

Franklin District Council Water Supply Bylaw 2008

1. Title and Commencement

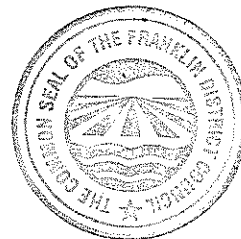
- 1.1 This Bylaw may be cited as the Franklin District Council Water Supply Bylaw 2008 and shall come into force on 15 December 2008.
- 1.2 This Bylaw applies to the Franklin District.
- 1.3 As from the day this Bylaw comes into force, any previous bylaw or parts of any bylaw and its amendments still in force in the Franklin District (including those made by any local authorities previously governing areas that now comprise part of the Franklin District) shall be repealed.

2. Water Bylaw Validation

- 2.1 The Franklin District Council Water Supply Bylaw 2008 was duly made at a meeting of the Franklin District Council held on 27 November 2008 after completion of the special consultative procedure under section 86 of the Local Government Act 2002.
- 2.2 The Common Seal of the Franklin District Council was affixed hereto, pursuant to a resolution of Council, on 28 November 2008 in the presence of:



.....
Mark Ball
Mayor



.....
Sally Davis
Chief Executive

.....
28th November 2008

Date

3. Scope

- 3.1 This Bylaw is made pursuant to section 146 of the Local Government Act 2002 and the Health Act 1956, and any amendments thereto, for the supply of water to its customers by the Water Supply Authority (WSA) and for the protection of source water.
- 3.2 The supply and sale of water by the WSA is subject to:
- (a) Statutory Acts and Regulations, including the
 - (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; and
 - (vii) Resource Management Act 1991
 - (b) Relevant Codes and Standards, including the
 - (i) Drinking Water Standards for New Zealand 2005
 - (ii) BS EN 14154-3:2005 Water meters. Test methods and equipment.
 - (iii) SNZ PAS 4509:2003 New Zealand Fire Service fire fighting water supplies code of practice
 - (iv) NZWWA Backflow Code of Practice 2006
 - (v) NZWWA Water Meter Code of Practice 2003
 - (vi) National Environmental Standards for Sources of Human Drinking Water

4. Interpretation

- 4.1 When interpreting this Bylaw, use the definitions set out in clause 5 unless the context requires otherwise. Where reference is made in this Bylaw to any repealed enactment, such reference should be taken as a reference to its replacement.
- 4.2 For the purpose of this 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.

5. Definitions

For the purposes of this Bylaw, unless inconsistent with the context, the following definitions apply:

Approved means approved in writing by the WSA, either by resolution of the Council or by any authorised officer of the WSA.

Backflow means the reversal of flow that is contrary to the normal flow direction allowing water drawn past the point of supply or mixtures of water and contaminants into the water supply system.

Council means the Franklin District Council and includes any employees and contractors authorised to exercise the authority of the Council.

District means the Franklin District.

Customer means a person who uses, or has obtained the right to use or direct the manner of use of, water supplied by the WSA.

Cross connection means an actual or potential channel or piping between the potable water supply and a source of contaminants.

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.

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

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 LGA 2002 and the Local Government (Rating) Act 2002.

Level of service means the measurable performance standards on which the WSA undertakes to supply water to its customers.

On demand supply means a supply which is available on demand directly from the point of supply subject to the agreed level of service.

Ordinary supply means a category of on demand supply used solely for domestic type purposes.

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

Point of Supply means the point on the water pipe leading from the water main to the premises (as indicated in Figures 1 and 2 of clause 8.2 of this Bylaw), which marks the boundary of ownership between the customer and the WSA, irrespective of property boundaries.

Potable means as defined in the Health (Drinking Water) Amendment Act 2007.

Premises includes the following:

- (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) 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 as defined in the Local Government Act 2002.

Ranger means a person responsible for the management of a WSA controlled catchment area or water reserve.

Restricted flow supply means a type of water supply connection where a small flow is supplied through a flow control device, and storage is provided by the customer to cater for the customer's 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.

Roading authority means a territorial authority or Transit New Zealand.

Rural water supply area means an area serviced by a reticulated water supply system that is intended to supply water for specified purposes via restricted flow supplies and/or on demand supplies but not necessarily with a firefighting capability.

Service pipe means the section of water pipe between a water main and the point of supply.

