

# **RODNEY DISTRICT COUNCIL**

## **RODNEY DISTRICT COUNCIL GENERAL BYLAW: 1998**

### **CHAPTER 11**

#### **WATER SUPPLY**

##### **EXPLANATION**

Section 130 of the Local Government Act 2002, imposes a general duty on the Council to continue to provide water services which it provided at 1 July 2003 or has started to provide since that date. In order to provide water services safely and efficiently, the Council needs to be sure that it can protect its water supply infrastructure.

Section 146(b) (ii) provides that the Council may make bylaws for managing, regulating against and protecting from damage, misuse or loss, or preventing the use of, the land, water sources, structures or infrastructure associated with water supply.

The bylaw makes clear that the terms and conditions of the water service supplied and received, including fees and charges payable, are set out in the completed Council application form and constitute a contract between the parties.

Schedule 1 is a *Water Supply Statement of Intent*. This Schedule is not part of this Bylaw and is provided for information only.

## 1.0 INTERPRETATION

BACKFLOW	Means a flow of water or other liquid through any public pipe or private pipe in a reverse direction to the normal supply flow.
BACKFLOW PREVENTION DEVICE	Means any device for automatically preventing water moving in a reverse direction to the normal supply flow.
CONSUMER	Means the occupier of every separate premises to which water is supplied by the Council.
CRAFTSMAN PLUMBER	Means a person registered as a plumber under the Plumbers, Gasfitters and Drainlayers Act 1976 who had also passed the examination under that Act qualifying as a craftsman plumber.
FIRE PROTECTION SYSTEM	Means the system of pipes fitted with sprinkler nozzles and installed in a building. When extraordinary rises in temperature occur the nozzles open to automatically drench the building for the purpose of extinguishing fires and is maintained with a superimposed pressure so that an alarm is activated when a nozzle opens allowing the pressure to fall to mains pressure.
POINT OF SUPPLY	Means a point at which a public pipe in the waterworks is connected to a private pipe supplying premises.
PRIVATE PIPE	Means the pipe provided by an owner to connect the public pipe to that owner's premises.
PUBLIC WATER PIPE	Means that section of the pipe conveying water from any road to any premises, which lies between the main and a point normally up to 300 mm outside the premises and includes: <ul style="list-style-type: none"> <li>a) the ferrule or stop-valve at the junction of the public pipe with the main;</li> <li>b) any stop-valve fitted at the end of the public pipe; and</li> <li>c) any stop-valve fitted on the public pipe between the end thereof and the main.</li> </ul>
STANDPIPE	Means a Council designated water supply point.

## **2.0 APPLICATION FOR SUPPLY**

2.1 No person may make a connection to, or otherwise interfere with the waterworks, without the prior approval of the Council and:

- (a) the Council will consider whether to approve a connection or other work on the waterworks following receipt of a properly completed standard Council application form;
- (b) the Council may refuse connection to, or other work on the waterworks;
- (c) if approval is given, this will be subject to any terms and conditions, including payment of any fees or charges, attached to the approval; and
- (d) failure to comply with any of the terms and conditions constitutes interference with the waterworks without prior approval and is a breach of this bylaw.

## **3.0 WORK NOT TO BE COMMENCED WITHOUT A CONSENT**

3.1 No person other than a Craftsman Plumber shall, without the approval of the Council or an Authorised Officer:

- (a) attach or connect or permit to be attached or connected to any waterworks, any pipe, stop-valve or other apparatus; or
- (b) alter or repair any existing pipe or fitting connected with the waterworks other than the re-washing of taps, unless that person is the holder of a consent issued under the Building Act 2004.

3.2 No person shall, without the prior consent of the Council or any Authorised Officer, carry out work referred to in Clause 2 of this chapter of the Bylaw other than in accordance with the consent granted and the NZ Building Code.

## **4.0 POINT OF SUPPLY**

4.1 The point of supply to any owner shall normally be a point 300 mm outside the property boundary.

4.2 The extension to the boundary from the point of supply, and the private pipe within the premises shall be provided by or at the cost of the owner, in a manner approved by the Council or any Authorised Officer.

