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**[PROVINCIAL NOTICE NO.84 OF 2016]**

**GENERAL ASSESSMENT RATES AND TARIFFS: 2016/2017**

1. Financial Year Notice is hereby given in terms of section 17(3)(a)(ii) and 24(1)(2) of the Municipal Finance Management Act 2003 and section 14(1) and (2) of the Local Government: Municipal Property Rates Act 2004 that the Municipal Estimates of Revenue and Expenditure for the 2016/2017 financial year has been approved by Council on 15 June 2016, of which a copy is available for inspection at the Office of the Chief Financial Officer during office hours of the Council.
2. Notice is also hereby given that:
  - I. The general assessment rates for the financial year ending 30 June 2017 has been assessed in accordance with the provisions of section 24(2)(c) of the Act:

	Actual 2015/2016	2016/2017
Heavy Industries	0.03684	0.03978
Light Industries	0.03684	0.03978
Businesses	0.01473	0.015901
Domestic and other	0.00736	0.00794
<b>Farmland:</b>		
Residential	0.00368	0.00397
Businesses	0.00736	0.00794
Industries	0.01845	0.01993
Private owned towns, Body Corporate, Sectional Titles	0.00368	0.00397
Mining	0.01845	0.01992
Agricultural	0.00185	0.00199
Unregistered Erven	Municipal services charges equal to category of property	Municipal services charges equal to category of property

3. The aforementioned rates are recoverable by the Council in terms of the provisions of the Act and payable in equal monthly instalments except for agricultural land and state property. In terms of section 24(2)(c) of the Act and section 64(2) of the Municipal Finance Management Act 2003, interest is payable on all rates in arrears.
4. Assessment Rates and Service Charges for 2016/2017:
  - Available on website: [www.metsimaholo.gov.za](http://www.metsimaholo.gov.za)
5. Comprehensive Tariff list is also available at Civic Centre, Sasolburg, at the Office of the Manager: Budget and Financial Statements, as well as Public Libraries of Metsimaholo during office hours.
6. The tariffs are applicable for consumers account from 01 July 2016.
7. Any objection to the determination as set out above, it must reach the undersigned in writing within 14 (fourteen) days after the date of publication.
8. **PLEASE NOTE TARIFFS ARE VAT EXCLUSIVE**
9. The notice first displayed from 17 June 2016.

**S.M MOLALA**  
**MUNICIPAL MANAGER**  
 P.O Box 60  
**SASOLBURG**  
 1947

**17 JUNE 2016**  
**(Notice No: 14/2016)**

**[PROVINCIAL NOTICE NO.85 OF 2016]**

Mangaung Metropolitan Municipality in terms of section 14(3) (b) of the Local Government: Municipal Property Rates Act of 2004 (Act 6 of 2004) hereby notify all the rate payers owing properties within the jurisdiction of Mangaung Metropolitan Municipality that the Council meeting held on 9 June 2016 has passed a resolution on the levying of rates on properties; and the resolution is available at the municipality's Bram Fischer Building and satellite offices and libraries for public inspection during office hours and, the copy of the resolution is also available on the municipality's official website: [www.mangaung.co.za](http://www.mangaung.co.za)

The Council resolution on levying of rates shall be available for inspection from 20 June 2016 until 29 July 2016 during office hours 07:45 to 16:15.

**Adv T Mea**  
**Acting City Manager**

**MANGAUNG METROPOLITAN MUNICIPALITY**  
**REVENUE AND EXPENDITURE ESTIMATES AND DETERMINATION OF GENERAL ASSESSMENT RATE AND SANITARY FEES**

1. Notice is given in accordance with the provisions of section 81 (1) (c) of the Local Government Ordinance No 8 of 1962 read with the stipulations of the Local Government Municipal Systems Act, No 32 of 2000, the Municipal Finance Management Act, No 56 of 2003, as well as the Local Government: Municipal Property Rates Act (no 6 of 2004) that a copy of the Municipal Estimates of Revenue and Expenditure for the financial year ending 30 June 2017 is open for inspection at the office of the Chief Financial Officer during office hours of the Mangaung Metropolitan Municipality.
2. Notice is further given that the under-mentioned general assessment rate, sewerage charges, refuse removal tariffs, housing rental tariffs, general tariffs and electricity tariffs for the year ending 30 June 2017 are as follows, namely:

**1. Assessment Rates**

It is recommended that rates tariffs be increased by net average of 8.00% across the board.

(a) That the following general assessment rates in respect of the Mangaung Metropolitan Municipality be determined as follows:

1. Comma six six two two cent (0, 6622 cent), multiply by comma two five cent (0.25), per rand on the rateable value of farm property (exempt from VAT);
2. Comma six six two two cent (0, 6622 cent), per rand on the rateable value of residential property (exempt from VAT);
3. Two comma seven two seven cent (2, 7270 cent) per rand on the rateable value of state owned facilities (exempt from VAT);
4. Two comma seven two seven cent (2, 7270 cent) per rand on the rateable value of business property (exempt from VAT).
5. Interest shall be paid to Council on rates which have not been paid within thirty (30) days from the date on which such rates became due, at a rate of 1% higher than the prime rate for the period during which such rates remain unpaid after expiry of the said period of thirty (30) days.

**Rebates on assessment rates:**

The first R 70,000 (Seventy thousand rand only) of the rateable value of residential properties are exempted;

1. That in respect of qualifying senior citizens and disabled persons, the first R 250,000 (Two hundred and fifty thousand rand only) of the rateable value of their residential properties be exempted from rates;
2. That the rebate on the R 250,000 of the rateable value for residential properties of qualifying senior citizens and disabled persons will only be applicable on properties with a value that do not exceed R 2,000,000 (Two million rand only), and;
3. That for the 2016/17 financial year the criteria applicable for child headed families regarding the total monthly income from all sources must not exceed an amount equal to three state pensions as determined by National Minister of Finance per month.

(b) It is recommended that the rates as stated above become due monthly on the following dates: 7 July 2016; 7 August 2016; 7 September 2016; 7 October 2016; 9 November 2016; 8 December 2016; 7 January 2017; 8 February 2017; 7 March 2017; 7 April 2017; 9 May 2017 and 7 June 2017.

**2. Sewerage Charges**

It is recommended that the sewerage charges be increased by 8.20% for residential and 8.20 % for non-residential in the 2016/17 financial year.

(a) **Non- residential**

Comma three nine six cent (0, 3960 cent) per rand on the rateable value of the property (VAT excluded) with a minimum of one hundred and twenty five rand and twelve cent (R 125.12) (VAT excluded) per erf per month

(b) **Residential**

Comma two seven five five cent (0, 2755 cent) per rand on the rateable value of the property (VAT excluded) with a minimum of ninety one rand and ninety two cent (R 91.92) (VAT excluded) per erf per month.

**Rebates on sewerage charges:**

The residential areas in the following areas are excluded from paying sewerage charges; Bloemindustria, Ribblesdale, Bloemspruit, Bainsvlei, Farms and Peri-Urban areas in Thaba Nchu.

(c) **Special Arrangements**

1. Levy on churches, church halls and other places of similar nature, qualifying charitable institutions and welfare organizations:  
R 111.79 per sanitary point per month (VAT excluded)  
R 37.04 per refuse container per month (VAT excluded)
2. Martie du Plessis School, Dr Böhmer School, Lettie Fouche School and schools of similar nature:  
R 55.91 per sanitary point per month (VAT excluded)  
R 18.52 per refuse container per month (VAT Excluded)

**Rebates on sanitation charges:**

Residential properties with a value of R 70,000.00, or less are exempted from paying sanitation charges.

- (d) That the sewerage charges and levied in accordance with 2(a), (b) and (c) as stated above, become due monthly on the following dates: 7 July 2016; 7 August 2016; 7 September 2016; 7 October 2016; 9 November 2016; 8 December 2016; 7 January 2017; 8 February 2017; 7 March 2017; 7 April 2017; 9 May 2017 and 7 June 2017.

**3. Refuse Removal Charges**

It is recommended that the refuse removal be increased 7.80% and;

- a) That, the refuse removal tariffs for 2016/17 be applicable from the consumer month of July 2016;
- b) That the following charges and prices, excluding VAT, in connection with the supply of refuse removal services are submitted for approval.

**Tariff (3) (a): Erf used for Residential Purposes**

Size of the Stand (square metres)	Current 2015/16	Proposed Tariff increase from 1 July 2016	Tariff per month (maximum of one removal per week)
0 - 300	36.57	7.80%	39.42
301 - 600	48.76	7.80%	52.56
601 - 900	85.34	7.80%	92.00
901 - 1500	121.93	7.80%	131.44
>1500	146.76	7.80%	158.21

**Tariff (3) (b): Flats and Townhouses per unit**

Tariff per month (maximum of one removal per week) - R 92.00 per month

**Tariff (3) (c): Duet Houses and Private Towns**

Tariff per month (maximum of one removal per week) as per tariff (3)(a) above

**Tariff (3) (d): State Owned Facilities, Businesses, Commercial and Industrial (Non Residential)**

Tariff per month (Maximum of one removal per week) - R 197.51 per month

**Tariff (3) (e): State Owned Facilities, Businesses, Commercial and Industrial (Non Residential)**

A minimum of R 197.51 per state owned facilities, businesses, commercial and industrial per month for land fill costs plus additional costs associated with the trade waste type of service required as contained in the Tariffs Booklet.

**Rebates on refuse removal charges:**

Residential properties with a value of R 70,000.00, or less are exempted from paying refuse removal charges.

No refuse will be levied on garages and gardens if registered as separate sectional title units in the Deeds Office.

- (e) It is recommended that the refuse removal levies as stated above, become due monthly on the following dates; 7 July 2016; 7 August 2016; 7 September 2016; 7 October 2016; 9 November 2016; 8 December 2016; 7 January 2017; 8 February 2017; 7 March 2017; 7 April 2017; 9 May 2017 and 7 June 2017.

**4. Water Tariffs**

It is recommended

- i. That the water tariffs for the 2016/17 financial year be increased on average by net average of 8 % for all consumers and the details in terms of our step tariff structure is as outlined below:

**Residential Properties**

Step Tariffs 2016/17	Current 2015/16	Percentage Increase %	Proposed Tariff from 1 July 2016
	R	%	R
0-6kl	6.52	6.00	6.91
7-15kl	14.91	7.00	15.95
16-30kl	15.81	7.50	17.00
31-60kl	17.63	8.00	19.04
Above 61kl	19.89	8.50	21.58
Plus Basic Charge per month	20.00	10.00	22.00

**Non-Residential**

Step Tariffs 2016/17	Current 2015/16	Percentage Increase %	Proposed Tariff from 1 July 2016
	R	%	R
0-60kl	15.75	7.00	16.85
61-100kl	18.40	8.00	19.87
Above 100kl	20.80	8.50	22.57
Plus Basic Charge per month	454.56	10.00	500.02

- a. The basic charge of R 22.00 (twenty two rand) be effective for 2016/17 financial year for all residential consumers with a market value that is equal or above R70 000. Prepaid water consumers are also exempt in terms of this charge.
- b. That, the water tariffs for 2016/17 be applicable from the consumer month of July 2016;
- c. That for the calculation of water accounts the consumer month will be the period between the successive monthly readings irrespective of the period between reading dates and consumption of water are submitted for approval;
- d. That in terms of Section 145 of the Local Government Ordinance of 1962, (Ordinance No 8 of 1962) the following charges and prices, excluding VAT, in connection with the supply and consumption of water are submitted for approval.

**Tariff A1**

- (a) Erf used for Residential Purpose and
- (b) Sports Club Incorporated in the Council's Sport Club Scheme

**Water Consumed:**

Minimum charges R 22.00 per month

**plus**

- a. R 6.91 per kilolitre per month for 0 to 6 kilolitres;
- b. R 15.95 per kilolitre per month for 7 to 15 kilolitres;
- c. R 17.00 per kilolitre per month for 16 to 30 kilolitres;
- d. R 19.04 per kilolitre per month for 31 to 60 kilolitres;
- e. R 21.58 per kilolitre per month for each kilolitre more than 60 kilolitre.

**(c) Bulk metered Flats, Townhouses and Duet Houses**

- a. Total kilolitres used, number of flats, townhouse or duet houses
- b. Apply sliding scale: 0 - 6 kilolitres  
7 - 15 kilolitres  
16 - 30 kilolitres  
31 - 60 kilolitres  
61 kilolitres and more

Divide unit by number of flats, townhouses or duet houses as per the sliding scale. Tariffs applicable to erf used for residential purposes are applicable to the above.

- c. The basic charge is calculated by multiplying the number of consumers by the basic charge as noted above.
- d. Fire meter water consumed - R 17.90 per kilolitre per month.

**Tariff A2: Unmetered Erf Used for Residential Purpose only**

Fixed amount: R 32.58 per month

**Tariff A3: Unimproved Erf****(a) Unimproved erf which may be used for residential purposes only:**

Minimum charge: R 32.58 per month

**(b) Any other unimproved erf:**

Minimum charge: R 981.84 per month

**Tariff A4: Directorates of Council**

Water consumed: R 13.55 per kilolitre per month.

**Tariff A5: Any other point where water is supplied not mentioned in Tariffs A1, A2, A3 and A4 per Water Meters:**

- (a) Minimum charges R 500.02 per month  
**plus**  
Water consumed:  
R 16.85 per kilolitre per month for 0 to 60 kiloliters;  
R 19.87 per kilolitre per month for 61 to 100 kilolitres;  
R 22.57 per kilolitre per month for each kilolitre more than 100 kilolitres

**Tariffs during Water Restrictions – Level 2**

Average Tariff increase during period of Level 2 Water restrictions is on 20% on the tariffs noted above.

**Tariffs during Water Restrictions – Level 3**

Average Tariff increase during period of Level 3 Water restrictions is 20% on the tariffs as noted under Level 2 water restrictions

**5. Housing Rental Tariffs**

It is recommended that the rental tariffs on all housing schemes be increased with 10% from 1 July 2016.

**6. General Tariffs**

It is recommended that the general tariffs and charges be increased at an average of 10% as reflected in the Tariffs Booklet.

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[PROVINCIAL NOTICE NO.86 OF 2016]

**PROPERTY RATES BY-LAW (For implementation 1 July 2016)**

To allow Council to exercise its power to value and impose rates on immovable properties located within its area of jurisdiction in such a manner that it will contribute to effective and economic service delivery to the entire community.

Preamble

WHEREAS the Constitution established local government as a distinctive sphere of government, interdependent, and interrelated with the national and provincial spheres of government; and

WHEREAS there is agreement on the fundamental importance of local government to democracy, development and nation-building in our country; and

WHEREAS there is fundamental agreement in our country on a vision of democratic, accountable and developmental local government, in which municipalities must strive within its financial and administrative capacity, to achieve their constitutional objectives by ensuring the provision of sustainable, effective and efficient services to communities, by promoting social and economic development, by promoting a safe and healthy environment, and by encouraging the involvement of communities in the matters of local government ; and

WHEREAS the Municipal Property Rates Act, No 6 of 2004 as amended, authorises and empowers municipalities to give effect to its Property Rates Policy and adopting by-laws

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**MANGAUNG METROPOLITAN MUNICIPALITY - PROPERTY RATES BY -LAW**

**1 DEFINITIONS**

- 1.1 **“Act”** means the Local Government: Municipal Property Rates Act (Act No 6 of 2004) and any amendment thereof;
- 1.2 **“Agent”**, in relation to the owner of a property, means a person appointed by the owner of the property-
  - (a) to receive rental or other payments in respect of the property on behalf of the owner; or
  - (b) to make payments in respect of the property on behalf of the owner;
- 1.3 **“Annually”** means once every financial year;
- 1.4 **“Business Property”**, means-
  - (a) property used for the activity of buying, selling or trading in commodities or services and includes any office or other accommodation on the same property, the use of which is incidental to such activity; or
  - (b) Property on which the administration of the business of private or public entities take place;
- 1.5 **“Category”**
  - (a) In relation to property, means a category of properties determined in terms of Section 8 (2) of the Act; and
  - (b) In relation to owners of properties, means a category of owners determined in terms of section 15 (2) of the Act.
- 1.6 **“Child-headed household”** means a household where the main caregiver of the said household is younger than 18 years of age. Child-headed household means a household headed by a child as defined in section 28(3) of the Constitution.
- 1.7 **“Definitions, words and expressions”** as used in the Act are applicable to the policy document where ever it is used;