Service valve (toby) means the valve at the customer end of the service pipe.

Storage tank means any tank having a free water surface.

Supply pipe means the section of pipe between the point of supply and the customer's premises through which water is conveyed to the premises.

Urban water supply area means an area serviced by a reticulated water supply system with a firefighting capability that is intended to supply water to customers via on demand supplies.

Water supply authority (WSA) means the operational unit of the Council responsible for the supply of water, including its authorised agents.

Water supply system means all those components of the network between the point of abstraction from the natural environment and the point of supply. This includes but is not limited to: bores, infiltration galleries, intake structures, open raw water storage ponds/lakes, falling mains, treatment plants, treated water

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

Water unit means the basis of measurement for a restricted flow supply as determined by the WSA

6. Protection of water supply system

Any person who owns or occupies premises in the WSA area must ensure that water is used for and maintained in a manner that ensures no public health hazard or public health nuisance occurs that could affect the public water supply system.

6.1 Access to system

No person other than the WSA and its authorised agents shall have access to any part of the water supply system, except to connect to the point of supply, subject to clause 8.1 of this Bylaw, and to operate the service valve.

6.2 No person to connect to, or interfere with a water supply system

Except as set out in clauses 6.1, 6.3 and 6.4 of this Bylaw, no person shall make any connection to, or otherwise interfere with, any part of the water supply system.

6.3 Fire hydrants

Only the attending Fire Service/s shall gain access to, and draw water from fire hydrants for the purpose of fighting fires, training, and testing.

6.4 Other uses

The right to gain access to, and draw water from the water supply for uses other than firefighting (for example, hydrant use or pipe flushing) shall be restricted to:

- (a) The WSA or its agents;
- (b) Permit holders, being those persons who after having submitted an application to the WSA and are subsequently approved to draw water from fire hydrants or tanker filling points. Such permits shall be valid only so long as the permit holder complies with the conditions endorsed on the permit. Without prejudice to other remedies available, the WSA may remove and hold any equipment used by an offender to gain access to, or draw water from a fire hydrant, and assess and recover the value of water drawn without authorisation and any other associated costs.

6.5 Working around buried services

- 6.5.1 The WSA shall keep accurate permanent records ('as-builts') of the location of its buried services. This information shall be available for inspection at no cost to users. Charges may be levied to cover the costs of providing copies of this information.
- 6.5.2 Any person proposing to carry out excavation work shall view the as-built information to establish whether or not WSA services are located in the vicinity. At least five working days notice in writing shall be given to the WSA of an intention to excavate in the vicinity of its services. Where appropriate the WSA shall mark out to within ± 0.5 m on the ground the location of its services, and may nominate any restrictions on the work it considers necessary to protect its services. The WSA may charge for this service.
- 6.5.3 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 appropriate WSA specification.
- 6.5.4 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.

6.5.5 Excavation within roadways is also subject to the permit process of the appropriate roading authority.

7. Protection of source water

No person shall pollute or contaminate any catchment area, river, well, reservoir, filter bed, water purification or pumping works, tank, cistern or other source of public water supply in a way that creates a public health nuisance or public health hazard.

7.1 Catchment classes

Surface water and groundwater catchment areas from which untreated water is drawn for the purposes of water supply may be designated as:

- (a) Controlled;
- (b) Restricted; or
- (c) Open.

These catchments are also subject to National Environmental Standards for Sources of Human Drinking Water

7.2 Controlled catchments

The following conditions apply:

7.2.1 Entry

- (a) Catchment areas which are designated as controlled, or any area held by the WSA as a water reserve, shall not be entered by any person except those specifically authorised or permitted in writing by the WSA. Within such areas unless provided for by the WSA no person shall:
 - (i) Camp
 - (ii) Take or allow to stray any livestock
 - (iii) Bathe or wash anything
 - (iv) Deposit any dirt, rubbish, or foul material of any kind
 - (v) Defecate.

7.2.2 Permits

- (a) Entry permits shall forbid, regulate or control the following activities:
 - (i) Hunting, trapping, shooting, or fishing
 - (ii) Lighting or maintaining any fire
 - (iii) Taking of any dog or other animal
 - (iv) Damaging or destroying any trees, shrubs, or other existing cover, or interference with any property
 - (v) Carrying of any firearm or weapon of any kind, any trap or any fishing gear which may be used for the hunting or catching of birds, fish or animals
 - (vi) Use of any pesticide or toxic substance for any purpose whatsoever.
- (b) A person may be required to present a medical clearance before an entry permit will be issued.

