

HUTT CITY COUNCIL WATER SUPPLY BYLAW 2010

ADOPTED BY COUNCIL 21 SEPTEMBER 2010

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1. INTERPRETATION

In this part of the bylaw, unless inconsistent with the context, or where otherwise expressly provided:

“Air Gap Separation” means a minimum vertical air gap between the outlet of the water supply fitting which fills a storage tank, and the highest overflow water level of that storage tank.

“Backflow” means a flow of water or other liquid through any service pipe or supply pipe in a reverse direction to the normal supply flow.

“Council Approved Contractors” are contractors approved by Council from time to time. A current list of these contractors is available from the Council.

“Customer” is the owner of the premises that is being supplied with water.

“Extraordinary Supply” is a category of on demand supply used for extraordinary use (which may be subject to terms and conditions).

“Extraordinary Use” means the use of water for purposes other than ordinary use and will require a water meter. This includes, but is not limited to:

- (i) Domestic spa and swimming pools in excess of 10 cubic metres capacity and fixed garden irrigation systems;
- (ii) Commercial and business uses;
- (iii) Industrial uses;
- (iv) Horticultural, agricultural and viticultural uses;
- (v) Fire protection systems, other than sprinkler systems installed to comply with NZS4517, which have prior approval of Council;
- (vi) Temporary supply; and
- (vii) Any customer using water outside the water supply area.

“Level of Service” means the measurable performance standards on which the Council aims to supply water to its customers. It is the level of service set out in the Water Supply Asset Management Plan.

“Ordinary Supply” is a category of on demand supply used solely for ordinary use.

“Ordinary Use” means the use of water solely for domestic purposes in a dwelling and subject to clause 8.3. This includes, subject to prior Council approval, use in a fire sprinkler system installed to comply with NZS4517 and the use of a hose for:

- (i) Washing down a car, or boat or other domestic vehicle;
- (ii) Garden watering by hand; and
- (iii) Garden watering with one portable sprinkler per premises.

“Point of Supply” - the point of supply to a customer is the point on the service pipe which 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 to which a building consent has been or may be issued; or

- (b) Where a building exists, whether or not a building consent has been issued, that is accepted by Council as meeting the building and planning requirements as detailed on the information for that building deposited with Council; or
- (c) 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
- (d) Land held in public ownership, such as a reserve, for a particular purpose.

“Prescribed Fee” means any fees or charges approved by the Council for and items or services associated with the supply of water and includes any fees/charges adopted by the Council in accordance with the Local Government (Rating) Act 2002.

“Publicly Notified” means published on one occasion in one daily or weekly newspaper circulating in the district, or under emergency conditions, in the most effective way to suit the particular circumstances.

“Restricted Flow Supply” is where a small continuous flow is supplied by a flow control device across an Air Gap Separation, and storage is provided by the customer to cater for their demand fluctuations.

“Restrictor” means a control device fitted to the service pipe to regulate the flow of water to a customer’s premises.

“Service Pipe” means that section of water pipe between a watermain and the point of supply. This section of pipe is owned and maintained by the Council.

“Service Valve (Toby/Manifold)” means the Council’s stopcock or isolating valve adjacent to the Point of Supply.

“Supply Pipe” means that section of pipe between the point of supply and the customer’s premises through which water is conveyed to the premises. This section of pipe is owned and maintained by the Customer.

“Termination” means the physical cutting off of the supply to a premises.

“Water Supply Area” means any property or allotment serviced by reticulated water supply.

2. APPLICATION OF THE BYLAW

- 2.1 Any person being supplied with, or who has made application to be supplied with, water by the Council is deemed to accept the terms and conditions contained in this bylaw, and any subsequent amendments.
- 2.2 This bylaw and its terms and conditions shall come into effect on the date notified by the Council, for customers receiving a supply at that time, and at the date of receipt of supply for customers connected after that time.

3. APPLICATION FOR SUPPLY

- 3.1 Any person who wants to:
 - (a) obtain a new connection to the water supply,
 - (b) replace an existing connection,

- (c) alter an existing connection,
- (d) change the use of the water or level of service,

must make an application on the prescribed form, including all the information required by the Council and pay any prescribed fee. No connection to the water supply, replacement or alteration of existing connections or change of use, shall be made without the prior written approval of the Council.

