

**THE PROVINCE OF
GAUTENG**



**DIE PROVINSIE
GAUTENG**

**Provincial Gazette Extraordinary
Buitengewone Provinsiale Koerant**

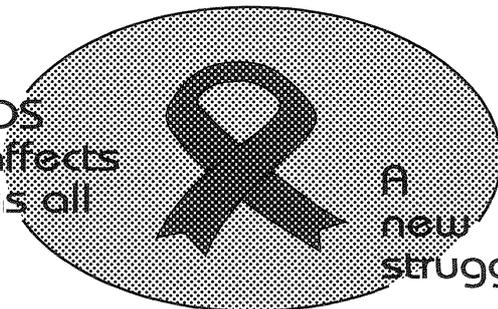
Vol. 20

**PRETORIA, 23 JULY
JULIE 2014**

No. 203

We all have the power to prevent AIDS

**AIDS
affects
us all**



**A
new
struggle**

Prevention is the cure

**AIDS
HELPLINE**

0800 012 322

DEPARTMENT OF HEALTH

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LOCAL AUTHORITY NOTICES

LOCAL AUTHORITY NOTICE 1002

CITY OF TSHWANE METROPOLITAN MUNICIPALITY

NOTICE IN TERMS OF SUBSECTION 87(4) AND (6) OF THE NATIONAL LAND TRANSPORT ACT, 2009 (ACT NO 5 OF 2009) FOR THE DESIGNATION OF VEHICLE POUNDS FOR THE METRO POLICE DEPARTMENT OF THE CITY OF TSHWANE METROPOLITAN MUNICIPALITY

The City of Tshwane, in terms of Subsection 87(4) and (6) of the National Land Transport Act, 2009 (Act no 5 of 2009) does hereby designate Tshwane Metropolitan Police vehicle pounds as depots for the impounding of vehicles pending the investigation and prosecution of the relevant persons in terms of subsection 90(1)(a) or (b) of the said Act and the Chief of the Tshwane Metropolitan Police as the head of Tshwane Metropolitan Police depots. In terms of this notice, all impounding fees relating to the impounding of vehicles at the following depots will be payable to the City of Tshwane in accordance with the applicable tariffs as may be determined from time to time:

- (i) Region 1 Sector 1: Street number: 6550
Street name: A16025 (adjacent to Molefe Makinta Highway)
Block U
Mabopane
GPS Coordinates:
Latitude : -25.50814 (25°30'29.289"S)
Longitude : 28.04087 (28°02'27.120"E)
- (ii) Region 2 Sector 1: Street number: 1733
Street name: A20205 (known as Lovers Lane)
Extension 2
Hammanskraal
GPS Coordinates:
Latitude : -25.40433 (25°24'15.602"S)
Longitude : 28.28796 (28°17'16.659"E)
- (iii) Region 3 Sector 2: Street number: 1130
Street name: Cowie Street (known as 1 Madiba Street)
Pretoria Town and Townlands 351-JR
GPS Coordinates:
Latitude : -25.74592 (25°44'45.330"S)
Longitude : 28.17789 (28°10'40.395"E)
- (iv) Region 4: Street number: 1026
Street name: Kruger Avenue
Droogegrond 380-JR
GPS Coordinates:
Latitude : -25.84206 (25°50'31.415"S)
Longitude : 28.21968 (28°13'10.860"E)
- (v) Region 6: Street number: 71
Street name: Boundary Lane
Mamelodi Sun Valley
GPS Coordinates:
Latitude : -25.71334 (25°42'48.042"S)
Longitude : 28.32897 (28°19'44.280"E)
- (vi) Region 7: Portion 7 of Hondsrivier 508JR 7/R (adjacent to Church Street/R104)
Bronkhorstspuit
GPS Coordinates:
Latitude : -25.80393 (25°48'14.134"S)
Longitude : 28.74947 (28°44'58.103"E)

JASON NGOBENI
CITY MANAGER

23 July 2014
(Notice No 467 of 2014)

LOCAL AUTHORITY NOTICE 1003**CITY OF TSHWANE METROPOLITAN MUNICIPALITY****NOTICE OF THE SANITATION BY-LAWS**

The City Manager of the City of Tshwane Metropolitan Municipality hereby publishes in terms of Sections 5 and 6 of the Local Government: Municipal Property Rates Act, 2004 (Act 6 of 2004), read with section 7 of the Gauteng Rationalisation of Local Government Affairs Act, 1998 (Act 10 of 1998), Section 13 of the Local Government: Municipal System Act, 2000 (Act 32 of 2000), and Section 162 of The Constitution of the Republic of South Africa, 1996 (Act 108 of 1996); the City Of Tshwane Metropolitan Municipality: Sanitation By-Laws, as contemplated in the hereunder and approved by the said Council on **30 May 2014**.

The said By-laws will come into operation on date of promulgation hereof in the Provincial Gazette.

JASON NGOBENI
CITY MANAGER

(Notice No 468 of 2014)
23 July 2014

CITY OF TSHWANE**SANITATION BY -LAWS**

The purpose of the said By-laws is to provide for the general definition of local sanitation services to consumers; to provide for the type of sanitation services; to provide for industrial effluent; to provide for charges for sanitation services; to provide for offences and penalties; responsibilities of the Municipality in the provision of sanitation services, and that of consumers in respect of the sanitation services; and to provide for matters connected.

PREAMBLE

WHEREAS the Constitution of the Republic of South Africa Act, 1996 mandates the City of Tshwane Metropolitan Municipality to render the function of Sanitation services limited to domestic waste-water and sewage disposal systems within its area of jurisdiction;

AND WHEREAS these by-laws envisages to provide for the above and matters related thereto;

AND WHEREAS these by-laws envisages to provide to promote a fair, accessible and sustainable sanitation service and for that purpose, to ensure compliance with the national norms and standards relating to consumer protection.

