



PROVINCE OF THE EASTERN CAPE
IPHONDO LEMPUMA KOLONI
PROVINSIE OOS-KAAP

**Provincial Gazette
Igazethi Yephondo
Provinsiale Koerant**

Vol. 15

BISHO/
KING WILLIAM'S TOWN, 7 MARCH 2008

No. 1851
(Extraordinary)

CONTENTS • INHOUD

<i>No.</i>		<i>Page No.</i>	<i>Gazette No.</i>
LOCAL AUTHORITY NOTICE			
13	Local Government: Municipal Systems Act (32/2000): Ukhahlamba District Municipality: Water Services and Sanitation By-laws	3	1851

LOCAL AUTHORITY NOTICE

LOCAL AUTHORITY NOTICE 13

NOTICE : 21/2008

UKHAHLAMBA DISTRICT MUNICIPALITY

PROMULGATION OF THE UKHAHLAMBA DISTRICT MUNICIPALITY WATER SERVICES AND SANITATION BY-LAWS OF THE UKHAHLAMBA DISTRICT MUNICIPALITY

The Municipal Manager of the Ukhahlamba District Municipality, hereby in terms of section 13 the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), publishes the **UKHAHLAMBA DISTRICT MUNICIPALITY: WATER SERVICES AND SANITATION BY-LAWS** of the Ukhahlamba District Municipality set forth hereinafter, which have been approved by the said Municipality in terms of section 12 of the Act, 2000.

The Water Services and Sanitation by-laws take effect on date of publication hereof.

MR ZOLILE ALBERT WILLIAMS

MUNICIPAL MANAGER

UKHAHLAMBA DISTRICT MUNICIPALITY

PRIVATE BAG X 102

Barkly East

9786

1 February 2008

Council Resolution For:

UKHAHLAMBA DISTRICT MUNICIPALITY

**APPROVAL OF THE UKHAHLAMBA DISTRICT MUNICIPALITY WATER SERVICES AND
SANITATION BY-LAWS OF THE UKHAHLMAMBA DISTRICT MUNICIPALITY**

The council resolution number for the aforementioned documents is : **089/04/2004**

MR ZOLILE ALBERT WILLIAMS

MUNICIPAL MANAGER

UKHAHLAMBA DISTRICT MUNICIPALITY

PRIVATE BAG X 102

Barkly East

9786

7 February 2008

UKHAHLAMBA DISTRICT MUNICIPALITY

WATER AND SANITATION SERVICES BY-LAWS

PREAMBLE

- **RECOGNISING** the right of access to basic water supply and basic sanitation by all clients in the area of jurisdiction of the UKHAHLAMBA DISTRICT MUNICIPALITY Water Services Authority within an environment not harmful to health or well being in line with the goals of the National Government;
- **ACKNOWLEDGING** that the UKHAHLAMBA DISTRICT MUNICIPALITY Water Services Authority has the authority to administer water supply services and sanitation services and arising therefrom and through its Water Services Providers, a concomitant duty to ensure the supply of water and sanitation services of an acceptable quality within its area of jurisdiction in an efficient, affordable, economical and sustainable manner for subsistence and sustainable economic activity;
- **RECOGNISING** that, in striving to provide water and sanitation services, the UKHAHLAMBA DISTRICT MUNICIPALITY Water Services Authority and its Water Services Providers, together with all role-players in the sector and spheres of government, must observe and adhere to the principle of co-operative governance;
- **ACKNOWLEDGING** the requirement of the UKHAHLAMBA DISTRICT MUNICIPALITY Water Services Authority to draft and promulgate by-laws to govern the provision of water services to its clients by its appointed Water Services Providers and to govern the relationship between the Water Services Authority, Water Services Providers and the clients within its area of jurisdiction;
- **RECOGNISING** that, in the supply of water and sanitation services, the interests of the clients and the broader goals of public policy must be promoted;
- **ACKNOWLEDGING** that there is a duty upon the UKHAHLAMBA DISTRICT MUNICIPALITY Water Services Authority to prepare and adopt a water services development plan for its area of jurisdiction after thorough consultation with all stakeholders and thereafter to update, manage and report thereon on an annual basis;
- **RECOGNISING** that the provision of water supply services and sanitation services, although an activity distinct from the overall management of water resources, must be undertaken in a manner consistent with the broader goals of water resource management; and
- **CONFIRMING** the duty of the UKHAHLAMBA DISTRICT MUNICIPALITY Water Services Authority and its appointed Water Services Providers to provide access to water services in an orderly manner to the benefit of the nation's water resources;

Be it hereby adopted and promulgated by the UKHAHLAMBA DISTRICT as follows:-

MUNICIPALITY Water Services Authority

ARRANGEMENT OF SECTIONS

CHAPTER 1: DEFINITIONS

CHAPTER 2: ASSESSMENT AND APPOINTMENT: WATER SERVICES

4 Appointment of Water Service Providers

5 Water Service Provider – Approval

6 Application for approval

7 Additional Information to make decision

8 Procedure on Approval

9 Water Scheme Categories

10 Water Services Provider Categories

11 Monthly Report

12 Quarterly Report

13 Disputes

CHAPTER 3: APPLICATION, PAYMENT AND TERMINATION

Part 1: Application

14 Application for Water Services

15 Special Agreement for Water Services

16 Change in purpose for which Water Services is used

Part 2: Tariffs, Charges and Accounts

17 Prescribed Tariffs and Charges for Water Services

18 Determination of Tariffs

19 Availability Charges for Water Services

Part 3: Payment

20 Payment

21 Accounts

22 Queries or Complaints in respect of Accounts

23 Arrears

24 Agreement for the Payment of Arrears in Installments

Part 4: Determination, Limitation and Discontinuation of Water Services

25 Termination of Agreement for the provision of Water Services

26 Limitation and/or Discontinuation of Water Services Provider

27 Interruption of Supply at Client's Request

28 Restoration of Water Services

CHAPTER 4: SERVICE LEVELS

29 Service Levels

CHAPTER 5: CONDITIONS FOR WATER SUPPLY SERVICES

Part 1: Connection to Water Supply Systems

30 Provision of Connection Pipe

31 Location of Connection Pipe

32 Provision of Single Connection Water Connection for Supply to Several Clients on Same Premises

33 Interconnection between Premises or Water Installations

34 Disconnection of Water Installation from Connection Pipe

35 Communal Water Services Works: Provision of a Water Service Work for Water Supply to Several Clients

36 Temporary Supply: Water Supplied from a Water Supply system

Part 2: Standard

37 Quantity, Quality and Pressure

38 General Conditions of Supply

39 Testing of Pressure in Water Supply System

40 Pollution of Water Service Authority's Water Supply

41 Owner to Prevent Pollution of Water

42 Water Restrictions

43 Specific Condition of Supply

Part 3: Measurement

44 Measuring of Quantity of Water Supplied

45 Quantity of Water Supplied to Client

46 Special Measurement

47 No Reduction of Amount Payable for Water Wasted

48 Adjustment of Quantity of Water Supplied through Defective Measuring Device

49 Sampling of Water

50 Supply of Non-Potable Water by the Water Service Provider

51 Pipes in Streets or Public Places

Part 4: Audit

52 Water Audit

Part 5: Installation Work

- 53 Approval of Installation Work
- 54 Persons Permitted to do Installation and Other Work
- 55 Technical Requirements for a Water Installation
- 56 Provision and Maintenance of Water Installations
- 57 Use of Pipes and Water Fittings to be Authorised
- 58 Labelling of Terminal Water Fittings and Appliances
- 59 Water Demand Management

Part 6: Communal Water Supply Services

- 60 Provision of Water Supply to Several Clients

Part 7: Temporary Water Supply Services

- 61 Water Supplied from a Hydrant

Part 8: Boreholes

- 62 Notification of Boreholes

Part 9: Fire Services Connections

- 63 Connection to be Approved by the Water Service Provider
- 64 Special Provisions
- 65 Dual and Combined Installations
- 66 Connection Pipes for Fire Extinguishing Services
- 67 Vales and Meters in Connection Pipes
- 68 Meters in Fire Extinguishing Connection Pipes
- 69 Sprinkler Extinguishing Installations
- 70 Header Tank or Double Supply from Main
- 71 Sealing of Private Fire Hydrants

CHAPTER 6: CONDITIONS FOR SANITATION SERVICES**Part 1: Connection to Sanitation System**

- 72 Obligation to Connection to Sanitation System
- 73 Standards for Sanitation Services
- 74 Objectionable Discharge to Sewage Disposal System

Part 2: On-Site Sanitation Services and Associated Services

- 75 Application for Infrastructure
- 76 Use of On-Site Sanitation Services not Connected to the Sanitation System
- 77 Septic Tanks and Treatment Plants
- 78 French Drains
- 79 Conservancy Tanks
- 80 Operation and Maintenance of On-Site Sanitation Services
- 81 Disused Conservancy and Septic Tanks
- 82 Services Associated with On-Site Sanitation Services
- 83 Charges in Respect of Services Associated with On-Site Sanitation Services

Part 3: Sewage Disposal

- 84 Provisions of a Connecting Sewer
- 85 Location of Connecting Sewer
- 86 Provision of One Connecting Sewer for Several Clients on Same Premises
- 87 Interconnection Between Premises
- 88 Disconnection of Draining Installation from Connecting Sewer

Part 4: Standards

- 89 Standard for Sanitation Services

Part 5: Methods for Determining Charges

- 90 Measurement of Quantity of Standard of Domestic Effluent Discharged
- 91 Measurement of Quantity if Industrial Effluent Discharge
- 92 Reduction in the Quantity Determined

Part 6: Drainage Installations

- 93 Installation of Drainage Installations
- 94 Construction or Installation of Drainage Installations
- 95 Disconnection of Drainage Installations
- 96 Drains in Streets or Public Places

97 Construction by Water Service Provider or its Authorised Agent

98 Maintenance of Drainage Installation

99 Technical Requirements for Drainage Installations

100 Drains

101 Sewer Blockages

102 Grease Traps

103 Industrial Grease Traps

104 Mechanical Appliances for Lifting Sewer

105 Installation of Pre-Treatment Facility

Part 7: Protection of Infrastructure

106 Protection from Ingress of Flood Waters

107 Power of Entry and Inspection

108 Trespassing on the Sewage Disposal system

109 Interference with the Sewage Disposal System

110 Damage to Sewage Disposal System

111 Consequential Maintenance of Sewers

112 Instructions to Access to Sewage Disposal System

113 Work by Private Person

Part 8: Industrial Effluent

114 Application: Disposal of Industrial Effluent

115 Approval to Discharge Industrial Effluent

116 Procedure on approval

117 Unauthorised Approval of Industrial Effluent

118 Quality Standard for Disposal of Industrial Effluent

119 Conditions for Disposal of Industrial Effluent

120 Withdrawal of Approval to Discharge Industrial Effluent

Part 9: Sewage Delivered by Road Haulage

121 Acceptance of Sewage Delivered by Road Haulage

122 Approval for Delivery of Sewage by Road Haulage

123 Conditions for Delivery of Sewage by road Haulage

124 Withdrawal of Permission for Delivery of Sewage by Road Haulage

Part 10: Other Sanitation Services

125 Stables and Similar Premises

126 Mechanical Food-Waster or other Disposal Units

Part 11: Installation Work: Sanitation Sewers

127 Approval of Installation Work

128 Persons permitted to do Installation and Other Work

129 Use of Pipes and Water Fittings to be authorised

130 Testing of Drainage Installations

131 Water Demand management

CHAPTER 6: WATER SERVICES INTERMEDIARIES

Part 1: Water Services Intermediary-Registration

132 Application for Registration

133 Additional Information to Make Decision

134 Approval of Application

135 Provision of Water Services

136 Charges for Water Services Provided

CHAPTER 7: UNAUTHORISED WATER SERVICES

137 Unauthorised Use of Water Services

138 Interference with Infrastructure for the Provision of Water Services

139 Obstruction of Access to Infrastructure for the Provision of Water Services

140 Waster of Water Unlawful

141 Unauthorised and Illegal Discharges

142 Illegal Connections

143 Interference with Infrastructure

144 Use of Water from Sources other than the Water Supply system

CHAPTER 8: NOTICES

145 Powers to Serve and Compliance with Notices

CHAPTER 9: APPEALS

146 Appeals against Decisions of the Water Service Provider

CHAPTER 10: OFFENCES

147 Offences

CHAPTER 11: DOCUMENTATION

148 Signing of Notices and Documents

149 Notices and Documents

150 Authentication of Documents

151 Prima Facie Evidence

CHAPTER 12: GENERAL PROVISIONS

152 Responsibilities for Compliance with these by-laws

153 Provision of Information

154 Power of entry and Inspection

155 Indemnification from Liability

156 Exemption

157 Availability of by-laws

158 Conflict of Law

159 Transitional Arrangements

160 Repeal of Existing Municipal Water Services by-laws

161 Short Title and Commencement

CHAPTER 1:

1 Definitions

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

“accommodation unit” in relation to any premises, means a building or section of a building occupied or used or intended for occupation or use for any purpose;**“account”** means an account rendered for municipal services provided;**“Act”** means the Water Services Act, 1997 (Act No. 108 of 1997), as amended from time to time;**“agreement”**; means the contractual relationship between the Water Service

Provider as authorized agent and a client, whether written or deemed as provided for in the Water Service Authority and/or Water Service Provider's By-Laws relating Credit Control and Debt Collection

approved means approved by the Water Service Provider in writing;**“area of supply”** means any area within or partly within the area of jurisdiction of the Water Service Authority and/or Water Service Provider to which water services are provided;**“authorized agent”** (a) any person authorised by the Water Service Authority to perform any act, function or duty in terms of, or exercise any power under these bylaws; or

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

(c) any person appointed by the Water Service Authority in terms of a written contract as a service provided to provide water services to customers on its behalf, to the extent authorised in such contract;

“Authorized officer” Means a person duly authorised to act for and on behalf of a Water Services Authority.**Average consumption** Means the average consumption of a client of a municipal service during a specific period, which consumption is calculated by dividing the total measured consumption of that municipal service by that client over the preceding 3 months by three;**“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 as well as in the short term;**“borehole”** means a hole sunk into the earth for the purpose of locating, abstracting or using subterranean water and includes a spring;**“Building Regulations”** means the National Building Regulations made in terms of the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977);**“charges”** means the rate, charge, tariff, flat rate or subsidy determined by the municipal council

"cleaning eye" means any access opening to the interior of a discharge pipe or trap provided for the purposes of internal cleaning;

"client" means –

(a) any occupier of any premises to which or on which the Water Services Authority or its Water Services Provider has agreed to provide water services or is actually providing water services, or if there be no occupier, then any person who has entered into a current agreement with the Water Services Authority or its Water Services Provider for the provision of water services to or on such premises, or, if there be no such person, then the owner of the premises; provided that where water services is provided through a single connection to a number of occupiers, it shall mean the occupier, or person, to whom the Water Services Authority or its Water Services Provider has agreed to provide water services; or

(b) any person that obtains access to water services that are provided through communal water services work;

"combined installation" means a water installation used for fire-fighting and domestic, commercial or industrial purposes;

"commercial client" means any client other than domestic client and indigent client, including, without limitation, agriculture, business, industrial, government and institutional client;

"communal water services work" means a client connection through which water services are supplied to more than one person;

"connection" means the point at which a client gains access to water services;

"connecting point" means the point at which the drainage installation joins the connecting sewer;

"connecting sewer" means a pipe owned by Water Service Authority and installed by it for the purpose of conveying sewage from a drainage installation on a premises to a sewer beyond the boundary of those premises or within a servitude area or within an area covered by a way leave or by agreement;

"connection pipe" means a pipe, the ownership of which is vested in the Water Services Authority and/or in the duly appointed Water Services Provider and installed by it for the purpose of conveying water from a main to a water installation, and includes a "communication pipe" referred to in SABS 0252 Part I;

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

"determined" means determined by the Water Service Authority and or the Water Service Provider, from time to time;

"delivery system" means a water delivery mechanism, which delivers a predetermined quantity of water to a client on agreed terms;

"district municipality" means the UKHAHLAMBA DISTRICT MUNICIPALITY a municipality that has municipal executive and legislative authority in an area that includes more than one municipality and which is 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 and culinary purposes to premises used predominantly for residential purposes;

"drain" means that portion of the drainage installation that conveys sewage within any premises;

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

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

"duly qualified sampler" means a person who is authorized to take samples for analysis from the sewage disposal system, and storm water disposal system, from public waters, bulk water supply sources, water treatment works, water reticulation systems and natural water sources and who has been certified to do so by an authorised agent;

"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 or more dwelling units;

"effluent" means any liquid whether or not containing matter in solution or suspension;

"emergency" means any situation that poses a risk or potential risk to life, health, the environment or property and/or a major disruption to service delivery;

"environmental cost" means the full cost all measures necessary to restore the environment to its condition prior to the damaging incident;

"estimated consumption" means the deemed consumption by a client whose consumption is not measured during a specific period, which estimated consumption is determined 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 Water Service Authority and/or the Water Service Provider as authorized Agent;

"fire hydrant" means a water installation that conveys water for fire-fighting purposes only;

"fixed charge" means the fixed cost associated with providing water services in a continuous, effective and efficient manner;

"fixed quantity water delivery system" means a water installation, which delivers a fixed quantity of water to a client in any single day;

"flood level (1 in 100)" means that level reached by flood waters of a frequency of 1 in 100 Years;

"flood level area (1 in 100)" means the area subject to inundation by flood waters, of a frequency of 1 in 100 years;

"french drain" means an approved soil soak drain for the disposal of sewage and effluent from a septic tank;

"high strength sewage" means sewage with a strength or quality greater than standard domestic effluent;

"household" means a dwelling, structure, traditional homestead or property primarily occupied for residential purposes;

"illegal connection" means a connection to any system through which water services are provided that is not authorised or approved by the Water Service Authority and/or the Water Service Provider;

"incapacitated" means for the purposes of the definition of "client" a person who has been declared incapable of managing his or her affairs by a competent court;

"industrial effluent" means effluent emanating from industrial use of water, and includes for purposes of these by-laws any effluent other than standard domestic effluent or storm water;

"industrial purposes" in relation to the supply of water means water supplied to any premises which constitutes a factory as defined in the General Administrative Regulations, published in terms of the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993);

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

"intermediaries" means as specified in the Act;

"main" means a pipe, other than a connection pipe, vesting in the Water Services Authority and/or the duly appointed Water Services Provider and used by it for the purpose of conveying water to a client;

"main hole" means any access chamber to the interior of the water and/or sewer reticulation system provided for the purpose of maintenance and internal cleaning;

"measuring device" means any method, procedure, process or device, apparatus, installation that enables the quantity of water services provided to be quantified and includes a method, procedure or process whereby quantity is estimated or assumed;

"meter" means a water meter as defined by the Regulations published in terms of the Trade Metrology Act, 1973 (Act No. 77 of 1973), or, in the case of water meters of size greater than 100mm, a device which measures the quantity of water passing through it;

"mid block sewer" Means a sewer line that serves more than one (1) dwelling and/or building and the and shall remain the responsibility of the Water Services Provider as authorized agent;

"municipality" Means the water services authority as defined in the Act;

(a) the UKHAHLAMBA DISTRICT MUNICIPALITY or its successors-in-title, or the water service provider as defined in the Act; and

(b) as an authorised agent of the UKHAHLAMBA DISTRICT MUNICIPALITY;

"municipal council" means the UKHAHLAMBA DISTRICT MUNICIPALITY Municipal Council.

"municipal services" means for purposes of these bylaws, services provided by the Water Service Authority and or the Water Service Provider, including refuse removal, water supply, sanitation, electricity services and rates or any one of the above;

"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 sanitation" means any sanitation services other than water borne sewerage disposal through a sewerage disposal system;

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

(c) in any case where the Water Services Authority and/or duly appointed Water Services Provider 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 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, 1986 (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, 1986 (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;

"person" means any natural person, local government body or like authority, a company incorporated under any law, and/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 for the purposes of the definition of "client" shall include the registered owner of the premises to which water services are provided;

"plumber" means a person who has passed a qualifying Trade Test in Plumbing or has been issued with a certificate of proficiency in terms of the Manpower Training Act, 1981 (Act No. 56 of 1981) or such other qualification as may be required under national legislation;

"pollution" means the introduction of any substance into the water supply system, a water installation or a water resource that may directly or indirectly alter the physical, chemical or biological properties of the water found therein so as to make it –

(a) less fit for any beneficial purpose for which it may reasonably be expected to be used; or

(b) harmful or potentially harmful –

(i) to the welfare, health or safety of human beings;

(ii) to any aquatic or non-aquatic organism; and

(iii) shall include the discharge of sewerage or effluent harmful or potentially harmful to the health and/or safety of 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, 1927 (Act No. 9 of 1927), or in terms of the Deeds Registries Act, 1937 (Act No. 47 of 1937); or

(b) sectional plan registered in terms of the Sectional Titles Act, 1986 (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;

"prescribed tariff or charge" means a charge prescribed by the Water Service Authority and/or duly appointed Water Service Provider;

"public notice" means publication in appropriate media that may include one or more of the following –

(a) publication of a notice, in the official languages determined by the municipal council, –

i) in any local newspaper or newspapers circulating in the area of supply of the Water Service Authority and or the Water Service Provider;

ii) in the newspaper or newspapers circulating in the area of supply of the Water Service Authority and or the Water Service Provider determined by the municipal council as a newspaper of record; or

iii) by means of radio broadcasts covering the area of supply of the Water Service Authority and or the Water Service Provider; or

(b) displaying a notice at appropriate offices and pay-points of the Water Service Authority and or the Water Service Provider; or

(c) communication with customers through public meetings and ward committee meetings;

"public water" means any river, watercourse, dams, underground water sources and any other water to which the public has the right of use or to which the public has the right of access;

"sanitation services" has the same meaning assigned to it in terms of the Act and includes for purposes of these by-laws water for industrial purposes and the disposal of industrial effluent;

"sanitation system" means the structures, pipes, valves, pumps, meters or other appurtenances used in the conveyance through the sewer reticulation system and treatment at the sewage treatment plant under the control of the Water Service Authority and or the Water Service Provider and which may be used by it in connection with the disposal of;

"septic tank" means a water tight tank designed to receive sewage and to effect the adequate decomposition of organic matter in sewage by bacterial action;

"service pipe" means a pipe which is part of a water installation provided and installed on any premises by the owner or occupier and which is connected or to be connected to a connection pipe to serve the water installation on the premises;

"sewage" means waste water, industrial effluent, standard domestic effluent and other liquid waste, either separately or in combination, but shall not include storm water;

"sewage disposal system" means the structures, pipes, valves, pumps, meters or other appurtenances used in the conveyance through the sewer reticulation system and treatment at the sewage treatment plant under the control of the Water Service Authority or its authorized agent and which may be used by it in connection with the disposal of sewage;

"sewer" means any pipe or conduit which is the property of or is vested in the Water Service Authority and/or the duly appointed Water Service Provider and shall not include a drain as defined;

"shared consumption" means the consumption of a customer of a municipal service during a specific period, which consumption is calculated by dividing the total metered consumption of that municipal service within the supply zone within which a customer's premises is situated for the same period by the number of customers within that supply zone, during the same period;

"standpipe" means a connection through which water supply services are supplied to more than one person;

"standard domestic effluent" means domestic effluent with prescribed strength characteristics in respect of chemical oxygen demand and settleable solids as being appropriate to sewage discharges from domestic premises within the jurisdiction of the Water Services Authority and/or its duly appointed Water Services Provider including industrial effluent;

"storm water" means water resulting from natural precipitation or accumulation and includes rainwater, subsoil water or spring water;

"terminal water fitting" means a water fitting at an outlet of a water installation that controls the discharge of water from a water installation;

"trade premises" means premises upon which industrial effluent is produced;

"trap" means a pipe fitting or portion of a sanitary appliance designed to retain a water seal which serves as a barrier against the flow of foul air or gas, in position;

"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 Water Service Authority and or the Water Service Provider;

"waste water" means waste water resulting from the supply of water to a household, offices, shops or any other premises other than industrial premises;

"water fitting" means a component of a water Installation, other than a pipe, through which water passes or in which it 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 Water Services Authority and/or duly appointed Water Services Provider;

"water scheme" means water scheme established or in the course of being established within the area of jurisdiction of the Water Services Authority and/or the duly appointed Water Services Provider for the purposes of providing water supply services.

"water services" means water supply services and sanitation services, and includes for purposes of these by-laws water for industrial purposes and the disposal of industrial effluent;

"water services authority" means the UKHAHLAMBA DISTRICT MUNICIPALITY a District Municipality duly established in terms of section 12 of the Municipal Structures Act 58 of 1999 (as amended) and appointed as Water Service Authority in terms of section 84 of said Act.

"water services intermediaries" means any person who is obliged to provide water services to another in terms of a contract where the obligation to provide water services is incidental to the main object of the contract;

"Water Services Provider" i) means an entity established or appointed by the Water Services Authority as its authorized agent to operate and maintain a water supply scheme/s in accordance with these by-laws and in accordance with the Act;

ii) the Water Services Authority where it has not appointed an Agent to act as Water Services Provider on its behalf and fulfills this duty itself

"water supply services" has the same meaning assigned to it in terms of the Act and includes for purposes of these by-laws water for industrial purposes, Fire extinguishing services and the disposal of industrial effluent;

"water supply system" means the structures, aqueducts, pipes, valves, pumps, meters or other apparatus relating thereto which are vested in the Water Services Authority and/or duly appointed Water Services Provider and are used or intended to be used by it in connection with the supply of water, and includes any part of the system;

"wet industry" means an industry which discharges industrial effluent; and

"working day" means a day other than a Saturday, Sunday or public holiday.

2. Any word or expression used in these by-laws to which a meaning has been assigned in – the Act will bear that meaning; and the National Building Regulations and Building Standards Act, 1997 (Act No. 103 of 1977), the Building Regulations shall in respect of Chapter III bear that meaning, unless the context indicates otherwise.

3. Aims and objectives

1) The aims and objectives of these by-laws are to-

(a) provide for the rights of access to basic water supply and sanitation within the area of jurisdiction of the UKHAHLAMBA DISTRICT MUNICIPALITY, as contemplated in section 27 of the Constitution of the Republic of South Africa;

(b) provide for the appointment of Water Services Providers, their powers and functions and the establishment of a regulatory framework within which to deliver water services;

(c) provide for the setting of terms and conditions to ensure compliance with the statutes, legislation and regulations applicable to the water sector; to provide for the monitoring of water services within the area of jurisdiction of the UKHAHLAMBA DISTRICT MUNICIPALITY and intervention by the UKHAHLAMBA DISTRICT MUNICIPALITY, being the Water Services Authority within its area of jurisdiction, where necessary;

- (d) provide for the gathering of information within the area of jurisdiction of the UKHAHLAMBA DISTRICT MUNICIPALITY, the collation thereof to a central data base and the distribution of information to all stakeholders and role-players; and
- (e) provide for matters related to the supply of water services within the area of jurisdiction of the UKHAHLAMBA DISTRICT MUNICIPALITY.