3.2 The applicant must be the owner of the premises or have the written authority to act on behalf of the owner of the premises for which the supply is sought.

3.3 On receipt of a complete application the Council will either:

- (a) Approve the application, subject to any conditions the Council considers appropriate, or
- (b) Refuse the application, or
- (c) Request further information be supplied by the applicant within a specified time.

The Council will notify the applicant of its decision in writing.

3.4 New connections, including all pipes, fittings and any other equipment, up to the point of supply, shall only be installed by Council approved contractors and shall be at the cost of the applicant. The applicant shall arrange the Council approved contractor and provide to the Council written confirmation from that contractor that the work was completed by them. No water can be taken from the water supply until that confirmation is received by the Council.

3.5 An approved application under clause 3.3, which has not been implemented within six months of the date of application, will lapse unless the Council approves an extension, before the 6 months expires. Any refund of fees paid will be at the sole discretion of the Council.

3.6 Any water supply connection must comply with any requirements of the Council, including any requirements contained in the Hutt City Council Code of Practice for Water Supply.

4. POINT OF SUPPLY

4.1 For each customer there shall be only one point of supply, unless otherwise approved by the Council. The service valve (Toby/Manifold) shall be located outside the boundary and at least 500 millimetres clear of (but not more than 600 millimetres from) the boundary, to allow the possible installation of a water meter in the future.

4.2 The point of supply for single dwelling units, for customers on joint rights of way, common access strips and for the different forms of multiple ownership of premises and/or land shall be located as shown in the Hutt City Council Code of Practice for Water Supply, unless otherwise agreed by the Council.

4.3 For a multiple ownership supply which was in existence prior to this Bylaw coming into effect, the point of supply shall be the arrangements that existed at that time, or as determined by agreement with the Council in any individual case.

5. RESPONSIBILITY FOR MAINTENANCE

5.1 The Council shall own and maintain the service pipe and fittings up to the point of supply. The customer shall own and maintain the supply pipe beyond the point of supply. Without limiting that

obligation on the customer, the customer shall undertake any specific maintenance or repairs on the customer's side of the point of supply, as directed by Council.

- 5.2** The Council gives no guarantee as to the serviceability of the service valve (Toby/Manifold) located on the service pipe.

6. ON DEMAND SUPPLY

- 6.1** An On-Demand Supply is a supply which is available on demand directly from the point of supply, subject to the Council's set level of service.

ORDINARY SUPPLY

- 6.2** Every residential premise shall be entitled to an ordinary supply of water, subject to:
- (a) The premises being within the Water Supply Area.
 - (b) The exclusion of its use under any restrictions imposed by the Council under clause 8.3 of this Bylaw.
 - (c) Payment of any prescribed charges in respect of the premises.
 - (d) Compliance with the terms and conditions of this Bylaw or contained within any Council approval.
 - (e) Payment of any other charges or costs associated with subdivisional development.
 - (f) Council reserving the right to:
 - (i) Require the customer to supply, install and maintain an approved water meter at any time and pay any prescribed fees;
 - (ii) Fit a meter and charge accordingly where it considers water use is excessive.

EXTRAORDINARY SUPPLY

- 6.3** The Council is under no obligation to provide an extraordinary supply of water. However, if it does:
- (a) It shall be metered and charged for in accordance with any prescribed fees.
 - (b) The customer will meet all costs in relation to the installation, maintenance, testing and replacement of the water meter.

7. RESTRICTED FLOW SUPPLY

- 7.1** Restricted flow supply shall only be available to premises within an area and/or under special conditions approved by the Council.
- 7.2** The Council reserves the right to require customers to have a meter fitted and to charge any prescribed fee.
- 7.3** A Restricted Flow Supply shall be measured on the basis of an agreed number of units supplied at a uniform flow rate.

8. CONTINUITY OF SUPPLY

UNINTERRUPTED SERVICE AND MAINTENANCE OF PRESSURE

- 8.1 The Council does not guarantee an uninterrupted or constant supply of water. Nor does the Council guarantee maintenance of an existing pressure.
- 8.2 If a customer has a particular requirement for an uninterrupted level of service (flow, pressure or quality), it will be the responsibility of that customer to provide any necessary storage, back up facilities, or equipment.

