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## LOCAL AUTHORITY NOTICE

**No. 53**

The Municipal Manager of Sundays River Valley Municipality hereby, in terms of Section 13(a) of the Local Government: Municipal Systems Act, No.32 of 2000, publishes the Draft Water and Sanitation By-laws for comments by the Sundays River Valley Municipality, for approval by its Council, as set out hereunder.

### SUNDAYS RIVER VALLEY MUNICIPALITY DRAFT WATER AND SANITATION BY-LAWS FOR COMMENTS

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## CHAPTER 1: DEFINITIONS

### PART 1 - DEFINITIONS

#### 1. Definitions

In these draft by-laws, unless the context otherwise indicates, any word or expression to which a meaning has been assigned in the Act, shall have the meaning so assigned, and

Accommodation unit	in relation to any premises means a building or section of a building occupied or used or intended for occupation or use for any purpose;
Act	means the Water Services Act 108 of 1997 and shall include any regulations made under the Act;
Audits	water audit and financial audit shall include any regulations made under the Act;
authorised agent	means a person/body authorized by the municipality to perform any act, function or duty in terms of, or exercise any power under, these bylaws;
authorised officer	means a person duly authorized to act for and on behalf of a water services authority;
best practicable	means the option that provides the most benefit or environmental option causes the least damage to the environment as a whole, at a cost acceptable to society, in the long term as well as 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, (Act No. 103 of 1977);
communal water services work	means a consumer connection through which water services work services are supplied to more than one person
Connecting point	means the point at which the drainage installation joins the connecting sewer;
Connecting Sewer	means a pipe owned by the water services 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;

Connecting pipe	means a pipe, the ownership of which is vested in the water services authority 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;
Delivery system	means a water delivery mechanism, which delivers a predetermined quantity of water to a consumer on agreed terms;
Municipality	means a municipality that has municipal legislative authority in an area of its jurisdiction;
Drain	means that portion of the drainage installation which 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 those 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, 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 takes samples for analysis from the sewage disposal and storm water disposal systems and from public waters and who has been certified to do so by a water services authority;
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;
Environmental cost	means the full cost of all measures necessary to restore the environment to its condition prior to the damaging incident;
Fire hydrant	means a potable water installation that conveys water for fire fighting purposes only;
Fixed charge	means the fixed cost associated with providing water services in a continuous, effective and efficient manner;
Meter	means a water meter as defined by the Regulations published in terms of the Trade Metrology Act, Act No. 77 of 1973 or, in the case of water meters of size greater than 100 mm, 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 shall remain the responsibility of the Water Services Provider as authorised agent;



Occupier	means a person who occupies any premises or part thereof, without regard to the title under which he or she occupies;
Owner	<p>means –</p> <ul style="list-style-type: none"> <li>(a) a person in whom is vested the legal title to the premises;</li> <li>(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, liquidator or other legal representative;</li> <li>(c) in any case where the water services authority 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;</li> <li>(d) in the case of premises for which a lease agreement of 30 years or longer has been entered into, the lessee thereunder;</li> <li>(e) in relation to – <ul style="list-style-type: none"> <li>(i) a piece of land delineated on a sectional plan registered in terms of the Sectional Titles Act 95 of 1986, the developer or the body corporate in respect of the common property, or</li> <li>(ii) a section as defined in such Act, the person in whose name such section is registered under a sectional title deed and includes the lawfully appointed agent of such person;</li> </ul> </li> </ul>
flood level (1 in 50 years)	means that level reached by flood waters of a frequency of 1 in 50 years;
flood plain (1 to 50 years)	means the area subject to inundation by flood waters of a frequency of 1 in 50 years;
high strength sewage	means sewage with strength or quality greater than standard domestic effluent;
household	means a dwelling, structure, traditional homestead or property primarily occupied for residential purposes;
incapacitated	for the purposes of the definition of 'consumer' shall mean 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 stormwater, and includes industrial effluent discharged into a sewage treatment plant;

industries	means any persons, organizations or institutions that use water for mining, manufacturing, generating electricity, land-based transport, construction or any related purpose;
installation work	means work in respect of the construction of, or carried out on a water installation;
intermediaries	as specified in the Act;
main	means a pipe, other than a connection pipe, vesting in the water services authority and used by it for the purpose of conveying water to a consumer;
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.
person	means any natural person, local government body or tike authority, a company incorporated under any law, a body of persons whether incorporated or not (community or consumer group), a statutory body, public utility body, voluntary association or trust;
person in charge	for the purposes of the definition of 'consumer' shall include the registered owner of the premises to which water services are provided;
pollution	<p>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:</p> <p>(a) less fit for any beneficial purpose for which it may reasonably be expected to be used; or</p> <p>(b) harmful or potentially harmful</p> <p>(i) to the welfare, health or safety of human beings;</p> <p>(ii) to any aquatic or non-aquatic organism;</p>
Premises	<p>means any piece of land, the external surface boundaries of which are delineated on -</p> <p>a) a general plan or diagram registered in terms of the Land Survey Act, Act No. 9 of 1927, or in terms of the Deeds Registries Act, Act No. 47 of 1937; or</p> <p>b) a piece of land delineated on a sectional plan registered in terms of the Sectional Titles Act, Act No. 95 of 1986, the developer or the body corporate in respect of the common property, or</p> <p>c) an identified portion of land within a tribal area;</p>
public notice	public note means a notice in a newspaper in at least two of the official languages in general use within the Province or area

	in question, and, where possible, the notice shall be published in a newspaper appearing predominantly in the language utilized in the publication of the notice;
public water	means any river, watercourse, bay,, estuary, the sea and any other water which the public has a right to 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 bylaws water for industrial purposes and the disposal of industrial effluent;
sea outfalls	means the discharge of effluent directly into the sea;
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 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 services authority and which may be used by it in connection with the disposal of sewage and shall include the sea outfalls;
sewage	means waste water, industrial effluent, standard domestic effluent and other waste, including human excreta, either separately or in combination^ but shall not include storm water;
sewer	means any pipe or conduit which is the property of or is vested in the water services authority and which may be used for the conveyance of sewage from the connecting sewer and shall not include a drain as defined;
standard domestic effluent	means domestic effluent with strength characteristics prescribed from time by the water services authority or the appropriate Minister under section 9 of the Act 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 or its authorised agent, but shall not include industrial effluent; terminal water fitting means water fitting at an outlet of a water installation which controls the discharge of water from a water installation;
trade premises	means premises upon which industrial effluent is produced;
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 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;
water schemes	shall mean water schemes established or in the course of being established within the area of jurisdiction of the water services authority for the purposes of providing water supply services;
Water Services	have 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
Water Services Authority	means the Sundays River Valley Municipality, a <u>local authority</u> <u>accordance</u> , <u>with</u> the law;

## **PART 2 - WATER SERVICES - ZONING, NORMS AND STANDARDS AND PRINCIPLES & OBJECTIVES**

### **2. Zoning**

Zoning for different levels of service are provided for within the Sundays River Valley Municipality Water Services Development Plan to accommodate different levels of demand and affordability and shall be decreed to have been prescribed in terms of these By-Laws.

### **3. Norms and Standards**

The provisions of these by-laws shall be interpreted in conformity with any standards or norms and standards for tariffs prescribed by the appropriate Minister from time to time under the powers provided in Chapter 2 of the Act.

### **4. Principles and objectives**

- (1) The Municipality adopts the following principles:
  - (a) The Municipality recognizes that all consumers have the right of access to basic water supply and basic sanitation in the area of jurisdiction of the Municipality within an environment not harmful to human health or well being;
  - (b) the Municipality acknowledges that it has the authority to administer water supply services and sanitation services and arising there from a concomitant duty to ensure the supply of water services of an acceptable quality within its area of jurisdiction in an efficient, affordable, economical and sustainable manner for subsistence and sustainable economic activity;
  - (c) the Municipality recognizes that, in striving to provide water services it, together with all role-players in the sector and all spheres of government, must observe and adhere to the principle of co-operative governance;
  - (d) the Municipality acknowledges the requirement to draft and promulgate by-laws to govern the provision of water services to its consumers and to govern the relationship between it and its consumers within its area of jurisdiction;
  - (e) the Municipality recognizes that, in the supply of water services, the interests of the consumers and the broader goals of public policy must be promoted;
  - (f) the Municipality acknowledges that there is a duty upon it 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;
  - (g) the Municipality recognizes 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;
- (h) the Municipality through its Customer Care and Revenue Management By-laws recognizes its duty in terms of regulation 16 of Regulation 22355 promulgated in terms of the Act on 8 June 2001, to have a consumer service to which non-compliance with the provisions of above Regulation, as contained in these By-laws, can be reported;
  - (i) the Municipality confirms its duty to provide access to water services in an orderly manner within the nation's available water resources. The Municipality, in these By-laws strives to :
    - (a) provide for the rights of access to basic water supply and basic sanitation within its area of jurisdiction, as contemplated in Section 27(1) (b) of the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996), and regulations 2 and 3 of Regulation 22355 promulgated in terms of the Act on 8 June 2001; provide for the establishment of a regulatory framework within which to deliver water services;
    - (b) provide for the setting of terms and conditions to ensure compliance with the legislation relating to the water sector; provide for the monitoring of water services within its area of jurisdiction, and being the Water Services Authority and Provider as provided for in terms of the Act, within its area of jurisdiction, where necessary, to provide for
      - (i) the gathering of information within its area of jurisdiction;
      - (ii) the collation thereof to a central data base; and
      - (iii) the distribution of information to all stakeholders and role-players; and
  - (j) provide for matters related to the supply of water services within its area of jurisdiction.

## 5, SERVICE LEVELS

- (1) The Municipality may in accordance with national policy, but subject to principles of sustainability and affordability determine the service levels it is able to provide to consumers and must make these known by public notice.
- (2) The Municipality may, in determining service levels, differentiate between types of consumers, geographical areas and socio-economic areas.
- (3) The following levels of service may, subject to subsection (1), be provided by the Municipality:
  - (a) Communal water supply services and on-site sanitation services:
    - i. constituting the minimum level of service provided by the Municipality
    - ii. consisting of reticulated standpipes or a stationery water serviced either through a network pipe or a water tanker located within a reasonable walking distance from household with a Ventilated Improved Pit latrine each premises, with premises meaning the lowest visibly demarcated area on which some sort of dwelling has been erected;
    - iii. installed free of charge;
    - iv. provided free of any charge to consumers; and

- v. maintained by the Municipality;
- b) a yard connection not connected to any water installation and an individual connection to the Municipality's sanitation system consisting of an un-metered standpipe on a premises not connected to any water installation and a pour-flush wash-trough and suitable toilet top structure Municipality's sanitation system:
  - i. installed free of charge;
  - ii. provided free of any charge to consumers; and
  - iii. maintained by the Municipality; and
- c) a metered pressured water connection with an individual to the Municipality's water supply system:
  - i. installed against payment of the relevant connection
  - ii. provided against payment of the prescribed tariff; and
  - iii. with the water and drainage installations maintained by consumer.

## **CHAPTER 2: WATER SERVICES**

### **PART 1 - APPLICATION FOR WATER SERVICES**

#### **6. Application for water services**

- 1) No person shall gain access to water services from any water supply system, sewage disposal system or through any other sanitation services unless he or she has applied to the water services authority or an authorised agent on the prescribed form for such services for a specific purpose and such application has been agreed to.
- 2) Where a premises or consumer are provided with water services, it shall be deemed that an agreement in terms of subsection (1) exists, subject however to section 6(1) of the Act.
- 3) A water services authority or an authorised agent must on application for the provision of water services by a consumer inform that consumer of the different levels of services available and the tariffs and or charges associated with each level of services.
- 4) A consumer must elect the available level of services to be provided to him or her or it, provided that such level of services is or are available in the area where the consumer requires such services.
- 5) A consumer may at any time apply to alter the level of services elected in terms of the agreement entered into, provided that such service is available and that any costs and expenditure associated with altering the level of services will be payable by the consumer.
- 6) An application agreed to by the water services authority or an authorised agent shall, together with such additional conditions as may be imposed, constitute an agreement between the water services authority or the authorised agent and the applicant, and such agreement shall take effect on the date referred to or stipulated in such agreement.
- 7) A consumer shall be liable for all the prescribed tariffs and or charges in respect of water services rendered to him or her until the agreement contemplated in this section or in section 5 has been terminated in accordance with these by-laws, or until all or any arrears owing by such consumer have been paid, whichever shall be the later date.
- 8) In preparing an application form for water services for the purposes of making an application as contemplated in subsection (1), the water services authority or the authorised agent will ensure that the document and the process of interaction with the owner, consumer or any other person making application are understood by that owner, consumer or other person, provided that in the case of illiterate or similarly disadvantaged persons, the water services authority or the authorised agent will take reasonable steps to ensure that the person is aware of and understands the contents of the application form.



