

**NEWCASTLE MUNICIPALITY**  
**REVIEW AND AMENDMENT OF THE WATER SERVICES BY-LAWS**



**NEWCASTLE MUNICIPALITY**  
**WATER SERVICES BY-LAW**

# **NEWCASTLE MUNICIPALITY**

## **REVIEW AND AMENDMENT OF THE WATER SERVICES BY-LAWS**

The Municipal Manager hereby publishes, in terms of section 13 of the Local Government : Municipal Systems Act, 2000 (Act No. 32 of 2000), read with section 162 of the Constitution of the Republic of South Africa Act (Act No. 108 of 1996), the Water Services By-law.

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### **CHAPTER 1**

#### **DEFINITIONS AND INTERPRETATION**

##### **1. Definitions**

- (1) In this By-law, unless the context otherwise indicates –

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- "abattoir"** means a slaughter facility in respect of which a registration certificate has been issued in terms of the Meat Safety Act (Act No. 40 of 2000);
- "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;
- "account"** means an account rendered for municipal services provided, and **"municipal account"** shall have a corresponding meaning;
- "Act"** means the Water Services Act (Act No. 108 of 1997), as amended from time to time;
- "adequate"** when used to describe a standard or manner in which anything required by this By-law must be done, means the standard or manner that, in the reasonable opinion of the Municipality or an authorised officer, is sufficient to safeguard health and safety, to apply the principles and to achieve the purposes of this By-law, and **"adequately"** shall have a corresponding meaning;
- "agreement"** means the contractual relationship between the Municipality and a consumer, whether written or deemed as provided for in the Municipality's credit control and debt collection policy;
- "agricultural holding"** has the meaning as defined in the applicable Town Planning Scheme;
- "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 other device, and the overflow level thereof;
- "analyst"** means an authorised officer holding the requisite qualification in terms of the Act, or other approved and competent person working under his or her direction;
- "approved"** means approved by the Municipality or an authorised officer in writing;
- "area of supply"** means any area within or partly within the area of jurisdiction of the Municipality to which water services are provided;
- "authorised agent"** (a) any person authorised by the Municipality to perform any act, function or duty, or to exercise any power in terms of this By-law;



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(b) any person to whom the Municipality has delegated the performance of certain rights, duties and obligations in respect of providing water supply services; or

(c) any person appointed by the Municipality in terms of a written contract on its behalf, to the extent authorised in such contract;

**“authorisation committee”** means a body authorised to compile the schedule of approved pipes and fittings;

**“authorised officer”** means an employee of the Municipality who is duly authorised by the Municipality to perform an act or exercise a power for the implementation of this Bylaw;

**“average consumption”** means the average consumption by a consumer of a municipal service during a specific period, which consumption is calculated by dividing by three (3) the total measured consumption of that municipal service by that client over the preceding three (3) months;

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

**“back siphonage”** means the backflow of water resulting from negative pressures in a water installation or in a water supply system;

**“best practicable environment option”** means the option that provides the most benefit or causes the least damage to the environment as a whole, at a cost acceptable to society, in the long term and short term;

**“biodegradable industrial sewage”** means sewage that contains predominantly organic waste arising from industrial activities and premises, including –

- (a) milk processing;
- (b) manufacture of fruit and vegetable products;
- (c) sugar mills;
- (d) manufacture and bottling of soft drinks;
- (e) water bottling;
- (f) production of alcohol and alcoholic beverages in breweries, wineries or malt houses;

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- (g) manufacture of animal feed from plant or animal products;
- (h) manufacture of gelatine and glue from hides, skins and bones;
- (i) abattoirs;
- (j) fish processing; and
- (k) feedlots;

|                                 |   |
|---------------------------------|---|
| <b>“Building Regulations”</b>   | means the National Building Regulations made in terms of the National Building Regulations and Building Standards Act (Act No. 103 of 1977);  |
| <b>"borehole"</b>               | means a hole sunk into the earth for the purpose of locating, abstracting or using subterranean water and includes a spring;  |
| <b>"capacity"</b>               | in relation to a storage tank, means the volume of the tank between the normal operating water level and the invert of the outlet of the tank;  |
| <b>"carcass"</b>                | means the remains of any animal or poultry, and includes the remains of domestic pets;  |
| <b>“charges”</b>                | means the rate, levy, charge, tariff, flat-rate or subsidy determined by the Municipality;  |
| <b>“chemical toilet”</b>        | means a lavatory with a fixed pan, from which human excreta passes into a tank where it is adequately decomposed by chemical action to permit subsequent removal and disposal at a designated municipal sewage treatment works; |
| <b>“cleaning eye”</b>           | means any access opening to the interior of a discharge pipe or trap within a drainage installation provided for the purpose of internal cleaning thereof;  |
| <b>"combined installation"</b>  | means a water installation used for fire-fighting and domestic, commercial or industrial purposes;  |
| <b>“combined private drain"</b> | means a private conduit for conveying sewage from two or more private immovable premises to a municipal sewer, septic tank or conservancy tank;   |

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- "commercial activity"** means those activities identified in the Standard Industrial Classification of all Economic Activities (5<sup>th</sup> Ed), published by the Central Statistical Services, 1993, as amended and supplemented, under the following categories –
- (a) wholesale and retail trade;
  - (b) transport, storage and communication;
  - (c) business services;
  - (d) community, social and personal services;
  - (e) personal and other services;
- “commercial client”** means any consumer, other than domestic consumer and indigent consumer, but including, without limitation, agriculture, business, industrial, government and institutional consumers;
- "commercial effluent"** means effluent emanating from an enterprise having a commercial purpose, where the effluent is neither industrial effluent nor standard domestic effluent;
- “communal water services work”** means a consumer connection through which water services are supplied to more than one consumer;
- "communicable disease"** means a disease resulting from an infection due to pathogenic agents or toxins generated by the infection, following the direct or indirect transmission of the agents from the source of the host;
- "complex industrial sewage"** means sewage arising from industrial activities and premises that contains –
- (a) a complex mixture of substances that are difficult or impractical to chemically characterise and quantify; or
  - (b) one or more substances for which a limit has not been specified, and which may be harmful or potentially harmful to human health or to a water resource;
- “connection”** 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 such premises, or

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within a servitude area or within an area covered by a wayleave or by agreement;

- "connection pipe"** means a pipe, the ownership of which is vested in the Municipality, and which is installed by it for the purpose of conveying water from a main to a water installation or any other pipe described in the relevant SANS specification;
- "conservancy tank"** means a covered, water-proof tank used for the reception and temporary retention of sewage or wastewater and which requires emptying at intervals; **"construction"** means the Construction Regulations promulgated in **regulations** terms of the Occupational Health and Safety Act (Act No. 85 of 1993);
- "consumer"** means –
- (a) the owner of any premises to which, or on which, the Municipality has agreed to provide or is actually providing water services; or
  - (b) any person who obtains access to water services that are provided through a communal water services work;
- "Criminal Procedure Act"** means the Criminal Procedure Act (Act No. 51 of 1977), as amended from time to time;
- "day"** means a calendar day;
- "developer"** means any person, whether natural or juristic, and includes, but is not limited to, a local government body, a company or close corporation incorporated under any law, a body of persons, whether incorporated or not, a statutory body, public utility body, voluntary association or trust, that develops or undertakes to develop new or additional housing, housing estates, commercial or industrial estates, commercial or industrial buildings or buildings of any other sort;
- "development"** means the erection or construction of any new or additional housing, housing estates, commercial or industrial estates, commercial or industrial buildings or buildings of any other sort;
- "district municipality"** means the Amathole District Municipality as described in Section 155 (1) of the Constitution as a category C Municipality;
- "domestic purposes"** in relation to the supply of water, means water supplied for drinking, ablution, gardening, general property use and culinary

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purposes, to premises used predominantly for residential purposes;

- “domestic sewage”** means sewage consisting of soil water or wastewater discharged from a waste fixture or a combination of both;
- "drain"** means that portion of the drainage installation that conveys sewage within any premises;
- "drainage installation"** means any installation vested in the owner of premises and which is situated on such premises and is used for, or intended to be used for, the reception, storage or treatment or conveyance of sewage, or other form of wastewater on such premises to the connection and may include a drain, a fitting, an appliance, ventilating pipe, septic tank, conservancy tank, sewage treatment works, or mechanical appliance associated therewith;
- "drainage work"** means 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, including a kitchen or scullery, designed for occupation by a single family, irrespective of whether the dwelling unit is a single building or forms part of a building containing two (2) or more dwelling units;
- "ECA"** means the Environmental Conservation Act (Act No. 73 of 1989), as amended from time to time;
- "EIA"** means an environmental impact assessment as contemplated in NEMA or the ECA;
- "effluent"** means any liquid, whether or not containing matter in solution or suspension, which is discharged from any premises directly or indirectly into any drainage work;
- “Engineer”** means the officer for the time being holding the office of the Director of Engineering Services or such other officer as may be appointed or authorised to take charge of the water services function of the Municipality;
- “emergency”** means any situation that poses a risk or potential risk to life, health, the environment or property or a major disruption to service delivery;

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- “environmental cost”** means the full cost of all measures necessary to restore the environment to its condition prior to the occurrence of a damaging incident;
- “estimated consumption”** means the deemed consumption by a consumer whose consumption is not measured during a specific period, which estimated consumption is determined by taking into account at least the consumption of water supply services for a specific level of service during a specific period in the area of supply of the Municipality;
- "evaporation pond"** means a dam designed to collect and dispose of wastewater through evaporation, from which any concentrated waste or sludge must be removed and disposed of according to the requirements of any relevant laws and regulations;
- "fire hydrant"** means a water installation that conveys water for firefighting purposes only, and **"fire installation"** shall have a corresponding meaning;
- "fixed quantity water delivery system"** means a water installation which delivers a fixed quantity of water to a consumer in any single day;
- “fixed charge”** means the fixed cost associated with providing water services in a continuous, effective and efficient manner;
- “flood level (1 in 50)”** means that level reached by flood waters of a frequency of one in fifty years;
- "French drain"** means a trench filled with suitable approved material which is used for the disposal of acceptable liquid effluent from a septic tank or for the disposal of grey water;
- "general installation"** means a water installation which conveys water for a combination of domestic, commercial and industrial purposes;
- "GNR 509"** means the regulations relating to compulsory national standards and measures to conserve water, published on 8 June 2001 in terms of sections 9 (1) and 73 (1) (f) of the Act;
- “header tank”** means a storage tank, constructed in accordance with municipal specifications, and installed improve water pressure on any premises to which water services are or will be provided;
- "health nuisance"** means a situation, or state of affairs, which in the reasonable opinion of the Municipality, endangers life or health, or has the

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potential to adversely affect the well-being of a person or community;

**"high strength sewage"**

means sewage with a strength or quality greater than the standard domestic sewage;

**"industrial effluent limit value"**

means the mass expressed in terms of the concentration or level of a substance which may not be exceeded at any time, provided that-

- (a) the industrial effluent limit value shall be determined at the last point where the discharge of industrial or trade effluent enters into the municipal sewerage system at the connection point; and
- (b) where the discharge of industrial effluent does not directly enter the sewerage system, the industrial effluent limit value shall be determined at the last point where the industrial or trade effluent is given off;

**"industrial or trade effluent"**

means any liquid, whether or not containing matter in solution or suspension, which is given off in the course of, or as a result of any business, trade, industrial, manufacturing, mining or chemical process or any laboratory research or agricultural activity, including the associated cleansing of premises, equipment or vehicles, but excluding standard domestic sewage, provided that a reference to one effluent shall include a reference to the other;

**"inspection chamber"**

means a chamber providing access to the sewerage system for purposes of inspection, measurement or maintenance, and situated within the boundary of any premises or as may be specified by the municipality;

**"installation work"**

means work in respect of the construction of, or carried out on a water installation;

**"irrigation"**

means the application of approved effluent or grey water for the purpose of watering sports fields, golf courses, market gardens, nurseries and private gardens, food lots, crop production, pasture and turf cultivation;

**"main"**

means a pipe, other than a connection pipe, the ownership of which vests in the Municipality and which is used by it for the purpose of conveying water to a consumer;

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|                               |   |
|-------------------------------|---|
| <b>"manhole"</b>              | means any access chamber providing access to the interior of the sewerage system for the purposes of inspection, measurement or maintenance;  |
| <b>"measuring device"</b>     | means any method, procedure, process or device, apparatus, or installation that enables the quantity of water services provided to be quantified and includes a method, procedure or process whereby water quantity is estimated or assumed;  |
| <b>"MEC"</b>                  | means the Member of the Executive Council responsible for local government in the Province of the KwaZulu Natal;  |
| <b>"meter"</b>                | means a water meter as defined by the regulations published in terms of the Trade Metrology Act (Act No. 77 of 1973) or, in the case of water meters of a size greater than 100mm in diameter, a measuring device which measures the quantity of water passing through it;  |
| <b>"mid-block sewer"</b>      | means a sewer that serves more than one premises, is situated on private property, and is the property of or is vested in the Municipality;   |
| <b>"Minister"</b>             | means the National Minister responsible for water affairs;  |
| <b>"monitoring programme"</b> | means a programme for taking regular measurements of the quantity or quality of a water resource, waste, wastewater or effluent discharge at regular intervals and at specific locations to determine the chemical, physical, and biological nature of the water resource, waste, wastewater or effluent discharge; |
| <b>"Municipality"</b>         | the Newcastle Municipality, a Category C Municipality established in terms of Section 12 of the Local Government: Municipal Structures Act No. 117 of 1998  |
| <b>"municipal council"</b>    | means the municipal council of the Newcastle Municipality;  |
| <b>"municipal services"</b>   | means, for purposes of this By-law, services provided by the Municipality, including, <i>inter alia</i> , refuse removal, water supply, sanitation, electricity services;   |
| <b>"municipal sewer"</b>      | means a conduit which is the property of, or is vested in, the Municipality and which may be used or is intended for the conveyance of sewage from the connection of premises, but does not include a drain as defined, and "sewer" has a corresponding meaning;  |



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- "Municipal Systems Act"** means the Local Government: Municipal Systems Act (Act No. 32 of 2000), as amended from time to time;
- "National Water Act"** means the National Water Act (Act No. 36 of 1998), as amended from time to time;
- "NEMA"** means the National Environmental Management Act (Act No. 107 of 1998), as amended from time to time;
- "nuisance"** means any condition, thing, act or omission which is offensive or injurious or which tends to prejudice the safety, good order, peace or health of one or more of the residents in any particular locality within the area of jurisdiction of the Municipality, or the rights, or reasonable comfort, convenience, or peace and quiet of the occupants of any part of such area;
- "occupier"** includes any person occupying land or premises without regard to the title under which he or she occupies and, in the case of premises sub-divided and let to lodgers or various tenants, shall include the person receiving the rent payable by the lodgers or tenants whether for his, her or its own account or as an agent for any person entitled thereto or interested therein;
- "on-site disposal"** means the disposal of wastewater on individual properties not permanently connected to the sewerage system, by way of septic tank, conservancy tank, ventilated pit-latrine, urine-diversion and desiccating systems, double-vault VIP, package sewage treatment plant, or other approved systems;
- "operating water level"** means the level of water reached in a storage tank when the valve controlling the inflow of water to the tank closes under normal operating conditions;
- "organic waste"** means waste of a non-anthropogenic origin that is readily biodegradable in the environment and does not contain any substances that may accumulate in the environment;
- "owner"** means –
- (a) the person in whom, from time to time, is vested the legal title to premises;
  - (b) in a case where the person in whom the legal title to premises is vested is insolvent or dead, or is under any form of legal disability whatsoever, the person in whom the administration and control of such premises is vested as curator, trustee,

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executor, administrator, judicial manager, judicial manager, liquidator or other legal representative;

(c) in any case where the Municipality is unable to determine the identity of such person, a person who is entitled to the benefit of the use of such premises or a building or buildings thereon;

(d) in the case of premises for which a lease agreement of thirty (30) years or longer has been entered into, the lessee thereof;

(e) in relation to –

(i) a piece of land delineated on a sectional plan registered in terms of the Sectional Titles Act (Act No. 95 of 1986), the developer or the body corporate in respect of the common property, or

(ii) a section as defined in the Sectional Titles Act (Act No. 95 of 1986), the person in whose name such section is registered under a sectional title deed and includes the lawfully appointed agent of such a person;

**"permit"** means the written permission granted by the Municipality in terms of this By-law;

**"person"** means any natural person, local government body or like authority, a company incorporated under any law, or any close corporation duly established under any law, a body of persons whether incorporated or not, a statutory body, public utility body, voluntary association or trust;

**"person in charge"** means the registered owner of the premises to which water services are provided;

**"pit-latrine"** means a ventilated improved pit-latrine, encompassing a sealed pit or water-tight tank of minimum volume of 1,3 cubic metres, complete with approved closet, seat or cover combination, rodent and fly or insect guards and a transferable and acceptable top structure;

**"pollution"** means the introduction of any substance into –

(b) the water resource;

(c) the water supply system;

(d) a water installation;

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- (e) a drainage installation;
- (f) the sewerage system and
- (g) public water and land or private land,

that may directly or indirectly impair the physical, chemical or biological properties of the water found therein so as to make it less fit for any beneficial purpose for which it is or may reasonably be expected to be used, or which renders it harmful or potentially harmful to the welfare, health or safety of persons and aquatic and non-aquatic organisms, and which includes the discharge of sewage or effluent, wastewater or grey water which is harmful or potentially harmful to the environment;

### **“premises”**

means any piece of land, the external surface boundaries of which are delineated on –

(a) a general plan or diagram registered in terms of the Land Survey Act (Act No. 9 of 1927), or in terms of the Deeds Registries Act (Act No. 47 of 1937);

(b) sectional plan registered in terms of the Sectional Titles Act (Act No. 95 of 1986);

(c) a register held by a tribal authority or in accordance with a sworn affidavit made by a tribal authority; or

(d) any other land not mentioned above upon which is erected or placed, above or below ground, any structure whether temporary or permanent for habitation or other uses and includes any vehicle, aircraft, boat, vessel or like;

### **"prepayment meter"**

means a meter that can be programmed to limit the flow of water into a water installation to the amount which has been previously purchased;

### **"prepayment measuring"**

means a meter and ancillary devices, approved by the Municipality, designed to measure and allocate to a consumer the quantity of water pre-purchased by him or her;

### **“prescribed tariff or charge”**

means a tariff or charge prescribed by the Municipality;

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- “primary treatment”** means the treatment of sewage by a physical process, which may include maceration, screening and grit removal and sedimentation;
- “professional engineer”** means a person registered as a professional engineer in terms of the Engineering Profession Act (Act No. 46 of 2000);
- “public notice”** means publication in appropriate media that may include one (1) or more of the following –
- (a) publication of a notice, in the official languages determined by the Municipality –
    - (i) in any local newspaper or newspapers circulating in the area of jurisdiction of the Municipality;
    - (ii) in the newspaper or newspapers circulating in the area of jurisdiction of the Municipality determined by the Municipality as a newspaper of record; or
    - (iii) by means of radio broadcasts covering the area of supply of the Municipality; or
  - (b) displaying a notice at appropriate offices and paypoints of the Municipality; or
  - (c) communication with consumers through public meetings and ward committee meetings;
- "public place"** means any road, street, thoroughfare bridge, overhead bridge or walkway, subway, pedestrian footway, footpath, footpath sidewalk, lane, square, open space, garden park, path, bus or taxi-rank, servitude or enclosed space, vested in the Municipality, and includes any road place or thoroughfare which is in the undisturbed use of the public or to which the public has the right of use;
- "public water"** means any river, watercourse, bay, estuary, the sea and any other water to which the public has the right of use or to which the public has the right of access;
- “qualified plumber”** means a person who has passed the plumbing trade test prescribed by the Department of Labour, or other authorised body, and received a certificate therefore;
- “rainwater tank”** means any tank or approved container, including an underground cistern, intended for the collection and storage of rainwater

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gathered from the run-off from the roof or walls of any building or structure;

**“registered contractor”** means a person who is registered with the relevant professional body for the construction industry, and who is approved by the Municipality to carry out construction work for the purposes of this By-law;

**“registered person”** means a person who is registered with the relevant professional body for his or her profession or trade, and who is approved by the Municipality to carry out work for the purposes of this By-law;

**"registered plumber"** means a person registered with the South African Qualification and Certification Committee (SAQCC) for the water supply industry, and who is approved by the Municipality to carry out plumbing work for the purposes of this By-law;

**“sampler”** means a person who takes samples for analysis from the sewerage system, storm water system, water resources, streams, rivers estuaries and the sea or any other locality where pollution may occur; and who has been trained or is certified as qualified to do so by the Municipality;

**“sanitary fixture”** means a receptacle to which water is permanently supplied and from which wastewater or soil water is discharged;

**“sanitation services”** means the collection, removal, disposal or purification of domestic sewage, high strength sewage, industrial or trade effluent, soil water, standard domestic effluent, or wastewater;

**“SANS”** means the South African National Standards;

**"SAQCC"** for the water means, the South African Qualification Certification Committee;

**"schedule of approved pipes and fittings"** means the list of approved pipes and fittings compiled by the Municipality;

**“secondary treatment”** means the treatment of sewage by a biological process through solar energy, bacteria, algae and a variety of aquatic biota, to remove organic matter;

**“septic tank”** means a watertight tank designed to receive standard domestic effluent and to effect the adequate decomposition of organic matter in the sewage by bacterial action;

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- "service pipe"** means a pipe which is part of a water installation and which connects with the connection pipe;
- "service stopcock premises"** means any tap controlling the supply of water to any premises;
- "sewage"** means wastewater, soil water, trade or industrial effluent and other liquid waste, either separately or in combination but does not include storm water;
- "sewage macerator"** means any mechanically operated device which grinds suspended matter in industrial effluent, and flushes it into the municipal sewerage system.
- "sewage pond system"** means a pond or system of ponds designed to receive sewage and to provide primary and secondary treatment to a standard, and to permit discharge in compliance with statutory permit conditions;
- "sewage treatment works"** means all works necessary for the treatment and disposal or reclamation of sewage, effluent or any by-product resulting from the treatment of sewage including, screens, tanks, filters, pumps, machinery, buildings, land and other works and equipment, but excluding sewers and drains;
- "sewer"** means a conduit for the conveyance of sewage;
- "sewerage system"** means the entire system of municipal sewers, pumping stations, sewage treatment and disposal plants, oxidation ponds, maturation ponds, irrigation areas, or other areas or plant and associated machinery and equipment used in the conveyance, treatment and disposal or reclamation of sewage, effluent or any by-products resulting from the treatment of sewage, within the jurisdiction of the Municipality;
- "shared consumption"** means the consumption of a municipal service during a specific period, which consumption is calculated by dividing the total estimated, metered or measured consumption of that municipal service within the supply zone within which a consumer's premises is situated by the total number of consumers within that supply zone, during the same period;
- "soil pipe"** means a discharge pipe that conveys soil water;
- "soil water"** means the discharge of water from flush toilets, urinals and urinettes;

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- "sports grounds"** means swimming pools, other than pools on residential or hotel premises, and premises which are used for sporting and recreational purposes by non-profit making organisations, and where the club has obtained registration by the Municipality as an accepted sports body;
- “standard domestic effluent”** means domestic effluent with prescribed strength characteristics in respect of chemical oxygen demand, total nitrogen, total phosphates and settleable solids as being appropriate to a sewage discharge from domestic premises within the jurisdiction of the Municipality, but does not include industrial effluent;
- "standpipe"** means a pipe through which water is supplied to more than one consumer;
- “stopcock”** means, when described as a mains stopcock, an isolating valve situated outside any premises and inside a meter box for the purposes of isolating the mains feed to the meter, and, when described as an isolating stopcock, means an isolating valve situated inside any premises, or as may be specified by the Municipality, for the purposes of isolating the mains feed from the meter to the internal reticulation system;
- "storage tank"** means a tank forming part of a water installation and used for the storage of water, other than a cistern serving a flush toilet or a urinal and a tank used for the storage of hot water;
- “storm water”** means water resulting from natural precipitation or accumulation and includes rainwater, surface water, subsoil water and springs;
- “storm water drain”** means any drain used or intended to be used exclusively for conveying rainwater, storm water, subsoil water or spring water from premises, and situated on such premises, except where same may pass under or over a road so as to discharge into a street gutter or channel;
- “storm water sewer”** means a pipe, conduit or channel, owned by or vested in the Municipality which is used for the conveyance of storm water;
- “sullage”** means non-industrial wastewater, generated from domestic processes such as dish washing, laundry or bathing, or sediment deposited from flowing water, and **"grey water"** shall have a corresponding meaning;
- "supply industry"** means that constituted in terms of the South African Qualifications Authority Act (Act No. 58 of 1995);

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- "terminal water fitting"** means a water fitting at an outlet of a water installation which controls the discharge of water from such water installation;
- "trap"** means a pipe fitting or portion of a sanitary appliance designed to retain a water seal in position which serves as a barrier against the emission of foul air or gas;
- "unauthorised services"** means receipt, use or consumption of any water services which is not in terms of an agreement, or authorised or approved by the Municipality;
- "wastewater"** means discharges of a non-excremental nature from baths, lavatory basins, sinks and showers but excluding storm water and industrial effluent.
- "water fitting"** means a component of a water installation, other than a pipe, through which water is passed, or in which water is stored;
- "water installation"** means the pipes, pumps and water fittings which are situated on any premises and vested in the owner thereof and used or intended to be used in connection with the use of water on such premises, and includes a pipe and water fitting situated outside the boundary of the premises, which either connects to the connection pipe relating to such premises or is otherwise laid with the permission of the Municipality;
- "water scheme"** means water scheme established, or in the course of being established, within the area of jurisdiction of the Municipality for the purposes of providing water supply services;
- "water services"** means water supply services and sanitation services, and includes for purposes of this By-law, water for industrial purposes and the disposal of industrial effluent;
- "Water Services Act"** means the Water Services Act (Act No. 108 of 1997), as amended from time to time;
- "water services authority"** means the Municipality, in its capacity as the entity responsible for ensuring access to water services;
- "water services intermediary"** means any person who is obliged to provide water and sanitation services to another in terms of a contract where the obligation to provide water and sanitation services is incidental to the main object of that contract;



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|                                  |   |
|----------------------------------|---|
| <b>“water services provider”</b> | <p>means-</p> <p>(a) an entity established or appointed by the Municipality as its authorised agent to operate and maintain a water scheme in accordance with this By-law and the Act; or</p> <p>(b) the Municipality where it has not appointed an agent to act as a water services provider on its behalf and fulfills this duty itself;</p>  |
| <b>“water services work “</b>    | <p>has the same meaning assigned to it in terms of the Act and includes, for the purposes of this By-law, sewerage services;</p>  |
| <b>“water supply services”</b>   | <p>has the same meaning assigned to it in terms of the Act and includes, for purposes of this By-law, water for industrial purposes and fire extinguishing services;</p>  |
| <b>“water supply system”</b>     | <p>means the structures, aqueducts, pipes, valves, pumps, meters or other apparatus relating thereto, the ownership of which being vested in the Municipality and which are used or intended to be used by it in connection with the supply of water, and includes any part of the system situated within the jurisdiction of the Municipality;</p>   |
| <b>"working day"</b>             | <p>means a day other than a Saturday, Sunday or public holiday.</p> <p>(2) Any word or expression used in this By-law to which a meaning has been assigned in terms of the Act, will bear that meaning, provided that the meanings assigned in terms of the National Building Regulations and Building Standards Act (Act No. 103 of 1977), and the Building Regulations, will apply to the corresponding words or expressions used in Chapters 5 and 6.</p> <p>(3) If there is any conflict between this By-law and any other By-law of the Municipality, then this By-law shall take precedence with regard to the interpretation of functions and powers pertaining to water services.</p> |

## **CHAPTER 2**

### **APPLICATION, PAYMENT AND TERMINATION**

#### **2. Customer Care and Revenue Management By-law applies**

The provisions of the Municipality’s Customer Care and Revenue Management By-law, read with the relevant provisions of this by By-law, apply to all matters relating and incidental to-

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- (a) the application for and supply of municipal services;
- (b) municipal service agreements;
- (c) the payment and non-payment of municipal accounts; and
- (d) the limitation and termination of water services.

### **CHAPTER 3**

#### **WATER SERVICES PROVIDERS AND WATER SCHEMES**

##### **Part 1: Appointment of water services providers**

#### **3. Performance of functions of water services provider**

- (1) Subject to compliance with the provisions of section 78 of the Municipal Systems Act, No 32 of 2000, the water services authority may elect to perform the function of a water services provider itself or it may enter into a written contract with a water services provider as authorised agent, or form a joint venture with another water services institution to provide water services within its area of jurisdiction.
- (2) When performing the function of a water services provider as authorised agent, a water services authority must manage and account separately for those functions.
- (3) When the water services authority appoints a water services provider as authorised agent to provide water services on its behalf, the said water services provider shall be designated as the authorised agent of the water services authority and shall perform the functions of a water services provider in terms of a contract entered into between the water services authority and the water services provider.
- (4) If, after carrying out an assessment in terms of section 78 of the Municipal Systems Act, No 32 of 2000, it is decided by the water services authority not to act as a water services provider in respect of a specific water scheme, and the said water services authority decides not to appoint a state or parastatal entity as its water services provider, then it may, in respect of any water scheme established or to be established in its area of jurisdiction, by public notice, call for proposals from suitable persons or institutions to seek approval to be the water services provider in respect of such water scheme, as contemplated in terms of sections 19 and 22 of the Act.

#### **4. Proposals submitted by water services provider**

- (1) A copy of the public notice referred to in section 3 (4) shall be delivered by the water services authority to all public sector water services providers within the jurisdiction of the water services.
- (2) The water services authority shall give consideration to a proposal submitted by a public sector water services provider before considering any proposal submitted by a private sector water services provider.

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(3) The water services authority shall, in respect of every water scheme for which it intends to approve a water services provider-

(a) prepare a full and detailed description of the water scheme or scheme which will be operated by the water services provider and which shall require that the water services provider complies with the criteria set in section 11 of the Act, this Bylaw and the water services development plan adopted by the water services authority in terms of section 15 of the Act, which description shall include, but not be limited to-

(i) the name or names of the water scheme or scheme;

(ii) an indication of the nature of the water services to be provided by the water services provider;

(iii) detailed plans or drawings, with co-ordinates, scales, and specifications, depicting the physical installation associated with the water scheme or scheme, including all structures, aqueducts, pipes, valves, pumps, meters or other apparatus relating thereto, and used or intended to be used by it in connection with the provision of water services, as contemplated in the proposal;

(iv) a detailed description, including numbers and locality, of the clients or potential clients that will be supplied with water by the water services provider;

(v) details of the source, the quality and quantity of water that will be supplied to clients or potential clients and what arrangements are in place to ensure that such quality and quantity are consistently maintained;

(vi) a certificate indicating who the legal owner or owners of the water scheme or schemes is or are; and

(vii) certified copies of all documents and deeds reflecting the legal status of the water scheme or schemes, including deeds of servitude where appropriate;

(b) make such information available to all persons or institutions who wish to submit a proposal in response to the public notice published in terms of section 3 (4) of this By-law.

