


WAIMAKARIRI DISTRICT COUNCIL WATER SUPPLY BYLAW 2018


OBJECTIVE

To protect, promote and maintain public health and safety through the provision of water services in the Waimakariri District.

Adopted at a Council Meeting held on
6 November 2018




Chief Executive


Administration Manager

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WAIMAKARIRI DISTRICT COUNCIL WATER SUPPLY BYLAW 2018

The Waimakariri District Council makes this bylaw pursuant to Section 145 and 146 of the Local Government Act 2002; Section 64 of the Health Act 1956 and any other Act or Authority enabling Council in that behalf.

Any person who has permission under any other Bylaw, 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.

1. Short Title, Commencement and Application

- 1.1 This Bylaw is the Waimakariri District Council Water Supply Bylaw 2018.
- 1.2 This Bylaw shall come into force on 6 November 2018.
- 1.3 This Bylaw applies to the Waimakariri District, but does not apply to properties that receive potable water from the Hurunui District Council or private water supplies.

2. Purpose

- 2.1 The purpose of this Bylaw is to protect, promote and maintain public health and safety, to protect public water supply infrastructure, to protect the public from nuisance by making rules for the supply of water, and to manage and regulate the Council's water supply.

3. Objectives

- 3.1 The objectives of the Bylaw are to:
 - Provide for public health and safety in the supply of water.
 - Ensure fair and reasonable use of the resource.
 - Define the obligations of installers, owners and the public in matters related to the public supply of water.
 - Protect publicly owned water supply network infrastructure from incorrect use and damage.
 - Promote the responsible use of water in the District, ensuring that all fittings and appliances connected to the public water supply achieve optimum performance with a minimum of consumption of water and incorporate safeguards to prevent waste.
 - Enable the effective enforcement of any applicable water restrictions that may be imposed by the Council from time to time.
 - Enable the volumes of water consumed on any premises by any extraordinary user of a Council water supply to be assessed for rating purposes, and provide for meters accordingly.

4. Scope

4.1 This Bylaw is made under the authority of the Local Government Act 2002 for the supply of water to its customers by the Waimakariri District Council. The supply and rating for water by the Council is subject to:

(a) Statutory Acts and Regulations:

- (i) Building Act 2004
- (ii) Fire Service Act 1975
- (iii) Health Act 1956
- (iv) Health (Drinking Water) Amendment Act 2007
- (v) Local Government Act 2002
- (vi) Local Government (Rating) Act 2002
- (vii) Resource Management Act 1991

(b) Relevant codes and standards:

- (i) Drinking Water Standards for New Zealand 2005 (revised 2008)
- (ii) New Zealand Building Code
- (iii) BS EN 14154-3:2005 Water Meters. Test methods and equipment.
- (iv) SNZ PAS 4509:2003 New Zealand Fire Service fire fighting water supplies code of practice.
- (v) Code of Practice for Boundary Backflow Prevention 2013.
- (vi) Waimakariri District Council Engineering Code of Practice.
- (vii) Waimakariri District Council Backflow Prevention Policy.
- (viii) Waimakariri District Council Underground Service Locating Policy.
- (ix) National Code of Practice for Utility Operators' Access to Transport Corridors.

4.2 This Bylaw does not apply to any property within the Waimakariri District that receives potable water from the Hurunui District Council or private water supplies.

5. Interpretation

5.1 Definitions are set out in Section 6 unless the context requires otherwise. A reference to a repealed enactment should be read as a reference to its replacement.

5.2 For the purpose of the Bylaw, the word 'shall' refers to practices that are mandatory for compliance with this Bylaw, while the word 'should' refers to practices that are advised or recommended.

6. Definitions

AIR GAP SEPARATION means a physical separation between the free flowing discharge end of a potable water supply pipeline, and the highest overflow level of the receiving vessel, used to prevent backflow.

APPROVED means permitted in writing by the Council, either by resolution of the Council or by any officer of the Council authorised for that purpose.

AUTHORISED OFFICER or AGENT means any person appointed in writing by the Chief Executive or by the Council to act on its behalf and with its authority.

BACKFLOW means the unplanned reversal of flow of water or mixtures of water and contaminants into the water supply network.

BACKFLOW PREVENTION DEVICE means a device that prevents backflow of water or mixtures of water and contaminants back into the water supply network.

CHAMBERS means the housing for any fittings.

CONNECTION means the service pipe from the Council's watermain to the point of supply that is owned and maintained by the Council and includes any pipes, valves, manifolds, water meters, backflow prevention device that is installed on the Council's side of the point of supply and the protection structure for any such backflow prevention device, and the water meter box.

COUNCIL means the Waimakariri District Council or any officer authorised to exercise the authority of the Council.

COUNCIL WATER SUPPLY means the Council's supply of potable water to its customers.

CUSTOMER means the owner of any property who has obtained the right to use, or direct the manner of use of, water supplied by the Council to any premises.

DETECTOR CHECK VALVE means a check (non-return) valve which has a positive closing pressure and a metered bypass to measure flows typically associated with leakage or unauthorised use on a dedicated fire supply.

DISTRICT means the Waimakariri District as constituted by the Local Government (Canterbury Region) Reorganisation Order 1989.

EXTRAORDINARY SUPPLY means a category of an on demand supply including all purposes for which water is supplied other than ordinary domestic supply and which may be subject to specific conditions and limitations.

EXTRAORDINARY USER means a customer that receives an extraordinary supply of water and that specifically includes the following water users:

- Commercial or business premises (including home-based commercial activities e.g. dentists, hairdressers, bed and breakfast and other cottage type industries).
- Industrial premises.
- Temporary supplies.
- Out of District customers (supply to or within another local authority).
- Public facilities, parks and reserves.
- Educational facilities.
- Any premises at which a horticultural or agricultural land use is occurring and that is potentially a high water user.
- Properties with fire protection systems other than sprinkler systems designed to comply with NZS 4517.

