

VICTOR KHANYE LOCAL MUNICIPALITY

**A prosperous Mpumalanga Western gateway city
for a cohesive developed community**



DRAFT WATER AND SANITATION BY-LAWS

PART A:
WATER SERVICES BY-LAWS

PART A: WATER SERVICES BY-LAWS

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CHAPTER I

GENERAL PROVISIONS

Part 1

1. Definitions

(1) In these by –laws, unless the context otherwise indicates-

“accommodation unit” in relation to any premises, means a building or section of a building occupied or used or intended for occupation or use for any purpose.

“**Act**” means the water services Act, 1997 (Act no. 108 of 1997), as amended from time to time;

“**Affected person**” means a person who has been served with a designated notice;

“**air gap**” means the unobstructed vertical distance through the free atmosphere between the lowest opening from which any pipe, valve or tap supplies water to a tank, or fitting or any other device , and the overflow level thereof;

“**Approved**” means approved by the Municipality;

“**Authorised agent**” means a person authorised by the Municipality to perform any act, function or duty in terms of, or exercise any power under, these by –laws;

“**backflow**” means the flow in any pipe or fitting in a direction opposite to the normal direction of the flow;

“**backflow** ”preventer means any device that prevents backflow;

“**Back siphonage**” means backflow created by pressures lower than atmosphere pressure in the water installation;

“**back sanitation**” means the minimum standards of safe and hygienic sanitation services and sewage disposal rendered to households prescribed in terms of the Acts, under regulation 2 of government notice R509 of 8 June ,2001, as amended from time to time ,or any substitution thereof;

“Business unit” means (in relation to any premises) any building or part thereof occupied or used, or intended to be used for purpose other than residential occupation;

“Borehole” means a hole sunk into the earth for the purpose of locating abstracting or using subterranean water and includes a spring;

“Building regulations” means the national building regulation made in terms of the national building regulation and building standards Act, 1977 (Act No. 103 of 1977);

“Combined installation” relation to water supply means an installation used for fire-fighting domestic, commercial or industrial purpose;

“Commercial purpose” in relation to water service means water supplied to premises to be used in the carrying out of a trade or a business

“Commercial effluent” means effluent emanating from a premise having a commercial purpose where the effluent is neither industrial effluent nor standard domestic effluent;

“Communal sewer” means a sewer main and connecting sewer and in respect of which a group of consumers and/or owners has constituted itself as a person willing to assume responsibility for, and has signed an agreement accepting responsibility, for the maintenance and repair of the communal sewer;

“Communal water service work” means a consumer connection through which water services are supplied to more than one person and “communal water connection” has a similar meaning

“Connecting point” means the point at which the drainage installation joins the connecting sewer;

“connecting sewer” means a pipe owned by the Municipality and installed by it for the purpose of conveying sewage from a drainage installation on a premises to a sewer beyond the boundary of those premises or within a servitude area or within an area covered by a way-leave document or by agreement;

“Connection pipe” means a pipe, owned by the Municipality and installed by it for the purpose of conveying water from a main to a water installation and includes a “communication pipe” referred to in SABS 0252 part 1;

“Consumer” means-

- (a) Any occupier of any premises to which or on which the Municipality has agreed to provide water services or is actually providing water services, or if there be no occupier, then any person who has entered into a current agreement with the Municipality for the provision of water services to or on such premises, or if there be no such person, then the owner of the premises; provided that where water services is provided through a single connection to a number of occupiers, it shall mean the occupier, or person, to whom the Municipality has agreed to provide water service; or
- (b) The person that obtains access to water services that are provided through a communal water services work;

“Conventional water meter” means a water meter where the account is rendered subsequent to consumption of the water

“day” means a 24 hours’ period commencing and ending at 24:00;

“designated officer” means a person in the employ of the Municipality, authorised as a designated officer in terms of section 76 of the local government: Municipal system Act, 2000(Act No.32 of 2000) or if the Municipality has, for purpose of these by-laws, appointed service provider which is still operative, an employee of such service provider authorised by it as a designated officer in terms of these by-laws and acting within the scope, functions and powers assigned to the service provider by the municipality;

“domestic purpose” in relation to water supply means the general use of water for personal and residential uses, including health and hygiene, drinking culinary, ablution, household and garden maintenance:

“Drain” means that portion of the drainage installation that conveys sewage within any premises:

“drainage installation” means a system situated on any premises and vested in the owner thereof and is used for or intended to be used for or in connection with the reception, storage, treatment or conveyance of sewage on that premises to the connecting point and includes drains, fittings, appliances, septic tanks, conservancy tanks, pit latrines and private pumping installation forming part of or ancillary to such systems:

“Drainage work” includes any drain, sanitary fitting water supplying apparatus, waste or other pipe or any work connected with the discharge of liquid or solid matter into any drain or sewer or otherwise connected with the drainage of any premises:

“Dwelling unit” means an interconnected suite of rooms designed for residential purpose and occupation by a single household regardless of how many persons comprise the household;

“duty qualified sampler” means person who takes samples for analysis from the sewage disposal and storm water system and from public water and who has been certified to do so by Municipality or its authorised agent;

“ECA” means the Environment Conservation Act, 1989 (Act No. 73 of 1989) and any regulations made in terms thereof and superseding legislation;

“ELA” Means an environmental impact assessment in terms of NEMA and the ECA;

“Effluent” means any liquid whether or not containing matter in solution or suspension;

“Emergency” means any situation that poses a risk or potential risk to life, health, the environment or property;

“Enforcement notice” means any enforcement notice issued by a designated officer under these By-laws, instructing the person to whom it is directed to comply with the terms of the notice, and includes a notice in terms of section 12(1);

“Environmental cost” means the full cost of all measures necessary to restore the environment to its condition prior to the damaging incident;

“Fire hydrant” means a potable water installation that conveys water for fire fighting purpose only; and “fire installation” shall have a similar meaning

“fixed quality water delivery system” means a water installation, which delivers a fixed quantity of water to a consumer in any single day;

“flood level (1 in 50 years)” means that level reached by flood water resulting from a storm of a frequency of 1 in 50 years;

“flood level (1 in 100 year)” means that level reached by reached by flood water resulting from a storm of a frequency of 1 in 100 years;

“flood plain (1 in 50 year)” means the area subject to inundation by flood waters from a storm of a frequency of 1 in 50 years;

“flood plain (1 in 100 year)” means the area subject to inundation by flood waters from a storm of a frequency of 1 in 100 years;

“general installation” means a water installation that conveys water for a combination of household, commercial and industrial purpose;

“high strength sewage” means sewage with strength or quality greater than standard domestic effluent;

“household” means the family unit of persons, or individual in occupation of a building or part of a building designed for residential purpose by that family unit or individuals;

“indigent household” means a domestic customer who is qualified to be , and who is registered with the Municipality as, an indigent in accordance with the Municipalities Debt collection and credit control By-laws;

CHAPTER II: APPLICATION, PAYMENT AND TERMINATION PART 2: APPLICATION

2. Application for water supply services

- (1) No person is entitled to access to water supply services unless –
- (a) application has been made to the Municipality on the form prescribed in terms of the Municipality's by-laws relating to credit control and debt collection; and
 - (b) the application has been approved by the Municipality.
- (2) Water supply services rendered to a customer by the Municipality are subject to these by-laws and the conditions contained in the relevant agreement.

3. Special agreements for water supply services

Where a person applies for water supply services, the Municipality may enter into a special agreement with that person for the provision of water supply services -

- (a) within the area of supply, if the services applied for necessitate the imposition of conditions not contained in the prescribed form or these by-laws;
- (b) if the person is to receive subsidised services; and
- (c) if the premises which are to receive the services are situated outside the area of supply, provided that

–

- (i) the municipality having jurisdiction over the premises has no objection to such special agreement; and

- (ii) the obligation is on the person to advise that municipality of the special agreement.

4. Change in purpose for which water supply services are used

Where the purpose for or extent to which water supply services used is changed, the onus and obligation are on the customer to advise the Municipality of the change and to enter into a new agreement with the Municipality.

PART 3: TARIFFS AND CHARGES

5. Prescribed tariffs and charges for water supply services

(1) All applicable charges, deposits, guarantees and sureties payable in respect of water supply services, in terms of these By-laws. Including but not restricted to connection charges, fixed charges or any additional charges or interest (as determined by the Municipality from time to time), are determined by the Council in accordance with –

- (a) the rates and tariff policy of the Municipality;
- (b) any relevant by-laws; and
- (c) any regulations under any national or provincial law.

(2) Applicable charges may differ for the different categories of customers and users of water supply services and according to the types and levels of water supply services, the quantity of water supply services, the infrastructure requirements and the geographic areas. Availability charges for water supply services

6. Fixed charges for water services

(1) The Council may, in addition to the tariffs or charges determined for water supply services actually provided, levy a monthly fixed charge, an annual fixed charge or a once-off fixed charge where water supply services are available, whether or not such water supply services are consumed.

PART 3: PAYMENT

7. Payment of deposit

(1) Every consumer must on application for the provision of water services and before the Municipality will provide such water services, deposit with the Municipality a sum of money as determined by the Municipality for the particular area except in the case of a pre –payment measuring device being used by the Municipality.

(2) The Municipality may require a consumer to whom services are provided and who was not previously required to pay a deposit, for whatever reason, to pay a deposit on request, within a specified period.

(3) The Municipality may from time to time review the sum of money deposited by a consumer in terms subsection (1) and, in accordance with such review-

- (a) Require that an additional amount be deposited by the consumer; or
- (b) Refund to the consumer such amount as may be held by the Municipality in excess of the reviewed deposit.

(4) Subject to subsection (5) an amount deposited with the Municipality in terms of subsection (1) or (2) shall not be regarded as being in payment or part payment of an account due for water service rendered.

- (5) If upon the termination of the agreement for the provision of water service, an amount remains due to the Municipality in respect of water service rendered to the consumer, the Municipality may apply the deposit in payment or part payment of the outstanding amount and refund any balance to the consumer,
- (6) No interest shall be payable by the Municipality on the amount of a deposit held by it in terms of this section.
- (7) An agreement for the provision of water service may contain a condition that a deposit shall be forfeited to the Municipality if it has not been claimed within twelve months of the termination of the agreement,

8. Payment for water supply services

(1) In respect of water supply services provided for any premises, the owner, occupier and customer are, in accordance with the Municipality's by-laws relating to credit control and debt collection, jointly and severally liable and responsible for payment of all applicable charges for water supply and for all water supply services consumed in respect of the premises shall-

- a) Water service provided by the Municipality to a consumer shall be paid for by the consumer at the prescribed tariff or charge set by Municipality from time to time.
- b) A consumer shall be responsible for payment for all water services provided to the consumer from the date of an agreement until the date of termination thereof.
- c) The Municipality may estimate the quantity of water service provided in respect of a period or periods within the interval between successive measurements and may render an account to a consumer for the services so estimated.
- d) If a consumer uses water supply service for category of use other than that for which it is provided by the Municipality in terms of an agreement and as a consequence is charged at a rate lower than the rate which should have been charged, the Municipality may make an adjustment of the amount charged in accordance with the rate which should have been charged and recover from the consumer the tariffs and charges payable in accordance with such adjustment and may also review the amount held as deposit in terms of subsection 7 .
- e) A consumer must pay his or her or its account at an approved agent of the Municipality. A consumer shall remain liable for the payment of an account not paid with the Municipality, its authorised agent or approved agent.
- f) A Municipality must inform a consumer as to whom the approved agents for payment of account are.

9. Accounts-

- 1) Monthly account will be rendered to consumers for the amount due and payable for water service, at the address last recorded with the Municipality.
- 2) Failure by the Municipality to render an account does not relieve a consumer of the obligation to pay any amount due and payable.

- 3) An account rendered by the Municipality for water service provided to a consumer shall be paid not later than the last date for payment specified in such account, which date will be at least twenty-one days after the date of the account.
- 4) If payment of an account is received after the date referred to in subsection a late payment charge or interest as may be prescribed must be paid by the consumers to the Municipality.
- 5) Account must-
 - (a) Show the following –
 - (i) The consumption or estimated consumption or assumed consumption as determined for the measuring and/or consumption period;
 - (ii) the measuring or consumption period;
 - (iii) the applicable tariffs,
 - (iv) the amount due in terms of the consumption
 - (v) The amount due and payable for any other service rendered by the Municipality,
 - (vi) the amount in arrears, if any;
 - (vii) the interest payable on any arrears, if any;
 - (viii) the final date for payment;
 - (ix) the methods, places and approved agents where payment may be made; and
 - (b) state that-
 - (i) The consumer may conclude an agreement with the Municipality for payment of the arrears of the amount in instalment, at the Municipality's offices before the final date for payment, if a consumer is unable to pay the full amount due and payable;
 - (ii) if no such agreement is entered into the Municipality will limit the water service after sending a final demand notice to the consumer;
 - (i) legal action may be instituted against any consumer for the recovery of any amount 60 (sixty) days in arrears in accordance with Municipality's credit control and debt collection By-laws
 - (ii) The defaulting consumer's name may be listed with a credit bureau or any other equivalent body as a defaulter;
 - (iii) The account may be handed over to a debt collector for collection;

- (iv) Proof of registration, as an indigent consumer, in terms of the Municipality's indigent policy must be handed in before the final date for payment; and
- (v) An indigent consumer is only entitled to basic water service plus the indigent entitlement.

Queries or complaints in respect of account.

- (1) A consumer may lodge a query or complaint in respect of the accuracy of the amount due and payable in terms of an accounts to him, her or it
- (2) A query or complaint must be lodge with the Municipality before or on the due date for payment of the account or as soon as reasonably possible there after
- (3) Where a query or complaint is lodged after the due date of the account queried or complained about, such query or complaint must be accompanied by the payment of at least an amount equal to the average amount that was due and payable during the preceding three months.
- (4) The Municipality will register the query or complaint and provide the consumer with a reference number.
- (5) The Municipality shall-
 - (a) Investigate or cause the query complaint to be investigated within 14 (fourteen) days after the query or compliant was registered; and
 - (b) Must inform the consumer, in writing of his or her finding as soon as possible thereafter.

10. Appeals against finding of Municipality in respect of queries or complaints

- (1) A consumer may in writing appeal against of the Municipality in section 10
- (2) An appeal in terms of subsection (1) must be made in writing and lodged with the Municipality within 14 (fourteen) days after the consumer became aware of the finding referred to in section 10 and must –
 - (a) set out the reason for the appeal;
 - (b) lodge the appeal with the Municipality within 14 (fourteen) days after the receipt of the account in question and
 - (C) be accompanied by any deposit determined for the testing of a measuring device, if applicable
- (3) The Municipality may on appeal by a consumer request him, her or it to pay the full amount due and payable in terms of the account appealed against.
- (4) The consumer is liable for all other amounts, other than appealed against, falling due and payable during the adjudication of the appeal.
- (5) The Municipality must decide an appeal within 21 (twenty-one) days after such an appeal was lodge and the consumer must be informed of the outcome in writing as soon as possible thereafter.

- (6) The decision of the Municipality is final and the consumer must pay any amounts due and payable in terms of the decision within 14(fourteen) days of him, her or it being informed of the outcome of the appeal.
- (7) The Municipality may condone the late lodging of appeals or other procedural irregularities.
- (8) if it is alleged in an appeal that a measuring device is inaccurate, the device must be subjected to a standard industry test to establish its accuracy. The consumer must be informed of the possible cost implications including the estimated amount of such test, as set out in subsection (9) (a) below, prior to such test being undertaken.
- (9) if the outcome of any test shows that a measuring device is –
- (a) Within a prescribed range of accuracy, the consumers will be liable for the costs of such test and any other amounts outstanding, such costs will be debited against the consumer's accounts;
 - (b) outside a prescribed range of accuracy, the Municipality will be liable for the costs of such test and the consumer must be informed of the amount of any credit to which he, she or it is entitled.
- (10) The prescribed deposit referred to in subsection (2) (c) if applicable may be –
- (a) retained by the Municipality if the measuring device is found not to be defective, or
 - (b) refunded to the applicant if the measuring device is found in terms of those subsections to be defective.
- (11) a measuring device shall be deemed to be defective if, when tested in accordance with a standard industry test or if the measuring device is a meter, the regulations published under section 9 of the act, it does not meet generally accepted specification or the specifications as set out in the regulations.
- (12) in addition to subsection (10) the Municipality must if the measuring device is found defective –
- (a) repair the measuring device or install another device which is in good working order, without charge to the consumer, unless the costs thereof are recoverable from the consumer due to a contravention of Section 41(6); and
 - (b) determine the quantity of water service for which the consumer will be charged in lieu of the quantity measured by the Municipality may decide -
 - (i) the quantity representing the average monthly consumption of the consumer during the three disputed and adjusting such quantity in accordance with the degree of error found in the reading of the defective water meter
 - (ii) the average consumption of the consumer during the succeeding three metered periods after the defective water meter has been repaired or replaced; or
 - (iii) the consumption of water on the premises recorded for the corresponding period in the previous year.

