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**Provincial Gazette
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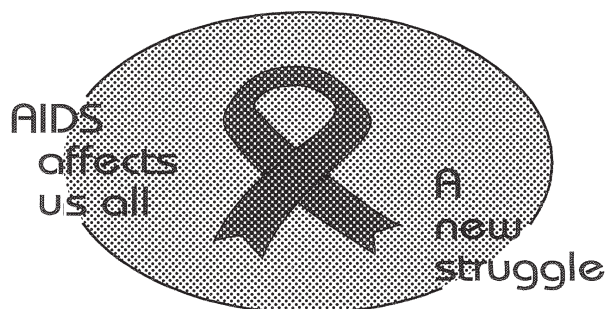
Vol. 22

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No. 3488

PART 1 OF 2

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IMPORTANT

Information

from Government Printing Works

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9. All submissions and re-submissions that miss the cut-off will be rejected to the customer to be submitted with a new publication date.
10. Information on forms will be taken as the primary source of the notice to be published. Any instructions that are on the email body or covering letter that contradicts the notice form content will be ignored.

You are therefore advised that effective from **Monday, 18 May 2015** should you not comply with our new rules of engagement, all notice requests will be rejected by our new system.

Furthermore, the fax number **012- 748 6030** will also be **discontinued** from this date and customers will only be able to submit notice requests through the email address submit.egazette@gpw.gov.za.

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For any information, please contact the eGazette Contact Centre on 012-748 6200 or email info.egazette@gpw.gov.za

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PROVINCIAL NOTICES • PROVINSIALE KENNISGEWINGS

PROVINCIAL NOTICE 100 OF 2015

JOE GQABI DISTRICT MUNICIPALITY

CREDIT CONTROL AND DEBT COLLECTION BY-LAWS

[PROVINCIAL NOTICE NO.]

[DATE OF COMMENCEMENT:]

[These By-laws were published in Provincial Gazette No.]

The Joe Gqabi District Municipality, acting under the authority of Section 156 of the Constitution of the Republic of South Africa, 1996 and Section 11(3)(m) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000), enacts as follows:

JOE GQABI DISTRICT MUNICIPALITY
DRAFT CREDIT CONTROL AND DEBT COLLECTION BY-LAWS

The Joe Gqabi District Municipality, in accordance with section 13(2) of the Municipal Systems Act, 2000 (Act No. 32 of 2000), hereby publishes the Draft Credit Control and Debt Collection By-Laws, as set out hereunder:

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Chapter 1: Definitions and Applications

1. Definitions

For the purpose of these by-laws any words or word or expressions to which a meaning has been assigned in the Local Government: Municipal Systems Act 32 of 2000 or Local Government Municipal Finance Management Act 56 of 2003 shall bear the same meaning in these by-laws and unless the context indicates otherwise:

- “account”** means an account rendered for municipal services provided.
- “Act”** means Local Government: Municipal Systems Act, 2000 (Act No.32 of 2000) as amended.
- “applicable charges”** means the rate , charge, tariff or subsidy determined by the Municipal Council.
- “average consumption”** means the average consumption by a consumer of a municipal service during a specific period, which consumption is calculated by dividing the total measured consumption of that municipal service by that customer over the preceding three months by three.
- “actual consumption”** means the measured consumption of any consumer for any given period.
- “agreement”** means the contractual relationship between the Municipality and a customer whether in writing or not.
- “ area of supply”** means any area within or partly within the area of jurisdiction of the Municipality to which services are provided.
- “ arrears”** means those rates, consumed services, service charges and municipal rent that have not been paid by the due date and for which no arrangement have been made.
- “arrangement”** means a written agreement entered into between the Municipality and the consumer where specific repayment parameters are agreed to. Such arrangement does not constitute a credit facility envisaged in terms of Section 8(3) of the National Credit Act but is deemed to be incidental credit as envisaged in terms of Section 4(6) (b) read with Section 5(2) and (3) of the National Credit Act.
- “authorised agent or representative”** means:
- a) Any person authorised by the Municipal Council to perform any act, function or duty in terms of, or exercise any power under these by-law;
 - b) Any person to whom the Municipal Council has delegated the performance of certain rights, duties and obligations in respect of providing revenue services;

- c) Any person appointed by the Municipal Council in terms of a written contract as a service provider to provide revenue services or municipal services to consumers on its behalf, to the extent authorised in such contract.

“authorised officer”

means any official of the Municipality who has been delegated with authority to implement the provisions of this by-law.

“charges”

means the rate, charge, tariff, flat rate or subsidy determined by the Municipality.

“consumer”

means a person with whom the Municipality has concluded a services contract for the provision of a municipal service”.

“domestic consumer “

means a consumer that occupies a dwelling, structure or property primarily for residential purposes.

“commercial customer”

means any customer other than domestic consumer and indigent consumers, including without limitation, business, industrial, government and institutional consumers.

“connection”

means a point at which a customer gains access to a service”.

“consolidated account”

means an account which is a consolidation of any separate accounts or service charges of a consumer who is liable for payment to the Municipality.

“debt collectors”

means an external person or entity appointed by the Municipality to collect monies due and payable to the Municipality, subject to the conditions contained herein.

“defaulter”

means a consumer who owes any arrears to the Municipality.

“due date”

means the date for payment indicated on the account.

“emergency situation”

means any situation that poses a risk or potential risk to life, health, the environment or property.

“equipment”

means a building or other structure, pipe, pump, wire, cable, engine or any accessories.

“estimated consumption”

means the deemed consumption by a consumer whose consumption is not measured during a specific period, which estimated consumption is rationally determined taking into account at least the consumption of municipal services for a specific level of service during a specific period in

the area of supply of the Municipality.

- “household”** means a traditional family unit, as determined by the Municipality from time to time taking into account the number of persons comprising a household, the relationship between the members of the household, the age of persons who are members of the household and any other relevant factor.
- “illegal connection”** means a connection to any system through which services are provided that is not authorised or approved by the Municipality.
- “indigent consumer”** means a domestic consumer qualifying and registered with the Municipality as an indigent in accordance with the Municipality’s applicable policy and by-laws.
- “interest”** means the charge levied on arrears, calculated at the prime rate charged by the bank which holds the Municipality’s primary bank account, plus a percentage as may be determined by the municipal council from time to time.
- “municipal account”** means an account rendered specifying charges for services provided by the Municipality, or any authorised and contracted service provider, and/or assessment rates levies as well as municipal rent.
- “Municipality”** means the Joe Gqabi District Municipality in terms of section 12 of the Municipal Structures Act, 117 of 1998, and includes any political structure, political office bearer, duly authorised agent or any employee action in connection with this by-law by virtue of a power vested in the Municipality and delegated or sub-delegated to such political structure, political office bearer, agent or employee.
- “Municipal Manager”** means the person appointed as the municipal manager of the Municipality in terms of Section 82 of the Local Government Municipal Structures Act, 1998 (Act 117 of 1998), and includes any person acting in such position and to whom the Municipal Manager has transferred a power, function or duty in respect of such power, function or duty.
- “Municipal Council”** means the Municipal Council of Joe Gqabi District Municipality as referred to in Section 157(1) of the Constitution, 1996 (Act No.108 of 1996).
- “occupier”** means a person who occupies any (or a part of any) land, building, structure or premises and includes a person who, for someone else’s reward or remuneration, allows another person to use or occupy any (or part of any) land, building, structure or premises.

- “owner”** means:
- a) The person in whose name the ownership of the premises is registered from time to time or his or her agent;
 - b) Where the registered owner of the premises is insolvent or, or dead, or for any reason lacks legal capacity, or is under any form of legal disability, that has the effect of preventing him or her from being able to perform a legal act on his or her own behalf, 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;
 - c) Where the Municipality is unable to determine the identity of the owner, a person who has legal right in, or the benefit of use of, any premises, building, or any part of a building, situated on them;
 - d) Where a lease has been entered into for a period of 30 years or longer, or for the natural life of the lessee or any other person mentioned in the lease, or is renewable from time to time at the will of the lessee indefinitely or for a period or periods which, together with the first period of the lease, amounts to 30 years, the lessee or any other person to whom he or she has ceded his or her right of title and interest under the lease, or any gratuitous successor to the lessee.
 - e) In relation to-
 - i) A piece of land delineated on a sectional plan registered in terms of the Sectional Titles Act, 1986 (Act No. 95 of 1986), the developer or the body corporate in respect of the common property; or
 - ii) A section as defined in the Sectional Titles Act, 1986 (Act No. 95 of 1986), the person in whose name such section is registered under a sectional title deed and includes the lawfully appointed agent of such a person; or
 - iii) A person occupying land under a register held by a tribal authority in accordance with a sworn affidavit made by the tribal authority.
- “person”** means any natural person, whether natural or juristic, and includes, but is not limited to, a company incorporated under any law, a body of persons whether incorporated or not, a statutory body, voluntary association or trust.
- “premises”** means any piece of land, the external surface boundaries of which are delineated on a:
- a) general plan or diagram registered in terms of the Land Survey Act, 1927 (Act No.9 of 1927), or in terms of the Deeds Registries Act, 1937 (Act No.47 of 1937);
 - b) sectional plan registered in terms of the Sectional Titles Act, 1986 (Act No. 95 of 1986);
 - c) register held by a tribal authority or in accordance with a sworn affidavit made by a tribal authority.

- “property”** means any portion of land, of which the boundaries are determined, within the jurisdiction of the Municipality.
- “public notice”** means a publication in appropriate media that may include one or more of the following:
- a) Publication of a notice, in the official languages determined by the Municipality in any local newspaper or newspapers circulating in the area of supply of the Municipality, in the newspaper or newspapers circulating in the area of supply of the Municipality determined by the Municipality as a newspaper of record, or by means of radio broadcasts covering the area of supply of the Municipality;
 - b) Displaying a notice at appropriate offices and pay-points of the Municipality; or
 - c) Communication with consumers through public meetings and ward committee meetings.
- “rates”** means a municipal rate on property envisaged in Section 229(1) of the Constitution read with the Local Government: Municipal Property Rates Act 6 of 2004 and the Local Government: Municipal Finance Act 56 of 2003.
- “service charges”** means the fees levied by the Municipality in terms of its tariff policy for any municipal services rendered in respect of immovable property and includes any penalties, interest or surcharges levied or imposed in terms of this policy.
- “services contract”** means the agreement between the Municipality and a consumer, whether written or deemed as provided for.
- “shared consumption”** means the consumption of a consumer of a municipal service during a specific period, which consumption is calculated by dividing the total metered consumption of that municipal service within which a consumer’s premises are situated for the same period by the number of consumers within that supply zone, during the same period.
- “subsidised service”** means a municipal service which is provided to a consumer at an applicable rate which is less than the cost of actual providing the service to consumers at no cost.
- “sundry consumer accounts”** means accounts raised for miscellaneous charges for services provided by the Municipality or charges that were raised against a consumer as a result of an action by a consumer, and were raised in terms of Council’s policies, by-laws and decisions.

“supervisory authority”

means the Executive Mayor of the Municipality or his or her nominee, acting in terms of Section 99 of the Municipal Systems Act 32 of 2000.

“supply zone”

means an area, determined by the Municipality, within which all consumers are provided with services from the same bulk connection.

“tariff”

means the scale of rates, taxes, duties, levies or other fees which may be imposed by the Municipality in respect of immovable property or for municipal services provided.

“unauthorised services”

means receipt, use or consumption of any services which is not in terms of a services agreement, or authorised or approved by the Municipality.

2. Application of the by-laws

These by-laws shall apply to all consumers in respect of amounts due and payable to the Municipality for deposits, charges, arrears and interest which has or will accrue in respect of the aforementioned.

Chapter 2: Provision of municipal services to customers other than indigent customers**Part 1: Application for municipal services****3. Application for services**

- 1) A consumer who requires the provision of municipal services must apply for the service from the Municipality. The application for the provision of municipal services must be made in writing on the prescribed form.
- 2) By completing the prescribed application form for the provision of municipal services the consumer enters into an agreement with the Municipality. Such agreement does not constitute a credit facility envisaged in terms of Section 8(3) of the National Credit Act(NCA) but shall be incidental credit as envisaged in terms of Section 4(6)(b) of the NCA, to which the NCA will only apply to the extent as stipulated in Section 5 of the NCA.
- 3) Where a premises or consumer are provided with a service, it shall be deemed that an agreement in terms of sub-section (1) above of this by-law exists.
- 4) A Municipality must on application for the provision of municipal services, inform the consumer of the different levels of services available and the tariffs and/or charges associated with each level of services.
- 5) A consumer must elect the available level of services to be provided to him, her or it.
- 6) A consumer may at any time apply to alter the level of services elected in terms of the agreement entered into, provided that such services are available and that any costs and expenditure associated with altering the level of services will be payable by the consumer.
- 7) An application agreed to by the Municipality shall constitute an agreement

between the Municipality and the applicant, and such agreement shall take effect on the date referred to or stipulated in such agreement.

- 8) A consumer shall be liable for all the prescribed tariffs and/or charges in respect of services rendered to him or her until the agreement has been terminated in accordance with these by-laws or until such time as any arrears have been paid.
- 9) In completing an application form for services for the purpose of making an application as contemplated in sub-section (1), the Municipality 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 and advise him or her of the option to register as an indigent customer. In the case of illiterate or similarly disadvantaged persons, the Municipality will take reasonable steps to ensure that the person is aware of and understands the contents of the application form. The application form will require at least the following minimum requirements:
 - a) certification by an authorised agent that the applicant is aware of and understands the contents of the form;
 - b) acceptance by the consumer of the provisions of the by-laws and acceptance of liability for the cost of services rendered until the agreement is terminated or until such time as any arrears have been paid;
 - c) name of consumer;
 - d) address or stand number of premises to or on which services are to be rendered/used:
 - i) address to which accounts will be sent;
 - ii) source of income of the applicant;
 - iii) name and address of the applicant's employer, where appropriate;
 - iv) if water will be supplied, the purpose for which the water is to be used; and
 - v) the agreed date on which the provision of services will commence.
- 10) Existing customers may be required to complete application forms as approved by the Municipality from time to time, as determined by the Municipal Manager.
- 11) Services rendered to a consumer are subject to the provisions of these by-laws and the conditions contained in the relevant agreement.
- 12) It is the customer's responsibility to ensure that the postal address and other contact details are correct and, in the case of changes, the Municipality must be notified in writing.
- 13) The Municipality may undertake an investigation into the credit worthiness of commercial customers, and may impose specific additional conditions on such customers, subject to the provisions of these by-laws.
- 14) Service applications will be used to, inter alia, categorise customers according to credit risk and to determine relevant levels of services and deposits required.

- 15) If the Municipality:
 - (a) Refuses an application for the provision of municipal services or a specific service or level of service;
 - (b) Is unable to render such a municipal service or a specific service or level of service on the date requested for such provision to commence; or
 - (c) Is unable to render the municipal services or a specific service or service level, the Municipality must within 7(seven) days, inform the customer of such refusal or inability, the reasons therefore and, if applicable, when the Municipality will be able to provide such municipal services or a specific service or level of service.
- 16) Where the signatory is not the owner of the property to which the services are to be provided, a properly executed letter from such owner indicating the signatory is the lawful occupant of the property shall be attached to the service contract.
- 17) If there is an outstanding debt on the property, this debt must be settled in full before a new application on the same property will be allowed.
- 18) If an existing tenant is guilty of non-payment, the owner will be liable for the outstanding debt, except where the property concerned is owned by the Municipality.
- 19) The agreement with the Municipality makes provision for the following:
 - (a) An undertaking by the occupier that he or she will be liable for collection costs including administration fees, interest, disconnection and reconnection costs, and any other legal costs occasioned by his or her failure to settle accounts by the due date on an attorney/client basis;
 - (b) An acknowledgement by the occupier that accounts will become due and payable by the due date notwithstanding the fact that the owner did not receive the account;
 - (c) that the onus will be on the occupier to ensure that he or she received an account before the due date;
 - (d) the Municipality undertakes to do everything in its power to deliver accounts timeously.
- 20) The application for the provision of municipal services shall be made at least 14 (fourteen) days prior to the date on which the services are required to be connected.
- 21) On receipt of the application for provision of municipal services, the municipality will cause the reading of metered services linked to the property to be taken on the working day preceding the date of occupation.
- 22) The first account for services will be rendered after the first meter reading cycle to be billed following the date of signing the service agreement.

4. Special agreements for water services

The Municipality, may enter into a special agreement for the provision of services to:

- (a) an applicant inside its area of jurisdiction, if the services applied for necessitates the imposition of conditions not contained in the prescribed form;
- (b) an applicant who receives subsidised services; or
- (c) an applicant outside its area of jurisdiction, if such application has been approved by the Municipality having jurisdiction or supplying services in the area.

5. Change in purpose for which water services are used

Where the purpose for or extent to which services used is changed from that provided for in the agreement, the onus and obligation is on the consumer to advise the Municipality of such change and to enter into a new agreement with the Municipality.

6. Termination of agreements for municipal services

- (1) A customer may terminate an agreement for municipal services by giving at least 21 (twenty one) days written notice to the Municipality.
- (2) The Municipality may terminate an agreement for municipal services by giving at least 21 (twenty one) days' notice to the customer where:
 - (a) Municipal services were not utilised for a consecutive 2 (two) months period and no arrangement to the satisfaction of the Municipality for the continuation of the agreement was made;
 - (b) The premises occupied or owned by a customer have been vacated and no arrangement for the continuation of the agreement was made.
- (3) A customer shall remain liable for all arrears and applicable charges payable in respect of municipal services provided, notwithstanding the termination of the agreement for municipal services in terms of sub-sections (1) and (2).

7. Property developments

- (1) A property developer must, on the provision of infrastructure through which municipal services will be provided inform the Municipality, in writing, of the details of the municipal services to be provided through infrastructure and the details of all measuring devices that are installed.
- (2) A property developer who fails to comply with the provisions of sub-section (1) shall be liable for the payment of all applicable charges that would have been payable by customers in respect of municipal services used or consumed.

Part 2: Charges for municipal services

8. Applicable charges for municipal services

- (a) The Council of the Municipality shall by resolution set the prescribed tariffs and charges for municipal services, including but not limited to the payment of connection charges, fixed charges, and additional charges of interest, which shall be in accordance with:
- (i) its tariff policy
 - (ii) any by-laws in respect thereof
 - (iii) any regulations in terms of national or provincial legislation
 - (iv) its Water and Sanitation Services Policy
- (b) Applicable charges may differ between different categories of consumers, users of services, types and levels of services, quantities of services, infrastructure requirements and geographic areas.

9. Availability charges for water services

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

10. Subsidised services

- (1) The Municipal Council may, from time to time, subject to principles of sustainability and affordability, by public notice, implement subsidies for basic levels of municipal services, as determined by the Municipal Council.
- (2) The Municipal Council may in implementing subsidies differentiate between different types of domestic customers, types and levels of services, quantities of services, geographic areas and socio-economic areas.
- (3) A public notice in terms of sub-section (1) must contain at least the following details applicable to a specific subsidy-
- (a) The domestic customers who will benefit from the subsidy;
 - (b) The type, level and quantity of municipal service that will be subsidised;
 - (c) The area within which the subsidy will apply;
 - (d) The rate (indicating the level of subsidy);
 - (e) The method of implementing the subsidy;
 - (f) Any special terms and conditions that will apply to the subsidy.
- (4) If a domestic customer's consumption or use of a municipal service is:
- (a) less than the subsidised service, the unused portion may not be accrued by the customer and will not entitle the customer to a payment or a rebate in respect of the unused portion;
 - (b) in excess of the subsidised service, the customer will be obliged to pay for such excess consumption at the applicable rate.

- (5) A subsidy implemented in terms of sub-section 10.1 may at any time, after reasonable notice, be withdrawn or altered at the sole discretion of the Municipal Council. Commercial customers shall not qualify for subsidised services. Subsidised services shall be funded from the portion of revenue raised nationally that is allocated and if such funding is insufficient the services may be funded from the revenue raised through rates, fees and charges in respect of municipal services.
- (6) Subsidised services may include electricity, water, sewerage, refuse removal and assessment rates and any consumption service charges.

11. Indigent subsidies

- (1) The purpose of the indigent subsidy is to provide funding for a basic level of services to qualifying households with a total gross income level that is below a determined amount, and according to further specified criteria as determined by a Municipal Council from time to time.
- (2) The source of funding of the indigent subsidy is that portion of the equitable share contribution to the Municipality made from the national government's fiscus and as provided for in the budget. As such, the subsidy can only be credited to the qualifying customer's accounts until the amount received by the Municipality from the National Government for this purpose has been exhausted, whereupon no further credits will be made, or the level of credits reduced, until further national funds are received.
- (3) All consumers who qualify for an indigent subsidy may be placed on restricted service levels in order to limit the further escalation of debt.
- (4) Where applicable, these consumers may be exonerated from a portion of or their total arrear debt.
- (5) Where a qualifying indigent applicant customer's account is paid in full at the date of application, or regularly maintains a paid up account after receiving the subsidy, the restriction on service levels may be waived on request by such consumer.
- (6) An indigent consumer must immediately request de-registration by the Municipality or its authorised agent if his/her circumstances have changed to the extent that he/she no longer meet the criteria.
- (7) An indigent consumer may at any time request de-registration.
- (8) A register of indigent consumers will be maintained and may be made available to the general public.

12. Authority to recover additional costs and fees

- (1) The Municipality has the authority, notwithstanding the provisions of any other sections contained in these by-laws, to recover any additional costs incurred in respect of implementing these by-laws against the account of the consumer, including but not limited to:
 - (a) All legal costs, including attorney and consumer costs incurred in the recovery of amounts in arrears shall be against the account of the consumer;

and

- (b) The average costs incurred relating to any action taken in demanding payment from the consumer or reminding the consumer, by means of telephone, fax, email, letter or otherwise.

Part 3: Payment

13. Payment of deposits and the screening of the consumer

- (1) The Municipal Council may, from time to time, determine different deposits for different categories of consumers, users of services, debtors, services and service standards, provided that the deposits may not be more than three times the monetary value for which an application is made. A minimum deposit of the equivalent of one month's average consumption will be required.
- (2) Every consumer must on application for the provision of municipal services and before such services will be provided by the Municipality, pay a deposit, if the municipal council has determined a deposit. Deposits either in cash or any other security acceptable to the municipality may be required, and may vary according to the risk as determined by the Municipality.
- (3) The Municipality may require a consumer to whom services are provided and who was not previously required to pay a deposit, for whatever reason, to pay a deposit on request within a specified period, which deposit shall be subject to the same terms and conditions as set out in sub-section (1) above.
- (4) The Municipality may from time to time review the deposit paid in terms of sub-section (1) above of this by-law and, in accordance with such review:
 - a) require that an additional amount be deposited by the consumer; or
 - b) refund to the consumer such amount as may be held by the Municipality in excess of the reviewed deposit;
 - c) the frequency of default in payment of 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 sub-section (7) below of this by-law.

The Municipality reserves the right to increase deposits at any time and at the sole discretion of the Municipality to a maximum of three months average consumption.

- (5) Subject to sub-section (6) below of this by-law, an amount deposited with the Municipality in terms of sub-sections (1) or (2) shall not be regarded as being in payment or part payment for an account due for water services rendered.
- (6) If, upon the termination of the agreement for the provision of services, an amount remains due to the Municipality in respect of services rendered to the consumer, the Municipality may apply the deposit in payment or part payment of the outstanding amount and refund any balance to the consumer.

- (7) No interest shall be payable by the Municipality on the amount of a deposit held by it in terms of this Section.
- (8) The deposit, if any, is refundable to the customer on settlement of all arrears on termination of the agreement
- (9) If at any time the consumer is in arrears with the payment of his, her or its services account, the Municipality may utilise the deposit which shall be forfeited and credited to the outstanding balance due by the consumer to the Municipality and thereafter the said consumer shall, on receipt of notification, be required to pay a further deposit within a specified period.
- (10) In the event that the consumer does not claim the deposit within a period of twelve months after the termination of the agreement, the deposit shall be forfeited to the Municipality, provided that all reasonable attempts have been made to trace the depositor.
- (11) The owner, occupier and consumer shall be jointly and severely liable and responsible for payment of all services, charges and services consumed in accordance with these bylaws until the date of termination thereof.
- (12) Services provided by the Municipality to a consumer shall be paid for by the consumer at the prescribed tariff or charge set in accordance with Sections 17 and 18? below of this by-law, for the particular category of water services provided.
- 13) A customer shall be responsible for payment for all services provided to the customer from the date of an agreement until the date of termination thereof.
- 14) The Municipality may estimate the quantity of services provided in respect of a period or periods within the interval between successive measurements and may render an account to a client for the services so estimated.
- 15) If a consumer uses services for a category of use other than that for which it is provided by the Municipality in terms of an agreement and as a consequence is charged at a rate lower than the rate which should have been charged, the Municipality may make an adjustment of the amount charged in accordance with the rate which should have been charged and recover from the client the tariffs and charges payable in accordance with such adjustment.
- 16) If amendments to the prescribed tariffs or charges for 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 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.

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- 17) The Municipality must inform a consumer where payment of the accounts under its jurisdiction must take place.
 - 18) A consumer must pay his, her or its account at an approved agent of the Municipality. A consumer shall remain liable for payment of an account not paid with the Municipality or an approved agent.
 - 19) All applicants for municipal services may be checked for credit-worthiness including checking information from banks, credit bureaus, other municipalities or municipal entities, trade creditors and employers.
 - 20) Deposits can vary according to the credit-worthiness or legal category of the applicant.

