

# RANGITIKEI DISTRICT COUNCIL

## WATER RELATED SERVICES BYLAW 2013



### TITLE

This bylaw shall be known as the Rangitikei District Council Water Related Services Bylaw 2013.

### COMMENCEMENT

This bylaw comes into force on 13 of May 2013.

### REPEAL

This bylaw replaces the Water Supply Bylaw 2008 and the Trade Waste Bylaw 2008.

### PURPOSE

The purpose of this bylaw is to manage and regulate the Rangitikei District's water supply, wastewater, stormwater and land drainage systems. This includes discharges of trade wastes to the Council's wastewater system.

This Bylaw does not manage or regulate matters that are already provided for in legislation or the Horizons One Plan. It is the responsibility of the consumer to ensure that they comply with any such requirements.

Any person who has permission established under any other act, regulation, or resource consent to carry out any activity, that conflicts with any requirement of this bylaw, does not breach this bylaw when acting in accordance with that permission.

### INTERPRETATION

In this bylaw, unless the context otherwise requires:

'BACKFLOW' means the reversal of flow of water or mixtures of water and contaminants into the public water supply.

'BOUNDARY' means any boundary which is shown on a survey plan approved by the Chief Surveyor and which is deposited with Land Information New Zealand, whether or not a new title has been issued.

'CHIEF EXECUTIVE' means the principal administrative officer, as defined in section 42 of the Local Government Act 2002.

'COMMON PRIVATE DRAIN' means a drain which passes through or serves separately owned premises but excludes land held under strata titles, company share block titles, cross lease titles, and unit titles. This drain is the responsibility of the property owners of the land over which it passes.

‘CONDENSING WATER’ means any water used in any trade, industry, or commercial process or operation in such a manner that it does not materially change its chemical or physical state.

‘CONNECTION’ means the valve, meter, and associated fittings installed and maintained by the Council at a location convenient to the Council on the service pipe at the point of supply.

‘CONSUMER’ means the person, or the authorised agent, who uses, or has the right to use, water supplied by the WSA.

‘CONTAMINANT’ has the same meaning as defined in Section 2 of the Resource Management Act 1991.

‘COUNCIL’ means the Rangitikei District Council or any officer authorised to exercise the authority of the Council.

‘DIRECT CONNECTION’ includes any submersed or submersible outlet or any arrangement of pipes, hoses or fittings temporary or otherwise which renders possible backflow into the public water supply.

‘DISTRICT’ has the same meaning as defined in Section 5 of the Local Government Act 2002.

‘DRAIN’ means wastewater drain or stormwater drain; and drainage has a corresponding meaning.

‘DRAINAGE WORKS’ includes all lands, drains, pipes, treatment works, buildings, machinery, and appliances and other things of any kind vested in the Council or acquired or constructed or operated by or under the control of the Council for or relating to the purpose of drainage, whether within or outside the district.

‘EFFLUENT’ means the discharge from any primary treatment tank or process.

‘FIRE PROTECTION SYSTEM’ means a fixed system of pipes, control valves, outlets and related fixed components used to control or extinguish fires. [Note: This does not include fire hose reels].

‘FIRE SERVICE SUPPLY’ means a supply of water to premises solely for the purpose of being used in the event of fire.

‘FITTING’ means any apparatus or appliance together with the necessary accessories and Connection which may be attached to or associated with the plumbing or drainage system of any premises, or which is intended for the collection or retention of any waste materials or liquid wastes for ultimate discharge to a drain.

‘HARMFUL MATERIALS’ means products or wastes containing corrosive, toxic, biocidal, radioactive, flammable or explosive materials; likely to generate toxic, flammable, explosive or corrosive materials in quantities likely to be hazardous when mixed with the wastewater stream; likely to be deleterious to the health and safety of the Council’s staff, approved contractors and the public, or be harmful to the wastewater system.

‘INTERCEPTOR TRAP’ means any trap used to prevent any unwanted material or substance (liquid or solid) from entering a public drain or any gases escaping from the system and includes a grease trap, master trap, silt trap, petrol and oil interceptor.

LEVEL OF SERVICE means the performance standards on which the WSA undertakes to supply water to consumers, as outlined in Council’s Long Term Plan.

‘METER’ means a Council owned meter to measure the flow of supplied water or other liquid.

‘OCCUPIER’ means any person, including the owner, who for the time being, is in control of any premises.