- 1.8 “**Exclusion**” in relation to a municipality’s rating power, means a restriction of that power as provided for in section 16 and 17 of the Act.
- 1.9 “**Exemption**” in relation to the payment of a rate, means an exemption granted by a municipality in terms of section 15(1)(a) of the Act.
- 1.10 “**Agricultural property**”, in relation to the use of a property, means property that is used primarily for agricultural purposes but, without derogating from section 9, excludes any portion thereof that is used commercially for the hospitality of guests, and excludes the use of the property for eco-tourism or for the trading in or hunting of game
- 1.11 “**Guesthouses**” means accommodation in a dwelling-house or second dwelling where at least 3 to 10 rooms are used for the purpose of supplying lodging and meals to transient guests for compensation, in an establishment which exceeds the restrictions of a bed and breakfast establishment and may include business meetings or training sessions for resident guests;
- 1.12 “**Multi Purpose**” in relation to a property, means the use of a property for more than one purpose subject to section 9
- 1.13 “**Municipality**” means the **Mangaung Metropolitan Municipality**;
- 1.14 “**Public Service Infrastructure**” means publicly controlled infrastructure of the following kinds:
- (a) National, provincial or other public roads on which goods, services or labour move across a municipal boundary;
  - (b) Water or sewer pipes, ducts or other conduits, dams, water supply reservoirs, water treatment plants or water pumps forming part of a water or sewer scheme serving the public;
  - (c) Power stations, power substations or power lines forming part of an electricity scheme serving the public;
  - (d) Gas or liquid fuel plants or refineries or pipelines for gas or liquid fuels, forming part of a scheme for transporting such fuels;
  - (e) Railway lines forming part of a national railway system;
  - (f) Communication towers, masts, exchanges or lines forming part of a communications system serving the public;
  - (g) Run ways, aprons and the air traffic control unit at national or provincial airports, including the vacant land known as obstacle free zone surrounding these, which must be vacant for air navigation purposes;
  - (h) Breakwaters, sea walls, channels, basins, quay walls, jetties, roads, railway or infrastructure used for the provision of water, lights, power, sewerage or similar services of ports, or navigational aids, buoys, beacons or any other device or system used to assist the safe and efficient navigation of vessels;
  - (i) Any other publicly controlled infrastructure as may be prescribed; or
  - (j) a right registered against immovable property in connection with infrastructure mentioned in paragraphs (a) to (i).
- 1.15 “**Public service purposes**”, in relation to the use of a property, means property owned and used by an organ of state as—
- (a) Hospitals or clinics;
  - (b) Schools, pre-schools, early childhood development centres or further education and training colleges;
  - (c) National and provincial libraries and archives;
  - (d) Police stations;
  - (e) Correctional facilities; or
  - (f) Courts of law,
- But excludes property contemplated in the definition of ‘public service infrastructure.’”
- 1.16 “**Market Value**” in relation to a property, means the value of the property determined in accordance with section 46 of the Act.
- 1.17 “**Municipal Properties**” refers to a property that is registered in the name of the municipality and property vested by usage in the name of the Municipality whether it is used by the Municipality itself or made available to other entities without cost of a rental agent.
- 1.18 “**Occupier**”, in relation to a property, means a person in actual occupation of a property, whether or not that person has a right to occupy the property.
- 1.19 “**Office bearer**”, in relation to places of public worship, means the primary person who officiates at services at that place of worship;
- 1.20 “**Official residence**”, in relation to places of public worship, means:-
- (a) a portion of the property used for residential purposes; or
  - (b) one residential property, if the residential property is not located on the same property as the place of worship’
- Registered in the name of a religious community or registered in the name of a trust established for the sole benefit of a religious community and used as a place of residence for an office bearer
- 1.21 “**Owner**”-
- (a) In relation to a property referred to in paragraph (a) of the definition of “**property**”, means a person in whose name ownership of the property is registered;
  - (b) In relation to a right referred to in paragraph (b) of the definition of “**property**”, means a person in whose name the right is registered;
  - (c) In relation to a land tenure right referred to in paragraph (c) of the definition of “**property**” means a person in whose name the right is registered or to whom it was granted in terms of legislation; or
  - (d) In relation to public service infrastructure referred to in paragraph (d) of the definition of “**property**” means the organ of state which owns or controls that public service infrastructure as envisaged in the definition in the Act of the term “**publicly controlled**”, provided that a person mentioned below may for the purpose of this Act be regarded by a municipality as the owner of a property in the following cases:
    - i A Trustee, in the case of a property in a trust excluding state trust land;
    - ii An executor or administrator, in the case of a property in a deceased estate;
    - iii A trustee or liquidator, in the case of a property in an insolvent estate or in liquidation;
    - iv A judicial manager, in the case of a property in the estate of a person under judicial management;
    - v A curator, in the case of a property in the estate of a person under curatorship;
-



- vi A person in whose name a usufruct or other personal servitude is registered, in the case of a property that is subject to a usufruct or other personal servitude;
  - vii A lessee, in the case of a property that is registered in the name of a municipality and is leased by it;
  - viii a lessee, in the case of property to which a land tenure right applies and which is leased by the holder of such a right; or
  - ix A buyer in the case of a property that was sold by a municipality and of which possession was given to the buyer pending registration of ownership in the name of the buyer.
- 1.22** “**Person**” includes an organ of state.
- 1.23** “**Place of Public Worship**”, means property used primarily for the purposes of congregation, excluding a structure that is primarily used for educational instruction in which secular or religious education is the primary instructive medium: Provided that the property is:-
- (a) registered in the name of a religious community;
  - (b) registered in the name of a trust established for the sole benefit of a religious community; or
  - (c) subject to land tenure right
- 1.24** “**Private Open Space**” means land that is owned and used for practising of sport, play- or leisure facilities or used as a botanical garden, cemetery or nature area;
- 1.25** “**Property**” means
- (a) Immovable property registered in the name of a person, including, in the case of a sectional title scheme, a sectional title unit registered in the name of a person;
  - (b) A right registered against immovable property in the name of a person, excluding a mortgage bond registered against the property;
  - (c) A land tenure right registered in the name of a person or granted in terms of legislation; or
  - (d) Public Service Infrastructure;
  - (e) Where improvements encroach over common boundaries of properties or where the utility of property achieve its highest and best use jointly with other property, the Municipal Valuer will nominate one of those properties as the “Parent” property. The other property/ies will be linked to this property in the Valuation Roll and will be referred to as “Children”. This economical unit will be valued as a single property, in conformity to the realities of the market. The other property/ies will be linked to this property in the Valuation Roll and will be referred to as “Children”. This economical unit will be valued as a single property, in conformity to the realities of the market. To accommodate the Mangaung billing system, the total value will then be split as follow:
    - i A nominal value of not more than the individual land value only, will be entered on each “Child” property;
    - ii The sum of all the “Child” nominal values will be subtracted from the total value;
    - iii The balance will be entered against the “Parent” property;
    - iv The category classification of “child/ren” will follow that of the “parent” property regardless of actual use.
- 1.26** “**ratio**”, in relation to section 19 of the Act, means the relationship between the cent amount in the Rand applicable to residential properties and different categories of non-residential properties: Provided that the two relevant cent amounts in the Rand are inclusive of any relief measures that amount to rebates of a general application to all properties within a property category;’
- 1.27** “**Rebate**” in relation to a rate on property, means a discount granted in terms of section 15 of the Act on the amount of the rate payable on the property;
- 1.28** “**Reduction**”, in relation to a rate payable on property, means the lowering in terms of section 15 of the Act of the amount for which the property was valued and the rating at that lower amount.
- 1.29** “**Residential Property**” means a property with a building designed for, or containing provision for human habitation, together with such outbuildings are ordinarily used therewith:
- (a) Is used exclusively for residential purposes without derogating from section 9 of the Act;
  - (b) Is a unit registered in terms of the sectional Title Act and used exclusively for residential purposes without derogating from section 9 of the Act;
  - (c) Is owned by a share-block company and used solely for residential purposes;
  - (d) Is a residence used for residential purposes situated on property used for or related to educational purposes;
  - (e) Retirement schemes and life right schemes used exclusively for residential purposes
- And specifically exclude hostels, guest houses and vacant land irrespective of its zoning or intended use.
- 1.30** “**Special Rating Area**” Council may by Council resolution determine an area within the municipality as a special rating area, and levy an additional rate on property in that area for the purpose of raising funds for improving or upgrading that area.
- 1.31** “**State Owned Property**” refers to property used or owned by the State other than public service infrastructure including schools, universities, technicons, colleges, hospitals etc.
- 1.32** “**Student Dwelling**” means a dwelling or part of a dwelling used for accommodation of a maximum of 10 students on a site with a maximum size of 1 100m<sup>2</sup>, a maximum of 12 students on a site that varies between 1 101m<sup>2</sup> - 1 500m<sup>2</sup> and a maximum of 14 students on a site bigger than 1 500m<sup>2</sup>, receiving instruction at a place of instruction or adult instruction, subject to the provisions of sub-sections 18.2 (read with Table iv), 18.6. A second dwelling can be permitted on the premises on condition that no restrictive conditions are registered in the relevant title deed that prohibits the development of a second dwelling on the site. In the case of two dwellings on one erf the maximum accommodation allowed will be for a total of 14 students (depending on the size of the erf). Cognition must be taken that no detached rooms will be permitted on the premises.
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- 1.33** “**Threshold**” means the amount, determined from time to time by the Council during its annual budget process referred to in section 12 of the Act, to be deducted from the market value of residential properties, resulting in rates to be determined on the balance of the market value of such properties only.
- 1.34** “**Vacant Land**” means land on which no immovable improvements have been erected excluding farm properties not used for any purposes as contemplated in section 8(2)(e) of the MPRA.
- 1.35** “**Zoning**” means the purpose for which land may lawfully be used or on which buildings may be erected or used, or both, as contained in any applicable Town Planning Scheme and “zoned” has corresponding meaning.

## **2. POLICY PRINCIPLES**

- 2.1** Apart from meeting legislative requirements, the policy also emanates from the objectives determined in Council’s anti-corruption policy.
- 2.2** The levying of a rate on a property is an exclusive right of the Municipality which will be exercised:-  
 (a) Optimally and comprehensively within the Municipality; and  
 (b) With consideration of the total revenue source of the Municipality.
- 2.3** The rating of properties will be done independently, justly, equitably and without prejudice and this principle will also be applied with the determination of criteria for exemptions, reductions and rebates as provided for in section 15 of the Act.
- 2.4** The levying of property rates must be implemented in such a way that:-  
 (a) It is aimed at development;  
 (b) It promotes sustainable local government by providing a stable and constant revenue source within the discretionary control of the Municipality; and  
 (c) It promotes economic, social and local development.
- 2.5** Property rates will be levied to:-  
 (a) Correct the imbalances of the past; and  
 (b) Minimise the effect of rates on the indigent
- 2.6** The market value of a property serves as basis for the calculation of property rates.
- 2.7** The tariff rate will be based on the value of all rateable properties and the amount the Municipality needs to fund community and subsidised services, after taking into account any possible surplus generated from trading and economic services and the amounts required to finance exemptions, rebates and reductions of rate, as approved by council from time to time.
- 2.8** Trade and economic services will be financially ring fenced and tariffs and service charges will as far as possible be calculated in such a way that the revenue generated covers the cost of the services or generate a surplus.
- 2.9** The provision for operating capital and bad debt must be related to community and subsidised services and must not include any provisions in respect of trade and economic services.
- 2.10** Property Rates will be used to finance community and subsidised services.
- 2.11** Surpluses from trade and economic services may be used to subsidise community and subsidised services.
- 2.12** The revenue basis of the Municipality will be optimally protected by limiting the exemptions, rebates and reductions.
- 2.13** The Chief Financial Officer must, subject to the guidelines provided by the National Treasury and Mayoral Committee of Council, make provision for the following categories of municipal services:-  
 (a) Trade services;  
 (b) Economic services;  
 (c) Community Services funded from Property Tax.

## **3. SCOPE OF THE POLICY**

The policy document guides the annual setting (or revision) of property rates tariffs. It does not necessarily make specific property rates tariff proposals. Details pertaining to the applications of the various property rates tariffs are annually published in the Provincial Gazette and the municipality’s budget documents, which must be read in conjunction with this policy.

## **4. APPLICATION OF THE POLICY**

In imposing the rate in the rand for each annual operating budget component, the municipality shall grant exemptions, rebates and reductions to the categories of properties and categories of owners as allowed for in the policy document.

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**5. CATEGORIES OF PROPERTY**

**5.1** Subject to section 19, a municipality may, in terms of the criteria set out in its rates policy, levy different rates for different categories of rateable property, as determined in section 8 subsection (2) and (3) of the MPRA, which must be determined according to the—

- 5.1.1** Use of the property;
- 5.1.2** Permitted use of the property; or
- 5.1.3** a combination of 5.2.1 and 5.2.2.

**5.2** A municipality must determine the following categories of rateable property in terms of subsection (1): Provided such property category exists within the municipal jurisdiction:

- 5.2.1** Residential properties;
- 5.2.2** Business and commercial properties;
- 5.2.3** Agricultural properties;
- 5.2.4** Properties owned by an organ of state and used for public service purposes;
- 5.2.5** Public service infrastructure properties;
- 5.2.6** Properties owned by public benefit organisations and used for specified public benefit activities;
- 5.2.7** Properties used for multiple purposes, subject to section 9; or
- 5.2.8** any other category of property as may be determined by the Minister, with the concurrence of the Minister of Finance, by notice in the *Gazette*.

**5.3** In addition to the categories of rateable property determined in terms of subsection (2), a municipality may determine additional categories of rateable property, including vacant land: Provided that, with the exception of vacant land, the determination of such property categories does not circumvent the categories of rateable property that must be determined in terms of subsection (2).

**5.4.1** Where a municipality can, on good cause, show that there is a need to sub-categorise the property categories listed in subsection 7.2, a municipality must apply to the Minister in writing for authorisation to create one or more of such sub-categories.

**5.4.2** Such application must—

- 5.4.2.1** Be accompanied by a motivation for such sub-categorisation;
- 5.4.2.2** Demonstrate that such sub-categorisation is not in contravention of section 19; and
- 5.4.2.3** Reach the Minister at least 15 months before the start of the municipal financial year in which the municipality envisages levying a rate on such sub-categorised property.”

**6. CATEGORIES OF OWNERS**

For the purpose of granting exemptions, reductions and rebates in terms of clause 11, 12 and 13 of the Act respectively the following categories of owners of properties are determined:-

- (a) Those owners who qualify and who are registered as indigent in terms of the adopted indigent policy of the Municipality;
- (b) Those owners who do not qualify as indigent in terms of the adopted indigent policy of the municipality but whose monthly income is less than the amount annually determined by the municipality in its budget;
- (c) Owners of property situated in an area affected by-
  - i A disaster within the meaning of the Disaster Management Act, 2002 (Act No 57 of 2002); or
  - ii Serious adverse social or economic conditions.
- (d) Owners of properties with a market value below the amount as determined annually by the municipality in its budget;
- (e) Owners of farm properties used for agricultural purposes; and
- (f) Child Headed Families where any child of the owner or child who is a blood relative of the owner of the property, is responsible for the care of siblings or parents of the household;
- (g) Owners of farm properties that are used for residential purposes;
- (h) Owners of farm properties that are used for Industrial, Commercial and Business purposes;
- (i) Owners of smallholdings used for residential purposes;
- (j) Owners of smallholdings used for Industrial, Commercial and Business purposes; and
- (k) Owners of developed properties not yet sold and transferred.

**7. PROPERTIES USED FOR MULTIPLE PURPOSES**

The following criteria will apply to the rating of multiple use properties within the Municipality:

- (a) Apportionment of the market value of a property to the different purposes for which the property is used: and
- (b) Application of the relevant rate to each of the components of the property, base on its value.

**8. DIFFERENTIAL RATING**

8.1 Criteria for differential rating on different properties will be according to:-

- (a) The nature of the property including its sensitivity to rating e.g. agricultural properties used for agricultural purpose;
- (b) The promotion of local, social and economic development within the Municipality;

8.2 Differential rating among the various property categories will be done by way of setting a different cent amount in the rand for each property category.

8.3 In terms of section 7(2)(a)(i) of MPRA no rates will be levied on property owned and used by the municipality.

**9. EXEMPTIONS AND IMPERMISSIBLE RATES**

9.1 The following property categories are exempted from the payment of property rates:-

(a) **Municipal Properties**

Municipal properties are exempted from paying rates as it will increase the rates burden or service charges to property owners or consumers. However, where municipal properties are leased, the lessee will be responsible for the payment of determined rental.

(b) **Residential Properties**

In addition to the impermissible rate on the first R15 000 of the market value of residential properties provided in section 17(1)(h) of the MPRA an additional R55 000 reduction will be applicable to all residential properties. Public Service Infrastructure is exempted from paying rates as allowed for in the Act as they provide essential services to the community.