BE IT ENACTED by the Council of the City of Tshwane Metropolitan Municipality, as follows:-

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CHAPTER 1. GENERAL

Definitions

1. In these by-laws, unless the context otherwise indicates -

"1-in-50-years flood level"	means that level reached by flood waters resulting from a storm of a frequency of 1 in 50 years;
"adequate" or "effective"	means (a) adequate or effective in the opinion of the Municipality; or (b) in relation to any document issued by the Council.
"anti-siphonage pipe"	means any pipe or portion of a pipe provided for the protection, by ventilation, of the water seal of a trap against unsealing by siphonage or back pressure;
"approved"	means approved by the Municipality in writing;
"authorised agent"	means any person or contractor officially authorised by the Municipality to act as the Municipality's agent;
"building regulations"	means the National Building Regulations and other standards or regulations made in terms of the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977);
"cleaning eye"	means any access opening to the interior of a discharge pipe or trap which is provided for the purposes of internal cleaning and which remains permanently accessible after completion of the drainage installation;
"connection"	means the point where a drain is connected to the sewer connection;
"conservancy tank"	means a covered tank which is used for the reception and temporary retention of sewage and which requires emptying at intervals;
"domestic effluent"	means effluent of prescribed domestic strength characteristics in respect of chemical oxygen demand and settleable solids, being appropriate to sewage discharges from domestic premises within the jurisdiction of the Municipality, but does not include industrial effluent;
"drain"	means that part of a drainage installation, other than soil-water pipes, waste-water pipes, ventilation pipes and anti-siphonage pipes, of which ownership is vested in the owner of the premises and which has been laid in the ground and is used or intended to be used for conveying sewage to the sewer connection or to a common drain or a conservancy tank or septic tank which is situated on the premises;
"drainage installation"	means an installation of which ownership is vested in the owner of the premises and includes any drain, soil-water pipe, stack, waste-water pipe, ventilation pipe, anti-siphonage pipe, soil-water fitting, waste-water fitting, mechanical appliance or any other appliance or fitting, or a combination of such drain, pipe, stack, fitting and appliance, for the collection and conveyance of sewage;

"drainage work"	means any construction or reconstruction of, or any alteration or addition to, or any work done in connection with a drainage installation, but does not include any work undertaken solely for purposes of repair or maintenance;
"effluent"	means any liquid, whether or not containing matter in solution or suspension;
"Engineer"	means the professional person or technologist appointed by the Municipality to perform or exercise the functions, powers and duties in terms of these by-laws
"gully"	means a pipe fitting incorporating a trap into which waste water is discharged;
"industrial effluent"	means effluent emanating from the industrial use of water, including, for purposes of these by-laws, any effluent other than domestic effluent or stormwater;
"JASWIC"	means the Joint Acceptance Scheme for Water-Services Installation Components, which approves a list of water and sanitation installations, which list is obtainable from the Municipality;
"manhole"	means any access chamber to the interior of a sewer provided for the purpose of maintenance and internal cleaning;
"Municipality"	means the City of Tshwane Metropolitan Municipality, as established by General Notice 6770 in <i>Provincial Gazette Extraordinary</i> 141 of 1 October 2000 in terms of the provisions of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998), and as provided for by section 155(1)(a) of the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996), and includes any official or authorised agent to whom the Council of the Municipality has delegated the powers, functions and duties in terms of these by-laws;
"owner"	means - <ul style="list-style-type: none"> (a) the person in whom from time to time is vested the legal title to the premises; (b) a person who receives the rent or profit of premises from a tenant or occupier of the premises, or who would receive such rent or profit if the premises were leased, whether for his or her own account or as an agent for a person entitled to the rent or profit; (c) where the person in whom the legal title to the premises is vested is insolvent or dead, or is under any form of legal disability whatsoever, the person in whom the administration and control of the premises is vested as curator, trustee, executor, administrator, judicial manager, liquidator or other legal representative; (d) in the case of premises for which a

- lease agreement of 30 years or more has been entered into, the lessee of the premises; or
- (e) in relation to -
- (i) a piece of land delineated on a sectional plan registered in terms of the Sectional Titles Act, 1986 (Act 95 of 1986), the developer or the body corporate in respect of the common property; or
- (ii) a section as defined in the Sectional Titles Act, 1986, the person in whose name the section is registered under the sectional title deed, and includes the lawfully appointed agent of such a person;
- (f) a person occupying land under a register held by a tribal authority or in accordance with a sworn affidavit made by a tribal authority;
- "package plant"** means any on site, water borne, domestic effluent treatment system; whether it consists of one or many modules; with a total capacity less than 2 000 m³/day. It typically includes equipment largely constructed and packaged off site and brought onsite for installation;
- "piece of land"** means -
- (a) a piece of land registered in a deeds registry as an erf, stand, lot, plot or other area or as a portion or a subdivision portion of such an erf, stand, lot, plot or area; or
- (b) a defined portion, not intended as a public place, or a piece of land which is held under surface right permit or under mining title, or which, being proclaimed land not held under mining title, is used for residential purposes or for purposes not incidental to mining operations;
- "plumber"** means a person who has passed a qualifying trade test in plumbing or has been issued with a certificate of proficiency for plumbing in terms of the Manpower Training Act, 1981 (Act 56 of 1981) as amended, or holds such other qualification as may be required under the South African Qualifications Authority Act, 1995 (Act 58 of 1995);
- "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, 1997 (Act 8 of 1997), or in terms of the Deeds Registries Act, 1937 (Act 47 of 1937); or
- (b) a sectional plan registered in terms of the Sectional Titles Act, 1986; or
- (c) a register held by a tribal authority;
- "professional engineer"** means a person registered in terms of the Engineering Profession Act, 2000 (Act 46 of 2000), as a professional engineer or professional technologist;
- "purified sewerage effluent"** means the water discharged from a water

	purification works after purification, either into a water course or for the purposes of re-use.
"sanitary fitting" or "sanitary appliance"	means any soil-water fitting and any waste-water fitting;
"sanitation services"	has the meaning assigned to it in the Act and includes, for purposes of these by-laws, water for industrial purposes and disposal of industrial effluent;
"septic tank"	means a tank designed to receive sewage and to effect the adequate decomposition of organic matter in sewage by bacterial action;
"sewage"	means soil water, waste water, industrial effluent and other liquid waste, whether separately or together, but does not include stormwater;
"sewer"	means any pipe with fittings, of which ownership is vested in the Municipality, and which is designed and used or intended to be used for the conveyance of sewage, but does not include a drain;
"sewer connection"	means that part of a sewer system which is vested in the Municipality and which connects a drain to a sewer;
"soil water"	means any liquid containing human or animal excreta;
"soil-water fitting"	means any fitting used for the reception and discharge of soil water;
"soil-water pipe"	means any pipe, other than a drain, used for the conveyance of soil water with or without waste water;
"stack"	means the main vertical component of a drainage installation or any part of the installation other than a ventilation pipe;
"stormwater"	means any liquid resulting from natural precipitation or accumulation and includes rainwater, spring water and groundwater;
"tariff"	means the tariff of charges in respect of the Municipality's sewer services, as determined by the Municipality from time to time in terms of the relevant legislation;
"the Act"	means the Water Services Act, 1997 (Act 108 of 1997), as amended from time to time;
"trap"	means a pipe fitting or portion of a sanitary appliance designed to retain a water seal in position;
"urinal diversion toilet"	A toilet structure built over a vault. The vault is normally constructed above ground level to facilitate easy access to the vault for cleaning. A special pedestal is used to separate urine from faeces;
"ventilation pipe"	means any pipe or portion of a pipe not conveying any liquid, which pipe or portion of a pipe leads to the open air at its highest point and is used to ventilate a drainage installation in order to prevent destruction of water seals;

"waste water"	means used water that has not been polluted by soil water or industrial effluent, but does not include stormwater;
"waste-water fitting"	means any fitting used for the reception and discharge of waste water;
"waste-water pipe"	means any pipe, other than a drain, used for the conveyance of waste water only;
"waste-water treatment plant"	means any water works for the purification, treatment and/or disposal of effluent;
"Water Act"	means the National Water Act, 1998 (Act 36 of 1998), as amended from time to time; and
"water seal"	means the water in a trap, which serves as a barrier against the flow of foul air or gas.
"VIP toilet"	VIP toilets consist of a toilet structure built over a pit, which is vented by a pipe, with a fly screen on top. The pit may be unlined, lined and sealed depending on soil conditions.