‘ORDINARY SUPPLY’ means a category of metered water supply which is available on demand directly from the point of supply subject to an agreed level of service as set out in the Council’s Long Term Plan.

‘OUTFALL’ means an extension of a drainage system that is under the jurisdiction of the Council or other owner, or an approved disposal system within or outside the confines of the premises.

‘PERMIT’ means any permit or consent required by this bylaw or any relevant legislation.

‘POINT OF SUPPLY’ means the point where the service pipe meets the road boundary.

‘PRIVATE DRAIN’ means a drain that serves one or more lots where the lots are in common ownership or used for common activity where such systems are constructed by or vested in private ownership and not managed or maintained by Council.

‘PRIVATE DRAINAGE SYSTEM’ means the system of pipes and fittings installed on the premises (including a private drain and a private common drain) to convey the wastewater or stormwater of the premises to the public wastewater or stormwater system and where a public system is not available includes any approved disposal systems within or outside the confines of the premises.

‘PRIVATE WATER SUPPLY’ means the water supply system installed within the premises to provide the piped supply of hot and cold water to the sanitary fixtures and appliances fitted within the premises.

‘PUBLIC DRAIN’ means any passage, channel or pipe on, over or under ground by which stormwater is conveyed and which is under the control of Council. For the purposes of this bylaw, drains within New Zealand Transport Agency owned land are deemed to be public drains. A public drain may occur on public or private land.

‘PUBLIC WATER SUPPLY’ means the same as the definition of ‘waterworks’ in the Local Government Act 2002.

‘RESTRICTED SUPPLY’ means water supplied via a restrictor at a regulated flow rate as determined by the WSA and charged on a per unit basis.

‘RESTRICTOR’ means a device installed within the connection to control the flow of water to private property.

‘SANITARY FIXTURE’ means any fixture which is intended to be used for sanitation, personal washing or excretion.

‘SERVICE PIPE’ means the section of water pipe between a water main and the point of supply.

‘STORMWATER’ includes surface water, ground water, subsoil water, artesian water, and rainwater, and water emanating from a stormwater drain, stream, river, lake, estuary, or sea and where so designated by the Council, condensing water or cooling water.

‘STORMWATER DRAIN’ means a drain primarily for the reception and discharge of stormwater.

‘SUPPLY PIPE’ means the section of pipe between the point of supply and the consumer’s premises through which the water is conveyed to the premises.

‘SURFACE WATER’ means all naturally occurring water, other than subsurface water, which results from rainfall on the site or water flowing onto the site including that flowing from a drain, stream, river, lake or sea.

‘TRADE PREMISES’ means any premises used or intended to be used for carrying on any trade or industry; and includes any land or premises wholly or mainly used (whether for profit or not) for agricultural or horticultural purposes.

‘WASTE DISPOSAL UNIT’ means a device designed to disintegrate organic waste material to a state suitable for disposal to a wastewater drain.

‘WASTEWATER DRAIN’ means a drain primarily for the reception and discharge of contaminants.

‘WATER SUPPLY AUTHORITY’ (WSA) means the operational unit of Council responsible for the supply of water, including its authorised agents.

‘WATER BODY’ means fresh water or geothermal water in a river, lake, stream, pond, wetland, or aquifer, or any part thereof, that is not located within the coastal marine area.

‘WATERCOURSE’ means the same as the definition in the Land Drainage Act 1908.

‘WATER WORKS’ means the same as the definition in the Local Government Act 2002.

## **PART 1 PUBLIC WATER SUPPLY**

### **1. OBJECTIVES**

The objectives of Part 1 of this Bylaw are to:

- (a) Ensure the appropriate and responsible use of potable water by consumers in the Rangitikei District;
- (b) Prescribe the conditions which shall apply to any connection to the public water supply;
- (c) Safeguard the public water supply from contamination so as to ensure a good supply of potable water and to prevent waste.

### **2. APPLICATION FOR CONNECTION AND SUPPLY**

- 2.1 Any person requiring a new connection for the supply of water must complete an application form obtained from the WSA, provide any information requested by the WSA, including a detailed plan showing the proposed work and pay the prescribed fee.
- 2.2 No person may make any connection (or any variation to any connection) to the public water supply without the written consent of the WSA.
- 2.3 Any person seeking the provision of a temporary water supply for a specific function shall apply to the WSA.

