

# HAMILTON CITY COUNCIL BYLAWS

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## HAMILTON CITY WATER SUPPLY BYLAW 2013

### TABLE OF CONTENTS

<b>1.</b>	<b>INTRODUCTION.....</b>	<b>2</b>
<b>2.</b>	<b>SHORT TITLE, COMMENCEMENT AND APPLICATION .....</b>	<b>2</b>
<b>3.</b>	<b>REVOCAION OF EXISTING BYLAW .....</b>	<b>2</b>
<b>4.</b>	<b>SCOPE .....</b>	<b>2</b>
<b>5.</b>	<b>PURPOSE.....</b>	<b>2</b>
<b>6.</b>	<b>COMPLIANCE WITH OTHER ACTS AND CODES.....</b>	<b>3</b>
<b>7.</b>	<b>INTERPRETATIONS .....</b>	<b>3</b>
<b>8.</b>	<b>DEFINITIONS .....</b>	<b>3</b>
<b>9.</b>	<b>PROTECTION OF WATER SUPPLY SYSTEM .....</b>	<b>7</b>
9.1.	WATER SUPPLY SYSTEM .....	7
9.2.	SPILLAGE AND ADVERSE EVENTS.....	8
<b>10.</b>	<b>CONDITIONS OF SUPPLY .....</b>	<b>8</b>
10.1.	APPLICATION FOR SUPPLY.....	8
10.2.	APPLICATION LAPSE .....	9
10.3.	SERVICES AND SUPPLY .....	9
10.4.	CHANGE OF USE.....	10
10.5.	POINT OF SUPPLY .....	10
10.6.	ACCESS TO, AND ABOUT THE ‘POINT OF SUPPLY’ .....	11
10.7.	TYPES OF SUPPLY.....	11
10.8.	METERING .....	12
10.9.	METERS AND FLOW RESTRICTORS .....	13
10.10.	LEVELS OF SERVICE AND CONTINUITY OF SUPPLY .....	14
10.11.	DEMAND MANAGEMENT.....	15
10.12.	LIABILITY.....	15
10.13.	FIRE PROTECTION CONNECTION .....	15
10.14.	BACKFLOW PREVENTION.....	16
10.15.	COUNCIL EQUIPMENT AND INSPECTION .....	18
10.16.	PLUMBING SYSTEM .....	18
10.17.	PREVENTION OF WATER LOSS AND WASTAGE.....	18
10.18.	PAYMENT .....	18
10.19.	TRANSFER OF RIGHTS AND RESPONSIBILITIES .....	19
10.20.	CHANGE OF OWNERSHIP .....	19
10.21.	DISCONNECTION AT THE CUSTOMER’S REQUEST .....	19
<b>11.</b>	<b>BREACHES .....</b>	<b>19</b>
<b>12.</b>	<b>OFFENCES AND PENALTIES.....</b>	<b>20</b>
<b>13.</b>	<b>SCHEDULES .....</b>	<b>20</b>
13.1.	SCHEDULE 1: EXAMPLES SHOWING SINGLE/MANIFOLD CONNECTION .....	21
13.2.	SCHEDULE 2: TABLE 1: - COMPATIBILITY FEATURES.....	24

# HAMILTON CITY COUNCIL

## BYLAWS

Hamilton City Council, in exercise of its powers and authorities conferred on it under the Local Government Act 2002 and the Health Act 1956 and any subsequent amendments to the Acts and all other relevant powers, makes the following bylaw.

### 1. INTRODUCTION

Hamilton City Council is required by regional and national authorities to manage freshwater resources, including how much water it takes from the Waikato River. In addition, Council has a duty under s17 of the Waikato River Settlement Act 2010, to have particular regard to the Vision and Strategy for the Waikato River. The amount of water that regional users can take from the Waikato River is nearing the River's allocation limits. To manage the demand for water use in the region the Waikato Regional Council issues 'water take' resource consents. Hamilton City's resource consent to take and use water requires the City to ensure that the water it has been allocated is efficiently and effectively used. This Water Supply Bylaw provides rules for managing the City's water demand and aims to ensure that activities do not adversely affect water supply, water quality, our water supply infrastructure and compliance with the city's water take consent.

*(Note: the above introduction does not form part of this bylaw and is intended to be read as an introductory note)*

### 2. SHORT TITLE, COMMENCEMENT AND APPLICATION

- 2.1. The bylaw shall be known as the "Hamilton City Water Supply Bylaw 2013".
- 2.2. The bylaw shall apply to the Hamilton City Council District.
- 2.3. The bylaw shall come into force on (date to be determined).
- 2.4. Any person being supplied with water, 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.
- 2.5. 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. REVOCATION OF EXISTING BYLAW

- 3.1. The Hamilton City Water Supply Bylaw 2008 is revoked from the day the new bylaw comes into force.

### 4. SCOPE

- 4.1. This bylaw shall apply within the boundaries of the Hamilton City Council pursuant to the Local Government Act 2002 and any land, building, work, or property under the control of the Council.

### 5. PURPOSE

- 5.1. The purposes of this bylaw are:
  - (a) protecting, promoting, and maintaining public health and safety; and
  - (b) promoting the efficient use of water and protecting against waste or misuse of water from the water supply system
  - (c) for the protection of the water supply and water supply system from pollution and contamination
  - (d) manage and protect from damage, misuse, or loss of land, structures or infrastructure associated with the water supply system

# HAMILTON CITY COUNCIL

## BYLAWS

- (e) preventing the unauthorised use of land, structure or infrastructure associated with the water supply system.

### 6. COMPLIANCE WITH OTHER ACTS AND CODES

6.1. This Bylaw is made under the authority of the Local Government Act 2002 for the supply of water to its Customers in its capacity as a Water Supply Authority. The supply and sale of water by the Council is subject to:

#### 6.1.1. Statutory Acts and Regulation

- (a) Building Act 2004
- (b) Fire Services Act 1975
- (c) Health Act 1956
- (d) Local Government Act 2002
- (e) Local Government (Rating) Act 2002
- (f) Resource Management Act 1991
- (g) Health (Drinking Water) Amendment Act 2007.

#### 6.1.2. Relevant Codes and Standards

- (a) Compliance Document (New Zealand Building Code)
- (b) Drinking Water Standards for New Zealand 2005 (revised 2008)
- (c) BS EN 14154-3:2005 Water meters: Test methods and Equipment
- (d) SNZ PAS 4509:2008 New Zealand Fire Service Fire Fighting Water Supplies Code of Practice
- (e) National Environmental Standards for Sources of Human Drinking Water, 2008
- (f) Hamilton City Council Development Manual/Infrastructure Technical Specifications
- (g) NZS 4503:2005 Hand Operated fire-fighting Equipment
- (h) Backflow Prevention for Drinking Water Suppliers Code of Practice 2006, Water New Zealand
- (i) Water Meter Code of Practice 2003, Water New Zealand
- (j) Resource Management (National Environmental Standards for Sources of Human Drinking Water) Regulations 2007
- (k) OIML R49: Water meters intended for the metering of cold potable water and hot water. Part 1: Metrological and technical requirements; Part 2: Test methods and Part 3: Test report format.