11. Arrears.

- (1) If a consumer fails to pay the amounts due and payable on or before the final date for payment, the unpaid amount is in arrears and a final demand notice may be hand delivered or sent, per registered mail, to the most recent recorded address of the consumer.
- (2) Failure to deliver or send a final demand notice does not relieve a consumer from paying such arrears
- (3) The final demand notice contains the following statement –
 - (a) The amounts in arrears and any interest payable;
 - (b) That the consumer may conclude an agreement with the Municipality for payment of the arrears amount in instalment within 14(fourteen) days of the date of the final demand notice;
 - (c) That if no such agreement is entered into within the stated period that the water services will be limited and that legal action may be instituted against any consumer for the recovery of any amount s 30 (thirty) days or more in arrear, without function notice;
 - (d) That the defaulting consumer's name may be made public in any manner determined by Municipality and /or listed with a credit bureau or any other equivalent body as a defaulter;
 - (e) That the account may be handed over to a debt collector or attorney for collection;
 - (f) Proof of registration as an indigent consumer, in terms of the Municipality's indigent policy, must be handed in before the final date of the final demand notice;
 - (g) That an indigent consumer is only entitled to basic water service and that an indigent consumer will be liable for payment in respect of water service used in excess of the quantity of basic services;
 - (h) That an opportunity exists for the consumer to make representation in writing on or before the date contemplated in (b).
- (4) Interest may be levied on all arrears at a rate prescribed by the Municipality from time to time.
- (5) The amount due and payable by a consumer constitutes a consolidated debt, and any payment made by a consumer of an amount less than the total amount due, will be allocated is reduction of the consolidated debt in the following order towards payment of
 - (a) The current account;
 - (b) Arrears; and
 - (c) Interest.
- (6) The Municipality may, after expiry of the period allowed for payment of the arrear amount in terms of the final notice, hand deliver or send by mail, to the last recorded address of the consumer-

- (a) A discontinuation notice informing such consumer that the provision of water service has been or will be discontinued within seven (7) days from a date specified in the discontinuation notice, subject to the limitation of FBW as determined by national policy from time to time.
 - (b) A discontinuation notice must contain information informing the consumer what steps may be taken to have the service reconnected.
- (7) If representations made by a consumer are unsuccessful either wholly or in part, a final demand notice in terms of subsections 3(a to (g) must be delivered in the manner stipulated in subsection 1, informing the consumer that no further representation may be made.
- (8) Subject to the provisions of the act, and subject to the provision of the promotion of Administrative justice (Act No. 3 of 2000) having been observed, save that Municipality's reasons for its decision to act must be supplied within seven days if requested, Municipality may discontinue the supply of water service to a customer (subject to the limitation of FBW as determined by National policy from time to time) if -
 - (a) Full payment was not received within the period stated in the final demand notices stated in subsection (3) and (7);
 - (b) No agreement was concluded for the repayment of arrears amount in instalments;
 - (c) No proof of registration as an indigent has been made within the periods contained in the final demand notice stated in subsections (3) and (7);
 - (d) No payment was received in terms of an agreement for the repayment of arrears
 - (e) No representations as contemplated in (h) of subsection 3 were made within the period provided for in the final demand notice contemplated in subsection (3); and
 - (f) The representations made in terms of subsection (3) (h) have not wholly been acceded to by Municipality.
- (9) When an account rendered to a consumer remains outstanding for more than 30 (thirty) days
 - (a) The defaulting consumer's name may be made public in a manner determined by Municipality and/or listed with a credit bureau or any other equivalent body as a defaulter, and
 - (b) May be handed over to a dept. collector or an attorney for collection.
- (10) A consumer will be liable for any administration fees, costs incurred in taking action for the recovery of arrears and any penalties, including the payment of a higher deposit.

- (11) Where a body corporate is responsible for the payment of any arrears amount to the Municipality in respect of a sectional title development the liability of the body corporate shall be extended to the members thereof, jointly and severally in proportion to the participation quota of each sectional title unit.
- (12) No action taken in terms of this section due to non –payment will be suspended or withdrawn, unless the arrears, any interest thereon, administration fees, additional charges, costs incurred in taking relevant action and any penalties, including the payment of a higher deposit, which are payable, are paid in full.
- (13) The Municipality will not be liable for any loss or damage suffered by a consumer due to his/her or its water services being disconnected.
- (14) An agreement for payment of the arrears amount in instalment, entered into after the water services was discontinued, will not result in the water services being restored until the arrears, any interest thereon, administration fees, costs incurred in taking relevant action and any penalties, including payment of a higher deposit, are paid in full

12. Agreement for the payment of arrears in instalments-

- (1) Only a consumer with positive proof of identity or a person authorised, in writing by that consumer, will be allowed to enter into an agreement for the payment of arrears in instalment.
- (2) The amount due and payable by a consumer constitutes a consolidated dept., and any payment made by a consumer of an amount less than the total amount due, will be allocated in reduction of the consolidated dept. In the following order –
- (a) towards payment of the current account;
 - (b) towards payment of arrears;
 - (c) towards payment of interest; and
 - (d) towards costs incurred in taking relevant action to collect, amount due and payable.
- (3) A consumer may be required to complete a debit order for the payment of arrears.
- (4) No agreement for the payment of arrears will be longer than fifteen months, unless the circumstances referred to in subsection (5) prevail.
- (5) subject to any shorter period prescribed by provincial or national legislation, the Municipality may, on an individual basis, allow a longer period than fifteen months for the payment of arrears if special circumstances prevail, that in the opinion of the Municipality warrants such an extension and which the consumer reasonably could not prevent or avoid.

The consumers on request by the Municipality must furnish documentary proof of any special circumstances which will be considered by Municipality.

(6) The Municipality must, in exercising his or her discretion under subsection (5) have regard to a consumer's-

- (a) Credit record;
- (b) Consumption;
- (c) Level of service;
- (d) Previous breaches of agreements for the payment of arrears in instalments; and
- (e) Any other relevant factors

(7) A copy of the agreement will, on request, be made available to the consumer.

(8) if a consumer fails to comply with an agreement for the payment of arrears in instalments, the total of all outstanding amounts, including the arrears, any interest thereon, administration fees, costs incurred in taking relevant action, and penalties, including payment of a higher deposit, will be immediately due and payable, without further notice, or correspondence

(9) If a consumer fails to comply with an agreement for the payment for the payment of arrears in instalments entered into after receipt of a discontinuation notice, access to services may be discontinued without further notice or correspondence in addition to any other actions taken against or that may be taken against such a consumer.

(10) No consumer will be allowed to enter into an agreement for the payment of arrears in instalments where that consumer failed to honour a previous agreement for the payment of arrears in instalments, entered into after the receipt of a discontinuation notice.

PART 4: TERMINATION, RESTRICTION, DISCONTINUATION AND RESTORATION

13. Termination of agreement for the provision of water supply services

(1) A customer may terminate an agreement for the provision of water supply services by giving the Municipality not less than ten working days' notice in writing of his or her intention to terminate the agreement.

(2) The Municipality may, by notice in writing of not less than 14 days, advise a customer of the termination of his or her agreement for the provision of water supply services if –

(a) the customer has not used the water supply services during the preceding six months and has not made arrangements to the satisfaction of the Municipality for the continuation of the agreement;

(b) the customer has –

(i) failed to comply with the provisions of these by-laws and, on receiving notice in terms of section 50, has failed to remedy the non-compliance; or

(ii) failed to pay any tariffs or charges due and payable by him or her after the procedure set out in the Municipality's by-laws relating to credit control and debt collection has been followed; and

(c) in terms of an arrangement made by the Municipality with another water supply services institution, such institution is to provide water supply services to the customer.

(3) The Municipality may, after having given notice in terms of subsection

(2), terminate an agreement for the provision of water supply services if the customer has vacated the premises to which the agreement relates.

14. Restriction and discontinuation of water supply services

(1) The Engineer may restrict or discontinue water supply services that are provided for the premises of a customer in terms of these by-laws if –

- (a) the customer has failed to pay the applicable charges on the date specified, after the procedure set out in the Municipality's by-laws relating to credit control and debt collection has been followed;
- (b) the customer has failed to comply with any other provisions of these by-laws after notice in terms of section 50 has been given;
- (c) the customer has in writing requested the restriction or termination;
- (d) the agreement for the provision of water supply services has been terminated in terms of section 8 and the Municipality has not subsequently received an application for water supply services to the premises within a period of 60 days of the termination;
- (e) the building on the premises has been demolished;
- (f) the customer has interfered with restricted or discontinued water supply services;
- (g) an emergency or emergency situation arises; or
- (h) the customer has, for the purposes of gaining access to water supply services, interfered or tampered with or damaged any main, communication pipe, meter or other plant or apparatus belonging to the Municipality or has caused or permitted such interference, tampering or damage.

(2) The Municipality is not liable for any damages or claims that may arise from the restriction or discontinuation of water supply services in terms of subsection (1), including damages or claims that may arise due to the restriction or disconnection of water supply services by the Municipality in the bona fide belief that the restriction or discontinuation was justified in terms of the provisions of subsection (1).

(3) The Engineer may, where water supply services have been discontinued in terms of the provisions of these by-laws, restore the water supply services only when the applicable charge for the discontinuation and reconnection of the water supply services has been paid.

15. Restoration of water supply services

When a customer enters into an agreement for the payment, in instalments, of his or her arrears after the restriction or disconnection of his or her water supply services in terms of section 9 due to non-payment, the water supply services shall be restored, within seven working days of entering into such agreement, to the types of water supply services the customer chose under his or her agreement for the provision of water supply services.

16. Obligations

CHAPTER II

CONDITIONS FOR WATER SUPPLY SERVICES

PART 1: CONNECTION TO WATER SUPPLY SYSTEM

17. Provision of water supply connection pipe

(1) If an agreement for water supply services in respect of premises has been concluded and no connection pipe exists in respect of the premises, the owner must apply on the prescribed form and pay the applicable charge for the installation of the connection pipe.

(2) If an application is made for water supply services to premises and such water supply services are of such an extent or so situated that it is necessary to extend, modify or upgrade the water supply system in order to supply water to the premises, the Municipality may agree to the extension, modification or upgrading, provided that the owner pays for the cost of the extension, modification or upgrading, which cost is determined by the Engineer.

(3) Only the Engineer may install a connection pipe on premises, and the owner or customer may connect the water installation to the connection pipe.

(4) No person may commence with any development on any premises unless the Engineer has installed a connection pipe and meter on the premises.

18. Location of connection pipe

- (1) A connection pipe provided and installed by the Engineer on behalf of the Municipality shall –
- (a) be located in a position determined by the Engineer and be of a suitable size determined by the Engineer; and
 - (b) terminate at –
 - (i) the boundary of the land owned by or vested in the Municipality or an authorised agent, or over which the Municipality has a servitude or other right; or
 - (ii) the outlet of the meter or isolating valve if the meter or isolating valve, as the case may be, is situated on the premises.
- (2) The Engineer may on application by any person agree, subject to such conditions as the Engineer may impose, to a connection to a main other than that which is most readily available for the supply of water to the premises, provided that the applicant is responsible for –
- (a) any extension of the water installation to the connecting point designated by the Municipality; and
 - (b) obtaining, at his or her cost, such servitudes over other premises as may be necessary.
- (3) Before a water connection can be effected, the owner of premises must pay in advance the applicable charge for connection.

19. Provision of single water connection for supply to several customers on the same premises

- (1) Notwithstanding the provisions of section 12, only one connection pipe to the water supply system may be provided for the supply of water to any premises, irrespective of the number of dwelling units, business units or customers located on such premises.
- (2) Where the owner or the person having charge or management of premises on which several dwelling units are situated requires the supply of water to such premises for the purpose of supplying water to the different dwelling units, the Engineer may, at his or her discretion, provide and install either –
- (a) a single measuring device in respect of the premises as a whole or in respect of any number of dwelling units; or
 - (b) a separate measuring device for each dwelling unit or any number of dwelling units.
- (3) Where the Engineer has installed a single measuring device as contemplated in subsection (2)(a), the owner or the person having charge or management of the premises, as the case may be –
- (a) must install and maintain on each branch pipe extending from the connection pipe to the different dwelling units –
 - (i) a separate measuring device; and
 - (ii) an isolating valve; and
 - (b) is liable to the Municipality for the applicable charges for all water supplied to the premises through such a single measuring device, irrespective of the different quantities consumed by the different customers served by the measuring device.
- (4) Notwithstanding subsection (1), the Engineer may authorise that more than one connection pipe be provided on the water supply system for the supply of water to any premises if, in the opinion of the Engineer, undue hardship or inconvenience would be caused to any customer on such premises by the provision of only one connection pipe.
- (5) Where the provision of more than one connection pipe is authorised by the Engineer under subsection (4), the applicable charges for the provision of a connection pipe are payable by the owner or the person having charge or management of the premises in respect of each water connection so provided.
- (6) Where premises are supplied by a number of connection pipes, the Engineer may require the owner to reduce, at the owner's expense, the number of connection points and alter the water installation accordingly.

20. Interconnection between premises or, water installations

An owner of premises shall ensure that no interconnection exists between-

- (a) The water installation on his or her premises and the water installation on other premises, or

Where several accommodation units are situated on the same premises, the water installation of the accommodation units, unless he or she has obtained the prior written consent of the Municipality, and complies with any conditions that it may have imposed.

21. Disconnection of water installation from a connection pipe

The Engineer may disconnect a water installation from a connection pipe and remove the connection pipe on termination of an agreement for the provision of water supply services under these by-laws.

- (a) The building on the premises concerned has been demolished
- (b) A person has unlawfully connected to a municipal pipe/infrastructure

PART 2: STANDARDS Quantity, quality and pressure

22. Provision of a water services work for water supply to several consumers

Water supply services provided by the Municipality shall comply with the minimum standards set for the provision of water supply services in terms of section 9 of the Act.

(1) Engineer may take samples of water obtained from a source other than the water supply system and may cause the samples to be tested for compliance with the requirements referred to in section 58(2).

(2) The applicable charge for the taking and testing of the samples referred to in subsection (1) must be paid by the person to whom consent to use the water as potable water was granted in terms of section 58(1).

23. Testing of pressure in water supply system

The Engineer may, on application by an owner of premises and on payment of the applicable charge -

- (a) determine the value of the pressure in the water supply system relating to the owner's premises over such period as the owner may request; and
- (b) inform the owner of such value.

24. Pollution of water

An owner of premises must take and maintain approved measures to prevent the entry into -

- (a) the water supply system; and
- (b) any part of the water installation on his or her premises; of a substance that may be harmful or a danger to the health or well-being of any human or other living organism or may adversely affect the portability of water or its fitness for use.

25. Water restrictions

(1) The Municipality may by public notice -

- (a) prohibit or restrict the consumption of water in the whole or in part of its area of jurisdiction -
 - (i) in general or for specified purposes;
 - (ii) during specified hours of the day or on specified days; and
 - (iii) in a specified manner;
- (b) determine and impose -

- (i) a limit on the quantity of water that may be consumed over a specified period;
 - (ii) charges additional to the applicable charges in respect of the supply of water, in addition to a limit contemplated in paragraph (b)(i); and
 - (iii) a general surcharge on the applicable charges in respect of the supply of water; and (c) impose restrictions or prohibitions on -
 - (i) the use or manner of use or disposition of an appliance by means of which water is used or consumed; or
 - (ii) the connection of such appliance to the water installation.

(2) The Municipality may -

- (a) limit the application of the provisions of a notice contemplated in subsection (1) to specified areas and categories of customers, premises and activities; and
- (b) permit deviations and exemptions from, or the relaxation of, any such provisions on reasonable grounds.

(3) The Municipality may –

- (a) take, or by written notice require a customer at his or her own expense to take, such measures, including the installation of measuring devices and devices for restricting the flow of water, as may in its opinion be necessary to ensure compliance with a notice contemplated in subsection (1); or
- (b) discontinue or, for such period as it may deem fit, restrict the supply of water to any premises in the event of a contravention of the provisions of a notice contemplated in subsection (1) on such premises or failure to comply with such notice, subject to a notice in terms of section 50; and
- (c) where the supply has been discontinued in terms of paragraph (b), restore the supply only when the applicable charge for discontinuation and reconnecting the supply is paid.

(4) The provisions of this section also apply in respect of water supplied direct by the Municipality to customers outside its area of jurisdiction, notwithstanding anything to the contrary in the conditions governing such supply, unless otherwise specified in a notice contemplated in subsection (1).

26. Specific conditions of supply

(1) Notwithstanding the provisions of section 15, the granting of a supply of water by the Municipality or an authorised agent does not constitute an undertaking by it that it will maintain at any time or at any point in its water supply system –

- (a) an uninterrupted supply;
- (b) a specific pressure or rate of flow in such supply; or
- (c) a specific standard or quality of water.

(2) The Engineer may, subject to subsection (1)(b), specify the maximum height to which water will be supplied from the water supply system.

(3) If an owner requires that any standard referred to in subsection (1) be maintained on his or her premises, he or she must make provision in the water installation for the maintenance of such standard.

(4) The Engineer may, in an emergency, interrupt the supply of water to any premises without prior notice.

(5) If, in the opinion of the Engineer, the consumption of water by a customer adversely affects the supply of water to another customer, the Engineer may apply such restrictions to the supply of water to the first-mentioned customer as the Engineer deems necessary to ensure a reasonable supply of water to the other customer, and the Engineer shall inform that first mentioned customer of the restrictions.

(6) The Municipality is not liable for any damage to property caused by water flowing from fittings left open when the water supply is reinstated following an interruption in supply.

(7) Every premises which requires, for the purpose of the work or activity undertaken on the premises, a continuous supply of water must have a water storage tank, which must comply with the specification for water storage tanks as stipulated in SANS 10252-1 and have a capacity of not less than 24 hours of water supply calculated as the quantity required to provide for the average daily consumption, in which tank water can be stored for periods when the continuous supply is disrupted.

(8) No customer may resell water supplied to him or her by the Municipality, except with the written permission of the Municipality, which may stipulate the maximum price at which the water may be resold and may impose such other conditions as it deems fit.

PART 3: MEASUREMENT

27. Measuring of quantity of water supplied

The Engineer may provide a measuring device designed to supply either a controlled volume of water or an uncontrolled volume of water to a customer.

(1) The Municipality shall, at regular intervals, measure the quantity of water supplied through a measuring device designed to supply an uncontrolled volume of water.