### **3 APPROVAL OF APPLICATIONS FOR CONNECTION AND SUPPLY**

- 3.1 An application under clause 2 may be approved by the WSA as either an ordinary supply or an extraordinary supply as the WSA thinks fit and after consideration of:
  - (A) The Rangitikei District Council Water Supply Operational Guidelines<sup>1</sup>.
  - (B) Any level of service referred to in the Long Term Plan.
- 3.2 Council is not obliged to approve any application.
- 3.3 An approved application for connection and supply which has not been actioned within 6 months of the application will lapse, unless a time extension has been approved. Any refund of fees and charges shall be at the discretion of the WSA.

### **4 ACCEPTANCE OF SUPPLY CONSTITUTES AGREEMENT**

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<sup>1</sup> Subject to amendment only by Council resolution.

- 4.1 If an application for the supply of water under clause 2 is approved by the WSA and, if required, a connection is provided, then the acceptance by the applicant (the consumer) of the supply from the WSA constitutes an agreement between the consumer and the WSA for the consumer to comply with the requirements of this bylaw.
- 4.2 Where there is any change of consumer, the acceptance by the new consumer of an existing supply from the WSA constitutes an agreement between the new consumer and the WSA for the new consumer to comply with the requirements of this bylaw.
- 4.3 Any change in the use of commercial or industrial premises that may have an effect on backflow prevention measures requires written notification to the WSA in order to assess the suitability of backflow prevention measures on site, even if notification of the change in use of the premises is not required under the Building Act 2004.

## **5 RESPONSIBILITY FOR WORK PERFORMED**

- 5.1 Every consumer supplied with water by the WSA shall be responsible for ensuring that any work done on its private water supply complies with this bylaw and any relevant legislation, and shall not allow any connection or fitting to be in disrepair or in any way defective so that water is wasted or contaminated.

## **6 EXISTING PIPES AND FITTINGS**

- 6.1 Any existing supply pipes, distributing pipes or fittings may be connected to the public water supply after the commencement of this bylaw, with the approval of the Council.

## **7 ONE POINT OF SUPPLY**

- 7.1 The Council may require one Point of Supply to each parcel of land for which a separate certificate of title is held, or to each dwelling or premises on that parcel of land. Lots held in contiguous ownership shall be treated as one parcel of land.

## **8 CONTINUITY OF SUPPLY**

- 8.1 No allowance or compensation will be made or allowed by the Council if the water supply is restricted or interrupted, whether for the purpose of laying mains, effecting repairs, attaching new services, or for any other purpose.
- 8.2 All Consumers who, for the purpose of continuing a business or process, or for any other reason, are dependent upon a constant supply of water must provide their own water storage of a minimum capacity as required for their circumstances.

## **9 PRESSURE**

- 9.1 The Council does not guarantee any specified maximum or minimum pressure in the Public Water Supply and no allowance or compensation will be made or allowed on account of a change of pressure in the supply.

## **10 DAMAGE**

- 10.1 The Council will not be held responsible for any damage from any cause that may arise by the bursting or overflow of any pipes, fittings, valves or appliances connected to a private water supply.

## **11 PROHIBITION OR RESTRICTION OF SUPPLY IN SPECIAL CIRCUMSTANCES**

- 11.1 If at any time the Chief Executive considers that because of drought or for any other reason an adequate supply of drinking water may be at imminent risk and that extraordinary measures are necessary in order to conserve the available water supply, the Chief Executive may, by notice, restrict or prohibit the use of water for any specified purpose or for any specified period. This may apply to the whole or part of the District.
- 11.2 If a customer has a particular requirement for an uninterrupted level of service (flow, pressure, or quality), it shall be the responsibility of that customer to provide any storage, back-up facilities, or equipment necessary to provide that level of service.
- 11.3 No person may use any water, or allow any water to be used in contravention of any restriction or prohibition made under this clause.
- 11.4 The Chief Executive may delegate to any other officer of the Council the Chief Executive's powers under clause 11.1.

## **12 SUPPLY FROM STANDPIPES OR HYDRANTS**

- 12.1 No person may take water from standpipes or hydrants or any other part of the public water supply without the prior approval of the WSA. The Fire Service and Rural Fire Service are exempt from this restriction whilst undertaking their legal responsibility.

## **13 PROTECTION OF WATERWORKS**

- 13.1 No person may enter onto any land owned or occupied by the WSA and used for public water supply without first obtaining the written permission of the WSA.