(4) Any proposal submitted in response to the public notice contemplated herein shall include the following-

(a) a certified copy of the identity document of the applicant, or a certified copy of the founding document or constitution of the applicant, if the applicant is a legal person;

(b) a certified resolution adopted by the management body of the applicant, if the applicant is a legal person, resolving to apply for approval as a water services provider;

(c) a certified list of the names and addresses of all persons occupying a leadership or decision-making position in the governance structures of the applicant;

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(d) a detailed statement, supported by adequate proof of authenticity, setting out the applicant's qualifications, capacity to undertake the work associated with the provision of water services in the circumstances reflected in the application, and the experience, skills and financial resources available to it to undertake the provision of water services;

(e) a business plan, setting out how the water scheme or water schemes will be operated and maintained during the period in which the water services provider will undertake the supply of water services as contemplated in the proposal, and what arrangements have been adopted to deal with any emergency, including natural disasters and drought;

(f) a budget, describing the financial administration of the water scheme or water schemes, the source of any capital or revenue requirements, and an indication of the sustainability of the water scheme or water schemes;

(g) details of tariffs and charges that the applicant will levy on all clients and potential clients, the method of calculation for such tariffs and charges, the process whereby increases or decreases in such tariffs and charges will be dealt with, and the extent to which such tariffs and charges comply with the national norm set by the Minister in terms of section 10 of the Act; and

(h) full details of the conditions that will be imposed in terms of section 4 of the Act and full details as required in terms of section 19 (4) of the Act.

### **5. Application for approval**

(1) Any person or institution seeking approval from the water services authority in terms of section 22 (1) of the Act under circumstances other than in response to a public notice, or in the event of the renewal of an existing approval, shall do so in accordance with the provisions of this By-law and at its own expense, provided that-

(a) no application for approval contemplated in terms of section 6 (1) of the Act shall be granted in respect of any water scheme where the clients or potential clients exceed fifty (50) persons or where the population density exceeds one person per hectare; and

(b) any application for approval contemplated in terms of section 30 (2) (d) of the Act shall be made under the provisions of section 22 (1) of the Act.

(2) An application for approval, or the renewal of such approval, shall be made to the water services authority in writing.

(3) Immediately on receipt of an application made in terms of section 22 (1) of the Act, and if the applicant is a private sector water services provider, then the water services authority shall, in terms of section 19 (2) of the Act, notify all public sector water providers within its jurisdiction and-

(a) request such public sector water services providers to indicate to the water service authority, within a period of 30 days from the date of receipt by the public sector water

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provider of notification, whether it is willing and able to perform the functions contained in the application, and if it is, then to provide the water services authority with the documents and particulars referred to in section 4; and

(b) on receipt of such documentation and particulars, the water services authority shall consider such application and decide whether to approve a public sector water services provider or a private sector water services provider in respect of the water scheme concerned.

(4) An application for approval, or an application for the renewal of any approval previously granted by the water services authority, shall be accompanied by the documents or particulars stipulated in section 4 (3) and (4), provided that, in the case of an application for the renewal of an existing approval, the water services authority may, in its discretion, dispense with such documents or particulars as may be necessary to avoid duplication.

### **6. Additional information to make decision**

- (1) The water services authority may call for any additional information or documents reasonably required to enable it to determine whether the applicant or the water scheme will comply with the Act, this Bylaw and the water services development plan of the water services authority, and whether the obligations of the water services authority will be met.
- (2) The water services authority may, prior to making a final decision, meet with the applicant, any person who duly represents the applicant, or any person who is likely to be affected by a decision taken in respect of the application, in order to hear representations made in support of or against the application, and the water services authority shall take such representations into account before arriving at its final decision.

### **7. Procedure on approval**

- (1) In the event of the water services authority granting such approval, it shall-
  - (a) in the case of an application for approval contemplated in terms of section 7(1) of the Act, issue a letter of approval to the applicant containing such conditions as the water services authority may deem appropriate, which conditions shall be binding on the applicant, and which may contain a specific obligation to comply with any provision of the By-law as may be relevant;
  - (b) in the case of an application for approval contemplated in terms of section 22 (1) of the Act-
    - (i) if the applicant is a private sector water services provider, then the water services authority shall disclose, by way of public notice, its intention to approve such application; and

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(ii) enter into a contract with the applicant, as contemplated in section 19 (1) (b) (i) of the Act, provided that, in the case of a private sector water services provider, such contract shall not commence until a period of 30 days has elapsed after the date of publication of the notice contemplated in section 19 (3) of the Act and after the water services authority has taken into account any representations made by any person or institution in response to the said notice; and

(iii) enter into a joint venture agreement with the water services provider, as contemplated in section 19 (1) (b) (ii) of the Act, upon such terms and conditions as may be negotiated by the parties, provided that, in the case of a private sector water services provider, such agreement shall not commence until a period of 30 days has elapsed after the water services authority has received any representations made in response to the said notice.

- (2) For the purposes of this By-law, a notice contemplated in section 19 (3) of the Act must meet the requirements of a public notice, as defined in terms of section 1.
- (3) The water services authority shall designate each water scheme in its area of jurisdiction into one or other category, as described in terms of section 8 of this By-law.

### Part 2: Water scheme categories

#### 8. Water scheme categories

- (1) The categories of water scheme contemplated in Part 1 shall be-
  - (a) “**Category A**” being a range of water schemes from either elementary or rudimentary water schemes, providing water supply services by drawing water from a hand pump or protected spring, or the provision of sanitation services to a rural community, to more advanced water schemes, providing water supply services by way of an abstraction system which is more sophisticated, which has a metered connection to a bulk main and the capacity to supply both communal standpipes and private connection provision, or sanitation services to a rural or semi-urban community;
  - (b) “**Category B**” being a range of water schemes from either water schemes where the abstraction and reticulation provides water to laid out or clearly identified sites, or sanitation services, to small towns, including un-proclaimed towns, to water schemes providing water supply services or sanitation services to a township proclaimed or approved under any law relating to the establishment of townships or water supply services for industrial use, or for the disposal of industrial effluent.
- (2) The water services authority may, from time to time and in appropriate circumstances, change the category to which any water scheme has been allocated.
- (3) A water services authority shall give written notice to the appropriate water services provider of its intention to change the category to which any water scheme is allocated,

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and the change in allocation shall take effect from the date upon which such notice is delivered to the said water services provider.

- (4) The decision of the water services authority to allocate a category to a water scheme shall be final, provided that any person who has an interest in a particular water scheme and who is aggrieved by such allocation on the grounds that he or she is materially prejudiced by such allocation, shall be entitled to appeal to the municipal council of the water services authority against such allocation in accordance with the following provisions-
  - (a) written notification shall be delivered by hand or by pre-paid registered post to the accounting officer for the water services authority;
  - (b) the said notification shall clearly state the grounds upon which the appellant considers that he or she is prejudiced by the allocation;
  - (c) the appeal shall be considered and disposed of by the municipal council, or by a duly delegated committee of the municipal council, within 45 days of receipt of the said notification or within such time period as may be reasonable, provided that no prejudice is caused to the appellant by any such delay; and
  - (d) the decision of the municipal council, or the duly delegated committee, as the case may be, shall be final, but does not preclude the appellant from seeking judicial relief.
- (5) The water services authority may, at its discretion, and in respect of any water scheme falling into "Category A", suspend any provision of this By-law, provided that such suspension shall be of no force or effect in the event that it directly results in a contravention of the Act.
- (6) Any such suspension shall be reviewed by the municipal council on a quarterly basis, taking into consideration the recommendations of the Engineer.

### Part 3: Water services provider categories, reporting and disputes

#### 9. Water services provider categories

- (1) Every approved water services provider shall be designated as a Category 1 or Category 2 provider in accordance with the following criteria-
  - (a) a **Category 1** provider is a person or institution which, in the reasonable opinion of the water services authority, has the capacity, without external assistance, to manage and administer the water scheme, in respect of which approval has been granted in terms of section 22 (1) of the Act, and to maintain and operate the water scheme efficiently and effectively; and
  - (b) a **Category 2** provider is a person or institution which, in the reasonable opinion of the water services authority, does not have the capacity, without external assistance, to manage and administer the water scheme, in respect of which approval has been granted

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in terms of section 22 (1) of the Act, and to maintain and operate the water scheme efficiently and effectively.

- (2) The water services authority may, from time to time and in appropriate circumstances, change the category to which any water services provider has been allocated.
- (3) A water services authority shall give written notice to the appropriate water services provider of its intention to change the category to which any water services provider is allocated, and the change in allocation shall take effect from the date upon which such notice is delivered to the said water services provider.
- (4) The decision of the water services authority to allocate a category to an approved water services provider shall be final, provided that any person who has an interest in a particular water services provider and who is aggrieved by such allocation on the grounds that he or she is materially prejudiced by such allocation, shall be entitled to appeal to the municipal council of the water services authority against such allocation in accordance with the following provisions-
  - (a) written notification shall be delivered by hand or by pre-paid registered post to the accounting officer for the water services authority;
  - (b) the said notification shall clearly state the grounds upon which the appellant considers that he or she is prejudiced by the allocation;
  - (c) the appeal shall be considered and disposed of by the municipal council, or by a duly delegated committee of the municipal council, within 45 days of receipt of the said notification or within such time period as may be reasonable, provided that no prejudice is caused to the appellant by any such delay; and
  - (d) the decision of the municipal council, or the duly delegated committee, as the case may be, shall be final, but does not preclude the appellant from seeking judicial relief.
- (5) The water services authority may, at its discretion, and in respect of any water services provider falling into "Category 1", suspend any provision of this By-law, provided that such suspension shall be of no force or effect in the event that it directly results in a contravention of the Act.
- (6) Any such suspension shall be reviewed by the municipal council on a quarterly basis, taking into consideration the recommendations of the Engineer.
- (7) The water services authority may require a Category 2 water services provider, as a condition of approval in terms of section 22 (1) of the Act, to enter into a contract with a third party who shall, in the reasonable opinion of the water services authority, have the capacity to provide assistance to the water services provider to enable it to comply with the provisions of the Act, this By-law and any contract or joint venture agreement contemplated in section 19 (1) (b) (i) or (ii) of the Act.



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- (8) A certified copy of the contract referred to in sub-section (7), above, shall be lodged with the water services authority and such copy shall at all times reflect the true agreement between the parties to it.
- (9) Any contract concluded in terms of sub-section (7), above, shall be approved by the water services authority and may not be amended without the prior written consent of the water services authority.

### **10. Monthly Report**

- (1) An approved water services provider must submit a monthly report to the water services authority, providing at least the following information-
  - (a) such information as the water services authority may reasonably require in order to enable it to monitor and evaluate the operation of the water scheme concerned and to satisfy itself that the said scheme is being operated in such a manner as to fulfill the requirements of the Act, the applicable water services development plan, this By-law and the contract or joint venture contemplated in section 19 (1) (b) (i) or (ii) of the Act; and
  - (b) such information pertaining to the quality of water as to enable the water services authority to monitor and evaluate the quality of water delivered to the communities within the area of jurisdiction of the water services provider.
- (2) Failure to submit the said report shall constitute a ground upon which the water services authority will be entitled to review the approval granted by it in terms of section 22 (1) of the Act.

### **11. Quarterly report**

- (1) An approved water services provider shall submit a quarterly report to the water services authority, providing the following information-
  - (a) the names and addresses of all clients;
  - (b) the quantity of water consumed by each client;
  - (c) the record of payments made by each client;
  - (d) arrears owing by clients to the approved water services provider and the steps being taken to recover such arrears;
  - (e) arrears written off as irrecoverable and reasons why they are deemed to be irrecoverable; and
  - (f) circumstances where water services are limited or discontinued and the reasons why such services are so limited or discontinued.

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- (2) Failure to submit the said report shall constitute a ground upon which the water services authority will be entitled to review the approval granted by it in terms of section 22 (1) of the Act.

### **12. Disputes**

- (1) Any dispute or conflict arising between the water services authority and an approved water services provider must be resolved by mediation and arbitration, provided that neither party shall be prevented from seeking judicial relief in appropriate circumstances.

## **PART 4 WATER SERVICES INTERMEDIARIES**

### **13. Application for registration**

- (1) A person or institution seeking registration with the Municipality as a water services intermediary, in terms of section 24 of the Act, must do so in accordance with this section and at his or her own expense.
- (2) An application for such registration must be made in writing to the Municipality.
- (3) An application for registration must be accompanied by such documents or information as may be prescribed by the Municipality.

### **14. Additional information to make decision**

- (1) The Municipality may call for any additional documents or information reasonably required to enable it to determine whether-
  - (a) the proposer or applicant, including a public sector provider, or the water scheme in question, will comply with this By-law; and
  - (b) the Municipality will be able to meet the obligations imposed on it by the Act.
- (2) The Municipality may meet with the applicant and any representative of the consumers affected by the water scheme for purposes of making the determination referred to in sub-section (1).

### **15. Approval of application**

- (1) The Municipality may approve or refuse the application, provided that-

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- (a) if it approves the application, then it may make such approval subject to such conditions as it reasonably deems necessary; and
  - (b) if it refuses the application, then it must advise the applicant in writing of the reasons for such refusal.
- (2) In the event of the Municipality granting such approval, it must deliver a written notification thereof to the applicant and in such notice it must-
- (a) draw the applicant's attention to the relevant provisions of this Bylaw; and
  - (b) set out any conditions imposed in terms of sub-section (1) (a).

### **16. Provision of water services**

- (1) A water services intermediary must ensure that water services, including such basic services as determined by the Municipality, are provided to such persons as to whom it is obliged to provide.
- (2) The quality, quantity and sustainability of water services provided by a water services intermediary must meet any minimum standards prescribed in terms of this By-law and must be at least of the same standards as provided by the Municipality to consumers.

### **17. Charges for water services provided**

- (1) A water services intermediary may not charge for water services at a price that does not comply with any norms or standards prescribed in terms of this By-law.
- (2) A water services intermediary must provide subsidised water services, as determined by the Municipality in terms of its credit control and debt collection policy, at a price that is the same or less than the charges at which the Municipality provides such services.

## **CHAPTER 4**

### **PROVISIONS RELATING TO WATER SUPPLY SERVICES**

#### **PART 1: APPLICATION**

### **18. Application for water services**

- (1) No person shall gain access to water services from the water supply system, sewage disposal system or through any other sanitation services unless he or she has applied to

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the Municipality as provided for and prescribed by the Municipality in the credit control and debt collection policy as amended from time to time and provided that such application has been approved by the Municipality.

- (2) An application approved by the Municipality shall constitute an agreement between the applicant and the Municipality and such agreement shall take effect on the date referred to in the agreement.
- (3) Water services rendered to a consumer are subject to this By-law, the Municipality's credit control and debt collection policy and to the conditions contained in the agreement referred to in sub-section (2).
- (4) Where premises or consumers are provided with either a water, sewerage, sewage disposal or sanitation services, it shall be deemed that an agreement in terms of sub-section (2) exists.
- (5) An applicant referred to in sub-section (1) must be informed of the different levels of services available and the tariffs or charges associated with each level of service.
- (6) An applicant must elect the level of services to be provided to him or her or it within the services available in the area for which it is required.
- (7) The applicant shall be deemed to be the consumer for all purposes during the currency of the agreement.
- (8) A consumer may, at any time, apply to alter the level of services selected in terms of the agreement entered into, provided that such services are available, and that any costs and expenditure associated with altering the level of services will be payable by the consumer.
- (9) A consumer shall be liable for all of the prescribed charges, surcharges, levies and penalties in respect of water services rendered until the agreement has been validly terminated in accordance with this By-law and with the Municipality's credit control and debt collection policy.

### **19. Special agreements for water services**

- (1) The Municipality may enter into a special agreement for the provision of water services –
  - (a) with an applicant within its area of jurisdiction, if the services applied for differ from those contained in the prescribed form;
  - (b) with a person, district or local Municipality, outside of its area of jurisdiction, upon approval of the relevant water services authority and on terms and conditions mutually acceptable and agreed to by the parties concerned; or

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(c) with a person, district or local Municipality, within its area of jurisdiction, upon the approval of the respective water services authority and on terms and conditions mutually acceptable to the parties concerned;

(d) to departments of the Municipality when required for purposes of their work;

(e) with a consumer or developer on a building or development site.

- (2) The Municipality may permit an applicant referred to in sub-section (1) (b) to sell such water or services at tariffs mutually agreed to on an annual basis.

### **20. Change in purpose for which water services are used**

- (1) Water services provided by the Municipality shall be used solely for the purpose specified in the agreement.
- (2) Where the purpose for, or extent to which the water services used, is changed from that provided for in the agreement, the consumer must advise the Municipality of such change and thereafter enter into a new agreement with the Municipality.

### **21. Termination of agreement for water services**

- (1) A consumer may terminate an agreement by giving the Municipality not less than five (5) working days' notice in writing of his or her intention to do so.
- (2) The Municipality may, by notice in writing of not less than five (5) working days, advise the consumer of the termination of his or her agreement for the supply of water services, if –
- (a) he or she has not used water services during the preceding six (6) months and has made no satisfactory arrangements for continuation of the service;
  - (b) he or she has failed to comply with the provisions of this Bylaw and has failed to rectify such non-compliance after being served with a notice to do so;
  - (c) the Municipality cannot continue to provide water services; or
  - (d) in terms of an agreement with another Municipality to supply such water services, such other Municipality shall supply the particular consumer on a date specified in that agreement.
- (3) The Municipality may terminate an agreement for the supply of water services without notice if a consumer has vacated the premises to which such agreement applies.

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### **PART 2: TARIFFS AND CHARGES**

#### **22. Prescribed tariffs and charges**

- (1) All tariffs or charges payable in respect of water services rendered by the Municipality or by a Water Service Provider, including, but not limited to, the payment of connection charges, fixed charges or any additional charges or interest in respect of failure to pay such tariffs or charges on the specified date, shall be in accordance with the Municipality's resolution on prescribed tariffs and charges for water services for each water service provision area.
- (2) The Municipality shall, by resolution thereafter, set the prescribed tariffs and charges for water services for each water service provision area which shall be in accordance with –
  - (a) its tariff policy ;
  - (b) its Credit control and debt collection policy;
  - (c) any water services to households provided through communal water services works;
  - (d) any regulations in terms of Section 10 of the Act;
  - (e) this By-law.
- (3) Tariffs and charges under normal circumstances will be reviewed and revised on an annual basis and comply with the provisions of section 10 of the Act, and the relevant regulations promulgated thereunder.
- (4) Applicable charges may differ between different categories of consumers, users of services, types and levels of services, quantities of services, infrastructural requirements and geographic and administrative areas.

#### **23. Availability charges for water services**

- (1) The Municipality may, in addition to the charges determined for water services actually provided and utilized, levy –
  - (a) a monthly fixed charge;
  - (b) an annual fixed charge; or
  - (c) a once-off fixed charge, where water services are available, regardless of whether or not such services are utilized.
- (2) The charges referred to in sub-section (1) may take the following form –

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(a) a charge payable by the owner in respect of premises, which can reasonably be connected to the water supply system but is not so connected, the charge being due from a date determined by the Municipality, until the date of agreement referred to in section 19;

(b) a charge payable by the consumer in respect of each connection pipe or meter provided by the Municipality to serve his or her premises, whether or not water has been consumed by him or her, this charge being due from the date of commencement of the agreement; or

(c) a charge payable by a consumer in respect of a minimum quantity of water, whether or not such quantity of water has actually been supplied to and consumed by the consumer.

### **PART 3: LIMITATION OR DISCONTINUATION OF WATER SERVICES**

#### **24. Limitation or discontinuation**

- (1) The Municipality may limit or discontinue water services provided in terms of this By-law –
  - (a) on failure to pay the prescribed tariffs or charges on the date specified'
  - (b) on failure to comply with any other provisions of this By-law, after due notice has been given;
  - (c) at the written request of a consumer;
  - (d) where the agreement for the provision of services has been terminated in terms of section 21, and it has not received an application for the reconnection of the particular services to the premises within a period of ninety (90) days of such termination;
  - (e) the building on the premises to which services were provided has been demolished;
  - (f) where the consumer has interfered with, tampered or damaged, caused or permitted interference, tampering or damage to the water supply system, the sewerage or sewage disposal system or the pollution control or monitoring systems of the Municipality; or
  - (g) in an emergency.
  
- (2) Any limitation or discontinuation of water services, as contemplated in terms of sub-section (1), shall be effected in accordance with and subject to the provisions of the Municipality's Credit control and debt collection policy.

#### **25. Interruption of supply at consumer's request**

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- (1) The Municipality may, at the written request of a consumer –
  - (a) discontinue the supply of water services to his or her premises; and
  - (b) re-instate the supply on the dates requested by him or her.
- (2) The consumer shall, prior to the re-instatement of his or her water services, pay the prescribed charge for discontinuing his or her supply, and for its reinstatement.

### **26. Restoration of water services**

When a consumer enters into an agreement for the payment of any arrear amount in instalments, after the receipt of a final demand notice or a discontinuation notice from the Municipality, water services shall be restored to the type of service the consumer selected in terms of the initial agreement concluded with the Municipality for the provision of water services, within five (5) working days.

### **27. General water restrictions**

- (1) The Municipality may, for the purposes of water conservation, or where, in its reasonable opinion, drought conditions prevail or are imminent, or to prevent the wasteful use of water, or in the event of a water shortage or flood, by public notice-
  - (a) prohibit or restrict the consumption of water, in the whole or part of its area of jurisdiction, in general or for –
    - (i) specified purposes;
    - (ii) specified hours of the day or on specified days; and
    - (iii) a specified manner or otherwise than in a specified manner;
  - (b) determine and impose –
    - (i) limits on the quantity of water that may be consumed over a specified period;
    - (ii) charges additional to those determined in respect of the supply of water in excess of a limit contemplated in sub-section (1) (b) (i); and
    - (iii) a general surcharge on the determined charges in respect of the supply of water; and
  - (c) impose restrictions or prohibitions on the use, or manner of use, or disposition of an appliance by means of which water is used or consumed, or on the connection of such appliances to the water installation.
- (2) The Municipality may limit the application of the provisions of a public notice contemplated in terms of sub-section (1) to specified areas and categories of consumers,



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premises and activities, and may permit deviations and exceptions from, and the relaxation of, any of the provisions on such grounds as it may deem fit.

- (3) Except in the event of a flood or other disaster necessitating the immediate restriction or prohibition of the consumption of water, a public notice contemplated in terms of sub-section (1) shall set out the date and time when such restrictions shall become effective, being not less than three (3) days after the date of publication of such public notice.
- (4) The Municipality may –
  - (a) take, or by written notice, require a consumer at his or her own expense to take such measures, including the installation of meters and devices for restricting the flow of water, as may in its reasonable opinion be necessary to ensure compliance with a public notice published in terms of sub-section (1);
  - (b) for such period as it may deem fit, cut off or restrict the supply of water to any premises in the event of a contravention of these By-laws on such premises or failure to comply with the terms of a notice published in terms of subsection (1), or issued in terms of sub-section (4) (a), subject to a notice period of seven (7) days; and (c) where the supply has been cut off or limited, it shall only be restored when the prescribed charge for cutting off or limiting and restoring the supply has been paid.
- (5) A consumer shall be presumed to have committed a contravention of, or to have failed to comply with the terms of, a notice published in terms of sub-section (1), unless it is proved that he or she had taken all reasonable steps to prevent such contravention or failure.
- (6) The fact that a consumer, contemplated in terms of sub-section (5), issued instructions to another person shall not of itself be accepted as sufficient proof that he or she took all such reasonable steps.
- (7) The provisions of this section shall also apply in respect of water supplied directly by the Municipality to consumers outside its area of jurisdiction, notwithstanding anything to the contrary in the conditions governing such supply, unless otherwise specified in the notice published in terms of sub-section (1) above.

### **PART 4 : LEVELS OF SERVICE**

#### **28. Levels of service**

- (1) The Municipality may, from time to time, in accordance with National Policy and by public notice, determine the levels of service it is able to provide to consumers.

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- (2) The Municipality must at all times observe the principles of sustainability and affordability in making any determination referred to in sub-section (1).
- (3) The Municipality may, in determining service levels, differentiate between types of consumers, domestic consumers, geographical areas and socio-economic areas.
- (4) Three (3) major levels of service may, subject to sub-section (1), be supplied by the Municipality -

(a) a basic service level, comprising a communal water supply service and on-site local sanitation service, constituting the minimum level of service provided by the Municipality, and including -

- (i) low pressure, communal, metered standpipes or stationary water tank or tanks –
  - (aa) serviced either through a local pipe supply or a water tanker; and
  - (bb) located within reasonable walking distance from any household;
- (ii) a protected spring source of water, reticulated in terms of sub-section (i);
- (iii) a protected borehole source of water, reticulated in terms of sub-section (i);
- (iv) a community hand pump or playground device; or
- (v) an approved on site sanitation system consisting of –
  - (aa) a ventilated improved pit latrine; or
  - (bb) any other approved proprietary system;

(b) an intermediate service level, comprising a low pressure, quantity water supply and on-site sanitation, including -

- (i) a metered standpipe on each premises, connected to an ablution structure capable of being built into a dwelling that complies with national Building Regulations;
- (ii) a wash basin or trough, cold shower, or a low pressure fixed quantity water delivery and storage system with a controlled daily consumption device, permitting not more than 200 litres per household per day, similarly connected;
- (iii) a pour-flush or low-flush toilet connected to an on-site treatment and disposal system, as approved; or
- (iv) a urine diversion dry composting system;

(c) a full service level, comprising a metered high pressure water connection with an individual connection to the Municipality's sewerage system, and consisting of-

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(i) a full size connection pipe, fittings and meter designed to provide the full daily flow of potable water to the particular category of consumer at the normal operating pressure of the connected water main; or

(ii) a full size connection provided between the consumer's drain and the municipal sewerage system, designed to carry away the normal sewage discharge from the particular category of consumer for onward delivery, treatment and disposal thereof.

### **CHAPTER 5**

#### **CONDITIONS FOR WATER SUPPLY SERVICES**

##### **PART 1: CONNECTION TO WATER SUPPLY SYSTEMS**

#### **29. General conditions of supply**

- (1) Subject to the provisions of section 37, the granting of a supply of water by the Municipality shall not constitute an undertaking by it to maintain at any time or at any point in its water supply system –
  - (a) an uninterrupted supply of water;
  - (b) a specific pressure or rate of flow in such supply; or
  - (c) a specific standard of quality of water.
- (2) The Municipality may specify the maximum height to which water will be supplied from the water supply system .
- (3) If an owner requires a continuous supply of water, at a specific standard and pressure on his or her premises, then he or she shall make provision in his or her installation for such requirement as specified and approved by the Municipality.
- (4) The Municipality may, in an emergency, interrupt the supply of water to any premises without prior notice.
- (7) If, in the reasonable opinion of the Municipality, the consumption of water by a consumer unfairly affects the supply of water to another consumer, then it may apply such restrictions as it may deem fit to the supply of the former consumer in order to ensure a fair supply of water to the latter consumer.
- (8) The Municipality may require a developer and owner to install a “header tank” on the premises and development to which the water supply service will be rendered.

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- (9) If a developer applies for the provision of services to a new development or the extension of an existing development and if such services are not available, the costs and expenditure associated with making such services available are, unless the council determines to the contrary, payable by the developer.
- (10) If a developer requires a specific water pressure which is not readily available, the developer must pay the costs of any works or installations that may be required in order to provide such specified water pressure.

### **30. Provision of 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, then the owner shall make application on the prescribed form and pay the prescribed charge for the installation of such a pipe.
- (2) If an application is made for a water supply service which is 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, then the Municipality may agree to the extension, modification or upgrade of the system subject to such conditions as it may impose.
- (3) Only an authorised agent may install a connection pipe and connect it to the water installation of a consumer's premises.
- (4) No person may utilise water services for premises on any new development until the Municipality has approved the water supply connection thereto.

### **31. Location of connection pipe**

- (1) A connection pipe provided and installed by the Municipality shall –
  - (a) be located in a position agreed to by an authorised officer and be of an approved size and material as so determined;
  - (b) terminate at –
    - (i) the boundary of the land owned by or vested in the Municipality, or over which it has a servitude or other right;
    - (ii) the outlet of the water meter if it is situated on the premises immediately at the boundary thereof; or
    - (iii) the isolating valve if it is similarly situated on the premises;
  - (c) be no longer than 50 m in length to constitute a standard length connection for which the standard connection charge is levied in terms of the relevant Municipal tariff,

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provided that, for connections longer than 50 m, the actual cost thereof may be levied subject to the conditions of subsection (3).

- (2) In finalizing the location of a connection pipe, the authorised officer shall ensure that the owner is aware of:
  - (a) any practical restrictions that may exist regarding the location of a connection pipe;
  - (b) the cost implications of the various possible locations of the connection pipe;
  - (c) whether or not the Municipality requires the owner to indicate the location of the connection by providing a portion of his or her water installation at or outside the boundary of the premises, or at such agreed position inside or outside the premises where the connection is required, for the authorised officer to connect to such installation.
- (3) The Municipality may, at the request of any person, and subject to such conditions it may impose, agree to a connection to a main other than that which is most readily available for the provision of water supply to the premises.
- (4) In the circumstances contemplated by sub-section (3), the applicant shall be responsible for any additional costs to be incurred, over and above the normal tariff charges, in respect of any extension of the water installation to the requested connection point, and for obtaining, at his or her cost, such servitudes over other premises as may be necessary.
- (5) An owner must pay the prescribed connection charge or additional costs, in advance, before a water connection will be affected.
- (6) The Municipality must specify -
  - (a) the type of joint which is to be used to effect the connection to the water installation; and
  - (b) the material of which that portion of the service pipe between its connection pipe and the owner's isolating valve is to be made and the method of installation of such portion.
- (7) The owner shall be responsible for the security of that portion of his or her service pipe, referred to in sub-section (6) (b).

### **32. Provision of single water connection**

- (1) Unless otherwise directed by the Municipality, 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 accommodation units, business units or consumers located on such premises.