(2) Any measuring device and its associated apparatus through which water is supplied to a customer by the Municipality shall be provided and installed by the Engineer, and such measuring device and associated apparatus remain the property of the Municipality and may be changed and maintained by the Engineer as he or she deems necessary.

- (3) The Engineer may install a measuring device and its associated apparatus at any point on a service pipe.
- (4) If the Engineer installs a measuring device on a service pipe in terms of subsection (3), he or she may install a section of pipe and associated fittings between the end of the connection pipe and the meter, and such section shall be deemed to form part of the water installation.
- (5) If the Engineer installs a measuring device together with its associated apparatus on a service pipe on premises in terms of subsection (3), the owner of the premises –
- (a) must provide a place satisfactory to the Engineer in which to install the measuring device and its associated apparatus;
 - (b) must ensure that unrestricted access is available to the measuring device and its associated apparatus at all times;
 - (c) is responsible for the protection of the measuring device and its associated apparatus and is liable for the costs arising from damage to the measuring device and its associated apparatus, excluding damage arising from fair wear and tear;
 - (d) must ensure that no connection is made to such service pipe between the measuring device and the connection pipe serving the installation;
 - (e) must make provision for the drainage of water that may be discharged from such service pipe during the course of work done by the Engineer on the measuring device; and
 - (f) may not use or permit to be used on any water installation any fitting, machine or appliance that causes damage or, in the opinion of the Engineer, is likely to cause damage to any meter.
- (6) No person other than the Engineer may –
- (a) disconnect a measuring device and its associated apparatus from the pipe in which they are installed;
 - (b) break a seal that the Engineer has placed on a meter; or
 - (c) in any other way interfere with a measuring device and its associated apparatus.
- (7) In the event of the measuring device on premises being a meter, the Engineer may, if he or she is of the opinion that the size of the meter is unsuitable by reason of the quantity of water supplied to the premises, install a meter of such size as he or she deems necessary and may recover from the owner of the premises the applicable charge for the installation of the meter.
- (8) Subject to the provisions of section 13, the Municipality may require the installation, at the expense of the owner of premises, of a measuring device to each dwelling unit on the premises to determine the quantity of water supplied to each dwelling unit, provided that where controlled-volume water delivery systems are used, a single measuring device may be used to supply more than one unit.

28. Quantity of water supplied to customer

- (1) For the purposes of assessing the quantity of water that is measured by a measuring device installed by the Engineer and that is supplied to a customer over a specific period, it must be deemed, for the purpose of these by-laws, that, unless it can otherwise be proved –
- (a) the quantity, in respect of a measuring device designed to provide an uncontrolled volume of water, is represented by the difference between the measurements taken at the beginning and at the end of such period;
 - (b) the quantity, in respect of a measuring device designed to provide a controlled volume of water, is represented by the volume dispensed by the measuring device;
 - (c) the measuring device was accurate during such period; and
 - (d) the entries in the records of the Municipality were correctly made; provided that if water is supplied to, or taken by, a customer without it passing through a measuring device, the estimate by the Municipality of the quantity of such water is deemed to be correct.
- (2) Where water supplied by the Municipality to any premises is in any way taken by the customer without such water passing through a measuring device provided by the Municipality, the Municipality may, for the purpose of

rendering an account, estimate, in accordance with subsection (3), the quantity of water supplied to the customer during the period that water is so taken by the customer.

(3) For the purposes of subsection (2), an estimate of the quantity of water supplied to a customer must be based, as the Municipality may decide, on –

(a) the average monthly consumption of water on the premises registered during three successive measuring periods after the date on which the taking of water as contemplated in subsection (2) was discovered and rectified; or

(b) the average monthly consumption of water on the premises during any three consecutive measuring periods in the twelve-month period prior to the date on which the taking of water as contemplated in subsection (2) was discovered.

(4) Nothing in these by-laws contained may be construed as imposing on the Municipality an obligation to cause any measuring device installed by the Engineer on any premises to be measured at the end of every month or during any other fixed period, and the Municipality may estimate the quantity of water supplied during any period in an interval between the successive measurements of the measuring device and render an account to a customer for the quantity of water so estimated.

(5) The Municipality shall, within seven days of receiving a written notice from a customer and subject to payment by the customer of the applicable charge, measure the quantity of water supplied to the customer at a time or on a day other than that at which or on which it would normally be measured.

(6) If a contravention of section 22(6) occurs, the customer must pay to the Municipality –

(a) the cost of such quantity of water as in the Municipality's opinion was supplied to him or her; and

(b) the cost of rectifying the disconnection, break or interference, as the case may be.

(7) Until such time as a measuring device has been installed in respect of water supplied to a customer, the estimated or assumed consumption of that customer must be based on the average consumption of water supplied during a specific period to the supply zone within which the customer's premises are situated.

(8) Where in the opinion of the Engineer it is not reasonably possible or cost-effective to measure water supplied to each customer within a supply zone, the Municipality may determine a basic tariff or charge to be paid by each customer within that supply zone, irrespective of actual consumption.

(9) A basic tariff or charge determined in terms of subsection (8) will be based on the estimated average consumption of water supplied to the supply zone.

(10) Where water supply services are provided through communal water supply services works, the amount due and payable by customers gaining access to water supply services through the communal water supply services works must be based on the estimated average consumption of water supplied to the water supply services works.

29. Defective measurement

(1) If a customer has reason to believe that a measuring device supplied to him or her by the Municipality is defective, he or she may, against payment of the applicable charge, apply in writing for the measuring device to be tested.

(2) If the outcome of any test referred to in subsection (1) shows that a measuring device is –

(a) within the range of accuracy prescribed by the Trade Metrology Act, 1973, the customer is liable for the cost of the test and any other amounts outstanding; or

(b) outside the prescribed range of accuracy, the Municipality is liable for the cost of the test, in which case the customer must be informed of the amount of any credit to which he or she is entitled.

(3) The applicable charge paid in accordance with subsection (1) for the testing of a measuring device may be –

(a) retained by the Municipality if the measuring device is found not to be defective in terms of this section; or

(b) refunded to the customer if the measuring device is found to be defective in terms of this section. (4) If a measuring device is –

(a) a meter to which the regulations relating to meters published under the Trade Metrology Act, 1973, are applicable, the measuring device shall be deemed to be defective if, when tested in accordance with SANS

1529-1, the measuring device is found to have a percentage error in over-registration or under-registration greater than that permitted for a meter in use in terms of SANS 1529-1; or

(b) a meter of a size greater than 100 mm in diameter to which SANS 1529-1 is not applicable, the measuring device shall be deemed to be defective if it is found to have a percentage error in over-registration or under-registration greater than 5% at any one of the rates of flow when tested at the following percentages of design maximum rates of flow: (i) 75% or more of the design maximum flow; (ii) between 50% and 55% of the design maximum flow; and (iii) between 15% and 20% of the design maximum flow.

(5) Subject to subsection (3), the Municipality shall, if a measuring device is found to be defective in terms of this section –

(a) repair the measuring device or replace it with another measuring device which is in good working order, at no charge to the customer unless the cost of the repair or replacement is recoverable from the customer owing to a contravention of section 22(6); and

(b) determine the water supply services for which the customer is to be charged on the basis set out in section 27.

(6) A customer is entitled, on giving the Engineer reasonable notice of his or her intention, to be present at the testing of any meter in which the customer has any interest.

(7) Any meter removed for testing by the Municipality shall be retained intact and be available for inspection for a period of three months after testing.

30. Special measurement

(1) If, for purposes other than charging for water consumed, the Engineer requires that the quantity of water used in a part of a water installation on premises be ascertained, the Engineer may by written notice advise the owner of the premises of the Municipality's intention to install a measuring device at such point in the water installation as it may specify.

(2) The installation of a measuring device referred to in subsection (1), its removal, and the restoration of the water installation after such removal shall be carried out at the expense of the Municipality.

(3) The provisions of section 22(5) and (6) apply in so far as they relate to a measuring device installed in terms of subsection (1).

31. No reduction in amount payable for water wasted

A customer is not entitled to a reduction in the amount payable for water wasted or for water losses in a water installation.

32. Adjustment of quantity of water supplied through defective measuring device

(1) If a measuring device is found to be defective in terms of section 24(2) or (4), the Municipality may estimate the quantity of water supplied to the customer for the period in which, in its opinion, the measuring device was defective, and such estimate must be made on the following basis:

(a) The quantity of water shall be based on the average monthly consumption of water on the premises served by the measuring device during the three months prior to the registration of the defect;

(b) if an estimate is not possible on the basis contemplated in paragraph (a), the quantity of water shall be based on the consumption of water on the premises served by the measuring device in the corresponding month of the previous year; or

(c) if an estimate is not possible on the basis contemplated in paragraph (a) or (b), the quantity of water shall be based on the average monthly consumption of water on the premises served by the measuring device during a period of three months after the repair or replacement of the measuring device has been effected.

(2) If the quantity of water supplied to a customer during the period when his or her measuring device was defective cannot be estimated in accordance with subsection (1), the Municipality may estimate the quantity.

(3) When an adjustment contemplated in subsection 27 (1) is made, the adjustment may not apply to a period exceeding three years preceding the date on which the metering equipment was found to be inaccurate.

PART 4: AUDIT

33. Water audit

- (1) The Municipality may require a customer to, within one month after the end of a financial year of the Municipality, undertake a water audit at the customer's own cost.
- (2) The water audit referred to in subsection (1) must at least determine details in respect of –
 - (a) the amount of water used during the financial year;
 - (b) the amount paid for water for the financial year;
 - (c) the number of people living on the customer's stand or premises;
 - (d) the number of people permanently working on the customer's stand or premises;
 - (e) the seasonal variation in demand through monthly consumption figures;
 - (f) the water pollution monitoring methods;
 - (g) the current initiatives to manage demand for water;
 - (h) the plans to manage demand for water;
 - (i) a comparison of the factors contemplated in paragraphs (a) to (h) with those reported for each of the previous three years, where available; and
 - (j) estimates of consumption by various components of use.

PART 5: INSTALLATION WORK

34. Approval of installation work

- (1) If an owner of premises wishes to have installation work done, he or she must first obtain the Municipality's written approval, provided that approval is not required –
 - (a) in the case of water installations in dwelling units or installations where no fire installation is required in terms of SANS 10400 or in terms of any municipal by-laws; or
 - (b) for the repair or replacement of an existing pipe or water fitting other than a fixed water heater and its associated protective devices.
- (2) Application for the approval referred to in subsection (1) must be made on the prescribed form, which form must be accompanied by –
 - (a) the applicable charge, if required;
 - (b) copies of such drawings as may be determined by the Municipality, giving information in the form required by clause 4.1.1 of SANS 10252-1; and
 - (c) a certificate certifying that the installation has been designed in accordance with SANS 10252-1 by a professional engineer or an approved competent person registered in terms of the Engineering Profession Act, 2000 (Act 46 of 2000).
- (3) The authorisation obtained through the approval in terms of subsection (1) lapses on expiry of a period of 24 months from the date of the approval.
- (4) Where approval is required in terms of subsection (1), a complete set of approved drawings in respect of the installation work must be available at the site of the work at all times until the work has been completed.
- (5) If installation work has been done in contravention of subsection (1) or (2), the Municipality may require the owner –
 - (a) to rectify the contravention within a specified period; (b) if the work is in progress, to cease the work; and
 - (c) to remove all work that does not comply with these by-laws.

35. Persons permitted to do installation and other work

- (1) No person who is not a plumber or who is not working under the control of a plumber is permitted to –
 - (a) do installation work other than the replacement or repair of an existing pipe or water fitting;
 - (b) replace a fixed water heater or its associated protective devices;
 - (c) inspect, disinfect or test a water installation, fire installation or storage tank;

(d) service, repair or replace a backflow preventer; or (e) install, maintain or replace a meter in a water installation if such meter is provided by the owner of the premises on which the water installation is situated.

(2) No person may require or engage a person who is not a plumber to do the installation work or other work referred to in subsection (1).

(3) Notwithstanding the provisions of subsection (1), the Municipality may permit a person who is not a plumber to do installation work on his or her own premises if the premises are owned and occupied solely by himself or herself and his or her immediate household, provided that such work is inspected and approved by a plumber at the direction of the Engineer.

36. Provision and maintenance of water installations termination

(1) An owner of premises must provide and maintain his or her water installation at his or her own cost and must, except where permitted in terms of section 57, ensure that the water installation is situated within the boundary of his or her premises. (2) If a portion of a water installation is situated outside the boundary of an owner's premises, the owner must, before doing any work in connection with the maintenance of that portion of the water installation, obtain the written consent of the Municipality or the written consent of the owner of the land on which that portion is situated, as the case may be.

37. Technical requirements for a water installation

37. Notwithstanding the requirement that a certificate be issued in terms of section 29, all water installations must comply with SANS 10252-1 and all fixed electrical storage water heaters must comply with SANS 10254.

38. Use of pipes and water fittings to be authorised

(1) No person may, without the prior written authority of the Engineer, install or use a pipe or water fitting in a water installation within the Municipality's area of jurisdiction unless the pipe or water fitting is included in the Schedule of Approved Pipes and Fittings as compiled by the Municipality.

(2) Application for the inclusion of a pipe or water fitting in the schedule referred to in subsection (1) must be made on the form prescribed by the Municipality.

(3) A pipe or water fitting may be included in the schedule referred to in subsection (1) if –

(a) the pipe or water fitting bears the standardisation mark of the SABS in respect of the relevant South African National Standards specification issued by the SABS;

(b) the pipe or water fitting bears a certification mark issued by the SABS to certify that the pipe or water fitting complies with an SABS mark specification or a provisional specification issued by the SABS, provided that no certification marks are issued for a period exceeding two years; or

(c) the pipe or water fitting is included in the list of water and sanitation installations accepted by JASWIC.

(4) The Municipality may, in respect of any pipe or water fitting included in the schedule referred to in subsection (1), impose such additional conditions as it may deem necessary in respect of the use or method of installation of the pipe or water fitting.

(5) A pipe or water fitting must be removed from the schedule referred to in subsection (1) if –

(a) the pipe or water fitting no longer complies with the criteria upon which its inclusion in the schedule was based; or

(b) the pipe or water fitting is no longer suitable for the purpose for which its use was accepted for inclusion in the schedule.

(6) The current schedule referred to in subsection (1) shall be available for inspection at the office of the Municipality at any time during the Municipality's working hours.

(7) The Municipality may sell copies of the schedule referred to in subsection (1) at the applicable charge.

39. Unlawful water installation work

40. Labelling of terminal water fittings and appliances

Any terminal water fitting or appliance using or discharging water must have the following information marked on the fitting or appliance or included within the packaging of the fitting or appliance:

(a) The range of pressure in kPa over which the water fitting or appliance is designed to operate; and

(b) the flow rate, in litres per minute, related to the design pressure range, provided that this information is given for at least the following pressures: 20 kPa, 100 kPa and 400 kPa.

41. Water demand management

(1) notwithstanding the provisions of sections 54 and 69(3), no flushing urinal that is not user activated may be installed or continue to operate in any water installation. Any flushing urinal that is not user-activated and that was installed prior to the commencement of these by-laws must be converted to a user-activated urinal within two years of the commencement of these by-laws.

(2) No cistern and related pan designed to operate with the cistern may be installed if the cistern has a capacity of more than 9 litres, and any cistern not intended for public use must be fitted with a flushing device allowing interruptible or multiple flushes, provided that such flushing device is not required in a cistern with a capacity of 4,5 litres or less.

(3) In any water installation where the dynamic water pressure is more than 200 kPa at a shower control valve and where the plumbing has been designed to balance the water pressures on the hot and cold water supplies to the shower control valve, a shower head with a maximum flow rate of more than 10 litres per minute may not be installed.

(4) The maximum flow rate from any tap installed on a wash hand basin may not exceed 6 litres per minute.

PART 6: COMMUNAL WATER SUPPLY SERVICES

42. Provision of water supply to several consumers

The Engineer may install a communal standpipe for the provision of water supply services to several consumers at a location he or she deems appropriate, provided that the consumers to whom water supply services are to be provided through that communal standpipe have been consulted.

(1) The Engineer may provide communal water supply services through a communal installation designed to supply a controlled volume of water to several consumers.

43. Zonal control of water supply services

The Engineer may restrict the water supply to a supply zone to a quantity equal to not less than the total basic water supply for the estimated number of households residing in the supply zone.

PART 7: TEMPORARY WATER SUPPLY SERVICES

44. Water supplied from a hydrant

(1) The Engineer may authorise a temporary supply of water to be taken from one or more fire hydrants specified by him or her, subject to –

(a) such conditions and such period as may be prescribed by him or her; and

(b) payment of such applicable charges as may be determined by the Council from time to time.

(2) A person who desires a temporary supply of water referred to in subsection (1) must apply for the water supply services in accordance with section 2.

(3) The Engineer shall, for the purposes of supplying water from a fire hydrant as contemplated in subsection (1), provide a portable meter, which portable meter must be returned to the Municipality on termination of the temporary supply, and such portable meter and all other fittings and apparatus used for the connection of the portable meter to the fire hydrant remain the property of the Municipality and are provided subject to any conditions imposed by the Municipality or an authorised agent.

PART 8: BOREHOLES

45. Notification of boreholes

(1) In respect of any area of the Municipality, the Municipality may by public notice require –

(a) the owner of any premises on which a borehole exists or, if the owner is not in occupation of the premises, the occupier of the premises, to notify the Municipality of the existence of a borehole on the premises and to provide it with such information about the borehole as it may require; and

(b) the owner or occupier of any premises who intends to sink a borehole on the premises to notify it on the prescribed form of his or her intention to sink a borehole before work in connection with the sinking of the borehole is commenced.