- 9) Water services rendered to a consumer are subject to the provisions of these by laws and the conditions contained in the relevant agreement.
- 10) If a water services authority or the authorised agent refuses an application for the provision of water services, are unable to render such water services on the date requested for the provision of such water services to commence or are unable to render the water services, the water services authority or the authorised agent will inform the consumer of such refusal and or inability, the reasons therefore and, if applicable, when the water services authority or the authorised agent will be able to provide such water services.
- 11) If a consumer absconds, dies or is incapacitated and:
  - a) Despite reasonable and diligent search cannot be located, or
  - b) The next after such death or incapacity to comply with the obligations of the consumer under any agreement concluded under this section or section 5, then the water services authority, or the authorised agent, may serve notice in terms of section 29 on any occupier or person in charge of the premises to which any agreement as aforesaid applies and in such notice the water services authority or the authorised agent may notify such occupier or person in charge, that with effect from a date 14 days after the delivery of such notice to such occupier or person in charge, he or she shall be deemed to be the consumer under the aforesaid agreement and liable to comply with all the duties and obligations of the consumer in respect of water services supplied to such premises under the said agreement.
- 12) Any occupier or person in charge on whom a notice in terms of subsection 12 is served may, during the period of 14 days referred to in that subsection, provide the water services authority or the authorised agent with the name and address of the immediate next of kin of the deceased or incapacitated consumer, and, provided that such information is found on investigation by the water services authority or the authorised agent to be accurate and provided further that such next of kin is, in fact, a consumer of the water services supplied under the agreement, such next of kin shall, instead of the occupier or person in charge, be deemed to be the consumer under the aforesaid agreement and liable to comply with all the duties and obligations of the consumer in respect of water services supplied to such premises under the said agreement.
- 13) On receipt of the information from such occupier or person in charge, and provided that such next of kin is, in fact a consumer of the water services supplied under the agreement, the water services authority or the authorised agent shall serve a written notice in terms of section 29 on such next of kin, notifying such next of kin that with effect from a date of delivery of such notice to such next of kin, he or she shall be deemed to be the consumer under the aforesaid agreement and liable to comply with all the duties and obligations of the consumer in respect of water services supplied to such premises under the said agreement.

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

The water services authority or the authorized agent may enter into a special agreement for the provision of water services to –

- (a) an applicant inside its area of jurisdiction or supply, if the service applied for necessitates the imposition of conditions not contained in the prescribed form; and

- (b) an applicant outside its area of jurisdiction or supply, if such application has been approved by the water services authority or the authorized agent having jurisdiction or supplying water services in the area in which the premises is situated.

## PART 2 - TARIFFS AND CHARGES

### 8. Prescribed tariffs and charges for water services

- (1) All tariffs and/or charges payable in respect of water services rendered by the water services authority or an authorized agent in respect of any particular water scheme or schemes including but not-limited to, the payment of connection charges, fixed charges or any additional charges or interest in respect of the failure to pay such tariffs or charges on the specified date, will be set by the water services authority by a resolution passed by the water services authority in accordance with:

- a) the tariff policy of the water services authority;
- b) any by-laws in respect thereof; and
- c) any regulations made in terms of section 10 of the Act;

provided that the water services authority shall determine its tariff policy in consultation with every applicable authorized agent.

### 9. Determination of Tariffs

- (1) A water services authority must:
  - a) when determining the revenue requirements on which tariffs for water services are based, take into account :
    - i. recovery of overhead,
    - ii. operational and maintenance costs;
    - iii. cost of capital;
    - iv. equitable share;
    - v. free water; and
    - vi. depreciation;
  - (b) when setting tariffs for water services provided to consumers 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 consumers other than households and industries;
    - (iv) sanitation services to households;
    - (v) disposal of industrial effluent to a sewage treatment plant;
    - (vi) sanitation services to consumers other than households and industries, and
    - (vii) the indigent.
  - (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 households provided through communal water

- services works;
  - (b) water supply services provided through water services works or consumer installations designed to provide a controlled volume to a household;
  - (c) water supply services provided through water services works or consumer 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 services works.
- (3) Tariffs set by a water services authority:
- (a) for water supply services to households through a communal water services works must be based on:
    - (i) a fixed monthly charge calculated on:
      - operations and maintenance costs;
      - capital costs not financed through any grant, subsidy or donation received in connection with the construction or refurbishment thereof; and / or
    - (ii) a volume based charge.
  - (b) for water supply services through water services works or consumer installations designed to provide a controlled volume to a household must be based on:
    - (i) a fixed monthly charge calculated on:
      - the estimated volume used;
      - operations and maintenance costs;
      - capital costs not financed through any grant, subsidy or donation received in connection with the construction or refurbishment thereof; and / or
    - (ii) a volume based charge.
  - (c) for the provision of water supply services through water services works or consumer installations designed to provide an uncontrolled volume to a household must be based on a flat rate calculated so as to recover, for the water services authority,
    - (i) all overhead, operational and maintenance costs;
    - (ii) cost of capital; and
    - (iii) depreciation.
  - (d) for the supply of water through a water services work or a consumer installation for industrial use must:
    - (i) be based on the volume provided; and
    - (ii) recover, at least, the capital costs, operations costs, and maintenance costs associated with that supply.
  - (e) for the supply of water through a water services work or a consumer installation to consumers other than households and industries must:
    - (i) be based on the volume provided; and
    - (ii) recover at least the capital costs, operations costs, and
    - (iii) maintenance costs associated with that supply.
  - (f) for the disposal of domestic waste water and sewage from households to a sewage treatment plant must be based on:
    - (i) the volume discharged, where volume is measured as a percentage of total water supplied;
    - (ii) an estimate of the cost that will be reasonably incurred in collecting,

- conveying, treating and disposing of the industrial effluent to comply with quality standards set for discharge to a water resource, including additional costs related to the treating of specific pollutants, and
- (iii) any costs that may be payable for discharge to a water resource.
- (g) for the disposal of industrial effluent discharged to a sewage treatment plant must be based on:
- (i) the volume discharged to a water services work;
  - (ii) an estimate of the cost that will be reasonably incurred in collecting, conveying, treating and disposing of the effluent to comply with quality standards set for discharge to a water specific pollutants, and.
  - (iii) any costs that may be payable for discharge to a water resource.
- (4) A water services authority may include a monthly fixed charge in the tariffs set for providing water services to consumers and other users over and above the tariffs referred to in subsections (3)(c) to (g) above.
- (5) A water services authority or authorised agent:
- (a) must charge a fee for connecting a consumer or another water services institution to a water services work.
  - (b) may charge any consumer connected to or connecting to a water services work without the authorization of the relevant water services authority a connection fee, irrespective of any other action the water services authority may take against such person.
  - (c) in addition to the tariffs or charges prescribed for water services actually provided, levy a monthly fixed charge, annual fixed charge or once-off fixed charge in respect of the provision of water services in accordance with:
    - (i) the tariff policy of the water services authority;
    - (ii) any by-laws in respect thereof; and
    - (iii) any regulations in terms of section 10 of the Act; provided that the water services authority shall determine its tariff policy in consultation with every applicable authorised agent.
- (6) Where a fixed charge is levied in terms of subsection (1), it shall be payable by every owner or consumer in respect of water services provided by the water services authority or an authorised agent to him, her or it, whether or not water services are used by him, her or it.
- (7) Every person or institution shall, as a condition of approval in terms of sections 7(1), 22(1) or 24 of the Act, apply the provisions of this section to the calculation of tariffs and charges for water services provided by such person or institution.

## PART 3-PAYMENT

### 10. Payment of deposit

- (1) Every urban consumer must on application for the provision of water services and before such water services will be provided by the water services authority or its authorised agent, deposit with the water services authority or its authorised agent a sum of money 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 services authority or its authorised agent, except in the case of a pre-payment measuring device being used by the water services authority or its authorised agent.
- (2) The water services authority or its authorised agent may require a consumer to whom services are provided and who was not previously required to pay a deposit, for whatever reason, to pay a deposit on request, within a specified period.
- (3) The water services authority shall determine the actual deposit payable in terms of subsections (1) or (2), and it shall take the following factors into account in making such determination:
  - (a) the income of the consumer;
  - (b) the capacity of the consumer to pay and set aside such amount;
  - (c) the frequency of default in payment of water accounts by the consumer or members of the community of which the consumer is a member;
  - (d) the estimated amount of the monthly water consumption of the consumer;
  - (e) its tariff policy and the criteria stated in section 9.
- (4) The water services authority or its authorised agent may from time to time review the sum of money deposited by a consumer in terms of subsection (1) and, in accordance with such review -
  - (a) require that an additional amount be deposited by the consumer; or
  - (b) refund to the consumer such amount as may be held by the water services authority or its authorised agent in excess of the reviewed deposit.
- (5) Subject to subsection (6), an amount deposited with the water services authority or its authorised agent in terms of subsections (1) or (2) shall not be regarded as being in payment or part payment of an account due for water services rendered.
- (6) If, upon the termination of the agreement for the provision of water services, an amount remains due to the water services authority or its authorised agent in respect of water services rendered to the consumer, the water services authority or its authorised agent may use the deposit in payment or part payment of the outstanding amount and refund any balance to the consumer.
- (7) No interest shall be payable by the water services authority or its authorised agent on the amount of a deposit held by it in terms of this section.
- (8) An agreement for the provision of water services may contain a condition that a deposit shall be forfeited to the water services authority or its authorised agent if it has not been

claimed within thirty six months of the termination of the agreement, provided all attempts have been made to trace the depositor.

#### **11. Payment for water services provided**

- (1) Water services provided by the water services authority or its authorised agent to a consumer shall be paid for by the consumer at the prescribed tariff or charge set in accordance with Sections 8 and 9, for the particular category of water services provided.
- (2) A consumer shall be responsible for payment for all water services provided to the consumer from the date of an agreement until the date of termination thereof.
- (3) The water services authority or its authorised agent may estimate the quantity of water services provided in respect of a period or periods within the interval between successive measurements and may render an account to a consumer for the services so estimated.
- (4) If a consumer uses water supply services for a category of use other than that for which it is provided by the water services authority or its authorised 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 authority or its authorised agent may make an adjustment of the amount charged in accordance with the rate which should have been charged and recover from the consumer the tariffs and charges payable in accordance with such adjustment.
- (5) 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.
- (6) A consumer must pay his or her or its account to the water services authority or its authorised agent. A consumer shall remain liable for the payment of an account not paid to the water services authority or its authorised agent.
- (7) A water services authority must inform a consumer as to who are authorised agents for payment of accounts.

### **PART4-ACCOUNTS**

#### **12. Accounts**

- (1) Prompt monthly accounts will be rendered to consumers for the amount due and payable, at the address last recorded with the water services authority or its authorised agent.
- (2) Failure by the water services authority or its authorised agent to render an account or not receiving an account does not relieve a consumer of the obligation to pay any amount due and payable. Provisional statements may be obtained from the Water Services Authority or its authorised agent.
- (3) An account rendered by the water services authority or its authorised agent for water services provided to a consumer shall be paid not later than the last date for payment specified in such account, which date will be at least twenty one days after the date of the account.

- (4) If payment of an account is received after the date referred to in subsection (3), a late payment charge or interest as may be prescribed must be paid by the consumer to the water services authority or its authorised agent.
- (5) Accounts will -
- 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 services authority or its authorised agent;
    - vi. the amount in arrears, if any;
    - vii. the interest payable on any arrears, if any;
    - viii. the final date for payment;
    - ix. the methods, places and authorised agents where payment may be made; and
  - b. state that -
    - (i) the consumer may conclude an agreement with the water services authority or its authorised agent for payment of the arrears amount in installments, at the water services authority or its authorised agent's offices before the final date for payment, if a consumer is unable to pay the full amount due and payable;
    - (ii) if no such agreement is entered into, the water services authority or its authorised agent will limit the water services after sending a final demand notice to the consumer; and
    - (iii) that legal action may be instituted against any consumer for the recovery of any amount sixty days in arrears;
    - (iv) proof of registration, as an indigent consumer, in terms of the water services authority or its authorised agent's indigent policy must be handed in before the final date for payment; and
    - (v) an indigent consumer is only entitled to basic water services and that an indigent consumer will be liable for payment in respect of water services used in excess of the quantity of basic services.
- (6) Notwithstanding the provisions of sections 28 and 29, where the premises to which water services are provided are situated in an area which does not have a formal physical or postal address, the water services authority or its authorised 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 consumer 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 consumer to make such payment at the nearest office appointed by the water services authority for the receipt of payments for water services within five working days.
- (7) At the time that the consumer concerned calls at the office referred to in

subsection (6) as directed, the water services authority or its authorised agent shall present such consumer with a written account which complies with the provisions of subsection (5) and which account shall be deemed to be the account rendered as provided for in subsection (1).

### **13. Queries or complaints in respect of account**

A consumer 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.

A query or complaint must be lodged with the water services authority or its authorised agent before the due date for payment of the account.

Where a query 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.

The water services authority or its authorised agent will register the query or complaint and shall acknowledge receipt of the query within five (5) working days of the receipt thereof and provide the consumer with a reference number.