9.2 Exemptions in 11.1 will automatically apply and no application is thus required.

**9.3 Impermissible Rates:**

In terms of section 17(1) of the Property Rates Act the municipality may, *inter alia*, not levy a rate:-

- (a) On those parts of a special nature reserve, national park or nature reserve within the meaning of the National Environmental Management: Protected Areas Act, 2003 (Act no 57 of 2003) or of a national botanical garden within the meaning of the National Environmental Management: Biodiversity Act, 2004, which are not developed or used for commercial, business, agricultural or residential purposes.
- (b) On mineral rights within the meaning of paragraph (b) of the definition of "property" in section 1 of the Act.
- (c) On a property belonging to a land reform beneficiary or his or her heirs, dependants or spouse provided that this exclusion lapses
  - (i) ten years from the date on which such beneficiary's title was registered in the Office of the Registrar of Deeds or
  - (ii) upon alienation of the property by the land reform beneficiary or his or her heirs, dependants or spouse
- (d) On a property registered in the name of **and** used primarily as a place of worship by a religious community, including an official residence registered in the name of that community which is occupied by the office-bearer of that community, who officiates at services at that place of worship.
- (e) The exclusion from rates of a property referred to in subsection 17 (1) (i) of the Act as amended, lapses if the property-
  - (i) is disposed of by the religious community owing it; or
  - (ii) is no longer used primarily as a place of public worship by a religious community or, in the case of an official residence contemplated in that subsection, is no longer used as such an official residence.
- (f) If the exclusion from rates of a property used as such an official residence lapses, the religious community owing the property becomes liable to the municipality concerned for any rates that, had it not been for subsection 17 (1) (i), would have been payable on the property, notwithstanding section 78, during the period of one year preceding the date on which the exclusion lapsed.
- (g) The amount for which the religious community becomes liable in terms of paragraph (f) must be regarded as rates in arrears, and the applicable interest on that amount is payable to the municipality.

**9.4 Public Benefit Organisations (PBO's)**

Public Benefit Organisation Property means property owned by public benefit organisations and used for any specified public benefit activity listed in item 1 (welfare and humanitarian), item 2 (health care), and item 4 (education and development) of Part 1 of the Ninth Schedule to the Income Tax Act.

9.5 All possible benefitting organisations in clause 11.4 must apply annually for exemptions. All applications must be addressed in writing to the municipality by 31 March for the financial year prior of which the rate is levied. If the exemption applied for is granted the exemption will apply for the full financial year starting on 01 July each financial year.

- 9.6 Public Benefit Organisations must attach a SARS tax exemption certificate issued by the South African Revenue Services (SARS) as contemplated in Part 1 of the Ninth Schedule of the Income Tax Act, 1962 (No 58 of 1962) to all applications.
- 9.7 The municipality retains the right to refuse the exemption if the details supplied in the application form were incomplete, incorrect or false.
- 9.8 The extent of the exemptions implemented in terms of 11.1 to 11.4 must annually be determined by the municipality and included in the annual budget.

## 10. REDUCTIONS

10.1 Reductions as contemplated in section 15 of the Act will be considered on an *ad-hoc* basis in the event of the following:-

- 10.1.1 Partial or total destruction of a property;
- 10.1.2 Disasters as defined in the Disaster Management Act, 2002 (Act 57 of 2002).

10.2 The following conditions shall be applicable in respect of 10.1:-

- 10.2.1 The owner referred to in 10.1.1 shall apply in writing for a deduction and the onus will rest on such applicant to prove to the satisfaction of the municipality that his property has been totally nor partially destroyed. He/she will also have to indicate to what extent the property can still be used and the impact on the value of the property.
- 10.2.2 Property owners will only qualify for a rebate if affected by a disaster as referred to in the Disaster Management Act, 2002 (Act 57 of 2002).
- 10.2.3 A maximum reduction to be determined on an annual basis shall be allowed in respect of both 10.2.1 and 10.1.2. For the 2016/2017 financial year the maximum reduction is determined as 80%.
- 10.2.4 An ad-hoc reduction will not be given for a period in excess of 6 months, unless the municipality gives further extension on application.
- 10.2.5 If rates were paid in advance prior to granting of a reduction the municipality will give credit to such an owner as from the date of reduction until the date of lapse of the reduction or the end of the period for which payment was made whichever occurs first.

## 11. REBATES

### 11.1 Categories of owners

Indigent owners and child-headed families will receive a 100% rebate from rates:-

#### (a) Indigent Owners

Owners who qualify and who are registered as indigents in terms of the adopted indigent policy of the municipality. If qualifying in terms of the indigent policy this 100% rebate will automatically apply and no further application is thus required.

#### (b) Agricultural Property Rebate

- i When considering the criteria to be applied in respect of any exemptions, rebates and reductions on any properties used for agricultural purposes the municipality must take into account-
- a. the extent of rates related services rendered by the municipality in respect of such properties;
  - b. the contribution of agriculture to the local economy;
  - c. the extent to which welfare of farm workers assists in meeting the service delivery and developmental objectives of the municipality; and
  - d. the contribution of agriculture to the social and economic welfare of farm workers.
- ii In terms of section 84 of the Act the Minister for Provincial and Local Government, and in occurrence of the Minister of Finance as required through section 19 of the Act, may determine that a rate levied by the Council on a category of non-residential property may not exceed the ratio to the rate on residential property. In the absence of any such promulgation the municipality will apply the standard ratio for agriculture properties as 1:0.25 (75% rebate on the tariff for residential properties).
- iii No other rebates will be granted to properties that qualify for the agricultural rebate. For the avoidance of doubt, properties that qualify for the agricultural rebate will not be entitled to the residential exemption as set out in clause 11.1(b) of the policy.

#### (c) Child-Headed Families

- i Families headed by children will receive a 100% rebate for paying rates, according to monthly household income. To qualify for this rebate the head of the family must:-
- a. occupy the property as his/her normal residence;
  - b. not be older than 18 years old of age;
  - c. still be a scholar or jobless; and
  - d. be in receipt of a total monthly income from all sources not exceeding an amount to be determined by the Municipality. For the 2016/2017 financial year this amount is determined to be equal to three state pensions as promulgated by National Minister of Finance in his Budget for the 2016/2017 financial year;

- ii The family head must apply on a prescribed form for registration as a child headed household and must be assisted by the municipality with completion of the application form. If qualifying, this rebate will automatically apply and no further application is thus required.

**(d) Retired and Disabled Persons Rate Rebate**

Retired and disabled persons who meet the following requirements may apply for a rebate:-

- i The property must be registered in the name of the applicant or the usufruct of the property must be established in the name of the applicant;
- ii The owner must be sixty (60) years of age or in receipt of a disability pension from the Department of Welfare and Population Development;
- iii The owner must occupy the relevant property. Where the owner is unable to occupy the property due to no fault of his own, the spouse or minor children may satisfy the occupancy requirement.
- iv In the case of a semi-detached house, of which a section is rented out, only the rates paid for that section occupied by the owner is subject to rebates;
- v If the owner is a disabled person who receives a disability grant from the government or a person who, due to medical reasons, had to take early retirement, the age requirement as in section 13.1(d)(ii) will not apply.
- vi The Municipality grants a rebate, to be determined on an annual basis, for retired and disabled persons that do not qualify in terms of Council's Indigent Policy;
- vii Property owners must apply for a rebate on a prescribed form as stipulated by the municipality. If the rebate applied for is granted, the rebate will apply for the remainder of the financial year.
- viii The Municipality retains the right to refuse the granting of rebates if the details supplied in the application were incomplete, incorrect or false.
- ix Applications as intended in paragraph viii must be accompanied by the following information:-
  - a a certified copy of the identity document of the owner or any other proof of the owner's age which is acceptable to the Municipality;
  - b an affidavit from the owner
  - c If the owner is a disabled person, satisfactory proof submitted to the Municipality that the relevant person receives a disability pension payable by the state; and
- x proof of early retirement if the owner has retired at an earlier stage due to medical reasons
- xi The rebate on the first R250 000 of the rateable value for residential properties of qualifying senior citizens and disabled persons will only be applicable on properties with a value that does not exceed R2 000 000 (Two million Rand only).
- xii The municipality retains the right to refuse the rebate or exemption if the details supplied in the application form were incomplete, incorrect or false.

**11.2** A rate levied by a municipality on residential properties with a market value below a prescribed valuation level may, instead of a rate determined in terms of section 11 (1) (b), be a uniform fixed amount per property.

**11.3** The extent of rebates granted in terms of 13.1 and 13.2 must annually be determined by the municipality and included in the annual budget.

**12. SPECIAL RATING AREAS**

**12.1** A municipality **may** by resolution of its council:

- (a) Determine an area within that municipality as a special rating area;
- (b) levy an additional rate on property in that area for the purpose of raising funds for improving or upgrading that area; and
- (c) Differentiate between categories of properties when levying an additional rate referred to in paragraph (b).

**12.2** Before determining a special rating area, a municipality must-

- (a) Consult the local community, including on the following matters;
  - (i) The proposed boundaries of the area; and
  - (ii) The proposed improvement or upgrading of the area; and
- (b) Obtain the consent of the majority of the members of the local community in the proposed special rating area who will be liable for paying the additional rate.

**12.3** When a municipality determines a special rating area, the municipality-

- (a) Must determine the boundaries of the area;
- (b) Must indicate how the area is to be improved or upgraded by funds derived from the additional rate;
- (c) Must establish separate accounting and other record-keeping systems regarding-
  - (i) The revenue generated by the additional rate; and
  - (ii) The improvement and upgrading of the area; and
- (d) May establish a committee composed of persons representing the community in the area to act as a consultative and advisory forum for the municipality on the improvement and upgrading of the area, provided representivity, including gender

representivity, is taken into account when such a committee is established. Such a committee must be a subcommittee of the ward committee or committees in the area, if the municipality has a ward committee or committees in the area.

- 12.4** This section may not be used to reinforce existing inequities in the development of the Municipality and any determination of a special rating area must be consistent with the objectives of the municipality's integrated development plan.
- 12.5** This section must be read with section 85 of the Municipal Systems Act if this section is applied to provide funding for an internal municipal service district established in terms of that section of the Municipal Systems Act.
- 13. PAYMENT OF RATES**
- 13.1** Payments will be dealt with in accordance with the provisions of the municipality's Credit Control, Debt Collection and Indigent Policies.
- 13.2** Interest shall be paid to Council on rates which have not been paid within 30 days from the date on which such rates become due at a rate of 1% higher than prime rate for the period during which such rates remain unpaid after the expiry of the said period of 30 days. Single-interest will be levied.
- 13.3** The municipality will furnish each person liable for the payment of rates with a written account, which will specify:-
- i the amount due for rates payable;
  - ii the date on or before which the amount is payable;
  - iii how the amount was calculated;
  - iv the market value of the property; and
  - v rebates, exemptions, reductions or phasing-in , if applicable.
- 13.4** A person liable for a rate must furnish the municipality with an address where correspondence can be directed to.
- 13.5** In the case of a joint ownership the municipality shall consistently, in order to minimise costs and unnecessary administration, recover rates from one of the joint owners only provided that it takes place with the consent of the owners concerned.
- 14. FREQUENCY OF VALUATION**
- 14.1** The Municipality shall prepare a new valuation roll every four (4) years;
- 14.2** In accordance with the Act the Municipality, under exceptional circumstances, may request the MEC for Local Government and Housing in the Province to extend the validity of the valuation roll to five (5) years.
- 14.3** Supplementary valuations shall be done on a continual basis, but at least on an annual basis, in order to ensure that the valuation roll is maintained.
- 15. COMMUNITY PARTICIPATION**
- 15.1** Before Council commands a new valuation in terms of the Act, a consultation process involving all interested groups will be undertaken during which the purpose and method of valuation will be explained.
- 15.2** Before the Municipality accepts the rates policy, the Municipal Manager will follow a process of public participation, as prescribed in chapter 4 of the Municipal Systems Act, and comply with the following requirements:-
- i Display the draft property rates policy continuously for a period of thirty (30) days at the Municipality's Head Office, satellite offices and on the website;
  - ii Publish a notice in the media stating that the Draft Property Rates Policy was compiled for submission to Council and that such a policy is available at the different municipal offices and on the website for public inspection ;
  - iii Property Owners and interested persons may obtain a copy of the draft policy from the municipal office during office hours;
  - iv Property Owners and interested parties are invited to address written suggestions or representations to the Municipality within the period prescribed in the notice;
  - v Council will consider all suggestions and/or representations received during the finalisation of the property rates policy.
- 16. REGISTER OF PROPERTIES**
- 16.1** The Municipality will compile and maintain a register in respect of all properties situated within the jurisdiction of the Municipality. The register will be divided into Part A and Part B;
- 16.2** Part A of the register will consist of the current valuation roll of the Municipality and will include all supplementary valuation done from time to time;
- 16.3** Part B of the register will specify which properties on the valuation roll or any supplementary valuation roll are subject to:-
- i Exemption from rates in terms of section 15 of the Property Rates Act;
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- ii Rebates or reductions in terms of section 15;
  - iii An exclusion referred to in subsection 17(1)(a),(e),(g),(h),(and (i).
- 16.4 The register will be open for inspection by the public at the following pay points during office hours and on the website of the Municipality:
- Bram Fischer Pay Point, 5 De Villiers Street;
  - Heidedal Pay Point, Da Vinci Crescent, Heidedal;
  - Leslie Monnanyane Pay Point, Moshoeshoe Street, Rocklands
  - Taxi Terminus Pay Point, Taxi Terminus, Fontein Street, Bloemfontein
  - Civic Centre Pay Point, Civic Centre, Stasie Street, Thaba Nchu, and
  - Reahola Pay Point, Reahola Centre, Botshabelo
- 16.5 The Municipality will update Part A of the register on a continuous basis by way of a supplementary valuation process.
- 16.6 The municipality will update Part A and Part B on an annual basis as part of the implementation of the Municipality's annual budget.
17. **BY-LAWS TO GIVE EFFECT TO THE RATES POLICY**  
The Municipality will adopt by-laws to give effect to the implementation of the Rates Policy and such by-laws may differentiate between different categories of properties and different categories of owners liable for the payment of rates.
18. **REGULAR REVIEW PROCESS**  
The Property Rates Policy must be reviewed on an annual basis to ensure that it complies with the strategic objectives of the Municipality, as stipulated in the Integrated Development Plan and other applicable legislation.
19. **ENFORCEMENT / IMPLEMENTATION**  
The policy has been approved by the Municipality in terms of resolution ..... dated..... and comes into effect from 1 July 2017.

[PROVINCIAL NOTICE NO.87 OF 2016]

**SETSOTO MUNICIPALITY  
WATER SERVICES BYLAW**

The Municipality of Setsoto Local Municipality hereby publishes the Water Services Bylaw set out in the Schedule hereto. These By-Laws have been adopted by the Municipal Council on 31 March 2016 and are promulgated by the municipality in terms of section 156(2) of the Constitution of the Republic of South Africa, 1996 and in accordance with section 13(a) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000).

**SCHEDULE**

**CHAPTER 1: DEFINITIONS**

**1 Definitions**

For the purpose of these by-laws, any word or expressions to which a meaning has been assigned in the Water Services Act 108 of 1997, the Local Government: Municipal Systems Act 32 of 2000 or the National Building Regulations made in terms of the National Building Regulations and Building Standards Act, 1977 shall bear the same meaning in these by-laws and unless the context indicates otherwise and a word in any one gender shall be read as referring also, to the other two genders:

“**account**” means an account rendered for municipal services provided;

“**Act**” means the Water Services Act 108 of 1997 as amended from time to time;

“**agreement**” means a contractual relationship between the municipality and a customer that arises, either as a result of the municipality's approval of a written application for municipal services made in terms of the municipality's by-laws relating to credit control and debt collection;

“**approved**” means approved by the municipality in writing;



**“authorised official or agent”** means any person who has been authorized by the municipality to administer, implement or enforce the provisions of these by-laws;

**“basic sanitation”** means the minimum standard of safe and hygienic sanitation services and sewage disposal rendered to households, prescribed in terms of the Act, under regulation 2 of Government Notice R509 of 8 June 2001, as amended from time to time, or any substitution for that regulation;

**“basic water supply”** means the minimum standard of water supply services cc

**“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, 1977;

**“charge”** means the rate, charge, tariff, flat rate or subsidy prescribed by the municipal council;

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

**“commercial customer”** means any customer other than domestic customer, including, but not limited to, a business, industrial, governmental or institutional customers;

**“communal water connection”** means a connection through which water services are supplied to more than one customer, and “communal water services work” has a corresponding meaning;

**“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”** means the point at which a customer gains access to water services;

**“customer”** means a person with whom the municipality has concluded an agreement, or is deemed to have concluded, an agreement for the provision a municipal service as provided for in the municipality’s by-laws relating to credit control and debt collection;

**“determined”** means determined by the municipality;

**“domestic customer”** means a customer who, primarily for residential purposes, occupies a dwelling, structure or premises;

**“domestic purposes”** in relation to the supply of services means services supplied to premises used predominantly for residential purposes;

**“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 sewer and includes drains, fittings, appliances, septic tanks, conservancy tanks, pit latrines and private pumping installations forming part of or ancillary to such systems;

**“estimated consumption”** means the consumption that a customer, whose consumption is not measured or accurately measured during a specific period is deemed to have consumed during a specific period, based on an estimate by the municipality on rational grounds such as the average consumption of municipal services by the users of a service within the area where the service is rendered or the average consumption of municipal services by the customer during a prior or later period;

**“farm dweller”** means any person living permanently on a farm, but excludes the household of the farm owner.

**“farm dweller water services system”** means the structures, aqueducts, pipes, valves, pumps, meters or other apparatus relating thereto which are used or intended to be used in connection with the supply of water services to farm dwellers.