14. Methods for determining amounts due and payable

- (1) Subject to sub-section (2) the Municipality must in respect of municipal services that can be metered, within available financial and human resources, meter all consumer connections and read all metered consumer connections on a regular basis.
- (2) If a service is not measured, notwithstanding sub-section (1), determine the amount due and payable by a consumer, for municipal services supplied to him, her or it, by:
 - (a) calculating the shared consumption, or if that is not possible;
 - (b) estimating the estimated consumption.
- (3) If a service is metered, but it cannot be read because of financial and human resource constraints or circumstances beyond the control of the Municipality, and the consumer is charged for average consumption, the average consumption will be based on at least three consecutive months' consumption. The account following the reading of the metered consumption must state the difference between the actual consumption and the average consumption, and the resulting credit or debit adjustment. Estimates are limited to a maximum period of 3 (three) months.
- (4) Where water supply services are provided through communal water services networks (standpipes), the amount due and payable by consumers gaining access to water supply services through communal water services networks, must be based on the shared or estimated consumption of water supplied to the water services network.
- (5) Where, in the opinion of the Municipality, it is not reasonably possible or cost effective to meter all consumer connections or read all metered customer connections within a determined area, the Municipal Council may,

notwithstanding sub-section (1), determine the amount due and payable by a customer for municipal services supplied to him, her or it, by:

- (a) calculating the shared consumption; or if this is not possible,
- (b) calculating the estimated consumption.

- (6) The Municipality must inform consumers of the method for determining amounts due and payable in respect of municipal services provided that will apply in respect of their consumption or supply zones.
- (7) Consumers are entitled to request verification of meter readings and accuracy, within reason, but may be held liable for the cost thereof if it is found that the readings are correct or the difference is less than ten percent, up or downwards.

15. Payment for municipal services provided

- (1) A customer shall be responsible for payment of all municipal services charged to him, her or it from the commencement of the agreement until his, her or its account has been settled in full and the Municipality shall be entitled to recover all applicable charges due to the municipality.
- (2) If a consumer uses municipal services for the use other than that for which it is provided by the Municipality in terms of an agreement and as a consequence is charged at a charge lower than the applicable charge, the Municipality may make an adjustment of the amount charged and recover the balance from the customer.
- (3) If amendments to the applicable charge become operative on a date between measurements for the purpose of rendering an account in respect of the applicable charges:
 - (a) it shall be deemed that the same quality of municipal 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 each amendment and such amended applicable charge.

16. Full and final settlement of an account

- (1) Where an account is not settled in full, any lesser amount tendered to be accepted by the Municipality shall not be the final settlement of such an account.
- (2) Sub-section (1) shall prevail notwithstanding the fact that such lesser payment was tendered and accepted in full and final settlement, unless the Municipal Manager or the manager of the Municipality's authorised agent expressly makes such acceptance in writing.

17. Responsibility for amounts due and payable

- (1) Notwithstanding the provisions of any other section of these by-laws, the owner of the premises shall be liable for the payment of any amounts due and payable to the Municipality in respect of the preceding two years, where the owner is not the consumer and the Municipality, after taking reasonable measures to recover any amounts due and payable by the consumer from the latter, could not recover such amounts

18. Dishonoured payments

- (1) Where any payment made to the Municipality or its authorised representative by negotiable instrument is later dishonoured by the bank, the Municipality or its authorised agent:
 - a. may recover the average bank charges incurred relating to dishonoured negotiable instruments against the account of the consumer;
 - b. shall regard such an event as a default on payment;
 - c. take appropriate credit control action including, the disconnection or restriction of the services to such applicable property.

19. Incentive Schemes

- (1) The Municipal Council may institute incentive schemes to encourage prompt payment and to reward consumers who pay accounts on a regular basis.

20. Pay-points and Approved Agents

- (1) A consumer must pay his or her or its account at pay-points specified by the Municipality from time to time, or to approved agents of the Municipality.
- (2) The Municipality must inform a consumer of the location of specified pay-points and approved agents for payment of accounts.

Part 4: Accounts**21. Accounts**

- (1) Monthly accounts will be rendered to clients for the amount due and payable, at the address last recorded with the Municipality.
- (2) Failure by the Municipality to render an account or non-receipt by a consumer of an account does not relieve a consumer of the obligation to pay any amount due and payable. Provisional statement and/or estimated assessment of an amount due and payable by consumer may be obtained from the Municipality. In the event of non-receipt of an account, the customer shall not be relieved of his, her or its obligation to continue to pay monthly according to the latest account received and/or the estimated assessment made by the Municipality until such time as an account is rendered.
- (3) The Municipality must, if it is reasonably possible to do so, issue a duplicate account to a consumer on request.

- (4) An account rendered by the Municipality 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 (21) days after the date of the account.
- (5) If payment of an account is received after the date referred to in sub-section (3) above of this by-law a late payment charge or interest calculated at prime rate plus two percent (2%) per annum must be paid by the consumer to the Municipality or as determined by legislation from time to time.
- (6) 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 service;
 - (vi) provider or authorised agent;
 - (vii) the amount in arrears, if any;
 - (viii) the interest payable on any arrears, if any;
 - (ix) the final date for payment;
 - (x) VAT.
 - b) In addition, accounts may indicate:
 - (i) the methods, places and approved agents where payment may be made; and the consumer may conclude an agreement with the Municipality for payment of the arrear amount in instalments, at the Municipality's offices before the final date for payment, if a consumer is unable to pay the full amount due and payable;
 - (ii) if no such agreement is entered into, the Municipality will limit the water services after sending a final demand notice to the client;
 - (iii) legal action may be instituted against any client for the recovery of any amount 30 (thirty) days in arrears;
 - (iv) proof of registration, as an indigent consumer, in terms of the Municipality's indigent policy must be submitted 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 services in excess of the quantity of basic services.
- (7) The stipulations as contained in sub-section (5) above of this by-law should be included and incorporated into the service agreement with the consumer.
- (8) Notwithstanding anything to the contrary herein contained, where the premises to which services are provided are situated in an area which does not have a formal physical or postal address, the Municipality 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 (sixteen) years and present at the premises, of the amount payable for the 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 Municipality for the receipt of payments for services within five working days.

- (9) At the time that the consumer concerned calls at the office referred to in sub-section (7) above of this by-law as directed, the Municipality shall present such consumer with a written account which complies with the provisions of sub-section (5) above of this by-law, which account shall be deemed to be the account rendered as provided for in Sub-Section (1) above of this by-law.

22. Consolidated debt

- (1) If one account is rendered for more than one municipal service provided, the amount due and payable by a consumer constitutes consolidated debt. The Municipality may consolidate separate municipal accounts, or portions thereof, of a consumer into a single consolidated account.
- (2) The Municipality will, at its discretion, allocate a payment between service debts and a consumer may not specify the allocation of payment.
- (3) 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) Arrears
 - (b) Interest
 - (c) Sundries
 - (d) Additional deposit
 - (e) Penalty on arrears
 - (f) Collection charges on arrears
 - (g) Water
 - (h) Sewerage
 - (i) VAT on vatable services which will be the proportionate amount for the applicable services
- (4) A consumer may not elect how an account is to be settled if it is not settled in full or if there are arrears

Part 5: Queries or complaints in respect of account

23. Queries or complaints in respect of account

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

- (2) A query or complaint must be lodged with the Municipality, in writing, before the due date for payment of the account or as soon as reasonably possible thereafter.
- (3) In the case of an illiterate or similarly disadvantaged consumer, the Municipality must assist such a consumer in lodging his or her complaint in writing and must take reasonable steps to ensure that the query or complaint is reflected correctly.
- (4) Where a query or complaint is lodged after the due date of the account queried or complained about, such query or complaint must be accompanied by the payment of at least an amount equal to the average amount that was due and payable during the preceding three months.
- (5) The Municipality will register the query or complaint and provide the consumer with a reference number.
- (6) The Municipality shall:
 - a) investigate or cause the query or complaint to be investigated within 14 (fourteen) days after the query or complaint was registered; and
 - b) must inform the client, in writing, of the findings within 21 (twenty one) days after the 14 (fourteen) day period having lapsed as provided for in sub-section 5(a) hereof.

24. Appeals against the finding of Municipality in respect of queries or complaints

- 1) A consumer may appeal against a finding of the Municipality in terms of Section 62 of the Municipal Systems Act, Act 32 of 2000.

Part 6: Arrears

25. Consolidated Arrears

- (1) If one account is rendered for more than one municipal service provided all arrears due and payable by a consumer constitutes a consolidated debt and any payment made by a customer of an amount less than the total amount due will be allocated in reduction of the consolidated debt in the following order:
 - (a) Arrears
 - (b) Interest
 - (c) Instalments: dwelling
 - (d) Instalments: stand
 - (e) Sundries
 - (f) Additional: deposit
 - (g) Penalty on arrears
 - (h) Collection charges on arrears
 - (i) Water
 - (j) Sewerage
 - (k) VAT

26. Final demand notice

- (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 client, within 14 (fourteen) working days.
- (2) Failure to deliver or send a final demand notice within 14 (fourteen) working days does not relieve a consumer of paying such arrears.
- (3) In the case of a consumer contemplated in sub-section (1) hereof, such final demand shall be delivered to the consumer concerned at the premises to which the services are supplied by an officer appointed by the Municipality 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 (sixteen) years present at the premises;
 - c) in the absence of any person over the age of 16 (sixteen) 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.
- (4) The Municipality shall appoint an officer conversant in the home language of a consumer who is illiterate or not able functionally to understand the purpose and consequences of a final demand to assist the consumer in responding to such demand, to defend such client 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 client unless authorised to disclose such information by the consumer.
- (5) The final demand notice must contain the following statements:
 - a) the amount in arrears and any interest payable;
 - b) that the consumer may conclude an agreement with the Municipality for payment of the arrear amount in instalments within 14 (fourteen) days of the date of the final demand notice;
 - c) that if no such agreement is entered into within the stated period, the water service will be limited and that legal action may be instituted against the client for the recovery of any amounts 30 (thirty) days in arrears;
 - d) proof of registration as an indigent consumer, in terms of the Municipality's indigent policy, must be submitted before the final date of the final demand notice.

27. Interest

- (1) Interest may be levied on all arrears at a rate prescribed by the Municipality from time to time and as reflected in Section 21(4) above.
- (2) The Municipal Council may differentiate between types of domestic consumers, types and levels of services, quantities of services, geographical areas and socio-economic areas in levying interest on arrears.

28. Limitation or disconnection of municipal services

- (1) The Municipality will, within 14 (fourteen) working days after the expiry of the 14 (fourteen) day period allowed for payment in terms of the final demand notice:
 - a) limit the provision of water services to the defaulting consumer; and
 - b) hand deliver or send per registered mail to the address recorded for service of the consumer, a discontinuation notice informing him, her or it that the provision of the service will be disconnected within 14 (fourteen) days of the date of the discontinuation notice, if:
 - i) no payment was received within the allowed period;
 - ii) no agreement was entered into for the payment of arrears instalments;
 - iii) no proof of registration as indigent was handed in within the 14 (fourteen) day period allowed; or
 - iv) no payment was received in accordance with an agreement for payment of arrears.
- (2) 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 Municipality for payment of the arrear amount in instalments, within 14 (fourteen) days;
 - c) a statement that no proof of registration as indigent was furnished within the 14 (fourteen) day period allowed; or
 - d) a statement that no payment was received in accordance with an agreement for payment of arrears.

29. Accounts 30 (thirty) days in arrears

- (1) Where an account rendered to a consumer remains outstanding for more than 30 (thirty) 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) the defaulting consumer may be handed over to a debt collector or an attorney for collection.

- (2) A consumer will be liable for any administration fees, legal costs and other costs incurred in taking action for the recovery of arrears and any penalties, including the payment of a higher deposit and interest levied.
- (3) 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.

30. General

- (1) The Municipality will not be liable for any loss or damage suffered by a consumer due to his, her or its services being disconnected.
- (2) An agreement for payment of the arrear amount in instalments, entered into after the service was discontinued, will not result in the service being restored until the arrears, any interest thereon, administration fees, legal costs and other costs incurred in taking action and any penalties, including payment of a higher deposit and interest levied are paid in full.

Part 7: Agreement for the payment of arrears in instalments

31. Agreements

- 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 Municipality as authorised 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:
 - i) towards payment of arrears;
 - ii) towards payment of interest;
 - iii) towards payment of the current account.
- 3) A consumer may be required to complete a debit order for the payment of arrears.
- 4) The agreement shall be as determined by the Municipality from time to time.

32. Duration of agreements

- (1) No agreement for the payment of arrears will be longer than twenty-four months, unless the circumstances referred to in sub-section (5) below of this by-law prevail.

- (2) The Municipality may on an individual basis allow a longer period than 24 (twenty four) months for the payment of arrears if special circumstances prevail that, in the opinion of the Municipality, warrant such an extension and which the consumer reasonably could not prevent or avoid. The consumer must, on request by the Municipality, furnish documentary proof of any special circumstances.
- (3) The Municipality may, in exercising its discretion under sub-section (5) above of this by-law, take regard of a consumer's:
 - a) credit record;
 - b) consumption;
 - c) level of service;
 - d) previous breaches of agreements for the payment of arrears in instalments; and
 - e) any other relevant factor.

33. Failure to Honour Agreements

- (1) If a consumer fails to comply with an agreement for the payment of arrears in instalments, the total of all outstanding amounts, including the arrears, any interest thereon, administration fees, costs incurred in taking relevant action, and penalties, including payment of a higher deposit, will be immediately due and payable, without further notice or correspondence.
- (2) 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 client.
- (3) No consumer will be allowed to enter into an agreement for the payment of arrears in instalments if that consumer failed to honour a previous agreement for the payment of arrears in instalments entered into after the receipt of a discontinuation notice, except at the sole discretion of the Municipality.

34. Re-connection of services

- (1) An agreement for payment of the arrears amount installments, entered into after municipal services were limited or disconnected, will not result in the services being restored until:
 - (a) the arrears, any interest thereon, recoverable administration fees, costs incurred in taking relevant action and any penalties, including payment of a higher deposit, are paid in full; or
 - (b) a written appeal by the consumer undertaking a timeous and full payment of arrear instalments and current accounts have been approved by the Municipality.
- (2) In addition to any payments referred to in sub-section (1), the consumer shall pay the standard re-connection fee as determined by the Municipality from time to time, prior to the reconnection of municipal services by the Municipality.
- (4) Municipal services shall be restored within seven(7) working days after a consumer have complied with the provisions of sub-sections (1) and (2) above.

Chapter 3: Provision of Municipal Services to Indigent Consumer**35. Qualification for registration**

- (1) A domestic consumer with a household:
 - (a) whose combined monthly gross income of its members over the age of 18 (eighteen) years old is less than an amount determined by the Municipal Council from time to time;
 - (b) owning not more than one property; and
 - (c) not having an income from letting a property or portion of a property;may apply for registration as an indigent consumer.

36. Application for registration

- (1) A domestic consumer wishing to qualify as an indigent consumer must complete the application form as approved by the Municipal Manager from time to time.
- (2) Any application in terms of sub-section (1) must be accompanied by:
 - (a) documentary evidence of income; or
 - (b) an affidavit declaring unemployment or income; and
 - (c) the consumer's latest municipal account in his or her possession; and
 - (d) a certified copy of the consumer's identity document; and
 - (e) the names and identity numbers of all occupants over the age of 18 (eighteen) years who are resident at the property.
- (3) A consumer applying for registration as an indigent customer shall be required to declare that all information provided in the application form and other documentation supplied with the application form is correct and that the declaration is understood by him or her.

37. Approval of application

- (1) The Municipality may send representatives to premises of domestic consumers applying for registration as indigent consumers to investigate whether the information provided is correct. The provisions of section 61 apply to such investigation.
- (2) The provisions of Part 5 of Chapter 2 shall mutatis mutandis apply in respect of a customer who feels aggrieved by a decision of the Municipality.
- (3) An application shall be approved for the period of the Municipality's financial year only.
- (4) An application approved during the Municipality's financial year shall only be valid for the remaining period of the Municipality's financial year.

38. Conditions

- (1) The Municipality may on approval of an application or at any time thereafter:
 - (a) install a pre-paid electricity meter for the indigent consumer where electricity is provided by the municipality; and
 - (b) limit the water supply services of an indigent consumer to basic water supply services.

39. Annual application

- (1) An indigent consumer must annually, before the end of the Municipality's financial year re-apply for re-registration as an indigent consumer for the forthcoming financial year, failing which the assistance will cease automatically.
- (2) An indigent consumer shall have no expectation of being regarded as an indigent consumer in any year that ensues or follows the year in which he or she was so registered. The municipality gives no guarantee of renewal.
- (3) The Municipality shall inform the applicant in writing within 14 (fourteen) working days of receipt of such application by the Municipality as to whether or not the application is approved. If it is not approved, the applicant shall be given reasons thereof.
- (4) The provisions of Part 5 of Chapter 2 shall mutatis mutandis apply in respect of a consumer who feels aggrieved by a decision of the Municipality in terms of sub-section (4).

40. Subsidised services for indigent consumers

- (1) The Municipal Council may annually, as part of its budgetary process, determine the municipal services and levels thereof that will be subsidised in respect of indigent consumers subject to principles of sustainability and affordability.
- (2) The Municipality must, on a determination in terms of sub-section (1), give public notice of such determination.
- (3) Public notice in terms of sub-section (2) must contain the following:
 - (a) The level or quantity of municipal services that will be subsidised;
 - (b) The level of subsidy;
 - (c) The method of calculating the subsidy;
 - (d) Any special terms and conditions that will apply to the subsidy, not provided for in these by-laws.
- (4) An indigent consumer shall be liable for the payment of any municipal services rendered by the Municipality or municipal services used or consumed in excess of the levels or quantities determined in sub-section (1).
- (5) The provisions of Chapter 2 shall mutatis mutandis apply to the amounts due and payable in terms of sub-section (4).

41. Existing arrears of indigent customers on approval of application

- (1) Arrears accumulated in respect of the municipal accounts of consumers prior to registration as indigent consumers will be suspended for the period that a customer remains registered as an indigent consumer, and interest shall not accumulate in respect of such arrears during such a suspension.
- (2) Arrears suspended in terms of sub-section (1) shall become due and shall be paid by the consumer in monthly instalments to be determined by the Municipality, on de-registration as an indigent consumer in accordance with section 46 and interest will be payable in respect thereof.
- (3) Notwithstanding the provisions of sub-section (2), arrears suspended for a period of 2 (two) years or longer shall not be recovered from a customer on de-registration, subject to the provisions of sub-section (4).
- (4) Arrears not recovered due to the provisions of sub-section (2) shall remain a charge against the property of the indigent consumer for a period of five (5) years after the consumer was first registered as an indigent consumer and shall become due and payable when the property is sold, irrespective of the fact that the consumer is no longer registered as an indigent consumer at the time that the property is sold. A clearance certificate in respect of the property shall only be issued by the Municipality when such arrears have been settled in full.

42. Audits

- (1) The Municipality may undertake regular random audits to:
 - (a) verify the information provided by indigent consumers;
 - (b) record any changes in the circumstances of indigent consumers; and
 - (c) make recommendations on the de-registration of the indigent consumers.

43. De-registration

- (1) Any consumer who intentionally or negligently provides or has provided false information in the application form or any other documentation and information in connection with application:
 - (a) shall automatically, without notice, be de-registered as an indigent consumer from the date on which the municipality obtains evidence that such information is false; and
 - (b) shall be held liable for the payment of all services received, in addition to any other legal action the municipality may take against such a consumer.
- (2) An indigent consumer shall automatically be de-registered if an application in accordance with section 41 is not made or if such application is not approved.
- (3) An indigent consumer may at any time request de-registration.
- (4) The provisions of Part 5 of Chapter 2 shall mutatis mutandis apply in respect of a

consumer feeling aggrieved by de-registration in terms of sub-section (3).

Chapter 4: Emergency Situations

44. Declaration of emergency situations

- (1) The Municipal Council may at any time at the request of the Municipality declare by public notice, a supply zone an emergency situation in respect of a municipal service or more than one municipal service if, in its opinion, a significant risk to the financial viability or sustainability of the Municipality or a specific municipal service exist and that no other reasonable measures can be taken to avoid or limit the risk, provided that the Municipality has submitted a report that contains at least:
 - (a) details of all measures taken by it to avoid or limit the risk;
 - (b) an assessment of why the measures taken by it to avoid or limit the risk have been unsuccessful;
 - (c) details of the proposed measures taken by it to avoid or limit the risk;
 - (d) an assessment of the impact or potential impact of the proposed measures on individual customers within the relevant supply zone, including, but not limited to health and access to basic service implications;
 - (e) details of the education and communication measures to be taken prior to the implementation of the proposed measures;
 - (f) the duration of the proposed measures to be taken; and
 - (g) details of the reasonable measures to be taken to ensure equitable access by each household in the supply zone to that municipal service.
- (2) A public notice in terms of sub-section (1) must contain at least the following details applicable to a specific emergency situation:
 - (a) The reasons for the declaration;
 - (b) The customers and supply zone that will be affected by the declaration;
 - (c) The type, level and quantity of the municipal service that will be provided;
 - (d) The duration of the declaration;
 - (e) The method of implementing the declaration;
 - (f) Specific measure or precautions to be taken by affected customers; and
 - (g) Special relief that may be granted to individual consumers on application to the Municipality.
- (3) In the event of a declaration of a supply zone as an emergency area in accordance with subsections (1) and (2), the municipal service to that supply zone may be limited to basic municipal services per household as determined by the municipality from time to time, provided that at no time may the municipal service provided by the Municipality to that supply zone be less than the collective quantity and quality of basic municipal services per household in that supply zone.
- (4) The Municipality must on a monthly basis submit a status report to the Municipal Council that contain at least the following details:
 - (a) Any improvement in the information on which the declaration was based;
 - (b) The impact of the proposed measures on individual customers within the relevant supply zone, including but not limited to, health and access to basic

- services implications; and
- (c) Special relief granted to individual consumers.
- (5) The Municipal Council must change the declaration of an emergency area by public notice:
- (a) If any of the information on which the declaration was based improves to the extent that the risk referred to in sub-section (1) is avoided or limited;
- (b) If, in its opinion, undue hardship is endured by the consumers affected by the declaration;
- (c) On expiry of the duration specified in terms of sub-sections (1) and (2).
- (6) The Municipality may again request the Municipal Council to declare a supply zone an emergency area on a change of a declaration in terms of sub-section (3) if, in the Municipality's opinion, it is required.
- (7) The provisions of sub-sections (1) to (4) apply to a request in terms of sub-section (6).

Chapter 5: Unauthorised Services

45. Unauthorised services

- (1) No person may gain access to municipal services unless it is in terms of an agreement entered into with the Municipality for the rendering of those services.
- (2) The Municipality may, irrespective of any other action it may take against such person in terms of these by by-laws, by written notice order a person who is using unauthorised services to:
- (a) Apply for such services in terms of sections (1) and (2);
- (b) Undertake such work as may be necessary to ensure that the customer installation through which access was gained complies with the provisions of these or any other relevant by-laws.

46. Interference with infrastructure for the provision of municipal services

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

47. Obstruction of access to infrastructure for the provision of municipal services

- (1) No person shall prevent or restrict physical access to infrastructure through which municipal services are provided.
- (2) If a person contravenes sub-section (1), the Municipality may:
- (a) By written notice require such person to restore access at his or her own

expense within a specified period; or

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

48. Illegal re-connection

- (1) A consumer whose access to municipal services has been restricted or disconnected, who intentionally unlawfully re-connects or allows another person to re-connect services or who intentionally or negligently interferes with infrastructure through which municipal services are provided, shall immediately be disconnected.
- (2) A person who re-connects to municipal services in the circumstances referred to in subsection (1) shall be liable to pay for any services that he, she or it may have utilised or consumed in breach of these by-laws, notwithstanding any other actions that may be taken against such person.
- (3) The consumption will be estimated based on the average consumption of services to the specific area within which the unauthorised connection was made.

49. Immediate disconnections

- (1) The provision of municipal services may immediately be disconnected by the Municipality if any person unlawfully and intentionally or negligently interferes with infrastructure through which municipal services are provided.

Chapter 6: Offences

50. Offences

- (1) Any person who:
- (a) obstructs or hinders the Municipality in exercising of the powers of performance of functions or duties under these by-laws;
 - (b) contravenes or fails to comply with a provision of these by-laws other than a provision relating to payment for municipal services;
 - (c) fails to comply with the terms of a notice served upon him/her in terms of these by-laws;
- shall be guilty of an offence and liable upon conviction to a fine not exceeding R10 000 (ten thousand rand) or a period of imprisonment or community service not exceeding 6 (six) months, or a combination of the aforementioned, and, in the event of a continued offence to a further fine of R4 000 (four thousand rand) for every day during the continuance of such offence.

Chapter 7: Documentation

51. Signing of notices and documents

- (1) A notice or document issued by the Municipality in terms of these by-laws and signed by a staff member of the Municipality shall be deemed to be duly issued and must on its mere production be accepted by a court as prima facie evidence.