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- (2) Notwithstanding sub-section (1), the Municipality may authorise more than one connection pipe to serve any premises where, in its reasonable opinion, undue hardship or inconvenience would be caused to any consumer on such premises by the provision of only one connection pipe.
- (3) If the provision of more than one connection pipe is authorised under sub-section (2), then the tariffs and charges for the provision of a connection pipe are payable in respect of each water connection so provided.
- (4) Where premises are supplied by a number of connection pipes, the Municipality may require the owner to reduce the number of connection points and alter his or her water installation accordingly.
- (5) No consumer shall be supplied with water through a connection pipe which was or has been installed to provide a temporary supply of water for building construction purposes.
- (6) If the Municipality reasonably considers that the size of an existing connection pipe is unsuitable by reason of the quantity of water supplied to a consumer, then it may, by written notice, require the owner to pay the prescribed charges for the removal of the existing, and installation of the new, connection pipe of a suitable size .
- (7) In respect of all premises comprising sectional title development, group housing development, apartment buildings or flats, containing multiple individual dwelling units constructed after 8 June 2001, the Municipality shall, by written notice, require the owner, at his or her own expense and within the period specified in the notice, to -
  - (a) alter the water installation serving any one portion so that it is separate from, and independent of, the water installation serving any other portion;
  - (b) make application, if required, for a connection pipe to serve each portion; and
  - (c) connect each water installation referred to in sub-section (7) (a) to the connection pipe referred to in sub-section (7) (b).
- (8) The Municipality shall give the owner of the portions, referred to in sub-section (7) (a), notice in writing that he or she is required to make application for a water supply connection in terms of section 18.
- (9) If the Municipality intends to replace a connection pipe, then it shall give the owner concerned not less than fourteen (14) working days' notice in writing of the date by which a connection shall be effected between the replacement connection pipe and his or her water installation.

### **33. Interconnection between water installations**

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

- (a) his or her own water installation and the water installation on other premises; or

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(b) the water installations of the individual accommodation units situated on his or her premises, unless he or she has obtained the prior written consent of the Municipality and complies with all the conditions that it may impose.

(c) any rainwater tanks on the premises and the Municipality's water reticulation system or water supply installations on the premises.

### **34. Disconnection of water installation from connection pipe**

- (1) The Municipality may disconnect a water installation from the connection pipe or remove the connection pipe if –
  - (a) the agreement for supply has been terminated in terms of section 21 and it has not received an application for a subsequent supply of water to the premises, served by the pipe, within a period of ninety (90) days of such termination; or
  - (b) the building on the premises concerned has been demolished.

### **35. Communal water supply works**

- (1) The Municipality may install a communal water supply for the provision of a controlled volume of water to several consumers at a location that the Municipality deems appropriate, provided that the consumers to whom water will be supplied have been consulted.

### **36. Temporary water supply**

- (1) The Municipality may, on application to it, authorise a temporary supply of water to be taken from one or more water supply points or systems, subject to such conditions and periods as may be prescribed by it. This shall include inter departmental or Private requests.
- (2) The supply of water in terms of sub-section (1) above must be measured.
- (3) The Municipality shall provide, on loan, a portable water meter to be returned on termination of the temporary supply.
- (4) The portable meter and all other fittings and apparatus shall be provided subject to any conditions imposed by the Municipality.
- (5) The Municipality may agree to provide a temporary supply of water in one or more mobile tankers for use at sporting or other special occasions, or where a temporary water supply is required to cater for an emergency, subject to the applicant paying such fee as the Municipality may determine, based at least on –

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- (a) the cost of the water required to fill the each mobile tanker;
- (b) the cost in fuel and wear and tear of running each mobile tanker from the point of loading the supply of water to the point where the water is used; and
- (c) the cost of the Municipality's staff for providing such temporary water supply.

### **37. Circuses, fairs, festivals, flea-markets and street traders**

- (1) It shall be compulsory for all organisers of circuses, fairs, festivals, flea-markets, shows, events, parades and the like, to apply to the Municipality for a temporary metered water supply, when obtaining permission from the Municipality to carry on such activities in a public place.
- (2) Application shall be made on the prescribed form and may be approved by the Municipality upon payment of the prescribed charge and calculated deposit, and upon agreement to such terms and conditions as it may stipulate from time to time.
- (3) Charges based on the municipal tariff shall be paid weekly or per event, as agreed.
- (4) The organisers shall give the Municipality forty-eight (48) hours' notice of termination of the supply, failing which the organisers shall be liable for the payment of all water registered by the meter until it is removed.

### **38. Norms and standards**

- (1) The Municipality shall at all times endeavour to supply water that complies with section 9 of the Act and regulations promulgated in terms thereof.

### **39. Testing of flow and pressure in existing water supply system**

- (1) The Municipality may, on application by an owner and on payment of the prescribed charge, furnish the owner with the value of the pressure in the water supply system relating to his or her premises.

### **40. Special conditions of supply**

- (1) The Municipality shall not be liable for any damage to property caused by water flowing from any water installation left open when the water supply is re-instated, following an interruption in supply.
- (2) A hospital, frail-care- or critical-care premises, or any similar establishment, and any commercial or other institution which requires a continuous supply of water for the



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purposes of the work undertaken thereon, shall have a storage tank with a storage capacity of not less than twenty-four (24) hours at average daily demand, provided that-

- (a) such storage tank shall comply with the provisions of the SANS; and
  - (b) the provisions of this sub-section shall apply to every premises where a steam generating boiler is installed.
- (3) The consumer shall not re-sell water supplied to him or her by the Municipality or its authorised agent, 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 the Municipality may reasonably deem fit, provided that permission may be withdrawn at any time by the Municipality.

### **PART 2: POLLUTION**

#### **41. Pollution of water supply resources**

- (1) No person shall commit an act which may cause pollution of any nature to water in a reservoir or other place, whether owned, controlled by or vested in the Municipality, either in whole or in part, and used by it in connection with the supply of water.
- (2) Such pollution shall include, but not be limited to, pollution of water or the environment in the area of jurisdiction of the Municipality.
- (3) No person shall, except at such places which are designated or in such receptacles as are provided by the Municipality, deposit or discharge rubbish, sewage, industrial water or any other matter which may cause pollution of any nature in any catchment areas providing water resources to the Municipality.
- (4) No pipe which is used for the conveyance of water supplied by the Municipality shall, except as herein provided, be laid through, in or into any trough, drain, ash-pit, manure hole, or other place, which, in the event of any defect, decay or damage to such pipe, may result in the pollution of such water or its escape without observation through any ground containing lime, ashes, salt or acid refuse, or over any unsuitable ground liable to settlement, or through or under concrete.
- (5) Where any trough drain, ash-pit, manure hole or any other place, as contemplated in terms of sub-section (4), is located along the course of such pipe, the pipe shall be passed through a duct, joined to the satisfaction of the engineer or an authorised officer, and in such manner as to afford adequate protection to the pipe, and to permit the detection of any leakage or waste.
- (6) If any person contravenes sub-section (1), (2) or (3) above, then the Municipality shall –

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(a) by notice in writing, require the person to immediately cease such act and take the necessary remedial action specified therein to effect the required reinstatement within the period specified; or

(b) if, in the reasonable opinion of the Municipality, the situation is an emergency, then the Municipality may, without prior notice, take such remedial action as it deems necessary, together with any other work or actions contemplated in terms of section 226 of this By-law.

(7) Any person who –

(a) contravenes or fails to comply with any of these provisions shall be guilty of an offence and;

(b) continues to commit an offence after notice has been served on him or her to cease committing such offence, or, after he or she has been convicted of such offence, shall be guilty of a continuing offence.

(8) Any person committing a breach of the provisions of this chapter shall, on conviction, be liable to recompense the Municipality for any loss or damage.

### **42. Owner to prevent pollution of water**

(1) An owner shall provide measures and maintain facilities approved by the Municipality, to prevent the entry of a substance, which may be a danger to health or adversely affect the quality of water or its fitness for use, into –

(a) the water supply system of the Municipality; and

(b) any part of the water installation on his or her premises.

(2) If an owner fails to comply with the provisions of sub-section (1) and pollution occurs, then such owner, upon being called upon in writing to do so by the Municipality, shall –

(a) within the period stipulated in such notice, take such actions at his or her own cost, as may be approved or directed by the Municipality to remove such pollution and prevent any further occurrence thereof to the satisfaction of the Engineer or an authorised officer; or

(b) where he or she fails to take remedial action as required by sub-section (2) (a), reimburse the Municipality for its costs in taking such actions as it may have deemed reasonably necessary and desirable to remove any such pollution and prevent any further occurrence thereof.

(3) If the Municipality deems that a public health hazard exists, then the period mentioned in sub-section (2) (a) means the shortest period, as calculated by the Municipality, in

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which it is realistically possible to carry out the works and undertake the actions necessary to remove such pollution and prevent any further occurrence thereof.

- (4) For the purposes of sub-section (2) (b), the costs shall be those incurred by the Municipality or any authorised agent engaged thereby to carry out such remedial work or prevent further occurrences of pollution.
- (5) Unless the Municipality has agreed to other terms, the owner shall pay the costs envisaged in sub-section (2) (b) within thirty (30) days of the Municipality's rendering of an account in that respect.
- (6) The provisions of this section shall apply to an owner or consumer who utilises sanitation services under Chapter 6 of this By-law.

### **PART 3: MEASUREMENT, PAYMENT AND CHARGES**

#### **43. Measuring of quantity of water supplied**

- (1) All water supplied to consumers shall pass through a meter installed on every user connection as approved by the Municipality and such meter shall be read at regular intervals in terms of the Municipality's Credit control and debt collection policy.
- (2) All premises constructed after the commencement of GNR 509 shall, be fitted with a meter or volume controlling device to separately measure or control the water supply to every –
  - (a) individual dwelling within a new sectional title development, group housing development or apartment building;
  - (b) individual building having a maximum designed flow rate exceeding 60 litres per minute or as determined by the municipality within any commercial or institutional complex; and
  - (c) irrigation system with a maximum designed flow rate exceeding 60 litres per minute, that uses water supplied by the Municipality.
- (3) Where the water supplied is measured by way of a meter, then such meter shall comply with the Trade Metrology Act (Act No. 77 of 1973).
- (4) Notwithstanding subsections (1) and (2), the Municipality may dispense with the use of a meter in the case of –
  - (a) an automatic fire sprinkler system, the service pipes of which are inaccessible for everyday use;
  - (b) a fire installation in respect of which steps have been taken to detect unauthorized draw-off of water for purposes other than fire fighting;

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- (c) a water supply to a consumer controlled by a measuring device designed to limit the daily volume to a preset amount, provided that a bulk or zone meter is installed where such installations are numerous;
  - (d) a community water supply where individual consumer supplies are restricted to a basic level of service, provided that the total daily supply to the community is metered;  
or
  - (e) any special circumstances that it reasonably deems warranted.
- (5) A meter referred to in sub-section (1) and (2) and its associated apparatus, provided and installed by the Municipality, shall remain the property of the Municipality and may be changed when the Municipality deems it necessary.
- (6) The Municipality may install a meter, and its associated apparatus, on any premises and at any point on the service pipe within a consumer's water installation.
- (7) If the Municipality installs a meter in a water installation in terms of sub-section (6) above, then it may install a section of pipe and associated fittings between the end of its connection pipe and the meter, and such section shall be deemed to form part of the water installation.
- (8) Where the Municipality installs a meter together with its associated apparatus on a service pipe in terms of sub-section (6) and (7) above, the owner shall –
- (a) provide a place, to the satisfaction of the Municipality, in which to install it;
  - (b) ensure that unrestricted access is available at all reasonable times;
  - (c) be responsible for its protection and be liable for the costs arising from damage thereto, excluding damage arising from normal fair wear and tear;
  - (d) ensure that no connection is made between the meter and the connection pipe serving the installation; and
  - (e) make provision for the drainage of water which may be discharged from the pipe in which the meter is installed, in the course of the installation.
- (9) No person other than an authorised officer or agent shall –
- (a) disconnect a meter and its associated apparatus from the pipe in which they are installed;
  - (b) break a seal which has been placed on a meter; or
  - (c) in any other way interfere with a meter and its associated apparatus.

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- (10) If the Municipality considers that the size of a meter is unsuitable for the quantity of water supplied to premises, then it may install a meter of such size as it may deem necessary, and may recover from the owner of the premises concerned the prescribed charge for the installation of such meter.
- (11) The Municipality shall require the installation of a meter to each individual dwelling unit on any premises, constructed after promulgation of this By-law, for use in determining the quantity of water supplied to each such unit, provided that, where fixed quantity water delivery systems are used, a single meter may be used to supply more than one unit.
- (12) The installation referred to in sub-section (11) above shall be at the owner's expense.

#### **44. Quantity of water supplied to consumer**

- (1) For purposes of assessing charges for a quantity of water supplied to a consumer through a meter over a specific period, it will be deemed, unless the contrary can be proved, that –
  - (a) the quantity is represented by the difference between measurements taken at the beginning and end of such period;
  - (b) the quantity, for a measuring device designed to provide a controlled volume of water, is represented by the volume dispensed by the measuring device;
- (c) the meter or measuring device, as the case may be, was accurate during such period; and
- (d) the entries in the meter reading records of the Municipality were correctly made.
- (2) Where water supplied to any premises is in any way taken by the consumer without such water passing through a meter, the Municipality may, for the purpose of rendering an account, estimate, in accordance with sub-section (3), the quantity of water supplied to the consumer during the period that water is so taken.
- (3) For the purposes of sub-section (2), the Municipality may estimate the quantity of water supplied to a consumer based on -
  - (a) the average monthly consumption of water on the premises registered over three (3) succeeding measuring periods prior to the date on which the irregularity referred to in sub-section (2) was discovered and rectified; or
  - (b) the average monthly consumption of water on the premises during any three (3) consecutive measuring periods during the twelve (12) month period prior to the date on which the consumption described in terms of sub-section (2) was discovered.
- (4) Nothing in this By-law shall be construed as imposing on the Municipality an obligation to cause any meter on any premises to be read at the end of every month or any other

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fixed period, and it may charge the consumer an average consumption during the interval between successive readings of the meter.

- (5) Notwithstanding the provisions of sub-section (4), the Municipality must ensure that meters are read frequently and at regular intervals.
- (6) Until such time as a meter has been installed to individual consumers, currently being supplied with water through a shared connection or system, the estimate of shared consumption of that consumer shall be based on the average consumption of water supplied to the shared premises or specific supply zone within which the consumer's premises is situated, during a specific period.
- (7) On receipt of a written notice from a consumer and subject to payment of the determined charge, the Municipality shall, within seven (7) days, measure the quantity of water supplied at a time or on a day other than that upon which it would normally be measured.

### **45. Defective meters**

- (1) If a consumer has reason to believe that a meter installed by the Municipality is defective, then he or she may, against payment of the prescribed charge, make application on the prescribed form for the meter to be tested.
- (2) The prescribed charge in sub-section (1) above shall be -
  - (a) retained by the Municipality if the meter is found not to be defective; or
  - (b) refunded to the applicant if the meter is found to be defective.
- (3) A meter to which the provisions of the Trade Metrology Act (Act No. 77 of 1973) apply, shall be deemed to be defective if, when tested in accordance with such legislation, the meter is found to have a percentage error in over-registration or under-registration greater than that permitted.
- (4) A meter to which the Trade Metrology Act (Act No. 77 of 1973) is not applicable shall be deemed to be defective if it is found to have a percentage error in over-registration or under registration greater than 5%, and its rate of flow differs considerably from its designed maximum rate of flow.

### **46. Measurement adjustment for defective meter**

- (1) If a meter is found to be defective in terms of section 44, then the Municipality may estimate the quantity of water supplied to a consumer during the period in which it deems such meter to have been defective, on the basis of the average daily quantity supplied over-

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- (a) the period between two (2) consecutive meter readings, subsequent to the replacement of the meter;
- (b) a period in the previous year corresponding to the period in which the meter was defective; or
- (c) the period between three (3) successive meter readings prior to the meter becoming defective, whichever it reasonably considers the most appropriate.

### **47. Special measurement by Municipality**

- (1) Where the Municipality wishes, for purposes other than charging for water consumed, to ascertain the quantity of water which is used in a water installation or part thereof, it may, by written notice, advise the owner concerned of its intention to install a meter, measuring device and appurtenant apparatus at such point in the water installation as it may specify.
- (2) The installation of such measuring apparatus, contemplated in terms of sub-section (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 43 (7) and (8) shall apply insofar as they may be applicable in respect of a measuring device installed in terms of sub-section (1).

### **48. Sampling of water**

- (1) The Municipality shall, at regular intervals determined by it, and at its cost, take samples of water from its water supply systems and cause the samples to be tested for compliance with any national standards prescribed in terms of section 9 of the Act.
- (2) The Municipality may, by prior consent and notification, take such samples from other municipal systems and from water schemes operated by water services providers on its behalf, for quality control testing purposes, where such water is supplied to its own consumers.
- (3) A consumer, institution or person may request the Municipality to take samples from a water source other than that of the Municipality, or test such samples in accordance with its standard procedures therefor, upon written application and payment of the prescribed charge by a person to whom approval to use the water for potable water purposes was granted in terms of sections 6 (1) or 7 (1) of the Act.
- (4) The Municipality may take, or cause to be taken, samples of water from water supply systems and sources for the testing contemplated in terms of sub-section (3).

## **PART 4: NON-POTABLE WATER**

### **49. Use of water from sources other than Municipality**

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- (1) Persons using or intending to use water for industrial purposes in terms of sections 6 and 7 of the Act must apply in writing to the Municipality for approval of the use or continued use thereof within sixty (60) days of being notified to do so.
- (2) In approving the use of water in terms of sub-section (1), the Municipality may impose such conditions as are appropriate.
- (3) Any person so applying for the approval referred to in sub-section (1) must provide the Municipality with satisfactory evidence that, *inter alia*, the water being used, or to be used, complies with the standards prescribed in the Act.
- (4) Any approval given in terms of sub-section (1) may be withdrawn where, in the reasonable opinion of the Municipality –
  - (a) a condition imposed in terms of sub-section (1) is breached;
  - (b) the water no longer conforms to the requirements referred to in sub-section (3); or
  - (c) a supply of potable water is readily available to the premises of the applicant.
- (5) Any other approved sources of water must not be connected to the municipal water supply system.
- (6) The Municipality may install a water meter on any part of a person's water installation where water is used for sanitary purposes and sewage is discharged to a municipal sewer or sewage disposal works.
- (7) Approvals given by the Municipality under this section shall not relieve any person from his or her obligation to comply with any other law relating to-
  - (a) the use and conservation of water and water resources; or
  - (b) the disposal of effluent.

### **50. Supply of non-potable water**

- (1) The Municipality may, on application, agree to supply non-potable water to a consumer subject to such terms and conditions as it may impose.
- (2) Any supply of water agreed to in terms of sub-section (1) shall not be used for domestic or any other purposes which, in the reasonable opinion of the Municipality, may give rise to a health risk.
- (3) No warranty, expressed or implied, shall apply to the purity of any non-potable water supplied by the Municipality, or its suitability for the purpose for which the supply was granted.
- (4) The supply of non-potable water shall, both as to condition and use, be entirely at the risk of the consumer or end-user.



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### **51. Warning signage**

- (1) On premises on which non-potable water is used, the owner shall ensure that every terminal water fitting and every appliance which supplies or uses such water is clearly marked with a weather proof sign indicating that the water therefrom is unsuitable for domestic purposes.
- (2) On premises or in an area where treated sewage effluent is used, the owner shall erect or cause to have erected weather proof signs, in prominent positions and on all terminal water or irrigation installations, warning that such effluent is not suitable for human consumption or for domestic purposes.
- (3) Every warning sign prescribed in terms of sub-sections (1) and (2) shall be in the official languages contemplated in terms of the Municipality's communications policy, and shall include the symbolic sign for non-potable water, as requested by the SANS.

### **52. Notification of boreholes, wells, springs and rainwater tanks**

- (1) The Municipality may, by public notice, require –
  - (a) the owner or, if the owner is not in occupation, the occupier of the premises within its area of jurisdiction, to notify it on the prescribed form of the existence of any borehole, well, spring or rainwater tank utilised for the supply of water on such premises, and to provide it with such other information as it may require;
  - (b) the owner or occupier of any premises who intends to sink a borehole or well, or to utilise a spring or rainwater tank for water supply for domestic purposes on such premises, to notify it on the prescribed form of such intention before work in connection therewith is commenced.
- (2) The provisions of this By-law do not relieve the owner or occupier of any premises from compliance with the requirements of the National Water Act (Act No. 136 of 1998).

### **53. Dams**

- (1) A person may not build or erect a dam on any premises within the Municipality's area of jurisdiction without the prior written consent of the Municipality and subject to such reasonable conditions as the Municipality may impose.
- (2) The Municipality may require the owner or occupier of any premises who intends to build or erect a dam to undertake an environmental impact assessment for such intended dam before building or erecting the dam.
- (3) Dams are subject to the requirements of the National Water Act.

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- (4) The Municipality may, by public notice,
  - (a) the owner of any premises within the area of jurisdiction of the Municipality upon which a dam exists or, if the owner is not in occupation of such premises, then the occupier thereof, to notify it of the existence of a dam on such premises, and provide it with such information in respect thereof as it may require; and
  - (b) the owner or occupier of any premises who intends to build or erect a dam on premises to notify it of such intention before work in connection therewith is commenced.
- (5) The Municipality may, by public notice, require an owner or occupier who has an existing dam used for water services to obtain approval from the Municipality for the use of such dam to provide potable water supply services.
- (6) The Municipality may, in respect of the notices contemplated in subsection-
  - (a) impose conditions in respect of the use of a dam for the provision of potable water services; and
  - (b) impose a fixed charge in respect of the use of such dam.

### **54. Provision of rainwater tanks**

- (1) The Municipality may, by public notice, require all developers to provide all or specified buildings within any new development with rainwater tanks.
- (2) The Municipality may, in the notice contemplated in sub-section (1), specify the minimum and maximum sizes of the rainwater tanks to be provided as well as the materials from which they may be fashioned and the requirements for sealing them adequately.
- (3) The provision of rainwater tanks in terms of this section shall be at the cost of the developer.

## **PART 5: WATER CONSERVATION**

### **55. General water demand management**

- (1) No consumer shall permit –
  - (a) the purposeless or wasteful discharge of water from terminal fittings;
  - (b) pipes or water fittings to leak;
  - (c) the use of maladjusted or defective water fittings;

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- (d) an overflow of water to persist; or
- (e) an inefficient use of water to persist.

### **56. Owner to maintain water installation**

- (1) An owner shall 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 likely to cause an occurrence listed in section 55.
- (2) If an owner fails to take measures as contemplated in sub-section (1), then the Municipality may, by written notice, require the owner to comply with the provisions of section 55.
- (3) Where an owner fails to comply with the notice referred to in subsection (2), the Municipality may take such measures as it deems fit to remedy the default and recover the cost incurred from the owner.
- (4) An owner shall ensure that any equipment or plant connected to his or her water installation uses water in an efficient manner.

### **57. Owner to prohibit use of inefficient equipment**

- (1) The Municipality shall, by written notice, prohibit the use by an owner or consumer of any equipment in a water installation if, in its reasonable opinion, its use of water is inefficient.
- (2) Such equipment shall not be returned to use until its efficiency has been restored and a written application to do so has been approved by the Municipality.

### **58. Flushing urinals and cisterns**

- (1) Notwithstanding the provisions of section 56, no flushing urinal that is not user-activated shall be installed or continue to operate in any water installation.
- (2) No cistern, or related pan designed to operate with such cistern, shall be installed with a capacity of greater than 9,5 litres, and all cisterns not intended for public use shall be fitted with flushing devices that allow interruptible or multiple flushes, provided that such flushing device shall not be required on cisterns with a capacity of 4 litres or less.

### **59. Low flow shower heads**

- (1) Shower heads with a maximum flow rate of greater than 10 litres per minute shall not be installed in any water installation where the dynamic water pressure is greater than

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200kPa at the shower control valve, and where the plumbing has been designed to balance the water pressures on the hot and cold water supplies.

### **60. Position and discharge**

- (1) The point of discharge on all fittings for water installations that potentially discharge waste must not be less than 0.50 m above the ground and must be visible to the owner or occupier of the premises and to authorised officers.
- (2) No tap, stopcock or pipe shall be fixed in such a position as to permit the wastage of water, or so as to cause inconvenience to the user.

### **61. Compliance of taps and fittings**

- (1) No tap or fitting shall be affixed at any premises for use in a water installation unless such tap or fitting has been approved by an authorised officer or agent, in accordance with the schedule of approved pipes and fittings, and bears the official stamp of the Municipality.
- (2) For the purposes of this By-law, taps and fittings that bear the standard mark of the SANS shall be accepted as conforming to municipal requirements without having to be tested and stamped by an authorised officer or agent.

### **62. Provision and Maintenance of Water Installations**

- (1) The maintenance of all water pipes and installations shall be the responsibility of-
  - (a) the Municipality, if the leak or damage is in a water meter provided by the Municipality or is located on the side of the connection for which the Municipality is usually responsible; or
  - (b) the owner of the premises if the leak or damage is on the side of the connection for which the owner is usually responsible.
- (2) If the Municipality becomes aware of any leakage or damage on the consumer's side of the connection, then the Municipality may-
  - (a) give the owner or consumer not less than three days' notice to repair such leakage or damage;
  - (b) if the owner or consumer fails to effect such repairs within the period of notice given, then an authorized officer may enter upon the premises and repair such leakage or damage, and the owner or consumer shall be responsible for payment of the Municipality's costs incurred, including any legal costs that the Municipality may incur in the recovery of any such repair costs; or

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- (c) in the case of indigent consumers or consumers restricted to the supply of free basic water, in accordance with the Municipality's policy, arrange for an authorised officer to enter upon the premises and effect such repairs at the consumer's expense or as reasonably determined by the Municipality.

### **63. Interference with public facilities**

- (1) Interference with public fountains, water features and facilities is prohibited.
- (2) Any person who interferes with, breaks, damages or opens a facility, lock, stopcock, hydrant, valve, pipe, meter, pump or motor, or flushes or draws off any water from a reservoir, or other works of the Municipality, or who does any wilful act whereby water is wasted, shall, upon conviction, be liable to a penalty imposed in terms of section 235.

### **64. Garden and sports field watering**

- (1) The watering of gardens shall, without prior written permission, be confined to off-peak hours and, wherever possible, not be carried out between 11h00 and 15h00 during the months of October to March (inclusive), irrespective of the source of water.
- (2) The watering of sports fields and other grassed surfaces shall, without prior written permission, be –
  - (a) separately metered from any buildings that may abut such location;
  - (b) managed and supervised to provide the minimum of water consistent with adequate field and surface conditions suitable for its intended use; and
  - (c) carried out, wherever possible, not during peak hours of demand, and not between 11h00 and 15h00 during the months of October to March (inclusive), irrespective of the source of water.

### **65. Water consumption audit**

- (1) The Municipality may, within one (1) month of the end of each financial year (30 June), request all major water users using more than 3,650 kilolitres per annum, excluding multiple dwelling units, to undertake an annual water audit of their consumption.
- (2) The audit report shall be carried out not later than four (4) weeks after the end of the financial year and be made available to the Municipality for inspection.
- (3) The audit shall contain information in respect of –
  - (a) the total volume of water used during the financial year;
  - (b) the number of people staying on the premises;

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- (c) the number of people working on the premises;
- (d) the seasonal variation in demand by monthly consumption;
- (e) the plans and initiatives to improve water consumption efficiency;
- (f) the industry norms for water consumption per unit of product or service produced;
- (g) the current water consumption per unit of product or service produced; and
- (h) a comparison of the above factors with those reported in each of the previous three (3) years, where available.

### **66. Commercial and industrial prevention**

- (1) Every commercial and industrial supply pipe shall be fitted with an approved device upstream of the meter for the purpose of preventing backflow of water from the internal water installation of the premises to the water main.
- (2) This requirement shall also apply to all separate fire connections.

### **67. Storage tanks and cisterns**

- (1) Storage tanks and cisterns are not permitted, except as provided for under this By-law.
- (2) For each and every application, the Municipality may approve in writing the use of storage tanks and cisterns for the following installations –
  - (a) the water supply to fire sprinkler installations;
  - (b) boiler, hot water circulating systems, water installation pressure boosting systems or other apparatus likely to cause pressure surges or a water hammer in the water main serving the connection thereto;
  - (c) the water supply to geysers and electric storage water heaters, except where the direct connection to the water main is controlled by a specified water pressure reducing valve and stopcock, approved in writing by the Municipality;
  - (d) *en bloc*, where the water supply to individual domestic premises is at a daily controlled volume and at low pressure; or
  - (e) any other situation where, for health, safety, emergency or economic reasons, the Municipality reasonably considers it necessary.
- (3) Underground tanks or cisterns shall not be permitted except under exceptional circumstances and with the prior written approval of the Municipality.

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- (4) Such permission shall, *inter alia*, be on condition that such tank or cistern is not connected directly to a municipal water main and that any connection pipe discharges thereto across an air gap.
- (5) The storage of a minimum quantity of water, to be used for purposes other than fire-fighting or air-conditioning shall be determined by the Municipality from time to time.

### **68. Buried pipes**

- (1) No piping within any premises or under buildings shall be laid on bricks or stones or under plaster or in concrete or similar material.
- (2) The protection of such pipes, where required, shall be in accordance with the guidelines and standards issued by the Municipality, abstracts and copies of which shall be made available on request and upon payment of the requisite document fee.

### **69. Grey water use**

- (1) Every owner of premises who wishes to utilise grey water, for any purposes whatsoever, must apply in writing to the Municipality for permission to do so.
- (2) The application must set out the reasons for the request and satisfy the conditions imposed by this By-law.
- (3) Where permission is granted, the owner or consumer shall not be absolved from non-compliance with this By-law.
- (4) If the Municipality needs to reverse its decision at any time and for any reason whatsoever, then the Municipality shall not be liable for any costs, expenses or losses incurred by the owner or consumer.
- (5) Permission granted under this section shall not take precedence over the right of the Municipality to require compulsory connection of the owner's premises to its water services and the collection of rates, taxes, levies, charges and fees in terms of its tariffs.
- (6) No consideration shall be given to a reduction of such charges for the utilisation of grey water by an owner or consumer.

### **70. Public, commercial, industrial and domestic premises**

- (1) Only water derived from wash hand basins in commercial, industrial or institutional premises may be used to flush multi-stall urinals or to fill the cisterns of flush toilets, to which no potable water connection has been made from a water installation connected to a municipal water main.

