

## Napier City Council Proposed Water Supply Bylaw 2022

### Contents

1.	Title .....	2
2.	Commencement .....	2
3.	Application of Bylaw .....	2
4.	Scope .....	2
5.	Definitions.....	2
6.	Protection of Water Supply System .....	5
6.1	Access to system .....	5
6.2	No person to connect to, or interfere with a water supply system.....	5
6.3	Fire Hydrants .....	5
6.4	Other uses .....	5
6.5	Working around buried services .....	5
7.	Conditions of supply .....	7
7.1	Application for supply.....	7
7.2	Point of supply .....	7
7.3	Access to, and about Point of Supply.....	10
7.4	Types of Supply .....	10
7.5	Metering .....	11
7.6	Level of Service .....	12
7.7	Continuity of supply.....	12
7.8	Liability .....	12
7.9	Fire protection connection .....	13
7.10	Backflow prevention.....	13
7.11	WSA equipment and inspection .....	14
7.12	Meters and flow Restrictors .....	14
7.13	Plumbing system.....	16
7.14	Prevention of waste .....	16
7.15	Payment.....	16
7.16	Transfer of rights and responsibilities .....	17
7.17	Change of ownership .....	17
7.18	Disconnection at the Customer's request.....	17
8.	Breaches and infringement Offences.....	17
8.1	Breaches of conditions of supply .....	17
8.2	Interference with equipment .....	18
8.3	Offences and penalties .....	18

**1. Title**

This Bylaw is the “Water Supply Bylaw 2022”.

**2. Commencement**

This Bylaw comes into force on [date] 2022.

**3. Application of Bylaw**

This Bylaw applies to the district of the Napier City Council.

**4. Scope**

This Bylaw is made under the authority of the Local Government Act 2002 for the supply of water to its Customers by the Water Supply Authority (WSA). The supply and sale of water by the WSA is subject to:

- a. Statutory Acts and Regulations, including, but not limited to:
  - i. Building Act 2004;
  - ii. Fire and Emergency New Zealand Act 2017;
  - iii. Health Act 1956;
  - iv. Local Government Act 2002;
  - v. Local Government (Rating) Act 2002;
  - vi. Resource Management Act 1991; and
  
- b. Relevant Codes and Standards, including, but not limited to:
  - i. Drinking Water Standards for New Zealand 2005 (revised 2018)
  - ii. SNZ PAS 4509:2008 New Zealand Fire Service firefighting water supplies code of practice
  - iii. New Zealand Water and Wastes Association (NZWWA) Backflow Code of Practice 2006
  - iv. NZWWA Water Meter Code of Practice 2003
  - v. Napier City Council Code of Practice for Subdivision and Land Development; and
  
- c. So far as they are applicable, and are not contrary to the application of this Bylaw, the provisions of the Council’s Introductory Bylaw are incorporated into and form part of this Bylaw.
  
- d. Any reference in this Bylaw to repealed legislation, bylaws, regulations or standards, is a reference to legislation that, with or without modification, replaces, or that corresponds to, the legislation, bylaw, regulation or standard, repealed.

## 5. Definitions

For the purpose of this Bylaw, unless inconsistent with the context, the following definitions apply (if the definitions are not covered within the following refer to the Council's Introductory Bylaw 2021):

<b>Approved</b>	Approved in writing by the WSA, either by resolution of the Council or by any authorised officer of the WSA
<b>Backflow</b>	The unplanned reversal of flow of water or mixing of water and contaminants into the water supply system from other sources
<b>Buried Service</b>	means all Water Supply System features, and other underground utilities under the responsibility of the Council, in public or private land
<b>Council</b>	The Napier City Council or any authorised officer
<b>Code of Practice for Subdivision and Land Development</b>	The Council's current Code of Practice for Subdivision and Land Development which details the engineering standards required for land development which is reviewed and amended from time to time.
<b>Customer</b>	A person who uses, or has obtained the right to use or direct the manner of use of, water supplied by the WSA
<b>Detector check valve</b>	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
<b>Extraordinary supply</b>	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
<b>Fees and charges</b>	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
<b>Level of service</b>	The measurable performance standards on which the WSA undertakes to supply water to its Customers
<b>On demand supply</b>	A supply which is available on demand directly from the Point of Supply subject to the agreed level of service
<b>Ordinary supply</b>	A category of on demand supply used solely for domestic purposes
<b>Point of Supply</b>	The point on the water pipe leading from the water main to the premises, which marks the boundary of responsibility between the Customer and the WSA, irrespective of property boundaries