### 7. INTERPRETATIONS

- 7.1. When interpreting this Bylaw use the definitions set out in section 8 unless the context requires otherwise. Where references are made to a repealed enactment read that as a reference to its replacement.
- 7.2. 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.

### 8. DEFINITIONS

8.1. In this bylaw except where inconsistent with the context:

- Approved** Approved in writing by the Council, either by resolution of the Council or by any authorised officer of the Council.
- Air gap** A 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.

# HAMILTON CITY COUNCIL

## BYLAWS

<b>Authorised agent</b>	Any person authorised or appointed by Council.
<b>Authorised officer</b>	Any officer of the Council, or other person authorised under the Local Government Act 2002, and authorised by the Council to administer and enforce its Bylaws.
<b>Auxiliary supply</b>	Any water supply, other than the Council's system, on or available to a customer system. These auxiliary waters may include water from another provider's public potable water supply or any natural source(s) such as a well, rainwater, spring, river, stream, or used waters (e.g. grey water) or industrial fluids.
<b>Backflow</b>	The unplanned reversal of flow of water or mixtures of water and contaminants into the water supply system.
<b>Backflow device</b>	Backflow device or air gap that is designed to prevent the return of flow into the Council's water supply system. These devices can include non-return valves, reduce pressure zone devices and double check valves.
<b>Boundary</b>	Legal boundary of the premises receiving a supply of water.
<b>Connection</b>	The valve, meter and associated fitting installed and maintained by the Council at a location convenient to the Council including the service pipe, or at the supply pipe or at the point of supply.
<b>Council</b>	Hamilton City Council or any officer authorised to exercise the authority of the Council.
<b>Customer</b>	A person who uses, or has obtained the right to use or direct the manner of use, water supplied by the Council.
<b>Development Contribution</b>	As defined in the Local Government Act 2002 and the relevant Hamilton City Council Development Contributions Policy.
<b>Domestic purpose</b>	Water taken and used for the purpose of for human drinking and sanitation needs and for individual household use which includes: <ol style="list-style-type: none"><li>Washing down a vehicle;</li><li>Garden watering by hand using a hand held device;</li><li>Garden watering by any portable sprinkler device.</li></ol>
<b>Extraordinary supply</b>	A category of On Demand supply used for extraordinary use including all purposes for which water is supplied other than ordinary supply and which may be subject to specific conditions and limitations.
<b>Extraordinary use</b>	Extraordinary use is subject to water alert and emergency provisions and includes but not limited to: <ol style="list-style-type: none"><li>Domestic - spa or swimming pool in excess of 6m<sup>3</sup>, and fixed garden irrigations systems;</li><li>Commercial and Business;</li><li>Industrial;</li><li>Agricultural;</li><li>Horticultural;</li><li>Viticultural;</li><li>Lifestyle blocks (rural supplies, peri-urban or small rural residential);</li><li>Fire protection systems other than sprinkler systems installed to comply with NZS 4517;</li><li>Out of District Supply;</li><li>Temporary supply;</li><li>Water carriers;</li><li>Auxiliary supply.</li></ol>

# HAMILTON CITY COUNCIL

## BYLAWS

<b>Fees and charges</b>	The fees and charges for water supply set by the Council.
<b>Fire main supply</b>	A category of supply from pipe work installed for the purpose of fire protection.
<b>Individual Customer Agreement</b>	An agreement between Council and a Customer that outlines both parties rights and responsibilities for the supply and use of water.
<b>Industrial activity</b>	Any industrial activity and includes: <ul style="list-style-type: none"><li>a) All types of processing, manufacturing, bulk storage, warehousing, service and repair activities.</li><li>b) Laboratories and research facilities.</li><li>c) Trade and industry facilities, being premises accommodating specialised education and training facilities where groups of people are given trade or industry tuition and training on a formal basis.</li></ul>
<b>Level of service</b>	The measurable performance standards on the basis of which the Council undertakes to supply water to its customers.
<b>NZS</b>	'New Zealand Standard'.
<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>Owner</b>	The person or entity having legal ownership of the premises receiving a supply of water from the Council.
<b>Occupier</b>	The person or legal entity having a legal right to occupy, use all or part of the premises receiving a supply of water from the Council that includes a tenant, lessee, licensee, manager, foreperson or any other person acting in the general management of any premises.
<b>Permit</b>	A permit or written authority issued by an authorised officer.
<b>Person</b>	An individual, corporation sole or a body of persons whether corporate or otherwise.
<b>Point of supply</b>	The point on the water pipe leading from the water main or supply pipe to the premises, which marks the boundary of responsibility between the customer and the Council.
<b>Potable water</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 New Zealand Drinking Water Standards applicable at the time.
<b>Premises</b>	The physical location to which a water supply is provided and includes: <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; 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; or</li><li>c) Land held in public ownership (e.g. reserve) for a particular purpose.</li></ul>

# HAMILTON CITY COUNCIL

## BYLAWS

**Allotment** means the same as defined in the Land Transfer Act 1952.

<b>Prescribed charges</b>	Charges applicable at the time of connection and may include: <ul style="list-style-type: none"><li>a) Payment to the Council for the physical works required to provide the connection; and/or</li><li>b) A development contribution charge determined in accordance with the Local Government Act 2002; and/or</li><li>c) A financial contribution charge determined in accordance with the Resource Management Act 1991; and/or</li><li>d) Bacteriological and chemical testing as per Drinking Water Standards New Zealand to ensure a connection is safe.</li><li>e) Individual agreement charges.</li><li>f) Capital contribution charge determined by any Annual Plan process.</li><li>g) Any other charges which may be lawfully charged by the Council in respect of the supply of water.</li></ul>
<b>Public notice</b>	A notice published in: <ul style="list-style-type: none"><li>a) One or more daily newspapers circulated in the region or district of the Council; or</li><li>b) One or more other newspapers that have at least an equivalent circulation in that region or district to the daily newspapers circulating in that region or district.</li></ul> Includes any other public notice that the Council thinks desirable in the circumstances.
<b>Restricted flow supply</b>	A type of water supply connection where water is supplied through a flow control device, and storage is provided by the customer to cater for their 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 as determined by Council.
<b>Rural water supply area</b>	An area formally designated by the Council 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</b>	The valve at the customer end of a service pipe used to control and/or isolate the supply.
<b>Special circumstances</b>	The circumstances that may lead Council to install a meter on the supply to an "Ordinary Domestic Use". This includes, but is not limited to: <ul style="list-style-type: none"><li>a) Known leaks that remain unrepaired;</li><li>b) Where excessive usage is being investigated;</li><li>c) Where water is being wasted;</li><li>d) Where property specific research of water usage is required.</li></ul>
<b>Storage tank</b>	Any tank having a free water surface to which water is supplied across an air gap

# HAMILTON CITY COUNCIL

## BYLAWS

separation/and or backflow protection.

