



Wastewater Drainage Bylaw 2008

This Bylaw regulates the use of the Western Bay of Plenty District's wastewater drainage system and is intended to protect the system from damage and misuse, and to promote and protect public health.

This Bylaw, which is made under the authority of the Local Government Act 2002 and section 23 and section 64 of the Health Act 1956, is based on the Standards NZ model document NZS 9201: Chapter 22 (Int); 1999.

Attention is drawn to the Western Bay of Plenty District Council Terms and Conditions for the Acceptance of Wastewater Drainage which should be read in conjunction with this Bylaw, but do not form part of this Bylaw.



Contents

1.	INTRODUCTION AND OBJECTIVE	7
2.	COUNCIL OPERATING PROCEDURES	7
3.	ACCEPTANCE OF DISCHARGE	7
3.1	<i>Approval to Connect</i>	7
3.2	<i>Acceptable Discharge Characteristics</i>	8
3.3	<i>Domestic Wastewater</i>	8
4.	PREMISES	8
4.1	<i>Flow Rate</i>	8
4.2	<i>Prohibited Characteristics</i>	8
4.3	<i>Prevention of Inflow and Infiltration</i>	8
5.	HAZARDOUS MATERIALS	9
5.1	<i>Not to Enter Sewer</i>	9
6.	BREACHES AND REMEDIES	9
6.1	<i>Defect Notices</i>	9
6.2	<i>Remedial Work</i>	9
7.	PENALTIES AND REMEDIES	9



Western Bay of Plenty District Council

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Authority

Pursuant to the powers vested in it under sections 145 and 146 of the Local Government Act 2002, and sections 23 and 64 of the Health Act 1956, the Western Bay of Plenty District Council makes this Bylaw.

Title

This Bylaw is the Western Bay of Plenty District Council Wastewater Drainage Bylaw 2008. This bylaw comes into force on 1 July 2008.

Repeal

The Western Bay of Plenty District Council Waste Water Drainage Bylaw 2001 is repealed.

Scope

This Bylaw regulates the use of the Western Bay of Plenty District Council's wastewater drainage system. It is intended to promote and protect public health, and to protect the wastewater drainage system from damage and misuse. In general only matters which are not covered by legislation or regulations are included in the Bylaw.

This Bylaw is based on the Standards NZ model document NZS 9201: Chapter 22 (Int): 1999.

Attention is drawn to the Western Bay of Plenty District Council's Terms and Conditions for the Acceptance of Wastewater Drainage which should be read in conjunction with this Bylaw, but do not form part of this Bylaw.

Savings

All approvals, permits, and other acts of authority (including any resolutions of the Council) which originated under the Western Bay of Plenty District Council Waste Water Drainage Bylaw 2001, and all applications, and other acts of parties and generally all documents, matters, acts, and things which so originated and are continuing at the commencement of this Bylaw, continue for the purposes of this Bylaw to have full force and effect.

The revocation of the Western Bay of Plenty District Council Waste Water Drainage Bylaw 2001 does not prevent any legal proceedings, criminal or civil, being taken to enforce that Bylaw and such proceedings continue to be dealt with and completed as if the Bylaw had not been revoked.

Application of General Bylaw, Chapter 1

The provisions of the Western Bay of Plenty District Council General Bylaw 2008, Chapter 1 Introduction and any bylaw passed in amendment or substitution of that Chapter are implied into and form part of this Bylaw.



Definitions

The definitions in the Western Bay of Plenty District Council General Bylaw 2008, Chapter 1 Introduction apply to this Bylaw unless otherwise provided in the Bylaw. For the purposes of this Bylaw, and unless inconsistent with the context, the following definitions apply:

