

TITLE XI  
PUBLIC UTILITIES

11-1 Water and Sewer System

**TITLE XI**

**PUBLIC UTILITIES**

Chapter 1

**Water and Sewer Systems**

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**11-1-1: Applicability**

- A. All users of Town water or sewer services shall be subject to the terms and conditions as set out in this Chapter and shall be subject to all applicable regulations of this Code and other ordinances, resolutions and regulations of the Town, as they now exist or as they may be amended in the future.
- B. The owner, lessee, party in possession and party actually using water or sewer service, of any property served by Town water or sewer, shall be jointly and severally liable for all fees, charges, and penalties imposed by this Chapter and for compliance with other requirements of this Chapter, notwithstanding any agreement among themselves.

**11-1-2: Application for Service**

- A. Application for Town water or sewer service shall be made upon forms provided by the Town, which forms shall require information as may be necessary for the proper billing and management of the water or sewer system.
- B. The Town shall grant a permit for the use of water or sewer upon receipt of the proper application and payment of all applicable fees, charges and deposits.
- C. The application for Town water or sewer service outside of the Town shall be accompanied by evidence of title and an agreement executed as required in Subsection 11-1-3(B).
- D. All applications and service shall be in the name of the owner of the premises served. An application fee of \$30.00 shall be submitted with each application for initial service or for a transfer of ownership. (Ord. 2005-05)

**11-1-3: Application for Connection**

- A. Applications for connection to the Town water or sewer system shall be made upon forms provided by the Town which forms shall require information as may be necessary for the proper management and operation of the systems. The application shall be accompanied by the tap fees imposed by this Chapter and a plan of the property to be served.
- B. If the property to be served is outside of the Town limits the application shall also be accompanied by:
  - 1. A title memorandum furnished by a reputable title company, a copy of the applicant's deed or a copy of a title insurance policy showing the title status of the property, the owner of record, and the legal description of the property to be served.
  - 2. An agreement executed by the applicant and the owner, which contains the following conditions:
    - a. The property served shall be constructed and maintained in compliance with all Town building regulations, including the Plumbing Code, Building Code and Electrical Code.

- b. Town water or sewer service shall be deemed a privilege and may be terminated at any time without notice by the Town, if the Board of Trustees shall deem it necessary to do so for any reason.
  - c. The owner and applicant agree to annex, to execute a petition for annexation of the property served, and to vote for annexation at any annexation election to the Town upon request at any time that such property is eligible for annexation. They will pay the Town's cost and expenses for such annexation proceedings on a pro-rata basis with other property being annexed and shall appoint the Town Clerk as their attorney in fact with respect to annexation proceedings. This agreement shall be binding upon and shall run with the land for which service is provided.
  - d. Whenever a Town sewer main is installed within 400 feet of the premises served by Town water, the occupant or owner will, upon request of the Town, connect to such sewer line and pay all tap fees therefore in accordance with Town ordinances and regulations as they may be amended from time to time.
- 3. Applications for connection to the Town water or sewer system shall be accompanied by properly executed documents granting the Town all easements reasonably necessary for water, sewer, or drainage, as required by the Town.
- C. When the application is for service to a privately owned water or sewer line, other than one serving a mobile home park or travel Home Park, serving several individual users, all users shall be listed on the application and all owners of record shall execute the agreements required by this Chapter. Privately owned water or sewer lines may not serve additional users in excess of the number previously authorized until an amended application, accompanied by the applicable tap fees, has been approved by the Town. Service to such private lines shall be allowed only under exceptional and unusual conditions if approved by the Town Board.
- D. Applications for all connections must be approved by the Board of Trustees.
- E. The Board of Trustees may declare a moratorium on new connections at any time due to limitations on system capacity or other circumstances, which require such action in their opinion.

- F. Separate buildings shall require separate taps and pay separate tap fees, regardless of ownership.

