,901) to fifteen thousand three hundred (15,300); and, \$0.2539 per kWh for metered usage in excess of fifteen thousand three hundred (15,300) kWh. Effective January 1, 2015, the retail rate for 300 AMP small commercial customers shall be \$0.0838 per kWh for first four thousand two hundred (4,200) kWh of metered usage; \$0.1048 per kWh for metered usage from four thousand two hundred one (4,201) to eight thousand nine hundred (8,900) kWh; \$0.1572 per kWh for metered usage from eight thousand nine hundred one (8,901) to fifteen thousand three hundred (15,300); and, \$0.2515 per kWh for metered usage in excess of fifteen thousand three hundred (15,300) kWh.
- (xiv) Effective November 1, 2011, and through December 2012, the retail rate for 400 AMP small commercial customers shall be \$0.0857 per kWh for first four thousand two hundred (4,200) kWh of metered usage; \$0.1071 per kWh for metered usage from four thousand two hundred one (4,201) to eight thousand nine hundred (8,900) kWh; \$0.1607 per kWh for metered usage from eight thousand nine hundred one (8,901) to fifteen thousand three hundred (15,300); and, \$0.2571 per kWh for metered usage in excess of fifteen thousand three hundred (15,300) kWh. Effective January 1, 2013, the retail rate for 400 AMP small commercial customers shall be \$0.0854 per kWh for first four thousand two hundred (4,200) kWh of metered usage; \$0.1068 per kWh for metered usage from four thousand two hundred one (4,201) to eight thousand nine hundred (8,900) kWh; \$0.1602 per kWh for metered usage from eight thousand nine hundred one (8,901) to fifteen thousand three hundred (15,300); and, \$0.2563 per kWh for metered usage in excess of fifteen thousand three hundred (15,300) kWh. Effective January 1, 2014, the retail rate for 400 AMP small commercial customers shall be \$0.0846 per kWh for first four thousand two hundred (4,200) kWh of metered usage; \$0.1058 per kWh for metered usage from four thousand two hundred one (4,201) to eight thousand nine hundred (8,900) kWh; \$0.1587 per kWh for metered usage from eight thousand nine hundred one (8,901) to fifteen thousand three hundred (15,300); and, \$0.2539 per kWh for metered usage in excess of fifteen thousand three hundred (15,300) kWh. Effective January 1, 2015, the retail rate for 400 AMP small commercial customers shall be \$0.0838 per kWh for first four thousand two hundred (4,200) kWh of metered usage; \$0.1048 per kWh for metered usage from four thousand

two hundred one (4,201) to eight thousand nine hundred (8,900) kWh; \$0.1572 per kWh for metered usage from eight thousand nine hundred one (8,901) to fifteen thousand three hundred (15,300); and, \$0.2515 per kWh for metered usage in excess of fifteen thousand three hundred (15,300) kWh.

- (xv) Effective November 1, 2011, and through December 2012, the retail rate for 600 AMP small commercial customers shall be \$0.0857 per kWh for first eight thousand two hundred (8,200) kWh of metered usage; \$0.1071 per kWh for metered usage from eight thousand two hundred one (8,201) to sixteen thousand five hundred (16,500) kWh; \$0.1607 per kWh for metered usage from sixteen thousand five hundred one (16,501) to twenty-three thousand (23,000); and, \$0.2571 per kWh for metered usage in excess of twenty-three thousand (23,000) kWh. Effective January 1, 2013, the retail rate for 600 AMP small commercial customers shall be \$0.0854 per kWh for first eight thousand two hundred (8,200) kWh of metered usage; \$0.1068 per kWh for metered usage from eight thousand two hundred one (8,201) to sixteen thousand five hundred (16,500) kWh; \$0.1602 per kWh for metered usage from sixteen thousand five hundred one (16,501) to twenty-three thousand (23,000); and, \$0.2563 per kWh for metered usage in excess of twenty-three thousand (23,000) kWh. Effective January 1, 2014, the retail rate for 600 AMP small commercial customers shall be \$0.0846 per kWh for first eight thousand two hundred (8,200) kWh of metered usage; \$0.1058 per kWh for metered usage from eight thousand two hundred one (8,201) to sixteen thousand five hundred (16,500) kWh; \$0.1587 per kWh for metered usage from sixteen thousand five hundred one (16,501) to twenty-three thousand (23,000); and, \$0.2539 per kWh for metered usage in excess of twenty-three thousand (23,000) kWh. Effective January 1, 2015, the retail rate for 600 AMP small commercial customers shall be \$0.0838 per kWh for first eight thousand two hundred (8,200) kWh of metered usage; \$0.1048 per kWh for metered usage from eight thousand two hundred one (8,201) to sixteen thousand five hundred (16,500) kWh; \$0.1572 per kWh for metered usage from sixteen thousand five hundred one (16,501) to twenty-three thousand (23,000); and, \$0.2515 per kWh for metered usage in excess of twenty-three thousand (23,000) kWh.
- (xvi) Effective November 1, 2011, and through December 2012, the retail rate for 800 AMP small commercial customers shall be \$0.0857 per kWh for first fourteen thousand (14,000) kWh of metered usage; \$0.1071 per kWh for metered usage from fourteen thousand one (14,001) to fifty-one thousand five hundred (51,500) kWh; \$0.1607 per kWh for metered usage from fifty-one thousand five hundred one (51,501) to one hundred thousand (100,000); and, \$0.2571 per kWh for metered usage in excess of one hundred thousand (100,000) kWh. Effective January 1, 2013, the retail rate for 800 AMP small commercial customers shall be \$0.0854 per kWh for first fourteen thousand (14,000) kWh of metered usage; \$0.1068 per kWh for metered usage from fourteen thousand one (14,001) to fifty-one thousand five hundred (51,500) kWh; \$0.1602 per kWh for metered usage from fifty-one thousand five hundred one (51,501) to one hundred thousand (100,000); and, \$0.2563 per kWh for metered usage in excess of one hundred thousand (100,000) kWh. Effective January 1, 2014, the retail rate for 800 AMP small commercial customers shall be \$0.0846 per kWh for first fourteen thousand (14,000) kWh of metered usage; \$0.1058 per kWh for metered usage from fourteen thousand one (14,001) to fifty-one thousand five hundred (51,500) kWh; \$0.1587 per kWh for metered usage from fifty-one thousand five hundred one (51,501) to one hundred thousand (100,000); and, \$0.2539 per kWh for metered usage in excess of one hundred thousand (100,000) kWh. Effective

January 1, 2015, the retail rate for 800 AMP small commercial customers shall be \$0.0838 per kWh for first fourteen thousand (14,000) kWh of metered usage; \$0.1048 per kWh for metered usage from fourteen thousand one (14,001) to fifty-one thousand five hundred (51,500) kWh; \$0.1572 per kWh for metered usage from fifty-one thousand five hundred one (51,501) to one hundred thousand (100,000); and, \$0.2515 per kWh for metered usage in excess of one hundred thousand (100,000) kWh.

(xvii) Effective November 1, 2011, and through December 2012, the retail rate for 1,000 AMP small commercial customers shall be \$0.0857 per kWh for first seventeen thousand (17,000) kWh of metered usage; \$0.1071 per kWh for metered usage from seventeen thousand one (17,001) to thirty-five thousand (35,000) kWh; \$0.1607 per kWh for metered usage from thirty-five thousand one (35,001) to fifty-six thousand (56,000); and, \$0.2571 per kWh for metered usage in excess of fifty-six thousand (56,000) kWh. Effective January 1, 2013, the retail rate for 1,000 AMP small commercial customers shall be \$0.0854 per kWh for first seventeen thousand (17,000) kWh of metered usage; \$0.1068 per kWh for metered usage from seventeen thousand one (17,001) to thirty-five thousand (35,000) kWh; \$0.1602 per kWh for metered usage from thirty-five thousand one (35,001) to fifty-six thousand (56,000); and, \$0.2563 per kWh for metered usage in excess of fifty-six thousand (56,000) kWh. Effective January 1, 2014, the retail rate for 1,000 AMP small commercial customers shall be \$0.0846 per kWh for first seventeen thousand (17,000) kWh of metered usage; \$0.1058 per kWh for metered usage from seventeen thousand one (17,001) to thirty-five thousand (35,000) kWh; \$0.1587 per kWh for metered usage from thirty-five thousand one (35,001) to fifty-six thousand (56,000); and, \$0.2539 per kWh for metered usage in excess of fifty-six thousand (56,000) kWh. Effective January 1, 2015, the retail rate for 1,000 AMP small commercial customers shall be \$0.0838 per kWh for first seventeen thousand (17,000) kWh of metered usage; \$0.1048 per kWh for metered usage from seventeen thousand one (17,001) to thirty-five thousand (35,000) kWh; \$0.1572 per kWh for metered usage from thirty-five thousand one (35,001) to fifty-six thousand (56,000); and, \$0.2515 per kWh for metered usage in excess of fifty-six thousand (56,000) kWh.