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- (2) The installation contemplated in terms of sub-section (1) shall comprise flushing from at least the same number of wash hand basins as there are unit urinals, and at least twice the number in the case of toilet cisterns.
- (3) The installation contemplated in terms of sub-section (1) shall be effective for the complete removal of sewage from the toilet bowl for each flush cycle, and the effective sanitary flushing of urinals to prevent infestation and the creation of unsanitary conditions.
- (4) The use of bath water or shower water may be used in respect of the circumstances contemplated in terms of sub-section (1), provided that the correct water-head needed for effective flushing of both urinals and toilets is utilised and that the conditions of subsection (3) are met.
- (5) Water derived from food preparation or sinks may not be used for the purposes contemplated in terms of sub-section (1).
- (6) Only water derived from wash hand basins and sinks in institutional premises may be used for the cultivation, on the premises, of food crops for own consumption and that require cooking for sufficient time to eradicate pathogenic organisms.
- (7) Only water derived from baths, showers or sinks in institutional premises may be used to cultivate flowers or inedible plants or cultures, on the premises, for own or commercial purposes.
- (8) A sufficient volume of wastewater and hydraulic head must remain in the drainage installations, contemplated in terms of sub-sections (6) and (7), to effectively convey the sewage to an on-site system or to the municipal sewer.
- (9) The Municipality may, in particular circumstances, require the owner of premises to have an EIA or health effect assessment carried out as a prior requirement to consideration of the application for permission to use grey water on the premises.
- (10) Such investigation and report shall be at the owner's or consumer's cost, notwithstanding any decision of the Municipality in respect of the application.
- (11) The conditions stipulated in this section are to be read in conjunction with section 49 above.

### **71. Withdrawal of consent**

- (1) Any consent given in terms of section 70 may be withdrawn if, in the reasonable opinion of the Municipality –
  - (a) a condition imposed in terms of section 70 has been breached;
  - (b) the water resources of the area are affected in terms of quality or quantity;



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- (c) the environment is affected;
- (d) a health risk is envisaged;
- (e) a change occurs in any relevant legislation; or
- (f) return wastewater flows are required for operational, resource or conservation reasons.

### **PART 6: INSTALLATION WORK**

#### **72. Approval of design of installation work**

- (1) If an owner wishes to have installation work done, he or she shall first obtain the written approval of the Municipality.
- (2) Approval shall not be required in the case of a water installation in dwelling units or installations where no fire extinguishing installation is required, or for repair or replacement of an existing pipe or water fitting other than a fixed water heater and its associated protective devices.
- (3) Application for approval in terms of sub-section (1) above shall be made on the prescribed form and be accompanied by –
  - (a) the prescribed charge;
  - (b) copies of the drawings as prescribed by the Municipality, giving information in the form stipulated by SANS; and
  - (c) a certificate from a registered person certifying that the installation has been designed in accordance with SANS requirements.
- (4) The provisions of sub-sections (1) and (3), above shall not apply when a geyser, or its protective devices, is replaced by a plumber registered with the Municipality.
- (5) The approval given in terms of sub-section (1) above shall lapse at the expiry of a period of twenty-four (24) months after the first day of the month succeeding the month in which the approval is given.
- (6) A complete set of approved drawings of the proposed water installation work or major modifications thereto shall be available on the site of the work at all times.
- (7) When such work has been completed and certified to be in compliance with this By-law, the certificate, accompanied by the approved as-built drawings, must be submitted to the Municipality for final approval and record, where approval is required in terms of sub-section (1).

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### **73. Design drawings**

- (1) Unless written permission is obtained from the Municipality, drawings required in terms of section 72 (3) (b) shall be on sheets of a size not smaller than A4 and shall indicate –
  - (a) the title deed description of the premises;
  - (b) the name of every street on which the premises abut;
  - (c) the scales of the drawing and the North Point;
  - (d) the position and size of the existing or proposed connection pipe serving or to serve the premises;
  - (e) a schematic layout of the water installation;
  - (f) the location of every storage tank and its capacity;
  - (g) the location of every pump;
  - (h) details of the proposed location of the Municipality water meter, if it is to be installed within the premises;
  - (i) the position of all overflows and warning pipes;
  - (j) equipment or plant which uses water as a heat exchange medium for cooling or heating purposes and which is, or may be, connected to a water installation; and
  - (k) any other information that the Municipality may require.
- (2) If the details of the water installation on more than one floor of a building are identical, then such details may be drawn for one floor only.
- (3) If more than one water installation is to be installed in a building, then such installations may be shown on the same drawing, provided they are clearly differentiated.
- (4) Where required by the Municipality, a schedule shall be provided with each drawing or set of drawings, indicating the number of each type of terminal water fitting and its nominal size.

### **74. Compliance of installation works**

- (1) In the event that installation work has been done in contravention of section 71 of this By-law, the Municipality shall, by written notice, require the owner of the premises concerned to –

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- (a) comply with the By-law within a specified period;
- (b) if work is in progress, then to cease the work; or
- (c) to remove all such work which does not comply with the Bylaw.

### 75. Technical requirements for water installations

- (1) All water installations installed after promulgation of this By-law shall comply with the requirements of SANS 0252 Part 1 and all fixed electrical storage water heaters shall comply with SANS 0254.
- (2) No person shall, without the prior written permission of the Municipality, install or use a pipe or fitting in a water installation within the Municipality's area of jurisdiction unless it is included in the schedule of approved pipes and fittings.
- (3) A pipe or fitting may be included in the schedule if –
  - (a) it bears the standardisation mark of SANS in respect of the relevant SANS specification used by SANS; or
  - (b) it bears a certification mark issued by SANS to certify that the pipe or fitting complies with a SANS mark specification or a provisional specification issued by SANS;
- (4) No certification marks shall be accepted for a period exceeding two (2) years.
- (5) The Municipality may, in respect of any pipe or fitting included in the schedule, impose such additional conditions as it may deem necessary in respect of the use or method of installation thereof.
- (6) A pipe or water fitting shall be removed from the schedule of accepted pipes and fittings if it –
  - (a) no longer complies with the criteria upon which its inclusion was based; or
  - (b) is no longer suitable for the purpose for which its use was accepted.
- (7) The current schedule shall be available for inspection at the offices of the Engineer or an unauthorised officer at any reasonable time during working hours.
- (8) The Municipality may sell copies of the current schedule at a prescribed charge.
- (9) Notwithstanding the provisions of sub-section (2), the Municipality may, for a specific use in a specific installation, permit the installation or the use of a pipe or water fitting which is not included in the schedule.

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- (10) All terminal water fittings and appliances using or discharging water shall be marked, or have included within the packaging of the item, the following information –
- (a) the range of pressure in kPa over which the water fitting or appliance is designed to operate; and
  - (b) the flow rates, in litres per minute, related to the design pressure range.

### **76. Extension of period of approval**

- (1) An extension of the period of approval given in terms of section 72 (5) may be given by the Municipality on written application by the owner prior to the expiry of the original period and subject to payment of the prescribed charge.
- (2) Such extension period shall not exceed twelve (12) months at a time and may be subject to such further conditions as it may deem fit.

### **77. Persons permitted to do installation and other work**

- (1) Only a registered plumber or person working under the control of a plumber, shall be permitted to –
  - (a) do installation work other than the replacement or repair of an existing pipe or water fitting;
  - (b) replace a geyser or its associated protective devices;
  - (c) inspect, disinfect and test a water installation, fire extinguishing installation or storage tank;
  - (d) service, repair or replace a back flow preventer; or
  - (e) install, maintain, or replace a meter in a water installation.
- (2) No person shall require or engage a person who is not a plumber to do the work referred to in sub-section (1).
- (3) Notwithstanding the provisions of sub-section (1), the Municipality may permit a person who is not a registered plumber to do installation work on his or her own behalf on premises owned and occupied solely by him or herself and his or her immediate household, provided that -
  - (a) such person shall make application in writing for permission and pay the prescribed fee; and

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(b) the work shall, on completion, be subject to inspection and testing by a registered plumber and shall not be put into use until it has passed the test and the certificate of compliance in terms of section 72 (3) (c) has been issued.

- (4) Notwithstanding the provisions of sub-section (1), a person who, in terms of any law in force immediately prior to the commencement of this By-law, was entitled to do work described in sub-section (1), may continue to do such work for a period not exceeding twelve (12) months after the commencement of this By-law, as determined by the Municipality by public notice.

### 78. Registration of contractors

- (1) Application for registration with the Municipality as an approved contractor shall be made on the prescribed form and be accompanied by the prescribed charge.
- (2) An applicant for registration shall either –
- (a) be a person who is registered in terms of section 78 as a responsible plumber, or employs a person so registered on a full time basis, and conducts his or her business from premises considered satisfactory by the Municipality; or
  - (b) nominate a *domicilium citandi* for the purposes of serving of notice in terms of this By-law.
- (3) Registration of every contractor shall expire annually and application for the renewal thereof shall, accompanied by the prescribed charge, be lodged with the Municipality before expiration.
- (4) If a change takes place in the particulars reflected in an application referred to in sub-section (1), then the contractor shall, within fourteen (14) days of the change, notify the Municipality thereof in writing.

### 79. Registration of responsible plumbers

- (1) Application for registration with the Municipality as a responsible plumber shall be made on the prescribed form and be accompanied by the prescribed charge.
- (2) An applicant for registration shall either –
- (a) be qualified as an artisan in the plumbing trade in terms of the having completed the requisite training, and have had sufficient practical experience, since qualifying as an artisan, as may be determined by the Municipality;
  - (b) hold other equivalent qualifications acceptable to the Municipality; or
  - (c) be licensed or registered by the Municipality as a plumber at the date of commencement of this By-law or be licensed by another municipality.

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- (3) Registration of every responsible plumber shall expire on the 31st of December in each year and application for renewal thereof shall, accompanied by the prescribed charge, be lodged with the Municipality before the 1st of December; provided that, if registration takes place on or after the 1st of November in any year, then it shall expire on the 31st of December of the succeeding year.

### **80. Registration certificates**

- (1) The Municipality shall issue a registration certificate to a contractor or responsible plumber registered with it in terms of the provisions of this By-law.
- (2) A registration certificate shall state the name of the registered contractor or responsible plumber, as the case may be, and the date of its issue.
- (3) No person shall make any alteration to a registration certificate.
- (4) A registration certificate shall –
  - (a) be issued without alteration; and
  - (b) at the request of an authorised officer, be produced to him or her by the holder within three (3) working days.

### **81. Replacement of certificates**

- (1) A person whose registration certificate is lost, destroyed or damaged shall forthwith apply to the Municipality on the prescribed form for the replacement of the certificate.
- (2) An application in terms of sub-section (1) shall be accompanied by an affidavit as to the circumstances in which it was lost, destroyed or damaged, and the prescribed charge.

### **82. Register of contractors and responsible plumbers**

- (1) The Municipality shall maintain a register of approved contractors and responsible plumbers.
- (2) The register referred to in sub-section (1) shall be available for inspection at the office of the Municipality or an authorised officer during normal working hours.

### **83. Cancellation of registration**

- (1) The Municipality may, by written notice, cancel the registration of a contractor if he or she –
  - (a) has given false information on an application form submitted in terms of section 78;

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- (b) has submitted, to the Municipality, a certificate referred to in section 80 which is incorrect or false;
  - (c) contravenes any provisions of this By-law;
  - (d) fails to comply with the requirements of section 77; or
  - (e) allows his or her registration certificate to be used in a fraudulent manner.
- (2) The Municipality may, by written notice, cancel the registration of a responsible plumber if he or she –
- (a) has given false information on an application form submitted in terms of section 79;
  - (b) completes a certificate referred to in sections 80 which is incorrect or false;
  - (c) contravenes any provisions of this By-law;
  - (d) fails to comply with the requirements of section 77; or
  - (e) allows his or her registration certificate to be used in a fraudulent manner.
- (3) A registered contractor or plumber shall, within five (5) days of being notified in writing of the cancellation of his or her registration, surrender his or her registration certificate to the Municipality.
- (4) If the Municipality cancels the registration of a contractor or responsible plumber, then it shall not consider an application for registration from such person until a period of twelve (12) months has elapsed after the date of cancellation.

### **84. Responsibilities of registered contractor**

- (1) A registered contractor shall –
- (a) unless he or she is a registered plumber, at all times have at least one registered plumber in his or her full-time employment;
  - (b) ensure that work undertaken by him or her is carried out under the control of a registered plumber who shall be in his or her full-time employment, and who has been nominated in the form referred to in sub-section 1 (c) below, or the notice referred to in sub-section (2), and has acknowledged acceptance of the nomination by signing the form or notice; provided that, if a registered contractor is a registered plumber; then he or she may nominate him or herself;
  - (c) notify the Municipality on the prescribed form of his or her intention to commence work, not less than three (3) working days prior to commencement; and

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(d) within five (5) working days of the completion of the work referred to in sub-section 1(c), submit to the Municipality a certificate of compliance therefor.

- (2) A registered contractor, within five (5) working days of a change of registered plumber referred to in sub-section (1) (b), or any subsequent registered plumber nominated in terms of this subsection, shall, by written notice to the Municipality nominate another registered plumber who shall signify his or her acceptance in writing of such nomination.

### **85. Responsibilities of a registered plumber**

- (1) A registered responsible plumber shall –
- (a) ensure that installation work done by him or her and any person under his or her control complies with this By-law; and
  - (b) certify on the prescribed form that such work complies with this By-law.

### **86. Work by non-registered persons**

- (1) Where installation work is being done in contravention of section 84, the Municipality shall, by written notice, require the owner of the premises concerned to stop such work until he or she has employed a registered contractor or plumber to do such work, to rectify all non-compliant work, and to –
- (a) inspect such work and rectify any or all parts of it which do not comply with this By-law;
  - (b) test and disinfect the work in terms of section 87; and
  - (c) submit to the Municipality a certificate of compliance, referred to in section 85 (1) (b), stating that the installation work complies with this By-law.

### **87. Testing and disinfection of water installation**

- (1) Before a registered contractor submits the certificate in terms of section 84, he or she shall, upon notification by an authorised officer, test and disinfect the water installation so as to satisfy the requirements of sections 88 and 89 as the case may be.
- (2) For the purposes of a test and disinfection, the registered contractor shall supply, at his or her own expense, all equipment, materials and labour and shall pay for all water used.



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- (3) A registered contractor shall notify the Municipality in writing of his or her intention to carry out a test or disinfection not less than two (2) working days before the date on which he or she intends to do the work.
- (4) If the test or disinfection is not carried out as scheduled or if either is unsatisfactory, then the registered contractor shall submit a new notification and pay an additional charge.
- (5) The Municipality may, by written notice, require an owner to employ a registered contractor at his expense to test and disinfect his or her water installation in accordance with sections 88 and 89.
- (6) The provisions of sub-sections (2), (3) and (4) above shall, *mutatis mutandis*, apply in respect of such test or disinfection.
- (9) The registered contractor referred to in sub-section (1) shall, within five (5) days of completion, submit to the Municipality the certificate as required in terms of that sub-section.

### **88. Pressure testing**

- (1) With all terminal water fittings closed, the water installation shall be tested to a water pressure as the Municipality may specify in each particular case; provided that in the case of a fire extinguishing or combined installation, the water test pressure shall be as determined by the Municipal specifications read with SANS 1200 .
- (2) The water installation shall be deemed to be satisfactory if the pressure referred to in sub-section (1) is maintained for a period of at least fifteen (15) minutes without additional input of water into the water installation during such period.
- (3) A water installation may be tested in such sections as the authorised officer may permit.

### **89. Disinfection**

- (1) The water installation shall be flushed with water from the water supply system until clear water discharges from every terminal water fitting.
- (2) Chlorine shall be added to the water installation in such quantity that the water does not contain more than 20 mg per litre of free chlorine at any point in the installation, and that the total residual chlorine content of the water drawn off from all terminal water fittings one hour after the chlorine was added shall not be less than 5 mg per litre of free chlorine.
- (3) In addition to the requirements of sub-section (2) above, the authorised officer may, by written notice, require that the disinfection process be continued until the result of a

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bacteriological test indicates an absence of E. Coli, type 1, in a sample of 100 ml of the water.

- (4) When the disinfection process has been completed, the water installation shall be flushed with water from the water supply system.
- (5) A water installation may be disinfected in such sections as the authorised officer may permit.

### **90. Use of water installations**

- (1) A water installation or portion thereof shall not be used, other than for building purposes, before the certificate referred to in section 84 (1) (d) has been submitted to the Municipality and the provisions of section 41 (4) must have been complied with.
- (2) The receipt by the Municipality of a certificate shall not relieve the owner of his or her responsibility in terms of sub-section (3).
- (3) If a portion of a water installation is used for building purposes, then provision shall be made to prevent backflow of water from such portion into the remainder of the installation.

### **91. Provision and maintenance of water installations**

- (1) An owner must provide and maintain his or her water installation at his or her own cost and, unless permitted in terms of sub-section (2) hereof, must ensure that the installation is situated within the boundary of his or her premises.
- (2) Before doing work in connection with the maintenance of a portion of his or her water installation which is situated outside the boundary of his or her premises, an owner shall obtain the written consent of the Municipality or the owner of the land on which such portion is situated, as the case may be.

### **92. Pumping of water**

- (1) Except water which is taken through a pumping connection referred to in section 99, water to be pumped into a water installation shall be pumped from a storage tank which is fed by gravity from the main.

### **93. Installation of pipes**

- (1) If a pipe is laid underground, then the vertical distance between the top of the pipe and finished ground level shall be as per the Municipal Specifications and standards, read with the relevant SANS specifications

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- (2) A pipe which passes under a building shall be enclosed in a sleeve which extends over the full distance that the pipe runs under the building.
- (3) The sleeve shall have a cross-sectional area which will permit the removal of the pipe.
- (4) There shall be no bend in the pipe or junction with another pipe over the length enclosed in the sleeve and adequate space shall be available at either end for the removal or replacement of the pipe.
- (5) If a pipe passes under a concrete surface, then it shall be enclosed in a sleeve in compliance with sub-sections (2), (3) and (4) above, or in a duct filled with sand and covered in such a manner as to provide ready access to the pipe.
- (6) A pipe shall not be installed as an integral part of a member of a concrete or masonry structure.
- (7) A pipe which is not otherwise held in place shall be secured by means of pipe supports which shall be of a type, spacing and materials of manufacture of which shall be appropriate for the pipe.
- (8) A standpipe shall be securely fixed in a manner which prevents movement.
- (9) If the Municipality is of the reasonable opinion that a pipe or water fitting of a particular type is unsuitable for use in a particular situation, then it shall by written notice to the owner -
  - (a) prohibit the use thereof; or
  - (b) require protective measures acceptable to it, to be applied thereto.
- (10) The Municipality may require that different parts of water installations on premises be identified by means of the colour code system stipulated by SANS.
- (11) No pipe shall be laid within a horizontal distance of 500 mm from any drain or sewer, provided that a pipe may cross a drain or sewer at right-angles with a vertical separation of not less than 100 mm.

### **94. Pipes in streets and public places**

No person shall, for the purposes of conveying water or sewage or other like matter from whatever source, lay or construct a pipe, conduit or other associated component on, in or under a street, public place or other land owned by, vested in, or under the control of the Municipality, except with the prior written permission of the Municipality and subject to such conditions as it may impose.

### **95. Mains stopcocks**

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- (1) Stopcocks shall be fitted on all consumer connections by the Municipality, on the connecting pipe within a surface meter box situated outside the boundary of the premises.
- (2) The stopcock and meter box,, inclusive of the meter, shall be for the exclusive use of authorised officers or agents of the Municipality and shall not be used or operated by the consumer or other unauthorised persons.
- (3) Stopcocks as specified by the municipality shall be fitted on all consumer connections to the water installation within the meter box outside the boundary of the premises, by the municipality at the owners expense.

### **96. Isolating stopcocks**

- (1) An isolating stopcock shall be installed on the service pipe of an internal water installation at a readily accessible position as specified by the Municipality inside the boundary of the premises.
- (2) Isolating stopcocks shall be fitted by the owner, at his or her expense, on his or her water installation, inside the boundary of the premises as specified by the Municipality, for the purposes of isolating such installation.

### **97. Storage tanks**

- (1) A storage tank shall be installed in such a position that its exterior and interior can readily be inspected, cleaned and maintained.
- (2) A tank referred to in sub-section (1), above, shall have no opening to the atmosphere under operating conditions other than the overflow pipe referred to in sub-section (5) and a suitably protected vent.
- (3) The vertical distance between the invert of an inlet pipe to a storage tank and the top of an overflow pipe from the tank shall not be less than 15 mm or twice the internal diameter of the inlet pipe, whichever is the greater, provided that the vertical distance shall not exceed 150 mm.
- (4) The vertical distance between the invert of an overflow pipe from a tank and the operating water level in the tank shall not be less than 50 mm.
- (5) An overflow pipe from a storage tank shall –
  - (a) have a discharge capacity of not less than that of the inlet pipe serving the tank without the inlet becoming submerged;
  - (b) discharge through an air-gap of not less than twice the internal diameter of the pipe into a drain pipe; and
  - (c) be protected against the entry of insects, animals and other sources of pollution.

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- (6) A warning pipe or, with the prior approval of the Municipality, an approved device shall be installed to detect an overflow condition.

### **98. Inspection and maintenance of storage tanks and inlet control valves**

- (1) If the Municipality deems that the water in a storage tank or in a water installation served by the tank is unsuitable for use, then it shall, by written notice, require the owner to cause the tank to be drained forthwith and inspected.
- (2) If the tank becomes submerged, or is in any way subjected to a condition which could cause the contents thereof to become polluted, then the owner shall forthwith cause the tank to be drained and inspected.
- (3) Before the tank referred to in sub-section (1) or (2), is returned to use, it shall be cleaned and the water installation served by it disinfected in accordance with section 89.

### **99. Emergency supply connection to domestic installation**

- (1) Where required by the Municipality, a pumping connection fitted with an approved coupling shall be provided on the inlet pipe serving the storage tank for a hospital, clinic, nursing-home, old-age home and other premises from which the occupants cannot be readily removed in the event of an interruption of water supply.
- (2) Non-return valves shall be installed –
  - (a) on the pumping connection; and
  - (b) on the inlet to the storage tank before the point of connection of the pumping connection and the inlet pipe.
- (3) The connection referred to in sub-section (1) shall be situated in an approved position outside the building at a height of not more than 1 m above the finished ground level.

### **100. Installation of geysers**

- (1) A vacuum relief valve shall be fitted to the inlet and outlet pipes of a fixed water heater at a height of not less than 300 mm above the maximum water level in the heater.
- (2) No isolating valve, other than a gate or ball valve, shall be installed between a pressure reducing valve, which incorporates vacuum relief or expansion-relief facilities, and the fixed water heater.
- (3) Water discharged from a fixed water heater, owing to the expansion of the water, shall be led to a position where it can readily be seen.

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- (4) A consumer shall ensure that a vent pipe attached to any fixed water heater used by him or her remains unobstructed and open to the atmosphere at all times.
- (5) No terminal water fitting shall be attached to the outlet of an open outlet type 1 -geyser, unless the fitting is designed to discharge hot and cold water while keeping the hot water outlet open to the atmosphere.

### **101. Maximum temperature in domestic hot water re-circulating systems**

- (1) The temperature of the water which discharges from a terminal water fitting supplied from a domestic hot water circulating system shall not exceed 55 ° C.

### **102. Back siphonage of hot water**

- (1) Approved measures shall be taken to prevent back siphonage between hot and cold water in a water installation.

### **103. Prevention of pressure surges**

- (1) No person shall connect, to a water installation, a water fitting or apparatus which causes or is likely to cause damage to the water supply system or to another water installation as a result of pressure surges.

### **104. Sizes of pipes**

- (1) The size of any pipe in a water installation shall be sufficient to provide the quantity of water required for the proper functioning of any part or parts of the water installation without exceeding the velocity of flow specified in sub-section (2).
- (2) The velocity of flow of water in any installation pipe shall not exceed 2 m per second.

### **105. Protection of water supply system**

- (1) An owner must take any of the measures referred to in sub-section
- (2) to prevent the backflow of water from his or her water installation to the water supply system in the case of-
  - (a) a fire extinguishing or combined water installation on his or her premises;
  - (b) a general installation serving the following activities –
    - (i) medical treatment of people or animals;
    - (ii) medical, pharmaceutical or chemical research and manufacturing;

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- (iii) agricultural, including dairies and nurseries;
  - (iv) photographic processing;
  - (v) laundering and dry-cleaning;
  - (vi) metal plating;
  - (vii) treatment of skins and hides; or
  - (viii) mining, explosives, construction and transportation;
- (c) a general installation serving
- (i) mortuaries;
  - (ii) abattoirs;
  - (iii) sewage purification works;
  - (iv) refuse processing plants;
  - (v) oil processing and storage facilities;
  - (vi) wineries, distillers, breweries, yeast and cold drink factories;
  - (vii) sports facilities;
  - (viii) any other premises on which an activity is carried out which, in the reasonable opinion of the Municipality, is likely to cause a danger to health or affect the potability of water in the event of a substance resulting from such activity entering the water supply system; and
- (d) a water installation on any premises after a compliance notice has been issued by the Municipality to do so.
- (2) The measures contemplated in terms of sub-section (1) include –
- (a) the discharge of water from the service pipe into a storage tank, through an air gap;
  - (b) the passing of water through –
    - (i) a reduced pressure backflow preventer; or
    - (ii) a double check backflow preventer;
  - (c) any other measures approved by the Municipality and which will achieve the same purpose.

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### **106. Design and installation of backflow preventer**

- (1) A backflow preventer, contemplated in terms of this By-law, must be designed and installed in accordance with the requirements of the SANS.

### **107. Inspection and servicing of backflow preventer**

- (1) The owner of premises on which a reduced pressure or double check backflow preventer is installed must, at his or her own expense, cause the backflow preventer to be –
  - (a) inspected and serviced at least once in every twelve (12) months to ensure that it is in working order; and
  - (b) replaced or completely overhauled once in every five (5) years.
- (2) The owner shall maintain a record of the inspections and services referred to in subsection (1) in which shall be recorded-
  - (a) the name and address of the contractor who carried out the servicing;
  - (b) the date on which the work was done; and
  - (c) the details of the repairs or replacements that were effected.
- (3) The record of inspections shall be kept available for inspection by an authorised officer.

### **108. Protection of water installations**

- (1) The owner of premises must prevent the back syphonage into his or her water installation of any substance which is likely to cause a danger to health or affect the potability of water, in the case of –
  - (a) a terminal fitting which is so designed and that a hose or other flexible pipe is or can be attached to it, which shall include a hose bib-cock, a laboratory tap, and a movable shower unit;
  - (b) a fire hose-reel in a combined installation;
  - (c) an underground irrigation system; or
  - (d) any other fitting which may provide contact between polluted water or any substance other than potable water and the water in the water installation.

### **109. Installation of solar geysers**



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- (1) A solar water heating system shall be installed in accordance with the requirements of SANS.

### **110. Brass components**

- (1) Brass components of a water fitting intended to be in direct contact with water shall be of a copper alloy in respect of which, when five (5) random samples are tested, no individual reading shall show a depth of penetration exceeding 250 micrometers.

## **PART 7: FIRE SAFETY INSTALLATIONS**

### **111. Connection and disconnection at discretion of municipality**

- (1) The Municipality is entitled, in its absolute discretion, to grant or refuse an application for the connection of a fire safety installation to its main.
- (2) If, in the reasonable opinion of the Municipality, a fire safety installation, which has been allowed to be connected to a main, is not being kept in proper working order, or is otherwise not being properly maintained, or is being used in contravention of sections 112 and 119, then the Municipality shall, by formal written notice –
  - (a) require the installation to be refurbished, re-tested and recertified in terms of the relevant provisions of Part 6;
  - (b) require the installation to be disconnected from the main in the event that the owner does not effect the necessary refurbishment, as contemplated in terms of sub-section (2) (a), above;
  - (c) indicate that the Municipality will disconnect the installation at the expense of the owner or consumer, as the case may be;
  - (d) inform the owner or consumer that the Municipality shall estimate the quantity of water which in its reasonable opinion has been consumed through the fire safety installation for other purposes; and
  - (e) inform the owner or consumer that it will render an account for–
    - (i) such estimated quantity of water; and
    - (ii) the prescribed charges for disconnection, inspection, reconnection and application of seals, as the case may be.

### **112. Special conditions**

- (1) The approval of an application in terms of section 111 (1) is conditional upon the design and installation of a fire safety installation complying with the provisions of SANS.

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- (2) Notwithstanding the provisions of sub-section (1), the provisions of sections 113 to 124 (inclusive) apply, insofar as they are applicable, to the supply of water for fire safety purposes.
- (3) No water supplied to a consumer through a fire safety installation shall be used for any other purposes whatsoever.
- (4) No connection shall be made and no water supplied to any fire safety installation until—
  - (a) a certificate in terms of section 84 (1) (d) has been submitted to an authorised officer of the Municipality confirming compliance with this By-law and any other applicable legislation;
  - (b) the installation has been inspected and where required, tested by an authorised officer; and
  - (c) the fees for inspection and testing and the charges for the connection have been paid.
- (5) The owner of the premises and the consumer shall be jointly and severally liable to pay the fees and charges, determined by the Municipality, in respect of any fire safety installation or appliance used or installed upon such premises.
- (6) Where the Municipality supplies water to a fire safety installation on any premises through an un-metered connection, it shall –
  - (a) by written notice, advise the owner of its intention to install a device at the owner's expense in a position and manner specified by the Municipality to indicate whether water is needed from such fire safety installation;
  - (b) place a seal on the operating valve of every hydrant and hose-reel in the fire safety installation served by such connection;
  - (c) the provisions of Part 1 shall apply, *mutatis mutandis*, to a device installed in terms of sub-section (1) above.
- (7) If an officer inspects a fire safety installation and finds that a seal, referred to in sub-section (6) (b) is broken, or the device referred to in sub-section (6) (a) indicates that water has been used from the fire safety installation, or that any other evidence confirms misuse, then the Municipality shall –
  - (a) enforce the procedures of section 111;
  - (b) by written notice, require the consumer on such premises, within a specified period, to cease using water from his or her fire safety installation for purposes other than fire safety; and
  - (c) if a consumer fails to comply with a notice in terms of subsection

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(b) above, then the Municipality shall by further written notice –

(i) enforce the provisions of section 111; or

(ii) install a meter in the connection pipe serving the consumer's fire safety installation at his or her own cost.