DEMAND MANAGEMENT

- 8.3 The customer shall comply with any restrictions which may be approved by Council to manage high seasonal or other demands. Any restriction or prohibition will be imposed by resolution and will be publicly notified.
- 8.4 No person may use any water, or allow any water to be used, in contravention of any restriction or prohibition made by the Council under this Bylaw.

EMERGENCY RESTRICTIONS

- 8.5 Where there is an emergency or immediate action is required, any restriction or prohibition may be imposed by an authorised officer of Council.

REPAIR AND MAINTENANCE

- 8.6 Wherever practical the Council will make every reasonable attempt to notify the customer of a scheduled repair or maintenance shutdown of the supply before the work commences. Where immediate repair or maintenance is required and notification is not practical, the Council may shut down the supply without notice.

LIABILITY

- 8.7 The Council shall not be 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.

9. FIRE PROTECTION CONNECTION

- 9.1 No connection to the water supply for fire protection shall be made without the prior written approval of the Council. Any proposed connection for fire protection shall be the subject of an application (on the prescribed form) to the Council. It shall include all the details required by the Council and be accompanied by the prescribed fee (if any). Any such application may be granted, subject to any conditions the Council considers appropriate, or refused. The Council will notify the applicant of its decision in writing.

Any fire connection must comply with the requirements of the Council, including any requirements contained in the Hutt City Council Code of Practice for Water Supply.

- 9.2 The Council shall be under no obligation to provide a fire protection supply at any particular flow or pressure.
- 9.3 The Council reserves the right to require the customer to supply, install and maintain an approved water meter at any time for water supply for fire protection and pay any prescribed fees. The metering

of fire connections shall be as shown in the Hutt City Council Code of Practice for Water Supply, unless otherwise agreed by the Council.

- 9.4** Notwithstanding clause 9.3, for a fire connection (including those installed prior to the coming into effect of this Bylaw) which is so constructed or so located that it is likely or possible that the water will be drawn from it (including hydrants) or from any part of it by any person for purposes other than fire fighting, the Council shall require the customer to install a water meter suitable for the purpose, on the connection.
- 9.5** The right to gain access to, and draw water from, fire hydrants shall be restricted to:
- (a) The Council or its Authorised Officers.
 - (b) Fire Service personnel for the purpose of Fire Service operations.
 - (c) Fire hydrant permit holders, during the period for which the permit has been issued.
- 9.6** To obtain a fire hydrant permit, the applicant must make an application to the Council, including all information required by Council and payment of the prescribed fee (if any). The Council may, in its discretion, grant or decline such an application and if granted, may impose whatever conditions it sees fit, including limiting the time period when water can be drawn from the hydrant.
- 9.7** Where an unmetered connection has been provided to supply water to a fire protection system this shall be used for no other purpose than fire fighting and testing the fire protection system.
- 9.8** It shall be the customer's responsibility to ascertain and monitor whether the fire protection supply available is adequate for the intended purpose.
- 9.9** Water used for the purpose of extinguishing fires will be supplied free of charge. Whenever water has been used for fire fighting purposes, the Council shall, upon notification, assess the quantity of water used, and a sum based on the estimate at the appropriate charge rate shall be credited to the customer's account.

10. BACKFLOW PREVENTION

- 10.1** It is the customer's responsibility 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. Council retains the right to fit a backflow prevention device on the customer's side of the point of supply at the customer's expense.
- 10.2** All water for shipping and fire service connections shall have an approved backflow prevention device installed on the customer's side of the point of supply at the customer's expense.
- 10.3** The customer is required to maintain the backflow prevention device in proper working order.
- 10.4** The Council will charge a prescribed fee for the annual inspection of backflow prevention devices where the customer has not undertaken the annual inspection.

11. METERS AND FLOW RESTRICTORS

- 11.1** All meters must be installed and maintained by the customer in compliance with the requirements of the Council, including the requirements contained in the Hutt City Council Code of Practice for Water Supply. This will be done at the customers cost. All owners of premises which have a metered supply shall pay the prescribed fees in relation to that supply.

- 11.2** Restrictors for Restricted Flow Supplies, shall be supplied, installed and maintained by the Council and shall remain the property of the Council.
- 11.3** For On Demand supplies which are not metered, the Council reserves the right to require customers to have a meter fitted in accordance with clause 11.1 and charge any prescribed fee.
- 11.4** Testing, maintenance and replacement of meters and flow restrictors shall be done by the customer when required by Council in accordance with the requirements set out in the Hutt City Council Code of Practice for Water Supply.