52. Notices and Documents

- (1) Any notice or other document that is served on an owner, customer or any other person in terms of these by-laws is regarded as having been served:
 - (a) if it has been delivered to that person personally;
 - (b) when it has been left at the person's village, place of residence, or business or employment in the Republic with a person apparently over the age of sixteen years;
 - (c) when it has been posted by registered mail or certified mail to that person's last known residential address or business address in the Republic and an acknowledgement of posting thereof from the postal service is obtained;
 - (d) if that person's address in the Republic is unknown, when it has been posted in a conspicuous place on the property or premises, if any, to which it relates.
- (2) When any notice or other document must be authorised or served on the owner, occupier or holder of any property it is sufficient if that person is described in the notice or other document as the owner, occupier, or holder of the property or right in question, and is not necessarily the name of that person
- (3) In the case where compliance with a notice is required within a specified number of working days, such a period shall be deemed to commence on the date of delivery or sending of such notice

53. Authentication of documents

- (1) Every order, notice or other document requiring authentication by the Municipality shall be sufficiently authenticated. If signed by the Municipal Manager or by a duly authorised person of the Municipality, such authority being conferred by resolution of the Municipality, written agreement or by a by-law.

54. Prima facie evidence

- (1) In legal proceedings by or on behalf of the Municipality, a certificate reflecting the amount due and payable to the municipality, under the hand of the Municipal Manager, or suitably qualified staff member authorised by the Municipal Manager or the manager of the Municipality's authorised agent, shall upon mere production thereof be accepted by any court of law as prima facie evidence of the indebtedness.

Chapter 8: General Provisions**55. Provision of information**

- (1) An owner, occupier, customer or person within the area of supply of the Municipality must provide the municipality with accurate information.

56. Power of entry and inspection

- (1) The Municipality may enter and inspect any premises for any purpose connected with the implementation or enforcement of these by-laws, at all reasonable times,

after having given reasonable written notice to the occupier of the premises of the intention to do so, where appropriate.

- (2) The owner and or occupier of the property must allow an authorised representative of the Municipality access at all reasonable hours to the property in order to read, inspect, install or repair any metering device or service connection for reticulation, or to disconnect, stop or restrict, or reconnect, the provision of any service. If a customer fails to comply, the Municipality or its authorised representative may:
 - (a) by written notice require such customer to restore access at his/her own expense within a specified period;
 - (b) if it is the opinion that the situation is a matter of urgency, without prior notice restore access and recover the cost from such customer.
- (3) The property owner may be held responsible for the cost of relocating a metering device if satisfactory access is not possible or if the access to the metering device is denied to the Municipality.
- (4) Any entry and inspection must be conducted in conformity with the requirements of the Constitution of South Africa Act No.108 of 1996, and other law, in particular with strict regard to decency and order, respect for a person's dignity, freedom and security and personal privacy.
- (5) The Municipality may be accompanied by an interpreter and any other person reasonably required to assist the authorised official in conducting the inspection.
- (6) A person representing the municipality must, on request provide his or her identification.

57. Exemption

- (1) The Municipality may, in writing, exempt an owner, consumer, and any other person or category of owners, consumers, ratepayers, users of services complying with a provision of these by-laws, subject to any conditions it may impose. If it is of the opinion that the application or operation of that provision would be unreasonable, provided that the Municipality shall not grant exemption from any section of these by-laws that may result in:
 - (a) wastage of excessive consumption of municipal services;
 - (b) evasion or avoidance of water restrictions;
 - (c) significant negative effects on public health, safety or the environment;
 - (d) non-payment for services;
 - (e) the Act, or any regulations made in terms thereof, is not complied with.
- (2) The Municipality may at any time, giving notice of at least thirty days, withdraw any exemption given in terms of sub-section (1).

58. Indemnification from liability

- (1) Neither employees of the municipality nor any person, body or organization or corporation acting on behalf of the municipality, is liable for any damage arising from any omission or act done in good faith in the course of his or her duties

59. Availability of by-laws

- (1) A copy of these by-laws shall be included in the Municipality's Municipal Code as required in terms of legislation.
- (2) The Municipality shall take reasonable steps to inform customers of the contents of this by-law.
- (3) A copy of these by-laws shall be available for inspection at the offices of the Municipality at all reasonable times.
- (4) A copy of these by-laws may be obtained against payment as decided by the Municipality from time to time.

60. Conflict of law

- (1) When interpreting a provision of these by-laws, any reasonable interpretation which is consistent with the purpose of the Act as set out in Chapter 9, must be preferred over any alternative interpretation which is inconsistent with that purpose.
- (2) If there is any conflict between these by-laws and any other by-laws of the Council, these by-laws shall prevail.

61. Repeal of existing municipal credit control and debt collection by-laws

- (1) The provisions of any by-laws relating to credit control and debt collection by the Municipality are hereby repealed insofar as they relate to matters provided for in these by-laws, provided that such provisions shall be deemed not have been repealed in respect of any such by-laws which has not been repealed and which is not repugnant to these by-laws on the basis as determined by the relevant by-laws.

62. Short Title and commencement

- (1) These by-laws are called the Credit Control and Debt Collection By-Laws of the Joe Gqabi District Municipality.
- (2) These by-laws will commence on publication thereof in the Provincial Gazette.
- (3) The municipality may, by notice in the Provincial Gazette, determine that provisions of these by-laws, listed in the notice, does not apply in certain areas within its area of jurisdiction listed in the notice from a date specified in the notice.
- (4) Until any notice contemplated in sub-section (2) is issued, these by-laws are binding.

PROVINCIAL NOTICE 101 OF 2015

JOE GQABI DISTRICT MUNICIPALITY

Tariff By-Laws

[PROVINCIAL NOTICE NO.]

[DATE OF COMMENCEMENT:]

[These By-laws were published in Provincial Gazette No.]

The Joe Gqabi District Municipality, acting under the authority of Section 156 of the Constitution of the Republic of South Africa, 1996 and Section 11(3)(m) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000), enacts as follows:

JOE GQABI DISTRICT MUNICIPALITY

DRAFT TARIFF BY-LAWS

The Joe Gqabi District Municipality, in accordance with section 13(a) of the Municipal Systems Act, 2000 (Act No.32 of 2000), hereby publishes the Draft Tariff By-laws, as set out hereunder:

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CHAPTER 1: DEFINITIONS AND APPLICATION

1. Definitions

For the purpose of these by-laws, any words or word or expressions to which a meaning has been assigned in the Local Government: Municipal Systems Act 32 of 200 or Local Government: Municipal Finance Management Act 56 of 2003 shall bear the same meaning in these by-laws and unless the context indicates otherwise:

“commercial customer” means any customer other than domestic customers and indigent customers, including without limitation, business, industrial, government and institutional customers.

“household”	means a traditional family unit, as determined by the Municipality from time to time taking into account the number of persons comprising a household, the relationship between the members of a household, the age of the persons who are members of the household and any other relevant factors.
“municipal surcharge”	means in excess of the tariff that the Municipality may impose on fees for municipal service provided.
“indigent customer”	means a domestic customer qualifying and registered with the Municipality as an indigent in accordance with the Municipality’s indigent policy and the applicable by-laws.
“rising block tariff”	is a tariff in terms of which the price per kilolitre of water increases from one block of consumption to the next.
“sewage tariff”	means a tariff for the discharge of waste water, industrial effluent, standard domestic effluent and other liquid waste, either charged separately or in combination.
“volumetric tariff”	means a tariff, that is multiplied by the volume of water consumed in a charging period
“water meter”	means any meter, method, procedure, process, device, apparatus or installation that enables the quantity of water services provided to be quantified and includes any method, procedure or process whereby the quantity is estimated or assumed.
“subsidised service”	means a municipal service which is provided to a customer at an applicable rate which is less than the cost of actually providing the service to customers at no cost.
“tariff”	means the scale of rates, taxes, duties, levies or other fees which may be imposed by the Municipality in respect of immovable property or for municipal services provided.

2. Application of the By-Laws

These by-laws are subject to the Municipality’s by-laws relating to credit control and debt collection and the Municipality’s by-laws relating to water and sanitation services.

CHAPTER 2: CHARGES OR TARIFFS

3. Charges to be prescribed by Council

- (1) All deposits, tariffs and charges payable in respect of municipal services must be prescribed by the Municipal Council in accordance with:
 - a) its tariff policy;
 - b) any by-laws; and
 - c) any regulations in terms of national or provincial legislation.

- (2) Charges for water services must comply with the regulations relating to norms and standards in respect of tariffs for water services published in terms of Section 10(1) of the Act.
- (3) The tariff for water services must take the following charges into account:
 - a) Costs of raw water or bulk potable water;
 - b) Costs of overhead and operational costs;
 - c) Costs of replacements, and refurbishments and extension.
- (4) The tariff for water services may also include a fixed charge.

4. Charges may vary for different uses

- (1) The deposits, tariffs and charges prescribed by the Municipal Council may vary depending on the type of use for which the water services are supplied to a consumer, the level of service, the size of connection, the geographic area, and whether or not the services are provided through a credit prepayment meter.
- (2) The Municipal Council may prescribe the different types of use.
- (3) The types of uses must at least differentiate between water services supplied for domestic purposes and for other purposes.

5. Volumetric tariffs

- (1) The prescribed charges for water supplied to a customer through a water meter shall include a volumetric water tariff charged per kilolitre of the measured volume of water supplied to a consumer.
- (2) The effluent discharged by a domestic customer to a municipal sewer shall not be measured unless the Council prescribes otherwise.
- (3) The prescribed charges for a domestic customer who is connected to a municipal sewer shall include a volumetric sewage tariff charged per kilolitre on a prescribed percentage of the measured volume of water supplied to a customer, regardless of the actual percentage of water that is returned to the sewer.
- (4) The Council may prescribe the criteria for determining whether or not the effluent discharged by a commercial customer shall be discharged through a water meter.
- (5) The prescribed charges for effluent discharged by a commercial customer through a water meter shall include a volumetric effluent tariff charged per kilolitre of the measured volume of effluent discharged by a customer.
- (6) The prescribed charges for effluent discharged by a commercial customer that is not discharged through a water meter shall include a volumetric effluent tariff charged per kilolitre on a prescribed percentage of the measured volume of water supplied to a customer, regardless of the actual percentage of water that is returned to the sewer.

(7) The Municipal Council may prescribe percentages of the volume of measured water supplied to a customer on which the volumetric sewage tariff or effluent tariff is charged. The percentage may differentiate between the types of water user. Where no percentage has been prescribed by the Council, the prescribed percentage is 100% for the purpose of calculating the volumetric effluent or sewage charge.

(8) The volumetric charge may differentiate between different types of water users.

6. Rising block tariffs for domestic use

(1) The volumetric tariff for water supplied to a customer for domestic purposes through a water meter shall be a rising block tariff.

(2) The Municipal Council shall prescribe the volume of each tariff block for a billing period, with the exception of the highest tariff block which shall not have a prescribed maximum volume.

(3) The first block of water measured in each billing period shall be free of charge.

(4) Alternatively, the first block of water measured in each billing period shall be free of charge to customers who are registered as indigent persons for the purposes of receiving subsidised services

(5) The Municipal Council may not prescribe a first block of water with a volume of less than six (six) kilolitres per household per month for households connected to the sewer system, and may prescribe a larger first block.

(6) The Municipal Council shall prescribe a higher per kilolitre volumetric tariff for tariff blocks representing higher consumption than for tariff blocks representing lower consumption.

(7) Where more than one household is supplied with water for domestic purposes through a single water meter, the owner of the property may apply to register the number of households and the particulars of the heads of each household on the prescribed application form.

(8) If the number of households supplied through a single water meter decreases, the owner of the property must register the new number of households within 14 (fourteen) working days.

(9) The Municipality may from time to time verify the number of households on a property.

(10) Where more than one household on a property is supplied with water for domestic purposes through a single water meter, the volume of each tariff block prescribed by the Municipal Council shall be multiplied by the number of registered households supplied through that water meter and the charge shall be determined in accordance with the resulting block sizes from the beginning of the billing period following the billing period in which the number of registered households changed.

(11) The account for municipal services shall show the number of registered households on a property.

7. Quality related charges for industrial effluent discharge

- (1) The Municipal Council may prescribe charges relating to the quality of industrial effluent discharges.
- (2) Charges relating to the quality of industrial effluent shall be based on the formula for industrial effluent discharge charges as prescribed by the Municipality.

8. Fixed charges for municipal services

- (1) The Municipal Council may prescribe a fixed monthly charge for each billing period for which municipal services are available, irrespective of whether or not the services are, or are not, used.
- (2) The fixed monthly availability charge may differentiate between water services supplied to customers through a water meter and water services that are not supplied through a water meter.
- (3) The fixed monthly availability charges for a customer may vary where there is more than one registered household supplied through a single water meter.
- (4) The fixed monthly availability charge may differentiate between different types of water use and different diameters and length of connection pipe and different sizes of water meter.

9. Deposits, connection fees and re-connection fees

- (1) The Municipal Council may prescribe deposits, connection fees and re-connection fees and other fees as provided for in the by-laws relating to credit control and debt collection.
- (2) Different fees may be prescribed for different types of water use and for different diameters and length of connection pipe and for different sizes of the meter.

10. Water services supplied to indigent customers

- (1) There shall be no charge for basic water services as defined in the water and sanitation services by-laws supplied for domestic purposes to customers registered as indigent for the purposes of subsidised services.

CHAPTER 3: OFFENCES**11. Offences**

- (1) It is an offence -
 - a) to provide incorrect information on an application form to register the number of households on a premises;
 - b) not to re-register the number of households on a property within 14 (fourteen) working days if the number of households on a property has decreased.

CHAPTER 4: GENERAL PROVISIONS**12. Conflict of interpretation**

- (1) If there is any conflict between these by-laws and any other by-laws of the Council, the most recently published by-laws will prevail.

13. Repeal of existing municipal tariff by-laws

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

14. Short title and commencement

- (1) These by-laws are called the Tariff By-Laws of the Joe Gqabi District Municipality.
- (2) These by-laws will commence on publication thereof in the Provincial Gazette.

PROVINCIAL NOTICE 102 OF 2015

JOE GQABI DISTRICT MUNICIPALITY

WATER AND SANITATION SERVICES BY-LAWS

[PROVINCIAL NOTICE NO.]

[DATE OF COMMENCEMENT:]

[These By-laws were published in Provincial
Gazette No.]

The Joe Gqabi District Municipality, acting under the authority of Section 156 of the Constitution of the Republic of South Africa, 1996 and Section 11(3)(m) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000), enacts as follows:

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1. Definitions

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

- “accommodation unit”** in relation to any premises, means a building or section of a building occupied or used or intended for occupation;
- “Act”** means the Water Services Act, 1997 (Act No. 108 of 1997), as amended from time to time and any regulations promulgated in terms thereof;
- “approved”** means approved by the Municipality in writing;
- “area of supply”** means any area within or partly within the area of jurisdiction of the Municipality to which water services are provided;
- “authorised agent”**
- (a) any person authorised by the Municipality to perform any act, function or duty in terms of, or exercise any power under these by-laws;
 - (b) any person to whom the Municipality has delegated the performance of certain rights, duties and obligations in respect of providing water and sanitation supply services; or
 - (c) any person appointed by the Municipality in terms of a written contract as a service provided to provide water and sanitation services to consumers on its behalf, to the extent authorised in such contract;
- “authorised officer”** means any official of the Municipality who has been delegated with authority to implement the provisions of this by-law;
- “average consumption”** means the average water consumption of a consumer of a municipal service during a specific period, which consumption is calculated by dividing the total measured consumptions of that municipal service during the specific period by the specific period of consumption;
- “best practicable environment option”** means the option that provides the most benefit or causes the least damage to the environment as a whole, at a cost acceptable to society in the long term as well as in the short term;
- “borehole”** means a hole sunk into the earth for the purpose of locating, abstracting or using subterranean water and includes a spring;

“Building Regulations”	means the National Building Regulations made in terms of the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977);
“charges”	means the rate, charge, tariff, flat rate or subsidy determined by the Municipality;
“cleaning eye”	means any access opening to the interior of a discharge pipe or trap provided for the purposes of internal cleaning;
“combined installation”	means a water installation used for fire-fighting for domestic, commercial or industrial purposes;
“commercial consumer”	means any consumer other than domestic consumer and including, without limitation, agriculture, business, industrial, government and institutional consumers;
“communal water services work”	means a connection through which water services are supplied to more than one person;
“connection”	means the point at which a consumer gains access to water services;
“connecting point”	means the point at which the drainage installation joins the connecting sewer;
“connecting sewer”	means a pipe owned by the Municipality and installed by it for the purpose of conveying sewage from a drainage installation on a premises to a sewer beyond the boundary of those premises or within a servitude area or within an area covered by a way leave or by agreement;
“connection pipe”	means a pipe, the ownership of which is vested in the Municipality and installed by it for the purpose of conveying water from a main to a water installation, and includes a “communication pipe” referred to in SABS 0252 Part1;
“conservancy tank”	means a covered tank used for the reception and temporary retention of sewage and which requires emptying at intervals;
“consumer”	means a person with whom the Municipality has concluded a services contract for the provision of a municipal service as provided for in the Credit Control and Debt Collection By-laws
“council”	means the Council of the Joe Gqabi District Municipality;

“Credit Control and Debt Collection By-laws”

means the Credit Control and Debt Collection By-laws adopted and promulgated by the Municipality;

“Criminal Procedure Act”

means the Criminal Procedure Act, 1977 (Act No. 51 of 1977) as amended from time to time, and includes any regulations promulgated in terms thereof;

“determined”

means determined by the Municipality, from time to time;

“delivery system”

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

“domestic consumer”

means a consumer using water for domestic purpose and producing domestic sewage;

“domestic purposes”

in relation to the supply of water, means water supplied for drinking, ablution and culinary purposes to premises used predominantly for residential purposes;

“drain”

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

“drainage installation”

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

“drainage work”

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

“duly qualified sampler”

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

“DWA”

means the Department of Water Affairs or the National Department responsible for the administration of water affairs;

“dwelling unit”	means an interconnected suite of rooms, including a kitchen or scullery, designed for occupation by a single family, irrespective of whether the dwelling unit is a single building or forms part of a building containing two or more dwelling units;
“engineer”	means the engineer of the Municipality, or any other person authorised to act on his or her behalf;
“effluent”	means any liquid whether or not containing matter in solution or suspension;
“emergency”	means any situation that poses a risk or potential risk to life, health, the environment or property and/or a major disruption to service delivery;
“environmental cost”	means the full cost necessary to restore the environment to its condition prior to a damaging incident;
“estimated consumption”	means the deemed consumption by a consumer for a specific period taking into account, amongst other factors, the consumption of water supply services for a specific level of service during a specific period in the area of supply of the Municipality;
“fire installation”	means a water installation that conveys water for fire-fighting purposes only;
“fixed charge”	means the average fixed cost per consumer associated with providing water services in a continuous, effective and efficient manner;
“fixed quantity water delivery system”	means a water installation, which delivers a fixed quantity of water to a consumer in any single day;
“French drain”	means a soil soaked pit for the disposal of sewage and effluent from a septic tank;
“high strength sewage”	means industrial sewage with a strength or quality greater than standard domestic effluent in respect of which a specific charge as calculated in terms of the Schedules to this by-law may be charged;
“household”	means a traditional family unit, as determined by the Municipality from time to time taking into account the number of persons comprising a household, the relationship between the members of a household, the age of the persons who are members of the household and any other relevant factor;

“Illegal connection”	means a connection to any system through which water services are provided that is not authorised or approved by the Municipality;
“incapacitated”	means for the purposes of the definition of a consumer a person who has been declared incapable of managing his or her affairs by a competent court;
“industrial effluent”	means effluent emanating from the use of water for industrial purposes, and includes for purposes for these by-laws effluent other than the standard domestic effluent or storm water;
“industrial purposes”	in relation to the supply of water means water supplied to any premises which constitutes a factory as defined in the General Administrative Regulations, published in terms of the Occupational Health and Safety Act, 1993 (Act No 85 of 1993);
“installation work”	means any work done in respect of a water installation, including the construction, rehabilitation, improvement, and maintenance thereof;
“interest”	means such interest as may be prescribed in terms of Section 1 of the Prescribed Rate of Interest Act, 1975 (Act No. 55 of 1975);
“intermediaries”	means as specified in the Act;
“JASWIC”	means the Joint Acceptance Scheme for Water Installation Components;
“main”	means a pipe, other than a connection pipe, of which the ownership vests in the Municipality and which is used by it for the purpose of conveying water to consumers;
“manhole”	means any access chamber to the interior of the water and/or sewer reticulation system provided for the purpose of maintenance and internal cleaning;

“measuring device”	means any method, procedure, process or device, apparatus or installation used for quantifying water services supplied ;
“meter”	means a water meter as defined by the Regulations published in terms of the Trade Metrology Act, 1973 (Act No.77 of 1973), or, in the case of water meters of size greater than 100 (one hundred millimetres), a device which measures the quantity of water passing through it;
“mid-block sewer”	means a sewer line that serves more than 1 (one) dwelling and/or building and which shall remain the responsibility of the Municipality;
“Municipality”	means the Joe Gqabi District Municipality established in terms of Section 12 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998), and includes any political structure, political office bearer, duly authorised agent and employee acting in connection with this by-law by virtue of a power vested in the Municipality and delegated or sub-delegated to such political structure, political office bearer, agent or employee;
“Municipal account”	means an account rendered by the Municipality for municipal services provided;
“Municipal equipment”	means all the items relating to the municipal water and sanitation system which items are owned by the Municipality;
“Municipal Manager”	means the person appointed as the Municipal Manager of the Municipality in terms of Section 82 of the Local Government Municipal Structures Act, 1998 (Act 117 of 1998), and includes any person: (a) acting in such position; and (b) to whom the Municipal Manager has delegated power, function or duty in respect of such a power, function or duty;
“municipal services”	means for purposes of these by-laws, services provided by the Municipality, including refuse removal, water supply, sanitation, electricity services and rates or any one of the above;
“occupier”	means a person who occupies any (or a part of any) land, building, structure or premises and includes a person who, for someone else’s reward or remuneration, allows another person to use or occupy any (or a part of any) land, building, structure or premises;
“on site sanitation services”	means any sanitation services other than waterborne sewage disposal through a sewage disposal system;

“owner”

means:

- (a) the person in whose name the ownership of a premises is registered from time to time or his or her agent;
- (b) where the registered owner of a premises is insolvent or dead, or for any reason lacks legal capacity, 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;
- (c) where the Municipality is unable to determine the identity of the owner, a person who has a legal right in, or the benefit of the use of any premises, building or any part of a building situated on them;
- (d) where a lease has been entered into for a period of 30 (thirty) years or longer, or for the natural life of the lessee or any other person mentioned in the lease, or is renewable from time to time at the will of the lessee indefinitely or for a period or periods which, together with the first period of the lease, amounts to 30 (thirty) years, the lessee or any other person to whom he or she has ceded his or her right title and interest under the lease, or any gratuitous successor to the lessee;
- (e) In relation to –
 - i) A piece of land delineated on a sectional plan registered in terms of the Sectional Titles Act, 1986 (Act No. 95 of 1986), the developer or the body corporate in respect of the common property; or
 - ii) A section as defined in the Sectional Titles Act, 1986 (Act No 95 of 1986), the person in whose name such section is registered under a sectional title deed and includes the lawfully appointed agent of such a person;
 - iii) A person occupying land under a register held by a tribal authority or in accordance with a sworn affidavit made by a tribal authority;

“person”

means any legal person, whether natural or juristic, and includes, but is not limited to, a local government body, a company incorporated under any law, a body of persons whether incorporated or not, a statutory body, public utility body, voluntary association or trust;

- “person in charge”** means for the purposes of the definition of “consumer” shall include the registered owner of the premises to which water services are provided;
- “plumber”** means a person who has passed a qualifying trade test in plumbing or has been issued with a certificate of proficiency in terms of the Manpower Training Act, 1981 (Act 56 of 1981) or such other qualification as may be required under national legislation;
- “pollution”** means the introduction of any substance into the water supply system, a water installation or a water resource that may make the water harmful to health or the environment or impair its quality for the use for which it is normally intended;
- “premises”** means any piece of land, the external surface boundaries of which are delineated on:
- (a) a general plan or diagram registered in terms of the Land Survey Act, 1927 (Act 9 of 1927), or in terms of the Deeds Registries Act, 1937 (Act 47 of 1937); or
 - (b) a sectional plan registered in terms of the Sectional Titles Act, 1986 (Act 95 of 1986); or
 - (c) a register held by a tribal authority or in accordance with a sworn affidavit made by a tribal authority;
- “pre-payment meter”** means a meter, as defined, including a credit meter, that regulates the provision of water to a consumer in accordance with the consumer’s prior payment for such provision;
- “prescribed tariff or charge”** means a charge prescribed by the Municipality;
- “public notice”** means the publication in appropriate media that may include one or more of the following:
- (a) publication of a notice, in the official languages determined by the Municipality:
 - i) in any local newspaper or newspapers circulating in the area of supply of the Municipality;
 - ii) in the newspaper or newspapers circulating in the area of supply of the Municipality determined by the Municipality as a newspaper of record; or
 - iii) by means of radio broadcasts covering the area of supply of the Municipality; or