4.3 With the written consent of Council or any authorised officer a meter may be installed on a private pipe or on private property.

4.4 Except with the written consent of the Council or any Authorised Officer, no premises shall be supplied with more than one public pipe and where this consent is given, only under conditions prescribed in the consent.

4.5 Except with the written consent of the Council or any Authorised Officer no owner shall allow water to be supplied to another person and such consent shall not be granted unless both premises are held under one rating assessment.

4.6 The provisions of Section 225 of the Local Government Act 2002 also apply to supplies to other persons.

**5.0 ACTIVITIES AFFECTING WATERWORKS**

- 5.1 No person shall, interfere with or carry out work in any road or public or private place or on any water supply easement on private land that may affect Council waterworks, except with the prior specific written consent of the Council or an Authorised Officer. Where consent is granted for such work, it shall be carried out in accordance with any conditions of that consent.
- 5.2 No person shall, interfere with or carry out work on any part of the Council waterworks, including on the public pipe, except with the prior written consent of the Council or any Authorised Officer. Where consent is granted for such work, it shall be carried out in accordance with any conditions of that consent.

**6.0 CONTAMINATION OF WATERWORKS**

- 6.1 No person shall allow any water to flow back to any water main or public pipe or any other part of the waterworks and an owner shall take all necessary measures (under the Building Act 2004, the Water Supplies Protection Regulations 1961 and the Council's Standards for Engineering Design and Construction) on the owner's side of the point of supply, including but not limited to the use of backflow prevention devices, to prevent the backflow of any water.
- 6.2 The owner shall, in addition to any backflow prevention device fitted by the Council on the public pipe, except in the case of a fire protection system, fit backflow prevention devices, in a manner approved by the Council or an Authorised Officer.
- 6.3 The provisions of Section 225 of the Local Government Act 2002 also apply to waterworks.

**7.0 WASTE AND IMPROPER USE TO BE PREVENTED**

- 7.1 No person shall use, permit or cause the use of a water supply obtained from a Council waterworks, improperly or in a wasteful manner, or in any manner contrary to the provisions of this Bylaw.
- 7.2 The provisions of Sections 192 and 224 of the Local Government Act 2002 also apply to wastage of water.
- 7.3 No person shall fail to comply with restrictions on the use of water which have been publicly notified by the Council.
- 7.4 The provisions of Section 193 and 194 of the Local Government Act 2002 also apply to restrictions on water supply.
- 7.5 No owner shall allow any pipe, tap, or other fitting on that owner's premises, if connected to the waterworks, to be defective so that water is or may become wasted, misused, or contaminated.  
  
An owner shall carry out repairs and maintenance on the premises at the request of the Council or an Authorised Officer to deal with any defect that allows water to be wasted, misused, or contaminated.
- 7.6 Where any water fitting is to be permanently disconnected, the portion of pipe that supplies water to that fitting shall also be disconnected in an approved manner unless it is required to supply water to any other fitting still in use.

**8.0**            **CHARGES FOR WATER SUPPLY**

8.1            An owner shall pay charges for a water supply either by water rates, or uniform annual charges, or by a scale of charges determined by the Council by resolution using the special consultative procedure.

**9.0**            **WATER METERS**

9.1            An owner shall pay a meter rent, fixed by the Council by resolution publicly notified, for a meter supplied and installed by the Council to cover the cost and maintenance of such meter.

9.2            An owner shall continue to maintain any meter supplied and installed by the owner until such time as it is replaced by the Council.

9.3            Where required by the Council or any Authorised Officer an owner shall:

- (a)        take sufficient precaution to protect the meter from damage at all times;
- (b)        enclose the meter in a suitable box or other enclosure and shall, in cases where natural support is absent, provide a suitable support structure; and
- (c)        ensure that the meter will be readily accessible at all times.

9.4            Any owner may apply to the Council or any Authorised Officer to have a meter tested. If it is found to be over-reading there will be no charge for the test. If the meter is correct or under-reading, the owner shall pay to the Council a testing fee to be determined from time to time by resolution.