CHAPTER 2: APPOINTMENT: WATER SERVICE PROVIDER

4. ASSESSMENT AND APPOINTMENT OF WATER SERVICE PROVIDER

- 1) Subject to compliance with the provisions of Section 78 of the Municipal Systems Act, No 32 of 2000(as amended), the Water Service Authority may elect to perform the function of a Water Service Provider itself and/or it must enter into a written contract with a Water Service Provider, or form a joint venture with another water service institution to provide water services within its area of jurisdiction.
- 2) When performing the function of a Water Service Provider, a Water Service Authority must manage and account separately for those functions.
- 3) When the Water Service Authority appoints a Water Service Provider to provide water services on its behalf the said Water Service Provider shall be designated as the authorised agent of the Water Service Authority and thereby shall be enabled as Water Service Provider to fulfill the said function as Water Service Provider on behalf of the Water Service Authority in terms of the contract entered into between the Water Service Authority and Water Service Provider.
- 4) When the Water Service Authority, in the event it decides not to perform the function of a Water Service Provider for any local Municipality within its jurisdiction may appoint the said local Municipality as it's Water Service Provider and shall then and thereafter enter into written contract with the said local Municipality to provide water services within the local Municipality's area of jurisdiction, in line and in accordance with these by-laws and the Act.
- 5) If, after carrying out an assessment in terms of section 78 of the Municipal Systems Act, No 32 of 2000 (as amended), it is decided by the Water Service Authority not to act as the Water Service Provider in respect of such area of jurisdiction and/or of a specific water scheme and the said Water Service Authority decides not to appoint a local Municipality or a state or parastatal entity, as its Water Service Provider then it may,
 - a) in respect of any water scheme established or to be established in its area of jurisdiction as contemplating in section 19(1)(a) of the Act, by public notice; and
 - b) call for proposals from suitable persons or institutions to seek the approval of the Water Service Authority to be the Water Service Provider in respect of such water scheme as contemplated in section 22 (1), read with section 19(1)(b), of the Act.

5. WATER SERVICE PROVIDER – APPROVAL

- 1) The public notice referred to in Section 4(5) shall be delivered to every public sector Water Service Provider as authorized agent known to the Water Service Authority and shall also be published in a newspaper or news papers circulating in the area where the water scheme is situated, which notice shall be published in the predominant language of such newspaper and of the majority of people to be served by such water scheme.
- 2) The Water Service Authority shall give prior consideration to any proposals submitted by any public sector Water Service Provider as contemplated in section 19(2) of the Act before considering any proposals submitted by any private sector Water Service Provider.
- 3) The Water Services Authority shall, in respect of every water scheme for which it intends to approve a Water Service Provider-
 - a) prepare a full and detailed description of the water scheme or scheme which shall be operated by the Water Service Provider and which shall provide that the Water Service Authority complies with the criteria set in Section 11 of the Act, these by-laws and the water development plan adopted by the Water Service 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 Service Provider; and
 - iii) detailed plans or drawings, with co-ordinates and scales, and specifications depicting the physical installation associated with the water scheme or scheme, including all the structures,

aqueducts, pipes, valves, pumps, meters or other apparatus relating thereto used or intended to be used by it in connection with the provision of water services contemplated in the proposal;

iv) a detailed description, including numbers and locality, of the clients or potential clients that shall be supplied with water by the Water Service Provider;

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

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 servitudes 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 5(1) above.

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 Service Provider;

c) a certified list of the names and addresses of all persons occupying a leadership and decision-making power in the applicant;

d) a detailed statement, supported by adequate proof of authenticity, setting out the applicants 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 to be provided by the applicant;

e) a business plan setting out how the water scheme or water schemes shall be operated and maintained during the period the Water Service 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 shall levy on all clients and potential clients, the method of calculations such tariffs and charges, the process whereby increases or decreases in such tariffs and charges shall be dealt with and the manner in which such tariffs and charges comply with the national norm set by the Minister of Water Affairs and Forestry in terms of Section 10 of the Act; and

h) full details of the conditions that shall be imposed in terms of Section 4 of the Act and full details required in terms of Section 19(4) of the Act.

6. APPLICATION FOR APPROVAL

1) Any person or institution seeking approval from the Water Service Authority in terms of Sections 6(1) or 22(1) of the Act under circumstances other than in response to a notice published in terms of Section 5(1), or the renewal of an existing approval, shall do so in accordance with the provisions of these by-laws and at its own expense.

a) No application for approval 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 an approval 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 such approval, or the renewal of such approval, shall be made to the Water Service Authority in writing.

3) Immediately on receipt of an application made in terms of Section 22(1) of the Act, if the applicant is a private sector Water Service Provider the Water Service Authority shall, in terms of Section 19(2) of the Act, notify all public sector water providers known to it and -

a) request such public sector water services providers to notify the Water Service Authority within a period of 30 days from the date of the receipt by the public sector water provider of such notice

whether it is willing and able to perform the functions contained in the application, and if it is, to provide the Water Service Authority with the documents and particulars referred to in Section 5 and 6, 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 Service Providers or a private sector Water Service Provider in respect of the water scheme concerned.

4) Any application for approval in terms of Section 5 and 6, or the renewal of any approval granted by the Water Services Authority, shall be accompanied by, at least, the following documents or particulars, provided that, in the case of a renewal of an approval, the Water Service Authority may, in its discretion, dispense with some of the documents or particulars to avoid unnecessary duplication:

a) a certified copy of the identity document of the applicant, if a natural person, 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 Service Provider;

c) a certified list of the names and addresses of all persons occupying a leadership and decision making power in the applicant;

d) a detailed statement, supported by adequate proof of authenticity, setting out the applicants 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 to be provided by the applicant;

e) a full and detailed description of the water scheme or schemes which will be operated by the applicant containing sufficient information to enable the Water Supply Authority to determine whether the water scheme or schemes complies with the criteria set in Section 11 of the Act, these by-laws and the water development plan adopted by the Water Service 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 schemes;

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

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

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

(v) details of 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 is consistently maintained;

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

(vii) 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;

viii) details of tariffs and charges that the applicant shall levy on all clients and potential clients, the method of calculating such tariffs and charges, the process whereby increases or decreases in such tariffs and charges will be dealt with, and the manner in which such tariffs and charges comply with the national norm set by the Minister of Water Affairs and Forestry in terms of Section 10 of the Act;

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

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

xi) full details of the conditions that will be imposed in terms of Section 4 of the Act and full details required in terms of Section 19(4) of the Act.

7. ADDITIONAL INFORMATION TO MAKE DECISION

1) The Water Service Authority may call for any additional information or documents reasonably required to enable it to determine whether the proposer or applicant, including a public sector water provider, or the water scheme or schemes shall comply with the Act, these by-laws and the water development plan of the Water Service Authority, and whether the obligations of the Water Service Authority, imposed on it by the Act, shall be met.

2) The Water Service Authority may, and it shall, if it initially decides to refuse to accept a proposal made as contemplated in Section 5 and 6, or if it, initially decides to refuse an application made in terms of Section 5 and 6, including an application made by a public sector water provider, prior to making a final decision, meet with the proposer or applicant, as the case may be, and any organization reasonably representative of the clients or potential clients of the water scheme or schemes, in order to hear representations made by the applicant and such representative organizations in support of, or against, the applications, and it shall take such representations into account in arriving at its final decision.

8. PROCEDURE ON APPROVAL

1) In the event of the Water Service Authority granting such approval it shall comply with the Municipal Systems Act and enter into a written contract with the prospective applicant-

i) in the case of an application for approval in terms of Section 7(1) of the Act, issue a letter of approval to the applicant containing such conditions as the Water Service Authority may deem appropriate, which conditions shall be included in the written contract and shall be binding on the applicant, and which may contain an obligation to comply with any provision of the by-laws as though such person or institution was an approved Water Service Provider;

ii) in the case of an application for approval in terms of Section 22(1) of the Act;

iii) if the applicant is a private sector Water Service Provider, cause a notice to be published in a newspaper or newspapers circulating in the area where the water scheme to which the application relates is situated, publicly disclosing its intention to approve such application;

iv) 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 Service Provider, such contract shall not commence until a period of thirty days has elapsed after the date of publication of the notice contemplated in Section (1)(b)(i) of the Act and after the Water Service Authority has taken into account any representations made by any person or institution in response to the said notice; and

v) enter into a joint venture agreement with the Water Service Provider as contemplated in Section 19(1)(b)(ii) of the Act upon such terms and conditions as may be negotiated by such parties, provided that, in the case of a private sector water service provider, such agreement shall not commence until a period of thirty days has elapsed after the Water Service Authority has taken into account any representations made by any person or institution in response to the said notice.

2) Any notice contemplated in Section (1)(b)(i) of the Act shall be published in a newspaper or newspapers, and in the predominant language of such newspaper, which is or are most likely to be read by a majority of the clients or potential clients of the water scheme and by the public generally in the area of jurisdiction of the Water Service Authority.

3) The by-laws in this Section shall apply in all cases where the Water Service Authority has granted its approval to a person or institution in terms of Section 22(1) of the Act read with the provisions of these by-laws;

4) The Water Service Authority shall designate each water scheme in its area of jurisdiction into one or other category defined in by-law 9.

9 WATER SCHEME CATEGORIES

1) The categories of water scheme contemplated in Section 5 and 6 shall be -

a) "Category A" being a range of water schemes from elementary and/or rudimentary water schemes providing water supply services by drawing water from a hand pump or protected spring, and/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 was a metered connection to a bulk main and the capacity to supply both communal stand-pipes and private connection provision, and/or sanitation services to a rural or semi-urban community; and

b) "Category B" being a range of water schemes from water schemes where the abstraction and reticulation provides water to laid out or clearly identified sites, and/or sanitation services, to small towns, including un-proclaimed towns, to water schemes providing water supply services and/or sanitation services to a township proclaimed or approved under any law relating to the establishment of townships and/or water supply services for industrial use, and/or for the disposal of industrial effluent.

2) The Water Service Authority may from time to time in appropriate circumstances change the category to which any water scheme has been allocated.

3) A Water Service Authority shall give written notice to the appropriate approved Water Service Provider of its intention to change the category to which any water scheme is allocated to such water services of its intention to change the category to which any water scheme is allocated to such Water Service Provider, and the change in allocation shall take effect from the date upon which such notice is delivered to the relevant Water Service Provider.

4) The decision of the Water Services Authority to allocate a category to a water scheme shall be final, provided that any person or institution which has an interest in a particular water scheme 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 council of the Water Service Authority against such allocation in accordance with the following provisions -

i) an appeal shall be noted in writing delivered to a recognized main office of the Water Service Authority or by pre-paid post addressed to the recognized postal address of the Water Service Authority;

ii) the document evidencing the appeal shall state the grounds upon which the appellant considers that he or she is prejudiced by the allocation appealed against;

iii) the appeal shall be considered and disposed of by the Council within 45 days of the receipt by it of the document evidencing the appeal;

iv) The decision of the Council shall be final, but does not preclude the appellant from approaching and utilizing the Courts of Law.

5) Subject to the provisions of this by-law, the Water Service Authority may, in its discretion, in respect of any water scheme falling into Category "A", suspend any by-laws.

6) Any such suspension shall be reviewed at each Council sitting thereafter with a full-motivated submission placed before the full Council as to why the suspension should remain in place. No by-law shall be suspended if the consequences of such suspension shall constitute a contravention of the Act.

10 WATER SERVICE PROVIDER CATEGORIES

1) Every approved Water Service Provider shall be designated as a Category 1 or a Category 2 provider in accordance with the following criteria -

a) A Category 1 provider shall be a person or institution which, in the opinion of the Water Service 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 shall be a person or institution which, in the opinion of the Water Service Authority, does not have 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 maintain and operate the water scheme efficiently and effectively.

2) The decision of the Water Service Authority to allocate a category to an approved Water Service Provider shall be final, provided that any person or institution which has an interest in a particular provider 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 Council of the Water Service Authority against such allocation in accordance with the following provisions -

a) an appeal shall be noted in writing delivered to a recognized main office of the Water Service Authority or by pre-paid post addressed to the recognized postal address of the Water Service Authority;

b) the document evidencing the appeal shall state the grounds upon which the appellant considers that he or she is prejudiced by the allocation appealed against;

c) the appeal shall be considered and disposed of by the Council within 45 days of the receipt by it of the document evidencing the appeal; and

d) the decision of the council shall be final.

3) The Water Service Authority may, in its discretion, require a Category 2 Water Service Provider, as a condition of approval in terms of Section 22(1) of the Act, to enter into a contract with a support services agent who shall in the opinion of the Water Service Authority, have the capacity to provide resources and assistance to the Water Service Provider required to enable the Water Service Provider to comply with the provisions of the Act, these by-laws and any contract or joint venture agreement contemplated in Section 19(1)(b)(i) or (ii) of the Act.

4) A certified copy of the agreement referred to in Section 8 above of this by-law shall be lodged with the Water Service Authority and such copy shall at all times reflect the true agreement between the parties to it.

5) Any contract entered into in terms of Section 8 above shall be approved by the Water Service Authority and may not be amended by the Water Service Provider and the support services agent without the prior written consent of the Water Service Authority.

11 MONTHLY REPORT

1) An approved Water Service Provider shall submit a monthly report to the Water Service Authority providing at least the following information -

a) such information as the Water Service 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 so as to fulfill the requirements of the Act, the applicable water development plan, these by-laws and the contract or joint venture contemplated in Section 19(1)(b)(i) or (ii) of the Act;

b) Failure to submit the said report shall constitute grounds upon which the Water Service Authority shall be entitled to review the approval granted by it in terms of Section 22(1) of the Act to the Water Service Provider as authorised concerned; and

c) Such information pertaining to the quality of water so that the Water Service Authority may monitor and evaluate to such quality of water being delivered to the community within the area of jurisdiction of the Water Service Provider.

12 QUARTERLY REPORT

1) An approved Water Service Provider shall submit a quarterly report to the Water Service Authority providing the following information:

Financial

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 Service Provider and the steps being taken to recover such arrears;

e) arrears recommended to be written off as irrecoverable and reasons why they are deemed to be irrecoverable;

f) circumstances where water services are limited or discontinued and the reasons why such services are so limited or discontinued; and

g) Technical

2) Failure to submit the said report shall constitute grounds upon which the Water Service Authority shall be entitled to review the approval granted by it in terms of Section 22(1) of the Act to the Water Service Provider concerned.

13 DISPUTES

Any dispute or conflict arising between the Water Service Authority and an approved Water Service Provider shall be resolved by mediation and arbitration and every agreement made and entered into under the provisions of these by-laws shall contain appropriate provisions to that effect.

CHAPTER 3: APPLICATION, PAYMENT AND TERMINATION**PART 1: APPLICATION****14 APPLICATION FOR WATER SERVICE**

- 1) No person shall gain access to water service from the water supply system, sewage disposal system or through any other sanitation services unless he or she has applied to the Water Service Provider as duly authorized agent on the prescribed form for such service for a specific purpose and to which such application has been agreed.
- 2) Water services rendered to a client by the Water Service Provider are subject to the Water Service Authority and or the Water Service Provider's by-laws relating to credit control and debt collection, these bylaws and the conditions contained in the relevant agreement.
- 3) Where a premises or client are provided with a water service, it shall be deemed that an agreement in terms of Sub Section (1) above exists.
- 4) A Water Service Provider as authorized agent must on application for the provision of water services by a client inform that client of the different levels of services available and the tariffs and / or charges associated with each level of services.
- 5) A client must elect the available level of services to be provided to him or her or it.
- 6) A client may at any time apply to alter the level of services elected 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 client.
- 7) An application agreed to by the Water Service Provider as authorized agent shall constitute an agreement between the Water Service Provider as authorized agent and the applicant, and such agreement shall take effect on the date referred to or stipulated in such agreement.
- 8) A client shall be liable for all the prescribed tariffs and / or charges in respect of water services rendered to him or her until the agreement has been terminated in accordance with these by-laws or until such time as any arrears have been paid.
- 9) In preparing an application form for water services for the purpose of making an application as contemplated in Sub Section (1), the Water Service Provider as authorized agent shall ensure that the document and the process of interaction with the owner, client or any other person making application are understood by that owner, client or other person. In the case of illiterate or similarly disadvantaged persons, the Water Service Provider as authorized agent shall take reasonable steps to ensure that the person is aware of and understands the contents of the application form. The application form must require at least the following minimum requirements:
 - a) certification by an authorised agent that the applicant is aware of and understands the contents of the form;
 - b) acceptance by the client of the provisions of the by-laws and acceptance of liability for the cost of water services rendered until the agreement is terminated or until such time as any arrears have been paid;
 - c) name of client;
 - d) address or stand number of premises to or on which water services are to be rendered or the communal water services work where water services will be used to?????
 - i) address where accounts shall be sent;
 - ii) source of income of the applicant;
 - iii) name and address of the applicant's employer, where appropriate;
 - iv) if water will be supplied, the purpose for which the water is to be used; and
 - v) the agreed date on which the provision of water services shall commence.
- 10) An Application form as approved by the Water Service Authority and/or the water Service Provider from time to time shall be required to be completed by an applicant:
- 11) Water services rendered to a client are subject to the provisions of these by-laws and the conditions contained in the relevant agreement.
- 12) Recovery of outstanding debts shall be in accordance with the Water Service Authority and or the Water Service Provider's Credit Control Policy as adopted and approved by the Council.

15 SPECIAL AGREEMENTS FOR WATER SERVICES

- 1) The Water Service Provider as authorized agent, with the written consent of the Water Service Authority, which consent shall not be unreasonably held, may enter into a special agreement for the provision of water services to –
 - a) an applicant inside its area of jurisdiction, if the services applied for necessitates the imposition of conditions not contained in the prescribed form; and
 - b) an applicant outside its area of jurisdiction, if such application has been approved by the Water Service Authority having jurisdiction or supplying water services in the area in which the????

16 CHANGE IN PURPOSE FOR WHICH WATER SERVICES ARE USED

Where the purpose for or extent to which water services used is changed from that provided for in the agreement, the onus and obligation is on the client to advise the Water Service Provider or authorised agent of such change and to enter into a new agreement with the Water Service Provider in accordance with the applicable by-laws relating to Credit Control and Debt Collection as approved by the affected Water Service Authority and/or Water Service Provider.

PART 2: TARIFFS, CHARGES AND ACCOUNTS**17. PRESCRIBED TARIFFS AND CHARGES FOR WATER SERVICES**

Prescribed tariffs and charges for water services

1. All tariffs and/or charges payable in respect of water services rendered by the Water Service Authority through the Water Service Provider as authorized agents, 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 set as follows:

a) The Water Service Authority shall consult with each Water Service Provider in respect of their area of jurisdiction.

b) The Water Service Authority shall consult, consider and take into account the recommendation received from the Water Service Provider with regard to the charges for their specific area and in the event that the said Water Service Provider is a local Municipality then, and in that event, the said Water Service Provider shall submit a resolution from the said Municipality with regard to the recommendations for the tariffs and/or charges payable in respect of the water service rendered in their area.

2. The Council of the Water Service Authority 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 -

(i) its tariff policy applicable within the Water Service Authority Area;

(ii) any by-laws in respect thereof;

(iii) any regulations in terms of Section (10) of the Act.

(iv) its Water and Sanitation Services Policy

3. Applicable charges may differ between different categories of clients, users of services, types and levels of services, quantities of services, infrastructure requirements and geographic areas.

18 DETERMINATION OF TARIFFS

1. A Water Service Authority must in consultation with each individual Water Service Provider -

a) when determining the revenue requirements on which tariffs for water services are based within each water service provision area, take into account-

i) recovery of overhead, operational and maintenance costs;

ii) costs of capital;

iii) equitable share;

iv) free water;

v) depreciation;

vi) the unique position of each Water Service Provider area of responsibility and its unique needs;

b) when setting tariffs for water services provided to clients and other users within its area of jurisdiction or supply, differentiate at least between -

i) water supply services to households;

ii) industrial use of water supplied through a water services work;

iii) water supply services to clients other than households and industries;

iv) sanitation services to households;

v) disposal of industrial effluent to a sewage treatment plant;

vi) sanitation services to clients other than households and industries, and

vii) the indigent;

viii) the unique position of each Water Service Provider's area of responsibility and its unique needs;

c) when setting tariffs for providing water services to households, differentiate between different types of water services provided.

2. Tariffs set must differentiate at least between -

a) water supply services to household provided through communal water services works;

- b) water supply services provided through water services works or client installations designed to provide a controlled volume to a household;
- c) water supply service provided through water services works or client installations designed to provide an uncontrolled volume to a household;
- d) sanitation services provided through the on-site disposal of domestic waste water and sewage from households; and
- e) sanitation services provided through the discharge of domestic waste water and sewage from households to a water service works.

3. Tariffs set by a Water Service Authority :

a) for water supply services to households through a communal water service works must be based on:

- i) a fixed monthly charge calculated on:
- ii) operations and maintenance costs;
- iii) capital costs not financed through any grant, subsidy or donation received in connection with the construction or refurbishment thereof; and/or
- iv) a volume based charge.

19 AVAILABILITY CHARGES FOR WATER SERVICES

The Water Service Provider may, in addition to the charges determined for water services actually provided, levy a monthly fixed charge, annual fixed charge or once-off fixed charge where water services are available, whether or not such services are consumed or not.

PART 3: PAYMENT

20 PAYMENT (ZAR)

- 1) Every client must on application for the provision of Water Services and before such water services shall be provided by the Water Services Provider deposit with the Water Service Provider as authorized agent a sum of money, or provide a bank guarantee in the favour of the Water Service Provider. The Deposit shall be not less than the estimated tariff and/or charge for an average month's water services and not more than the estimated tariff and/or charge for an average four month's water services as determined by the Water Service Provider as authorized agent and/or any other higher deposit as determined by the Water Service Provider as authorized agent, and approved by the Water Service Authority, in line with any policy applicable within its jurisdiction, except in case of a water management device, pre-payment device and/or restrictor measuring device being used by the Water Service Provider as authorized agent.
- 2) The Water Service Provider may require a client to whom services are provided and who was not previously required to pay a deposit, for whatever reason, to pay a deposit on request, within a specified period which deposit shall be subject to the same terms and conditions as set out in Sub-Section (1) here above.
- 3) The Water Service Provider may from time to time review the sum of money deposited by a client in terms of Sub-Section (1) above and, in accordance with such review –
 - a) require that an additional amount be deposited by the client; or
 - b) refund to the client such amount as may be held by the Water Service Provider in excess of the reviewed deposit;
 - c) the frequency of default in payment of water accounts by the client or members of the community of which the client is a member;
 - d) the estimated amount of the monthly water consumption of the client; and
 - e) its tariff policy and the criteria stated in sub-section (7) below.
- 4) Subject to Sub-Section (6) below, an amount deposited with the Water Service Provider in terms of Sub-Sections (1) or (2) shall not be regarded as being in payment or part payment for an account due for water services rendered.
- 5) If, upon the termination of the agreement for the provision of water services, an amount remains due to the Water Service Provider in respect of water services rendered to the client, the Water Service Provider may apply the deposit in payment or part payment of the outstanding amount and refund any balance to the client.
- 6) No interest shall be payable by the Water Service Provider as authorized agent on the amount of a deposit held by it in terms of this Section.

7) If at any time the client is in arrears with the payment of his water services account, the Water Services Provider may utilize the deposit which shall be forfeited and credited to the outstanding balance due by the client to the Water Service Provider as authorized agent and thereafter the said client shall, on receipt of notification, be required to pay a further deposit within a specified period.

8) In the event that the client does not claim the deposit within a period of twelve months after the termination of the agreement then in that event the deposit shall be forfeited to the Water Service Provider as authorized agent, provided that all reasonable attempts have been made to trace the depositor.

9) The owner, occupier and client shall be jointly and severally liable and responsible for payment of all water services, charges and water services consumed by a client, in accordance with these by-laws and the Water Service Authority and/or Water Service Provider's by-laws relating to credit control and debt collection until the date of termination thereof.

10) Water services provided by the Water Service Provider to a client shall be paid for by the client at the prescribed tariff or charge set in accordance with Sections 17 and 18 below, for the particular category of water services provided.

11) A client shall be responsible for payment for all water services provided to the client from the date of an agreement until the date of termination thereof.

12) The Water Service Provider may estimate the quantity of water service provided in respect of a period or periods within the interval between successive measurements and may render an account to a client for the services so estimated.

13) If a client uses water supply service for a category of use other than that for which it is provided by the Water Service Provider as authorized agent in terms of an agreement and as a consequence is charged at a rate lower than the rate which should have been charged, the Water Services Provider may make an adjustment of the amount charged in accordance with the rate which should have been charged and recover from the client the tariffs and charges payable in accordance with such adjustment. If amendments to the prescribed tariffs or charges for water services provided become operative on a date between measurements for the purpose of rendering an account in respect of the tariffs or charges -

a) it shall be deemed that the same quantity of water services was provided in each period of twenty-four hours during the interval between the measurements; and

b) any fixed charge shall be calculated on a pro rata basis in accordance with the charge that applied immediately before such amendment and such amended charge.

14) If amendments to the prescribed tariffs or charges for water service provided become operative on a date between measurements for the purpose of rendering an account in respect of the tariffs or charges it-

a) shall be deemed that the same quantity of water service was provided in each period of twenty-four hours during the interval between the measurements; and

b) any fixed charge shall be calculated on a pro rata basis in accordance with the charge that applied immediately before such amendment and such amended charge.

15) A Water Service Provider must inform a client as to where Water payment of the accounts under its jurisdiction must occur.

16) A client must pay his, her or its account at an approved agent of the Water Service Provider. A client shall remain liable for payment of an account not paid with the Water Service Provider or an approved agent.

21 ACCOUNTS

1) Monthly accounts shall be rendered to clients for the amount due and payable, at the address last recorded with the Water Service Provider.

2) Failure by the Water Service Provider as authorized agent to render an account or non-receipt by a client of an account, does not relieve a client of the obligation to pay any amount due and payable. Provisional statement and/or estimated assessment of an amount due and payable by client may be obtained from the Water Service Provider as authorized agent. In the event of non receipt of an account, the client shall not be relieved of its obligation to continue to pay monthly according to the latest account received and/or the estimated assessment made by the Water Services Provider until such time as an account is rendered.

3) An account rendered by the Water Service Provider as authorized agent for Water Services to a client shall be paid not later than the last date for payment specified in such account, which date shall be at least twenty one (21) days after the date of the account.

4) If payment of an account is received after the date referred to in Sub-Section (3) above a late payment charge or interest calculated at prime rate plus two percent (2%) p.a. must be paid by the client to the Water Services Provider or as determined by legislation from time to time.

5) Accounts must –

a) show the following –

(i) the consumption or estimated consumption or assumed consumption as determined for the measuring and / or consumption period;

(ii) the measuring or consumption period;

(iii) the applicable tariff;

(iv) the amount due in terms of the consumption;

(v) the amount due and payable for any other service rendered by the water service provider or authorized agent;

(vi) the amount in arrears, if any;

(vii) the interest payable on any arrears, if any;

(viii) the final date for payment; and

(ix) vat.

b) in addition, accounts may indicate

(i) the methods, places and approved agents where payment may be made; and

(ii) the client may conclude an agreement with the Water Service Provider for payment of the arrears amount in instalments, at the Water Service Provider's offices before the final date for payment, if a client is unable to pay the full amount due and payable;

(iii) if no such agreement is entered into the Water Services Provider shall limit the water services after sending a final demand notice to the client;

(iv) legal action may be instituted against any client for the recovery of any amount

30 (thirty) days in arrears;

(v) proof of registration, as an indigent client, in terms of the Water Service Provider's indigent policy must be handed in before the final date for payment; and

(vi) an indigent client is only entitled to basic water services and that an indigent client will be liable for payment in respect of water services in excess of the quantity of basic services.

6) The stipulations as contained in Sub-Sections 5 above should be included and incorporated into the service agreement with the client.

7) Notwithstanding anything to the contrary herein contained, where the premises to which water service are provided are situated in an area which does not have a formal physical or postal address, the Water Services Provider as authorized agent may direct the officer charged with reading the meters measuring the quantity of water services provided to such premises on or about the same date in each month, to advise the client or a person apparently over the age of 16 years and present at the premises, of the amount payable for the water services supplied to such premises during the immediate preceding month, and he or she shall direct such client to make such payment at the nearest office appointed by the Water Service Provider as authorized agent for the receipt of payments for water services within five working days.

8) At the time that the client concerned calls at the office referred to in Sub-Section (7) above as directed, the water services provider as authorized agent shall present such client with a written account which complies with the provisions of Sub-Section (5) above and which account shall be deemed to be the account rendered as provided for in Sub-Section (1) above.