<b>Potable</b>	Water that does not contain or exhibit any determinants to any extent that exceeds the maximum acceptable values (other than aesthetic guideline values) specified in the Drinking Water Standards for New Zealand
<b>Premises</b>	<p>Premises include the following:</p> <ul style="list-style-type: none"> <li>(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</li> <li>(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</li> <li>(c) Land held in public ownership (e.g. reserve) for a particular purpose</li> </ul>
<b>Restricted flow supply</b>	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
<b>Restrictor</b>	A flow control device fitted to the service pipe to limit the flow rate of water to a Customer's premises
<b>Roading authority</b>	A territorial authority or Waka Kotahi NZ Transport Agency
<b>Rural water supply area</b>	An area formally designated by a WSA as 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
<b>Service pipe</b>	The section of water pipe between a water main and the Point of Supply
<b>Service valve (Toby)</b>	The valve at the Customer end of the service pipe
<b>Storage tank</b>	Any tank having a free water surface
<b>Supply pipe</b>	The section of pipe between the Point of Supply and the Customer's premises through which water is conveyed to the premises
<b>Urban water supply area</b>	An area formally designated by a WSA as 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
<b>Water supply authority (WSA)</b>	The operational unit of the Council responsible for the supply of water

**Water supply system**

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: wells, bores, 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**

The basis of measurement for a restricted flow supply and equal to a volume of 365 m<sup>3</sup> delivered at the rate of 1 m<sup>3</sup> per day

## **6. Protection of Water Supply System**

### **6.1 Access to system**

No person other than the WSA may access any part of the water supply system, except to connect to the Point of Supply, subject to 7.1, 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 6.1, 6.3 and 6.4, no person may connect to, or otherwise interfere with, any part of the water supply system.

### **6.3 Fire Hydrants**

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

NOTE – Use of the fire hydrants by untrained personnel can result in damage to the water supply system.

### **6.4 Other uses**

The right to access, and draw water from, the water supply system for uses other than firefighting (for example, flow testing or pipe flushing) is restricted to:

- WSA
- Or other emergency services

Without prejudice to other remedies available, the WSA may remove and hold any equipment used to gain access to, or draw water from a fire hydrant or any other part of the water supply system.

### **6.5 Working around buried services**

The WSA will keep accurate permanent records ('as-builts') of the location of its buried services. This information will be available for inspection. Charges may be levied to cover the costs of providing copies of this information.

Any person proposing to carry out excavation work may view the as-built information to establish whether or not WSA services are located in the vicinity. Notice in writing must be given to the WSA of an intention to excavate in the vicinity of its services. Where appropriate the WSA will mark out to within  $\pm 0.5$  m 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 WSA may charge for this service.

When excavating and working around buried services due care must be taken to ensure the services are not damaged, and that bedding and backfill are reinstated in accordance with the appropriate WSA specification.

Any damage which occurs to a WSA service must be reported to the WSA immediately.

The person causing the damage must 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.

All Buried Services must be protected by easement as detailed in the Code of Practice for Subdivision and Land Development, where the owner of that Buried Service is not the property owner.

- 6.5.1 Every Person proposing to carry out excavation work must first:
- a. Establish whether Buried Services are located in the vicinity of the proposed excavation. Plans showing the location of Buried Services can be accessed via the Council's utilities maps, beforeUdig database; and
  - b. Identify whether the area is listed as Waahi Tapu. If a site is listed as Waahi Tapu or an unknown archaeological site is discovered, the requirements of the Heritage New Zealand Pouhere Taonga Act 2014 must be adhered to.
  - c. No Person may excavate, or carry out piling or similar work closer than:
  - d. Five (5) metres from the centre line of Buried Services, or
  - e. Two (2) metres from the centre line of Buried Services, without Council approval. Such approval may impose conditions on the carrying out of any work near the Buried Services.
- 6.5.2 At least five (5) Working Days' written notice must be given to the Council before any excavation or physical works close to Buried Services commence. Where appropriate the Council may mark out to within 1m on the ground the location of any Buried Services, and may impose reasonable restrictions on the work it considers necessary to protect the Buried Services.
- 6.5.3 No Person may cause the crushing load imposed on any Buried Services to exceed that which would arise from the soil overburden plus a HN-HO-72 wheel or axle load (as defined in the NZ Transport Agency Bridge Manual).
- 6.5.4 No Person may place any additional material over or near Buried Services without Council approval. Removal of any covering material will be at the Customer's expense.
- 6.5.5 When excavating and working around Buried Services due care must be taken to ensure the services are not damaged, and that bedding and backfill is reinstated in accordance with the appropriate Council specification.
- 6.5.6 Excavation within a road reserve is also subject to the permit process of the Council and/or roading authority.
- 6.5.7 No building foundations or structures may be built over Buried Services,
- a. within the easement for the Buried Service or
  - b. what would be the width of the easement for the Buried Service as detailed in the Code of Practice for Subdivision and Land Development.
  - c. As otherwise required by easement protections in the Napier City Council Code of Practice for Subdivision and Land Development.
- 6.5.8 No Person may allow trees or shrubs to be planted over a Buried Service