The water services authority or its authorised agent shall -

- (a) investigate or cause the query or complaint to be investigated within fourteen working days after the query or complaint was registered; and
- (b) must inform the consumer, in writing, of his or her findings as soon as possible thereafter.

### **14. Appeals against findings of water services authority or its authorised agent in respect of queries or complaints**

- (1) A consumer may, in writing appeal to the water services authority against a finding of the water services authority or its authorised agent in section 13.
- (2) AN appeal and request in terms of subsection (1) must be made in writing and lodged with the water services authority or its authorised agent within twenty-one days after the consumer became aware of the findings referred to in subsection (13) and must:
  - (a) set out the reasons for the appeal; and
  - (b) be accompanied by any deposit determined by the water services authority in terms of these by-laws for the testing of a measuring device, if applicable,
- (3) The water services authority shall appoint an officer conversant in the home language of a consumer who is illiterate or not able functionally to understand the appeals process to assist the consumer in preparing, lodging and prosecuting his or her 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 him or her by the consumer unless authorised to disclose such information by the consumer.
- (4) The water services authority or its authorised agent may on appeal by a consumer request him, her or it to pay the full amount due and payable in terms of the account appealed against.



- (5) The consumer 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 services authority or its authorised agent within twenty-one days after an appeal was lodged and the consumer must be informed of the outcome in writing, as soon as possible thereafter.
- (7) The decision of the water services authority or its authorised agent is final and the consumer must pay any amounts due and payable in terms of the decision within twenty-one days of him, her or it being informed of the outcome of the appeal.
- (8) The water services authority or its authorised agent may condone the late lodging of appeals or other procedural irregularities.
- (9) If it is alleged in an appeal that a measuring device is inaccurate, the device must be subjected to a standard industry test to establish its accuracy. The consumer must be informed of the possible cost implications including the estimated amount of such test, as set out in subsection 10 (a) below, prior to such test being undertaken.
- (10) If the outcome of any test shows that a measuring device is:
  - (a) within a prescribed range of accuracy, the consumer will be liable for the costs of such test and any other amounts outstanding. Such costs will be debited against the consumer's account;
  - (b) is outside a prescribed range of accuracy, the water services authority or its authorised agent will be liable for the costs of such test and the consumer must be informed of the amount of any credit to which he or she is entitled.
- (11) The prescribed charge referred to in subsection (2)(b), if applicable shall be:
  - (a) retained by the water services authority or its authorised 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 subsections to be defective.
- (12) 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 or the specifications as set out in the regulations.
- (13) In addition to subsection (10) the water services authority or its authorised agent must, if the measuring device is found defective:
  - (a) repair the measuring device or install another device which is in good working order, without charge to the consumer, unless the costs thereof are recoverable from the consumer due to a contravention of section 47(6); and;
  - (b) determine the quantity of water services for which the consumer will be charged in lieu of the quantity measured by the defective measuring device by applying the provisions of section 53.
- (14) Any appeal under this section shall be heard by the Water Service Authority committee specially appointed for such purpose, and the appellant may, in his 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.

## 15. Arrears

- (1) If a consumer 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 consumer, within fourteen working days.
- (2) In the case of a consumer contemplated in section 12(6), such final demand shall be delivered to the consumer concerned at the premises to which the water services are supplied by an officer appointed by the water services authority 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 consumer personally;
  - b) in the absence of the consumer 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 16 years present at the premises
  - c) in 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 services authority shall appoint an officer conversant in the home language of a consumer who is illiterate or not able functionally understand the purpose and consequences of a final demand to assist the consumer in responding to such demand, to defend such consumer if such consumer has a viable defence and generally to ensure that the consumer 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 consumer unless authorised to disclose such information by the consumer.
- (4) Failure to deliver or send a final demand notice within fourteen working days does not relieve a consumer from paying such arrears.
- (5) The final demand notice must contain the following statements, in a language which the consumer is able to understand
  - (a) the amount in arrears and any interest payable;
  - (b) that the consumer may conclude an agreement with the water services authority or its authorised agent for payment of the arrears amount in installments within fourteen days of the date of the final demand notice
  - (c) that if no such agreement is entered into within the stated period that the water services will be limited and that legal action may be instituted against any consumer for the recovery of any amounts sixty days in arrears;
  - (d) proof of registration, as an indigent consumer, in terms of the water services authority or its authorised agent's indigent policy must be handed in before the final date of the final demand notice.
  - (e) that an indigent consumer is only entitled to basic water services and that an indigent consumer will be liable for payment in respect of water services used in excess of the quantity of basic services.
- (6) Interest may be levied on all arrears at a rate prescribed by the water services authority or its authorised agent from time to time.
- (7) The amount due and payable by a consumer constitutes a consolidated debt any

payment made by a consumer 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 current account;
  - (b) towards payment of arrears; and
  - (c) towards payment of interest.
- (8) The water services authority or its authorised agent will, within fourteen working days after the expiry of the fourteen day period allowed for payment in terms of the final demand notice-
- (a) limit the provision of water services to the defaulting consumer; and
  - (b) hand deliver or send, per registered mail, to the last recorded address of the consumer, a discontinuation notice informing him or her that the provision of water services will be disconnected within 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.. installments;
    - (iii) no proof of registration as indigent was handed in within the fourteen day period allowed; or 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 consumer may conclude an agreement with the water services authority or its authorised agent for payment of the arrears amount in installments, within fourteen days of the date of the discontinuation notice;
  - (c) that if no such agreement is entered into within the stated period, the water services authority or its authorised agent may discontinue the provision of water services with immediate effect, notwithstanding any legal action instituted or in the process of being instituted against the consumer for the recovery of the arrears amount; and
  - (d) proof of registration, as an indigent consumer, in terms of the water services authority or its authorised agent's indigent policy must be handed in within fourteen days of the date of the discontinuation notice.
- (10) The water services authority or its authorised agent may, within ten working days after the expiry of the fourteen day period allowed for payment in terms of the discontinuation notice, discontinue water services to the defaulting consumer, if -
- (a) no payment was received within the allowed period;
  - (b) no agreement was entered into for the payment of arrears in installments;
  - (c) no proof of registration as indigent was furnished within the fourteen day period allowed; or
  - (d) no payment was received in accordance with an agreement for payment of arrears.
- (11) Where an account rendered to a consumer remains outstanding for more than sixty days -
- (a) the defaulting consumer'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 therefore; and

- (b) may be handed over to a debt collector or an attorney for collection.
- (12) A consumer will be liable for any administration fees, costs incurred in taking action for the recovery of arrears and any penalties, including the payment of a higher deposit.
- (13) 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.
- (14) The water services authority or its authorised agent will not be liable for any loss or damage suffered by a consumer due to his, her or its water services being disconnected.
- (15) An agreement for payment of the arrears amount in instalments, entered into after the water services was discontinued, will not result in the water services being restored until the arrears, any interest thereon, administration fees, costs incurred in taking relevant action and any penalties, including payment of a higher deposit, payable are paid in full.

#### **16. Agreement for the payment of arrears in instalments**

- (1) Only a consumer with positive proof of identity or a person authorised, in writing, by that consumer, or, if a consumer is illiterate, a person authorised by such consumer personally in the presence of an officer appointed by the water services authority for that purpose, will be allowed to enter into an agreement for the payment of arrears in instalments.
- (2) The amount due and payable by a consumer constitutes a consolidated debt, and any payment made by a consumer of an amount less than the total amount due, will be allocated in reduction of the consolidated debt in the following order:
  - a) towards payment of arrears;
  - b) towards payment of interest and
  - c) towards payment of the current account.
- (3) A consumer may be required to complete a debit order for the payment of arrears.
- (4) No agreement for the payment of arrears will be longer than twenty-four months, unless the circumstances referred to in subsection (5) prevail.
- (5) The water services authority or its authorised agent 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 services authority or its authorised agent warrants such an extension and which the consumer reasonably could not prevent or avoid. Documentary proof of any special circumstances must be furnished by the consumer on request by the water services authority or its authorised agent.
- (6) The water services authority or its authorised agent may, in exercising his or her discretion under subsection (5) has regard to a consumer's-
  - i. credit record;
  - ii. consumption;
  - iii. level of service;
  - iv. previous breaches of agreements for the payment of arrears in instalments; and
  - v. any other relevant factors.

- (7) A copy of the agreement will, on request and free of any charge, be made available to the consumer.
- (8) If a consumer fails to comply with an agreement for the payment of arrears in instalments, the total of all outstanding amounts, including the arrears, interest thereon, administration fees, costs incurred in taking relevant action, and penalties, including payment of a higher deposit, will be immediately due and payable, without further notice or correspondence.
- (9) If a consumer fails to comply with an agreement for the payment of arrears in instalments, entered into after receipt of a discontinuation notice, access to services may be discontinued without further notice or correspondence in addition to any other actions taken against or that may be taken against such a consumer.
- (10) No consumer will be allowed to enter into an agreement for the payment of arrears in instalments, where that consumer failed to honour a previous agreement for the payment of arrears in instalments, entered into after the receipt of a discontinuation notice.

## **PART 5 - TERMINATION, LIMITATION AND DISCONTINUATION OF WATER SERVICES**

### **17. Termination of agreement for the provision of water services**

- (1) A consumer may terminate an agreement for the provision of water services by giving the water services authority or an authorised agent not less than thirty working days' notice in writing of his or her intention to do so.
- (2) The water services authority or the authorised agent may, by notice in writing of not less than thirty working days, advise a consumer of the termination of his or her agreement for the provision of water services if-
  - (a) he or she has not used the water services during the preceding three months and has not made arrangements to the satisfaction of the water services authority or the authorised agent for the continuation of the agreement;
  - (b) he or she has failed to comply with the provisions of these by-laws and has failed to rectify such failure to comply on notice in terms of section (29) or to pay any tariffs or charges due and payable after the procedure set out in section 15 was applied;
  - (c) in terms of an arrangement made by it with another water services institution to provide water services to the consumer.
- (3) The water services authority or the authorised agent may, after having given notice, terminate an agreement for services if a consumer has vacated the premises to which such agreement relates.

### **18. Limitation and or discontinuation of water services provided**

- (1) The water services authority or an authorised agent may limit or discontinue water services provided in terms of these by-laws
  - (a) on failure to pay the prescribed tariffs or charges on the date specified, after the provisions of section 15 were applied;

- (b) on failure to comply with any other provisions of these by-laws, after notice in terms of section 29 was given;
  - (c) at the written request of a consumer;
  - (d) if the agreement for the provision of services has been terminated in terms of section 17 and it has not received an application for subsequent services to the premises within a period of ninety days of such termination;
  - (e) the building on the premises to which services were provided has been demolished;
  - (f) if the consumer has interfered with a limited or discontinued service; or
  - (g) in an emergency.
- (2) The water services authority or an authorised agent will not be liable for any damages or claims that may arise from the limitation or discontinuation of water services provided in terms of subsection (1).

### **19. Interruption of Supply at Consumer's Request**

- (1) The water services authority or an authorised agent may, at the written request of a consumer -
- (a) turn off the supply of water to his premises; and
  - (b) re-instate the supply on the dates requested by him.
- (2) The consumer- shall prior to the reinstatement of his water supply pay the prescribed charge for the turning-off of his supply of water, and for its reinstatement.

### **20. Restoration of water services**

When a consumer enters into an agreement for the payment of the arrears amount in instalments after the receipt of a final demand notice or a discontinuation notice the water services will be restored to the type of service the consumer elected in terms of the agreement for the provision of water services, within seven working days.

## **PART 6 - GENERAL PROVISIONS**

### **21. 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 installation.
- (2) The consumer is responsible for compliance with these by-laws in respect of matters relating to the use of any installation.

### **22. Exemption**

See Section 36.

**23. Unauthorized 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 services authority or an authorised agent for the rendering of those services. In rural areas the authority must be aware of the scheme.
- (2) The water services authority or the authorised 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 services authority or the authorised agent for the rendering of those services,
  - (a) to apply for such services in terms of sections 6 or 7 and
  - (b) to undertake such work as may be necessary to ensure that the consumer installation through which access was gained complies with the provisions of these by-laws.
- (3) The provisions of section 29 shall apply to a notice in terms of subsection (2) above.

**24. Illegal connection**

Where a consumer's access to water supply services has been restricted or disconnected, and he or she:

- (a) intentionally unlawfully reconnects to services; or
- (b) intentionally or negligently interferes with infrastructure through which water supply services are provided, then his or her water supply shall on written notice be disconnected.

**25. Purpose of water services**

Where the purpose or extent for which water services are used is changed, the consumer must enter into a new agreement with the water services authority or an authorised agent.

**26. Interference with water supply system or any sanitation services**

- (1) No person other than the water services authority or an authorised agent, including any person approved in terms of Chapter VI of these by-laws, shall manage, operate or maintain the water supply system or any sanitation system unless authorised by these by-laws.
- (2) No person other than the water services authority or such authorised agent shall effect a connection to the water supply system or sewage disposal system or render any other sanitation services

**27. Obstruction of access to water supply system or any sanitation services**

- (1) No person shall prevent or restrict physical access to the water supply system or sewage disposal system.
- (2) If a person contravenes subsection (1), the water services authority or an authorized agent may -
  - (a) by written notice, require such person to restore access at his or her own expense

- within a specified period; or
- (b) if it is of the opinion that the situation is a matter of urgency, without prior notice restore access and recover the cost from such person.