Standard of sanitation service

2. Sanitation services provided by the Municipality will comply with the minimum standards set for the provision of sanitation services in terms of section 9 of the Act.

Scope of by-laws

3. (1) These by-laws apply to every sewer installation and drainage installation, and in particular to the operation and maintenance of such an installation in any new building or existing building, with or without any alterations or additions to an existing sewer installation or drainage installation, whether or not required by the Municipality.
- (2) Any sewer installation and drainage installation may at any time after its completion and commissioning be subjected to such inspection, approval, tests and control as the Municipality may deem fit or require.

Notices

4. (1) Every notice, order or other document issued or served by the Municipality in terms of these by-laws is valid if signed by an official of the Municipality who is duly authorised to do so.
- (2) Any notice, order or other document issued or served in terms of these by-laws on any person shall be served in the following manner:
 - (a) The notice, order or other document, or a true copy of the notice, order or document, shall be delivered personally to the person to whom it is addressed or shall be delivered at his or her last-known residence or place of business; or
 - (b) the notice, order or other document, or a true copy of the notice, order or document, shall be posted to the person to whom it is addressed at his or her last-known residence or place of business, in which case it will be deemed to have been served five days after it was posted.
- (3) In every notice, order or other document issued or served in terms of these by-laws, the premises to which the notice, order or document relates will be specified, but the person for whom it is intended may be referred to as "the owner" or "the occupier" if his or her name is not known.

Application for water services

5. (1) No person is entitled to access to water services unless -
 - (a) an application has been made to the Municipality on the form prescribed in terms of the Municipality's by-laws relating to credit control and debt collection; and
 - (b) the application has been approved by the Municipality.
- (2) Sanitation services rendered by the Municipality are subject to these by-laws and the conditions contained in the relevant agreement.

CHAPTER 2. TYPES OF SANITATION SERVICES

On-site sanitation services and associated services

Application

6. (1) If an agreement for on-site sanitation services and associated services in accordance with subsection 6(2) exists and no municipal infrastructure in connection with the services exists for premises, the owner must immediately, with the approval of the Municipality and at his or her cost, install appropriate on-site sanitation services in accordance with the specifications of the Municipality.
- (2) The Municipality may specify the type of on-site sanitation services to be installed.

Septic tanks and treatment plants

7. (1) No person may construct, install or operate a septic tank or other plant for the treatment, disposal or storage of sewage without the prior written consent of the Municipality. Such consent is granted without prejudice to any of the provisions of these by-laws or any other relevant laws or by-laws.
- (2) The Municipality may, at its discretion and on such conditions as it may prescribe, permit the disposal of domestic effluent by means of a package plant.
- (3) The Municipality shall differentiate between package plants regarding monitoring, tariffing and other regulatory requirements on the size of the package plants within the following classification:

Package Plant Type	Maximum Daily Design Capacity (kl/d)	Maximum Dwellings (Units) Capacity
A	250	410
B	500	820
C	1000	1640
D	2000	3280

- (4) No person may discharge or cause or permit the discharge of any substance from a package plant which does not:-
 - (a) comply with the requirements and conditions imposed by the National Water Act; and
 - (b) exceeds any of the limits or concentrations of substances given in Appendix D to these by-laws.
- (5) In respect of any package plant, the owner must conduct the prescribed tests on the discharge of the purified effluent or waste water according to a regular schedule as provided for by the Municipality and must report the results of the tests to the Municipality.
- (6) The Municipality may require the owner of any package plant to incorporate, in such a position as the Municipality may determine, any control meter or gauge or other device of an approved type and in control of the Municipality for the purpose of ascertaining to the satisfaction of the Municipality the tempo, volume and/or composition of the treated effluent discharge.

- (7) The Municipality may conduct random monitoring of the package plant and execute compliance tests on the treated effluent. If discrepancies are found between the values of the owner and those of the Municipality, the values of the Municipality must be taken as correct after consultation with the owner. Further tests may be requested by the Municipality to determine the values for the treated effluent, which tests must all be conducted at the cost of the owner.
- (8) The removal and handling of any sewage sludge must be in accordance with the relevant health laws and by-laws.
- (9) No one may, without the prescribed license issued by the Minister in terms of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) and the authority of the Municipality, deliver waste management services, including waste removal, waste storage and waste disposal services.
- (10) Any person who generates general waste that is collected by a municipality must place the waste in a container approved, designated or provided by the 15 municipality for the placing of waste.

French drains

8. The Municipality may, at its discretion and on such conditions as it may prescribe, having regard to the quantity and nature of the effluent and the nature and permeability of the soil, permit the disposal of waste water or other effluent by means of French drains, soakage pits or other approved works.

Dry systems

9. The Municipality may, at its discretion and on such conditions as it may prescribe, having regard to 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, permit the disposal of human excrement by means of a VIP toilet, urine diversion toilet or similar constructed and maintained in accordance with the specifications of the Municipality and located in a position indicated by the Municipality.

Conservancy tanks

- 10 (1) The Engineer may, at his/her discretion, permit the owner of premises to construct a conservancy tank and ancillary appliances for the retention of soil water or such other sewage or effluent as the Engineer may decide, and the tank and appliances must be of such capacity and be located at such level as the Engineer may prescribe.
- (2) No rainwater or stormwater and no effluent other than that which the Municipality has permitted in terms of subsection (1) may be discharged into a conservancy tank.
- (3) The Municipality may, at its discretion, having regard to the position of a conservancy tank or to the point of connection for a removal vehicle, make it a condition for the emptying of the tank that the owner or user of the tank indemnifies the Municipality in writing against any sum which the municipality may become liable to pay to any person as a direct or indirect result of the rendering of the service in respect of the tank.
- (4) The Municipality is entitled to empty or to draw off part of the contents of a conservancy tank at any reasonable time on any day of the week and in such manner as it may decide, having regard to the general requirements of the service in respect of the tank and in particular to the necessity for avoiding separate or unnecessary journeys by the Municipality's removal vehicle or anyone else's removal vehicle.
- (5) Where the Municipality's removal vehicle or anyone else's removal vehicle has to traverse private premises for the emptying of a conservancy tank, the owner of the premises on which the conservancy tank is installed must -
 - (a) provide a roadway for such purpose of a width of at least 3,5m, so hardened as to be capable of withstanding a wheel load of 4 metric tons in all weather; and
 - (b) ensure that no gateway through which the vehicle is required to pass to reach the tank is less than 3,5m wide.