**11-1-4: Tap Fees**

- A. Tap fees imposed by this Chapter shall be assessed when any customer presently served by water or sewer expands his facilities or changes his use, if the expansion or change in use necessitates a larger connection or increases the number of units, or when a new connection to the system is required except a connection solely for the purposes of repair of an existing adequately sized connection, in which case only actual costs of material and labor will be charged. Such charges shall be paid prior to any expansion or connection or issuance of any permit therefore.
- B. No connection to the Town system shall be allowed which is smaller than reasonably necessary to serve the proposed use. No customer may make any changes or additions to property served which would substantially increase the amount of water used or sewage produced without obtaining an enlarged tap sufficient to accommodate such use. Separate buildings shall require separate taps. The customer may purchase more than one tap for a building if he desires.
- C. If an existing connection is not of reasonably adequate size, a credit shall be allowed towards the fees imposed by this Chapter for an amount equivalent to the charge which would be imposed by this Chapter for a connection the same size as the one to be replaced by a new connection and taken out of service. Such credit may be applied only towards charges imposed by this Chapter. Provided, however, in all cases the applicant shall be charged at least for actual costs of material and labor expended by the Town.
- D. The following tap fees shall be imposed and collected prior to connection to the water system: (Ord. 97-15; 2005-04; 2011-04)

(1) Basic Tap fee:

<u>Size of Tap</u>	<u>Charge</u>
3/4" or smaller	\$3,000.00
1"	\$5,300.00
1-1/2"	\$12,000.00
2"	\$22,000.00

Taps larger than 2" shall not be allowed unless adequate service is available, and a tap fee in an amount determined by the Town to be reasonable for the proposed use is paid.

(2) Unit Charge:

In addition to the basic tap fee imposed by paragraph 1 above, all multiple unit residences and dwelling facilities, including, but not limited to duplexes, multiple family residences, apartments, hotels, motels, mobile homes, mobile home parks and travel home parks, and condominiums shall be assessed an additional charge of \$750.00 per unit for each unit after the first unit which is served by Town water out of a single tap. Such charge shall be payable prior to the time any occupancy permit for such unit is issued and prior to the use of such unit. (Ord. 2005-04)

- E. The charge for connecting a private fire system to the Town system shall be \$870.00 plus materials and labor. (Ord. 97-15; Ord. 2005-04)
- F. The following tap fees shall be imposed and collected prior to any connection to the sewer system: (Ord. 97-15; 2005-04)

(1) Basic Charge:

<u>Size of Tap</u>	<u>Charge</u>
4" or less	\$3,400.00
6"	\$7,650.00

No tap larger than 6 inches shall be allowed unless adequate service is available and; a tap fee in an amount determined by the Town to be reasonable for the proposed use is paid.

(2) Unit Charge:

In addition to the basic tap fee imposed by paragraph 1 above, all multiple unit residences and dwelling facilities, including, but not limited to duplexes, multiple family residences, hotels, motels, mobile homes, mobile home parks and travel home parks, and condominiums shall be assessed an additional charge of \$750.00 per unit for each unit after the first unit served by a single tap. Such charge shall be payable prior to the time any occupancy permit for such unit is issued and prior to the use of such unit.

- G. Private water or sewer systems (other than mobile home parks and travel home parks) shall be charged the charges imposed by this Chapter both for the connection of the private line to the Town system and for each customer served by such line, prior to connecting or serving such customers. Private water systems shall also remit unit charges for each

additional unit added to a multi-unit facility as specified in subsections (D)(2) and (F)(2) above.

- H. Tap fees imposed upon property located outside of the Town limits shall be 1.25 times the charges specified in accordance with this Section.
- I. If, at the time the connection is actually made to the system, or at the time service is first initiated following connection, the amount of tap charges has been increased or decreased by the Town from what the applicant paid previously at the time he obtained the permit for connection or actually made the connection, he shall remit such additional amount at the time of connection or initial service or shall be entitled to a rebate in event of a decrease. Provided, however, this subsection is not applicable to connections made, purchased and approved before October 15, 1984.

**11-1-5: Installation and Maintenance Responsibilities**

- A. The Town shall make all connections to the Town water system and shall install water service lines from the Town main to the customer's curb box and shall be responsible for the maintenance of said connections, water service lines and curb box.
- B. The Town shall provide, at Town expense, all water meters one inch size or smaller, along with a yoke and a pit, if required. Such yokes, pits and meters will be installed by the builder or customer at his expense. The location of all meters must be approved by the Town prior to installation. No occupancy permit shall be issued by the Town for any building requiring water service until a meter has been installed, inspected and approved in accordance with these provisions. The Town will own and maintain all meters one inch in size or less after installation.
- C. The installation and maintenance of any meter larger than one inch and the pit and yoke, and other fixtures therefore shall be the responsibility of and at the expense of the builder or customer. The location of such meter and the type and make of the meter, materials and other fixtures must be approved by the Town in accordance with Town specifications and regulations. No occupancy permit shall be issued by the Town for any structure requiring water service until a meter has been installed, approved and inspected in accordance with these provisions.
- D. The customer will be responsible for the installation and maintenance of all other water and sewer lines and facilities, including the sewer tap and entire length of sewer lateral between the Town owned main and the customer's premises and plumbing facilities serving his property. Any damage to Town mains caused by the customer or contractor shall be repaired at the responsible party's expense.