## 28. Notice and Documents

- (1) A notice or document issued by the water services authority or an authorised agent in terms of these by-laws must be deemed to be duly authorised if it is signed by or on behalf of the water services authority or an authorised agent.
- (2) If a notice or document is to be served on an owner, consumer or any other person in terms of these by-laws such service shall be effected by:
  - (a) delivering it to him or her personally or to his or her duly authorised agent;
  - (b) delivering it at his or her residence, village or place of business or employment to a person apparently over the age of sixteen years of age and apparently residing or employed there;
  - (c) If he or she has nominated an address for legal purposes, delivering it to such an address;
  - (d) if he or she has not nominated an address for legal purposes, delivering it to the address given by him or her in his or her application for the provision of water services, for the reception of an account for the provision of water services;
  - (e) sending by pre-paid registered or certified post addressed to his or her last known address;
  - (f) in the case of a legal person, by delivering it at the registered office or business premises of such legal person; or
  - (g) if service cannot be effected in terms of subsections (a) to (f), by affixing it to a principal door of entry to the premises concerned.
- (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.

## 29. Power to serve and compliance with notices

- (1) The water services authority or an authorised agent may, by written notice, order a owner, consumer 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 thirty days.
- (2) If a person fails to comply with a written notice served on him or her by the water services authority or an authorised agent 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, consumer or other person;
  - (b) limiting or discontinuing the provision of services; and
  - (c) Instituting legal proceedings.



- (3) A notice in terms of subsection (1) will:
- a) give details of the provision of the by-laws not complied with;
  - b) give the owner, consumer or other person a reasonable opportunity to make representations and state his or her case, in writing, to the water services authority or an authorised agent within a specified period, unless the owner, consumer or other person was given such an opportunity before the notice was issued;
  - c) specify the steps that the owner, consumer or other person must take to rectify the failure to comply;
  - d) specify the period within which the owner, consumer or other person must take the steps specified to rectify such failure; and
  - e) indicate that the water services authority or an authorised agent:
    - (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, consumer 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 services authority or an authorised agent may, without prior notice, undertake the work required by subsection 3(e)(i) and recover the costs from such person.
- (5) The costs recoverable by the water services authority or an authorised agent in terms of subsections (3) and (4) is the full cost associated with that work and includes, but is not limited 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 any part of a street or ground affected by the work and the environmental cost.

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

- (1) Any duly authorised official of the water services authority or any authorised agent may enter and inspect any premises -
- (a) for the purposes set out in and in accordance with the provisions of section 80 of the Act; and
  - (b) for any purpose connected with the implementation or enforcement of these by-laws, at all reasonable times, after having given written reasonable notice of the intention to do so.

### **31. False Statements or Information**

No person shall make a false statement or furnish false information to the water services authority or an authorised agent or falsify a document issued in terms of these by-laws.

### **32. Trespassing on Water Supply System**

No person shall, without the prior written permission from the water services authority, enter upon an area enclosed by a fence or where entry is prohibited by notice boards; or a structure used by the Water services authority in connection with its water supply system.

**33. Damage to Water Supply System**

- 1) No person shall damage or endanger the water supply system, or cause or permit it to be damaged or endangered.
- 2) Any person who intends performing work which may cause damage to the water supply system on land owned by or vested in the water services authority or over which it has a servitude or other right, shall prior to commencement of such work, ascertain from the water services authority if any part of the water supply system is situated on the land.
- 3) If work, which in the opinion of the water services authority or an authorized agent, could damage or endanger the water supply system is to be performed or is being performed on land referred to in subsection (2) or on land adjacent thereto, the WSA may by notice in writing require the person concerned not to commence, or to cease performing, the work until such time as he or she has complied with the conditions specified in the notice.

**34. Pollution of Water Services Authority's Water Supply**

- 1) Unless such act is specifically authorised in writing by the water services authority, no person shall commit an act which may cause pollution of any nature to any water sources in a reservoir or other place owned, controlled by or vested in the water services authority either in whole or in part, and used by it in connection with the supply of water.
- 2) No person shall, except at such places as are designated by notice boards or in such receptacles as are provided by the water services authority deposit or discharge rubbish, night-soil, industrial waste or other matter which may cause pollution of any nature on a portion of a catchments area relating to the water services authority's water supply which has been designated by notice-boards as being an area where such acts are prohibited.

If a person contravenes subsection (1) or (2) the water services authority 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 the WSA is of the opinion that the situation is a matter of urgency, without prior notice take such action as the WSA may deem necessary and recover the cost from the person.

**35. Liabilities and Compensation**

The water services authority shall not be liable for damages or compensation arising from anything done in good faith by it, or any person acting on its behalf and being duly authorised thereto, in terms of these by-laws.

### 36. Relaxation of Waiver

- 1) Subject to the provisions set out in sub-section (f) below, the water service provider as authorised agent may, in writing, exempt an owner, client, any other person or category of owner, client or other persons from complying with a provision would be unreasonable, provided that the water service provider as authorised agent 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 authorised agent in terms of these by-laws; and
  - (f) The Act, or any regulations made in terms thereof, is not complied with
    - a. that the WSA may only grant exemption as set out in sub-section hereon
    - b. that, upon receipt of the application, the WSP as duly authorised agent shall:
      - i. immediately forward such application to the WSA together with the recommendations of the WSP; and
      - ii. may grant temporary exemption pending receipt of the Water Services Resolution.
      - iii. that such temporary exemption shall terminate after ninety (90) days if;
        1. the WSA has not agreed to the exemption; or
        2. the WSA has not granted extension of the temporary extension while it continues to consider the application.
  - IV. that if the WSA has not approved the exemption after a further ninety (90) days, it will lapse regardless.
- (2) The WSP as authorised agent may at any time after giving written notice of at least thirty days, withdraw any exemption given in terms of sub-section (1)
- (3) No owner, client any other person or category of owner, clients or other persons shall be exempted unless with the authority and consent of the WSA, by resolution of the Municipal Council of the WSA after receipt of a resolution requesting such exemption and the reasons therefore from the WSP.
- (4) The WSP shall report monthly to the WSA during such exemption period and motivate and report as to why the exemption should remain in place. A monthly list of active exemptions shall be submitted to the WSA.
- (5) The WSA and WSP shall review all exemptions quarterly and report submitted on this review.

- (6) The WSA must submit the application to the Council meeting immediately following receipt of the submission and should the said WSA 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 MEC for Government to intervene in the matter.

### **37. Offences**

- (1) A person who -
- (a) fails or refuses to give access required by a duly authorised official of the water services authority or an authorised agent in terms of section 27;
  - (b) obstructs or hinders any duly authorised official of the water services authority or an authorised agent in the exercise of his or her powers or performance of his or her functions or duties under these by-laws;
  - (c) contravenes or fails to comply with a provision of these by-laws;
  - (d) contravenes or fails to comply with a condition or prohibition imposed in terms of these by-laws;
  - (e) contravenes or fails to comply with any conditions imposed upon the granting of any application, consent, approval, concession, exemption or authority in terms of these by-laws; or
  - (f) fails to comply with the terms of a notice served upon him or her in terms of these by-laws.
- (2) An officer who is negligent in the execution of his or her duties provided for in sections 14(3) and 15(3), or who discloses any information given to him by a consumer that he or she is assisting as contemplated in those sections without the consent of such consumer shall be guilty of an offence.

## CHAPTER 3: WATER SUPPLY SERVICES

### PART 1 - CONNECTION TO WATER SUPPLY SYSTEM

#### 38. Provision of connection pipe

- (1) If an agreement for water supply services in respect of premises has been concluded and no connection pipe exists in respect of the premises, 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 services 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 services authority or an authorised agent may agree to the extension subject to such conditions as it may impose.
- (3) Pipe connection without the approval of the WSA is illegal and punishable.

#### 39. Location of connection pipe

- (1) A connection pipe provided and installed by the water services authority or its authorised agent shall -
  - (a) be located in a position agreed to between the owner and the water services authority or its authorised agent and be of a suitable size as determined by the water services authority or its authorised agent;
  - (b) terminate at -
    - (i) the boundary of the land owned by or vested in the water services authority or its authorised agent, or over which it has a servitude or other right; or
    - (ii) at the outlet of the water meter if it is situated on the premises; or
    - (iii) at 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 services authority or its authorised agent 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;
  - c) Whether or not the water services authority or its authorised agent 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 services authority or its authorised agent to connect to such installation.
- (3) A water services authority or its authorised agent 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 connecting point designated by the water services authority or its authorised agent 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.

#### **40. Provision of single water connection for supply to several consumers on same premises**

- (1) Notwithstanding the provisions of section 39 only one connection pipe to the water supply system may be provided for the supply of water to any premises, irrespective of the number of accommodation units, business units or consumers located on such premises.
- (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 services authority or its authorised agent may, in its discretion, provide and install either-
  - I. A single measuring device in respect of the premises as a whole or any number of such accommodation units; or
  - II. a separate measuring device for each accommodation unit or any number thereof.
- (3) Where the water services authority or its authorised agent has installed a single measuring device as contemplated in subsection (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 services authority or its authorised agent 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) will be liable to the water services authority or its authorised agent for the tariffs and charges for all water supplied to the premises through such a measuring device, irrespective of the different quantities consumed by the different consumers served by such measuring device.
- (4) Notwithstanding subsection (1), the Water Service Authority or its authorised agent may authorize that more than one connection pipe be provided on the water supply to any premises comprising sectional title units or if, in the opinion of and charges water services authority 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 services authority or its authorised agent under subsection (4), the tariffs and charges for the provision of a connection pipe is payable in respect of each water connection so provided.

#### **41. Interconnection between premises or water installations**

An owner of premises shall ensure that no interconnection exists between

- (a) the water installation on his or her premises and the water installation on other premises; or
- (b) where several accommodation units are situated on the same premises, the water installations of the accommodation units;

unless he or she has obtained the prior written consent of the water services authority or its authorised agent and complies with any conditions that it may have imposed.

**42. Disconnection of water installation from connection pipe**

The water services authority or its authorised agent 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 17 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.

**PART 2 - COMMUNAL WATER SERVICES WORKS****43. Provision of a water services work for water supply to several consumers**

A water services authority or its authorised agent may install a communal water services work for the provision of water services to several consumers at a location it deems appropriate/provided that the consumers to whom water services will be provided through that water services work have been consulted in respect of the level of service, tariff that will be payable and location of the work.

**PART 3 - TEMPORARY SUPPLY****44. Water supplied from a hydrant**

- (1) The water services authority or its authorised agent may authorize 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 it.
- (2) A person who desires a temporary supply of water referred to in subsection (1) must apply for such water services in terms of section 6.
- (3) The supply of water in terms of subsection (1) must be measured.
- (4) The water services authority or its authorised agent may for purposes of measuring provide a portable water meter to be returned to the water services authority or its authorised agent on termination of the temporary supply, which portable meter and all other fittings and apparatus used for the connection of the portable water meter to a hydrant, shall remain the property of the water services authority or its authorised agent and will be provided subject to any conditions imposed by the water services authority or its authorised agent.

**PART 4 - STANDARDS AND GENERAL CONDITIONS OF SUPPLY****QUANTITY,****45. Quantity, quality and pressure**

Water supply services provided by the water services authority or its authorised agent will comply with the minimum standards set for the provision of water supply services in terms of section 11 of the Act,

#### **46. General conditions of supply**

- (1) The water services authority or its authorised agent may specify the maximum height to which water will be supplied from the water supply system. Where a consumer requires water to be supplied at a greater height or pressure the consumer will be responsible therefore.
- (2) The water services authority or its authorised agent may, in an emergency interrupt the supply of water to any premises without prior notice.
- (3) If in the opinion of the water services authority or its authorised agent the consumption of water by a consumer adversely affects the supply of water to another consumer, it may apply such restrictions as it may deem fit to the supply of water to the first mentioned consumer in order to ensure a reasonable supply of water to the other consumer and will inform that consumer of such restrictions,

### **PART 5 - MEASUREMENT OF WATER SUPPLY SERVICES**

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

- 1) The water services authority or its authorised agent will measure the quantity of water supplied at regular intervals.
- 2) Any measuring device through which water is supplied to a consumer by 'the water services authority or its authorised agent and its associated apparatus' shall be provided and installed by the water services authority or its authorised agent, shall remain its property, and may be changed and maintained by the water services authority or its authorised agent when deemed necessary by it.
- 3) The water services authority or its authorised agent may install a measuring device, and its associated apparatus, on premises at any point on the service pipe.
- 4) If water services authority or its authorised agent installs a measuring device on a service pipe in terms of subsection (3), 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 services authority or its authorised agent installs a measuring device together with its associated apparatus on a 'service pipe in terms of subsection (3) the owner shall:
  - (a) provide a place satisfactory to the water services authority or its authorised agent in which to install it;
  - (b) ensure that unrestricted access is available to it 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 services authority or its authorised agent 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 services authority or its authorised agent has placed on a meter; or
  - (c) in any other way interfere with a measuring device and its associated apparatus.
- (7) If the water services authority or its authorised agent 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 services authority or its authorised agent 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; provide that where fixed quantity water delivery systems are used, a single measuring device may be used to supply more than one unit.

