

# Model Well Regulation Bylaw

## Sample Bylaw



March, 2012



Ministry of  
Community, Sport and  
Cultural Development

# LOCAL GOVERNMENT OF ANYWHERE

## BYLAW NO. XXXX

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 *Local Government of Anywhere* (the “*Local Government*”) currently operates a Water Supply and Distribution System (the “*System*”) established by Bylaw No. YYYY (e.g. *Town of Drinksville Water Service Bylaw*; e.g. *Regional District of ABC Water Service Electoral Area “A” Establishing Bylaw No. 123* or *Regional District of ABC Well Closure Service Bylaw No 134*) within the boundaries of the Local Government (*where applicable*: and in the area outside of the boundaries of the Local Government as authorized by Bylaw No. VVVV and section 13 of the *Community Charter*);
- B. The Local Government’s *Council/Board* deems it necessary and desirable to regulate the disconnection and closure of Wells on properties served by the System.

**NOW, THEREFORE**, the *Council/Board* of the *Local Government of Anywhere*, in open meeting assembled, enacts as follows:

### 1. Citation

This Bylaw may be cited for all purposes as the “*Local Government of Anywhere Well Regulation Bylaw*.”

### 2. Interpretation

(1) In this Bylaw

“Bylaw” means the *Local Government of Anywhere Well Regulation 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*.

“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 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.

“System” means the Water Supply and Distribution System established by *Local Government of Anywhere* Bylaw No. YYYY.

“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 that complies with Schedule 3 of the Groundwater Regulation or a successor enactment of similar intent.

- (2) In this Bylaw, the first letter of a word or words in a phrase defined in this section is written in upper case to indicate that its interpretation is limited to its defined meaning.

### 3.1 Well Disconnection and Closure Option

- (1) As a condition of connecting a parcel on which a Well is located to the System, the Owner of the parcel must, promptly upon the Connection, Disconnect or cause the Well to be Disconnected 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 Local Government to, promptly upon the Connection of the parcel, Disconnect or cause the Well to be Disconnected at the Local Government's 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, and
- (b) at the Owner's expense, obtain and submit a Well Closure Report prepared by the Contractor to the Local Government and Ministry of the Environment.

**OR**

- (2) No later than 90 days after the Connection the Local Government must

- (a) ensure the Well is Closed in accordance with this Bylaw and all applicable provincial enactments, and
- (b) at its expense, obtain and file a copy of a Well Closure Report prepared by the Contractor with the Local Government and submit it to the Ministry of the Environment.

### 3.2 Non-domestic Purpose Option

- (1) If, despite section 3.1(2), an Owner wishes to be Connected to the System and to use the Well for Non-domestic Purposes, the Owner must submit to the Local Government, at the same time as the *Application for Connection*,

- (a) an *Application for Permission to Use a Well for Non-Domestic Water after Connection (see appendix)*;

- (b) a map showing

- (i) the location of the Well in relation to the buildings and structures on the parcel on which the Well is located, and



# 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:  
*(Name of applicant)*

\_\_\_\_\_ located in the \_\_\_\_\_ hereby make application for  
*(Address of property)* *(Community name)*

the following services:

\_\_\_\_\_ use of private well for non-domestic purposes after Connection to the System.

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

APPLICANT \_\_\_\_\_  
*(Signature)*

\_\_\_\_\_  
*(Date)*

\_\_\_\_\_  
*(Witness)*

## DECLARATION OF WELL USE

I, \_\_\_\_\_ being the property owner of the premises legally described as:  
*(name of applicant)*

\_\_\_\_\_ located in the \_\_\_\_\_ intend to use the private well  
*(address of property)* *(community name)*

for the following non-domestic water uses *(list 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 Local Government 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.

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

APPLICANT \_\_\_\_\_  
*(signature)*

\_\_\_\_\_  
*(Date)*

\_\_\_\_\_  
*(Witness)*