

Version 1: two options - cease using the well entirely or use it for non-domestic purposes - for municipalities or regional districts (a regional district may have to establish the service first).

LOCAL GOVERNMENT OF ANYWHERE

BYLAW NO. XXXX

Being a Bylaw to Regulate Well Closure on Properties Connected to the Water 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 within the boundaries of the Local Government (and in the area outside of the boundaries of the Local Government as authorized by Bylaw No. VVVV);
- B. The Local Government, prior to the adoption of this bylaw, has consulted with the medical health officer responsible for public health matters within the Local Government; and
- C. The Local Government’s Council deems it necessary and desirable to regulate the use and closure of wells on properties served by the System.

NOW, THEREFORE, the council 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 Closure 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 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, B.C. Reg. 299/2004, under the *Water Act*.

“System” means the Water Supply and Distribution System established by Local Government of Anywhere Bylaw No. 0000.

“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 Regulation or a similar enactment.

- (2) In this Bylaw,
- (a) 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.
 - (b) 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

- (1) If an application is made to the Local Government 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 that report to the Local Government

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 Local Government, 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 Local Government 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

- (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

Version 2: one option- cease using the well entirely and close it
– for municipalities or regional districts (a regional district may
have to establish the service first)

LOCAL GOVERNMENT OF ANYWHERE

BYLAW NO. XXXX

Being a Bylaw to Regulate Well Closure on Properties Connected to the Water
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 within the boundaries of the Local Government (and in the area outside of the boundaries of the Local Government as authorized by Bylaw No. VVVV);
- B. The Local Government, prior to the adoption of this bylaw, has consulted with the medical health officer responsible for public health matters within the Local Government; and
- C. The Local Government’s Council deems it necessary and desirable to regulate the use and closure of wells on properties served by the System.

NOW, THEREFORE, the Council 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 Closure 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 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 a Well is located in manner that prevents water from the Well from entering the System.

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

"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 land 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 (the "System") established by Local Government of Anywhere Bylaw No. 0000.

"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 Regulation or a similar enactment.

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

- (1) A person who applies to the Local Government for Connection to a parcel on which a Well is located, must Close or cause the Well to be Closed in accordance with this Bylaw and all applicable provincial enactments.

Version 3: for municipalities or regional districts (a regional district may have to establish the service first) to close wells at their expense.

LOCAL GOVERNMENT OF ANYWHERE

BYLAW NO. XXXX

A Bylaw to Regulate Well Closure on Properties Connected to the Water 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 within the boundaries of the Local Government (and in the area outside of the boundaries of the Local Government as authorized by Bylaw No. VVVV); and
- B. The Local Government, prior to the adoption of this bylaw, has consulted with the medical health officer responsible for public health matters within the Local Government; and
- C. The Local Government’s Council deems it necessary and desirable to close wells on properties served by the System.

NOW, THEREFORE, the council 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 Regulation.

“Connect” means to connect the private water distribution 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.

“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 (the “System”) established by Local Government of Anywhere Bylaw No. 0000.

“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.

(2) In this Bylaw,

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

3. Well Closure Requirement

- (1) An Owner whose Well is located upon a parcel which is the subject of an application to Connect or that has already been Connected, must ensure the Well is Closed upon or promptly after Connecting, as applicable.
- (2) If the Owner does not comply with subsection (1), the Local Government may Close or cause the Well to be Closed, in either case without compensation to the Owner.

4. 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 (\$1000.00) for a violation of section

4(1) and a minimum fine of five hundred dollars (\$500) for violating any other provision of this bylaw, in addition to the penalties prescribed by the *Community Charter (Local Government Act* for regional districts).

READ A FIRST TIME the	day of	, 200_.
READ A SECOND TIME the	day of,	, 200_.
READ A THIRD TIME the	day of,	, 200_.
APPROVED by the Minister of Environment the	day of	, 200_.
DEPOSITED with the Minister of Health on the	day of	, 200_.
ADOPTED the	day of	, 200_.