- (b) displaying a notice at appropriate offices and pay-points of the Municipality, or
- (c) communication with consumers through public meetings and ward committee meetings;
- “public water”** means any river and watercourse, to which the public has the right of use or access;
- “Regulation 22355”** means the Regulations relating to compulsory national standards and measures to conserve water promulgated in terms of the Act as GN R509 in Government Gazette 22355 of 8 June 2001;
- “reticulation systems”** means a system of engineered hydraulic and hydrologic components which transport water and sewage;
- “sanitation services”** has the same meaning assigned to it in terms of the Act and includes for purposes of these by-laws the disposal of industrial effluent;
- “sanitation system”** means the structures, pipes, valves, pumps, meters or other appurtenances used in the conveyance through the sewer reticulation system and treatment at the sewerage treatment plant under the control of the Municipality and which may be used by it in connection with the disposal of sewage, and “sewage disposal system” has the same meaning;
- “SANS”** means the South African National Standard;
- “septic tank”** means a watertight tank designed to receive sewage and to effect the adequate decomposition of organic matter in sewage by bacterial action;
- “service contract”** means the agreement between the Municipality and a consumer, whether written or deemed as provided for in the Credit Control and Debt Collection By-laws;
- “service pipe”** means a pipe which is part of a water installation provided and installed on any premises by the owner or occupier and which is connected or to be connected to a connection pipe to serve the water installation on the premises;
- “sewage”** means waste water, industrial effluent, standard domestic effluent and other liquid waste, either separately or in combination, but shall not include storm water;
- “sewage disposal system”** means the structures, pipes, valves, pumps, meters or other appurtenances used in the conveyance through the sewer reticulation system and treatment at the sewage treatment plant

	under the control of the Municipality or its approved agent and which may be used by it in connection with the disposal of sewage;
“sewer”	means any pipe or conduit which is the property of or is vested in the Municipality and which may be used for the conveyance of sewerage from the connecting sewer, and does not include a drain as defined;
“shared consumption”	means the consumption of a consumer of a municipal service during a specific period, which consumption is calculated by dividing the total metered consumption of that municipal service within which a consumer’s premises are situated for the same period by the number of consumers within that supply zone, during the same period;
“standpipe”	means a connection through which water is supplied in a public space or yard and which is supported by various means, in a vertical, or near vertical position, with a stopcock at its end;
“standard domestic effluent”	means domestic effluent with prescribed strength characteristics, as determined by the Municipality, in respect of chemical oxygen demand and settleable solids as being appropriate to sewage discharges from domestic premises within the jurisdiction of the Municipality but shall not include industrial effluent;
“storm water”	means water resulting from natural precipitation or accumulation and includes rainwater, subsoil water or spring water;
“Tariff By-law”	means the tariff by-laws adopted and promulgated by the Municipality;
“terminal water fitting”	means a water fitting at an outlet of a water installation that controls the discharge of water from a water installation;
“trade premises”	means premises upon which industrial effluent is produced;
“trap”	means a pipe fitting or portion of a sanitary appliance designed to retain, in position, a water seal which serves as a barrier against the flow of foul air or gas;
“unauthorised services”	means the receipt, use or consumption of any water services which is not in terms of a services agreement, or authorised or approved by the Municipality;
“waste water”	means waste water resulting from the supply of water to a household, offices, shops or any other premises other than industrial premises;

“water fitting”	means a component of a water installation, other than a pipe, through which water passes or in which it is stored;
“water installation”	means the pipes, pumps and water fittings which are situated on any premises and vested in the owner thereof and used or intended to be used in connection with the use of water on such premises, and includes a pipe and water fitting situated outside the boundary of the premises, which either connects to the connection pipe relating to such premises or is otherwise laid with the permission of the Municipality;
“water scheme”	shall mean water scheme established or in the course of being established within the area of jurisdiction of the Municipality for the purposes of providing water supply services;
“water services”	means water supply services and sanitation services;
“water services authority”	has the same meaning assigned to it in terms of Section 1 of the Act;
“water services intermediaries”	has the same meaning assigned to it in terms of Section 1 of the Act;
“Water Services Provider”	has the same meaning assigned to it in terms of Section 1 of the Act, and includes: a) an entity established or appointed by the Municipality as its authorised agent to operate and maintain a water supply scheme/s in accordance with these by-laws and in accordance with the Act; b) the Municipality where it has not appointed an agent to act as water services provider on its behalf and fulfils this duty itself;
“water supply services”	has the same meaning assigned to it in terms of Section 1 of the Act and includes for purposes of these by-laws water for industrial purposes and fire extinguishing services;
“water supply system”	means the structures, aqueducts, pipes, valves, pumps, meters or other apparatus relating thereto of which the ownership vests in the Municipality and are used or intended to be used by it in connection with the supply of water, and includes any part of the system;
“wet industry”	means an industry which discharges industrial effluent;
“working day”	means a day other than a Saturday, Sunday or public holiday;

2. [MT1] Unless the context indicates otherwise and subject to subsection (1), any word or expression used in these by-laws to which a meaning has been assigned in the Act, Regulation 22355 and the National Building Regulations and Building Standards Act (Act 103 of 1977) has that meaning.

CHAPTER 1: APPOINTMENT OF WATER SERVICES PROVIDER

2. Assessment and appointment of a water services provider

- 1) Subject to compliance with the provisions of Section 78 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000), the Municipality 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, 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, a Municipality must:
 - a) manage and account separately for those functions;
 - b) provide water services according to Regulations published in terms of Section 19(5) of the Act.
- 3) When the Municipality appoints a water services provider to provide water services on its behalf, the said Municipality shall be designated as the authorised agent of the Municipality and thereby shall be enabled as a water services provider to fulfil the said function as water services provider on behalf of the Municipality in terms of a contract entered into between the Municipality and water services provider.
- 4) When the Municipality, 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 and shall then and thereafter enter into written contract with the said local Municipality to provide water services within the local Municipality's area of jurisdiction, in line and in accordance with these by-laws and the Act.
- 5) If, after carrying out an assessment in terms of Section 78 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000), it is decided by the Municipality not to act as the water services provider in respect of such area of jurisdiction and/or of a specific water scheme and the said Municipality decides not to appoint a local Municipality or a state or parastatal entity, as its water services provider then it may:
 - (a) 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;
 - (b) call for proposals from suitable persons or institutions to seek the approval of the Municipality 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.

3. Water Services Provider: Approval

- 1) The public notice referred to in Section 4(5) shall be delivered to every public sector water services provider known to the Municipality 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.
- 2) The Municipality shall give prior consideration to any proposals submitted by any public sector Municipality as contemplated in Section 19(2) of the Act before considering any proposals submitted by any private sector water services provider.
- 3) The Municipality shall, in respect of every water scheme for which it intends to approve a water services provider:
 - a) prepare a full and detailed description of the water scheme or scheme which will be operated by the water services provider and which shall provide that the Municipality complies with the criteria set in Section 11 of the Act, these by-laws and the water development plan adopted by the Municipality in terms of Section 15 of the Act, which description shall include, but not be limited to:
 - i) the name or names of the water scheme or scheme;
 - ii) an indication of the nature of the water services to be provided by the water services provider;
 - iii) detailed plans or drawings, with co-ordinates and scales, and specifications depicting the physical installation associated with the water scheme or scheme, including all the structures, aqueducts, pipes, valves, pumps, meters or other apparatus relating thereto used or intended to be used by it in connection with the provision of water services contemplated in the proposal;
 - iv) a detailed description, including numbers and locality, of the consumers or potential consumers that will be supplied with water by the water services provider;
 - v) details of the source, the quality and quantity of water that will be supplied to consumers or potential consumers and what arrangements are in place to ensure that such quality and quantity is consistently maintained; and
 - vi) a certificate indicating who the legal owner or owners of the water scheme or schemes is or are; and
 - vii) certified copies of all documents and deeds reflecting the legal status of the water scheme or schemes, including deeds of servitudes where appropriate, make such information available to all persons or institutions who wish to submit a proposal in response to the public notice published in terms of the previous section.
 - b) make such information available to all persons or institutions who wish to submit a proposal in response to a public notice published in terms of the previous section.

- 4) Any proposal submitted in response to the public notice contemplated herein shall include the following:
- a) a certified copy of the identity document of the applicant, or a certified copy of the founding document or constitution of the applicant, if the applicant is a legal person;
 - b) a certified resolution adopted by the management body of the applicant, if the applicant is a legal person, resolving to apply for approval as a water services provider;
 - c) a certified list of the names and addresses of all persons occupying a leadership and decision-making power in the applicant;
 - d) a detailed statement, supported by adequate proof of authenticity, setting out the applicants qualifications, capacity to undertake the work associated with the provision of water services in the circumstances reflected in the application, and the experience, skills and financial resources available to it to undertake the provision of water services to be provided by the applicant;
 - e) a business plan setting out how the water scheme or water schemes will be operated and maintained during the period the water services provider will undertake the supply of water services as contemplated in the proposal, and what arrangements have been adopted to deal with any emergency, including natural disasters and drought;
 - f) a budget describing the financial administration of the water scheme or water schemes, the source of any capital or revenue requirements, and an indication of the sustainability of the water scheme or water schemes;
 - g) details of tariffs and charges that the applicant will levy on all consumers and potential consumers, the method of calculations such tariffs and charges, the process whereby increases or decreases in such tariffs and charges will be dealt with and the manner in which such tariffs and charges comply with the national norm set by the Minister of Water Affairs in terms of Section 10 of the Act; and
 - h) full details of the conditions that will be imposed in terms of Section 4 of the Act and full details required in terms of Section 19(4) of the Act.

4. Application for Approval

- 1) Any person or institution seeking approval from the Municipality in terms of Sections 6(1) or 22(1) of the Act under circumstances other than in response to a notice published in terms of this Chapter or the renewal of an existing approval shall do so in accordance with the provisions of these by-laws and at its own expense.
- a) No application for approval in terms of Section 6(1) of the Act shall be granted in respect of any water scheme where the consumers or potential consumers exceed

- fifty (50) persons or where the population density exceeds one person per hectare; and
- b) Any application for an approval in terms of Section 30(2)(d) of the Act shall be made under the provisions of Section 22(1) of the Act.
- 2) An application for such approval, or the renewal of such approval, shall be made to the Municipality in writing.
- 3) Immediately on receipt of an application made in terms of Section 22(1) of the Act, if the applicant is a private sector water services provider, then the Municipality shall, in terms of Section 19(2) of the Act, notify all public sector water providers known to it and:
- a) request such public sector water services providers to notify the Municipality within a period of 30 days from the date of the receipt by the public sector water provider of such notice whether it is willing and able to perform the functions contained in the application, and if it is, to provide the Water Service Authority with the documents and particulars referred to in this Chapter; and
- b) on receipt of such documentation and particulars, the water services provider shall consider such application and decide whether to approve a public sector Municipality or a private sector water services provider in respect of the water scheme concerned.
- 4) Any application for approval, or the renewal of any approval granted by the Municipality, shall be accompanied by, at least, the following documents or particulars, provided that, in the case of a renewal of an approval, the Municipality 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 applicants qualifications, capacity to undertake the work associated with the provision of water services in the circumstances reflected in the application, and the experience, skills and financial resources available to it to undertake the provision of water services to be provided by the applicant;
- e) a full and detailed description of the water scheme or schemes which will be operated by the applicant containing sufficient information to enable the

Municipality 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 Municipality in terms of Section 15 of the Act, which description shall include, but not be limited to:

- (i) the name or names of the water scheme or schemes;
- (ii) indication of the nature of the water services to be provided by the applicant;
- (iii) detailed plans or drawings, with co-ordinates and scales, and specifications depicting the physical installation associated with the water scheme or schemes, including all the structures, aqueducts, pipes, valves, pumps, meters or other apparatus relating thereto used or intended to be used by it in connection with the provision of water services contemplated in the application;
- (iv) a detailed description, including numbers and locality, of the consumers or potential consumers that will be supplied with water by the applicant;
- (v) details of 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 water schemes, the source of any capital or revenue requirements, and an indication of the sustainability of the water scheme or water schemes; and(viii) details of tariffs and charges that the applicant 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 norm set by the Minister of Water Affairs and Forestry in terms of Section 10 of the Act;
- (ix) a certificate indicating who the legal owner or owners of the water scheme or schemes is or are;
- (x) certified copies of all documents and deeds reflecting the legal status of the water scheme or schemes, including deeds of servitude where appropriate; and

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

5. Additional information to make decision

- 1) The Municipality may call for any additional information or documents reasonably required to enable it to determine whether the proposer or applicant, including a public sector water services provider, or the water scheme or schemes will comply with the Act, these by-laws and the water development plan of the Municipality, and whether the obligations of the Municipality, imposed on it by the Act, will be met.
- 2) Prior to making a final decision, the Municipality may meet with the proposer or applicant, as the case may be, and any organisation 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.

6. Procedure on approval

- 1) In the event of the Municipality granting such approval it shall:
 - a) in the case of an application for approval in terms of Section 7(1) of the Act, issue a letter of approval to the applicant containing such conditions as the Municipality may deem appropriate, which conditions shall be included in the written contract and shall be binding on the applicant, and which may contain an obligation to comply with any provision of the by-laws as though such person or institution was an approved water 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 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 Municipality, such contract shall not commence until a period of thirty days has elapsed after the date of publication of the notice contemplated in Section (1)(b)(i) of the Act and after the Municipality has taken into account any representations made by any person or institution in response to the said notice; and
 - iii) enter into a joint venture agreement with the water services provider as contemplated in Section 19(1)(b)(ii) of the Act upon such terms and conditions as may be negotiated by such parties, provided that, in the case of a private sector water services provider, such agreement shall not

commence until a period of thirty days has elapsed after the Municipality has taken into account any representations made by any person or institution in response to the said notice.

- (2) Any notice contemplated in subsection 19(3) of the Act shall be published in a newspaper or newspapers, and in the predominant language of such newspaper, which is or are most likely to be read by a majority of the consumers or potential consumers of the water scheme and by the public generally in the area of jurisdiction of the Municipality.
- (3) The by-laws in this section shall apply in all cases where the Municipality has granted its approval to a person or institution in terms of Section 22(1) of the Act read with the provisions of these by-laws.
- (4) The Municipality shall designate each water scheme in its area of jurisdiction into one or other category defined in the succeeding sections of this by-law.

7. Water scheme categories

- 1) The categories of water schemes contemplated in this chapter shall be:
 - a) "Category A" being a range of water schemes from elementary and/or rudimentary water schemes providing water supply services by drawing water from a hand pump or protected spring, and/or the provision of sanitation services to a rural community to more advanced water schemes providing water supply services by way of an abstraction system which is more sophisticated, which was a metered connection to a bulk main and the capacity to supply both communal stand-pipes and private connection provision, and/or sanitation services to a rural or semi-urban community; and
 - b) "Category B" being a range of water schemes from water schemes where the abstraction and reticulation provides water to laid out or clearly identified sites, and/or sanitation services, to small towns, including un-proclaimed towns, to water schemes providing water supply services and/or sanitation services to a township proclaimed or approved under any law relating to the establishment of townships and/or water supply services for industrial use, and/or for the disposal of industrial effluent.
- 2) The Municipality may from time to time in appropriate circumstances change the category to which any water scheme has been allocated.
- 3) A Municipality shall give written notice to the appropriate approved water services provider of its intention to change the category to which any water scheme is allocated to such water services of its intention to change the category to which any water scheme is allocated to such Municipality, and the change in allocation shall take effect from the date upon which such notice is delivered to the relevant water services provider.
- 4) The decision of the Municipality 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 Municipality against such allocation in accordance with the following provisions:

- i) an appeal shall be noted in writing delivered to a recognised main office of the Municipality or by pre-paid post addressed to the recognised postal address of the Municipality;
 - ii) the document evidencing the appeal shall state the grounds upon which the appellant considers that he or she is prejudiced by the allocation appealed against;
 - iii) the appeal shall be considered and disposed of by the Municipality within 45 (forty five) days of the receipt by it of the document evidencing the appeal; and
 - iv) the decision of the Municipality shall be final, but does not preclude the appellant from approaching a Court for appropriate relief.
- 5) Subject to the provisions of this by-law, the Municipality 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 by the Municipality on a quarterly basis, taking into consideration any motivational submission as to why the suspension should remain in place, provided that no provision of this by-law shall be suspended if the consequences of such suspension shall constitute a contravention of the Act.

8. Water Services Provider categories

- 1) Every approved water services provider shall be designated as a Category 1 or a Category 2 provider in accordance with the criteria in subsections (a) and (b) below.
 - a) A Category 1 provider shall be a person or institution which, in the opinion of the Municipality, 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 Municipality, 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 Municipality to allocate a category to an approved water services provider shall be final, provided that any person or institution which has an interest in a particular provider who is aggrieved by such allocation on the grounds that he or she is materially prejudiced by such allocation, shall be entitled to appeal to the Municipality against such allocation in accordance with the following provisions:

- a) an appeal shall be noted in writing delivered to a recognised main office of the Municipality or by pre-paid post addressed to the recognised postal address of the Municipality;
 - 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 Municipality within 45 (forty five) days of the receipt by it of the document evidencing the appeal;
 - d) the decision of the Municipality shall be final.
- 3) The Municipality 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 Municipality, have the capacity to provide resources and assistance to the Municipality required to enable the Water Service Provider to comply with the provisions of the Act, these by-laws and any contract or joint venture agreement contemplated in Section 19(1)(b)(i) or (ii) of the Act.
 - 4) A certified copy of the agreement referred to in Section 6 above of this by-law shall be lodged with the Municipality 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 6 above of this by-law shall be approved by the Municipality and may not be amended by the water services provider and the support services agent without the prior written consent of the Municipality.

9. Monthly Report

- 1) An approved water services provider shall submit a monthly report to the Municipality providing at least the following information:
 - a) such information as the Municipality 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(1)(b)(i) or (ii) of the Act;
 - b) failure to submit the said report shall constitute grounds upon which the Municipality shall be entitled to review the approval granted by it in terms of Section 22(1) of the Act to the Municipality; and
 - c) such information pertaining to the quality of water so that may monitor and evaluate to such quality of water being delivered to the community within the area of jurisdiction of the water services provider.

10. Quarterly Report

- 1) An approved water services provider shall submit a quarterly report to the Municipality providing the following information:
 - a) the names and addresses of all consumers;
 - b) the quantity of water consumed by each consumer;
 - c) the record of payments made by each consumer;
 - d) arrears owing by consumers to the approved water services provider and the steps being taken to recover such arrears;
 - e) arrears recommended to be written off as irrecoverable and reasons why they are deemed to be irrecoverable; 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 Municipality 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.

11. Disputes

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

CHAPTER 2: APPLICATION, PAYMENT AND TERMINATION

PART 1: Application

12. Application for water service

- 1) No person shall gain access to water and sanitation service from the water supply system or sewage disposal system or through any other sanitation services unless he or she has applied to the Municipality on the prescribed form for such service for a specific purpose and to which such application has been agreed.

- 2) Water services rendered to a consumer by the Municipality are subject to the Municipality's by-laws relating to credit control and debt collection, these by-laws and the conditions contained in the relevant agreement.

13. Service contract for water services

The Municipality may enter into a services contract for the provision of water services with an applicant in accordance with the Municipality's credit control and debt collection by-laws.

14. Change in purpose for which water services are used

Where the purpose for or extent to which water services used is changed the consumer must promptly advise the Municipality or authorised agent of such change and to enter into a new agreement with the Municipality.

PART 2: Charges

15. Prescribed charges for water services

- 1) All applicable charges payable in respect of water services including but not limited, to the payment of connection charges, fixed charges or any additional charges or interest shall be set by the Council in accordance with:
 - (i) any policies for rates, tariffs, credit control and debt collection;
 - (ii) the Tariff By-laws of the Municipality;
 - (iii) any regulations in terms of national or provincial legislation;
- 2) Differences between categories of consumers, users of services, types and levels of services, quantities of services, infrastructure requirements and geographic areas, may be used as a basis for the imposition of differential charges.

16. Availability charges for water services

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

PART 3: Payment

17. Payment

The owner, occupier and consumer shall be jointly and severally liable and responsible for payment of all water services charges and water services consumed by a consumer, in accordance with the Municipality's Credit Control and Debt Collection By-laws.

PART 4: Termination, limitation and discontinuation of water services

18. Termination of services contract

A consumer may terminate a services contract, provided this is done in the manner prescribed by the Municipality.

19. Limitation and/or discontinuation of water services provided

- 1) The Municipality may limit or discontinue water services provided in terms of these by-laws:
 - a) at the written request of a consumer;
 - b) if the service contract for the provision of services has been terminated and the Municipality has not received an application for subsequent water services to the premises, within a period of 90 (ninety) days of such termination;

- c) the building on the premises to which services were provided has been demolished;
- or
- d) if the consumer has interfered, tampered or damaged or caused or permitted interference, tampering or damage to the water supply system of the Municipality for the purposes of gaining access to water supply services after notice by the Municipality:
- i. in an emergency;
 - ii. if there has been material abuse of the water services by the owner, occupant or consumer in respect of the premises; or
 - iii. if the use of water services is creating significant environmental damage or water pollution.
- 2) The Municipality shall not be liable for any damages or claims that may arise from the limitation or disconnection of water services provided in terms of subsection (1) including damages or claims that may arise due to the limitation or disconnection of water services by the Municipality in the *bona fide* belief that the provisions of this by-law apply.
- 3) The Municipality shall, where water services have been discontinued in terms of subsection (1), only be obliged to restore such water services when the prescribed fees for the discontinuation and reconnection of the water services and any applicable deposit have been paid.
- 4) If a consumer fails to pay the amount due and payable on or before the final date for payment, then the unpaid amount is in arrears and a final demand notice may be sent and may be hand delivered or posted, per mail, to the most recent recorded address of the consumer.
- 5) Failure to deliver or send a final demand statement notice does not relieve a consumer from paying such arrears.
- 6) The final demand notice must contain the following:
- (a) the amount in arrears and any interest payable, and the date by which such arrears and interest must be paid;
 - (b) that the consumer may conclude an agreement with the Municipality for payment of the arrears amount instalments within 14 (fourteen) days of the date of final demand notice;
 - (c) that, if no such agreement is entered into within the stated period, then the water services will be discontinued or limited and legal action may be instituted against the consumer for the recovery of any amount that is 30 (thirty) days or more in arrears, without further notice;

- (d) that the consumers name may be made public, and may be listed with a credit bureau or any other equivalent body as a defaulter;
 - (e) that the account may be handed over to a debt collector or attorney for collection;
 - (f) that proof of registration as an indigent consumer, in terms of the Municipality's Credit Control and Debt Collection By-laws, must be handed in to the Municipality on or before the date for payment contemplated in subsection (a);
 - (g) 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; and
 - (h) an opportunity for the consumer to make representation in writing, on or before the date of payment contemplated in subsection (a).
- 7) Interest may be levied on all arrears as provided for in the service agreement.
- 8) 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 order determined by the Municipality.
- 9) The Municipality may, after expiry of the period allowed for payment in terms of the final demand notice, deliver by hand or send, per mail, to the latest recorded address of the consumer:
- (a) a discontinuation notice, informing such consumer that the provision of water services will be, or has been, discontinued on the date stated on the discontinuation notice;
 - (b) a discontinuation notice must contain information advising the consumer of steps which can be taken to have the service re-connected.
- 10) If representations made by a consumer are unsuccessful either wholly or in part, then a final demand notice complying with the provisions of subsections (6)(a) to (g) must be given to the consumer in the manner provided for in subsection (4), stipulating that no further representations may be made.
- 11) Subject to the provisions of the Act, and subject to the provisions of the Promotion of Administrative Justice Act, 2000 (Act 3 of 2000), having been observed, saved that the Municipality's reasons for its decision to act must be supplied within seven days after a request therefore, the Municipality may discontinue water services to a consumer if:
- (a) the full payment was not received within the period stated in the final demand notices referred to in subsections (6) and (10);
 - (b) no agreement was entered into for the payment of arrears in instalments;
 - (c) no proof of registration as an indigent was furnished within the period provided for in the final demand notices contemplated in subsections (6) and (10);

- (d) no payment was received in accordance with an agreement for payment in arrears;
 - (e) no representations as contemplated in subsection (6)(h) were made within the period provided for in the final demand notice; and
 - (f) the representations referred to in subsection (10) have not been wholly accepted by the Municipality.
- 12) Where an account rendered to a consumer remains outstanding for more than 60 days:
- (a) the defaulting consumer's name may be made public, and may be listed with a credit bureau or any other equivalent body as a defaulter; and
 - (b) may be handed over to a debt collector or an attorney for collection.
- 13) A consumer will be liable for any administration fees or costs incurred in taking action for the recovery of arrears and any penalties, including the payment of a higher deposit.
- 14) Where a body corporate is responsible for the payment of any arrears amount to the Municipality in respect of a sectional title development, the liability of the body corporate shall be extended to the members thereof, jointly, but in proportion to the participation quota of each sectional title unit.
- 15) No action taken in terms of this section, as a result of non-payment, may be suspended or withdrawn unless the arrears, any interest thereon, administration fees, additional charges, costs incurred in taking legal action and any penalty, including the payment of a higher deposit, which are payable, are paid in full.
- 16) The formation of an agreement for payment of the arrears amount instalments, entered into after the water services were discontinued, will not result in the restoration of water services until the arrears, any interest thereon, administration fees, costs incurred in taking legal action and any penalty, including payment of a higher deposit, are paid in full.