7.2.3 Permits to be presented

Unless the WSA permits:

- (a) No person to whom any permit has been issued shall enter or leave any controlled catchment area or land held by the WSA as a water reserve without presenting such a permit for inspection by the WSA ranger and notifying the ranger of their intention of entering or leaving such an area as the case may be
- (b) Every person on any controlled catchment area or land held by the local authority as a water reserve shall upon demand produce any such permit for inspection by the ranger
- (c) No permit issued shall be capable of being transferred
- (d) The WSA may at any time, by notice in writing delivered to the holder, revoke or suspend any such permit for such time as shall be stated in such a notice.

7.2.4 Interference and obstruction

In any controlled catchment area or any land held by the WSA as a water reserve:

- (a) Every person shall upon the request of the ranger or other officer of the WSA immediately leave the controlled catchment area or land held by the WSA as a water reserve, but shall nevertheless be liable also to be prosecuted for the breach of any of the provisions of this Bylaw, and the failure so to leave shall constitute a further offence
- (b) No person shall obstruct or hinder any duly appointed officer of the WSA in the exercise of any powers vested in that officer under the provisions of this Bylaw.

7.3 Restricted catchments

Catchment areas which are designated as restricted shall allow for certain activities, but shall be as for controlled catchments for other activities. Those activities may include unrestricted entry for:

- (a) Tramping;
- (b) Hunting;
- (c) Trapping;
- (d) Shooting;
- (e) Fishing.

7.4 Open catchments

In open catchment areas whether designated or not, there will generally be no restriction on activities other than any provisions of the regional or district plan and the National Environmental Standard.

7.5 Spillages and adverse events

7.5.2 In the event of a spillage, or any event which may compromise the water supply, the person responsible for the event shall advise the WSA with due urgency. This requirement shall be in addition to those other notification procedures which are required for other authorities.

7.5.3 Where the owner or occupier of a premises allows or permits any item or items that may potentially contaminate or leach into the water supply to accumulate on the premises contained with a catchment, the WSA may request the owner (in writing) to remove the item or items. Should the owner not remove the item or items within 30 days of such notification, the WSA or its agents may remove such at the owner's expense (expenses include all costs associated with the removal).

8 Conditions of supply

8.1 Application for supply

8.1.1 Initial application

- (a) Every application for a supply of water shall be made in writing on the standard WSA form accompanied by the prescribed charges. The applicant shall provide all the details required by the WSA.
- (b) On receipt of an application the WSA shall, after consideration of the matters in clauses 8.4 and 8.5 of this Bylaw, either:
 - (i) Approve the application and inform the applicant of the type of supply, the level of service, the size of the connection, backflow requirements and any particular conditions applicable; or
 - (ii) Refuse the application and notify the applicant of the decision giving the reasons for refusal.
- (c) The WSA should determine the type of supply, the sizes of all pipes, fittings and any other equipment, up to the point of supply. The WSA shall supply and install the service pipe up to the point of supply at the applicant's cost or may allow the supply and installation of the service pipe and fittings to be carried out by approved contractors.
- (d) The applicant shall 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.

- (e) An approved application for supply which has not been actioned within six months of the date of application will lapse unless a time extension has been approved. Any refund of fees and charges shall be at the discretion of the WSA.

8.1.2 Change of use

Where a customer seeks a change in the level of service or end use of water supplied to premises, and/or the supply changes from an ordinary to an extraordinary type (see clause 8.4 of this Bylaw) or vice versa, a new application for supply shall be submitted by the customer.

8.1.3 Prescribed charges

Charges applicable at the time of connection may include:

- (a) Payment to the WSA for the cost of the physical works required to provide the connection;
- (b) A development contribution charge determined in accordance with the Local Government Act 2002;
- (c) A financial contribution charge determined in accordance with the Resource Management Act 1991.

8.2 Point of supply

8.2.1 Responsibility for maintenance

- (a) The WSA shall own and maintain the service pipe and fittings up to the point of supply subject to clause 69ZZZ of Health (Drinking Water) Amendment Act 2007. The customer shall maintain the supply pipe and fittings beyond the point of supply.
- (b) The WSA gives no guarantee of the serviceability of the valve located on the service pipe. Where there is no customer stopcock, or where maintenance is required between the service valve and the customer stopcock, the customer may use the service valve to isolate the supply. However the WSA reserves the right to charge for maintenance of this valve if damaged by such customer use.