<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 the Council as an area serviced by an 'on demand' reticulated water supply system with a firefighting capability.
<b>Water alert level</b>	Classification system used for applying water conservation restrictions.
<b>Water carrier</b>	Any individual drinking-water carrier or company registered with the Ministry of Health as a recognised carrier of drinking water.
<b>Water supply system</b>	All those components of the network between the point of abstraction from the natural environment to the point of supply. This includes but is not limited to: catchments, wells, infiltration galleries, intake structures, open raw water storage ponds/lakes, reservoirs, rising and falling mains, treatment plants, treated water reservoirs, trunk mains, service mains, rider mains, pump stations and pumps, valves, hydrants, scour lines, service pipes (including fire mains), boundary assemblies, meters, and tobies.
<b>Water unit</b>	The basis of measurement for a restricted water supply as determined by the Council.

## 9. PROTECTION OF WATER SUPPLY SYSTEM

### 9.1. Water supply system

#### 9.1.1. General

- (a) Any person who owns or occupies premises in the District must ensure that water is used and maintained in a manner that no public health hazard or public health nuisance occurs that could affect the public water supply.

#### 9.1.2. No person to connect to, or interfere with a water supply system

- (a) Except as set out in 9.1.1, 9.1.3 and 9.1.4, no person shall connect to, or interfere with, any part of the water supply system without first obtaining a permit to do so from Council and only in accordance with the terms of that permit.

#### 9.1.3. Access to system

- (a) No person other than the Council and its authorised agent and permit holders shall have access to any part of the water supply system, except to connect to the point of supply, and to operate the service valve.

#### 9.1.4. Fire hydrants

- (a) 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.

#### 9.1.5. Other users

- (a) The right to gain access to, and draw water from the public water supply system for uses other than fire fighting (for example, flow testing or pipe flushing) shall be restricted to:
  - i. The Council or its authorised agents
  - ii. Permit holders
- (b) Permit holders shall only draw water in accordance with the terms and conditions of a written permit issued by the council.

# HAMILTON CITY COUNCIL

## BYLAWS

### 9.1.6. Unauthorised access

- (a) Without prejudice to any other remedies available, the Council may seize and impound any equipment used by an unauthorised person to gain access to, or draw water from the water system, and may assess and recover the value of water drawn and any other associated costs.
- (b) Where the water supply system becomes contaminated due to unauthorised access, Council may recover cost of remediation of contamination.
- (c) Any person causing damage to a Council water supply system during 9.1.6 unauthorised access shall be liable for the cost of repair and any other costs the Council incurs as a result of the incident.

### 9.1.7. Working around buried services

- (a) No person shall carry out any excavation without first reviewing Council's records of the location of its services.
- (b) No person shall excavate in the vicinity of Council's services unless at least five working days notice has been given to the authorised officer of the intention to do so and then only in accordance with any terms and conditions imposed by Council.
- (c) Council may in its absolute discretion 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 the integrity of the water supply system. The Council shall charge for this service.
- (d) The Council may require the independent supervision of works.
- (e) Every person excavating or working around Council's buried water supply services shall take due care to ensure that the excavation or work is carried out in a manner that does not damage and/or compromise the integrity of the water supply system and in a manner that doesn't risk public safety.
- (f) Every person who fails to reinstate excavation work in accordance with Council specifications shall be liable for the costs incurred by the Council in completing such work.
- (g) Any damage which occurs to Council services shall be reported to the Council immediately. The person causing the damage shall be liable for the cost of repair and any other costs that Council incurs as a result of the damage.

*Note (this note does not form part of the bylaw) – All excavation and trenching work carried out within the road corridor must be carried out in accordance with the National Code of Practice for Utility Operator's Access to the Transport Corridor.*

## 9.2. Spillage and adverse events

- 9.2.1. In the event of any adverse event, which may compromise potable water or the water supply system, the person responsible for the event shall advise the Council immediately. This requirement shall be in addition to those other notification procedures which are required for other authorities.
- 9.2.2. Where the customer of a premise allows or permits any item or items that may potentially contaminate or leach into the water supply or accumulate on any premises contained within the catchment, the Council may request the owner, occupier, or both, to remove the item or items.
- 9.2.3. If the item(s) are not removed within the period specified, Council or its authorised agents may remove the items and recover the costs of doing so from the owner or occupier, or both.

## 10. CONDITIONS OF SUPPLY

### 10.1. Application for supply

10.1.1. Any person wishing to:

- (a) establish a point of supply,
- (b) seek a change in the level of service,



# HAMILTON CITY COUNCIL

## BYLAWS

- (c) change the use of an existing supply,
  - (d) make a change to backflow requirements,
  - (e) increase use to greater than 15 cubic metres per day, or
  - (f) use water for any purpose other than ordinary supply,
- shall make a written application to Council.

10.1.2. Every application for a supply of water shall be made in writing to the Council on the prescribed form and accompanied by the prescribed charges, including any applicable development contributions as per Council's Development Contributions Policy. The Customer shall provide all the details required by the Council.

10.1.3. Where the Customer is not the owner of the premises seeking supply, the Customer must produce written evidence of their authority to act on behalf of the owner of the premises for which the supply is sought.

10.1.4. On receipt of an application for supply the Council shall, after consideration of the matters stated in clauses 10.7 and 10.8, either:

- (a) Approve the application as determined by council.
- (b) Refuse the application and notify the Customer of the decision giving the reasons for refusal.

10.1.5. Council may require a Customer to enter into an Individual Customer Agreement and supply and implement a Water Conservation and Demand Management Plan based on the Customer's water demand requirements.

10.1.6. A permit may be issued subject to terms, conditions and restrictions as the authorising officer may specify, including but not limited to the following:

- (a) the property or person to which the permit relates;
- (b) the size of all pipes, fittings and any other equipment up to the point of supply;
- (c) the duration of time for which the permit is valid; and
- (d) such other conditions or restrictions as the Council authorised officer may impose.

### **10.2. Application lapse**

10.2.1. An approved application for supply which has not been actioned within twelve months of the date of application will lapse unless a time extension has been received in writing from the applicant and approved by the Council. Any further fees and charges shall be at the discretion of the Council.

### **10.3. Services and supply**

10.3.1. Council will determine the sizes of all pipes, fittings and any other equipment, up to the point of supply.

10.3.2. Council or authorised agent shall supply and install the service pipe up to the point of supply at the Customer's cost.

10.3.3. No water shall be drawn through a new connection before the Council has deemed the connection to meet the requirements of the Drinking-Water Standards for New Zealand and Council has provided approval.

10.3.4. No water shall be drawn through a new connection before Council has deemed the connection to be suitable for use.

10.3.5. Council may require the Customer to meet all associated costs of the provision of a new connection including any upgrade to infrastructure needed to provide the service.

10.3.6. All new connection to water supply systems in the rural areas shall be metered and supply restricted unless specifically authorised by written agreement.

# HAMILTON CITY COUNCIL

## BYLAWS

### 10.4. Change of Use

10.4.1. If a Customer seeks change to:

- (a) the level of service; or
- (b) the end use of water supplied to the premises; or
- (c) supply type from an ordinary to an extraordinary type or vice versa; or
- (d) physical location or size.

10.4.2. A new application for supply must be submitted by the Customer to the Council. Any new application for supply under this clause shall be considered as if it is an initial application pursuant to clause 10.7 of this Bylaw.