20. Conflict in interpretation and implementation

In the event of conflict in the interpretation and implementation of this Chapter and any other provision of the Revenue by-laws, this Chapter shall prevail.

CHAPTER 3: SERVICE LEVELS

21. Service levels

- 1) The Municipality on the recommendation of the Municipal Council may, from time to time, and in accordance with national policy, but subject to principles of sustainability and affordability, by public notice, determine the service levels it is able to provide to consumers.
- 2) The Municipality may, in determining service levels, differentiate between types of consumers, domestic consumers, geographical areas and socio-economic areas.

- 3) The following levels of service may, subject to subsection (1), be provided by the Municipality on the promulgation of these by-laws:
- (a) **Basic Service Level:** Communal water supply services and on-site sanitation services:
 - i) constituting the minimum level of service provided by the Municipality;
 - ii) consisting of reticulated standpipes or stationery water tank serviced either through a network pipe or a water tanker located within a reasonable walking distance from any household with a ventilated improved pit latrine located on each premises with premises meaning the lowest order of visibly demarcated area on which some sort of informal dwelling has been erected;
 - iii) installed free of charge;
 - iv) provided free of any charge to consumers; and
 - v) maintained by the Municipality.
 - (b) **Intermediate Service Level:** A yard connection, not connected to any water installation and an individual connection to the Municipality's sanitation system:
 - (i) consisting of an un-metered standpipe on a premises and a pour-flush toilet pan, wash-through and suitable toilet top structure connected to the Municipality's sanitation system;
 - (ii) installed free of charge;
 - (iii) provided free of any charge to consumer; and
 - (iv) maintained by the Municipality.
 - (c) **Full Service Level:** A metered pressured water connection with an individual connection to the Municipality's sanitation system:
 - (i) installed against payment of the relevant connection charges;
 - (ii) (ii) provided against payment of prescribed charges; and
 - (iii) with the on-site water and drainage installations maintained by the consumer.

CHAPTER 4: CONDITIONS FOR WATER SUPPLY SERVICES

PART 1: Connection to water supply systems

22. Application for water service

- 1) Application for water services is to be made on the form prescribed by the Municipality for such purpose.

- 2) Where premises or a consumer are provided with a water service, it is deemed that a service contract, contemplated in the Credit Control and Debt Collection By-laws, exists.
- 3) The Municipality must, on application as contemplated in subsection (1), inform the applicant of the different levels of services contemplated in Chapter 3 and the tariffs or charges associated with each level of services, and the applicant must elect the level of services to be provided to him or her or it.
- 4) A consumer may at any time apply that the level of services, elected in terms of the service contract entered into, be altered, provided that:
 - (a) such services are available; and
 - (b) any costs and expenditure associated with altering the levels of services are payable by the consumer.
- 5) When a person applies for water services in terms of the Credit Control and Debt Collection By-laws, the Municipality must ensure, through a process of interaction with the applicant, that the applicant understands the contents of the application form.
- 6) In the instance where an illiterate disadvantaged person applies, the Municipality must take additional steps to ensure that the applicant understands such contents.

23. Special agreements for water services

The Municipality may enter into a special agreement with an applicant for the provision of water services to:

- 1) an applicant inside its area of jurisdiction, if the nature of the services applied for necessitates the imposition of conditions not contained in the prescribed form; and
- 2) an applicant outside its area of jurisdiction, if such application has been approved by the water services authority having jurisdiction or supplying water services in the area which the water is sourced.

24. Change in purpose for which water is used

When the purpose for or extent to which water services used is changed from that provided for in the service contract, the consumer shall advise the Municipality of such change, and the consumer must then enter into a new service contract with the Municipality.

25. Provision for connection pipe

- 1) If an agreement for water supply service in respect of premises has been concluded and no connection pipe exists in respect of the premises, the owner shall make application on the prescribed form and pay the prescribed charge for the installation of such a pipe.
- 2) If an application is made for water supply service, which are of such an extent or so situated that it is necessary to extend, modify or upgrade the water supply system in order to supply

water to the premises, the Municipality may agree to the extension subject to such conditions as it may impose.

- 3) Only the Municipality may install a connection pipe. The owner or consumer may connect the water installation to the connection pipe.
- 4) No person may commence any development on any premises unless the Municipality or authorised agent has installed a connection pipe and meter.

26. Location of connection pipe

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

27. Provision of single water connection for supply to several consumers on same premises

- 1) Notwithstanding the provisions of Section 24 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 Municipality 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 Municipality 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 Municipality 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 Municipality for the tariffs and charge for all water supplied to the premises through such a single measuring device, irrespective of the different quantities consumed by the different consumers served by such measuring device.
- 4) Notwithstanding subsection (1), the Municipality may authorise that more than one connection pipe be provided on the water supply system for the supply of water to any premises comprising sectional title units or if, in the opinion of the Municipality, 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 Municipality under subsection (4), the tariffs and charges for the provision of a connection pipe is payable in respect of each water connection so provided.
- 6) Where a premise is supplied by a number of connection pipes, the Municipality may require the owner to reduce the number of connection points and alter his water installation accordingly.

28. Interconnection between premises or water installations

- 1) 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, between the water installations of the accommodation units.
- 2) Interconnection may exist only if the owner:
- a) has obtained the prior written consent of the Municipality; and
 - b) complies with any conditions that the Municipality may have imposed.

29. Disconnection of water installation from connection pipe

The Municipality 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 24 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 (ninety) days of such termination; or
- b) the building on the premises concerned has been demolished.

30. Communal water services and provision of water services to several consumers

The Municipality may install a communal water services work for the provision of water services to several consumers at a location that the Municipality 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.

31. Temporary supply: water supplied from a water supply system

- 1) The Municipality may authorise a temporary supply of water to be taken from one or more water supply systems specified by it, subject to such conditions and period as may be prescribed by it.
- 2) A person who desires a temporary supply of water referred to in subsection (1) above of this by-law and/or the use of a portable water meter in terms of subsection (4) below of this by-law must apply to the Municipality for such service.
- 3) Supply of water in terms of subsection (1) above of this by-law must be measured.
- 4) The Municipality may for purposes of measuring provide a portable water meter to be returned to the Municipality 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 the system, shall remain the property of the Municipality and will be provided subject to any conditions imposed by the Municipality.

32. Pre-payment meters

- 1) The Municipality may install pre-payment meters:
 - (a) upon the request of a consumer; or

- (b) at its own initiative when it reasonably deems such installation to be necessary in order to achieve the objectives or to implement the provisions of this by-law.
- 2) In the event that a consumer requests the installation of the pre-payment meter, application shall be made in accordance with the requirements of this Chapter, provided that the Municipality may waive strict compliance with such requirements where an agreement for the provision of water services already exists.
- 3) For purposes of granting a request for the installation of a pre-payment meter, the Municipality shall ensure that the connection thereof to the water supply system substantially complies with the requirements of this chapter.
- 4) The costs of such installation shall be borne by the consumer, including the costs of the pre-payment meter itself and the labour required.
- 5) The operation and use of pre-payment meters shall not:
 - (a) prejudice a consumer's entitlement to a free basic supply of water, as determined by this by-law or the Credit Control and Debt Collection By-laws, as the case may be; or
 - (b) contravene the requirements of the Act, this By-law, or the Revenue By-laws, with regard to the restriction or termination of services.
- 6) At all times, the provisions of this by-law shall apply, *mutatis mutandis*, to the operation and use of pre-payment meters.

PART 2: Standards and condition of supply

33. Quantity, quality and pressure

Water supply services provided by the Municipality will comply with the minimum standards set for the provision of water supply services in terms of Regulations published in terms of Section (9)(1) and Section 73(1)(j) of the Act.

34. General conditions of supply

- 1) The Municipality 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 for the costs.
- 2) The Municipality may, in an emergency, interrupt the supply of water to any premises without prior notice.
- 3) If in the opinion of the Municipality 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.

35. Testing of pressure in water supply system

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

36. Pollution of Municipality's water supply

- 1) Unless such act is specifically authorised in writing by the Municipality, no person shall commit an act which may cause pollution of any nature to water in a reservoir or other place owned, controlled by or vested in the Municipality either in whole or in part, and used by it in connection with the supply of water. Such pollution shall include pollution of water or the environment in the jurisdiction of the Municipality and shall include all water sources such as streams, rivers, dams, and ground water, but shall not be restricted thereto.
- 2) No person shall, except at such places as are designed by notice boards or in such receptacles as are provided by the Municipality, deposit or discharge rubbish, night -soil, industrial water or other matter which may cause pollution of any nature on a portion of a catchment area relating to the Municipality's water supply which has been designated by notice boards as being an area where such acts are prohibited.
- 3) If a person contravenes subsection (1) or (2) above of this by-law, the Municipality may:
 - a) by notice in writing require the person immediately to cease such act and take specified action within the specified period; or
 - b) if it is of the opinion that the situation is a matter of urgency, without prior notice, take such action as it may deem necessary and recover the cost from the person.

37. Owner to prevent pollution of water

- 1) An owner shall provide and maintain measures, approved by the Municipality to prevent the entry of a substance, which may be a danger to health or adversely affect the quality of water or affect its fitness for use, into:
 - a) the water supply system; and
 - b) any part of the water installation on his or her premises.
- 2) If an owner fails to comply with the provisions of subsection (1) and pollution occurs as envisaged therein, such owner, upon being called upon in writing to do so by the Municipality, shall:
 - a) within a reasonable period stipulated in such notice, at his or her own cost, take such actions as may be approved or directed by the Municipality to remove any such pollution and prevent any further occurrence thereof to the satisfaction of the Municipality; or

- b) if he or she fails to do so, reimburse the Municipality's costs in taking such actions, as it may deem necessary and desirable to remove any such pollution and prevent any further occurrence thereof.
- 3) For the purposes of subsection (2)(a), a "reasonable period" may, if the Municipality deems that a public health hazard exists, mean not less than the shortest period, as calculated by the Municipality, in which it is realistically possible to carry out the works and undertake the actions necessary to remove such pollution and prevent any further occurrence thereof.
- 4) For the purposes of subsection (2)(b), the Municipality's costs shall be calculated in accordance with the provisions of Section 138.
- 5) Unless the Municipality has agreed to other terms, the owner shall pay the costs envisaged in subsection (2)(b) read with subsection (4) to the Municipality within thirty (30) days of the Municipality rendering its account.

38. Water restrictions

- 1) The Municipality may for the purposes of water conservation or where, in its opinion, drought conditions prevail, are imminent or to prevent the wasteful use of water or, in the event of a water shortage, drought or flood, by public notice:
 - a) prohibit or restrict the consumption of water in the whole or part of its area of jurisdiction in general or for:
 - (i) specified purposes;
 - (ii) during specified hours of the day or on specified days; and
 - (iii) in a specified manner; and
 - b) determine and impose:
 - (i) limits on the quantity of water that may be consumed over a specified period;
 - (ii) charges additional to those determined in respect of the supply of water in excess of a limit contemplated in subsection (1)(b)(i) above; and
 - (iii) a general surcharge on the determined charges in respect of the supply of water; and
 - c) Impose restrictions or prohibitions on the use or manner of use or disposition of an appliance by means of which water is used or consumed, or on the connection of such appliances to the water installation.
- 2) Except in the event of a flood or other disaster necessitating the immediate restriction or prohibition of the consumption of water, a public notice contemplated in terms of sub-Section (1) above of this by-law shall set out the date and time when such restrictions shall become effective, being not less than 3 (three) days after the date of publication of the public notice.

- 3) The Municipality may limit the application of the provisions of a notice contemplated by subsection (1) above of this by-law 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.
- 4) The Municipality may:
 - a) take, or by written notice require a consumer at his or her own expense to take such measures, including the installation of 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);
 - b) for such period as it may deem fit, limit the supply of water to any premises in the event of a contravention on such premises or failure to comply with the terms of a notice published in terms of subsection (1); or
 - c) where the supply has been limited, it shall only be restored when the prescribed charge for reconnecting the supply has been paid.
- 5) The provisions of this section shall also apply in respect of water supplied directly by the Municipality to consumers outside its area of jurisdiction, notwithstanding anything to the contrary in the conditions governing such supply, unless otherwise specified in the notice published in terms of subsection (1)..

39. Specific conditions of supply

- 1) Notwithstanding the undertaking in Section 32, the granting of a supply of water by the Municipality shall not constitute an undertaking by it to maintain at any time or any point in its water supply system:
 - a) an uninterrupted supply, subject to the provisions of Regulations 4 and 14 of Regulation 22355 promulgated in terms of the Act on 8 June 2003; or
 - b) a specific pressure or rate of flow in such supply other than required in terms of regulation 15(2) of Regulation 22355 promulgated in terms of the Act on 8 June 2003.
- 2) The Municipality may, subject to the provisions of subsection (1)(b), specify the maximum pressure to which water will be supplied from the water supply system.
- 3) Subject to the approval of the Municipality, if an owner requires:
 - (a) that any of the standards referred to in subsection (1); or
 - (b) a higher standard of service than specified in Section 33;

be maintained on his or her premises, he or she shall take the necessary steps to ensure that his or her water installation is able to meet such standards.

- 4) The Municipality may, in an emergency, interrupt the supply of water to any premises without prior notice.
- 5) If, in the opinion of the Municipality, 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.
- 6) The Municipality shall not be liable for any damage to property caused by water flowing from any water installation left open when the water supply is re-instated, following an interruption in supply.
- 7) Every steam boiler, hospital, industry and any premises which requires, for the purpose of the work undertaken on the premises, a continuous supply of water, shall have a storage tank, which must comply with the specification for water storage tanks as stipulated in SABS 0252 Part 1, with a capacity of not less than 24 (twenty four) hours water supply calculated as the quantity required to provide the average daily consumption, where water can be stored when the continuous supply is disrupted.
- 8) The consumer shall not resell water supplied to him, her or it by the Municipality except with the written permission of the Municipality, which may stipulate the maximum price at which the water may be resold, and may impose such other conditions as the Municipality may deem fit.

PART 3: Measurement

40. Measuring of quantity of water supplied

- 1) The Municipality may install a measuring device, and its associated apparatus, on premises at any point on the service pipe.
- 2) If the Municipality installs a measuring device on a service pipe in terms of subsection (1), 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.
- 3) If the Municipality installs a measuring device together with its associated apparatus on a service pipe in terms of subsection (1), the owner:
 - (a) must provide a suitable place in which to install it;
 - (b) must ensure that unrestricted access is available at all times;
 - (c) is responsible for its protection and liable for the costs arising from damage thereto, excluding damage arising from normal fair wear and tear;
 - (d) must 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;

- (e) must provide 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 Municipality on the measuring device; and
 - (f) may not use or permit to be used on any water installation, any fitting, machine or appliance which causes damage or is likely to cause damage to any meter.
- 4) No person other than the Municipality shall:
- (a) disconnect a measuring device and its associated apparatus from the pipe in which they are installed;
 - (b) break a seal which the Municipality has placed on a meter; or
 - (c) in any other way interfere with a measuring device and its associated apparatus.
- 5) If the Municipality 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.
- 6) The Municipality may require the installation, at the owner's expense, of a measuring device to each dwelling unit, in separate occupancy on any premises, for use in determining quantity of water supplied to each such unit; provided that where fixed quantity water delivery systems are used, a single measuring device may be used to supply more than one unit.

41. Quantity of water supplied to consumer

- 1) For purposes of assessing the quantity of water measured by a measuring device installed by the Municipality on the premises of a consumer or, where applicable, estimated or determined by the Municipality 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 of water used by a consumer is represented by the difference between measurements taken at the beginning and end of such period when it is measured by a measuring device used to measure an uncontrolled volume of water;
 - b) the quantity of water consumed by a consumer is represented by the volume dispensed, when measured by a measuring device designed to provide a controlled volume of water;
 - c) the measuring device was accurate during such period; and
 - d) the entries in the records of the Municipality were correctly made provided that if water is supplied to, or taken by, a consumer without it passing through a measuring device, the estimate by the Municipality of the quantity of such water shall be deemed to be correct.
- 2) Where water supplied by the Municipality to any premises is in any way taken by the consumer without such water passing through any measuring device provided by the

Municipality, the Municipality may for the purpose of rendering an account estimate, in accordance with subsection 1 above.

- 3) The quantity of water supplied to the consumer during the period that water is so used by the consumer.
- 4) For the purposes of subsection (2), an estimate of the quantity of water supplied to a consumer shall be based on, as the Municipality may decide:
 - (a) the average monthly consumption of water on the premises registered over three succeeding measuring periods after the date on which the irregularity referred to in subsection (2) was discovered and rectified; or
 - (b) the average monthly consumption of water on the premises during any three consecutive measuring periods during the twelve months' period prior to the date on which taking in the manner mentioned in subsection (2) was discovered.
- 4) Nothing in these by-laws shall be construed as imposing on the Municipality an obligation to cause any measuring device installed by the Municipality on any premises to be measured at the end of every month or any other fixed period, and the Municipality may charge the consumer an average consumption during the interval between successive measurements of the measuring device. The Municipality, however, undertakes to ensure that the measuring device shall be read at least once a quarter.
- 5) Until such time a measuring device has been installed in respect of water supplied to a consumer, the estimated or shared consumption of that consumer must be based on the average consumption of water supplied to the specific supply zone within which the consumer's premises is situated, during a specific period.
- 6) Where, in the opinion of the Municipality, it is not reasonably possible or cost effective to measure water supplied to each consumer within a determined supply zone, the Municipality may determine a tariff or charge based on the estimated or shared consumption of water supplied to that supply zone.
- 7) The Municipality will within 7 (seven) days, on receipt of a written notice from the consumer and subject to payment of the determined charge, measure the quantity of water supplied to the consumer at a time or on a day other than that upon which it would normally be measured.

42. Special measurement

- 1) If the Municipality requires, 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 Municipality.

The provisions of Sections 40(4) and (5) shall apply insofar as they may be applicable in respect of a measuring device installed in terms of subsection (1).

43. Sampling of water

- 1) The Municipality shall, at regular intervals and at its cost, take samples of water in the water supply systems for domestic purposes and cause the samples to be tested for compliance with any national standards prescribed in terms of Section (9) of the Act.
- 2) The Municipality may take samples of water obtained from a source, authorised in terms of Sections (6) or (7) of the Act, other than the water supply system for domestic purposes, and cause the samples to be tested for compliance with any national standards prescribed in terms of Section (9) of the Act.
- 3) The prescribed charge for the taking and testing of the samples referred to in Section (1) above of this by-law 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.

44. Supply of non-potable water by the Municipality

- 1) The Municipality may on application agree to supply non-potable water to a consumer, subject to such terms and conditions as the Municipality 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 Municipality, may give rise to a health risk.
- 3) No warranty, expressed or implied, shall apply to the purity of any non-potable water supplied by the Municipality or its suitability for the purpose for which the supply was granted.
- 4) The supply of non-potable water shall, both as to condition and use, be entirely at the risk of the consumer, who shall be liable for any consequential damage or loss arising to himself, herself or others arising directly or indirectly therefrom, including the consequences of any bonafide fault of the Municipality or the malfunction of a treatment plant.

45. 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 Municipality, except with the prior written permission of that Municipality and subject to such conditions as it may impose.

PART 4: Audit

46. Water audit

- 1) The Municipality may, in order to assist it in its duty under regulations 10, 11 and 13 of Regulation 22355, require a consumer, within 1 (one) month after the end of a financial year of the Municipality, to undertake an annual water audit at his/her/its own cost.
- 2) A copy of the audit must be available for inspection by officials from the Department of Water Affairs and the Municipality.
- 3) The audit must contain details in respect of:
 - (a) the amount of water used during the financial year;
 - (b) the amount paid for water for the financial year;
 - (c) the number of people living on the stand or premises;
 - (d) the number of people permanently working on the stand or premises;
 - (e) the seasonal variation in demand through monthly consumption figures;
 - (f) the water pollution monitoring methods;
 - (g) the plans to manage their demand for water;
 - (h) estimates of consumption by various components or use; and a comparison of the above factors with those reported in each of the previous three (three) years, where available;
 - (i) the current initiatives to manage demand for water; and
 - (j) a comparison of the above factors with those reported in each of the previous 3 (three) years, where available.

PART 5: Installation work**47. Approval of installation work**

- 1) If an owner wishes to have installation work done, he or she must first obtain the Municipality's written approval; provided that approval shall not be required in the case of water installations in dwelling units or installations where no fire installation is required in terms of SABS Code 0400 or for the repair or replacement of an existing pipe or water fitting other than a fixed water heater and its associated protective devices.
- 2) Application for the approval referred to in subsection (1) shall be made on the prescribed form and shall be accompanied by:
 - a) a prescribed charge, if applicable; and
 - b) copies of the drawings as prescribed by the Municipality, giving information in the form required by Clause 4.1.1 of SABS Code 0252: Part I;
 - c) a certificate certifying that the installation has been designed in accordance with SABS Code 0252: Part 1 or has been designed on a rational basis.
- 3) The provision of 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) and (2), the Municipality may, by written notice, require the owner of the premises concerned to:
 - a) comply with that regulation within the specified period;
 - b) if work is in progress, to cease the work; and
 - c) to remove all such work which does not comply with these by-laws.

48. Persons permitted to do installation and other work

- 1) No person who is not a plumber or working under the control of a plumber, shall be permitted to:
 - a) do installation work other than the replacement or repair of an existing pipe or water fitting;
 - b) replace a fixed water heater or its associated protective devices;
 - c) inspect, disinfect and test a water installation, fire installation or storage tank;
 - d) service, repair or replace a back flow preventer; or
 - e) install, maintain or replace a meter provided by an owner in a water installation.
- 2) No person shall require or engage a person who is not a plumber to do the work referred to in subsection (1).
- 3) Notwithstanding the provisions of subsection (1) the Municipality may permit a person who is not a plumber to do installation work on his or her own behalf on premises owned and occupied solely by himself or herself and his or her immediate household, provided that such work must be inspected and approved by a plumber at the direction of the Municipality.

49. Technical requirements for a water installation

Subject to Regulation 14 of Regulation 22355 application for approval must be accompanied by a certificate to be issued in terms of Section 47, all water installations shall comply with SABS 0252 Part 1 and all fixed electrical storage water heaters shall comply with SABS 0254.

50. 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 subsection (2) hereof must ensure that the installation is situated within the boundary of his or her premises.

- 2) Before doing work in connection with the maintenance of a portion of his or her water installation which is situated outside the boundary of his premises, an owner shall obtain the written consent of the Municipality or the owner of the land on which such portion is situated, as the case may be.
- 3) An owner must install an isolating valve at a suitable point on a service pipe immediately inside the boundary of the property in the case of a meter installed outside the boundary, and in the case of a meter installed on the premises at a suitable point on his or her service pipe.
- 4) In accordance with regulation 12 of Regulation 22355, the Municipality must repair any major, visible or reported leak in its water system within 48 (forty eight) hours of becoming aware thereof.

51. Use of pipes and water fittings to be authorised

- 1) No person shall, without the prior written authority of the Municipality, install or use a pipe or water fitting in a water installation within the Municipality's area of jurisdiction unless it is included in the schedule of approved pipes and fittings as compiled by the Municipality.
- 2) Application for the inclusion of a pipe or water fitting in the schedule referred to in sub section (1) above of this by-law must be made on the form prescribed by the Municipality 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 standardisation mark of the South African Bureau of Standards in respect of the relevant SABS specification issued by the Bureau;
 - 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; or
 - c) or deemed acceptable by the Municipality.
- 4) The Municipality 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 Municipality at any time during working hours.

- 7) The Municipality may sell copies of the current schedule at the prescribed charge.

52. Labelling of terminal water fittings and appliances

- 1) All terminal water fittings and appliances using or discharging water shall be marked, or have included within the packaging of the item, the following information:-
- (a) the range of pressure in kPa, over which the water fitting or appliance is designed to operate; and
 - (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; and
 - (iii) 400 kPa.

53. Water demand management

- 1) In any water installation where the dynamic water pressure is more than 200 kPa at a shower control valve and where the plumbing has been designed to balance the water pressures on the hot and cold water supplies to the shower control valve, a shower head with a maximum flow rate of greater than 10 litres per minute shall not be installed.
- 2) The maximum flow rate from any tap installed on a wash hand basin shall not exceed 6 litres per minute.

PART 6 : TEMPORARY WATER SUPPLY SERVICES (u/c)

54. Water supply from a hydrant

- 1) The Municipality may authorise a temporary supply of water to be taken from one or more fire hydrants specified by it, subject to such conditions and period as may be prescribed, and payment of such applicable charges, including a deposit, as may be determined by the Municipality from time to time.
- 2) A person who desires a temporary supply of water referred to in subsection (1) must apply for such water supply service in terms of Section 12 and must pay a deposit as may be prescribed by the Municipality from time to time.
- 3) The Municipality shall provide a portable water meter and all other fittings and apparatus necessary for the temporary supply of water from a hydrant.
- 4) The portable meter and all other fittings and apparatus provided for the temporary supply of water from a hydrant remains the property of the Municipality on termination of the temporary supply. Failure to return the portable meter and all other fittings and apparatus shall result in penalties being imposed.