**“fire installation”** means a potable water installation that conveys water for fire-fighting purposes only;

**“french drain”** means a soil soak pit for the disposal of sewage and effluent from a septic tank;

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“**household**” means a family unit, as determined by the municipality as constituting a household by 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 it and any other factor that the municipality considers to be relevant;

“**indigent household**” means a household as defined as an indigent household for purposes of receiving subsidised services in accordance with the municipality’s credit collection and debt collection by-laws;

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

“**infrastructure**” means the facilities, installations or devices required for the rendering of a municipal service, or for the functioning of a community including, but not limited to, facilities, installation or devices relating to water, power, electricity, transport, sewerage, gas and waste disposal;

“**interest**” means interests as may be prescribed by the Minister of Justice in terms of section 1 of the Prescribed Rate of Interest Act 55 of 1975;

“**intermediary consumer**” means a household in which at least one member is employed by the water services intermediary and which receives water services from the intermediary;

“**intermediary water services system**” means the structures, aqueducts, pipes, valves, pumps, meters or other apparatus relating thereto which are used or intended to be used by the water services intermediary in connection with the supply of water services to intermediary consumers.

“**manhole**” means any access chamber to the interior of the sewer provided for the purpose of maintenance and internal cleaning;

“**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 customers;

“**municipality**” means—

- (a) the Setsoto Municipality, a local municipality established in terms of section 12 of the Structures Act and its successors-in-title; or
- (b) the municipal manager or
- (c) an authorised official or agent of the municipality;

“**municipal consumer**” means a person receiving water services from the municipality;

“**municipal council**” means a municipal council as referred to in section 157(1) of the Constitution of the Republic of South Africa, 1996;

“**municipal services**” means, for purposes of these by-laws, services provided by a municipality, including refuse removal, water supply, sanitation, electricity services and rates;

“**occupier**” includes any person who occupies any, or any part of any, land, building, structure or premises without regard to the title under which he or she occupies it or them, and includes any person who, for someone else’s remuneration or reward, allows a lodger or tenant, or any other similar person, to use or occupy any, or any part of any, land, building, structure or premises;

“**on-site sanitation services**” means any sanitation services other than water borne sewerage disposal through a sewerage disposal system;

“**operating costs**” means the ongoing cost of providing water services to intermediary consumers and includes the cost of maintaining the intermediary water supply system;

“**owner**” means—

- (a) the person in whose name the ownership of the premises is registered from time to time or his agent;
  - (b) where the registered owner of the premises is insolvent or deceased, or for any reason lacks legal capacity, or is under any form of legal disability, that has the effect of preventing him from being able to perform a legal act on his 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 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
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with the first period of the lease, amounts to 30 years, the lessee or any other person to whom he has ceded his 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, the developer or the body corporate in respect of the common property, or
  - (ii) a section as defined in the Sectional Titles Act, 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 or in accordance with a sworn affidavit made by a tribal authority;

“**person**” means any person, whether natural or juristic;

“**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 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 environment or impair its quality for the use for which it is normally intended;

“**pre-payment meter**” is a measuring device that includes a mechanism that limits the volume of water supplied through the measuring device to a free basic amount per month and an amount in excess of the free basic amount in proportion to the amount pre-paid by the customer;

“**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 or in terms of the Deeds Registries Act, 1937
- (b) a sectional plan registered in terms of the Sectional Titles Act, 1986 ; or
- (c) a register held by a tribal authority or in accordance with a sworn affidavit made by a tribal authority;

“**prescribed**” means adopted by the Municipal Council by means of a Council resolution.

“**professional engineer**” means a person registered in terms of the Engineering Profession Act, 2000 as a professional engineer;

“**public notice**” means publication in the media including one or more of the following:

- (a) publication of a notice, in the official languages determined by the municipal council:
  - (i) in any local newspaper or newspapers circulating in the area of supply of the municipality;
  - (ii) in the newspaper or newspapers circulating in the area of supply of the municipality determined by the municipal council as a newspaper of record; or
  - (iii) on the official website of the municipality;
  - (iv) by means of radio broadcasts covering the area of supply of the municipality;
- (b) displaying a notice in or at any premises, office, library or pay-point of either the municipality, or of its authorised agent, to which the public has reasonable access; and
- (c) communication with customers through public meetings and ward committee meetings;

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

“**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 sewage treatment plant under the control of the municipality and which may be used by it in connection with the disposal of sewage;

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

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

“**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 sewage from the connecting sewer and shall not include a drain as defined;

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“**standpipe**” means a tap and associated fittings that is free standing and is located outside of any structure;

“**standard domestic effluent**” means domestic effluent with the characteristics normally associated with sewage discharges from domestic premises within the jurisdiction of the municipality, but shall not include industrial effluent;

“**stormwater**” means water resulting from natural precipitation or accumulation and includes rainwater, subsoil water or spring water;

“**subsidised water service**” means a water service which is provided to a consumer at an applicable rate which is less than the cost of actually providing the service and includes services provided to consumers at no cost;

“**tap**” means 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 water seal which serves as a barrier against the flow of foul air or gas, in position;

“**unauthorised connection**” means a connection to any system through which a municipal service is provided which is not in terms of an agreement with, authorised or approved by, the municipality;

“**unauthorised service**” means the receipt, use or consumption of any municipal service which is not in terms of an agreement with, authorised or approved by, the municipality;

“**water connection pipe**” means a pipe, owned by the municipality and installed by it for the purpose of conveying water from a main to the customer’s water installation, and includes a “water communication pipe” referred to in SANS 0252 Part I;

“**water installation work**” means any work done in respect of a water installation, including construction, rehabilitation, improvement and maintenance;

“**water installation**” means the pipes and water fittings which are situated on any premises and ownership thereof vests in the owner thereof and is 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 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;

“**water services**” means water supply services (including basic water supply) and sanitation services as defined in the Act, or either, as may be appropriate in the context, which are provided to intermediary consumers;

“**water services intermediary**” has the same meaning as that assigned to it in terms of the Act; and

“**water supply services**” has the same meaning assigned to it in terms of the Act and includes for purposes of these by-laws water for industrial purposes 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 which are used or intended to be used by it in connection with the supply of water, and includes any part of the system; and

“**working day**” means a day other than a Saturday, Sunday or public holiday.

## CHAPTER 2: APPLICATION OF CREDIT CONTROL AND DEBT COLLECTION BY-LAWS

### 1 Application of Credit Control and Debt Collection By-laws

Water services rendered to a customer by the municipality are subject to the municipality’s by-laws relating to credit control and debt collection.

## CHAPTER 3: SERVICE LEVELS

### 2 Service Levels

(1) The Municipality may provide the following levels of service-

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- (a) Level 1: A metered or un-metered communal stand pipe within 200 meter of a stand and a ventilated improved pit latrine on each stand;
  - (b) Level 2: A metered stand pipe on each stand and a ventilated improved pit latrine on each stand;
  - (c) Level 4: A metered stand pipe on each stand and a pour flush toilet not directly connected to a water connection but connected only to a sewer connection;
  - (d) Full service: A metered water connection on each stand and a sewer connection on each stand.
- (2) A meter may be a credit meter or a pre-payment meter.

## CHAPTER 4: CONDITIONS FOR WATER SUPPLY SERVICES

### Part 1: Connection to Water Supply System

#### 3 Provision of Water Supply Connection Pipe

- (1) If an agreement for water supply services in respect of premises has been concluded in accordance with the municipality's by-laws relating to credit control and debt collection and no connection pipe exists in respect of the premises, the owner shall make application on the approved form and pay the prescribed charge for the installation of such a pipe.
- (2) If an application is made for water supply services, in accordance with the municipality's by-laws relating to credit control and debt collection, 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 provided that the owner shall pay for the cost of the extension, as determined by the municipality.
- (3) Only the municipality may install a connection pipe but the owner may connect the water installation to the connection pipe.
- (4) No person may commence any development on any premises zoned for a level of service other than a communal level of service unless the municipality has installed a connection pipe and water meter.

#### 4 Location of Water Connection Pipe

- (1) A water connection pipe provided and installed by the municipality shall—
  - (a) be located in a position determined by the municipality and be of a suitable size as determined by the municipality;
  - (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) at the outlet of the water meter or isolating valve if it is situated on the premises.
- (2) The municipality may on application agree, subject to such conditions as the municipality may impose, to a connection to a main other than that which is most readily available for the provision of water supply to the premises; provided that the applicant shall be responsible for any extension of the water installation to the connecting point designated by the municipality and for obtaining at his cost, any servitudes over other premises that may be necessary.
- (3) The prescribed connection charge must be paid before a connection is made to the connection pipe.

#### 5 Disconnection of Water Installation from the Connection Pipe

The municipality may disconnect a water installation from the connection pipe and remove the connection pipe on termination of an agreement for the provision of water supply services in accordance with the municipality's by-laws relating to credit control and debt collection.

### Part 2: Standards

#### 6 Quantity, Quality and Pressure

Water supply services provided by the municipality must comply with the Compulsory National Standards and Measures to Conserve Water Published under GN R509 in GG 22355 of 8 June 2001..

#### 7 Testing of Pressure in Water Supply Systems

The municipality may, on application by an owner and on payment of the prescribed charge, record and furnish the owner with the minimum and maximum pressure recorded in the water supply system relating to his premises over such period as the owner may request.

#### 8 Pollution of Water

An owner must provide and maintain approved measures to prevent the entry of any substance into—

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

**9 Water Restrictions**

- (1) The municipality may for purposes of water conservation or where, in its opinion, drought conditions are imminent or existing, by public notice—
  - (a) prohibit or restrict the consumption of water in the whole or part of its area of jurisdiction—
    - (i) in general or for specified purposes;
    - (ii) during specified hours of the day or on specified days; and
    - (iii) in a specified manner; and
  - (b) determine and impose—
    - (i) a restriction on the quantity of water that may be consumed over a specified period;
    - (ii) charges additional to those prescribed in respect of the supply of water in excess of the restricted quantity; and
    - (iii) a general surcharge on the prescribed charges in respect of the supply of water; and
  - (c) impose restrictions or prohibitions on the use or manner of use or disposition of an appliance by means of which water is used or consumed, or on the connection of such appliances to the water installation.
- (2) The municipality may restrict the application of the provisions of a notice contemplated by sub-section (1) to specified areas and categories of customers or users of premises, and activities, and may permit deviations and exemptions from, and the relaxation of, any of its provisions where there is reason to do so.
- (3) The municipality—
  - (a) may take, or by written notice require a customer at his own expense to take, such measures, including the installation of water saving devices, as may in its opinion be necessary to ensure compliance with a notice published in terms of sub-section (1); or
  - (b) may, subject to notice, and for such period as it may consider fit, restrict the supply of water to any premises in the event of a contravention of these by-laws that takes place on or in such premises or a failure to comply with the terms of a notice published in terms of sub-section (1); and
  - (c) shall where the supply has been discontinued, restore it only when the prescribed charge for discontinuation and reconnecting the supply has been paid.

**10 Specific Conditions of Supply**

- (1) 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 requires 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 sub-section (1)(b), specify the maximum pressure to which water will be supplied from the water supply system.
- (3) The municipality may, in an emergency or during maintenance, interrupt the supply of water to any premises without prior notice.
- (4) If in the opinion of the municipality the consumption of water by a customer adversely affects the supply of water to another customer, it may apply such conditions or restrictions as it may consider fit, to the supply of water to customer in order to ensure a reasonable supply of water to the other customer and must notify that customer about the restrictions.
- (5) The municipality shall not be liable for any damage to property caused by water flowing from any water installation that is left open when the water supply is re-instated, after an interruption in supply.
- (6) 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 SANS 0252 Part 1, with a capacity of not less than 24 hours water supply calculated as the quantity required to provide the average daily consumption, where water can be stored when the continuous supply is disrupted.
- (7) No customer shall resell water supplied to him by the municipality unless approved by the municipality, and only subject to the maximum prescribed reselling price and such other conditions that the municipality may impose.

**Part 3: Measurement****11 Measurement of Quantity of Water Supplied**

- (1) The municipality—
    - (a) shall provide either a credit meter or a pre-payment meter on every new water supply connection pipe used to supply water to a customer,
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- (b) shall progressively fit a credit meter or a pre-payment meter on every existing water supply connection pipe used to supply water to a customer; and
  - (c) may provide a credit meter or a pre-payment meter on a water supply connection pipe used for a communal water supply.
- (2) The municipality may replace a credit meter with a prepayment meter as a means of limiting the flow to a customer who is in arrears, after meeting the notice requirements provided for in the municipal by-laws relating to credit control and debt collection.
  - (3) The municipality shall, at regular intervals, record the quantity of water that was supplied through a credit meter.
  - (4) Any water meter and its associated apparatus through which water is supplied to a customer by the municipality, shall be provided and installed by the municipality, shall remain its property and may be changed and maintained by the municipality when it consider it necessary to do so.
  - (5) The municipality may install a water meter, and its associated apparatus, at a point on the water installation instead of or in addition to installing a meter on the water connection pipe.
  - (6) If the municipality installs a measuring device together with its associated apparatus on a water installation, the owner shall—
    - (a) provide a place satisfactory to the municipality in which to install it;
    - (b) ensure that unrestricted access is available to it at all times;
    - (c) be responsible for its protection and be liable for the costs arising from damage to it, excluding damage arising from normal fair wear and tear;
    - (d) ensure that no connection is made to the pipe in which the measuring device is installed between the measuring device and the connection pipe serving the installation;
    - (e) make provision for the drainage of water which may be discharged from the pipe, in which the measuring device is installed, in the course of work done by the municipality on the measuring device; and
    - (f) not use, or permit to be used on any water installation, any fitting, machine or appliance which causes damage or which, in the opinion of the municipality, is likely to cause damage to any meter.
  - (7) No person other than the municipality shall—
    - (a) disconnect a water meter and its associated apparatus from the pipe on 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 water meter and its associated apparatus.

#### **12 Measuring of Water Supply to Several Customers on the Same Premises**

- (1) Where water is supplied to any premises on which several occupiers are located, the municipality may, in its discretion, provide and install either—
  - (a) a single water meter in respect of the premises as a whole or any number of such occupiers; or
  - (b) a separate water meter for each occupier or any number thereof.
- (2) Where the municipality has installed more than one meter, there shall be a separate agreement for water supplied through each meter in terms of the credit control and debt collection by-laws.

#### **13 Quantity of Water Supplied to Customer**

The quantity of water supplied to a customer during a billing period will be measured or estimated in accordance with the credit control and debt collection by-laws.

#### **14 Special Measurement**

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, the municipality may, after written notice and at own cost, install a water meter at any point in the water installation that it may specify.

#### **15 No reduction of Amount Payable for Water Wasted**

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

### **Part 4: Audit**

#### **16 Water Audit**

- (1) The municipality may require a customer to undertake a water audit at the customer's own cost.
  - (2) The audit may include a report on the following —
    - (a) the amount of water used during the financial year of the municipality;
    - (b) the amount paid for water during the financial year of the municipality;
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- (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 for the financial year of the municipality;
- (f) the water pollution monitoring methods;
- (g) the current initiatives for the management of the demand for water;
- (h) the plans to manage the demand for water;
- (i) a comparison of the report with any report that may have been made during the previous three years;
- (j) estimates of consumption by various components of use; and
- (k) a comparison of the above factors with those reported in each of the previous three years, where available.

## **Part 5: Installation Work**

### **17 Approval of Installation Work**

- (1) An owner must obtain the municipality's approval prior to doing installation work; 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 SANS 0400 or in terms of any Municipal by-laws, or for the repair or replacement of an existing pipe or water fitting.
- (2) Application for the approval referred to in sub-section (1) shall be made on an approved form and shall be accompanied by—
  - (a) the prescribed charge, if applicable; and
  - (b) copies of the drawings as may be determined by the municipality, giving information in the form required by Clause 4.1.1 of SANS Code 0252: Part I;
  - (c) a certificate certifying that the installation has been designed in accordance with SANS Code 0252: Part I by a professional engineer.
- (3) The municipality may specify the validity period for any approval to do installation work.
- (4) A complete set of approved drawings of the installation work must be available at the site of the work at all times until the work has been completed.
- (5) If installation work has been done in contravention of sub-section (1) or (2), the municipality may on notice order the owner—
  - (a) to rectify the contravention within a specified period;
  - (b) if work is in progress, to cease the work; and
  - (c) to remove all such work which does not comply with these by-laws.

### **18 Persons Permitted to do Installation and Other Work**

- (1) Only a plumber, a person working under the control of a plumber, or another person authorised in writing by the municipality, 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 sub-section (1).
- (3) Notwithstanding the provisions of sub-section (1), the municipality may permit a person who is not a plumber to do installation work on his own behalf on premises owned and occupied solely by himself and his immediate household, provided that such work must be inspected and approved by a plumber at the direction of the municipality.

### **19 Provision and Maintenance of Water Installations**

- (1) An owner must provide and maintain his water installation at his own cost and except where approved by the municipality, must ensure that the installation is situated within the boundary of his premises.
- (2) An owner must install an isolating valve at a suitable point on the 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 service pipe.
- (3) Before doing work in connection with the maintenance of a portion of his 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 the portion is situated, as the case may be.

### **20 Technical Requirements for a Water Installation and an Electrical Storage Water Heater**

All water installations shall comply with SANS 0252 Part 1 and all fixed electrical storage water heaters shall comply with SANS 0254.