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

- 1) For purposes of assessing the quantity of water measured by a measuring device installed by the water services authority or its authorised agent on the premises of a consumer or, where applicable, estimated or determined by the water services authority or its authorised agent in terms of any provision of these by-laws, it will, for the purposes of these by-laws, be deemed, unless the contrary can be proved, that -
  - a) the quantity is represented by the difference between measurements taken at the beginning and end of such period;
  - b) the measuring device was accurate during such period; and
  - c) the entries in the records of the water services authority or its authorised agent were correctly made;
  - d) provided that if water is supplied to, or taken by, a consumer without its passing through a measuring device, the estimate by the water services authority or its authorised agent of the quantity of such water shall be deemed to be correct.

#### **49. Estimate of Quantity**

- 1) Where water supplied by the water services authority or its authorised agent to any premises is in any way taken by the consumer without such water passing through any measuring device provided by the water services authority or its authorised agent, the water services authority or its authorised agent may for the purpose of rendering an account estimate, in accordance with subsection (3), the quantity of water supplied to the consumer during the period from the last previous reading of the water meter until the date it is discovered that water is so taken by the consumer,
- 2) For the purposes of subsection (1) an estimate of the quantity of water supplied to a consumer shall be based on the following provisions, as the water services authority or its authorised agent may decide;
  - (a) the average monthly consumption of water on the premises during any three consecutive measuring periods during the twelve months' period prior to the date on which the taking of water in the manner mentioned in subsection (1) was discovered, or
  - (b) the average monthly consumption on the premises registered over three succeeding measuring periods after the date referred to in subsection (2) (a)

- 3) Nothing in these regulations shall be construed as imposing on the water services authority or its authorised agent an obligation to cause any measuring device installed by the water services authority or its authorised agent on any premises to be measured at the end of every month or any other fixed period, and the water services authority or its authorised agent may estimate the quantity of water supplied over any period during the interval between successive measurements of the measuring device and render an account to a consumer for the quantity of water so estimated.
- 4) The Water services authority or its authorised agent must, on receipt from the consumer of written notice of not less than seven days and subject to payment of the prescribed charge, measure the quantity of water supplied to consumer at a time or on a day other than that upon which it would normally be measured.
- 5) If a contravention of subsection 47(6) occurs, the consumer shall pay to the water services authority or its authorised agent the cost of such quantity of water as in the water services authority or its authorised agent's opinion was supplied to him or her.
- 6) Until such time as a measuring device have been installed in respect of water supplied to a consumer the estimated or assumed consumption of that consumer must be based on the average consumption of water supplied to the specific zone within which the consumer's premises is situated, during a specific period.
- 7) Where in the opinion of the water services authority or its authorised agent it is not reasonably possible or cost effective to measure water supplied to each consumer within a determined zone, the water services authority or its authorised agent may, determine a basic tariff or charge to be paid by each consumer within that zone irrespective of actual consumption.
- 8) A tariff or charge determined in terms of subsection (7) will be based on the estimated average consumption of water supplied to that zone.
- 9) Where water supply services are provided through a communal water services work the amount due and payable by consumers gaining access to water supply services through that communal water services work, must be based on the estimated average consumption of water supplied to that water services work.

## **50. Defective measurement**

- (1) If a consumer has reason to believe that a measuring device, used for measuring water, which was supplied to him or her by the water services authority or its authorised agent is defective he or she may, against payment of the prescribed charge, make application in writing for the measuring device to be tested.
- (2) The provisions of Sections 14(9) to 14(13) will apply to such and application.

## **51. Special measurement**

- (1) If the Water services authority or its authorised 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 Subsection (1), its removal and the restoration of the water installation -after- such removal shall be carried out at the expense of the water services authority or its authorised agent.
- (3) The provisions of sections 47(5) and 47(6) shall in so far as they may be applicable in respect of a measuring device installed in terms of subsection (1)

**52. No reduction of amount payable for water wasted**

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

**53. Adjustment of quantity of water supplied through defective measuring device**

- (1) If a measuring device is found to be defective in terms of section 14(13), the water services authority or its authorised agent may estimate the quantity of water supplied to the consumer concerned during the period in which, to 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 to the previous year corresponding to the period to 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 consumer during the period when his or her measuring device was defective cannot be estimated in terms of subsection (1) the Water services authority or its authorised agent may estimate the quantity on any basis that is available to it.

**PART 6 - INSTALLATION WORK****54. Approval of installation work**

- (1) If an owner wishes to have installation work done, he or she must first obtain the water services authority or its authorised agent's written approval; provided that approval shall not be required to the case of water installations to dwelling units or installations where no fire installation is required to 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 subsection (1) shall be made on the prescribed form and shall be accompanied by -
  - (a) the prescribed charge, if applicable; and
  - (b) copies of the drawings as prescribed by the water services authority or its authorised agent, giving information to 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 I or has been designed on a rational basis.

- (3) The provisions of subsections (1) and (2) shall not apply to a qualified plumber who replaces a fixed water heater or its associated protective devices.
- (4) Authority given in terms of subsection (1) 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 subsection (1).
- (6) If installation work has been done in contravention of subsection (1) or (2), the water services authority or its authorised agent may by written notice require the owner of the premises concerned to -
  - (a) comply with that regulation 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 by-laws.

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

- (1) An owner must provide and maintain his or her water installation at his or her own cost and, unless permitted in terms of section (56), must ensure that the installation is situated within the boundary of his or her premises.
- (2) Before doing work in connection with the maintenance of a portion of his or her water installation which is situated outside the boundary of his premises, an owner shall obtain the written consent of the water services authority or its authorised agent or the owner of the land on which such portion is situated, as the case may be.

The maintenance and installation function on a water supply scheme that makes use of community standpipes shall be the sole responsibility of a legally instituted Water Service Provider appointed by the Water Services Authority.

## **56. Use of pipes and water fittings to be authorised**

- (1) No person shall, without the prior written authority of the water services authority or its authorised agent, install or use a pipe or water fitting in a water installation within the water services authority or its authorised agent's area of jurisdiction unless it is included in the Schedule of Approved Pipes and Fittings as compiled by the water services authority or its authorised agent.
- (2) Application for the inclusion of a pipe or water fitting in the Schedule referred to in subsection (1) must be made on the form prescribed by the water services authority or its authorised agent and be accompanied by the prescribed charge.
- (3) A pipe or water fitting may be included in the Schedule referred to in subsection (1) if-
  - a) It bears the standardization mark of the South African Bureau of Standard 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.
- (4) The water services authority or its authorised 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 services authority or its authorised agent at any time during working hours.
- (7) The water services authority or its authorised agent may sell copies of the current schedule at the prescribed charge.

### **57. Labeling of terminal water fittings and appliances**

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 -
  - (i) 20 kPa
  - (ii) 100 kPa
  - (iii) 400 kPa

### **58. Water demand management**

- (1) A shower head with a maximum flow rate of greater than 10 litres per minute may not be installed in any water installation where:
  - (a) the dynamic water pressure is more than 200 kPa at a shower control valve;and
  - (b) the plumbing has been designed to balance the water pressures on the hot and cold water supplies to the shower control valve.
- (2) The maximum flow rate from any tap installed on a wash hand basin may not exceed six litres per minute.

## **PART 7 – WATER POLLUTION, RESTRICTION AND WASTEFUL USE OF WATER**

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

An owner shall provide and maintain measures, approved by the water services authority, to prevent the entry of a substance, which may be a danger to health or adversely affect the potability of water or affect its fitness for use into;

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

**60. Water restrictions**

- (1) The Water services authority or its authorised agent may by public notice prevent the wasteful use of water in terms of section (61) or in the event of a water shortage, drought, and flood
  - (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 prescribed in respect of the supply of water in excess of a limit contemplated in subsection (1)(b)(i); and
    - (iii) a general surcharge on the prescribed charges in respect of the supply of water; and
  - (c) impose restrictions or prohibitions on the use or manner -pf use or disposition of an appliance by means of which water is used or consumed, or on the connection of such appliances to the water installation.
- (2) The water services authority or its authorised agent may limit the application of the provisions of a notice contemplated by subsection (1) to specified areas and categories of consumers, premises and activities, and may permit deviations and exemptions from, and the relaxation of, any of the provisions on reasonable grounds.
- (3) The water services authority or its authorised agent may :
  - (a) take, or by written notice require a consumer 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 subsection (1); or
  - (b) discontinue or, 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 subsection (1), subject to notice in terms of section 29; and
  - (c) where the supply has been discontinued, it shall only be restored when the prescribed charge for discontinuation and reconnecting the supply has been paid.
- (4) The provisions of this section shall also apply in respect of water supplied directly by the water services authority or its authorised agent to consumers outside its area of jurisdiction, notwithstanding anything to the contrary in the conditions governing such supply, unless otherwise specified in the notice published in terms of subsection (1).

**61. Unlawful Waste of water**

- (1) No consumer 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 subsection (1).
- (3) If an owner fails to take measures as contemplated in subsection (2), the water services authority or its authorised agent shall, by written notice in terms of section 29, require the owner to comply with the provisions of subsection (1).
- (4) A consumer shall ensure that any equipment or plant connected to his or her water installation uses water in an efficient manner.
- (5) The water services authority or its authorised agent may, by written notice prohibit the use by a consumer 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 services authority or its authorised agent.

## **PART 8 - WATER AUDIT**

### **62. Water Audit**

- (1) Water users using more than 3 650 Kl per annum, excluding those comprising multiple dwelling units, must within one month after the end of each financial year of the water services authority or its authorised agent undertake an annual water audit at their own cost.
- (2) A copy of the audit must be available for inspection by officials from the Department of Water Affairs and Forestry and the water services authority or its authorised agent.
- (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 of use; and comparison of the above factors with those reported in each of the previous three years, where available,

### **63. Financial Controls**

- (1) The Water Services Authority or its authorised agent shall keep the books of accounts as it may be necessary to maintain a detailed record of all its assets, liabilities and financial transactions, showing inter alia, capital transactions and revenue transactions separately, as well as such books and records as may be required in terms of the audit requirements.

## **PART 9 - GENERAL PROVISIONS**

### **64. Notification of private boreholes**

- (1) No boreholes will be drilled without the approval of the WSA upon application. The Water services authority or its authorised agent may, by public notice, require:
  - (a) the owner of any premises within the area of jurisdiction of the Water services authority or its authorised agent 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.
- (2) The Water services authority or its authorised agent 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 services authority or its authorised agent, before sinking the borehole.
- (3) Boreholes are subject to any requirements of the National Water Act, Act No 136 of 1998.
- (4) The water services authority or its authorised agent may by notice to a owner or occupier or by public notice require owners and occupiers who have existing boreholes used for water services to -
  - (a) obtain approval from it for the use of the borehole for water services in accordance with sections 6, 7 or 22 of the Act;
  - (b) impose conditions in respect of the use of the borehole for water services; and
  - (c) may impose a fixed charge in respect of the use of such borehole.

### **65. Sampling of water**

- (1) The water services authority, or its authorised agent, 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
- (2) The prescribed charge for the taking and testing of the samples referred to in subsection (1) 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.

### **66. Supply of non-potable water by water services authority or its authorised agent**

- (1) The water services authority or its authorised agent may, on application in terms of section (4), agree to supply non-potable water to a consumer, subject to such terms and conditions as the Water services authority or its authorised agent may impose.



- (2) Any supply of water agreed to in terms of subsection (1) shall not be used for domestic or any other purposes, which, in the opinion of the water services authority or its authorised agent, 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 services authority or its authorised agent or its suitability for the purpose for which the supply was granted.
- (4) The supply of non-potable water shall, both as to condition and use, be entirely at the risk of the consumer, who shall be liable for any consequential damage or loss arising to himself, herself or others arising directly or indirectly therefore, including the consequences of any bona fide fault of the water services authority or its authorised agent or the malfunction of a treatment plant.

#### **67. Testing of pressure in water supply systems**

The water services authority or its authorised agent may, on application by an owner and on payment of the prescribed 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.

#### **68. 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 services authority or its authorised agent, except with the prior written permission of that water services authority or its authorised agent and subject to such conditions as it may impose.

## CHAPTER 4: SANITATION SERVICES

### PART 1 - STANDARDS AND GENERAL PROVISIONS

#### 69. Standards for sanitation services |

Sanitation services provided by the water services authority or its authorised agent will comply with the minimum standards set for the provision of sanitation services in terms of the section 9 of the Act.