(xviii) Effective November 1, 2011, and through December 2012, the retail rate for 1,200 AMP small commercial customers shall be \$0.0857 per kWh for first seventeen thousand (17,000) kWh of metered usage; \$0.1071 per kWh for metered usage from seventeen thousand one (17,001) to thirty-five thousand (35,000) kWh; \$0.1607 per kWh for metered usage from thirty-five thousand one (35,001) to fifty-six thousand (56,000); and, \$0.2571 per kWh for metered usage in excess of fifty-six thousand (56,000) kWh. Effective January 1, 2013, the retail rate for 1,200 AMP small commercial customers shall be \$0.0854 per kWh for first seventeen thousand (17,000) kWh of metered usage; \$0.1068 per kWh for metered usage from seventeen thousand one (17,001) to thirty-five thousand (35,000) kWh; \$0.1602 per kWh for metered usage from thirty-five thousand one (35,001) to fifty-six thousand (56,000); and, \$0.2563 per kWh for metered usage in excess of fifty-six thousand (56,000) kWh. Effective January 1, 2014, the retail rate for 1,200 AMP small commercial customers shall be \$0.0846 per kWh for first seventeen thousand (17,000) kWh of metered usage; \$0.1058 per kWh for metered usage from seventeen thousand one (17,001) to thirty-five thousand (35,000) kWh; \$0.1587 per kWh for metered usage from thirty-five thousand one (35,001) to fifty-six thousand (56,000); and, \$0.2539 per kWh for metered usage in excess of fifty-six thousand (56,000) kWh. Effective January 1, 2015, the retail rate for 1,200 AMP small commercial customers shall be \$0.0838 per kWh for first seventeen thousand (17,000) kWh of metered usage; \$0.1048

per kWh for metered usage from seventeen thousand one (17,001) to thirty-five thousand (35,000) kWh; \$0.1572 per kWh for metered usage from thirty-five thousand one (35,001) to fifty-six thousand (56,000); and, \$0.2515 per kWh for metered usage in excess of fifty-six thousand (56,000) kWh.

- (xix) Effective November 1, 2011, and through December 2012, the retail rate for 1,600 AMP small commercial customers shall be \$0.0857 per kWh for first seventeen thousand (17,000) kWh of metered usage; \$0.1071 per kWh for metered usage from seventeen thousand one (17,001) to thirty-five thousand (35,000) kWh; \$0.1607 per kWh for metered usage from thirty-five thousand one (35,001) to fifty-six thousand (56,000); and, \$0.2571 per kWh for metered usage in excess of fifty-six thousand (56,000) kWh. Effective January 1, 2013, the retail rate for 1,600 AMP small commercial customers shall be \$0.0854 per kWh for first seventeen thousand (17,000) kWh of metered usage; \$0.1068 per kWh for metered usage from seventeen thousand one (17,001) to thirty-five thousand (35,000) kWh; \$0.1602 per kWh for metered usage from thirty-five thousand one (35,001) to fifty-six thousand (56,000); and, \$0.2563 per kWh for metered usage in excess of fifty-six thousand (56,000) kWh. Effective January 1, 2014, the retail rate for 1,600 AMP small commercial customers shall be \$0.0846 per kWh for first seventeen thousand (17,000) kWh of metered usage; \$0.1058 per kWh for metered usage from seventeen thousand one (17,001) to thirty-five thousand (35,000) kWh; \$0.1587 per kWh for metered usage from thirty-five thousand one (35,001) to fifty-six thousand (56,000); and, \$0.2539 per kWh for metered usage in excess of fifty-six thousand (56,000) kWh. Effective January 1, 2015, the retail rate for 1,600 AMP small commercial customers shall be \$0.0838 per kWh for first seventeen thousand (17,000) kWh of metered usage; \$0.1048 per kWh for metered usage from seventeen thousand one (17,001) to thirty-five thousand (35,000) kWh; \$0.1572 per kWh for metered usage from thirty-five thousand one (35,001) to fifty-six thousand (56,000); and, \$0.2515 per kWh for metered usage in excess of fifty-six thousand (56,000) kWh.
- (xx) Effective November 1, 2011, and through December 2012, the retail rate for 1,800 AMP small commercial customers shall be \$0.0857 per kWh for first seventeen thousand (17,000) kWh of metered usage; \$0.1071 per kWh for metered usage from seventeen thousand one (17,001) to thirty-five thousand (35,000) kWh; \$0.1607 per kWh for metered usage from thirty-five thousand one (35,001) to fifty-six thousand (56,000); and, \$0.2571 per kWh for metered usage in excess of fifty-six thousand (56,000) kWh. Effective January 1, 2013, the retail rate for 1,800 AMP small commercial customers shall be \$0.0854 per kWh for first seventeen thousand (17,000) kWh of metered usage; \$0.1068 per kWh for metered usage from seventeen thousand one (17,001) to thirty-five thousand (35,000) kWh; \$0.1602 per kWh for metered usage from thirty-five thousand one (35,001) to fifty-six thousand (56,000); and, \$0.2563 per kWh for metered usage in excess of fifty-six thousand (56,000) kWh. Effective January 1, 2014, the retail rate for 1,800 AMP small commercial customers shall be \$0.0846 per kWh for first seventeen thousand (17,000) kWh of metered usage; \$0.1058 per kWh for metered usage from seventeen thousand one (17,001) to thirty-five thousand (35,000) kWh; \$0.1587 per kWh for metered usage from thirty-five thousand one (35,001) to fifty-six thousand (56,000); and, \$0.2539 per kWh for metered usage in excess of fifty-six thousand (56,000) kWh. Effective January 1, 2015, the retail rate for 1,800 AMP small commercial customers shall be \$0.0838 per kWh for first seventeen thousand (17,000) kWh of metered usage; \$0.1048 per kWh for metered usage from seventeen thousand one (17,001) to thirty-five thousand (35,000) kWh; \$0.1572 per kWh for metered usage from thirty-five thousand one (35,001)

to fifty-six thousand (56,000); and, \$0.2515 per kWh for metered usage in excess of fifty-six thousand (56,000) kWh.

(xxi) Effective November 1, 2011, and through December 2012, the retail rate for 2,000 AMP and above small commercial customers shall be \$0.0857 per kWh for first seventeen thousand (17,000) kWh of metered usage; \$0.1071 per kWh for metered usage from seventeen thousand one (17,001) to thirty-five thousand (35,000) kWh; \$0.1607 per kWh for metered usage from thirty-five thousand one (35,001) to fifty-six thousand (56,000); and, \$0.2571 per kWh for metered usage in excess of fifty-six thousand (56,000) kWh. Effective January 1, 2013, the retail rate for 2,000 AMP and above small commercial customers shall be \$0.0854 per kWh for first seventeen thousand (17,000) kWh of metered usage; \$0.1068 per kWh for metered usage from seventeen thousand one (17,001) to thirty-five thousand (35,000) kWh; \$0.1602 per kWh for metered usage from thirty-five thousand one (35,001) to fifty-six thousand (56,000); and, \$0.2563 per kWh for metered usage in excess of fifty-six thousand (56,000) kWh. Effective January 1, 2014, the retail rate for 2,000 AMP and above small commercial customers shall be \$0.0846 per kWh for first seventeen thousand (17,000) kWh of metered usage; \$0.1058 per kWh for metered usage from seventeen thousand one (17,001) to thirty-five thousand (35,000) kWh; \$0.1587 per kWh for metered usage from thirty-five thousand one (35,001) to fifty-six thousand (56,000); and, \$0.2539 per kWh for metered usage in excess of fifty-six thousand (56,000) kWh. Effective January 1, 2015, the retail rate for 2,000 AMP and above small commercial customers shall be \$0.0838 per kWh for first seventeen thousand (17,000) kWh of metered usage; \$0.1048 per kWh for metered usage from seventeen thousand one (17,001) to thirty-five thousand (35,000) kWh; \$0.1572 per kWh for metered usage from thirty-five thousand one (35,001) to fifty-six thousand (56,000); and, \$0.2515 per kWh for metered usage in excess of fifty-six thousand (56,000) kWh.