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**21 Use of Pipes and Water Fittings to be Approved**

- (1) No person shall, without the prior approval of the municipality, install or use a pipe or water fitting in a water installation unless it—
  - (a) bears the standardisation mark of the South African Bureau of Standards in respect of the relevant SANS specification issued by the Bureau;
  - (b) bears a certification mark issued by the South African Bureau of Standards to certify that the pipe or water fitting complies with an SANS Mark specification or a provisional specification issued by the SANS; or
  - (c) is on a schedule of pipes and fittings specifically approved by the municipality.
- (2) The municipality may, in respect of any pipe or water fitting whether or not certified by SANS or whether or not it is included on a schedule of pipes and fittings specifically approved by the municipality, impose such conditions, as it may consider necessary in respect of the use or method of installation.
- (3) The municipality may sell copies of the schedule of specifically approved pipes and fittings as well as its conditions of use and installation at the prescribed charge.

**22 Water Demand Management**

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

**Part 6: Communal Water Supply Services****23 Water Supply from a Communal Standpipe**

- (1) The municipality may install a communal standpipe for the provision of water supply services to several customers at a location it considers appropriate provided that the maximum walking distance to the stand pipe from any premises is not greater than 200 (two hundred) meters.

**Part 7: Temporary Water Supply Services****24 Water Supplied from a Hydrant**

- (1) The municipality may approve a temporary supply of water from one or more fire hydrants specified by it, subject to such conditions imposed by it and for any period and on payment of such prescribed charges, including a deposit.
- (2) Application for such a water supply from a fire hydrant must be made on an approved form.
- (3) The municipality shall install a water meter and the fittings necessary to enable the temporary supply of water from a fire hydrant on payment of the prescribed deposit.
- (4) The water meter and fittings provided by the municipality for the temporary supply of water from a fire hydrant remain the property of the municipality.

**Part 8: Boreholes****25 Notification of Boreholes**

- (1) No person may sink a borehole on premises situated in a dolomite area.
- (2) The municipality may, by public notice, require—
  - (a) the owner or occupier of any premises to register the borehole on an approved form and to provide it with such information about the borehole that it may require; and
  - (b) that the sinking of a borehole may not commence without the prior approval of the municipality.
- (3) The municipality may require the owner or occupier of any premises who applies to sink a borehole, to undertake an environmental impact assessment of the intended borehole, before granting approval for the borehole.
- (4) The municipality may by notice to an owner or occupier or by public notice, require an owner or occupier who has an existing borehole that is used for water supply 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) the municipality may impose conditions in respect of the use of a borehole for potable water services.

**Part 9: Fire Extinguishing Connections and Installations**

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**26 Fire Extinguishing Connections**

- (1) The municipality may at its sole discretion grant or refuse an application for the connection of a fire extinguishing installation to the municipality's main and may at its sole discretion impose conditions for such a connection.
- (2) No water connection shall be made to any fire extinguishing installation until the municipality has approved that the installation complies with the requirements of these and any other by-laws of the municipality.
- (3) If in the municipality's opinion a fire extinguishing installation is not being properly maintained, or is being used for purpose other than for fire extinguishing, the municipality may on 14 (fourteen) working-days' notice order the installation to be disconnected from the main or may itself disconnect it at the customer's expense.
- (4) A fire extinguishing installation must comply with the provisions of SANS Code 0252-1: 1994 or any revision or substitution thereof.
- (5) No new fire extinguishing installation may share a connection with a water supply installation unless otherwise approved by the municipality, and subject to any conditions that the municipality may impose.
- (6) Every connection pipe to a fire extinguishing installation must be fitted with valves and a water meter which shall be
  - (a) supplied by the municipality at the expense of the owner of the premises; and
  - (b) installed in such a position as may be determined by the municipality.
- (7) The municipality does not guarantee any minimum or maximum pressure at any time in any connection used for fire extinguishing purposes.
- (8) The pipe leading from a header tank to a fire extinguishing sprinkler installation may be in direct communication with the main, provided that such a pipe must be equipped with a reflux valve which, if for any reason the pressure in the main fails or is reduced, will prevent backflow from the header tank to the main.
- (8) Where a fire extinguishing sprinkler installation is provided with a duplicate supply from a separate main, each supply pipe must be equipped with a reflux valve situated within the premises.

**27 Use of Water from a Fire Installation Connection**

- (1) A connection pipe for the sole purpose of fire extinguishing services may only be used for extinguishing fires or for servicing and testing the fire extinguishing installation and no water may be taken for any other purpose.
- (2) Except where a system is a combined fire extinguishing and general water supply installation with a combination meter, all private hydrants and hose-reels must be sealed by the municipality and the seals must not, except for the purposes of opening the hydrant or using the hose when there is a fire, be broken by any person other than by the municipality in the course of servicing and testing.
- (3) The owner must give the municipality at least 48 hours' notice prior to a fire extinguishing installation being serviced and tested.
- (4) The cost of resealing fire hydrants and fire hose-reels shall be borne by the owner except when the seals are broken by the municipality's authorised officers or agents for testing purposes.
- (5) Any water consumed through a fire installation or sprinkler system shall be paid for by the owner at the charges determined by the municipality.

**CHAPTER 5: CONDITIONS FOR SANITATION SERVICES****Part 1: Connection to Sanitation System****28 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, unless the municipality has approved the use of on-site sanitation services either for the individual premises or for a specified area.
  - (2) The municipality may, by notice, order the owner of premises not connected to the municipality's sanitation system to connect to the sanitation system.
  - (3) An owner of premises who connects those premises to the municipality's sanitation system must inform the municipality in writing of any sanitation services, provided by the municipality on the site, which will no longer be required as a result of the connection to the sanitation system.
  - (4) The owner of premises will be liable for any charge payable in respect of sanitation services on the site, until an agreement for rendering those services has been concluded in accordance with the municipality's by-laws relating to credit control and debt collection.
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- (5) If the owner fails to connect premises to the sanitation system after having had a notice in terms of sub-section (2) the municipality, notwithstanding any other action that it may take in terms of these by-laws, may impose the prescribed penalty.

### **29 Provision of Connecting Sewer**

- (1) If an agreement for sanitation services in respect of premises has been concluded in accordance with the municipality's by-laws relating to credit control and debt collection and no connecting sewer exists in respect of the premises, the owner shall make application on the approved form, and pay the prescribed tariffs and charges for the installation of a connecting sewer.
- (2) If an application is made for sanitation services which are of such an extent or so situated that it will become necessary to extend, modify or upgrade the sanitation system in order to provide sanitation services to any premises, the municipality may require the owner to pay for the cost, as determined by the municipality, of the extension, modification or upgrading of the services.
- (3) Only the municipality may install a connecting sewer; but the owner may connect the sanitation installation to the connection pipe.
- (4) No person may commence any development on any premises that must be connected to the municipality's sanitation system unless the municipality has installed a connecting sewer.

### **30 Location of Connecting Sewer**

- (1) A connecting sewer that has been provided and installed by the municipality must—
- (a) be located in a position determined by the municipality and be of a suitable size determined by the municipality; and
  - (b) terminate at—
    - (i) the boundary of the premises; or
    - (ii) at the connecting point if it is situated on the premises.
- (2) The municipality may on the application of the owner, approve, subject to any conditions that it may impose, a connection to a connecting sewer other than one that is most readily available for the provision of sanitation services to the premises; in which event the owner shall be responsible for any extension of the drainage installation to the connecting point designated by the municipality and for obtaining, at his own cost, any servitude over other premises that may be necessary.
- (3) Where an owner is required to provide a sewage lift as provided for in terms of the Building Regulations, or the premises are at a level where the drainage installation cannot discharge into the sewer by gravitation, the rate and time of discharge into the sewer must be approved by the municipality.
- (4) The prescribed connection charges must be paid before a connection to the connecting sewer may be made.

### **Application for infrastructure**

- (1) If an agreement for on-site sanitation and associated services exists and no infrastructure in connection therewith exists on the premises, the owner must immediately make application on a form approved by the authority and –
- (a) pay the prescribed charge for the installation of necessary infrastructure; or
  - (b) with the approval by the authority or the authorised provider, install the connecting sewer or on-site sanitation services in accordance with the specifications of the authority or the authorised provider.
- (2) The Council or the authorised provider may specify the type of on-site sanitation services to be installed, where a Ventilated Improved Pit Latrine is not appropriate in specific circumstances.
- (3) The removal or collection of conservancy tank contents, night soil or the emptying of pits will be undertaken by the authority or the authorised provider, in accordance with a removal and collection schedule determined by the authority or the authorised provider.
- (4) Copies of the collection and removal schedule will be available on request.

### **31 Provision of One Connecting Sewer for Several Customers on Same Premises**

- (1) Unless otherwise approved, only one connecting sewer to the sanitation system may be provided for the disposal of sewage from any premises.
- (2) Where the provision of more than one connecting sewer is approved by the municipality, the prescribed tariffs and charges for the provision of a connecting sewer are payable in respect of each sewage connection so provided.
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**32 Interconnection Between Premises**

An owner of premises must ensure, unless he has obtained the prior approval of the municipality and complies with any conditions that it may have imposed, that no interconnection exists between the drainage installation on his premises and the drainage installation on any other premises.

**33 Disconnection of Connecting Sewer**

The municipality may disconnect a drainage installation from the connection pipe and remove the connection pipe on the termination of an agreement for the provision of water supply services in accordance with the municipality's by-laws relating to credit control and debt collection.

**Part 2: Standards****34 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 the section 9 of the Act.

**Part 3: Methods for Determining Charges****35 Measurement of Quantity of Domestic Effluent Discharged**

The quantity of domestic effluent discharged shall be determined as a fixed percentage of water supplied by the municipality to the customer and supplied from other sources if any; 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.

**36 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 meter is installed on the connecting sewer, by the quantity of industrial effluent discharged from the premises as measured by that meter; or
  - (b) until the time that a meter is installed on the sewer connection, by a fixed percentage of the water supplied by the municipality and supplied from other sources to those premises.
- (2) The municipality may require the owner of any premises to install on any drainage installation conveying industrial effluent to a sewer, a meter 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 composition of the effluent.
- (3) The municipality may install and maintain a meter referred to in sub-section (2) at the expense of the owner of the premises on which it is installed.
- (4) 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.
- (5) Charges relating to the quality of industrial effluent will be based on the prescribed formula for industrial effluent discharge charges as prescribed in Schedule C.
- (6) The following conditions apply in respect of the assessment of the concentrations and properties of the industrial effluent discharged for purposes of determining the effluent discharge quality charges:
  - (a) each customer must conduct the tests prescribed in the approval to discharge industrial effluent, and report the results to the municipality;
  - (b) the method of testing must comply with the methods established by SANS, and if not prescribed, then according to a method approved by the municipality;
  - (c) the municipality may conduct random compliance tests to confirm the tests referred to in sub-section (a) and, if discrepancies are found, the values of the municipality shall, unless proved otherwise be presumed to be correct;
  - (d) whenever the municipality takes a sample for testing purposes, a sample taken at the same point and at the same time must be made available to the customer;
  - (e) the weighted average results of the tests taken during the period of charge, will be used to determine the effluent discharge quality charges payable;
- (7) At the discretion of the municipality, the charges for industrial effluent may be changed to a fixed monthly charge determined by taking into consideration the strength and volume of the effluent discharged by a customer.

**Part 4: Drainage Installations**

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**37 Technical Requirements for Drainage Installations**

All drainage installations shall comply with SANS code 0252 and the National Building Regulations.

**38 Installation of Drainage Installations**

- (1) An owner must maintain his drainage installation at his own cost, unless the installation constitutes a basic sanitation facility as determined by the municipality and the owner is registered as an indigent for purposes of receiving subsidised services in terms of the by-laws relating to debt collection and credit control, and except where otherwise approved by the municipality, must ensure that the installation is situated within the boundary of his premises.
- (2) The municipality may prescribe the point in the sewer, and the depth below the ground, at which 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 the construction or connection of the drainage installation until the municipality's connecting sewer has been laid.
- (3) The top level of all service access holes, inspection chambers and gullies must be above the 1 in 50 years flood level.
- (4) A drainage installations passing through ground which in the opinion of the municipality is susceptible to movement, shall be laid on a continuous bed of river sand or similar granular material not less than 100 mm thick under the barrel of the pipe and with a surround of similar material and thickness, and the joints of such drains must be flexible joints approved by the municipality.
- (5) A drainage installation or part of it may only be laid within, or under or passing through a building, with the approval of the municipality.
- (6) A drainage installation or part of it which is laid in an inaccessible position under a building may not bend or change gradient.
- (7) After the completion of any drainage installation, or after any alteration to any drainage installation is completed, the plumber responsible for the execution of the work must submit to the building inspection section of the municipality a certificate certifying that the work was completed to the standards set out in the National Building Regulations, these by-laws and any other relevant law or by-laws.
- (8) 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.

**39 Approval of Drainage Installation Work**

- (1) A person may only commence with drainage installation work after obtaining the municipality's approval.
- (2) Application for the approval referred to in sub-section (1) must be made on the approved form and shall be accompanied by—
  - (a) the prescribed charge, if such a charge is prescribed;
  - (b) copies of all drawings that may be required and approved by the municipality; and
  - (c) a certificate by a professional engineer certifying that the installation has been designed in accordance with any applicable SANS Codes.
- (3) The municipality may specify the duration for which the approval is valid.
- (4) When approval has been given in terms of sub-section (1), a complete set of the drawings that have been required and approved by the municipality must be available for inspection at the site during working hours until the work has been completed.
- (5) If installation work has been done in contravention of sub-sections (1) or (2), the municipality may require the owner—
  - (a) to rectify the contravention within a specified time;
  - (b) if work is in progress, to cease the work; and
  - (c) to remove all work that does not comply with these by-laws.

**40 Persons Permitted to do drainage 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 drainage installation work other than the replacement or repair of an existing pipe or sanitation fitting;
    - (b) inspect, disinfect and test a drainage installation, fire installation or storage tank;
    - (c) service, repair or replace a back flow preventer; or
    - (d) install, maintain or replace a meter provided by an owner in a drainage installation.
  - (2) No person shall require or engage a person who is not a plumber to do the work referred to in sub-section (1).
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- (3) Notwithstanding the provisions of sub-sections (1) and (2), the municipality may permit a person, who is not a plumber, to do installation work at his own premises if they are occupied by himself or his own household, but if permission is given, the work must be inspected and approved by a plumber under the direction of or who has been nominated by, the municipality.

#### **41 Use of Approved Pipes and Sanitation Fittings**

- (1) No person shall, without the prior approval of the municipality, install or use a pipe or sanitation fitting in a drainage installation within the municipality's area of jurisdiction unless—
- (a) it bears the standardisation mark of the South African Bureau of Standards in respect of the relevant SANS specification issued by the Bureau; or
  - (b) it bears a certification mark issued by the South African Bureau of Standards to certify that the pipe or sanitation fitting—
    - (i) complies with an SANS Mark specification; or
    - (ii) a provisional specification issued by the SANS.
  - (c) is on a schedule of pipes and fittings specifically approved by the municipality.
- (2) The municipality may, in respect of any pipe or fitting whether or not certified by SANS or whether or not it is included on a schedule of specifically approved pipes and fittings, impose such conditions, as it may consider necessary in respect of the use or method of installation.
- (3) The municipality may sell copies of the schedule of specifically approved pipes and fittings and conditions of use and method of installation at the prescribed charge.

#### **42 Testing of Drainage Installations**

- (1) No drainage installation, or any part of one, shall be connected to on-site sanitation services nor shall the municipality's sanitation system be connected to an existing approved installation, unless any one or more of the following tests have been applied in the presence and to the satisfaction of the municipality, before the draining installation has been 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, and during the inspection, a full circle of light must appear to the observer, and the pipe or series of pipes must be seen to be unobstructed;
  - (b) a smooth ball having a diameter 12mm less than the nominal diameter of the pipe shall, when inserted at the higher end of the pipe, roll down without assistance or interruption to the lower end.
  - (c) after all openings to the pipe or series of pipes to be tested have been plugged or sealed and after all traps associated with them have been filled with water, air shall be pumped into the pipe or pipes until a manometric pressure of 38mm of water is indicated, after which the pressure must remain greater than 25mm of water for a period of at least 3 (three) minutes without further pumping; and
  - (d) all parts of the drainage installation are subjected to and required to withstand an internally applied hydraulic test pressure of not less than a 3m head of water for a period of not less than 10 minutes.
- (2) If the municipality has reason to believe that any drainage installation or any part of it is defective, it may require the owner of any premises to conduct any or all of the tests prescribed in sub-sections (1) and (2) and, if the installation fails to pass any test, or all the tests, to the satisfaction of the municipality, the municipality may by notice require the owner to take all reasonable measures that may be necessary to enable the installation to satisfy any or all of them.

#### **43 Water Demand Management**

- (1) No flushing urinal that is not user-activated may be installed after the implementation of these by-laws.
- (2) No cistern, and related pan designed to operate with such cistern, shall be installed after the implementation of these by-laws with a cistern capacity of greater than 9 litres and all cisterns not intended for public use shall be fitted with flushing devices allowing interruptible or multiple flushes, provided that such flushing device shall not be required in cisterns with a capacity of 4,5 litres or less.