8.2.2 Location

- (a) For each individual customer there shall be only one point of supply, unless otherwise approved.
- (b) For both ordinary and extraordinary supply customers the point of supply shall be located outside the boundary to the premise in the position approved by the WSA.
- (c) For ordinary and extraordinary supply the point of supply maybe located inside the boundary at the approval of the WSA, where circumstances make it desirable to locate it inside the boundary or where fences, walls, or other permanent structures make it difficult to locate it at the required position.
- (d) Existing points of supply may be located either inside or outside the property boundary. The WSA may relocate the point of supply when deemed appropriate or on request from the customer subject to approval and charges.
- (e) When relocating the point of supply any pipework and fittings from the new point of supply to the existing customer supply pipe will be the responsibility of the WSA for 6 months from the time of relocation.

8.2.3 Ownership

- (a) Unless otherwise specified change of ownership occurs at the point of supply being the point directly after the last fitting connecting the supply pipe to the meter/backflow assembly or the outlet of the meter box.
- (b) The typical layout of the point of supply is shown in figures 1 and 2 following.

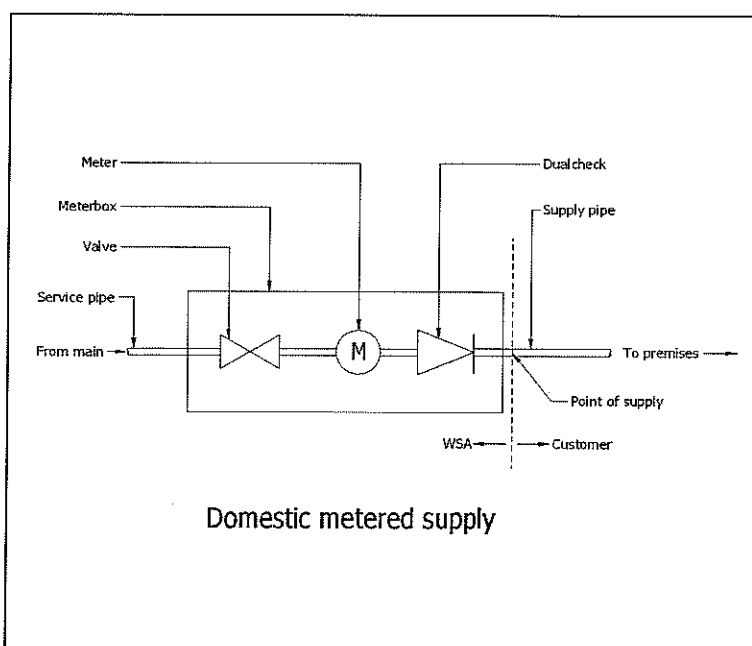


Figure 1 – Typical layout at point of supply – Ordinary use

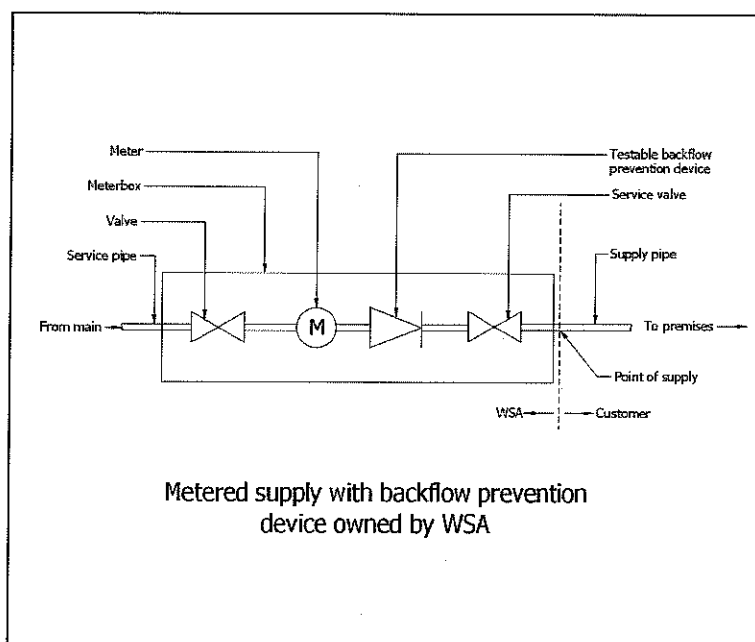


Figure 2 – Typical layout at point of supply – Extraordinary use

8.2.4 Multiple ownership

- (a) The point of supply for the different forms of multiple ownership of premises and/or land shall be:
 - (i) For Company Share/Block Scheme (Body Corporate) – as for individual ownership;
 - (ii) For Leasehold/Tenancy in Common Scheme (Cross Lease), Strata Title, Unit Title (Body Corporate) and any other form of multiple ownership – each customer shall have an individual supply with the point of supply determined by agreement with the WSA. In specific cases other arrangements may be acceptable, subject to individual approval.
- (b) For a multiple ownership supply which was in existence prior to the coming into effect of this Bylaw, the point of supply shall be the arrangement existing at that time, or as determined by agreement with the WSA for any individual case.

8.3 Access to and about point of supply

8.3.1 Rights of access

- (a) Where the point of supply is on private property the customer shall allow the WSA access to, and about the point of supply between 7.30 am and 6.00 pm on any day for:
 - (i) Meter reading without notice; or
 - (ii) Checking, testing and maintenance work with notice being given whenever possible.
- (b) Outside these hours (such as for night time leak detection) the WSA shall give notice to the customer.
