

CARTERTON DISTRICT COUNCIL WASTEWATER BYLAW 2011

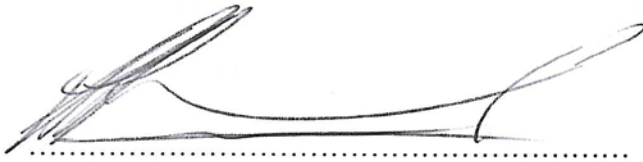


CARTERTON DISTRICT COUNCIL WASTEWATER BYLAW 2011

The bylaw was made on 2nd March 2011.

The bylaw with amendments shall be operative from 1st April 2011.

Unless revoked or reviewed sooner, it shall be reviewed no later than 31st March 2016. If not reviewed by 31st March 2016, this bylaw terminates on 1st April 2018.



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Mayor



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Chief Executive Officer



2nd March 2011

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Date

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Explanatory Note

This Wastewater Bylaw is based on the Model General Bylaw NZS9201: Part 22:1999 Wastewater Drainage as compiled by Standards New Zealand which is part of the NZS 9201 series of model bylaws covering various matters under local authority jurisdiction. This Bylaw amends that Standard as necessary to meet the requirements of the Carterton District Council, and gives effect to legislative changes such as the introduction of the Local Government Act 2002 and to reflect changes in industry practice.

Copyright

The copyright of the Model General Bylaw NZS9201: Part 22:1999 Wastewater Drainage is the property of the Standards Council. The copying and amendment of the Model Bylaw has been carried out by a Territorial Authority in the process of preparing its local bylaw, as permitted by the Standards Council.

Referenced Documents

Reference is made in this document to the following:

New Zealand Standards

- NZS 9201: Model General Bylaws

New Zealand Legislation

- Building Act 2004
- Building Regulations 2007 (New Zealand Building Code)
- Hazardous Substances and New Organisms Act 1996
- Hazardous Substances Regulations 2001
- Health Act 1956
- Health and Safety in Employment Act 1992
- Land Transfer Act 1952
- Local Government Act 1974
- Local Government Act 2002
- Property Law Act 1952
- Local Government (Rating) Act 2002
- Resource Management Act 1991
- Plumbers, Gasfitters and Drainlayers Act 1976
- Water Supply Protection Regulations 1961

Codes and Bylaws

- New Zealand Building Code
- CDC Trade Waste Bylaw 200
- CDC Water Supply Bylaw 2008
- NZS 4404: 2010 Land Development and Subdivision

Other Publications

- Transit New Zealand Bridge Manual 1994
- The Wairarapa Combined District Plan

Delegated Powers

This Bylaw does not provide for the delegation of powers to officers of Council.

Any delegation necessary to enforce aspects of this Bylaw are effected through Council Resolution issuing warrants for the officers as provided for in the Local Government Act 2002 (section 174).

1 Title

A Bylaw of the Carterton District Council by way of Special Order pursuant to the provisions of the Local Government Act 2002 and all other Acts, powers and authorities enabling it in that behalf to make a Bylaw to be known as the **Carterton District Council Wastewater Bylaw 2011**.

2 COMMENCEMENT

This Bylaw shall come into force on the 1st day of April 2011.

3 REPEAL

As from the day this Bylaw comes into force, any previous wastewater bylaw or parts of any wastewater bylaw and their amendments in force in the Carterton District (including the former local authorities that now comprise the Carterton District Council) shall be repealed.

4 APPLICATION OF BYLAW

This Bylaw shall apply to the Carterton District.

5 SCOPE

This Bylaw is made under the authority of the Local Government Act 2002.

6 INTERPRETATION

When interpreting this Bylaw use the definitions set out in Section 7 unless the context requires otherwise. 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.

7 DEFINITIONS

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

Acceptable Discharge - means a wastewater with physical and chemical characteristics which comply with the requirements of Council as scheduled in the Trade Waste Bylaw.

Approval - means approved in writing either by resolution of the Council or by any authorised officer of Council.

Buried Services - means all public sewers, rising mains, trunk sewers and other underground utilities under the responsibility of Council.

Certificate of Title - means a certificate registering the freehold ownership of land available to any owner(s) under the Land Transfer Act 1952.

Characteristic - means any of the physical or chemical characteristics of a trade waste referred to in the Trade Waste Bylaw.

Council - means the Carterton District Council or any officer authorised by Council or legislation to exercise the authority of Council.

Council is the wastewater authority (WWA).

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 Council's public sewer. The customer may be an owner or an occupier.

Deed of Covenant - means an agreement whereby a party stipulates as to the truth of certain facts, or binds himself to give something to another, or to do or not to do any act.

Disconnection - means the physical cutting and sealing of the drain from a premise.

Domestic Wastewater - means either that wastewater which is discharged from premises used solely for residential activities, or wastes of the same character discharged from other premises, provided that the characteristics of the wastewater are an acceptable discharge and do not trigger the provisions of the Trade Waste Bylaw. Such activities shall include the draining of domestic swimming and spa pools subject to S.9.