- Any property with a connection larger than 20mm nominal bore.
- Any other property found by the Council to be using more than 150% of the assessed reasonable average daily use over a 12 month period as defined in the Waimakariri District Council Water Conservation Strategy (available to view on the Council's website).

FEES AND CHARGES means the list of items, terms, and prices for services associated with the supply of water as adopted by the Council in accordance with the Local Government Act 2002 and the Local Government (Rating) Act 2002.

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.

FIRE INSTALLATION means a water installation which conveys water solely for the purpose of fire fighting.

KERBSIDE, FOOTPATH, or ROADSIDE means an area on the road reserve outside a property.

LEVEL OF SERVICE means the measurable performance standards on which the Council undertakes to supply water to its customers.

METER means a Council owned device that is used to measure the volume of supplied water.

NUISANCE means anything that disturbs the reasonable use of the water supply or endangers life and health or is offensive.

OCCUPIER means the inhabitant of any property including any person who, for the time being, is in control of the premises, and in any case where any building, house, tenement, or premises is or are uninhabited shall be deemed to include the owner as hereinafter defined.

OFFENCE includes any act or omission in relation to this Bylaw or any part thereof for which any person is liable for prosecution.

ON DEMAND SUPPLY means a supply which is available directly to the customer without restriction of flow from the point of supply subject to the agreed levels of service.

ORDINARY SUPPLY means a category of an on demand supply used solely for domestic purposes, excluding any identified extraordinary water use.

OWNER has the definition as specified in Part 1, section 2 of the Resource Management Act 1991.

PERMIT means any written permission or consent required by this Bylaw or any relevant legislation.

PERSON means a natural person, corporation sole or a body of persons whether corporate or otherwise.

POINT OF SUPPLY means the point where the connection meets the supply pipe and it marks the boundary of responsibility between the customer and the Council, irrespective of property boundaries.

PREMISES means

- (a) A property or allotment which is held under a separate certificate of title or for which a separate certificate of title may be issued and in respect of which a building consent has been or may be issued; or
- (b) A building or part of a building that has been defined as an individual unit by a cross-lease, unit title or company lease and for which a certificate of title is available; or
- (c) Land held in public ownership (e.g. reserve) for a particular purpose.

PUBLIC NOTICE means information that is published on at least one occasion in a newspaper with a weekly or more frequent circulation to the area, or under emergency conditions, by the most practical means available at that time.

RESTRICTED SUPPLY means a type of water supply where a limited flow is supplied by a flow control device, and storage is provided on-site by the customer to cater for demand fluctuations.

RESTRICTOR means a flow control device fitted to the service pipe to limit the flow rate of water to a customer's premises.

RESIDENTIAL 4 ZONE PROPERTY means a property as defined by the Waimakariri District Plan.

ROADING AUTHORITY means a territorial authority or the New Zealand Transport Agency.

RURAL PROPERTY means a property as defined by the Waimakariri District Plan.

SERVICE PIPE means that section of water pipe between a water main and the point of supply that is owned and maintained by the Council.

SERVICE VALVE or TOBY VALVE means a Council owned valve that may be located on the Council's service pipe or at the point of supply.

STORAGE TANK means a secure vessel for holding potable water.

SUPPLY PIPE means that section of pipe between the point of supply and the customer's premises that is installed, owned and maintained by the customer.

SUPPLY VALVE means a valve that is located on the customer's supply pipe and is the customer's responsibility.

UNIT OF WATER means a flow of water that is equivalent to 1,000 litres a day for any restricted water connection.

WATER SUPPLY NETWORK means all the components of the Council water supply between the point of abstraction from the natural environment and the point of supply. This includes but is not limited to: wells, infiltration galleries, intake structures, open raw water storage ponds and/or lakes, falling mains, treatment plants, treated water

reservoirs, trunk mains, service mains, rider mains, pump stations and pumps, valves, hydrants, scour lines, service pipes, connections, meters, backflow prevention devices and tobies.

7. Supply of Water

- 7.1 Each property in the District shall generally be entitled to potable water supplied from the Council subject to each of the following conditions:
- (a) Meeting the criteria in the Council's Water Supply Extension Policy, and
 - (b) Payment of a connection fee for new connections, and
 - (c) Payment of a Development or Financial Contribution where applicable, and
 - (d) Payment of the appropriate water rates, and
 - (e) A public supply being physically available with adequate capacity.
- 7.2 The Council shall be under no obligation to provide an on-demand or restricted supply of water.
- 7.3 Any person wishing to connect to a reticulated Council water supply or receive a supply of additional water units must either:
- (a) Complete and submit the "Application for the Supply of Water" form (available on the Council's website and from any Council Service Centre) and will be invoiced for the connection as prescribed in the Council's Fees and Charges as published on the Council's website and the Application for the Supply of Water form; or
 - (b) Obtain a subdivision consent with a condition requiring connection to a Council water supply and comply with all the relevant consent conditions.
- 7.4 For applications made under clause 7.3 (a), the following provisions apply:
- (a) The applicant must be the owner or have the authority to act on behalf of the owner of the premises for which the supply is sought, and shall produce written evidence of this if required.
 - (b) The Council or its authorised officer shall approve the following:
 - (i) The type of water supply to be provided to any premises (restricted or on-demand)
 - (ii) The size of the connection to be provided to any premises
 - (iii) The design of the connection to be provided to any premises
 - (iv) Any additional elements of the connection or supply including water meters, pipes, valves, backflow prevention devices and any other equipment deemed necessary by the Council.
 - (c) Upon approval, the Council will install the connection at the applicant's expense.
 - (d) The Council is entitled to refuse the application and notify the applicant of the decision giving the reasons for refusal.
 - (e) No person shall act on a written authorisation that is more than 12 months old to supply water unless an extension of time is authorised in writing by the Council.
- 7.5 No person shall be supplied water unless the supply is authorised in writing by the Council.
- 7.6 A premises shall only have one connection, unless otherwise authorised in writing by the Council.
- 7.7 A customer who has altered, or who seeks to alter the ground levels in the vicinity of the connection shall be responsible for the alteration of the existing service pipe and

cover to ensure the connection complies with the Council's Engineering Code of Practice (available on the Council's website). Such work shall be carried out by the Council at the owner's expense.