### 10.5. Point of supply

#### 10.5.1. Responsibility for maintenance

- (a) 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 and fittings beyond the point of supply.

*NOTE (This note does not form part of the bylaw): The Council gives no guarantee regarding 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. The Council reserves the right to charge for maintenance for this valve if damaged by such Customer use.*

#### 10.5.2. Single ownership

- (a) For individual customers the point of supply shall be located as shown in Schedule 1 or as close as possible to Schedule 1 where fences, walls, or other permanent structures may make it difficult to locate it at the required position. Other positions shall require specific approval from Council.
- (b) For each individual Customer there shall only be one point of supply, unless otherwise approved in writing by the Council.
- (c) For individual Customers, the point of supply shall be located as close as practicable to the location shown in Schedule 1: Example 1.

#### 10.5.3. Multiple ownership

- (a) Where premises, and or land, are held in multiple ownership, the point of supply shall be as follows:
  - i. For Company Share/Block Scheme (Body Corporate) – as for single ownership
  - ii. For Leasehold/Tenancy in Common share (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 Schedule 1: Example 2 & 3 or as otherwise agreed in writing by Council.
  - iii. 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 Council for any individual case.

#### 10.5.4. 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 of the premises in the position approved by the Council.
- (c) Existing points of supply may be located either inside or outside the property boundary. The Council may relocate the point of supply when deemed appropriate or on request from the Customer, subject to approval and charges.
- (d) The relocation of the point of supply and pipework and fittings from the new point of supply to the existing customer supply pipe shall be the responsibility of the Council for 6 months from the time of relocation.

# HAMILTON CITY COUNCIL

## BYLAWS

### 10.6. Access to, and about the 'Point of supply'

#### 10.6.1. Rights of access

- (a) Where the point of supply is on private property, the Customer shall allow the Council unrestricted 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 being given; or
  - ii. checking, testing and maintenance work with advance notice being given where practicable to do so.
- (b) For works outside these hours (such as for night time leak detection) the Council shall give written notice to the Customer 48 hours prior to the entry onto the property.
- (c) Where access is not made available for any of the above times and a return visit is required by the Council, a fee may be charged in accordance with Council approved fees and charges schedule.
- (d) The Council may enter occupied land or buildings without giving prior notice if there is a sudden emergency causing or likely to cause:
  - i. loss of life or injury to a person; or
  - ii. damage to property; or
  - iii. damage to the environment or there is danger to any works or adjoining the property.

#### 10.6.2. Maintenance of access

- (a) 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 hinders access to the point of supply.

### 10.7. Types of supply

#### 10.7.1. General

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

#### 10.7.2. On demand supply

- (a) All premises lying within the urban water supply area shall be entitled to an ordinary supply of water subject to the following conditions:
  - i. The restriction of its use pursuant to clause 10.11.
  - ii. Payment of the prescribed charges in respect of supply with Council reserving the right in "special circumstances" to install an approved water meter; or install a flow restrictor.
  - iii. Any other conditions imposed by Council.

*NOTE: (this note does not form part of the bylaw) 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 (section relating to fire protection – connection application 10.13)*

#### 10.7.3. Restricted Flow Supply

- (a) Restricted flow supply shall only be available to premises within a designated area or under special conditions set by Council, including for the purposes of:
  - i. Rural supply within district.
  - ii. Out of district supply.

# HAMILTON CITY COUNCIL

## BYLAWS

- iii. Water demand management or any breach of the bylaw (including for drought, misuse and non-remedy of water leaks).
  - iv. Properties subject to restriction under section 69ZH (Duty to provide information to territorial authority) of Health Act 1956.
- (b) The water supply shall be restricted so as to deliver the number of allocated water units at a steady flow rate through a water meter.
- (c) The council shall charge for the restricted flow supply by either:
- i. A targeted rate; or
  - ii. Volume passing through a meter.

10.7.4. It is the Customer's responsibility to provide water storage for their needs.

10.7.5. No connection shall be made to the supply pipe between the point of supply and the storage tank.

10.7.6. All restricted supply storage tanks must incorporate 'air gap' separation.

### 10.7.7. Ordinary Supply

- (a) Ordinary Supply shall only be used is for domestic purposes.
- (b) With the exclusion of water used for human drinking water and sanitation needs, Ordinary Supply shall be subject to the demand management provisions of subsections 10.11. Ordinary Supply includes:
- i. Washing down a vehicle;
  - ii. Garden watering by hand using a hand held device;
  - iii. Garden watering by any portable sprinkler device.

### 10.7.8. Extraordinary Supply

- (a) The Council shall be under no obligation to provide an extraordinary supply of water (see also the provisions of 10.10, 10.11 and 10.13.3)
- (b) Extraordinary Supply shall require written authorisation by Council.
- (c) Extraordinary supply connection may be metered under clause 10.8.3 and the Customer may be charged as per Council water supply fees and charges as determined by Council from time to time.

## 10.8. Metering

10.8.1. All commercial, non-residential and industrial uses and extraordinary supply shall be metered unless Council determines that metering is not required under clause 10.8.3.

10.8.2. Council shall approve the number of meters per property and their location.

10.8.3. Council may:

- (a) implement metering in any part, or all of the District; or
- (b) fit a meter and charge accordingly when it considers water use is in breach of this bylaw as per section 11.
- (c) fit a meter at the Customer's request.

10.8.4. The Customer shall pay for the meter and its installation.

10.8.5. Where, in addition to the Council water supply connections, the owner or occupier of the premises has an auxiliary supply, they shall provide the Council with all particulars of the water source reasonably available to the owner or occupier in order to protect the public supply.

# HAMILTON CITY COUNCIL

## BYLAWS

NOTE (this note does not form part of the bylaw): Where the extraordinary supply is used for fire protection only, the supply shall not normally be metered.

### 10.9. Meters and flow restrictors

#### 10.9.1. Installation

- (a) Where on demand supplies are required to be metered, meters and restrictors for restricted flow supplies, shall be supplied, installed and maintained by the Council, and shall remain the property of the Council. Customers shall pay for the meter and its installation.
- (b) Where the water supply is to have a flow restriction, this shall be applied as per 10.7.3.

#### 10.9.2. Location

- (a) Meters and restrictors shall be located in a position where they are readily accessible for reading and maintenance, and if practicable, immediately on the Council side of the point of supply. If this is not possible then meters and restrictors shall be located as close as practicable to the point of supply.

#### 10.9.3. Accuracy

- (a) Meters shall be tested as and when required by the Council.
- (b) Flow restrictors shall be accurate to within  $\pm 10\%$  of their rated capacity (the stipulated accuracy).
- (c) Any Customer who disputes the accuracy of a meter or restrictor may apply to the Council for it to be tested. Where a test has been conducted within six months of the request for testing, Council has discretion as to whether a further test will be carried out. If the test shows non-compliance with the stipulated accuracy, the Customer shall not be charged for the test. If the test shows compliance with the stipulated accuracy, the Customer shall pay a fee in accordance with the council's current fees and charges schedule. A copy of independent certification of the test result shall be made available to the Customer on request.