Drain - means that section of private drain between the customer's premises and the point of discharge through which wastewater is conveyed from the premises. This section of drain is owned and maintained by the customer (or group of customers).

Drainage District - means the Carterton District or parts thereof for which the Council may provide a drainage system.

Infiltration - means water entering a public sewer or private drain from groundwater through defects such as poor joints, 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 Council 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.

Occupier - the person who occupies the premises. This may be the owner of the premises, lessee, squatter or any other person on or using the premises.

Owner - the person who owns the premises.

Person - includes a corporation sole and also a body of persons whether corporate or incorporate.

Point of Discharge - means the boundary between the public sewer and a private drain.

Premises - means either:

- (a) a property or allotment which is held under a separate certificate of title or for which a separate certificate of title may be issued and in respect to which a building consent has been or may be issued; or
- (b) a building that has been defined as an individual unit by a cross-lease, unit title or company lease and for which a certificate of title is available; or
- (c) land held in public ownership (e.g. reserve) for a particular purpose.

Prohibited Characteristics - means a wastewater which shall not be discharged into the Council's wastewater system, as scheduled in the Trade Waste Bylaw.

Public Notice - as defined in the Local Government Act 2002.

Rising Main - means a sewer through which wastewater is pumped.

Schedule of Rates and Charges - means the list of items, terms and prices for services associated with the discharge of wastewater as approved by Council.

Service Opening - means a manhole, or similar means for gaining access for inspection, cleaning or maintenance, of a public sewer.

Sewer - means the main public sewer and lateral connections that carry away wastewater from the point of discharge. The public sewer is owned and maintained by Council.

Stormwater - means all surface water run-off resulting from precipitation.

Territorial Authority (TA) means a city council or district council

Trade Premises - means any premises used or intended to be used for carrying on any trade or industry, and includes any land or premises wholly or mainly used for agricultural or horticultural purposes.

Trade Waste - means any liquid, with or without matter in suspension or solution, that is or may be discharged from a trade premises in the course of any trade or industrial process or operation, or in the course of any activity or operation of a like nature, but does not include condensing water, stormwater or domestic wastewater. Condensing or cooling waters, and stormwater which cannot practically be separated from wastewater may be included subject to specific approval.

Trade Waste Bylaw - means the Carterton District Council Trade Waste Bylaw 2008 which regulates wastewater discharges from trade premises to a sewer.

Trunk Sewer - means a sewer, generally greater than 150 mm in diameter, which forms a part of the principal drainage network of 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. Also called sewage.

Wastewater Drainage Network - means a set of facilities and devices, either natural or man-made, which are used to collect and convey wastewater to a treatment plant. This includes but is not limited to drains, pipes and other conduits, manholes, chambers, traps, pumping stations and treatment plants.

8 PROTECTION OF PUBLIC WASTEWATER DRAINAGE NETWORKS

8.1 Access to Network

No person other than Council and its authorised agents shall have access to any part of the wastewater drainage network.

8.2 Storage of Hazardous Materials

No person shall store any raw material, products or wastes containing corrosive, toxic, biocidal, radioactive, flammable, or explosive materials, or any material which, when mixed with the wastewater stream, is likely to generate toxic, flammable, explosive or corrosive materials in quantities likely to be hazardous, or any other material likely to be deleterious to Council's wastewater system or the health and safety of Council staff and the public, without taking all reasonable steps to prevent its entry into the Council sewer from leakage, spillage or other mishap.

The occupier shall comply with the requirements of the Hazardous Substances and New Organisms Act and Hazardous Substances Regulations.

The occupier of any premises shall immediately notify Council of any hazardous material entering the public wastewater drainage network.

8.3 Working around Buried Services

Council will keep accurate permanent records ('as-builts') of the location of its buried services. This information shall be available for inspection at no cost to users. Charges may be levied to cover the costs of providing copies of this information.

Any person proposing to carry out excavation work shall view the as-built information to establish whether or not Council services are located in the vicinity. At least five working days notice in writing shall be given to Council of an intention to excavate in the vicinity of its services. Where appropriate Council shall mark out to within ± 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. Council may charge for this service.

When excavating and working around buried services due care shall be taken to ensure the services are not damaged, and that bedding and backfill are reinstated in accordance with the appropriate Council specification. Any damage which occurs to a Council service shall be reported to Council immediately. The person causing the damage shall reimburse Council with all costs associated with repairing the damaged service, and any other costs Council incurs as a result of the incident.

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

8.4 Loading of Material over Public Wastewater Pipes

No person shall cause the crushing load imposed on a public sewer to exceed that which would arise from the soil overburden plus a HN-HO-72 wheel or axle load (as defined by Transit New Zealand Bridge Manual).

No person shall place any additional material over or near a public sewer without approval.

Manholes, chambers and other ancillary structures shall not be covered in any way unless approved by Council. Removal of any covering material or adjustment of the structures shall be at the property owner's expense.