- E. If any portion of the water or sewer lines or facility for which the customer is responsible is in need of repair, and the customer fails to make such repairs following notice from the Town, the Town may either terminate water service or make the repairs and bill them to the customer. Such charges shall become a lien upon the property and may be collected as other charges imposed by this Chapter.

**11-1-6: Water and Sewer Use Charges-General Provisions**

- A. Charges for water service shall be payable, assessed and billed at periodic intervals specified by the Board of Trustees.
- B. Sewer charges may be billed with the water bills and otherwise as determined by the Board of Trustees.
- C. All bills shall specify a due date.
- D. All charges imposed by this Chapter shall become a lien on the property served as of the date they are billed.
- E. A late fee of \$10.00 will be assessed to the utility account if payment is not received at the Olathe Town Hall by close of business on the date due. (Ord. 2008-09)

**11-1-7: Remedies for Nonpayment**

In addition to any other remedies, which the Town may have, the Town may take the following action upon failure to pay any charges or fees by the date specified as due upon the bill, or when they are otherwise due:

- A. The Town may foreclose the lien imposed by this Chapter in accordance with law.
- B. The Town may maintain an action for the amount of charges due in a court of competent jurisdiction including interest as allowed by law.
- C. The Town may certify the amount of any charge due to the County Treasurer to become an assessment upon the property served to be collected as other taxes upon such property are collected.
- D. It shall be unlawful to fail to pay the charges imposed by this Chapter.
- E. The Town may shut off the water to any premises for which the bill is not paid, in accordance with the procedures set out in Section 11-1-12 of this Chapter.



**11-1-8: Specifications and Standards**

The materials used and installation of all components of the Town water and sewer system, service lines and plumbing systems connected thereto and served thereby shall be in accordance with standards, regulations, and specifications approved by the Town, and in accordance with all Town building and plumbing regulations and other applicable regulations. Such Town standards, specifications and regulations may include but not be limited to the installation, location, and type of material of water and sewer mains, service lines, curb boxes, valves, corporation stops, meters, meter pits, meter yokes, and other fixtures and facilities. All such facilities shall also comply with all applicable State and Federal regulations.

**11-1-9: Water and Sewer Extensions**

- A. No water or sewer main of the Town may be extended without the approval of the Town.
- B. The Town may at its own expense extend its water or sewer mains as deemed feasible or necessary. The Town may provide for such extensions in accordance with its subdivision regulations or by contract with any person desiring such extensions or by improvement district. Such contract shall be on terms approved by the Town and may provide for the size of the mains to be extended, the apportionment of the costs of the extensions, reimbursement provisions for subsequent taps onto such extension, or such other provisions as the Board of Trustees deems in the public interest.
- C. All such mains connected to the Town system shall be dedicated to the Town.

**11-1-10: Right of Entry**

- A. Whenever necessary to make an inspection or investigation to perform any duty, or to enforce any of the provisions of this Chapter, any authorized Town representative may enter upon any building or premises served by Town water or sewer at any reasonable time for such purposes. If the building is occupied, he shall present proper credentials and request entry. If such building is unoccupied, he shall make reasonable efforts to locate the owners or persons in possession of the premises and request entry. If entry is refused, he shall have recourse to all remedies provided by law to secure entry, including issuance of an inspection warrant by the Municipal Court.
- B. This right of entry shall apply but not be limited to the following functions. To determine the location and conditions of all hydrants,

pipes, fixtures, and meters, to read meters, to make repairs, to perform dye and smoke test, and to investigate violations of this Chapter.