(2) The Municipality may require the owner or occupier of any premises who intends to sink a borehole on the premises to conduct, to the satisfaction of the Municipality, an environmental impact assessment in respect of the proposed borehole before sinking the borehole.

(3) In respect of an owner or occupier of premises who has an existing borehole on the premises that is used for water supply services, the Municipality may by notice to the owner or occupier or by public notice –

(a) require the owner or occupier, as the case may be, to obtain approval from the Municipality for the use of the borehole for potable water supply services in accordance with sections 6, 7 and 22 of the Act; and

(b) impose conditions in respect of the use of the borehole for potable water supply services.

PART 9: FIRE SERVICES CONNECTIONS

46. Connection to be approved by the Municipality

(1) The Engineer is entitled at his or her absolute discretion to grant or refuse an application for the connection of a fire extinguishing installation to the Municipality's main.

(2) No water may be supplied to any fire extinguishing installation until –

(a) a certificate in accordance with section 29 has been submitted to the Municipality; and

(b) the installation complies with the requirements of these by-laws and any other by-laws of the Municipality.

(3) If in the opinion of the Engineer a fire extinguishing installation which he or she has allowed to be connected to the Municipality's main in terms of subsection (1) is not being kept in proper working order, is otherwise not being properly maintained, or is being used for purposes other than firefighting, the Municipality is entitled to –

(a) require the customer to disconnect the installation from the main at the customer's expense; or

(b) carry out the work of disconnecting the installation at the customer's expense.

47. Special provisions

In general, the provisions of SANS 10252-1 and SANS 10400 apply to the supply of water for firefighting purposes. Notwithstanding anything to the contrary contained in SANS 10252-1 and SANS 10400, the special provisions contained in these by-laws apply mutatis mutandis to the supply of water for firefighting purposes.

48. Payment for services

In respect of any fire extinguishing installation or fire extinguishing appliance used or installed on any premises, the customer and the owner of the premises are jointly and severally liable for payment of the applicable charges determined by the Municipality.

49. Dual and combined installations

All new buildings erected after the commencement of these by-laws must comply with the following requirements in respect of the provision of fire extinguishing services:

(a) If boosting of the water supply system is required, a water installation with a dual pipe system must be used, of which one pipe must be for fire extinguishing purposes and the other for general domestic purposes.

(b) A combined installation is permitted only where no booster pumping connection is provided on the water installation. In such a case a fire hydrant shall be provided by the Municipality, at the customer's expense, within 90 m of the premises to provide a source of water for a fire tender to extinguish a fire.

(c) A combined installation where a booster pumping connection is provided is permitted only if the combined installation is designed and certified by a professional engineer or an approved competent person.

(d) All pipes and fittings must be capable of –

(i) handling pressures in excess of 1 800 kPa, which could be expected when boosting takes place; and

(ii) maintaining their integrity when exposed to fire conditions.

50. Connection pipes for fire extinguishing services

(1) After the commencement of these by-laws, a single connection pipe for both fire extinguishing services (excluding sprinkler systems) and potable water supply services shall be provided by the Engineer.

(2) The Engineer shall provide and install at the cost of the owner a combination meter on the connection pipe referred to in subsection (1).

(3) A separate connection pipe must be laid and used for every fire sprinkler system unless otherwise approved.

(4) A connection pipe contemplated in subsection (3) must be equipped with a measuring device that will not obstruct the flow of water while operating.

51. Valves and meters in connection pipes

A connection pipe to a fire extinguishing installation must be fitted with a valve and a meter which shall be - (a) supplied by the Engineer at the expense of the customer;

(b) installed between the customer's premises and the main; and

(c) installed in such position as may be determined by the Engineer.

52. Meters in fire extinguishing connection pipes

In respect of any premises, the Engineer is entitled to install a meter in any connection pipe used solely for fire extinguishing purposes, and the owner of the premises is liable for all costs involved if it appears to the Municipality that water has been drawn from the connection pipe for purposes other than extinguishing a fire.

53. Sprinkler installations

A sprinkler installation may be installed in direct communication with a main, but the Municipality does not guarantee any specified pressure in the main at any time.

54. Header tanks or duplicate supply from mains

(1) In respect of any sprinkler installation, the customer must install a header tank for the sprinkler installation at such elevation as will compensate for any failure or reduction of pressure in the Municipality's main, unless the sprinkler installation is provided with a duplicate supply from a separate main.

(2) The main pipe leading from a header tank contemplated in subsection (1) to the sprinkler installation may be in direct communication with the main, provided that the main pipe is equipped with a reflux valve which shuts off the supply from the main if, for any reason, the pressure in the main fails or is reduced.

(3) Where a sprinkler installation is provided with a duplicate supply from a separate main, each supply pipe must be equipped with a reflux valve situated within the premises on which the sprinkler installation is installed.

55. Sealing of private fire hydrants

(1) (a) Except in the case of a combined system with a combination meter, any private fire hydrant and hose-reel shall be sealed by the Municipality, and any such seal may not be broken by any person other than the Municipality, provided that –

(i) the Municipality may break the seal in the course of servicing and testing the fire hydrant and hose-reel; and

(ii) any person may break the seal for the purpose of opening the fire hydrant in the event of a fire.

(b) The customer must give the Municipality at least 48 hours' notice prior to a fire installation being serviced and tested.

(2) The cost of resealing a fire hydrant and hose-reel contemplated in subsection (1) must be borne by the customer, except where a seal is broken by the Municipality's officers for testing purposes.

(3) Any water consumed through a private fire installation or sprinkler system must be paid for by the customer at the applicable charge.

CHAPTER III

NOTICES

56. Power to serve and compliance with notices

(1) The Municipality may, by written notice, order an owner, consumer or any other person who, by an act or omission, fails to comply with –

- (a) the provisions of these by-laws; or
- (b) any condition imposed by these by-laws; to remedy such failure within a period specified in the notice, which period may not be less than 30 days, provided that the period in the case of a notice issued in terms of section 19 or section 54(3) may not be less than seven days.

(2) If an owner or consumer or any other person fails to, within the specified period, comply with a written notice served on him or her by the Municipality in terms of these by-laws, the Municipality may take such action as in its opinion is necessary to ensure compliance, which action includes –

- (a) undertaking the work necessary and recovering the cost of the work from the owner, consumer or other person, as the case may be;
- (b) restricting or discontinuing the provision of services to the owner; consumer or other person, as the case may be; and
- (c) instituting legal proceedings against the owner, consumer or other person, as the case may be.

(3) A notice in terms of subsection (1) shall –

- (a) give details of the provision of the by-laws that has not been complied with;
- (b) give the owner, consumer or other person a reasonable opportunity to make representations and state his or her case in writing to the Municipality within a specified period, unless the owner, consumer or other person was given such an opportunity before the notice was served;
- (c) specify the steps that the owner, consumer or other person can take to rectify the failure;
- (d) specify the period within which the owner, consumer or other person is to take the steps specified to rectify the failure; and
- (e) indicate that the Municipality –
 - (i) may, if the notice is not complied with, undertake the work that is necessary to rectify the failure and recover from the owner, consumer or other person any costs associated with such work; and
 - (ii) may take any other action it deems necessary to ensure compliance.

(4) In the event of an emergency, the Municipality may without prior notice undertake the work contemplated in subsection (3)(e)(i) and recover the costs from the owner, consumer or other person, as the case may be.

(5) The costs recoverable by the Municipality in terms of subsections (3) and (4) shall be the full costs associated with the work and include, but are not restricted to –

- (a) the cost of any exploratory investigation, survey, plan, specification, schedule of quantities, supervision, administrative charge, the use of tools, and the labour involved in disturbing or rehabilitating any part of a street or ground affected by the work; and
- (b) the environmental cost.

CHAPTER IV

UNAUTHORISED WATER SUPPLY SERVICES

57. Unauthorised services

(1) No person may gain access to water supply services unless such access is in terms of an agreement entered into with the Municipality for the rendering of the water supply services

(2) If any person uses unauthorised services, the Municipality may, irrespective of any other action it may take against the person in terms of these by-laws, order the person by written notice to –

(a) apply for the water supply services in terms of sections 2 and 3; and

(b) undertake such work as may be necessary to ensure that the installation through which access to unauthorised services was gained complies with the provisions of these or any other relevant by-laws.

(3) The provisions of section 50 apply to a notice served in terms of subsection (2).

(4) The Municipality may, without compensation, confiscate the property or other instruments through which unauthorised services were accessed.

58. Interference with infrastructure for the provision of water supply services

(1) No person other than the Municipality may manage, operate or maintain the infrastructure through which municipal services are provided. (2) No person other than the Municipality may effect a connection to the infrastructure through which municipal services are provided.

59. Obstruction of access to infrastructure for the provision of water supply services

(1) No person may prevent or restrict physical access to the infrastructure through which water supply services are provided.

(2) If a person contravenes subsection (1), the Municipality may –

(a) by written notice require such person to restore access at his or her own expense within a specified period; or

(b) if it is of the opinion that the situation is a matter of urgency, without prior notice restore access and recover from such person the cost of restoring the access.

60. Wasting of water

(1) No customer may permit –

(a) the purposeless or wasteful discharge of water from any terminal water fitting;

(b) any pipe or water fitting to leak;

(c) the use of any maladjusted or defective water fitting;

(d) an overflow of water to persist; or

(e) the inefficient use of water to persist.

(2) An owner must repair or replace any part of his or her water installation which is in such a state of disrepair that it is either causing or is likely to cause an occurrence contemplated in subsection (1).

(3) If an owner fails to take the measures contemplated in subsection (2), the Municipality may, by written notice in terms of section 50, require the owner to comply with the provisions of subsection (1).

(4) A customer must ensure that any equipment or plant connected to his or her water installation uses water in an efficient manner.

(5) The Municipality may, by written notice, prohibit the use by a customer of any equipment in a water installation if, in the opinion of the Municipality, the equipment's use of water is inefficient. Such equipment may not be returned to use until its efficiency has been restored and a written application for the return of the equipment to use has been approved by the Municipality.

61. Illegal reconnection

(1) If, after having had his or her access to municipal services restricted or discontinued, a person unlawfully and intentionally or negligently –

(a) effects a reconnection to the infrastructure through which municipal services are provided; or

(b) interferes with such infrastructure; such a person's connection to such infrastructure shall be disconnected immediately.

(2) A person who, in the circumstances referred to in subsection (1), effects a reconnection to the infrastructure through which municipal services are provided is liable for the cost associated with any consumption arising from such reconnection, notwithstanding any other action that may be taken against such person.

(3) The consumption contemplated in subsection (2) shall be estimated on the basis contemplated in section 27(1) or, if an estimation on such basis is not possible, the consumption contemplated in subsection (2) shall be based on the average consumption of water supplied to the area within which the unauthorised service was used.

62. Immediate disconnection

If any person –

- (a) unlawfully and intentionally or negligently interferes with or obstructs access to the infrastructure through which the Municipality provides water supply services; or
- (b) fails to provide information or provides false information when reasonably requested by the Municipality to provide information; his or her connection to such infrastructure may be disconnected.

63. Pipes in streets or public places

No person may, for the purpose of conveying water derived from any source whatsoever, lay or construct a pipe or associated component on, in or under a street, public place or other land owned by, vested in, or under the control of any municipality, except with the prior written permission of the Municipality and subject to such conditions as it may impose.

64. Use of water from sources other than the water supply system

(1) No person may use or permit the use of water obtained from a source other than the water supply system, except for a rainwater tank that is not connected to a water installation, provided that –

- (a) the prior written consent of the Engineer has been obtained for the use of water from a n the water supply system or rainwater tank, as the case may be; and
- (b) the use of water is in accordance with the conditions that the Municipality may impose for domestic, commercial or industrial purposes.

(2) Any person desiring the consent referred to in subsection (1) must provide the Engineer with evidence satisfactory to the Engineer that –

- (a) the water referred to in subsection (1) complies, whether as a result of treatment or otherwise, with the requirements of SANS 241; or
- (b) the use of such water does not or will not constitute a danger to health.

(3) Any consent given in terms of subsection (1) may be withdrawn by the Engineer if, in the opinion of the Engineer:

- (a) a condition imposed in terms of subsection (1) is breached; or
- (b) the water quality no longer conforms to the requirements referred to in subsection (2).

(4) If water obtained from a borehole or other source of supply on any premises is used for a purpose which gives rise to the discharge of the water or some of the water into the Municipality's sewerage system, the Municipality may install a meter in the pipe leading from the borehole or other source of supply to the point or points where the water is used.

(5) The provisions of section 22 apply in so far as they may be applicable to the meter referred to in subsection (4).

CHAPTER V

OFFENCES

65. Offences

Any person who –

- (a) fails to give access required by the Municipality in terms of these by-laws;
- (b) obstructs or hinders the Municipality in the exercising of its powers or the performance of its functions or duties under these by-laws;
- (c) assists any other person in providing the Municipality with false or fraudulent information or assists in wilfully concealing information from the Municipality;

- (d) uses or tampers or interferes with municipal equipment, the water supply system and the reticulation network or water supply services rendered;
- (e) fails or refuses to give the Municipality such information as may reasonably be required by the Municipality for the purpose of exercising its powers or functions under these by-laws;
- (f) gives the Municipality false or misleading information, knowing it to be false or misleading;
- (g) after his or her access to municipal services has been restricted or discontinued, unlawfully and intentionally or negligently effects a reconnection to the infrastructure through which water supply services are provided or unlawfully and intentionally or negligently interferes with such infrastructure;
- (h) Contravenes or fails to comply with a provision of these by-laws; or
- (i) fails to comply with the terms of a notice served on him or her in terms of these bylaws; is guilty of an offence and liable on conviction to a fine not exceeding R5 000,00 or to a period of imprisonment not exceeding four months and, in the event of a continued offence, to a further fine of R5 000,00 for every day on which the offence continues.

CHAPTER VI: DOCUMENTATION

66. Signing of notices and documents

A notice or document issued by the Municipality in terms of these by-laws and signed by a staff member of the Municipality or of an authorised agent shall be deemed to be duly issued and must on its mere production be accepted by any court of law as evidence of the facts stated in the notice.

67. Notices and documents

(1) A notice or document issued by the Municipality in terms of these by-laws shall be deemed to be duly authorised if a staff member of the Municipality or of an authorised agent has signed it.

(2) Any notice or other document that is served on an owner, a customer or any other person in terms of these by-laws shall be deemed to have been served - (a) if it has been delivered to that owner, customer or other person personally;

(b) if it has been left at that owner's, customer's or other person's village, place of residence, business or employment in the Republic with a person who is apparently over the age of 16 years;

(c) if it has been posted by registered or certified mail to the last-known residential or business address of that owner, customer or other person in the Republic and an acknowledgement of posting thereof from the postal service has been obtained;

(d) if it has been served on the agent or representative of that owner, customer or other person in the Republic in the manner provided for in paragraphs (a) to (c), in the event that the address of the owner, customer or other person in the Republic is unknown; or

(e) if it has been posted in a conspicuous place on the property or premises to which it relates, in the event that the address and agent or representative of that owner, customer or other person in the Republic is unknown.

(3) When any notice or other document is to be served on the owner or occupier of any property or the holder of a right, that owner, occupier or holder may be addressed or described in the notice or other document as the "owner", "occupier" or "holder" in respect of the property or right in question, and his or her name need not be used.

(4) Where compliance with a notice is required within a specified number of working days, the period of working days must be deemed to have commenced on the date of delivery or dispatch of the notice.

68. Authentication of documents

Every order, notice or other document requiring authentication by the Municipality shall be sufficiently authenticated, and such order, notice or other document shall be deemed to be authenticated if signed by the Municipal Manager or by a duly authorised officer of the Municipality or of an authorised agent, provided that the authority to authenticate any order, notice or other document is conferred by a resolution of the Council, a written agreement or a by-law.

69. Prima facie evidence

In legal proceedings by or on behalf of the Municipality, a certificate reflecting the amount due and payable to the Municipality shall on its mere production be accepted by any court of law as prima facie evidence of the indebtedness, which certificate shall be –

- (a) under the hand of the Municipal Manager or a suitably qualified staff member of the Municipality authorized by the Municipal Manager; or
- (b) the manager of the authorized agent.

70. Water Services Intermediaries

An intermediary for the supply of water and sanitation services must be registered with the Municipality. A registration agreed by the Municipality shall constitute an agreement between the Municipality and the applicant to comply with the relevant provisions of these By-laws, and such agreement shall take effect on the date referred to or stipulated in such agreement.

(2) The quality, quantity, pressure and sustainability of water services provided by the intermediary must comply with the minimum standards set out and prescribed by the Minister and must in all respects comply with the relevant provisions of these By-laws. An owner shall provide and maintain approved measures to prevent the entry of any substance, which may be a danger to health or adversely affect the portability of water or affect its fitness for use, into -

- (a) the water supply system; and
- (b) any part of the water installation on his or her premises.

(3) Fees charged by an intermediary must comply with the norms and standards prescribed under the Act and any additional norms and standards required by these By-laws or set out by the Municipality.

(4) In the event of a failure by the intermediary to perform its functions effectively, the Municipality may, subject to provisions of section 26 of the Act, direct the intermediary to rectify its failure.

CHAPTER VII GENERAL PROVISIONS

71. Responsibility for compliance with these by-laws

(1) The owner of premises is responsible for ensuring compliance with these by-laws in respect of all or any matters relating to any water installation on the premises.

(2) A customer is responsible for compliance with these by-laws in respect of matters relating to the use of a water installation.