(xxii) Effective November 1, 2011, and through December 2012, the retail service rate for 100 AMP large commercial customers, with operable demand metering systems in place and measured usage of thirty-five (35) kW and greater, shall be \$0.0730 per kWh for metered usage for first twenty-nine thousand (29,000) kWh; and, \$0.0913 for metered usage in excess of twenty-nine thousand (29,000) kWh plus a demand charge of \$7.00 per kW of metered peak usage for that meter reading cycle. Effective January 1, 2013, the retail service rate for 100 AMP large commercial customers, with operable demand metering systems in place and measured usage of forty (40) kW and greater, shall be \$0.0717 per kWh for metered usage for first twenty-nine thousand (29,000) kWh; and, \$0.0896 for metered usage in excess of twenty-nine thousand (29,000) kWh plus a demand charge of \$8.00 per kW of metered peak usage for that meter reading cycle. Effective January 1, 2014, the retail service rate for 100 AMP large commercial customers, with operable demand metering systems in place and measured usage of forty-five (45) kW and greater, shall be \$0.0695 per kWh for metered usage for first twenty-nine thousand (29,000) kWh; and, \$0.0869 for metered usage in excess of twenty-nine thousand (29,000) kWh plus a demand charge of \$9.00 per kW of metered peak usage for that meter reading cycle. Effective January 1, 2015, the retail service rate for 100 AMP large commercial customers, with operable demand metering systems in place and measured usage of fifty (50) kW and greater, shall be \$0.0676 per kWh for metered usage for first twenty-nine thousand (29,000) kWh; and, \$0.0845 for metered usage in excess of twenty-nine thousand (29,000) kWh plus a demand charge of \$9.70 per kW of metered peak usage for that meter reading cycle.

- (xxiii) Effective November 1, 2011, and through December 2012, the retail service rate for 200 AMP large commercial customers, with operable demand metering systems in place and measured usage of thirty-five (35) kW and greater, shall be \$0.0730 per kWh for metered usage for first twenty-nine thousand (29,000) kWh; and, \$0.0913 for metered usage in excess of twenty-nine thousand (29,000) kWh plus a demand charge of \$7.00 per kW of metered peak usage for that meter reading cycle. Effective January 1, 2013, the retail service rate for 200 AMP large commercial customers, with operable demand metering systems in place and measured usage of forty (40) kW and greater, shall be \$0.0717 per kWh for metered usage for first twenty-nine thousand (29,000) kWh; and, \$0.0896 for metered usage in excess of twenty-nine thousand (29,000) kWh plus a demand charge of \$8.00 per kW of metered peak usage for that meter reading cycle. Effective January 1, 2014, the retail service rate for 200 AMP large commercial customers, with operable demand metering systems in place and measured usage of forty-five (45) kW and greater, shall be \$0.0695 per kWh for metered usage for first twenty-nine thousand (29,000) kWh; and, \$0.0869 for metered usage in excess of twenty-nine thousand (29,000) kWh plus a demand charge of \$9.00 per kW of metered peak usage for that meter reading cycle. Effective January 1, 2015, the retail service rate for 200 AMP large commercial customers, with operable demand metering systems in place and measured usage of fifty (50) kW and greater, shall be \$0.0676 per kWh for metered usage for first twenty-nine thousand (29,000) kWh; and, \$0.0845 for metered usage in excess of twenty-nine thousand (29,000) kWh plus a demand charge of \$9.70 per kW of metered peak usage for that meter reading cycle.
- (xxiv) Effective November 1, 2011, and through December 2012, the retail service rate for 300 AMP large commercial customers, with operable demand metering systems in place and measured usage of thirty-five (35) kW and greater, shall be \$0.0730 per kWh for metered usage for first twenty-nine thousand (29,000) kWh; and, \$0.0913 for metered usage in excess of twenty-nine thousand (29,000) kWh plus a demand charge of \$7.00 per kW of metered peak usage for that meter reading cycle. Effective January 1, 2013, the retail service rate for 300 AMP large commercial customers, with operable demand metering systems in place and measured usage of forty (40) kW and greater, shall be \$0.0717 per kWh for metered usage for first twenty-nine thousand (29,000) kWh; and, \$0.0896 for metered usage in excess of twenty-nine thousand (29,000) kWh plus a demand charge of \$8.00 per kW of metered peak usage for that meter reading cycle. Effective January 1, 2014, the retail service rate for 300 AMP large commercial customers, with operable demand metering systems in place and measured usage of forty-five (45) kW and greater, shall be \$0.0695 per kWh for metered usage for first twenty-nine thousand (29,000) kWh; and, \$0.0869 for metered usage in excess of twenty-nine thousand (29,000) kWh plus a demand charge of \$9.00 per kW of metered peak usage for that meter reading cycle. Effective January 1, 2015, the retail service rate for 300 AMP large commercial customers, with operable demand metering systems in place and measured usage of fifty (50) kW and greater, shall be \$0.0676 per kWh for metered usage for first twenty-nine thousand (29,000) kWh; and, \$0.0845 for metered usage in excess of twenty-nine thousand (29,000) kWh plus a demand charge of \$9.70 per kW of metered peak usage for that meter reading cycle.
- (xxv) Effective November 1, 2011, and through December 2012, the retail service rate for 400 AMP large commercial customers, with operable demand metering systems in place and measured usage of thirty-five (35) kW and greater, shall be \$0.0730 per kWh for metered usage for first twenty-nine thousand (29,000) kWh; and, \$0.0913 for metered usage in excess of twenty-nine thousand (29,000) kWh plus a demand charge of \$7.00 per kW of metered peak usage for that meter reading cycle. Effective January 1, 2013, the retail

service rate for 400 AMP large commercial customers, with operable demand metering systems in place and measured usage of forty (40) kW and greater, shall be \$0.0717 per kWh for metered usage for first twenty-nine thousand (29,000) kWh; and, \$0.0896 for metered usage in excess of twenty-nine thousand (29,000) kWh plus a demand charge of \$8.00 per kW of metered peak usage for that meter reading cycle. Effective January 1, 2014, the retail service rate for 400 AMP large commercial customers, with operable demand metering systems in place and measured usage of forty-five (45) kW and greater, shall be \$0.0695 per kWh for metered usage for first twenty-nine thousand (29,000) kWh; and, \$0.0869 for metered usage in excess of twenty-nine thousand (29,000) kWh plus a demand charge of \$9.00 per kW of metered peak usage for that meter reading cycle. Effective January 1, 2015, the retail service rate for 400 AMP large commercial customers, with operable demand metering systems in place and measured usage of fifty (50) kW and greater, shall be \$0.0676 per kWh for metered usage for first twenty-nine thousand (29,000) kWh; and, \$0.0845 for metered usage in excess of twenty-nine thousand (29,000) kWh plus a demand charge of \$9.70 per kW of metered peak usage for that meter reading cycle.