- (c) Where access is not made available for any of the above times and a return visit is required by the WSA, a rate may be charged as for 'Meter reading by appointment'.
- (d) Under emergency conditions the customer shall allow the WSA free access to, and about the point of supply at any hour.

8.3.2 Maintenance of access

The customer shall maintain the area in and around the point of supply keeping it free of soil, growth, or other matter or obstruction which prevents, or is likely to prevent, convenient access.

8.4 Types of supply

8.4.1 General

Supplies shall be classified as either 'on demand' or 'restricted flow' and the use of water from the supply shall be either 'ordinary' or 'extraordinary'.

8.4.2 On demand supply

- (a) Every premises shall be entitled to an ordinary supply of water subject to the following conditions:
 - (i) The premises lying within an urban water supply area. Maps of urban water supply areas are available from the WSA.
 - (ii) The exclusion of its use for garden watering under any restrictions made by the WSA under clause 8.4.3 of this Bylaw;
 - (iii) Payment of the appropriate charges in respect of that property;
 - (iv) Any other charges or costs associated with subdivisional development; and
 - (v) Any other relevant conditions in clause 8 of this Bylaw.
- (b) The WSA shall be under no obligation to provide an extraordinary supply of water (see also the provisions of clauses 8.7 and 8.9.2 of this Bylaw).

8.4.3 Restricted flow supply

- (a) Restricted flow supply may be available to premises within a rural water supply area, or under special conditions set by the WSA. Maps of rural water supply areas are available from the WSA.
- (b) The water supply shall be restricted so as to deliver the agreed number of water units at a steady flow rate.
- (c) The WSA shall charge for the restricted flow supply by either:
 - (i) The volume passing through a meter; or
 - (ii) The agreed number of water units.

8.4.4 Ordinary use

- (a) Ordinary use is for domestic purposes (which may include use in a fire sprinkler system to NZS 4517) and shall include:
 - (i) Washing down a car, boat, or similar;
 - (ii) Garden watering by hand;
 - (iii) Garden watering by a portable sprinkler (subject to the provisions of clause 8.7.3 of this Bylaw).
- (b) NOTE:– For use from a fire protection system to NZS 4517 to be classified as an ordinary use, the customer should comply with the conditions set under clause 8.9.1 of this Bylaw.

8.4.5 Extraordinary use

Extraordinary use includes:

- (a) Domestic – spa or swimming pool in excess of 10 m³ capacity, fixed garden irrigation systems, and/or stock troughs;
- (b) Commercial and business;
- (c) Industrial;
- (d) Any agricultural use;
- (e) Any horticultural use;
- (f) Fire protection systems other than sprinkler systems installed to comply with NZS 4517;
- (g) Out of district (supply to, or within, another local authority);
- (h) Water carriers.
- (i) Temporary supply.
- (j) Auxiliary supply.