22 QUERIES OR COMPLAINTS IN RESPECT OF ACCOUNT

1) A client may lodge a query or complaint in respect of the accuracy of the amount due and payable in terms of an account rendered to him, her or it.

2) A query or complaint must be lodged with the Water Service Provider as authorized agent before the due date for payment of the account or as soon as reasonably possible thereafter.

3) Where a query or complaint is lodged after the due date of the account queried or complained about, such query or complaint must be accompanied by the payment of at least an amount equal to the average amount that was due and payable during the preceding three months.

4) The Water Services Provider will register the query or complaint and provide the client with a reference number.

5) The Water Service Provider shall -

a) investigate or cause the query or complaint to be investigated within 14 (fourteen) days after the query or complaint was registered; and

b) must inform the client, in writing, of the findings within 21 (twenty one) days after the 14 (fourteen) day period having lapsed as provided for in Sub-Section 5(a) hereof.

23 ARREARS

1) If a client fails to pay the amount/s due and payable on or before the final date for payment, the unpaid amount is in arrears and a final demand notice may be hand delivered or sent, per registered mail, to the most recent recorded address of the client, within 14 (fourteen) working days.

2) In the case of a client contemplated in Sub-Section 1 hereof, such final demand shall be delivered to the client concerned at the premises to which the water service are supplied by an officer appointed by the Water Service Provider for that purpose, and delivery of the demand in the following manner shall be deemed to be proper delivery of the demand:

a) by delivery of the final demand to the client personally;

b) in the absence of the client after two consecutive attempts to serve the demand on him or her personally, by delivery of the final demand to a person apparently over the age of sixteen (16) years present at the premises;

c) the absence of any person over the age of 16 years present at the premises after two consecutive attempts to serve the demand on such person, by affixing the demand to a prominent structure at the premises.

3) The Water Service Provider shall appoint an officer conversant in the home language of a client who is illiterate or not able functionally to understand the purpose and consequences of a final demand to assist the client in responding to such demand, to defend such client if such client has a viable defense, and generally to ensure that the client is treated fairly and in accordance with the provisions of these by-laws and the Act, and such officer shall at all times act impartially in regard to such assistance and shall observe the confidentiality of any information imparted to him or her by the client unless authorized to disclose such information by the client.

4) Failure to deliver or send a final demand notice within 14 (fourteen) working days does not relieve a client from paying such arrears.

5) The final demand notice must contain the following statements -

a) the amount in arrears and any interest payable;

b) that the client may conclude an agreement with the Water Service Provider for payment of the arrear amount in instalments within 14 (fourteen) days of the date of the final demand notice;

c) that if no such agreement is entered into within the stated period the water service shall be limited and that legal action may be instituted against any client for the recovery of any amounts 30 (thirty) days in arrears;

d) proof of registration, as an indigent client, in terms of the Water Service Provider as authorized agent's indigent policy must be handed in before the final date of the final demand notice.

6) Interest may be levied on all arrears at a rate prescribed by the Water Service Provider from time to time and as reflected in Section 21(4) above.

7) The amount due and payable by a client constitutes a consolidated debt, and any payment made by a client of an amount less than the total amount due, will be allocated in reduction of the consolidated debt in the following order -

a) towards payment of the arrears;

b) towards payment of interest; and

c) towards payment of the current account.

8) The Water Service Provider shall, within 14 (fourteen) working days after the expiry of the 14 (fourteen) day period allowed for payment in terms of the final demand notice -

a) limit the provision of water services to the defaulting client; and

b) hand deliver or send, per registered mail, to the address recorded for service of the client, a discontinuation notice informing him, her or it that the provision of water service shall be disconnected within 14 (fourteen) days of the date of the discontinuation notice, if:

- i) no payment was received within the allowed period;
 - ii) no agreement was entered into for the payment of arrears in instalments;
 - iii) no proof of registration as indigent was handed in within the 14 (fourteen) day period allowed; or
 - iv) no payment was received in accordance with an agreement for payment of arrears.
- 9) A discontinuation notice must contain -
- a) the amount in arrears and any interest payable;
 - b) a statement that the client may conclude an agreement with the Water Service Provider for payment of the arrear amount in instalments, within 14 (fourteen) days no agreement was entered into for the payment of arrears in instalments;
 - c) no proof of registration as indigent was furnished within the 14 (fourteen) day period allowed; or
 - d) no payment was received in accordance with an agreement for payment of arrears.
- 10) Where an account rendered to a client remains outstanding for more than 30 (thirty) days -
- a) the defaulting client's name may be listed with a credit bureau or any other equivalent body as a defaulter, provided that the agreement for the provision of water services provided therefor; and
 - b) may be handed over to a debt collector or an attorney for collection.
- 11) A client shall be liable for any administration fees, legal costs and other costs incurred in taking action for the recovery of arrears and any penalties, including the payment of a higher deposit and interest levied.
- 12) No action taken in terms of this section due to non-payment will be suspended or withdrawn, unless the arrears, any interest thereon, administration fees, additional charges, costs incurred in taking relevant action and any penalties, including the payment of a higher deposit, payable are paid in full.
- 13) The Water Service Provider will not be liable for any loss or damage suffered by a client due to his, her or its water services being disconnected.
- 14) An agreement for payment of the arrear amount in instalments, entered into after the water service was discontinued, shall not result in the water service being restored until the arrears, any interest thereon, administration fees, legal costs and other costs incurred in taking action and any penalties, including payment of a higher deposit and interest levied are paid in full.

24 AGREEMENT FOR THE PAYMENT OF ARREARS IN INSTALMENTS

- 1) Only a client with positive proof of identity or a person authorised, in writing, by that client, or, if a client is illiterate, a person authorized by such client personally in the presence of an officer appointed by the Water Service Provider as authorised for that purpose, shall be allowed to enter into an agreement for the payment of arrears in instalments.
- 2) The amount due and payable by a client constitutes a consolidated debt, and any payment made by a client of an amount less than the total amount due, shall be allocated in reduction of the consolidated debt in the following order -
- i) towards payment of arrears;
 - ii) towards payment of interest;
 - iii) towards payment of the current account;
- 3) A client may be required to complete a debit order for the payment of arrears.
- 4) No agreement for the payment of arrears will be longer than twenty-four months, unless the circumstances referred to in Sub-Section (5) below prevail.
- 5) The Water Service Provider may, on an individual basis, allow a longer period than twenty-four months for the payment of arrears if special circumstances prevail, that in the opinion of the Water Service Provider warrants such an extension and which the client reasonably could not prevent or avoid. The client on request by the Water Service Provider must furnish documentary proof of any special circumstances.
- 6) The Water Service Provider may, in exercising its discretion under Sub-Section (5) above have regard to a client's -
- a) credit record;
 - b) consumption;
 - c) level of service;
 - d) previous breaches of agreements for the payment of arrears in instalments; and
 - e) any other relevant factor.

7) The agreement shall be as determined by the Water Service Authority and/or the Water Service Provider from time to time.

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

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

10) No client shall be allowed to enter into an agreement for the payment of arrears in installments where that client failed to honour a previous agreement for the payment of arrears in installment, entered into after the receipt of a discontinuation notice except at the sole discretion of the Water Service Provider.

PART 4: TERMINATION, LIMITATION AND DISCONTINUATION OF WATER SERVICES

25 TERMINATION OF AGREEMENT FOR THE PROVISION OF WATER SERVICES

1) A client may terminate an agreement for the provision of water services by giving to the Water Service Provider not less than thirty (30) working days' notice in writing of his or her intention to do so and in accordance with credit control and debt collection. Any deposit not collected within 6 (six) months shall be forfeited to the Water Service Authority and/or the Water Service Provider.

2) The Water Services Provider may, by notice in writing of not less than thirty (30) working days, advise a client of the termination of his, her or its agreement for the provision of water services -

a) if he, she or it has not used the water services during the preceding six months and has not made arrangements to the satisfaction of the Water Service Provider for the continuation of the agreement;

b) if he, she or it has failed to comply with the provisions of these by-laws and has failed to rectify such failure to comply after having been served written notice to do so in terms of Section 23, or to pay any tariffs or charges due and payable after the procedure set out in Section 23 was applied;

c) in terms of an arrangement made by it with another water services institution to provide water services to the client.

3) The Water Service Provider may, after having given notice, terminate an agreement for services if a client has vacated the premises to which such agreement relates.

26 LIMITATION AND/OR DISCONTINUATION OF WATER SERVICES PROVIDED

1) The Water Service Provider may limit or discontinue water services provided in terms of these by-laws on -

a) failure to pay the prescribed tariffs or charges on the date specified, after the provision of Section 23(1) was applied;

b) failure to comply with any other provisions of these by-laws, after notice in terms of Section 23 is given;

c) written request of a client; and

d) if the agreement for the provision of services has been terminated in terms of Section 25 and it has not received an application for subsequent services to the premises within a period of 90 (ninety) days of such termination;

e) the building on the premises to which services were provided has been demolished;

f) if the client has interfered, tampered or damaged or caused or permitted interference, tampering or damage to the water supply system of the Water Service Provider for the purposes of gaining access to water supply services after notice by the Water Service Provider; and

g) in an emergency.

2) The Water Service Provider shall not be liable for any damages or claims that may arise from the limitation or disconnection of water services provided in terms of Sub-Section (1) including damages or claims that may arise due to the limitation or disconnection of water services by the Water Service Provider in the bona fide belief that the provisions of this bylaw apply.

27 INTERRUPTION OF SUPPLY AT CLIENT'S REQUEST

- 1) The Water Service Provider as authorized agent may, at the written request of a client: -
 - (a) turn off the supply of water to the client's premises; and
 - (b) re-instate the supply on the dates requested by the client.
- 2) The client shall prior to the re-instatement of water supply to the client's premises pay the prescribed charge for the turning-off of supply of water, and for its reinstatement.

28 RESTORATION OF WATER SERVICES

When a client enters into an agreement for the payment of the arrear amount in installments after the receipt of a final demand notice or a discontinuation notice the water services shall be restored to the type of service the client elected in terms of the agreement for the provision of water services, within 7 (seven) working days.

CHAPTER 4 : SERVICE LEVELS**29 SERVICE LEVELS**

- (1) The Water Service Provider in consultation with the Water Service Authority on the recommendation of the Municipal Council may, from time to time, and in accordance with national policy, but subject to principles of sustainability and affordability, by public notice, determine the service levels it is able to provide to clients.
- (2) The Water Service Provider as authorized agent may in determining service levels differentiate between types of clients, domestic clients, geographical areas and socio-economic areas.
- (3) The following levels of service may, subject to Sub-Section (1), be provided by the Water Service Provider on the promulgation of these by-laws -
 - (a) BASIC SERVICE LEVEL: Communal water supply services and on-site sanitation services -
 - i) constituting the minimum level of service provided by the Water Service Provider;
 - ii) consisting of reticulated standpipes or stationery water tank serviced either through a network pipe or a water tanker located within a reasonable walking distance from any household with a ventilated improved pit latrine located on each premises with premises meaning the lowest order of visibly demarcated area on which some sort of informal dwelling has been erected;
 - iii) installed free of charge;
 - iv) provided free of any charge to clients; and
 - v) maintained by the Water Service Provider.
 - (b) INTERMEDIATE SERVICE LEVEL: Yard connection and an individual connection to the Water Service Provider's sanitation system -
 - (i) consisting of an un-metered standpipe on a premises and a pour-flush toilet pan, wash through and suitable toilet top structure connected to the Water Service Provider's sanitation system;
 - (ii) installed free of charge;
 - (iii) provided free of any charge to client; and
 - (iv) maintained by the Water Service Provider.
 - (c) FULL SERVICE LEVEL: a metered pressured water connection with an individual connection to the Water Service Provider sanitation system -
 - (i) installed against payment of the relevant connection charges;
 - (ii) provided against payment of prescribed charges; and
 - (iii) with the on site water and drainage installations maintained by the client.

CHAPTER 5: CONDITIONS FOR WATER SUPPLY SERVICES**PART 1: CONNECTION TO WATER SUPPLY SYSTEMS****30 PROVISION OF CONNECTION PIPE**

- 1) If an agreement for water supply service in respect of premises has been concluded and no connection pipe exists in respect of the premises; 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 water supply service, which are of such an extent or so situated that it is necessary to extend, modify or upgrade the water supply system in order to supply water to the premises, the Water Service Provider may agree to the extension subject to such conditions as it may impose.
- 3) Only the Water Service Provider may install a connection pipe. The owner or client may connect the water installation to the connection pipe.
- 4) No person may commence any development on any premises unless the Water Service Provider or authorised agent has installed a connection pipe and meter.

31 LOCATION OF CONNECTION PIPE

- 1) A connection pipe provided and installed by the Water Service Provider shall-
 - (a) be located in a position agreed to between the owner and the Water Service Provider and be of a suitable size as determined by the Water Service Provider;
 - (b) terminate at -
 - (i) the boundary of the land owned by or vested in the Water Service Provider, or over which it has a servitude or other right; or
 - (ii) the outlet of the water meter if it is situated on the premises; or
 - (iii) the isolating valve if it is situated on the premises.
- 2) In reaching agreement with an owner concerning the location of a connection pipe, the Water Service Provider shall ensure that the owner is aware of-
 - (a) 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; and
 - (c) whether or not the Water Service Provider requires the owner to indicate the location of the connection pipe by providing a portion of his or her water installation at or outside the boundary of his or her premises, or such agreed position inside or outside his or her premises where the connection is required, for the Water Service Provider to connect to such installation.
- 3) A Water Service Provider may at the request of any person agree, subject to such conditions as he or she may impose, to a connection to a main other than that which is most readily available for the provision of water supply to the premises; provided that the applicant shall be responsible for any extension of the water installation to the connection point designated by the Water Service Provider and for obtaining at his or her cost, such servitudes over other premises as may be necessary.
- 4) An owner must pay the prescribed connection charge in advance before a water connection can be effected.

32. PROVISION OF SINGLE WATER CONNECTION FOR SUPPLY TO SEVERAL CLIENTS ON SAME PREMISES

- 1) Notwithstanding the provisions of Section 31 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 clients 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 supply of water to such premises for the purpose of supply to the different accommodation units, the Water Service Provider may, in its discretion, provide and install either -
 - (a) a single measuring device in respect of the premises as a whole or any number of such accommodation units; or
 - (b) a separate measuring device for each accommodation unit or any number thereof.
- 3) Where the Water Service Provider has installed a single measuring device as contemplated in Sub-Section (2) (a), the owner or the person having the charge or management of the premises, as the case may be -
 - (a) must, if the Water Service Provider so requires, install and maintain on each branch pipe extending from the connection pipe to the different accommodation units -
 - (i) a separate measuring device; and
 - (ii) an isolating valve; and
 - (b) shall be liable to the Water Services Provider for the tariffs and charge for all water supplied to the premises through such a single measuring device, irrespective of the different quantities consumed by the different clients served by such measuring device.
- 4) Notwithstanding Sub-Section (1), the Water Service Provider may authorise that more than one connection pipe be provided on the water supply system for the supply of water to any premises comprising sectional title units or if, in the opinion of the Water Service Provider, undue hardship or inconvenience would be caused to any consumer on such premises by the provision of only one connection pipe.

5) Where the provision of more than one connection pipe is authorised by the Water Service Provider under Sub-Section (4), the tariffs and charges for the provision of a connection pipe is payable in respect of each water connection so provided.

6) Where a premises is supplied by a number of connection pipes, the Water Service Provider as authorized agent may require the owner to reduce the number of connection points and alter the owner's water installation accordingly.

33 INTERCONNECTION BETWEEN PREMISES OR WATER INSTALLATIONS

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

(a) the water installation on the owner's premises and the water installation on other premises; or
(b) where several accommodation units are situated on the same premises, between the water installations of the accommodation units; unless the owner -

(i) has obtained the prior written consent of the Water Services Provider; and

(ii) complies with any conditions that it may have imposed.

34 DISCONNECTION OF WATER INSTALLATION FROM CONNECTION PIPE

The Water Service Provider may disconnect a water installation from the connection pipe and remove the connection pipe if -

a) the agreement for supply has been terminated in terms of Section 30 and it has not received an application for a subsequent supply of water to the premises served by the pipe within a period of 90 days of such termination; or

b) the building on the premises concerned has been demolished.

35 COMMUNAL WATER SERVICES WORKS: PROVISION OF A WATER SERVICE WORK FOR WATER SUPPLY TO SEVERAL CLIENTS

A Water Service Provider may install a communal water services work for the provision of water services to several clients at a location that the Water Services Authority deems appropriate, provided that the clients to whom water services shall be provided through that water services work have been consulted in respect of the level of service, tariff that shall be payable and location of the work.

36 TEMPORARY SUPPLY: WATER SUPPLIED FROM A WATER SUPPLY SYSTEM

1) The Water Services Provider may authorise a temporary supply of water to be taken from one or more water supply systems specified by it, subject to such conditions and period as may be prescribed by it.

2) A person who desires a temporary supply of water referred to in Sub-Section (1) above and/or the use of a portable water meter in terms of Sub-Section (4) below must apply to the Water Service Provider for such service.

3) Supply of water in terms of Sub-Section (1) above must be measured.

4) The Water Service Provider may for purposes of measuring provide a portable water meter to be returned to the Water Services Provider on termination of the temporary supply, which or table meter and all other fittings and apparatus used for the connection of the portable water meter to the system, shall remain the property of the Water Service Provider and will be provided subject to any conditions imposed by the Water Services Provider.

PART 2: STANDARDS

37 QUANTITY, QUALITY AND PRESSURE

Water supply service provided by the Water Service Provider shall comply with the minimum standards set for the provision of water supply service in terms of Section (9) of the Act.

38 GENERAL CONDITIONS OF SUPPLY

1) The Water Service Provider may specify the maximum height to which water shall be supplied from the water supply system. Where a client requires water to be supplied at a greater height or pressure the client shall be responsible for the costs.

2) The Water Service Provider may, in an emergency, interrupt the supply of water to any premises without prior notice.

3) If in the opinion of the Water Service Provider the consumption of water by a client adversely affects the supply of water to another client, it may apply such restrictions as it may deem fit to the supply of water to the first mentioned client in order to ensure a reasonable supply of water to the other client and shall inform that client of such restrictions.

39 TESTING OF PRESSURE IN WATER SUPPLY SYSTEM

The Water Service Provider as authorized agent may, on application by an owner and on payment of the determined charge, determine and furnish the owner with the value of the pressure in the water supply system relating to his or her premises over such period as the owner may request.

40 POLLUTION OF WATER SERVICE AUTHORITY'S WATER SUPPLY

1. Unless such act is specifically authorised in writing by the Water Service Authority on application from the Water Service Provider, no person shall commit an act which may cause pollution of any nature to water in a reservoir or other place owned, controlled by or vested in the Water Service Provider either in whole or in part, and used by it in connection with the supply of water. Such pollution shall include pollution of water or the environment in the jurisdiction of the Water Service Provider and shall include all water sources such as streams, rivers, dams, and ground water but shall not be restricted thereto.

2. No person shall, except at such places as are designed by notice boards or in such receptacles as are provided by the Water Service Provider deposit or discharge rubbish, night-soil, industrial water or other matter which may cause pollution of any nature on a portion of a catchment area relating to the Water Services Provider's water supply which has been designated by notice boards as being an area where such acts are prohibited.

3. If a person contravenes Sub-Section (1) or (2) above of this by-law the Water Service Provider may -

a) by notice in writing require the person immediately to cease such act and take specified action within the specified period; or

b) if it is of the opinion that the situation is a matter of urgency, without prior notice take such action as it may deem necessary and recover the cost from the person.

41 OWNER TO PREVENT POLLUTION OF WATER

1) An owner shall provide and maintain measures, approved by the Water Service Provider as authorized agent to prevent the entry of a substance, which may be a danger to health or adversely affect the possibility of water or affect its fitness for use, into -

a) the water supply system; and

b) any part of the water installation on the owner's premises.

2) If an owner fails to comply with the provisions of Sub-Section (1) above and pollution occurs as envisaged therein, such owner, upon being called upon in writing to do so by the Water Service Provider, shall -

a) within a reasonable period stipulated in such notice, at his or her own cost, take such actions as may be approved or directed by the Water Service Provider to remove any such pollution and prevent any further occurrence thereof to the satisfaction of the Water Service Provider; or

b) If the owner fails to do so, reimburse the Water Service Provider's costs in taking such actions, as it may deem necessary and desirable to remove any such pollution and prevent any further occurrence thereof.

3) Notwithstanding the provisions of Section 145 (1) which specifies a period of not less than 30 (thirty) days, for the purposes of Sub-Section (2) (a) above, a "reasonable period" may, if the Water Service Authority or the Water Services Provider deems that a public health hazard exists, mean not less than the shortest period, as calculated by the Water Service Provider, in 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) above, the Water Service Provider's costs shall be calculated in accordance with the provisions of Section 145(5).

5) Unless the Water Service Provider has agreed to other terms, the owner shall pay the costs envisaged in Sub-Section (2) (b) read with Sub Section (4) above to the Water Services Provider within thirty (30) days of the Water Service Provider rendering its account.

42 WATER RESTRICTIONS

1) The Water Service Provider as authorized agent may for the purposes of water conservation or where, in its opinion, drought conditions prevail, are imminent or to prevent the wasteful use of water or, in the event of a water shortage, drought 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) during specified hours of the day or on specified days; and
- (iii) in a specified manner; and
- 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) above; and
 - (iii) a general surcharge on the determined charges in respect of the supply of water; and
- 2) 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.
- 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) above shall set out the date and time when such restrictions shall become effective, being not less than three days after the date of publication of the public notice.
- 4) The Water Services Provider as authorized agent may limit the application of the provisions of a notice contemplated by Sub-Section (1) above to specified areas and categories of clients, premises and activities, and may permit deviations and exemptions from, and the relaxation of, any of the provisions on reasonable grounds;
- 5) The Water Services Provider as authorized agent may –
 - a) take, or by written notice require a client at his or her own expense to take such measures, including the installation of measurement devices and devices for restricting the flow of water, as may in its opinion be necessary to ensure compliance with a notice published in terms of Sub-Section (1); or
 - b) for such period as it may deem fit, limit the supply of water to any premises in the event of a contravention on such premises or failure to comply with the terms of a notice published in terms of Sub-Section (1), subject to notice in terms of Section 23; and
 - c) where the supply has been limited, it shall only be restored when the prescribed charge for reconnecting the supply has been paid.
- 6) The provisions of this section shall also apply in respect of water supplied directly by the Water Service Provider to clients 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.

43 SPECIFIC CONDITION OF SUPPLY

- 1) Notwithstanding the undertaking in Section 37, the granting of a supply of water by the Water Service Provider shall not constitute an undertaking by it to maintain at any time or any point in its water supply system-
 - (a) an uninterrupted supply, subject to the provisions of regulations 4 and 14 of Regulation 22355 promulgated in terms of the Act on 8 June 2003; and
 - (b) a specific pressure or rate of flow in such supply other than requires in terms of regulation 15(2) of Regulation 22355 promulgated in terms of the Act on 8 June 2003.
- 2) The Water Service Provider may, subject to the provisions of Sub-Section (1) (b), specify the maximum pressure to which water may be supplied from the water supply system.
- 3) Subject to the approval of the Water Service Authority, if an owner requires, –
 - (a) that any of the standards referred to in sub-section (1); or
 - (b) a higher standard of service than specified in section 37, be maintained on the owner's premises, the owner shall take the necessary steps to ensure that the owner's water installation is able to meet such standards.
- 4) The Water Service Provider may, in an emergency, interrupt the supply of water to any premises without prior notice.
- 5) If in the opinion of the Water Service Provider the consumption of water by a client adversely affects the supply of water to another client, it may apply such restrictions as it may deem fit to the supply of water to the first mentioned client in order to ensure a reasonable supply of water to the other client and shall inform that client of such restrictions.

6) The Water Service Provider 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.

7) Every steam boiler, hospital, industry and any premises which requires, for the purpose of the work undertaken on the premises, a continuous supply of water shall have a storage tank, which must comply with the specification for water storage tanks as stipulated in SABS 0252 Part 1, with a capacity of not less than 24 hours water supply calculated as the quantity required to provide the average daily consumption, where water can be stored when the continuous supply is disrupted.

8) The client shall not resell water supplied to him by the Water Service Provider except with the written permission of the Water Service Provider, which may stipulate the maximum price at which the water may be resold, and may impose such other conditions as the Water Service Provider may deem fit.

PART 3: MEASUREMENT

44 MEASURING OF QUANTITY OF WATER SUPPLIED

1) The Water Services Provider shall measure the quantity of water supplied at regular intervals.

2) Any measuring device through which water is supplied to a client by the Water Services Provider and its associated apparatus shall be provided and installed by the Water Service Provider, shall remain its property, and may be changed and maintained by the Water Service Provider when deemed necessary by it.

3) The Water Service Provider may install a measuring device, and its associated apparatus, on premises at any point on the service pipe.

4) If the Water Service Provider installs a measuring device on a service pipe in terms of Sub-Section (3) above, 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 supply system.

5) If the Water Service Provider as its authorised agent installs a measuring device together with its associated apparatus on a service pipe in terms of sub Section (3) above, the owner shall -

(a) provide a place satisfactory to the Water Services Provider in which to install it;

(b) ensure that unrestricted access is available at all 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 to the pipe, in which the measuring device is installed, between the measuring device 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 measuring device is installed, in the course of work done by the Water Service Provider on the measuring device.

6) No person other than an authorised agent shall -

(a) disconnect a measuring device and its associated apparatus from the pipe in which they are installed;

(b) break a seal which the Water Service Provider has placed on a meter; or

(c) in any other way interfere with a measuring device and its associated apparatus.

7) If the Water Service Provider considers that, in the event of the measuring device being a meter that the size of a meter is unsuitable by reason of the quantity of water supplied to premises, 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 the meter.

8) The Water Service Provider may require the installation, at the owner's expense, of a measuring device to each dwelling unit, in separate occupancy on any premises, for use in determining quantity of water supplied to each such unit; provided that where fixed quantity water delivery systems are used, a single measuring device may be used to supply more than one unit.

45 QUANTITY OF WATER SUPPLIED TO CLIENT

1) For purposes of assessing the quantity of water measured by a measuring device installed by the Water Service Provider on the premises of a client or, where applicable, estimated or determined by the Water Service Provider in terms of any provision of these by-laws, it shall, for the purposes of these by-laws, be deemed, unless the contrary can be proved, that-

- a) the quantity a measuring device designed to provide an uncontrolled volume of water 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 measuring device was accurate during such period; and
 - d) the entries in the records of the Water Service provider as authorized agent were correctly made provided that if water is supplied to, or taken by, a client without it passing through a measuring device, the estimate by the Water Service Provider of the quantity of such water shall be deemed to be correct.
- 2) Where water supplied by the Water Service Provider to any premises is in any way taken by the client without such water passing through any measuring device provided by the Water Service Provider, the Water Service Provider may for the purpose of rendering an account estimate, in accordance with Sub-Section (3), the quantity of water supplied to the client during the period that water is so taken by the client.
- 3) For the purposes of Sub-Section (2), an estimate of the quantity of water supplied to a client shall be based on, as the Water Service Provider may decide-
- (a) the average monthly consumption of water on the premises registered over three succeeding measuring periods after 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 consecutive measuring periods during the twelve months' period prior the date on which the taking in the manner mentioned in Sub-Section (2) was discovered.
- 4) Nothing in these by-laws shall be construed as imposing on the Water Service Provider an obligation to cause any measuring device installed by the Water Service Provider on any premises to be measured at the end of every month or any other fixed period, and the Water Service Provider may charge the client an average consumption during the interval between successive measurements of the measuring device. The Water Service Provider however, undertakes to ensure that the measuring device shall be read at least once a quarter.
- 5) Until such time a measuring device has been installed in respect of water supplied to a client the estimated or shared consumption of that client must be based on the average consumption of water supplied to the specific supply zone within which the client's premises is situated, during a specific period.
- 6) Where in the opinion of the Water Service Provider it is not reasonably possible or cost effective to measure water supplied to each client within a determined supply zone, the Water Service Provider may determine a tariff or charge based on the estimated or shared consumption of water supplied to that supply zone.
- 7) The Water Service Provider shall within seven days, on receipt of a written notice from the client and subject to payment of the determined charge, measure the quantity of water supplied to the client at a time or on a day other than that upon which it would normally be measured.
- 8) If a contravention of these by-laws occurs, the client shall pay to the Water Service Provider the cost of such quantity of water as in the Water Service Provider's opinion was supplied to him or her.