- (6) The owner or occupier of premises on which a conservancy tank is installed must at all times maintain the tank in good working order and condition to the satisfaction of the Engineer.

Sewage delivered by road haulage

Acceptance of sewage delivered by road haulage

11. (1) The Engineer may, at his or her discretion and subject to the conditions that he or she may specify, accept sewage for disposal which is delivered by road haulage to a waste-water treatment plant of the Municipality or another site approved by the Engineer.
- (2) Any person who is in control of a vehicle, or in a position to control the use of a vehicle, that is used to transport sewage for the purpose of offloading that sewage, shall do so only if authorized by law to so have control or collect that sewage, where authorization is required;
- (3) Any person engaged in the transportation of sewage must take all reasonable steps to prevent any spillage of sewage or littering from a vehicle used to transport waste.
- (4) Where sewage is transported for the purposes of disposal, a person transporting the waste must, before offloading the sewage from the vehicle, ensure that the facility or place to which the waste is transported, is authorised to accept such sewage.
- (5) Any person who stores sewage must at least take steps, unless otherwise provided by this by-law, to ensure that—
- (a) the containers in which any sewage is stored, are intact and not corroded or in any other way rendered unfit for the safe storage of waste;
 - (c) adequate measures are taken to prevent accidental spillage or leaking;
 - (d) nuisances such as odour, visual impacts and breeding of vectors do not arise;

Written permission for delivery of sewage by road haulage

12. (1) No person may discharge sewage into a waste-water treatment plant of the Municipality or another approved site, except with the written permission of the Engineer and subject to the period and the conditions that may be imposed in the written permission.
- (2) Road haulage discharges will only be accepted at waste-water treatment plants of the municipality and only in exceptional cases at other approved sites.
- (3) The charges for any sewage delivered for disposal to the Municipality's wastewater treatment plants, or to approved sites, shall be assessed by the Municipality in accordance with the prescribed tariffs.
- (4) Road haulage effluent discharged on an industrial site other than a waste-water treatment plant will be classified as industrial effluent and charged accordingly.

Conditions for delivery of sewage by road haulage

13. When sewage is delivered by road haulage to a waste-water treatment plant of the Municipality or to an approved site for disposal -
- (a) the time and place of delivery must be arranged with the Engineer;
 - (b) the nature, composition and volume of the sewage must be established and declared, to the satisfaction of the Engineer, prior to the discharge of the sewage;
 - (c) no person may deliver sewage that does not comply with the standards laid down in terms of these by-laws;
 - (d) industrial effluent discharges will be accepted if the nature and composition of the sewage are acceptable to the Engineer and these effluents will be charged according to the industrial effluent tariff, and
 - (e) road haulage discharged at an industrial site other than a waste-water treatment plant must be discharged via a closed system or enclosed area, with the necessary grids and effluent measuring system in place.

Withdrawal of permission for delivery of sewage by road haulage

14. The Engineer may withdraw any permission contemplated in section 12(1) after giving the person to whom permission is granted at least 14 days' written notice of the Municipality's intention to withdraw the permission if that person -
- (a) fails to ensure that the sewage delivered conforms to the standards prescribed in Appendix A to these by-laws or in the written permission; or
 - (b) fails or refuses to comply with any notice lawfully served on him or her in terms of these by-laws, contravenes any provisions of these by-laws, or fails or refuses to comply with any condition imposed on him or her in any permission granted to him or her.

Connection to municipal sewer system

Connection to sewer

15. (1) No part of any drainage installation may extend beyond the boundary of the piece of land on which the building or part of the building served by the drainage installation is erected, provided that, where the Municipality considers it necessary or expedient to do so, the Municipality may permit the owner to lay a drain, at the owner's own expense, through an adjoining piece of land on submission of proof of registration of the appropriate servitude or of a notarial deed of joint drainage, as the Municipality may require.
- (2) As soon as the Municipality has provided a sewer connection, the owner must connect the drain to the sewer at his or her own expense.
 - (3) Any alternative or additional sewer connection required by the owner is subject to the approval of the Engineer and must be effected at the owner's expense in accordance with the standards and specifications of the Engineer.
 - (4) Except as may be otherwise authorised by the Municipality in writing, no person other than a plumber or an official duly authorised by the Engineer to do so may install a sewer connection to a sewer. Any such sewer connection must be installed in accordance with the specifications of the Engineer.
 - (5) No person may permit any substance whatsoever, other than clean water for testing purposes, to enter a drainage installation before the drainage installation has been connected to the sewer.
 - (6) The Engineer may authorise and approve, at his or her sole discretion, the conveyance of sewage from two premises or more by means of a common drain to the sewer connection.
 - (7) After the completion of every drainage installation and after the completion of any alteration to a drainage installation, 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 building regulations, these by-laws and any other relevant law or by-laws.

Disconnection of drainage installations and conservancy or septic tanks

16. (1) If an existing on-site sanitation system is no longer required for the storage or treatment of sewage, or if permission for the storage or treatment is withdrawn, the owner must cause the system to be disconnected and to be either completely removed or completely filled with earth or other suitable material, provided that the Engineer may require a tank to be otherwise dealt with or may permit the tank to be used for some other purpose, subject to the conditions the Engineer may consider necessary, regard being had to all the circumstances of the case.
- (2) After all the requirements of the building regulations in regard to disconnection have been complied with and, at the request of the owner, the Engineer shall issue a certificate to the effect that -
 - (a) the disconnection has been completed in terms of the building regulations; and

- (b) any charges levied in respect of the disconnected portion of the drainage installation will cease to be levied with effect from the first day of the month following the issue of the certificate, provided that until the certificate is issued by the Engineer any such charges shall continue to be levied.
- (3) When a drainage installation is disconnected from a sewer, the Engineer shall seal the opening made and shall recover from the owner the cost of the work in terms of section 42.
- (4) Any person who without the permission of the Municipality breaks or removes or causes or permits the breakage or removal of a seal installed in terms of subsection (3) is guilty of an offence under these by-laws.
- (5) Where a drainage system is connected to or disconnected from the sewer system during the month, the charge, excluding the fixed charge of every erf, stand, premises or other area, which has or has no improvements or which can be connected to a sewer in the opinion of the Municipality, shall be calculated as if the connection had been made on the first day of the month following the month in which the connection or disconnection was effected.