Acceptable Discharge	means a wastewater with physical and chemical characteristics which comply with the Council's requirements for discharge into the wastewater drainage system.
Building Work	has the same meaning as that set out in section 7 of the Building Act 2004.
Buried Services	means all public sewers, rising mains, trunk sewers and other underground utilities under the responsibility of the Council.
Bylaw	means the Western Bay of Plenty District Council Wastewater Drainage Bylaw
Characteristic	means any of the physical or chemical characteristics of wastewater or trade waste.
Customer	means a person who either discharges, or has obtained consent to discharge or direct the manner of discharge of wastewater from any premises to the public sewer of the Council.
Customer Service Agreement	means the document signed by the customer as accepting the Terms and Conditions for the Acceptance of Wastewater Drainage.
Deed of Covenant	means a signed and sealed agreement written into a certificate of title or other instrument where parties agree to do or refrain from doing certain acts
Disconnection	means the physical cutting and sealing of the drain from a premises.
Domestic Sewage (or Domestic Wastewater)	means liquid wastes (including matters in solution or suspension therein) discharged from premises used solely for residential purposes, or wastes of the same character discharged from other premises; but does not include any solids, liquids, or gases that may not lawfully be discharged into sewerage drains controlled by a local authority.
Drain	means that section of private drain between the customer's premises and the point of discharge into a public sewer through which wastewater is conveyed from the premises. (This section of drain is owned and maintained by the customer or with the Council's express approval a group of customers).
Gully Trap	means a fitting designed to prevent foul air escaping from the drainage system and used to receive the discharge from waste pipes.
Infiltration	means water entering a public sewer or private drain from groundwater through defects such as poor joints, and cracks in pipes or manholes. It does not include inflow.
Inflow	means water discharged into a private drain from non-complying connections or other drainlaying faults. It includes stormwater entering through illegal downpipe connections or from low gully traps.



Level of Service	means the measurable performance standards on which the wastewater authority undertakes to receive wastewater from its customers.
Memorandum of Encumbrance	means an agreement for the payment by any person or persons by yearly or periodical payments or otherwise of any annuity, rent charge, or sum of money other than a debt where land owned by the person or persons is legally defined and used as security should failure to pay occur.
Person	includes an individual person, or group of individual persons bound together by a common purpose, and includes a body corporate or body sole.
Point of Discharge	means the boundary between the public sewer and a private drain.
Premises	includes – (a) a property or allotment which is held under a separate certificate of title or for which a separate certificate of title may be issued and in respect to which a building consent has been or may be issued, or (b) any building or any part thereof used or intended to be used exclusively or principally as the residence of one household. (c) land held in public ownership (e.g. reserve) for a particular purpose.
Prohibited Characteristics	means a wastewater discharge containing the physical and chemical characteristics which Council has determined must not be discharged into the public sewer system.
Rising Main	means a sewer through which wastewater is pumped.
Service Opening	means a manhole, or similar means for gaining access for inspection, cleaning or maintenance, of a public sewer
Sewer (or public sewer)	means the public sewer and includes all its parts including buried services and extending from the point of discharge to any treatment plant or other point of disposal and which is owned, administered and maintained by the Council.
Stormwater	means all surface water run-off resulting from precipitation.
Trade Premises	has the meaning assigned to that term in the Trade Wastes Bylaw 2008.
Trade Waste	has the meaning assigned to that term in the Trade Wastes Bylaw 2008.
Trade Waste Bylaw	means the Western Bay of Plenty District Council Trade Wastes Bylaw 2008.
Trunk Sewer	means a sewer, generally 150mm or greater in diameter, which forms a part of the principal drainage network of the Council's wastewater drainage system.
Wastewater	means water or other liquid, including waste matter in solution or suspension, discharged from a premises to a sewer.



Wastewater Drainage System

means all parts of the public sewer system located within the Western Bay of Plenty District which is owned, administered and maintained by the Council, and includes buried services extending from the point of discharge to any treatment plant or other point of wastewater disposal.

Making of this Bylaw

The initial resolution to make this bylaw was passed by the Western Bay of Plenty District Council at a meeting of the Council held on 1 May 2008 and was confirmed following consideration of submissions received during the special consultative procedure, by a resolution of the Council at a subsequent meeting of the Council held on 26 June 2008.

The Common Seal of the Western Bay of Plenty District Council was affixed pursuant to a resolution of the Council on 26 June 2008 in the presence of:

General Manager

Seal

Date



Western Bay of Plenty District Council

Wastewater Drainage Bylaw 2008

1. Introduction and Objective

- 1.1 This Bylaw covers matters relating to the Western Bay of Plenty District Council wastewater drainage system. The purpose of this Bylaw is to regulate the use of, and protect Council's wastewater drainage system from damage and misuse, and to promote and protect public health.
- 1.2 Matters regulating the acceptance of trade waste into the wastewater drainage system are contained in the Western Bay of Plenty District Council Trade Wastes Bylaw.