9.5            No person shall tamper with a meter.

9.6            Where the Council or an Authorised Officer:

- (a)        determines that a meter has been tampered with; or
- (b)        finds that a meter is out of repair;

the Council or an Authorised Officer shall estimate the water consumption for the period since the previous reading of such meter, which decision shall be final, and the owner shall pay according to that decision. The Council or any Authorised Officer may take into consideration any other evidence for the purpose of arriving at a reasonable estimate.

9.7            Any person obtaining a metered water supply from the Council, to premises on a non-rateable property, shall:

- (a)        pay such charges on a meter reading as may be fixed by the Council from time to time, by resolution; or
- (b)        pay an amount determined by agreement with the Council.

**10.0**          **WATER SUPPLIED BY STANDPIPE**

10.1          No person shall obtain water from the Council's waterworks at a standpipe, unless that person:

- (a)        takes water from a standpipe with the consent of the Council or an Authorised Officer;
- (b)        Pays such supply charges as the Council may determine from time to time, or as may be determined by prior agreement; and

- (c) pays such hire charges as may be required by the Council for the use of the standpipe; and
- (d) pays the full cost of any subsequent repairs found necessary following the use of such standpipe.

**11.0 NOTICE WHEN SUPPLY NOT REQUIRED**

- 11.1 When any premises supplied with water by the Council become unoccupied or for any other reason a supply of water is no longer required, the owner shall give notice thereof in writing to the Council.

**12.0 TURNING-ON FEE**

- 12.1 Whenever the supply of water has been cut off to any premises, the owner shall pay all outstanding amounts due in relation to that supply, and a reconnection fee of such amount as may from time to time be fixed by resolution of the Council prior to any reconnection being made.

**13.0 WATER FOR FIGHTING FIRES**

- 13.1 No person shall use any un-metered water supply connections which may be provided for fire protection systems other than for fire fighting purposes.
- 13.2 Any owner shall maintain any fire protection system on the premises in good order to the satisfaction of the Council or any Authorised Officer and no person shall draw water from that system.
- 13.3 An annual licence fee, of an amount fixed by resolution of the Council, for a water supply for fire protection purposes, shall be paid by the owner.

**14.0 PROCEDURES FOR OFFENCES**

- 14.1 Any offence or breach under Chapter 1 of the Rodney District Council General Bylaw 1998, may be remedied by the Council under Section 8 of that Chapter.
- 14.2 Every person who fails to comply with the requirements of this bylaw, commits an offence and is liable, on summary conviction, to a fine not exceeding \$20,000 or as set out in Section 242 of the Local Government Act 2002.
- 14.3 The Council may apply to the District Court under Section 162 of the Local Government Act 2002 for an injunction restraining the person from committing a breach of this bylaw
- 14.4 Where it is suspected that any person has committed a breach of this bylaw, that person shall, on the direction of an Authorised Officer, provide his/her full name and address.

## **SCHEDULE 1**

### **WATER SUPPLY STATEMENT OF INTENT**

The Council will make its best endeavours to provide at all times an uninterrupted, adequate supply of potable water, at satisfactory pressures to all consumers on the waterworks.

In the event of an unavoidable need to shut down all or any part of the waterworks for maintenance or for other reasons the water supply is stopped, the Council will provide adequate prior warning.

Any interruption to supply will be minimal and the Council will endeavour to keep consumers informed in the event of any extraordinary breakdown.

The Council will endeavour to ensure that the quality of water will not be less than Ministry of Health requirements as set out in Drinking Water Standards for New Zealand 2005, for the area of supply.

The Council will undertake to maintain a complaints resolution service so that a substantive response to all complaints is made within 5 working days.

A water supply from designated points of supply will always be readily available to the NZ Fire Service for fire fighting purposes within the District.

The Council will proactively encourage water conservation measures by consumers and will monitor water use and respond promptly to reports of water loss or wastage.

The Council will ensure that prices for the supply of water will be relative to the cost of the service and that meter reading and invoicing will be carried out regularly and efficiently.

Enquiries about drinking water needs, supply, and future plans for the Council's water supply service will be welcomed and promptly answered.