#### 70. 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 -
  - (a) which does not comply with the standards and criteria prescribed in sections 84, 86, 87 below;
  - (b) which contains any substance in such concentration as will produce or be likely to produce in the effluent for discharge at any sewage treatment plant or sea outfall discharge point or in any public water any offensive, or otherwise undesirable taste, colour, odour, temperature or any foam;
  - (c) which may prejudice the re-use of treated sewage or adversely affect any of the processes whereby sewage is purified for re-use, or treated to produce sludge for disposal;
  - (d) which contains any substance or thing of whatsoever nature which is not amenable to treatment to a satisfactory degree at a sewage treatment plant or which causes or is likely to cause a breakdown or inhibition of the processes in use at such plant;
  - (e) which contains any substance or thing of whatsoever nature which is of such strength, or which is amenable to treatment only to a degree as will result in effluent from the sewage treatment plant or discharge from any sea outfalls not complying with standards prescribed under the National Water Act, Act No. 36 of 1998;
  - (f) 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 authority or its authorised agent for the sewage disposal system, other than in compliance with the permissions issued in terms of these by-laws; and
  - (g) this may inhibit the unrestricted conveyance of sewage through the sewage disposal system.
- (2) No person shall cause or permit any stormwater to enter the sewage disposal system.
- (3) The water services authority may, by written notice, order the owner or occupier conduct, at his or her cost, periodic expert inspections of the premises in order to identify precautionary measures which would ensure compliance with these by-laws and to report such findings to an authorised agent.
- (4) If any person contravenes any provision of subsection (1) or subsection (2) he or she shall within twelve hours, or earlier if possible, advise the water services authority or its authorised agent of the details of the contravention and the reasons for it.

## **PART 2 - ON-SITE SANITATION SERVICES AND ASSOCIATED SERVICES**

### **71. Application for infrastructure**

- (1) If an agreement for on site sanitation and associated services in accordance with section 6 exists and no infrastructure in connection therewith exists on the premises, the owner must immediately make application on a form approved by the water services authority and -
  - (a) pay the prescribed charge for the installation of necessary infrastructure; or
  - (b) with the approval by the water services authority or its authorised agent, install the connecting sewer or on site sanitation services in accordance with the specifications of the water services authority or its authorised agent.
- (2) A water services authority or its authorised agent may specify the type of on site sanitation services to be installed, where a Ventilated Improved Pit latrine is not appropriate in specific circumstances.
- (3) Under no circumstances will the consumer or institution erect an on-site facility without submitting a geohydrological study to the Water Services Authority.

### **72. Services associated with on-site sanitation services**

- (1) The removal or collection of conservancy tank contents, night soil or the emptying of pits will be undertaken by the water services authority or its authorised agent in accordance with a removal and collection schedule determined by the water services authority or its authorised agent.
- (2) Copies of the collection and removal schedule will be available on request.

### **73. 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 will be based on the volume removed by vacuum tank or otherwise.
- (2) If the volume of conservancy tank contents, night soil or the emptying of pits removed or collected cannot be quantified the water services authority or its authorised agent may charge a fixed charge as prescribed.

## **PART 3 - SEWAGE DISPOSAL**

### **74. Provision of a connecting sewer**

- (1) If an agreement for the use of the sewage disposal system in accordance with section 2 exists and no connecting sewer exists in respect of the premises, the owner must immediately make application on a form approved by the water services authority and
  - a) pay the prescribed charge for the installation of such a connecting sewer; or
  - b) with the approval by the water services authority or its authorised agent, install the connecting sewer in accordance with any specifications of the water services authority or its authorised 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 services authority or its authorised agent may agree to the extension subject to such conditions as it may impose.

## **75. Location of connecting sewer**

- (1) A connecting sewer provided and installed by 'the water services authority or its authorised agent or owner in terms of section (73) shall -
  - (a) be located in a position agreed to between the owner and the water services authority or its authorised agent and be of a size determined by an authorised 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 services authority or its authorised agent or over which it has a servitude or other right or when subsection (3) applies at the connecting point designated in terms of that subsection;
- (2) In reaching agreement with an owner concerning the location of a connecting sewer, the water services authority or its authorised agent shall ensure that the owner is aware of:
  - (a) practical restrictions that may exist regarding the location of a connecting sewer pipe;
  - (b) the cost implications of the various possible locations of the connecting sewer;
  - (c) whether or not the water services authority or its authorised agent requires the owner to fix the location of the connecting sewer 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 services authority or its authorised agent to connect to such installation.
- (3) A water services authority or its authorised agent may at the request of any person agree, subject to such conditions as he or she 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 at his or her cost, such servitudes over other premises as may be necessary.
- (4) An owner must pay the prescribed connection charge.
- (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 services authority or its authorised agent.

## **76. Provision of one connecting sewer for several consumers on same premises**

- (1) Notwithstanding the provisions of section 73 only one connecting sewer to the sewage disposal system may be provided for the disposal of sewage from any premises, irrespective of the number of accommodation units of consumers located on such premises.
- (2) Where the owner, or the person having the charge or management of any premises on which several accommodation units are situated, requires the disposal of sewage from such premises for the purpose of disposal from the different accommodation units, the water services authority or its authorised agent 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 services authority or its authorised agent has installed a single measuring device as contemplated in subsection (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 services authority or its authorised agent so requires, install and maintain on each branch pipe extending from the connecting sewer to the different accommodation units -
    - (i) a separate measuring device; and
    - (ii) an isolating valve; and
  - (b) will be liable to the water services authority or its authorised agent for the tariffs and charges for all sewage disposed from the premises through such a single measuring device, irrespective of the different quantities disposed by the different consumers served by such measuring device.
- (4) Notwithstanding subsection (1), the water services authority or its authorised agent may authorize that more than one connecting sewer be provided on the sewage disposal system for the disposal of sewage from any premises comprising sectional title units or if, in the opinion of the water services authority or its authorised agent, undue hardship or inconvenience would be caused to any consumer on such premises by the provision of only one connecting sewer.
- (5) Where the provision of more than one connecting sewer is authorised by the water services authority or its authorised agent under subsection (4), the tariffs and charges for the provision of a connecting sewer is payable in respect of each sewage connection so provided.

## **77. Interconnection between premises**

An owner of premises shall ensure that no interconnection exists between the drainage installation on his or her premises and the drainage installation on other premises, unless he or she has obtained the prior written consent of the water services authority or its authorised agent and complies with any conditions that it may have imposed.

## **78. Disconnection of draining installation from connecting sewer**

The water services authority or its authorised agent may disconnect a drainage installation from the connecting sewer and remove the connecting sewer if -

- (a) the agreement for provision has been terminated in terms of section (16) and it has not received an application for subsequent provision, to the premises served by the sewer, within a period of 90 days of such termination; or
- (b) the building on the premises concerned has been demolished.

## **PART 4 - SEWAGE DELIVERED BY ROAD HAULAGE**

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

- (1) A water services authority or its authorised agent may, at its discretion, and subject to such conditions as it may specify, accept sewage for disposal delivered to the municipalities' sewage treatment plants by road haulage.

### **80. Written permission for delivery of sewage by road haulage**

- (1) No person shall discharge sewage into the municipalities' sewage treatment plants by road haulage except with the written permission of the water services authority or its authorised agent and subject to such period and any conditions that may be imposed in terms of the written permission.
- (2) The charges for any sewage delivered for disposal to the municipalities sewage treatment plants shall be assessed by the water services authority or its authorised agent in accordance with the prescribed tariffs/ charges.

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

- (1) When sewage is delivered by road haulage-
  - (a) the time of delivery shall be arranged with the water services authority or its authorised agent; and
  - (b) the nature and composition of the sewage shall be established to the satisfaction of the water services authority or its authorised agent 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.

### **82. Withdrawal of permission for deliver of sewage by road haulage**

- (1) The water services authority or its authorised agent may withdraw any permission, after giving at least fourteen days written notice of its intention to a person permitted to discharge sewage by road haul if the person -
  - (a) fails to ensure that the sewage so delivered conforms to the standards prescribed in Schedule "A" or "B", as applicable, or in the written permission; or
  - (b) fails or refuses to comply with any notice lawfully served on him or her in terms of these by-laws or contravenes any provisions of these by-laws or any condition imposed on him in terms of any permission granted to him or her; and
  - (c) fails to pay the assessed charges in respect of any sewage delivered.

## PART 5 - DISPOSAL OF INDUSTRIAL EFFLUENT AND TRADE PREMISES

### 83. Application for disposal of industrial effluent

- (1) A person must apply for permission to discharge industrial effluent into the sewage disposal system of the water services authority or its authorised agent in terms of section 6.
- (2) The water services authority or its authorised agent may, if in its opinion, the capacity of a sewage disposal system is sufficient to permit the conveyance and effective treatment and lawful disposal of the industrial effluent it will, for such period and subject to such conditions it may impose, grant written permission to discharge industrial effluent.
- (3) The provisions of Chapter 2 will *mutatis mutandis* apply to any permission to discharge industrial effluent.
- (4) Any person who wishes to construct or cause to be constructed, a building which shall be used as a trade premises, shall at the time of lodging a building plan in terms of section (6) of the National Building Regulations and Building Standards Act also lodge applications for the provision of sanitation services and for permission to discharge industrial effluent in terms of subsection (2).

### 84. Unauthorized 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 services authority or its authorised agent and in accordance with the provisions of this part.
- (2) A person to whom such permission is granted shall pay to the water services authority or its authorised agent any prescribed charges.

### 85. Quality standards for disposal of industrial effluent

- (1) A person to whom permission has been granted in terms of section 82 must ensure that no industrial effluent is discharged into the sewage disposal system of the water services authority or its authorised agent unless it complies with the standards and criteria set out in Schedules hereto.
- (2) The water services authority or its authorised agent may by writing in the permission concerned, relax or vary the standards in Schedules, provided that the water services authority or its authorised agent is satisfied that any such relaxation represents the best practicable environmental option.
- (3) In determining whether relaxing or varying the standards in Schedules represents the best practicable environmental option a water services authority or its authorised agent will 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 minimization which complies with national and local waste minimization standards to the satisfaction of the water services authority or its authorised agent;
  - (d) the cost to the water services authority or its authorised agent 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 or any other standard laid down in a written permission.

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

- (1) The water services authority or its authorised agent may in the written permission or at any time, by written notice, require a person to –
- I. Subject the industrial effluent to such preliminary treatment as in the opinion of the water services authority or its authorised agent will ensure that the industrial effluent conforms to the standards prescribed in Schedules before being discharged into the sewage disposal system;
  - II. install such equalizing tanks, valves, pumps, appliances, meters and other equipment as in the opinion of the water services authority or its authorised agent will be necessary to control the rate and time of discharge into the sewage disposal system in accordance with the conditions imposed by it;
  - III. install for the conveyance of his or her 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 his or her industrial effluent at any other point and from disposing of his or her waste water and standard domestic effluent by means other than into a sewage disposal system;
  - IV. construct on any pipe conveying his or her industrial effluent to any sewer, a manhole or stop-valve in such position and of such dimensions and materials as the water services authority or its authorised agent may prescribe;
  - V. provide all such information as may be required by the water services authority or its authorised agent to enable it to assess the tariffs or charges due to the water services authority or its authorised agent;
  - VI. 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;
  - VII. 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 water services authority or its authorised agent and copies of the calibration to be forwarded to it; and



- VIII. cause his or her industrial effluent to be analyzed as often and in such manner as may be prescribed by the water services authority or its authorised agent 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 subsection (1) shall be borne by the permit holder concerned.
- (3) The written permission of the water services authority or its authorised agent 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 or the written permission issued in respect of that process or premises, is charged into the sewage disposal system, the water services authority or its authorised agent must be informed of the incident and the reasons therefore within twelve hours of such discharge.

### **87. Withdrawal of written permission for disposal of industrial effluent**

- (1) The water services authority or its authorised agent may withdraw any permission, after giving at least fourteen days written notice of its intention to a person permitted to discharge industrial effluent into the sewage disposal system if the person:-
- (a) fails to ensure that the industrial effluent discharged conforms to the industrial effluent standards prescribed in Schedules of these by-laws or the written permission;
- (b) fails or refuses to comply with any notice lawfully served on him, or her in terms of these by-laws or contravenes any provisions of these by-laws or any condition imposed in terms of any permission granted to him or her; or
- (c) fails to pay the assessed charges in respect of any industrial effluent discharged.
- (2) The water services authority or its authorised agent may on withdrawal of any written permission -
- (a) in addition to any steps prescribed in these by-laws, and on fourteen days' written notice authorize the closing or sealing of the connecting sewer of the said premises to any sewer for such charge as may be prescribed in the Water services authority or its authorised agent's tariff of charges; and
- (b) refuse to accept any industrial effluent until it is satisfied that adequate steps are or have been taken to ensure that the industrial effluent to be discharged conforms with the standards prescribed in these by-laws.