72. Power of entry and inspection

The Municipality may, at all reasonable times, enter and inspect any premises for any purpose connected with the implementation or enforcement of these by-laws, after having given reasonable written notice to the occupier of the premises of its intention to enter and inspect the premises.

73. Exemption

(1) The Engineer may, subject to any conditions he or she may impose, exempt in writing any owner, customer, ratepayer, user of services or any other person or any category of owners, customers, ratepayers or users of

services from complying with a provision of these by-laws, if the Engineer is of the opinion that the application or operation of that provision would be unreasonable, provided that the Engineer may not grant exemption from any section of these by-laws that may result in –

- (a) the wastage or excessive consumption of municipal services;
- (b) a significant negative effect on public health, safety or the environment;
- (c) non-payment for services; or (d) the Act or any regulations made in terms thereof not being complied with.

(2) The Municipality may, at any time after giving written notice of at least 30 days, withdraw any exemption given in terms of subsection (1).

74. Availability of by-laws

A copy of these by-laws shall be included in the Municipality's Municipal Code as required by law.

75. Conflict of law

(1) when interpreting a provision of these by-laws, any reasonable interpretation which is consistent with the purpose of the Act shall be preferred over any alternative interpretation which is inconsistent with that purpose.

(2) If there is any conflict between these by-laws and any other by-laws of the Municipality, these by-laws will prevail.

76. Transitional arrangements

(1) Installation work authorised by the Municipality prior to the commencement date of these by-laws or authorised installation work in progress on such date shall be deemed to have been authorised in terms of these by-laws.

(2) The Municipality may for a period of 90 days after the commencement of these by-laws authorise installation work in accordance with the by-laws that regulated such work immediately prior to the promulgation of these by-laws.

(3) No customer may be required to comply with these by-laws by altering a water installation or part thereof that was installed in conformity with any laws applicable immediately prior to the commencement of these by-laws, provided that if, in the opinion of the Engineer, the installation or part thereof is so defective or in such condition or position as to cause –

- (a) a wastage of water or undue consumption of water;
- (b) the pollution of the water supply; or (c) a health hazard; the Engineer may by notice require the customer to comply with the provisions of these by-laws.

77. Repeal of existing municipal water supply services by-laws

The provisions of any by-laws relating to water supply services rendered by the Municipality are hereby repealed in so far as such provisions relate to matters provided for in these by-laws, provided that such provisions are deemed not to have been repealed in respect of any by-laws that have not been repealed and that are not repugnant to these by-laws on the basis determined by the by-laws in question.

78. Indemnification from liability

Neither an employee of the Municipality nor any person acting on behalf of the Municipality is liable for any damage arising from any act or omission committed in good faith in the course of his or her duties.

79. Short title and commencement

(1) these by-laws are called the Water Supply By-laws of the Victor Khanye Local Municipality.

(2) The Municipality may, by notice in the Provincial Gazette, determine that, from a date specified in the notice, certain provisions of these by-laws do not apply to certain areas within the Municipality's area of jurisdiction, which notice shall list the provisions and the areas in question.

(3) Until any notice contemplated in subsection (2) is issued, these by-laws are binding.

PART B:

WASTE WATER BY-LAWS

WASTE WATER BY-LAWS

ARRANGEMENT OF BY-LAWS

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3. Compulsory Provision of Sewerage
4. Common Drains
5. Unauthorized Drainage Work
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Definitions

1. (1) In these By-laws, unless the context otherwise indicates -

"Adequate" or "effective" means adequate or effective in the opinion of the Council, in all cases to all the circumstances of the particular case and to the accepted principles of drainage installation and, in the case of any appliance, fitting or other object, to the purpose which it is intended to serve;

"Applicant" means any person who makes an application;

"application" means an application contemplated in section 4 of the National Building Regulations and Building Standards Act, 1977 or in terms of section 15 to these By-laws;

"Approval" means approval by the Council in writing;

"Block plan" means a plan drawn to scale showing the size, shape and measurements of any piece of land and the position thereon of any existing and proposed buildings and drainage installation or portion thereof;

"Town Manager" means the person appointed as Town Manager by Council or any other person lawfully acting in that capacity;

"Common drain" means that portion of a drainage installation which conveys sewage other than or in addition to the sewage which emanates from the site through which such drainage installation runs;

"Connecting sewer" means a pipe vested in the Council, which connects a drainage installation to a sewage disposal system;

"Conservancy tank" means a covered tank used for the reception and temporary retention of sewage and which requires emptying at intervals;

"Council" means Victor Khanye Municipal Council established in terms of section 12(1) read with section 14(2) of the Local Government: Municipal Structures Act, 1998;

"Cycle" means any period of one calendar month commencing on the first day of the month to the last day of the same month;

"Exceptional cases" mean a drainage installation different to the layout in annexure "A" where the ownership shall be determined by Council, and the owner or occupier shall comply with any conditions that it may have imposed;

"Domestic effluent" means sewage consisting of soil water or wastewater or a combination of both;

"Drain" means that portion of a drainage installation, other than soil-water pipes, waste-water pipes, ventilation pipes and anti-siphonage pipes which is not vested in the council and which is laid in the ground and used or intended to be used for conveying sewage to the connecting sewer, or for conveying sewage to a conservancy tank or a septic tank and includes a conservancy tank or a septic tank;

"Drainage installation" means an installation vested in the owner of a site and which is situated on such site and which is intended for the reception, conveyance storage or treatment of sewage and may include sanitary fixtures, discharge pipes, drains, ventilating pipes, septic tanks, conservancy tanks, sewage treatment works, or mechanical appliances associated therewith as shown in annexure: A" schematic diagram of sanitation layout;

"Drainage work" means any construction or reconstruction of or any alteration or addition to, or any work done in connection with a drainage installation but shall not include any work undertaken solely for purposes of repair or maintenance;

"Industrial effluent" means any liquid whether or not containing water in solution which is given in the course of or as a result of any industrial trade, business, commercial, manufacturing, mining or chemical process or any laboratory, research or agricultural activity, and includes any liquid other than soil water or storm water; ending up in the Council sewer network or disposal of in a legal manner;

"inspection eye" means any access opening to the interior of any pipe or pipe fitting in a drainage installation provided solely for the purpose of inspection and testing, and to which permanent access after completion of the drainage installation needs to be provided;

"Load" means the product of the concentration of an element in the effluent, (expressed in grams per liter) and the total volume of effluent over a fixed period of 24 (Twenty-Four) hours (expressed in mega liter) and is expressed in ton / a day;

"Manhole" means a chamber of a depth greater than arm length and such dimensions that allows entry of a person into such chamber for providing access to a drain;

"Objectionable matter" means a matter that is creates an objection or any other material or specified substance deemed to be offensive to a person or Council;

"Official" means any person duly appointed by Council to act on its behalf or authorized by Council to administer these By-Laws;

"Off peak period" means the period between 21h: 00 before midnight and 5h: 00 after midnight;

"Occupier" means in relation to any premises –

- (a) the person in actual occupation thereof;
- (b) the person legally entitled to occupy the premises;
- (c) the person having the charge or management of the premises;

"Owner" means in relation to any premises, the person in whose name the premises is registered and includes -

- (a) if the owner is deceased, insolvent, mentally ill, a minor or any person under any legal disability, the person in whom the custody or administration of such premises is vested as executor, trustee, curator, guardian or in any other capacity;
- (b) if the premises are leased and registration in a deed registry is a prerequisite for the validity of the lease, the lessee;
- (c) the owner's authorized agent or a person receiving the rent of the premises in question on behalf of the owner; or
- (d) where the premises are beneficially occupied under servitude or similar right, the person in whom such right is vested;

"piece of land" means any piece of land registered in a deeds registry as an erf, stand, lot, plot or other area, or as a portion or a subdivision of such erf, stand, lot, plot or other area, or any defined portion, not intended as a public place of a piece of land proclaimed as a township, or of a piece of land which is held under surface right permit or under mining title or which, being proclaimed land not held under mining title, is used for residential purposes or for purposes not incidental to mining operations;

"Pit latrine" means a closet placed over or adjacent to an excavation, which is of adequate depth;

"Plumber" means any person who, in the trade of plumbing, has, in terms of the Manpower Training Act 1981 (Act 56 of 1981), passed a qualifying trade test or has been issued with a certificate of proficiency;

"Professional engineer" means an engineer registered in terms of Section 19 of the Engineering Profession Act, 2000 (Act 46 of 2000);

"SABS" means, in these regulations, "SABS" followed by a number or a number and a title, is a reference to the specification of the indicated number published by the Council of the South African Bureau of Standards, and all amendments thereof, and which are available for inspection at the office of the Council at any time during official office hours;

"Sanitation services" mean the range of services that the Council provides to the owner or occupier in the metropolitan area to which water is permanently supplied, and from which waste water and soil water is discharged, however the range of services might change from time to time as the council may decide;

"Schematic diagram of sanitation layout" means layout drawing in annexure "A" to these By-laws that show the drainage installation connected to the connecting sewer, which dispose the sewage into the sewage disposal system;

"Sewage" means wastewater, soil water, industrial effluent and other liquid waste, either separately or in combination, but shall not include storm water;

"sewage disposal system" means a pipe, conduit or fixture which is the property of or is vested in the Council and which is used or intended to be used for the reception and conveyance of sewage as shown in annexure "A" schematic diagram of sanitation layout;

"Septic tank" means any tank designed to receive sewage and to effect the decomposition of organic matter in sewage by bacterial action;

"Spill water" means any spillage of water from a water-carrying device;

"Storm-water" means water resulting from natural precipitation or accumulation and includes rainwater, surface water, sub-soil water or spring water;

"Storm-water drain" means a pipe, conduit of surface channel situated on a site, which is used to convey storm water to a suitable point of discharge;

"Street" means any street, road, thoroughfare, lane, footpath, sidewalk, subway or bridge which -

- (a) Is vested in the Council; or
- (b) The public has the right to use; or
- (c) is shown on a general plan of a township filed in a deeds registry or a Surveyor-General's office and has been provided or reserved for use by the public or the owners of erven in such township;

"Street boundary" in relation to a site means the boundary of such site that abuts any street;

"Treasurer" means the Council's Treasurer or any other officer authorized to act on his/her behalf;

"Treated effluent," means the liquid effluent discharged from a sewage treatment works;

"Waste food" means food disposed of because of any business or commercial activity;

"Waste water" means used water not contaminated by spill water or industrial effluent and shall not include storm water;

"Sewage tariff" means in relation to the metropolitan area, the tariff of charges, fees and other moneys determined by Council.

- (2) Reference to the singular also implies plural, male also implies female and reference to a natural person implies legal entities.

CHAPTER 1

PROVISIONS RELATING TO THE SUPPLY OF SANITATION SERVICES BY COUNCIL

Discharge to Sewerage Disposal System

2. (1) No person shall discharge, or permit the discharge or inflow into the sewage disposal system of any sewage or other substance –
- (a) which does not comply with the standards and criteria prescribed in these By-Laws;
 - (b) which contains any substance, elements or a combination thereof in such concentration as will produce or be likely to produce in the effluent produces for discharge at any sewage treatment plant or sea outfalls discharge point or in any public water any offensive, or otherwise undesirable taste, colour, odour, temperature or any foam;
 - (c) which may prejudice the re-use of treated sewage or adversely affect any of the processes whereby sewage is purified for re-use, or treated to produce sludge for disposal;
 - (d) which contains any substance or thing of whatsoever nature which is not amenable to treatment to a satisfactory degree at a sewage treatment plant or which causes or is likely to cause a breakdown or inhibition of the processes in use at such plant;
 - (e) which contains any substance or thing of whatsoever nature which is of such strength, or which is amenable to treatment only to a degree as will result in effluent from the sewage treatment plant not complying with standards prescribed under the National Water Act, 1998 (Act No. 36 of 1998);
 - (f) which may cause danger to the health or safety of any person, animal, flora and the environment or may be injurious to the structure or materials of the sewage disposal system or may prejudice the use of any ground used by the Council or its authorized Agent for the sewage disposal system, other than in compliance with the permissions issued in terms of these By-Laws;
 - (g) Which may inhibit the unrestricted conveyance of sewage through the sewage disposal system.
- (2) No person shall cause or permit any storm-water to enter the sewage disposal system.
- (3) The Council may, by written notice, order the owner or occupier to conduct, at his or her

cost, periodic expert inspections of the premises in order to identify precautionary measures, which would ensure compliance with these By-Laws.

- (4) If any person contravenes any provision of Sections 2(1), 2(2) and 2(3) referred to above, he or she shall within 12 (Twelve) hours, or earlier if possible, advise Council of the details of the contravention and the reasons for it.

Compulsory Provision of Sewerage

3. (1) The owner of any property not having a drainage installation terminating at a connecting sewer to the sewage disposal system prescribed by Council shall within 90 days of receiving written notice from Council requesting him to do so construct or cause to be constructed such an installation on the property and shall do all work necessary for and all things required by these By-Laws in connection with the construction of such an installation, and shall pay all fees due in respect of the connection of the same to the Council's sewage disposal system.
- (2) If the owner fails within the said period of 90 (Ninety) days to comply with a notice served on him/her under Section 3(1) referred to above, he / shall thereafter, without prejudice to his/her liability for charges in respect of use of the Council's sewage disposal system as prescribed by Section 16 of these By-Laws, pay fees at three times the prescribed rate for the conserving-tank service until a drainage installation as required by the said notice and complying with these By-laws as well as all other applicable legislations and Regulations are connected to the sewer and the Council has been notified in terms of Section 3(1).
- (3) The owner who receives a notice in terms of Section 3(2) referred to above, shall give written notice to the Council when any conserving-tank service rendered to the property is no longer required, and shall remain liable for the charges for that service until s/he has done so.
- (3) Notwithstanding that no sewage disposal system is available for the service of a new building to be erected on a property or of any alteration or addition to an existing building, the Council shall be entitled, in considering whether to approve any plans submitted to it in terms of these By-Laws or any other of its By-laws which are relevant to have regard to the possibility that a sewage disposal system will become available in such a way to require the owner to position the said new building or alteration or addition -
- (a) that it is possible for its drainage installation to discharge into the said future sewage disposal system by gravity; and
- (b) that no obstruction is caused in the expected course of the said sewage disposal system.
- (4) Notwithstanding the provisions of sub-section 3(4) where any premises are at such a level in relation to the sewage disposal system that their drainage installation, or any part of it cannot discharge to the sewage disposal system by gravitation, the Council may prescribe the discharge in question to be raised by means of pumps, ejectors or any other effective method through a rising main fitted with non-return valves to discharge at such level and at such place as the Council shall determine after mutual agreement with Council.
- (5) The owner shall be under a duty to comply with any requirement communicated to him by the Council in terms of sub-section 3(4).
- (6) Every contractor or other person employing workmen for the construction of any building or for the carrying out of any other work on any piece of land to which a sewage disposal system is available for the drainage of buildings constructed or to be constructed thereon, shall provide water closet accommodation connected to the sewage disposal system at a connecting sewer for such workmen.

Common Drains

4. The Council may in its discretion permit the drainage installations on any two or more lots, erven, or stands whether or not in the same ownership, to discharge in the sewer through a common drain. This permission will have to be obtained in writing by the owner from the Council. Previously connected common drains may be directed by the Council to supply separate connecting sewers after consultation between the owner

or occupier and the Council.

Unauthorised Drainage Work

- 5.
- (1) No person shall, in any manner, interfere with any sewage disposal system or connecting sewer.
 - (2) No person shall break into or interfere with any part of a drainage installation other than for the purpose of repair or maintenance.
 - (3) Any person who causes or permits to be caused the carrying out of any unauthorized work contemplated in these By-Laws shall be guilty of an offence.

Unlawful Drainage Work

- 6.
- (1) Where a drainage installation has been constructed without compliance with the provisions of these By-laws, applicable acts or any other Regulations concerning the submission and approval of plans, the owner shall, on receiving written notice from Council to do so, comply with the said instructions in the said notice within the prescribed
 - (2) Where any drainage installation, has been constructed or any drainage work has been carried out which fails in itself in any respect to comply with any of these By-laws other than those referred to in sub-section 6(1) the owner shall, on receiving written notice by the Council so to do and notwithstanding that he may have received approval of plans in respect of the said installation or work, carry out such alterations to the installation, remove such parts thereof and carry out such other work as, and within the time which, the notice may specify.
 - (3) The Council may, instead of serving notice in terms of Section 3(1) and Section 3(2) as aforesaid, or where such alterations or a notice has not been complied with within the time prescribed therein, proceed itself to carry out any such alterations, removals or other work as it may deem necessary for compliance with these By-Laws and may recover the cost thereof from the owner by the ordinary process of law.
 - (4) Should Council at any time become aware of any drainage installation which does not comply with the provisions of these By-laws or that any provision thereof has or is being contravened it may, subject to the provisions of Sections 6(1), 6(2) and 6(3), forthwith and without notice carry out such alterations to the installation as it may deem necessary to effect compliance with the provisions of the said Sections and recover from the owner the appropriate tariffs.

Duty of Maintenance

- 7.
- (1) the owner or occupier of premises shall at all times keep and maintain in a proper state of repair and in working order any drainage installation thereon up to the connecting sewer.
 - (2) The owner or occupier shall at all times keep and maintain in a proper state of repair and in working order any drainage installation thereon up to the point as determined by Council in exceptional cases where drainage installation is connected to the sewage disposal system.
 - (3) Where two or more owners or occupiers use any part of a drainage installation, they shall be jointly and severally liable in terms of this section for the maintenance and repair of the same.

Prevention of Blockages

8. No person shall cause or permit such an accumulation of grease, oil, fat, solid matter or any other substance in any drainage installation as will block it or prevent its effective operation.