46 SPECIAL MEASUREMENT

- 1) If the Water Services Provider as authorized agent wishes, for purposes other than charging for water consumed, to ascertain the quantity of water which is used in a part of a water installation, it may by written notice advise the owner concerned of its intention to install a measuring device at such point in the water installation as it may specify.
- 2) The installation of a measuring device referred to in Sub-Section (1) above, its removal and the restoration of the water installation after such removal shall be carried out at the expense of the Water Service Provider as authorized agent. The provisions of Sections 44 (5) and (6) shall apply insofar as they may be applicable in respect of a measuring device installed in terms of Sub-Section (1) above.

47 NO REDUCTION OF AMOUNT PAYABLE FOR WATER WASTED

A client shall not be entitled to a reduction of the amount payable for water wasted or water losses in a water installation.

48 ADJUSTMENT OF QUANTITY OF WATER SUPPLIED THROUGH DEFECTIVE MEASURING DEVICE

1) If a measuring device is found to be defective in terms of these by-laws, the Water Service Provider as authorized agent may estimate the quantity of water supplied to the client concerned during the period in which, in its opinion, such measuring device was defective, on the basis of the average daily quantity of water supplied to him or her over –

- a) a period between two successive measurements subsequent to the replacement of the measuring device; or
- b) a period in the previous year corresponding to the period in which the measuring device was defective; or
- c) the period between three successive measurements prior to the measuring device becoming defective; whichever it considers the most appropriate.

2) If the quantity of water supplied to a client during the period when his or her measuring device was defective cannot be estimated in terms of Sub-Section (1) above, the Water Service Provider as authorized agent may estimate the quantity on any basis that is available to it.

49 SAMPLING OF WATER

1) The Water Service Authority or the Water Service Provider acting on behalf of the Water Services Authority shall, at regular intervals determined by the Water Services Authority and at its cost, take samples of water in the water supply systems for domestic purposes and cause the samples to be tested for compliance with any national standards prescribed in terms of Section (9) of the Act.

2) The Water Service Authority or Water Service Provider may take samples of water obtained from a source, authorised in terms of Sections (6) or (7) of the Act, other than the water supply system for domestic purposes, and cause the samples to be tested for compliance with any national standards prescribed in terms of Section (9) of the Act.

3) The prescribed charge for the taking and testing of the samples referred to in Section (1) above shall be paid by the person to whom approval to use the water for potable water was granted in terms of Section 6 (1) or 7(1) of the Act.

50 SUPPLY OF NON-POTABLE WATER BY THE WATER SERVICE PROVIDER

1) The Water Service Provider may on application agree to supply non-potable water to a client, subject to such terms and conditions as the Water Service Provider may impose.

2) Any supply of water agreed to in terms of Sub-Section (1) above shall not be used for domestic or any other purposes, which, in the opinion of the Water Service Provider, 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 Water Service Provider 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 client, who shall be liable for any consequential damage or loss arising to himself, herself or others arising directly or indirectly there from, including the consequences of any bona fide fault of the Water Service Provider or the malfunction of a treatment plant.

51 PIPES IN STREETS OR PUBLIC PLACES

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

PART 4: AUDIT**52 WATER AUDIT**

1) The Water Service Provider may require a client, within 1 (one) month after the end of a financial year of the Water Service Provider, to undertake an annual water audit at client's own cost.

2) A copy of the audit must be available for inspection by officials from the Department of Water Affairs and Forestry, the Water Service Authority, if applicable, and the Water Service Provider.

3) The audit must contain details in respect of –

- (a) the amount of water used during the financial year;
- (b) the amount paid for water for the financial year;
- (c) the number of people living on the stand or premises;
- (d) the number of people permanently working on the stand or premises;
- (e) the seasonal variation in demand through monthly consumption figures;
- (f) the water pollution monitoring methods;
- (g) the plans to manage their demand for water;
- (h) estimates of consumption by various components or use; and a comparison of the above factors with those reported in each of the previous three years, where available.;
- (i) the current initiatives to manage demand for water; and
- (j) a comparison of the above factors with those reported in each of the previous 3 (three) years (where available)

PART 5 INSTALLATION WORK

53 APPROVAL OF INSTALLATION WORK

- 1) If an owner wishes to have installation work done, the owner must first obtain the Water Services Provider as authorized agent's written approval; provided that approval shall not be required in the case of water installations in dwelling units or installations where no fire installation is required in terms of SABS Code 0400 or for the repair or replacement of an existing pipe or water fitting other than a fixed water heater and its associated protective devices.
- 2) Application for the approval referred to in Sub-Section (1) above shall be made on the prescribed form and shall be accompanied by –
 - a) prescribed charge, if applicable; and
 - b) copies of the drawings as prescribed by the Water Service Provider as authorized agent, giving information in the form required by Clause 4.1.1 of SABS Code 0252 : Part I;
 - c) a certificate certifying that the installation has been designed in accordance with SABS Code 0252: Part 1 or has been designed on a rational basis.
- 3) The provision of Sub-Sections (1) and (2) above shall not apply to a qualified plumber who replaces a fixed water heater or its associated protective devices.
- 4) Authority given in terms of Sub-Section (1) above shall lapse at the expiry of a period of twenty-four months after the first day of the month succeeding the month in which the authority is given.
- 5) A complete set of approved drawings of installation work shall be available at the site of the work at all times until such work has been completed, where approval was required in terms of Sub-Section (1).
- 6) If installation work has been done in contravention of Sub-Section (1) and (2) above the Water Service Provider as authorized agent may by written notice require the owner of the premises concerned to-
 - a) comply with that regulation within the specified period;
 - b) if work is in progress, to cease the work; and
 - c) to remove all such work which does not comply with these by-laws.

54 PERSONS PERMITTED TO DO INSTALLATION AND OTHER WORK

- 1) No person who is not a plumber or 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 fixed water heater or its associated protective devices;
 - c) inspect, disinfect and test a water installation, fire installation or storage tank;
 - d) service, repair or replace a back flow preventer; and
 - e) or install, maintain or replace a meter provided by an owner 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 Water Service Provider may permit a person who is not a plumber to do installation work on his or her own behalf on premises owned and occupied solely by himself or herself and his or her immediate household, provided that such work must be inspected and approved by a plumber at the direction of the Water Service Provider.

55 TECHNICAL REQUIREMENTS FOR A WATER INSTALLATION

Notwithstanding the requirement that a certificate be issued in terms of Section 53, all water installations shall comply with SABS 0252 Part 1 and all fixed electrical storage water heaters shall comply with SABS 0254.

56 PROVISION AND MAINTENANCE OF WATER INSTALLATIONS

1) An owner must provide and maintain own water installation at owner's own cost and, unless permitted in terms of Sub-Section 2 hereof must ensure that the installation is situated within the boundary of the owner's 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 premises, an owner shall obtain the written consent of the Water Service Provider as authorized agent or the owner of the land on which such portion is situated, as the case may be.

3) An owner must install an isolating valve at a suitable point on a service pipe immediately inside the boundary of the property in the case of a meter installed outside the boundary, and in the case of a meter installed on the premises at a suitable point on his or her service pipe.

57 USE OF PIPES AND WATER FITTINGS TO BE AUTHORIZED

1) No person shall, without the prior written authority of the Water Service Provider as authorized agent, install or use a pipe or water fitting in a water installation within the Water Service Provider as authorized agent's area of jurisdiction unless it is included in the schedule of approved pipes and fittings as compiled by the Water Service Provider as authorized agent.

2) Application for the inclusion of a pipe or water fitting in the schedule referred to in Sub-Section (1) above must be made on the form prescribed by the Water Services Provider as authorized agent and be accompanied by the prescribed charge.

3) A pipe or water fitting may be included in the schedule referred to in Sub-Section (1) if:

a) it bears the standardisation mark of the South African Bureau of Standards in respect of the relevant SABS specification issued by the Bureau; or

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

c) or deemed acceptable by the Water Service Provider as authorized agent.

4) The Water Service Provider as authorized agent may, in respect of any pipe or water fitting included in the schedule, impose such additional conditions, as it may deem necessary in respect of the use or method of installation thereof.

5) A pipe or water fitting shall be removed from the schedule 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.

6) The current schedule shall be available for inspection at the office of the Water Service Provider as authorized agent at any time during working hours.

7) The Water Service Provider as authorized agent may sell copies of the current schedule at the prescribed charge.

58 LABELLING OF TERMINAL WATER FITTINGS AND APPLIANCES

1) 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;

(b) the flow rates, in litres per minute, related to the design pressure range, provided that this information shall be given for at least the following water pressures -

20 kPa

100 kPa

400 kPa

59 WATER DEMAND MANAGEMENT

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

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

PART 6 : COMMUNAL WATER SUPPLY SERVICES**60 PROVISION OF WATER SUPPLY TO SEVERAL CLIENTS**

- 1) A Water Service Provider may install a communal standpipe for the provision of water supply services to several clients at a location it deems appropriate, provided that the clients to whom water supply services shall be provided through that communal standpipe have been consulted.
- 2) The Water Service Provider may provide communal water supply services through a communal installation designed to provide a controlled volume of water to several clients.

PART 7 : TEMPORARY WATER SUPPLY SERVICES**61 WATER SUPPLIED FROM A HYDRANT**

- 1) The Water Service Provider may authorise a temporary supply of water to be taken from one or more fire hydrants specified by it, subject to such conditions and period as may be prescribed by the Water Services Provider and payment of such applicable charges, including a deposit, as may be determined by the Water Service Provider from time to time.
- 2) A person who desires a temporary supply of water referred to in Sub-Section (1) must apply for such water supply services in terms of Section 14 and must pay a deposit as may be prescribed by the Water Service Provider from time to time.
- 3) The Water Service Provider shall provide a portable water meter and all other fittings and apparatus necessary for the temporary supply of water from a hydrant.
- 4) The portable meter and all other fittings and apparatus provided for the temporary supply of water from a hydrant remains the property of the Water Service Provider on termination of the temporary supply. Failure to return the portable meter and all other fittings and apparatus shall result in penalties being imposed.

PART 8 : BOREHOLES**62 NOTIFICATION OF BOREHOLES (Refer to restrictions & utilisation)**

- 1) No person may sink a borehole on premises situated in a dolomite area. Prior to sinking a borehole a person must determine if the premises on which the borehole is to be sunk is situated within a dolomite area.
- 2) The Water Services Provider may, by public notice, require -
 - (a) the owner of any premises within the area of jurisdiction of the Water Service Provider upon which a borehole exists or, if the owner is not in occupation of such premises, the occupier thereof, to notify it on the prescribed form of the existence of a borehole 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 sink a borehole on such premises to notify it on the prescribed form of such intention before work in connection therewith is commenced.
- c) The Water Service Provider may by notice to an owner or occupier or by public notice require owners and occupiers who has existing boreholes used for water services to -
 - i) obtain approval from it for the use of a borehole for potable water supply services in accordance with Sections 6, 7 and 22 of the Act; and
 - ii) impose conditions in respect of the use of a borehole for potable water services; and
 - iii) impose a fixed charge in respect of the use of such a borehole.
- 3) The Water Service Provider may require the owner or occupier of any premises who intends to sink a borehole to undertake an environmental impact assessment for such intended borehole, to the satisfaction of the Water Service Provider, before sinking the borehole.
- 4) Boreholes are subject to any requirement of the National Water Act, 1998 (Act No.136 of 1998) and to the restrictions and utilisation parameters as determined by the Water Service Authority and/or the Water Service Provider from time to time.

PART 9 : FIRE SERVICES CONNECTIONS**63 CONNECTION TO BE APPROVED BY THE WATER SERVICE PROVIDER**

- 1) The Water Service Provider shall be entitled in its absolute discretion to grant or refuse an application for the connection of a fire extinguishing installation to the Water Service Authority and /or Water Service Provider's main.
- 2) No water shall be supplied to any fire extinguishing installation until a certificate in terms of Section 53 has been submitted to the Water Service Provider and that the installation complies

with the requirements of applicable statutory legislation as promulgated from time to time, these and any other by-laws of the Water Service Authority and/or Water Service Provider.

3) If in the Water Service Provider's opinion a fire extinguishing installation which it has allowed to be connected to the Water Service Authority and/or Water Service Provider's main is not being kept in proper working order or is otherwise not being properly maintained, or is being used for purpose other than fire fighting, then he or she shall be entitled either to require the installation to be disconnected from the main or itself to carry out the work of disconnecting it at the client's expense.

64 SPECIAL PROVISIONS

The provisions of SABS 0252-1:1994 shall apply to the supply of water for fire fighting purposes.

65 DUAL AND COMBINED INSTALLATIONS

All new buildings erected after the commencement of these by-laws, shall comply with the following requirements in relation to the provision of fire extinguishing services if:

- a) boosting of the system is required, a dual pipe system shall be used, one for fire extinguishing purposes and the other for general domestic purposes;
- b) combined installations shall only be permitted where no booster pumping connection is provided on the water installation. In such case a fire hydrant shall be provided by the Water Service Provider, at the client's expenses within 90 m of the property to provide a source of water for the fire tender to extinguish the fire;
- c) combined installations where a booster pumping connection is provided shall only be permitted when designed and certified by the Water Service Provider; and
- d) All pipes and fittings must be capable of handling pressures in excess of 1 800 kPa, which could be expected when boosting takes place and shall maintain their integrity when exposed to fire conditions.

66 CONNECTION PIPES FOR FIRE EXTINGUISHING SERVICES

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

(2) The Water Service Provider as authorized agent shall provide and install at the cost of the owner a combination meter on the connection pipe referred to in Sub Section (1).

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

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

67 VALVES AND METERS IN CONNECTION PIPES

Every connection pipe to a fire extinguishing installation shall be fitted with valves and a measuring device which shall be

- a) supplied by the Water Service Provider at the expense of the client;
- b) installed between the client's property and the main; and
- c) installed in such position as may be determined by the Water Service Provider.

68 METERS IN FIRE EXTINGUISHING CONNECTION PIPES

The Water Service Provider shall be entitled to install a water meter in any connection pipe used solely for fire extinguishing purposes and the owner of the premises shall be liable for all costs in so doing if it appears to the Water Service Provider that water has been drawn from the pipe for purposes other than for the purpose of extinguishing a fire.

69 SPRINKLER EXTINGUISHING INSTALLATIONS

A sprinkler installation may be installed in direct communication with the main, but the Water Service Provider may not be deemed to guarantee any specified pressure at any time.

70 HEADER TANK OR DOUBLE SUPPLY FROM MAIN

(1) The client shall install a header tank at such elevation as shall compensate for any failure or reduction of pressure in the Water Service Authority and/or Water Service Provider's main for its sprinkler installation, unless the installation is provided with a duplicate supply from a separate main.

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

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

71 SEALING OF PRIVATE FIRE HYDRANTS

1) Except in the case of a combined system with a combination meter, all private hydrants and hose reels shall be sealed by the Water Service Provider and such seals shall not be broken by any person other than the Water Service Provider in the course of servicing and testing, except for the purposes of opening the hydrant in the case of fire.

2) The client shall give the Water Service Provider at least 48 hours notice prior to a fire extinguishing installation being serviced and tested.

3) The cost of resealing such hydrants and hose-reels shall be borne by the client except when such seals are broken by the Water Service Provider's officers for testing purposes.

4) Any water consumed through a fire installation or sprinkler system shall be paid for by the client at the charges determined by the Water Service Provider.

CHAPTER 6 : CONDITIONS FOR SANITATION SERVICES

PART 1 : CONNECTION TO SANITATION SYSTEM

72 OBLIGATION TO CONNECT TO SANITATION SYSTEM

1) All premises on which sewage is produced must be connected to the Water Service Provider's sanitation system if a connecting sewer is available or if it is reasonably possible or cost effective for the Water Service Provider to install a connecting sewer, unless approval for the use of on-site sanitation services was obtained in accordance with Section 76.

2) The Water Service Provider may, by notice, require the owner of premises not connected to the Water Service Provider's sanitation system to connect to the sanitation system.

3) The owner of premises required to connect to the Water Service Provider's in accordance with Sub-Section (2) must inform the Water Service Provider in writing of the on-site sanitation services provided by the Water Service Provider that shall no longer be required as a result of the connection to the sanitation system. The owner shall remain liable for any charges payable in respect of on-site sanitation services until the agreement for such services has been terminated in accordance with the Water Service Provider's by-laws relating to credit control and debt collection.

4) If the owner fails to connect to the sanitation system in accordance with the notice served in accordance with Sub-Section (2) the Water Service Provider, notwithstanding any other actions it may take in terms of these by-laws, may impose penalties as determined by it.

73 STANDARDS FOR SANITATION SERVICES

Sanitation services provided by the Water Service Provider shall comply with the minimum standards set for the provision of sanitation services in terms of Section (9) of the Act.

74 OBJECTIONABLE DISCHARGE TO SEWAGE DISPOSAL SYSTEM

1) No person shall discharge, or permit the discharge or entry into the sewage disposal system of any sewage or other substance which does not comply with the standards and criteria prescribed herein:

a) which contains any substance in such concentration as it has a likelihood to produce in the effluent produces for discharge at any sewage treatment plant or sea outfalls discharge point or in any public water any offensive, or otherwise undesirable taste, colour, which contains any substance in such concentration as it has a likelihood to produce in the effluent produces for discharge at any sewage treatment plant or sea outfalls discharge point or in any public water any offensive, or otherwise undesirable taste, colour, odour, temperature or any foam;

b) which may prejudice the re-use of treated sewage or adversely affect any of the processes whereby sewage is purified for re-use, or treated to produce sludge for disposal;

- c) which contains any substance or thing of whatsoever nature which is not amenable to treatment to a satisfactory degree at a sewage treatment plant or which causes or is likely to cause a breakdown or inhibition of the processes in use at such plant;
 - d) which contains any substance or thing of whatsoever nature which is of such strength, or which is amendable to treatment only to a degree as has a potential to result in effluent from the sewage treatment plant or discharge from any sea outfalls not complying with standards prescribed under the National Water Act, 1998 (Act No. 36 of 1998);
 - e) which may cause danger to the health or safety of any person or may be injurious to the structure or materials of the sewage disposal system or may prejudice the use of any ground used by the Water Services Provider as authorised permissions issued in terms of these by-laws; and
 - f) which may inhibit the unrestricted conveyance of sewage through the sewage disposal system.
- 2) No person shall cause or permit any storm water to enter the sewage disposal system.
- 3) The Water Service Provider may, by written notice, order the owner or occupier to conduct, at the owner's or occupier's cost, periodic expert inspections of the premises in order to identify precautionary measures which would ensure compliance with these by-laws and to report such findings to an authorised agent.
- 4) If any person contravenes any provision of Sub-Sections (1) or (2) above of this by-law he or she shall within twelve hours, or earlier if possible, advise the Water Service Provider of the details of the contravention and the reasons for it.

PART 2 ON SITE SANITATION SERVICES AND ASSOCIATED SERVICES

75 APPLICATION FOR INFRASTRUCTURE

- 1) If an agreement for on-site sanitation and associated services has been concluded or if it is not reasonably possible or cost effective for the Water Service Provider to install a connecting sewer and/or no infrastructure in connection therewith exists on the premises, the owner must immediately make application on the approval form and-
- a) pay the prescribed charge for the installation of necessary infrastructure; or
 - b) with the approval by the Water Service Provider and at the request of the owner, install the connection sewer or on site sanitation services in accordance with the specification of the water service provider as authorized agent.
- 2) A Water Services Provider as authorized agent may specify the type of on-site sanitation services to be installed.

76 USE OF ON-SITE SANITATION SERVICES NOT CONNECTED TO THE SANITATION SYSTEM

- 1) No person shall use or permit the use of on-site sanitation services not connected to the Water Service Authority and/or Water Service Provider sanitation system except with the prior approval of the Water Service Provider, and in accordance with such conditions as it may impose, for domestic commercial or industrial purposes.
- 2) Any person desiring the consent referred to in Sub-Section (1) shall provide the Water Service Provider with evidence satisfactory to it that the 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 opinion of the Water Service Provider -
- a) a condition imposed in terms of Sub-Section (1) is breached; or
 - b) the sanitation facility has a detrimental impact on health or the environment.
- 4) The Water Service Provider may undertake such investigations as it may deem 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 (2) if the result of the investigation indicates that the sanitation facility has a detrimental impact on health or the environment.

77 SEPTIC TANKS AND TREATMENT PLANTS

- 1) The Water Service Provider may, on such conditions as it may prescribe approve the disposal of sewage or other effluent by means of septic tanks or other on-site sewage treatment plants.
- 2) A septic tank or other on-site sewage treatment plant shall be situated nearer than 3 m to any dwelling unit or to any boundary of the premises on which it is situated.
- 3) Effluent from a septic tank or other on-site sewage treatment plant shall be disposed of to the satisfaction of the Water Services Provider.
- 3) A septic tank must be watertight, securely covered and provided with gas-tight means of access to its interior adequate to permit the inspection of the inlet and outlet pipes and adequate for the purpose of removing sludge.
- 4) A septic tank serving a dwelling unit must—
 - a) have a capacity below the level of the invert of the outlet pipe of not less than 500 litres per bedroom, subject to a minimum capacity below such invert level of 2 500 litres;
 - b) have an internal width of not less than 1 m measured at right angles to the direction of the flow;
 - c) have an internal depth between the cover and the bottom of the tank of not less than 1,7 m; and
 - d) retain liquid to a depth of not less than 1,4 m.
- 6) Septic tanks serving premises other than a dwelling unit shall be designed and certified by a Water Service Provider.

78 FRENCH DRAINS

- 1) The Water Service Provider may, 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 the permeability test prescribed by the South African Bureau of Standards, approve the disposal of waste-water or other effluent by means of French drains, soakage pits or other approved works.
- 2) A French drain, soakage pit or other similar 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 shall, in the opinion of the Water Service Provider, cause 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 shall be designed and certified by a Water Service Provider.

79 CONSERVANCY TANKS

- 1) The Water Service Provider may, on such conditions as it may prescribe, approve the construction of a conservancy tank and ancillary appliances for the retention sewage or effluent.
- 2) No rain water, storm-water or effluent other than that approved by the Water Service Provider may be discharged into a conservancy tank.
- 3) No conservancy tank shall be used as such unless –
 - a) the invert of the tank slopes towards the outlet at a gradient of not less than 1 in 10;
 - b) the tank is gas and water tight;
 - c) the tank has an outlet pipe, 100 mm in internal diameter, made of wrought iron, cast iron or other approved material, and except if otherwise approved by the Water Service Provider at an approved valve and fittings for connection to the council's removal vehicles;
 - d) the valve and fittings referred to in paragraph (h) or the outlet end of the pipe, as the case may be, are located in a chamber, having an approved hinged cover and situated in such position as required by the Water Services Provider ;
 - e) access to the conservancy tank is provided by means of an approved manhole fitted with a removable cast iron cover placed immediately above the visible spigot of the inlet pipe.
- 4) The Water Service Provider may, having regard to the position of a conservancy tank or of the point of connection for a removal vehicle, make it a condition of its emptying the tank that the owner or client indemnify the Water Services Provider , in writing, against any liability for any damages that may result from rendering of that service.
- 5) Where the Water Service Provider's removal vehicle has to traverse private premises for the emptying 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 for such purposes.

6) The owner or occupier 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 Water Service Provider.

80 OPERATION AND MAINTENANCE OF ON-SITE SANITATION SERVICES

The operation and maintenance of on-site sanitation services and all costs pertaining thereto remains the responsibility of the owner of the premises, unless the on-site sanitation services are subsidised services determined in accordance with the Water Service Authority and/or Water Service Provider's by-laws relating to credit control and debt collection.

81 DISUSED CONSERVANCY AND SEPTIC TANKS

If an existing conservancy tank or septic tank is no longer required for the storage or treatment of sewage, or if permission for such use is withdrawn, the owner shall either cause it to be completely removed or to be completely filled with earth or other suitable material, provided that the Water Service Provider may require such tank to be otherwise dealt with, or approve the use thereof for other purpose subject to such conditions as may be specified.

82 SERVICES ASSOCIATED WITH ON-SITE SANITATION SERVICES

1) The Water Service Provider shall undertake the removal or collection of conservancy tank contents, night soil or the emptying of pits in accordance with a removal and collection schedule determined by the Water Service Provider.

2) Copies of the collection and removal schedule shall be available on request.

83 CHARGES IN RESPECT OF SERVICES ASSOCIATED WITH ON-SITE SANITATION SERVICES

1) Charges in respect of the removal or collection of conservancy tank contents, night soil or the emptying of pits shall be based on the volume removed and the distance traveled to effect such removal;

2) If the volume of conservancy tank contents, night soil or the emptying of pits removed or collected cannot be quantified the Water Service Provider may charge a fixed charge as prescribed.

PART 3: SEWAGE DISPOSAL

84 PROVISION OF A CONNECTING SEWER

1) If an agreement for the use of the sewage disposal system exists and no connecting sewer exists in respect of the premises, the owner must immediately make application on the approved form and -

a) pay the prescribed charge for the installation of such a connecting sewer; or

b) with the approval by the Water Service Provider and at the request of the owner, install the connecting sewer in accordance with any specifications of the Water Services Provider as authorized agent.

2) If an application is made for use of the sewage disposal system to a premises which is so situated that it is necessary to extend the sewer in order to connect the sewage disposal system to the premises, the Water Service Provider may agree to the extension subject to such conditions as the Water Service Provider may impose.

3) Only the Water Service Provider may install or approve an installed connecting sewer. The owner or client may connect the sanitation installation to the connection pipe.

4) No person may commence with any development on any premises unless the Water Service Provider has installed a connecting sewer and/or subject to the authorisation of the Water Service Provider.

85 LOCATION OF CONNECTING SEWER

1) A connecting sewer provided and installed by the Water Service Provider or owner in terms of Section 84 shall -

- a) be located in a position agreed to between the owner and the Water Service Provider and be of a size determined by an authorized officer;
- b) terminate at a connection point approximately 1 meter inside the premises from the boundary of the land owned by or vested in the Water Service Provider or over which it has a servitude or other right or when Sub-Section (3) below applies, at the connecting point designated in terms of that Sub-Section;-
- 2) In reaching agreement with an owner concerning the location of a connecting sewer, the Water Service Provider shall ensure -
 - a) practical restrictions that may exist regarding the location of a connecting sewer pipe;
 - b) the cost implications of the various possible locations of the connecting sewer;
 - c) whether or not the Water Service Provider requires the owner to fix the location of the connecting sewer by providing a portion of the owner's water installation at or outside the boundary of the owner's premises, or such agreed position inside or outside the owner's premises where the connection is required, for the Water Service Provider to connect to such installation.
- 3) A Water Service Provider may at the request of any person agree, subject to such conditions as it may impose, to a connection to a sewer other than that which is most readily available for the drainage of the premises; provided that the applicant shall be responsible for any extension of the drainage installation to the connecting point designated by an authorised officer and for obtaining the applicant's cost, such servitudes over other premises as may be necessary.
- 4) An owner must pay the prescribed connection charge before a connection to the connection sewer can be effected.
- 5) Where an owner is required to provide a sewage lift as provided for in terms of the Building regulations the rate and time of discharge into the sewer shall be subject to the approval of the Water Service Provider.