- 7.8 Where a customer supplies and installs a new or altered supply pipe up to the point of supply, the customer shall contact the Council to arrange an inspection and obtain written approval of the completed works prior to covering the supply pipe.

8. Level of Service

- 8.1 The Council has target levels of service for each water supply specified in its Activity Management Plan. The Council makes every reasonable effort to achieve these levels of service.
- 8.2 The Council is not liable for any loss, damage or inconvenience which the customer (or any person using the supply) may sustain as a result of deficiencies in, or interruptions to, the water supply.
- 8.3 The Council does not guarantee any specified maximum or minimum pressure in its Council water supply and no allowance or compensation will be made or allowed on account of a change of pressure in the supply.

9. Continuity of Supply

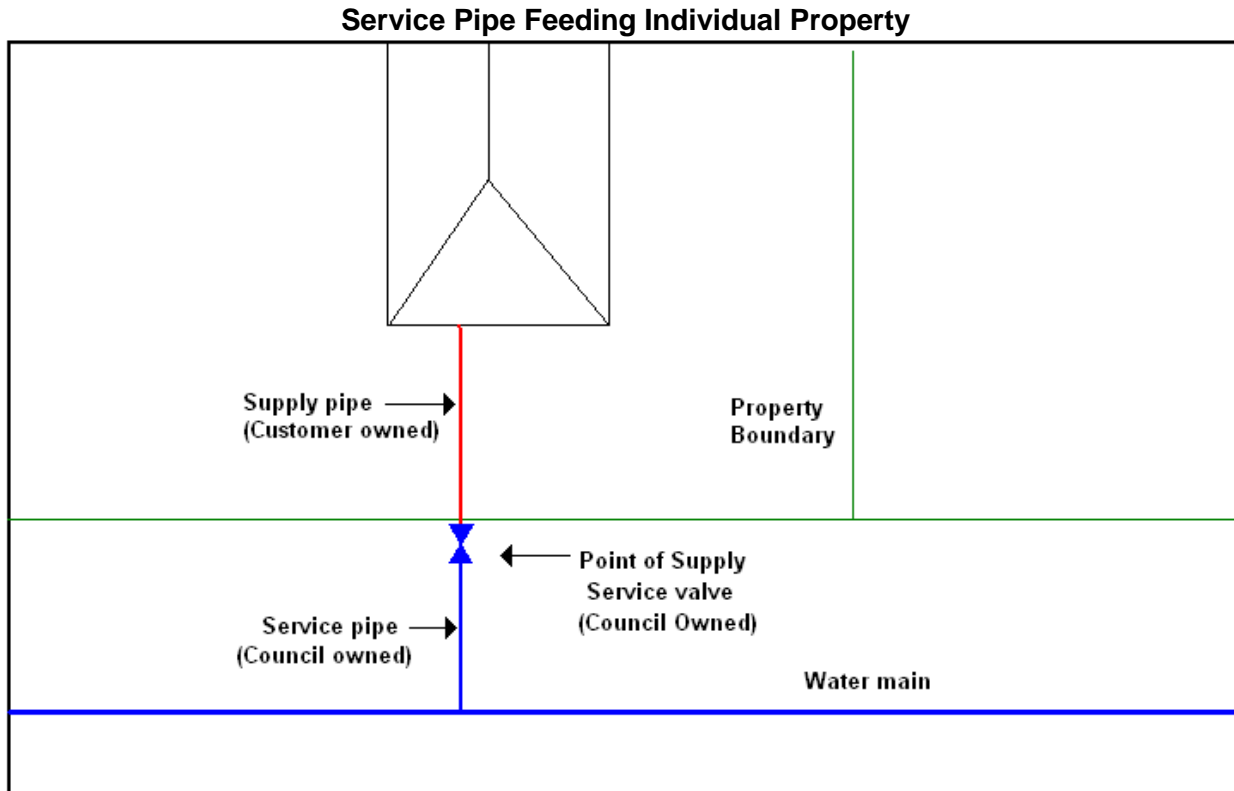
- 9.1 The Council does not guarantee an uninterrupted supply of water to any premises, or a guarantee of water pressure.
- 9.2 A customer with a particular requirement for an uninterrupted level of service (flow, pressure or quality), shall be responsible for providing any necessary storage, back up facilities, or equipment to satisfy that requirement at their own expense, and should notify the Council of their particular requirements.
- 9.3 The Council may shut down the supply of water to any part of the District in order to maintain, repair, alter or extend its water supply network.
- 9.4 Where practical the Council will make every reasonable attempt to notify the potentially affected persons of a scheduled maintenance shut down of the supply before the work commences. Where immediate action is required and this is not practical, the Council may shut down the supply without notification.
- 9.5 The customer may use the service valve to isolate the supply to the customer's premises. The Council does not guarantee that any Council service valve will be operational at all times.