- (xxvi) Effective November 1, 2011, and through December 2012, the retail service rate for 600 AMP large commercial customers, with operable demand metering systems in place and measured usage of thirty-five (35) kW and greater, shall be \$0.0730 per kWh for metered usage for first twenty-nine thousand (29,000) kWh; and, \$0.0913 for metered usage in excess of twenty-nine thousand (29,000) kWh plus a demand charge of \$7.00 per kW of metered peak usage for that meter reading cycle. Effective January 1, 2013, the retail service rate for 600 AMP large commercial customers, with operable demand metering systems in place and measured usage of forty (40) kW and greater, shall be \$0.0717 per kWh for metered usage for first twenty-nine thousand (29,000) kWh; and, \$0.0896 for metered usage in excess of twenty-nine thousand (29,000) kWh plus a demand charge of \$8.00 per kW of metered peak usage for that meter reading cycle. Effective January 1, 2014, the retail service rate for 600 AMP large commercial customers, with operable demand metering systems in place and measured usage of forty-five (45) kW and greater, shall be \$0.0695 per kWh for metered usage for first twenty-nine thousand (29,000) kWh; and, \$0.0869 for metered usage in excess of twenty-nine thousand (29,000) kWh plus a demand charge of \$9.00 per kW of metered peak usage for that meter reading cycle. Effective January 1, 2015, the retail service rate for 600 AMP large commercial customers, with operable demand metering systems in place and measured usage of fifty (50) kW and greater, shall be \$0.0676 per kWh for metered usage for first twenty-nine thousand (29,000) kWh; and, \$0.0845 for metered usage in excess of twenty-nine thousand (29,000) kWh plus a demand charge of \$9.70 per kW of metered peak usage for that meter reading cycle.
- (xxvii) Effective November 1, 2011, and through December 2012, the retail service rate for 800 AMP large commercial customers, with operable demand metering systems in place and measured usage of thirty-five (35) kW and greater, shall be \$0.0730 per kWh for metered usage for first twenty-nine thousand (29,000) kWh; and, \$0.0913 for metered usage in excess of twenty-nine thousand (29,000) kWh plus a demand charge of \$7.00 per kW of metered peak usage for that meter reading cycle. Effective January 1, 2013, the retail service rate for 800 AMP large commercial customers, with operable demand metering systems in place and measured usage of forty (40) kW and greater, shall be \$0.0717 per kWh for metered usage for first twenty-nine thousand (29,000) kWh; and, \$0.0896 for metered usage in excess of twenty-nine thousand (29,000) kWh plus a demand charge of \$8.00 per kW of metered peak usage for that meter reading cycle. Effective January 1, 2014, the retail service rate for 800 AMP large commercial customers, with operable

demand metering systems in place and measured usage of forty-five (45) kW and greater, shall be \$0.0695 per kWh for metered usage for first twenty-nine thousand (29,000) kWh; and, \$0.0869 for metered usage in excess of twenty-nine thousand (29,000) kWh plus a demand charge of \$9.00 per kW of metered peak usage for that meter reading cycle. Effective January 1, 2015, the retail service rate for 800 AMP large commercial customers, with operable demand metering systems in place and measured usage of fifty (50) kW and greater, shall be \$0.0676 per kWh for metered usage for first twenty-nine thousand (29,000) kWh; and, \$0.0845 for metered usage in excess of twenty-nine thousand (29,000) kWh plus a demand charge of \$9.70 per kW of metered peak usage for that meter reading cycle.

- (xxviii) Effective November 1, 2011, and through December 2012, the retail service rate for 1000 AMP large commercial customers, with operable demand metering systems in place and measured usage of thirty-five (35) kW and greater, shall be \$0.0730 per kWh for metered usage for first twenty-nine thousand (29,000) kWh; and, \$0.0913 for metered usage in excess of twenty-nine thousand (29,000) kWh plus a demand charge of \$7.00 per kW of metered peak usage for that meter reading cycle. Effective January 1, 2013, the retail service rate for 1000 AMP large commercial customers, with operable demand metering systems in place and measured usage of forty (40) kW and greater, shall be \$0.0717 per kWh for metered usage for first twenty-nine thousand (29,000) kWh; and, \$0.0896 for metered usage in excess of twenty-nine thousand (29,000) kWh plus a demand charge of \$8.00 per kW of metered peak usage for that meter reading cycle. Effective January 1, 2014, the retail service rate for 1000 AMP large commercial customers, with operable demand metering systems in place and measured usage of forty-five (45) kW and greater, shall be \$0.0695 per kWh for metered usage for first twenty-nine thousand (29,000) kWh; and, \$0.0869 for metered usage in excess of twenty-nine thousand (29,000) kWh plus a demand charge of \$9.00 per kW of metered peak usage for that meter reading cycle. Effective January 1, 2015, the retail service rate for 1000 AMP large commercial customers, with operable demand metering systems in place and measured usage of fifty (50) kW and greater, shall be \$0.0676 per kWh for metered usage for first twenty-nine thousand (29,000) kWh; and, \$0.0845 for metered usage in excess of twenty-nine thousand (29,000) kWh plus a demand charge of \$9.70 per kW of metered peak usage for that meter reading cycle.
- (xxix) Effective November 1, 2011, and through December 2012, the retail service rate for 1200 AMP large commercial customers, with operable demand metering systems in place and measured usage of thirty-five (35) kW and greater, shall be \$0.0730 per kWh for metered usage for first twenty-nine thousand (29,000) kWh; and, \$0.0913 for metered usage in excess of twenty-nine thousand (29,000) kWh plus a demand charge of \$7.00 per kW of metered peak usage for that meter reading cycle. Effective January 1, 2013, the retail service rate for 1200 AMP large commercial customers, with operable demand metering systems in place and measured usage of forty (40) kW and greater, shall be \$0.0717 per kWh for metered usage for first twenty-nine thousand (29,000) kWh; and, \$0.0896 for metered usage in excess of twenty-nine thousand (29,000) kWh plus a demand charge of \$8.00 per kW of metered peak usage for that meter reading cycle. Effective January 1, 2014, the retail service rate for 1200 AMP large commercial customers, with operable demand metering systems in place and measured usage of forty-five (45) kW and greater, shall be \$0.0695 per kWh for metered usage for first twenty-nine thousand (29,000) kWh; and, \$0.0869 for metered usage in excess of twenty-nine thousand (29,000) kWh plus a demand charge of \$9.00 per kW of metered peak usage for that meter reading cycle. Effective January 1, 2015, the retail service rate for 1200 AMP large commercial customers, with operable demand metering systems in place and measured usage of fifty

(50) kW and greater, shall be \$0.0676 per kWh for metered usage for first twenty-nine thousand (29,000) kWh; and, \$0.0845 for metered usage in excess of twenty-nine thousand (29,000) kWh plus a demand charge of \$9.70 per kW of metered peak usage for that meter reading cycle.

- (xxx) Effective November 1, 2011, and through December 2012, the retail service rate for 1600 AMP large commercial customers, with operable demand metering systems in place and measured usage of thirty-five (35) kW and greater, shall be \$0.0730 per kWh for metered usage for first twenty-nine thousand (29,000) kWh; and, \$0.0913 for metered usage in excess of twenty-nine thousand (29,000) kWh plus a demand charge of \$7.00 per kW of metered peak usage for that meter reading cycle. Effective January 1, 2013, the retail service rate for 1600 AMP large commercial customers, with operable demand metering systems in place and measured usage of forty (40) kW and greater, shall be \$0.0717 per kWh for metered usage for first twenty-nine thousand (29,000) kWh; and, \$0.0896 for metered usage in excess of twenty-nine thousand (29,000) kWh plus a demand charge of \$8.00 per kW of metered peak usage for that meter reading cycle. Effective January 1, 2014, the retail service rate for 1600 AMP large commercial customers, with operable demand metering systems in place and measured usage of forty-five (45) kW and greater, shall be \$0.0695 per kWh for metered usage for first twenty-nine thousand (29,000) kWh; and, \$0.0869 for metered usage in excess of twenty-nine thousand (29,000) kWh plus a demand charge of \$9.00 per kW of metered peak usage for that meter reading cycle. Effective January 1, 2015, the retail service rate for 1600 AMP large commercial customers, with operable demand metering systems in place and measured usage of fifty (50) kW and greater, shall be \$0.0676 per kWh for metered usage for first twenty-nine thousand (29,000) kWh; and, \$0.0845 for metered usage in excess of twenty-nine thousand (29,000) kWh plus a demand charge of \$9.70 per kW of metered peak usage for that meter reading cycle.
- (xxxii) Effective November 1, 2011, and through December 2012, the retail service rate for 1800 AMP large commercial customers, with operable demand metering systems in place and measured usage of thirty-five (35) kW and greater, shall be \$0.0730 per kWh for metered usage for first twenty-nine thousand (29,000) kWh; and, \$0.0913 for metered usage in excess of twenty-nine thousand (29,000) kWh plus a demand charge of \$7.00 per kW of metered peak usage for that meter reading cycle. Effective January 1, 2013, the retail service rate for 1800 AMP large commercial customers, with operable demand metering systems in place and measured usage of forty (40) kW and greater, shall be \$0.0717 per kWh for metered usage for first twenty-nine thousand (29,000) kWh; and, \$0.0896 for metered usage in excess of twenty-nine thousand (29,000) kWh plus a demand charge of \$8.00 per kW of metered peak usage for that meter reading cycle. Effective January 1, 2014, the retail service rate for 1800 AMP large commercial customers, with operable demand metering systems in place and measured usage of forty-five (45) kW and greater, shall be \$0.0695 per kWh for metered usage for first twenty-nine thousand (29,000) kWh; and, \$0.0869 for metered usage in excess of twenty-nine thousand (29,000) kWh plus a demand charge of \$9.00 per kW of metered peak usage for that meter reading cycle. Effective January 1, 2015, the retail service rate for 1800 AMP large commercial customers, with operable demand metering systems in place and measured usage of fifty (50) kW and greater, shall be \$0.0676 per kWh for metered usage for first twenty-nine thousand (29,000) kWh; and, \$0.0845 for metered usage in excess of twenty-nine thousand (29,000) kWh plus a demand charge of \$9.70 per kW of metered peak usage for that meter reading cycle.
- (xxxiii) Effective November 1, 2011, and through December 2012, the retail service rate for 2000 AMP and above large commercial customers, with operable demand metering systems in

