

# VILLAGE OF PORT CLEMENTS

## BYLAW 392, 2012

The purpose of this Bylaw is to regulate the disconnection and closure of Wells on properties connected to the Water Supply and Distribution System.

### WHEREAS:

- A. The Village of Port Clements currently operates a Water Supply and Distribution System (the "System") established by Bylaw #50, 1977
- B. The Village of Port Clements Council deem it necessary and desirable to regulate the disconnection and closure of wells on properties served by the System.

**NOW, THEREFORE**, the Council of the Village of Port Clements, in open meeting assembled, enacts as follows:

### 1. Citation

This Bylaw may be cited for all purposes as the Village of Port Clements Well Regulation Bylaw

### 2. Interpretation

In this Bylaw:

"Close" means to take a Well out of service permanently in accordance with section 9 of the Groundwater Regulation

"Connect" means to connect the Private System on a parcel to the System

"Contractor" means the person responsible for the performance in compliance with this Bylaw of the work of closing a Well

"Disconnect" means to disconnect a Well from the Private System on the parcel on which the Well is located, in a manner that prevents water or other substances from the Well from entering the System

"Domestic Purpose" means the use of water for human consumption, food preparation, sanitation or other household purposes

"Groundwater Regulation" means the Groundwater Protection Regulation, B.C. Reg. 299/2004, under the Water Act

"Owner" means the owner of a Well on a parcel connected to the System

"Private System" means the onsite pipes and other apparatus on a parcel, connected to the System at the property line and used to convey water from the System to the plumbing fixtures in the buildings and structures on that parcel

"Well Closure Report" means a report that complies with Schedule 3 of the Groundwater Regulation or a successor enactment of similar intent.

### 3. Well Disconnection and Closure Option

(1) As a condition of connecting a parcel on which a Well is located, to the System, the Owner must permit the Village of Port Clements to, promptly upon the connection, disconnect or cause the well to be disconnected, or have a certified cross-connection device added at the owner's expense.

**OR**

(1) As a condition of connecting a parcel on which a Well is located, to the System, the Owner must permit the Village of Port Clements, to promptly upon the connection of the parcel, disconnect or cause the well to be disconnected at the Village of Port Clements' expense.

(2) No later than 90 days after the connection, the Owner must

- a) ensure the well is closed in accordance with this Bylaw and all applicable provincial enactments, or
- b) ensure that a certified cross-connection device is in place to guarantee that there will be no contamination of Municipal water by the private well water, and
- c) at the Owner's expense, obtain and submit a Well Closure Report prepared by the Contractor to the Village of Port Clements and the Ministry of Environment.

**OR**

(2) No later than 90 days after the connection, the Village of Port Clements must

- a) ensure the well is closed in accordance with this Bylaw and all applicable provincial enactments, or
- b) ensure that a certified cross-contamination devise is in place to guarantee that there will be no contamination of Municipal water by the private well water, and
- c) at the Village's expense, obtain and file a copy of a Well Closure Report prepared by the Contractor and submit it to the Ministry of Environment.

#### **4. Non-domestic Purpose Option**

If, despite section 3, an owner wishes to be connected to the System and to use the well for non-domestic purposes, the Owner must submit to the Village of Port Clements, at the same time as the Application for Connection,

- a) an Application for Permission to Use a Well for Non-Domestic Water after Connection
- b) a map showing
  - i) the location of the well in relation to the buildings and structures
  - ii) the well identification plate number, if available
  - iii) a declaration of well use

Promptly after connection, the Owner must ensure that the well is disconnected at the Owner's expense.

An Owner who is permitted under this section to use a well for non-domestic purposes after connection to the System must:

- a) operate and maintain the well in good order
- b) ensure the well is closed immediately when required by the Village of Port Clements to do so if it is not operated or maintained in good order.
- c) not reconnect the well to the Owner's private water distribution system as long as the Owner's parcel is connected to the System, and
- d) not use the well for domestic purposes.

## 5. Prohibition and Penalties

No person shall introduce or cause to be introduced into the System, any water or other substance from a well on a parcel owned or occupied by that person or, if the person is not the owner or occupier of the parcel, from a well that the person has disconnected, closed, performed any other work upon or caused any of those things to be done in relation to the well.

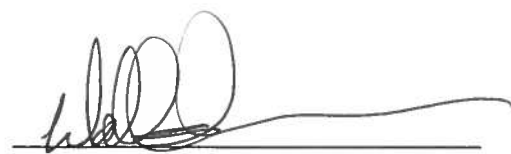
A person who violates a provision of the bylaw commits an offence and is liable upon conviction to a minimum fine of five hundred dollars (\$500.00) for violation of any provision of this Bylaw, in addition to the penalties prescribed by the Community Charter.

Read a first time this 4<sup>th</sup> day of June, 2012

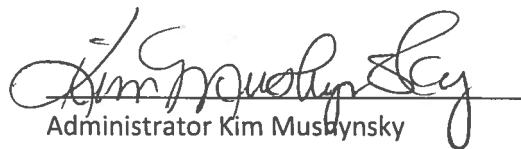
Read a second time this 4<sup>th</sup> day of June, 2012

Read a third time this 18<sup>th</sup> day of June, 2012

Reconsidered and Adopted this 3<sup>rd</sup> day of July, 2012



Mayor Wally Cheer



Administrator Kim Muszynsky

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**Certified to be a true copy of the Well Regulation Bylaw #392, 2012**

**APPLICATION FOR PERMISSION TO USE THE PRIVATE WELL FOR NON-DOMESTIC  
WATER AFTER CONNECTION**

I, \_\_\_\_\_ being the property Owner of the premises legally described as:

Lot \_\_\_\_\_, Block \_\_\_\_\_, Plan \_\_\_\_\_, of civic address \_\_\_\_\_ located in Port

Clements hereby make application for the following services:

\_\_\_ Use of private well for non-domestic purposes after connection to the System

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_

Applicant Signature

\_\_\_\_\_

Witness Signature

## DECLARATION OF WELL USE

I, \_\_\_\_\_ being the property owner of the premises legally described as:

Lot\_\_\_\_\_, Block\_\_\_\_\_, Plan\_\_\_\_\_, of civic address \_\_\_\_\_ located in Port

Clements intend to use the private well for the following non-domestic water uses (list all possible uses)

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In addition, as the private well Owner, I agree to:

- a) operate and maintain the well in good order;
- b) ensure the well is closed immediately when required by the Village of Port Clements if it is not operated or maintained in good order
- c) not reconnect the well to the Owner's private water distribution system as long as the Owner's parcel is connected to the System; and,
- d) not use the well for domestic purposes.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Applicant Signature

\_\_\_\_\_  
Witness Signature