Materials to be used in sanitation to be authorised

- 17. (1) No person may, without the prior written authority of the Municipality, install or use a pipe or fitting in a drainage or sewer installation within the Municipality's area of jurisdiction, unless the pipe or fitting is included in the schedule of approved sanitation pipes and fittings that is compiled by the Municipality.
- (2) Application for the inclusion of a pipe or fitting in the schedule referred to in subsection (1) must be made on the form prescribed by the Municipality.
- (3) A pipe or fitting may be included in the schedule referred to in subsection (1) if –
 - (a) the pipe or fitting bears the standardisation mark of the SABS in respect of the relevant SABS specification issued by the SABS; or
 - (b) the pipe or fitting bears a certification mark issued by the SABS to certify that the pipe or fitting complies with an SABS mark specification or a provisional specification issued by the SABS, provided that no certification marks are issued for a period exceeding two years; or
 - (c) the pipe or fitting has been issued with a JASWIC acceptance certificate.
- (4) The Municipality may, in respect of any pipe or fitting included in the schedule referred to in subsection (1), impose such additional conditions as it may deem necessary in respect of the use or method of installation of the pipe or fitting.
- (5) A pipe or fitting shall be removed from the schedule referred to in subsection (1) if -
 - (a) the pipe or fitting no longer complies with the criteria upon which its inclusion in the schedule was based; or
 - (b) the pipe or fitting is no longer suitable for the purpose for which its use was accepted for inclusion in the schedule.
- (6) A current schedule as referred to in subsection (1) shall be available for inspection at the office of the Municipality at any time during the Municipality's working hours.
- (7) The Municipality may sell copies of the schedule referred to in subsection (1) at the prescribed charge.

Drainage work that does not satisfy the requirements

- 18. (1) Where a drainage installation that has been constructed or drainage work that has been carried out fails to comply in any respect with any of the provisions of the building regulations or these by-laws, the owner must, notwithstanding the fact that he or she may have received approval for the plans for the installation or work in terms of the building regulations or previous by-laws, carry out, on receiving written notice from the Municipality, the repairs, replacements, alterations or maintenance work in respect of the installation or work within the period specified in the notice.
- (2) When, in the opinion of the Municipality, a nuisance exists owing to the emission of gas from a trap or sanitary fitting or any other part of a drainage installation, the Municipality may require the owner, at his or her expense, to take such action as may be necessary to prevent the recurrence of the nuisance.

- (3) Where any sewage, after being discharged into a drainage installation, enters or overflows a soil-water fitting or wastewater fitting connected to the drainage installation or leaks out somewhere from the drainage installation, whether by reason of surcharge, back pressure or any other circumstance, the Municipality may, by notice in writing, require the owner to carry out within the period specified in the notice the work necessary to abate and to prevent any recurrence of the entry, overflow or leakage of sewage.
- (4) Instead of serving the notice contemplated in subsection (1) or (3), or where such a notice has not been complied with within the period prescribed in the notice, the Municipality may, without prejudice to its right to also prosecute the person or body to whom the notice was directed because of an infringement of the building regulations or these by-laws -
 - (a) proceed itself to carry out such alterations, removals or other work as it may deem necessary for compliance with the provisions of the building regulations or these by-laws; and
 - (b) recover, in terms of section 42, the cost of the alterations, removals or other work from the owner by the ordinary process of law.

Prohibited construction and work

19. (1) Any person who, without the prior consent in writing of the Municipality -
 - (a) erects or causes to be erected any building or other structure over a sewer or pipe vested in the Municipality or constructed under the authority of the Engineer;
 - (b) excavates, opens up or removes or causes to be excavated, opened up, or removed the ground under or near to such a sewer or pipe;
 - (c) makes or causes to be made any opening into such a sewer or pipe for the purpose of discharging sewage into the sewer or pipe or for another purpose; or
 - (d) damages or destroys or causes to be damaged or destroyed such a sewer or pipe or any works or things in connection with the sewer or pipe,is guilty of an offence.
- (2) Where an offence in terms of subsection (1) has been committed, the Municipality may alter, demolish or otherwise deal with the building or structure that has been erected, fill in and make good any damage caused, or close any opening in the sewer or pipe, as the Municipality may think fit, and the expenses incurred shall, together with a fine, be recovered from the offender in a competent court.

Maintenance

20. Where any part of a drainage installation is used by two owners or more or two occupiers or more, they are jointly and severally liable in terms of this section for the maintenance and repair of the drainage installation.
21. The owner of the premises must ensure that all sewer manholes on the premises are permanently visible and accessible.

Sewer blockages

22. (1) No person may cause or permit such an accumulation of grease, oil, fat, solid matter or any other substance in any trap, tank or fitting as to cause the blockage or ineffective operation of the trap, tank or fitting.
- (2) When the owner or occupier of premises has reason to believe that a blockage has occurred in any drainage installation on the premises, he or she must take immediate steps to have the blockage cleared or removed at his/her own costs.
- (3) When the owner or occupier of premises has reason to believe that a blockage has occurred in the sewer system, he or she must immediately inform the Municipality of the blockage.

- (4) The Engineer is entitled at his or her discretion to clear or remove, whether or not at the request of the owner of the premises, a blockage from a drainage installation and to recover the cost of the clearing or removal from the owner in accordance with section 42.
- (5) Should the clearing or removal by the Municipality of any blockage in a sewer or drainage installation necessitate the removal or the disturbance of any paving, lawn or other artificial surfacing on any premises, the Municipality is not liable for the reinstatement of the paving, lawn or other artificial surfacing constructed on top of the sewer line or any part of the servitude.
- (6) The owner of any premises is responsible for ensuring that all cleaning eyes and manholes on the premises are at all times visible and properly sealed.
- (7) Should any drainage installation on any premises overflow as a result of an obstruction in the sewer, and should the Engineer be reasonably satisfied that the obstruction was caused by objects emanating from the drainage installation, the owner of the premises served by the drainage installation is liable for the cost of clearing or removing the blockage, and the Municipality may recover the cost from the owner in accordance with section 42.
- (8) Where a blockage has been cleared or removed from a drain or portion of a drain that serves two pieces of land or more, the charge for the clearing or removal of the blockage is recoverable in equal proportions from each of the owners of the pieces of land, provided that the owners are jointly and severally liable for the whole charge.

Interference with or damage to sewers or waste-water treatment plant infrastructure

23. Any damage caused to the Municipality's sewers or any part of its sewers or to the Municipality's waste-water treatment plants through, or in consequence of, non-compliance with or contravention of any provision of the building regulations or these by-laws shall be rectified or repaired by the Municipality at the expense of the person responsible for the non-compliance or contravention or for causing or permitting the non-compliance or contravention, and the cost of rectifying or repairing the damage shall be determined by the Engineer.