- a. within the easement for the Buried Service or
- b. what would be the width of the easement for the Buried Service as detailed in the Code of Practice for Subdivision and Land Development
- c. As otherwise required by easement protections in the Napier City Council Code of Practice for Subdivision and Land Development.

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



## 7. Conditions of supply

### 7.1 Application for supply

#### 7.1.1 Initial application

Every application for a supply of water must be made in writing on the standard WSA form accompanied by the prescribed charges. The applicant must provide all the details required by the WSA.

On receipt of an application the WSA will, after consideration of the matters in 7.4 and 7.5, either:

- a. Approve the application and inform the applicant of the type of supply, the level of service, the size of the connection and any particular conditions applicable; or
- b. Refuse the application and notify the applicant of the decision giving the reasons for refusal.

For the agreed level of service to the applicant, the WSA will determine the sizes of all pipes, fittings and any other equipment, up to the Point of Supply. The WSA may at applicant's cost supply and install the service pipe up to the Point of Supply or allow the supply and installation of the Service Pipe or Supply Pipe to be carried out by approved contractors.

An applicant must have the authority to act on behalf of the owner of the premises for which the supply is sought, and must produce written evidence of this if required.

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

#### 7.1.2 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 7.4) or vice versa, a new application for supply must be submitted by the Customer.

#### 7.1.3 Prescribed charges

Charges applicable at the time of connection may include:

- a. The cost of the physical works required to provide the connection;
- b. A development contribution under the Local Government Act 2002;
- c. A financial contribution under the Resource Management Act 1991.

## 7.2 Point of Supply

### 7.2.1 Responsibility for maintenance

The WSA owns and maintains the Service Pipe or Supply Pipe and fittings up to the Point of Supply. The Customer owns and maintains the pipe beyond the Point of Supply.

### 7.2.2 Single ownership

For individual Customers the Point of Supply is as shown in the Code of Practice for Subdivision and Land Development, as close as possible. Other positions will require specific approval.