#### **44 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 other than in accordance with this section.
- (2) Where any part of a drainage installation is disconnected from the remainder 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) When a disconnection has been made after all the requirements of the National Building Regulations in regard to disconnection have been complied with, the municipality must upon the request of the owner, issue a certificate certifying that the disconnection has been completed in terms of the Building Regulations.
- (4) Charges raised in respect of the disconnected drainage installation shall cease to be levied from the end of the month during which such a certificate was issued.
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- (5) When a drainage installation is disconnected from a sewer, the municipality must seal the opening caused by the disconnection and may recover the cost of doing so from the owner of the premises on which the installation is disconnected.

#### **45 Maintenance of Drainage Installations**

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

#### **46 Drainage installation and Sewer Blockages**

- (1) 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.
- (2) Where a blockage has been removed from a sewer system by the municipality and the removal necessitated the disturbance of an owners paving, lawn or other artificial surface, the municipality shall not be required to restore them to their previous condition and shall not be responsible for any damage to them unless caused by the wrongful act or negligence of the municipality.
- (3) When the owner or occupier of premises has reason to believe that a blockage has occurred in any drainage installation in or on it, he shall take immediate steps to have it cleared.
- (4) Should any drainage installation on any premises overflow as a result of an obstruction in the sewer, and if the municipality is reasonably satisfied that the 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.
- (5) Where a blockage has been removed from a drainage installation or portion of a drainage installation which serves two or more premises, the owners are jointly and severally liable for the cost of clearing the blockage.

#### **47 Grease Traps**

- (1) A grease trap of an approved type, size and capacity must be provided in respect of all premises that discharge sewage to on-site sanitation systems.
- (2) Grease traps, tanks or chambers of an approved design must be provided in respect of all premises that discharge industrial and commercial effluent which contains, or which, in the opinion of the municipality, is likely to contain, grease, oil, fat or inorganic solid matter.
- (3) No person may cause or permit an accumulation of grease, oil, fat, solid matter, or any other substance in any trap, tank, or chamber that may cause its blockage or ineffective operation.
- (4) Any person discharging effluent to a tank or chamber must remove grease, oil, fat or solid matter regularly from the tank or chamber and must maintain a register recording—
- the dates on which the tank or chamber was cleaned;
  - the name of any the persons employed by him to clean the tank or chamber or, if he cleaned it himself, that fact that he did so; and
  - a certificate from the person employed to clean it certifying that the tank or chamber has been cleaned and stating the manner in which the contents of the tank or chamber were disposed of, or, if he cleaned it himself, his own certificate to that effect.

#### **48 Mechanical Appliances for Lifting Sewage**

- (1) The owner of any premise 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 National Building Regulations and must show details of the compartment containing the appliance, the sewage storage tank, the stilling chamber and their position, and the position of the drains, ventilation pipes, rising main and the sewer connection.
- (3) Notwithstanding any approval given in terms of sub-section (1), the municipality shall not be liable for any injury, loss 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 unless the injury or damage be caused by the wrongful intentional or negligent act or negligence of an employee of the municipality.
- (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.
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- (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 located and operated so as to not cause any nuisance through noise or smell or otherwise, and every compartment containing any such appliance must 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 determined by the municipality who may, at any time, require the owner to install such fittings and regulating devices as may in his opinion, be necessary to ensure that the determined 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 must be provided in conjunction with such appliance and such a sewage storage tank must—
  - (a) be constructed of hard, durable materials and must be watertight and the internal surfaces of the walls and floor must be smooth and impermeable;
  - (b) have a storage capacity below the level of the inlet equal to the quantity of sewage discharged there into it in 24 hours or 900 litres, whichever is the greater quantity;
  - (c) be so designed that its maximum storage capacity shall be emptied at each discharge cycle of the mechanical appliance; and
  - (d) be provided with a ventilation pipe in accordance with the municipality's specifications.

#### **Part 5: On-Site Sanitation Services and Associated Services**

##### **49 Installation of On-Site Sanitation Services**

- (1) If approval for on-site sanitation services in respect of premises has been granted, or if it is not reasonably possible or cost effective for the municipality to install a connecting sewer, the owner must install sanitation services specified by the municipality on the site unless the owner is registered as an indigent in terms of the municipality's bylaws on credit control and debt collection and the municipality has undertaken to provide the service or subsidise the service.
- (2) The municipality may undertake or require to be undertaken at the owner's expense such investigations as it may deem necessary to determine if a sanitation facility would have a detrimental impact on health or the environment.
- (3) Where a premises is situated in the 1 in 50 years flood plain, the top level of service access holes, inspection chambers and gullies must be above the 1:50 years flood level, except if, in the case of service access holes and inspection chambers, the cover is secured in the place by approved means approved by the Council.

##### **Work by private person**

- (1) The Council must lay all sewers and connecting sewers, unless it elects not to do so in which case the work must be executed in accordance with the Council's conditions of contract applicable to the work and the following provisions apply:
  - (a) Any person carrying out such work must, before he or she commences the work, lodge with an authorized officer a written indemnity in which he or she indemnifies the Council against all liability in respect of any accident or injury to a person or loss or damage to property which may occur as the direct result of the execution of such works; and
  - (b) where the surface of any road has been disturbed in the course of such work, only the Council may, at the expense of the person carrying out such work, restore the surface.
- (2) Before the surface of a street or road is disturbed, the person must deposit with the Council a sum of money which is sufficient to cover the estimated cost of such restoration.
- (3) When the actual cost is greater, an excess is recoverable from the person, and when the actual cost is less, any balance must be refunded to the person.
- (4) All work must be carried out in accordance with the requirements specified by an authorized officer.

##### **50 Ventilated Improved Pit Latrines**

- (1) The municipality may, on such conditions as it may prescribe, having regard to factors such as the nature and permeability of the soil, the depth of the water table, the size of, and access to, the site and the availability of a piped water supply, approve the disposal of human excrement by means of a ventilated improved pit (VIP) latrine.
  - (2) A ventilated improved pit latrine must have—
    - (a) a pit of 2 m<sup>3</sup> capacity;
    - (b) a slab covering the pit designed to support the superimposed loading;
    - (c) protection preventing children from falling into the pit;
    - (d) the pit must be ventilated by means of a pipe, sealed at the upper end with durable insect proof screening fixed firmly in place;
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- (e) the ventilation pipe must project not less than 0.5 m above the latrines roof, must be of at least 150 mm in diameter, and must be installed vertically with no bend;
- (f) the interior of the superstructure must be finished smooth so that it can be kept in a clean and hygienic condition.
- (g) the superstructure must be well-ventilated in order to allow the free flow of air into the pit to be vented through the pipe;
- (h) the opening through the slab must be of adequate size as to prevent fouling. The rim must be raised so that liquids used for washing the floor do not flow into the pit. It shall be equipped with a lid to prevent the egress of flies and other insects when the toilet is not in use;
- (i) the pit latrine must be sited in a position that is independent of the dwelling unit;
- (j) the pit must be sited in a position that is accessible to road vehicles having a width of 3.0 m in order to facilitate the emptying of the pit;
- (k) 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; and
- (l) 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.

#### **Trespassing on municipal sewage disposal system**

- (1) No person may, without the prior written permission of the authorized officer enter –
  - (a) upon an area used for the purpose of the municipal sewage disposal system -
    - (i) if the area is enclosed by a fence; or
    - (ii) if entry is prohibited by notice boards; or
  - (b) a structure used by the Council in connection with its sewage disposal systems.

#### **51 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 plants.
- (2) A septic tank or other sewage treatment plant on a site must not be situated closer than 3 metres 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 must 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 litres per bedroom or 2 500 litres, whichever is the greater;
  - (b) have an internal width of not less than 1 metre 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 metre; and
  - (d) retain liquid to a depth of not less than 1,4 metre.
- (6) Septic tanks serving premises other than a dwelling unit must be designed and certified by a professional civil engineer.
- (7) No rainwater, storm-water, or effluent other than that approved by the municipality may be discharged into a septic tank.

#### **Consequential maintenance of sewers**

- (1) Whenever a sewer is damaged or becomes obstructed or in need of repair as 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 Council is entitled to –
  - (a) carry out such work of maintenance or repair as is necessary; or
  - (b) remove the obstruction at the expense of such person and to recover from him or her the full cost of doing so.

#### **52 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 waste-water or other effluent by means of a french-drain, soakage pit or other approved work.
  - (2) A french-drain, soakage pit or other similar work shall not be situated closer than 5 m to any dwelling unit or to any boundary of any premises on which it is situated, nor in any such position that 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) A french-drain serving premises other than a dwelling unit must be designed and certified by a professional engineer.
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**Obstruction to access to sewage disposal system**

- (1) No person may prevent or restrict access to a sewage disposal system.
- (2) If a person contravenes subsection (1), the authorized officer may –
  - (a) by writing notice require the person to restore access at his or her own costs within a specified period; or
  - (b) if the situation is matter of urgency, without prior notice restore access and recover the full costs of doing so from such person.

**53 Conservancy Tanks**

- (1) The municipality may, on such conditions as it may prescribe; approve the construction of a conservancy tank and ancillary appliances for retention of sewage or effluent.
- (2) No rainwater, storm-water, or effluent other than approved by the municipality may be discharged into a conservancy tank.
- (3) No conservancy tank must be used as such unless—
  - (a) the invert of the tank slopes towards the outlet at a gradient of not less than 1 in 10;
  - (b) the tank is gas and water tight;
  - (c) the tank has an outlet pipe, 100 mm in internal diameter, made of wrought iron, cast iron or other approved material, and except if otherwise approved by the municipality, terminating at an approved valve and fittings for connection to the municipality's removal vehicles;
  - (d) the valve and fittings referred to in paragraph (c) or the outlet end of the pipe, as the case may be, are located in a chamber that has hinged cover approved by the municipality and which is situated in a position required by the municipality;
  - (e) access to the conservancy tank must be 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, require the owner or customer to indemnify the municipality, in writing, against any liability for any damages that may result from rendering of that service as a condition for emptying the tank.
- (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 m wide, so hardened as to be capable of withstanding a wheel load of 4 metric tons in all weather, and shall ensure that no gateway through which the vehicle is required to pass to reach the tank, shall be less than 3,5 m wide for such purposes.
- (6) The owner or occupier of premises on which a conservancy tank is installed shall at all times maintain the tank in good order and condition to the satisfaction of the municipality.

**54 Operation and Maintenance of On-Site Sanitation Services**

- (1) The operation and maintenance of on-site sanitation services and all costs pertaining to it remains the responsibility of the owner of the premises, unless the occupier is registered as an indigent in accordance with the municipality's by-laws relating to credit control and debt collection.
- (2) The charges for removing or disposing of any sludge from on-site sanitation systems by the municipality shall be assessed in accordance with the prescribed charges.

**55 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 approval for its use is withdrawn, the owner must either cause it to be completely removed or to be completely filled with earth or other suitable material, provided that the municipality may require a tank to be dealt with in another way, or approve its use for other purposes, subject to any conditions specified by him.

**Part 6: Industrial Effluent****56 Approval to Discharge Industrial Effluent**

- (1) No person shall discharge or cause or permit industrial effluent to be discharged into the sanitation system except with the approval of the municipality.
  - (2) A person must apply for approval to discharge industrial effluent into the sanitation system of the municipality on the prescribed form attached as Schedule B to these by-laws.
  - (3) 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 into the sanitation system.
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- (4) 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 103 of 1977, also lodge applications for the provision of sanitation services and for approval to discharge industrial effluent.

#### **57 Withdrawal of Approval to Discharge Industrial Effluent**

- (1) The municipality may withdraw any approval to a commercial customer, who has been authorised to discharge industrial effluent into the sanitation system, upon giving notice, if the customer—
- fails to ensure that the industrial effluent discharged conforms to the industrial effluent standards prescribed in Schedule A of these by-laws or a standard that has been otherwise approved by the municipality;
  - fails or refuses to comply with any notice lawfully served on him in terms of these by-laws, or contravenes any provisions of these by-laws or any condition imposed in terms of any permission granted to him; or
  - fails to pay the charges in respect of any industrial effluent discharged.
- (2) The municipality may on withdrawal of any approval—
- in addition to any steps required by in these by-laws, and on written notice, authorise the closing or sealing of the connecting sewer of the said premises; and
  - refuse to receive any industrial effluent until it is satisfied that adequate steps to ensure that the industrial effluent that is to be discharged conforms to the standards required by these by-laws.

#### **58 Quality Standards for Disposal of Industrial Effluent**

- (1) A commercial customer, to whom approval has been granted, must ensure that no industrial effluent is discharged into the sanitation system of the municipality unless it complies with the standards and criteria set out in Schedule A.
- (2) The municipality may approve standards other than the standards in Schedule A, provided that it is satisfied that such a relaxation will not detrimentally affect the operations of the sewage treatment plant.
- (3) Test samples may be taken at any time, without notice, by the municipality to ascertain whether the industrial effluent complies with Schedule A or any other approved standard.

#### **59 Conditions for the Discharge of Industrial Effluent**

- (1) The municipality may on granting approval for the discharge of industrial effluent, or at any time that it considers appropriate, by notice, require a commercial customer to—
- 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 Schedule A or other approved standard before being discharged into the sanitation system;
  - install equalising tanks, valves, pumps, appliances, meters and other equipment which, in the opinion of the municipality, will be necessary to control the rate and time of discharge into the sanitation system in accordance with the conditions imposed by it;
  - install for the conveyance of the industrial effluent into the sanitation system at a given point, a drainage installation separate from the drainage installation for other sewage and may prohibit a commercial customer from disposing of his industrial effluent at any other point;
  - construct on any pipe conveying 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;
  - provide all information that may be required by the municipality to enable it to assess the tariffs or charges due to the municipality and compliance with the standards of the municipality;
  - provide adequate facilities including, but not limited to, level or overflow detection devices, standby equipment, overflow catch-pits, or other appropriate means of preventing a discharge into the sanitation system in contravention of these by-laws;
  - cause a meter installed in terms of this section to be calibrated by an independent authority at the cost of the commercial customer at such intervals as may be required by the municipality and copies of the calibration to be forwarded to it by the commercial customer; and
  - cause industrial effluent to be tested as often, and in whatever manner, as may be determined by the municipality and to provide it with the results of these tests.
- (2) The cost of any treatment, plant, work or analysis, which a person may be required to carry out, construct or install in terms of sub-section (1), shall be borne by the customer.
- (3) If industrial effluent that neither complies with the standards in Schedule A nor has been otherwise approved by the municipality, is discharged into the sanitation system, the discharger must inform the municipality of the non-compliance and of the reasons for it, as soon as the discharger becomes aware of the non-compliant discharge.

#### **Part 7: Sewage Delivered by Road Haulage**

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**60 Acceptance of Sewage Delivered by Road Haulage**

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

**61 Approval for Delivery of Sewage by Road Haulage**

- (1) No person shall deliver sewage by road haulage in order to discharge it into the municipality's sewage treatment plants except with the approval of the municipality and subject to any conditions, and any times, that may on reasonable grounds be imposed by the municipality.
- (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 of charges.

**62 Withdrawal of Permission for Delivery of Sewage by Road Haulage**

- (1) The municipality may on notice withdraw any approval, given in terms of section 64 if a person who has been allowed to discharge sewerage by road haulage—
  - (a) fails to ensure that the sewage conforms to the standards prescribed either in Schedule A or other approved standard, or a condition of approval; or
  - (b) fails or refuses to comply with any notice served on him in terms of these by-laws or contravenes any provision of these by-laws or any condition has been imposed on him as a condition of approval; and
  - (c) fails to pay all the charges applicable to the delivery of sewage.

**63 Conditions for Delivery of Sewage by Road Haulage**

- (1) When sewage is to be delivered by road haulage—
  - (a) the time and place when delivery is to be made shall be arranged in consultation with the municipality; and
  - (b) the municipality must approve before a delivery is made, that the sewerage is of a nature suitable for road haulage and that the delivery would comply with the provisions, of these by-laws.

**Part 8: Other Sanitation Services****64 Stables and Similar Premises**

- (1) The municipality may approve the connection of a drainage installation to stables, cowsheds, dairies, kennels, other premises for the accommodation of animals, and tanneries, subject to the payment of all applicable charges and the fulfilment of any condition that the municipality may impose; but approval will be given only if—
  - (a) the floor of the premises is paved with an impervious material that is approved by the municipality and graded to a silt trap, grease trap or gully of adequate capacity; and
  - (b) every part of the floor of the premises is covered by a roof, or another protective device, in a way that adequately prevents the entry of rain or storm water into the drainage installation.