#### 10.9.4. Adjustment

- (a) If, after being tested, any meter is found to register a greater or lesser consumption than the quantity of water actually passed through such a meter, the Council shall make an adjustment in accordance with the results shown by such tests. This adjustment shall be backdated for a period at the discretion of the Council but not exceeding 12 months, and the Customer shall pay a greater or lesser amount according to such an adjustment.
- (b) Where a meter is under-reading by more than 20% or the meter has stopped, the Council reserves the right to charge for the amount of water assessed as having been used over the past billing period, taking into account any seasonal variations in demand.
- (c) Where a meter is over-reading, the Council shall make appropriate adjustments to the Customer's account based on a period of similar use and backdated to when it is agreed the over-reading is likely to have occurred.

#### 10.9.5. Estimating consumption

- (a) Where a Customer disputes the amount of the estimate, they must advise the Council that the estimate is disputed in writing within 15 working days of being advised of the estimate. The Council will then review the estimate and determine whether the estimate is to be varied or whether the estimate is to be confirmed.
- (b) If any meter is broken, unreadable or to be removed, the Council 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 amount payable to the Customer shall be the amount of that 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 Council may take into consideration other

# HAMILTON CITY COUNCIL

## BYLAWS

evidence for the purpose of arriving at a reasonable estimate, and the Customer shall pay according to such an estimate.

- (c) The Customer shall be liable for the cost of water which passes through the meter regardless of whether this is used, or is the result of leakage.
- (d) Where the seal or dial of a meter is broken, the Council may declare the reading void and estimate consumption in accordance with clause 10.9.5 (b).
- (e) Where the Customer concerned is a not-for-profit organisation, and if metering indicated a significant increase in consumption not dating back more than 12 months, which is established as being caused by a previous unknown leak, Council may estimate consumption as provided for above, providing that the Customer repairs the leak with due diligence.
- (f) Where an unauthorised connection has been made to the Councils water supply system, council shall estimate and charge for the water consumption for the period when the connection was made. The Council shall use the uniform charge for water on a pro rata basis to make the estimation.
- (g) Where a meter has been installed without approval, the meter reading shall be used as the basis for the estimation provided it complies with Councils standards for meters and installations. The full consumption registered on the meter shall be payable by the current owner of the property. Estimating and charging for water will be in addition to other legal actions that Council decides to take for breaches of this bylaw or other acts and regulations.

### 10.9.6. Incorrect accounts

- (a) When a situation occurs, other than as provided for in 10.9.5, where the recorded consumption does not accurately represent the actual consumption in respect of premises, the account shall be adjusted using the best information available to the Council. Such situations include, but are not limited to, misreading of the meter, errors in data processing, meters assigned to the wrong account, and unauthorised supplies.
- (b) Where an adjustment is required, in favour of the council or the Customer, this shall not be backdated more than 12 months from the date the error was detected.

### 10.9.7. Unread Meters

- (a) Where a meter has remained unread for whatever reason, Council may charge for all water registered on the meter or shown since the previous reading.

## **10.10. Levels of Service and Continuity of Supply**

10.10.1. Council shall provide water in accordance with Schedule 2.

10.10.2. Due to practical and physical limitations the Council cannot guarantee an uninterrupted or constant supply of water in all circumstances, nor the continuous maintenance of any particular pressure, but shall aim to meet the continuity of supply levels of 10.10, subject to the exemptions contained in 10.11.3 and 10.11.4.

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

10.10.4. If a Customer has a particular requirement for an uninterrupted or increased level of service (flow, pressure or quality), it will be the responsibility of that Customer to notify Council and provide any necessary storage, back up facilities or equipment necessary for the provision of that level of service. Examples of such requirements may include Customers using water for renal dialyses, for people who are immune compromised, or for certain industrial or agricultural purposes.

# HAMILTON CITY COUNCIL

## BYLAWS

### 10.11. Demand Management

10.11.1. The Customer shall comply with any water restrictions put in place by the Council. Any restrictions on supply shall be advised by public notice. When such restrictions apply the Council shall take all practicable steps to ensure that an adequate supply for human drinking water or sanitation is provided to each point of supply.

10.11.2. Where required by rules in a District Plan, owners must maintain devices that have been installed for the purposes of water demand management and in accordance with an associated integrated catchment management plan.

#### 10.11.3. Water Alert and Emergency restrictions

- (a) Natural hazards (such as floods, droughts or earthquakes), events or accidents which result in disruptions to the supply of water, shall be deemed an emergency and shall be exempted from the levels of service requirements (10.10).
- (b) During a water alert and/or emergency the Council may restrict or prohibit the use of water for any specified purpose, for any specified period, and for any or all of its Customers. Such restrictions shall be advised by public notice.
- (c) The Council may, after serving notice and taking all practicable steps to contact a Customer, restrict and or meter the supply to reduce unnecessary and unauthorised water use and loss.

#### 10.11.4. Maintenance and repair

- (a) Council 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 Council may shut down the supply without notice.
- (b) Where a Customer has assets restricting the maintenance of a Council water supply system, Council shall not be responsible for damage as a result of any scheduled or emergency maintenance shutdown.
- (c) It is the responsibility of the Customer to maintain all supply pipes and water assets within their property in a serviceable and safe condition.
- (d) If Council exercises its right under clause 10.17.3 of this Bylaw to repair private water assets then Council may charge and recover all costs associated with such repair work from the Customer, the Owner or the Occupier.

### 10.12. Liability

10.12.1. The Council shall make every reasonable attempt to meet the level of service requirements of 10.10, 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 a reduced levels of service in, or interruptions to, the water supply.

### 10.13. Fire Protection Connection

#### 10.13.1. Connection Application

- (a) Where an unmetered fire main exists then an annual fee will be charged for the provision and maintenance of the connection.
- (b) Any proposed connection for fire protection shall be the subject of a specific application made to the Council for approval. Any such connection shall be subject to the terms and conditions specified by the Council.

#### 10.13.2. Supply

- (a) Council shall provide water supply for fire protection in accordance with Schedule 2.

# HAMILTON CITY COUNCIL

## BYLAWS

- (b) Where a Customer requires a specific flow and pressure for internal fire systems, this shall be provided by the Customer within their own system.

### 10.13.3. Design

- (a) It shall be the Customer's responsibility to ascertain and monitor whether the on demand supply provided for fire protection purposes is adequate for the intended purpose. Access to the mains for testing purposes, in order to determine the adequateness of the supply, will require the prior written approval of the Council.

### 10.13.4. Fire protection connection metering

- (a) Where the supply of water to any premises is metered the Council 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 Council approved backflow device 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 of 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 Council shall require the supply to be metered and have the appropriate backflow prevention device at the Customer's expense.

### 10.13.5. Fire Hose Reels

- (a) 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 connection. The water supply to fire hose reels shall comply with the requirements of NZS 4503 and have the appropriate backflow prevention device.

### 10.13.6. 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, upon request, the Council shall estimate the quantity of water so used, and credit to the Customer's account an amount based on such an estimate.

### 10.13.7. Ongoing Testing and Monitoring

Customers intending to test fire protection systems in a manner that requires a draw-off of more than 1 cubic metre of water shall obtain the approval of the Council prior to commencement of testing. The quantity of water used for routine flushing and flow testing may be assessed and charged for by the Council.