## **14 PROTECTION OF SUPPLY PIPES**

- 14.1 No supply pipe or fitting may be laid or fixed through, in, or into any drain, sink, ash pit, or manure pit, nor through, or in, contaminated land or near any place where the public water supply may become contaminated, without the prior written consent of the WSA and on such terms and conditions as the WSA considers appropriate.
- 14.2 Any person proposing to carry out excavation work shall view the 'as built' information held by the WSA, which records the location of its buried services. At least five working days' notice in writing must be given to the WSA in the event that excavation will occur in the vicinity of its services.

- 15** Any damage which occurs to a WSA service shall be reported to the WSA immediately. The person causing the damage shall reimburse the WSA with all costs associated with repairing the damaged service, and any other costs the WSA incurs as a result of the incident.

## **16 DRAWN WATER NOT TO BE RETURNED**

- 16.1 No person shall return to any part of the public water supply, any water drawn from any part of the public water supply or from any other source, except with the consent of the WSA.

## **17 PREVENTION OF BACKFLOW**

- 17.1 Consumers requiring a new connection to the public water supply (including any connection that was previously disconnected) must install a backflow prevention

system that complies with the relevant provisions of the Health (Drinking Water) Amendment Act 2007.

- 17.2 Consumers with existing connections that do not have a backflow prevention system shall be required by the WSA to install appropriate devices if required by the WSA to prevent an unsanitary situation.

## **18 NOTICE WHEN SUPPLY NOT REQUIRED**

- 18.1 When any premises supplied with water by the WSA becomes unoccupied or for any other reason a supply of water is no longer required, the consumer must immediately give notice in writing to the WSA.
- 18.2 If the water supply connection has not been used for a period of 12 months or it is left in a condition that could be detrimental to the public water supply, the WSA has the right to remove that water supply connection. Reinstallation of the connection must be paid by the consumer.

## **19 METERING**

- 19.1 The WSA reserves the right to fit a water meter and charge where it considers water use is excessive, or for a meter to be fitted at the customer's request. Where the extraordinary use is for fire protection only, this supply shall not normally be metered.
- 19.2 Where meters are installed, the consumer shall pay all charges as determined by the WSA. The WSA may use its discretion to reduce any such charges in extraordinary circumstances.
- 19.3 Any customer who disputes the accuracy of a meter or restrictor may apply to the WSA for it to be tested (provided that it is not within three months of the last test). If the test shows non-compliance with the accuracy above, the customer shall not be charged for the test. If the test shows compliance, the customer shall pay a fee in accordance with the WSA current fees and charges.

# **PART 4 TRADE WASTES**

## **20 OBJECTIVES**

- 20.1 The objectives of Part 4 of this Bylaw are to:
- (A) Prescribe the conditions which shall apply to any commercial or industrial trade waste discharges to Council's wastewater system;
  - (B) Prescribe the correct storage of materials in order to protect the wastewater system from spillage.

## **21 CONTROL OF DISCHARGES**

- 21.1 No person shall:
- (A) Discharge, or allow to be discharged, any trade waste to the wastewater system except in accordance with the provisions of this bylaw; or
  - (B) Discharge, or allow to be discharged, a prohibited waste into the wastewater system; or

- (C) Add or permit the addition of condensing or cooling water to any trade waste which discharges into the wastewater system unless specific approval is given in a written consent; or
  - (D) Add or permit the addition of stormwater to any trade waste which discharges into the wastewater system unless specific approval is given in a written consent.
- 21.2 In the event of failure to comply with 32.1 (A)-(D), the Council may physically prevent discharge into the wastewater system if a reasonable alternative action cannot be established with the discharging party or parties.
- 21.3 Any person discharging to the Council's wastewater system shall also comply with the requirements of the Hazardous Substances and New Organisms Act 1996 (HSNO) and the Resource Management Act 1991 (RMA).

## **22 INTERCEPTOR TRAPS**

- 22.1 An approved interceptor trap must be installed in any property where, in the opinion of the Council, any contaminant is likely to enter any drain or sewer or where any nuisance is created.

## **23 STORAGE, TRANSPORT, HANDLING AND USE OF HAZARDOUS OR HARMFUL MATERIALS**

- 23.1 All persons in trade premises shall take all reasonable steps to prevent the accidental or intended entry of any harmful materials.
- 23.2 No person shall store, transport, handle or use, or cause to be stored, transported, handled or used any substance as defined by HSNO or any other harmful materials in a manner that may cause the material to enter the wastewater system and cause harmful effects.