**65 Food-Waste or Other Disposal Units**

- (1) The municipality may approve the connection or incorporation of a mechanical waste food disposal unit or garbage grinder, into a drainage installation, that has a capacity in excess of 500W, subject to the payment of all applicable charges and to any condition that the municipality may impose, but approval will be given only if—
  - (a) a measurement device is installed by the municipality; and
  - (b) the municipality is satisfied that the municipality's sewerage and sewage treatment system will not be adversely affected.
- (2) The Council may in its discretion and subject to the payment of the charges prescribed in the tariff to these Bylaws permit the discharge from a waste food disposal unit to enter a drainage installation.
- (3) Waste food disposal units shall be of approved type and the installation and connections thereof shall comply with these Bylaws as if it were a wastewater fitting.
- (4) No owner or occupier shall incorporate into a drainage installation a mechanical waste food or other disposal unit or garbage grinder unless -
  - (a) the owner or occupier of the premises has registered such unit or garbage grinder with the Council and the Council is satisfied that the working of the Council's sewerage and sewage treatment system shall not thereby be impaired; and
  - (b) such unit or garbage grinder is of an approved type and has been installed in conformity with the Council.
- (5) The Council may require the owner or occupier of any premises on which a waste food or other disposal unit or a garbage grinder has been installed, or the owner of such unit or grinder either to remove, repair or replace any unit which, in the opinion of the Council, is functioning inefficiently or which may impair the working of the Council's sewage disposal system.
- (6) The owner shall, upon the removal of any such unit or grinder, notify the Council within 14 days of its removal.

**Disposal of Sludge, Compost and Manure**

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

## **CHAPTER 6: UNAUTHORISED WATER SERVICES**

### **66 Unauthorised Services**

- (1) No person may gain access to water services unless it is in terms of an agreement entered into with the municipality for the rendering of those services in accordance with the municipality's by-laws on credit control and debt collection.
- (2) The municipality may, irrespective of any other action it may take against a person in terms of these by-laws,
  - (a) by written notice of 14 (fourteen) working days
    - (i) order a person who is using unauthorised services to apply for such services; and undertake any work that may be necessary to ensure that the customer installation, by means of which access was gained, complies with the provisions of these or any other relevant by-laws, or
    - (ii) rectify the non-compliance and recover the cost from the unauthorised user; or
  - (b) disconnect the service,

### **67 Interference with Infrastructure for the Provision of Water Services**

- (1) No person other than the municipality shall manage, operate or maintain infrastructure through which water services are provided.
- (2) No person other than the municipality shall make a connection to infrastructure through which water services are provided.
- (3) The municipality may recover any costs associated with repairing damage caused as a result of a contravention of sub-sections (1) and (2) including, but not limited to, the cost associated with repairing the damage, 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.

### **68 Obstruction of Access to Infrastructure for the Provision of Water Services**

- (1) No person shall prevent or restrict the physical access of the municipality to infrastructure through which water 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 own expense within a specified period; or
  - (b) on notice restore access itself and recover the cost from such person.
- (3) The costs recoverable by the municipality is the full cost associated with restoring access including, but not limited to, any exploratory investigation, surveys, plans, specifications, schedules of quantities, supervision, administration charge, the use of tools, the expenditure of labour involved in disturbing or rehabilitation of any part of a street or ground affected by restoring access and the environmental cost.

### **69 Waste of Water**

- (1) No customer 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; or
    - (d) an overflow of water to persist.
  - (2) An owner shall repair or replace any part of his water and sanitation installation which is in such a state of disrepair that it is either causing or is likely to cause an occurrence listed in sub-section (1).
  - (3) If an owner fails to take measures as contemplated in sub-section (2), the municipality shall, by written notice, require the owner to comply with the provisions of sub-section (1).
  - (4) The municipality may, by written notice, prohibit the use by a customer of any equipment in a water or sanitation 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.
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**70 Unauthorised and Unlawful 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) No person shall allow the discharge or leakage of any liquid other than natural runoff or potable water to any street, storm water drain or watercourse, whether natural or artificial, except where 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 is likely to cause the discharge of objectionable matter into any street, storm water drain, river, stream or other watercourse, whether natural or artificial, or to cause or contribute towards the pollution of any such watercourse, the 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 into a drainage installation of—
  - (a) any substance, including storm water or swimming pool backwash, other than sewage, domestic waste water or approved industrial effluent;
  - (b) any sewage, industrial effluent or other liquid or substance which—
    - (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 at the point where it enters the sewer;
    - (iii) has a pH value less than 6.0;
    - (iv) contains any substance of whatsoever nature likely to produce or release explosive, flammable, poisonous or offensive gases or vapours in any sewer or treatment plant;
    - (v) 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;
    - (vi) shows any visible signs of tar or associated products or distillates, bitumens or asphalts;
    - (vii) contains any substance in such concentration to produce an undesirable taste after chlorination or an undesirable odour or colour, or excessive foam;
    - (viii) has either a greater PV or COD (Chemical Oxygen Demand) value, a lower pH value, or a higher caustic alkalinity or electrical conductivity than specified in Schedule A, without the prior approval and subject to the payment of relevant charges and such conditions as the municipality may impose;
    - (ix) contains any substance which in the opinion of the municipality—
      - (aa) cannot be treated at the sewage treatment work to which it could be discharged; or
      - (bb) will negatively affect the treatment processes at the sewage treatment work to which it could be discharged or
    - (cc) 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 No 36 of 1998), or
    - (x) either alone or in combination with other substance may—
      - (aa) generate or constitute a toxic substance dangerous to the health of persons employed at the sewage treatment works or entering the council's sewers or manholes in the course of their duties; or
      - (bb) be harmful to sewers, treatment plant or land used for the disposal of treated waste water; or
      - (cc) adversely affect any of the processes whereby sewage is treated or any re-use of sewage effluent.
- (5) is not amenable to treatment at the sewerage treatment works, or which causes or may cause a breakdown or inhibition of the normal sewerage treatment processes; or
- (6) is of such nature as is or may be amenable to treatment only to such degree as to prevent the final treated effluent from the sewerage treatment works from complying in all respects with the requirements imposed in terms of the National Water Act, 1998 (Act No. 36 of 1998);
- (7) 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.
- (8) 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 injury to persons, damage to the sanitation system.

**71 Unauthorised and Unlawful Re-Connections**

- (1) No customer whose access to water supply services have been restricted or disconnected may reconnect to services without approval.
- (2) A customer who contravenes sub-section (1) shall on written notice be disconnected.

**72 Interference with Infrastructure**

- (1) No person may interfere with infrastructure through which the municipality provides municipal services.
  - (2) If a person contravenes sub-section (1), the municipality may—
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- (a) by written notice require such person to seize or rectify the interference at his own expense within a specified period; or
- (b) on notice itself, prevent or rectify the interference and recover the cost from such person.

### **73 Pipes in Streets or Public Places**

No person shall lay or construct a pipe or associated component on, in or under a street, public place or other land owned by or under the control of any municipality, except with the approval of the municipality and subject to such conditions as it may impose.

### **74 Use of Water from Sources Other than the Water Supply System**

- (1) No person shall use or permit the use of water for domestic, commercial or industrial purposes obtained from a source other than from the water supply system or from rain water tanks which are not connected to the water installation, except with the prior approval of the municipality, and in accordance with such conditions as it may impose
- (2) Any person applying for the approval referred to in sub-section (1) shall provide the municipality with evidence that the quality of the water referred to in sub-section (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 sub-section (1) may be withdrawn if, in the opinion of the municipality —
  - (a) a condition imposed in terms of sub-section (1) is breached; or
  - (b) the water quality no longer conforms to the requirements referred to in sub-section (2).
- (4) The 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 sub-section (2).
- (5) The prescribed charge for the taking and testing of the samples referred to in sub-section (4) above shall be paid by the person to whom consent was granted in terms of sub-section (1).
- (6) If water obtained from a borehole or other source of supply on any premises is used for a purpose which gives rise to the discharge of such water or a portion thereof into the municipality's sewerage system, the municipality may install a water meter in the pipe leading from such borehole or other source of supply to the point or points where it is so used.
- (7) The provisions of section 13 shall apply insofar as they may be applicable in respect of the water meter referred to in sub-section (4).

## **CHAPTER 7: EMERGENCY SITUATIONS**

### **75 Declaration of Emergency Situations**

- (1) The municipal council may at any time declare by public notice, that an emergency situation exists in a supply zone or geographical area in respect of a municipal service, if, in its opinion, a significant risk to the financial viability or sustainability of the municipality, or the sustainable rendering of a specific municipal service to the community exists.
- (2) In the event of the declaration of a supply zone as an emergency area in accordance with sub-section (1) the municipal services to that supply zone may be limited
- (3) The municipality must submit a monthly report to the municipal council on the status of the emergency and of actions being taken to relieve the emergency:
- (4) The municipal council must by public notice declare an area no longer to be an emergency area if the situation on which the declaration was based improves to such an extent that the risks referred to in sub-section (1) no longer warrants that supply zone being declared an emergency area.

## **CHAPTER 8: WATER SERVICES INTERMEDIARY AND FARM DWELLERS**

### **76 Obligations of Water Services Intermediaries and Farm Owners**

- (1) Water services intermediaries must ensure that all intermediary consumers have access to at least a basic level of water services as defined in the water services bylaws.
- (2) Farm owners must ensure that all farm dwellers have access to at least a basic level of water services as defined in the water services bylaws.

### **77 Enrolment or Registration**

The municipality may by public notice require water services intermediaries or farm owners to enrol or register with the municipality.

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**78 Grant Funding to Water Services Intermediaries**

- (1) The municipality may, at its sole discretion, provide a grant to a water services intermediary or a farm owner in order to assist the intermediary or farmer provide at least a basic level of water services, as defined in the water services by-laws, to intermediary consumers and farm dwellers.
- (2) In exercising the discretion in sub-section (1) above, the municipality may have regard to—
  - (a) the capacity of the water services intermediary or farm owner to maintain a proper financial record;
  - (b) the ability of the water services intermediary or farm owner to provide the required services to intermediary consumers or farm dwellers; and
  - (b) the number of indigent households to be supplied by the intermediary or farmer.
- (3) A grant provided to water services intermediary or farm owner in terms of sub-section (1) above, may be calculated to cover the cost of—
  - (a) providing or upgrading the intermediary or water services system; or
  - (b) the operating costs of the intermediary or water services system; or
  - (c) the costs described in both sub-section (a) and (b)
- (4) The municipality shall not approve a grant to a water services intermediary or farm owner unless the water services intermediary or farm owner has—
  - (a) applied for the grant on the prescribed form;
  - (b) has provided all of the information stipulated on the form and requested separately by the municipality; and
  - (c) has accepted any conditions prescribed by the municipality.

**79 Conditions for Grant Funding**

- (1) If the municipality approves grant funding to a water services intermediary or farm owner, it may impose conditions on the provision of grant funding, including—
  - (a) whether the grant will take the form of a rebate on property rates or a cash payment;
  - (b) the purpose and levels of service for which the grant may be used;
  - (c) the property on which the grant may be used;
  - (d) the beneficiary intermediary consumers or farm dwellers;
  - (e) the right of the municipality to monitor the use of the grant and the right of the municipality to recoup the grant if it is not used in terms of the conditions;
  - (f) any other condition which it might impose on the use of the grant.

**80 Charges for Water Services Provided**

- (1) A water services intermediary or farm owner may not charge for water services provided to intermediary consumers or farm dwellers at a price which does not comply with any norms and standards prescribed under the Water Services Act 108 of 1997 or any of the municipalities by-laws.
- (2) If a water services intermediary or farm owner receives a municipal grant to cover the full cost of operating and maintaining a basic level of service to specified beneficiaries, it must provide a basic level of service free of charge to those beneficiaries.

**81 Default by the Water Services Intermediary or farm owner**

- (1) If the water serviced intermediary or farm owner has not used any portion of the grant provided by the municipality in accordance with the conditions prescribed by the municipality, the municipality may demand immediate repayment of that portion of the grant after giving 14 (fourteen) working days notice of its intention to do so.

**82 Termination of Grant Funding**

- (1) The municipality may, at its sole discretion, reduce or stop any grant intended to support operating expenditure on one months prior notice if—
  - (a) the circumstances of the intermediary, or farm owner, or intermediary consumers, or farm dwellers change to the extent that such a grant is no longer warranted, or
  - (b) the financial situation of the municipality changes to the extent that it can no longer afford to pay such a grant.
- (2) The municipality may at its sole discretion, for any other reason, on three months prior notice, stop or reduce any grant intended to support operating expenditure.

**CHAPTER 9: WATER CONSERVATION AND WATER DEMAND MANAGEMENT****84. GENERAL**

The municipality must ensure that regular awareness and education programs are held with the communities in order to achieve the overall objective to minimise Water losses, the care and protection of water resources and the efficient and effective use of water.

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**85. WATER**

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

**86. SANITATION**

- (1) No flushing urinal that is not user-activated may be installed after the implementation of these by-laws.
- (2) No cistern, and related pan designed to operate with such cistern, shall be installed after the implementation of these by-laws with a cistern capacity of greater than 9 litres and all cisterns not intended for public use shall be fitted with flushing devices allowing interruptible or multiple flushes, provided that such flushing device shall not be required in cisterns with a capacity of 4, 5 litres or less.

**87. OUTDOOR WATERING/LANDSCAPING**

- (1) No Outdoor Watering Between 11:00 and 15:00: No person may without prior written authority from the [Director: Water], water a garden, sports field, park, or other grassed area using potable water, between the hours of [11:00 and 15:00]. (Restrictions of this kind to be climate specific)
- (2) Hosepipes for Outdoor Water Must Be Fitted with Self-Closing Device: Where a hosepipe is used to irrigate a garden, park, or sports field or to wash a car from a potable water source, the end of the hosepipe must be fitted with an automatic self-closing device.
- (3) No Watering of Hard Surfaces: No person may without prior written authority from the [Director: Water] hose down a head-surfaced or paved area, including driveways, parking area, sidewalks, or walls, using water from a potable source except where necessary for immediate fire or sanitation hazards.
- (4) Swimming Pool Covers, Filling, and Fountain Recirculation:
  - (a) All newly installed pools must have covers.
  - (b) Automatic top up systems using a float valve fed from a potable water source to supply swimming pools and garden ponds are not allowed.
  - (c) All decorative water features (i.e. fountains, etc) shall re-circulate water within the device.

**88. OTHER PIPES AND TAPS**

- (1) Control on Terminal Water Fittings Outside of Buildings: Terminal water fitting installed outside any buildings other than a residential dwelling must:
  - (a) Incorporate a self-closing device;
  - (b) Have a removable handle for operating purposes;
  - (c) Be capable of being locked to prevent unauthorized use; or
  - (d) Be of a demand type that limits the quantity of water discharged in each operation.

**89. INDUSTRIAL AND COMMERCIAL FOCUS**

- (1) Recirculation on Commercial Car Washes [and Laundering facilities]: New Commercial Car Washes must re circulate at least 50% of the portable water used, [and New laundering facilities must recirculate [50%] of the portable water used]. For commercial Car Wash [and laundering facilities] already established, recirculation required must be met by **2017**.
  - (2) Eating or Drinking Establishment Requirement: In eating or drinking establishments, including but not limited to a restaurant, hotel, café, cafeteria, bar or other public space where food or drinks are sold, served, or offered for sale:
    - (a) The maximum flow rate for a pre-rinse spray valve in a commercial/institutional kitchen to remove food waste from cookware and dishes prior to cleaning shall be 6 litres per minute.
    - (b) Drinking water may only be provided to persons when expressly requested.
  - (3) Commercial lodging Option to Decline Daily Linen Service: Hotels, motels and other commercial lodging establishments must provide customers the option of not having towels and linen laundered daily. Commercial lodging establishments must prominently display notice of this option in each bathroom using clear and understood language.
  - (4) Demolition and Construction Water Re-Use and Dust Control:
    - (a) Recycled or non-potable water shall be used for demolition construction purposes when possible.
    - (b) Potable water may not be used to dampen building sand and other building material to prevent it from being blown away.
  - (5) Heat Exchange Requirement: No person may allow water, used as a heat exchange medium in any equipment or plant and supplied from a water installation, to run continuously to waste except for maintaining a prescribed level of total dissolved solids in a recirculating plant.
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- (6) No Single Pass Cooling Systems: Single-pass cooling systems are strictly prohibited for use in devices, processes, or equipment installed in commercial, industrial, or multi-family residential buildings. This prohibition shall not apply to devices, processes, or equipment installed for health or safety purposes that cannot operate safely otherwise.
- (7) Measures in Case of Violation: For a first violation by any resident of the requirements of this ordinance, the local unit of government shall issue a written notice. For a second violation within the preceding twelve (12) calendar months, a surcharge in the amount of **R500.00 (Five Hundred Rand)** shall be added to the customer's water bill. Each subsequent offence shall have a fine of **R750.00 (Seven Hundred and Fifty Rand)**.