place and measured usage of thirty-five (35) kW and greater, shall be \$0.0730 per kWh for metered usage for first sixty-three thousand (63,000) kWh; and, \$0.0913 for metered usage in excess of sixty-three thousand (63,000) kWh plus a demand charge of \$7.00 per kW of metered peak usage for that meter reading cycle. Effective January 1, 2013, the retail service rate for 2000 AMP and above large commercial customers, with operable demand metering systems in place and measured usage of forty (40) kW and greater, shall be \$0.0717 per kWh for metered usage for first sixty-three thousand (63,000) kWh; and, \$0.0896 for metered usage in excess of sixty-three thousand (63,000) kWh plus a demand charge of \$8.00 per kW of metered peak usage for that meter reading cycle. Effective January 1, 2014, the retail service rate for 2000 AMP and above large commercial customers, with operable demand metering systems in place and measured usage of forty-five (45) kW and greater, shall be \$0.0695 per kWh for metered usage for first sixty-three thousand (63,000) kWh; and, \$0.0869 for metered usage in excess of sixty-three thousand (63,000) kWh plus a demand charge of \$9.00 per kW of metered peak usage for that meter reading cycle. Effective January 1, 2015, the retail service rate for 2000 AMP and above large commercial customers, with operable demand metering systems in place and measured usage of fifty (50) kW and greater, shall be \$0.0676 per kWh for metered usage for first sixty-three thousand (63,000) kWh; and, \$0.0845 for metered usage in excess of sixty-three thousand (63,000) kWh plus a demand charge of \$9.70 per kW of metered peak usage for that meter reading cycle.

(Code 1971, § 23-18.1; Ord. No. 42-1985, § 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)

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 when the same shall become due.

(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)

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 by completing an application which informs the owner of the possibility of a lien upon the premises for unpaid bills, pursuant to Section 25.04.090.

(c) 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. (Code 1971, § 23-25; Ord. No. 28-1982, § 1; Ord. No. 68-1994, § 14; Ord. No. 57-2000, § 7)

Sec. 25.04.120. Electric service and disconnect charges.

A service charge of thirty dollars (\$30.00) 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)

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 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.

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) *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.

(d) *Director of water treatment and supply, Director, Water Superintendent or Superintendent* means the Superintendent, 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.

(e) *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.

(f) *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.

(g) *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.

(h) *Utility investment charge* means a charge to recover certain debt service costs allocated to new customers which charge is based on a new customer's ECU rating and service area factor.

(i) *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.

(j) *Water Department* means the department of the City under the supervision of the Superintendent.

(k) *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.

(l) *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.

(m) *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)

Sec. 25.08.070. Billing areas and billing area factors.

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

Billing area	Name
1	Central Aspen
2	Eastside
3	Northside
4	Westside
5	Maroon/Castle Creeks
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 Superintendent'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
5-A	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 under Sections 25.16.010 and 25.16.020, 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)

Sec. 25.08.080. Rate reviews.

- (a) The monthly demand, out-of-city service, fire protection, variable and pumping charges in Sections 25.16.010 and 25.16.020 shall be set annually in accordance with the following criteria:
- (1) The expected annual revenue from all such monthly charges plus the expected annual revenue from utility investment charges shall recover the annual water budget approved by City Council.
 - (2) The monthly demand charge per customer shall be based upon”
 - (a) The customer’s ECU rating.
 - (b) The customer’s billing area factor.
 - (c) The total weighted ECU served by the water utility at the beginning of the year.
 - (d) Forty percent (40%) of the approved annual debt service for the water utility.
 - (e) That portion of sixty percent (60%) of annual debt service not projected to be recovered from utility investment charges.
 - (f) A portion of annual fixed wage, insurance and administrative costs approved for the water utility.
 - (3) The demand charge shall also provide for a contingency fund based on water utility costs and revenues in the previous year. This contingency fund shall not accumulate from year to year.
 - (4) The monthly variable charge per customer shall be based upon:
 - (a) The thousands of gallons of ordinary water used by the customer during a three-month meter-reading cycle.

- (b) The total projected annual thousands of gallons of ordinary water use, including an allowance for leakage and other losses.
 - (c) Those annual operation, maintenance or other costs approved for the water utility not allocated to utility investment, demand, pumping or fire protection charges.
- (5) The monthly pumping charge per customer shall be based upon:
- (a) The thousands of gallons delivered to the customer via pumping during any three-month meter-reading cycle.
 - (b) The number of pump stations required to deliver water to the customer.
 - (c) The total projected annual thousands of gallons to be delivered via pumping.
 - (d) The weighted average number of pump stations in the water system
 - (e) The projected annual power, repair, operation and maintenance costs approved for all pump stations.
- (6) Reserved.
- (7) The monthly fire protection charge per customer shall be based upon:
- (a) The customer's ECU rating/
 - (b) The customer's billing area factor.
 - (c) The total weighted ECUs served by the water utility at the beginning of the year.
 - (d) Those approved annual debt service and fixed operation and maintenance costs allocated to fire protection.

(b) The base utility investment charge in Subsection 25.12.040(a) and projected annual revenues from utility investment charges shall be reviewed by City Council each year and the base utility investment charge shall be adjusted so as to allocate as nearly as practical forty percent (40%) of the annual debt service approved for the water system to on-line customers and sixty percent (60%) to future customers who may connect to the water system in the coming year.

(c) The billing area factors in Subsection (b) of Section 25.08.070 and the sixty percent/forty percent (60%/40%) allocation in Subsection (b) of this Section shall be reviewed by council every five (5) years in light of the asset value of the water system and of any major capital improvements to this system and the billing area factors and the sixty percent/forty percent (60%/40%) allocation shall be adjusted so that debt service and other fixed costs approved for the water system are allocated as nearly as practical

among billing areas and between on-line customers and future customers in proportion to the benefits conferred by major capital improvements.

(d) 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 billing area 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)

Sec. 25.08.090. Equivalent capacity units.