Clearing of Blockages

- 9.
- (1) When the owner or occupier of premises has reason to believe that a blockage has occurred in any drainage installation thereon, he shall forthwith report the fact to the Council, or make the necessary arrangement to get the blockage repaired and to prevent any health risk to a person or animal.
 - (2) Where a blockage occurs in a drainage installation any work necessary for its removal shall, subject to the provisions of sub-section 9(5), be done by or under the supervision of a plumber.
 - (3) Any plumber as aforesaid shall before proceeding to remove any blockage from a drainage installation notify the Council by telephone or otherwise of his intention to do so only if necessary when by opening this blockage it might influence the sewage disposal system, and shall when he has done so notify the Council of that fact and of the nature and cause of the said blockage.
 - (4) The Council itself shall, whether or not it has been requested by the owner to do so, be entitled at its own discretion to give notice to the owner or occupier to remove a blockage from a drainage installation and may recover the costs thereof from the owner in accordance with the tariff determined by Council.
 - (5) Should any drainage installation on any premises overflow as a result of an obstruction in the sewage disposal system, and the Council be reasonably satisfied that such obstruction was caused by objects emanating from the drainage installation, the owner of the premises served by the drainage installation shall be liable for the cost of clearing the blockage in accordance with the tariff determined by Council.
 - (6) Where a blockage has been removed from a drainage installation or portion of a drainage installation which serves two or more pieces of land, the charges for the clearing of such blockage shall be recoverable in the first place in equal portions from each of the owners thereof, who shall, however, be jointly and severally liable for the whole charge.

Emission of Gas or Entry of Sewage

- 10.
- (1) When in the opinion of the Council a nuisance exists owing to the emission of gas from a drainage installation, the Council may require the owner, at his own expense, to take such action as may be necessary to prevent the recurrence of the said nuisance.
 - (2) Where any sewage, after being discharged into a drainage installation, enters into the sewage disposal system whether by reason of surcharge, back pressure or any other circumstance, the Council may by notice in writing require the owner to carry out within the period specified by such notice any work necessary to abate such entry of sewage and to prevent any recurrence thereof.

Work by the Council

- 11.
- (1) Where any owner or occupier has been required by the Council by notice in terms of these By-laws to carry out any work whether by way of construction, repair, replacement or maintenance and has failed to do so within the time stipulated in such notice, the Council may, without prejudice to its right to act against him / her for the contravention of these By-laws, proceed itself to carry out the work and may recover, by the ordinary process of law, applicable to the recovery of a civil debt the entire cost of so doing from the owner or occupier to whom the notice was directed.
 - (2) Where any work other than that for which a tariff is determined by Council is done, the cost thereof shall be recovered from the owner or occupier or any other person causing or necessitate such work to be done.
 - (3) Any damage caused to the Council's sewage disposal system by the non-compliance with or contravention of any provision of these By-Laws shall be repaired by Council at the expense of the owner or occupier or any other person responsible for the non-compliance or contravention.

Interference with Sewer

12. No person except a person authorized by Council to do so shall break into, enter or in any other manner whatsoever interfere with any sewage disposal system, or any part thereof, whether or not situated on property owned or controlled by Council, intended for the conveyance or treatment of sewage and which is vested in it.

Disused Conservancy and Septic Tanks

13. If an existing conservancy tank or septic tank is no longer required for the storage or treatment of sewage, or if permission for such use is withdrawn, the owner shall either cause it to be completely removed or to be completely filled with earth or other suitable material, provided that Council may require such tank to be otherwise dealt with, or it may permit it to be used for some other purpose subject to such conditions as it may consider necessary.

Obstruction and False Information

14. (1) An official authorized by Council shall have the right to enter upon any premises at any reasonable time in order to take samples of or test sewage or industrial effluent or to carry out any inspection or work in connection with a drainage installation which it may deem necessary.
- (2) An owner or occupier of the premises who denies entry to premises to any official demanding the same under Section 14(1) or who obstructs or causes any other person to obstruct any such official in the performance of his / her duties, or who withholds or causes any other person to withhold information required by the official for the purpose of carrying out his / her said duties, or who gives or causes any other person to give to the official any information which is to his knowledge false shall be guilty of an offence.

CHAPTER 2

CONDITIONS FOR THE SUPPLY OF SANITATION SERVICES

Application for the Supply of Sanitation Services

15. (1) No person shall gain access to the sewage disposal system or a sanitation service, unless he or she applied to Council on the prescribed form for such service for a specific purpose and to approve a connecting sewer and the cost as prescribed in the tariff has been paid in full.
- (2) Application may be made to the Council by or on behalf of the owner or occupier of any premises –
- (a) for the initial connection of any piece of land to a sewage disposal system; or
- (b) for a reconnection to the sewage disposal system where a previous service agreement in respect of the premises has been terminated.
- (3) An application in terms of Section 15(1) shall be made on the form provided by Council for this purpose and shall be submitted to Council in the case of an application for a connection, at least, 28 (Twenty-eight) days.
- (4) Where application is made for the initial connection of any premises to sewage disposal system, the applicant shall, if he or she is not the registered owner of the premises, lodge, together with the application, the written permission of the registered owner that such connection may be made.
- (5) When submitting an application in terms of Section 15(1), the applicant shall pay Council the amount determined by Council for an initial connection or a reconnection to the sewage disposal system.
- (6) The connection of a consumer to the sewer system by the Council shall be subject to the provisions of these By-laws.

- (7) Sanitation services rendered to a consumer are subject to the provisions of these By-laws.

Payment for Sewer Connection

16. (1) The amount determined in the tariff to all consumers that receive or want to receive sanitation services shall be for each individual piece of land payable by the owner in full before such a connection will be made to the sewage disposal system.
- (2) The minimum amount payable in respect of any application shall be the published tariff.
- (3) The Council shall have the right in the case of any special service being required from Council to negotiate an amount for such service and or if not negotiated to recover the cost thereof.

Disconnection

17. (1) Except for the purpose of carrying out any maintenance work or repair, no drainage installation shall be disconnected from any other drainage installation or from a sewage disposal system without the prior written approval of Council after the lodging of an application in the manner, so far as applicable, prescribed in terms of section 18.
- (2) Where any part of a drainage installation is disconnected from the remainder thereof because it will no longer be used, the said part so disconnected shall be destroyed or entirely removed from the premises on which it was being used unless Council shall otherwise permit, having regard to the impracticability of such destruction or removal, and all openings in the installation or in the said part if left in position, created by the disconnection, shall be effectively sealed to the satisfaction of Council.
- (3) Due notice in writing in advance of any intended disconnection shall be furnished to Council who shall, after the requirements of this Section 17 have been complied with and on request of the owner, issue a certificate to the effect that the disconnection has been completed in terms of these By-laws and that any sewerage charges levied in respect of the disconnected portion of the drainage installation shall cease to be raised with effect from the first day of the month following the issue of such certificate.
- (4) When a drainage installation is disconnected from a sewer, the Council shall seal the connecting sewer and shall recover from the owner the tariff determined for such work.
- (5) Any person, who, without the permission of Council, breaks, removes, causes, or permits the breakage or removal of any such seal referred to in Section 17(4), shall be guilty of an offence.

Termination of Service

18. The Council may disconnect a drainage installation from the sewage disposal system and remove the connecting sewer if –
- (1) the agreement for provision has been terminated and it has not received an application for subsequent provision to the premises served by the sewage disposal system within a period of 180 (One Hundred & Eighty) days of such termination; or
- (2) the building on the piece of land concerned has been demolished.

CHAPTER 3

GENERAL PROVISIONS RELATING TO SEWER CONNECTIONS

Connections to Sewer

- 19.
- (1) No part of any drainage installation shall extend beyond the boundary of the piece of land on which the building or part thereof to which it belongs is erected provided that where it considers it necessary or expedient to do so, Council may permit the owner to lay a drainage installation at his own expense through an adjoining piece of land on proof of the registration of the appropriate servitude or of a notarial deed of joint drainage.
 - (2) Subject to the provisions of Section 19(4) herein and without prejudice to the provisions of Section 24 and concerning the testing of drainage installations, the Council shall, as soon as is practicable after the applicant has notified it that his / her drainage installation is ready for connection to the sewage disposal system, at its own expense, effect the connection or cause it to be effected.
 - (3) No person shall permit the discharge of any substance whatsoever other than clean water for testing purposes to enter any drainage installation until the same has been connected to the sewage disposal system.
 - (4) Save as may be otherwise authorized by Council in writing, no person other than an official duly authorized to do so shall connect any drainage installation to the sewage disposal system.

Location of Connecting Sewer

- 20.
- (1) shall:

A connecting sewer provided and installed by Council or owner in terms of these By-Laws

 - (a) be located in a position determined by Council;
 - (b) terminate at a connecting sewer approximately 1 meter inside the piece of land from the boundary of the piece of land owned by or vested in Council or over which it has a servitude or other right or when Section 20(3) applies, at the connecting point designated in terms of that sub-section;
 - (2) The Council shall have the right to prescribe to what point in the sewage disposal system and at what depth below the ground any drainage installation is to be connected and the route to be followed by the drainage installation to the connecting sewer so to be made and may in its discretion, having regard to the necessity of maintaining correct levels, require the owner not to begin the construction of the drainage installation until the Council's sewage disposal system has been laid.
 - (3) Regarding the location of a connecting sewer, Council shall ensure that the owner is aware of :
 - (a) practical restrictions that may exist regarding the location of a connecting sewer pipe;
 - (b) the cost implications of the various possible locations of the connecting sewer; and
 - (c) whether or not Council requires the owner to fix the location of the connecting sewer by providing a portion of his or her drainage installation at or outside the boundary of his or her premises, or such agreed position inside or outside his or her premises where the connection is required, for Council to connect to such installation.
 - (4) Council may at the request of any person agree, subject to such conditions as it may

impose, to a connection to a sewage disposal system other than that which is most readily available for the drainage of the premises; provided that the applicant shall be responsible for any extension of the drainage installation to the connecting sewer designated by Council and for obtaining at his or her cost, the necessary written approval for servitude's over other premises as may be necessary.

- (5) An owner shall pay the prescribed connection charge.
- (6) Where an owner is required to provide a sewage lift as provided for in terms of some By-Laws the rate and time of discharge into the sewer shall be subject to the approval of Council.

Provisions of One Connecting Sewer for Several Consumers on Same Premises

21. (1) Notwithstanding these provisions only one connecting sewer to the sewage disposal system may be provided for the disposal of sewage from any premises, irrespective of the number of accommodation units of consumers located on such premises.
- (2) Where the owner, or occupier in charge or management of any piece of land on which several accommodation units are situated, requires the disposal of sewage from such premises for the purpose of disposal from the different accommodation units, Council may, in its discretion, provide and install either –
- (a) a single connecting sewer in respect of the premises as a whole or any number of such accommodation units; or
 - (b) a separate connecting sewer for each accommodation unit or any number thereof or groupings thereof.
- (3) Where Council has installed a single connecting sewer as contemplated in Section 21(2)(a), the owner or occupier in charge or management of the premises, as the case may be, –
- (a) must if the Council so requires, install and maintain on each drainage installation extending from the connecting sewer to the different accommodation units a separate connecting sewer; and an isolating valve; and
 - (b) shall be liable to Council or its authorized agent for the tariffs and charges for all sewage disposed from the premises through such a single connecting sewer, irrespective of the different quantities disposed by the different consumers served by such connecting sewer.
- (4) Notwithstanding Section 21(1), Council may authorize that more than one connecting sewer be provided on the sewage disposal system for the disposal of sewage from any premises comprising sectional title units or if, in the opinion of Council, undue hardship or inconvenience would be caused to any consumer on such premises by the provision of only one connecting sewer.
- (5) Where the provision of more than one connecting sewer is authorized by Council in terms of Section 21(4), the tariffs determined by Council for the provision of a connecting sewer is payable in respect of each connecting sewer so provided.

Interconnection between Premises

22. An owner of piece of land shall ensure that no interconnection exists between the drainage installation on his or her piece of land and the drainage installation on other pieces of land, unless he or she has obtained the prior written consent from the Council and complies with any conditions that it may have imposed.

CHAPTER 4

GENERAL PROVISIONS RELATING TO DRAINAGE INSTALLATIONS

Standard Specifications and Codes of Practice Applicable

23. For the purpose of these By-Laws, the relevant SABS standards and codes shall be applicable, but Council may also approve the use of any other specification and codes where in its opinion it is appropriate to do so, and it shall in considering any application for such approval be guided by accepted practice and international specifications and Codes of Practice.

Provision of Drainage Installation

24. Notwithstanding any other stipulations in these By-Laws, every owner or occupier shall, at his / her own expense, provide, install, lay down and maintain his own drainage installation to the conditions.

Information and drawings

25. (1) In respect of every new drainage installation, or changes to an existing drainage installation necessitated by any alteration or extension of an existing building, the owner or occupier of such piece of land shall submit for approval to Council, in the format determined by Council, the information and drawings thereof, provided that the information relating to a drainage installation to be installed on any premises may be indicated on the same drawing as the water installation.
- (2) A complete set of approved drawings of the drainage installation shall be kept available at the piece of land at all times.
- (3) Where any installation work has been done in contravention of Section 25(1), Council may, by written notice, require from the owner or occupier of the piece of land to comply within a specified period with the provisions of that sub-section, in which event:
- (a) work in progress shall cease until the approval required by that sub-section have been granted;
- (b) sections of work that does not comply with the National Building Regulations and Building Standards Act (Act 103 of 1977) shall be removed from the premises.
- (4) An application as required in terms of Section 15 shall be accompanied by one or more sets of drawings as the Council may require, each set comprising a block plan of the premises and plans, elevations and sections indicating clearly the nature and extent of the proposed work.

Payment of Application Fees for Drawings

26. Tariffs regarding the approval of drawings as prescribed in the National Building Regulations and Council shall determine Building Standards Act (Act 103 of 1977).

General Requirements for Design and Construction of Drainage Installation

27. (1) where any drainage installation is required in terms of these regulations the Council may permit or require the design and construction of a drainage installation, subject to the requirements contained in the National Building Regulations and Building Standards Act (Act 103 of 1977).
- (2) Any drainage installation or service pipe shall be designed and constructed in such a way that:
- (a) only pipes and fittings be specified and installed that will be able to withstand
- (i) the erosion which may be caused by the sewage conveyed in the installation; and
- Any corrosive conditions, which may be related to soil conditions on the premises;

- (b) the installation be functional to the users of the building;
 - (c) all components and materials used on the installation are watertight;
 - (d) the installation will not cause any danger to the health of the users of the building;
 - (e) that all pipes and fittings are able to withstand loads and forces which it may normally be subjected to and where necessary is properly protected against damage;
 - (f) should a leak or a pipe burst occur, it would not jeopardise the structural safety of the building.
- (3) No person shall connect to a drainage installation a fitting or apparatus, which causes or is likely to cause damage to the sewage disposal system.

Design of a Proposed Sewer Installation

28. (1) The Council may require that a professional engineer or other approved competent person designs a proposed sewer installation in cases where the Council is of the opinion that a detail design is necessary due to the complexity of the installation.
- (2) Any designer of a drainage installation shall take the necessary care in the detail design that the sewer installation shall fully comply with the requirements as set out in National Building Regulations and Building Standards Act (Act 103 of 1977).

Materials, Pipes, Fittings and Components

29. (1) only SABS approved materials, fittings and components shall be used in any drainage installation, unless written approval has been obtained from Council.
- (2) Notwithstanding anything to the contrary in these By-Laws or any relevant SABS standards and codes, Council may determine that only pipes, joints and fittings of specified materials shall be used.

Control over Work on Drainage Installation

30. (1) Subject to Section 30(2) of the By-Laws, the installation of a drainage installation shall be carried out according to drawings approved in terms of section 25 and detail specification for the installation; and
- (2) Every person carrying out or exercising control over the installation of any drainage installation shall ensure that it shall not be shallower than 300 mm.

Cleaning, Inspection and Testing of Drainage Installation

31. (1) every drainage installation shall be properly cleaned inspected and tested in accordance with this Section.
- (2) Every drainage installation subject to the process stipulated in this section, on completion shall -
- (a) be properly cleaned to remove any foreign matter;
 - (b) be inspected by the official authorized by Council;
 - (c) be tested under pressure
- (3) At least 2 (Two) working days' notice shall be given to Council for the purpose of any inspection to be carried out in terms of Section 31(2)(b) of these By-Laws.
- (4) After the completion of a drainage installation or any part thereof, but before it is connected to a conservancy tank, a septic tank, the sewage disposal system or an existing approved installation, any one or more or all of the following tests shall in the presence of an official authorized by Council, be applied and

withstood to the satisfaction of Council:

- (a) The interior of every pipe or series of pipes between two points of access shall be inspected throughout its length by means of a mirror and a source of light; during the inspection, a full circle of light shall appear to the observer, and the pipe or series of pipes shall be seen to be unobstructed;
- (b) A smooth ball having a diameter 12mm less than the nominal diameter of the pipe shall, when inserted at the higher end of the pipe, roll down without assistance or interruption to the lower end;
- (c) All openings of the pipe or series of pipes to be tested having been plugged or sealed and all traps associated therewith filled with water, air shall be pumped into the said pipe or pipes until a manometric pressure of 38mm of water is indicated, after which without further pumping the said pressure shall remain greater than 25mm of water for a period of, at least, 3 (Three) minutes.
- (5) The aforesaid tests shall be carried out by an official authorized by Council and the apparatus thereof shall be supplied at no expense to Council.
- (6) Where Council has reason to believe that any drainage installation or any part thereof has become defective, it may require the owner or occupier thereof to conduct, at no expense to Council, any or all of the tests prescribed in this Section and if the installation fails to withstand any such tests to the satisfaction of Council, Council may call upon the owner or occupier to carry out at his /her own expense, and within such period as it may stipulate, such repairs as may be necessary to enable the installation to withstand any or all of the said tests.