8.5 Excavation near Public Sewers

No person shall excavate, or carry out piling or similar work closer than:

(a) five (5) metres from the centre line of any rising main or trunk sewer;
or

(b) two (2) metres from the centre line of any public sewer;

without approval in writing from Council. Such approval may impose conditions on the carrying out of any work near the sewer.

8.6 Building over Buried Services

8.6.1 Rising Mains and Trunk Sewers

No building shall be built over a public rising main or trunk sewer, or closer than the greater of:

(a) 1.5 metres from the centre of any main or sewer; or

(b) the depth of the centre line of the sewer, plus the diameter of the sewer, plus 0.2 metres from the centre of that sewer, subject to compliance with 3.1 of NZS 3604.

8.6.2 Other Public Sewers (150mm diameter or less)

(a) No building shall be built over a public sewer, whether on public or private land.

(b) No building shall be built closer than the greater of:

(i) 1.5 metres from the centre of any public sewer; or

(ii) the depth of the centreline of the sewer, plus the diameter of the sewer, plus 0.2 metres from the centre of that sewer, subject to compliance with 3.1 of NZS 3604.

(c) Subject to approval, a building developer may meet the cost of diverting the public sewer (including any manholes) in accordance with Council's standards.

(d) Where (a) (b) and (c) above are found to be impractical and the building cannot be sited elsewhere on the property or modified to conform with the above conditions, and it is essential and agreed by Council for the proposed building to be built on that part of the property, approval may be granted subject to the building developer meeting the cost of any specific requirements. These may include the

provision of access manholes, pipe strengthening, ducting, additional support of the building's foundations and re-locatable construction, and may include:

- (i) carrying out sufficient investigations to accurately determine the sewer's location and depth, and to prove that the sewer is in a condition where it has a remaining life of at least fifty (50) years;
- (ii) or carrying out remedial work or relaying the sewer to meet the requirements of:
 - bore piling the building 1.0 metre clear distance either side of the sewer to below the sewer invert to ensure that no building loads are transferred to the sewer and so that it is possible to excavate down to the sewer without threat to the building;
 - providing two additional manholes into the sewer between 2.0 and 3.0 metres from the edge of the building at the points it enters and leaves the building (unless there is an existing manhole within 10 metres), provided that the sewer lies in a straight line and that there are no other connections between these two manholes;
 - carrying out all work on and around the sewer in accordance with Council's engineering standards.
- (e) Registering the public sewer by a Memorandum of Encumbrance and Deed of Covenant against the Certificate of Title (Schedules A and B of the Model Bylaw NZS 9201: 1999).

9 PRIVATE DRAINAGE SYSTEMS

9.1 Customer's Drainage System

The customer's drainage system shall be designed, installed and maintained, both in its component parts and in its entirety, to ensure that it complies with the Building Act and the New Zealand Building Code.

9.2 Maintenance of Private Drainage System

It is the responsibility of the owner or occupier to properly maintain in good working order at all times, the private wastewater drainage network on the premises.

10 DEVELOPMENT OF PREMISES

10.1 Proposed Works

No person shall carry out wastewater works without:

- (a) prior written approval from Council; and
- (b) a building consent or resource consent if required.

Every application to carry out wastewater works shall include drawings and specifications for the proposed works. The drawings shall show, to the satisfaction of Council, the proposed works and their effects on the subject site and surrounding land.

All proposed wastewater works shall be designed, constructed and operated:

- (a) in compliance with any relevant Wastewater Management Plan or discharge consent including its recommendations or conditions for the area concerned; and
- (b) to Council's standards for corresponding public wastewater works where they serve or may serve land or buildings in different ownership; and
- (c) to Council's Wastewater Drainage Policies; and
- (d) in compliance with any written conditions imposed by Council when approving the works, and with any relevant building or resource consent; and
- (e) to be consistent with foreseeable catchment-wide works (for example, extending a pipe upstream or downstream) so as to give a benefit to the catchment as a whole.

Such wastewater drainage works shall remain the responsibility of the owner of the land on which the works occur unless and until they are taken over and vested in Council. The cost of all work involved will be the owner's cost unless specific agreement for alternative cost sharing is approved in writing by Council.

10.2 Diverting Public Wastewater Pipes

Subject to specific approval in writing by Council, a developer may divert a public wastewater pipe (including any ancillary structures) in accordance with any engineering requirements specified by Council, and the developer shall meet the cost of such diversion work.

10.3 Pump stations

Private wastewater pump stations will be approved only where there are no practical alternatives for a gravity flow discharge to the public sewer.

10.3.1 Single Ownership

A private wastewater pump station for a single dwelling unit represents an alternative solution in terms of the Building Act. As such, the customer (owner) will be required to demonstrate that the pump station complies with the provisions of the New Zealand Building Code when seeking a consent.

10.3.2 Multiple Ownership

A private wastewater pump station serving more than one residential dwelling unit requires a compliance schedule as well as an annual building warrant of fitness in order to meet the requirements of the Building Act.

