

ORDINANCE NO. 073, 2013
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING THE CODE OF THE CITY OF FORT COLLINS TO
GRANT REVOCABLE PERMITS TO NON-CITY UTILITIES IN ANNEXED
AREAS AND CORRECT INTERNAL REFERENCES

WHEREAS, under Chapter 26, Article VI of the City Code, when the City annexes property, any non-City electric utility serving the annexed area must affirmatively seek a permit to continue its services until the City's Utility is prepared to serve the area; and

WHEREAS, amending the City Code to automatically grant revocable permits to such non-City utilities will facilitate coordination between the City and non-City utility providers with less potential service impacts for property owners within annexed areas; and

WHEREAS, an internal reference in the City Code regarding the process for customer appeals of administrative decisions affecting electric utility services is incorrect and should be corrected; and

WHEREAS, the City Council has determined that these proposed amendments to the City Code are in the best interests of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That Section 26-447 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 26-447. Annexations.

Properties ~~within any annexation~~ **annexed** to the City may, **after annexation**, continue to receive electric service from any utility previously furnishing such service without complying with the provisions of this Division **unless and** until the ~~receipt of written notice from the City of the City's readiness~~ **City elects to provide electric service to such properties, in which event the City shall notify the owner of the annexed property and the non-City utility provider in writing of its intention to provide such service and the date upon which such service will be transferred to the City.** As of the date ~~upon which the City has declared itself to be responsible for providing such service,~~ **of service transfer**, all electric service within any annexed area shall be provided in accordance with the provisions of this Division. If the City ~~is unable~~ **has not elected** to provide electric service to annexed property prior to the expiration of the second year after annexation of that property, then the **non-City** utility ~~previously furnishing service may continue to do so if said continued service is authorized by the City Council through the grant of a revocable permit for that purpose. Any such revocable permit shall authorize the continued provision of electric service by the~~

~~non-City utility to the annexed property until such time as the City either determines that the City is ready to provide electric service, or notifies said non-City utility that a franchise shall be required for the continuation of such service~~ **to such property shall be deemed to have been granted a revocable permit by the City for the purpose of continuing to deliver such service. Said revocable permit shall continue in effect until such time as service is transferred to the City after written notice from the City as described above, in which event the permit shall be revoked upon written notice from the Utilities Executive Director to the non-City utility providing the service.**

Section 2. That Section 26-449 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 26-449. Appeals

Any customer who believes that he or she has been aggrieved by a final determination or decision by the Utilities Executive Director or his or her designee regarding the application of the requirements of Chapter 26, Article ~~IV~~**VI** of this Code or any rules or regulations authorized under such Article may petition the Utilities Executive Director for a hearing. The Utilities Executive Director may appoint a hearing officer or elect to conduct such hearing him or herself, provided that the aggrieved party makes written application for such hearing within seven (7) days of the date of such final determination or decision. If a timely request for hearing is made, a hearing concerning the propriety of the final determination or decision shall be granted to the aggrieved party and, after notice to the aggrieved party, the hearing shall be held no more than ten (10) calendar days after the filing of the request for hearing. At the hearing the appellant and the City may be represented by an attorney, may present evidence and may cross-examine witnesses. A verbatim transcript of the hearing shall be made. The decision of the hearing officer or Utilities Executive Director shall be based upon competent evidence. The aggrieved party may file an appeal from such hearing to the City Manager's office pursuant to §2-541 of this Code.

Introduced, considered favorably on first reading, and ordered published this 21st day of May, A.D. 2013, and to be presented for final passage on the 4th day of June, A.D. 2013.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading on the 4th day of June, A.D. 2013.

Mayor

ATTEST:

City Clerk