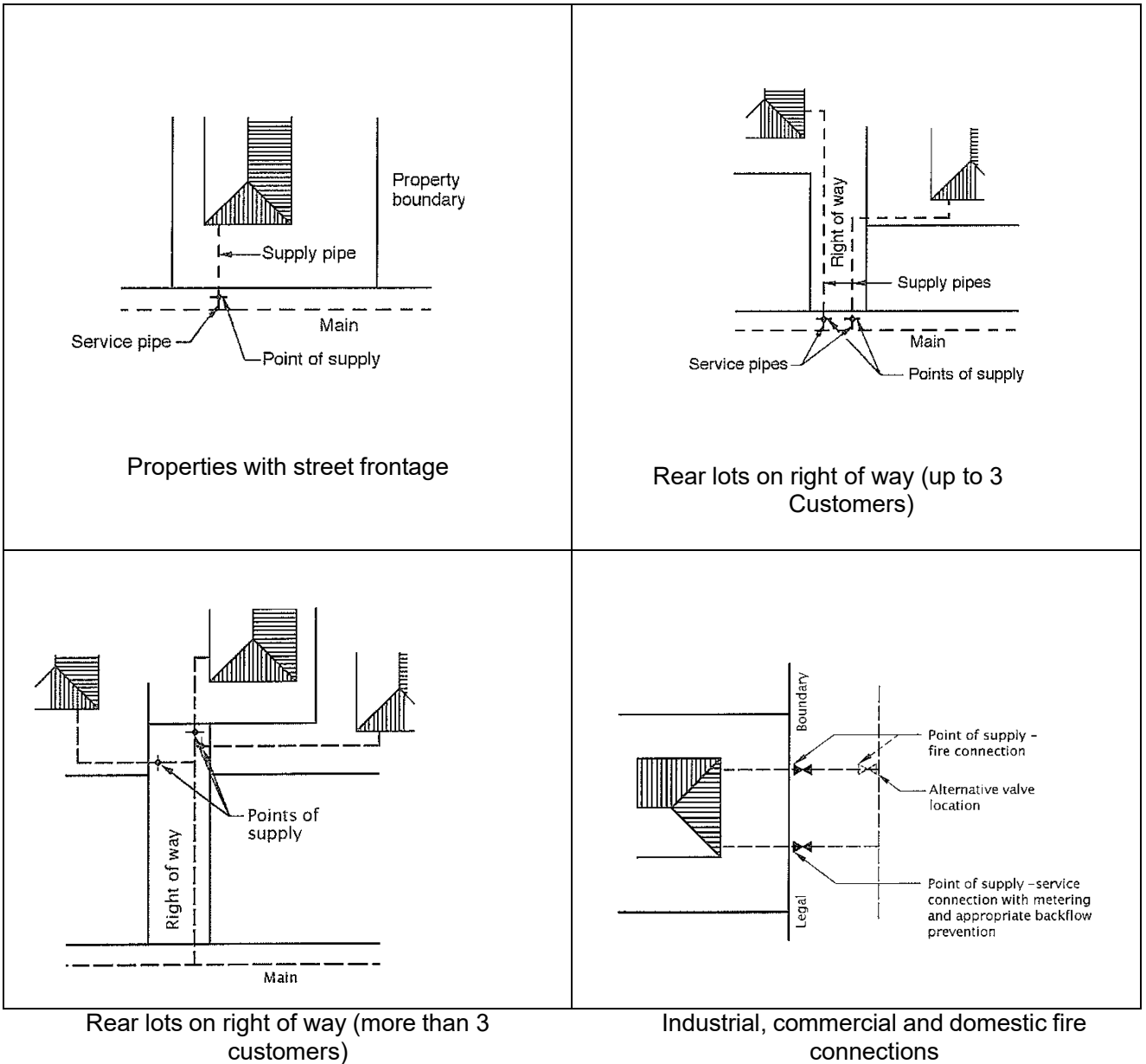
Each individual Customer has only one Point of Supply, unless otherwise approved by the WSA.

The typical layout at a Point of Supply is shown in **figure 2**.

The WSA does not guarantee 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 the Customer.

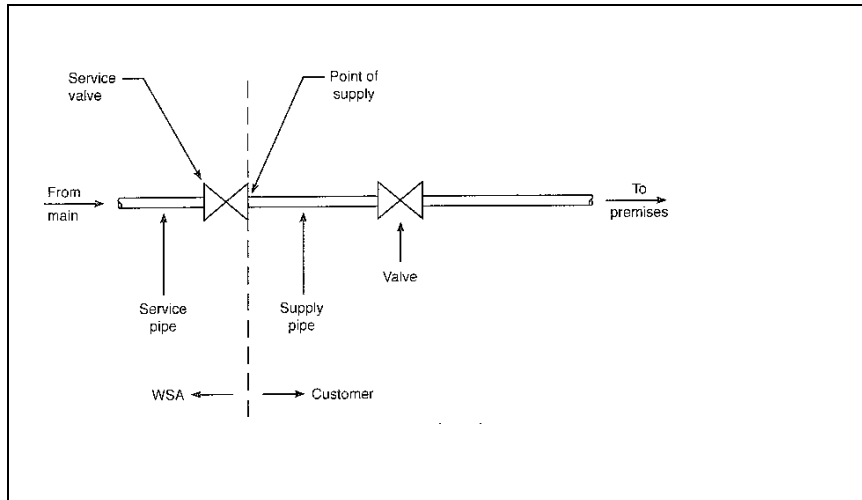
**Figure 1 – Point of Supply location – Individual Customers**

Note – Point of Supply is tail piece of boundary box, meter, or service valve regardless of property boundary.