## **PART 6 - MEASUREMENT OF QUANTITY OF EFFLUENT DISCHARGED TO SEWAGE DISPOSAL SYSTEM**

### **88. 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 services authority or its authorised agent; provided that where the water services authority or its authorised agent 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 services authority or its authorised agent 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 services authority or its authorised agent's water supply system, including abstraction from a river or borehole, the quantity will be a percentage of the total water used on that premises as may be reasonably estimated by the water services authority or its authorised agent.

#### **89. Measurement of quantity of industrial effluent discharged**

- 1) The quantity of industrial effluent discharged into the sewage disposal system or to sea outfalls shall be determined-
  - I. Where a measuring device is installed by the quantity of industrial effluent discharged from premises as measured through that measuring device;
  - II. until such time as a measuring device is installed by a percentage of the water supplied by the water services authority or its authorized agent to that premises.
- 2) Where a premises is supplied with water from a source other than or in addition to the water services authority or its authorised agent's water supply system, including abstraction from a river or borehole, the quantity will be a percentage of the total water used on that premises as may be reasonably estimated by the water services authority or its authorised agent.
- 3) 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 services authority or its authorised agent may on application reduce the assessed quantity of industrial effluent.

#### **90. Reduction in the quantity determined in terms of Sections 88 and 89 (l) (a)**

- 1) A person shall be entitled to a reduction in the quantity determined in terms of Sections 88 and 89 (l) (a) in the event that the quantity of water on which the percentage is calculated was measured during a period where water was wasted or a leakage was undetected if the consumer demonstrates to the satisfaction of the water services authority or its authorised agent that the said water was not discharged into the sewage disposal 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 three months, for the same length of time. In the event of no previous consumption history being available the average water consumption will be determined by the water services authority or its authorised agent, after due consideration of all relevant information.
- 5) There shall be no reduction in the quantity if the loss of water directly or indirectly resulted from the consumer's failure to comply with or contravention of these by-laws.

## PART 7 - DRAINAGE INSTALLATIONS

### 91. 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.
- (2)(a) Where the draining installation is a pit latrine it must be of the ventilated improved pit latrine type having:
  - a) a pit of 2 m<sup>3</sup> capacity;
  - b) lining as required;
  - c) a slab designed to support the superimposed loading; and
  - d) 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, 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 run 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 will not 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 handwashing;
- (e) the water services authority or its authorised agent may levy a charge that covers all the operating and maintenance costs in the removal of the pit the contents, transportation to a disposal site, the treatment of the contents to achieve 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.

### 92. 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 street, public place or other land owned by, vested in, or under the control of the water services authority or its authorized agent, except with

the prior written permission of the water services authority or its authorized agent and subject to such conditions as it may impose.

### **93. Construction by water services authority or its authorized agent**

The water services authority or its authorized agent 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, will be constructed by the water services authority or its authorized agent against payment in advance or on demand of all costs associated with such construction.

### **94. Maintenance of drainage installation**

- 1) The owner or occupier of any premises must maintain any drainage installation and any sewer connection on such premises.
- 2) Any person who requests the water services authority or its authorized agent to clear a drainage installation will be liable to pay the prescribed tariff.
- 3) The water services authority or its authorized agent 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 charge.

### **95. Installation of pre-treatment facility**

The water services authority or its authorised agent may require that any new premises must be provided with minimum pre-treatment facility of a type specified by it prior to that premises being connected to the sewage disposal system.

### **96. Protection from ingress floodwaters**

Where a premise is situated in the 1 in 50 year's flood plain the top level of manholes, inspection chambers and gullies is to be above the 1 in 50 years flood level, except, in the case of manholes and inspection chambers, where the cover is secured in place by means approved by the water services authority.

## **PART 8 - PROTECTION OF INFRASTRUCTURE**

### **97. Power of Entry and Inspection**

- (1) An officer of the water services authority and/or water service provider may for any purpose connected with the implementation or enforcement of these By-laws, at all reasonable times or in an emergency at any time, enter premises, request information, take samples, make such inspection, examination and enquiry and carry out work as he or she may deem necessary, and for those purposes operate any component of the drainage installation.
- (2) 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 in subsection (1), 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 his opinion the situation is a matter of urgency, without prior notice do such work or cause it to be done, at the cost of the owner.
- (3) If the work referred to in subsection (2) 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 services authority 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.

### **98. Trespassing on the Sewage Disposal System**

- (1) 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 where entry is prohibited by notice boards; or
  - (b) a structure used by the water services authority in connection with its sewage disposal system.

### **99. Interference with the Sewage Disposal System**

- (1) 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 70.
  - (c) no person shall construct a building or raise or lower the ground level within an area that is subject to sewer servitude.

### **100. 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 services authority 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 subsection (2), or on land adjacent thereto, he or she may by notice in writing require the person concerned not to commence, or to cease performing the work until such time as he or she has complied with the conditions specified in the notice.

### **101. 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 services authority 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.

**102. Obstruction of Access to Sewage Disposal System**

1. No person shall prevent or restrict access to the sewage system.
2. if a person contravenes subsection (1), the authorised officer may;
  - a) By written notice require the person to restore access at his or her own cost within a specified period; or
  - b) if he or she is of the opinion that the situation is a matter of urgency, without prior notice restore access and recover the full cost of doing so from such person.

**103. Work by Private Persons**

- (1) The water services authority or its Agents 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 services authority's Conditions of contract applicable to the work and the following provisions shall apply:
  - a) Any person/s 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 services authority 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 a connection is to be made with any sewer it shall be made at a point indicated by the authorised officer;
  - c) whenever 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 services authority 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 services authority which in the opinion of the authorised officers 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.

## **CHAPTER 5: APPOINTMENT OF WATER SERVICES PROVIDERS**

### **PART 9: Appointment, categories**

#### **104. Appointment of water services provider**

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

#### **105. Water services provider categories**

- (1) Every approved Water Services Provider as authorised agent 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 Services Authority, has the capacity, without external assistance, to manage and administer the water scheme in respect of which approval has been granted in terms of Section 22(1) of the Act and to maintain and operate the water scheme efficiently and effectively.
  - (b) a Category 2 provider shall be a person or institution which, in the opinion of the Water Services Authority, does not have the capacity, without external assistance, to manage and administer the water scheme in respect of which approval has been granted 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 Services Authority to allocate a category to an approved Water Services Provider as authorised agent 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 Services 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 Services Authority or by pre-paid post addressed to the recognized postal address of the Water Services 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;
  - (d) the decision of the council shall be final.
- (3) The Water Services Authority may, in its discretion, require a Category 2 Water Services Provider, as a condition of approval in terms of Section 22(1) of the Act, to enter into a contract with a support services agent who shall in the opinion of the Water Services Authority, have the capacity to provide resources and assistance to the Water Services Provider as authorised agent required to enable the Water Services Provider as authorised agent to comply with the provisions of the Act, these by-laws and any contract or joint venture agreement contemplated in Section 19(l)(b)(i) or (ii) of the Act.
- (4) A certified copy of the agreement referred to in Section 112 above of this by-law shall be lodged with the Water Services 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 112 above of this by-law shall be approved by the Water Services Authority and may not be amended by the Water Services Provider as authorised agent and the support services agent without the prior written consent of the Water Services Authority.



## 106. Water scheme categories

- (1) The categories of water scheme contemplated in Section 104 and 107 shall be:
  - (a) "Category A" being a range of water schemes from either elementary or rudimentary water schemes providing water supply services by drawing water from a hand pump or protected spring, or the provision of sanitation services to a rural community, to more advanced water schemes providing water supply services by way of an abstraction system which is more sophisticated, which has a metered connection to a bulk main and the capacity to supply both communal stand-pipes and private connection provision, or sanitation services to a rural or semi-urban community;
  - (b) "Category B" being a range of water schemes from either water schemes where the abstraction and reticulation provides water to laid out or clearly identified sites, or sanitation services, to small towns, including un-proclaimed towns, to water schemes providing water supply services or sanitation services to a township proclaimed or approved under any law relating to the establishment of townships or water supply services for industrial use, or for the disposal of industrial effluent.
- (2) The Water Services Authority may from time to time in appropriate circumstances change the category to which any water scheme has been allocated to.
- (3) A Water Services Authority shall give written notice to the appropriate approved Water Services Provider as authorised agent 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 Services Provider as authorised agent. and the change in allocation shall take effect from the date upon which such notice is delivered to the relevant Water Services Provider as authorised agent.
- (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 Services 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 Services Authority or by pre-paid post addressed to the recognized postal address of the Water Services 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;

- (d) 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 Services 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.

### **107. Request for Applications for Approval**

- (1) The water services authority may, in respect of any water scheme established or to be established in its area of jurisdiction, at any time if it decides not to be the water services provider in respect of such water scheme as contemplated in section 19(l)(a) of the Act, by public notice, call for proposals from suitable persons or institutions to seek the approval of the water services authority to be the water services provider in respect of such water scheme as contemplated in section 22(1), read with section 19(l)(b), of the Act.
- (2) The public notice referred to in section 107(1) shall be delivered to every public sector water services provider known to the water services authority and shall also be published in a newspaper or newspapers 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.
- (3) The water services authority shall give prior consideration to any proposals submitted by any public sector water services provider as contemplated in section 19(2) of the Act before considering any proposals submitted by any private sector water services providers.
- (4) The water services authority shall, in respect of every water scheme for which it intends to approve a water services provider
  - a) prepare a full and detailed description of the water scheme or schemes which will be operated by the water services provider and which shall as the water services authority may deem appropriate, which conditions shall be binding on the applicant, and which may contain an obligation to comply with any provision of these by-laws as though such person or institution was an approved water services provider;
  - b) in the case of an application for approval in terms of section 22(1) of the Act,
    - i. If the applicant is a private sector water services provider, cause a notice to be published in a newspaper or newspapers circulating in the area where the water scheme or schemes to which the application relates is situated, publicly disclosing its intention to approve such application; and
    - ii. enter into a contract with the applicant, as contemplated in section 19 (1) (b) (i) of the Act, provided that, in the case of a private sector water services provider, such contract shall not commence until a period of thirty days has elapsed after the date of the publication of the notice contemplated in subsection (4) (b) (i) and

after the water services authority has taken into account any representations made by any person or institution in response to the said notice; or

a) full details in regard to:

- I. The names and addresses of all consumers;
- II. the quantity of water consumed by each consumer;
- III. the record of payments made by each consumer;
- IV. arrears owing by consumers to the approved water services provider and steps being taken to recover such arrears;
- V. arrears written off as irrecoverable and reasons why they are deemed to be irrecoverable; and
- VI. circumstances where water services are limited or discontinued and the reasons why such services water services authority are so limited or discontinued.

Failure to submit the said report shall constitute grounds upon which the water services authority shall be entitled to review the approval granted by it in terms of section 22(1) of the Act to the water services provider concerned.

## **108. Disputes**

Any dispute or conflict arising between the Water Services Authority and an approved Water Services Provider as authorised agent 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.

## **Part 10: Other sanitation services**

### **109. Stables and similar premises**

The Municipality 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 Municipality 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.

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

The Municipality may approve the connection or incorporation of a mechanical food waster, 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 Municipality may impose, provided that:

- (a) a water meter is installed by the Municipality;
- (b) the Municipality is satisfied that the sewerage and sewage treatment system will not negatively be affected; and
- (c) the installation or incorporation is installed in conformity with the Municipality's By-laws relating to electricity.

## **PART 11 WATER SUPPLY FOR INDUSTRIAL USE AND ACCEPTANCE OF INDUSTRIAL EFFLUENT**

### **111. Industrial Use - Application**

- a. Any person or institution seeking approval, or the renewal of an approval, from the water services authority 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.
- b. If an applicant intends making application simultaneously for approval in terms of section 7(1) and any other provision of the Act, he shall deal with each application separately, provided that information may be incorporated in one or the other application by reference.
- c. An application for approval contemplated in subsection (a), or the renewal of such approval, shall be made to the water services authority in writing.
- d. Any submission application for any approval in terms of subsection (a), 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 services 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 services 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 applicant's qualifications, capacity to undertake the work associated with the provision of water services in the circumstances reflected in the application, and the experience, skills and financial resources available to 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 services 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 services authority in terms of section 15 of the Act, which description shall include, but not limited to:
    - i. the name 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 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 consumers or potential consumers that will be supplied with water by the applicant;
  - v. details of the source, the quality and quantity of water that will be supplied to consumers or potential consumers 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 schemes, the source of any capital or revenue requirements, and an indication of the sustainability of the water scheme or schemes; and
  - viii. details of tariffs and charges that the applicant will levy on all consumers and potential consumers, 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 norms set by the Minister of Water Affairs and Forestry in terms of section 10 of the Act.
- f) The applicant shall also provide:
- 1) a certificate indicating who the legal owner or owners of the water scheme or schemes is or are;
  - 2) certified copies of all documents and deeds reflecting the legal status of the water scheme or schemes, including deeds of servitude where appropriate; and
  - 3) 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 (19) (4) of the Act.
- e. The water services authority may call for any additional information or documents reasonably required to enable it to determine whether the applicant, including a public sector water provider, or the water scheme or schemes will comply with the Act, these by-laws and the water services development plan of the water services authority, and whether the obligations of the water services authority, imposed on it by the Act, will be met.
- f. The water services authority may, and it shall, if it initially decides to refuse an application made in terms subsection (a), 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 organization reasonably representative of the consumers or potential consumers 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.

