

ORDINANCE NO. 24-\_\_\_\_\_

AN ORDINANCE AMENDING PART 3 (WASTEWATER SERVICE) OF ARTICLE 5 (WASTEWATER TREATMENT CODE) OF CHAPTER 12 (UTILITIES) OF THE CODE OF THE CITY OF COLORADO SPRINGS 2001, AS AMENDED, PERTAINING TO WASTEWATER SERVICE

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

Section 1. Part 3 (Wastewater Service) of Article 5 (Wastewater Treatment Code) of Chapter 12 (Utilities) of the Code of the City of Colorado Springs 2001, as amended, is amended to read as follows:

12.5.302: SERVICE OUTSIDE CITY; POLICY:

**A.** City policy relating to the furnishing of wastewater treatment service to users located outside the corporate limits of the City is set out in ~~subsection 7.6.201C of this Code.~~ **subsections 12.1.116 and 12.5.304B of this Code.** Utilities expressly reserves the right, except as otherwise specifically limited by State or Federal law, to impose the conditions as it may see fit relative to furnishing the service, and may refuse the service in its discretion.

**B. All provisions of this article apply to those areas outside the corporate limits of the City, except those areas covered by a special contract, as defined in 12.1.116A and 12.5.304, which expressly establishes other rules for areas served under the contract.**

12.5.303: SERVICE OUTSIDE CITY; APPLICATION FOR:

Any person desiring to connect a service line and/or add fixtures to an existing connection which is located outside the City limits shall comply fully with sections ~~7.6.204 through 7.6.210 of this Code.~~ **12.1.116B of this Code.** The person shall then make application to Utilities for wastewater service. The application for service shall be supplemented by any plans, specifications or other information deemed necessary by the Chief Executive Officer to determine compliance with all tariffs, ordinances, regulations or rules concerning the wastewater system. The Chief Executive Officer shall endorse approval or disapproval of the application as

complying or failing to comply with all tariffs, ordinances, regulations or rules concerning the wastewater system of the City.

#### 12.5.304: SERVICE; SPECIAL CONTRACT:

A. Utilities may provide by contract for the use of and connection to the City's wastewater treatment system by institutions, plants, organized sewer districts, Municipal corporations or other similar users which are located outside the corporate limits of the City. The use of or connection to the wastewater treatment system shall be subject to the terms and conditions as Utilities may see fit to impose.

#### **B. Policy for Special Contract Consideration**

**1. Persons inside City limits have made significant investments in the City's wastewater system. Persons outside the City limits who desire wastewater service from the City should be required to pay an amount that reflects their pro rata demand on existing and planned infrastructure and resources as well as pay additional fees for such service in recognition for investments made to the wastewater system by persons inside City limits.**

**2. Wastewater services provided outside City limits must not have an adverse impact on the City and its facilities, public and private.**

**3. There is no obligation imposed by general law upon the City to provide wastewater service outside its boundaries.**

#### **C. Requirements for Special Contract Wastewater Service**

**1. The City's wastewater facilities, as currently existing or planned, must be sufficient to meet the present and projected wastewater needs for the foreseeable future of all users of the wastewater system located within and outside the corporate limits of the City including those who are to be served under the special contract.**

**2. The service under such special contract must not interfere with the City's ability to provide wastewater service to in-City customers in accordance with the standards adopted by Utilities and the City's existing contractual obligations.**

3. **The special contract customer must agree to pay all wastewater system availability fees and other applicable Utilities' fees.**
4. **Special contracts shall comply with all applicable restrictions in this Code and applicable permits and agreements.**
5. **The special contract customer must obtain all contracts, permits, administrative approvals as may be required to allow Utilities to provide special contract service without impairing Utilities' ability to operate the wastewater system for the benefit of Utilities' customers.**
6. Contracts entered into pursuant to this section shall provide for compliance by the user with the discharge prohibitions and limitations contained in this article. Among other things, the contracts shall require the user to:
  1. **a.** Submit to the jurisdiction of the City for the purposes of the enforcement procedures and penalties set out in this article; and
  2. **b.** Stipulate liquidated damages for violation of the provisions of this article in an amount equal to the penalties imposed herein.
6. **3.** Contracts entered into pursuant to this section may provide for acceptance by Utilities of only normal domestic strength wastewater, and the requirements of subsection ~~B2C2~~**C2** of this section shall not apply to the contracts. However, the contracts shall provide that any discharge of industrial wastewater by the user shall subject the user to consequential damages for breach of contract, including, but not limited to, any amounts the City or Utilities may be required to pay for violation of the conditions of its CDPS permit where the discharge of the user caused or contributed to the violation. Discharges of industrial wastewater by a user bound by the contract shall not be accepted by Utilities except pursuant to notice to the City and execution of an amended or additional contract to which the requirements of subsection ~~B2C2~~**C2** of this section shall apply.

\* \* \*

Section 2. This ordinance shall be in full force and effect from and after its final adoption and publication as provided by Charter.

Section 3. Council deems it appropriate that this ordinance be published by title and summary prepared by the City Clerk and that this ordinance be available for inspection and acquisition in the office of the City Clerk.

Introduced, read, passed on first reading and ordered published this \_\_\_\_ day of \_\_\_\_\_, 202\_\_.

**Finally passed:** \_\_\_\_\_

\_\_\_\_\_  
Randy Helms, Council President

ATTEST:

\_\_\_\_\_  
Sarah B. Johnson, City Clerk

CAO: \_\_\_\_\_  
COS: \_\_\_\_\_