10. Point of Supply

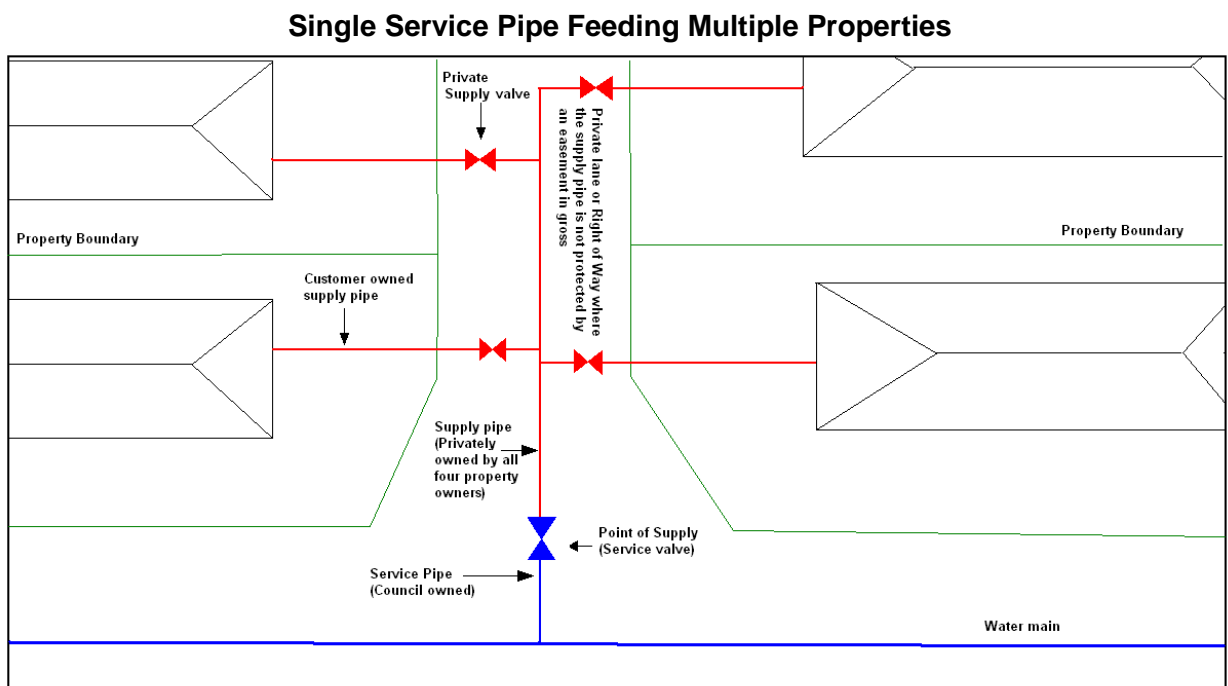
- 10.1 The Council shall own and maintain the service pipe from the water main up to the point of supply. For new connections, the Council shall assume ownership and maintain the service pipe from the water main up to the point of supply, upon completion of the installation and subsequent acceptance by the Council.
- 10.2 A customer shall own, maintain and be responsible for the supply pipe between the point of supply and the customer's premises.

10.3 Any new water connection, installed after the adoption of this Bylaw, shall be located and installed in accordance with the Waimakariri District Council's Engineering Code of Practice.

10.4 The following diagram indicates a typical layout of the point of supply for a standard premises.

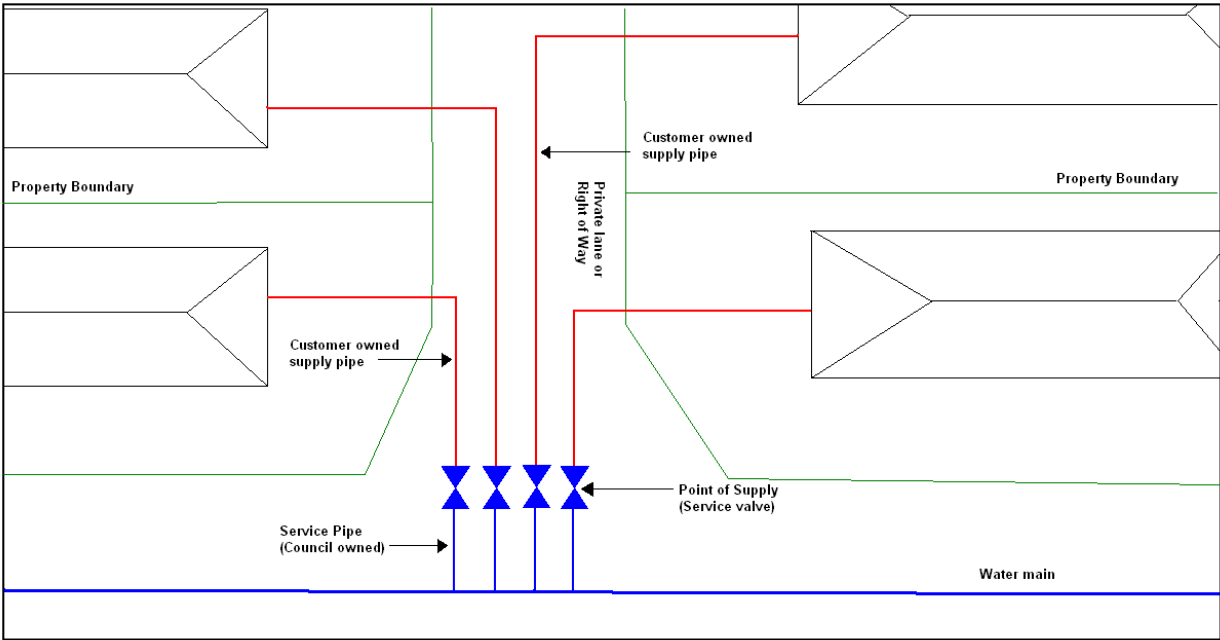


10.5 The following three diagrams indicate different scenarios for the layout of multiple points of supply for properties on private "rights of way" or private lanes.