12. CUSTOMER RESPONSIBILITIES

- 12.1** The customer's plumbing system shall be designed, installed and maintained, both in its component parts and its entirety, to ensure that it complies with the Plumbers, Gasfitters and Drainlayers Act 1976, the Building Act 2004 and the New Zealand Building Code and any other relevant statutory requirements in place at the time. In addition, the customer's plumbing system shall comply with any requirements in the Hutt City Council Code of Practice for Water Supply.

13. WORKING AROUND BURIED SERVICES

- 13.1** Any person proposing to carry out excavation work shall:
- (a) Be responsible for locating all buried services prior to commencing excavation work, and
 - (b) Follow the procedures required for obtaining a Street Opening Consent (as laid down in the HCC Street Opening and Reinstatement Code of Practice).
- 13.2** Any damage which occurs to a Council service shall be reported to the Council immediately. The person causing the damage shall be liable for the cost of repair.

14. COUNCIL EQUIPMENT

- 14.1** The customer shall take due care to protect from damage the Council equipment up to the point of supply, including pipework, valving and restrictors.
- 14.2** The customer shall maintain the area in and around the point of supply free of soil, growth, or other matter or obstruction which prevents or is likely to prevent convenient access.

15. PAYMENT

- 15.1** The customer shall be liable to pay for the supply of water and related services in accordance with the Council's prescribed fee/s.
- 15.2** The Council may recover all unpaid water charges for metered water usage, in the matter prescribed in the Local Government (Rating) Act 2002.

16. TRANSFER OF RIGHTS AND RESPONSIBILITIES

- 16.1** The customer's rights and responsibilities provided for under this Bylaw are not transferable.
- 16.2** Water which the customer draws from the Council supply shall not be provided to any other party without prior Council approval and a customer shall not extend the water supply by means of any hose or other pipe to a party beyond the customer's property.

17. CHANGE OF OWNERSHIP

- 17.1** In the event of a premises changing ownership or tenant the Council requires the outgoing owner/tenant to advise details of the new owner or tenant as being the customer at that premises. Where a premise is metered the outgoing customer shall give the Council 48 hours notice to arrange a final reading.

18. TERMINATION

- 18.1** The customer must make an application to Council for termination of water supply on the prescribed form, including all the information required by the Council and pay any prescribed fee.
- 18.2** On receiving approval of termination from Council the customer must arrange for any termination to be undertaken by a Council approved contractor.

19. OFFENCES

- 19.1** Every person commits an offence against this bylaw who:
- (a) Does or permits anything contrary to this Bylaw.
 - (b) Omits or neglects to do anything which ought to be done at the time and in the manner provided in this Bylaw.
 - (c) Fails to comply with any duty, obligation, or condition imposed by this Bylaw.
 - (d) Fails to comply with any resolution made under this Bylaw.
 - (e) Fails to comply with any approval granted under the Bylaw, including any condition of an approval granted under this Bylaw.
 - (f) Provides an incorrect application for supply which fundamentally affects the provisions;
 - (g) Gains access to and draws water from a fire hydrant without prior approval from the Council.
 - (h) Makes any connection to the water supply system without prior written approval from the Council.

20. RESOLUTION POWER AND CODE OF PRACTICE

- 20.1 The Council may, by resolution, impose such prohibitions, restrictions, controls, or directions regarding the use of water and impose any requirements it sees fit in relation to the installation and maintenance of infrastructure necessary for water supply.
- 20.2 The Council may, by resolution, amend or replace the Hutt City Council Code of Practice for Water Supply.

COMMENTARY

The following comments do not form part of the Bylaw. They are provided to alert readers to relevant law and information that relate to the Bylaw.

Statutory authority

This Bylaw is made pursuant to the Council's bylaw-making powers in the Local Government Act 2002.

Legislation

There are a number of statutory provisions that relate to the control of the supply of water, wastage of water and the Council's powers of entry onto private premises. Please refer to sections 171-173 and sections 192 -193 of the Local Government Act 2002.

Getting a permit from the Council

If you want a permit from the Council in relation to this Bylaw, you should contact the Council Call Centre on ph 570 6666 and they will direct you to the appropriate person. There may be an application form you will need to fill in. Council officers will be able to assist you in completing an application form.