Covering of Drainage Installation

32. When any drainage installation is being or has been installed or any alteration or extension of any existing drainage installation is being or has been carried out, no person shall cover any part of such installation, alteration or extension or cause, permit or suffer it to be covered until it has been inspected and approved by Council.

CHAPTER 5

INDUSTRIAL EFFLUENT AND OTHER DISCHARGES

Sewage or other Prohibited Discharges not to Enter Storm-water Drains

33. (1) No owner or occupier or any other person shall discharge, cause, or permit to be discharged any sewage directly or indirectly into a storm-water drain, river, stream or other watercourse, whether natural or artificial.
- (2) The owner or occupier of any piece of land on which steam or any liquid, other than potable water, is stored, processed or generated shall provide all facilities necessary to prevent any discharge, leakage or escape of such liquid to any street, storm-water drain or water course except where, the Council has specifically permitted such discharge in writing.
- (3) Where the hosing down, discharge from a container or possible flushing by rainwater of an open area on any premises is in the opinion of Council likely to cause the discharge of objectionable matter into any street gutter, storm-water drain, river, stream or other watercourse, whether natural or artificial, or to cause and contribute towards the pollution of any such watercourse, Council may, by notice in writing, instruct the owner of the premises to execute at his own cost whatever measures it may consider necessary to prevent or minimise such discharge or pollution.
- (4) If a person fails to adequately comply with the notice in terms of Section 33(3) of these By-Laws, or fails to comply within the specified time, then Council may take the measures it considers necessary to remedy the situation at the cost of the owner.
- (5) Any person who keeps, conveys or handles any substances that may, in the opinion of Council, directly have a negative impact on any storm water drainage system and the environment shall

take adequate precautions to prevent such occurrences.

In addition to any other tariff which may be payable in terms of these By-Law or any other National law, an inspection fee shall be levied at the discretion of Council if anything other than storm- water or objectionable matter is discharged from the premises.

The inspection fee referred to in Section 33(6) is payable, jointly and severally, by the owner, occupier or person in control of or using the premises, or the person having control of the said operation.

Permission to Discharge Industrial Effluents

- 34.** (1) No person shall discharge, cause, or permit to be discharged into any sewage disposal system any industrial effluent or other liquid or substance other than sewage without obtaining a written permission from Council first.
- (2) Every person shall, before discharging any industrial effluent into a sewage disposal system, make application in writing to Council for permission to do so as set out in the relevant tariff determined by Council and shall thereafter furnish such additional information and submit such samples as Council may require.
- (3) Council may at its discretion, having regard to the capacity of any sewage disposal system or any mechanical appliance used for sewage or any sewage treatment plant, whether or not vested in Council and subject to such conditions as it may deem fit to impose, including the payment of any tariff, grant permission for the discharge of industrial effluent from any premises into any sewer.
- (4) A person to whom permission has been granted in terms of sub-section 34(2), to discharge industrial effluent into a sewer, shall before doing or causing or permitting to be done anything to result in any change in the quantity or discharge or nature of that effluent, notify Council in writing of the date on which it is proposed that the change shall take place and of the nature of the proposed change. Council shall grant permission before the proposed changes may be implemented.
- (5) Any person who discharges or causes or permits to be discharged any industrial effluent into the sewage disposal system without having first obtained written permission to do so in terms of Section 34(1) referred to above, shall be guilty of an offence and liable, in terms of the determined tariff, to such tariff as Council may assess for the conveyance and treatment of the effluent so discharged and for any damage caused as a result of such unauthorised discharge.
- (6) Without prejudice to its rights in terms of Section 34(5) or of section 37, Council shall be entitled to recover from any person who discharges to a drain or sewer any industrial effluent or any substance which is prohibited or restricted in terms of section 37 of these By-Laws all costs, expenses or charges incurred or to be incurred by Council as a result of any or all of the following:
- (a) Injury to persons, damage to the sewer or any sewage treatment works or mechanical appliance or to any property whatsoever, as the result of the breakdown, either partial or complete, of any sewage treatment plant or mechanical appliance, whether under the control of Council or not; or
 - (b) any costs including fines and damages which may be imposed or awarded against Council and any expense incurred by Council as a result of a prosecution in terms of the National Water Act, 1998 (Act 36 of 1998), as amended, or any action against it consequent on any partial or complete breakdown of any sewage treatment plant or mechanical appliance caused directly or indirectly by the said discharge;
 - (c) any liabilities incurred by Council as a result of a prosecution in terms of any other National Act.
- (7) Due to any change in circumstances arising from a change in the method of sewage treatment or

the introduction of new or revised or stricter or other standards by Council or in terms of the National Water Act, 1998 (Act 36 of 1998), as amended and or other National Acts or as a result of any other reason, Council may from time to time or at any time review, amend, modify or revoke any permission given or any conditions attached to such permission and/or impose new conditions for the acceptance of any industrial effluent into the sewage disposal system or prohibit the discharge of any or all of such effluent to the sewage disposal system on giving adequate written notice in advance of its intention to do so, and on the expiration of such period of notice the previous permission or conditions, as the case may be, shall be regarded as having fallen away and the new or amended conditions, if any, as the case may be, shall forthwith apply.

Control of Industrial Effluent

35. (1) (a) The owner or occupier of any premises from which industrial effluent is discharged to a sewage disposal system shall provide adequate facilities such as overflow level detection devices, standby equipment, overflow catch-pits or other appropriate means effectively to prevent the accidental discharge into any sewage disposal system, whether through the negligence of operators, power failure, failure of equipment or control gear, overloading of facilities, spillage during loading or unloading or for any other like reason, of any substance prohibited or restricted or having properties outside the limits imposed in terms of these By-Laws.
- (b) The owner or occupier of any premises from which industrial effluent is discharged to a sewer shall within 24 hours inform Council of the accidental discharge into any sewage disposal system or storm water system.
- (2) Council may, by notice served on the owner or occupier of any premises from which industrial effluent is discharged, require him / her without prejudice to any other provision of these By-Laws to do all or any of the following:
- (a) To subject the effluent before it is discharged to the sewer, to such pre-treatment as will ensure that the effluent will at all times conform in all respects with the requirements of Section 37(1), or to modify the effluent cycle of the industrial process to an extent and in such a manner as in the opinion of Council is necessary to enable any sewage treatment works receiving the said effluent, whether under the control of Council or not, to produce treated effluent complying with any standards which may be laid down in respect of such works in terms of the National Water Act, 1998 (Act 36 of 1998), as amended;
- (b) to restrict the discharge of effluents to certain specified hours and the rate of discharge to a specified maximum and to install at his / her own expense such tanks, appliances and other equipment as in the opinion of the Council may be necessary or adequate for compliance with the said restrictions;
- (c) to install a separate drainage installation for the conveyance of industrial effluent and to discharge the same into a sewage disposal system through a separate connecting sewer as directed by Council and to refrain from discharging the said effluent through any drainage installation intended or used for the conveyance of domestic sewage or from discharging any domestic sewage through the said separate installation for industrial effluent;
- (d) to construct at his / her own expense in any drainage installation conveying industrial effluent to the sewer one or more inspection, sampling or metering chambers of such dimensions and materials and in such positions as the Council may prescribe;
- (e) to pay in respect of the industrial effluent discharged from the premises such charge (s) as assessed in terms of the tariff structure;
- (f) to provide all such information as may be required by Council to assess the charges payable in terms of the tariff.
- (3) (a) If any person in contravention of any provision of these By-Laws discharges industrial effluent into a sewage disposal system, or causes or permits it to be so discharged or is

about to do so, Council may, if Council is of the opinion that such effluent is likely to cause damage to any sewage disposal system, mechanical appliance or sewage treatment works, forthwith after notifying the owner or occupier of the premises concerned of the Council's intention to do so, close and seal off the connecting sewer conveying such effluent to the sewage disposal system for such period as Council may deem expedient so as to prevent such effluent from entering the sewage disposal system.

- (b) Council shall not be liable for any damage occasioned by any action taken in terms of Section 35(3)(a).
- (c) No person shall, without the written permission of Council, open or break the seal of a closed drainage installation in terms of Section 35 (3)(a) or cause or permit this to be done.

Metering and Assessment of Industrial Effluent

36. (1) Council may require, from the owner or occupier to install in such position as Council shall determine in any drainage installation conveying industrial effluent to the sewage disposal system, any meter or gauge or other device for the purpose of ascertaining the volume or composition of the said effluent (Flow meter, Samplers or any Scientific quality meter), and it shall be an offence for any person to by-pass, open, break into or otherwise interfere with or to damage any such meter, gauge or other device, provided that Council may at its discretion enter into an agreement with any owner or occupier discharging industrial effluent into the sewer, or establish an alternative method of assessing the quantity of effluent so discharged.
- (2) If not compliant to section 36(1) referred to above, Council shall be entitled to install and maintain any such meter, gauge or device as aforesaid at the expense of the owner of the premises on which it is installed.
- (3) The owner or occupier of any premises on which there is situated any borehole used as a water supply for trade or industrial purposes shall -
- (a) register such borehole with Council;
 - (b) provide Council with full particulars of the discharge capacity of the borehole; and
 - (c) if Council has reason to doubt the reliability of the particulars given, carry out at the expense of the owner such tests on the discharge capacity of the borehole as may, in the opinion of Council, be necessary for the purpose of these By-Laws;
 - (d) for the purpose of Section 35(2)(f) of these By-Laws, to provide and maintain at his own expense a meter measuring the total quantity of waters drawn from any borehole, spring or other natural source of water and used on the property for this purpose.

Prohibited Discharges

37. (1) No person shall discharge or cause or permit the discharge into any sewage disposal system of any sewage, industrial effluent or other liquid or substance -
- (a) which in the opinion of Council may be offensive to or may cause a nuisance to the public;
 - (b) which is in the form of steam or vapor or has a temperature exceeding 44° C at the point where it enters the sewer;
 - (c) which contains any substance of whatsoever nature likely to produce or give off explosive, flammable, poisonous, corrosive or offensive gases or vapours in any sewer;
 - (d) which contains any substance having an open flashpoint of less than 93° C or which gives off a poisonous vapor at a temperature below 93° C;
 - (e) which contains any material of whatsoever nature, including oil, grease, fat or detergents

capable of causing an obstruction to the flow in sewers or drains or interference with the proper operation of a water treatment works;

- (f) which shows any visible signs of tar or associated products or distillates, bitumen or asphalt;
 - (g) which contains any substance in such concentration as is likely in the final treated effluent from any sewage treatment works to produce an undesirable taste after chlorinating or an undesirable odour or colour, or excessive foam;
 - (h) which contains any substance specified in the said relevant tariffs in concentration greater than those referred to in Section 37(1)(h) above, provided that Council may approve or limit such smaller or greater limits or concentrations in respect of any such substance for such period or on such conditions as it may specify on consideration of the effect of dilution in the sewer and of the effect of such substance on the sewer or any sewage treatment process if Council is satisfied that in the circumstances the discharge of such substance would not-
 - (i) harm or damage any sewer, mechanical appliance, sewage treatment works or equipment; or
 - (ii) prejudice the use of sewage effluent for re-use; or
 - (iii) adversely affect any waters, into which treated sewage effluent is discharged, or any land or crops irrigated with the sewage effluent;
- (2) The relevant non-compliance charge as specified in the tariff structure is applicable to all the specified limits as set out in the tariff which contains any substance of whatsoever nature which in the opinion of Council -
- (i) is not amenable to purification or treatment at the sewage treatment works, or which causes or may cause a breakdown or inhibition of the normal sewage treatment processes; or
 - (ii) is of such nature as is or may be amenable to purification or treatment only to such degree as to prevent the final treated effluent from the sewage treatment works from satisfactorily complying in all respects with any requirements imposed in terms of the National Water Act, 1998(Act 36 of 1998), as amended; or
 - (iii) whether listed in the relevant Appendix to the tariff structure or not, either alone or in combination with other matter may generate or constitute a toxic substance dangerous to the health of persons employed at the sewage treatment works or entering Council's sewage disposal system or manholes in the course of their duties.
- (3)
- (a) Any owner or occupier receiving from Council a written order instructing him or her to stop the discharge to the sewer of any substance referred to in Section 37(1), shall forthwith stop such discharge.
 - (b) Any owner or occupier who contravenes the provisions of Section 37(1) of these By-Laws, or who fails to comply with an order issued in terms of Section 37(2) (a), shall be liable to pay an inspection fee as prescribed in the tariffs.
 - (c) Notwithstanding the provisions of Section 37(3)(b), should any person comply with the provision of Section 37(2)(a) if such discharge is likely in the opinion of Council to seriously prejudice the efficient operation of any sewage treatment works, Council may, after further written notice, refuse to permit the discharge of any industrial effluent into the sewage disposal system until such time as the industrial effluent complies in all respects with Council's requirements as prescribed in terms of these By-laws, in which event the discharge shall forthwith be stopped by the owner or occupier responsible for the

discharge or by Council in the event of his or her failure to do so.

Withdrawal of Written Permission for Disposal of Industrial Effluent

38. (1) Council or its authorized official may withdraw any permission, after giving, at least, 14 (Fourteen) days written notice if its intention to a person permitted to discharge industrial effluent into the sewage disposal system:
- (a) fails to ensure that the industrial effluent discharged conforms to the industrial effluent standards prescribed in these By-Laws or the written permission by Council;
 - (b) fails or refuses to comply with any notice lawfully served on him or her in terms of these By-Laws or contravenes any provisions of these By-Laws or any condition imposed in terms of any permission granted to him or her; or
 - (c) fails to pay the assessed charges in respect of any industrial effluent discharged.
- (2) Council or its authorized official may on withdrawal of any written permission –
- (a) in addition to any steps prescribed in these By-Laws, on giving 14 (Fourteen) days written notice authorize the closing or sealing of the connecting sewer of the said piece of land to any sewage disposal system for such tariff determined by Council; and
 - (b) refuse to accept any industrial effluent until it is satisfied that adequate steps to ensure that the industrial effluent to be discharged conforms to the standards prescribed in these By-Laws.

CHAPTER 6

GENERAL PROVISIONS

Storm-water not to Enter Sewers

39. (1) No part of a drainage installation shall at any time be such or capable of being rendered such that water from any source, not being sewage, can enter the installation without the intervention of human action.
- (2) No person shall discharge or cause or permit to be discharged any substance other than sewage into a drainage installation.
- (3) No pipe, channel or other device used for or capable of being used to conduct rainwater from any roof or other surface shall be permitted to discharge into any drainage installation.

Discharges from Swimming Pools

40. (1) No person shall discharge or permit the discharge of water from any swimming pool directly or indirectly over any road or into a gutter, storm-water drain, watercourse, open ground or private premises other than the premises of the owner of such swimming pool.
- (2) Water from swimming pools situated on a private piece of land may be discharged to a drainage installation during off peak periods.
- (3) Water from fountains and reservoirs can only be discharged if arrangements have been made with Council during off peak periods.

Stables and Similar Premises

41. (1) Subject to the provisions of Section 41(2) of these By-Laws, Council may at its discretion permit stables, cowsheds, dairies, kennels and similar piece of land or other piece of land for the accommodation of animals to be connected to a drainage installation.

- (2) The floor of any piece of land connected to a drainage installation in terms of Section 41(1) referred to above, shall be paved with approved impervious materials and graded to a silt trap, grease trap or gully of adequate capacity.
- (3) Every part of the floor of structures mentioned in Section 41(1) above, shall be covered by a roof and otherwise effectively protected to prevent the entry of rain or storm-water into the drainage installation.

Sewage Delivered by Road Haulage

42. (1) Acceptance of Sewage Delivered by Road Haulage:

The Council may, at its discretion, and subject to such conditions as it may specify, accept sewage for disposal delivered to the Council's water treatment plants or approved position indicated by Council.

- (2) Written Permission for Delivery of Sewage by Road Haulage:
 - (a) No person shall discharge sewage into the Council's water care plants or approved position by the Council by road haulage except with the written permission of Council and subject to such period and any conditions that may be imposed in terms of the written permission and
 - (b) The charges for any sewage delivered for disposal to Council's water care plants or approved position by the Engineer, shall be assessed by Council in accordance with the prescribed tariffs or charges.

Conditions for Delivery of Sewage by Road Haulage:

- (3) When sewage is delivered by road haulage –
 - (i) the time and place of delivery shall be arranged with Council; and
 - (ii) the nature and composition of the sewage shall be established to the satisfaction of Council prior to the discharge thereof and no person shall deliver sewage that does not comply with the standards laid down in terms of these By-Laws.

Withdrawal of Permission for Delivery of Sewage by Road Haulage:

- (4) Council may withdraw any permission, after giving, at least, 14 (Fourteen) days written notice of its intention to a person permitted to discharge sewage by road haul if the person –
 - (i) fails to ensure that the sewage so delivered conforms to the standards set in the written permission by Council; or
 - (ii) fails or refuses to comply with any notice lawfully served on him in terms of these By-Laws or contravenes any provisions of these By-Laws or any condition imposed on him in terms of any permission granted to him.