## CHAPTER 10: NOTICES

### 90. Power to Serve and Compliance with Notices

- (1) The municipality may, by written notice, order an owner, customer or any other person who fails, by act or omission, to comply with the provisions of these by-laws, or to fulfil any condition imposed in it, to rectify his failure within a reasonable period specified in the notice.
- (2) If a person fails to comply with a written notice served on him by the municipality in terms of these by-laws within the specified period, it may take such action that in its opinion is necessary to ensure compliance, including—
- undertaking the work necessary itself and recovering the cost of such action or work from that owner, customer or other person;
  - restricting or discontinuing the provision of services; and
  - instituting legal proceedings.
- (3) A notice in terms of sub-section (1) must—
- give details of any provision of the by-laws that has not been complied with;
  - give the owner, customer or other person a reasonable opportunity to make representations and state his case, in writing, to the municipality within a specified period, unless the owner, customer or other person was given such an opportunity before the notice was issued;
  - specify the steps that the owner, customer or other person must take to rectify the failure to comply;
  - specify the period within which the owner, customer or other person must take the steps specified to rectify such failure; and
  - indicate that the municipality—
    - may undertake any work that is necessary to rectify a failure to comply with a notice and the cost to the municipality of rectification may be recovered from the owner, customer or other person who has failed to comply with it; and
    - may take any other action that it considers necessary for ensuring compliance.
- (4) In the event of an emergency the municipality may, without prior notice to anyone, undertake the work required by sub-section (3)(e)(i) and recover the costs from a person who, but for the emergency, would have to be notified in terms of sub-section (1).
- (5) The costs recoverable by the municipality in terms of sub-sections (3) and (4) are the full costs associated with that work including, but not limited to, any exploratory investigation, surveys, plans, specifications, schedules of quantities, supervision, administration charge, the use of tools, the expenditure of labour involved in disturbing or rehabilitation of any part of a street or ground affected by the work and the environmental cost.

## CHAPTER 11: APPEALS

### 91. Appeals Against Decisions of the Municipality

- (1) A customer may appeal in writing against a decision of, or a notice issued by, the municipality in terms of these by-laws.
- (2) An appeal in terms of sub-section (1) must be made in writing and lodged with the municipality within 14 (fourteen) working days after a customer was informed of the decision or notice and must—
- set out the reasons for the appeal; and
  - be accompanied by any security determined by the municipality for the testing of a water meter, if the testing of a water meter was requested.
- (3) The customer must be informed of the outcome of the appeal and the reasons for the municipality's decision within 21 (twenty one) working days after an appeal was lodged, or if the municipality is unable to decide the matter within that time, the municipality must inform the customer when the appeal will be decided.
- (4) The decision of the municipality is final.
- (5) The municipality may condone the late lodging of appeals or other procedural irregularities.

## CHAPTER 12: OFFENCES

**92. Offences**

- (1) Subject to sub-section (2), any person who—
- (a) obstructs or hinders the 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;
  - (d) fails to comply with the terms of a notice served upon him in terms of these by-laws;
  - (e) reconnects or restores services that have been disconnected or limited without the municipality's approval.
- is guilty of an offence and liable on conviction to a fine or in default of payment to imprisonment for a period not exceeding 6 months.
- (2) No person shall be liable to imprisonment if he is unable to afford to pay a fine, and shall instead be liable to a period of community service.
- (3) Any person committing a breach of the provisions of these by-laws shall be liable to recompense the municipality for any loss or damage suffered or sustained by it in consequence of the breach.

**CHAPTER 13: GENERAL PROVISIONS****93. Provision of Information**

An owner, occupier, customer or person within the area of supply of the municipality must provide the municipality with accurate information requested by the municipality that is reasonably required by the municipality for the implementation or enforcement of these by-laws.

**94. Power of Entry and Inspection**

- (1) An authorised official or agent of 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.
- (2) Any entry and inspection must be conducted in conformity with the requirements of the Constitution of South Africa, 1996, and any other law and, in particular, with strict regard to decency and order, respect for a person's dignity, freedom and security, and personal privacy.
- (3) The authorised official or agent of the municipality may be accompanied by an interpreter and any other person reasonably required to assist the authorised official in conducting the inspection.
- (4) The authorised official or agent of the municipality must, on request, provide his identification.
- (5) An officer of the Council may, for any purpose connected with implementation or enforcement of these By-laws, at all reasonable times or in an emergency at any times –
- (a) enter premises;
  - (b) request information;
  - (c) take samples;
  - (d) make such inspection, examination and enquiry and carryout work as he or she may deem necessary, any for these purposes operate any component of the drainage installation.
- (6) If the authorized officer considers it necessary that work be performed to enable an authorized officer properly and effectively to implement a function referred to in subsection (5) he or she may –
- (a) by written notice require the owner or occupier of the premises at his own cost to do specified work within a specified period; or
  - (b) if in his option the sanitation is matter of urgency, without prior notice do such work or cause it to be done, at the costs of the owner.
- (7) If the work referred to in subsection (6) is carried out for the sole purpose of establishing whether a contravention of these By-laws has been committed and no such contravention is establish, the Council shall bear the expense connected therewith together with that of restoring the premises to its former conditions.

**95. 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 their duties.

**96. Exemption**

- (1) The municipality may, in writing exempt an owner, customer, any other person or category of owners, customers, ratepayers, users of services 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 supply services;
  - (b) significant adverse effects on public health, safety or the environment;
-

- (c) the non-payment for services, other than as provided for in the bylaws on credit control and debt collection;
- (d) the Act, or any regulations made in terms of it, not being complied with.

(2) The municipality may at any time after giving written notice of at least 14 (fourteen) working days, withdraw any exemption given in terms of sub-section (1).

**97. Conflict of Law**

If there is any conflict between these by-laws and any other by-laws of the municipality, the most recently approved by-laws will prevail.

**98. Repeal of Existing Municipal Water Services By-laws**

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

**99. 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 that date shall be deemed to have been authorised in terms of these by-laws; and the municipality may, for a period of 90 (ninety) working days after the commencement of these by-laws, authorise installation work in accordance with the by-laws that regulated that work immediately prior to the promulgation of these by-laws.

(2) Any reference in these by-laws to a charge prescribed by the municipal council shall be deemed to be a reference to a charge prescribed by the municipal council under the by-laws repealed by these bylaws, until the effective date of any applicable charges that may be prescribed by the municipal council in terms of these by-laws, or the by-laws relating to credit control and debt collection, and any reference to a provision in the by-laws repealed by these by-laws shall be deemed to be a reference to a corresponding provision in these by-laws.

(3) Any approval, consent or exemption granted under the by-laws repealed by these by-laws shall, save for the provisions of sub-sections (2) and (4), remain valid.

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

**100. Short Title and Commencement**

(1) These by-laws are called the Water Services By-laws, Bylaw 1 of 2016.

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

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

**SCHEDULE A:**

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

Parameter	Maximum Permissible Concentrations
PV	1000 - 1400 mg/l
Ph within range	6,0 – 10,0
Electrical conductivity— not greater than	500 mS/m at 20 °C
Caustic alkalinity (expressed as CaCO)	500 – 1000 mg/l
Substance not in solution (including fat, oil, grease waxes and like substances )	2 000 mg/l
Vegetable oils, fats, grease or wax	400 mg/l

Oil, grease or wax of mineral origin	50 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)	1000 – 1500 mg/l
Available chlorine (expressed as Cl)	100 mg/l
Sulphates (expressed as SO <sub>4</sub> )	1 800 mg/l
Fluorine— containing compounds (expressed as F)	5 mg/l
Anionic surface active agents	500 mg/l
Suspended solids SS	1000 mg/l
Phosphate and phosphate containing compounds	100 mg/l

**METALS:**

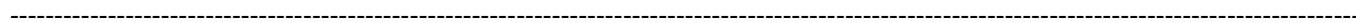
**Group 1:**

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

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

**Group 2:**

<b>Metal</b>	<b>Expressed as</b>
Lead	Pb



Selenium	Se
Mercury	Hg

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

**OTHER ELEMENTS**

Element	Expressed as
Arsenic	As
Boron	B

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

**RADIO-ACTIVE WASTES**

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

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

**METHOD OF TESTING**

The method of testing in order to ascertain the concentration of any substance in this Schedule, shall be the test normally used by the municipality for these purposes. Any person discharging any substance referred to in this Schedule shall ascertain the details of the appropriate test from the municipality.

**SCHEDULE B: APPLICATION FORM FOR THE DISCHARGE OF INDUSTRIAL EFFLUENT TO THE MUNICIPALITY'S SANITATION SYSTEM**

(Please complete application in block capitals)

I (name): \_\_\_\_\_

the undersigned, duly authorised to set on behalf of

\_\_\_\_\_

and hereinafter referred to as the applicant, hereby apply in terms of the Water Services By-laws of the municipality for approval to discharge industrial effluent into the municipality's sanitation system in accordance with the information provided herein.

**PART I**

1. NATURE OF THE BUSINESS OR INDUSTRY CONCERNED:

\_\_\_\_\_

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

\_\_\_\_\_

3. POSTAL ADDRESS OF THE BUSINESS OR INDUSTRY:

\_\_\_\_\_

4. PHYSICAL STREET ADDRESS:

\_\_\_\_\_

\_\_\_\_\_

-----

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

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

\_\_\_\_\_

6. IS THIS A NEW OR ESTABLISHED BUSINESS:

\_\_\_\_\_

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

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

8. INFORMATION RELATING TO EMPLOYEES:

	Office	Factory
(1) Total number of daily employees (not included in (4)):		
(2) Number of shifts worked per day:		
(3) Number of days worked per week:		
(4) Number of persons resident on the premises:		
(5) Is a canteen provided?:		

**PART II**

INFORMATION RELATING TO THE CONSUMPTION OF WATER

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

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

2. WATER CONSUMPTION

(1) Industrial kl/Month

(i) Quantity of water in product .....

(ii) Quantity of water lost by evaporation .....

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

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

TOTAL B \_\_\_\_\_

(2) Domestic use kl/Month

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

-----

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

TOTAL C \_\_\_\_\_

3. EFFLUENT DISCHARGE INTO SANITATION SYSTEM

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

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

(3) Estimated rate of discharge .....

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

\* In the event that no effluent meter is installed on the premises, the estimated volume of un-metered effluent discharge to sewer is calculated as follows:

A – (B + C) = .....Kl /Month

**PART III**

INFORMATION REGARDING THE COMPOSITION OF INDUSTRIAL EFFLUENT

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

(1) Maximum temperature of effluent °C

(2) pH value Ph

(3) Nature and amount of settleable solids

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

(5) Maximum total daily discharge (kilolitres)

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

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

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

TABLE

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



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

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

**PART IV**

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

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

Thus done at ..... by the applicant this ..... day of .....20 .....

.....

Signature and capacity of the applicant

**SCHEDULE C:  
FORMULA FOR THE CALCULATION OF EFFLUENT DISCHARGE CHARGES**

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

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

Where Tc = Extraordinary Treatment Cost to Customer

Qc = Waste water Volume discharged by customer in kl

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

CODc = Total COD of waste water discharged by customer in milligrams/litre and is inclusive of both the biodegradable and non-biodegradable portion of the COD

CODd = Total COD of domestic waste water in milligrams per litre

Pc = Ortho-phosphate concentration of waste water discharged by customer in milligrams phosphorus per litre

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

Nc = Ammonia concentration of waste water discharged by customer in milli grams of nitrogen per litre

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

a = Portion of the costs directly related to COD

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

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

Different terms	Value
T	R0.82/kl
CODd	600 mg/l
Pd	10 mg/l
Nd	25 mg/l
A	0.6
B	0.25
C	0.15

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Free Voucher copies of the Provincial Gazette or cuttings of advertisements are NOT supplied.</p> <p><b>Subscription Rates (payable in advance)</b></p> <p>The subscription fee for the Provincial Gazette (including all Extraordinary Provincial Gazettes) are as follows:</p> <p><b>SUBSCRIPTION: (POST)</b></p> <table style="width: 100%;"> <tr> <td>PRICE PER COPY</td> <td style="text-align: right;">R 27.00</td> </tr> <tr> <td>HALF-YEARLY</td> <td style="text-align: right;">R678.00</td> </tr> <tr> <td>YEARLY</td> <td style="text-align: right;">R1 356.00</td> </tr> </table> <p><b>SUBSCRIPTION: (OVER THE COUNTER / E-MAIL)</b></p> <table style="width: 100%;"> <tr> <td>PRICE PER COPY</td> <td style="text-align: right;">R 19.00</td> </tr> <tr> <td>HALF-YEARLY</td> <td style="text-align: right;">R 470.00</td> </tr> <tr> <td>YEARLY</td> <td style="text-align: right;">R 940.00</td> </tr> </table> <p style="text-align: center;">Stamps are not accepted</p> <p style="text-align: center;"><b>Closing time for acceptance of copy</b></p> <p>All advertisements must reach the Officer in Charge of the Provincial Gazette <b>not later than 16:00, three workings days</b> prior to the publication of the Gazette. Advertisements received after that time will be held over for publication in the issue of the following week, or if desired by the advertiser, will be inserted in the current issue as a "Late Advertisement". In such case the advertisement must be delivered to the Officer in Charge <b>not later than 08:00 on the Tuesday</b> preceding the publication of the Gazette and double rate will be charged for that advertisement.</p> <p>A "Late Advertisement" will not be inserted as such without definite instructions from the advertiser.</p> <p style="text-align: center;"><b>Advertisement Rates</b></p> <p>Notices required by Law to be inserted in the Provincial Gazette: <b>R31.50</b> per centimeter or portion thereof, single column.</p> <p><b>Advertisement fees are payable in advance to the Officer in charge of the Provincial Gazette, P.O. Box 517, Bloemfontein, 9300, Tel.: (051) 403 3139.</b></p> <hr/> <p style="text-align: center;"><b>NUMBERING OF PROVINCIAL GAZETTE</b></p> <p>You are hereby informed that the numbering of the Provincial Gazette /Tender Bulletin and notice numbers will from 2010 coincide with the relevant financial year. In other words, the chronological numbering</p>	PRICE PER COPY	R 27.00	HALF-YEARLY	R678.00	YEARLY	R1 356.00	PRICE PER COPY	R 19.00	HALF-YEARLY	R 470.00	YEARLY	R 940.00	<p><b>PROVINSIALE KOERANT</b> <i>(Verskyn elke Vrydag)</i></p> <p>Alle korrespondensie, advertensies, ens. moet aan die Beampte Belas met die Provinsiale Koerant, Posbus 517, Bloemfontein, Tel.: No. (051) 403 3139 geadresseer word. Gratis eksemplare van die Provinsiale Koerant of uitknipsels van advertensies word NIE verskaf nie.</p> <p><b>Intekengeld (vooruitbetaalbaar)</b></p> <p>Die intekengeld vir die Provinsiale Koerant (insluitend alle Buitengewone Provinsiale Koerante) is soos volg:</p> <p><b>INTEKENGELD: (POS)</b></p> <table style="width: 100%;"> <tr> <td>PRYS PER EKSEMPLAAR</td> <td style="text-align: right;">R 27.00</td> </tr> <tr> <td>HALFJAARLIKS</td> <td style="text-align: right;">R678.00</td> </tr> <tr> <td>JAARLIKS</td> <td style="text-align: right;">R1 356.00</td> </tr> </table> <p><b>INTEKENGELD: (OOR DIE TOONBANK / E-POS)</b></p> <table style="width: 100%;"> <tr> <td>PRYS PER EKSEMPLAAR</td> <td style="text-align: right;">R 19.00</td> </tr> <tr> <td>HALFJAARLIKS</td> <td style="text-align: right;">R 470.00</td> </tr> <tr> <td>JAARLIKS</td> <td style="text-align: right;">R 940.00</td> </tr> </table> <p style="text-align: center;">Seëls word nie aanvaar nie.</p> <p style="text-align: center;"><b>Sluitingstyd vir die Aanneame van Kopie</b></p> <p>Alle advertensies moet die Beampte Belas met die Provinsiale Koerant bereik <b>nie later nie as 16:00 drie werksdae</b> voordat die Koerant uitgegee word. Advertensies wat na daardie tyd ontvang word, word oorgehou vir publikasie in die uitgawe van die volgende week, of as die adverteerder dit verlang, sal dit in die Koerant wat op die pers is as 'n "Laat Advertensie" geplaas word. In sulke gevalle moet die advertensie aan die Beampte oorhandig word <b>nie later nie as 08:00 op die Dinsdag</b> voordat die Koerant gepubliseer word en dubbeltarief sal vir dié advertensie gevra word.</p> <p>'n "Laat Advertensie" sal nie sonder definitiewe instruksies van die Adverteerder as sodanige geplaas word nie.</p> <p style="text-align: center;"><b>Advertensietariewe</b></p> <p>Kennisgewings wat volgens Wet in die Provinsiale Koerant geplaas moet word: <b>R31.50</b> per sentimeter of deel daarvan, enkel-kolom.</p> <p><b>Advertensiegelde is vooruitbetaalbaar aan die Beampte belas met die Provinsiale Koerant, Posbus 517, Bloemfontein 9300, Tel.: (051) 403 3139.</b></p> <hr/> <p style="text-align: center;"><b>NOMMERING VAN PROVINSIALE KOERANT</b></p> <p>U word hiermee in kennis gestel dat die nommering van die Provinsiale Koerant / Tender Bulletin en kennisgewingnummers vanaf 2010 met die betrokke boekjaar sal ooreenstem. 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starting from one will commence on or after 1 April of every year.

woorde, die kronologiese nommering beginnende met een, sal op of na 1 April van elke jaar begin.

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