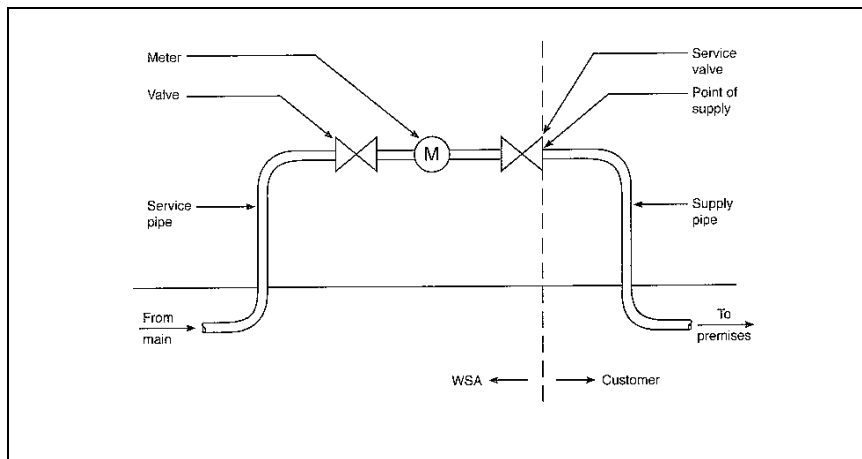


## Figure 2 – Typical layout at Point of Supply

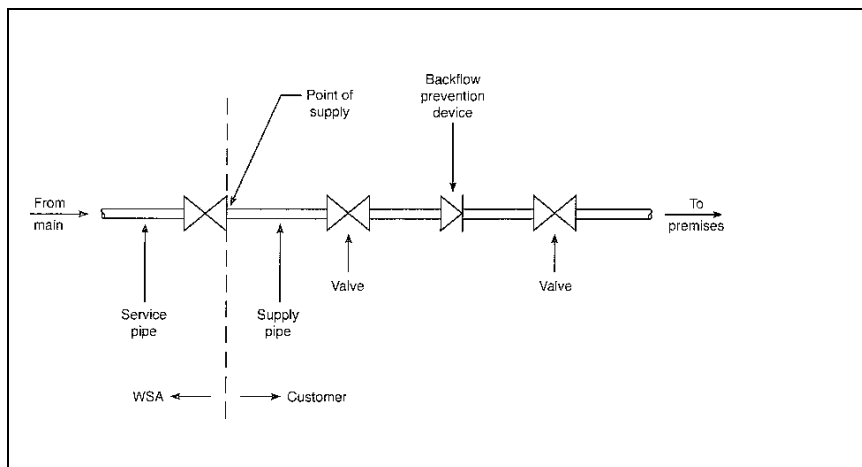
Note – Point of Supply is tail piece of boundary box, meter, or service valve regardless of property boundary.



Domestic unmetered supply



Domestic metered supply



Unmetered supply with backflow prevention device owned by the Customer

### 7.2.3 Multiple ownership

The Point of Supply for the different forms of multiple ownership of premises and/or land is:

- a. For Company Share/Block Scheme (Body Corporate) – as for single ownership;
- b. For Leasehold/Tenancy in Common Scheme (Cross Lease), Strata Title, Unit Title (Body Corporate) and any other form of multiple ownership – each Customer must have an individual supply with the Point of Supply determined by agreement with the WSA. Other arrangements may be acceptable, subject to WSA approval.

For a multiple ownership supply in existence prior to this Bylaw coming into effect, the Point of Supply will be the arrangement existing at that time, or as determined by agreement with the WSA.

## 7.3 Access to, and about Point of Supply

### 7.3.1 Rights of access

Where the Point of Supply is on private property the Customer must provide the WSA access to the Point of Supply between 7.30 am and 6 pm on any day for:

- a. Meter reading without notice; or
- b. Checking, testing and maintenance work, with notice being given whenever possible.

Outside these hours (such as for night time leak detection) the WSA will give notice to the Customer.

Where access is not provided during the above times and a return visit is required by the WSA, a rate may be charged for 'Meter reading by appointment'.

Under emergency conditions the Customer must provide the WSA free access to the Point of Supply at any hour.

### 7.3.2 Maintenance of access

The Customer must maintain the area 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.

## 7.4 Types of Supply

### 7.4.1 General

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

#### 7.4.2 On demand supply

Every premises is entitled to an ordinary supply of water subject to the following conditions:

- a. The premises is within an urban water supply area;
- b. The exclusion of its use for garden watering under any restrictions made by the WSA under 7.7.3;
- c. Payment of the appropriate charges in respect of the premises;
- d. Any other charges or costs associated with subdivisional development; and
- e. Any other relevant conditions in section 9 of this Bylaw.

The WSA is under no obligation to provide an extraordinary supply of water (see also the provisions of 7.7 and 7.9.2).

#### 7.4.3 Restricted Flow Supply

Restricted flow supply is available to premises within a designated area only or under special conditions set by the WSA.