**11-1-11: Water Rates**

- A. Monthly water rates shall be set out below. In the case of multi-unit Residential facilities where more than one dwelling unit is served off a single meter, such as apartment houses, condominiums, mobile home parks or the like, the meter reading shall be divided by the number of dwelling units served by that meter to determine the amount of usage to enter into the below table. The resulting charge shall then be multiplied by the number of units served by that meter to determine the total bill for the meter. (Ord. 2014-05)

Monthly Minimum up to 3,000 gal per month	Rate for 3,001 to 10,000 gal/mo	Rate for 10,001 to 20,000 gal/mo	Rate for use over 20,000 gal/mo
\$15.20	\$3.07/1000 gal	\$2.41/ 1000 gal	\$1.69/ 1000 gal

- B. Customers who use no water during the entire billing month shall be entitled to a Shut Off Rate of \$13.50/month if they have advised the Town, in advance, that the property serviced will be unoccupied. (Ord. 00-11; 05-06)
- C. Minimum charges for periods of service less than 1 month shall be prorated.
- D. Customers outside of Town shall pay for service at 1.25 times the foregoing rate.
- E. Customers who own a tap purchased pursuant to the Uncompahgre Valley Water Users Association/Bureau of Reclamation Winter Stock Watering Program, which has never been used or which is used solely for the watering of stock, shall not be subjected to the shut-off rate of \$13.50 per month for months in which no water is used, provided that they have advised the Town in advance and the water is physically shut-off. Anytime that such customer desires the water to be turned on for stock watering, the Town shall be paid a \$10.00 turn-on fee. Once service is initiated to such tap for any purpose other than stock watering, the special provisions of the Subsection (E) shall no longer be applicable. (Ord. 00-11; 02-10)

**11-1-12: Shut Off, Termination, and Resumption of Water and Sewer Service**

- A. In case any person fails or refuses to pay any charges or penalties for Town water or sewer service or shall fail to comply with the provisions of this Chapter or other regulations applicable to the Town water or sewer service, the Town may shut off the water to the premises.

- B. Prior to shutting off the water, the Town shall send a notice to the address of the customer concerned, as shown on Town records, stating the reason for the shut off, and the date upon which service may be shut off, unless the charges are paid or other specified violation is corrected. Such date shall be at least 7 days after the deposit of the letter giving notice of the shut off in the mail.
- C. The customer shall be entitled to a hearing with a Town representative for the purpose of resolving any dispute concerning the amount due or the violation specified. The notice of shut off shall so advise the customer.
- D. If the customer requests a hearing, an informal hearing shall be scheduled as soon as possible by the Town.
- E. If the Town representative, following the hearing, determines the matter adverse to the customer, service may be shut off immediately or on the date specified in the notice of shut off, whichever is later.
- F. The customer may appeal any such decision to the Board of Trustees where he will be allowed a hearing, providing he makes a deposit with the Town in the amount of any charges due.
- G. If the Town shuts off water service pursuant to this Section, service will not be restored until all overdue charges and penalties and other applicable charges, which have been billed, and a turn off penalty charge of \$20.00 have been paid to the Town. In addition, if such amounts are not paid within two weeks of the day the water is turned off, a deposit shall also be paid to the Town in the amount which is greater of the amount of delinquent charges, or three times the customer's highest monthly bill for the preceding year. Monthly charges shall continue to accrue and be due notwithstanding the fact that the water has been shut off unless the customer elects to permanently terminate services in accordance with Subsection (H).
- H. When water or sewer service is continued or initiated after January 1, 1985, monthly charges shall be billed and due in accordance with this Chapter regardless of whether or not any water is used, sewage is produced, or the water service is shut off, until service is permanently terminated. Any customer may permanently terminate service and no longer be subject to the monthly charges provided in this Chapter by submitting a request for termination to the Town on forms provided by the Town. Upon such termination, the customer's water meter shall be removed and the tap affected shall be deemed abandoned. No service may be reinitiated through such taps without approval of new applications for connection and payment of applicable tap fees. No credit or rebate shall be paid on account of abandonment of any tap upon final termination.