## **112. Procedure on Approval**

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

## **PART 12 - WATER SERVICES INTERMEDIARY - REGISTRATION**

### **113. Application for Registration**

- (1) Any person or institution seeking registration with the water services authority 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 his or its own expense.
- (2) An application for such registration shall be made to the water services authority 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 applicant's qualifications, capacity to undertake the work associated with the provision of water services in the circumstances reflected in the application, and the experience, skills and financial resources available to undertake the provision of water services to be provided by the applicant.
  - e) The ground 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 will be operated by the applicant containing sufficient information to enable the water services 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 services authority in terms of section 15 of the Act, which description shall include, but not limited to:
    - I. the name 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 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 consumers or potential consumers that will be supplied with water by the applicant;
- V. details of the source, the quality and quantity of water that will be supplied to consumers or potential consumers 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 schemes, the source of any capital or revenue requirements, and an indication of the sustainability of the water scheme or schemes; and
- VIII. details of tariffs and charges that the applicant will levy on all consumers and potential consumers, 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 norms 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 (19) (4) of the Act.

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#### **114. Additional Information to make Decision**

- (1) The water services authority may call for any additional information or documents reasonably required to enable it to determine whether the applicant, or the water scheme or schemes will comply with the Act, these by-laws and the water development plan of the water services authority, and whether the obligations of the water services authority, imposed on it by the Act, will be met.
- (2) The water services authority may, and it shall, if it initially decides to refuse an application made in terms of section 113(1), prior to making a final decision, meet with the applicant and any organization reasonably representative of the consumers or potential consumers 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.

**115. 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 authority granting such registration it shall deliver a written notification thereof to the applicant and in such notice it shall:
  - (a) draw the applicants attention to the provisions of sections 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 referred to in subsection 115(a).

**116. Suspension of by-laws**

- (1) The water services authority may in respect of any water scheme operated by a registered water services intermediary, in its discretion, suspend any by-law for a defined period of time or indefinitely upon such conditions as it may impose, which conditions may be imposed either at the time that it resolves to suspend any by-law-or at any time thereafter, and it may at any time, hi its discretion, withdraw such suspension, provided that it shall give not less than 60 days written notice of such withdrawal to all interested and affected parties.
- (2) No by-law shall be suspended if the consequences of such suspension shall constitute a contravention of the. Act.

**117. Monthly report**

- (1) An approved Water Services Provider as authorised agent shall submit a monthly report to the Water Services Authority providing at least the following information:
  - (a) such information as the Water Services Authority may reasonably require in order to enable it to monitor and evaluate the operation of the water scheme concerned and to satisfy itself that the said scheme is being operated in such a manner so as to fulfil the requirements of the Act, the applicable water development plan, these by-laws and the contract or joint venture contemplated in Section 19(l)(b)(i) or (ii) of the Act;
  - (b) Failure to submit the said report shall constitute grounds upon which the Water Services Authority shall be entitled to review the approval granted by it in terms of Section 22(1) of the Act to the Water Services Provider as authorised concerned;
  - (c) Such information pertaining to the quality of water so that the Water Services Authority may monitor and evaluate to such quality of water being delivered to the community within the area of jurisdiction of the Water Services Provider as authorised agent.



**118. Quarterly report**

- (1) An approved Water Services Provider as authorised agent shall submit a quarterly report to the Water Services Authority providing the following information:
  - (a) the names and addresses of all clients;
  - (b) the quantity of water consumed by each client;
  - (c) the record of payments made by each client;
  - (d) arrears owing by clients to the approved Water Services Provider as authorised agent and the steps being taken to recover such arrears;
  - (e) arrears written off as irrecoverable and reasons why they are deemed to be irrecoverable; and
  - (f) circumstances where water services are limited or discontinued and the reasons why such services are so limited or discontinued.
- (2) Failure to submit the said report shall constitute grounds upon which the Water Services Authority shall be entitled to review the approval granted by it in terms of Section 22(1) of the Act to the Water Services Provider as authorised agent concerned.

## CHAPTER 6:-ENFORCEMENT

### 119. Responsibility for compliance with 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, and should an owner contravene a provision with which he or she must comply, he or she commits an offence.
- (2) The consumer is responsible for compliance with these By-laws in respect of matters relating to the use of any water and sanitation installation, and should a consumer contravene a provision with which he or she must comply, he or she commits an offence.

### 120. Notice of compliance and representations

- (1) The Municipality may, by a notice of compliance, which must be in writing, order an owner, consumer or any other person who fails, by act or omission, to comply with the provision of these By-laws or to any condition imposed thereunder, to remedy such breach within a period specified in the notice, and the notice must specify:
  - (a) the name and residential and postal address, if either or both of these be known, of the affected person;
  - (b) the provision of these By-laws which has not been complied with;
  - (c) in sufficient detail to enable compliance with the notice, the measures required to remedy the situation;
  - (d) that the person must within a specified period take the measures to comply with the notice, to diligently continue with the measures, and to complete the measures before a specified date;
  - (e) that failure to comply with the requirements of the notice within the period contemplated in paragraph (d) is an offence; and
  - (f) that written representations, as contemplated in subsection (3), may within the period stipulated under paragraph (d) above, be made to the Municipality at a specified place.
- (2) The Municipality, when considering any measure or period envisaged in subsection (1)(c) and (d), must have regard to:
  - (a) the principles and objectives contained in Section 2;
  - (b) the nature of the non-compliance; and
  - (c) any other relevant factors.
- (3) A person may, within the period contemplated in subsection (1)(a), make representations, in the form of a sworn statement or affirmation to the Municipality at the place specified in the notice.
- (4) Representations not lodged within the period will not be considered, except where

- the person has shown good cause and the Municipality condones the late lodging of the representations.
- (5) The Municipality must consider the representations and any response thereto by an authorized official or any other person, if there be such a response.
  - (6) The Municipality may, on its own volition, conduct any further investigations to verify the facts if necessary, and the results of the investigation must be made available to the person, who must be given an opportunity of making a further response if he or she so wishes, and the Municipality must also consider the further response.
  - (7) The Municipality must, after consideration of the representations and response, if there be such a response, make an order in writing and serve a copy of it on the person.
  - (8) The order must:
    - (a) set out the findings of the Municipality;
    - (b) confirm, alter or set aside in whole or in part, the notice of compliance; and
    - (c) specify a period within which the person must comply with the notice.
  - (9) If the notice of compliance is confirmed, in whole or in part, or is altered but not set aside, the Municipality must inform the person that he or she:
    - (a) must discharge the obligations set out in the notice; or
    - (b) may elect to be tried in court.
  - (10) If the person elects to be tried in court he or she must, within seven calendar days, notify the Municipality in writing of his or her intention to be so tried.
  - (11) If the person does not elect to be tried in court, he or she must, within the manner and time set out in the notice discharge his or her obligations.
  - (12) Where there has been no compliance with the requirements of a notice, the person commits an offence, and the Municipality may take such steps as it deems necessary to remedy the situation and the costs thereof must be paid to the Municipality in accordance with Section 121

## **121. Costs**

- (1) Should an owner or consumer fail to take the measures required of him or her by notice, the Municipality may, subject to subsection (3) recover all costs incurred as a result of it acting in terms of Section 120(12) from that person.
- (2) The costs claimed must be reasonable and may include, without being limited to, costs relating to labour, electricity, water, equipment, administrative and overhead costs.
- (3) If more than one person is liable for the costs incurred, the liability must be apportioned by agreement among the persons concerned according to the degree to which each was responsible for the situation existing.
- (4) Costs that are incurred by the Municipality when it does alterations or other works

may be recovered from the person on whom the notice was served, or if a deposit has been paid, the costs may be deducted from the deposit.

### **122. Availability of By-laws**

- (1) A copy of these By-laws must be included in the Municipality's Municipal Code as required in terms of Section 15 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000).
- (2) A copy of these By-laws must be available for inspection at the offices of the Municipality at all reasonable times.
- (3) A copy of these By-laws may be obtained from the Municipality against payment of the relevant fee set out in the prescribed tariff.

### **123. Conflict of law**

If there is any conflict between these By-laws and any other by-laws of the Municipality, these By-laws prevail, subject to the South African Constitution of 1996.

### **124. Co-operation between municipalities and application**

- (1) In an effort to achieve optimal service delivery, the Municipality may enter into agreements with other Water Service Authorities in respect of the following:
  - (a) Practical arrangements with regard to the execution of the provisions of these By-laws;
  - (b) recovery of costs and expenses;
  - (c) mechanisms for the settlement of disputes with regard to the execution of powers or a matter on which there has been an agreement;
  - (d) any other matter regarded as being necessary by the Municipality and other Water Service Authorities to achieve optimal service delivery.
- (2) The provisions of these By-laws apply to the jurisdictional area of the Municipality.

### **125. Liaison forums in community**

- (1) The Municipality may establish one or more liaison forums in a community for the purposes of:
  - (a) creating conditions for a local community to participate in the affairs of the Municipality;
  - (b) encouraging a local community to participate in the affairs of the Municipality; and
  - (c) promoting the achievement of efficient water supply and sanitation services.
- (2) A liaison forum may consist of -
  - (a) a member of members of an interest group;

- (b) a member or members of a community in whose immediate area an efficient water supply and sanitation services are lacking;
  - (c) a designated official or officials of the Municipality; and
  - (d) the councillor responsible for water supply and sanitation services.
- (3) (a) The Municipality may, when considering an application for consent, permit or exemption certificate in terms of these By-laws, where applicable, request the input of a liaison forum.
- (b) A liaison forum or any person or persons contemplated in subsection (2) may, on own initiative submit an input to the Municipality for consideration.

## **126. Transitional arrangements**

- (1) Installation work authorized by the Municipality prior to the commencement date of these By-laws or authorized installation work in progress on such date is regarded to have been authorized in terms of these By-laws, and the Municipality may for a period of 90 days after the commencement of these By-laws authorise installation work in accordance with the by-laws that regulated such work immediately prior to the promulgation of these By-laws.
- (2) Any reference in these By-laws to a charge determined by the Municipality is regarded to be a reference to a charge determined by the Municipality under the laws repealed by Section 127, until the effective date of any applicable charges that may be determined by the Municipality 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 127 is regarded to be a reference to the corresponding provision in these By-laws.
- (3) Any approval, consent or exemption granted under the laws repealed by Section 127, save for the provisions of subsection (2), remain valid.
- (4) A consumer is not 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. If, however, 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 Municipality may by notice require the consumer to comply with the provisions of these By-laws.
- (5) Despite subsection (4), no flushing urinal that is not user-activated may be installed or continue to operate in any water installation, and all flushing urinals that are not user-activated installed before these By-laws commence, must be converted to user-activated urinals within two years of the commencement of these By-laws.

## **127. Repeal of existing water services by-laws**

The provisions of any by-laws of the Municipality in the area of jurisdiction of the Municipality 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.

#### **128. Short title and commencement**

These By-laws are called the Water Supply and Sanitation Services By-laws of Sundays River Valley Municipality, and commence on the date of publication thereof in the Provincial Gazette.

The Municipality may, by notice in the Provincial Gazette, determine that the provisions of these By-laws, listed in the notice, do not apply in certain areas within its area of jurisdiction listed in the notice from a date specified in the notice.

## SCHEDULES

### QUALITY STANDARDS

#### (Section 103(1))

#### PART A Quality standards for disposal of industrial effluent

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 MI/d capacity. Small Works quality limits apply for catchments leading to sewage works with less than 25 MI/d capacity.

GENERAL QUALITY LIMITS	LARGE WORKS. 25 MI/d	SMALL WORKS. 25 MI/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 <sup>2-</sup> )	250	250	mg/
7. Sulphide, hydrosulphides (as S <sup>2-</sup> ) and polysulphides	1	1	mg/
8. Chlorides (as Cl <sup>-</sup> )	1 000	500	mg/
9. Fluoride (as F <sup>-</sup> )	5	5	mg/
10. Phenols (as phenol)	10	5	mg/
11. Cyanides (as CN <sup>-</sup> )	20	10	mg/
12. Settleable solids	Charge	Charge	m/
13. Suspended solids	2000	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
<b>Heavy Metal Limits</b>			
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 cyanogens
- 4 No degreasing solvents, petroleum spirit, volatile flammable solvents or any substance which yields a flammable vapour at 21 C



**PART B****Acceptance of industrial effluent for its charge 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 <sup>-</sup> )	1	mg/
15.	Sulphates in solution (expressed as SO%)	250	mg/

## METALS:

Metal	I Expressed
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 (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.

## 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 Municipality 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 Municipality for these purposes. Any person discharging any substance referred to in this Schedule shall ascertain the details of the appropriate test from the Municipality.