The water supply will be restricted so as to deliver the agreed number of water units at a steady flow rate.

The WSA will charge for the restricted flow supply based on:

- a. The volume passing through a meter; or
- b. The agreed number of water units.

#### 7.4.4 Ordinary use

Ordinary use is for domestic purposes (which may include use in a fire sprinkler system to NZS 4517:2010 Fire sprinkler systems for houses (NZS 4517)) and includes:

- a. Washing down a car, boat, or similar;
- b. Garden watering by hand; and
- c. Garden watering by a portable sprinkler (subject to the provisions of 7.7.3)

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 7.9.1

#### 7.4.5 Extraordinary use

##### **Extraordinary use includes:**

- a. Domestic – spa or swimming pool in excess of 10m<sup>3</sup> capacity, fixed garden irrigation systems;
- b. Construction use;
- c. Commercial and business;
- d. Industrial;
- e. Agricultural;
- f. Horticultural;
- g. Viticultural;
- h. Lifestyle blocks (peri-urban or small rural residential);
- i. Fire protection systems other than sprinkler systems installed to comply with NZS 4517;
- j. Out of district (supply to, or within another local authority); and
- k. Temporary supply.

## **7.5 Metering**

7.5.1 In the Napier Urban Water Supply Area, an ordinary use of water will not normally be metered (subject to the WSA reserving the right to fit a meter and charge where it considers water use is excessive, or at the Customer's Napier City Water Supply Bylaw 2022 request). The cost of such use will be as prescribed in the Local Government (Rating) Act 2002, sections 9, 15 to 19, and sections 101 to 103.

An extraordinary use will normally be metered and charged for in accordance with 7.15. Where the extraordinary use is for fire protection only, this supply will not normally be metered.

7.5.2 Napier Rural (including Bay View Rural) Water Supply Areas. Extraordinary uses of water will 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.

## **7.6 Level of Service**

The WSA will provide water in accordance with the level of service contained in the Council's Long Term Plan. For those periods where the level of service allows non-compliance with the specified value(s), the WSA will make every reasonable attempt to achieve the specified value(s).

## **7.7 Continuity of supply**

### 7.7.1 Supply

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 will do its best to meet the continuity of supply levels of 7.6, subject to the exemptions contained in 7.7.3 and 7.7.4.

Where works of a permanent or temporary nature are planned which will affect an existing supply, the WSA will consult with, or give notice to all known Customers likely to be substantially affected.

#### 7.7.2 Uninterrupted service

If a Customer has a particular requirement for an uninterrupted level of service (flow, pressure, or quality), it is the responsibility of that Customer to provide any storage, back-up facilities, or equipment necessary to provide that level of service.

#### 7.7.3 Demand management

The Customer must comply with any restrictions imposed by the WSA to manage high seasonal or other demands. Customers will be advised on such restrictions by public notice on digital, social and/or print media as appropriate.

Notwithstanding any such restrictions the WSA will take all practicable steps to ensure an adequate supply for domestic purposes.

#### 7.7.4 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 will 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, will be made by the Council, or where immediate action is required, by the manager of the WSA, subject to subsequent Council ratification.

#### 7.7.5 Maintenance and repair

Wherever practical the WSA will 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.

### 7.8 Liability

The WSA will endeavour to meet the level of service requirements of 7.6, but is not liable for any loss, damage or inconvenience which the Customer or any person using the supply sustains as a result of deficiencies in, or interruptions to, the water supply.

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.

### 7.9 Fire protection connection

#### 7.9.1 Connection application

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

#### 7.9.2 Design

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



### 7.9.3 Fire protection connection metering

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:

- 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 WSA approved detector check valve and meter has been fitted.

Any unmetered connection provided to supply water to a fire protection system must 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.

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.

### 7.9.4 Fire hose reels

Where the supply of water to any premises is metered, fire hose reels must be connected only to the metered supply, not to the fire protection system. The water supply to fire hose reels must comply with the requirements of NZS 4503:2005 Hand operated fire-fighting equipment.

### 7.9.5 Charges

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

### 7.9.6 Ongoing testing and monitoring

Customers intending to test fire protection systems in a manner that requires a draw-off of water, must obtain the prior approval of the WSA. Water used for routine flushing and flow testing does not constitute waste but the quantity of water used may be assessed and charged for by the WSA.