- I. A \$10.00 charge shall be paid for each customer request to turn water service on or off. (Ord. 02-10; 2005-05)

**11-1-13: Sewer Charges**

- A. Charges for sewer service shall be as follows:

Type of User	Minimum Charge per month
Single-family residences, Duplexes, condominiums, Townhouses, apartments Mobile home parks, mobile homes or other multiple unit dwellings	\$35.90 per dwelling unit
Non-residential	\$35.90/6,000 gallons water Usage and \$1.15/1,000 gallons water usage thereafter.
Monthly Improvement Fee	\$4.00

Water usage shall be determined by metered domestic water delivered to premises, or sewage discharged measured by a Town approved sewage meter installed at the customer's expense. (Ord. 2014-01)

- B. A customer who discharges no waste to the sewer system for the entire billing month shall be entitled to a Shut Off Rate of \$13.65/month if they have advised the Town, in advance, that the property served will be unoccupied and there is no water used for that month. (Ord. 00-11; 02-10)
- C. Industrial or Commercial customers whose strength or volume of discharge is materially different than an average residential customer shall have a separate rate determined by the Town, based upon the nature of their discharge.
- D. Rates for customers outside of Town shall be 1.25 times the foregoing rates.
- E. Minimum charges for service for a period of less than 1 month shall be prorated.
- F. Travel Home Parks, as defined in subsection 3-3-1(D) of the Olathe Town Code, which do not allow any single Travel Home to be located within the park for more than 6 months in any calendar year, shall be charged each month: \$100.00 minimum plus \$1.15/thousand gallons of sewage

discharged to the Town system, in excess of 20,000 gallons each month, plus a BOD surcharge calculated as follows; when the BOD is greater than that of an average residential user: (Ord. 03-04)

$$(\text{Sewage volume}/1000) \times (\text{BOD} - 1.668) \times \$0.80$$

$$\text{Average residential user BOD} = 1.668\text{lb}/1000\text{gal} = 200 \text{ mg}/1$$

BOD = Biochemical Oxygen Demand

**11-1-14: Restriction of Water Use**

- A. The Board of Trustees may by resolution limit the use of Town water to specific times, days and uses.
- B. It shall be unlawful to waste Town water. It shall be prima facie evidence that water is being wasted if unreasonable amounts are allowed to flow into the streets.
- C. It shall be unlawful for any person to sell or give water away to be used on premises other than those for which service is authorized.
- D. It shall be unlawful for any person to interfere, tamper, damage, destroy, or operate any part of the Town water system without lawful authority to do so.
- E. It shall be unlawful to open or close any fire hydrant, stop, or curb valve, or to turn on or turn off the water service to any property without lawful authority to do so.
- F. No water service shall be provided to any premises eligible for annexation if the owner refuses to sign an annexation petition when requested to do so by the Town.
- G. It shall be unlawful to cause or allow any pollutant to be introduced into the Town system or to cross connect it with any irrigation water system.

**11-1-15: Use of Fire Hydrants**

- A. When it is necessary to use water temporarily at a place where the water supply is inadequate, application may be made to the Town for a permit to use water from a fire hydrant. It shall be unlawful to use water from, or connect any apparatus to, a fire hydrant without first obtaining a permit.
- B. Each permit shall specify the terms and conditions of use and the fire hydrant or hydrants authorized to be used. No person shall attach to the operating stem or cap of a fire hydrant any wrench or tool that is not approved by the Town for use on fire hydrants. In addition to any other

remedy available to the Town, any wrench, connection apparatus, valve, hose, or other item attached to a fire hydrant in violation of this Chapter shall be subjected to removal and confiscation by the Town.

**11-1-16: Limitations on the Use of the Sewer System**

- A. General Prohibitions: It shall be unlawful to introduce into the Town Sewage System any pollutants, which "pass through" the System or "interfere" with the operation or performance of the System.
- B. Specific Prohibitions: It shall be unlawful to introduce the following pollutants into the Town Sewage System.
  - 1. Pollutants, which create a fire or explosion, hazard in the Town Sewage System;
  - 2. Pollutants which will cause corrosive or structural damage to the Town Sewage System, or which have a pH lower than 5.0;
  - 3. Solid or viscous pollutants in amounts which will cause obstruction in the flow in the System, resulting in "interference";
  - 4. Any pollutant, including oxygen demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which will cause "interference" with the System;
  - 5. Heat in amounts, which will inhibit biological activity in the System resulting in "interference". In no case shall heat be introduced in such quantities that the temperature at the Sewage Treatment Plant exceeds 104°F.
- C. Additional Specific Prohibitions: It shall be unlawful to do any of the following:
  - 1. To permit or cause the discharge into the Town Sewage System of any water or other liquids containing toxic, poisonous or other solids, liquids or gases, which, in sufficient quantities, either singly or in interaction with other waste, could contaminate the sludge produced by the treatment plant; interfere with or injure any sewage treatment process; constitute a hazard to humans or animals; create a public nuisance; or create any hazard in or have an adverse affect on any waters discharged from the Town sewage treatment works.
  - 2. To connect any device to the Town Sanitary Sewer System other than sanitary plumbing facilities, including, but not limited to, any down spout, foundations drain, areaway drain, storm sewer, or other source of surface runoff or ground water.