## 10.14. Backflow Prevention

10.14.1. Backflow prevention is for the purpose of protecting the Council's public reticulated water supply.

10.14.2. All connections within Hamilton City shall comply with Compliance Document for New Zealand Building Code Clause G12 – Water Supplies- to assess compliance for backflow protection.

### 10.14.3. Customer Responsibility

- (a) It is the Customer's responsibility 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 based on the level of risk or type of activity being carried out on the property to prevent water or any other substances from flowing back into the Council water supply system.
- (b) Where a water supply is used by multiple users (e.g. a block of shops) the property owner and/or body corporate is responsible for ensuring the appropriate Backflow prevention device is in place



# HAMILTON CITY COUNCIL

## BYLAWS

and is approved by Council. The Customer shall provide to Council, on request, any information about any activities carried out on their premises which may contribute to the risk of backflow.

- (c) The Customer shall notify the Council in writing if a change of use or a change of activity occurs that changes the risk of backflow. Council may require a reassessment of the risk of backflow at the premises at the Customer's cost.
- (d) Any Customer with a restricted water supply shall ensure that an approved backflow prevention device is in place and maintained at all times. Any Customer shall ensure that every pipe supplying water to a premise not covered by the Building Act 2004, e.g. to a water trough for animals or for horticultural water supplies, shall be fitted with approved backflow prevention devices and comply with the relevant sections of the Health (Drinking Water) Amendment Act 2007.
- (e) Ordinary and Extraordinary supply to premises that incorporate systems on the premise that elevate their risk, for example – sewer pump stations, septic tanks, submerged irrigation systems and alternative water supplies shall require a Council approved Backflow prevention device.

#### 10.14.4. Back Flow Risk Assessment

- (a) Any property that is deemed to require backflow prevention is required to have a risk assessment and a risk category assigned by Council. Risk categories shall be aligned to the hazard classification of the Building Act 2004. The Customer shall have containment at the boundary appropriate to their level of risk as determined by a Council approved backflow surveyor. Boundary containment device selection, design and installation must be approved by Council.
- (b) No backflow device shall be bypassed unless the bypass is also fitted with a backflow device appropriate for the same hazard rating and approved by Council.
- (c) All premises containing backflow protection must be resurveyed at a minimum of 5 yearly intervals by a Council approved backflow surveyor to confirm the risk profile has not changed. Backflow resurveying shall be at the Customer's expense.
- (d) Council may install a backflow protection device at the boundary of any premises that the Council considers to be a backflow risk to the Council water supply. The cost of installing and maintaining such a device will be recovered by the Council from the Customer where the device is installed.

#### 10.14.5. Backflow protection device maintenance and testing

- (a) All backflow devices and registered air gaps shall be included in the property's compliance schedule and be maintained, fully functional and tested annually. The provision, installation, maintenance per manufacturer's recommendation and testing of devices by a Council approved Independently Qualified Person will be at the property owners' expense.
- (b) Backflow prevention device shall be installed on the Customer's property and as close as practicable to the boundary ensuring no other connection can be installed upstream.
- (c) Fire protection systems that include appropriate backflow prevention measures are not required to have additional backflow prevention, except in cases where the system is supplied by a non-potable source, storage tank, or fire pump that operates at a pressure in excess of Council's normal operating pressure.
- (d) Private Fire hydrants shall have appropriate devices fitted to prevent backflow.

#### 10.14.6. Unmanaged risk

- (a) Notwithstanding clause 10.14.3 Council (consistent with the Health (Drinking Water) Amendment Act 2007) shall fit a backflow prevention device on the Council side of the point of supply where the Customer cannot demonstrate that the risk of backflow is adequately managed. The cost of installing, maintaining and testing such a device may be recovered by the Council from the owner of the property where the device is installed.

# HAMILTON CITY COUNCIL

## BYLAWS

### 10.15. Council equipment and inspection

#### 10.15.1. Care of water supply system

- (a) The Customer shall not damage any part of the water supply system. The Council reserves the right to recover the cost of such damage from the owner or occupier of the property receiving the supply, or both, including reinstatement and any contamination remediation from the responsible person(s), party or owner.

#### 10.15.2. Inspection

- (a) Subject to the provisions of the Local Government Act 2002, the Customer shall allow the Council, with or without equipment, access to any part of the premises for the purposes of determining compliance with this Bylaw.

### 10.16. Plumbing system

- (a) The Customer's plumbing system shall be designed, installed and maintained, both in its component parts and its entirety, to ensure it complies with the Building Act 2004 and the New Zealand Building Code and is compatible with the water supply service as listed in Schedule 2.
- (b) Quick-closing valves, pumps, hydraulically driven equipment 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 Council 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 Council.

### 10.17. Prevention of water loss and wastage

#### 10.17.1. Customers, Owners and Occupiers shall not:

- (a) Allow water to run to waste from any pipe, tap, or other fitting.
- (b) Allow leaks to continue unchecked or unrepaired, or allow the unattended operation of hoses.
- (c) Allow the condition of the plumbing and connections within any premises to deteriorate to the point where leakage or wastage occurs or contamination of water supply occurs or is likely to occur.

10.17.2. Customer, Owner and Occupier shall be jointly and severally liable for any costs associated with the repair of any Council asset resulting from an unrepaired water leak from a premise.

10.17.3. Where a Customer, Owner or Occupier ignores advice from the Council to repair an on-going leak, the Council may repair the leak and charge all associated costs to the Customer, Owner or Occupier.

10.17.4. The Council provides water for consumptive use, not as an energy source.

10.17.5. The Customer shall 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 Council.

10.17.6. The Customer shall not use water for a single pass cooling system or to dilute trade waste prior to disposal, unless specifically approved.

### 10.18. Payment

10.18.1. The Customer shall be liable to pay for the supply of water and related services

10.18.2. The Council may recover all unpaid water charges in respect of the supply of water as prescribed in the Local Government (Rating) Act 2002 from the owner of a premises, the occupier of a premises, or both.

# HAMILTON CITY COUNCIL

## BYLAWS

### 10.19. Transfer of rights and responsibilities

- 10.19.1. The Customer shall not transfer to any other party the rights and responsibilities set out in this Bylaw.
- 10.19.2. A supply pipe shall serve only one on site Customer, and shall not be extended by a hose or any other pipe beyond that Customer's premises.
- 10.19.3. In particular, and not in limitation of the above, any water which the Customer draws from the Council supply shall not be provided to any other party without prior approval of the Council.
- 10.19.4. Individual Customer agreements shall not be transferred unless approval by a Council Authorised officer has been obtained in writing.

### 10.20. Change of ownership

- 10.20.1. Upon receipt of notification of a change of ownership of premises the Council will record the new owner as being the Customer at that premises. Where premises are metered the outgoing Customer shall give the Council two (2) working day's notice to arrange a final meter reading.
- 10.20.2. The owner of the premises at the time of the consumption is responsible for any water charges.
- 10.20.3. The Council reserves the right to reassess the conditions of supply when a change of ownership occurs.