(a) All water service shall be rated by the Superintendent in accordance with the following table:

(1) LONG-TERM RESIDENTIAL (Occupancy extending more than one (1) month):

	ECU
1st full bath	0.36
2nd full bath	0.24
Each additional full bath	0.12
Each kitchen (full cooking facilities)	0.25
Each kitchenette (modest cooking facilities)	0.15
Each bedroom	0.10

(2) LODGING BEDROOMS (Occupancy per party 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 party 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:

Credit 1 for Conversion of Existing Hose Bibs/Yard Hydrant (Hose Bib w/Irrigation)	Irrigation Line Size	Minimum ECU Rating	Sprinkler Systems (Spray Nozzles) Standard Allowance in Sq. Ft.-Each Add'l 100 ft ² Assessed at 0.10 ECU's	Drip Systems Standard Allowance in Number of Drip Emitters Each Add'l Emitter at .001 ECU's
Each bib hose in addition to sprinkler system (fixed piping/spray or drip emitters, i e, hose bib w/irrigation)	Any	0.05	N/A	N/A
Hose bib only (ie, hose bib for irrigation)				
1st hose bib	Any	0.20	N/A	N/A
2nd hose bib	Any	0.10	N/A	N/A
3rd hose bib	Any	0.05	N/A	N/A
Yard Hydrant	Up to 3/4"	0.50	N/A	N/A
Sprinkler System On house meter	Up to 3/4"	0.30	3,000 ft ²	N/A
Drip System On house meter	Up to 3/4"	0.30	N/A	300 drip emitters
Sprinkler or Drip System On separate meter	Up to 3/4"	1.00	10,000 ft ²	
	1"	2.00	20,000 ft ²	1,000 drip emitters
	1 1/2"	4.00	40,000 ft ²	2,000 drip emitters
	2"	8.00	80,000 ft ²	
	3"	20.00	200,000 ft ²	
	4"	30.00	300,000 ft ²	
	5"	60.00	600,000 ft ²	Large systems rated individually

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

(5) RESTAURANTS: Each seat: 0.08 ECU.

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

(7) OFFICE SPACE: Each one hundred (100) square feet: 0.02 ECU.

(8) RETAIL SPACE: Each one hundred (100) square feet: 0.01 ECU.

(9) COMMERCIAL RECREATIONAL FACILITIES: Each customer: 0.05 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 Superintendent shall increase the ECU rating in accordance with the following table:

	ECU
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Toilet/urinal	0.05
Mop/laundry sink (per compartment)	0.05
Kitchen sink (per compartment)	0.05
Lavatory sink (per compartment)	0.02
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
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
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 (6 month maximum)	0.01
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:	
Noncontinuous drinking	0.05
Continuous drinking	0.50
Nonrecycling decorative	0.50
Recycling decorative	0.10
Water softener (per ECU):	
Residential	0.02
Commercial	0.01
Fire protection sprinkler heads	0.00

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

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

Line Size	Minimum ECU Rating
3/4"	1.0
1"	2.0
1 1/4"	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 Superintendent 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, out-of-City service and fire protection charges under Sections 25.16.010 and 25.16.020. (Code 1971, § 23-44; Ord. No. 27-1985, § 1; Ord. No. 36-1995, § 1; Ord. No. 43-1996, § 16)

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 water utility system. No person shall connect an independent water supply onto the municipal water utility system. (Code 1971, § 23-55; Ord. No. 27-1985, § 1)

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. 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 and bond requirements as it deems necessary to safeguard the best interests of the City.

(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, hook-up charges, water main extension costs and water rights dedication fees shall be due and payable upon making the application unless prior approval is obtained 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 Superintendent specifying the method of payment and all related forms. The Water Superintendent 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 Superintendent on such forms as the Superintendent 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 Superintendent 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 Superintendent may, in the exercise of his or her discretion, accept the nonowner application for utility service and may impose such conditions as he or she 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 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)

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 with 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 Superintendent and shall set forth all those requirements specified in Subsections 25.12.020(e) and (f). The Superintendent shall keep a duplicate or record of all utility connection permits issued by him.

(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)

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, the Superintendent or his or her appointee 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.

(d) Utility investment charges are designed to cover the additional cost of new facilities necessary to service the growth projected by the Aspen Area Community Plan for the billing area within which the applicant's utility service is to be located. For the purpose of utility investment charge computation the following fees shall be assessed per ECU:

Billing Area	Utility Investment Charges per ECU
Billing Area 1	\$3,585.00
Billing Area 2	7,390.00
Billing Area 3	9,855.00
Billing Area 4	3,810.00
Billing Area 5	4,925.00
Billing Area 6	8,060.00
Billing Area 7	4,925.00
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. (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)

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	\$300.00

1 inch	300.00
1½ inch	400.00
2 inch	400.00
4 inch	900.00
6 inch	900.00
8 inch	900.00

(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 fifteen percent (15%) 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 Superintendent 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)

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 City 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, 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 to be paid by the owner of residential or commercial structures, which are to be substantially remodeled or rebuilt, the utility investment charge shall be the charge determined in accordance with Section 25.12.040 for the completed structure, minus the amount of any connection or investment 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 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,

EQR charges, connection charges, system development charges, tap fees and plant investment fees 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 Director of the Water Department of the City, 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 tap 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 may decline to connect water service, at its discretion, 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, § 1)

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 Superintendent and upon payment of the applicable utility investment 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 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 or from assuming the full cost of installation of the service connection, including cost of the tap, all pipes, valves, valve boxes and meter. (Code 1971, § 23-63; Ord. No. 27-1985, § 1)

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

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

(a) All water service pipes shall be laid at least seven (7) feet below the existing grade of the street or ground.

(b) No service pipe shall be covered prior to inspection and approval by the Superintendent.

(c) All service pipes 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 pipe.

(d) No connection inserted in or connected with the service pipe shall have an inside diameter of less than three-quarters ($\frac{3}{4}$) of an inch and every tap shall be made of brass. Service pipe connected to the connection shall be of heavy serviceable copper; provided that a substitute material may be permitted by the Superintendent on request to him. The service pipe 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 Superintendent shall direct, so that the same shall be accessible to the Superintendent for the purpose of turning on or shutting off water without entering on private premises. (Code 1971, § 23-64; Ord. No. 27-1985, § 1)

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

(a) In all cases where service pipes have been constructed from a single utility connection to different houses, buildings or premises and a separate curb stop accessible to the Superintendent has been placed on the pipe 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.

(b) Any person owning adjoining premises may obtain a permit to make one utility connection for all such premises. Whenever such a permit has been granted, a single connection may be made and a single service pipe may be laid therefor, but such service pipe must be provided with separate and distinct curb stops for each and every one of the premises serviced.

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

(d) 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)

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 do so. (Code 1971, § 23-66; Ord. No. 27-1985, § 1)

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 Superintendent shall test the connection to determine that the connection and service are in proper operating condition. No water shall be turned on by any one except the Superintendent or someone acting under his or her order. (Code 1971, § 23-67; Ord. No. 27-1985, § 1)

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 pipes, 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 pipe 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 due notice to the owner by the Superintendent to repair leaking or damaged service pipes or appurtenances, such repair is not made, the Superintendent may have the service pipes or appurtenances 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)

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

(a) If, at any time, the Superintendent shall ascertain that the plumbing fixtures or appliances on any premises are so defective as to waste water, it shall be his or her duty to immediately 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 Superintendent 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)

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 Superintendent. 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 or meter remote is damaged or concealed or otherwise made inaccessible, the Superintendent shall direct that the water user be billed the unmetered rate for his or her water service until such time as the meter or meter remote is again made operable or accessible by the owner. (Code 1971, § 23-70; Ord. No. 27-1985, § 1)

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

(a) **Purpose.** The purpose of this section is to identify those affordable housing projects that may be eligible for exemption from and waivers of the utility investment charges 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.

(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; and

(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 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 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 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 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) **Tap Fee Waiver Single Occurrence.** Tap Fee 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 tap fee 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)

Chapter 25.16

WATER RATES AND CHARGES

Sec. 25.16.010. Monthly rates for metered water service.

All metered customers except temporary construction, grandfathered-in, and pre-tap customer accounts shall pay the sum of charges one (1) through seven (7) that follow:

(1) A demand charge of four dollars and fifty-seven cents (\$4.57) per ECU per month for Billing Area 1; nine dollar and fifteen cents (\$9.15) per ECU per month for Billing Area 2; nine dollars and fifteen cents (\$9.15) per ECU per month for Billing Area 3; five dollars and seventy-one cents (\$5.71) per ECU per month for Billing Area 4; eight dollars and zero cents (\$8.00) per ECU per month for Billing Area 5; nine dollars and fifteen cents (\$9.15) per ECU per month for Billing Area 6; six dollars and eighty-six cents (\$6.86) per ECU per month for Billing Area 7.