Where in addition to a WSA water supply connection, the owner or occupier of premises has an auxiliary supply such as rain tanks, well, bore, spring, dam or other water source, they must provide the WSA with all particulars of the water source reasonably available to the owner or occupier.

8.5 Metering

Both ordinary and extraordinary use of water shall normally be metered and levied as rates, as prescribed in the Local Government (Rating) Act 2002, sections 9, 15 to 19, and sections 101 to 103.

8.6 Level of service

The WSA shall provide water in accordance with the level of service contained in the Long Term Council Community Plan. For those periods where the level of service allows noncompliance with the specified value(s), the WSA should make every reasonable attempt to achieve the specified value(s).

8.7 Continuity of supply

8.7.1 Supply

- (a) Due to practical and physical limitations the WSA cannot guarantee an uninterrupted or constant supply of water in all circumstances, or the continuous maintenance of any particular pressure, but shall do its best to meet the continuity of supply levels of clause 8.6 of this Bylaw, subject to the exemptions contained in clauses 8.7.3 and 8.7.4 of this Bylaw.
- (b) Where works of a permanent or temporary nature are planned which will affect an existing supply, the WSA shall consult with, or inform or give notice to all known customers likely to be substantially affected.

8.7.2 Uninterrupted service

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.

8.7.3 Demand management

- (a) The customer shall comply with any restrictions which may be approved by the WSA to manage high seasonal or other demands. Such restrictions shall be advised by public notice.
- (b) Even when such restrictions apply the WSA shall take all practicable steps to ensure that an adequate supply for domestic purposes is provided to each point of supply.

8.7.4 Emergency restrictions

During an emergency the WSA may restrict or prohibit the use of water for any specified purpose, for any specified period, and for any or all of its customers. Such restrictions shall be advised by public notice. The WSA may enact penalties over and above those contained in these conditions to enforce these restrictions. The decision to make and lift restrictions, and to enact additional penalties, shall be made by the Council, or where immediate action is required, by the manager of the WSA, subject to subsequent Council ratification.

8.7.5 Maintenance and repair

Wherever practical the WSA shall make every reasonable attempt to notify the customer of a scheduled maintenance shutdown of the supply before the work commences. Where immediate action is required and notification is not practical, the WSA may shut down the supply without notice.

8.8 Liability

8.8.1 The WSA shall endeavour to meet the level of service requirements of clause 8.6 of this Bylaw, but 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.

8.8.2 The WSA may, under certain circumstances and at its sole discretion, make payments for damage caused to equipment, appliances, processes, and materials as a direct result of a variation in the water supply, provided that any such equipment or appliances have been designed to cater for reasonable variations in the flow, pressure, and quality of the water supply.

8.9 Fire protection connection

8.9.1 Connection application

Any proposed connection for fire protection shall be the subject of a specific application (on the standard WSA form) made to the WSA for approval. Any such connection shall be subject to the conditions specified by the WSA.

8.9.2 Design

It shall be the customer's responsibility to ascertain in discussion with the WSA and monitor whether the supply available is adequate for the intended purpose.

8.9.3 Fire protection connection metering

- (a) Where the supply of water to any premises is metered the WSA may allow the supply of water for the purposes of firefighting to be made in a manner which bypasses the meter, provided that:
 - (i) 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
 - (ii) A WSA approved detector check valve has been fitted on the meter bypass.

- (b) Any unmetered connection provided to supply water to a fire protection system shall not be used for any purpose other than firefighting and testing the fire protection system unless the fire protection system is installed in accordance with NZS 4517.
- (c) Where a fire connection has been installed or located so that it is likely or possible that water may be drawn from it by any person for purposes other than firefighting, the WSA may require the supply to be metered.

8.9.4 Fire hose reels

Where the supply of water to any premises is metered, fire hose reels shall be connected only to the metered supply, not to the fire protection system. The water supply to fire hose reels shall comply with the requirements of NZS 4503.

8.9.5 Charges

Water used for the purpose of extinguishing fires shall be supplied free of charge. Where the fire protection connection is metered and water has been used for firefighting purposes, the WSA shall estimate the quantity of water so used, and credit to the customer's account an amount based on such an estimate.