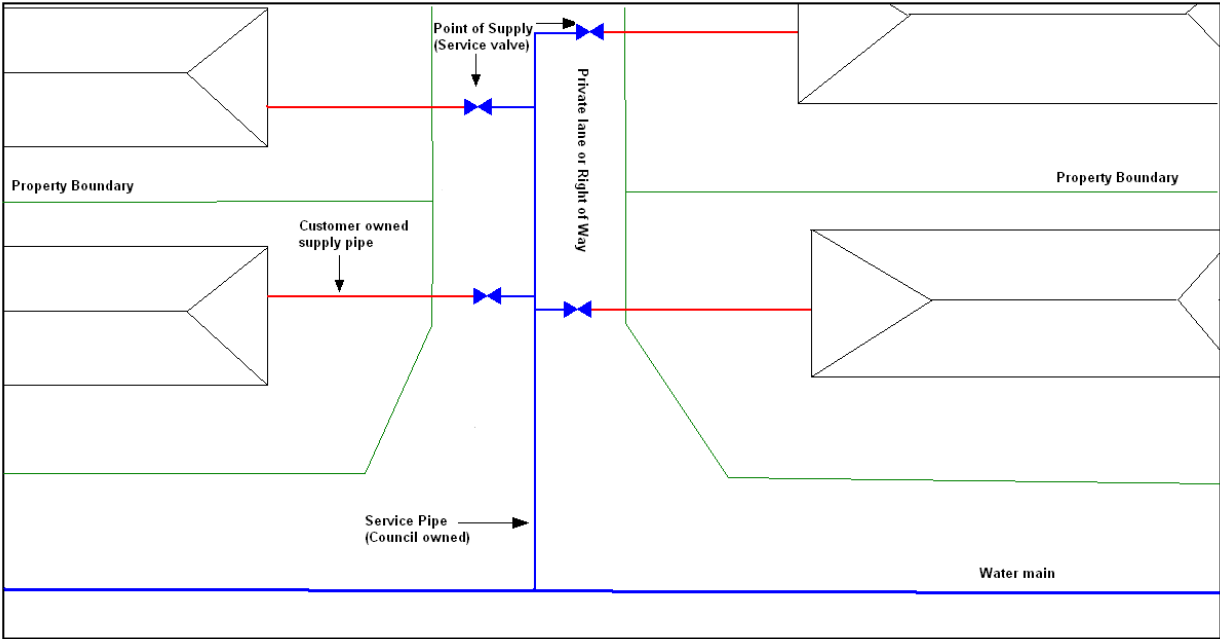
Note: The above layout is NOT to be used on new properties.

Service Pipes Feeding Multiple Properties with Multiple Service Valves



Note: All new multiple properties are serviced using this method, unless specifically approved otherwise by the Council.

Service Pipe Feeding Multiple Properties Without a Main Service Valve And With an Easement in Gross



Note: The above method is not to be used on new properties, unless specifically approved by Council, and the service pipe is protected by an easement in gross.

11. Access to Point of Supply

- 11.1 An authorised Council officer shall be entitled to enter premises that have a water supply on any day between 7.30am and 6pm to have access to the point of supply:
- (a) Without notice in order to read the water meter, check the restrictor or undertake any necessary testing that will not interrupt the supply; or
 - (b) With notice being given whenever possible to check, test or undertake maintenance work that may interrupt the supply temporarily.
- 11.2 At all other times the authorised officer shall give notice prior to entering premises except in emergency situations when authorised officers shall be entitled to enter premises that have a water supply at any hour without notice as specified in the Local Government Act 2002.
- 11.3 If an authorised officer is prevented from having access to the property at any of the above times and a return visit is required, the Council may recover actual costs for that visit from the property owner.
- 11.4 The customer shall ensure that the area in and around the point of supply is maintained free of soil, growth, or other matter or obstruction which prevents, or is likely to prevent convenient access by authorised officers.

12. Protection of Water Supply

- 12.1 No person other than the Council and its authorised officers or agents shall have access to any part of the water supply network unless with approval in writing from the Council, except to connect to the point of supply as specified in Section 7 Supply of Water, and to operate the service valve at the point of supply.
- 12.2 Except as set out in the Section 13 on Fire Hydrants, no person shall make any connection to, or otherwise interfere with, any part of the water supply network, unless with approval in writing from the Council.
- 12.3 The customer shall take due care not to damage any part of the water supply network, including but not limited to pipework, valves, meters, restrictors, chambers, and backflow prevention devices.
- 12.4 Subject to the provisions of the Local Government Act 2002, the customer shall allow the Council with or without equipment, access to any area of the premises for the purposes of determining compliance with clause 12.3.
- 12.5 Where, in the opinion of the Council, any pipe, tap, appliance, or fitting used in relation to any water supply at any premises has deteriorated, has been damaged or is of inferior quality or workmanship, or is causing or is likely to cause water to be wasted, or is insufficient for the proper supply of water, the Council may give the customer notice in writing requiring the defect (as specified in the notice) to be rectified within a reasonable time which shall be specified in the notice.

13. Fire Hydrants

- 13.1 Only the attending fire service/s shall gain access to, and draw water from fire hydrants for the purposes of fighting fires, training and testing.
- 13.2 The right to gain access to, and draw water from a water supply for uses other than fire fighting (for example, flow testing or pipe flushing) shall be restricted to:
- (a) The Council and its authorised officers or agents;
 - (b) Water abstraction consent/permit holders during the period for which the consent/permit has been issued, and only for the specified fire hydrant or dedicated tanker filling point.

14. Working Around Buried Services

- 14.1 The Council shall keep permanent records of the location of its buried services. This information shall be available for inspection. Charges may be levied to cover the costs of providing copies of this information.
- 14.2 Any person proposing to carry out excavation work shall view the Council records to establish whether or not Council services are located in the vicinity. Where Council services are present, copies of the relevant service location information shall be present on site.
- 14.3 At least five working days written notice shall be given to the Council of an intention to excavate in the vicinity of its services, or the notice as required in the National Code of Practice for Utility Operators' Access to Transport Corridors, whichever is greater
- 14.4 Excavation within roadways is also subject to the permit process of the appropriate roading authority.
- 14.5 Where deemed necessary or requested to protect its services, the Council shall mark out to within plus or minus 0.5m on the ground the location of its services, and nominate in writing any restrictions on the work it considers necessary to protect its services. The Council may charge for this service.
- 14.6 When excavating and working around buried services due care shall be taken to ensure the services are not damaged, and that bedding and backfill are reinstated in accordance with the Council's Engineering Code of Practice.
- 14.7 Any damage which occurs to any component of the Council's water supply network shall be reported to the Council immediately. Any person causing damage is responsible to meet all of the costs associated with repairing that damage.