Entry onto premises

24. (1) The Municipality or its authorised agent may enter any premises for the purposes set out in accordance with the provisions of section 80 of the Act.
- (2) Any person wishing to enter any premises in terms of subsection (1) shall-
 - (a) give the owner or occupant prior written notice of a period of not less than 7 days or a shorter period, with consent of the owner or legal occupant of the premises, before entering such premises, and shall adhere to all reasonable security measures, if any, of the occupant or owner of the premises;
 - (b) exhibit his or her written authorization at the request of any person materially affected by his activities;
 - (c) in addition to the written authorization and without any request, positively identify him- or herself by exhibiting his Identity Document.
- (3) Any person wishing to enter any premises for the purpose of inspection, take samples of or test sewage or industrial effluent, removal and/or seizure of any installation, fittings, works, illegal construction on the premises or due to any emergency, shall-
 - (a) do so without any prior notice and where he or she reasonable believe that a prior notice will defeat the purpose of entry;
 - (b) exhibit his or her written authorization at the request of any person materially affected by his activities;
 - (c) in addition to the written authorization and without any request, positively identify him- or herself by exhibiting his Identity Document;
 - (d) The authorised person shall list any article seized in terms of these by-laws and provide the owner or occupant of the premise with an inventory, and such article shall forfeit to the Municipality, unless the owner thereof applies to the court for the return thereof, and proves to the satisfaction of the court that the item was not installed on the system illegally or used for any illegal activities on the sewerage system, within a period of thirty days from the date of seizure.

- (4) Without derogating from any specific duty imposed on a consumer by these by-laws, every consumer shall –
- (a) as far as is reasonably practicable, cause the Municipality to be made conversant with any hazards to the health and safety of any person attached to any work or activity performed by any other person on the sewerage system, or any article or appliance used in contravention of any of the provisions of this by-law;
 - (b) inform the Municipality of any necessary inspections, investigations or formal inquiries that may need to be made in establishing whether or not any of the provisions of this by-laws is infringed.
- (5) Anyone who unreasonably hinder, obstruct, interfere with, withholds information or refuse entry of a duly authorized official to the premises or property, or cause such entry to be hindered, obstructed, interfered with or refused, shall be guilty of an offence and on conviction by the court, shall be liable to a fine as may be prescribed in terms of this by-laws;

Mechanical food-waste or other disposal units

25. (1) No person may incorporate into a drainage installation a mechanical food-waste or other disposal unit or garbage grinder that has a power capacity in excess of 1 kW, except with the written permission of the Engineer and subject to the conditions that may be imposed in the written permission.
- (2) The Engineer may require the owner or occupier of any premises on which a food-waste or other disposal unit or a garbage grinder has been installed, or the owner of such a unit or grinder, to remove, repair or replace the unit or grinder if, in the opinion of the Engineer, the unit or grinder is functioning inefficiently or is impairing the functioning of the Municipality's sewer system.
- (3) The owner or occupier referred to in subsection (2) must, upon removal of a unit or grinder, notify the Municipality within 14 days of the removal.
- (4) The charges as prescribed in the applicable tariff must be paid in respect of the discharge of a food-waste or other disposal unit or garbage grinder referred to in subsection (1).

Grease traps

26. A grease trap of the approved type, size and capacity must be provided instead of a gully to take the discharge of waste water from every sink or other fitting in –
- (a) a building in respect of which the waste water is disposed of in French drains or other similar works; and
 - (b) any place where, in the opinion of the Municipality, the discharge of grease, oil and fat is likely to cause an obstruction in the flow in the sewers or drains or to cause an interference with the proper operation of a waste-water treatment plant.

Industrial grease traps

27. (1) Industrial effluent that contains or, in the opinion of the Municipality, is likely to contain grease, oil, fat or inorganic solid matter in suspension must, before the effluent is allowed to enter any sewer, be passed through one or more tanks or chambers of an approved type, size and capacity designed to intercept and retain the grease, oil, fat or solid matter.
- (2) Oil, grease or any other substance that is contained in any industrial effluent or other liquid and that gives off an inflammable or noxious vapour at a temperature of or exceeding 20 °C must be intercepted and retained in a tank or chamber so as to prevent entry of the oil, grease or substance into the sewer.
- (3) A tank or chamber referred to in subsection (1) must comply with the following requirements:
- (a) The tank or chamber must be –
 - (i) of adequate capacity;
 - (ii) constructed of hard, durable materials; and
 - (iii) watertight when completed.

- (b) The water seal of the discharge pipe of the tank or chamber must be not less than 300 mm in depth.
 - (c) The tank or chamber must be provided with such a number of manhole covers as may be adequate for the effective removal of grease, oil, fat and solid matter.
- (4) A tank or chamber referred to in subsection (1) must be cleaned regularly to remove grease, oil, fat and solid matter, and the person discharging effluent into the tank or chamber must maintain a register in which the following must be recorded and appear:
- (a) The dates on which the tank or chamber was cleaned;
 - (b) the name of the company employed to clean the tank or chamber; and
 - (c) a certificate from the cleaning company certifying that the tank or chamber has been cleaned and stating the manner in which the contents of the tank or chamber were disposed of.

Mechanical appliances for lifting sewage

28. (1) Every person must, before installing any mechanical appliance for the raising or transfer of sewage in terms of the building regulations, apply in writing to the Engineer for permission to install the appliance, and application must be made on the form included in the Municipality's specifications for the design of pump stations.
- (2) The form prescribed in subsection (1) must be completed by a professional engineer who is fully conversant with the mechanical details of the appliance, and the undertaking annexed to the form must be signed by the owner of the premises.
- (3) The application form referred to in subsection (1) must be accompanied by drawings prepared in accordance with the relevant provisions of the building regulations, and the drawings must show -
- (a) details of the compartment containing the appliance, the sewage storage tank, the stilling chamber and the position of the appliance, tank and chamber; and
 - (b) the position of the drains, ventilation pipes, rising main and the sewer connection.
- (4) Notwithstanding any permission given in terms of subsection (1), the Municipality is not liable for any injury or damage to life or property caused by the use or malfunctioning of an appliance or by any other condition arising from the installation or operation of the appliance, which appliance must be designed by a professional engineer who remains liable.
- (5) Every mechanical appliance installed for the raising or transfer of sewage must be specifically designed for that purpose and must be fitted with a discharge pipe, sluice valves and non-return valves located in approved positions.
- (6) Unless otherwise permitted by the Engineer, two mechanical appliances for the raising or transfer of sewage must be installed, and each appliance must be controlled so that one will begin to function automatically and immediately in the event of the failure of the other.
- (7) Every mechanical appliance forming part of a drainage installation must be located and operated in such a manner as not to cause any nuisance through noise or smell or otherwise, and every compartment containing such an appliance must be ventilated effectively.
- (8) The maximum discharge rate from any mechanical appliance and the times between which the discharge may take place must be as prescribed by the Engineer who may, at any time, require the owner of the premises to install such fittings and regulating devices as may be necessary to ensure that the prescribed maximum discharge rate is not exceeded.
- (9) (a) 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 the appliance.