86 PROVISION OF ONE CONNECTING SEWER FOR SEVERAL CLIENTS ON SAME PREMISES

- 1) Notwithstanding the provisions of Section 84 only one connecting sewer to the sewage disposal system may be provided for the disposal of sewage from any premises, irrespective of the number of accommodation units of clients 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 accommodation units, the Water Service Provider may, in its discretion, provide and install either -
 - a) a single connecting sewer in respect of the premises as a whole or any number of such accommodation units; or
 - b) a separate connecting sewer for each accommodation unit or any number thereof.
- 3) Where the Water Service Provider has installed a single connecting sewer as contemplated in Sub-Section (2) (a) above, the owner or the person having the charge or management of the premises, as the case may be -
 - a) must if the Water Service Provider so requires, install and maintain on each branch pipe extending from the connecting sewer to the different accommodation units -
 - i) a separate connecting sewer; and
 - ii) an isolating valve; and
 - b) shall be liable to the Water Service Provider for the tariffs and charges for all sewage disposed from the premises through such a single connecting sewer in respect of each sewage connection so provided.
- 4) Notwithstanding the provisions of Sub-Section 1 above, the Water Service Provider may authorise that more than one connecting sewer be provided on the sewage disposal system for the disposal of sewage from any premises comprising sectional title units or if, in the opinion of the Water Service Provider, undue hardship or inconvenience would be caused to any client on such premises by the provision of only one connecting sewer.
- 5) Where the provision of more than one connecting sewer is authorised by the Water Service Provider, the tariffs and charges for the provision of a connecting sewer is payable in respect of each sewage connection so provided.

87 INTERCONNECTION BETWEEN PREMISES

An owner of a property shall ensure that no interconnection exists between the drainage installation on his or her premises and the drainage installation on other premises, unless the owner has obtained the prior written consent of the Water Service Provider and complies with any conditions that it may have imposed.

88 DISCONNECTION OF DRAINING INSTALLATION FROM CONNECTING SEWER

The Water Service Provider may disconnect a drainage installation from the connecting sewer and remove the connecting sewer if -

- a) the agreement for provision has been terminated and it has not received an application for subsequent provision to the premises served by the sewer within a period of 90 (ninety) days of such termination; or
- b) the building on the premises concerned has been demolished.

PART 4: STANDARDS**89 STANDARD FOR SANITATION SERVICES**

Sanitation services provided by the Water Service Provider shall comply with the minimum standards set for the provision of sanitation services in terms of Section 9 of the Act.

PART 5: METHODS FOR DETERMINING CHARGES**90 MEASUREMENT OF QUANTITY OF STANDARD DOMESTIC EFFLUENT DISCHARGED**

1) The quantity of standard domestic effluent discharged shall be determined by a percentage of water supplied by the Water Service Provider; provided that where the Water Service Provider is of the opinion that such a percentage in respect of specific premises is excessive, having regard to the purposes for which water is consumed on those premises, the Water Service Provider may reduce the percentage applicable to those premises to a figure which, in its 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.

2) Where a premises is supplied with water from a source other than or in addition to the Water Service Authority and/or Water Service Provider water supply system, including abstraction from a river or borehole, the quantity shall be a percentage of the total water used on that premises as may be reasonably estimated by the Water Service Provider.

91 MEASUREMENT OF QUANTITY OF INDUSTRIAL EFFLUENT DISCHARGED

Measurement of Quantity and Determination of Quality of Industrial Effluent discharged

1) The quantity of industrial effluent discharged into the sanitation system must be determined –

- a) where a measuring device is installed by the quantity of industrial effluent discharged from a premises as measured through that measuring device; or
- b) until such time as a measuring device is installed by a percentage of the water supplied by the Water Service Provider to that premises.

2) The Water Service Provider may require the owner of any premises to incorporate in any drainage installation conveying industrial effluent to a sewer, any control meter or gauge or other device of an approved type and in the control of the Water Service Provider for the purpose of ascertaining to the satisfaction of the Water Services Provider the tempo, volume and/or composition of the said effluent.

3) The Water Service Provider may install and maintain any such meter, gauge or device referred to in Sub-Section (2) at the expense of the owner of the premises on which it is installed.

4) Where a premises is supplied with water from a source other than or in addition to the Water Service Provider's water supply system, including abstraction from a river or borehole, the quantity shall be a percentage of the total water used on that premises as may be reasonably estimated by the water services provider.

5) Where a portion of the water supplied to the premises forms part of the end product of any manufacturing process or is lost by reaction or evaporation during the manufacturing process or for any other reason, the Water Service Provider may on application reduce the assessed quantity of industrial effluent.

6) The Water Service Provider may at its discretion enter into an agreement with any person discharging industrial effluent into the sanitation system, establishing an alternative method of assessing the quantity and tempo of effluent so discharged.

7) Charges relating to the quality of industrial effluent shall be based on the formula for industrial effluent discharged as prescribed in the Schedules hereto.

8) The following conditions apply in respect of the assessment of the quality of industrial effluent discharged –

a) each client must conduct the prescribed tests, on a regular schedule as provided for in the approval to discharge industrial effluent, and report the results to the Water Services Provider;

b) the Water Service Provider may conduct random compliance tests to correlate those of the industry. If discrepancies are found, the values of the Water Service Provider shall be taken as correct. Further tests may be requested by the Water Service Provider to determine the values for the formula, at the cost of the client;

c) the average of the values of the different analysis results of 24 hourly composite or snap samples of the effluent, taken during the period of charge, shall be used to determine the quality charges payable;

d) in the absence of a complete daily set of 24 hourly composite or snap samples, the average of not less than two values of the sampled effluent, taken during the period of charge, must be used to

determine the charges payable;

e) in order to determine the strength (Chemical oxygen demand, suspended solids concentration, Ammonia concentration, ortho-phosphate concentration) in the effluent as well as the concentration of Group 1 and 2 metals, pH value and conductivity, the Water Service Provider shall use the tests normally used by municipalities for these respective purposes. Details of the appropriate test may be ascertained from the Water Service Provider or the SABS. Test results from an accredited laboratory shall have precedence over those of the Water Services Provider;

f) the formula is calculated on the basis of the different analysis results of individual snap or composite samples. The period treatment of calculation shall not be less than one full 24-hour period unless strong evidence is submitted to the Water Service Provider that a lesser period is actually applicable;

g) the terms of the disincentive formula cannot assume a negative value;

h) the total system values for quality charges shall remain constant initially for a period of one month, but in any case not longer than twelve months from the date of commencement of these charges, after expiry whereof they may be amended or revised from time to time depending on such changes in the analysis results or further samples as may be determined from time to time: Provided that the Water Services Provider in its discretion in any particular case may levy the minimum charges prescribed in Sub-Section (7), without taking any samples;

i) whenever the Water Service Provider takes a sample, one half thereof shall be made available to the client;

j) for the purpose of calculation of the quantity of effluent discharged from each point of discharge of effluent, the total quantity of water consumed on the premises shall be allocated among the several points of discharge as accurately as is reasonably practicable;

k) the costs of conveying and treating of industrial effluent shall be determined by the Water Service Provider and shall apply with effect from such date as may be determined by the water services provider; and

l) in the discretion of the Water Service Provider the charges for industrial effluent may be changed to a fixed monthly charge. The minimum charge is to be determined taking into consideration the effluent strengths, the volume and the economic viability of micro and small industries.

92 REDUCTION IN THE QUANTITY DETERMINED

REDUCTION IN THE MEASURED QUANTITY OF EFFLUENT DISCHARGED

1) A person shall be entitled to a reduction in the quantity of effluent discharged as determined in terms of Sections 90 and 91, where the quantity of water on which the percentage is calculated was measured during a period where water was wasted or a leakage went undetected, if the client demonstrates to the satisfaction of the Water Service Provider into the sanitation system.

- 2) The reduction in the quantity shall be based on the quantity of water loss through leakage or wastage during the leak period.
- 3) The leak period shall be either the measuring period immediately prior to the date of repair of the leak, or the measurement period during which the leak is repaired, whichever results in the greater reduction in the quantity.
- 4) The quantity of water loss shall be calculated as the consumption for the leak period less an average consumption, based on the preceding 3 (three) months, for the same length of time. In the event of no previous consumption history being available, the average water consumption shall be determined by the Water Service Provider after due consideration of all information.
- 5) There shall be no reduction in the quantity if the loss of water, directly or indirectly, resulted from the client's failure to comply with or is in contravention of these or other by-laws.

PART 6: DRAINAGE INSTALLATIONS

93 INSTALLATION OF DRAINAGE INSTALLATIONS

- 1) The owner must provide and maintain the owner's drainage installation at own cost and except where otherwise approved, must ensure that the installation is situated within the boundary of the owner's premises.
- 2) The Water Services Provider may prescribe to what point in the sewer and at what depth below the ground any drainage installation is to be connected and the route to be followed by the drain to the connecting point and may require the owner not to commence with the construction or connection of the drainage installation until the Water Service Provider's connecting sewer has been laid.
- 3) Any drainage installation constructed or installed must comply with any applicable specifications in terms of the Building Regulations and any standards prescribed in terms of the Act.
- 4) No person shall permit the entry of any liquid or solid substance whatsoever, other than clean water for testing purposes, to enter any drainage installation before the drainage installation has been connected to the sewer.
- 5) Where premises is situated in the 1 in 100 years flood plain, the top level of all service access holes, inspection chambers and gullies is to be above the 1 in 100 years flood level.
- 6) After the completion of any drainage installation or after any alteration to any drainage installation is completed, the plumber responsible for the execution of the work must submit to the building inspection section of the Water Service Authority and/or Water Service Provider a certificate certifying that the work was completed to the standards as set out in the building regulations, these by-laws and any other relevant law or by-laws.

94 CONSTRUCTION OR INSTALLATION OF DRAINAGE INSTALLATIONS

- 1) Any drainage installation constructed or installed must comply with any applicable specifications in terms of the Building Regulations and any standards prescribed in terms of the Act.
 - a) Where the draining installation is a pit latrine it must be of the ventilated improved pit latrine type or equivalent having -
 - (i) a pit latrine of 2m³ capacity;
 - (ii) lining as required;
 - (iii) a slab designed to support the superimposed loading; and
 - (iv) protection preventing children from falling into the pit.
 - b) The ventilated improved pit latrine must conform with the following specifications -
 - (i) the pit must be ventilated by means of a pipe, sealed at the upper end with durable insect proof screening fixed firmly in place.
 - (ii) the ventilation pipe must project not less than 0.5 m above the nearest roof, must be of at least 150 mm in diameter, and must be installed vertically with no bend;
 - (iii) the interior of the closet must be finished smooth so that it can be kept in a clean and hygienic condition. The superstructure must be well-ventilated in order to allow the free flow of air into the pit to be vented through the pipe;

- (iv) the opening through the slab must be of adequate size as to prevent fouling. The rim must be raised so that liquids used for washing the floor do not flow into the pit. It shall be equipped with a lid to prevent the egress of flies and other insects when the toilet is not in use;
- (v) must be sited in a position that is independent of the residential structure;
- (vi) must be sited in positions that are accessible to road vehicles having a width of 3.0 m in order to facilitate the emptying of the pit;
- (vii) in situations where there is the danger of polluting an aquifer due to the permeability of the soil, the pit must be lined with an impermeable material that is durable and cannot crack under stress;
- (viii) in situations where the ground in which the pit is to be excavated is unstable, suitable support is to be given to prevent the collapse of the soil;
- c) any ventilated pit latrine should not usually be used by more than one household;
- d) access to water for hand washing; and
- e) the Water Service Provider may levy a charge that covers all the operating and maintenance costs in the removal of the pit contents, transportation to a disposal site, the treatment of the contents to achieve a sanitary condition and the final disposal of any solid residues. The charge may be in the form of a monthly contribution or it may be levied as a single payment when the service is rendered.

95 DISCONNECTION OF DRAINAGE INSTALLATIONS

- 1) Except for the purpose of carrying out maintenance or repair work, no drainage installation may be disconnected from the connection point.
- 2) Where any part of a drainage installation is disconnected from the remainder thereof because it can no longer be used, the disconnected part must be destroyed or entirely removed from the premises on which it was used, unless the Water Service Provider approves otherwise.
- 3) After all the requirements of the Building Regulations in regard to disconnection have been complied with and on request of the owner, the Water Services Provider must 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 disconnected from a sewer, the Water Services Provider shall seal the opening so caused and may recover the cost of such work from the owner of the premises on which the installation is disconnected.
- 5) Where a drainage system is connected to or disconnected from the sewer system during a month, charges shall be calculated as if such connection was made on the first day of the month following the month in which such connection or disconnection was effected.

96 DRAINS IN STREETS OR PUBLIC PLACES

No person shall for the purpose of conveying sewage derived from whatever source, lay or construct a drain on, in or under a street, public place or other land owned by, vested in, or under the control of the Water Service Provider, except with the prior written permission of the Water Service Provider and subject to such conditions as it may impose.

97 CONSTRUCTION BY WATER SERVICE PROVIDER OR ITS AUTHORISED AGENT

The Water Service Provider may agree with the owner of any premises that any drainage work which such owner desires, or is required to construct in terms of these by-laws or the Building regulations, shall be constructed by the Water Service Provider against payment, in advance or on demand, of all costs associated with such construction.

98 MAINTENANCE OF DRAINAGE INSTALLATION

- 1) An owner must provide and maintain the owner's drainage installation at the owner's own cost.
- 2) Where any part of a drainage installation is used by two or more owners or occupiers, they shall be jointly and severally liable for the maintenance of the installation.
- 3) The owner of any premises must ensure that all manholes on the premises are permanently visible and accessible and is responsible for ensuring the visibility of all cleaning eyes and manholes on the premises at all times.

- 4) Any person who requests the Water Service Provider to clear a drainage installation shall be liable to pay the prescribed tariff.
- 5) A Water Service Provider 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 or charges.

99 TECHNICAL REQUIREMENTS FOR DRAINAGE INSTALLATIONS

All drainage installations shall comply with SABS 0252 and the Building Regulations.

100 DRAINS

- 1) Drains passing through ground which in the opinion of the Water Services Provider are liable to movement, shall be laid on a continuous bed of river sand or similar granular material not less than 100 mm thick under the barrel of the pipe with a surround of similar material and thickness, and the joints of such drains shall be approved flexible joints.
- 2) A drain or part thereof may only be laid within, pass under or through a building with the approval of the Water Services Provider.
- 3) A drain or part thereof which is laid in an inaccessible position under a building may not bend or be laid at a gradient.
- 4) If a drain passes through or under a wall, foundation or other structure, adequate precautions shall be taken to prevent the discharge of any substance to such a drain.

101 SEWER BLOCKAGES

- 1) 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 has a potential to cause its blockage or ineffective operation.
- 2) When the owner or occupier of premises has reason to believe that a blockage has occurred in any drainage installation thereon, he shall take immediate steps to have it cleared.
- 3) When the owner or occupier of premises has reason to believe that a blockage has occurred in the sewer system, he shall immediately inform the Water Services Provider.
- 4) 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.
- 5) Should any drainage installation on any premises overflow as a result of an obstruction in the sewer, and the Water Services Provider is reasonably satisfied that such obstruction was caused by objects emanating from the drainage installation, the owner of the premises served by the drainage installation shall be liable for the cost of clearing the blockage.
- 6) Where a blockage has been removed from a drain or portion of a drain which serves two or more premises the owners are jointly and severally liable for cost of clearing the blockage.
- 7) Where a blockage in the sanitation system has been removed by the Water Service Provider and such removal necessitated the disturbance of an owner's paving, walls, lawn or other artificial surface the Water Service Provider shall not be responsible for reinstating such.

102 GREASE TRAPS

A grease trap of approved type, size and capacity shall be provided in respect of each premises that discharge sewage to on-site sanitation systems or where in the opinion of the Water Service Provider the discharge of grease, oil and fat is likely to cause an obstruction to the flow in sewers or drains, or interference with the proper operation of any waste water treatment plant.

103 INDUSTRIAL GREASE TRAPS

- 1) Industrial effluent which contains, or in the opinion of the Water Services Provider is likely to contain grease, oil, fat or inorganic solid matter in suspension shall, 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 and which gives off an inflammable or noxious vapour at a temperature of or exceeding 20° C

shall be intercepted and retained in a tank or chamber so as to prevent entry thereof into the sewer.

3) A tank or chamber as referred to in Sub-Section (2) shall comply with the following requirements:

a) it shall be of adequate capacity, constructed of hard durable materials and water-tight when completed;

b) the water-seal of its discharge pipe shall be not less than 300 mm in depth; and

c) shall be provided with such number of manhole covers as may be adequate for the effective removal of grease, oil fat and solid matter.

4) Any person discharging effluent to a tank or chamber shall regularly remove grease, oil, fat or solid matter from the tank or chamber and shall maintain a register in which shall be recorded -

a) the dates on which the tank or chamber was cleaned;

b) the name of the company employed to clean the tank or chamber; and

c) a certificate from the cleaning company, certifying the cleaning of the tank or chamber and stating the manner in which the contents of the tank or chamber were disposed of.

104. MECHANICAL APPLIANCES FOR LIFTING SEWAGE

1) The owner of any premise must obtain the approval of the Water Services Provider before installing any mechanical appliance for the raising or transfer of sewage in terms of the Building Regulations.

2) Approval must be applied for by a Professional Engineer and must be accompanied by drawings prepared in accordance with the relevant provisions of the Building Regulations and shall show details of the compartment containing the appliance, the sewage storage tank, the stilling chamber and the position thereof, and the position of the drains, ventilation pipes, rising main and the sewer connection.

3) Notwithstanding any approval given in terms of Sub-Section (1), the Water Service Provider shall not be liable for any injury or damage to life or property caused by the use, malfunctioning or any other condition arising from the installation or operation of a mechanical appliance for the raising or transfer of sewage.

4) Every mechanical appliance installed for the raising or transfer of sewage shall be specifically designed for the purpose and shall be fitted with a discharge pipe, sluice valves and non-return valves located in approved positions.

5) Unless otherwise permitted by the Water Service Provider, such mechanical appliances shall be installed in duplicate and each such appliance shall be so controlled that either shall immediately begin to function automatically in the event of failure of the other.

6) 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 or otherwise, and every compartment containing any such appliance shall be effectively ventilated.

7) The maximum discharge rate from any mechanical appliance and the times between which the discharge may take place shall be as prescribed by the Water Service Provider 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.

8) Except where sewage storage space is incorporated as an integral part of a mechanical appliance, a sewage storage tank shall be provided in conjunction with such appliance.

9) 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 there into in 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 mechanical appliance.

10) Every storage tank and stilling chamber shall be provided with a ventilation pipe in accordance with the Water Services Provider's specifications.

105 INSTALLATION OF PRE-TREATMENT FACILITY

A Water Service Provider may require that any new premises must be provided with a minimum pretreatment facility of a type specified by it prior to that premises being connected to the sewage disposal system.

PART 7 : PROTECTION OF INFRASTRUCTURE**106 PROTECTION FROM INGRESS OF FLOOD WATERS**

Where a premises is situated in the 1 in 100 years flood plain the top level of service access holes, inspection chambers and gullies is to be above the 1 in 100 years flood level, except, in the case of service access holes and inspection chambers, where the cover is secured in place by approved means approved by the Water Service Provider.

107 POWER OF ENTRY AND INSPECTION

1) The Water Service Provider may enter and inspect any premises for any purpose connected with the implementation or enforcement of these by-laws, at all reasonable times, or in an emergency at any time, request information, take samples, make such inspection, examination and enquiry and carry out work as it may deem necessary, and for those purposes operate any component of the drainage installation.

2) Any entry and inspection must be conducted in conformity with the requirements of the Constitution of South Africa Act, 1996 (Act No. 108 of 1996), and any other law and, in particular, with strict regard to decency and order, respect for a person's dignity, freedom and security, and personal privacy.

3) The Water Service Provider may be accompanied by an interpreter and any other person reasonably required assisting the authorised official in conducting the inspection.

3) A person representing the Water Service Provider must, on request, provide his or her identification.

4) If the authorised officer considers it necessary that work be performed to enable an authorised officer properly and effectively to implement a function referred to herein he may -

a) by written notice require the owner or occupier of the premises at his own cost to do specified work within a specified period; or

b) if in the authorized person's opinion the situation is a matter of urgency, without prior notice do such work or cause it to be done, at the costs of the owner.

5) If the work referred to in Sub-Section (4) above is carried out for the sole purpose of establishing whether a contravention of these by-laws has been committed and no such contravention is established, the Water Service Provider shall bear the expense connected therewith together with that of restoring the premises to its former condition but it shall not otherwise bear such expense.

108 TRESPASSING ON THE SEWAGE DISPOSAL SYSTEM

No person shall without the prior written permission of the authorised officer enter -

a) upon an area used for the purpose of the sewage disposal system which is enclosed by a fence or whether entry is prohibited by notice boards; or

b) a structure used by the Water Service Provider in connection with its sewage disposal system

109 INTERFERENCE WITH THE SEWAGE DISPOSAL SYSTEM

Except with the prior authority of an authorised officer -

a) no person shall interfere or tamper with the sewage disposal system;

b) no person shall make a connection to the sewage disposal system save as contemplated in Section 72; and

c) no person shall construct a building or raise or lower the ground level within an area that is subject to a sewer servitude.

110 DAMAGE TO SEWAGE DISPOSAL SYSTEM

1) No person shall damage or endanger the sewage disposal system, or cause or permit it to be damaged or endangered.

2) Any person who intends performing work which may cause damage to the sewage disposal system on land owned by or vested in the Water Service Provider or over which it has a servitude

or other right, shall prior to commencement of such work, ascertain from an authorised officer if any part of the sewage disposal system is situated on the land.

3) If work which in the opinion of an authorised officer could damage or endanger the sewage disposal system is to be performed or is being performed on land referred to in sub Section (2), or on land adjacent thereto, he may by notice in writing require the person concerned not to commence, or to cease performing the work until such time as he has complied with the conditions specified in the notice.

111 CONSEQUENTIAL MAINTENANCE OF SEWERS

Whenever a sewer is damaged or becomes obstructed or in need of repair as a result of the act or omission of any person, whether by reason of the failure of such person to comply with the requirements of these by-laws or otherwise, the Water Service Provider shall be entitled to carry out such work of maintenance or repair as an authorised officer considers necessary or to remove the obstruction at the expense of such person and to recover from him or her the full cost of doing so.

112 OBSTRUCTION TO ACCESS TO SEWAGE DISPOSAL SYSTEM

1) No person shall prevent or restrict access to the sewage disposal system.

2) If a person contravenes sub Section (1) above, the authorised officer may -

a) by written notice require the person to restore access at the person's own costs within a specified period; or

b) if the authorized officer is of the opinion that the situation is a matter of urgency, without prior notice restore access and recover the full costs of doing do from such person.

113 WORK BY PRIVATE PERSON

1) The Water Service Provider shall lay all sewers and connecting sewers unless it elects not to do so in which case the work shall be executed in accordance with the Water Service Provider's conditions of contract applicable to the work and the following provisions shall apply -

a) Any person carrying out such work in terms of this Section shall prior to commencement of such work lodge with an authorised officer a written indemnity to his satisfaction indemnifying the Water Service Provider against all liability in respect of any accident or injury to persons or loss or damage to property which may occur as the direct result of the execution of such works;

b) Where the surface of any street or road has been disturbed in the course of such work, the restoration of such surface shall be undertaken solely by the Water Service Provider at the expense of the person carrying out such work.

2) Prior to the disturbance of the surface of such street or road a deposit shall be made by such person with the Water Service Provider which in the opinion of the authorised officer is sufficient to cover the estimated cost of such restoration.

3) When the actual cost is greater or less than the amount deposited an excess shall be recoverable from such person and any balance shall be refunded to him.

4) All work shall be carried out in accordance with the requirements and to the satisfaction of an authorised officer.

PART 8 : INDUSTRIAL EFFLUENT

114 APPLICATION: DISPOSAL OF INDUSTRIAL EFFLUENT

1) Any person or institution seeking approval, or the renewal of an approval, from the Water Service Provider in terms of Section 7(1) of the Act shall do so in accordance with the provisions of these by-laws and at its own expense.

2) If an applicant intends making application simultaneously for approval in terms hereof and any other provision of the Act, he shall deal with each application separately, provided that information may be incorporated in one of the other application by reference.

3) An application for approval contemplated in Sub-Section (1) above, or the renewal of such approval, shall be made to the Water Services Provider in writing.

4) Any submission application for any approval in terms of Sub-Section 1 above, or the renewal of any approval granted by the Water Service Provider, shall be accompanied by, at least, the

following documents or particulars, provided that, in the case of a renewal of an approval, the Water Service Provider may, in its discretion, dispense with some of the documents or particulars to avoid unnecessary duplication:

- (a) a certified copy of the identity document of the applicant if a natural person 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 as a Water Service Provider;
- (c) a certified list of the names and addresses of all persons occupying a leadership and decision making power in the applicant;
- (d) a detailed statement supported by adequate proof of authenticity, setting out the applicants 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 to be provided by the applicant;
- (e) a full and detailed description of the water scheme or schemes which shall be operated by the applicant containing sufficient information to enable the Water Service Provider to determine whether the water scheme or schemes comply with the criteria set in Section 11 of the Act, these by-laws and the water development plan adopted by the Water Service Provider 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 schemes;
 - (ii) an indication of the nature of the water services to be provided by the applicant;
 - (iii) detailed plans or drawings, with co-ordinates and scales, and specifications depicting the physical installation associated with the water scheme or schemes, including all structures, aqueducts, pipes, valves, pumps, meters or other apparatus relating thereto used or intended to be used by it in connection with the provision of water services contemplated in the application;
 - (iv) a detailed description, including numbers and locality, of the clients or potential clients that must be supplied with water by the applicant;
 - (v) details of the source, the quality of water that must be supplied to clients; or
 - (vi) potential clients and what arrangements are in place to ensure that such quality and quantity is consistently maintained;
 - (vii) a business plan setting out how the water scheme or water schemes shall be operated and maintained during the period the applicant undertakes the supply of water services as contemplated in the application, and what arrangements have been adopted to deal with any emergency, including natural disasters and drought;
 - (viii) 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; and
 - (ix) details of tariffs and charges that the applicant must levy on all clients and whereby increases or decreases in such tariffs and charges shall be dealt with, and the potential clients, the method of calculating such tariffs and charges, the process manner in which such tariffs and charges comply with the national norm set by the Minister of Water Affairs and Forestry in terms of Section 10 of the Act.

(f) The applicant shall also provide -

- (i) a certificate indicating who the legal owner or owners of the water scheme or schemes is or are;
- (ii) certified copies of all documents and deeds reflecting the legal status of the water scheme or schemes, including deeds of servitude where appropriate; and
- (iii) full details of the conditions that must be imposed in terms of Section 4 of the Act and full details required in terms of section 19(4) of the Act.

5) The Water Service Provider may call for any additional information or documents reasonably required to enable it to determine whether the proposer or applicant, including a public sector provider, or the water scheme or schemes will comply with the Act, these by-laws and the water development plan of the Water Service Provider, and whether the obligations of the Water Service Provider, imposed on it by the Act, shall be met.

6) The Water Service Provider may, and it shall, if it initially decides to refuse an application made in terms of sub Section (1), including an application made by a public sector water provider, prior to making a final decision, meet with the applicant, as the case may be, and any organisation

reasonably representative of the clients or potential clients of the water scheme or schemes, in order to hear representations made by the applicant and such representative organisations in support of, or against, the applications, and it shall take such representations into account in arriving at its final decision.

115 APPROVAL TO DISCHARGE INDUSTRIAL EFFLUENT

1) No person shall discharge or cause or permit industrial effluent to be discharged into the sanitation system except with the approval of the Water Service Provider. A person must apply for approval to discharge industrial effluent into the sanitation system to the Water Service Authority and/or Water Service Provider on the prescribed form attached as Schedule B to these by-laws.