15. Backflow Prevention

- 15.1 It is the customer's responsibility (under the Health (Drinking Water) Amendment Act 2007 and the Building Act 2004), to take all necessary measures on the customer's side of the point of supply to prevent water which has been drawn from the Council's water supply from returning to that supply.
- 15.2 For the purposes of clause 15.1, "all necessary measures" means to take the required steps to comply with the Waimakariri District Council's Backflow Prevention Policy

16. Fire Connections

- 16.1 A customer whom designs any fire sprinkler system on their premises shall prevent water being drawn from the system for any purpose other than fire fighting and shall construct, install and maintain that system in good order, and for its intended purpose.
- 16.2 The customer shall ascertain and monitor whether the fire protection supply available is adequate for the intended purpose. When designing a fire protection system, the customer shall give due consideration to Section 9 of this Bylaw and the seasonal and daily pressure fluctuations in the water supply network.
- 16.3 No person shall install a new connection for fire protection unless authorised in writing by the Council to do so. Any such connection must be installed by Council's contractors at the applicant's expense and shall be subject to any terms and conditions specified by the Council. All fire connections shall have a Council approved detector check valve fitted at the owners expense.
- 16.4 The Council shall be under no obligation to provide a fire protection supply at any particular flow or pressure.
- 16.5 Where the supply of water to any premises is metered the Council may allow the supply of water for the purposes of fire fighting to be made in a manner which bypasses the meter, provided that:
- (a) The drawing of water is possible only in connection with the sounding of an automatic fire alarm or the automatic notification of the fire brigade; or
 - (b) A Council approved detector check valve has been installed as part of the fire connection.
- 16.6 Any unmetered connection provided to supply water to a fire protection system must not be used for any purpose other than fire fighting and testing the fire protection system.
- 16.7 Where a fire connection has been installed in a manner or at a location whereby it is possible that water will be drawn from it for purposes other than fire fighting, the Council may install a detector check valve to ensure compliance with clause 16.6.
- 16.8 Fire hose reels on any premises shall not be connected to the fire connection.
- 16.9 Where the supply of water to any premises is metered, the customer shall connect any fire hose reels on those premises to the metered supply and not to a dedicated fire protection connection. The water supply to fire hose reels shall comply with the requirements of NZS 4503:2005 (Hand Operating Fire Fighting Equipment).
- 16.10 Customers intending to test fire protection systems in a manner that requires a draw-off of water, shall obtain the approval of the Council beforehand.

17. Water Metering and Charging

- 17.1 The Council may fit a water meter to any connection at any time for the purposes of determining water consumption.
- 17.2 If the Council resolves to introduce volumetric water charges then the Council may fit a water meter to the connection of any extraordinary user and may charge for water usage on a volumetric basis in accordance with any charges specified in the Council's fees and charges schedule for such water usage.

- 17.3 Meters shall be located in a position where they are readily accessible for reading and maintenance, and if practicable immediately on the customer side of the point of supply.
- 17.4 The Council may recover all unpaid water charges from any premises as prescribed in the Local Government (Rating) Act 2002, sections 57 to 82.
- 17.5 Where it is not practical to install the water meter at the point of supply, the customer shall:
- (a) Provide an approved site within the premises for the water meter;
 - (b) Take sufficient precaution to protect the water meter from damage at all times;
 - (c) Ensure the water meter is readily accessible for reading;
 - (d) Ensure that no other devices are installed in the water meter box.

17.6 Accuracy

- 17.6.1 Any meter installed shall be accurate to OIML R49 for the purposes of volumetric charging.
- 17.6.2 The Council may test meters as and when required or as prescribed in OIML R49 (International Organisation of Metrology R49). The maximum permissible error for the upper flow rate zone ($Q_2 < Q < Q_4$) is $\pm 2\%$, for temperatures from 0.3 °C to 30 °C and the maximum permissible error for the lower flow rate zone ($Q_1 < Q < Q_2$) is $\pm 5\%$.
Note- where Q is the flow rate:
Q1 is the minimum flow rate;
Q2 is the transitional flow rate;
Q3 is the permanent flow rate; and
Q4 is the overload flow rate as defined in OIML R49-1.
- 17.6.3 Any customer who disputes the accuracy of a water meter would first be encouraged to carry out a self assessment. The customer may then apply to the Council for the meter to be tested, provided that the testing is not requested within three months of the last test.
- 17.6.4 To conduct a test, the Council shall install a temporary water meter and remove the customer's meter to have an independent test carried out.
- 17.6.5 A copy of independent certification of the test result shall be made available to the customer on request.
- 17.6.6 If any test shows non-compliance with clause 17.6.2 above, the customer shall not be charged for the test.
- 17.6.7 If any test shows compliance with clause 17.6.2, the customer may be required to pay all reasonable costs associated with the Council's testing of the water meter.

17.7 Adjustment

- 17.7.1 If any meter, after being tested, is found to register a greater or lesser consumption than the quantity of water actually passed through such a meter, the Council at its discretion may make an adjustment in accordance with the results shown by such tests, backdated for a period at the discretion of the Council but not exceeding 12 months, and the customer may be required to pay a greater or lesser amount according to the adjustment.

- 17.7.2 Where a meter is under-reading by more than 20% or has stopped, the Council reserves the right to charge for the amount of water assessed as having been used over the past meter reading period, taking into account any seasonal variations in demand.
- 17.7.3 Where a meter is over-reading, the Council will make appropriate adjustments to the customer's invoice(s), based on a period of similar use and backdated for a period at the discretion of the Council but not exceeding 12 months.