- (b) Every sewage storage tank required in terms of paragraph (a) must meet the following requirements:
- (i) The sewage storage tank must be constructed of hard, durable materials and must be watertight, and the internal surfaces of the walls and floor of the tank must be rendered smooth and impermeable.
 - (ii) The sewage storage tank's storage capacity below the level of the inlet must be equal to the quantity of sewage that can be discharged into the tank within a period of 24 hours or 900 litres, whichever is the greater quantity.
 - (iii) The sewage storage tank must be designed so that the maximum proportion of its sewage content is emptied during each discharge cycle of the mechanical appliance.
- (10) If a mechanical appliance consists of a pump, the starting mechanism must be set for pumping to commence when the volume of sewage contained in the storage tank is equal to not more than one fifth of the tank's storage capacity.
- (11) When required by the Engineer, a stilling chamber must be installed between the outlet of the mechanical appliance and the connecting drain or sewer connection, as the case may be, and such a chamber must have a depth of not less than 1 500 mm.
- (12) Every storage tank and stilling chamber must be provided with a ventilation pipe in accordance with the Engineer's specifications.

Swimming pools

29. No water from a swimming pool may, without the prior written permission of the Municipality, be discharged directly or indirectly over or into any road, gutter or stormwater drain of which ownership is vested in the Municipality. The backwash water from a swimming pool may be discharged into the drainage system on the premises on which the pool is situated.

Protection from ingress of flood waters

30. Where a development is situated in the 1-in-50-years flood plain, the top level of all service access holes, inspection chambers and gullies must be above the 1-in-50-years flood level.

Stormwater not to enter sewers

31. (1) No person may discharge or cause or permit to be discharged any substance other than sewage into a drainage installation.
- (2) No person may allow or cause to be allowed the flow or ingress of storm water into a sewerage installation of the Municipality.

Sewage or other pollutants not to enter stormwater drains

32. (1) The owner or occupier of any piece of land on which steam or any liquid, other than potable water, is stored, processed or generated must provide all the facilities necessary to prevent any discharge, leakage or escape of such liquid into any street, stormwater drain or watercourse, except where, in the case of steam, the Municipality has specifically permitted such a discharge.
- (2) Where the hosing down or the flushing by rainwater of an open area on any private premises is, in the opinion of the Municipality, likely to cause the discharge of objectionable matter into a street gutter, stormwater drain, river, stream or other watercourse, whether natural or artificial, or to contribute to the pollution of such a watercourse, the Municipality may instruct the owner of the premises to take, at his or her cost, the measures, by way of the owner's alteration of the drainage installation or roofing of the area, it may consider necessary to prevent or minimise the discharge or pollution.

CHAPTER 3. INDUSTRIAL EFFLUENT

Permission to discharge industrial effluent

33. (1) No person may discharge or cause or permit to be discharged into any sewer any industrial effluent or other liquid or substance other than soil water or waste water without the written permission of the Municipality first being obtained, and then only in strict compliance with all of the conditions of the permission.

- (2) Every person must, before discharging any industrial effluent into a sewer, apply in writing to the Municipality for permission to discharge the effluent and must thereafter furnish such additional information and submit such samples as the Municipality may require.
- (3) The Municipality may, at its discretion, grant permission for the discharge of industrial effluent from any premises into any sewer, having regard to the capacity of the sewers, the mechanical appliance used for the conveyance of the sewage or the waste-water treatment plant, whether or not the plant is vested in the Municipality, subject to the conditions that the Municipality deems fit to impose, including the payment of any charge determined in terms of the tariff.
- (4) Any person to whom permission has been granted in terms of subsection (3) to discharge industrial effluent into a sewer must, before doing anything or causing or permitting anything to be done that may result in a change in the quantity of the discharge or nature of the effluent, notify the Municipality in writing of the date on which the proposed change will take place and of the nature of the proposed change.
- (5) Any person who discharges or causes or permits to be discharged any industrial effluent into a sewer without having first obtained permission to do so in terms of subsections (3) and (4) is guilty of an offence and liable -
 - (a) in addition to any penalties, to such charge as the Municipality may assess for the conveyance and treatment of the effluent so discharged; and
 - (b) for any damage caused as a result of the unauthorised discharge.
- (6) Without prejudice to its rights in terms of subsection (5) or section 35(2)(c), the Municipality is entitled to recover from any person who discharges into a drain or sewer any industrial effluent or any substance that is prohibited or restricted in terms of section 35 or that has been the subject of an order issued in terms of section 35(2) all costs, expenses or charges incurred or to be incurred by the Municipality as a result of any or all of the following:
 - (a) Injury to people or damage to the sewer, to any waste-water treatment plant or mechanical appliance or to any property whatsoever, which injury or damage is as a result of the breakdown, either partial or complete, of any waste-water treatment plant or mechanical appliance, whether under the control of the Municipality or not; or
 - (b) a prosecution in terms of the Water Act, or any action against the Municipality consequent on a partial or complete breakdown of any waste-water treatment plant or mechanical appliance caused directly or indirectly by the discharge, including fines and damages which may be imposed or awarded against the Municipality.
- (7) (a) Owing to a change in circumstances arising from a change in the method of sewage treatment or the introduction of new, revised, stricter or other standards by the Municipality or in terms of the Water Act, or as a result of any amendment to these by-laws or for any other reason, the Municipality may from time to time or at any time -
 - (i) review, amend, modify or revoke any permission given or any conditions attached to such a permission;
 - (ii) impose new conditions for the acceptance of industrial effluent into the sewer; and
 - (iii) prohibit the discharge of any or all of the industrial effluent into the sewer.
- (b) The Municipality shall give adequate written notice in advance of its intention in terms of paragraph (a) to review, amend, modify or revoke the permission or conditions, to impose new conditions or to prohibit the discharge, provided that on the expiration of the period of such notice the previous permission or conditions, as the case may be, fall away and the new or amended conditions, if any, apply immediately.

Control of industrial effluent

34. (1) The owner or occupier of any premises from which industrial effluent is discharged into a sewer must provide adequate facilities such as overflow level detection devices, standby equipment, overflow catch-pits or other appropriate means to effectively prevent the accidental discharge into a sewer, whether through the negligence of operators, power failure, failure of equipment or control gear, overloading of facilities, spillage during loading or unloading or for any other like reason, of any substance that is prohibited or restricted or has properties outside the limits imposed by these by-laws.