2) The Water Service Provider may, if in its opinion the capacity of the sanitation system is sufficient to permit the conveyance and effective treatment and lawful disposal of the industrial effluent, for such period and subject to such conditions it may impose, approve the discharge industrial effluent to the sanitation system.

3) Any person who wishes to construct or cause to be constructed, a building which shall be used as a trade premises, must at the time of lodging a building plan in terms of Section 4 of the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977), also lodge applications for the provision of sanitation services and for approval to discharge industrial effluent.

116 PROCEDURE ON APPROVAL

In the event of the Water Service Provider granting such approval it shall issue a letter of approval to the applicant containing such conditions as the Water Service Provider may deem appropriate, which conditions shall be binding on the applicant.

117 UNAUTHORISED DISCHARGE OF INDUSTRIAL EFFLUENT

1) No person shall discharge or cause or permit to be discharged into the sewage disposal system any industrial effluent except with and in terms of the written permission of the Water Service Provider and in accordance the provisions of this part.

2) A person to whom such permission is granted shall pay to the Water Service Provider any prescribed charges.

118 QUALITY STANDARDS FOR DISPOSAL OF INDUSTRIAL EFFLUENT

1) A person to whom permission has been granted for disposal of industrial effluent must ensure that no industrial effluent is discharged into the sewage disposal system of the municipality unless it complies with the standards and criteria set out in Schedules A and B hereto.

2) The Water Service Provider may be writing in the permission concerned, relax or vary the standards in Schedules A or B, provided that the Water Service Provider is satisfied that any such relaxation represents the best practicable environmental option.

3) In determining whether relaxing or varying the standards in Schedules A or B represents the best practicable environmental option a Water Service Provider shall consider -

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 to the applicant's industry and, if not, whether the installation of such technology would entail unreasonable cost to the applicant;

c) whether the applicant is implementing a program of waste minimisation which complies with national and local waste minimisation standards to the satisfaction of the Water Service Provider authorised agent;

d) the cost to the Water Service Provider of granting the relaxation or variation; and

e) the environmental impact or potential impact of such a relaxation or variation.

4) Test samples may be taken at any time by a duly qualified sampler to ascertain whether the industrial effluent complies with Schedule A and B or any other standard laid down in a written permission.

119 CONDITIONS FOR DISPOSAL OF INDUSTRIAL EFFLUENT

1) The Water Service Provider may in the written permission or at any time, by written notice, require a person to-

(a) subject the industrial effluent to such preliminary treatment as in the opinion of the Water Service Provider shall ensure that the industrial effluent conforms to the standards prescribed in Schedules A and B before being discharged into the sewage disposal system;

(b) install such equalizing tanks, valves, pumps, appliances, meters and other equipment as in the opinion of the Water Service Provider is necessary to control the rate and time of discharge into the sewage disposal system in accordance with the conditions imposed by it;

(c) install for the conveyance of the person's industrial effluent into the sewage disposal system at a given point, a drainage installation separate from the drainage installation for waste water and standard domestic effluent and may prohibit such person from disposing of industrial effluent at any other point and from disposing of waste water and standard domestic effluent by means other than into a sewage disposal system;

(d) construct on any pipe conveying his or her industrial effluent to any sewer, a service access hole or stop-valve in such position and of such dimensions and materials as the Water Services Provider may prescribe;

(e) provide all such information as may be required by the Water Service Authority and/or Water Service Provider to enable it to assess the tariffs or charges due to the Water Service Provider;

(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 sewage disposal system which is in contravention of these by-laws;

(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 that person at such intervals as required by the municipality and copies of the calibration to be forwarded to it; and

(h) cause the person's industrial effluent to be analysed as often and in such manner as may be prescribed by the Water Service Provider and provide it with the results of these tests when completed.

2) The cost of any treatment, plant, works or analysis which the permit holder may be required to carry out, construct or install in terms of sub Section (1) shall be borne by the permit holder concerned.

3) The written permission of the Water Service Provider must be obtained for any proposed changes to the composition of industrial effluent discharged into the sewage disposal system.

4) In the event that industrial effluent that does not comply with the standards in Schedules A or B or the written permission issued in respect of that process or premises, is discharged into the sewage disposal system, the Water Service Provider must be informed of the incident and the reasons therefore within 12 (twelve) hours of such discharge.

120 WITHDRAWAL OF APPROVAL TO DISCHARGE INDUSTRIAL EFFLUENT

1) The Water Services Provider may withdraw any approval, after giving at least 14 (fourteen) days written notice of its intention to a commercial customer authorised to discharge industrial effluent into the sanitation system if the customer –

(a) fails to ensure that the industrial effluent discharged conforms to the industrial effluent standards prescribed in Schedule A of these by-laws or the written permission;

(b) fails or refuses to comply with any notice lawfully served on the customer in terms of these by-laws or contravenes any provisions of these by-laws or any condition imposed in terms of any permission granted to the customer; or

(c) fails to pay the assessed charges in respect of any industrial effluent discharged.

2) The Water Service Provider may on withdrawal of any approval –

a) in addition to any steps prescribed in these by-laws, and on 14 (fourteen) days written notice, authorise the closing or sealing of the connecting sewer of the said premises; and

b) refuse to accept any industrial effluent until it is satisfied that adequate steps to ensure that the industrial effluent to be discharged conforms to the standards prescribed in these by-laws.

PART 9 : SEWAGE DELIVERED BY ROAD HAULAGE

121 ACCEPTANCE OF SEWAGE DELIVERED BY ROAD HAULAGE

The Water Service Provider may, at its discretion, and subject to such conditions as it may specify, accept sewage for disposal delivered to the Water Service Authority and/or Water Service Provider's sewage treatment plants by road haulage.

122 APPROVAL FOR DELIVERY OF SEWAGE BY ROAD HAULAGE

- 1) No person shall discharge sewage into the Water Service Authority and/or Water Service Provider's sewage treatment plants by road haulage except with the approval of the Water Service Provider and subject to such period and any conditions that may be imposed.
- 2) The charges for any sewage delivered for disposal to the Water Service Authority and/or Water Service Provider's sewage treatment plants shall be assessed by the Water Service Provider in accordance with the prescribed tariffs or charges.

123 CONDITIONS FOR DELIVERY OF SEWAGE BY ROAD HAULAGE

When sewage is delivered by road haulage -

- a) the time and place of delivery shall be arranged with the Water Service Provider; and
- b) the nature and composition of the sewage shall be established to the satisfaction of the Water Service Provider prior to the discharge thereof and no person shall deliver sewage that does not comply with the standards laid down in terms of these by-laws.

124 WITHDRAWAL OF PERMISSION FOR DELIVERY OF SEWAGE BY ROAD HAULAGE

The Water Service Provider may withdraw any permission, after giving at least 14 (fourteen) days written notice of its intention to a person permitted to discharge sewage by road haulage if the person—

- a) fails to ensure that the sewage so delivered conforms to the standards prescribed in Schedule A, as applicable, or in the approval; or
- b) fails or refuses to comply with any notice served on him or her in terms of these by-laws or contravenes any provisions of these by-laws or any condition imposed on him or her in terms of any approval; and
- c) fails to pay the relevant assessed in respect of any sewage delivered.

PART 10: OTHER SANITATION SERVICES**125 STABLES AND SIMILAR PREMISES**

The Water Service Provider may approve the connection of stables, cowsheds, dairies, kennels and other premises for the accommodation of animals and tanneries to a drainage installation subject to the payment of relevant charges and such conditions as the Water Service Provider may impose, provided that—

- a) the floor of the premises must be paved with approved impervious materials and graded to a silt trap, grease trap or gully of adequate capacity; and
- b) every part of the floor of the premises must be covered by a roof and otherwise effectively protected to prevent the entry of rain or storm water into the drainage installation.

126 MECHANICAL FOOD-WASTE OR OTHER DISPOSAL UNITS

The Water Service Provider may approve the connection or incorporation of a mechanical waste food, other disposal unit or garbage grinder into a drainage installation which has a capacity in excess of 500W, subject to the payment of relevant charges and such conditions as the Water Service Provider may impose, provided that—

- a) a water meter is installed by the Water Service Provider;
- b) the Water Service Provider is satisfied that the sewerage and sewage treatment system is not negatively affected; and
- c) the installation or incorporation is installed in conformity with the Water Service Providers by-laws relating to electricity.

PART 11: INSTALLATION WORK: SANITATION SEWERS

127 APPROVAL OF INSTALLATION WORK

- 1) In order to have installation work done, the owner must first obtain the Water Service Provider written approval.
- 2) Application for the approval referred to in Sub-Section (1) shall be made on the prescribed form and shall be accompanied by-
 - a) the determined charge, if applicable; and
 - b) copies of the drawings as may be determined by the Water Service Provider;
 - c) a certificate certifying that the installation has been designed in accordance with any applicable SABS Codes & the National Building Regulations
- 3) Authority given in terms of Sub-Section (1) shall lapse at the expiry of a period of twenty-four months.
- 4) A complete set of approved drawings of installation work shall be available at the site of the work at all times until such work has been completed, where approval was required in terms of Sub-Section (1).
- 5) If installation work has been done in contravention of Sub-Section (1) or (2), the Water Service Provider may require the owner
 - a) to rectify the contravention within a specified period;
 - b) if work is in progress, to cease the work; and
 - c) to remove all such work which does not comply with these bylaws.

128 PERSONS PERMITTED TO DO INSTALLATION AND OTHER WORK

- 1) No person who is not a qualified plumber or working under the control of a plumber, is permitted to-
 - a) do installation work other than the replacement or repair of an existing pipe or sanitation fitting;
 - b) inspect, disinfect and test a drainage installation, fire installation or storage tank;
 - c) service, repair or replace a back flow preventer; or
 - d) install, maintain or replace a meter provided by an owner in a drainage 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-Sections (1) and (2) the Water Service Provider may permit a person who is not a qualified plumber to do installation work on the person's own behalf on premises owned and occupied solely by that person and that person's immediate household, provided that such work must be inspected and approved by a qualified plumber at the direction of the Water Service Provider.

129 USE OF PIPES AND WATER FITTINGS TO BE AUTHORISED

- 1) No person shall, without the prior written authority of the Water Service Provider, install or use a pipe or water fitting in a water installation within the Water Service Authority and/or Water Service Provider's area of jurisdiction unless it is included in the Schedule of Approved Pipes and Fittings as compiled by the Water Service Authority and/or Water Service Provider.
- 2) Application for the inclusion of a pipe or water fitting in the Schedule referred to in Sub-Section (1) must be made on the form prescribed by the Water Service Provider.
- 3) A pipe or water fitting may be included in the Schedule referred to in Sub-Section (1) if -
 - a) it bears the standardisation mark of the South African Bureau of Standards in respect of the relevant SABS specification issued by the Bureau; or
 - b) it bears a certification mark issued by the SABS to certify that the pipe or
 - i) water fitting complies with an SABS Mark specification; or
 - ii) a provisional specification issued by the SABS, provided that no certification marks shall-
 - iii) be issued for a period exceeding two years; or
 - c) it is included in the list of water and sanitation installations accepted by JASWIC.
 - 4) The Water Service Provider may, in respect of any pipe or water fitting included in the Schedule impose such additional conditions, as it may consider necessary in respect of the use or method of installation thereof.
 - 5) A pipe or sanitation fitting must be removed from the Schedule 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.

6) The current Schedule shall be available for inspection at the office of the Water Service Provider at any time during working hours.

7) The Water Service Provider may sell copies of the current Schedule at the determined charge.

130 TESTING OF DRAINAGE INSTALLATIONS

1) No drainage installation, or any part thereof, shall be connected to on-site sanitation services, the Water Service Authority and/or Water Service Provider's sanitation system to an existing approved installation unless any one or more of the following tests have been applied in the presence and to the satisfaction of the Water Service Provider, prior to the draining installation being enclosed –

a) the interior of every pipe or series of pipes between two points of access shall be inspected throughout its length by means of a mirror and a source of light. During the inspection a full circle of light shall appear to the observer, and the pipe or series of pipes shall be seen to be unobstructed;

b) a smooth ball having a diameter of 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;

c) all openings of the pipe or series of pipes to be tested having been plugged or sealed and all traps associated therewith filled with water and air 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 minutes; and

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

2) Where the Water Service Provider 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 (1) and if the installation fails to withstand any such tests to the satisfaction of the Water Service Provider, the Water Service Provider may by notice require the owner to take reasonable measures necessary to enable the installation to withstand any or all of the tests.

131 WATER DEMAND MANAGEMENT

1) Notwithstanding the provisions of Sections 140 and 159, no flushing urinal that is not user-activated shall be installed or continue to operate in any water installation. All flushing urinals that are not user-activated installed prior to the commencement of these regulations must be converted to user-activated urinals within two years of the commencement of these by-laws.

2) No cistern, and related pan designed to operate with such cistern, shall be installed with a cistern capacity of greater than 9 litres and all cisterns not intended for public use shall be fitted with flushing devices allowing interruptible or multiple flushes, provided that such flushing device shall not be required in cisterns with a capacity of 4,5 litres or less.

CHAPTER 6: WATER SERVICES INTERMEDIARIES

PART 1: WATER SERVICES INTERMEDIARY – REGISTRATION

132 APPLICATION FOR REGISTRATION

1) Any person or institution seeking registration with the Water Services Provider as a water services intermediary in terms of Section 24 of the Act shall do so in accordance with the provisions of these by-laws and at the person's own expense.

2) An application for such registration shall be made to the Water Services Provider in writing.

3) An application for such registration shall be accompanied by, at least, the following documents or particulars –

(a) a certified copy of the identity document of the applicant, if a natural person, 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 registration as a water services intermediary;

(c) a certified list of the names and addresses of all persons occupying a leadership and decision making power in the applicant;

- (d) a detailed statement, supported by adequate proof of authenticity, setting out the applicants 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 to be provided by the applicant;
- (e) the grounds upon which the applicant contends that it is a water services intermediary as defined in the Act;
- (f) a full and detailed description of the water scheme or schemes which shall be operated by the applicant containing sufficient information to enable the Water Services Provider to determine whether the water scheme or schemes complies with the criteria set in Section 11 of the Act, the by-laws and the water development plan adopted by the water services provider 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 schemes;
 - ii) an indication of the nature of the water services to be provided by the applicant;
 - iii) detailed plans or drawing, with co-ordinates and scales, and specifications depicting the physical installation associated with the water scheme or schemes, including all the structures, aqueducts, pipes, valves, pumps, meters or other apparatus relating thereto used or intended to be used by it in connection with the provision of water services contemplated in the application;
 - iv) detailed description, including numbers and locality, of the clients or potential clients that shall be supplied with water by the applicant;
 - v) details of the source, the quality and quantity of water that shall be supplied to clients or potential clients and what arrangements are in place to ensure that such quality and quantity is consistently maintained;
 - a) a business plan setting out how the water scheme or water schemes shall be operated and maintained during the period the applicant undertakes the supply of water services as contemplated in the application, and what arrangements have been adopted to deal with any emergency, including natural disasters and drought;
 - b) 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; and
 - viii) details of tariffs and charges that the applicant shall levy on all clients and potential clients, the method of calculation such tariffs and charges, the process whereby increases or decreases in such tariffs and charges will be dealt with, and the manner in which such tariffs and charges comply with the national norm set by the Minister of Water Affairs and Forestry in terms of section 10 of the Act.
- ix) a certificate indicating who the legal owner or owners of the water scheme or schemes is or are;
- x) Certified copies of all documents and deeds reflecting the legal status of the water scheme or schemes, including deeds of servitude where appropriate; and
- xi) Full details of the conditions that will be imposed in terms of section 4 of the Act and full details required in terms of Section 19(4) of the Act.

133 ADDITIONAL INFORMATION TO MAKE DECISION

- 1) The Water Services Provider may call for any additional information or documents reasonably required to enable it to determine whether the applicant, or the water scheme or schemes comply with the Act, these by-laws and the water development plan of the Water Services Provider, and whether the obligations of the Water Services Provider, imposed on it by the Act, will be met.
- 2) The Water Services Provider may, and it shall, if it initially decides to refuse an application made in terms of Section 132, prior to making a final decision, meet with the applicant and any organisation reasonably representative of the clients or potential clients of the water scheme or schemes, in order to hear representations made by the applicant and such representative organisations in support of, or against, the applications, and it shall take such representations into account in arriving at its final decision.

134 APPROVAL OF APPLICATION

- 1) The water services authority may approve or refuse the application, provided that -

- a) if it approves the application, it may make such registration subject to such reasonable and relevant conditions as it deems necessary;
 - b) if it refuses the application, it shall advise the applicant of the reasons for such refusal.
- 2) In the event of the water services provider granting such registration it shall deliver a written notification thereof to the applicant and in such notice it shall -
- (a) draw the applicant's attention to the provisions of Section 25, 26 and 27 of the Act;
 - (b) draw the applicants attention to the provisions of these by-laws; and
 - (c) set out any conditions imposed and the provisions of these by-laws.

135 PROVISION OF WATER SERVICES

- 1) A water services intermediary must ensure that water services, including basic services as determined by the Water Service Authority, are provided to such persons it is obliged to provide with water services.
- 2) The quality, quantity and sustainability of water services provided by a water services intermediary must meet any minimum standards prescribed in terms of the Act and must at least be of the same standards as provided by the Water Service Authority and the Water Service Provider to clients.

136 CHARGES FOR WATER SERVICES PROVIDED

- 1) A water services intermediary may not charge for water services at a price which does not comply with any norms and standards prescribed under the Act and any additional norms and standards as may be set by the Water Service Authority.
- 2) A water services intermediary must provide subsidised water services, as determined by the Water Service Authority in terms of the by-laws relating to credit control and debt collection from time to time, and provided by the Water Service Provider to client at a price that is the same or less than the charges at which the Water Service Authority and/or Water Service Provider provides such services.

CHAPTER 7: UNAUTHORISED WATER SERVICES

137 UNAUTHORISED USE OF WATER SERVICES

- 1) No person may gain access to water services from the water supply system, sewage disposal system or any other sanitation services unless an agreement has been entered into with the Water Service Provider for the rendering of those services.
- 2) The Water Service Provider as agent may, irrespective of any other action it may take against such person in terms of these by-laws, by written notice order a person who has gained access to water services from the water supply system, sewage disposal system or any other sanitation services without an agreement with the Water Service Provider for the rendering of those services,;
 - (a) to apply for such services in terms of Section 14 hereof; and
 - (b) to undertake such work as may be necessary to ensure that the client installation through which access was gained complies with the provisions of these by-laws.
- 3) The provisions of Section 145 below apply to a notice in terms of Sub-Section (2) above.

138 INTERFERENCE WITH INFRASTRUCTURE FOR THE PROVISION OF WATER SERVICES

- 1) No person other than the Water Service Provider shall manage, operate or maintain the water supply system or any sanitation system unless authorized by these by-laws.
- 2) No person other than the Water Service Provider shall effect a connection to the water supply system or sewage disposal system or render any other sanitation services.
- 3) The Water Service Provider may recover any costs associated with repairing damage caused as a result of a contravention of Sub Sections (1) and (2). The costs recoverable by the Water Service Provider is the full cost associated with repairing the damage and includes, but is not restricted to, any exploratory investigation, surveys, plans, specifications, schedules of quantities, supervision, administration charge, the use of tools, the expenditure of labour involved in disturbing or rehabilitation of any part of a street or ground affected by the repairs and the environmental cost.

139 OBSTRUCTION OF ACCESS TO INFRASTRUCTURE FOR THE PROVISION OF WATER SERVICES

- 1) No person shall prevent or restrict physical access to the water supply system or sewage disposal system.
- 2) If a person contravenes Sub-Section (1), the Water Services Provider may -
 - a) by written notice require such person to restore access at that person's own expense within a specified period; or
 - b) if it is of the opinion that the situation is a matter of urgency, without prior notice restore access and recover the cost from such person
- 3) The costs recoverable by the Water Service Authority and/or Water Service Provider is the full cost associated with restoring access and includes, but is not restricted to, any exploratory investigation, surveys, plans, specifications, schedules of quantities, supervision, administration charge, the use of tools, the expenditure of labour involved in disturbing or rehabilitation of any part of a street or ground affected by restoring access and the environmental cost.

140 WASTE OF WATER UNLAWFUL

- 1) No client shall permit -
 - a) the purposeless or wasteful discharge of water from terminal water fittings;
 - b) pipes or water fittings to leak;
 - c) the use of maladjusted or defective water fittings;
 - d) an overflow of water to persist; or
 - e) an inefficient use of water to persist.
- 2) 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 is likely to cause an occurrence listed in Sub-Section (1) above.
- 3) If an owner fails to take measures as contemplated in Sub-Section (2) above of this by-law, the Water Service Provider shall, by written notice in terms of Section 145 require the owner to comply with the provisions of Sub-Section (1) above.
- 4) A client shall ensure that any equipment or plant connected to his or her water installation uses water in an efficient manner.
- 5) The Water Service Provider may, by written notice, prohibit the use by a client of any equipment in a water installation if, in its opinion, its use of water is inefficient. 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 Water Service Provider.

141 UNAUTHORISED AND ILLEGAL DISCHARGES

- 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.
- 2) The owner or occupier of any premises on which steam or any liquid, other than potable water, is stored, processed or generated shall provide all facilities necessary to prevent any discharge or leakage of such liquid to any street, storm water drain or watercourse, whether natural or artificial, except where, in the case of steam, the Water Service Provider has approved such discharge.
- 3) Where the hosing down or flushing by rainwater of an open area on any premises is in the opinion of the Water Service Provider is 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 watercourse, the Water Service Provider may, by notice, require the owner of the premises to take reasonable measures to prevent or minimise such discharge or pollution.
- 4) No person may discharge or cause or permit the discharge of -
 - a) any substance, including storm water, other than sewage to be discharged into a drainage installation;
 - b) water from any swimming pool directly or indirectly over any road or into a gutter, storm water drain, watercourse, open ground or private premises other than the premises of the owner of such swimming pool;
 - c) water from artificial fountains, reservoirs or swimming pools situated on the premises into a drainage installation, without the approval of the Water Service Provider and subject to the payment of relevant charges and such conditions as the Water Service Provider may impose;
 - d) any sewage, industrial effluent or other liquid or substance which -

- (1) in the opinion of the Water Service Provider may be offensive to or may cause a nuisance to the public;
 - (2) is in the form of steam or vapour or has a temperature exceeding 44° C at the point where it enters the sewer;
 - (3) has a pH value less than 6.0;
 - (4) contains any substance of whatsoever nature likely to produce or release explosive, flammable, poisonous or offensive gases or vapours in any sewer;
 - (5) contains any substance having an open flashpoint of less than 93°C or which releases a poisonous vapour at a temperature below 93° C;
 - (6) contains any material of whatsoever nature, including oil, grease, fat or detergents capable of causing obstruction to the flow in sewers or drains or interference with the proper operation of a sewerage treatment works;
 - (7) shows any visible signs of tar or associated products or distillates, bitumens or asphalts;
 - (8) contains any substance in such concentration to produce an undesirable taste after chlorination or an undesirable odour or colour, or excessive foam;
 - (9) has either a greater PV or COD (Chemical Oxygen Demand) value, a lower pH value, or a higher caustic alkalinity or electrical conductivity than specified in Schedule A, without the prior approval and subject to the payment of relevant charges and such conditions as the Water Service Authority and/or Water Service Provider may impose;
 - (10) contains any substance which in the opinion of the Engineer –
 - (aa) cannot be treated at the sewage treatment work to which it could be discharged; or
 - (bb) cannot negatively affect the treatment processes at the sewage treatment work to which it could be discharged; or
 - (cc) cannot negatively impact on the ability of the sewage treatment work to produce discharges that meet the waste water discharge standards set in terms of the National Water Act, 1998 (Act 36 of 1998); or
 - (11) either alone or in combination with other substance may –
 - (aa) generate or constitute a toxic substance dangerous to the health of persons employed at the sewage treatment works or entering the Council's sewers or manholes in the course of their duties; or
 - (bb) be harmful to sewers, treatment plant or land used for the disposal of treated waste water; or
 - (cc) adversely affect any of the processes whereby sewage is treated or any re-use of sewage effluent.
- 5) No person shall cause or permit the accumulation of grease, oil, fat or solid matter in any drainage installation that can adversely affect its effective functioning.
- 6) The Water Service Provider may, notwithstanding any other actions that may be taken in terms of these by-laws, recover from any person who discharges industrial effluent or any substance which is unauthorised or illegal all costs incurred, by the Water Service Provider as a result of such discharges, including costs that result from -
- a) injury to persons, damage to the sanitation system; or
 - b) a prosecution in terms of the National Water Act, 1998 (Act No. 36 of 1998).

142 ILLEGAL CONNECTION

- 1) A client whose access to water supply services has been-
 - a) restricted;
 - b) disconnected; and
 - i) who intentionally and unlawfully reconnects to services;
 - ii) or who intentionally or negligently interferes with infrastructure through which water supply services are provided, shall on written notice have the water supply service disconnected and shall be guilty of an offense as contemplated in section 142 and shall be dealt with in accordance with that section.

143 INTERFERENCE WITH INFRASTRUCTURE

- 1) No person may unlawfully and intentionally or negligently interfere with infrastructure through which the Water Service Provider provides municipal services.
- 2) If a person contravenes Sub-Section (1), the Water Service Provider may -

- a) by written notice require such person to seize or rectify the interference at his or her own expense within a specified period; or
- b) if it is of the opinion that the situation is a matter of urgency, without prior notice prevent or rectify the interference and recover the cost from such person.

144 USE OF WATER FROM SOURCES OTHER THAN THE WATER SUPPLY SYSTEM

- 1) No person shall use or permit the use of water obtained from a source other than the water supply system, other than rain water tanks which are not connected to the water installation, except with the prior approval of the Water Service Provider, and in accordance with such conditions as it may impose, for domestic, commercial or industrial purposes and except such use is permissible in terms of the National Water Act, 1998 (Act No. 36 of 1998).
- 2) Any person desiring the consent referred to in Sub-Section (1) shall provide the Water Service Provider with evidence satisfactory to it that the water referred to in Sub-Section (1) complies, whether as a result of treatment or otherwise, with the requirements of SABS 241: Drinking Water, or that the use of such water does not or cannot constitute a danger to health.
- 3) Any consent given in terms of Sub-Section (1) may be withdrawn if, in the opinion of the Water Service Provider -
 - a) a condition imposed in terms of Sub-Section (1) is breached; or
 - b) the water quality no longer conforms to the requirements referred to in Sub-Section (2).
- 4) The Water Service Provider may take samples of water obtained from a source, other than the water supply system and cause the samples to be tested for compliance with the requirements referred to in Sub-Section (2).
- 5) The determined charge for the taking and testing of the samples referred to in Sub-Section (4) above shall be paid by the person to whom consent was granted in terms of Sub-Section (1).
- 6) If water obtained from a borehole or other source of supply on any premises is used for a purpose which gives rise to the discharge of such water or a portion thereof into the Water Service Authority and/or Water Service Provider's sewerage system, the Water Service Provider may install a meter in the pipe leading from such borehole or other source of supply to the point or points where it is so used.
- 7) The provisions of Section 44 shall apply insofar as they may be applicable in respect of the meter referred to in Sub-Section (4).