17.8 Estimating consumption

- 17.8.1 Where a meter is damaged, ceases to register, has been removed, or where the seal or dial of a meter is broken, or the meter has otherwise been interfered with, the Council may estimate the consumption for the period since the previous reading of the water meter (based on the average of the previous four meter readings in respect of the premises) and the customer may be required to pay according to such an estimate.
- 17.8.2 Where by reason of a large variation of consumption due to seasonal or other causes, the average of the previous four meter readings would be an unreasonable estimate of the consumption, or where there have not been 4 previous meter readings in respect of those premises, the Council may take into consideration other evidence for the purpose of arriving at a reasonable estimate, and the customer may be required to pay according to such an estimate.
- 17.8.3 If water metering indicates a significant increase in consumption to a premises, which is established as being caused by a previously unknown leak, the Council may either estimate consumption as provided in clauses 17.8.1 and 17.8.2, providing that the customer repairs the leak with due diligence, or the customer shall be liable for the cost of water which passes through the water meter regardless of whether this is used or is the result of the leakage.

17.9 Incorrect accounts

- 17.9.1 Where a situation occurs, other than as provided for in the previous clauses of this Bylaw, where the recorded consumption does not accurately represent the actual consumption for a premise, the account shall be adjusted using the best information available to the Council. Such situations include, but are not limited to, misreading of the meter, errors in data processing, meters assigned to the wrong account, and unauthorised supplies.
- 17.9.2 Where an adjustment is required, in favour of the Council or the customer, this shall not be backdated more than 12 months from the date the error was detected.

18. Restricted Connections

- 18.1 Any property connecting to a restricted water supply or any Rural or Residential 4 Zone property connecting to an on demand supply after the adoption of this Bylaw, shall be provided with a restricted connection.
- 18.2 All restricted connections must receive a minimum of two units of water, where 1 unit is equivalent to a flow of 1,000 litres per day.

- 18.3 The Council may install a restrictor on any property with an on-demand connection to a restricted scheme or any Rural or Residential 4 Zone property connected to an on-demand scheme.
- 18.4 Where the Council requires the permanent installation of a restrictor on a previously on-demand connection, the Council shall meet all reasonable costs of providing the restricted connection including the provision of the on-site storage tank, the ownership and maintenance of which shall become the customer's responsibility.
- 18.5 The owner of any premises at which a restricted connection is installed after the adoption of this Bylaw shall provide for a minimum on site storage facility that is equivalent to twice their daily water allocation.
- 18.6 The flow restrictors must be accurate to within $\pm 10\%$ of their rated capacity.
- 18.7 An air gap separation shall be provided on the connection to the storage tank as defined by and in accordance with Clause G12 of the New Zealand Building Code.

18.8 Procedure for testing a restrictor

- 18.8.1 Any customer who disputes the accuracy of a restrictor may apply to the Council for it to be tested provided that the testing is not requested within three months of the last test.
- 18.8.2 An initial test shall be carried out by Council staff at the point of supply to determine the accuracy of the restrictor by measuring the quantity that flows through the restrictor in a period of not less than 1 minute at the operating pressure. Results will be provided to the customer on request.
- 18.8.3 If a customer is still not satisfied with the accuracy of the restrictor, Council staff shall install a temporary restrictor and remove the customer's restrictor to have an independent test carried out.
- 18.8.4 A copy of independent certification of the test result shall be made available to the customer on request.
- 18.8.5 If any test shows non-compliance with clause 18.6 above, the customer shall not be charged for the test.
- 18.8.6 If any test shows compliance with clause 18.6, the customer may be required to pay all reasonable costs associated with the Council's testing of the restrictor.

19. Demand Management

- 19.1 The Council may issue water restrictions on use of potable water from any Council water supply during periods of high demand.
- 19.2 During an emergency, the Council may restrict or prohibit the use of water for any specified purpose, for any specified period, and for any or all of its customers.
- 19.3 No person shall contravene any restrictions issued by the Council to manage high seasonal or other demands or constraints on the system, which are publicly notified.
- 19.4 When such restrictions apply, the Council shall take all practicable steps to ensure that an adequate supply for domestic purposes is provided to each point of supply.

- 19.5 The customer shall not intentionally allow water to run to waste from any pipe, tap, hose, sprinkler, or other device or fitting, nor allow the condition of the plumbing within the property to deteriorate to the point where leakage or waste occurs.
- 19.6 The Council provides water for consumptive use, not as an energy source. A customer shall not use water or water pressure directly from the supply for driving lifts, machinery, generators, condensers or any other similar devices; unless specifically authorised by the Council in writing.
- 19.7 The customer must not use water for a single pass cooling system, for air conditioning, or to dilute trade waste prior to disposal, unless specifically approved by the Council.
- 19.8 An industrial plant shall not use water from the public water supply for cooling purposes, unless specifically approved by the Council.

20. Plumbing System

- 20.1 The customer shall not install or operate any devices that are likely to cause pressure surges or fluctuations that could be transmitted to the water supply network and compromise the ability of the Council to maintain its stated levels of service, unless otherwise approved by the Council.
- 20.2 In accordance with the Building Regulations 1992 the plumbing system shall be compatible with the water supply.

21. Delegations & Approvals

- 21.1 In this Bylaw where any written permission or approval of the Council is required, that approval may be given by the Chief Executive, and the Chief Executive may delegate all or part of that function to any other officer of the Council.
- 21.2 The form of any application for and grant of any permission or approval required under this Bylaw will be determined by the Council.
- 21.3 The Council may attach any terms or conditions as it thinks fit to any permission or approval granted under provisions of this Bylaw.