PART 7 : BOREHOLES (u/c)

55. Notification of boreholes

- 1) No person may sink a borehole on premises situated within the jurisdiction of the Municipality without prior written approval from the Municipality.
- 2) The Municipality may, by public notice, require: -
 - a) the owner of any premises within the area of jurisdiction of the Municipality 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.
- 3) The Municipality may by notice to an 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 a borehole for potable water supply services in accordance with Sections 6, 7 and 22 of the Act; and
 - b) comply with conditions determined by the Municipality in such notice in respect of the use of a borehole for potable water services; and
 - c) pay a fixed charge in respect of the use of such a borehole.
- 3) The Municipality 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 Municipality, before sinking the borehole.
- 4) Boreholes are subject to any requirement of the National Water Act, 1998 (Act No.136 of 1998) and to the restrictions and utilisation parameters as determined by the Municipality from time to time.
- 5) The Municipality may, by notice, require an owner or occupier who has an existing borehole used for water services to obtain approval for it for the use of such borehole for potable water supply services in accordance with Sections 6, 7 and 22 of the Act.
- 6) The Municipality may, in the notices contemplated in subsection (5), impose conditions in respect of the use of a borehole for potable water services and impose a fixed charge in respect of a borehole.

PART 8 : FIRE SERVICES CONNECTIONS (u/c)

56. Connection to be approved by the Municipality

- 1) The Municipality shall be entitled in its absolute discretion to grant or refuse an application for the connection of a fire extinguishing installation to the Municipality's main.
- 2) No water shall be supplied to any fire extinguishing installation until a certificate in terms of Section 47 has been submitted to the Municipality that the installation complies with the requirements of applicable statutory legislation as promulgated from time to time, and with these and any other by-laws of the Municipality .

- 3) If, in the Municipality's opinion, a fire extinguishing installation which it has allowed to be connected to the Municipality's main is not being kept in proper working order or is otherwise not being properly maintained, or is being used for purposes other than firefighting, then the Municipality shall be entitled either to require the installation to be disconnected from the main itself to carry out the work of disconnecting it at the consumer's expense.

57. Special provision

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

58. Dual and combined installations

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

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

59. Connection pipes for fire extinguishing services

- (1) After the commencement of these by-laws, a single connection pipe for both fire (excluding sprinkler systems) and potable water supply services shall be provided by the Municipality.
- (2) The Municipality shall provide and install, at the cost of the owner, a combination meter on the connection pipe referred to in subsection (1).
- (3) A separate connection pipe shall be laid and used for every fire sprinkler extinguishing system unless otherwise approved.
- (4) A connection pipe must be equipped with a measuring device that will not obstruct the flow of water while operating.

60. Valves and meters in connection pipes

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

- a) supplied by the Municipality at the expense of the consumer;
- b) installed between the consumer's property and the main; and

- c) installed in such position as may be determined by the Municipality.

61. Meters in fire extinguishing connection pipes

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

62. Sprinkler extinguishing installations

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

63. Header tank or double supply from main

- 1) The consumer shall install a header tank at such elevation as will compensate for any failure or reduction of pressure in the Municipality 's main for its sprinkler installation, unless the installation is provided with a duplicate supply from a separate main.
- 2) The main pipe leading from such header tank to the sprinkler installation may be in direct communication with the main, provided that such main pipe shall be equipped with a reflux valve which, if for any reason the pressure in the main fails or is reduced, will shut off the supply from the main.
- 3) Where a sprinkler installation is provided with a duplicate supply from a separate main, each supply pipe shall be equipped with a reflux valve situated within the premises.

64. Sealing of private fire hydrants

- 1) Except in the case of a combined system with a combination meter, all private hydrants and hose-reels shall be sealed by the Municipality and such seals shall not be broken by any person other than the Municipality in the course of servicing and testing, except for the purposes of opening the hydrant in the case of fire.
- 2) The consumer shall give the Municipality at least 48 hours' notice prior to a fire extinguishing installation being serviced and tested.
- 3) The cost of resealing such hydrants and hose-reels shall be borne by the consumer, except when such seals are broken by the Municipality's officers for testing purposes.
- 4) Any water consumed through a fire installation or sprinkler system shall be paid for by the consumer at the charges determined by the Municipality.

PART 9 : PROTECTION OF INFRASTRUCTURE (u/c)

65. Trespassing on the water supply system

- 1) No person shall without the prior written permission of an authorised officer enter:–

- a) an area used for the purpose of the water supply system which is enclosed by a fence or whether entry is prohibited by notice boards; or
- b) a structure used by the Municipality in connection with its water supply system

66. Interference with the water supply system

- 1) Except with the prior authority of an authorised officer:
 - a) no person shall interfere or tamper with or obstruct the water supply system;
 - b) no person shall make a connection to the water supply system save as contemplated in Section 65; and
 - c) no person shall construct a building or raise or lower the ground level within an area that is subject to a water servitude.

67. Damage to water supply system

- 1) No person shall damage, endanger or destroy the sewage disposal system, or cause or permit it to be damaged, endangered or destroyed.
- 2) Any person who intends performing work that may cause damage to the water supply system on land owned by or vested in the Municipality 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 water supply system is situated on the land.
- 3) If work that in the opinion of an authorised officer 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, 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.

68. Consequential maintenance of the water supply system

Whenever the water supply system 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 Municipality 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.

69. Obstruction to access to the water supply system

- 1) No person shall prevent or restrict access to the water supply system.
- 2) If a person contravenes subsection (1) above of this by-law, the authorised officer may:
 - a) by written notice require the person to restore access at his or her own costs 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 costs of doing so from such person.

70. Works by private person

- 1) The Municipality shall construct the water supply system unless it elects not to do so in which case the work shall be executed in accordance with the Municipality's conditions of contract applicable to the work and the following provisions shall apply:
 - a) Any person carrying out such work in terms of this section shall, prior to commencement of such work, lodge with an authorised officer a written indemnity to his satisfaction indemnifying the Municipality against all liability in respect of any accident or injury to persons or loss or damage to property which may occur as the direct result of the execution of such works.
 - b) Where the surface of any street or road has been disturbed in the course of such work, the restoration of such surface shall be undertaken solely by the Municipality 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 Municipality which in the opinion of the authorised officer is sufficient to cover the estimated cost of such restoration.
- 3) When the actual cost is greater or less than the amount deposited, an excess shall be recoverable from such person and any balance shall be refunded to him.
- 4) All work shall be carried out in accordance with the requirements and to the satisfaction of an authorised officer.

CHAPTER 5 : CONDITIONS FOR SANITATION SERVICES (u/c)

PART 1 : CONNECTION TO SANITATION SYSTEM (u/c)

71. Obligation to connect to sanitation system

- 1) All premises on which sewage is produced must be connected to the Municipality's sanitation system if a connecting sewer is available or if it is reasonably possible or cost effective for the Municipality to install a connecting sewer, unless approval for the use of on-site sanitation services was obtained in accordance with Section 76.
- 2) The Municipality may, by notice, require the owner of premises not connected to the Municipality's sanitation system to connect to the sanitation system.
- 3) The owner of premises required to connect to the Municipality's sanitation system in accordance with subsection (2) must inform the Municipality in writing of the on-site sanitation services provided by the Municipality that will no longer be required as a result of the connection to the sanitation system. The owner will remain liable for any charges payable in respect of on-site sanitation services until the agreement for such services has been terminated in accordance with the Municipality's by-laws relating to credit control and debt collection.

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

72. Standards for sanitation services

Sanitation services provided by the Municipality must comply with the minimum standards set for the provision of sanitation services in terms of Regulation 2 of Regulation 22355.

73. Objectionable discharge to sewage disposal system

- 1) Subject to Regulations 7 and 8 of Regulation 22355, no person shall discharge, or permit the discharge or entry into the sewage disposal system, of any sewage or other substance which does not comply with the standards and criteria prescribed herein:
 - a) which contains any substance in such concentration as will produce or be likely to produce, in the effluent produced for discharge to any sewage treatment plant discharge point, or in any public water, any offensive, or otherwise undesirable taste, colour, odour, temperature or any foam;
 - b) which may prejudice the re-use of treated sewage or adversely affect any of the processes whereby sewage is purified for re-use, or treated to produce sludge for disposal;
 - c) which contains any substance or thing of whatsoever nature that is not amenable to treatment to a satisfactory degree at a sewage treatment plant or which causes or is likely to cause a breakdown or inhibition of the processes in use at such plant;
 - d) which contains any substance or thing of whatsoever nature that is of such strength, or which is amenable to treatment only to a degree as will result in effluent from the sewage treatment plant not complying with standards prescribed under the National Water Act, 1998 (Act No.36 of 1998);
 - e) which may cause danger to the health or safety of any person or may be injurious to the structure or materials of the sewage disposal system or may prejudice the use of any ground used by the Municipality as authorised in terms of permissions issued in terms of these by-laws; and
 - f) which may inhibit the unrestricted conveyance of sewage through the sewage disposal system.
- 2) No person shall cause or permit any storm water to enter the sewage disposal system.
- 3) Subject to Regulation 6 of Regulation 22355, the Municipality may, by written notice, order the owner or occupier to conduct, at his or her cost, periodic expert inspections of the premises in order to identify precautionary measures which would ensure compliance with these by-laws and to report such findings to the Municipality.
- 4) If any person contravenes any provision of subsections (1) or (2) above of this by-law, he or she shall within twelve hours, or earlier if possible, advise the Municipality of the details of the contravention and the reasons for it.

PART 2 : ON-SITE SANITATION SERVICES AND ASSOCIATED SERVICES (u/c)

74. Standards and levels of service: sanitation services

1) The following standards and levels of sanitation services shall be implemented by the Municipality, at its discretion:

(a) **Basic level**, entailing the utilisation of a ventilated improved pit latrine (“VIP”) which is of a design and construction that:

- (i) consists of a pit of at least 2 (two) cubic metres capacity;
- (ii) provides a concrete slab to support the superimposed loading;
- (iii) is provided with protection to prevent children from falling into the pit;
- (iv) seals it from entry by flies, insects and other creatures likely to spread contamination and disease;
- (v) is lined as may be required by the Municipality in order to prevent it from contaminating the environment, including surface and underground water; and
- (vi) facilitates easy access for the evacuation of sludge, or is, by design, a movable and re-usable structure.

(b) **Intermediate level**, entailing the utilisation of:-

(i) **a septic tank** which, subject to the necessary evacuation facilities being available, discharges into sink pits, provided that each septic tank is of a design and construction that:

- (aa) seals it from entry by flies, insects, and other creatures likely to spread contamination and disease;
- (bb) seals it from contaminating the environment, including surface and underground water; and
- (cc) facilitates easy access for the evacuation of sludge.

(ii) **a conservancy tank** which, subject to the necessary facilities being available, is of a design and construction that:

- (aa) seals it from entry by flies, insects and other creatures likely to spread contamination and disease;
- (bb) seals it from contaminating the environment, including surface and ground water;
- (cc) facilitates easy access for the evacuation of contents;
- is of sufficient size to hold effluent for a period not less than one month; and
- (dd) permits the use of a soak away for the disposal of grey water, on condition that such a soak away remains within the boundary of the property, and does not negatively impact any adjacent area.

(c) **Full services level**, entailing water borne sanitation that discharges into a sewage treatment plant provided and operated by the Municipality or an authorised agent.

75. Application for infrastructure

- 1) If a services agreement for on-site sanitation and associated services has been concluded or if it is not reasonably possible or cost effective for the Municipality to install a connecting sewer and/or no infrastructure in connection therewith exists on the premises, the owner must immediately make application on the approved form and:
 - a) pay the prescribed charge for the installation of necessary infrastructure; or
 - b) with the approval of the Municipality and at the request of the owner, install the connection sewer or on-site sanitation services in accordance with the specification of the Municipality.
- 2) The Municipality may specify the type of on-site sanitation services to be installed.

76. Use of on-site sanitation services not connected to the sanitation system

- 1) No person shall use or permit the use of on-site sanitation services not connected to the Municipal sanitation system except with the prior approval of the Municipality, and in accordance with such conditions as it may impose for domestic, commercial or industrial purposes.
- 2) Any person desiring the consent referred to in subsection (1) shall provide the Municipality with evidence satisfactory to it that the sanitation facility is not likely to have a detrimental effect on health or the environment.
- 3) Any consent given in terms of subsection (1) may be withdrawn if, in the opinion of the Municipality:-
 - a) a condition imposed in terms of subsection (1) is breached; or
 - b) the sanitation facility has a detrimental impact on health or the environment.
- 4) The Municipality may undertake such investigations as it may deem necessary to determine if a sanitation facility has a detrimental impact on health or the environment.
- 5) The person to whom consent was granted in terms of subsection (1) shall be liable for the costs associated with an investigation undertaken in terms of subsection (2) if the result of the investigation indicates that the sanitation facility has a detrimental impact on health or the environment.

77. Septic tanks and treatment plants

- 1) The Municipality may, on such conditions as it may prescribe approve the disposal of sewage or other effluent by means of septic tanks or other on-site sewage treatment plant.
- 2) A septic tank or other on-site sewage treatment plant shall be situated nearer than 3 meters to any dwelling unit or to any boundary of the premises on which it is situated.
- 3) Effluent from a septic tank or other on-site sewage treatment plant shall be disposed of to the satisfaction of the Municipality.

- 4) A septic tank must be watertight, securely covered and provided with gas-tight means of access to its interior adequate to permit the inspection of the inlet and outlet pipes and adequate for the purpose of removing sludge.
- 5) A septic tank serving a dwelling unit must:
 - a) have a capacity below the level of the invert of the outlet pipe of not less than 500 (five hundred) litres per bedroom, subject to a minimum capacity below such invert level of 2 500 (two thousand five hundred) litres;
 - b) have an internal width of not less than 1 (one) meter measured at right angles to the direction of the flow;
 - c) have an internal depth between the cover and the bottom of the tank of not less than 1,7 meters; and
 - d) retain liquid to a depth of not less than 1,4 meters.
- 6) In instances where septic tanks serve premises other than a dwelling unit, the design shall be certified by the Municipality.

78. French drains

- 1) The Municipality may, on such conditions as it may prescribe having regard to the quantity and the nature of the effluent and the nature of the soil as determined by the permeability test prescribed by the South African Bureau of Standards, approve the disposal of wastewater or other effluent by means of French drains, soakage pits or other approved works.
- 2) A French drain, soakage pit or other similar work may not be situated closer than 5 (five) meters to any dwelling unit or to any boundary of any premises on which it is situated, nor in any such position as will, in the opinion of the Municipality, cause contamination of any borehole or other source of water which is or may be used for drinking purposes, or cause dampness in any building.
- 3) The dimensions of any French drain, soakage pit or other similar work shall be determined in relation to the absorbent qualities of the soil and the nature and quantity of the effluent.
- 4) French drains serving premises other than a dwelling house shall be designed and certified by a Municipality.

79. Conservancy tanks

- 1) The Municipality may, on such conditions as it may prescribe, approve the construction of a conservancy tank and ancillary appliances for the retention of sewage or effluent.
- 2) No rain water, storm-water or effluent other than that approved by the Municipality may be discharged into a conservancy tank.
- 3) No conservancy tank shall be used as such unless:—
 - a) the invert of the tank slopes towards the outlet at a gradient of not less than 1 in 10;
 - b) the tank is gas and water tight;

- c) the tank has an outlet pipe, 100 (one hundred) millimetres in internal diameter, made of wrought iron, cast iron or other approved material and, except if otherwise approved by the Municipality, at an approved valve and fittings for connection to the Council's removal vehicles;
 - d) the valve and fittings referred to in paragraph (h) [MT2] or the outlet end of the pipe, as the case may be, are located in a chamber, having an approved hinged cover and situated in such position as required by the Municipality; and
 - e) access to the conservancy tank is provided by means of an approved manhole fitted with a removable cast iron cover placed immediately above the visible spigot of the inlet pipe.
- 4) The Municipality may, having regard to the position of a conservancy tank or of the point of connection for a removal vehicle, make it a condition of its emptying the tank that the owner or consumer indemnify the Municipality, in writing, against any liability for any damages that may result from rendering of that service.
 - 5) Where the Municipality's removal vehicle has to traverse private premises for the emptying of a conservancy tank, the owner shall provide a roadway at least 3,5 (three and a half) meters wide, so hardened as to be capable of withstanding a wheel load of 4 (four) metric tons in all weather, and shall ensure that no gateway through which the vehicle is required to pass to reach the tank, shall be less than 3,5 (three and a half) meters wide for such purposes.
 - 6) The owner or occupier of premises on which a conservancy tank is installed shall at all times maintain such tank in good order and condition to the satisfaction of the Municipality.

80. Operation and maintenance of on-site sanitation services

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

81. Disused conservancy and septic tanks

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

82. Services associated with on-site sanitation services

- 1) The removal or collection of conservancy tank contents, night soil or the emptying of pits will be undertaken by the Municipality in accordance with a removal and collection schedule determined by the Municipality.

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

83. Charges in respect of services associated with on-site sanitation services

- 1) Charges in respect of the removal or collection of conservancy tank contents, night soil or the emptying of pits will be based on the volume removed and the distance travelled to effect such removal.
- 2) If the volume of conservancy tank contents, night soil or the emptying of pits removed or collected cannot be quantified, the Municipality may charge a fixed charge as prescribed in the Municipality's by-laws relating to tariffs

PART 3 : Sewage Disposal

84. Provision of a connecting sewer

- 1) If an agreement for the use of the sewage disposal system exists and no connecting sewer exists in respect of the premises, the owner must immediately make application on the approved form and:-
 - a) pay the prescribed charge for the installation of such a connecting sewer; or
 - b) with the approval of the Municipality and at the request of the owner, install the connecting sewer in accordance with any specifications of the Municipality.
- 2) If an application is made for use of the sewage disposal system to a premises that is so situated that it is necessary to extend the sewer in order to connect the sewage disposal system to the premises, the Municipality may agree to the extension subject to such conditions as the Municipality may impose.
- 3) Only the Municipality may install or approve an installed connecting sewer. The owner or consumer may connect the sanitation installation to the connection pipe.
- 4) No person may commence with any development on any premises unless the Municipality has installed a connecting sewer and/or subject to the authorisation of the Municipality.

85. Location of connecting sewer

- 1) A connecting sewer provided and installed by the Municipality or owner in terms of Section 84 shall:-
 - a) be located in a position agreed to between the owner and the Municipality and be of a size determined by an authorised officer;
 - b) terminate at a connection point approximately 1 (one) meter inside the premises from the boundary of the land owned by or vested in the Municipality 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 Municipality shall ensure that the following is taken into consideration:

- a) practical restrictions that may exist regarding the location of a connecting sewer pipe;
 - b) the cost implications of the various possible locations of the connecting sewer; and
 - c) whether or not the Municipality 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 Municipality to connect to such installation.
- 3) The Municipality may at the request of any person, agree, subject to such conditions as it may impose, to a connection to a sewer other than that which is most readily available for the drainage of the premises, provided that the applicant shall be responsible for any extension of the drainage installation to the connecting point designated by an authorised officer and for obtaining at his or her cost, such servitudes over other premises as may be necessary.
 - 4) An owner must pay the prescribed connection charge before a connection to the connection sewer can be effected.
 - 5) Where an owner is required to provide a sewage lift as provided for in terms of the Building Regulations, the rate and time of discharge into the sewer shall be subject to the approval of the Municipality.

86. Provision of one connecting sewer for several consumers on same premises

- 1) Notwithstanding the provisions of Section 84, only one connecting sewer to the sewage disposal system may be provided for the disposal of sewage from any premises, irrespective of the number of accommodation units of 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 accommodation units, the Municipality may, in its discretion, provide and install either:
 - a) a single connecting sewer in respect of the premises as a whole or any number of such accommodation units; or
 - b) a separate connecting sewer for each accommodation unit or any number thereof.
- 3) Where the Municipality has installed a single connecting sewer as contemplated in subsection (2) (a) above, the owner or the person having the charge or management of the premises, as the case may be:
 - a) must, if the Municipality so requires, install and maintain on each branch pipe extending from the connecting sewer to the different accommodation units:-
 - i) a separate connecting sewer; and
 - ii) an isolating valve; and

- b) will be liable to the Municipality for the tariffs and charges for all sewage disposed from the premises through such a single connecting sewer in respect of each sewage connection so provided.
- 4) Notwithstanding the provisions of subsection (1), the Municipality may authorise that more than one connecting sewer be provided on the sewage disposal system for the disposal of sewage from any premises comprising sectional title units or if, in the opinion of the Municipality, 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 Municipality, the tariffs and charges for the provision of a connecting sewer are payable in respect of each sewage connection so provided.

87. Interconnection between premises

An owner of a premise/s 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 Municipality and complies with any conditions that it may have imposed.

88. Disconnection of drainage installation from connecting sewer

- 1) The Municipality may disconnect a drainage installation from the connecting sewer and remove the connecting sewer if:-
 - a) the agreement for provision has been terminated and it has not received an application for subsequent provision to the premises served by the sewer within a period of 90 (ninety) days of such termination; or
 - b) the building on the premises concerned has been demolished.

PART 4: Standards

89. Standard for sanitation services

Sanitation services provided by the Municipality will comply with the minimum standards set for the provision of sanitation services in terms of Regulations published in terms of Section 9 (1) and Section 73 (1) (j) of the Act.

PART 5 : Methods for Determining Charges

90. Measurement of quantity of standard domestic effluent discharged

- 1) The quantity of standard domestic effluent discharged shall be determined by a percentage of water supplied by the Municipality, provided that where the Municipality 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 Municipality 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 Municipal 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 reasonable estimated by the Municipality.

91. Measurement of quantity and determination of quality of industrial effluent discharged

- (1) The quantity of industrial effluent discharged into the sanitation system must be determined:
 - a) where a measuring device is installed by the quantity of industrial effluent discharged from a premises as measured through that measuring device; or
 - b) until such time as a measuring device is installed by a percentage of the water supplied by the Municipality to that premises.
- 2) Subject to regulation 9 of Regulation 22355, the Municipality may require the owner of any premises to incorporate in any drainage installation conveying industrial effluent to a sewer, any control meter or gauge or other device of an approved type and in the control of the Municipality for the purpose of ascertaining to the satisfaction of the Municipality the tempo, volume and/or composition of the said effluent.
- 3) The Municipality may install and maintain any such meter, gauge or device referred to in subsection (2) at the expense of the owner of the premises on which it is installed.
- 4) Where a premises is supplied with water from a source other than, or in addition to, the Municipality'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 Municipality.
- 5) Where a portion of the water supplied to the premises forms part of the end product of any manufacturing process, or is lost by reaction or evaporation during the manufacturing process or for any other reason, the Municipality may on application reduce the assessed quantity of industrial effluent.
- 6) The Municipality may at its discretion enter into an agreement with any person discharging industrial effluent into the sanitation system, establishing an alternative method of assessing the quantity and tempo of effluent so discharged.
- 7) Charges relating to the quality of industrial effluent will be based on the formula for industrial effluent discharged as prescribed in the schedules attached hereto.
- 8) The following conditions apply in respect of the assessment of the quality of industrial effluent discharged:
 - a) each consumer must conduct the prescribed tests, on a regular schedule as provided for in the approval to discharge industrial effluent, and report the results to the Municipality;
 - b) the Municipality may conduct random compliance tests to correlate those of the industry if discrepancies are found and the values of the Municipality shall be taken

- as correct. Further tests may be requested by the Municipality to determine the values for the formula, at the cost of the consumer;
- c) the average of the values of the different analysis results of 24 (twenty four) hourly composite or snap samples of the effluent, taken during the period of charge, will be used to determine the quality charges payable;
 - d) in the absence of a complete daily set of 24 (twenty four) hourly composite or snap samples, the average of not less than two values of the sampled effluent, taken during the period of charge, will be used to determine the charges payable;
 - e) in order to determine the strength (chemical oxygen demand, suspended solids concentration, ammonia concentration, ortho-phosphate concentration) in the effluent as well as the concentration of Group 1 and 2 metals, pH value and conductivity, the Municipality will use the tests normally used by municipalities for these respective purposes. Details of the appropriate test may be ascertained from the Municipality or the SABS. Test results from an accredited laboratory will have precedence over those of the Municipality;
 - f) the formula is calculated on the basis of the different analysis results of individual snap or composite samples. The period treatment of calculation shall not be less than one full 24 (twenty four) hour period unless strong evidence is submitted to the Municipality that a lesser period is actually applicable;
 - g) the terms of the disincentive formula cannot assume a negative value;
 - h) the total system values for quality charges shall remain constant initially for a period of one month, but in any case not longer than 12 (twelve) months from the date of commencement of these charges, after expiry whereof they may be amended or revised from time to time depending on such changes in the analysis results or further samples as may be determined from time to time: Provided that the Municipality in its discretion in any particular case may levy the minimum charges prescribed in subsection (7), without taking any samples;
 - i) whenever the Municipality takes a sample, one half thereof shall be made available to the consumer;
 - j) for the purpose of calculation of the quantity of effluent discharged from each point of discharge of effluent, the total quantity of water consumed on the premises shall be allocated among the several points of discharge as accurately as is reasonably practicable;
 - k) the costs of conveying and treating of industrial effluent shall be determined by the Municipality and shall apply with effect from such date as may be determined by the water services provider; and
 - l) in the discretion of the Municipality, the charges for industrial effluent may be changed to a fixed monthly charge. The minimum charge is to be determined taking into consideration the effluent strengths, the volume and the economic viability of micro and small industries.

