



**VILLAGE OF BELCARRA
Consolidated
Well Regulation Bylaw
Bylaw No. 455, 2012**



Consolidated

A Bylaw to Regulate the disconnection and closure of Wells on properties connected to the Water Supply and Distribution System.

This consolidation is prepared for convenience only. The amendment bylaw has been combined with the original bylaw for convenience only. This consolidation is not a legal document. Individual copies of the bylaw may be obtained by contacting the Village Office.

- Amendment Bylaw No. 459, 2012 effective date November 5, 2012
- Regulatory Bylaw Enforcement and Penalties Amendment Bylaw No. 519, 2018 effective date May 22, 2018

WHEREAS:

- A. The Village of Belcarra currently chooses to operate a Water Supply and Distribution System (the "System");
- B. The Village of Belcarra Council deems it necessary and desirable to regulate the disconnection and closure of Wells on properties served by the System.

NOW THEREFORE the council of the Village of Belcarra, in open meeting assembled, enacts as follows:

1. Citation

This bylaw may be cited for all purposes as the "Village of Belcarra Well Regulation Bylaw No. 455, 2012".

2. Interpretation

(a) In this Bylaw:

"Bylaw" means the Village of Belcarra Well Regulation Bylaw.

"Close" means to take a Well out of service permanently in accordance with 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 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.

"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 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.

“**System**” means the Water Supply and Distribution System operated by Village of Belcarra.

“**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 the Groundwater Regulation or a similar enactment.

(b) In this Bylaw, 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.

3. Well Disconnection and Closure

(a) 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.

(b) No later than 90 days after the Connection, the Owner must:

- (i) ensure the Well is Closed in accordance with this Bylaw and all applicable provincial enactments, and
- (ii) at the Owner’s expense, obtain and submit a Well Closure Report prepared by the Contractor to the Village of Belcarra and Ministry of Environment.

4. Non-domestic Purpose Option

Despite section 3(b), an Owner wished to be Connected to the System and to use the Well for Non-Domestic purposes, the Owner must submit to the Village of Belcarra, at the same time as the *Application for Connection*,

(a) An *Application for Permission to Use the 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
- (ii) the well identification plate number if available; and
- (iii) a *Declaration of Well Use* (see appendix).

(c) Promptly after Connection, the Owner must ensure the Well is Disconnected at the Owner’s expense.

(d) An Owner who is permitted under this section to use the Well for Non-Domestic purposes after Connection to the System must:

- (i) operate and maintain the Well in good order;
- (ii) ensure the Well is Closed immediately when required by the Ministry of Health or its successor, the Ministry of Environment or its successor or the Village of Belcarra if it is not operated or maintained in good order;
- (iii) not reconnect the Well to the Owner’s private water distribution system as long as the Owner’s parcel is Connected to the municipal water distribution system; and
- (iv) not use the Well for Domestic Purposes.

5. Prohibition and Penalties

- (a) 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.
- (b) The Enforcement Officer may issue a Bylaw Notice to any person who has contravened this bylaw. Notwithstanding, nothing shall limit or remove the right of the Village to prosecute any offence by way of an information being laid and a summons issued in accordance with the procedures set out in the Offence Act.

(Bylaw Amendment No. 519, 2018)

- (c) Every person who violates a provision of this bylaw, or who consents, allows or permits an act or thing to be done in violation of a provision of this bylaw, or who neglects or refrains from doing anything required by a provision of this bylaw, is guilty of an offence and is liable, upon summary conviction, to a fine not exceeding \$10,000 and not less than \$2,500, and is guilty of a separate offence each day that a violation continues or exists.

(Bylaw Amendment No. 519, 2018)

6. Severability

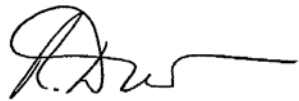
If a portion of this Bylaw is held invalid by a Court of competent jurisdiction, then the invalid portion must be severed and the remainder of this bylaw is deemed to have been adopted without the severed section, subsection, paragraph, subparagraph, clause or phrase.

READ A FIRST TIME on June 18, 2012.

READ A SECOND TIME on June 18, 2012.

READ A THIRD TIME on June 18, 2012.

ADOPTED by the Council on June 25, 2012.



Mayor Ralph E. Drew



Lynda Floyd
Chief Administrative Officer

This is a certified a true copy of
Village of Belcarra Well
Regulation Bylaw No. 455, 2012

Chief Administrative Officer

Village of Belcarra Well Regulation Bylaw No. 455, 2012

Schedule A Well Closure Declaration – Deleted (**Amendment Bylaw 459, 2012**)

Schedule B Application for Permission to Use the Private Well for Non-Domestic Purposes – Deleted (**Amendment Bylaw 459, 2012**)