(2) A variable charge of one dollar and sixty-nine cents (\$1.69) per thousand (1,000) gallons of the first five thousand (5,000) gallons of metered usage per ECU.

(3) A variable charge of two dollars and nineteen cents (\$2.19) per thousand (1,000) gallons of metered usage from five thousand one (5,001) to fifteen thousand (15,000) gallons per ECU.

(4) A variable charge of three dollars and twelve cents (\$3.12) per thousand (1,000) gallons for metered usage from fifteen thousand one (15,001) gallons to twenty thousand (20,000) gallons per ECU.

(5) A variable charge of four dollars and sixty-eight cents (\$4.68) per thousand (1,000) gallons for metered usage in excess of twenty thousand (20,000) gallons per ECU.

(6) A pumping charge of one dollar and fifteen cents (\$1.15) per thousand (1,000) gallons pumped with service through one (1) pump station, two dollars and thirty cents (\$2.30) per thousand (1,000) gallons pumped with service through two (2) pump stations; and three dollars and forty-five cents (\$3.45) per thousand (1,000) gallons pumped with service through three (3) pump stations.

(7) A fire protection charge of one dollar and thirty cents (\$1.30) per ECU per month for Billing Area 1; two dollars and sixty cents (\$2.60) per ECU per month for Billing Area 2; two dollar and sixty cents (\$2.60) per ECU per month for Billing Area 3; one dollar and sixty-three cents (\$1.63) per ECU per month for Billing Area 4; two dollars and twenty-eight cents (\$2.28) per ECU per month for Billing Area 5; two dollars and sixty cents (\$2.60) per ECU per month for Billing Area 6; one dollar and ninety-five cents (\$1.95) per ECU per month for Billing Area 7.

(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)

Sec. 25.16.011. Bulk rates for metered water service.

(a) The demand charge for filler hydrant bulk water sales pursuant to Subsection 25.08.020(e) shall be ten dollars (\$10.00) per use.

(b) The variable charge for filler hydrant bulk water sales pursuant to Subsection 25.08.020(e) shall be four dollars and forty-six cents (\$4.46) per thousand (1,000) gallons. (Ord. No. 41-2004, §3; Ord. No. 7-2006, § 3)

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

(a) The demand charge for the filler hydrant bulk water sales pursuant to Subsection 25.08.020(e) shall be ten dollars and fifty cents (\$10.50) per use.

(b) The variable charge for filler hydrant bulk water sales pursuant to Subsection 25.08.020(e) shall be four dollars and sixty-eight cents (\$4.68) per thousand (1,000) gallons.

(Ord. No. 41-2004, §4; Ord. No. 35-2011§3)

Sec. 25.16.013. Raw water rates for Thomas Raw Water line accounts.

(a) (Reserved for future section).

(b) (Reserved for future section).

(c) 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.

(d) Metered rates for raw water service from the pressurized Thomas Raw Water line will be established no later than January 2009 and all water use from this system will require the installation of an operable meter not later than the above date. (Ord. No. 41-2004, §5)

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

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

(1) Four dollars and fifty-seven cents (\$4.57) per ECU per month for Billing Area 1; nine dollar and fifteen cents (\$9.15) per ECU per month for Billing Area 2; nine dollars and fifteen cents (\$9.15) per ECU per month for Billing Area 3; five dollars and seventy-one cents (\$5.71) per ECU per month for Billing Area 4; eight dollars and zero cents (\$8.00) per ECU per month for Billing Area 5; nine dollars and fifteen cents (\$9.15) per ECU per month for Billing Area 6; six dollars and eighty-six cents (\$6.86) per ECU per month for Billing Area 7.

(2) A fire protection charge of one dollar and thirty cents (\$1.30) per ECU per month for Billing Area 1; two dollars and sixty cents (\$2.60) per ECU per month for Billing Area 2; two dollar and sixty cents (\$2.60) per ECU per month for Billing Area 3; one dollar and sixty-three cents (\$1.63) per ECU per month for Billing Area 4; two dollars and twenty-eight cents (\$2.28) per ECU per month for Billing Area 5; two dollars and sixty cents (\$2.60) per ECU per month for Billing Area 6; one dollar and ninety-five cents (\$1.95) per ECU per month for Billing Area 7. (Ord. No. 35-2011§4)

Sect. 25.16.015. Monthly rates for grandfathered-in water service.

All grandfathered-in accounts shall pay the sum of charges one (1) and two (2).

(1) Four dollars and fifty-seven cents (\$4.57) per ECU per month for Billing Area 1; nine dollar and fifteen cents (\$9.15) per ECU per month for Billing Area 2; nine dollars and fifteen cents (\$9.15) per ECU per month for Billing Area 3; five dollars and seventy-one cents (\$5.71) per ECU per month for Billing Area 4; eight dollars and zero cents (\$8.00) per ECU per month for Billing Area 5; nine dollars and fifteen cents (\$9.15) per ECU per month for Billing Area 6; six dollars and eighty-six cents (\$6.86) per ECU per month for Billing Area 7.

(2) A fire protection charge of one dollar and thirty cents (\$1.30) per ECU per month for Billing Area 1; two dollars and sixty cents (\$2.60) per ECU per month for Billing Area 2; two dollar and sixty cents (\$2.60) per ECU per month for Billing Area 3; one dollar and sixty-three cents (\$1.63) per ECU per month for Billing Area 4; two dollars and twenty-eight cents (\$2.28) per ECU per month for Billing Area 5; two dollars and sixty cents (\$2.60) per ECU per month for Billing Area 6; one dollar and ninety-five cents (\$1.95) per ECU per month for Billing Area 7. (Ord. No. 35-2011 §5)

Sec. 25.16.016. Monthly rates for pre-tap water service.

All pre-tap accounts shall pay the sum of charges one (1) and two (2).

(1) Four dollars and fifty-seven cents (\$4.57) per ECU per month for Billing Area 1; nine dollar and fifteen cents (\$9.15) per ECU per month for Billing Area 2; nine dollars and fifteen cents (\$9.15) per ECU per month for Billing Area 3; five dollars and seventy-one cents (\$5.71) per ECU per month for Billing Area 4; eight dollars and zero cents (\$8.00) per ECU per month for Billing Area 5; nine dollars and fifteen cents (\$9.15) per ECU per month for Billing Area 6; six dollars and eighty-six cents (\$6.86) per ECU per month for Billing Area 7.

(2) A fire protection charge of one dollar and thirty cents (\$1.30) per ECU per month for Billing Area 1; two dollars and sixty cents (\$2.60) per ECU per month for Billing Area 2; two dollar and sixty cents (\$2.60) per ECU per month for Billing Area 3; one dollar and sixty-three cents (\$1.63) per ECU per month for Billing Area 4; two dollars and twenty-eight cents (\$2.28) per ECU per month for Billing Area 5; two dollars and sixty cents (\$2.60) per ECU per month for Billing Area 6; one dollar and ninety-five cents (\$1.95) per ECU per month for Billing Area 7.

(Ord. No. 35-2011§6)

Sec. 25.16.020. Monthly rates for unmetered water service.

(a) All unmetered customers shall pay a flat rate demand charge of seventy- three dollars and ninety- two cents (\$73.92) per ECU per month for Billing Area 1; one hundred seven dollars and zero cents (\$107.00) per ECU per month for Billing Area 2; one hundred thirty-five dollars and seventy-five cents (\$135.75) per ECU per month for Billing Area 3; seventy-five dollars and six cents (\$75.06) per ECU per month for Billing Area 4; seventy-seven dollars and thirty-five cents (\$77.35) per ECU per month for Billing Area 5; seventy-eight dollars and fifty cents (\$78.50) per ECU per month for Billing Area 6; seventy-six dollars and twenty-one cents (\$76.21) per ECU per month for Billing Area 7.

(b) With respect to the water rates and charges contained in Sections 25.166.010 and 25.16.020, in case of verifiable hardship and upon approval of both the Finance Director and the Water Superintendent, special billing arrangements may be made.