22. Offences and Breaches

- 22.1 Any person who carries out any of the following activities will be considered to have committed an offence and breached this Bylaw:
- (a) Does, permits, or allows anything to be done, which is contrary to this Bylaw or any part of it; or
 - (b) Fails to do or perform any act, or thing, that he or she is required to do by this Bylaw, within the time and in the manner required by this Bylaw or any part of it; or
 - (c) Commits any other breaches of the terms and conditions of this Bylaw; or
 - (d) Does anything which this Bylaw prohibits; or
 - (e) Fails to comply with any notice given to him or her under this Bylaw or any part of it or any condition that is part of any notice granted by the Council; or

- (f) Obstructs or hinders any Council officer or other Council appointed person in performing any duty or in exercising any power under this Bylaw; or
- (g) Tamper with their connection or any restrictor, or draws water from a connection or restrictor that has been tampered with.

23. Notices

- 23.1 The Council may give notice to any person in breach of this Bylaw to carry out any remedial action in order to comply with the Bylaw and every such notice shall state the time within which the remedial action is to be carried out, and may be extended at the Council's discretion.
- 23.2 If after the time specified in the notice in Clause 23.1, the customer persists in the breach, the Council reserves the right to reduce the flow rate of water to the customer without notice.
- 23.3 In such an event, the full service of the supply shall be re-established only after payment of the appropriate fee and remedy of the breach to the satisfaction of the Council.
- 23.4 In addition, if the breach is such that the Council is required to disconnect the supply for health and safety considerations, such disconnection may be carried out by Council with no notice.

24. Penalties

- 24.1 Subject to anything to the contrary, every person who commits an offence against this Bylaw shall be subject to the penalties set out in Section 242(4) of the Local Government Act 2002.
- 24.2 Under Section 163 of the Local Government Act 2002 the Council or an authorised agent appointed by it, may remove or alter any work or thing that is or has been constructed in breach of this Bylaw.
- 24.3 The Council may recover the costs of removing or altering the work or thing that is in breach of this Bylaw from the person who committed the breach. This does not relieve that person of liability for the breach.
- 24.4 Under Section 162 of the Local Government Act 2002 the Council may apply to the District Court for the grant of an injunction restraining a person from committing a breach of this Bylaw.
- 24.5 The Council may seize and impound property not on private land that is materially involved in the commission of an offence, under and in accordance with Section 164 of the Local Government Act 2002.
- 24.6 The Council may seize and impound property from private land that is involved in the commission of an offence, under and in accordance with Section 165 of the Local Government Act 2002.
- 24.7 The Council will deal with any property seized and impounded in accordance with Sections 167 and 168 of the Local Government Act 2002.

25. Fees

- 25.1 The Council may in accordance with Section 150 of the Local Government Act 2002 prescribe fees or charges payable for any certificate, approval, permit or consent form or inspection made by the Council under this Bylaw.
- 25.2 The customer may be liable to pay for the use of water on a volumetric basis, and the Council may install a water meter on any premises for this purpose.
- 25.3 The customer shall be liable to pay for the water and related services in accordance with the Council's fees and charges prevailing at the time. A Development Contribution levied under the Local Government Act 2002 may also be payable for new connections as specified in the Council's Development Contributions Policy. A Financial Contribution charge may be payable as determined in accordance with the Resource Management Act 1991.

26. Transfer of Rights and Responsibilities

- 26.1 The customer shall not transfer to any other party the rights and responsibilities set out in this Bylaw.
- 26.2 A supply pipe shall serve only one premises, and shall not extend by hose or any other pipe beyond that premises, unless authorised in writing by the Council.
- 26.3 In particular and not in limitation of the above, any water which the customer draws from the Council water supply shall not be provided to any other party without the approval of the Council.

27. Change of Ownership

- 27.1 In the event of a premises changing ownership the Council shall record the new owner as being the customer at that premises.
- 27.2 Where a premises is metered the outgoing customer shall give the Council five working days notice to arrange a final meter reading.

28. Disconnection at the Customer's Request

- 28.1 The customer shall give 20 working days notice in writing to the Council of the request for disconnection of supply. Disconnection, if approved, shall be at the customer's expense and the Council may require the customer to obtain a resource consent for the disconnection.
- 28.2 In accordance with the Local Government (Rating) Act 2002, any disconnection from the Council water supply (whether initiated by customer or the Council) shall not necessarily release the customer from liability for incurred or ongoing water charges.

29. Dispensing Powers

- 29.1 The Council may waive full compliance with any provision of this Bylaw in a case where the Council is of the opinion that full compliance would needlessly cause harm, loss or inconvenience to any person or business without any corresponding benefit to the community. The Council may in its discretion impose conditions of any such waiver.

30. Serving of Notices and Documents

- 30.1 Except as otherwise expressly provided for in any Act, where any notice, order or other document is required to be served on any person for the purposes of this Bylaw, the Council may serve notice by:
- (a) Delivering it personally
 - (b) Sending it by messenger
 - (c) Sending it by registered post to the person's last known place of residence or business.
- 30.2 If that person is absent from New Zealand, the notice may be sent to his or her agent instead of to that person.
- 30.3 If that person has no known name or address or is absent from New Zealand and has no known agent, and the notice relates to any land or building, the notice may be served on the occupier, or if there is no occupier the notice may be put on some conspicuous part of the land or building without the notice naming the owner or occupier.
- 30.4 If that person has died, the notice may be served on his or her personal or legal representative or executor.
- 30.5 Where a notice is sent by registered post it will be sent to arrive in the normal course no later than when the notice is required to be served and will be deemed to have been served at the time when the registered letter would be delivered in the ordinary course of post.

31. Review of Bylaw

- 31.1 The Bylaw shall be reviewed by November 2028.
- 31.2 This Bylaw can be reviewed at any other time before that date at the discretion of the Council.

32. Commencement Date

- 32.1 This Bylaw comes into force on 6 November 2018, being the day at which the Waimakariri District Council in its meeting confirmed the making of this Bylaw by public resolution.