### 10.21. Disconnection at the Customer's request

- 10.21.1. The Customer shall give three (3) working day's notice in writing to the Authorised Officer of the requirement for disconnection of the supply. Disconnection shall be at the Customer's cost.

## 11. BREACHES

- 11.1.1. Every person breaches this Bylaw and commits an offence who:
- (a) Does, permits, or allows anything to be done, which is contrary to this Bylaw or any part of it; or
  - (b) Fails to do or perform any act, or thing, that he or she is required to do by this Bylaw, within the time and in the manner required by this Bylaw or any part of it; or
  - (c) Commits any other breaches of the terms and conditions of this Bylaw; or
  - (d) Does anything which this Bylaw prohibits; or
  - (e) Fails to comply with any notice given to him or her under this Bylaw or any part of it or any condition that is part of any notice granted by the Council; or
  - (f) Obstructs or hinders any Council officer or other Council appointed person in performing any duty or in exercising any power under this Bylaw;
  - (g) Tampers with their connection or any restrictor, or draws water from a connection or restrictor that has been tampered with;
  - (h) Tampers or interferes with Council equipment or water supply system either directly or indirectly;
  - (i) Accesses and withdraws water from a fire hydrant without prior approval from Council;
  - (j) Accesses the water supply system without Council's approval; and
  - (k) Provides an incorrect application for supply which fundamentally affects the conditions of supply.
- 11.1.2. In the event of a breach of any provision of this bylaw, the Council shall serve notice on the Customer advising the nature of the breach, the steps to be taken, and required timeframe to remedy the breach to the satisfaction of the Council beyond timeframe indicated. If the Customer persists with the breach the Council reserves the right to:

# HAMILTON CITY COUNCIL BYLAWS

- (a) Reduce the flow rate of water to the Customer without notice. Reinstatement of full supply shall be re-established only after the Customer completes payment of the appropriate fee and remedy of the breach to the satisfaction of the Council.
- (b) Install a water meter. The Customer will also be charged for the ongoing supply of water as per Council's fees and charges for water supply as determined by Council from time to time. .
- (c) For extra ordinary supply – disconnect the water supply for all purposes other than domestic water use.
- (d) If the breach is such that the Council is required to disconnect the supply for health or safety reasons, disconnection may occur immediately and without further notice to the Customer.

## 12. OFFENCES AND PENALTIES

- 12.1.1. A person who fails to comply with the requirements of this Bylaw commits a breach of this Bylaw and is liable to a penalty under the Local Government Act 2002.
- 12.1.2. Pursuant to section 242 of the Local Government Act 2002 a person who is convicted of an offence against this bylaw is liable to a fine not exceeding \$20,000.
- 12.1.3. A person who fails to comply with the requirements of this Bylaw in relation to a high level water alert and/or emergency is in breach of clause 10.11 of this Bylaw and is liable on conviction under section 66 of the Health Act 1956 to a fine not exceeding \$500.00 and, in the case of a continuing offence, to a further fine not exceeding \$50.00 for every day on which the offence has continued.

## 13. SCHEDULES

- a) The following schedules can be amended through a Council resolution.

**Schedule 1: Examples showing Single/Manifold Connection**

**Schedule 2: Table 1 Compatibility Features**

This bylaw was made pursuant to a resolution passed by the Hamilton City Council on (date) after completion of special consultative procedure under section 86 of the Local Government Act 2002.

Councillor: \_\_\_\_\_

Councillor: \_\_\_\_\_

Chief Executive: \_\_\_\_\_

# HAMILTON CITY COUNCIL BYLAWS

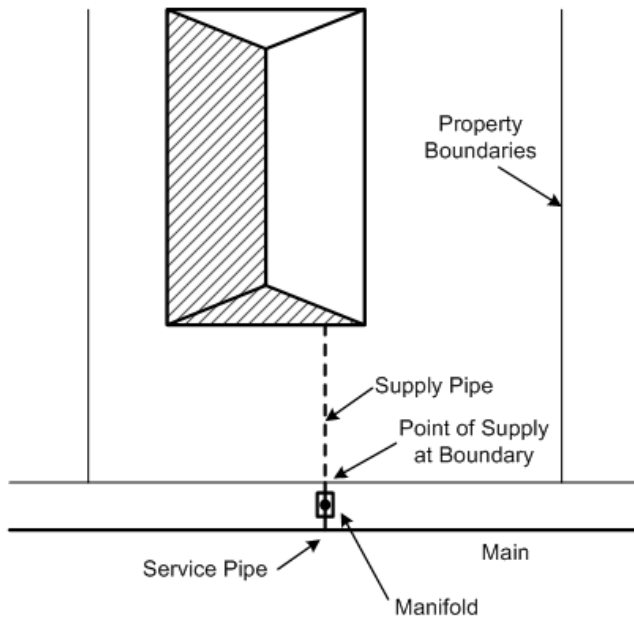
## 13.1. SCHEDULE 1: Examples showing Single/Manifold Connection

### Example 1: Single property with street frontage

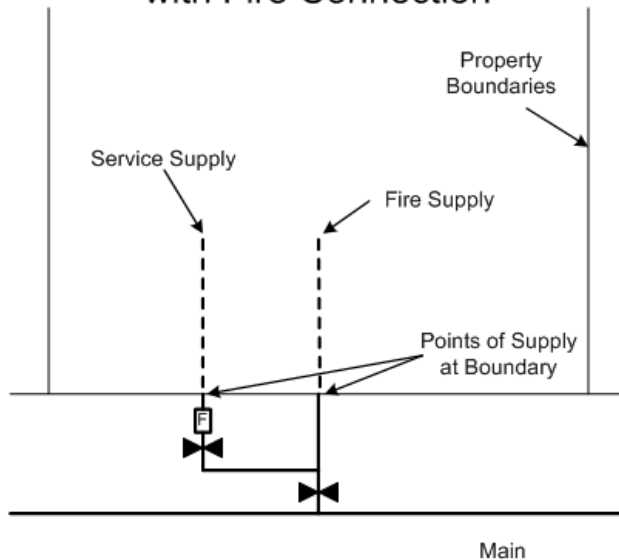
Typical Cases Only. Property/Dwellings indicative only. Not to Scale.