(c) With respect to the water rates and charges contained in Sections 25.16.010 and 25.16.020, in case of verifiable hardship and upon approval of both the Finance Director and the Water Superintendent, special billing arrangements may be made.

Sec.25.16.021. Senior water rates.

(a) Any qualified senior citizen who so applies shall be entitled to a rebate and adjustment in the individual water rates set forth in Sections 25.16.010 and 25.16.020.

(1) *Qualified senior citizen* shall be defined by the Pitkin County Social Services Department in consultation with the Pitkin County Senior Services Council.

(2) Application for the rebate and adjustment shall be as established by the City Manager in consultation with the Finance and Water Utility Departments. The City Manager 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.

(3) Metered residences owned or leased by qualified senior citizens will be charged only ninety percent (90%) of the demand and fire protection charges set forth in Subsections 25.16.010 Paragraph one (1) and 25.16.010 Paragraph seven (7) and one hundred percent (100%) of the variable and pumping charges set forth in Subsections 25.16.010 Paragraph two (2) through Paragraph six (6) and as determined by the service area factor and the ECU rating of the residence. Unmetered or flat rate residence owned or leased by qualified senior citizens will be charged thirty percent (30%) of the total charge set forth in Subsection 25.16.020(a) as determined by the service area factor and the ECU rating of the residence. (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)

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 and utility investment charges shall be due twenty (20) 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 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))

Sec. 25.16.030. Meter regulations; mandatory metering.

(a) All water service shall be metered.

(b) The installation of all meters shall conform to specifications of the Water Department.

(c) The Superintendent may, in his or her 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 Superintendent may also, in his or her 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 and hookup charges which may be due. (Code 1971, § 23-104; Ord. No. 27-1985, § 1)

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)

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

(a) The Superintendent shall disconnect the water service to any consumer who fails to pay any water service charges or utility investment charges when the same shall become due.

(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)

Sec. 25.16.060. Water service connect and disconnect charges.

A service charge of thirty dollars (\$30.00) is hereby established for each new account that is set up for water service. If a disconnection is made in accordance with Section 25.16.050 above because of nonpayment of water service charges or utility investment charges, 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])

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 Superintendent shall not turn it on again or order it to be turned on until all back-water rates and charges have been paid and the owner requests the service by making application and receives a permit thereof. (Code 1971, § 23-108; Ord. No. 27-1985, § 1)

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)

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: fifty dollars (\$50.00).

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 by completing 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 utilities Director 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.

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)

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)

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.

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 and findings by the State engineer and the Water Conservation Board shall be considered to be of a persuasive nature. The provisions of this Chapter shall apply to the use of the treated water supply of the City and to raw water license agreements issued by the City to the extent those agreements provide for curtailment of water use or suspension of water delivery during water shortages or emergencies.

Upon such finding, the three-stage plan set forth in this Chapter shall be implemented. The duration of each stage shall be decided by the City Council according to the exigencies of the particular situation in question. (Code 1971, § 23-200; Ord. No. 27-1985, § 1; Ord. No. 18-2002 § 1 [part])

Sec. 25.28.020. Stages.

(a) Stage One. The objective of water use restrictions during this stage is a ten percent (10%) reduction in water use. Voluntary conservation is encouraged during this condition. During the period designated Stage One:

(1) There shall be 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.

(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; reduce street washing to minimum level necessary to comply with air quality standards and fire hydrant flushing and testing will be suspended except when required for completion and acceptance of a newly constructed water system.

(4) Increases in water rates for "extraordinary water use" (Sections 25.16.010[a] Paragraph [3] and 25.08.080[a] Paragraph [5]) shall be imposed at water use levels appropriate for the condition by vote of City Council.

(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. The objective of water conservation measures during this stage is to achieve up to a thirty percent (30%) reduction in water consumption. Upon commencement of Stage Two, 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 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.

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

(6) Watering of golf courses shall be restricted to the watering of tee boxes and greens and such watering shall be permitted only at the times set forth by the City Council.

(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 10:00 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 Council in accordance with the need for water conservation.

(10) There shall be no use by a car washing or bus washing facility in excess of seventy percent (70%) of the amount used by it during the corresponding billing period in the preceding year. If the facility was not operating during the preceding year, an assumed amount shall be computed from its records and from the rate of use of comparable facilities; provided, however, that this Paragraph shall not apply to any facility that recycles water in a manner satisfactory to the City Manager.

(11) There shall be no nonresidential use in excess of seventy percent (70%) of the amount used by the customer during the corresponding billing period in the preceding year. If connection to the City system was not in existence during the preceding year, an assumed amount shall be computed based on the rate of comparable facilities. Said percentage may be increased by the City Manager for any connection, use or customer if the City Manager determines that such increase is necessary to protect the public health, safety and welfare or to spread equitably among water users of the City, the burdens imposed by the water shortage and the resulting lack of water in the City's supply; provided, however, that this provision regarding equitably spreading such burden shall in no way serve to injure, weaken or deprive the legal demands of an adjudicated water right under state statutes.

(12) Flat rate water customers shall be required to meter water usage within thirty (30) days notice unless it is infeasible to install a meter at a construction site.

(c) Stage Three. Prior to the completion of Stage Two, the City Council shall determine by majority vote 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 fifty percent (50%) reduction in water consumption. In addition to restrictions pertaining to Stage Two, the City Council may adopt one (1) or more of the following use limitations to go into effect upon entering Stage Three:

(1) Watering of any lawn, garden, landscaped area, tree, shrub or other plant material shall be prohibited except from a hand-held hose or container or drip irrigation system.

(2) Use in any dwelling or separate residential unit in excess of fifty (50) gallons per day (or some other quantity decided by the City Council) for each resident thereof shall not be permitted. Each residence supplied with water by the City shall certify to the City Water Department in writing, under oath and penalty of perjury, the number of residents of each dwelling or separate residential unit billed to the customer.

(3) There shall be no nonresidential use in excess of fifty percent (50%) of the amount used by the customer during the corresponding billing period of the previous year. If connection to the City system was not in existence or use during the preceding year, an assumed amount shall be computed based upon the City's records for comparable facilities. Said percentage may be increased by the City Manager for any connection, use or customer if the City Manager determines that such increase is necessary to protect the public health, safety and welfare or to spread equitably among the water users of the City the burdens imposed by the water shortage and the resulting diminution of the City's supply. (Code 1971, § 23-201; Ord. No. 27-1985, § 1; Ord. No. 18-2002 § 3 [part])

Sec. 25.28.030. Violations and sanctions.

(a) If and when the City Council, Water Department or police department become aware of any violation of any provision for Stages Two or Three of this Chapter, a written notice shall be placed on the property where the violation occurred and mailed to the person who is regularly billed for the service where the violation occurs and to any other person known to the City who is responsible for the violation or its correction. Said 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. This provision also applies to any water waste pursuant to the definition provided in Section 25.20.020 regardless of whether a Stage One, Two or Three drought condition has been declared by City Council.

(b) A fee of one hundred dollars (\$100.00) shall be paid for the reconnection of any service disconnected pursuant to Subsection (a) above during Stage Two.

(c) A fee of two hundred dollars (\$200.00) shall be paid for the reconnection of any service disconnected pursuant to Subsection (a) above during Stage Three. Furthermore, no service disconnected pursuant to Subsection (a) above during Stage Three shall be reconnected unless a device furnished by the Water Department which shall restrict the flow of water to said service is installed. (Code 1971, § 23-202; Ord. No. 27-1985, § 1; Ord. No. 18-2002 § 3 [part])

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.

(a) A variable charge of (\$1.1682) per thousand gallons will be charged for usage between zero (0) and seven thousand five hundred (7,500) gallons per ECU.

(b) A variable charge of (\$1.7522) per thousand gallons will be charged for usage between seven thousand five hundred one (7,501) and fifteen thousand (15,000) gallons per ECU.

(c) A variable charge of (\$2.3364) per thousand (1,000) gallons will be charged for usage between fifteen thousand one (15,001) gallons and above per ECU. (Ord. No. 18-2002 § 3 [part])