3. To operate a wash rack with drains connected to the Town Sewer System unless a trap, which effectively prevents the entry of sand, mud and gravel, has been installed in accordance with specifications approved by the Town.
  4. To make any discharge into the Town Sewer System from a hotel, restaurant, club, commercial or institutional kitchen, unless a trap for grease and oil, approved by the town, has been installed.
  5. To discharge or permit to be discharged into the Town Sewer System any of the following:
    - a. Any liquid or vapor, other than domestic hot water, having a temperature higher than one hundred fifty degrees (150°).
    - b. Any gasoline, benzene, naphtha, fuel oil, mineral oil, or other volatile, flammable or explosive liquids, solids or gas.
    - c. Any solid or viscous substances in quantities or of a size capable of causing obstruction to flow in sewers or interference with the proper operation of sewage treatment facilities, including, but not limited to, ashes, cinders, sand, mud, gravel, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, ungrounded garbage, whole blood, hair, flushing, entrails, paper, dishes, cups or containers.
    - d. Garbage that has not been properly shredded or ground by a garbage disposal or grinder.
    - e. Wastewater containing more than twenty-five (25) milligrams / liter of petroleum oil, non-biodegradable cutting oils or products of mineral oil origin.
    - f. Wastewater from industrial plants containing floatable oil, fat or grease.
    - g. A slug of wastewater of such size or concentration that the treatment process is not capable of meeting discharge requirements.
    - h. Any substance which the sewage treatment plant cannot treat sufficiently to meet plant effluent standards, which causes the release of obnoxious gases, or is harmful to the sewer system and parts.
- D. In addition to prosecuting any party violating this Section in Municipal Court, the Town may maintain an action for an injunction, and for

damages done to the Town sewer system, as measured by the cost of repairing or cleaning the system, against any person violating this Chapter.

**11-1-17: Equitable Adjustments**

The Town shall have the authority to make an equitable adjustment to a water bill when the bill is extraordinarily high due to any undiscovered break downstream of the customer's meter, if it was not caused by the customer's negligence and the customer did not have a reasonable opportunity to discover the break more quickly than he did.

**11-1-18: Special provisions required by the Rural Utilities Service, U.S. Department of Agriculture (Ord. NO.03-05)**

The Town will deny future taps to property owners for significant new facility construction to be located in designated flood hazard areas, unless there are no practical alternatives. A "designated flood hazard area" would be a floodway or floodplain, so determined by FEMA or another responsible agency of Federal, State or local government involving a 500-year frequency flood hazard in the case of a Critical Action or involving a 100-year frequency flood hazard in all other instances. A "Critical Action" constitutes any action which would create or extend the useful life of the following facilities: 1) facilities which produce, use or store highly volatile, flammable, explosive, toxic, or water reactive materials; 2) schools, hospitals, and nursing homes which are likely to contain occupants who may not be sufficiently mobile to avoid the loss of life or injury during flood and storm events; 3) emergency operation centers or data storage centers which contain records or services that may become lost or inoperative during flood and storm events; and 4) multi-family housing facilities designed primarily (over 50 percent) for individuals with disabilities. This special mitigation measure will only pertain to newly issued taps within the impact area of the project to be financed by the RUS, and will not involve any other areas within the Town of Olathe's overall service area. This "impact area of the project" has been determined to be the entire area served by the Town's sewer system.

**11-1-19 Back-Flow and Cross Connections. (2017-2)**

(A) Applicability. This Section applies to all connections to the Town of Olathe water distribution system whether within the Town of Olathe or outside the Town. This Section does not apply to single-family (as defined herein) residential service connections unless the Town becomes aware of a cross connection at the single-family connection.

(B) Definitions.



