

ORDINANCE NO. 24-_____

AN ORDINANCE AMENDING PART 3 (WATER SERVICE) OF ARTICLE 4 (WATER CODE) OF CHAPTER 12 (UTILITIES) OF THE CODE OF THE CITY OF COLORADO SPRINGS 2001, AS AMENDED, PERTAINING TO WATER SERVICE

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

Section 1. Part 3 (Water Service) of Article 4 (Water Code) of Chapter 12 (Utilities) of the Code of the City of Colorado Springs 2001, as amended, is hereby amended to read as follows:

12.4.302: SERVICE OUTSIDE CITY; POLICY:

A. The policy of the City relating to the furnishing of water service to property lying outside the corporate limits of the City is set forth in subsection ~~7.5.701~~**12.1.116** 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 the furnishing of the service and to refuse 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 12.1.116 and 12.4.304 of this Code**, which expressly establishes other rules for the area served under the contract.

12.4.303: SERVICE OUTSIDE CITY; APPLICATION FOR:

Any person desiring to connect a service line which is located outside the corporate limits of the City to the water supply system shall comply fully with sections ~~7.5.701~~**12.1.116** of this Code. The person shall then make application to Utilities for water 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 water system. The Chief Executive Officer shall review and approve or disapprove the application as complying or failing to comply with all tariffs, ordinances, regulations or rules concerning the water system of the City.

12.4.304: SERVICE; SPECIAL CONTRACT:

A. Utilities may contract for the use of and connection to the City's water system by institutions, organized special districts, governments, municipal corporations or other similar users which are located outside the corporate limits of the City. Water service contracts shall expressly provide for the user's compliance with applicable ordinances, regulations and rules concerning use of the water system. Contracts shall be further subject to other terms and conditions as the City Council and Utilities may see fit to impose. Contracts for use of or connection to the water system in force and effect on the effective date of this section shall remain in full force and effect in accord with the contracts' terms and conditions.

B. Policy for Special Contract Consideration

1. Persons inside City limits have made significant investments in the City's water system. Persons outside the City limits who desire water 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 water system by persons inside City limits.

2. Water services provided outside City limits must not have an adverse impact on the City's water resources and water system.

3. There is no obligation imposed by general law upon the City to permit any of the City's water resources to be used outside its boundaries.

C. Requirements for Special Contract Water Service

1. The City's water system, as currently existing or planned, must be sufficient to meet the present and projected water supply needs for the foreseeable future of all users of the water system located within and outside the corporate limits of the City including those who are to be served under the special contract, as provided in section 12.4.305 of this Code.

2. For special contracts that contemplate use of City water, the service under such special contract must not interfere with the City's ability to provide 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 water system availability fees and other applicable Utilities' fees.

4. Special contracts shall comply with all applicable restrictions in this Code and applicable permits, contracts, agreements and decrees, including restrictions related to water use.

5. The special contract customer must obtain all contracts, permits, administrative approvals and water rights decrees as may be required to allow Utilities to provide special contract service without impairing Utilities' ability to operate the water system for the benefit of Utilities' customers.

12.4.305: SERVICE; EXTENSION LIMITATION:

A. Due to increasing demands on the City's water supply, and to ensure that the City's water rights will meet existing and anticipated water service obligations, extending water service into any area not within either the existing City limits or the water service boundary as of the effective date of this section is subject to ~~the recommendation of approval by the Utilities Board, and approval by City Council.~~

B. * * *

1. The City's available water supply is sufficient to meet at least 128% of existing usage (calculated using a five (5) year rolling average of weather normalized unrestricted usage data) and the projected demand for water services within the proposed extension(s) of services, ~~and not less than 25% of the perimeter of the area is contiguous with the City (as defined by State law); or~~

* * *

C. This section shall apply to any extension of ~~U~~utilities water services notwithstanding any provision to the contrary.

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