## 7.10 Backflow prevention

### 7.10.1 Customer responsibility

It is the Customer's responsibility (including under the Health Act 1956, and the Building Act 2004) to take all necessary measures on the Customer's side of the Point of Supply to prevent water that has been drawn from the WSA's water supply from returning to that supply.

Such measures may include:

- a. Backflow prevention either by providing an adequate air gap, or by the use of an appropriate backflow prevention device;
- b. The prevention of any cross-connection between the WSA water supply and:
  - i. Any other water supply (potable or non-potable)
  - ii. Any other water source
  - iii. Any storage tank
  - iv. Any other pipe, fixture or equipment containing chemicals, liquids, gases, or other non-potable substances.

NOTE – Fire protection systems that include appropriate backflow prevention measures would generally not require additional backflow prevention, except in cases where the system is supplied by a non-potable source

or a storage tank or fire pump that operates at a pressure in excess of the WSA's normal minimum operating pressure.

#### 7.10.2 Unmanaged risk

Notwithstanding 7.10.1 the WSA may fit a backflow prevention device on the WSA side of the Point of Supply where the Customer cannot demonstrate that the risk of backflow is adequately managed, at the Customer's cost, and charge accordingly.

### 7.11 WSA equipment and inspection

#### 7.11.1 Care of Water Supply System

The Customer must 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.

#### 7.11.2 Inspection

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

### 7.12 Meters and flow Restrictors

#### 7.12.1 Installation

Meters for on demand supplies, and restrictors for restricted flow supplies, will be supplied, installed and maintained by the WSA, and will remain the property of the WSA. Where on demand supplies are not universally 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.

#### 7.12.2 Location

Meters and restrictors must 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, Refer to the Code of Practice for Land Development and Subdivision.

#### 7.12.3 Accuracy

Meters will be tested as and when required by the WSA or as prescribed in the International Organisation of Legal Metrology Standard OIML R49 Water meters intended for the metering of cold potable water (OIML R49). The maximum permissible error for the upper flow rate zone ( $Q_1 < Q < Q_2$ ) is  $\pm 2\%$ , for temperatures from  $0.3^\circ\text{C}$  to  $30^\circ\text{C}$  and the maximum permissible error for the lower flow rate zone ( $Q < Q_1 < Q_2$ ) is  $\pm 5\%$ . This accuracy will be applied to all water meters with  $Q < 100\text{m}^3/\text{h}$  and may be applied to water meters with values of  $>100\text{m}^3/\text{h}$ .

The flow restrictors must be accurate to within  $\pm 10\%$  of their rated capacity. NOTE

– Where Q is the flow rate:

$Q_1$  is the minimum flow rate;

$Q_2$  is the transitional flow rate;

$Q_3$  is the permanent flow rate; and

$Q_4$  is the overload flow rate as defined in OIML R49-1

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 will not be charged for the test. If the test shows compliance, the Customer will pay a fee in accordance with the WSA current fees and charges.

Meters will be tested as prescribed in OIML R 49-2 and the test report will be made available as prescribed in OIML R 49-3.

The variation in the error curve must not exceed 3% for flow rates in the lower zone and 1.5% for flow rates in the upper zone. For the purpose of determining these requirements the mean values of the errors (of indication) at each flow rate, will apply.

The curves must not exceed a maximum error of  $\pm 6\%$  for flow rates in the lower zones and  $\pm 2.5\%$  for flow rates in the upper zones.

Restrictors will be tested by measuring the quantity that flows through the restrictor in a period of not less than 1 hour at the expected minimum operating pressure. A copy of independent certification of the test result will be made available to the Customer on request.

#### 7.12.4 Adjustment

If any meter, after being tested, is found to register a greater or lesser consumption than the actual quantity of water passed through the meter, the WSA will adjust the readings in accordance with the test, backdated for a period at the discretion of the WSA but not exceeding 12 months, and the Customer will pay a greater or lesser amount according to the adjustment.

Where a meter is under-reading by more than 20% or has stopped, the WSA reserves the right to charge for the actual amount of water used over the past billing period, taking into account any seasonal variations in demand.

Where a meter is over-reading, the WSA will make appropriate adjustments to the Customer's invoice(s), based on a period of similar use and backdated to when it is agreed the over-reading is likely to have occurred.

#### 7.12.5 Estimating consumption

If any meter is out of repair, ceases to register, or is removed, the WSA will estimate the consumption for the period since the previous reading of that meter, based on the average of the previous four billing periods charged to the Customer and the Customer will pay according to that estimate. If, 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 consumption, the WSA may take into consideration other evidence for the purpose of arriving at a reasonable estimate, and the Customer will pay according to that estimate.