A "Common Pump Station Agreement" shall be required between the parties, including appropriate maintenance of rising mains. It shall be registered against the Certificate of Title of each party.

The combined rate of discharge to the public sewer shall not exceed the rate specified by Council.

11 CONDITIONS OF SUPPLY

11.1 Approval to Connect to a Public Wastewater Drainage Network

No person may make a connection to, or otherwise interfere with the public wastewater drainage network without prior approval of the Council.

11.2 Application for Connection

Every application for a connection to the public wastewater drainage network shall be made in writing on the standard Council form accompanied by the prescribed charges. The applicant shall provide all the details required by Council.

On receipt of an application Council shall, after consideration of the application and other matters relating to the application and the wastewater drainage network, either:

- (a) approve the application and inform the applicant of 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.

Failure to comply with any of the terms and conditions constitutes interference with the public wastewater drainage network without prior approval and is a breach of this Bylaw.

Any such connection shall be carried out by a registered drainlayer under the supervision of Council.

New Lateral connections to the property boundary will be undertaken by Council staff or a Council approved drainage contractor.

Any new connection shall be dimensioned from the immediate downstream manhole to the centre of the newly installed connection, and an as-built plan showing the connection shall be provided to Council within seven (7) days of installation and acceptance by Council.

Land development subdivision within the serviced area shall in all cases provide for a domestic wastewater connection to the boundary of each allotment.

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

An approved application which has not been actioned within six (6) months of the date of application will lapse unless a time extension has been approved. Any refund of fees and charges shall be at the discretion of Council.

11.3 Trade Waste Application

Application for acceptance of trade wastes into the public wastewater drainage network is the subject of a separate bylaw.

11.4 Prescribed Charges

Charges applicable at the time of connection may include:

- (a) payment to Council or an approved contractor for the cost of the physical works required to provide the connection;
- (b) a development contribution charge determined in accordance with the Local Government Act 2002;
- (c) a financial contribution charge determined in accordance with the Resource Management Act 1991 in accordance with the Combined District Plan in the case of completed land subdivision within the serviced area if not previously paid to Council

11.5 Point of Discharge

The point of discharge from a customer shall be the point on the public sewer which marks the boundary of responsibility between the customer and Council, irrespective of property boundaries.

Unless otherwise approved there shall be one point of discharge only for each premises, and any private drain shall not extend by pipe or any other means to serve another premises unless it is a common private drain.

11.5.1 Single Ownership

For single dwelling units the point of discharge shall be located at the boundary as shown in Figures 1, 2, 3, and 4 or as close as possible where fences, walls or other permanent structures make it difficult to locate it at the required position. The approval of other positions must be made by Council and recorded on the drainage plan. Where a private drain discharges into a public sewer on that same private property, the point of discharge shall be the upstream end of the pipe fitting which forms the junction with the public sewer.