8.9.6 Ongoing testing and monitoring

Customers intending to test fire protection systems in a manner that requires a draw-off of water, shall obtain the approval of the WSA beforehand. Water used for routine flushing and flow testing does not constitute waste. Where the supply is not metered, the volume used shall be estimated and the quantity of water used may be assessed and charged for by the WSA.

8.10 Backflow prevention

8.10.1 All new connections to the water supply system including permit holders will be assessed for cross connections and contamination hazards and the appropriate backflow prevention required, as per the WSA backflow prevention policy.

8.10.2 The WSA may determine which existing customers pose cross connections risks to the water supply. Where, in the opinion of the WSA, there is a contamination hazard to the water supply the WSA or its agents may install the appropriate device on the network side of the point of supply and recover the costs from the customer.

8.10.3 The customer shall ensure that the backflow prevention requirements for within the building, as required by Building Act 2004 and clause G12 Water Supplies of the Building Regulations 1992, are complied with.

8.11 WSA equipment and inspection

8.11.1 Care of water supply system

The customer shall take due care not to damage any part of the water supply system, including but not limited to pipework, valves, meters, restrictors, chambers, and backflow prevention devices.

8.11.2 Inspection

Subject to the provisions of the Local Government Act 2002, the customer shall allow the WSA with or without equipment, access to any area of the premises for the purposes of determining compliance with these conditions.

8.12 Meters and flow restrictors

8.12.1 Installation

- (a) Meters for on demand supplies, and restrictors for restricted flow supplies, shall be supplied, installed and maintained by the WSA, and shall remain the property of the WSA.
- (b) Where on demand supplies are not metered, the WSA where it considers water use is unusually high, reserves the right to fit a meter at the customer's cost, and charge accordingly.

8.12.2 Location

Meters and restrictors shall be located in a position where they are readily accessible for reading and maintenance, and if practicable immediately on the WSA side of the point of supply (see figures 1 and 2 above).

8.12.3 Accuracy

The accuracy of meters shall be tested as and when required by the WSA to ensure performance in accordance with the NZWWA Water Meter Code of Practice (meters). 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 the test costs. A copy of independent certification of the test result shall be made available to the customer on request.

8.12.4 Adjustment

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 WSA shall make an adjustment in accordance with the results shown by such tests, backdated for a period at the discretion of the WSA but not exceeding 12 months, and the customer shall pay a greater or lesser amount according to the adjustment.

8.12.5 Estimating consumption

- (a) Should any meter be out of repair or cease to register, or be removed, the WSA shall estimate the consumption for the period since the previous reading of such meter, (based on the average of the previous four billing periods charged to the customer) and the customer shall pay according to such an estimate. Provided that when by reason of a large variation of consumption due to seasonal or other causes, the average of the previous four billing periods would be an unreasonable estimate of the consumption, the WSA may take into consideration other evidence for the purpose of arriving at a reasonable estimate, and the customer shall pay according to such an estimate.
- (b) The customer shall be liable for the cost of water which passes through the meter as a result of leakage or damage.
- (c) Where the seal or dial of a meter is broken, the WSA may declare the reading void and estimate consumption as described above.

8.12.6 Incorrect accounts

- (a) Where a situation occurs, other than as provided for in clause 8.12.5 of this Bylaw, where the recorded consumption does not accurately represent the actual consumption on a property, the account shall be adjusted using the best information available to the WSA. 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.
- (b) Where an adjustment is required, in favour of the WSA or the customer, this shall not be backdated more than 12 months from the date the error was detected.

8.13 Plumbing system

- 8.13.1** Quick-closing valves, pumps, or any other equipment which may cause pressure surges or fluctuations to be transmitted within the water supply system, or compromise the ability of the WSA to maintain its stated levels of service shall not be used on any piping beyond the point of supply. In special circumstances such equipment may be approved by the WSA.
- 8.13.2** In accordance with the Building Regulations 1992 the plumbing system shall be compatible with the water supply.
- 8.13.3** Within the areas for urban and rural water supply, specific features of the WSA supply which may impact on customers' plumbing system need to be taken into account. Typical specific features such as maximum and minimum pressures are available from the WSA on request.

8.14 Prevention of waste

- 8.14.1** The customer shall not intentionally allow water to run to waste from any pipe, tap, or other fitting, nor allow the condition of the plumbing within the property to deteriorate to the point where leakage or wastage occurs.
- 8.14.2** The WSA provides water for consumptive use not as an energy source. The customer shall not use water or water pressure directly from the supply for driving lifts, machinery, eductors, generators, or any other similar device, unless specifically approved.
- 8.14.3** The customer shall not use water for a single pass cooling system or to dilute trade waste prior to disposal, unless specifically approved.