2. Council Operating Procedures

- 2.1 The Council may from time to time, by ordinary resolution –
 - (a) Adopt system operating procedures to protect the wastewater drainage system from damage and misuse including the setting of the nature and levels of characteristics of any wastewater to be discharged into the Council's sewerage system;
 - (b) Set the terms and conditions upon which wastewater discharged from any premises will be accepted into the Council's wastewater drainage system.
 - (c) Pursuant to the provisions of section 12 and section 150 of the Local Government Act 2002, prescribe fees and charges payable for anything to be done, made or given by the Council, or its contractors or agents, arising out of or in connection with this Bylaw.
- 2.2 Any customer who discharges wastewater into Council's wastewater drainage system must sign a *Customer Service Agreement* and at all times comply with the Council's operative Terms and Conditions for the Acceptance of Wastewater Drainage as from time to time fixed by resolution of Council.
- 2.3 Council may, from time to time by way of an ordinary resolution, amend, extend, rescind, or vary any resolution made in accordance with the provisions of clause 2.1.

3. Acceptance of Discharge

3.1 Approval to Connect

- 3.1.1 No person, other than the authorised agents of the Council may, without written approval of Council, make any connection to or otherwise interfere with any part of the wastewater drainage system including buried services.



3.2 Acceptable Discharge Characteristics

The nature and levels of the characteristics of any wastewater discharged into the Council wastewater drainage system must comply at all times with the characteristics adopted by Council by resolution publicly notified from time to time, provided however, that those characteristics may be varied by the Council as part of an approval given to a customer or customers to discharge a wastewater which does not meet the normal characteristics.

3.3 Domestic Wastewater

Every dwelling/house is entitled to have its *wastewater* accepted by the Council subject to –

- (a) the premises lying within an "urban drainage area " if such an area has been designated by the Council under the Local Government Act 2002; or
- (b) the premises being within an area which is served by public sewers; and
- (c) payment of all rates, charges and levies in respect to that property; and
- (d) compliance with the Terms and Conditions relating to the acceptance of wastewater discharge from those premises.

4. Premises

4.1 Flow Rate

4.1.1 No person may discharge wastewater into the sewer at an instantaneous flow rate exceeding the rate determined by the Council from time to time, or in excess of the rate stipulated in the Council's Terms and Conditions for the Acceptance of Wastewater Drainage in respect of those premises.

4.1.2 The Council may set a maximum daily flow rate which can be discharged from any premises into the wastewater drainage system.

4.2 Prohibited Characteristics

No person may discharge into the Council *sewer* any *wastewater* with the *characteristics* which Council has resolved to prohibit from discharge into the wastewater drainage system.

4.3 Prevention of Inflow and Infiltration

The *customer* must prevent any *stormwater* or groundwater (including water from roof downpipes, surface water run-off, overland flow, and sub-surface drainage) from entering the Council *sewer*.



5. Hazardous Materials

5.1 Not to Enter Sewer

No person may discharge into any public sewer any material, product or waste containing corrosive, toxic, biocidal, radioactive, flammable or explosive matter or any other material, product or waste which when mixed with the wastewater in the *sewer* is likely to generate toxic, flammable, explosive or corrosive materials in quantities that may be detrimental to the Council's wastewater system or present a hazard to Council's staff or members of the public.

Every person who becomes aware that any hazardous material, product, or waste, has entered the wastewater drainage system must immediately notify Council of the details. This requirement is in addition to any other obligation that person has to notify other authorities of release of a hazardous substance.

6. Breaches and Remedies

6.1 Defect Notices

In the event of any default or breach by a *customer* in respect of the *customer's* obligations relating to the *sewer*, whether under this Bylaw or any act or regulation, the Council may, without prejudice to any other recourse or remedy that may be available, and having regard to public health and safety and the risk of damage to the *sewer*, in its absolute discretion may –

- (a) undertake any remedial work required in order to make good the breach or default and recover from the *customer* all costs including solicitor and client costs incurred in connection with the remedial work; or
- (b) give notice to the *customer* to rectify the default or breach and that notice may include a period within which the default or breach is to be remedied.

6.2 Remedial Work

If the default or breach is not remedied in a reasonable time, or within the time specified in the notice given under the foregoing clause, the Council may –

- (a) disconnect the *customer's premises* from the *sewer*;
- (b) carry out any remedial works required;
- (c) recover all costs incurred including solicitor and client costs;
- (d) charge a re-inspection fee;
- (e) undertake any one or more of them as the Council sees fit.

7. Penalties and Remedies

Any person contravening, or committing or permitting or allowing a breach of any of the provisions of this Bylaw, commits an offence against this Bylaw.

Without prejudice to any of the provisions of this Bylaw, Council may pursue any legal remedies available to it pursuant to the provisions of the Local Government Act 2002, or any other Act or regulation applicable to the discharge of wastewater drainage.



In addition to any legal penalties arising from any breach, offence, or dispute Council may seek to recover all costs arising from and associated with any such breach, offence or dispute.