MAYOR (CHAIR)

CORPORATE ADMINISTRATOR

XXXX REGIONAL DISTRICT

BYLAW NO. _____

A BYLAW TO ESTABLISH A WELL CLOSURE SERVICE

WHEREAS:

- A. Under section 796 of the *Local Government Act* a Regional District may operate any service the Board considers necessary or desirable for all or part of the Regional District;
- B. The Board of the XXXX Regional District wishes to establish a service for the closure of abandoned wells and wells on parcels connected to the Regional District Water System;
- C. The approval of the Inspector of Municipalities has been obtained under section 801 of the *Local Government Act*, and
- D. The approval of the electors in each participating area(s) (*or the entire service area*) has been obtained under (*choose from: section 801.2, 801.3, 801.4, 801.5*) of the *Local Government Act*.

NOW THEREFORE the Board of the XXXX Regional District in open meeting assembled enacts as follows:

1. **Citation**

This Bylaw may be cited for all purposes as the "Well Closure Service Bylaw".

2. **Service**

The service established by this Bylaw is the Well Closure Service (the "**Service**") for the purpose of disconnecting, deactivating, decommissioning and closing abandoned wells and wells on parcels connected to the Regional District Water System in the Service Area.

3. **Boundaries**

The boundaries of the Service Area are (*name municipalities and electoral areas participating in the Service, or refer to map attached as Schedule "A," or both*) (the "**Service Area**").

4. **Participating Areas**

The "Participating Areas" are (*list municipalities and electoral areas, as applicable*).

5. **Cost Recovery**

As provided in section 803 of the *Local Government Act*, the annual cost of providing the Service shall be recovered by one or more of the following:¹

- (a) property value taxes imposed in accordance with Division 4.3 of Part 24 of the *Local Government Act*,
- (b) parcel taxes imposed in accordance with Division 4.3 of Part 24 of the *Local Government Act*,²
- (c) fees and charges imposed under section 797.2 of the *Local Government Act*,
- (d) revenues raised by other means authorized by the *Local Government Act* or another Act;
- (e) revenues received by way of agreement, enterprise, gift, grant or otherwise.*

6. **Maximum Requisition**³

In accordance with section 800.1(1)(e) of the *Local Government Act*, the maximum amount that may be requisitioned annually for the cost of the Service is the greater of (*choose one of the following*):

- (a) _____ (\$_____) Dollars; or
- (b) the amount equal to the amount that could be raised by a property value tax rate of _____ applied to the net taxable value of land and improvements in the Service Area.

OPTIONAL CLAUSES (see s. 800.2 LGA)

¹ It is wise to keep as many of the options available as possible to avoid future amendments to this Bylaw.

² Parcel taxes cannot be used for a regulatory service (e.g. building inspection).

³ Section 6 does not apply to establishing bylaws for the cases mentioned in s. 800.1(2) of the LGA

7. **Apportionment of Costs**⁴

Cost of the Service shall be apportioned among the Participating Areas as follows:

8. **Voting Entitlement**⁵

Each director shall have the following number of votes in relation to bylaws and resolutions respecting the administration and operation of the Service.

9. **Administrative Commission**

(1) The Board, by bylaw, may establish a commission for the administration and operation of the Service.

(2) The bylaw may provide for

(a) representation on the commission from the Participating Area(s) of the Service,

(b) the manner of appointment and the voting entitlement of the respective members of the commission,

(c) the delegation to the commission, to the extent of the Board's authority to do so, of some or all the Board's powers, duties and functions in respect of the Service, and

(d) such other matters the Board deems necessary.

10. **Withdrawal from the Service**

(Set out terms and conditions)

11. **Other Provisions**

⁴ Only if the method differs from section 804(2)(a) of the LGA

⁵ Only if different from section 791(4)(b) of the LGA