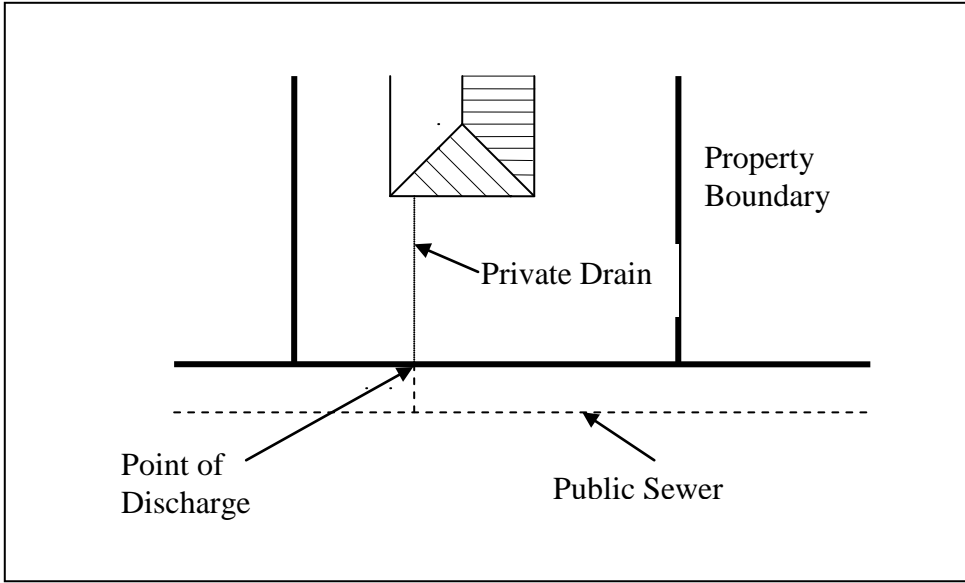


FIGURE 1 - POINT OF DISCHARGE LOCATION - WITH STREET FRONTAGE

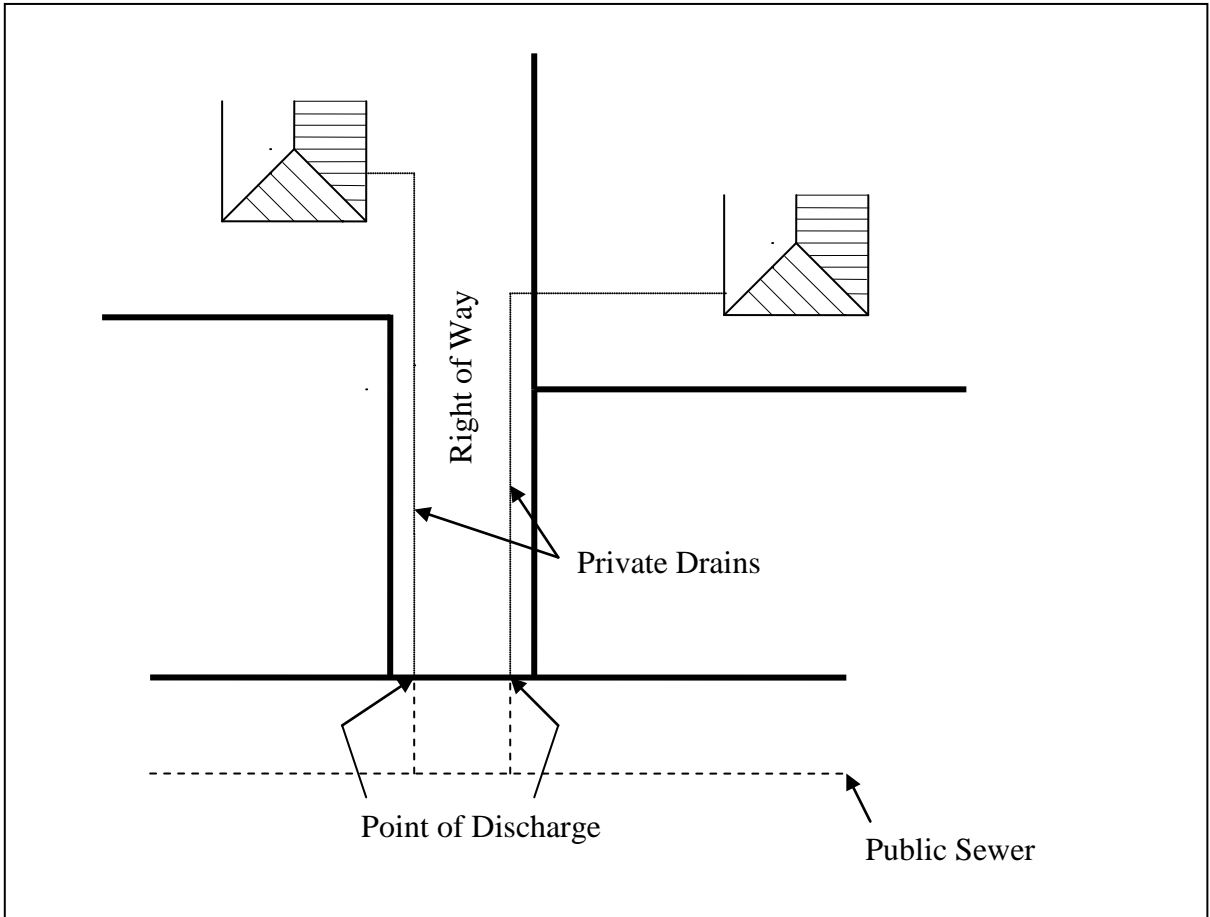


FIGURE 2 - POINT OF DISCHARGE LOCATION - REAR LOTS

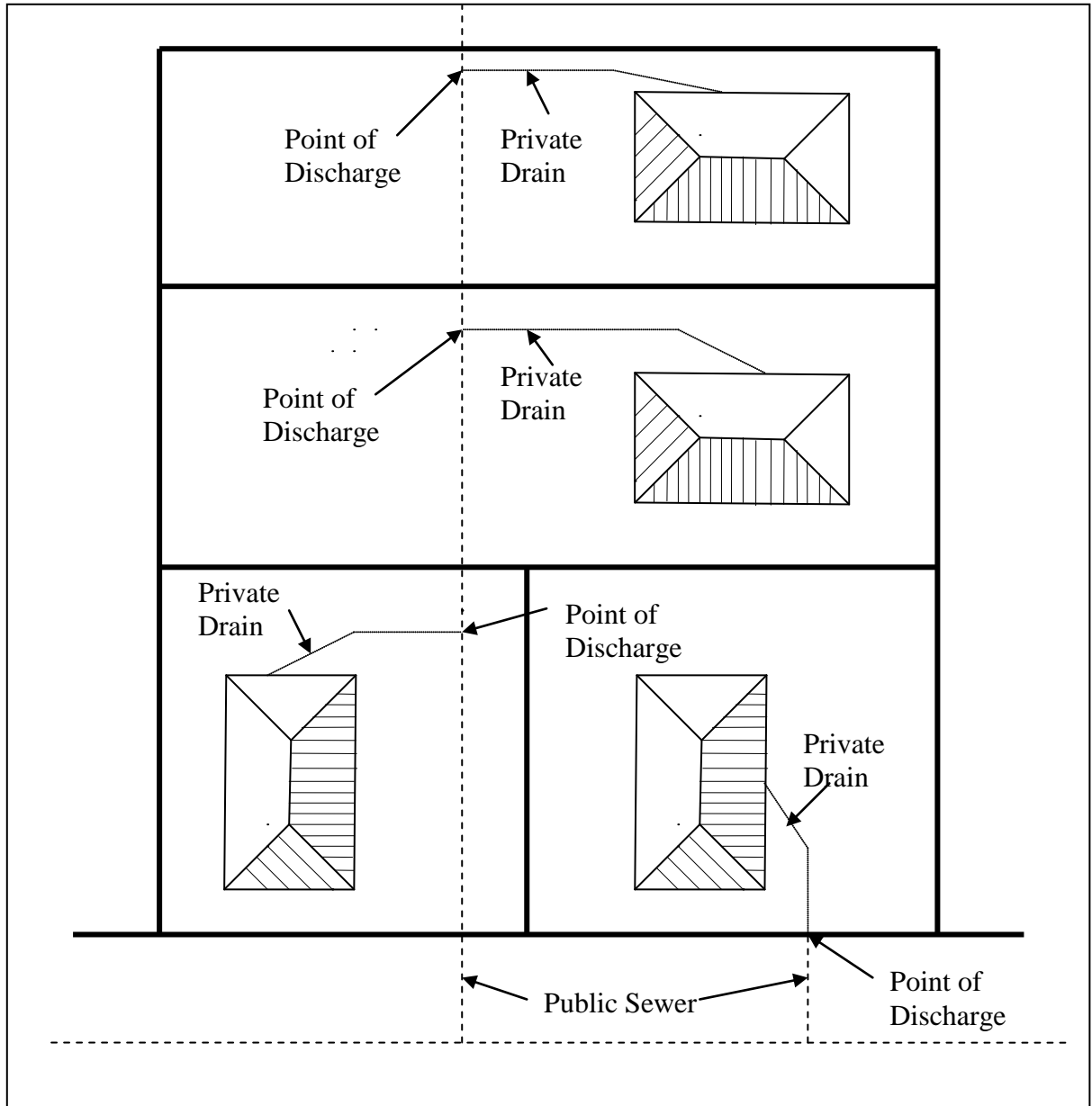


FIGURE 3 - POINT OF DISCHARGE LOCATION - PUBLIC SEWER ON PRIVATE PROPERTY

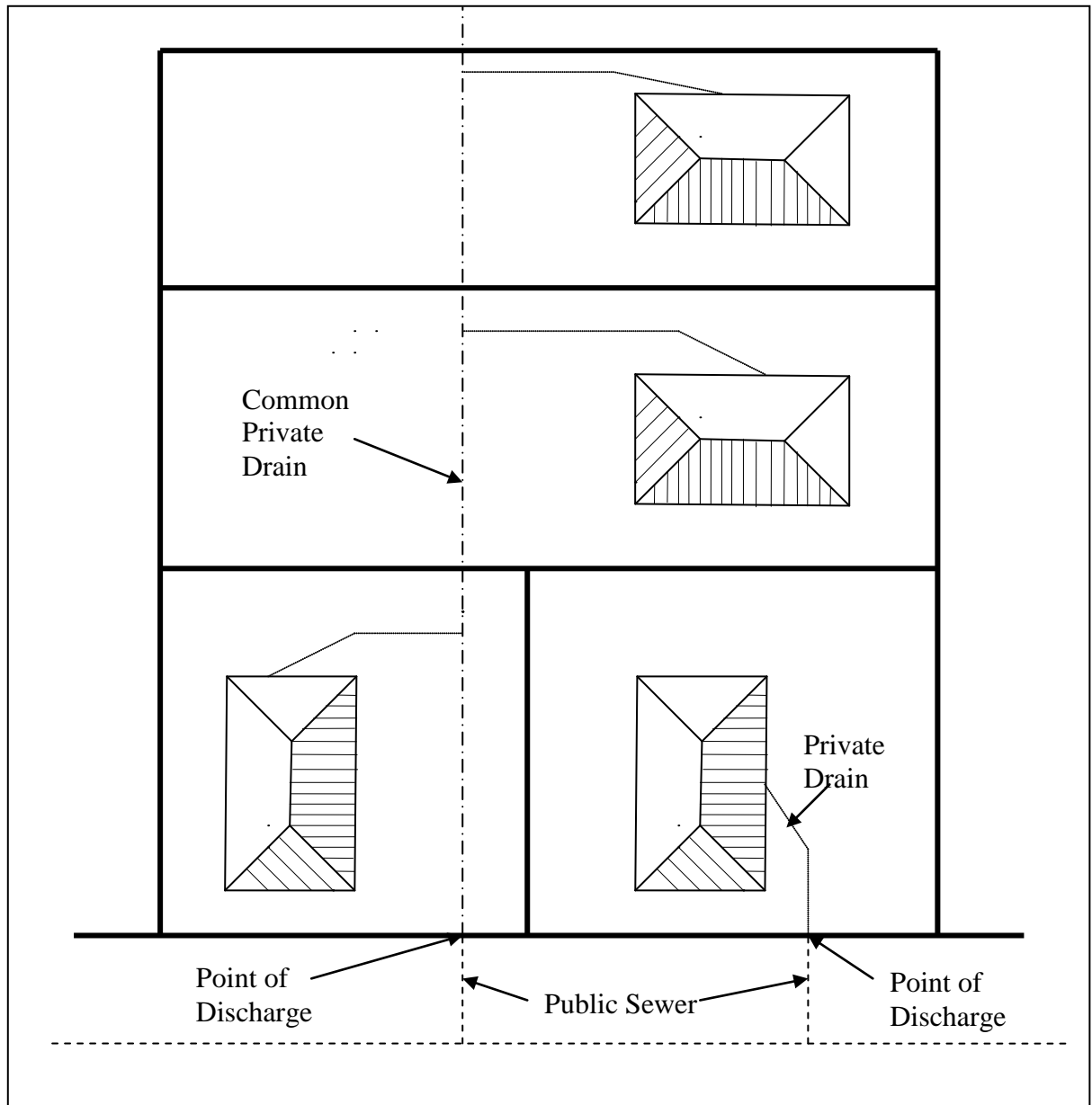


Figure 4 - Point of Discharge Location - Common Private Drain

11.5.2 Multiple Ownership

The point of discharge for the different forms of multiple ownership of premises and / or land shall be as follows:

- (a) for company share / block scheme (body corporate) - as for single ownership;
- (b) for leasehold / tenancy in common scheme (cross lease), strata title, and unit title (body corporate);- where practicable each owner shall have an individual drain with the point of discharge determined by agreement with Council. If not practicable there shall be a common private drain which shall be incorporated as an additional provision in the lease agreement. In specific cases other arrangements will be acceptable subject to individual approval.

11.5.3 Layout

The physical drainage layout at a point of discharge shall be as per the New Zealand Building Code, the New Zealand Standard NZS4404: Land Development and Subdivision Engineering, and as Council approves.

11.6 Common Private Drains