- (8) When a consumer has used water from a fire safety installation in an emergency, for purposes other than the extinction or prevention of a fire, and such water is not metered and paid for, he or she shall notify the Municipality within forty-eight (48) hours.
- (9) In the circumstances described in terms of sub-section (8) above, the Municipality shall apply the provisions of section 111 (2) or section 112, in the reasonable exercise of its discretion.
- (10) On any subsequent misuse of water, irrespective of the circumstances, the provisions of section 112 shall apply.
- (11) The owner of any premises shall –
- (a) at his or her own expense, have the fire safety installation inspected and the water pressure tested in accordance with section 87 not less than once in every twelve (12) months;
- (b) disinfect the fire safety installation in accordance with section 88; and
- (c) be liable for the cost of water which, in the reasonable opinion of the Municipality, was drained from the fire safety installation in the course of any test and inspection referred to in sub-section (11) (a) above.

### **113. Dual and combined installations**

- (1) Any new building erected after the promulgation of this By-law must comply with the requirements contained in this section.
- (2) If, in the reasonable opinion of an authorised officer charged with the approval of plans, the boosting of the system is required, either for purposes of ensuring adequate pressure or the supply of water for the specific needs which the system is required to meet, then a dual-pipe installation must be created, one for fire safety purposes and the other for general installation purposes.
- (3) Combined installations, in which the same pipes and fittings are used for fire safety and general purposes, are only permitted where no booster pumping connection is provided on the water installation.
- (4) In the circumstances contemplated in sub-section (2), a fire hydrant shall be provided by the Municipality, at the consumer's expense, within 90 m of the premises to provide a source of water for the use of crew of any fire tender sent to extinguish a fire thereon.

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- (5) All pipes and fittings must be capable of handling pressures in excess of 1,015 kPa, which could be expected when boosting takes place, and must be designed to maintain their integrity when exposed to fire conditions.

### **114. Connection pipes for fire safety services**

- (1) A single connection to the water supply system, to serve a fire safety installation, excluding a sprinkler system, may be provided by the Municipality.
- (2) The Municipality shall provide and install at the owner's cost, a meter on the connection pipe referred to in sub-section (1), that will not obstruct the flow of water while operating.
- (3) No take-off of any kind from any connection pipe referred to in subsection (2) may be made, nor may any water therefrom be used except in connection with an automatic sprinkler and drencher, a hydrant connection or a hose-reel connection, or for any pressure tank connection therewith, and such tank must be controlled by an approved fitting.
- (4) A separate connection pipe must be laid and used for every fire sprinkler safety system, unless otherwise approved.

### **115. Meter in fire safety connection pipe**

- (1) The Municipality shall install a water meter in any connection pipe used solely for fire safety purposes, and the owner of the premises shall be liable for the whole cost thereof where it is evident to the Municipality that water has been drawn from the pipe otherwise than for fire safety purposes.

### **116. Valves in connecting pipe**

- (1) Every connection pipe must be fitted with an approved gate valve, which must be –
  - (a) supplied by the Municipality at the expense of the owner;
  - (b) installed between the owner's premises and the main;
  - (c) of the same diameter as the connecting pipe; and
  - (d) installed in such a position as may be specified by an authorised officer.

### **117. Header tank or double supply from main**

- (1) Unless a sprinkler installation is provided with a duplicate or reserve supply from a separate main, the owner must install a header tank on or in the premises, building or

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structure at such elevation as will compensate for any failure or reduction of pressure in the municipal main.

- (2) The main pipe, leading from such header tank to the sprinkler installation, may be in direct communication with the municipal main from which the principal supply of water is drawn, provided that such pipe is equipped with a reflux valve which, when the pressure in the municipal main fails or is reduced for any reason, will shut off the opening to the main.
- (3) Where a sprinkler installation is provided with a duplicate or reserve supply from a separate main, each supply must be equipped with a reflux valve situated within the premises.

### **118. Sprinkler extinguishing installation**

- (1) The Municipality is not bound to guarantee any specified pressure at any time in the water supply system to which a sprinkler extinguishing system is directly connected, notwithstanding its approval thereof.

### **119. Sealing of private fire hydrants**

- (1) Except in the case of a fire safety installation supplied through a connection pipe fitted with a meter, a private hydrant and hose-reel must be sealed by an authorised officer and such seal may not be broken by any person other than such officer in the course of servicing and testing, except for the purpose of opening the hydrant in the case of extinguishing a fire.
- (2) Every owner or consumer must give the Municipality at least fortyeight (48) hours notice of his or her intention to cause a fire safety installation to be serviced and tested.
- (3) The cost of resealing a hydrant and hose-reel, referred to in subsection (1), must be borne by the owner or consumer except when such seal is broken by the authorised officer for the purposes of inspection or testing.
- (4) Any water consumed after breaking the seal, referred to in subsection (3), other than in the course of testing by an authorised officer, or in the course of extinguishing a fire, must be paid for by the consumer at a tariff determined by the Municipality.

### **120. Pumping connections**

- (1) The pipe which serves a hydrant or an automatic sprinkler installation shall be provided with a twin pumping connection.
- (2) The connection, referred to in sub-section (1), shall be situated in an approved position outside the building at a height of not more than 1 m above finished ground level.

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### 121. Non-return valves

- (1) Non-return valves shall be installed in any fire extinguishing installation-
  - (a) on a pumping connection; and
  - (b) between a pumping connection and the connection pipe serving the installation.
- (2) A pipe connected to a storage tank and provided with a pumping connection, shall be fitted with a non-return valve installed in such a position and such a manner as to prevent the flow of water into the tank when the pumping connection is in operation.

### 122. Pressure gauge and test valve

- (1) An approved pressure gauge shall be installed in a fire safety installation outside the building concerned and in a position where it can be observed without the necessity of entering the building.
- (2) A test valve shall be installed immediately upstream of the pressure gauge referred to in sub-section (1) above.
- (3) The pressure gauge referred to in sub-section (1) shall –
  - (a) register a maximum pressure of not less than 2,500 kPa;
  - (b) be graduated at intervals of not more than 25 kPa; and
  - (c) have an error of not more than plus or minus 2 percent over its range of operation.
- (4) An authorised officer may, at any time, operate the test valve and pressure gauge referred to in sub-section (1).

### 123. Installation of pipes

- (1) Non-metallic pipes shall not be installed above ground in either a fire safety installation or a combined installation.
- (2) Pipes in a fire safety installation shall not be enclosed in the same duct as a fuel or gas pipeline.

### 124. Combined storage tanks

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- (1) If a storage tank serves both a fire safety installation and a general installation, then the arrangement of the tank system shall be such that the portion of the contents reserved for the fire safety installation will not become stagnant.

### **CHAPTER 6**

#### **CONDITIONS FOR SEWERAGE AND SANITATION SERVICES**

##### **PART 1: CONNECTION TO SEWERAGE SYSTEM**

###### **125. General conditions of supply**

- (1) No person may commence with any development on any premises unless the Municipality is able to provide a sewerage service to the premises or a sanitation service on the premises.
- (2) Notwithstanding any undertaking given in terms of Part 1 of this chapter, the granting of a connection by the Municipality shall not constitute an undertaking by it to maintain at any time or at any point in its sewerage system –
  - (a) an uninterrupted service in the conveyance, treatment and disposal of sewage, industrial effluent, wastewater, sullage, sludge, or any sewage related by-product; or
  - (b) an uninterrupted or continuous supply of final effluent for irrigation or industrial purposes, provided that the circumstances contemplated in sub-section (2) a) are subject to –
    - (i) to the conditions of regulation 4 of GNR 509;
    - (ii) general public notice, the statutory requirements of relevant legislation, and such immediate and temporary sanitation services as may be considered necessary by the Municipality;
    - (iii) notification to the party concerned, as required in terms of any binding agreement with the Municipality.

###### **126. Illegal discharge to sewerage system and environment**

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- (1) No person may discharge, or cause or permit any sewage to be discharged, directly or indirectly into a storm water drain, river, stream or other watercourse, whether natural or artificial or any public place.
- (2) The owner or occupier of any premises on which any steam liquid or fluid, other than potable water, is stored, processed or generated, shall provide all facilities necessary to prevent any discharge or leakage of such liquid or fluid to any street, storm water drain or watercourse, whether natural or artificial, except where, in the case of steam, the Municipality has approved such discharge upon terms and conditions that it may prescribe.
- (3) Where the hosing down or flushing by rainwater of an open area on any premises is, in the reasonable opinion of an authorised officer, likely to cause the discharge of objectionable matter into any street, storm water drain, river, stream or other watercourse, whether natural or artificial, or to cause or contribute towards the pollution of any such public place or watercourse, the Municipality shall, by written notice, require the owner of the premises to take such measures as prescribed by it, to prevent or minimise such discharge or pollution.
- (4) Where a consumer is found to be in breach of this subsection notwithstanding the other remedies available to the Municipality, the Municipality may levy a penalty fine as determined by the Municipality from time to time
- (5) An authorised officer may, by written notice, require any owner of premises from which there is a discharge of any sewage, or industrial or trade effluent, or non-compliant industrial effluent, to conduct, at his or her own cost, periodic expert inspections of the premises in order to identify precautionary measures which will ensure compliance with this By-law, and to report such findings to the Municipality.
- (6) If any contravention of this section takes place on any premises, or elsewhere, the owner of such premises, or any person aware of the contravention, shall as soon as possible notify the Municipality of the details of the contravention and the causes or reasons therefor.
- (7) Except as provided in section 49, no person shall cause or permit -
  - (a) any spring, sub-soil, surface, rainwater or stormwater to enter the drainage installation on any premises or the sewerage system of the Municipality; and
  - (b) any rainwater pipe to be connected thereto.

### **127. Obligation to connect to sewerage system**

- (1) The Municipality shall require the owner of any premises within its sewage and sanitation network, which, in the reasonable opinion of the Engineer, has a water supply of suitable quality and quantity to ensure efficient flushing, and is at a suitable level for drainage into a sewer, to have his or her drainage installation connected directly or



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indirectly to a municipal sewer at his or her own cost and to the satisfaction of the Municipality

- (2) Where the premises does not have a water supply of suitable quality and quantity to ensure efficient flushing, or is not at a suitable level for drainage into a sewer, then the owner shall be liable for the costs of any upgrade of infrastructure necessary to have his or her drainage installation connected directly or indirectly to a municipal sewer at his or her own cost and to the satisfaction of the Municipality.
- (3) If a sewer is or becomes available for connection to a municipal sewer, then the Municipality may require the owner of any premises, at his or her own cost, to lay, alter or extend any drainage installation, serving such premises, in such manner so as to terminate at a location and level approved by the Engineer, for connection to such municipal sewer.
- (4) Where habitable buildings exist on any premises, the owner shall provide the drainage installation contemplated in sub-section (1) within the time period prescribed in a written notice sent by the Municipality.
- (5) If a sewer connection has been provided to any premises, then the owner shall cause all sewage discharged from such premises to be conveyed by a drain into a sewer connection at that point.
- (6) Any owner who fails to lay, alter or extend any drainage installation in terms of sub-section (3), within the time specified therein or within such extension of time as the Municipality may allow, shall be guilty of an offence.
- (7) The Municipality may, subject to further written notice upon the owner and the provisions of sections 239 and 240, lay, alter or extend such drainage installation and recover the costs thereof from the owner.
- (8) The owner of premises required to connect to a municipal sewer in accordance with this section, must inform the Municipality in writing of any and all on-site sanitation services provided that will no longer be required as a result of the said connection.
- (9) The owner shall remain liable for any charges payable in respect of on-site sanitation services until the agreement therefor has been terminated in accordance with this By-law and the credit control and debt collection policy.
- (10) Where there is no means of waterborne sewage disposal to a premises, sewage shall be disposed of in accordance with other approved methods, as prescribed in this By-law.

### **128. Right of connection to municipal sewer**

(1) The owner of any premises within the municipal sewerage and sanitation network area shall be entitled to have the drainage installation thereon connected directly or indirectly to a municipal sewer, provided the Engineer certifies that such sewer –

- (a) has sufficient non-committed spare capacity;

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(b) has been or shall be constructed to a point that is sufficiently close to such premises to make the connection practicable and affordable to the consumer; and

(c) can be provided with a gravity connection to the drainage installation at the boundary of the premises.

### **129. Provision of connection to municipal sewer**

- (1) When an agreement for sanitation services has been concluded and no connection has been made to the premises, then the owner shall immediately make application on the approved form and pay the prescribed charge for the installation of a standard connection.
- (2) If an application is made for sanitation services to premises which is so situated that it is necessary to extend the municipal sewer in order to effect the connection, then the Municipality may agree to the extension of such sewer subject to such conditions as the Municipality may impose.
- (3) Only an authorised officer or agent may approve and install a connection between the municipal sewer and drainage installation on any premises.
- (4) The authorised officer shall, at such agreed time as the drainage installation is ready to be connected to the municipal sewer, arrange for the connection to be made thereto.
- (5) The discharge of any substance, other than clean water for testing purposes, shall not be permitted to enter any drainage installation until such installation has been approved, inspected and tested in terms of the Building Regulations and until it has been connected to the municipal sewer.

### **130 Location of connection to sewer**

- (1) A connection installed by the Municipality shall –
  - (a) be located in a position and at a level determined by an authorised officer in consultation with the owner or his or her authorised agent and be of a size determined by such officer; and
  - (b) terminate at a connection point approximately 1 m inside the boundary of the premises abutting the land owned by or vested in the Municipality or over which it has a servitude or other right, or when sub-section (3) below of this By-law applies, at the connecting point designated in terms of that sub-section.
- (2) In determining the location of a connection, an authorised officer shall ensure that the owner is aware of –

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- (a) practical restrictions that may exist regarding the location of a connection;
  - (b) the cost implications of the various possible locations of the connection; and
  - (c) whether or not the Municipality requires the owner to provide 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 such premises where the connection is required.
- (3) The Municipality may, at the request of any owner, agree, subject to such conditions as the Municipality may impose, to connect to a sewer other than that which is readily available for the drainage of the premises.
- (4) The owner shall be responsible for any extension of the drainage installation to the connection point, contemplated in sub-section (3) above, and for obtaining, at his or her own cost, such servitudes over other premises as may be necessary.
- (5) Where an owner is required to provide a sewage lift facility on his or her premises, in terms of the Building Regulations, the rate and time of discharge of sewage into the sewer shall be subject to the approval of the Engineer.

### **131. Provision of a single connection for several consumers on the same premises**

- (1) Notwithstanding the provisions of section 129, only one connection to a municipal sewer may be provided for the disposal of sewage from any premises, irrespective of the number of accommodation units located on such premises.
- (2) Where the owner, or the person having the charge or management of any premises on which several accommodation units are situated, requires the disposal of sewage from such accommodation units, the Municipality may, at its sole discretion, provide and install either-
- (a) a single connection in respect of the premises as a whole; or
  - (b) a separate connection for each accommodation unit or any number thereof.
- (3) Where the Municipality has installed a single connection as contemplated in sub-section (2) (a) above, the owner or person having the charge or management of the premises, as the case may be –
- (a) must, if the Municipality so requires, install and maintain on each branch pipe extending from the connection to the different accommodation units –
    - (i) a separate drain connection; and
    - (ii) an isolating valve;
  - (b) will be liable to the Municipality for charges in respect of all sewage disposed from the premises through such single connection.

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- (4) Notwithstanding the provisions of sub-section (1) above, the Municipality may authorise that more than one connection be provided to any premises comprising sectional title units or where, in its opinion, undue hardship or inconvenience would be caused to any consumer on such premises by the provision of only one connection.
- (5) Where the provision of more than one connection is authorised by the Municipality, the tariffs and charges for the provision of a connection are payable in respect of each connection so provided.

### **132. Interconnection between premises**

- (1) Every owner of premises shall ensure that no interconnection exists between the drainage installation on his or her premises and any drainage installation on other premises, unless he or she has obtained the prior written permission of the Municipality and complies with any conditions that may have been imposed in granting such permission.

### **133. Modification or disconnection of drainage installation**

- (1) The Municipality may disconnect a drainage installation from the municipal sewer, seal the opening to the municipal sewer so made, and recover from the owner the fees and outstanding charges determined by the Municipality, in circumstances where -
  - (a) the Municipality has been notified in writing by the owner that a drainage installation is no longer to be used and is to be disconnected from a municipal sewer; or
  - (b) the building or buildings, on the premises concerned, has or have been demolished.
- (2) Where any part of a drainage installation is disconnected from the remainder thereof because it will no longer be used, the disconnected part must be destroyed or entirely removed from the premises on which it was used, unless the Municipality approves otherwise.
- (3) After all the requirements of the Building Regulations in regard to disconnection have been complied with, on request of the owner, the authorised officer shall issue a certificate to certify that the disconnection has been completed in terms of the Building Regulations and that any charges raised in respect of the disconnected portion of the drainage installation shall cease to be levied with effect from the first day of the month following the issue of such certificate.
- (4) When a drainage installation is connected to or disconnected from a municipal sewer during any month, charges shall be calculated as if such connection or disconnection was made on the first day of the month following the month in which such connection or disconnection was effected.

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### **134. Communal sewerage and sanitation**

(1) The Municipality may, in consultation with the recipient community, install a communal sewerage system or communal sanitation facility to several consumers at a location that the Municipality deems, provided that the consumers to whom such services are proposed, have been consulted in respect of –

- (a) the conditions of supply;
- (b) level of service;
- (c) tariff payable;
- (d) service points;
- (e) location; and
- (f) other pertinent matters.

### **135. Temporary sewerage and sanitation**

(1) The Municipality may, at its sole discretion, install a temporary sewerage system or sanitation facility to serve several consumers or a major development or re-development in an emergency situation and for a limited time period, subject to such conditions and periods as it may prescribe.

### **136. Norms and standards**

(1) The Municipality shall, at all times, endeavour to provide sewerage and sanitation services in accordance with the regulations promulgated in terms of the Act.

### **137. Measurement of volume of standard domestic effluent**

(1) The quantity of standard domestic effluent discharged shall be determined by the Municipality as a percentage of the water supplied and metered by the Municipality.

(2) If the Municipality is of the reasonable opinion that the percentage referred to in subsection (1), in respect of specific premises, is excessive, having regard to the purposes for which water is consumed on those premises, then the Municipality may reduce the percentage applicable to those premises to a figure which, in its reasonable opinion and in the light of the available information, reflects the proportion between the likely quantity of sewage discharged from the premises and the quantity of water supplied thereto.

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- (3) In the absence of direct measurement, the standard domestic effluent will be estimated as follows –
- (a) 1,0 kl per full-time staff member per working month;
  - (b) 4,0 kl per resident per working month, not included in subsection (3) (a); and
  - (c) for staff canteens: 0,15 kl per meal prepared per working month; for which purpose a working month will be based on a five (5) day working week, and in cases where the working week deviates from five (5) days, a pro rata adjustment will be made.
- (4) Where premises are lawfully supplied with water from a source other than, or in addition to, the municipal water supply system, including abstraction from a stream, river, borehole or rainwater, the quantity will be a reasonable percentage of the total water used on those premises as shall be estimated by the Municipality, taking into account any representations that are made by the consumer.

### **138. Special measurement by municipality**

- (1) Where the Municipality wishes, for purposes other than charging for sewerage services, to ascertain the quantity of sewage, sullage, wastewater or trade effluent that is discharged from any premises or part thereof, it may, by written notice, advise the owner concerned of its intention to install a measuring device and appurtenant apparatus at such point in the drainage installation as it may specify.
- (2) The installation of such measuring apparatus referred to in subsection (1) above, its removal, and the restoration of the drainage installation after such removal shall be carried out at the expense of the Municipality.

### **139. Payment for sanitation or sewerage services**

- (1) All sanitation or sewerage services provided by the Municipality shall be paid for by the consumer at the prescribed charge for the particular category of use for which the service was granted.
- (2) A consumer shall pay for all sanitation or sewerage services supplied to him or her from the date of the agreement referred to in sections 19 and 20 until the date of termination thereof.
- (3) The Municipality may estimate a quantity of sewage discharged in respect of a period or periods within the interval between actual successive billings, and may render an account to a consumer for the quantity.
- (4) The amount of an account rendered for sanitation or sewerage services provided to a consumer shall become payable on the due date stipulated thereon.

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- (5) If a consumer is dissatisfied with an account, then he or she may, prior to the due date, object in writing, setting out his or her reasons for such dissatisfaction.
- (6) The lodging of an objection, contemplated in sub-section (5) above, shall not entitle a consumer to defer payment, except with the written consent of the Municipality.
- (7) If a consumer is charged for a category of use other than that for which he or she is supplied, and is in consequence not charged for the correct level of service used, or is in consequence undercharged, then he or she shall be liable for the amount due to the Municipality in accordance with the prescribed tariffs and charges in respect of such use.

### **140. Amendments to prescribed charges**

- (1) Where amendments to the prescribed charges for sewerage services become operative on a date between billing dates, it shall be deemed, for the purposes of rendering an account, that the same quantity of sewage was discharged in each period of twenty four (24) hours during the interval between such dates.

### **141. No reduction of amount payable for excessive sewage**

- (1) A consumer shall not be entitled to a reduction of the amount payable for excessive sewage flows from his or her premises due to water being wasted in his or her water installation.

### **142. Special conditions for sanitation and sewerage service**

- (1) The Municipality shall not be liable for any damage to property as a result of overflows from the sewerage system or from sanitation facilities due to abuse, misuse or vandalism of its facilities or those of its consumers or due to other circumstances beyond its control.
- (2) The Municipality may nevertheless remove all spilled sewage and polluted material from the premises and disinfect the affected area, re-instating surfaces where possible.
- (3) The consumer shall not sell or otherwise dispose of sewage emanating from his or her premises, whether or not he or she is supplied with potable or non-potable water from the water supply system, other than in terms of an agreement with the Municipality or as may be authorised in terms of section 69.
- (4) Under no circumstances shall untreated sewage be used for direct irrigation or any other purpose in contravention of this By-law.

### **143. Blocking-off consumer connection**

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- (1) Where a consumer is required to pay any amount due to the Municipality in terms of this By-law, or where a consumer has committed a contravention of this By-law and has failed to rectify such contravention within the period stipulated by the Municipality in terms of a written notice, the Municipality may -
  - (a) by written notice, inform the consumer about its intention to block-off his or her connection on a specified date; and
  - (b) on or after such date, proceed to effect such blocking-off.
- (2) If, in the reasonable opinion of the Municipality such action is necessary as a matter of urgency to prevent danger to life, spread of disease, a serious health hazard, pollution of water, or damage to property, then it may-
  - (a) without prior notice, block-off the connection to any premises; and
  - (b) enter upon such premises and do such emergency work, at the owner's expense, as it may deem necessary, and in addition, by written notice, require the owner to do such further work as it may deem necessary within a specified period.
- (3) The consumer shall pay –
  - (a) the prescribed charge for the blocking-off of his or her connection in terms of sub-section (1) or (2); and
  - (b) the prescribed charge for restoration of his or her connection.
- (4) The prescribed charges required in terms of sub-section 3(a) and (b) above must be paid prior to the restoration of a consumer's connection.

### **144. Supply of final effluent and other by-products**

- (1) The Municipality may, on the written application of a recognised body, agree to supply final effluent or other by-products from its sewage treatment works to a consumer, subject to such terms and conditions as the Municipality may impose.
- (2) The provisions of section 50 (2), (3) and (4) of this By-law shall apply *mutatis mutandis* to this section.

### **145. Notification of septic tanks, conservancy tanks, facultative pond systems, on-site irrigation and treatment works**

- (1) The Municipality may, by public notice, require-
  - (a) the owner or, if the owner is not in occupation, the occupier of any premises within its area of jurisdiction, upon which a septic tank, conservancy tank, facultative pond system, onsite irrigation or treatment works is utilised, to provide on-site sewage



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treatment and to notify it on the prescribed form of the existence thereof, and provide it with such other information as it may require; and

(b) the owner of any premises who plans to install such on-site facilities for sewage treatment, in respect of domestic purposes, to notify it on the prescribed form of such intention and obtain written approval therefor before work in connection therewith is commenced.

### PART 2: DRAINAGE INSTALLATION

#### 146. Provision of drainage installation

- (1) An owner must provide a drainage installation within the time period stipulated by the Municipality at his or her own cost and, except where otherwise approved, must ensure that the installation is situated within the boundary of his or her premises.
- (2) The Municipality may require an owner not to commence with the construction of a drainage installation until the municipal sewer to which it is to be connected has been laid.
- (3) A drainage installation must comply with any applicable specifications contained in the Building Regulations, this By-law and any other applicable legislation.
- (4) Where premises are situated in a 1-in-50 year flood plain, the top level of all manholes, inspection chambers and gullies is to be above the 1-in-50 year flood level.
- (5) After the completion of any drainage installation or alteration thereto, the plumber responsible for the execution of the work must submit to the Municipality a certificate certifying that the work was completed to the standards as set out in the Building Regulations, this By-law and any other applicable legislation.

#### 147. Technical requirements of drainage installations

- (1) All drainage installations, after promulgation of this By-law, shall comply with the relevant SANS specifications.
- (2) The provisions of section 75 (2), (3), (4), (5), (6), (7), and (8) of this By-law, shall apply *mutatis mutandis* to this section.

#### 148. Buried pipes

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- (1) No piping within any premises or under buildings shall be laid on bricks or stones or under plaster or similar material.
- (2) The protection of such pipes, where required, shall be in accordance with the guidelines and standards issued by the Municipality for the construction of drainage installations, and abstracts and copies of which shall be made available on request and upon payment of the requisite document fee.

### **149. Approval of design of drainage installation work**

- (1) If an owner wishes to have drainage installation work done, then he or she shall first obtain the written approval of the Municipality; provided that approval shall not be required for repair or replacement of an existing pipe or drainage fitting.
- (2) Application for approval in terms of sub-section (1), above, shall be made on the prescribed form and be accompanied by –
  - (a) the prescribed charge;
  - (b) copies of the drawings as prescribed by the Municipality, giving information in the form stipulated by SANS; and
  - (c) a certificate from a registered person certifying that the installation has been designed in accordance with the relevant SANS specifications.
- (3) The provisions of sub-sections (1) and (2) above shall not apply when a fixed sanitary fixture or fitting is replaced by a plumber registered with the Municipality.
- (4) The approval given in terms of sub-section (1) above shall lapse at the expiry of a period of twenty-four (24) months after the first day of the month succeeding the month in which the approval is given.
- (5) A complete set of approved drawings of the proposed drainage installation work, or major modifications thereto, shall be available on the site of the work at all times.
- (6) When such work has been completed and certified to be in compliance with this By-law, the certificate, accompanied by the approved as-built drawings, must be submitted to the Municipality for final approval and record, where approval is required in terms of sub-section (1).

### **150. Design drawings**

- (1) Unless written permission is obtained from the Municipality, drawings required in terms of Section 149 (2) (b) shall be on sheets of a size not smaller than A4 and shall indicate –

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- (a) the title deed description of the premises;
  - (b) the name of every street on which the premises abut;
  - (c) the scales of the drawing and the North Point;
  - (d) the position and size of the existing or proposed connection serving or to serve the premises;
  - (e) a schematic layout of the drainage installation;
  - (f) the location of every manhole, inspection chamber, roddingeye, gulley ventilation pipe and buried junction;
  - (g) the location of every pump and motor control chamber;
  - (h) details of the proposed accommodation for access by the Municipality, if it is required, for sampling and testing in respect of industrial or commercial premises;
  - (i) the position of all tanks, chambers and pits for on-site treatment;
  - (j) equipment or plant which uses water for flushing and which is, or may be, connected to a water installation; and
  - (k) any other information that the Municipality may require.
- (2) If the details of the plumbing installation on more than one floor of a building are identical, then such details may be drawn for one floor only.
  - (3) Where more than one drainage installation is to be installed on premises, such installations may be shown on the same drawing, provided they are clearly differentiated.
  - (4) If required by the Municipality, then a schedule shall be provided with each drawing or set of drawings, indicating the number of each type of drainage fitting and its nominal size.

### **151. Application of chapter 5 to sewerage and sanitation services**

- (1) The provisions of section 74 and sections 76 - 87 (inclusive) shall apply, *mutatis mutandis*, to sewerage and sanitation services.

### **152. Drainage installation tests**

- (1) An authorised officer must determine an appropriate test for a new or existing drainage installation, which shall require the utilisation of standard testing equipment to effect a

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camera test and at least one other test, as prescribed by the authorised officer, in accordance with standard procedures.

- (2) No drainage installation, or any part thereof, shall be connected to a municipal sewer, on-site sanitation services, or to an existing approved drainage installation unless any one or more of the following tests have been applied in the presence, and to the satisfaction of, an authorised officer, prior to the trenches of the drainage installation being backfilled with soil –

(a) the interior of every pipe or series of pipes between two (2) points of access shall be inspected throughout its length by means of -

(i) a camera; or

(ii) a mirror and a source of light, at the election of the Municipality and at the cost of the owner;

(b) 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;

(c) a smooth ball having a diameter of twelve (12) mm 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;

(d) all openings of the pipe or series of pipes to be tested have been plugged or sealed and all traps associated therewith filled with water and air, and shall be pumped into the said pipe or pipes until a manometric pressure of 38 mm of water is indicated, after which, without further pumping, the said pressure shall remain greater than 25 mm of water for a period of at least three (3) minutes; and

(e) all parts of the installation shall be subjected to and shall withstand an internally applied hydraulic test pressure of not less than 3 m head of water for a period of not less than ten (10) minutes.

- (3) Where the Municipality has reason to believe that any drainage installation or any part thereof has become defective, it may require the owner thereof to conduct any or all of the tests prescribed in sub-section (2) and if the installation fails to withstand any such tests to the satisfaction of an authorised officer, then the Municipality shall, by notice, require the owner to take any reasonable measures necessary to enable the installation to withstand any or all of the tests.

### **153. Clearing of drainage installation**

- (1) Notwithstanding the application of any test procedures carried out in terms of section 151, the owner shall ensure that his or her builder or agent removes all detritus, building waste and rubble and any other intractable objects from his or her drainage installation prior to requesting a connection to the municipal sewer.

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### **154. Use of drainage installation**

- (1) A drainage installation, or any portion thereof, shall not be used until the requirements of this By-law have been met and a certificate of occupation has been issued by the Municipality.