Note: Harmful materials are defined in the interpretation section of this bylaw.

## **24 TANKERED WASTES**

- 24.1 Council may accept tankered wastes for discharge at an approved location, in accordance with the criteria in the Rangitikei District Council Trade Waste Operational Guidelines.
- 24.2 Tankered wastes shall not be discharged into Council's wastewater system by any person without the written consent of Council.
- 24.3 Any person illegally disposing of, or causing to be disposed, tankered wastes either by incorrect disclosure of contents (quantity or nature of materials) or dumping into the Council's wastewater or stormwater systems at other than the prescribed locations will be in breach of this bylaw.

## **25 APPLICATION FOR CONSENT TO DISCHARGE**

- 25.1 An application shall be made to Council by any person wishing to discharge any trade waste into Council's wastewater system. The Council shall approve or decline the application (with or without conditions) after consideration of the Rangitikei District Council Trade Waste Operational Guidelines<sup>2</sup>.
- 25.2 Council is not obliged to approve any application.

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<sup>2</sup> Subject to amendment only by Council resolution.



- 25.3 Council shall acknowledge the application in writing within 10 working days of receipt of the application.
- 25.4 Within 20 working days of receipt of the application, Council shall inform the applicant via an appropriate written notice that their application has been:
- (A) Granted as a permitted trade waste;
  - (B) Granted as a conditional trade waste, and give notice of the conditions imposed on the discharge; or
  - (C) Declined, and give a statement of reasons for the refusal.
- 25.5 Council shall advise the duration of any granted consent, and reserves the right to require reassessment of any consent if it is considered that the quantity and/or nature of the discharge has significantly changed from that provided for under any existing consent.

## **26 MONITORING**

- 26.1 Council is entitled to monitor or audit any trade waste discharge for compliance.
- 26.2 Council shall determine the most appropriate method of monitoring in accordance with the Rangitikei District Council Trade Waste Operational Guidelines.
- 26.3 All costs for monitoring shall be met by the discharger.

## **27 SUSPENSION OR CANCELLATION OF ANY CONSENT TO DISCHARGE**

- 27.1 Council may suspend or cancel any consent to discharge at any time, following 20 working days' notice and consultation with the consent holder or person discharging any trade waste.
- 27.2 Matters that shall be taken into account for the suspension or cancellation of any consent are outlined in the Rangitikei District Council Trade Waste Operational Guidelines.

# **PART 5 MISCELLANEOUS**

## **28 FEES**

- 28.1 Where this bylaw provides for the Council or WSA to issue a certificate, permit, or consent, or give its authority for anything, or carry out an inspection or disconnection of any services, the Council may require the payment of a fee. Any such fee shall be prescribed by the Council under Section 150 of the Local Government Act 2002, and included in Council's annual schedule of fees and charges.
- 28.2 Any person receiving an invoice for cost recovery shall be provided with any information or calculations used to determine the extent of any charges and/or fees due.

## **29 BREACHES AND INFRINGEMENTS**

- 29.1 Every person or consent holder or owner or occupier of a trade premises who:
- (A) Fails to comply with or acts in contravention of any provision of this bylaw; or
  - (B) Breaches the conditions of any consent granted pursuant to this bylaw; or
  - (C) Fails to comply with a notice served under this bylaw,
- Commits an offence under section 239 of the Local Government Act 2002, and is liable to a fine as specified in section 242 of the Local Government Act 2002, or the issue of an infringement notice under section 245 of the Local Government Act 2002.

- 29.2 In all cases, Council may recover any costs associated with the damage to the Council water supply, wastewater or stormwater systems, and/or the breach of bylaw in accordance with sections 175 and 176 of the Local Government Act 2002 respectively.
- 29.3 In some cases, an offence under this bylaw may also constitute breach of the Horizons One Plan, which may result in enforcement action by Horizons Regional Council.

### **30 REVIEW OF DECISIONS**

- 30.1 If any person is dissatisfied with any decision made by a Council officer under this bylaw, that person may, by notice delivered to the Rangitikei District Council Chief Executive not later than 20 working days after the decision by the officer is served upon that person, request that the Chief Executive review any such decision. This decision shall be final. Nothing in this clause shall affect any right of appeal under the Local Government Act 2002.