CHAPTER 8: NOTICES

145 POWER TO SERVE AND COMPLIANCE WITH NOTICES

- 1) The Water Service Provider may, by written notice, order an owner, client or any other person who fails, by act or omission, to comply with the provisions of these by-laws or of any condition imposed thereunder to remedy such breach within a period specified in the notice, which period shall not be less than 30 (thirty) days except in the case of a notice issued in terms of Section 42 when the period shall not be less than 7 (seven) days.
- 2) If a person fails to comply with a written notice served on him or her by the Water Service Provider in terms of these by-laws within the specified period, it may take such action that in its opinion is necessary to ensure compliance, including -
 - a) undertaking the work necessary itself and recovering the cost of such action or work from that owner, client or other person;
 - b) restricting or discontinuing the provision of services; and
 - c) instituting legal proceedings.
- 3) A notice in terms of Sub-Section (1) must -
 - a) give details of the provision of the bylaws not complied with;
 - b) give the owner, client or other person a reasonable opportunity to make representations and state his or her case, in writing, to the Water Service Authority and/or Water Service Provider within a specified period, unless the owner, client or other person was given such an opportunity before the notice was issued;
 - c) specify the steps that the owner, client or other person must take to rectify the failure to comply;
 - d) specify the period within which the owner, client or other person must take the steps specified to rectify such failure; and
 - e) indicate that the Water Service Provider -

i) may undertake such work necessary to rectify the failure to comply if the notice is not complied with and that any costs associated with such work may be recovered from the owner, client or other person; and

ii) may take any other action it deems necessary to ensure compliance.

4) In the event of an emergency the Water Service Provider may without prior notice undertake the work required by Sub-Section (3)(e)(i) and recover the costs from such person.

5) The costs recoverable by the Water Service Provider in terms of Sub -Sections (3) and (4) is the full cost associated with that work and includes, but is not restricted to, any exploratory investigation, professional fees, surveys, plans, specifications, schedules of quantities, materials utilised, supervision, administration charge, the use of tools, the expenditure of labour involved in disturbing or rehabilitation of any part of a street or ground affected by the work and the environmental cost.

CHAPTER 9: APPEALS

146 APPEALS AGAINST DECISIONS OF THE WATER SERVICE PROVIDER

1) A client may appeal against a decision of or notice issued by the Water Service Provider in terms of these bylaws in writing.

2) An appeal and request in terms of Sub-Section (1) must be made in writing and lodged with the Water Service Provider within 14 (fourteen) days after a client became aware of the decision or notice and must –

a) set out the reasons for the appeal; and

b) be accompanied by any security determined for the testing of a measuring device, if applicable.

3) The Water Service Provider shall appoint an officer conversant in the home language of a client who is illiterate or not able functionally to understand the appeals process to assist the client in preparing, lodging and prosecuting the client's appeal and such officer shall at all times act impartially in regard to such assistance and shall observe the confidentiality of any information imparted to the officer by the client unless authorized to disclose such information by the client.

4) The Water Service Provider may on appeal by a client, request the client to pay the full amount due, and payable, excepting the amount in dispute, in terms of the account appealed against.

5) The client is liable for all other amounts, other than that appealed against, falling due and payable during the adjudication of the appeal.

6) An appeal must be decided by the Water Service Provider as authorized agent within 21 (twenty one) days after an appeal was lodged and the client must be informed of the outcome in writing, as soon as possible thereafter.

7) The Water Service Provider may condone the late lodging of appeals or other procedural irregularities.

8) If it is alleged in an appeal that a measuring device is inaccurate, the device must be subjected to a standard industry test to establish its accuracy. The client must be informed of the possible cost implications including the estimated amount of such test, as set out in this section of this by-law, prior to such test being undertaken.

9) If the outcome of any test shows that a measuring device is –

a) within a prescribed range of accuracy, the client shall be liable for the costs of such test and any

other amounts outstanding. Such costs will be debited against the client's account;

b) is outside a prescribed range of accuracy, the Water Service Provider as authorized agent shall be liable for the costs of such test and the client must be informed of the amount of any credit to which he, she or it is entitled.

10) The prescribed charge referred to in this section, if applicable, may be –

a) retained by the Water Service Provider as authorized agent if the measuring device is found not to be defective; or

b) refunded to the applicant if the measuring device is found in terms of those sections to be defective.

11) A measuring device shall be deemed to be defective if, when tested in accordance with a standard industry test or if the measuring device is a meter, the regulations published under Section 9 of the Act, it does not meet generally accepted specifications as set out in the regulations.

12) In addition to Sub-Section (10) above, the Water Service Provider must, if the measuring device is found defective –

a) repair the measuring device or install another device which is in good working order, without charge to the client, unless the costs thereof are recoverable from the client due to a contravention of these by-laws; and

b) determine the quantity of water service for which the client shall be charged in lieu of the quantity measured by the defective measuring device by applying the provisions of Section 48

13) Any appeal under this section shall be heard by a sub-committee of the Water Service Provider as authorized agent, specially appointed for such purpose, and the appellant may, in the appellant's discretion, appoint a person of his choice, who need not be a member of the said Council, to be a member of such sub-committee with full power to participate and vote at any meeting of such sub-committee.

14) The Water Service Provider as authorized agent will provide to the water service authority a report on a quarterly basis with regard to any queries and complaints in respect of accounts and/or appeals against the findings of the Water Service Provider as authorized agent in respect of queries or complaints.

15) The decision of the Water Service Provider is final, subject to review by the Water Service Authority.

16) All Appeal decisions taken on review shall be filed with the Water Service Provider in writing, within 14 days of the notification of the decision, and shall be lodged by the Water Service Provider with the Water Service Authority within 14 days of having been filed, and shall be reviewed by the Water Service Authority within 21 days of receipt thereof. The decision of the Water Service Authority shall be final.

CHAPTER 10: OFFENCES

147 OFFENCES

Any person who –

1) Obstructs or hinders the Water Service Authority and/or Water Service Provider in the exercising of the powers or performance of functions or duties under these bylaws.

2) Uses, tampers or interferes with municipal equipment, the water supply system, sanitation system and reticulation network or consumption of services rendered.

3) Contravenes or fails to comply with a provision of these by-laws other than a provision relating to payment for municipal services.

4) Fails to comply with the terms of a notice served upon him/her in terms of these bylaws; shall be guilty of an offence and liable upon conviction to a fine of not less than R 500.00 or to a period of imprisonment or community service not exceeding 4 (four) months or in the event of a continued offence to a further fine of R 1 000 (one thousand Rand) for every day during the continuance of such offence, and be held liable for damages suffered as a consequence of his actions.

CHAPTER 11: DOCUMENTATION

148 SIGNING OF NOTICES AND DOCUMENTS

A notice or document issued by the Water Service Provider as authorised in terms of these by-laws and signed by a staff member of the Water Service Authority and/or Water Service Provider shall be deemed to be duly issued and must on its mere production be accepted by a court as prima facie evidence of that fact.

149 NOTICES AND DOCUMENTS

1) Any notice or other document that is served on an owner, client or any other person in terms of these by-laws is regarded as having been served -

a) if it has been delivered to that person personally;

b) when it has been left at that person's village, place of residence, or business or employment in the Republic, with a person apparently over the age of sixteen years;

c) when it has been posted by registered or certified mail to that person's last known residential address or business address in the Republic and an acknowledgement of posting thereof from the postal service is obtained;

d) if that person's address in the Republic is unknown, when it has been served on that person's agent or representative in the Republic in the manner provided in Sub-Section 1 (a) – (c); or
e) if that person's address and agent or representative in the Republic is unknown, when it has been posted in a conspicuous place on the property or premises, if any, to which it relates.

2) When any notice or other document must be authorised or served on the owner, occupier or holder of any property it is sufficient if that person is described in the notice or other document as the owner, occupier or holder of the property or right in question, and is not necessarily the name of that person.

3) In the case where compliance with a notice is required within a specified number of working days, such period shall be deemed to commence on the date of delivery or sending of such notice.

150 AUTHENTICATION OF DOCUMENTS

Every order, notice or other document requiring authentication by the Water Service Provider shall be sufficiently authenticated, if signed by a duly authorised officer of the Water Service Provider or the Manager of the Water Service Authority and/or Water Service Provider's authorised agent; such authority being conferred by resolution of the Water Service Authority and/or Water Service Provider, written agreement or by a by-law.

151 PRIMA FACIE EVIDENCE

In legal proceedings by or on behalf of the Water Service Provider, a certificate reflecting the amount due and payable to the Water Service Provider, under the hand of the manager of the Water Service Provider, or suitably qualified staff member authorised by the manager of the Water Service Provider, shall upon mere production thereof be accepted by any court of law as prima facie evidence of the indebtedness.

CHAPTER 12: GENERAL PROVISIONS

152. RESPONSIBILITY FOR COMPLIANCE WITH THESE BY-LAWS

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

2) The client is responsible for compliance with these by-laws in respect of matters relating to the use of any water and sanitation installation.

153 PROVISION OF INFORMATION

An owner, occupier, client or person within the area of supply of the Water Service Authority and/or Water Service Provider must provide the Water Service Provider with accurate information requested by the Water Service Provider that is reasonably required by the Water Service Provider for the implementation or enforcement of these by-laws.

154 INDEMNIFICATION FROM LIABILITY

Neither employees of the Water Service Provider nor any person, body, organisation or corporation acting on behalf of the Water Service Provider is liable for any damage arising from any omission or act done in good faith in the course of the employee's duties.

155 EXEMPTION

1) Subject to all the provisions set out below in this by-law, the Water Services Provider may, in writing exempt an owner, client, any other person or category of owners, clients or other persons from complying with a provision of these by-laws, subject to any conditions it may impose, if it is of the opinion that the application or operation of that provision would be unreasonable, provided that the Water Services Provider shall not grant exemption from any section of these by-laws that may result in –

- (a) the wastage or excessive consumption of water;
- (b) the evasion or avoidance of water restrictions;
- (c) significant negative effects on public health, safety or the environment;
- (d) the non-payment for services;

(e) the installation of pipes and fittings which are not approved by or on behalf of the Water Services Provider as authorized agent in terms of these by-laws; and

(g) the Act, or any regulations made in terms thereof, is not complied with.

2) Upon receipt of the application for exemption, the Water Services Provider as duly authorized agent must:

(i) immediately forward such application to the Water Services Authority together with the recommendations of the Water Services Provider; and

- (ii) may grant temporary exemption pending receipt of the Water Services Authority's resolution.
- 3) Temporary exemption granted in terms of Sub-Section (2) above shall terminate after 90 (ninety) days if :
- (a) the Water Services Authority has not agreed to the exemption; or
- (b) the Water Services Authority has not granted extension of the temporary exemption while it continues to consider the application.
- 4) If the Water Services Authority has not approved the exemption after a further 90 (ninety) days, it shall lapse regardless.
- 5) The Water Services Provider may at any time after giving written notice of at least thirty days, withdraw any exemption given in terms of Sub-Section (1).
- 6) No owner, client, any other person or category of owners, clients or other persons shall be exempted unless with the authority and consent of the Water Services Authority, by resolution of the Municipal Council of the Water Services Authority after receipt of a resolution requesting such exemption and the reasons therefore from the Water Services Provider.
- 7) The Water Services Provider shall report monthly to the Water Services Authority during such exemption period and shall motivate and report as to why the exemption should remain in place. A monthly list of active exemptions shall be submitted to Water Services Authority.
- 8) All exemptions shall be reviewed quarterly by the Water Services Authority and Water Service Provider and a report submitted on this review.
- 9) The Water Services Authority must submit the application to the next ensuing Council meeting immediately following receipt of the submission and should the said Water Services Authority fail to do so and/or the Council fail to address the issue and take a resolution, then and in that event the applicant for exemption may appeal to the Member of the Executive Committee of the Provincial Government charged with the administration of local government affairs (the MEC) to intervene in the matter.
- 10) If the MEC receives an appeal in terms of sub section (9) above, the MEC may -
- (a) Call upon the Council in writing to convene a council meeting within sixty (60) days to consider the application for exemption; and
- (b) notwithstanding the provisions of Sub-Section 4, grant an extension of the temporary exemption to run concurrently with the period of notice served upon the Council in terms of sub-paragraph (a) above and to continue to be in force until the Council has -
- (i) Considered the application for exemption; and
- (ii) Conveyed its decision to the applicant in writing.

156 AVAILABILITY OF BY-LAWS

- 1) A copy of these by-laws shall be included in the Municipalities Municipal Code as required in terms of section 15 of the Local Government: Municipal Systems Act, No 32 of 2000.
- 2) A copy of these by-laws shall be available for inspection at the municipal offices or at the offices of its authorised agent at all reasonable times.
- 3) A copy of the by-laws may be obtained against payment of a prescribed fee from the Water Services Provider. Provider.

157 CONFLICT OF LAW

If there is any conflict between these by-laws and any other by-laws of the Water Service Authority and/or Water Service Provider, these by-laws shall prevail.

158 TRANSITIONAL ARRANGEMENTS

- 1) Installation work authorised by the Water Service Provider prior to the commencement date of these by-laws or authorised installation work in progress on such date shall be deemed to have been authorised in terms of these by-laws. The Water Service Provider may for a period of 90 (ninety) days after the commencement of these by-laws authorise installation work in accordance with the by-laws that regulated such work immediately prior to the promulgation of these by-laws.
- 2) Any reference in these by-laws to a charge determined by the Water Service Provider council shall be deemed to be a reference to a charge determined by the Municipal Council under the laws repealed by Section 160, until the effective date of any applicable charges that may be determined by the Municipal Council in terms of these by-laws or by-laws relating to credit control and debt collection and any reference to a provision in the laws repealed by Section 160 shall be deemed to be a reference to a corresponding provision in these by-laws.

3) Any approval, consent or exemption granted under the laws repealed by Section 160 shall, save for the provisions of Sub Section (3), remain valid.

4) No client shall be required to comply with these by-laws by altering a water installation or part thereof which was installed in conformity with any laws applicable immediately prior to the commencement of these by-laws; provided that if, in the opinion of the Water Service Provider, the installation or part thereof is so defective or in such a condition or position as to cause waste or undue consumption of water, pollution of the water supply or a health hazard, the Water Service Provider may by notice require the client to comply with the provisions of these by-laws.

159 REPEAL OF EXISTING MUNICIPAL WATER SERVICES BY-LAWS

The provisions of any by-laws relating to water supply services and sanitation services by the Municipality are hereby repealed insofar as they relate to matters provided for in these by-laws.

160 SHORT TITLE AND COMMENCEMENT

1) These by-laws are called the Water and Sanitation Services By-laws of the UKHAHLAMBA DISTRICT Municipality and shall commence on the date of publication in the Provincial Government Gazette.

2) The Water Service Authority and/or Water Service Provider may, by notice in the Provincial Gazette, determine that provisions of these bylaws, listed in the notice, does not apply in certain areas within its area of jurisdiction listed in the notice from a date specified in the notice.

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

SCHEDULES

QUALITY STANDARDS

(See Section 78(1) (a))

SCHEDULE A

Acceptance of industrial effluent for discharge into the sewage disposal system

No industrial effluent shall be accepted for discharge into the sewage disposal system unless it complies with the following conditions.

The industrial effluent shall not contain concentrations of substances in excess of those stated below:-

Large works general quality limits are applicable when an industry's effluent discharges in a catchment leading to a sewage works of greater than 25 M/d capacity. Small Works quality limits apply for catchments leading to sewage works with less than 25 M/d capacity.

GENERAL QUALITY LIMITS LARGE WORKS

?25 M/d

SMALL WORKS

? 25 M/d

UNITS

1. Temperature °C? 44 C? 44 C Degrees Celsius

2. pH 6 ? pH ? 10 6,5 ? pH ? 10 pH units

3. Oils, greases, waxes of mineral origin

50 50 mg/

4. Vegetables oils, greases, waxes

250 250 mg/

5. Total sugar and starch (as glucose)

1 000 500 mg/

6. Sulphate in solution (as SO = 4)

250 250 mg/

7. Sulphide, hydrosulphides (as S=) and polysulphides

1 1 mg/

8. Chlorides (as Cl-) 1 000 500 mg/

9. Fluoride (as F-) 5 5 mg/

10. Phenols (as phenol) 10 5 mg/
 11. Cyanides (as CN-) 20 10 mg/
 12. Settleable solids Charge Charge m/
 13. Suspended solids 2 000 1 000 mg/
 14. Total dissolved solids 1 000 5000 mg/
 15. Electrical conductivity - 400 Ms/m
 16. Anionic surfactants - 500 mg/
 17. C.O.D. Charge Charge mg/
- GENERAL QUALITY LIMITS LARGE WORKS

>25 M/d

SMALL WORKS

<25 M/d

UNITS

Heavy Metal Limits

18. Copper (as Cu) 50 5 mg/
 19. Nickel (Ni) 50 5 mg/
 - Zinc (Zn) 50 5 mg/
 21. Iron (Fe) 50 5 mg/
 22. Boron (B) 50 5 mg/
 23. Selenium (Se) 50 5 mg/
 24. Manganese (Mn) 50 5 mg/
 25. Lead (Pb) 20 5 mg/
 26. Cadmium (Cd) 20 5 mg/
 27. Mercury (Hg) 1 1 mg/
 28. Total Chrome (Cr) 20 5 mg/
 29. Arsenic (As) 20 5 mg/
 30. Titanium (Ti) 20 5 mg/
 31. Cobalt (Co) 20 5 mg/
- TOTAL METALS 100 20 mg/

Special limitations

- 1 No calcium carbide, radio active waste or isotopes
- 2 No yeast and yeast wastes, molasses spent or unspent
- 3 No cyanides or related compounds capable of liberating HCN gas or cyanogen
4. No degreasing solvents, petroleum spirit, volatile flammable solvents or any substance which yields a flammable vapour at 21 C

SCHEDULE B: Acceptance of industrial effluent for discharge into sea outfalls

No industrial effluent shall be accepted for discharge into the sea outfall unless it complies with the following conditions. The industrial effluent shall not contain concentrations of substances in excess of those stated below:-

SEA OUTFALL QUALITY LIMIT UNIT

1. Temperature 44 C
2. Ph 5,5 < pH < 9,5
3. Settleable solids 2 m/
4. Oils, greases and waxes of mineral origin 50 mg/
5. Arsenic (expressed as As) 5 mg/
6. Cadmium (expressed as Cd) 1,5 mg/
7. Total chromium (expressed as Cr) 3 mg/
8. Copper (expressed as Cu) 3 mg/
9. Lead (expressed as Pb) 5 mg/
10. Mercury (expressed as Hg) 0,05 mg/
11. Cyanides (expressed as CN) 10 mg/
12. Nickel (expressed as Ni) 10 mg/
13. Zinc (expressed as Zn) 20 mg/
14. Sulphide (expressed as S=) 1 mg/
15. Sulphates in solution (expressed as SO=

4) 250 mg/

DWAF SCHEDULE A AND B – TO BE MARRIED TO PRECEEDING SCHEDULE A AND B

Section 1.01 Schedule A

(a)

(b) LIMITS OF CONCENTRATION OF SUBSTANCES THAT MAY BE DISCHARGED TO THE WATER

SERVICE AUTHORITY AND/OR WATER SERVICE PROVIDER'S SANITATION SYSTEM

Parameter Allowed Specification

PV-not exceed 1400 ml/l

Ph within range 6,0 – 10,0

Electrical conductivity - not greater than 500 m

S / m at 20 °C

Caustic alkalinity (expressed as CaCO_3) 2 000 mg / l

Substance not in solution (including fat, oil, grease waxes and like substances) substances)

2 000 mg / l

Substances soluble in petroleum ether 500 mg / l

Sulphides, hydro-sulphides and polysulphides (expressed as S) 50 mg / l

Substances from which hydrogen cyanide can be liberated in the drainage installation, sewer or sewage treatment works (expressed as HCN)

20 mg / l

Formaldehyde (expressed as HCHO) 50 mg / l

Non - organic solids in suspension 100 mg / l

Chemical oxygen demand (CO) 5 000 mg / l

All sugars and / or starch (expressed as glucose) 1 500 mg / l

Available chlorine (expressed as Cl) 100 mg / l

Sulphates (expressed as SO_4) 1 800 mg / l

Fluorine - containing compounds (expressed as F) 5 mg / l

Anionic surface active agents 500 mg / l

WATER SERVICE BYLAW 2004

Page 79

METALS:

Group 1:

Metal Expressed as

Manganese Mn

Chromium Cr

Copper Cu

Nickel Ni

Zinc Zn

Iron Fe

Silver Ag

Cobalt Co

Tungsten W

Titanium Ti

Cadmium Cd

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

Group 2:

Metal Expressed as

Lead Pb

Selenium Se

Mercury Hg

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

OTHER ELEMENTS**Element Expressed as**

Arsenic As

Boron B

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

RADIO-ACTIVE WASTES

Radio-active wastes or isotopes: Such concentration as may be laid down by the Atomic Energy Board or any national or Department:

Provided that, notwithstanding the requirements set out in this Part, the Water Service Authority and/or Water Service Provider reserves the right to limit the total mass of any substance or impurity discharged per 24 hours into the sanitation system from any premises.

METHOD OF TESTING:

The method of testing in order to ascertain the concentration of any substance in this Schedule shall be the test normally used by the Water Service Authority and/or Water Service Provider for these purposes. Any person discharging any substance referred to in this Schedule shall ascertain the details of the appropriate test from the Water Service Authority and/or Water Service Provider.

Section 1.02 Schedule B

(a)

(b) APPLICATION FORM FOR THE DISCHARGE OF INDUSTRIAL EFFLUENT TO THE WATER

SERVICE AUTHORITY AND/OR WATER SERVICE PROVIDER'S SANITATION SYSTEM

(Please complete application in block capitals)

I (name):

the undersigned, duly authorised to set on behalf of _____
and hereinafter referred to as the applicant, hereby
apply in terms of the Water Services Bylaws of the
Water Service Authority and/or Water Service
Provider for approval to discharge industrial effluent
into the Water Service Authority and/or Water
Service Provider's sanitation system in accordance
with the information provided herein.

PART I

1. NATURE OF THE BUSINESS OR
INDUSTRY CONCERNED:

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

3. POSTAL ADDRESS OF THE BUSINESS OR
INDUSTRY:

4. PHYSICAL STREET ADDRESS:

ERF NO OR FARM PTN:

TOWNSHIP OR FARM:

5. If the business or industry is conducted by a
Company or closed corporation, state the
name of the secretary, and if it is a
partnership state the names of the partners:

6. IS THIS A NEW OR ESTABLISHED

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

8. INFORMATION RELATING TO EMPLOYEES:

Office Factory

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? :

PART II

INFORMATION RELATING TO THE CONSUMPTION OF WATER

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

Meter No Meter No Meter No Total

Water purchased from the Water Service Authority and/or Water Service Provider Water from
 borehole or other source Water entering with raw materials Section of plant served by meter

Total A

2. WATER CONSUMPTION

(1) Industrial kl/Month

(i) Quantity of water in product

(ii) Quantity of water lost by evaporation

(iii) Quantity of water used as boiler make-up

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

TOTAL B

(2) Domestic use kl/Month

(i) Total number of employees (Allow 1 kilolitre/person/month)

(ii) Total number of employees permanently resident on the
 premises eg. hostels (Allow 1 kilolitre/person/month)

TOTAL C

3. EFFLUENT DISCHARGE INTO SANITATION SYSTEM

(1) Metered volume (if known)kl/ Month

(2) Estimated un-metered volume (see below*)kl/ Month

(3) Estimated rate of discharge

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

* In the event that no effluent meter is installed on the premises, the estimated volume of un-metered

effluent discharge to sewer is calculated as follows:

$A - (B + C) = \dots\dots\dots$ Kilolitre /Month

(i) PART III

INFORMATION REGARDING THE COMPOSITION OF INDUSTRIAL EFFLUENT

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

(1) Maximum temperature of effluent °C

(2) pH value Ph

(3) Nature and amount of settleable solids

(4) Organic Content (Expressed as Chemical Oxygen Demand)

(5) Maximum total daily discharge (kilolitres)

(6) Maximum rate of discharge (kilolitres / hr)

(7) Periods of maximum discharge, (e.g. 7:00 am to 8:00 am)

(8) If any of the substances or their salts, specified in the table, are formed on the premises, a cross must be placed in the space in which the substance appears, and, if possible, the average concentration of this substance likely to be present in any effluent must also be stated.

TABLE

ELEMENTS COMPOUNDS OTHER SUBSTANCES

Arsenic mg/l Ammonium mg/l Grease and / or oil mg/l
 Boron mg/l Nitrate mg/l Starch and / or sugars mg/l
 Cadmium mg/l Sulphide mg/l Synthetic detergents mg/l
 Chromium mg/l Sulphate mg/l Tar and / or tar oils mg/l
 Cobalt mg/l Others (Specify) mg/l Volatile Solvents mg/l
 Copper mg/l Others (Specify) mg/l
 Cyanide mg/l
 Iron mg/l
 Lead mg/l
 Manganese mg/l
 Mercury mg/l
 Nickel mg/l
 Selenium mg/l
 Tungsten mg/l
 Titanium mg/l
 Zinc mg/l
 Other (Specify) mg/l

(9) Any further information as to kind or character, chemical compositions, concentrations or other properties peculiar to the industrial effluent to be furnished on a separate sheet and attached hereto.

PART IV**CONDITIONS RELATING TO THE ACCEPTANCE OF INDUSTRIAL EFFLUENT**

1. The applicant shall attach descriptions and a statement of the dimensions of grease and oil traps, screens, dilution and neutralising tanks and any other provision made for the treatment of the effluent prior to discharge to the sanitation system.
2. The applicant shall submit to the Water Service Authority and/or Water Service Provider, if requested, plans showing the reticulation systems on his premises for water and industrial effluent.
3. The applicant shall, in addition to complying with the provisions of the Water Service Authority and/or Water Service Provider's Water Services by-laws aimed at the protection of its employees, sewers and treatment plant from damage, comply with any direction concerned with such protection given by the Engineer verbally or in writing for the purpose of ensuring the applicant's compliance with the said by-laws.
4. The applicant shall notify the Water Service Authority and/or Water Service Provider, as soon as possible after he becomes aware thereof, or at least 14 days before anything is done to cause material alteration in the nature or quantity of the industrial effluent specified in this application or in any of the facts stated by him therein.
5. The applicant shall, within 30 days from the date of signature of this application, procure an accurately representative sample of not less than 5 litre of the industrial effluent to be discharged into the sewer, which sample shall be free of domestic sewage, and shall submit one half thereof to the Water Service Authority and/or Water Service Provider for analysis and also submit to the Engineer a report on the sample made by an analyst appointed by him: Provided that in the case of a newly established industry the period specified may be extended by the Water Service Authority and/or Water Service Provider for a period not exceeding six months or such further extended periods as the Water Service Authority and/or Water Service Provider in its discretion may approve.
6. The applicant hereby declares and warrants that the information given by him in this form, or otherwise, in connection with this application is, to the best of his knowledge and belief, in all respects correct.
7. The applicant agrees that the said information, being in all respects correct, shall form the basis on which this application is granted by the Water Service Authority and/or Water Service Provider.

Thus done at by the applicant this day of 20

Signature and capacity of the applicant

Section 1.03

Section 1.04 Schedule C

(a) FORMULA FOR THE CALCULATION OF EFFLUENT DISCHARGE CHARGES

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

Where T_c = Extraordinary Treatment Cost to Consumer

Q_c = Waste water Volume discharged by consumer in kl

t = Unit Treatment cost of waste water in R/kl

COD_c = Total COD of waste water discharged by consumer in milligrams/litre and is inclusive of both the biodegradable and non-biodegradable portion of the COD COD_d = Total COD of domestic waste water in milligrams per litre P_c = Ortho-phosphate concentration of waste water discharged by consumer in milligrams phosphorus per litre

P_d = Ortho-phosphate concentration of domestic waste water in milligrams phosphorus per litre

N_c = Ammonia concentration of waste water discharged by consumer in milligrams of nitrogen per litre

N_d = Ammonia concentration of domestic waste water in milligrams of nitrogen per litre

a = Portion of the costs directly related to COD

b = Portion of the costs directly related to the removal of phosphates

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

Different terms Value

T R0.82/kl

COD_d 600 mg/l

10 mg/l

N_d 25 mg/l

A 0.6

B 0.25

C 0.15

ECMSS DRAFT BYLAW DRAFT 3

Page 84

**ANNEXURE "A" APPLICATION INDIVIDUAL / DOMESTIC
APPLICATION FOR SERVICES INDIVIDUAL / DOMESTIC
UKHAHLAMBA DISTRICT MUNICIPALITY**

The following documents are to be attached for all new applications:

1. Original Pay slip 2. Original Bank Statement

3. Certified Copy of ID 4. Marriage Certificate

5. Copy of previous Municipal Account

IF FIRST TIME APPLICANT OR UNEMPLOYED-PREVIOUS MUNICIPAL ACCOUNT AND ORIGINAL

PAYSLIP MAY BE WAIVED

A

APPLICANT DETAIL

ID No Title: Mr/Mrs/Miss/other

Surname Full names

Date of birth..... Residential Address.....