### **155. Maintenance of drainage installation**

- (1) An owner must maintain his or her drainage installation at his or her own cost.
- (2) No person may cause or permit such an accumulation of grease, oil, fat, solid matter or any other substance in any trap, tank, or fitting as will cause its blockage or ineffective operation.
- (3) When the owner or occupier of premises has reason to believe that a blockage has occurred in any drainage installation thereon, he or she shall take immediate steps to have it cleared and the affected area cleaned and disinfected.
- (4) When the owner or occupier of premises has reason to believe that a blockage has occurred in a municipal sewer, he or she shall immediately inform the Municipality.
- (5) Where a blockage occurs in a drainage installation, any work necessary for its removal must be done by or under the supervision of a plumber.
- (6) Should any drainage installation on any premises overflow as a result of an obstruction in the sewer, and the Municipality is reasonably satisfied that such obstruction was caused by objects emanating from the drainage installation, the owner of the premises shall be liable for the cost of clearing the blockage and the cleaning and disinfection of the affected area.
- (7) Where a blockage has been removed from a drain or portion of a drain which serves two (2) or more premises, the owners shall be jointly and severally liable for the cost of clearing the blockage.
- (8) Where a blockage in the municipal sewerage system has been removed by the Municipality and such removal necessitated the disturbance of an owner's paving, walls, lawn or other artificial surface, the Municipality shall not be responsible for the reinstatement of such items that were placed or built over a municipal sewer or within the protective servitude or way-leave.
- (9) The owner of any premises must ensure that all municipal manholes on the premises are permanently visible and accessible at all times, and is responsible for ensuring the visibility and accessibility of all cleaning eyes and inspection chambers thereon.
- (10) Any person who requests the Municipality to clear a drainage installation shall be liable to pay the prescribed tariff.

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- (11) The Municipality may, on the written application of the owner or occupier of any premises, inspect and test the drainage installation of such premises or any section thereof and recover from the owner or occupier the cost of such inspection and test, calculated at the rate specified in the prescribed tariff of charges.
- (12) Before doing work in connection with the maintenance of a portion of his or her water installation which is situated outside the boundary of his or her premises, an owner shall obtain the written consent of the Municipality or the owner of the land on which such portion is situated, as the case may be.

### **156. Maintenance of combined drainage installations**

- (1) Where any part of a drainage installation is used by two (2) or more owners or occupiers, they shall be jointly and severally liable for the maintenance of the installation.

### **157. Construction of combined drainage installation by water services authority**

- (1) The Municipality may, by written agreement with the owner of any premises, construct any combined drainage work which such owner is required to provide in terms of this By-law or the Building Regulations, against payment by the owner, in advance or on demand, of all costs associated with such construction.
- (2) The cost of constructing a combined private drain, connecting such combined private drain to the municipal sewer, to another private drain, a septic tank or conservancy tank, shall be borne by the owners of all premises served by such combined private drain in such proportions as may be fixed by the Municipality.
- (3) In all cases where any work is carried out by the Municipality, in respect of which it is entitled to recover the cost from any person under this By-law, there may be included in such cost, as certified by the Engineer or an authorised officer, an additional charge of 10% to cover administrative and professional charges incurred by the Municipality or its authorised agent or agents.

### **158. Mechanical appliances for lifting sewage**

- (1) The owner of any premises must obtain the approval of the Municipality before installing any mechanical appliance for the raising or transfer of sewage in terms of the Building Regulations.
- (2) The application must be accompanied by drawings prepared by a professional engineer in accordance with the relevant provisions of the Building Regulations.
- (3) The drawings in sub-section (2) must show details of the compartment containing the pump sets, the sewage storage tank, the stilling chamber and the positions thereof, and

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the position of the motor control board, drains, ventilation pipes, rising main and the sewer connection.

- (4) Notwithstanding any approval given in terms of sub-section (1), the Municipality shall not be liable for any injury or damage to life or property caused by the unlawful use, malfunction or any other condition arising from the installation or operation of a mechanical appliance for the raising or transfer of sewage.
- (5) Every mechanical appliance installed for the raising or transfer of sewage shall be specifically designed for that purpose and shall be fitted with a discharge pipe, sluice valves and non-return valves located in approved positions.
- (6) Unless otherwise approved by the Municipality, such mechanical appliances shall be installed in duplicate and each such appliance shall be so controlled that either will immediately begin to function automatically in the event of failure of the other.
- (7) Every mechanical appliance forming part of a drainage installation shall be so located and operated as to not cause any nuisance through noise or smell, vibration or otherwise, and every compartment containing any such appliance shall be effectively ventilated.
- (8) The maximum discharge rate from any mechanical appliance and the times between which the discharge may take place shall be as prescribed by the Municipality who may, at any time, require the owner to install such fittings and regulating devices as may be necessary to ensure that the said prescribed maximum discharge rate shall not be exceeded.
- (9) Except where sewage storage space is incorporated as an integral part of a pump set compartment, a sewage storage tank shall be provided in conjunction with such appliance.
- (10) Every sewage storage tank required in terms hereof shall –
  - (a) be constructed of hard, durable materials and shall be watertight and the internal surfaces of the walls and floor shall be rendered smooth and impermeable;
  - (b) have a storage capacity below the level of the inlet equal to the quantity of sewage discharged thereto in twenty-four (24) hours or 900 litres, whichever is the greater quantity; and
  - (c) be so designed that the maximum proportion of its sewage content shall be emptied at each discharge cycle of the pump set or mechanical appliance.
- (11) Every pump chamber, storage tank and stilling chamber shall be provided with a ventilation pipe in accordance with the specifications provided by the Municipality.

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### **159. Discharge from swimming pool, swimming bath, fountain, or reservoir**

- (1) Any overflow, due to excess rainwater, from a swimming pool, swimming bath, splash pool, spa bath, jacuzzi, or other like facilities, fountains or reservoirs, shall be so designed and constructed so that such overflow discharges onto the site upon which it is situated or into a surface channel, storm water drain or natural water course under the control of the Municipality and with its prior written approval.
- (2) Any swimming pool, swimming bath, fountain or reservoir shall be so designed and constructed that the water from the backwashing of any filters discharges onto the site upon which it is situated but does not leave the site.
- (3) The backwash referred to in sub-section (2) shall be discharged into a drainage installation connected to the municipal sewer with the written prior approval of the Municipality.

### **160. Emission of gas**

- (1) When a nuisance exists or could exist, owing to the emission of gas from any trap or sanitary fitting or any other part of a drainage installation, the Municipality shall require the owner, at his or her own expense, to take such action as may be necessary and within the specifications set by the Municipality to prevent such nuisance.

### **161. Sanitary fixture standards**

- (1) Any sanitary fixture shall be made of resistant, non-corrosive material, shall have a smooth and readily cleanable surface and, where connected to a drainage installation, shall be so constructed and fitted as to discharge through a water seal trap, into a soil pipe or waste pipe as the case may be.
- (2) The number of sanitary fixtures to be provided in any premises shall comply with the requirements of the Building Regulations.
- (3) No person shall erect, or use, or allow to be used, any toilet, in a premises or dwelling unit in which articles of food or drink are manufactured, prepared, handled or stored, unless such toilet is a flush toilet with an attendant hand was basin.

### **162. Alteration to drainage installation**

- (1) Every owner who wishes to add to, alter or effect any addition to, alteration in or reconstruction of any drainage installation, shall deposit such plans, sections and particulars as may be necessary so as to enable the Municipality to ascertain whether such reconstruction, addition or alteration is in accordance with this Bylaw.



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- (2) Upon approval of such plans and upon completion of the alterations to the drainage installation, the owner shall ensure that the provisions of sections 87, 146 (5), and 152 are complied with.

### **163. Rendering of special services**

- (1) The Municipality may agree with the owner of any property, upon the terms and conditions for the rendering of special services in connection with the drainage of any private premises.

### **164. Ingress of storm water into drainage installation prohibited**

- (1) No part of a drainage installation may at any time be constructed or designed to allow or be capable of allowing water from any source, not being waste water or sewerage, to enter such drainage installation.
- (2) No person may 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 conducting or capable of being used to conduct rainwater from any roof or other surface, may be permitted to discharge into any gully, manhole, or inspection chamber or any other fitting, forming part of a drainage installation.
- (4) Should the Municipality at any time become aware of any installation which does not comply with the provisions of subsections (1), (2) or (3), or that any provision thereof has or is being contravened, it shall, subject to the provisions of sections 224 or 225, carry out such alterations to the installation as it may deem necessary to ensure compliance with the provisions of those sections and recover from the owner the costs or the prescribed fees as determined by the Municipality.

### **165. Mechanical food-waster or other disposal units**

- (1) The Municipality may approve the connection or incorporation of a mechanical waste food, macerator, garbage grinder or other disposal unit into a drainage installation which has a capacity in excess of 500W, subject to compliance with such conditions and payment of such charges as the Municipality may impose, provided that –
  - (a) a water meter is installed by the Municipality;
  - (b) the Municipality is satisfied that the sewerage and sewage treatment system shall not be negatively affected; and

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(c) the installation or incorporation is installed in conformity with any municipal By-law relating to electricity.

### **166. Disposal of sludge, compost and manure**

- (1) Except when prohibited by any law, the Municipality may sell or dispose of sewage sludge, compost or animal manure resulting from the operation of any sewage treatment works, horticultural operation or zoo facility operated by the Municipality, on such terms and 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 it may impose or as may be required in terms of any law.
- (2) Except in the case of long-term contracts entered into for the purpose of the removal thereof, such sludge, compost or manure must be sold or disposed of at a price determined from time to time by the Municipality.

## **PART 3: SEWAGE DELIVERED BY ROAD HAULAGE**

### **167. Acceptance of sewage delivered by road haulage**

- (1) The Municipality may, at its discretion, and subject to such conditions as it may specify, accept sewage for disposal delivered to the municipal sewage treatment plants or disposal works by road haulage.

### **168. Approval for delivery of sewage by road haulage**

- (1) No person shall discharge sewage into a municipal sewerage system by road haulage except with the prior written approval of the Municipality and subject to such period and any conditions that may be imposed.
- (2) The charges for any sewage delivered for disposal to the municipal sewerage system shall be assessed by the Municipality in accordance with the Municipality's tariff of charges.

### **169. Conditions for delivery of sewage by road haulage**

- (1) The time and place of delivery shall be arranged with the Municipality.
- (2) The nature and composition of the sewage shall be established to the satisfaction of the Municipality prior to the discharge thereof and no person shall deliver sewage that does not comply with the standards laid down in terms of this By-law.

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- (3) All other requirements prescribed by SANS and any other applicable legislation must be complied with.

### **170. Withdrawal of permission for delivery of sewage by road haulage**

- (1) The Municipality may withdraw any permission, after giving at least fourteen (14) days written notice of its intention to do so, to any person who has been granted permission to discharge sewage by road haulage if that person –
  - (a) fails on more than two (2) occasions to ensure that the service and sewage so delivered conforms to the requirements of this By-law, or to the written permission referred to in section 168;
  - (b) fails or refuses to comply with any notice lawfully served on him or her in terms of this By-law, or contravenes any provisions of this By-law or any condition imposed on him or her in terms of any permission granted to him or her; and
  - (c) fails to pay the assessed fees in respect of any sewage delivered within the period allowed for payment.

## **PART 4: ON-SITE SANITATION SERVICES**

### **171. Application for infrastructure**

- (1) If an agreement for on-site sanitation and associated services has been concluded in terms of section 18, or if it is not reasonably possible or cost effective for the Municipality to install a sewer, or if no drainage installation or infrastructure in connection therewith exists on the premises, then the owner must immediately make application on the approved form and –
  - (a) pay the prescribed charge for the installation of the necessary on-site infrastructure; or
  - (b) with the approval of the Municipality and at the request of the owner, install the on-site sanitation services in accordance with the specifications of the Municipality.
- (2) The Municipality may specify the type of on-site sanitation services to be installed subsequent to consultation with the owner or recipients of such services.

### **172. Use of on-site sanitation services**

- (1) No person shall use or permit the use of on-site sanitation services except with the prior approval of the Municipality and in accordance with such conditions as it may impose, for domestic, commercial or industrial purposes.

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- (2) Any person desiring the consent referred to in sub-section (1) shall provide the Municipality with evidence satisfactory to it that the onsite sanitation facility is not likely to have a detrimental effect on health or the environment.
- (3) Any consent given in terms of sub-section (1) may be withdrawn if, in the reasonable opinion of the Municipality –
  - (a) a condition imposed in terms of sub-section (1) has been breached; or
  - (b) the sanitation facility has a detrimental impact on health or the environment.
- (4) The Municipality may undertake such investigations as it deems necessary to determine if a sanitation facility has a detrimental impact on health or the environment.
- (5) The person to whom consent was granted in terms of sub-section (1) shall be liable for the costs associated with an investigation undertaken in terms of sub-section (4) if the result of the investigation indicates that the sanitation facility has a detrimental impact on health or the environment.

### **173. Septic tank and treatment plant**

- (1) No person may construct, install, maintain or operate any septic tank, or treatment plant or other facility for the treatment, disposal or storage of sewage, without the prior written permission of the Municipality.
- (2) The permission referred to in sub-section (1) is subject to the provisions of this By-law and any other relevant legislation.
- (3) A septic tank shall be-
  - (a) designed and constructed to the standards required by SANS and the Municipality; and
  - (b) shall be sealed in accordance with the directions of the Municipality, in order to prevent or discourage tampering by any unauthorised persons.
- (4) A septic tank or other on-site sewage treatment plant shall not be situated nearer than 3 m to any dwelling unit or to any boundary of the premises on which it is situated.
- (5) Effluent from a septic tank or other on-site sewage treatment plant shall be disposed of to the satisfaction of the Municipality.
- (6) A septic tank or other tanks associated with on-site treatment of sewage shall be subject to a water tightness test in addition to the requirements of sections 84 - 87 and 152

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(inclusive), the results of which shall be reflected on a certificate from a registered contractor, plumber or professional engineer, as appropriate.

- (7) Septic tanks or other on-site treatment works, serving premises other than domestic premises, shall be designed and certified by a professional engineer and the drawings therefore approved by the Municipality.
- (8) The Municipality or its authorised agent may, having regard to the position of a septic tank or the point of connection for a de-sludging vehicle, make it a condition of its emptying the tank that the owner or consumer indemnifies it, in writing, against any liability for any damages that may result from rendering such service.
- (9) Where the service vehicle of the Municipality or its authorised agent has to traverse private premises for the de-sludging or emptying of a septic tank, the owner shall provide a roadway at least 3,5 m wide, so hardened as to be capable of withstanding a wheel load of 4 metric tons in all weather, and shall ensure that no gateway through which the vehicle is required to pass, to reach the tank, shall be less than 3,5 m wide.
- (10) The owner of premises, on which a septic tank or treatment plant is installed, shall at all times maintain such tank or plant in good order and condition to the satisfaction of the Municipality.
- (11) The Municipality may, if it considers that an existing septic tank is no longer adequate to serve the needs of the occupiers of the relevant premises, or is causing a public health hazard, or is damaging the environment, or is causing a public nuisance, give the owner of the property on which such septic tank is situated not less than ninety (90) days written notice to replace such septic tank with a conservancy tank and the owner of the relevant premises –
  - (a) shall replace the septic tank with an approved conservancy tank within such ninety days period of notice; and
  - (b) all bear the cost of replacing the septic tank with a conservancy tank.

### **174. French drains**

- (1) The Municipality shall, on such conditions as it may prescribe, having regard to the quantity and the nature of the effluent and the nature of the soil, as determined by a permeability test prescribed by SANS, approve the disposal of wastewater or other effluent by means of French drains, soakage pits or other approved works.
- (2) A French drain, soakage pit or other approved work may not be situated closer than 5 m to any dwelling unit or to any boundary of any premises on which it is situated, nor in any such position as will, in the reasonable opinion of an authorised officer, cause

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contamination of any borehole or other source of water which is or may be used for drinking purposes, or cause dampness in any building.

- (3) The dimensions of any French drain, soakage pit or other similar work shall be determined in relation to the absorbent qualities of the soil and the nature and quantity of the effluent.
- (4) French drains serving premises other than a dwelling house must be designed and certified by a professional engineer.

### **175. Conservancy tanks**

- (1) The Municipality shall, on such conditions as it may prescribe, approve in writing the construction of a conservancy tank and ancillary appliances for the retention of sewage or effluent.
- (2) No rain water, storm water or effluent other than that approved by the Municipality may be discharged into a conservancy tank.
- (3) No conservancy tank shall be used unless it is:
  - (a) sealed with covers of a mass approved by the Municipality in order to prevent or discourage tampering by unauthorised persons; and
  - (b) it has been designed and constructed in accordance with the requirements of the Municipality.
- (4) A conservancy tank shall be subject to a water tightness test in addition to meeting the requirements of sections 84 - 87 and 152 (inclusive), the results of which to be reflected on a certificate from a registered contractor, plumber or professional engineer, as appropriate.
- (5) The Municipality or its authorised agent may, having regard to the position of a conservancy tank or of the point of connection for an evacuating vehicle, make it a condition of the emptying of a conservancy tank, that the owner or consumer indemnify it, in writing, against any liability for any damages that may result from the rendering of such service.
- (6) Where the service vehicle of the Municipality or its authorised agent has to traverse private premises for the evacuation of a conservancy tank, the owner shall provide a roadway at least 3,5 m wide, so hardened as to be capable of withstanding a wheel load of 4 metric tons in all weather, and shall ensure that no gateway through which the vehicle is required to pass, to reach the tank, shall be less than 3,5 m wide.
- (7) The owner of premises on which a conservancy tank is installed shall at all times maintain such tank in good order and condition to the satisfaction of the Municipality.

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- (8) No person may drill holes into or otherwise cause leaks in a conservancy tank for the purposes of transforming a conservancy tank into a *de facto* septic tank or for any other purposes.

### **176. Operation and maintenance of on-site sanitation**

- (1) The operation and maintenance of on-site sanitation installations and all costs pertaining thereto remain the responsibility of the owner of the premises, unless the on-site sanitation services are subsidised services determined in accordance with the credit control and debt collection policy or the Municipality's policy with regard to indigent support.

### **177. Servicing On-Site Sanitation Facilities**

- (1) The removal or collection of conservancy tank contents, night soil or the emptying of septic tanks and pits must be undertaken by the Municipality, or its authorised agent in accordance with a removal and collection schedule, determined from time to time by an the municipality or an authorised officer and provided for within the Municipal budget and capacity.

### **178. Disused conservancy, septic tank and treatment plant**

- (1) If an existing conservancy tank, septic tank or treatment plant is no longer required for the storage or treatment of sewage, or if permission for such use is withdrawn, then the owner shall either cause it to be completely removed or to be completely filled with earth or other suitable material.
- (2) The Municipality may require a tank or plant referred to in subsection (1), above, to be otherwise dealt with, or may approve the use thereof for other purposes, subject to such conditions as maybe specified.

### **179. Charges for servicing on-site sanitation facilities**

- (1) The Municipality may levy a charge that covers all the operating and maintenance costs for the removal of the pit contents, transportation to a disposal site, the treatment of the contents and the final disposal of any solid residues.
- (2) The charge in sub-section (1) may be in the form of a monthly contribution, or it may be levied as a single payment when the service is rendered.
- (3) Prescribed charges in respect of the removal or collection of conservancy tank contents or the emptying of a pit or septic tank will be based on the quantity removed and the distance travelled by the service vehicle.

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- (4) Regular night soil, conservancy tank and pit content removal services, rendered in terms of this By-law, will be discontinued on receipt by the Municipality of at least forty-eight (48) hours notice in writing from the owner or occupier of the property to discontinue the service.
- (5) The fees for the services contemplated in sub-section (1) will continue to be payable until the Municipality has received such notice and until the notice has expired.
- (6) Where notice to discontinue the service, referred to in sub-section (1), is received by the Municipality after the date when the services were to have been discontinued, the fee payable must cease as from the date and time of receipt of the written notice.
- (7) The Municipality may require the Municipality to provide the services referred to in sub-section (1) at subsidized tariffs for certain indigent consumers in terms of its credit control and debt collection policy or the Municipality's policy with regard to indigent support.

### **180. Ventilated improved pit-latrine (V.I.P.)**

- (1) On-site sanitation must comply with the applicable specifications contained in the Building Regulations and any standards prescribed in terms of the Act or this By-law.
- (2) A pit-latrine must be of the ventilated improved pit-latrine type or equivalent in accordance with the specifications and conditions as set by the Municipality from time to time.
- (4) A standard V.I.P shall not be used by more than one household and there must be access to suitable water, required for hand washing.

### **181. Grease traps**

- (1) The owner, shall ensure that a grease trap of the approved type, size and capacity and that complies with any Municipal requirements is provided-
  - (a) in respect of each premises that discharges sewage to onsite sanitation systems; or
  - (b) where, in the reasonable opinion of an authorised officer, the discharge of grease, oil or fat is likely to cause an obstruction to the flow of sewage in sewers or drains, or interfere with the proper operation of any sewage treatment plant.

### **182. Installation of pre-treatment plant**

- (1) The Municipality shall require the owner of any premises that will produce, or currently discharges, sewage of a strength substantially higher than that of the defined standard of domestic sewage, to provide at its own expense, within his or her drainage



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installation, an acceptable pre-treatment facility in compliance with the Municipal standards and specifications, prior to the Municipality's granting its approval of the connection of such premises to the municipal sewerage system, or for the continued discharge thereto.

### **183. Illegal reconnection**

- (1) An owner or consumer whose access to sewerage or sanitation services has been officially restricted or disconnected and who intentionally and unlawfully reconnects to municipal services, or who intentionally or negligently interferes with infrastructure through which such services are provided, shall be guilty of an offence and shall, without further written notice, be disconnected.
- (2) The Municipality may recover all costs associated with repairing damage caused as a result of such illegal reconnection, which costs shall include, but are not restricted to the costs of –
  - (i) any exploratory investigation;
  - (ii) surveys;
  - (iii) documentation;
  - (iv) supervision;
  - (v) administration charges;
  - (vi) the use of materials, tools and the cost of labour;
  - (vii) any rehabilitation of any part of a street, ground or premises affected by the repairs; and
  - (viii) the environmental cost.

### **184. Bucket closet for human excrement**

- (1) No person shall use or occupy or allow any premises to be used or occupied, unless it is provided with sanitary conveniences which comply with any applicable Building Regulations, this By-law or any other relevant legislation.
- (2) The owner of premises shall provide such premises with a sufficient number of sanitary conveniences in relation to the number of persons residing, employed, frequenting, or using such premises, or to the number of persons in respect of which the premises has been designed to accommodate.
- (3) No person shall erect a bucket closet, or use or allow it to be used as such, unless it complies with the standards and specifications as set by the Municipality from time to time and only after the written approval of the Municipality has been obtained.

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- (4) The Municipality may insist upon access to suitable water for hand washing before granting any approval contemplated in terms of subsection (3).

### **185. Infectious disease**

- (1) Whenever on any premises, there is a person suffering from an infectious disease, which infection may be contained in the stools or urine of such person, the Municipality or an authorised agent shall provide such premises with a separate and distinctively marked bucket for the exclusive use of such person.
- (2) The bucket referred to in sub-section (1) shall be removed daily and the contents thereof disposed of in such manner as to prevent the spread of infection.

### **186. Cesspool prohibited**

- (1) No person shall have a cesspool or deposit, or allow to be deposited any noxious or offensive matter in a pit, on premises occupied by him or her.

### **187. Receptacles for grey water**

- (1) The owner or occupier of premises not connected to a conservancy, septic tank or municipal sewer, shall provide and maintain on such premises, at his or her own expense, receptacles for the reception and storage of grey water prior to removal.
- (2) Such receptacles shall be of suitable size and construction and have proper covers.
- (3) The owner or occupier of the premises shall deposit or cause to be deposited, in such receptacles, all grey water required to be removed from such premises.
- (4) Any stoppage or defect in the outlet of a grey water receptacle shall immediately be removed or remedied by the owner or occupier of the premises.
- (5) No person shall deposit or cause to be deposited any human or animal excreta in any grey water receptacle.
- (6) No person other than an authorised officer or agent may carry out the removal and disposal of grey water.
- (7) Removal shall be carried out at least twice a week in respect of every premises within the area from which the removal is to be effected.

### **188. Chemical toilet**

- (1) The Municipality or its authorised agent may, as a temporary measure, and where events, circumstances or seasonal demand necessitate, and where existing public

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facilities are inadequate or non-existent, provide suitable, portable chemical toilets for such occasions.

- (2) The prior approval of the Municipality shall be obtained for the position and location of portable chemical toilets where these are required to be placed on municipal premises, or in the immediate vicinity of public water, road servitudes or public open spaces.
- (3) Where special events occur on private premises, requiring the temporary use of chemical toilets, the owner shall ensure that the provisions of sub-section (2) are complied with and the prescribed fees are paid for the disposal of the contents of such chemical toilets at a sewage treatment or disposal works designated by an authorised officer.
- (4) All chemical toilet units, whether used on public or private premises, shall, at all times, be kept in a clean and hygienic state.
- (5) All chemical toilet units must be structurally sound with proper lockable doors, adequate ventilation and natural lighting, free of obnoxious odours and properly serviced with sanitary consumables.
- (6) The owner or authorised agent of the chemical toilet units shall confirm to the Municipality and obtain its permission for the use and disposal of the chemical or biological substances used therein.

### **189. Temporary use of land by municipality**

- (1) The Municipality may, without compensation, for the purpose of doing, or in connection with anything authorised or required to be done by it under this By-law –
  - (a) open up the ground on any premises;
  - (b) temporarily use the land on any premises; and
  - (c) re-instate such ground or land.

### **190. Work on sewers in streets**

- (1) Any work required for the laying of sewers in streets or other public places shall, if the Municipality does not elect to carry it out itself, be executed by an authorised agent in accordance with this By-law and any other applicable legislation.

### **191. Change in use of sewerage or sanitation service**

- (1) Where there is any change in the purpose or extent for which sewerage or sanitation services are used, the owner or consumer must enter into a new agreement with the Municipality.

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### CHAPTER 7

#### TRADE EFFLUENT MANAGEMENT

##### PART 1: GENERAL PROVISIONS

###### **192. Exceptions to application of this By-law**

- (1) The provisions of Chapter 3 shall apply, *mutatis mutandis*, to any consumer installation providing an industrial effluent facility connected directly or indirectly to the municipal sewerage system.
- (2) Any act properly performed under any By-law or regulation repealed simultaneously with the promulgation of this By-law shall be deemed to be valid.
- (3) Any permit validly granted under any By-law or regulation repealed simultaneously with the promulgation of this By-law shall be deemed to be a permit issued under this By-law.
- (4) Any permit referred to in sub-section (3) above, which was granted for a period of longer than twelve (12) months, may be withdrawn or its conditions varied on three (3) months' written notice by the Municipality.
- (5) Notwithstanding the provisions of sub-section (3) above, no person shall contravene the provisions of this By-law or associated environmental legislation, promulgated after the granting of any such permit.

###### **193. Persons to prevent pollution**

- (1) Every person engaged in commercial, trade or industrial activities, which result in the production of commercial or industrial effluent that requires disposal on or from the premises, must comply with the provisions of this By-law and any other relevant legislation.
- (2) No person shall cause or permit any grey water, soil water, wastewater, trade effluent or any liquid other than storm water to be discharged or to flow into –
  - (a) any storm water drain, storm water system or excavated or constructed watercourse;
  - (b) any river, stream or natural watercourse, including groundwater or any public water, whether ordinarily dry or otherwise, except in accordance with the provisions of the National Water Act;
  - (c) any public place; or
  - (d) the ground, except as provided for in terms of this By-law.

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- (3) No person shall cause or permit any storm water to enter the municipal sewerage system.
- (4) An authorised officer may, by written notice, order the owner or occupier of any premises to conduct, at his or her own cost, periodic expert inspections of the premises in order to identify precautionary measures which would ensure compliance with this By-law and to report such findings to the Municipality.
- (5) An authorised officer may, by written notice, order the owner or occupier of any premises to execute, at his or her own cost, any precautionary measures required by the Municipality to prevent any contravention of this By-law.
- (6) If any person inadvertently contravenes any provision of subsections (2) to (5), then he or she shall, within twelve (12) hours, of such contravention, advise an authorised officer of the details of the contravention and the reasons for it in writing.

### **194. Special agreement to provide service**

- (1) The Municipality may enter into a special agreement for the disposal of trade effluent with –
  - (a) a person inside the municipal area of jurisdiction, if the disposal necessitates the imposition of conditions not contained in this By-law; or
  - (b) a person outside the Municipality's area of jurisdiction.
- (2) If the Municipality, in terms of a special agreement, provides a means of disposal of industrial effluent to a person outside its area of jurisdiction, then it may permit him or her to accept effluent for eventual treatment and disposal by the Municipality, from other persons outside the said area of jurisdiction, subject to such conditions as the Municipality deems fit.

### **195. Termination of agreement to provide service**

- (1) A person may terminate an agreement referred to in section 193 by giving to the Municipality notice in writing of his or her intention to do so, provided such notice is not given in any period less than that contained in the said agreement.
- (2) An authorised officer must ensure that the manner in which effluent arising from the premises will be disposed of, upon termination of the agreement, is satisfactory.

### **196. Refusal to grant permission to discharge trade effluent**

- (1) The Municipality may refuse to grant any person -
  - (a) an agreement to discharge trade effluent; or

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(b) its acceptance of that portion of trade effluent from any trade premises in respect of which an authorised officer has established that it does not comply with any provision of this By-law or which poses an environmental risk.

- (2) The Municipality may require any person mentioned in sub-section (1), above, to dispose of their trade effluent in a manner prescribed by the Municipality and to provide documented proof of the legal disposal of such trade effluent.

### **197. Person to provide hazardous waste certificate**

- (1) An authorised officer may, without prior written notice, require hazardous waste disposal certificates from any waste management company, owner or occupier of any premises, which or who participates in removing, handling, producing or disposing of such waste on behalf of any person or person in charge.

### **198. Municipality to institute legal action**

- (1) The Municipality may institute legal action against a person, or a person in charge of premises, who by act or omission, commits a breach or an offence under this chapter.
- (2) The Municipality may implement the relevant provisions of this Bylaw to remedy such breach or offence at full cost to such person, including any environmental costs.
- (3) The Municipality may recover from any person who is found guilty of an offence for the illegal discharge of industrial effluent, or any substance which is unauthorised or illegal, into the sewerage system or on to any premises utilised by the Municipality for there ception, storage, treatment and disposal of sewage and related bi-products, such costs, expenses, charges, fines as may be incurred by the Municipality as a result of –
  - (a) injury to persons and damage to property; and
  - (b) a prosecution conducted in terms of any associated environmental legislation.

### **199. Municipality to recover full cost**

- (1) Whenever any work, carried out by the Municipality or its authorised agent is charged at full cost or is, in the reasonable opinion of an authorised officer, of an abnormal nature or is to be executed under exceptional circumstances, the Municipality shall be entitled to recover such sum as an authorised officer may certify as being the full cost of carrying out the work, including any –
  - (a) exploratory investigation;

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- (b) laboratory analysis;
- (c) survey, plans or specifications;
- (d) schedules of quantities;
- (e) supervision;
- (f) administration charge;
- (g) use of tools and plant;
- (h) expenditure or labour involved in disturbing, making good and remaking any part of a street, storm water system, sewerage system or ground affected by the incident;
- (i) remedial work; and
- (j) environmental cost, as contemplated in terms of NEMA to remedy or restore the environment to its original status, as it existed prior to the contravention of this By-law.

