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THE CORPORATION OF THE DISTRICT OF CENTRAL SAANICH

BYLAW NO. 1749

A Bylaw to Regulate Well Closure on Properties Connected to the District Water System

WHEREAS:

- A. The District of Central Saanich currently operates a water supply and distribution system within the boundaries of the District, which system was established by Bylaw No. 1410;
- B. The District has, prior to the adoption of this Bylaw, consulted with the medical health officer responsible for public health matters within the District; and
- C. The Council of the District deems it necessary and desirable to regulate the use and closure of existing wells on properties now served by the District's water supply and distribution system.

NOW, THEREFORE, the Council of the District of Central Saanich, in open meeting assembled, enacts as follows:

1. Citation

This Bylaw may be cited for all purposes as the "**Central Saanich Well Closure Regulation Bylaw No. 1749, 2011**".

2. Interpretation

(1) In this Bylaw

"Bylaw" means Central Saanich Well Closure Regulation Bylaw No. 1749, 2011.

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

"Connect" or "Connection" means the connection of the Private System on a parcel to the System.

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

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

"Enforcement Officer" means any person appointed as such by the District and members of the District police.

"Non-domestic Purpose" means a purpose that is not a Domestic Purpose.

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

"Private System" means the system of pipes and other apparatus 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 the parcel on which the Private System is installed.

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

"System" means the water supply and distribution system established by District of Central Saanich Bylaw No. 1410.

“Well” means a well that was used for supplying water for Domestic Purposes prior to the Connection of the parcel on which the well is located.

“Well Closure Report” means a report prepared in accordance with Schedule 3 of the Regulation or a similar enactment.

3. Well Disconnection and Closure

- (1) If an application is made to the District for Connection to a parcel on which a Well is located, the Owner must Close or ensure the Well is Closed in accordance with this Bylaw and all applicable provincial enactments.
- (2) Promptly upon the Connection of a parcel on which a Well is located, the Owner must Disconnect the Well and, no later than 90 days after the Connection, the Owner must
 - (a) ensure the Well is Closed,
 - (b) prepare or have prepared, at the Owner’s expense, a Well Closure Report signed by the person responsible for the work of Closing the Well, and
 - (c) submit the Well Closure Report to the District.

4. Continued Use for Non-domestic Purpose

Despite section 3 of this Bylaw, an Owner may use the water from an existing Well after Connection for one or more Non-domestic Purposes, if the Owner:

- (a) submits to the District, either with the application for Connection, or with a separate application for permission to use the Well water after Connection,
 - (i) a map showing:
 - (A) the location of the Well in relation to the buildings and structures on the parcel on which the Well is located, and
 - (B) the well identification plate number, if available; and
 - (ii) a sworn declaration, referencing the Well in relation to the map, stating the Owner’s intended use of the Well after Connection and that the Owner will:
 - (A) operate and maintain the Well in good order,
 - (B) ensure the Well is Closed immediately when required by the District to do so if it is not operated or maintained in good order,
 - (C) not reconnect the Well to the Private System as long as the Owner’s parcel is Connected, and
 - (D) not use the Well for Domestic Purposes; and
- (b) promptly after Connection, ensures the Well is Disconnected at the Owner’s sole cost and expense.

5. Prohibition and Penalties

- (1) No person shall introduce or cause to be introduced into the System water or another 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.
- (2) A person who violates a provision of this Bylaw commits an offence and is liable upon conviction to a minimum fine of one thousand dollars (\$1,000.00) for a

violation of section 5(1) and a minimum fine of five hundred dollars (\$500) for a violation of any other provision of this Bylaw, in addition to the penalties prescribed by the *Community Charter*. Each day that a violation is caused or is allowed to continue constitutes a separate offence.

6. Enforcement

- (1) No person shall obstruct an Enforcement Officer engaged in the administration or enforcement of this Bylaw.
- (2) This Bylaw is designated under the provisions of section 264 of the *Community Charter* as a Bylaw that may be enforced by means of a ticket in the form prescribed, and in accordance with this Bylaw.

READ A FIRST TIME on this **3rd** day of **October,** **2011.**

READ A SECOND TIME on this **3rd** day of **October,** **2011.**

READ A THIRD TIME on this **3rd** day of **October,** **2011.**

RECONSIDERED, FINALLY PASSED AND ADOPTED by the Municipal Council, signed by the Mayor and Municipal Clerk, and sealed with the Seal of the Corporation on this **11th** day of **October, 2011.**

“JACK MAR”
Jack Mar
Mayor

“SUSAN BROWN”
Susan Brown
Municipal Clerk