8.15 Payment

- 8.15.1** The customer shall be liable to pay for the supply of water and related services in accordance with the WSA fees and charges prevailing at the time.
- 8.15.2** The WSA may recover all unpaid water charges as prescribed in the Local Government (Rating) Act 2002, sections 57 to 82.

8.16 Transfer of rights and responsibilities

- 8.16.1** The customer shall not transfer to any other party the rights and responsibilities set out in this Bylaw.
- 8.16.2** A supply pipe shall serve only one customer, and shall not extend by hose or any other pipe beyond that customer's property.
- 8.16.3** In particular and not in limitation of the above any water which the customer draws from the WSA supply shall not be provided to any other party without approval of the WSA.

8.17 Change of ownership

- 8.17.1** In the event of a premises changing ownership the WSA shall record the new owner as being the customer at that premises. Where a premises is metered the outgoing customer shall give the WSA five working days notice to arrange a special meter reading.
- 8.17.2** The WSA reserves the right to reassess the conditions of supply when change of ownership occurs.

8.18 Disconnection at the customer's request

The customer shall give 20 working days notice in writing to the WSA of the requirement for disconnection of the supply. Disconnection shall be at the customer's cost.

9 Breaches and offences

9.1 Breaches of conditions of supply

9.1.1 The following are deemed breaches of the conditions to supply water:

- (a) An incorrect application for supply which fundamentally affects the conditions of supply (clause 8 of this Bylaw);
- (b) Failure by the customer to meet and comply with the conditions of supply;
- (c) Failure to meet any obligation placed on the customer under all current Acts and Regulations specified in clause 3.2 of this Bylaw;
- (d) Frustration of the WSA's ability to adequately and effectively carry out its obligations;
- (e) An act or omission including but not limited to any of the following:
 - (i) Failure to pay the appropriate charges by the due date;
 - (ii) Failure to repair a leak, or in any way willfully allowing water to run to waste, or to be misused;
 - (iii) The fitting of quick-closing valves, pumps, or any other equipment which may cause pressure surges or fluctuations to be transmitted within the water supply system, or compromise the ability of the WSA to maintain its stated levels of service (subject to clause 8.13 of this Bylaw);
 - (iv) Failure to prevent backflow (see clause 8.10 of this Bylaw);
 - (v) Failure to comply with water use restrictions or prohibitions introduced by the WSA for any specified purpose;
 - (vi) Using water or water pressure directly from the supply for driving lifts, machinery, eductors, generators, or any other similar device, unless specifically approved by the WSA;
 - (vii) Using water for a single pass cooling or heating system, or to dilute trade waste prior to disposal, unless specifically approved;
 - (viii) Extending by hose or any other pipe a private water supply beyond that customer's property;
 - (ix) Providing water drawn from the WSA supply to any other party without approval of the WSA.

9.1.2 (a) In the event of a breach, the WSA shall serve notice on the customer advising the nature of the breach and the steps to be taken to remedy it. If, after one week, the customer persists in the breach, the WSA reserves the right to reduce the flow rate of water to the customer without notice. 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 WSA.

(b) When restricted flow is due to a breach of conditions of supply under clause 9.1 of this bylaw, the restricted flow rate shall, as a minimum, provide for sanitary conditions within the dwelling and that these can be maintained for the duration of the restricted flow.

9.1.3 In addition, if the breach is such that the WSA is required to disconnect the supply for health or safety considerations, such disconnection should be carried out forthwith.

9.2 Interference with equipment

Any tampering or interfering with WSA equipment, either directly or indirectly, shall constitute a breach. Without prejudice to its other rights and remedies, the WSA shall be entitled to estimate (in accordance with clause 8.12.5 of this Bylaw) and charge for the additional water consumption not recorded or allowed to pass where a meter or restrictor has been tampered with, and recover any costs incurred.

9.3 Offences and Penalties

Any person who fails to comply with the requirements of this Bylaw commits an offence and shall be liable on summary conviction to the penalty set out in section 242(4) of the Local Government Act 2002, being a fine not exceeding \$20,000.