Common private drains shall serve a maximum of five (5) single dwelling units, and shall have one point of discharge only (in common).

Common drains shall be covered by a certificate from Council recording the rights of each party, which is registered against the certificate of title.

11.7 Domestic Wastewater

No domestic wastewaters shall:

- (a) exceed the substance limits scheduled in the Trade Waste Bylaw;
- (b) contain the substances prohibited in the Trade Waste Bylaw.

Where part of domestic premises is used as an office or other trade related activity from which no trade waste could be produced, and which no other persons apart from those living at those premises use, then it shall be treated as domestic premises. Any trade activity which produces or has the potential to produce a wastewater shall be treated as being from trade premises.

11.8 Maximum Flow Rate

The maximum instantaneous flow rate discharged from a domestic premise shall not exceed 2.0 litres / sec and / or 5m³ per day.

11.9 Swimming Pools

Customers with swimming or spa pools shall be required to demonstrate that the pool drain has been fitted with a flow limiting device to ensure the discharge does not exceed the maximum instantaneous flow requirement of 2.0 litres / sec.

11.10 Prohibited Characteristics

No wastewater with characteristics (as scheduled in the Trade Waste Bylaw) shall be discharged into the public wastewater drainage network.

11.11 Waste Minimisation

In order to meet the principles of sustainable management as promoted by the Resource Management Act 1991, Council recommends that customers fit the devices contained in Table 1.1 on all new installations.

TABLE 1.1 WASTE MINIMIZATION DEVICES

Waste Minimisation Device	Control of Usage
Dual flush toilet cistern	Flush 1 - 1.6 litres Flush 2 - 3.0 litres
Low flow shower heads	Maximum 9 litres per minute
Urinal flushing control	Timed, or On-Demand Controller

11.12 Prevention of Inflow and Infiltration

The customer shall prevent any stormwater or groundwater entering the wastewater drainage system. This includes roof downpipes, surface water run-off, overland flow, and sub-surface drainage. Stormwater shall be excluded from the wastewater system by ensuring that:

- (a) there is no direct connection of any stormwater pipe or drain to the wastewater system;
- (b) gully trap surrounds are set above stormwater ponding levels (refer New Zealand Building Code G13), or secondary overland flow path flood levels;
- (c) inspection covers are in place and are appropriately sealed;
- (d) private drains shall be kept and maintained in a state which is free from cracks and other defects which may allow infiltration.
- (e) compliance is achieved by any other means that may be acceptable to Council.

