

**SECTION 5.00
PLANT WATER INVESTMENT FEE**

- 5.01 Plant Water Investment Fee:** A plant water investment fee (PWIF) will be charged to all customers seeking water service from the Board by means of a new, additional, or increased size of metered connection to a Board water main or private main and/or service line that is not master metered. In addition, a change in type of service, i.e. single family residential to multifamily residential or commercial, or vice versa, may require the customer to pay an additional PWIF.
- 5.02 Amount of Fee:** The PWIF will be reviewed periodically and approved by the Board. Fees adopted by the Board will become a part of these rules and regulations. See Appendix C.
- 5.03 When Fee Due:** The PWIF will be due and payable when application is made to the Board for the new, additional, or increased size of water meter and prior to the installation of the water meter. In establishing the date for determining the applicable PWIF, the applicant, at the time of making application, must: 1) have a structure in place which is ready for water service, or 2) have a valid building permit issued by the Pueblo Regional Building Department, or 3) be required by City ordinances to install landscaping upon a parcel of ground for which no structure is planned, i.e., parking lot, storage lot, etc. If the PWIF is increased by the Board and a building permit is not issued prior to the effective date of the increase, the increased fee will apply. Likewise, if a building permit is issued prior to the effective date of the increase, but an application for service is not completed prior to the effective date of the increase, the increased fee will apply. A building permit is considered expired from non-use if the building or work authorized by the building permit has not begun within sixty (60) days from the date of issuance of the original permit, or if the building or work authorized has been suspended or abandoned for a period of one hundred twenty (120) days. In case of a change in type of service, the additional PWIF shall be due and payable when the building permit is issued or, if no building permit is issued, when the Board determines the change has taken place.
- 5.04 Application for Service:** The Board will accept an application for water service to an existing property, subject to the following:
- A. There is an existing water main fronting the property to be served, or
 - B. There is a contract with accompanying deposit for water main extension so as to provide a frontage main as required by the *Rules and Regulations*, or
 - C. The City of Pueblo, or other public body, has on file a valid petition initiating action to form a Special Improvement District which includes the installation of water mains.

Application for water service will be canceled under the following conditions:

- A. Where there is an existing frontage water main and the PWIF is not paid or the applicant's water meter is not installed within one hundred twenty (120) days of the application for water service.
- B. Where there is a contract and deposit for water main extension and the PWIF is not paid or the applicant's water meter is not installed within one hundred twenty (120) days from the completion of the water main installation.
- C. Where there is a petition for water system improvement:
 - 1. And the contract for installation of the water system improvement is not authorized within six (6) months from the date of issuance of the improvement district number, or
 - 2. If the PWIF is not paid and the applicant's water meter is not installed within one hundred twenty (120) days of completion of water system project.

5.05 Exemptions from Fee: The following water services are exempt from the payment of a PWIF:

- A. Connections used exclusively for fire protection either public or private.
- B. Connections for the City of Pueblo. This exemption applies only to city-owned and managed property. This exemption does not apply to parks smaller than five (5) acres, open spaces, utility/pedestrian ways, drainage easements, and city-owned and managed property to be transferred to private ownership or leased to other parties.
- C. Connections for raw water service for which the Board might determine rates and/or fees on a cost of service basis.
- D. Connections for areas located within the city limits which are maintained by the Colorado Department of Transportation for the purpose of highway beautification.
- E. Connections for properties previously served either by a water meter or flat rate billing. Proof of this water service must be presented at time of application. An exemption or credit will only be given for size of the previous water meter or service line.
- F. Connections for properties upon which a new project is being built by a nonprofit entity for the purpose of providing below market-cost housing for low-income or elderly residents. For purposes of this Section F, "nonprofit entity" includes only those entities which:

- 1) are publicly owned and
- 2) receive fifty percent (50%) or more of their funding from the City of Pueblo or whose governing body is at least fifty percent (50%) appointed by the City of Pueblo, and
- 3) qualify as a nonprofit and tax-exempt organization under *Section 5.01(c)3 of the Federal Internal Revenue Code of 1986, 26 U.S.C. 501*, as amended, or be exempt from tax as a government or municipality.

For purposes of this Section F, "elderly" is defined as 62 years of age or older. "Low income" is as provided in the *United States Department of Housing and Urban Development (HUD) Low Income Limits*. "Below market cost" is defined by the Pueblo rental market. This exemption will only be granted as an in-kind donation to assist in obtaining a matching grant for the nonprofit entity applying for this exemption. The Board retains full discretion to grant or deny this exemption, based on its review of the merits of the project.

The entity to which the Board grants an exemption from fee must enter into an agreement with the Board that if the property is subsequently transferred to a non-publicly owned entity that the exempt entity will, at the time of such transference, pay to the Board the full PWIF to which the Board would have been entitled but for the exemption.

5.06 Increase or Change in Type of Water Service: A customer request for an increase in water meter size will be granted upon payment of the difference in PWIF for the water meter size requested and the water meter size existing at the time of request.

If a single meter serves multiple dwelling units and the number of units is increased, a payment of a PWIF will be required whether or not an increase in water meter size is requested. The fee must be paid prior to occupancy of the additional unit(s). The customer must pay a fee for each additional unit or the difference between the fee for the new water meter size and the fee for the existing water meter size at time of the increase, whichever amount is greater. See Appendix C.

In the case of a change from residential to commercial or vice versa, the difference in PWIF shall be calculated based on the total fee for the existing units or meter size, whichever is greater, then subtracting the total fee for the new units or meter size, whichever is greater. If the calculation requires an additional payment, the payment shall be due and payable as soon as the change is made. If the calculation produces a credit, said credit shall run with the property and may be utilized to offset payment of future PWIF on the original property only.

No refund will be made to any customer for a decrease in size of water meter, reduction in number of units, or abandonment of water service.