



## VILLAGE OF HARRISON HOT SPRINGS BYLAW NO. 928

### A bylaw to regulate well closure on properties connected to the Village Water System

**WHEREAS** the Village of Harrison Hot Springs has deemed it advisable to establish a bylaw to regulate well closure on properties connected to the Village Water System;

- A. The Village of Harrison Hot Springs currently operates a Water Supply and Distribution System (the "System") established by Bylaw No. 549 within the boundaries of the Village of Harrison Hot Springs;
- B. The Village of Harrison Hot Springs, prior to the adoption of this bylaw, has consulted with the medical health officer responsible for public health matters within the Village of Harrison Hot Springs;
- C. The Village of Harrison Hot Springs Council deems it necessary and desirable to regulate the use and closure of wells on properties served by the System.

**NOW THEREFORE** in open meeting assembled, the Mayor and Council of the Village of Harrison Hot Springs enacts as follows:

#### 1. CITATION

This Bylaw may be cited for all purposes as the "Village of Harrison Hot Springs Well Closure Regulation Bylaw No. 928, 2009".

#### 2. INTERPRETATION

(a) In this Bylaw

**"Bylaw"** means the Village of Harrison Hot Springs Well Regulation Bylaw.

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

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

**"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 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.

**“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, BC Reg. 299/2004, under the Water Act.

**“System”** means the Water Supply and Distribution System established by the Village of Harrison Hot Springs Bylaw No. 549.

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

**“Well Closure Report”** means a report that complies with Schedule 3 of the Regulation or a similar enactment.

(b) In this Bylaw

- (i) The first letter of a word that is defined in this section is written in upper case to indicate that its interpretation is limited to its defined meaning.
- (ii) A reference to a section, subsection, clause, or subclause means a section, subsection, clause or subclause of this Bylaw unless otherwise indicated.

### 3. WELL DISCONNECTION AND CLOSURE

- (a) If an application is made to the Village of Harrison Hot Springs 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.
- (b) 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;
  - (i) Ensure the Well is Closed
  - (ii) 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
  - (iii) Submit that report to the Village of Harrison Hot Springs.

#### 4. NON-DOMESTIC PURPOSE OPTION

Despite section 3, if an Owner whose Well is located on a parcel that is or will be Connected, wishes to use the water from that Well for one or more Non-domestic Purposes, the Owner must

- (a) Submit to the Village of Harrison Hot Springs, either with the application for a Connection or with an application for permission to use the Well water after the 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 Village of Harrison Hot Springs 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, and
    - (d) Not use the Well for Domestic Purposes; and
- (b) Promptly after Connection, ensure the Well is Disconnected at the Owner's sole cost and expense.

#### 5. PROHIBITION AND PENALTIES

- (a) No person shall introduce or cause to be introduced in 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 cause any to those things to be done in relation to the well.
- (b) 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 4(1) and a minimum fine of five hundred dollars (\$500.00) for a violation of any other provision of this bylaw, in addition to the penalties prescribed by the *Community Charter*.

6. READINGS AND ADOPTION

READ A FIRST TIME THIS 7<sup>th</sup> DAY OF DECEMBER, 2009.

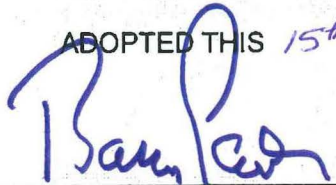
READ A SECOND TIME THIS 7<sup>th</sup> DAY OF DECEMBER, 2009.

READ A THIRD TIME THIS 7<sup>th</sup> DAY OF DECEMBER, 2009.

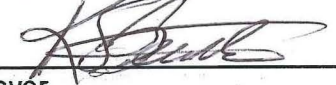
APPROVED by the Minister of Environment on the 2nd DAY OF March, ~~2009~~ 2010

DEPOSITED with the Minister of Health on the 11<sup>th</sup> DAY OF MARCH, ~~2009~~ 2010

ADOPTED THIS 15<sup>th</sup> DAY OF MARCH, ~~2009~~ 2010



Hon. Barry Penner  
Minister of Environment



Mayor

March 2, 2010

Date



Corporate Officer