Waste Food or other Disposal Units

- 43. (1)** Council may, in its discretion, and subject to the payment of the charges prescribed in the tariff to these By-Laws permit the discharge from a waste food disposal unit to enter a drainage installation.
- (2) Waste-food disposal units shall be of approved type and the installation and connections thereof shall comply with these By-Laws as if it were a waste-water fitting.
- (3) No owner or occupier shall incorporate into a drainage installation a mechanical waste food or other disposal unit or garbage grinder unless –

- (a) the owner or occupier of the premises has registered such unit or garbage grinder with Council and Council is satisfied that the working of the Council's sewerage and sewage treatment system shall not thereby be impaired; and
- (b) such unit or garbage grinder is of an approved type and has been installed in conformity with Council.
- (4) The Council may require the owner or occupier of any premises on which a waste food or other disposal unit or a garbage grinder has been installed, or the owner of such unit or grinder either to remove, repair or replace any unit which, in the opinion of the Council, is functioning inefficiently or which may impair the working of the Council's sewage disposal system.
- (5) The owner shall, upon the removal of any such unit or grinder, notify the Council within 14 days of its removal.

Disposal of Sludge, Compost and Manure

- 44. (1) Except when prohibited by any competent authority, Council may sell or dispose of sewage sludge, compost or animal manure resulting from the operation of any sewage treatment works operated by Council or farm associated therewith on such conditions regarding the loading and conveyance thereof, the place to which it is conveyed and the manner in which it is to be used, applied or processed as the Council may impose.
- (2) Save in the case of long term contracts entered into for the purpose of removal thereof, such sludge, compost or manure shall be sold or disposed of at the tariff as determined by Council.

Private Treatment Plants

- 45. No person shall construct, fix, maintain or operate any septic tank, French drain, conserving tank or other plant for the treatment, disposal or storage of sewage without the written consent of the Council.

Offences and Penalties

- 46. (1) Without prejudice to any provision of these By-Laws wherein an offence is expressly specified, owner, occupier or any other person who contravenes or fails to comply with any provision of these By-Laws or who shall be in default in complying therewith, shall be guilty of an offence and shall be liable, on first conviction, to a fine not exceeding the determined amount or, in default of payment, to imprisonment for a period not exceeding 3 (Three) months, and on any subsequent conviction to a fine not exceeding the determined amount in terms of the tariff or, in default of payment, to imprisonment as aforesaid.
- (2) Any person who fails to comply in any respect with any notice served on him by Council directing him to do or not to do anything, shall be guilty of an offence and shall in addition be guilty of a further offence for every day or part of a day during which non-compliance continues and s/he shall be liable in respect of each offence as aforesaid to a fine not exceeding the determined amount or, in default of payment, to imprisonment for a period not exceeding 6 (Six) months.
- (3) Infringement of By-Laws, any owner or occupier having or using upon his / her premises, and any person providing, installing, laying down or connecting, or permitting or causing to be provided, installed, laid down or connected upon any premises any service or part thereof which fails to comply with the requirements of these By-Laws shall be guilty of an offence under these By-Laws.

Scope of By-laws

- 47. (1) These By-Laws shall apply to every drainage installation, and in particular to the design and construction of such an installation in any new building or existing building, to any installation required by Council to be constructed and to alterations or additions to an existing drainage installation whether or not required by Council to be made in terms of these By-Laws.

- (2) Every drainage installation shall both during its construction and on its completion be subject to such inspection; approval, tests and control as Council shall deem fit or require.

Right of Appeal

48. (1) Any person aggrieved by any decision given or act done by any official in terms of these By-Laws in connection with a drainage installation or any work connected therewith, shall have the right to appeal to the committee of Council appointed to supervise the administration of these By-Laws or if there is no such committee to the Council itself.
- (2) Notice of intention to appeal in terms of Section 48(1) referred to above shall be given to Council within 7 (Seven) days of the decision or act complained of and shall be followed within a further fourteen days by a full statement of the appellant's case in writing to be furnished by the appellant to the Council.

Notices

49. (1) every notice, order or other document issued or served by Council in terms of these By-Laws shall be valid if signed by an official of Council duly authorized thereto.
- (2) Any notice, order or other document served in terms of these By-laws on any person shall be so served by delivering it, or a true copy thereof, to the person to whom it is addressed personally or at his / her last known residential address or place of business or by posting it in which case it shall be deemed to have been served 5 (Five) days after it was posted.
- (3) Every notice, order or other document issued or served in terms of these By-Laws shall specify the premises to which it relates, but may refer to the person for whom it is intended as "the owner" or "the occupier" if his or her name is not known.

Tariffs

50. Sewage tariffs determined from time to time, by Council in terms of the relevant legislation.

Tariffs calculation Formula

$$T_c = Q_c \left[a \left(\frac{COD_c - COD_d}{COD_d} \right) + b \left(\frac{P_c - P_d}{P_d} \right) + c \left(\frac{N_c - N_d}{N_d} \right) \right]$$

T_c = Extraordinary treatment cost to consumer

Q_c = waste water volume discharged by consumer in kl

T = Unit treatment cost of waste water In R/Kl

COD_c = Total COD of waste water discharge by consumer in milligrams/liter and includes the biodegradable and non-biodegradable portion

COD_d = Total COD of domestic waste water in milligram/liter

P_c = Ortho-phosphate concentration of waste water discharged by consumer in milligram of phosphorus/liter

P_d = Ortho-phosphate concentration of waste water discharged by consumer in milligram of phosphorus/liter

N_c = Ammonia concentration of waste water discharged by consumer in milligram of nitrogen/liter

N_d = Ammonia concentration of domestic waste water in milligram of nitrogen/liter

The following are applicable:

$$T = R \cdot 0.94 / k_l$$

$$COD_d = 700 \text{ mg/l}$$

$$P_d = 8 \text{ mg/l}$$

$$N_d = 31 \text{ mg/l}$$

Non-compliance with by-law limit

Where the pollution loading (equal) of wastewater discharge into the sewerage system exceeds the limits of allowable load as prescribed in the Sanitation By-Law, the following formula will be applicable:

$$T_c = Q/D \cdot N \text{ (CAIP - BLL / WPL) } t_{nc}$$

TC = Charge for no-compliance with by-laws

Q = Monthly volume of Industrial effluent

D = Working days in the month

N = Number exceeding

CAIP = Average concentration of individual parameter which exceeds the limit

Appendix A

Limits of concentration of certain substances (i)

Parameter	Allowed specification
Permanganate value (PV) not exceeding	1 400 ml/l
pH within range of	6,0 - 10,0
Electrical conductivity not greater than	300 mS/m at 20 °C
Caustic alkalinity (expressed as CaCO ₃)	2 000 mg/l
Substance not in solution (including fat, oil, grease, waxes and like substances)	2 000 mg/l
Substances soluble in petroleum ether	500 mg/l
Sulphides, hydrosulphides and polysulphides (expressed as S)	50 mg/l
Substances from which hydrogen cyanide can be liberated in the drainage installation,	20 mg /l

sewer or sewage treatment works (expressed as HCN)	
Formaldehyde (expressed as HCHO)	50 mg/ℓ
Non-organic solids in suspension	100 mg/ℓ
Chemical oxygen demand (COD)	5 000 mg/ℓ
All sugars and/or starch (expressed as glucose)	1 500 mg /ℓ
Available chlorine (expressed as Cl)	100 mg /ℓ
Sulphates (expressed as SO ₄) 1 800 mg/t	1 800 mg/ℓ
Fluorine - containing compounds (expressed as F)	5 mg/ℓ
Anionic surface active agents	500 mg/ℓ

(ii) Metals

Group 1.

Metal	Expressed as
Manganese	Mn
Chromium	Cr
Copper	Cu
Nickel	Ni
Zinc	Zn
Iron	Fe
Silver	Ag
Cobalt	Co
Tungsten	W

Titanium	Ti
Cadmium	Cd

The total collective concentration of all metals in Group 1 (expressed as indicated above) in any sample of effluent may not exceed 50 mg/t, nor may the concentration of any individual metal in any sample exceed 20 mg /ℓ.

Group 2:

Metal	Expressed as
Lead	Pb
Selenium	Se
Mercury	Hg

The total collective concentration of all metals in Group 2 (expressed as indicated above) in any sample of effluent may not exceed 10 mg /ℓ, nor may the concentration of any individual metal in any sample exceed 5 mg /ℓ.

(iii) Other elements

Element	Expressed as
Arsenic	As
Boron	B

The total collective concentration of all elements (expressed as indicated above) in any sample of effluent may not exceed 20 mg /C.

(iv) Radioactive Waste

Radioactive waste or isotopes: Such concentration as may be laid down by the South African Nuclear Energy Corporation or any State department.

Notwithstanding the requirements set out in this Appendix, the Municipality reserves the right to limit the total mass of any substance or impurity discharged per 24 hours into the sewers from any premises.

NOTE: The method of testing in order to ascertain the concentration of any substance referred to her shall be the test normally used by the Municipality for these purposes. Any person discharging any substance referred to in this Appendix shall obtain the details of the appropriate test from the Municipality.

APPENDIX B

Appendix B - Form of application for permission to discharge industrial effluent into the municipality's sewer.

(Please complete the application in block capitals.)

I, _____ (name), the undersigned, duly authorized to sign on behalf of

("the applicant"), hereby apply in terms of the Sanitation By-laws of the Municipality for permission to discharge industrial effluent into the Municipality's sewer on the basis of the facts stated herein.

PART I

1. NATURE OF THE BUSINESS OR UNDERTAKING:

2. NAME OR STYLE UNDER WHICH THE BUSINESS OR UNDERTAKING IS CONDUCTED:

3. POSTAL ADDRESS OF THE BUSINESS OR UNDERTAKING:

4. PHYSICAL STREET ADDRESS OF THE BUSINESS OR UNDERTAKING:

ERF NO OR FARM PORTION: TOWNSHIP OR FARM:

5. IF THE BUSINESS OR UNDERTAKING IS CONDUCTED BY A COMPANY OR CLOSED CORPORATION, STATE THE NAME OF THE SECRETARY AND, IF IT IS A PARTNERSHIP, STATE THE NAMES OF THE PARTNERS:

6. IS THIS A NEW OR ESTABLISHED BUSINESS OR UNDERTAKING:

7. DESCRIPTION OF INDUSTRIAL OR TRADE PROCESS BY WHICH THE EFFLUENT WILL BE PRODUCED:

8. INFORMATION RELATING TO EMPLOYEES:

	Office	Factory
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(1) Total number of daily employees (not included in (4))		
(2) Number of shifts worked per day		
(3) Number of days worked per week		
(4) Number of persons resident on the premises		
(5) Is a canteen provided? (Yes/No)		

PART II

FACTS RELATING TO THE CONSUMPTION OF WATER

1. TOTAL NUMBER OF LITRES OF WATER CONSUMED IN SIX MONTHS:

	Meter No	Meter No	Meter No	Total
Water purchased from the Municipality				
Water from a borehole or other source				
Water entering with raw materials				
Section of plant served by meter				
TOTAL A				

2. WATER CONSUMPTION

(1) Industrial

kl/month

- (i) Quantity of water in product
- (ii) Quantity of water lost by evaporation
- (iii) Quantity of water used as boiler make-up

(iv) Quantity of water for other uses (cooling, gardens, etc)

TOTAL B

(2) Domestic use

kℓ/month

(i) Total number of employees (Allow 1 kℓ per person per month)

(ii) Total number of employees permanently resident on the premises, eg in hostels (Allow 3 kℓ per person per month)

TOTAL C

3. EFFLUENT DISCHARGED INTO SEWER

(1) Metered volume (if known)

kℓ/month

(2) Estimated unmetered volume (see below*)

kℓ/month

(3) Estimated rate of discharge

(4) Period of maximum discharge (eg 07:00 to 08:00)

* If no effluent meter is installed on the premises, the estimated volume of unmetered effluent discharged into the sewer is calculated as follows:

A - (B + C) =

kℓ/month

PART III

INFORMATION REGARDING NATURE OF INDUSTRIAL EFFLUENT

Information required concerning the chemical and physical characteristics of the effluent to be discharged:

(1) Maximum temperature of effluent (°C)	
(2) pH value (pH)	
(3) Nature and amount of settleable solids	
(4) Organic content (expressed as chemical oxygen demand)	
(5) Maximum total daily discharge (kℓ)	
(6) Maximum rate of discharge (kℓ/hr)	
(7) Periods of maximum discharge (eg 07:00 to 08:00)	
(8) If any of the substances specified in the table below or their salts are formed on the premises, place a cross in the space in which the substance is written	

and, if possible, state the average concentration of this substance that is likely to be present in any effluent.

ELEMENTS	COMPOUNDS	OTHER SUBSTANCES
Arsenic mg/ℓ	Ammonium mg/ℓ	Grease and/or oil alga
Boron mg /ℓ	Nitrate mg /ℓ	Starch and/or sugars /ℓ mg
Cadmium mg /ℓ	Sulphate mg /ℓ	Synthetic detergents /ℓ mg
Chromium mg /ℓ	Sulphide mg /ℓ	Tar and/or tar oils /ℓ mg
Cobalt mg /ℓ	Other (Specify) mg /ℓ	Volatile solvents /ℓ mg
Copper mg /ℓ	Other (Specify) mg /ℓ	
Cyanide mg /ℓ		
Iron mg /ℓ		
Lead mg /ℓ		
Manganese mg /ℓ		
Mercury mg /ℓ		
Nickel mg /ℓ		
Selenium mg /ℓ		

Titanium mg /ℓ		
Tungsten mg /ℓ		
Zinc mg /ℓ	alga	
Other mg /ℓ	(Specify)	

(9) Furnish any further information about the kind or character, the chemical composition, concentration or other properties peculiar to the industrial effluent on a separate sheet and attach it to this form.

PART IV

CONDITIONS FOR THE ACCEPTANCE OF INDUSTRIAL EFFLUENT

This application will only be granted on the applicants undertaking that the applicant will abide by, observe and comply with the following terms and conditions, and any further special conditions that the Engineer may think fit to impose in any particular case:

1. The applicant must annex to these form descriptions of and a statement setting out the dimensions of the grease and oil traps, screens, dilution and neutralizing tanks and any other provision made by the applicant for the treatment of the effluent before it is discharged into the sewer.
2. The applicant must submit to the Municipality, if requested to do so, plans showing the reticulation systems on the applicant's premises for water and industrial effluent.
3. The applicant must, in addition to complying with the provisions of the Municipality's Sanitation By-laws as they relate to the protection of the Municipality's employees, sewers and treatment plants from damage, comply with any direction concerned with such protection that is given to the applicant by the Engineer, whether verbally or in writing, for the purpose of ensuring the applicant's compliance with the by-laws.
4. The applicant must notify the Municipality of any material change in the nature or quantity of the industrial effluent specified in this application or in any of the facts furnished by the applicant in the application. The applicant must notify the Municipality as soon as possible after the applicant becomes aware of the material change, or at least 14 days before anything is done to cause the material change.
5. The applicant must, within 30 days from the date of signature of this application, obtain an accurately representative sample of not less than 5 litres of the industrial effluent which is to be discharged into the sewer, which sample must be free of domestic sewage. The applicant must submit one half of the sample to the Municipality for analysis and must also submit to the Engineer a report on the sample compiled by an analyst

appointed by the applicant. In the case of a newly established business or undertaking, the 30-day period may be extended by the Municipality for a period not exceeding six months or for further extended periods that the Municipality may, at its discretion, permit from time to time in writing.

6. The applicant hereby declares and guarantees that the information furnished by the applicant in this form, or otherwise in connection with this application, is, to the best of the applicant's knowledge and belief, in all respects correct.

7. The applicant agrees that the said information, being in all respects correct, forms the basis on which this application will be granted by the Municipality.

Thus done and signed at _____ by the applicant on this _____ day of 20____.

Signature of the applicant: _____

Capacity of the applicant: _____

APPENDIX C

Appendix C - Industrial effluent discharge formula

1. The additional industrial effluent charge for the disposal of high-strength sewage into waste- water treatment plants shall be determined in accordance with the following formula:

$$T_c = Qct (\text{COD} - \text{COD}_d + a \text{COD}_d + b \text{PdPd}) + c(\text{P} - \text{Nc} - \text{Nd})$$

Where T_c = extraordinary treatment cost to consumer

Q = waste-water volume discharged by consumer in kilolitres

t = unit treatment cost of waste water in rand per kilolitre

COD = total chemical oxygen demand (COD) of waste water discharged by consumer in milligrams per litre and is inclusive of both the biodegradable and non-biodegradable portion of the COD

COD_d = total COD of domestic waste water in milligrams per litre

P_c = orthophosphate concentration of waste water discharged by consumer in milligrams of phosphorus per litre

Pd = orthophosphate concentration of domestic waste water in milligrams of phosphorus per litre

Nc = ammonia concentration of waste water discharged by consumer in milligrams of nitrogen per litre

Nd = ammonia concentration of domestic waste water in milligrams of nitrogen per litre

A = portion of the costs directly related to COD

B = portion of the costs directly related to the removal of phosphates

c = portion of the costs directly related to the removal of nitrates

Different terms	Value
t	R0,82/kℓ
CODd	600 mg /ℓ
Pd	10 mg/ℓ
Nd	25 mg /ℓ
a	0,6
b	0,25
c	0,15

Penalty charges

2. Penalties for the exceeding of the prescribed limits shall be determined by the Municipality from time to time in accordance with the Water Act and the applicable regulations.

APPENDIX D

Appendix D - Effluent quality released from a package plant.

(5) The quality of any effluent or waste water released from a Package Plant should be prescribed to the following requirements and the necessary analyses has to be done twice monthly on a composite sample taken over a 24h period.

Parameter	Required Standard
pH	5.5 - 7.5

Faecal Coliforms	None
Dissolved Oxygen	75 % saturated
Chemical Oxygen Demand mg/l	30
Permanganate Value mg/l	5
Conductivity mS/m	15% above intake
Suspended Solids mg/l	10
Residual chlorine mg/l	Nil
Free & saline ammonia mg/l	1.0
Nitrates mg/l	1.5
Soluble ortho- phosphate mg/l	1.0