1. "Backflow" means the undesirable reversal of flow of water or mixtures of water and other liquids, gases, or other substances into the Town of Olathe water distribution system from any source or sources other than its intended source.
2. "Backflow contamination event" means backflow into the Town of Olathe water system from an uncontrolled cross connection such that the water quality no longer meets the Colorado Primary Drinking Water Regulations or presents an immediate health or safety risk to the public.
3. "Backflow prevention assembly" means any mechanical assembly installed at a water service line or at a plumbing fixture to prevent a backflow contamination event, provided that the mechanical assembly is appropriate for the identified contaminant at the cross connection and is an in-line field-testable assembly.
4. "Backflow prevention method" means any method and/or non-testable assembly installed at a water service line or at a plumbing fixture to prevent a backflow contamination event, provided that the method or non-testable assembly is appropriate for the identified contaminant at the cross connection.
5. "Certified cross-connection control technician" means a person who possesses a current valid Backflow Prevention Assembly Tester certification from one of the following approved organizations: American Society of Sanitary Engineering (ASSE) or the American Backflow Prevention Association (ABPA).
6. "Containment" means the installation of a backflow prevention assembly or a backflow prevention method at any connection to the Town of Olathe water system that supplies an auxiliary water system, location, facility, or area such that backflow from a cross connection into the Town of Olathe water system is prevented.
7. "Cross connection" means any connection that could allow any water, fluid, or gas to flow from any pipe, plumbing fixture, or a customer's water system into the Town of Olathe water distribution system or any other part of the Town of Olathe water system through backflow.
8. "Customer" means the owner of real property that is connected to the Town water distribution system and the agent or tenant of such owner.
9. "Multi-family," as used in this Section, means a single residential connection to the Town of Olathe water distribution system from which two or more separate dwelling units are supplied water.
10. "Owner" means the person or persons identified as the owner of real property in the records of the Montrose County Assessor.

11. "Single-family," as used in this Section, means:
  - a. A dwelling designed exclusively for and occupied exclusively by one (1) family and supplied by a separate service line; or
  - b. A building comprised of multiple dwelling units where each dwelling unit is supplied by a separate service line.
12. "Uncontrolled" means not having a properly installed and maintained and tested or inspected backflow prevention assembly or backflow prevention method, or the backflow prevention assembly or backflow prevention method does not prevent backflow through a cross connection.
13. "Water supply system" means a water distribution system, piping, connection fittings, valves and appurtenances within a building, structure, or premises. Water supply systems are also referred to commonly as premise plumbing systems.

(C) Requirements.

1. Commercial, industrial, and multi-family service connections shall be subject to a survey for cross connections. If a cross connection has been identified an appropriate backflow prevention assembly or method shall be installed at the customer's water service connection within one-hundred-twenty (120) days of its discovery. The assembly shall be installed downstream of the water meter or as close to that location as deemed practical by the Town of Olathe. If the assembly or method cannot be installed within one-hundred-twenty (120) days, the Town of Olathe shall take action to control or remove the cross connection, suspended service to the cross connection, or receive an alternative compliance schedule from the Colorado Department of Public Health and Environment.
2. In no case shall it be permissible to have connections or tees between the meter and the containment backflow prevention assembly.
3. In instances where a reduced pressure principle backflow preventer cannot be installed, the customer must install approved backflow prevention assemblies or methods at all cross-connections within the customer's plumbing system.
4. Backflow prevention assemblies and methods shall be installed in a location that provides access for maintenance, testing, and repair.

5. Reduced pressure principle backflow preventers shall not be installed in a manner subject to flooding.
6. Provisions shall be made to provide adequate drainage from the discharge of water from reduced pressure principle backflow prevention assemblies. Such discharge shall be conveyed in a manner that does not impact waters of the State of Colorado.
7. All assemblies shall be protected to prevent freezing. Those assemblies and methods used for seasonal services may be removed in lieu of being protected from freezing. Assemblies must be reinstalled and then tested by a certified cross-connection control technician prior to the service being activated.
8. Where a backflow prevention assembly or method is installed on a water supply system using storage water heating equipment such that thermal expansion causes an increase in pressure, an assembly for controlling pressure shall be installed.
9. All backflow prevention assemblies shall be tested at the time of installation and on an annual schedule thereafter. Such tests must be conducted by a certified cross-connection control technician.
10. All backflow prevention assemblies and methods, and all required installations within the customer's plumbing system in the cases where containment assemblies and or methods cannot be installed, shall be subject to inspection testing, maintenance, and, as needed, repair and replacement.
11. The cost for design, installation, maintenance, testing, and as needed repair and replacement, shall be borne by the customer.
12. No existing nonconforming cross connection shall be permitted except for fire sprinkler systems where the installation of a backflow prevention assembly or method would compromise the integrity of the fire sprinkler system.
13. For new buildings, all building plans must be submitted to the Town of Olathe and approved prior to connection to the water distribution system. Building plans must show:
  - a. Water service type, size and location;
  - b. Meter size and location; and
  - c. Backflow prevention assembly size, type and location.