### **200. Unauthorised discharge of industrial effluent**

- (1) Any person who discharges, or causes or permits to be discharged, any industrial effluent into the municipal sewerage system without having first obtained permission in terms of section 20 to do so shall be guilty of an offence and liable to pay such fees as the Municipality may assess for the conveyance and treatment of effluent so discharged and for any damage or loss, whether pecuniary or otherwise, caused as a result of such unauthorised discharge.
- (2) Apart from the powers and rights of the Municipality elsewhere described in this chapter, the Municipality shall be entitled to recover from any person who discharges, into a drain or sewer, any industrial effluent or any substance which is prohibited or restricted, or who has been the subject of any action taken by the Municipality in terms of any provision contained elsewhere in this chapter, all loss, damages, costs, expenses and fees incurred by the Municipality as a result of any or all of the following –
  - (a) the death of or injury to any person;
  - (b) damage to, blockage or breakdown, whether partial or complete, or contamination by fats, oil, grease or other substance of –
    - (i) the sewer;
    - (ii) any sewage treatment plant;
    - (iii) any mechanical appliance; and
    - (iv) any other property whatsoever, whether or not under the control of the Municipality;

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- (c) any costs, including fines and damages, which may be incurred by, or awarded against, the Municipality;
  - (d) any expense incurred by the Municipality as a result of a prosecution in terms of the National Water Act (Act No. 36 of 1998) or any other law; and
  - (e) any action taken against it, as a result of the occurrence of any of the consequences in sub-section (2) (b).
- (3) Any person who discharges, or causes or permits to be discharged, any industrial effluent in any manner whatsoever that is not authorised in terms of this By-law shall be guilty of an offence.

### **PART 2: USE OF MUNICIPAL SEWERAGE SYSTEM**

#### **201. Application for disposal of industrial effluent**

- (1) Every person desiring to dispose of industrial effluent must apply in writing to the Municipality, on the form prescribed, for written permission to discharge industrial effluent into the sewerage system of the Municipality, and must thereafter provide such additional information and submit such samples as the authorised officer may require.
- (2) If in the reasonable opinion of the Municipality, the capacity of the relevant sewerage system is sufficient to permit the conveyance and effective treatment and lawful disposal of such industrial effluent, then, for such period and subject to such conditions it may determine and impose, the Municipality may grant an application made in terms of sub-section (1).
- (3) The provisions of Chapter 3 of this By-law will apply, insofar as they are applicable and subject to such adjustments as may be necessary, to any permission granted in terms of sub-section (2).
- (4) In the enforcement of this By-law, the relevant statutory provisions pertaining to water pollution control, as stipulated in terms of the Water Services Act, National Water Act, and NEMA, shall be applicable.
- (5) Any person who wishes to construct or cause to be constructed, a building which is to be used as trade premises must, at the time of lodging his or her building plan in terms of Section 4 of the National Building Regulations and Building Standards Act (Act No. 103 of 1977), also lodge applications for the provision of sewerage services and for permission to discharge industrial effluent in terms of sub-section (1).
- (6) An approved application for the use of the sewerage system and permission granted to discharge industrial effluent in terms of the conditions stipulated therein, shall constitute an agreement between the Municipality and that person.



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- (7) The person referred to in sub-section (1) shall be liable for all the prescribed charges in respect of the use of the sewerage system granted to him or her until the agreement referred to in sub-section (5) has been terminated.
- (8) The granting of permission in terms of sub-section (2) shall always be in accordance with the provisions of Part 4 of Chapter 7 of this By-law.
- (9) Where trade premises are occupied by a person other than the owner and where trade effluent charges are concerned, the owner and consumer shall be jointly and severally liable.
- (10) The Municipality shall in the first instance raise the charge referred to in sub-section (9) against the consumer and failing payment by the consumer, shall be entitled to recover from the owner.
- (11) Whether or not permission in terms of sub-section (2) above is sought or obtained, the owner or occupier of any premises in respect of which it has been established that trade effluent is discharged into the municipal sewerage system, shall pay to the Municipality such charges as are determined by the Municipality in terms of this By-law and the approved tariff of charges applicable to the periods in which trade effluent was discharged.
- (12) A permit holder or person shall provide all such information as may be required or called for by an authorised officer to enable the Municipality to determine the conditions for the issuing of a permit or to assess the charges due to the Municipality in terms of this Bylaw.

### **202. Zoo, animal pound, stable, kennel, cattery and car wash facilities**

- (1) Any premises used as a zoo, animal pound, stable, cowshed, piggery, broiler house, dairy, kennel, cattery or any vehicle washing area or similar area that requires cleansing which produces industrial or trade effluent, domestic sewage, or wastewater, shall be connected to a drainage installation which serves such premises.
- (2) Such washing areas shall be paved with an approved impervious material, and be graded to a gully, fitted with a removable grating, connected to an approved silt trap, grease trap, or petrol and oil interceptor as appropriate, or as an authorized officer or agent prescribes.
- (3) Such areas shall be roofed over and shall be surrounded by a kerb of not less than 100 mm or it shall be elevated by at least 100 mm above the immediately surrounding ground level.
- (4) The Municipality shall, in approving the connection of such premises to the sewerage system, specify any on-site treatment or pre-treatment requirements for the industrial or trade effluent, domestic sewage, or wastewater emanating from such premises, as it deems fit, in order for the Municipality to comply with statutory discharge standards at

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its sewage treatment works or for compliance with any other statute, regulation, or By-law.

- (5) The Municipality may, in the case of existing premises incorporating such activities, by written notice, require the owner to install such on-site treatment or pre-treatment requirements for the industrial or trade effluent, domestic sewage, or wastewater emanating from such premises, as it deems fit, in order for the Municipality to comply with statutory discharge standards at its sewage treatment works or for compliance with any other statute, regulation or By-law.
- (6) Any person who contravenes or permits the contravention of any requirement of sub-sections (1) to (4), or fails to comply with a notice served on him or her by the Municipality, shall be guilty of an offence.

### **PART 3: QUALITY STANDARDS AND CONDITIONS FOR DISPOSAL OF INDUSTRIAL EFFLUENT**

#### **203. Quality standards for disposal of industrial effluent**

- (1) A person to whom permission has been granted in terms of section 20 must ensure that no industrial effluent is discharged into the municipal sewerage system, unless it complies with the standards and criteria set out in section 19, read with Schedule A, and any conditions imposed in terms of a permit.
- (2) The Municipality may, by endorsement on the permit concerned, relax or vary the standards and criteria referred to in sub-section (1), if it is satisfied that any such relaxation represents the best practicable environmental option.
- (3) In determining whether relaxing or varying the standards and criteria referred to in sub-section (1) represents the best practicable environmental option, the Municipality shall give consideration to, *inter alia*—
  - (a) whether the applicant's undertaking is operated and maintained at optimal levels;
  - (b) whether technology used by the applicant represents the best available option for the applicant's industry and, if not, then whether the installation of such technology would entail unreasonable cost to the applicant;
  - (c) whether the applicant is implementing a programme of waste minimisation which complies with national and local waste minimisation standards to the satisfaction of the Municipality;
  - (d) the cost to the Municipality of granting the relaxation or variation;
  - (e) the environmental impact or potential impact if the relaxation or variation be granted, and, in so doing, the Municipality shall apply a risk-averse and cautious approach; and
  - (f) any other criteria, as reasonably determined by the Municipality.

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- (4) The relaxation period shall not exceed the stipulated period thereon and not be greater than twelve (12) months at any one time.
- (5) No relaxation or exclusion shall be granted which will be detrimental to the proper operation of the sewerage system or to the legal obligations of the Municipality for the safe disposal of sewage, effluent or sewage bi-products.
- (6) Test samples may be taken at any time by a sampler to ascertain whether any industrial effluent complies with the standards and criteria mentioned in sub-section (1) or any other standard laid down in a written permission issued in terms of sub-section (2).
- (7) Any person to whom permission has been granted in terms of this section must, before doing or causing, or permitting to be done anything that results in a change in the quantity of discharge or nature of effluent permitted, notify the Municipality in writing of the date on which it is proposed that such change is intended to take place and of the nature of the proposed change.
- (8) Upon receipt of the notification referred to in sub-section (7), the Municipality may grant permission for such change, and in so doing may amend the conditions applicable to the discharge permit of the person concerned, or it may refuse permission for the change.
- (9) The Municipality may, from time to time, as a result of a change in the method of sewage treatment, or the introduction of new, revised, stricter or other standards by the Minister in terms of the National Water Act, or as a result of any amendment to this By-law or for any other reason -
  - (a) review, amend, modify or revoke any permission given or any conditions attached to such permission;
  - (b) impose new conditions, either generally or specifically, for the acceptance of any industrial effluent into the sewerage system;
  - (c) prohibit the discharge of any or all of such effluent to such 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, must be regarded as having fallen away and the new or amended conditions, if any, as the case may be, forthwith apply.

### **204. Conditions for disposal of industrial effluent**

- (1) The Municipality may before granting a permit, or in the permit, or at any time, by written notice –

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- (a) impose such conditions on quality, quantity, time or rate of flow of industrial effluent to be discharged as it deems necessary for the proper operation of the sewerage system;
- (b) impose such limits on the “Chemical Oxygen Demand” and “Oxygen Absorbed” values as it deems necessary for the proper operation of the sewerage system.
- (2) The values of “Chemical Oxygen Demand” and “Oxygen Absorbed” shall be determined by the methods laid down in sections 4 and 5 of Government Notice No. 3208 or as amended from time to time.
- (3) The Municipality may, before finalising a permit, in the permit or at any time, by written notice, require a permit holder or person to *inter alia* –
- (a) subject the trade effluent to such preliminary treatment as in the reasonable opinion of the Municipality will ensure that the trade effluent conforms to the standards prescribed by the Municipality in the Schedules before being discharged into the sewerage system, and that will render it capable of effective biological treatment at the municipal sewage works, and to such a state of purity as prescribed in any permit issued to the Municipality in terms of the National Water Act;
- (b) install such equalizing tanks, valves, pumps, appliances, meters and other equipment as in the reasonable opinion of the authorised officer will be necessary to control the rate and time of discharge into the sewerage system, in accordance with the conditions imposed by the Municipality;
- (c) install such apparatus, equipment and meters, as is necessary to monitor the quality and quantity of trade effluent discharged into the sewerage system;
- (d) install for the conveyance of his or her trade effluent into the sewerage system at a given point, a drainage installation separate from the drainage installation for wastewater and standard domestic effluent, and may prohibit such permit holder from disposing of his or her trade effluent at any other point and from disposing of his or her wastewater and sewerage system;
- (e) construct on any pipe or drain conveying his or her trade effluent to any sewer, a sampling or inspection chamber, manhole or stop-valve in such position and of such dimensions and materials as an authorised officer shall prescribe;
- (f) provide adequate facilities such as level or overflow detection devices, standby equipment, overflow catch pits, or other appropriate means to prevent a discharge into the storm water system or the environment which is in contravention of this By-law;
- (g) cause any meter, gauge or other device installed in terms of this section to be calibrated by an independent authority at the cost of the permit holder at times laid down by an authorised officer and provide copies of the calibration certificate;

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(h) cause his or her trade effluent to be analysed as often and in such manner as may be prescribed by an authorised officer and to provide copies of the tests when completed; and

(i) manage the effluent in such a manner that at all times the samples taken thereof are an accurate representation of the general strength and composition of the industrial effluent.

- (4) The cost of any treatment, plant, works, equipment or analysis which the permit holder or person may be required to carry out, construct or install in terms of this section shall be borne by the permit holder or person concerned.
- (5) No goods, objects or vehicles shall be permitted by the occupier of trade premises to be either placed or parked over any inspection chamber.
- (6) Duly authorised officers must have an unhindered access to the chambers referred to in sub-section (4) at all times for the purpose of examining the character, gauging the flow and taking samples of the effluent.
- (7) The Municipality shall have the right to construct, erect and install on trade premises at the expense of the Municipality, anything which may be necessary to monitor, examine the character, gauge the flow of and take samples of such effluent.
- (8) Sampling of industrial effluent shall be carried out by duly authorised officers as and when required by the Municipality.
- (9) In the case of snap samples taken for the purpose of assessing charges, approximately half of any such sample taken shall, on request, be supplied to the owner or occupier of the trade premises or his or her representative, and the balance shall be transmitted to the Municipality for analysis.

### **205. Withdrawal of permission for disposal of industrial effluent**

- (1) The Municipality may withdraw any permission, after giving at least fourteen (14) days' written notice of its intention to a person who discharges industrial effluent into the sewerage system, if that person or the employee, contractor or consultant of that person –
  - (a) fails to ensure that the industrial effluent discharged conforms to the industrial effluent standards prescribed or permitted in terms of section 20;
  - (b) fails or refuses to comply with any notice lawfully served on him or her in terms of this By-law;
  - (c) contravenes any provisions of this By-law or any condition imposed in terms of any permission granted;

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- (d) fails to pay the assessed fees in respect of any industrial effluent discharged into the sewage disposal system.
- (e) fails to be in possession of a valid trade effluent permit.
- (2) The Municipality may, on withdrawal of any written permission and after giving a further fourteen (14) days' written notice to the owner and occupier of its intention to do so –
- (a) in addition to any other steps prescribed in this By-law, authorise the closing and sealing off of the connection of the said premises which conveys such effluent to the municipal sewer;
- (b) refuse to accept any industrial effluent from that source until it is satisfied that adequate steps have been taken to ensure that the industrial effluent to be discharged will conform with the standards prescribed in this By-law, after which an authorised officer may re-open the connection or remove the seal upon payment of such further charge as may be prescribed in terms of the Municipality's tariff of charges; or
- (c) close off the water supply to the premises.
- (3) No person may, without the written permission of the Municipality, open or break the seal of a drain, closed and sealed off in terms of sub-section (2), or cause or permit this to be done.
- (4) In the event of the Municipality acting in terms of sub-section (2), the owner or occupier of the premises must furnish written proof to the authorised officer that the industrial effluent emanating from the premises will be discharged to an alternative disposal site approved by the Municipality.
- (5) It shall be lawful at any time for an authorised officer to take such immediate steps as may be necessary to exclude from the municipal sewerage system any trade effluent –
- (a) which, if allowed to continue, will seriously damage the sewerage system or the environment;
- (b) if in the reasonable opinion of the Municipality such steps are necessary to avoid harm or injury to any person or pose a general health hazard; or
- (c) to ensure compliance with the provisions of any permit issued to the Municipality in terms of the National Water Act.
- (6) No person shall permit the opening of the connection until an authorised officer is satisfied that the trade effluent will comply with the prescribed standards.

### **206. Acceptance of trade effluent for discharge**

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- (1) The provisions of Chapter 7 of this By-law shall apply to the discharge of trade effluent into the municipal sewerage system.
- (2) The delivery pipeline from the premises concerned to the point of acceptance shall be maintained in a proper condition and free from all leaks.

### **207. Non-waterborne disposal of industrial effluent**

- (1) Where no municipal sewer is available for the discharge of industrial effluent, no person may dispose of such effluent –
  - (a) unless the Municipality has approved the method of transportation and imposed such conditions as it may deem fit;
  - (b) by any method of transportation unless written proof of acceptance is provided in every instance by the person in charge of a facility approved by the Municipality where such effluent is disposed of; or
  - (c) to the environment, unless such effluent complies with the quality criteria contained in Schedule C of this By-law.
- (2) The proof referred to in sub-section (1) (b) must be retained by the person who generated such effluent or its by-products and made available for inspection by an authorised officer for at least one year after the date of such disposal.
- (3) The Municipality may, at its discretion, and subject to such conditions as it may specify, accept trade effluent for disposal delivered to the municipal sewerage system by road or rail haulage.
- (4) The charges for any trade effluent delivered for disposal to any municipal facilities shall be assessed by an authorised officer in accordance with the provisions of Part 1 of this chapter.
- (5) No person who transports industrial effluent by any means other than waterborne transportation may –
  - (a) dispose of such effluent at or in any place other than at a facility approved by the Municipality; or
  - (b) allow such wastewater to spill, leak or seep from any container.
- (6) No person shall discharge into the municipal sewerage system by road or rail haulage except with, and in terms of, the written permission of the Municipality.
- (7) Application for such permission shall be made in accordance with *section 200* and may be subject to the terms and conditions of a special agreement.
- (8) When delivery is by road or rail haulage –

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- (a) the time of delivery shall be arranged and agreed with an authorised officer;
  - (b) the nature and composition of the trade effluent shall be established to the satisfaction of an authorised officer prior to the discharge thereof and no person shall deliver trade effluent which does not comply with the standards laid down in terms of Schedule A of this By-law.
- (9) The provisions of section 201 above in regard to the discharge of trade effluent into the municipal sewerage system shall apply equally to trade effluent accepted by road or rail haulage.

### **208. Industrial grease trap and silt trap**

- (1) Industrial effluent which contains or, in the reasonable opinion of the Municipality, is likely to contain, grease, oil, fat or inorganic solid matter in suspension must, before it is allowed to enter any sewer, be passed through one or more tanks or chambers of approved type, size and capacity designed to intercept and retain such grease, oil, fat or solid matter.
- (2) Oil, grease or any other substance which is contained in any industrial effluent or other liquid which gives off a flammable or noxious vapour at a temperature of or exceeding 20° C, must be intercepted and retained in a tank or chamber so as to prevent the entry thereof into the sewer.
- (3) The tank or chamber must be regularly cleaned of such grease, oil, fat or solid matter and the person discharging effluent to the tank or chamber must maintain a register in which shall be recorded –
  - (a) the dates on which the tank or chamber was cleaned;
  - (b) the name, address, and telephone number of the company employed to clean the tank or chamber; and
  - (c) a certificate from the person who undertook the cleaning, certifying the cleaning of the tank or chamber, and stating the manner in which the contents of the tank or chamber were disposed of.

## **PART 4: MEASUREMENT CHARGES AND PAYMENT**

### **209. Liability for industrial effluent charges**

- (1) The owner or occupier of any premises from which industrial effluent is discharged into the municipal sewerage system shall be liable for industrial effluent charges as from the date of commencement of the discharge as determined herein or by the Municipality on an annual basis.



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- (2) In all cases of dispute as to the date from which industrial effluent charges become applicable, the Municipality shall decide on the basis of such information as may be available to it, and such decision shall be final.
- (3) If any person who is required to provide information in terms of section 201 fails to do so within thirty (30) days of having been called upon in writing to do so, then an authorised officer shall assess the charges payable in terms of sub-section (1) on the basis of such information as may be available to him or her.

### **210. Measurement of industrial effluent discharged**

- (1) The volume of industrial effluent discharged into the municipal sewerage system shall be determined as follows –
  - (a) where direct measurement by means of regularly calibrated recording devices, approved by an authorised officer, are used to determine the volume of industrial effluent discharged from a premises, this volume shall be used for the purposes of calculating the amount payable;
  - (b) where no direct measurement of the volume of industrial effluent discharged from the premises is made, then this volume will be determined as a percentage of water supplied and metered by the Municipality;
  - (c) in assessing the volume used for trade or industrial purposes, an authorised officer shall make due allowance for water used for drinking, culinary and ablutionary uses for staff, water lost by evaporation or in the process of manufacture and water present in the final manufactured product, based on such criteria which the Municipality reasonably deems relevant.
- (2) The Municipality may –
  - (a) require the owner of any premises to incorporate, in any drainage installation conveying industrial effluent to a municipal sewer, any control meter or gauge or other device of an approved type and in the control of the Municipality, for the purpose of ascertaining to its satisfaction the rate of flow, volume or composition of the said effluent; and
  - (b) install and maintain any such meter, gauge or device referred to in sub-section (2) (a) at the expense of the owner of the premises on which it is installed.
- (3) Notwithstanding the foregoing provisions of this section, the Municipality may require any person who discharges industrial effluent into the municipal sewer to provide one or more water meters in such position or positions in the water installation as the authorised officer may deem necessary to record the water consumption in a specific part of the premises.
- (4) The Municipality may, after consultation with the person concerned, establish an alternative method of assessing the quantity of the effluent being or to be discharged.

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- (5) Where premises are supplied with water from an approved source in addition to the municipal water supply system, the volume of industrial effluent discharged shall be assessed by an authorised officer based on such criteria which the Municipality deems relevant.
- (6) Where industrial effluent is discharged into the municipal sewerage system from more than one point in any trade premises, an authorised officer, for the purposes of assessing a charge for industrial effluent conveyance and treatment may treat each such point of discharge separately.
- (7) For the purpose of calculation of the quantity of industrial effluent discharged from each point of discharge, the total quantity of trade effluent emanating from the trade premises measured or determined as described in sub-section (2) above shall be allocated among the several points of discharge by an authorised officer after consultation with the owner or occupier of the trade premises.
- (8) In the event of failure or faulty recording by a metering device, the volume shall be assessed by such means as an authorised officer may decide.
- (9) The Municipality may determine a rebate to apply to the charges determined in accordance with Schedule A if the owner or occupier discharges industrial effluent –
  - (a) solely during periods specified by the Municipality; or
  - (b) containing constituents which will have a beneficial effect on the effluent discharged from its sewage treatment plant.
- (10) If the Municipality, after consideration of the size of any premises, the number of water supply points and the complexity of the water reticulation, considers it impractical to determine the quantity of industrial effluent discharged into the municipal sewer from records of metered water consumption, then it may, in its sole discretion –
  - (a) direct that water reticulation system be altered at the cost of the owner, to facilitate separate metering of water utilised and effluent discharged into the sewer after use, and other water consumed, but not so discharged; or
  - (b) assess the quantity of effluent discharged into the sewer in any six (6) monthly meter reading period in accordance with the quantity of water used on premises of a similar nature as determined by the Municipality.

### **211. Reduction in industrial effluent quantity determined**

- (1) A person shall be entitled to a reduction of the amount payable for the disposal of sewage in the event that the water meter readings upon which the charge is calculated includes any period during which a leakage was undetected, if the consumer demonstrates to the satisfaction of the Municipality that the said water was not discharged into the municipal sewerage system.

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- (2) The reduction of the amount payable for the disposal of sewage shall be an amount based on the volume of standard domestic effluent calculated from the volume of potable water lost through leakage during the leak period.
- (3) The leak period shall be either the metering period immediately prior to the date of repair of the leak or the metering period during which the leak is repaired, whichever results in the greater reduction of the amount payable.
- (4) A metering period is the time interval between two (2) successive meter readings.
- (5) The volume of lost water shall be calculated as the consumption for the leak period less an average consumption, based on the preceding three (3) months, for the same length of time.
- (6) In the event of no previous consumption history existing, or if the average consumption is not considered representative by the authorised officer, then the average water consumption will be that amount determined by the Municipality, after due consideration of all relevant information.
- (7) There shall be no reduction of the amount payable as a result of a loss of water directly or indirectly caused by or resulting from –
  - (a) subsidence or landslip;
  - (b) refilling of storage tanks, vessels, reservoirs, swimming or other pools or ponds whether following leakage or otherwise;
  - (c) the deliberate act of the owner or any person acting on his or her behalf, if such act results in loss of water;
  - (d) water installations that do not conform to this By-law;
  - (e) failure of the owner or consumer to comply with this Bylaw.

### **212. Industrial effluent charges**

- (1) Subject to the payment of a minimum charge as provided in terms of sub-section (6), the owner or occupier of any trade premises from which industrial effluent is discharged into the municipal sewerage system, shall pay monthly, to the Municipality, such sum as shall be assessed by the Municipality on the basis of information supplied to it in accordance with the provisions of this section.
- (2) A monthly charge per kilolitre shall be assessed by an authorised officer each six (6) months in advance in respect of the periods 1 January to 30 June and 1 July to 31 December in each year.
- (3) The owner or occupier shall be notified in writing of the charge referred to in sub-section (2) by not later than 31 January and 31 July respectively.

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- (4) The charge shall be assessed in accordance with the formula prescribed hereunder on the basis of the arithmetic average of the results of the analysis of not less than six (6) samples of industrial effluent.
- (5) The samples referred to in sub-section (4) shall be taken at a point designated by an authorised officer, and shall be collected in a manner and under conditions approved by him or her from time to time.
- (6) The aforesaid charge per kilolitre shall be assessed in accordance with the formula as determined and adopted by the Municipality from time to time.

### 213. Surcharge payable for non-compliant effluent

- (1) Notwithstanding any action which may be taken under section 199, and in addition to any charge which may be payable in terms of section 212, if any samples of trade effluent are found not to comply with any of the provisions of this By-law or any of the permit conditions in terms of industrial effluent limit values, on more than one day in any month, then a surcharge shall become payable.
- (2) The results obtained for non-complying samples shall be averaged and a surcharge shall be payable on the following basis in respect of that month –
  - (a) the items in Schedule A, section 1(a) of this By-law: surcharge 100%;
  - (b) pH values per unit of pH or part thereof above or below the prescribed upper and lower limits respectively: surcharge 50%;
  - (c) all other failures to comply – pro rata as a percentage of limit prescribed.
- (3) Except as may be provided herein to the contrary, any charges levied under and in terms of this By-law shall be based on the findings of an analyst in respect of samples of industrial effluent submitted.
- (4) For the purposes of any legal action instituted in terms of section 197, a certificate purporting to have been signed by the analyst shall, upon its mere production, be accepted by a court as *prima facie* evidence of the facts stated therein.

### 214. Other charges

- (1) Notwithstanding anything to the contrary in this By-law, the Municipality may levy the following–
  - (a) a charge payable by any person in respect of a minimum volume of industrial effluent;

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(b) a charge payable by any person in the form of a general surcharge on the prescribed tariff rates, for use of the sewerage system, should there be any prohibition or restriction in the consumption or use of water;

(c) a charge for the recovery of costs incurred by the Municipality for industrial effluent control and monitoring of permit holders who dispose of industrial effluent into the sewerage system;

(d) a charge payable by a person who disposes of an objectionable discharge, as referred to in section 193, for recovery of the full costs incurred by the Municipality in tracing the source of such objectionable discharge and in remedying the effects thereof, provided that such costs shall be determined in accordance with section 199;

(e) a charge payable by any person at the prescribed rate or for the full cost of any services rendered or goods sold to such person by the Municipality;

(f) interest, at such rate as may be prescribed in terms of the credit control and debt collection policy adopted by the municipal council, may be charged on any accounts for industrial effluent conveyance and treatment not paid within 30 days from the date of the account rendered; and

(g) a backdated charge for industrial effluent discharged without a permit having been obtained or upon the basis of false information supplied, in accordance with the provisions of section 201 (12) or any other provision in this By-law, and calculated from the date upon which the owner or occupier became liable, as stipulated in section 209 above.

### 215. Amendment of amount payable

- (1) If, for any reason, a person liable under this By-law is not charged at all or is charged for industrial effluent at a rate lower than that for which he or she is liable, then he or she shall not be absolved from payment, and shall remit all sums due to the Municipality, calculated in accordance with the provisions of this chapter, on demand.
- (2) A credit may be passed on the industrial effluent account of a consumer from the date of closure of his or her business, subject to providing documented proof of such closure.

## CHAPTER 8

### ENFORCEMENT OF THE BY-LAW AND LEGAL MATTERS

#### 216. Application of this chapter

- (1) The provisions of the Chapter apply to all persons or bodies, including the State.

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- (2) A provision of this Chapter conferring a power or imposing a duty applies in respect of–
- (a) all premises;
  - (b) any person or thing on or in any premises;
  - (c) the owner or occupier of, or consumer on any premises; and
  - (d) any matter relating to premises, a person, or thing.
- (3) For the purposes of this Chapter, the head of a national or provincial department or the Municipal Manager of the Municipality is deemed to be the owner and occupier of all premises that the department or Municipality occupies or uses to the exclusion of any other person.

### **217. Exceptions to the application of this By-law**

- (1) If authority was given before the date of commencement of this Bylaw for installation work to be done, or if authorised work is in progress on such date, such work shall comply with any laws governing such work which were in force in the area of jurisdiction of the Municipality prior to such date.
- (2) The Municipality may, for a period of ninety (90) days after the commencement of this By-law, give permission for installation work to be done in accordance with any laws governing such work which were in force in the area of jurisdiction of the Municipality prior to such date.

### **218. Responsibility for compliance with this By-law**

Unless the contrary is proved, if a breach of this By-law is committed on premises in respect of –

- (a) a water installation, other than a provision relating to the use of water in the installation, then it shall be deemed to be a breach by the owner of the premises; and
- (b) the use of water from a water installation, then it shall be deemed to be a breach by the consumer.

### **219. Existing water, drainage and industrial effluent installations**

- (1) No owner shall be required to comply with this By-law by altering a water installation, drainage installation or industrial effluent installation or part thereof which was installed in conformity with any law applicable immediately before the date of commencement of this By-law.

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- (2) If, in the reasonable opinion of the Municipality, a water installation or a part thereof is so defective or in such a condition or position as to cause, or be likely to cause, waste or undue consumption of water, pollution of the water supply, excessive effluent or drainage discharge or a health or safety hazard, then the Municipality may, by notice in writing, require the owner to comply with the provisions of this By-law within a specified period.

### 220. Notices and documents

- (1) A notice or document issued by the Municipality shall be deemed to be duly issued if it is signed by an authorised officer.
- (2) If a notice or document is to be served on a person in terms of this By-law, then such service shall be effected –
  - (a) by delivery to him or her personally or to his or her duly authorised agent;
  - (b) by delivery at his or her residence or place of business or employment, to a person apparently not less than sixteen (16) years of age and apparently residing or employed there;
  - (c) if he or she has nominated a *domicilium citandi*, by delivering it to such *domicilium*;
  - (d) if he or she has not nominated a *domicilium citandi*, by delivering it to the address given by him or her in his or her application for a supply of water services, for the reception of an account for such services;
  - (e) if by registered or certified post, addressed to his or her last known address;
  - (f) in the case of a body corporate, by delivery to the registered office or business premises of such body corporate;
  - (g) if service cannot be effected in terms of paragraphs (a) to (f), by affixing it to a principal door of entry to the premises concerned.

### 221. Power to serve and compliance with notices

- (1) The Municipality shall, by written notice, order a person who, by act or omission, commits a breach of this By-law or of any condition imposed hereunder, to remedy such breach within a period specified in the notice.
- (2) If a person fails to comply with a written notice served on him or her in terms of this By-law within the specified period, then the Municipality may take such action or do such work as in its opinion is necessary to ensure compliance, and recover the cost of such work from the person.