92. Reduction in the measured quantity of effluent discharged

- 1) A person shall be entitled to a reduction in the quantity of effluent discharged as determined in terms of Sections 90 and 91, where the quantity of water on which the

percentage is calculated was measured during a period where water was wasted or a leakage went undetected into the sanitation system, if the consumer demonstrates this to the satisfaction of the Municipality.

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

PART 6 : Drainage Installations

93. Installation of drainage installations

- 1) The owner must provide and maintain his or her drainage installation at his or her own cost, except where otherwise approved, must ensure that the installation is situated within the boundary of his or her premises.
- 2) The Municipality may prescribe to what point in the sewer and at what depth below the ground any drainage installation is to be connected and the route to be followed by the drain to the connecting point, and may require the owner not to commence with the construction or connection of the drainage installation until the Municipality's connecting sewer has been laid.
- 3) Any drainage installation constructed or installed must comply with any applicable specifications in terms of the Building Regulations and any standards prescribed in terms of the Act.
- 4) No person shall permit the entry of any liquid or solid substance whatsoever, other than clean water for testing purposes, to enter any drainage installation before the drainage installation has been connected to the sewer.
- 5) Where a premises is situated in the 1 (one) in 50 (fifty) years flood plain, the top level of all service access holes, inspection chambers and gullies is to be above the 1 in 50 years flood level.
- 6) The plumber responsible for executing the work must, after the completion of any drainage installation or after any alteration to any drainage installation is completed, submit to the

building inspection section of the Municipality a certificate certifying that the work was completed to the standards as set out in the Building Regulations, and this by-law.

- 7) No rain-water or storm-water, and no effluent other than an effluent that has been approved by the Municipality, may be discharged into a drainage installation.

94. Construction or installation of drainage installations

- 1) Any drainage installation constructed or installed must comply with any applicable specifications in terms of the Building Regulations and any standards prescribed in terms of the Act.

- a) Where the draining installation is a pit latrine it must be of the ventilated improved pit latrine type or equivalent having:-

- (i) a pit latrine of 2(two)m³(three) capacity;
- (ii) lining as required;
- (iii) a slab designed to support the superimposed loading; and
- (iv) protection preventing children from falling into the pit.

- b) The ventilated improved pit latrine must comply 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 (half) a meter above the nearest roof, must be of at least 150 (one hundred and fifty) millimeters in diameter, and must be installed vertically with no bend;
- (iii) The interior of the closet must be finished smooth so that it can be kept in a clean and hygienic condition. The superstructure must be well-ventilated in order to allow the free flow of air into the pit to be vented through the pipe;
- (iv) The opening through the slab must be of adequate size as to prevent fouling. The rim must be raised so that liquids used for washing the floor do not flow into the pit. It must be equipped with a lid to prevent the egress of flies and other insects when the toilet is not in use;
- (v) It must be sited in a position that is independent of the residential structure;
- (vi) It 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; and

- d) There must be access to water for hand washing within 10 (ten) metres of the pit latrine.
- e) The Municipality may levy a charge that covers all the operating and maintenance costs in the removal of the pit contents, transportation to a disposal site, the treatment of the contents to achieve a sanitary condition and the final disposal of any solid residues. The charge may be in the form of a monthly contribution or it may be levied as a single payment when the service is rendered.

95. Disconnection of drainage installations

- 1) Except for the purpose of carrying out maintenance or repair work, no drainage installation may be disconnected from the connection point without the approval of the Municipality.
- 2) When any part of a drainage installation is disconnected from the remainder thereof because it will no longer be used, the disconnected part must be destroyed or entirely removed from the premises on which it was used, unless the Municipality approves otherwise.
- 3) After all the requirements of the Building Regulations in regard to disconnection have been complied with and on request of the owner, the Municipality must issue a certificate to certify that the disconnection has been completed in terms of the Building Regulations and that any charges raised in respect of the disconnected portion of the drainage installation shall cease to be levied with effect from the first day of the month following the issue of such certificate.
- 4) When a drainage installation is disconnected from a sewer, the Municipality shall seal the opening so caused and may recover the cost of such work from the owner of the premises on which the installation is disconnected.
- 5) Where a drainage system is connected to or disconnected from the sewer system during a month, charges shall be calculated as if such connection was made on the first day of the month following the month in which such connection or disconnection was effected.

96. Drains in streets or public places

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

97. Construction by the Municipality or its authorised agent

The Municipality may agree with the owner of any premises that any drainage work which such owner desires, or is required to construct in terms of Part P of SANS 0400-1990, will be constructed by the Municipality against payment, in advance or on demand, of all costs associated with such construction.

98. Maintenance of drainage installations

- 1) An owner must provide and maintain his or her drainage installation at his or her own cost.
- 2) Where any part of a drainage installation is used by 2 (two) or more owners or occupiers, they shall be jointly and severally liable the maintenance of the installation.
- 3) The owner of any premises must ensure that all manholes on the premises are permanently visible and accessible and is responsible for ensuring the visibility of all cleaning eyes and manholes on the premises at all times.
- 4) Any person who requests the Municipality to clear a drainage installation will be liable to pay the prescribed tariff in terms of the Municipality's Tariff By-laws.
- 5) The Municipality may, on the written application of the owner or occupier of any premises, inspect and test the drainage installation of such premises or any section thereof and recover from the owner or occupier the cost of such inspection and test, calculated at the rate specified in the tariff or charges in terms of the Municipality's Tariff B-Laws.

99. Technical requirements for drainage installations

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

100. Drains

- 1) Drains passing through ground that, in the opinion of the Municipality, is liable to movement, shall be laid on a continuous bed of river sand or similar granular material not less than 100 (one hundred) millimetres thick under the barrel of the pipe, with a surround of similar material and thickness, and the joints of such drains shall be approved flexible joints.
- 2) A drain or part thereof may only be laid within, pass under or through a building with the approval of the Municipality.
- 3) A drain or part thereof which is laid in an inaccessible position under a building may not bend or be laid at a gradient less than 1:50 (one and a half) meters.
- 4) If a drain passes through or under a wall, foundation or other structure, adequate precautions shall be taken to prevent the discharge of any substance to such a drain.

101. Sewer blockages

- 1) No person may cause or permit such an accumulation of grease, oil, fat, solid matter or any other substance in any trap, tank, or fitting as will cause its blockage or ineffective operation.
- 2) When the owner or occupier of premises has reason to believe that a blockage has occurred in any drainage installation thereon, he shall take immediate steps to have it cleared.

- 3) When the owner or occupier of premises has reason to believe that a blockage has occurred in the sewer system, he shall immediately inform the Municipality.
- 4) Where a blockage occurs in a drainage installation, any work necessary for its removal must be done by or under the supervision of a plumber.
- 5) Should any drainage installation on any premises overflow as a result of an obstruction in the sewer, and the Municipality is reasonable satisfied that such obstruction was caused by objects emanating from the drainage installation, the owner of the premises served by the drainage installation shall be liable for the cost of clearing the blockage.
- 6) Where a blockage has been removed from a drain or portion of a drain which serves two or more premises, the owners are jointly and severally liable for cost of clearing the blockage.
- 7) Where a blockage in the sanitation system has been removed by the Municipality and such removal necessitated the disturbance of an owner's paving, walls, lawn or other artificial surface the Municipality shall not be responsible for reinstating such.

102. Grease traps

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

103. Industrial grease traps

- 1) Industrial effluent which contains or, in the opinion of the Municipality, is likely to contain grease, oil, fat or inorganic solid matter in suspension shall, before it is allowed to enter any sewer, be passed through one or more tanks or chambers of approved type, size and capacity designed to intercept and retain such grease, oil, fat or solid matter.
- 2) Oil, grease or any other substance which is contained in any industrial effluent or other liquid and which gives off an inflammable or noxious vapour at a temperature of or exceeding 20°C (twenty degrees Celsius), shall be intercepted and retained in a tank or chamber so as to prevent entry thereof into the sewer.
- 3) A tank or chamber as referred to in subsection (2) shall comply with the following requirements:
 - a) it shall be of adequate capacity, constructed of hard durable materials and water-tight when completed;
 - b) the water-seal of its discharge pipe shall be not less than 300mm (three hundred millimetres) in depth; and
 - c) it shall be provided with such number of manhole covers as may be adequate for the effective removal of grease, oil fat and solid matter.

- 4) Any person discharging effluent to a tank or chamber shall regularly remove grease, oil, fat or solid matter from the tank or chamber and shall maintain a register in which shall be recorded:-
 - a) the dates on which the tank or chamber was cleaned;
 - b) the name of the company employed to clean the tank or chamber; and
 - c) a certificate from the cleaning company, certifying the cleaning of the tank or chamber and stating the manner in which the contents of the tank or chamber were disposed of.

104. Mechanical appliances for lifting sewage

- 1) The owner of any premises must obtain the approval of the Municipality before installing any mechanical appliance for the raising or transfer of sewage in terms of the Building Regulations.
- 2) Approval must be applied for by a Professional Engineer and must be accompanied by drawings prepared in accordance with the relevant provisions of the Building Regulations and shall show details of the compartment containing the appliance, the sewage storage tank, the stilling chamber and the position thereof, and the position of the drains, ventilation pipes, rising main and the sewer connection.
- 3) Notwithstanding any approval given in terms of subsection (1), the Municipality shall not be liable for any injury or damage to life or property caused by the use, malfunctioning or any other condition arising from the installation or operation of a mechanical appliance for the raising or transfer of sewage.
- 4) Every mechanical appliance installed for the raising or transfer of sewage shall be specifically designed for the purpose and shall be fitted with a discharge pipe, sluice valves and non-return valves located in approved positions.
- 5) Unless otherwise permitted by the Municipality, such mechanical appliances shall be installed in duplicate and each such appliance shall be so controlled that either will immediately begin to function automatically in the event of failure of the other.
- 6) Every mechanical appliance forming part of a drainage installation shall be so located and operated as to not cause any nuisance through noise or smell or otherwise, and every compartment containing any such appliance shall be effectively ventilated.
- 7) The maximum discharge rate from any mechanical appliance and the times between which the discharge may take place shall be as prescribed by the Municipality that may, at any time, require the owner to install such fittings and regulating devices as may be necessary to ensure that the said prescribed maximum discharge rate shall not be exceeded.
- 8) Except where sewage storage space is incorporated as an integral part of a mechanical appliance, a sewage storage tank shall be provided in conjunction with such appliance.
- 9) Every sewage storage tank required in terms hereof shall:

- a) be constructed of hard, durable materials and shall be watertight and the internal surfaces of the walls and floor shall be rendered smooth and impermeable;
 - b) have a storage capacity below the level of the inlet equal to the quantity of sewage discharged there into in 24 (twenty four) hours or 900 (nine hundred) litres, whichever is the greater quantity; and
 - c) be so designed that the maximum proportion of its sewage content shall be emptied at each discharge cycle of the mechanical appliance.
- 10) Every storage tank and stilling chamber shall be provided with a ventilation pipe in accordance with the Municipality's specifications.

105. Installation of pre-treatment facility

The Municipality may require that any new premises must be provided with a minimum pre-treatment facility of a type specified by it prior to the premises being connected to the sewage disposal system.

PART 7 : Protection of Infrastructure

106. Protection from ingress of flood waters

Where a premises is situated in the 1 (one) in 50 (fifty) years flood plain the top level of service access holes, inspection chambers and gullies is to be above the 1 in 50 years flood level, except, in the case of service access holes and inspection chambers, where the cover is secured in place by approved means approved by the Municipality.

107. Trespassing on the sewage disposal system

No person shall without the prior written permission of an authorised officer enter:–

- a) upon an area used for the purpose of the sewage disposal system which is enclosed by a fence or whether entry is prohibited by notice boards; or
- b) a structure used by the Municipality in connection with its sewage disposal system

108. Interference with the sewage disposal system

- 1) Except with the prior authority of an authorised officer no person shall:–
 - a) interfere or tamper with, or obstruct the sewage disposal system;
 - b) make a connection to the sewage disposal system save as contemplated in Section 71; or
 - c) construct a building or raise or lower the ground level within an area that is subject to a sewer servitude.

109. Damage to sewage disposal system

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

- 2) Any person who intends performing work which may cause damage to the sewage disposal system on land owned by or vested in the Municipality 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 that 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 may by notice in writing require the person concerned not to commence, or to cease performing the work until such time as he has complied with the conditions specified in the notice.

110. 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 Municipality 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.

111. Obstruction to access to sewage disposal system

- 1) No person shall prevent or restrict access to the sewage disposal system.
- 2) If a person contravenes subsection (1) above of this by-law, the authorised officer may:–
 - a) by written notice require the person to restore access at his or her own costs 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 costs of doing so from such person.

112. Works by private person

- 1) The Municipality 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 Municipality's conditions of contract applicable to the work and the following provisions shall apply:
 - a) Any person carrying out such work in terms of this section shall, prior to commencement of such work, lodge with an authorised officer a written indemnity to his satisfaction indemnifying the Municipality against all liability in respect of any accident or injury to persons or loss or damage to property which may occur as the direct result of the execution of such works.
 - b) Where the surface of any street or road has been disturbed in the course of such work, the restoration of such surface shall be undertaken solely by the Municipality 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 Municipality which in the opinion of the authorised officer is sufficient to cover the estimated cost of such restoration.
- 3) When the actual cost is greater or less than the amount deposited an excess shall be recoverable from such person and any balance shall be refunded to him.
- 4) All work shall be carried out in accordance with the requirements and to the satisfaction of an authorised officer.

PART 8 : Industrial Effluent

113. Application for disposal of industrial effluent

- 1) A person may not, except with the prior written approval of the Municipality, discharge or cause or permit industrial effluent to be discharged into the sanitation system.
- 2) A person must apply for approval from the Municipality to discharge industrial effluent into the sanitation system on the prescribed form.
- 3) Any person or institution seeking approval, or the renewal of an approval, from the Municipality 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.
- 4) If an applicant intends making application simultaneously for approval in terms hereof and any other provision of the Act, he or she shall deal with each application separately, provided that information may be incorporated into one of the other application by reference.
- 5) The Municipality may call for any additional information or documents reasonably required to enable it to determine whether the proposer or applicant, including a public sector provider, or the water scheme or schemes will comply with the Act, these by-laws and the water services development plan of the Municipality, and whether the obligations of the Municipality, imposed on it by the Act, will be met.
- 6) The Municipality may, and it shall, if it initially decides to refuse an application made in terms of subsection (1), including an application made by a public sector water provider, prior to making a final decision, meet with the applicant, as the case may be, and any organisation reasonably representative of the consumers or potential consumers of the water scheme or schemes, in order to hear representations made by the applicant and such representative organisations in support of, or against, the applications, and it shall take such representations into account in arriving at its final decision.

114. Approval to discharge industrial effluent

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

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

115. Letter of approval

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

116. Unauthorised discharge of industrial effluent

- 1) No person shall discharge or cause or permit to be discharged into the sewage disposal system any industrial effluent except with and in terms of the written permission of the Municipality and in accordance with the provisions of this part.
- 2) A person to whom such permission is granted shall pay to the Municipality any prescribed charges.

117. Quality standards for disposal of industrial effluent

- 1) A person to whom permission has been granted for disposal of industrial effluent must ensure that no industrial effluent is discharged into the sewage disposal system of the Municipality unless it complies with the standards and criteria set out in the schedule attached hereto.
- 2) The Municipality may by writing in the permission concerned, relax or vary the standards in the schedules attached hereto, provided that the Municipality is satisfied that any such relaxation represents the best practicable environmental option.
- 3) In determining whether relaxing or varying the standards in the schedules attached hereto represents the best practicable environmental option, the Municipality will consider:
 - a) or not the applicant's undertaking is operated and maintained at optimal levels;
 - b) whether or not technology used by the applicant represents the best available option to the applicant's industry and, if not, if the installation of such technology would entail unreasonable cost to the applicant;
 - c) whether or not the applicant is implementing a program of waste minimisation which complies with national and local waste minimisation standards to the satisfaction of the Municipality;
 - d) the cost to the Municipality of granting the relaxation or variation; 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 or not the industrial effluent complies with the schedules attached hereto or any other standard laid down in a written permission.

118. Conditions for disposal of industrial effluent

- 1) The Municipality may in the written permission or at any time, by written notice, require a person to:
 - (a) subject the industrial effluent to such preliminary treatment as in the opinion of the Municipality will ensure that the industrial effluent conforms to the standards prescribed in schedules attached hereto before being discharged into the sewage disposal system;
 - (b) install such equalising tanks, valves, pumps, appliances, meters and other equipment as in the opinion of the Municipality will be necessary to control the rate and time of discharge into the sewage disposal system in accordance with the conditions imposed by it;
 - (c) install for the conveyance of 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;
 - (d) construct on any pipe conveying his or her industrial effluent to any sewer, a service access hole or stop-valve in such position and of such dimensions and materials as the Municipality may prescribe;
 - (e) provide all such information as may be required by the Municipality to enable it to assess the tariffs or charges due to the Municipality;
 - (f) provide adequate facilities such as level or overflow detection devices, standby equipment, overflow catch-pits or other appropriate means to prevent a discharge into the sewage disposal system that is in contravention of these by-laws;
 - (g) cause any meter, gauge or other device installed in terms of this section to be calibrated by an independent authority at the cost of that person at such intervals as required by the Municipality and copies of the calibration to be forwarded to it; and
 - (h) cause his or her industrial effluent to be analysed as often and in such manner as may be prescribed by the Municipality and provide it with the results of these tests when completed.
- 2) The cost of any treatment, plant, works or analysis that 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 Municipality must be obtained for any proposed changes to the composition of industrial effluent discharged into the sewage disposal system.
- 4) In the event of industrial effluent that does not comply with the standards in the schedules attached hereto or the written permission issued in respect of that process, is discharged into the sewage disposal system, the Municipality must be informed of the incident and the reasons therefore within 12 (twelve) hours of such discharge.

119. Withdrawal of approval to discharge industrial effluent

- 1) The Municipality may withdraw any approval, after giving at least 14 (fourteen) days' written notice of its intention to a commercial consumer authorised to discharge industrial effluent into the sanitation system if the consumer:
 - a) fails to ensure that the industrial effluent discharged conforms to the industrial effluent standards prescribed in the schedules attached hereto 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 Municipality may on withdrawal of any approval:
 - a) in addition to any steps prescribed in these by-laws, and on 14 (fourteen) days written notice, authorise the closing or sealing of the connecting sewer of the said premises; and
 - b) refuse to accept any industrial effluent until it is satisfied that adequate steps to ensure that the industrial effluent to be discharged conforms to the standards prescribed in these by-laws.

PART 9 : Sewage Delivered by Road Haulage**120. Acceptance of sewage delivered by road haulage**

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

121. Approval for delivery of sewage by road haulage

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

122. Conditions for delivery of sewage by road haulage

When sewage is delivered by road haulage:

- a) the time and place of delivery shall be arranged with the Municipality; and
- b) the nature and composition of the sewage shall be established to the satisfaction of the Municipality prior to the discharge thereof and no person shall deliver

sewage that does not comply with the standards laid down in terms of these by-laws.

123. Withdrawal of permission for delivery of sewage by road haulage

- 1) The Municipality may withdraw any permission, after giving at least 14 (fourteen) days' written notice of its intention to a person permitted to discharge sewage by road haulage if the person:
 - a) fails to ensure that the sewage so delivered conforms to the standards prescribed in the schedule attached hereto, as applicable, or in the approval;
 - b) fails or refuses to comply with any notice served on him or her in terms of these by-laws or contravenes any provisions of these by-laws or any condition imposed on him or her in terms of any approval; or
 - c) fails to pay the relevant assessed in respect of any sewage delivered.

PART 10: Other Sanitation Services

124. Stables and Similar Premises

- 1) 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.

125. Mechanical food waste or other disposal units

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

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

PART 11: INSTALLATION WORK**126. Approval of installation work**

- 1) If an owner wishes to have installation work done, he or she must first obtain the Municipality's written approval.
- 2) Application for the approval referred to in subsection (1) shall be made on the prescribed form and shall be accompanied by-
 - a) the determined charge, if applicable; and
 - b) copies of the drawings as may be determined by the Municipality;
 - c) a certificate certifying that the installation has been designed in accordance with any applicable SABS Codes and the National Building Regulations.
- 3) Approval given in terms of subsection (1) shall lapse at the expiry of a period of 24 (twenty four) months.
- 4) A complete set of approved drawings of the 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).
- 5) If installation work has been done in contravention of subsection (1) or (2), the Municipality may require the owner:
 - a) to rectify the contravention within a specified period;
 - b) if work is in progress, to cease the work; and
 - c) to remove all such work that does not comply with these by-laws.

127. Persons permitted to do installation and other work

- 1) No person who is not a plumber or working under the control of a plumber, shall be permitted to:
 - a) do installation work other than the replacement or repair of an existing pipe or sanitation fitting;
 - b) inspect, disinfect and test a drainage installation, fire installation or storage tank;
 - c) service, repair or replace a back flow preventer; or
 - d) install, maintain or replace a meter provided by an owner in a drainage installation.
- 2) No person shall require or engage a person who is not a plumber to do the work referred to in subsection (1).
- 3) Notwithstanding the provisions of subsections (1) and (2), the Municipality may permit a person who is not a plumber to do installation work on his or her own behalf on premises owned and occupied solely by himself or herself and his or her immediate household,

provided that such work must be inspected and approved by a plumber at the direction of the Municipality.

128. Testing of drainage installations

- 1) No drainage installation, or any part thereof, shall be connected to on-site sanitation services, the Municipality's sanitation system or to an existing approved installation unless any one or more of the following tests have been applied in the presence of and to the satisfaction of the Municipality, prior to the draining installation being enclosed:–
 - a) The interior of every pipe or series of pipes between two points of access shall be inspected throughout its length by means of a mirror and a source of light. During the inspection a full circle of light shall appear to the observer, and the pipe or series of pipes shall be seen to be unobstructed;
 - b) A smooth ball having a diameter of 12mm (twelve millimetres) less than the nominal diameter of the pipe shall, when inserted at the higher end of the pipe, roll down without assistance or interruption to the lower end;
 - b) All openings of the pipe or series of pipes to be tested having been plugged or sealed and all traps associated therewith filled with water and air pumped into the said pipe or pipes until a manometric pressure of 38mm (thirty eight millimetres) of water is indicated, after which without further pumping the said pressure shall remain greater than 25mm (twenty five) millimetres of water for a period of at least 3 (three) minutes; and
 - d) all parts of the installation is subjected to and withstands an internally applied hydraulic test pressure of not less than a 3m (three meters) head of water for a period of not less than 10 (ten) minutes.
- 2) Where the Municipality has reason to believe that any drainage installation or any part thereof has become defective, it may require the owner thereof to conduct any or all of the tests prescribed in subsection (1) and, if the installation fails to withstand any such tests to the satisfaction of the Municipality, the Municipality may by notice require the owner to take reasonable measures necessary to enable the installation to withstand any or all of the tests.

129. Cisterns

- 1) Notwithstanding the provisions of Section 126, no flushing urinal that is not user-activated shall be installed or continue to operate in any water installation. All flushing urinals that are not user-activated installed prior to the commencement of these regulations must be converted to user-activated urinals within 2 (two) years of the commencement of these by-laws.
- 2) No cistern, and related pan designed to operate with such cistern, shall be installed with a cistern capacity of greater than 9 (nine) litres and all cisterns not intended for public use

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PROVINCE OF THE EASTERN CAPE
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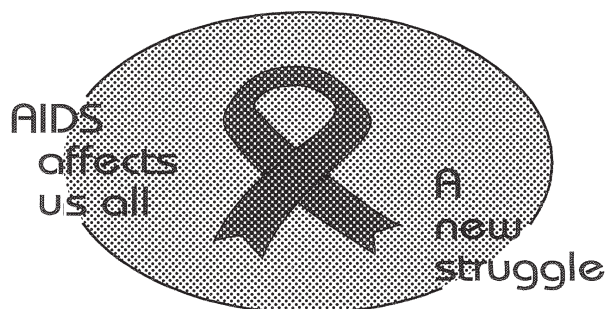
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PART 2 OF 2

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shall be fitted with flushing devices allowing interruptible or multiple flushes, provided that such flushing device shall not be required in cisterns with a capacity of 4,5 (four and a half) litres or less.

CHAPTER 6: Water Services Intermediaries

PART 1: Water Services Intermediary: Registration

130. Application for registration

The Municipality may, by public notice, require water services intermediaries or classes of water services intermediaries to register with the Municipality in a manner specified in the public notice.

131. Provision of water services

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

132. Charges for water services provided

- 1) A water services intermediary may not charge for water services at a price which does not comply with any norms and standards prescribed under the Act and any additional norms and standards as may be set by the Municipality.
- 2) A water services intermediary must provide subsidised water services, as determined by the Municipality in terms of its Credit Control and Debt Collection By-laws, and provided by the Municipality to consumers at a price that is the same or less than the charges at which the Municipality provides such services.

CHAPTER 7: Unauthorised Water Services

133. Unauthorised use of water services

- 1) No person may gain access to water services from the water supply system, sewage disposal system or any other sanitation services unless an agreement has been entered into with the Municipality for the rendering of those services.
- 2) The Municipality 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 Municipality for the rendering of those services:
 - (a) to apply for such services in terms of Section 12; 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.