If metering shows a significant increase in consumption for a premises, and the increase is established as being caused by a previously unknown leak, the WSA may estimate consumption as above, providing that the Customer repairs the leak with due diligence.

Where the seal or dial of a meter is broken, the WSA may declare the reading void and estimate consumption as described above.

#### 7.12.6 Incorrect accounts

Where a situation occurs, other than as provided for in 7.12.5, where the recorded consumption does not accurately represent the actual consumption on a premises, the account must be adjusted using the best information available to the WSA. This includes, but is not limited to, misreading of the meter, errors in data processing, meters assigned to the wrong account, and unauthorised supplies. Where an adjustment is required, in favour of the WSA or the Customer, this will not be backdated more than 12 months from the date the error was detected.

### 7.13 Plumbing system

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 must not be used on any piping beyond the Point of Supply, except where approved in special circumstances by the WSA.

In accordance with the Building Regulations 1992 the plumbing system must be compatible with the water supply. Specific features of the WSA supply which need to be taken into account are contained in **table 1**.

**Table 1 – Compatibility features**

Feature	Value
Maximum pressure	90 metres head
Normal operating pressure	15 to 45 metres head

### 7.14 Prevention of waste

The Customer must not intentionally allow water to run to waste from any pipe, tap, or other fitting, or allow the condition of the plumbing within a premises to deteriorate to the point where leakage or wastage occurs.

The WSA provides water for consumptive use not as an energy source. The Customer must not use water or water pressure directly from the supply for driving lifts, machinery, educators, generators, or any other similar device, unless specifically approved by the WSA.

The Customer must not use water for a single pass cooling system or to dilute trade waste prior to disposal, unless specifically approved by the WSA.

### 7.15 Payment

The Customer is liable to pay for the supply of water and related services in accordance with the WSA fees and charges prevailing at the time.

The WSA may recover all unpaid water charges as prescribed in the Local Government (Rating) Act 2002, sections 57 to 82.

### 7.16 Transfer of rights and responsibilities

The Customer must not transfer to any other party its rights and responsibilities under this Bylaw.

A supply pipe must serve only one Customer, and must not extend by hose or any other pipe beyond that Customer's premises.

Without limiting the above, any water which the Customer draws from the water supply system must not be provided to any other party without approval of the WSA.

### 7.17 Change of ownership

If a premises changes ownership the WSA will record the new owner as being the Customer at that premises. Where a premises is metered the outgoing Customer must give the WSA five working days' notice to arrange a final meter reading.

## 7.18 Disconnection at the Customer's request

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

## 8. Breaches and infringement Offences

### 8.1 Breaches of conditions of supply

The following are deemed breaches of the conditions to supply water and constitute an offence against this Bylaw:

- a. An incorrect application for supply which fundamentally affects the conditions of supply (section 7);
- 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 any current Acts or Regulations specified in section 4.4 (a) and elsewhere within this Bylaw;
- d. Frustration of the WSA's ability to adequately and effectively carry out its obligations;
- e. Any other act or omission in breach of this Bylaw 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 wilfully 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 within the water supply system, or compromise the ability of the WSA to maintain its levels of service (subject to 7.13);
  - iv. Failure to prevent backflow (see 7.10);
  - 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, educators, 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 by the WSA;
  - viii. Extending by hose or any other pipe a private water supply beyond that Customer's premises; and/or
  - ix. Providing water drawn from the water supply system to any other party without approval of the WSA.

In the event of a breach of this Bylaw the WSA will 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 will be re-established only after payment of the appropriate fee and remedy of the breach to the satisfaction of the WSA.

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.

## **8.2 Interference with equipment**

Any tampering or interfering with WSA equipment, either directly or indirectly, constitutes a breach of this Bylaw. Without prejudice to its other rights and remedies, the WSA is entitled to estimate (in accordance with 7.12.5) 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.

## **8.3 Offences and penalties**

A person who is convicted of an offence against this Bylaw is liable under sections 239 and 242 of the Local Government Act 2002 to a fine not exceeding \$20,000.

A person who is alleged to have committed an infringement, as specified in regulations made under the Local Government Act 2002, by breaching the Bylaw, may be served with an infringement notice in accordance with section 245 of the Local Government Act 2002.

This Bylaw was made by the Napier City Council by resolution at a Council meeting on [date] 2022.