..... City/Town

Postal Address Code.....

Tel No (H).....(W)..... Fax No..... Cell.....

Vehicle Registration No.....

Married in COP/Married by ANC/ Divorced/Widowed/Unmarried/Other

B

SPOUSES DETAILS (if married)

ID No Title: Mr/Mrs/Miss/other

Surname Full names

.....
 Date of birth Residential Address.....
 City/Town.....

Postal Address

..... Code.....
 Tel No (H)..... (W)..... Fax No..... Cell.....

C

FAMILY Details: Next of kin not living at same address

Name Residential Address.....
 City/Town..... Tel No..... Relationship.....

D

OWNERSHIP

Do you own the property? Yes/No

If yes, is the property bonded? Yes/no if yes, Institution bonded to.....

Bond Account No.....

If answer to ownership is no, please complete: (Attach signed copy of lease agreement)

Name of Owner..... ID No of Owner.....

ECMSS DRAFT BYLAW DRAFT 3

Address of Owner: Residential Address.....

City/To wn..... Code.....

Postal Address Code.....

Tel No (H)..... (W)..... Fax No..... Cell.....

E

EMPLOYMENT DETAILS

Company Address.....

Tel No..... Contact person..... Gross Salary.....

Net Salary as per pay slip..... Salary paid Weekly/Monthly

Period of employment Date employed..... Salary No.....

F

CREDIT INFORMATION

Are you under Administration / Insolvent? Yes/No Garnishee Order Yes/No Total.....

Other Loans:

1. Amount of installment R..... Balance R..... Bank.....

Acc No.....

2. Amount of installment R..... Balance R..... Bank.....

Acc No.....

3. Amount of installment R..... Balance R..... Bank.....

Acc No.....

Former Municipal Account No..... Name of Municipality.....

Three other

References required.

Account No..... Institution..... Contact No.....

Account No..... Institution..... Contact No.....

Account No..... Institution..... Contact No.....

BANK DETAILS: APPLICANT

Name of Bank..... Branch name..... Branch Code.....

Account No..... Account type.....

G

SERVICES REQUIRED

Address at which required.....

Date services are required..... Deposit Amount.....

ELECTRICITY: Pre Paid/Conventional WATER: Pre Paid/Conventional

REFUSE:..... SEWERAGE Domestic Tariff Commercial Tariff.....

H

SERVICE CONDITIONS

1.

OBLIGATION

1.1 I/we agree to be bound by the by-laws, regulations, policies and any other form of legislation adopted by UKHAHLAMBA DISTRICT MUNICIPALITY/or [-] Water Service Provider for the purpose of controlling and distributing the supply of services and for collecting or enforcing payment thereof and sign this agreement as being of all intent and purpose cognisant of such by-laws and regulations and any amendments thereof.

2. PAYMENT OF ACCOUNTS

2.1 Accounts must be paid on or before due date.

2.2 If no account is received, a duplicate may be obtained from the designated offices of the Water Service Provider. Please furnish the account number to expedite your query.

2.3 Should any dispute arise between me and the Water Service Provider, I will continue to pay my monthly levies in full until the dispute has been resolved and may not withhold payment for any reason.

2.4 If any account remains unpaid after due date, I will be responsible for any interest charged at a rate determined by the Water Service Provider on all overdue amounts.

2.5 I accept that the UKHAHLAMBA DISTRICT MUNICIPALITY/or [-] Water Service Provider has the authority to terminate my services due to non payment of any services rendered by the UKHAHLAMBA DISTRICT MUNICIPALITY/or [-] Water Service Provider without any further notice in terms of the Debt Collection and Credit Control Policy.

3. METER READINGS

3.1 The client is responsible for ensuring that meter readings can be taken at meter box without any obstruction, for example inaccessibility due to locked gates, dogs, covered water meters, dirty water meters etc.

3.2 The client is held liable for all consumption registered between the meter and the dwelling.

Estimated consumption is levied where a meter reading cannot be obtained.

3.3 If no readings can be obtained for a period of three months the service to the client shall be suspended without further notice.

3.4 Water Leak on property. The client must at their own expenditure repair any water leak on their premises and submit to the Finance Directorate a letter from the plumber setting out the leak, cause and repair thereof where after the client will be considered for a credit rebate on their account assessed as follows:

The number of kilolitres for rebate purposes shall be the balance of the excess consumption, the excess consumption being the water consumed above the monthly average over the previous three months, due to a leak in the supply pipe on the condition that the leak is reported within six months and is accompanied by the necessary proof from a registered plumber.

4. CONNECTION/TERMINATION OF SERVICES

4.1 The UKHAHLAMBA DISTRICT MUNICIPALITY/or [-] Water Service Provider has no obligation to supply services to the client until a full risk analysis has been completed.

4.2 The client remains responsible for any consumption on the premises up to the date on which the UKHAHLAMBA DISTRICT MUNICIPALITY/or [-] Water Service Provider has received a written notice of termination on the prescribed form for services, which should be 48 hours before the required date.

4.3 The owner is liable for all basic charges levied if the property is vacant.

4.4 Client acknowledges that they may not transfer the service account to another user but must follow the termination procedures of. UKHAHLAMBA DISTRICT MUNICIPALITY/or [-] Water Service Provider Should this not occur client acknowledges that they will be held liable in terms of illegal connection.

5. DEPOSIT

5.1 The applicable deposit as required by UKHAHLAMBA DISTRICT MUNICIPALITY/or [-] Water Service Provider is payable before any services will be rendered.

5.2 If any service is discontinued UKHAHLAMBA DISTRICT MUNICIPALITY/or [-] Water Service Provider may apply the deposit to the arrear account

5.3 If the deposit amount is insufficient, the deposit will be increased to the required amount as determined by UKHAHLAMBA DISTRICT MUNICIPALITY/or [-] Water Service Provider.

5.4 If any service is discontinued due to the non payment of the account the deposit shall be increased as determined by UKHAHLAMBA DISTRICT MUNICIPALITY/or [-] Water Service Provider.

6. DISCONTINUATION OF SERVICES

6.1 If any service is discontinued by UKHAHLAMBA DISTRICT MUNICIPALITY/or [-] Water Service Provider due to non payment an administration fee is payable as determined by UKHAHLAMBA DISTRICT MUNICIPALITY/or [-] Water Service Provider from time to time before any service can be reconnected.

6.2 If any cheque payment is returned by the UKHAHLAMBA DISTRICT MUNICIPALITY/or [-] Water Service Provider's bankers as "REFER TO DRAWER" services shall be discontinued immediately and the required amount plus an administration fee shall have to be replaced by cash before any services will be reconnected together with any bank charges levied.

7. PAYMENTS ON ACCOUNTS

7.1 Payments will be allocated from the oldest debt to the latest debt in the following order:

(i) Assessment of Rates

(ii) Sewerage

(iii) Sundries

(iv) Water

(v) Refuse

(vi) Electricity

8. LEGAL COSTS

8.1 I/we accept full responsibility for any tracing costs and/or legal costs incurred by Council owing to my default on an Attorney client scale.

9. DEPOSITS as at _____ (Subject to amendment by UKHAHLAMBA DISTRICT MUNICIPALITY/or [-] Water Service Provider)

9.1 CONVENTIONAL METERS (Houses):

CONVENTIONAL METERS (Flats):

PRE PAID METERS (Houses and Flats):

10. TENANT

I/we accept and agree as the Tenant of a property to submit this form with the signature of the Landlord Affixed hereto failing which the Services shall not be reconnected and further am aware of, understand and consent to the conditions imposed.

11. OWNER

11.1 I/we.....

11.2 Address

.....
(Full names & Physical address)

(which address I choose for notification and service purpose) the owner of the said property consent to the opening of a service account by the applicant, my tenant, with UKHAHLAMBA DISTRICT

MUNICIPALITY/or [-] Water Service Provider.

I confirm I am duly authorised to sign this document as owner or on behalf of said owner.

11.2 I/we am/are aware of the stipulations of Section 118 of the Municipal Systems Act 2000 which state "The Council is bound by Section 118 of the Local Government Municipal Systems Act number 82 of 2000 and shall not issue a certificate of clearance for rural property which shall certify that all amounts due in respect of that property for municipal service fees, surcharges on fees/properties rate and other municipal taxes, levies and duties have been fully paid.

(a) All clients who apply for the rendering of services from the municipality will clearly indicate whether they are tenants and/or owners of the property. The Council shall endeavour to apply the credit control policy strictly against tenant clients so as to protect the interest of the owners who can be held liable in terms of Section 118 of the Local Government Municipal Systems Act, but shall not be held responsible and/or liable for the failure to do that and for any municipal service

fees and/or any other levies and duties which have accrued to the said tenant, which shall in terms of the said Act, be the responsibility and liability of the owner.

(b) It remains the owners' responsibility who leases the properties to protect themselves from having to pay arrear service charges, costs and other

(c) levies which may have been occurred by the tenants."

11.3 I confirm that in the event that my said tenant should fall into arrears that the Municipality attend to the following:

(a) Disconnection of Services to Tenant.

(b) Notification of Landlord of Arrears.

(c) No arrangements are entered into with Tenant unless with written consent of the owner.

Date: Signature of Owner/Agent:

.....

12. DISCONNECTION: RESTRICTOR WATER VALVE

I/we agree to and consent to the installation of a restrictor water valve on my property without notice should I default in my payment of my account and I be disconnected. I further agree that the said restrictor valve shall remain in place until I have addressed my full arrears.

13. DOMICILIUM

I /we choose as my domicilium citandi et executandi for the purpose hereof (the physical address at which service may be effected of any and all notices and legal processes which may be instituted by virtue hereof).....

.....
(Service Address must be a Physical address)

14. CONSENT TO JURISDICTION

In terms of section 45 of the Magistrates' Courts Act 32 of 1944, I/we consent to the jurisdiction of the Magistrate's Court otherwise having jurisdiction in respect of any action to be instituted against me/us by UKHAHLAMBA DISTRICT MUNICIPALITY/or [-] Water Service Provider. in terms thereof.

Signed aton this.....day of.....20.....

.....

Signature

.....

Signature of spouse (if married in Community of

Property

ECMSS DRAFT BYLAW DRAFT 3

Page 89

FOR OFFICE USE ONLY

Deposit paid R..... Receipt No.....

New Account No..... Old Account No.....

Name.....

Erf No.....Ward No.....

Records updated: Date..... Received by:.....

Tenant form: Owner notified: Yes/No Date:..... Copy on file

Yes/No

DATE WATER READING ELECTRICITY READING

Suburb Book

Erf No Page

Subdivision S/Page

Subsection

Enquiry Clerk Supervisor:

ANNEXURE "B" APPLICATION LEGAL PERSONA**APPLICATION FOR SERVICES: BUSINESS / LEGAL PERSONA**

UKHAHLAMBA DISTRICT MUNICIPALITY AND/OR [-] WATER SERVICE PROVIDER

The following documents are to be attached for all new applications:

1. Original Bank Statement
2. Certified Copy of:
 - Letters of authority
 - Certificate of Incorporation
 - Close Corporation Certificate
3. Copy of previous Municipal Account
4. Resolution: Authority to sign application

A

PERSONAL PARTICULARS

ID No..... Title: Mr/Mrs/Miss/other.....
 Surname Full names.....
 Date of birth..... Residential Address.....
 City/Town.....
 Postal Address Code.....
 Tel No (H)..... (W)..... Fax No..... Cell.....
 Vehicle Registration No.....

B

BUSINESS DETAILS

Name.....
 Tel No (H)..... (W)..... Fax No..... Cell.....
 Registration No.....
 Sole Trade/Partnership/Close Corporation/Company/Trust.....

**Attach copy of Registration Certificate if CC or Company / Letters of Authority if Trust
 If partnership Names and ID no of all Partners and copies of partners ID documents.**

Name Address..... ID NO.....
 Tel No (H)..... (W)..... Fax
 No..... Cell.....
 Name Address..... IDNO.....
 Tel No (H)..... (W)..... Fax
 No..... Cell..... Name
 Address..... ID NO.....
 Tel No (H)..... (W)..... Fax No..... Cell.....

Position of person authorized.....

Name of Auditor..... Name of Attorney.....

C

DIRECTORS / MEMBERS / TRUSTEES DETAILS (INSERT ANNEXURE IF NECESSARY)

Name Residential Address.....
 ID NO..... Tel No.....

D

OWNERSHIP

Do you own the property? Yes/No

If yes, is the property bonded? Yes/no if yes, Institution bonded to.....

Bond Account No.....

If answer to ownership is no, please complete:

Name of Owner..... ID No of Owner.....

Address of Owner: Residential

City/Town.....Code.....Po
stal Address

.....Code.....

Tel No (H)..... (O).....Fax No.....Cell.....

E

CREDIT INFORMATION

Are you under Administration / Insolvent? Yes/No Garnishee Order Yes/No Total.....

Other Loans: 1.Amount of installment R.....Balance

R.....Bank.....

Acc No.....

2. Amount of installment R.....Balance R.....Bank.....

Acc No.....

3. Amount of installment R.....Balance R.....Bank.....

Acc No.....

Former Municipal Account No.....Name of Municipality.....

Three other
references required.

Account No.....Institution.....Contact No.....

Account No.....Institution.....Contact No.....

Account No.....Institution.....Contact No.....

BANK DETAILS: APPLICANT

Name of Bank.....Branch name.....Branch Code.....

Account No.....Account type.....

F

PROPERTY INFORMATION

Erf No.....Ward No.....

G

SERVICES REQUIRED

Date services are required.....Deposit Amount.....

ELECTRICITY: Pre Paid/Conventional WATER: Pre Paid/Conventional

REFUSE:.....SEWERAGEDomestic TariffCommercial Tariff.....

H

SERVICE CONDITIONS

1.

OBLIGATION

1.1 I/we agree to be bound by the by-laws, regulations, policies and any other form of legislation adopted by UKHAHLAMBA DISTRICT MUNICIPALITY/or [-] Water Service Provider for the purpose of controlling and distributing the supply of services and for collecting or enforcing payment thereof and sign this agreement as being of all intent and purpose cognisant of such by-laws and regulations and any amendments thereof.

2. PAYMENT OF ACCOUNTS

2.1 Accounts must be paid on or before due date.

2.2 If no account is received, a duplicate may be obtained from the Finance Department at a tariff determined by Council. Please furnish the account number to expedite your query.

2.3 Should any dispute arise between me and the Council, I will continue to pay my monthly levies in full until the dispute has been resolved and may not withhold payment for any reason.

2.4 If any account remains unpaid after due date, I will be responsible for any interest charged at a rate determined by Council on all overdue amounts.

2.5 I accept that UKHAHLAMBA DISTRICT MUNICIPALITY/or [-] Water Service Provider has the authority to terminate my services due to non payment of any services rendered by the UKHAHLAMBA DISTRICT MUNICIPALITY/or [-] Water Service Provider without any further notice in terms of the Debt collection and Credit Control Policy.

3. METER READINGS

3.1 The client is responsible for ensuring that meter readings can be taken at meter box without any obstruction, for example inaccessibility due to locked gates, dogs, covered water meters, dirty water meters etc.

3.2 The client is held liable for all consumption registered between the meter and the dwelling. Estimated consumption is levied where a meter reading cannot be obtained.

3.3 If no readings can be obtained for a period of three months the service to the client shall be suspended without further notice.

3.4 Water Leak on property. The client must at their own expenditure repair any water leak on their premises and submit to the Finance Directorate a letter from the plumber setting out the leak, cause and repair thereof where after the client will be considered for a credit rebate on their account assessed as follows:

The number of kilolitres for rebate purposes shall be the balance of the excess consumption, the excess consumption being the water consumed above the monthly average over the previous three months, due to a leak in the supply pipe on the condition that the leak is reported within six months and is accompanied by the necessary proof from a registered plumber.

4. CONNECTION/TERMINATION OF SERVICES

4.1 The UKHAHLAMBA DISTRICT MUNICIPALITY/or [-] Water Service Provider as Authorized agent has no obligation to supply services to the client until a full risk analysis has been completed.

4.2 The client remains responsible for any consumption on the premises up to the date on which the UKHAHLAMBA DISTRICT MUNICIPALITY/or [-] Water Service Provider has received a written notice of termination on the prescribed form for services, which should be 48 hours before the required date.

4.3 The owner is liable for all basic charges levied if the property is vacant.

4.4 Client acknowledges that they may not transfer the service account to another user but must follow the termination procedures of UKHAHLAMBA DISTRICT MUNICIPALITY/or [-] Water Service Provider. Should this not occur client acknowledges that they will be held liable in terms of illegal connection.

5. DEPOSIT

5.1 The applicable deposit as required by UKHAHLAMBA DISTRICT MUNICIPALITY/or [-] Water Service Provider is payable before any services will be rendered.

5.2 If any service is discontinued UKHAHLAMBA DISTRICT MUNICIPALITY/or [-] Water Service Provider may apply the deposit to the arrear account.

5.3 If the deposit amount is insufficient, the deposit will be increased to the required amount as determined by UKHAHLAMBA DISTRICT MUNICIPALITY/or [-] Water Service Provider.

5.4 If any service is discontinued due to the non payment of the account the deposit shall be increased as determined by UKHAHLAMBA DISTRICT MUNICIPALITY/or [-] Water Service Provider.

6. DISCONTINUATION OF SERVICES

6.1 If any service is discontinued by UKHAHLAMBA DISTRICT MUNICIPALITY/or [-] Water Service Provider due to non payment an administration fee is payable as determined by UKHAHLAMBA DISTRICT MUNICIPALITY/or [-] Water Service Provider from time to time before any service will be reconnected.

6.2 If any cheque payment is returned by the UKHAHLAMBA DISTRICT MUNICIPALITY/or [-] Water Service Provider's bankers as "REFER TO DRAWER" services shall be discontinued immediately and the required amount plus an administration fee will have to be replaced by cash before any services be reconnected together with any bank charges levied.

7. PAYMENTS ON ACCOUNTS

7.1 Payments must be allocated from the oldest debt to the latest debt in the following order:

- (i) Assessment of Rates
- (ii) Sewerage
- (iii) Sundries
- (iv) Water
- (v) Refuse
- (vi) Electricity

8. LEGAL COSTS

8.1 I/we accept full responsibility for any tracing costs and/or legal costs incurred by Council owing to my default on an Attorney client scale or Magistrate Court.

9. DEPOSITS as at _____ (Subject to amendment by UKHAHLAMBA DISTRICT MUNICIPALITY/or [-] Water Service Provider)

9.1 CONVENTIONAL METERS (Houses)

CONVENTIONAL METERS (Flats)

PRE PAID METERS (Houses and Flats)

9.2 BUSINESS

Minimum deposit of R UKHAHLAMBA DISTRICT depending on the type and size of the business determined at the discretion of the UKHAHLAMBA DISTRICT MUNICIPALITY/or [-] Water Service Provider.

10. TENANT

I/we accept and agree as the Tenant of a property to submit this form with the signature of the Landlord affixed hereto failing which the Services shall not be reconnected and further am aware of, understand and consent to the conditions imposed.

11. OWNER

11.1 I/we..... Code

(Full names & Physical address)

(which address I choose for notification and service purpose) the owner of the said property consent to the opening of a service account by the applicant, my tenant, with UKHAHLAMBA DISTRICT

MUNICIPALITY/or [-] Water Service Provider.

I confirm I am duly authorized to sign this document as owner or on behalf of said owner.

11.2 I/we am aware of the stipulations of Section 118 of the Municipal Systems Act 2000 which state "The Council is bound by Section 118 of the Local Government Municipal Systems Act number 82 of 2000 and shall not issue a certificate of clearance for rural property which must certify that all amounts due in respect of that property for municipal service fees, surcharges on Fees/properties rate and other municipal taxes, levies and duties have been fully paid.

ii) All clients who apply for the rendering of services from the Water Service Authority and/or Water Service Provider will clearly indicate whether they are tenants and/or owners of the property. The Council shall endeavor to apply the credit control policy strictly against tenant clients so as to protect the interest of the owners who can be held liable in terms of Section 118 of the Local Government Municipal Systems Act, but shall not be held responsible and/or liable for the failure to do that and for any municipal service fees and/or any other levies and duties which have accrued to the said tenant, which shall in terms of the said Act, be the responsibility and liability of the owner.

iii) It remains the owners' responsibility who leases the properties to protect themselves from having to pay arrear service charges, costs and other

iv) levies which may have been occurred by the tenants."

11.3 I confirm that in the event that my said tenant should fall into arrears that the Water Service Authority and/or Water Service Provider attend to the following:

v) Disconnection of Services to Tenant.

vi) Notification of Landlord of Arrears.

vii) No arrangements be entered into with Tenant unless with written consent of the owner.

Date: Signature of Owner/Agent:

12. DISCONNECTION: RESTRICTOR WATER VALVE

I/we agree to and consent to the installation of a restrictor water valve on my property without notice should I default in my payment of my account and I be disconnected. I further agree that the said restrictor valve shall remain in place until I have addressed my full arrears.

13. DOMICILIUM

I/we choose as my domicilium citandi et executandi.....

.....CODE.....

(Physical address)

14. CONSENT TO JURISDICTION

In terms of section 45 of the Magistrates' Courts Act 32 of 1944, I/we consent to the jurisdiction of the Magistrate's Court otherwise having jurisdiction in respect of any action to be instituted

against me/us by UKHAHLAMBA DISTRICT MUNICIPALITY/or [-] Water Service Provider. in terms thereof.

15. Minimum deposit of R UKHAHLAMBA DISTRICT depending on the type and size of the business determined at the discretion of the Municipality and/or The Water Services Provider.

16. Where a consumer is disconnected for non-payment the reconnection fee remains unchanged at R....UKHAHLAMBA DISTRICT but the deposit charged is increased to R..... UKHAHLAMBA DISTRICT until the consumers deposit is equal to three months average consumption. (Total fee for reconnection is R.....UKHAHLAMBA DISTRICT)

17. All persons who are not SA citizens and who produce foreign/non SA Identity documents are required to pay double the deposit as stated above.

Signed aton this.....day of.....20.....

Signature (AUTHORISED PERSON)

SURETYSHIP

I/we (The Surety/Is) bind myself / ourselves as Surety for

.....
(Name of Account holder) to ("the Debtor")

.....
(the Municipality / Water Service Provider) ("the Creditor")

for the due performance by the debtor of its obligation to pay for services rendered in terms of this agreement

Proof

Any obligation of the Debtor and/or the amount of the indebtedness of the Debtor for which the Surety is liable to the Creditor at any time (including interest, the rate of interest and the method of calculation) shall be determined and conclusively proved by a certificate under any signature of the Municipal manager of the Creditor and shall be deemed to be prima facie proved.

- It shall not be necessary to prove the appointment or signature of the person signing any such certificate.

- Valid against the Surety in any competent court for the purpose of obtaining summary judgment against the Surety thereon;

Consent to Jurisdiction

- In terms of Section 45 of the Magistrates' Courts Act 32 of 1944, the Surety consents to the jurisdiction in respect of any action to be instituted against the Surety by the Creditor in terms hereof.

It shall nevertheless be entirely within the discretion of the Creditor as to whether to proceed against the Surety in such Magistrate's Court or any other court having jurisdiction.

Waiver of benefits

The Surety waives and renounces:

Any right to claim an accounting from the Creditor before making payment;

Any benefits which the Surety as surety is entitled to in law, without detracting from the generality of the foregoing, including the benefits of:

excussion;

division;

cession of action;

de duobus vel pluribus reis debendi

The Surety acknowledges that it knows and understands the meaning and full force and effect of such benefits.

Election for action

If there are two or more Sureties the Creditor shall be entitled to sue any Surety it elects and no other Surety may join in such action without the consent in writing of the Creditor.

Domicilium

For the purposes of this suretyship, including the giving of any notice required or permitted hereunder and any proceedings which may be instituted by virtue hereof, the Surety chooses

Domicilium citandi et executandi at (physical address of surety).

.....

 THUS DONE AND SIGNED AT on this..... day of 20.....
 WITNESSES

1.

NAME OF SURETY/IES

2.

-

FOR OFFICE USE ONLY

Deposit paid R..... Receipt No.....

New Account No..... Old Account No.....

Name.....

Records updated: Date..... Received by:.....

Tenant form: Owner notified: Yes/No date:..... Copy on file

Yes/No

DATE WATER READING ELECTRICITY READING

AGREEMENT TO PAY

I, the undersigned ID

Address Ward No Account no

(Herein referred to as the debtor)

Tel no

Acknowledge hereby to be indebted to: UKHAHLAMBA DISTRICT MUNICIPALITY and/or [-]

WATER

SERVICE PROVIDER

the amount of R (hereby named the capital) in respect of rates, sewerage, electricity, refuse and water.

I undertake to pay the mentioned amounts of R with no interest per year

to the UKHAHLAMBA DISTRICT MUNICIPALITY and/or [-] WATER SERVICE

PROVIDER as

follows:

a) Installment of R Per month, which has been calculated as follows:

Capital R

Interest R R0,00 (Nil)

ii) The first installment is payable before or on due date until the full capital amount has been paid up.

2. I ALSO UNDERSTAND THAT MY CURRENT ACCOUNT WITH THE UKHAHLAMBA DISTRICT MUNICIPALITY and/or UKHAHLAMBA DISTRICT WATER SERVICE PROVIDER BE PAID IN FULL EACH AND EVERY MONTH, PLUS THE PAYMENT OF THE AGREEMENT AS ABOVE.

3. If I neglect to pay the capital and interest as mentioned, before or on the due dates, the full outstanding balance will be reclaimed and payable and the UKHAHLAMBA DISTRICT MUNICIPALITY and/or [-] WATER SERVICE PROVIDER

I will be entitled to take legal procedures against me for the recovery thereof in which case I will be responsible for:

a) Payment of all legal costs on lawyer and client scale, as explained in the rules of the Law Society of the Cape Province.

b) Payment of the legal costs as prescribed in the Rules of the Law on Magistrates Courts in respect of legal steps which the UKHAHLAMBA DISTRICT MUNICIPALITY and/or [-] WATER SERVICE PROVIDER may take against me.

c) Payment of any tracing costs which the UKHAHLAMBA DISTRICT MUNICIPALITY and/or [-] WATER SERVICE PROVIDER may conclude to locate me..

2. I acknowledge and agree that on the sale of my house the full debt outstanding as at date of registration of transfer and rates due shall be paid in full by the transferring attorney from the proceeds. I further authorize and instruct the transferring attorney to furnish UKHAHLAMBA DISTRICT MUNICIPALITY and/or [-] WATER SERVICE PROVIDER with guarantee for the outstanding monies due to transfer payable on registration of transfer.

SIGNED AT ON THIS DAY OF 20

AS WITNESSES:

1.

DEBTOR

I, the undersigned, on behalf of UKHAHLAMBA DISTRICT MUNICIPALITY and/or [-] WATER

SERVICE PROVIDER Municipality hereby accept the above offer

ON BEHALF OF COUNCIL

I, the undersigned ID

the debtor do hereby confirm that I am aware of the acceptance by UKHAHLAMBA DISTRICT

MUNICIPALITY and/or [-] WATER SERVICE PROVIDER of the offer made by myself.

DEBTOR

FOR OFFICE USE

DATE SIGNATURE

NO BALANCE

DATE SIGNATURE