134. Interference with infrastructure for the provision of water services

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

135. Obstruction of access to infrastructure for the provision of water services

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

136. 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 that is in such a state of disrepair that it is either causing or is likely to cause an occurrence listed in subsection (1) above of this by-law.
- 3) If an owner fails to take measures as contemplated in subsection (2) above of this by-law, the Municipality shall, by written notice in terms of Section 149 require the owner to comply with the provisions of subsection (1) above of this by-law.
- 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 Municipality 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 Municipality.

137. Unauthorised illegal discharges

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

- (i) in the opinion of the Municipality, may be offensive to or may cause a nuisance to the public;
 - (ii) is in the form of steam or vapour or has a temperature exceeding 44°C (forty four) at the point where it enters the sewer;
 - (iii) has a pH value less than 6.0 (six);
 - (iv) contains any substance of whatsoever nature likely to produce or release explosive, flammable, poisonous or offensive gases or vapours in any sewer;
 - (v) contains any substance having an open flashpoint of less than 93°C (ninety three) or which releases a poisonous vapour at a temperature below 93°C;
 - (vi) contains any material of whatsoever nature, including oil, grease, fat or detergents capable of causing obstruction to the flow in sewers or drains or interference with the proper operation of a sewerage treatment works;
 - (vii) shows any visible signs of tar or associated products or distillates, bitumen or asphalts;
 - (viii) contains any substance in such concentration to produce an undesirable taste after chlorination or an undesirable odour or colour, or excessive foam; or
 - (ix) has either a greater PV or COD (Chemical Oxygen Demand) value, a lower pH value, or a higher caustic alkalinity or electrical conductivity than specified in the schedules attached hereto, without the prior approval and subject to the payment of relevant charges and such conditions as the Municipality may impose;
- e) contains any substance that:
- (i) cannot be treated at the sewage treatment work to which it could be discharged; or
 - (ii) will negatively affect the treatment processes at the sewage treatment work to which it could be discharged; or
 - (iii) will negatively will negatively impact on the ability of the sewage treatment work to produce discharges that meet the waste water discharge standards set in terms of the National Water Act, 1998 (Act 36 of 1998); or
- f) either alone or in combination with other substance may:
- (i) generate or constitute a toxic substance dangerous to the health of persons employed at the sewage treatment works or entering the Council's sewers or manholes in the course of their duties; or
 - (ii) be harmful to sewers, treatment plant or land used for the disposal of treated waste water; or
 - (iii) adversely affect any of the processes whereby sewage is treated or any re-use of sewage effluent.

- 5) No person shall cause or permit the accumulation of grease, oil, fat or solid matter in any drainage installation that will adversely affect its effective functioning.
- 6) The Municipality may, notwithstanding any other actions that may be taken in terms of these by-laws, recover from any person who discharges industrial effluent or any substance which is unauthorised or illegal, all costs incurred by the Municipality as a result of such discharges, including costs that result from:-
 - a) injury to persons, damage to the sanitation system; or
 - b) a prosecution in terms of the National Water Act, 1998 (Act No.36 of 1998).

138. Illegal connection

A consumer whose access to water supply services has been restricted or disconnected, who intentionally unlawfully reconnects to services or who intentionally or negligently interferes with infrastructure through which water supply services are provided, shall on written notice be disconnected.

139. Interference with infrastructure

- 1) No person may unlawfully and intentionally or negligently interfere with infrastructure through which the Municipality provides municipal services.
- 2) If a person contravenes subsection (1), the Municipality may:-
 - a) by written notice require such person to cease or rectify the interference at his or her own expense within a specified period; or
 - b) if it is of the opinion that the situation is a matter of urgency, without prior notice prevent or rectify the interference and recover the cost from such person.

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

- 1) No person shall use or permit the use of water obtained from a source other than the water supply system for domestic, commercial or industrial purposes, other than rain water tanks which are not connected to the water installation, without the prior approval of the Municipality and in accordance with such conditions as it may impose.
- 2) Any person desiring the consent referred to in subsection (1) shall provide the Municipality with evidence satisfactory to it that the water referred to in subsection (1) complies, whether as a result of treatment or otherwise, with the requirements of SANS 241: Drinking Water, or that the use of such water does not or will not constitute a danger to health.
- 3) Any consent given in terms of subsection (1) may be withdrawn if, in the opinion of the Municipality:-
 - a) a condition imposed in terms of subsection (1) is breached; or

- b) the water quality no longer conforms to the requirements referred to in subsection (2).
- 4) The Municipality may take samples of water obtained from a source, other than the water supply system, and cause the samples to be tested for compliance with the requirements referred to in subsection (2).
- 5) The determined charge for the taking and testing of the samples referred to in subsection (4) above shall be paid by the person to whom consent was granted in terms of subsection (1).
- 6) If water obtained from a borehole or other source of supply on any premises is used for a purpose which gives rise to the discharge of such water or a portion thereof into the Municipality's sewerage system, the Municipality may install a meter in the pipe leading from such borehole or other source of supply to the point or points where it is so used.

141. Use of on-site sanitation services not connected to the sanitation system

- (1) No person shall use or permit the use of on-site sanitation services not connected to the Municipality's sanitation system for domestic, commercial or industrial purposes, except with the prior approval of the engineer and in accordance with such conditions as he/she may impose.(2) Any person desiring the consent referred to in subsection (1) shall provide the engineer with evidence satisfactorily that the sanitation facility is not likely to have a detrimental effect on health or the environment.
- (3) Any consent given in terms of subsection (1) may be withdrawn if, in the reasonable opinion of the engineer a condition imposed in terms of subsection (1) is breached or the sanitation facility has a detrimental impact on health or the environment.
- (4) The engineer may undertake such investigations as he or she may deem necessary to determine if a sanitation facility has a detrimental impact on health or the environment.
- (5) The person to whom consent was granted in terms of subsection (1) shall be liable for the costs associated with an investigation undertaken in terms of subsection (2) if the result of the investigation indicates that the sanitation facility has a detrimental impact on health or the environment.

CHAPTER 8: Enforcement

142. Responsibility for compliance with by-law

- (1) The owner of premises is responsible for ensuring compliance with this by-law in respect of all or any matters relating to a water installation and if the owner contravenes a provision with which he or she must comply, then he or she commits an offence.
- (2) The owner, occupier or consumer is responsible for compliance with this by-law in respect of matters relating to the use of any water installation, and if an owner, occupier or consumer contravenes a provision which he or she must comply, then he or she commits an offence.

143. Notice of compliance and representation

- 1) The Municipality may, by written notice of compliance, order an 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 a notice, which notice must specify:
 - (a) the name and residential address, if either or both of these are known, of the affected person;
 - (b) the provision of this by-law which has not been complied with;
 - (c) sufficient detail to enable compliance with the notice and the measures required to remedy the situation;
 - (d) that the person must, within a stipulated period, take measures to comply with the notice, to continue with the measures diligently 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 subsection (d), is an offence; and
 - (f) that written representations, as contemplated in subsection (3), may within a period stipulated under subsection (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 the nature of the non-compliance and any other relevant factors.
- (3) A person may, within the period contemplated in subsection (1)(f), 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 authorised 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 investigations must be made available to the person, who must be given an opportunity to make 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 set out the findings of the Municipality, confirm, alter or set aside, in whole or in part, the notice of compliance and specify the 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 must discharge the obligations set out in the notice or apply to a competent court to have the compliance notice set aside.
- (10) If the person elects to apply to a competent court as contemplated in subsection (9), then he or she must, within seven calendar days, notify the Municipality in writing of his or her intention to make such an application.
- (11) If the does not notify the Municipality of his or her intention to apply to a competent court as contemplated in subsection (9) and (10),, then 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.

144. Costs

- (1) If an owner, occupier, consumer or any other person fails to take the measures required of him or her by notice, then the Municipality may, subject to subsection (3), recover from him or her all costs incurred as a result of the Municipality taking such measures itself.
- (2) The costs claimed must be reasonable and may include, without being limited to, costs relating to labour, electricity, water, equipment, administration, and overhead expenses.
- (3) If more than one person is liable for the costs incurred, then 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.

145. Water inspectors

- (1) The Municipality may appoint water inspectors to monitor the implementation and to enforce the provisions of this by-law.
- (2) A water inspector is vested with at least the same authority granted to an authorised officer in terms of this by-law.
- (3) A water inspector may issue a written notice to any person who is alleged to have contravened this by-law, such notice having legal effect of a written notice in terms of Section 56 of the Criminal Procedure Act, provided that the provisions of subsections (4) to (6) are satisfied.
- (4) The provisions of subsection (3) shall be of no legal effect unless a water inspector has been declared a peace officer in terms of section 334(1) of the Criminal Procedure Act.

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

CHAPTER 9: Miscellaneous Provisions

146. Provision of information

An owner, occupier, consumer or person within the area of supply of the Municipality must, on written request, provide the Municipality with accurate information in writing that is reasonably required by the Municipality for the implementation or enforcement of this by-law.

147. Appeal

- 1) A person whose rights are affected by a decision of an authorised officer may appeal against that decision in terms of Section 62 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000), which applies with the necessary changes by giving written notice of the appeal and reasons to the Municipality within 21 (twenty days) days of the date of notification of the decision.
- 2) If it is alleged in an appeal that a measuring device is inaccurate, then the device must be subjected to a standard industry test to establish its accuracy, provided that the owner must be informed of the possible cost implications including the estimated amount of such test prior to such test being undertaken.
- 3) The relevant charge set out in the prescribed tariff, if applicable, must be retained by the Municipality if the measuring device is found not to be defective, or refunded to the applicant.
- 4) A measuring device is regarded to be defective if, when tested in accordance with a standard industry test it is found to be defective or, if the measuring device is a meter, it does not meet generally accepted specifications as set out in the regulations published under Section 9 of the Act.

- 5) In addition to subsection (4), the Municipality must if the measuring device is found to be defective, repair the measuring device or install another device that is in good working order, without charge to the owner, unless the costs thereof are recoverable from the owner due to a contravention of this by-law, and determine the quantity of water services for which the owner will be charged in lieu of the quantity measured by the defective measuring device.

CHAPTER 10 : Offences

148. Offences and penalties

- (1) Any person commits an offence if he or she:–
- a) obstructs or hinders the Water Service Authority and/or Municipality in the exercising of the powers or performance of functions or duties under these by-laws;
 - b) uses, tampers or interferes with municipal equipment, the water supply system, sanitation system and reticulation network or consumption of services rendered.
 - c) contravenes or fails to comply with a provision of these by-laws other than a provision relating to payment for municipal services; or
 - d) fails to comply with the terms of a notice served upon him/her, or specified in a public notice published by the Municipality in terms of these by-laws.
- (2) A person contemplated in subsection (1), is liable upon conviction to a fine or to a period of imprisonment or community service not exceeding 6 (six) months or, in the event of a continuing offence, to a further fine of R2000 (two thousand) for every day the offence is continued.

149 Authentication and serving of notices and other documents

- (1) A notice or other document issued by the Municipality as authorised in terms of these by-laws and signed by the Municipal Manager or by an authorised officer shall be deemed to be duly issued and must on its mere production be accepted by a court as *prima facie* evidence of that fact.
- (2) Any notice or other document that is served on an owner, consumer or any other person in terms of these by-laws is regarded as having been served:
- a) if it has been delivered to that person personally;
 - b) when it has been left at that person's village, place of residence or business or employment in the Republic, with a person apparently over the age of 16 (sixteen) years;
 - c) when it has been posted by registered or certified mail to that person's last known residential address or business address in the Republic and an acknowledgement of posting thereof from the postal service is obtained;
 - d) if that person's address in the Republic is unknown, when it has been served on that person's agent or representative in the Republic in the manner provided in subsection 1 (a) – (c); or

- e) if that person's address and agent or representative in the Republic is unknown, when it has been placed in a conspicuous place on the property or premises, if any, to which it relates;
 - f) in the event of a body corporate, when it has been delivered at the registered office of the business premises of such a body corporate; or
 - g) when it has been delivered, at the request of that person, to his or her e-mail address.
- 3) When any notice or other document must be authorised or served on the owner, occupier or holder of any property, it is sufficient if that person is described in the notice or other document as the owner, occupier or holder of the property or right in question, and is not necessarily the name of that person.)4) 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.
- 5) Any legal process is effectively and sufficiently served on the Municipality when it is delivered to the Municipal Manager, or person in attendance at the Municipal Manager's office.

150. Prima facie evidence

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

151. Power of entry and impression

- (1) An authorised officer may, on the authority of a warrant, for any purpose connected with the implementation or enforcement of this by-law, at all reasonable times or in an emergency at any time:
- a) enter premises;
 - b) request information;
 - c) take samples; and
 - d) make such inspection, examination and enquiry and carry out such work as he or she may deem necessary, and for these purposes operate any component of the drainage installation.
- (2) If the authorised officer considers it necessary that work be performed in order to enable him or her properly and effectively to implement a function referred to in subsection (1), then he or she may, subject to subsection (3):
- a) by written notice, require the owner, occupier or consumer of the premises, at his or her own cost, to do specific work within a specified period; or
 - b) if the situation is a matter of urgency, without prior notice, do such work or cause it to be done at the costs of the owner.

- (3) If the work referred to in subsection (2) is carried out for the sole purpose of establishing whether or not a contravention of this by-law has been committed and no such contravention is established, then the Municipality must bear the expense connected therewith together with that of restoring the premises to its former condition.
- (4) Any entry or inspection must be conducted in conformity with the requirements of the Constitution of South Africa Act (Act 108 of 1996) and any other law, and, in particular, with strict regard to decency, order and respect for a person's dignity, freedom and security, and personal privacy.
- (5) An authorised officer may be accompanied by an interpreter and any other person reasonably required to assist the authorised officer in conducting the inspection.
- (6) A person representing the Municipality must, on request, provide his or her identity and authority.

152. Indemnification from liability

Neither employees of the Municipality nor any person, body, organisation or corporation acting on behalf of the Municipality is liable for any damage arising from any omission or act done in good faith in the course of his or her duties.

153. Exemption

- 1) Subject to all the provisions set out below in this by-law, the Municipality may in writing exempt an owner, consumer, any other person or category of owners, consumers or other persons from complying with a provision of these by-laws, subject to any conditions it may impose, if it is of the opinion that the application or operation of that provision would be unreasonable, provided that the Municipality 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 Municipality as authorised agent in terms of these by-laws; and
 - (f) the Act, or any regulations made in terms thereof, is not complied with.
- 2) The Municipality may, at any time after having given written notice of at least 30 (thirty) days, withdraw any exemption given.
- 3) The Municipality must consider a submission for exemption at the next ensuing meeting of Council immediately following receipt of a submission and, if the Municipality fails to do so or the meeting fails to address the issue and take a resolution, then the applicant for exemption may appeal to the Member of the Executive Committee of the Provincial

Government charged with the administration of the local government affairs (“the MEC”) to intervene in the matter.

154. Availability of by-laws

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

155. Conflict of law

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

156. Co-operation between municipalities

- (1) In an effort to achieve optimal service delivery, the Municipality may enter into agreements with a local municipality in respect of practical arrangements with regard to the execution of the provisions of this by-law, recovery of costs and expenses, mechanisms for the settlement of disputes with regard to the execution of powers or a matter on which there has been an agreement, or any other matter regarded as being necessary by the Municipality and the local community to achieve optimal service delivery.
- (2) The provisions of this by-law apply to the jurisdictional area of the Municipality including the District Management area.

157. Liaison forums in community

- (1) The Municipality may establish one or more liaison forums in a community for the purpose of creating conditions for a local community to participate in the affairs of the Municipality, encouraging a local community to participate in the affairs of the Municipality and promoting the achievement of efficient water supply and sanitation services.
- (2) A liaison forum may consist of a member or members of an interest group, a member of members of a community in whose immediate area an efficient water supply and sanitation services are lacking, a designated official or officials of the Municipality, and the Councillor responsible for water supply and sanitation services.
- (3) The Municipality may, when considering an application for consent, permit, or exemption certificate, in terms of this by-law, where applicable, request the input of a liaison forum. A liaison forum or any person or persons contemplated in subsection (2) may, on his, her or its own initiative, submit input to the Municipality for consideration.

158. Transitional arrangements

- 1) Installation work authorised by the Municipality prior to the commencement date of these by-laws or authorised installation work in progress on such a date shall be deemed to have been authorised in terms of these by-laws. The Municipality may for a period of 90 (ninety) days after the commencement of these by-laws authorise installation work in accordance with the by-laws that regulated such work immediately prior to the promulgation of these by-laws.
- 2) Any reference in these by-laws to a charge determined by the Municipality Council shall be deemed to be a reference to a charge determined by the Municipal Council under the laws repealed by Section 159, until the effective date of any applicable charges that may be determined by the Municipal Council in terms of these by-laws or by-laws relating to credit control and debt collection and any reference to a provision in the laws repealed by Section 159 shall be deemed to be a reference to a corresponding provision in these by-laws.
- 3) Any approval, consent or exemption granted under the laws repealed by Section 159 shall remain valid.
- 4) No consumer shall be required to comply with these by-laws by altering a water installation or part thereof that was installed in conformity with any laws applicable immediately prior to the commencement of these by-laws; provided that if, in the opinion of the Municipality, 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.

159. Repeal of existing Municipal water services by-laws

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

160. Short title and commencement

- 1) These by-laws are called the Water Services By-laws of the Joe Gqabi District Municipality.
- 2) The Municipality may, by notice in the Provincial Gazette, determine that provision of these by-laws listed in the notice, does not apply in certain areas within its area of jurisdiction listed in the notice from a date specified in the notice.
- 3) Until any notice contemplated in subsection (2) is issued, these by-laws are binding.

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

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

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

Large works general quality limits are applicable when an industry's effluent discharges into a catchment leading to sewage works of greater than 25 (twenty five) M/d capacity.

Small Works quality limits apply for catchments leading to sewage works with less than 25 (twenty five) M/d capacity.

General Quality Limits	Large Works 25 M/d	Small Works 25 M/d	Units
1. Temperature °C	44C	44C	Degrees Celsius
2. pH	6 pH 10	6.5 pH 10	pH units
3. Oils, greases, waxes of mineral origin	50	50	mg/
4. Vegetable oils, greases, waxes	250	250	mg/
5. Total sugar and starch (as glucose)	1000	500	mg/
6. Sulphate in solution (as SO ₄ = 4)	250	250	mg/
7. Sulphite, hydro-sulphides (as S=) and polysulphides	1	1	mg/
8. Chloride (as C)	1000	500	mg/
9. Fluoride (as F)	5	5	mg/
10. Phenols (as phenol)	10	5	mg/
11. Cyanides (as CN)	20	10	mg/
12. Settleable solids	Charge	Charge	m/
13. Suspended solids	2000	1000	mg/
14. Total dissolved solids	1000	5000	mg/
15. Electrical conductivity	-	400	Ms/m
16. Anionic surfactants	-	500	mg/
17. C.O.D.	Charge	Charge	mg/
General Quality Limits	Large Works >25 M/d	Small Works <25 M/d	Units
Heavy Metal Limits			
18. Copper (as Cu)	50	5	mg/
19. Nickel (Ni)	50	5	mg/
20. 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, radioactive waste or isotopes.
2. No yeast and yeast wastes, molasses spent or unspent.
3. No cyanides or related compounds capable of liberating HCN gas or cyanogen.
4. No degreasing solvents, petroleum spirit, volatile flammable solvents or any substance which yields a flammable vapour at 21 (twenty one) C.

SCHEDULE B**LIMITS OF CONCENTRATION OF SUBSTANCES THAT MAY BE DISCHARGED TO THE MUNICIPALITY'S SANITATION SYSTEM**

<u>PARAMETER</u>	<u>ALLOWED SPECIFICATION</u>
PV - not exceed	1400 ml/l
Ph - within range	6,0 – 10,0
Electrical conductivity - not greater than	500m S/m at 20 °C
Caustic alkalinity (expressed as CaCO ₃)	2 000 mg/l
Substance not in solution (including fat, oil, grease waxes and like substances)	2 000 mg/l
Substances soluble in petroleum ether	500 mg/l
Sulphides, hydro-sulphides and polysulphides (expressed as S)	50 mg/l
Substances from which hydrogen cyanide can be liberated in the drainage installation, sewer or sewage treatment works (expressed as HCN)	20 mg/l
Formaldehyde (expressed as HCHO)	50 mg/l
Non-organic solids in suspension	100 mg/l
Chemical oxygen demand (CO)	5 000 mg/l
All sugars and/or starch (expressed as glucose)	1 500 mg/l
Available chlorine (expressed as Cl)	100 mg/l
Sulphates (expressed as SO ₄)	1 800 mg/l
Fluorine - containing compounds (expressed as F)	5 mg/l Anionic surface active agents 500 mg/l

METALS**GROUP 1**

Metal	Expressed As
Manganese	Mn
Chromium	Cr
Copper	Cu
Nickel	Ni
Zinc	Zn
Iron	Fe
Silver	Ag
Cobalt	Co
Tungsten	W
Titanium	Ti
Cadmium	Cd

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

GROUP 2

Metal	Expressed As
Lead	Pb
Selenium	Se
Mercury	Hg

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

Metal	Expressed as
Arsenic	As
Boron	B

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

RADIO-ACTIVE WASTES

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

Provided that, notwithstanding the requirements set out in this Part, the Water Service Authority and/or 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 Water Service Authority and/or Municipality for these purposes.

Any person discharging any substance referred to in this schedule shall ascertain the details of the appropriate test from the Water Service Authority and/or Municipality.

SCHEDULE C

FORMULA FOR THE CALCULATION OF EFFLUENT DISCHARGE CHARGES

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

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

Where:

- T_c = Extraordinary treatment cost to Consumer
- Q_c = Waste water volume discharged by consumer in kl
- t = Unit treatment cost of waste water in R/kl
- COD_c = Total COD of waste water discharged by consumer in milligrams/litre and is inclusive of both the biodegradable and non-biodegradable portion of the COD
- P_c = Ortho-phosphate concentration of waste water discharged by consumer in milligrams phosphorus per litre
- P_d = Ortho-phosphate concentration of domestic waste water in milligrams phosphorus per litre
- N_c = Ammonia concentration of waste water discharged by consumer in milligrams of nitrogen per litre
- N_d = Ammonia concentration of domestic waste water in milligrams of nitrogen per litre
- a = Portion of the costs directly related to COD
- b = Portion of the costs directly related to the removal of phosphates
- c = Portion of the costs directly related to the removal of nitrates

Different Terms	Value
T	R0.82/kl
COD _d	600 mg/l
??	10 mg/l
N _d	25 mg/l
A	0.6
B	0.25
C	0.15

IMPORTANT

Information

from Government Printing Works

Dear Valued Customers,

Government Printing Works has implemented rules for completing and submitting the electronic Adobe Forms when you, the customer, submits your notice request.

Please take note of these guidelines when completing your form.

GPW Business Rules

1. No hand written notices will be accepted for processing, this includes Adobe forms which have been completed by hand.
2. Notices can only be submitted in Adobe electronic form format to the email submission address submit.egazette@gpw.gov.za. This means that any notice submissions not on an Adobe electronic form that are submitted to this mailbox will be **rejected**. National or Provincial gazette notices, where the Z95 or Z95Prov must be an Adobe form but the notice content (body) will be an attachment.
3. Notices brought into GPW by "walk-in" customers on electronic media can only be submitted in Adobe electronic form format. This means that any notice submissions not on an Adobe electronic form that are submitted by the customer on electronic media will be **rejected**. National or Provincial gazette notices, where the Z95 or Z95Prov must be an Adobe form but the notice content (body) will be an attachment.
4. All customers who walk in to GPW that wish to submit a notice that is not on an electronic Adobe form will be routed to the Contact Centre where the customer will be taken through the completion of the form by a GPW representative. Where a customer walks into GPW with a stack of hard copy notices delivered by a messenger on behalf of a newspaper the messenger must be referred back to the sender as the submission does not adhere to the submission rules.
5. All notice submissions that do not comply with point 2 will be charged full price for the notice submission.
6. The current cut-off of all Gazette's remains unchanged for all channels. (Refer to the GPW website for submission deadlines – www.gpwonline.co.za)
7. Incorrectly completed forms and notices submitted in the wrong format will be rejected to the customer to be corrected and resubmitted. Assistance will be available through the Contact Centre should help be required when completing the forms. (012-748 6200 or email info.egazette@gpw.gov.za)
8. All re-submissions by customers will be subject to the above cut-off times.
9. All submissions and re-submissions that miss the cut-off will be rejected to the customer to be submitted with a new publication date.
10. Information on forms will be taken as the primary source of the notice to be published. Any instructions that are on the email body or covering letter that contradicts the notice form content will be ignored.

You are therefore advised that effective from **Monday, 18 May 2015** should you not comply with our new rules of engagement, all notice requests will be rejected by our new system.

Furthermore, the fax number **012- 748 6030** will also be **discontinued** from this date and customers will only be able to submit notice requests through the email address submit.egazette@gpw.gov.za.



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 Contact Centre Tel: 012-748 6200. eMail: info.egazette@gpw.gov.za
 Also available at the Legal Advisory Services, **Province of the Eastern Cape**, Private Bag X0047, Bisho, 5605.
 Tel. (040) 635-0052.