11.13 Blockages

A customer overflowing or has other reasons to suspect a blockage, shall first call a drainlayer to clear and remove any blockage in their private drain. If the drainlayer finds that the blockage is within the public sewer, then the drainlayer shall contact Council who shall clear and remove the blockage and clean up all affected areas. Provided that the blockage has not been forced downstream into the public sewer in the act of clearing it from the private drain, or that the customer has not been negligent in discharging a non-acceptable wastewater, then Council shall reimburse the customer for actual and reasonable drainage costs. If otherwise, Council shall recover the costs of the unblocking work from the customer.

11.14 Trees

In the event of the roots of any tree on a customer's premises causing or being likely to cause damage, interference to the flow, or blockage to a public sewer, Council procedure shall follow that set out in the Local Government

Act 1974, section 468. No compensation shall be payable to the owner of any tree altered or removed under this procedure.

11.15 Disconnection

A customer shall give seven (7) working days notice in writing of his or her intention to demolish or remove a building connected to the sewer. The demolition or removal shall not commence until the property has been disconnected from the sewer by Council.

A customer shall give two (2) working days notice in writing to Council of his or her requirement for disconnection of the discharge connections if relaying of the private drain is required.

11.16 Change of Ownership

In the event of domestic premises changing ownership, the new owner shall automatically become the new customer of that premise.

11.17 No Guarantee

Council does not guarantee to receive wastewater without interruption; however Council will use all reasonable endeavours to ensure that any disruption is kept to a minimum.

11.18 Access for Maintenance, Repair and Inspection

Subject to the provisions of the Local Government Act 2002, the owner or occupier shall allow Council with or without equipment, access to any area of the premises for the purposes of carrying out any work on the public wastewater drainage network including inspection and survey, and for determining compliance with the requirements of this Bylaw.

Wherever practical Council shall make every reasonable attempt to notify the owner or occupier of any scheduled work on the public wastewater drainage network before the work commences. Where immediate action is required and notification is not practical, work will be carried out without notice.

11.19 Emergency

Natural hazards or accidents beyond the control of the WWA which result in disruptions to the ability of the WWA to receive wastewater will be deemed an emergency and exempted from the level of service requirements of Section 12.

During an emergency Council may restrict or prohibit the discharge of wastewater for any specified purpose, for any specified period, and for any or all of its customers.

Such restrictions shall be publicly notified.

11.20 Defect Notices

In the event of statutory or other legal requirements, Council may serve a defect notice on the customer advising its nature and the steps to be taken within a specified period, to remedy it. If, after the specified period, the customer has not remedied the breach, Council may charge a re-inspection fee. However, if it is such that public health, or safety considerations, or risk of consequential damage to Council assets is such that delay would create unacceptable results, Council may take immediate action to rectify the defect, and recover all reasonable costs.

11.21 Remedial Work

At any time after the specified period in Section 11.20 has elapsed, Council may carry out any remedial work required in order to make good the breach, and to recover from the person committing the breach all reasonable costs incurred in connection with the remedial work.

12 LEVEL OF SERVICE

Council shall provide wastewater services in accordance with the level of service contained in the Long Term Council Community Plan (LTCCP) of the Council. For those periods where the level of service allows non-compliance with the specified values, Council will make every reasonable attempt to achieve the specified values.

13 Liability

Council shall endeavour to meet the level of service requirements, but it shall not be liable for any loss, damage or inconvenience which the customer (or any person within the premises) may sustain as a result of deficiencies in the wastewater collection system.

14 Payment

The owner shall be liable to pay for the discharge of wastewater and related services in accordance with Council's fees and charges and / or rating requirements prevailing at the time.

Council may recover all unpaid fees and charges and rates as prescribed in the Local Government (Rating) Act 2002, sections 57 to 82.

15 Breaches and Infringement Offences

Every person who fails to comply with the requirements of this bylaw commits an offence and is liable, on summary conviction, to a fine not exceeding \$20,000 or as set out in Section 242 of the Local Government Act 2002.

The Council may apply to the District Court under section 162 of the Act for an injunction restraining the person from committing a breach of this bylaw.

Where it is suspected that any person has committed a breach of this bylaw, that person shall, on the direction of Council, provide his / her full name, and address.

16 Summary Proceedings

In addition to enforcement of infringements of this Bylaw, the Local Government Act 2002 provides for prosecutions by way of summary proceeding as another means of enforcing the requirements of the Local Government Act 2002. Council can lay an information (a summons) under the Summary Proceedings Act 1957 to initiate a prosecution against someone in the criminal courts for a breach of the Local Government Act 2002.

Council may also follow proceedings under provisions of the:

- Local Government Act 1974
- Local Government Act 2002
- Local Government (Rating) Act 2002
- Health Act 1956
- Resource Management Act 1991

17 BYLAW APPROVAL DATE

The Common Seal of the Carterton District Council was attached, under Resolution (*Reference - Carterton District Council Wastewater Bylaw 2011*) passed at a meeting of the Carterton District Council held on 2nd (Day) March (Month) 2011 (Year).

DATE CONFIRMED : ____/____/____