### 222. False statement or information

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No person shall make a false statement or furnish false information to the Municipality or its authorised officers or agents or falsify a document issued in terms of this By-law.

### **223. Trespassing on municipal water services premises**

No person shall, without prior written permission, enter –

- (a) upon an area controlled by the Municipality and enclosed by a fence, or where entry is prohibited by signage; or
- (b) a structure used by the Municipality, its authorised agent or agents, or intermediaries in connection with water services.

### **224. Interference with water services systems**

- (1) No person, other than an authorised officer or agent, shall operate a water supply system, except as herein provided.
- (2) No person, other than an authorised officer or agent, shall effect a connection to a water supply system except as herein provided.

### **225. Protection of municipal water services works**

- (1) No person shall, except with the written of the Municipality and subject to such conditions as it may impose–
  - (a) construct, erect or lay any building, structure or other thing over or in such a position or in such a manner as to interfere with or endanger any municipal water services works;
  - (b) excavate, open up or remove the ground above, next to, under or near municipal water services works;
  - (c) damage, endanger or destroy or do any act likely to damage, endanger or destroy any such work;
  - (d) make any opening in any sewer, public drain, water main or the like, or abstract or divert, or cause to be abstracted or diverted, any sewage, water or the like therefrom;
  - (e) discharge, permit to enter or put into any sewer or drain –
    - (i) any storm water or seawater;
    - (ii) any gas or steam;
    - (iii) any liquid (not being domestic sewage) of a temperature higher than 44°C;
    - (iv) any liquid refuse from an abattoir;



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- (v) any petroleum products or substance containing petrol or oil;
- (vi) any refuse or waste resulting from any industrial, trade, manufacturing or chemical process;
- (vii) any liquid which has a pH value less than 6 or greater than 12;
- (viii) any volatile inflammable solvent or organic solvent immiscible with water;
- (ix) any substance which has open flash point of less than 93°C;
- (x) any explosive, inflammable, poisonous, or other dangerous or noxious substance;
- (xi) any substance which gives off or produces or is likely to give off or produce any explosive, inflammable, poisonous or other dangerous or noxious gas or vapour when introduced into sewage; or
- (xii) any substance or thing which, whether alone or in combination with other matter, may-
  - (aa) constitute or create a nuisance to the public;
  - (bb) injure or endanger the health of persons;
  - (cc) interfere with the free flow of sewage in such sewer;
  - (dd) damage any sewer, pumping equipment or facilities, municipal works or services used for or in connection with the treatment or disposal of sewage; or
  - (ee) affect, injuriously, the re-use of treated sewage or sludge or other by-product or any process whereby sewage is treated;
- (f) discharge, permit to enter or put anything other than storm water into a public storm water drain;
- (g) or interfere with the free flow of sewage or water therein respectively;
- (h) discharge, permit to enter, or put into any natural watercourse, dam, reservoir, lake or pond, into which storm water is drained or water or sewage from a municipal water or sewage treatment works is drained, or from which water is taken for the purpose of any municipal service, any substance or thing likely to damage it, to interfere with the free flow of water therein, or to contaminate or impair the quality quantity of water therein or aesthetics thereof.

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- (2) Any person who contravenes any provision of sub-section (1) shall be guilty of an offence.

### **226. Powers of the Municipality**

- (1) Subject to the provisions of this By-law, the Municipality may, within its municipal boundaries –
- (a) provide, establish and maintain water services;
  - (b) acquire, construct, lay extend, enlarge, alter, divert, maintain, repair, discontinue the use of, close up and destroy water services works;
  - (c) construct, erect and lay any public sewer, public drain or water main on, across, through, over or under any street or immovable property and the ownership of any such sewer, drain or main shall vest in the Municipality;
  - (d) drain stormwater or discharge water from any water services work into any natural watercourse; and
  - (e) do any other thing necessary or desirable for or incidental, supplementary or ancillary to any matter contemplated by sub-section (a) to (d).
- (2) Without derogating from the generality of sub-section (1), the Municipality is empowered to –
- (a) demolish, alter or otherwise deal with any building, structure or other thing constructed, erected or laid in contravention of this chapter; or
  - (b) fill in, repair and make good any ground excavated or removed in contravention of this chapter or resulting from a contravention of this chapter; or
  - (c) remove anything discharged, permitted to enter, or put into a sewer, public drain, natural watercourse, dam, reservoir, lake or pond, in contravention of this chapter; and
  - (d) remove anything damaging, obstructing or endangering, or likely to damage, obstruct, endanger or destroy, any municipal services or works.
- (3) The Municipality shall exercise the powers granted in terms of this By-law, but subject at all times to the provisions of the Act and relevant national and provincial legislation.

### **227. Re-opening of unauthorised work**

- (1) The Engineer or an authorised officer may cause any work done in terms of this By-law to be excavated, exposed or otherwise dealt with in order to facilitate inspection of such work, where any person–

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(a) neglects or refuses to deliver or send any notice required under this By-law to the Engineer or an authorised officer;

(b) neglects or refuses to cover up any work without inspection by an authorised officer, and when, upon inspection of such work, it is found that it is so far advanced that it cannot be ascertained whether anything has been done or omitted to be done contrary to this By-law; or

(c) on receiving twenty-four (24) hours' notice from the Engineer or authorised officer to excavate and expose such work, to ascertain whether anything has been done or omitted to be done as contemplated in sub-section (1) above, such person fails to do so.

(2) The cost of excavating or exposing any work referred to in subsection (1) shall be borne by the offender.

### **228. Permission for the performance of works**

(1) Any person who intends performing work on land, owned by or vested in the Municipality, or over which the Municipality has a servitude or other right, shall, prior to the commencement of such work, ascertain from the Municipality whether any part of a water supply system is situated on such land.

(2) If, in the reasonable opinion of the Municipality, work which could damage or endanger a water supply system is to be performed or is being performed on land referred to in sub-section (1), or on land adjacent thereto, then it may, by notice in writing, require the person concerned not to commence, or to cease performing the work, until such time as he or she has complied with the conditions specified in the notice.

### **229. Recovery of costs**

(1) In addition to any other penalty, any Court, convicting a person in terms of this chapter, may sentence him or her to a fine equivalent to the amount of all expenses incurred or estimated to be incurred by the Municipality in the execution of any work contemplated in terms of this By-law or, failing payment of such fine, imprisonment for a period not exceeding six (6) months.

(2) Any fine paid in terms of sub-section (1) shall be paid over to the Municipality.

(3) The provisions of sub-sections (1) and (2) shall not preclude the Municipality from recovering the full amount of all expenses incurred by it in the execution of any work contemplated in terms of this By-law, less the amount of any fine paid in terms of sub-section (1), from any person liable therefor, whether or not such person has been prosecuted for or convicted of an offence in terms of this chapter.

### **230. Obstruction of access to water services systems**

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- (1) No person shall prevent or restrict access to a water supply system.
- (2) If any person contravenes sub-section (1), then 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, in the reasonable opinion of the Engineer, the situation is a matter of urgency, then, without prior notice, restore access and recover the cost from such person.

### **231. Power of entry and inspection**

- (1) An authorised officer may, for any purposes connected with the implementation or enforcement of this By-law, at all reasonable times or in cases of emergency, enter any premises and carry out such inspection and examination as he or she may deem necessary in the situation, or take such measures as may be necessary to prevent or eradicate such emergency.
- (2) An authorised officer must, at all times, identify him- or herself and present official authorisation.
- (3) Where a situation as contemplated in sub-section (1) arises, the Municipality may –
  - (a) by written notice require the owner or occupier of the premises, at his or her own expense, to do specified work within a specified time;
  - (b) if, in its reasonable opinion, the situation is a matter of urgency, then, without prior notice, do such work or cause it to be done at the expense of the owner; or
  - (c) in the event that the owner or occupier cannot be found, or where the occupier fails to comply immediately with the requirements of the Municipality, take such measures as may be deemed necessary in the situation.
- (4) If the work in sub-section (1) is carried out for the sole purpose of establishing whether a contravention of this By-law has been committed and no such contravention is established, then the Municipality shall bear the expense connected therewith, together with that of restoring the premises to its former condition, but it shall not otherwise bear such an expense.
- (5) If an authorised officer requires the presence of –
  - (a) an owner at an inspection of his or her water installation; or
  - (b) a registered contractor doing installation work at an inspection of such work; or
  - (c) a registered contractor's responsible plumber at an inspection of work being done under his or her control, then he or she may give such person written notice of not less than two (2) working days to that effect, indicating when and where he or she proposes to carry out the inspection.

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### **232. Liabilities and compensation**

Where any damages arise out of the unlawful actions or omissions of the Municipality or any lawfully appointed agent, the Municipality may be liable for the payment of compensation.

### **233. Relaxation or waiver**

- (1) The Municipality may, subject to sub-section (2), relax or waive the requirements of a provision of this By-law upon such conditions as it may deem fit to impose, where it is of the reasonable opinion that the application or operation of such provision would be so unreasonable as to cause prejudice of a nature that was not intended to arise from the enactment of the provision, and where it is of the reasonable opinion that either –
  - (a) the purpose for which the provision has been enacted has substantially been attained or will be so attained upon compliance with the conditions imposed; or
  - (b) the need to attain that purpose is for any reason absent in that particular case.
- (2) The Municipality may not waive any provision of this By-law which will result in any of the following circumstances –
  - (a) the wastage or excessive consumption of water;
  - (b) the evasion or avoidance of water restrictions;
  - (c) the non-payment of charges for water services; or
  - (d) the installation of pipes, fittings and materials which are not approved in terms of this By-law.

### **234. Prescribed charges**

The Municipality may, by special resolution, prescribe the charges payable under this By-law, including the payment of additional charges or interest in respect of delayed payment in terms of the Municipality's credit control and debt collection policy.

### **235. Offences and penalties**

- (1) Any person who contravenes or fails to comply with any of the provisions of this By-law shall be guilty of an offence.
- (2) Any person who continues to commit an offence after notice has been served on him or her to cease committing such offence, or after he or she has been convicted of such offence, shall be guilty of a continuing offence.

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- (3) Any person convicted of an offence under this By-law for which no penalty is expressly provided, shall be liable to a fine not exceeding R100,000, or a period of imprisonment or community service for a period not exceeding six (6) months, or a combination of the aforementioned and, in the case of a continuing offence, for each day on which such offence is continued, to an additional fine not exceeding R1,000 per day, or additional imprisonment or community service for a period not exceeding two (2) days for each day on which such offence is continued, or a combination thereof.
- (4) The fines referred to in sub-section (3) above may be increased from time to time by resolution of the Municipality.
- (5) Every person committing a breach of the provisions of this By-law shall be liable to recompense the Municipality for any loss or damage suffered by it in consequence of such breach.
- (6) Any person who causes or incites another person to commit an offence referred to in sub-section (1), or, where any person is in a position of authority over another person, permits or allows such other person to commit an offence, shall him- or herself be guilty of that offence.

### **236. Authorisation of officer**

- (1) The Municipality may authorise any person in its employ to be an authorised officer for purposes of the implementation of this By-law.

### **237. Functions of authorised officer**

- (1) An authorised officer may execute work, conduct an inspection and monitor and enforce compliance with this By-law.
- (2) Subject to the provisions of any other law, an authorised officer must perform and exercise the functions and powers contemplated in this chapter in strict accordance with the procedures stipulated.

### **238. Powers of authorised officer**

- (1) An authorised officer who executes work, or conducts an inspection, may–
  - (a) execute work on or inspect premises;
  - (b) question a person present on any premises in respect of any matter which may be relevant to the work or inspection;
  - (c) question a person whom the authorised officer believes may have information relevant to the work or inspection;

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(d) inspect any document that a person is required to maintain in terms of this By-law or that may be relevant to any work or inspection;

(e) copy any document referred to in sub-section (d) or, if necessary, remove the document in order to copy it;

(f) take samples of any substance that is relevant to the work or inspection;

(g) monitor and take readings or make measurements;

(h) take photos or make audio-visual recordings of anything or any person, process, action or condition on or regarding any premises; and

(i) do what is necessary for the execution of work or the conducting of an inspection that he or she is required to undertake in terms of this By-law.

(2) An authorised officer who removes anything other than a substance contemplated in sub-section (1)(f) from premises being worked upon or inspected, must –

(a) issue a receipt for it to the owner or a person in control of the premises; and

(b) return it as soon as is practicable after achieving the purpose for which it was removed.

### **239. Procedure to execute work or conduct an inspection: entry with a written authorisation**

(1) An authorised officer may, subject to section 102 of the Municipal Systems Act, enter any premises if a Magistrate has issued a written authorisation to enter and execute work or inspect the premises, and the written authorisation is still valid.

(2) A Magistrate shall issue a written authorisation to enter and execute work or inspect any premises if, from information on oath, there are reasonable grounds to believe –

(a) that, in the interest of the public, it is necessary to execute work or obtain information that cannot be obtained without entering those premises;

(b) that there is non-compliance with any provision of this Bylaw in respect of the premises; or

(c) that significant environmental degradation or water pollution has taken, or is likely to take place.

(3) A Magistrate may issue a written instruction to the owner or person in control of the premises to do work, at the expense of such owner or person, which is necessary to enable an authorised officer to–

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- (a) determine whether or not there has been a contravention of this By-law on such premises;
  - (b) restore access to the water supply system or sewerage or sanitation service where the owner or such person has restricted such access.
- (4) If, after the work contemplated in sub-section (3) has been performed, it is established that no contravention of the By-law has taken place, then the expenses incurred in performing the work and restoring the premises to its former condition shall be paid by the Municipality.
- (5) A written authorisation in terms of sub-section (2) may be issued at any time and must specifically –
- (a) identify the premises that may be entered and worked on or inspected; and
  - (b) permit the authorised officer to enter and execute work or inspect the premises and to do anything listed in section 238.
- (6) A written authorisation issued in terms of sub-section (2) is valid until any of the following events occur -
- (a) it is carried out;
  - (b) it is cancelled by the person who issued it, or, in that person's absence, by a person with similar authority;
  - (c) the purpose for which it was issued has lapsed; or
  - (d) three (3) months have passed since the date of issue.
- (7) A written authorisation issued in terms of sub-section (2) may only be carried out between 07h00 and 19h00, unless the Magistrate who issues it states in writing that it may be carried out at a different time, reasonable in the circumstances.
- (8) Before commencing any work or inspection, an authorised officer who carries out a written authorisation must either –
- (a) if the owner of, or a person apparently in control of, the premises is present–
    - (i) identify him- or herself and explain his or her authority to that person or furnish proof of such authority; and
    - (ii) hand a copy of the written authorisation to that such owner or person; or
  - (b) if the owner of, or person apparently in control of, the premises is absent or if he or she refuses to accept a copy, attach a copy of the written authorisation to the premises in a prominent and visible place.



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### **240. Procedure to execute work or conduct an inspection: entry without a written authorisation**

- (1) An authorised officer who does not have a written authorisation may, subject to section 101 of the Municipal Systems Act, enter and execute work or inspect –
  - (a) any premises, with the consent of the owner or person apparently in control of the premises;
  - (b) any premises, if there are reasonable grounds to suspect that there is an emergency, or that any delay in commencing any work or inspection may –
    - (i) disrupt or adversely affect the provision of water, sewerage or sanitation services;
    - (ii) result in excessive wastage or pollution of water;
    - (iii) have significant detrimental effects on public or private health and safety; or
    - (iv) have a serious detrimental effect on the environment;
  - (c) any premises from which there is a discharge, or a suspected discharge, into any sewer of any storm water, sewage, industrial effluent, or other liquid or substance;
  - (d) any premises on which a nuisance is caused by, related to, or emanates from a drainage installation; or
  - (e) any premises on which a contravention of this By-law exists or is reasonably suspected to exist.
- (2) Unless the emergency or delay in commencing any work or inspection referred to in sub-section (1) (b) was caused by an act or omission of the Municipality, the cost of any remedial action taken in connection with subsections (b), (c), (d) and (e) must be paid by the owner of the premises.
- (3) In addition to the entry permitted in terms of sub-section (1), an authorised officer may enter any premises without a written authorisation in respect of which there is an outstanding noncompliance notice, issued in terms of section 246, for the purposes of determining whether that notice has been complied with.
- (4) Before commencing work or inspecting any premises in terms of this section, an authorised officer must identify him- or herself and explain his or her authority or furnish proof of such authority to the person apparently in control of the premises or the person who gave permission to enter.
- (5) Any entry and execution of work or inspection without a written authorisation must be carried out at a reasonable time in the circumstances.

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### **241. Observing fundamental rights**

- (1) An authorised officer who enters and executes work or inspects any premises, in terms of this chapter, must do so with strict regard for decency and orderliness and with regard for each person's constitutional rights, including the right to human dignity and privacy.

### **242. Using force to enter**

- (1) An authorised officer lawfully carrying out a written authorisation in terms of section 239 may overcome any resistance to entry, execution of work or inspection by using as much force as is reasonably required, including but not limited to breaking a lock, door or window of the premises to be entered.
- (2) Before resorting to force, an authorised officer carrying out the written authorisation must audibly demand admission and must announce his or her purpose, unless he or she reasonably believes that doing so may induce someone to destroy, dispose of, or tamper with, an article or document that is the object of the work or inspection.
- (3) The Municipality shall compensate anyone who suffers damage because of any forced entry that was unlawfully carried out by an authorized officer during the execution of any work or any inspection when no one responsible for the premises was present.
- (4) Force may not be used to effect an entry to execute work or conduct an inspection in terms of section 240, unless an emergency arises.

### **243. Authorised officer may be accompanied**

- (1) During the execution of any work or an inspection, an authorised officer may be accompanied by a member of the South African Police Services and by any other person reasonably required to assist in executing the work or conducting the inspection.

### **244. Duty to produce document**

- (1) Any person who holds a document relevant to the execution of any work or inspection contemplated in this chapter must produce it at the request of an authorized officer.

### **245. Duty to answer question and assist authorised officer**

- (1) Any person who is questioned by an authorised officer in terms of this chapter must answer truthfully and to the best of his or her ability.
- (2) An answer or explanation given to an authorised officer may not be used or admitted in criminal proceedings against the person who provides it, except in proceedings against that person on a charge relating to –

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- (a) the administration or taking of an oath;
  - (b) the making of a false statement; or
  - (c) the failure to answer a lawful question fully and satisfactorily.
- (3) An owner or occupier of any premises must provide such facilities and assistance that are reasonably required by an authorised officer to perform his or her functions effectively.

### **246. Non-compliance notice and compliance certificate**

- (1) An authorised officer who becomes aware that any provision of this By-law has not been complied with shall issue a noncompliance notice to the owner or person apparently in control of the relevant premises.
- (2) An authorised officer who is satisfied that the owner or person apparently in control of any premises has satisfied the terms of such notice may issue a compliance certificate to that effect.
- (3) A non-compliance notice remains in force until an authorised officer has issued a compliance certificate in respect of that notice.
- (4) A non-compliance notice must set out –
  - (a) the provision that has not been complied with;
  - (b) details of the nature and extent of non-compliance;
  - (c) any steps that are required to be taken and the period within which those steps must be taken; and
  - (d) any penalty that may be imposed in terms of this By-law in the event of non-compliance with these steps.

### **247. Authority to issue a written notice in terms of the Criminal Procedure Act**

- (1) An authorized officer may issue a written notice to any person who is alleged to have contravened this By-law, such notice having the legal effect of a written notice issued in terms of section 56 of the Criminal Procedure Act, provided that the provisions of subsections (2) to (4) are satisfied.
- (2) For the purposes of sub-section (1), an authorized officer shall mean a person declared to be a peace officer in terms of section 334 (1) of the Criminal Procedure Act.

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- (3) Any notice issued in terms of sub-section (1) must comply with the requirements of section 56 (1) of the Criminal Procedure Act, and shall-
  - (a) specify the name, the residential address and the occupation or status of the person;
  - (b) call upon such person to appear at a place and on a date and at a time specified in the written notice to answer a charge of having contravened this By-law;
  - (c) contain an endorsement in terms of section 57 of the Criminal Procedure Act that the person may admit his or her guilt in respect of the contravention in question and that he or she may pay a stipulated fine in respect thereof without appearing in court; and
  - (d) contain a certificate under the hand of the authorized officer that he or she has handed the original of such written notice to the person in question and that he or she has explained to such person the import thereof.
- (4) The issuing of any notice in terms of sub-section (1) must be done in accordance with a set of procedures and guidelines that have been prepared and adopted by the municipal council.

### **248. Complaints against persons other than municipality**

- (1) Anyone may lodge a complaint with an authorised officer, either directly or through any other channel established by the Municipality, that another person –
  - (a) is likely to cause or has caused a disruption of the provision of water, sewerage or sanitation services without just cause; or
  - (b) is likely to act or has acted contrary to any provisions of this By-law, in which event the authorised officer, unless he or she has reasonable grounds to believe that the complaint is frivolous, shall investigate the complaint and take any necessary action which is competent in terms of this By-law.

### **249. Official address**

- (1) For the purpose of the service of any notice, order or other document relating to legal proceedings –
  - (a) the address of the owner of the premises on which domestic water is consumed or generated is deemed to be the official address, of such owner; and
  - (b) the address of the consumer, as referred to in the application contemplated by section 19 (1) is deemed to be the official address of the consumer.
- (2) Where any notice or other document is required by this By-law to be served on any person other than for the purpose of criminal proceedings, it must be served on him or her personally, failing which it may be served on any member of his or her household

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or any employee, as the case may be, who is apparently 16 years or older, or it may be served at the place of residence or business of that person, or, if sent by registered post to the official address contemplated in sub-section (1), then it will constitute *prima facie* proof of the service of such notice.

### 250. Legal compliance warranty

- (1) Notwithstanding any provision to the contrary, any consumer by making application for water services, warrants that he or she will –
  - (a) in his or her activities, application and use of the water services, processes, and operations, comply with all relevant laws, regulations, and standards governing the environment, health and safety;
  - (b) take all reasonable measures to prevent pollution or environmental degradation from occurring, continuing or recurring;
  - (c) insofar as such harm to the environment is authorised by law, or cannot reasonably be avoided or stopped, minimize and rectify such pollution or degradation of the environment; and
  - (d) bear all costs and expenses incurred in meeting the above obligations and the implementation thereof.

### 251. False statement or information

- (1) No person may make a false statement or furnish false information to the Municipality or an authorised officer, or falsify a document issued in terms of this By-law.

### 252. Indemnification from liability

- (1) No employee of the Municipality shall be liable for any damage arising from a *bona fide* act or omission that occurs in the course of his or her duties carried out in terms of this By-law.

### 253. Appeals

- (1) A person whose rights are affected by this By-law shall have a right of appeal, in terms of Section 62 of the Municipal Systems Act, against any decision by an authorised officer or the issue of a notice by him or her under this By-law.

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- (2) The appellant shall lodge his or her appeal in writing with the Municipal Manager by not later than 21 days of the decision or notice in (1) above, together with his or her grounds of appeal.
- (3) The authorised officer, responsible for the decision concerned, shall state his or her reason for the decision within fourteen (14) days of the appeal and his or her written reasons for the decisions or notice shall be submitted to the relevant appeal authority, which shall consider and decide the appeal in such manner as is prescribed.
- (4) The appeal authority shall commence with the appeal within six (6) weeks and the decision of such authority shall be despatched to the appellant within a reasonable period.

### 254. Copy of By-law

- (1) A copy or extract of this By-law shall be included in the Newcastle Municipal Code as required in terms of section 15 of the Municipal Systems Act.
- (2) A copy of this By-law shall be available for inspection at the municipal offices or at the offices of the Municipality at all reasonable times.
- (3) A copy or extract of this By-law may be obtained from the Municipality against payment of the prescribed fee.

### 255. Short-title and commencement

- (1) This By-law shall be called the New Castle Municipal Water Services By-law, 2011.
- (2) The Municipality may, by notice in the Provincial Gazette, determine that any provision of this By-law does not apply in certain areas within its area of jurisdiction from a date or during a period specified in such notice.
- (3) Until any notice contemplated in sub-section (2) is issued, the provisions of this By-law are binding.

### 256. Repeal of By-laws

The following By-laws and regulations are repealed to the extent mentioned in the following schedule, with effect from the date of promulgation in the Provincial Gazette of this By-law.

#### TITLE OF BY-LAW EXTENT OF REPEAL

| TITLE OF BY-LAW | EXTENT OF REPEAL |
|-----------------|------------------|
|                 |                  |
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**SCHEDULE A**

**ACCEPTANCE LIMITS OF INDUSTRIAL EFFLUENT FOR DISCHARGE INTO  
THE SEWAGE DISPOSAL SYSTEM**

- (1) No industrial effluent shall be accepted for discharge into the sewerage system unless it complies with the following conditions –
- (a) there shall be eliminated from all industrial effluents to be discharged into any sewer, drain or combined drain, the following substances –
- (i) calcium carbide;
  - (ii) yeast and yeast wastes;
  - (iii) radioactive wastes or isotopes;
  - (iv) degreasing solvents, petroleum spirit, volatile inflammable solvents or any substance whatsoever which may or is likely to give off an inflammable vapour at a temperature of 210C;
  - (v) coarse solids (e.g. potato and pineapple peels, wood, sand, stone, etc);

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(vi) textile fibers or wood pulp fibers;

(vii) any chemical compounds of carbon which are not amenable to treatment by normal biological processes, e.g. non-biodegradable detergents, dyes and dye process residues;

(b) no industrial effluent discharged into the sewerage system shall contain any of the following substances in concentrations exceeding the limits stated (expressed in milligrams per litre) –

(i) suspended solids: 1,500

(ii) animal and vegetable oils, fats, greases and waxes: 400

(iii) tar products, distillates, bitumen and asphalts: 50

(iv) mineral oils, greases and waxes: 50

(v) sugars and starches (as sucrose): 1,000

(vi) cyanogen compounds (as HCN): 20

(vii) sulphides, hydrosulphides and polysulphides (as S): 50

(viii) sulphates (as SO<sub>4</sub>): 500

(ix) chlorides (as Cl): 750

(x) fluorides (as F): 5

(xi) copper (as Cu): 20

(xii) iron (as Fe): 20

(xiii) nickel (as Ni): 20

(xiv) chromium (as Cr): 20

(xv) zinc (as Zn): 20

(xvi) total of metals Cu, Fe, Ni, Cr and Zn: 50

(xvii) arsenic (as As): 5

(xviii) boron (as B): 5

(xix) cadmium (as Cd): 5

(xx) lead (as Pb): 5



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(xxi) selenium (as Se): 5

(xxii) mercury (as Hg): 1

(xxiii) total of metals As, B, Cd, Pb, Se and Hg: 15

(xxiv) total phenols (as phenois): 20

(xxv) anionic surfactants: 750

(xxvi) total phosphates (as P): 25

(c) the limits referred to in section (1)(b) shall not at any time conflict with the requirements of section (1)(a) of this Schedule;

(d) no industrial effluent shall be discharged from any premises into the sewerage system –

(i) at a temperature greater than 44oC;

(ii) at a pH value less than 6,0 or greater than 12,0;

(iii) if its electrical conductivity exceeds 400 milli-Siemens per metre (determined at 200C); and

(iv) if its sodium content exceeds 500 mg per litre;

(e) no person shall discharge, or permit the discharge or entry into the sewerage system of any sewage, industrial effluent or other substance which –

(i) contains any substance in such concentration as will produce or be likely to produce, in the final treated effluent at any treatment works or in any public water, any offensive or undesirable taste, colour or odour or any foam;

(ii) 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 or reuse;

(iii) contains any substance or thing of whatsoever nature which is not amenable to treatment to a satisfactory degree at a sewage works or which causes or is likely to cause a breakdown or inhibition of the processes in use at such works or in the processing of any final effluent, sludge or other by-products;

(iv) 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 any sewage works being unable to comply satisfactorily with any requirements of, or permits issued under the National Water Act;

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(v) may cause danger to the health or safety of any person or may be injurious to the structure or materials of the sewerage system or may prejudice the use of any ground used by the Municipality for the sewerage system, other than in compliance with the permissions issued in terms of this By-law; or

(vi) may inhibit the unrestricted conveyance of sewage through the sewerage system.

### SCHEDULE B LIMITS APPLICABLE TO ENVIRONMENTAL DISCHARGES

(1) The following limits apply in respect of environmental discharges:

| SUBSTANCE /<br>PARAMETER    | LIMIT            | UNIT  |
|-----------------------------|------------------|---|
| faecal coliforms            | 1,000            | per 100 ml                                      |
| pH                          | 5.5 - 9.5        |   |
| electrical conductivity     | 150              | milli-Siemens per metre<br>(determined at 20°C) |
| ammonia as nitrogen         | 10               | mg/l  |
| nitrate/nitrite as nitrogen | 15               | mg/l  |
| suspended solids            | suspended solids | mg/l  |
| total phosphates (as P)     | 10               | mg/l  |
| COD                         | 75               | mg/l  |
| soap, oils or grease        | 2.5              | mg/l  |
| fluorides                   | 1                | mg/l  |
| chlorine as free chlorine   | 0.25             | mg/l  |
| arsenic (as As)             | 0.02             | mg/l  |
| cadmium (as Cd)             | 0.005            | mg/l  |
| chromium (VI) (as Cr)       | 0.05             | mg/l  |

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|                           |       |      |
|---------------------------|-------|------|
| copper (as Cu)            | 0.01  | mg/l |
| cyanide                   | 0.02  | mg/l |
| iron (as Fe)              | 0.3   | mg/l |
| lead (as Pb)              | 0.01  | mg/l |
| Manganese                 | 0.1   | mg/l |
| mercury and its compounds | 0.005 | mg/l |
| selenium (as Se)          | 0.02  | mg/l |
| zinc (as Zn)              | 0.1   | mg/l |
| boron (as B)              | 1     | mg/l |

(2) The metals indicated in sub-section (1) must be construed as total metals.

(2) The standards, parameters and limits stipulated in sub-section (1) may be changed or varied at the discretion of the Municipality.

**SCHEDULE C**

**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 authorised to sign on behalf of

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

**PART I**

**NEWCASTLE MUNICIPALITY**  
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1. NATURE OF THE BUSINESS OR UNDERTAKING:

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

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3. POSTAL ADDRESS OF THE BUSINESS OR UNDERTAKING:

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4. PHYSICAL STREET ADDRESS OF THE BUSINESS OR UNDERTAKING:

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ERF NO OR FARM PORTION: \_\_\_\_\_ TOWNSHIP OR FARM:

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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:

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

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

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**NEWCASTLE MUNICIPALITY**  
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**8. INFORMATION RELATING TO EMPLOYEES:**

- | Office  | Factory |
|---|---------|
| (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)                       |         |