HCC Ownership   
  Private Ownership   
 Manifold   
 Flow Meter   
 Valve

### Single Property, Single Connection



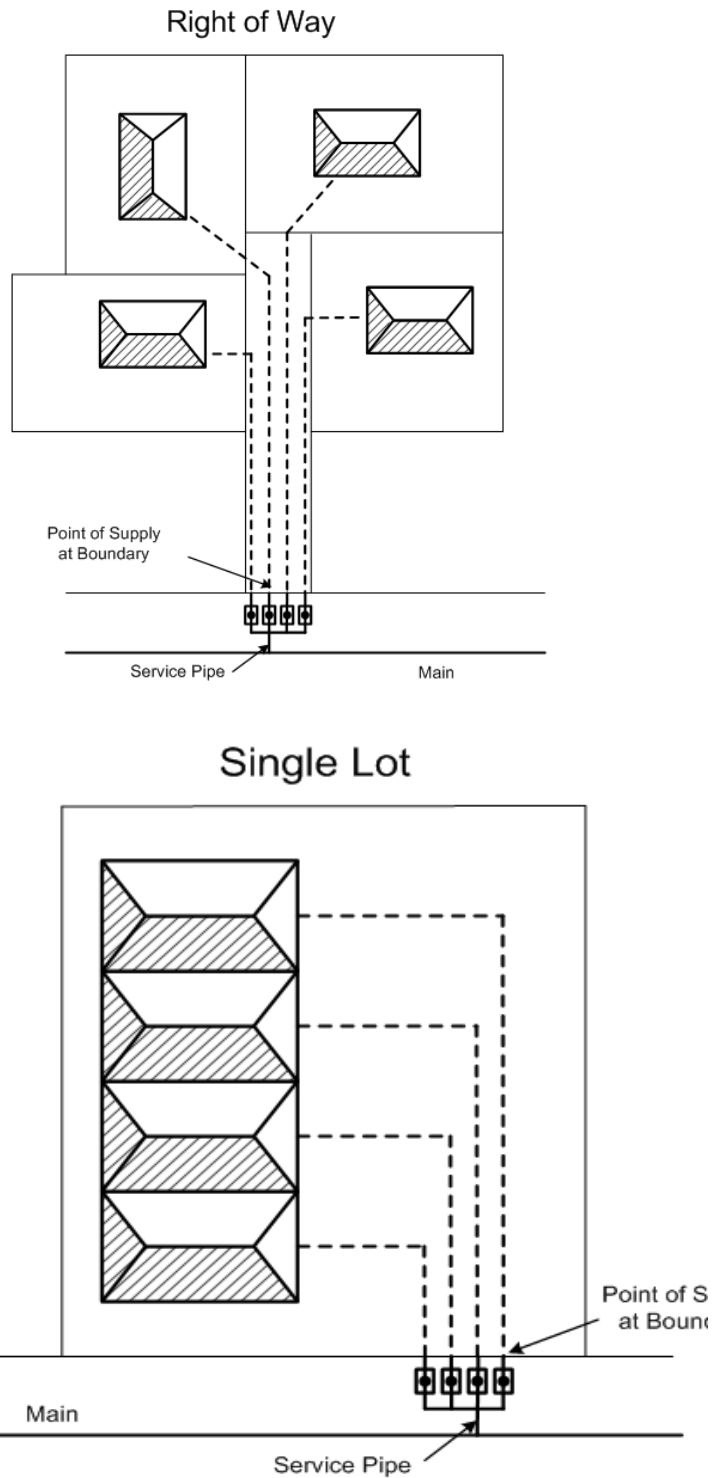
### Single Property, Single Connection with Fire Connection



# HAMILTON CITY COUNCIL BYLAWS

## Example 2: Servicing up to 4 Customers

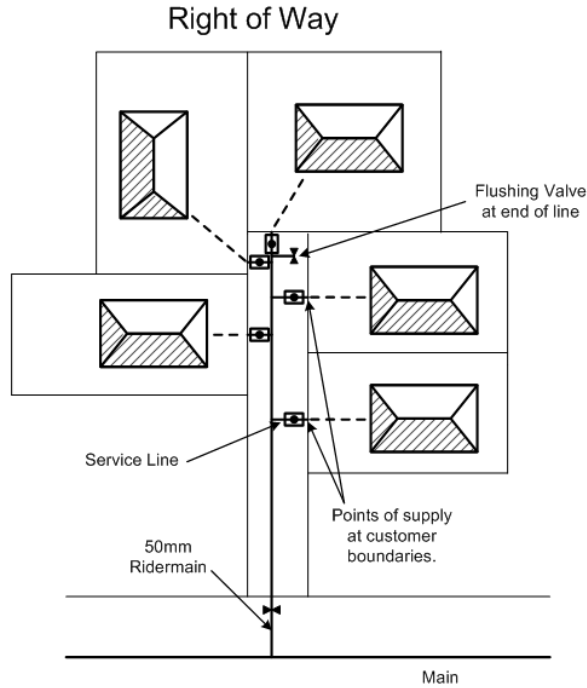
### 2 to 4 Customers – Manifold Connection



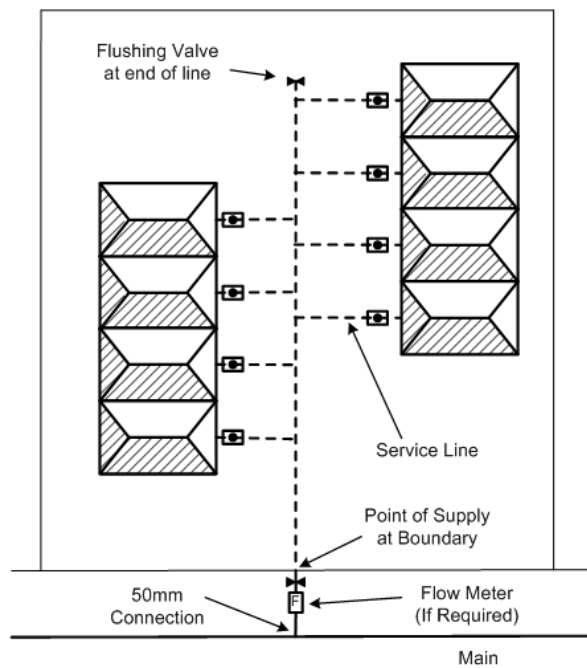
# HAMILTON CITY COUNCIL BYLAWS

## Example 3: Serving 5 or more Customers

### 5+ Customers – Ridermain



### Single Lot



# HAMILTON CITY COUNCIL BYLAWS

## 13.2. SCHEDULE 2: Table 1: - Compatibility Features

Feature	Value
<b>Minimum available flow at point of supply</b>	<ul style="list-style-type: none"> <li>- Ordinary and Extraordinary supply - 25 l/min</li> <li>- Restricted supply – 1.0 m<sup>3</sup> per day</li> </ul>
<b>Minimum pressure at Point of Supply (Static)</b> <i>Note – Some Isolated properties in elevated areas may have a lower pressure than the minimum during high summer demands</i>	10 metres head (100 kPa)
<b>Normal operating pressure</b>	20-30 metres head (200 - 300 kPa)
<b>Maximum pressure</b>	100 metres head (1,000 kPa)
<b>Free available chlorine</b>	Up to 1.5 g/m <sup>3</sup>
<b>Fire Fighting from fire hydrants*</b>	<ul style="list-style-type: none"> <li>- FW2 – For Urban Residential Zones</li> <li>- FW3 – For Commercial and Industrial Zones</li> </ul>
<b>Continuity of supply</b> <ul style="list-style-type: none"> <li>- Unplanned duration of one disruption to water supply</li> <li>- Maximum duration of one disruption</li> </ul>	<ul style="list-style-type: none"> <li>- Ordinary and Extraordinary supply – 8 hrs</li> <li>- Restricted supply – 24 hrs</li> <li>- 24 hrs</li> </ul>
<b>New customer connections (to existing reticulation)</b>	Within 15 working days of Council Approval and fee payment
* Refer SNZ PAS 4509: New Zealand Fire Service Fire Fighting Water Supplies Code of Practice	