14. All fire sprinkling lines shall have a minimum protection of an approved double check valve assembly for containment of the system.
15. All glycol (ethylene or propylene), or antifreeze systems shall have an approved reduced pressure principle backflow preventer for containment.
16. Dry fire systems shall have an approved double check valve assembly installed upstream of the air pressure valve.
17. In cases where the installation of a backflow prevention assembly or method would compromise the integrity of the fire sprinkler system the Town of Olathe water system will not require the backflow protection. The Town of Olathe will measure chlorine residual at the service connection once a month and perform periodic bacteriological testing at the site. If the Town of Olathe determines that water quality issues exist it may require that the fire sprinkler system be flushed periodically.

(D) Inspection, Testing, and Repair.

- a. Backflow prevention assemblies or methods shall be tested by a certified cross-connection control technician upon installation and tested at least annually thereafter. Tests shall be made at the expense of the customer.
- b. Backflow prevention assemblies, or methods that are non-testable, shall be inspected at least once annually by a certified cross-connection control technician. Inspections shall be made at the expense of the customer.
- c. As necessary, backflow prevention assemblies shall be repaired and retested or replaced and tested, at the expense of the customer whenever the assemblies are found to be defective.
- d. Testing gauges shall be tested and calibrated for accuracy at least once annually.

(E) Reporting and Recordkeeping.

- a. Copies of records of test reports, repairs and retests, or replacements shall be kept by the customer for a minimum of three (3) years.
- b. Copies of records of test reports, repairs and retests shall be submitted to the Town of Olathe by mail, facsimile or electronic mail by the testing company or testing technician.

- c. Information on test reports shall include, at a minimum, the following:
1. Assembly or method type;
  2. Assembly or method location;
  3. Assembly manufacturer, model and serial number;
  4. Assembly size;
  5. Test date;
  6. Test results including all results that would justify a pass or fail outcome;
  7. The certified cross-connection control technician's certification agency, certification number, and certification expiration date; and
  8. The test kit manufacturer, model, serial number, and calibration date.

(F) Right of Entry. The Town of Olathe shall have the right of entry to inspect any and all buildings and premises for the presence of cross connections for possible contamination risk to and for determining compliance with this Section. This right of entry shall be a condition of water service in order to protect the health, safety, and welfare of customers throughout the Town of Olathe water distribution system.

(G) Compliance.

- a. Customers shall cooperate with the installation, inspection, testing, maintenance, and as needed repair and replacement, of backflow prevention assemblies and with the inspection process. For any identified uncontrolled cross-connections, the Town of Olathe shall complete one of the following actions within one-hundred-twenty (120) days of its discovery:
1. Control the cross-connection;
  2. Remove the cross-connection;
  3. Suspend service to the cross-connection; or
  4. Suspend water service to the property.
- b. The Town of Olathe shall give notice in writing to any customer whose plumbing system has been found to present a risk to Town of Olathe water distribution system through an uncontrolled

cross connection. The notice shall state that the customer must install a backflow prevention assembly or method at each service connection to the customer's premises to contain the water service. The notice will give a date by which the customer must comply.

- c. In instances where a backflow prevention assembly or method cannot be installed, the customer must install approved backflow prevention assemblies or methods at all cross-connections within the customer's water supply system. The notice will give a date by which the customer must comply with the order.

(H) Violations and Penalties. It shall be unlawful to violate any provision of this Section 11-1-19. Violations of this Section are declared to be a nuisance, which may be abated in any lawful manner. The Town of Olathe Code Enforcement Officer shall have the power to issue warning notices or a summons and complaint to any person in violation of this Section.

(I) Conflict with Other Law. In the event of any conflict between the provisions of this Section and any state or federal law, rule or regulation, or other Town ordinances or regulations, the more stringent shall apply.