- (2) If the owner or occupier of any premises on which industrial effluent originated intends treating the effluent before discharging it, he or she must obtain the prior written permission of the Engineer.
- (3) The Municipality may, by notice served on the owner or occupier of premises from which industrial effluent is discharged, require the owner or occupier to, without prejudice to any other provision of these by-laws, do all or any of the following:
- (a) The owner or occupier must subject the effluent, before it is discharged into the sewer, to such pre-treatment as will ensure that the effluent at no time fails to conform in all respects with the requirements of section 35(1), or the owner or occupier must modify the effluent cycle of the industrial process to an extent and in a manner which, in the opinion of the Municipality, is necessary to enable the waste-water treatment plant receiving the effluent, whether the plant is under the control of the Municipality or not, to produce treated effluent that complies with any standards which may be laid down in respect of waste water treatment plants in terms of the Water Act.
 - (b) The owner or occupier must restrict the discharge of effluent to certain specified hours and restrict the rate of discharge to a specified maximum and must install at his or her own expense such tanks, appliances and other equipment as, in the opinion of the Municipality, may be necessary or adequate for compliance with the restrictions.
 - (c) The owner or occupier must install a separate drainage installation for the conveyance of industrial effluent and must discharge the effluent into the sewer through a separate connection as directed by the Municipality, and the owner or occupier must refrain from discharging the industrial effluent through any drainage installation intended or used for the conveyance of domestic sewage or from discharging any domestic sewage through the separate installation for industrial effluent.
 - (d) The owner or occupier must construct, at his or her own expense, in any drainage installation conveying industrial effluent to the sewer, one or more inspection, sampling or metering chambers of such dimensions and materials and in such positions as the Municipality may prescribe.
 - (e) The owner or occupier must pay, in respect of the industrial effluent discharged from the premises, such charge as may be determined in terms of the tariff, provided that where, owing to the particular circumstances of a case, the actual chemical oxygen demand (COD) or permanganate value (PV) and the concentration of metals of the effluent cannot be assessed by means of the method of assessment prescribed by the SABS, the Engineer may adopt an alternative method of assessment that reflects the said value, and the Engineer shall accordingly determine the charge payable in terms of the tariff.
 - (f) The owner or occupier must provide all information that may be required by the Engineer to enable the Engineer to determine the charges payable in terms of the tariff.
 - (g) For the purposes of paragraph (f), the owner or occupier must provide and maintain, at his or her own expense, a meter measuring the total quantity of water which is drawn from any borehole, spring or other natural source of water, excluding that of the Municipality, and which is used on the property and discharged as industrial effluent into the sewer.

Prohibited discharges

35. (1) No person may discharge or cause or permit the discharge or entry into any sewer of any sewage, industrial effluent or other liquid or substance which -
- (a) in the opinion of the Engineer, may be offensive to or may cause a nuisance to the public;
 - (b) is in the form of steam or vapour or has a temperature exceeding 44 °C at the point where it enters the sewer;
 - (c) has a pH value less than 6,0 or greater than 10,0;
 - (d) contains any substance whatsoever that is likely to produce or emit explosive, flammable, poisonous or offensive gases or vapours in any sewer;
 - (e) contains a substance having a flashpoint of less than 93 °C or which emits a poisonous vapour at a temperature below 93 °C;

- (f) contains any material whatsoever, including oil, grease, fat or detergents, that is capable of causing interference with the proper operation of a waste-water treatment plant and the Municipality's sewer system;
 - (g) shows any visible signs of tar or associated products or distillates, bitumens or asphalts;
 - (h) contains a substance in such concentration as is likely in the final, treated effluent from a waste-water treatment plant to produce an undesirable taste after sterilisation or an undesirable odour or colour, or excessive foam;
 - (i) exceeds any of the limits or concentrations of substances given in Appendix A to these by-laws, provided that the Municipality may approve greater limits or concentrations for such period or on such conditions as it may specify after consideration of the effect of dilution in the sewer and of the effect of such industrial effluent or other liquid or substance on the sewer or on any sewage treatment process if the Municipality is satisfied that in the circumstances the discharge of the industrial effluent or other liquid or substance will not -
 - (i) harm or damage any sewer, mechanical appliance, waste-water treatment plant or equipment;
 - (ii) prejudice the use of sewage effluent for re-use; or
 - (iii) adversely affect any waters into which purified effluent is discharged, or any land or crops irrigated with the purified effluent; and
 - (j) contains any substance whatsoever, which, in the opinion of the Engineer -
 - (i) is not amenable to treatment at a waste-water treatment plant and which causes or may cause a breakdown or inhibition of the normal sewage treatment processes;
 - (ii) is or may be amenable to treatment only to such degree as to prevent the final, treated effluent from the waste-water treatment plant from satisfactorily complying in all respects with any requirements imposed in terms of the Water Act; or
 - (iii) whether listed in the relevant appendix to these by-laws or not, either alone or in combination with other matter may -
 - (aa) generate or constitute a toxic substance detrimental to the health of persons who are employed at the waste-water treatment plant or who enter the Municipality's sewers or manholes in the course of their duties;
 - (bb) be harmful to sewers, waste-water treatment plants or land used for the disposal of purified sewage effluent; or
 - (cc) adversely affect any of the processes whereby sewage is purified or any re-use of purified sewage effluent.
- (2) (a) Any person who receives from an official duly authorised thereto by the Municipality a written order instructing him or her to stop discharging into the sewer any substance referred to in subsection (1) must immediately stop such discharge.
- (b) Any person who contravenes the provisions of subsection (1) or who fails to comply with an order issued in terms of paragraph (a) is guilty of an offence.
- (c) Notwithstanding the provisions of paragraph (b), if any person fails to comply with the terms of an order served on him or her in terms of paragraph (a) and if the discharge is in the opinion of the Engineer likely to cause damage to any sewer or mechanical or other appliance or to seriously prejudice the efficient operation of any waste-water treatment plant, the Municipality may, after further written notice, refuse to permit the discharge of the industrial effluent into the sewer until the industrial effluent complies in all respects with the Municipality's requirements as prescribed in terms of these by-laws. Any person who has been refused such permission to discharge industrial effluent into a sewer must immediately stop the discharge and, if he or she fails to do so, the Municipality may prevent him or her from proceeding with the discharge.

CHAPTER 4. CHARGES FOR ALL SERVICES

Prescribed tariffs and charges for sanitation services

36. (1) All charges payable in respect of sanitation services, including but not restricted to connection charges, fixed charges or any additional charges or interest, shall be set by the Municipality from time to time in accordance with -
- (a) its rates and tariff policy;
 - (b) any relevant by-laws; and
 - (c) any regulations under national or provincial legislation.

- (2) Charges may differ for the different categories of customers and users of services and according to the types and levels of services, the quantity of services, the infrastructure requirements and the geographic areas.
- (3) The Municipality may, in addition to the tariffs or charges determined for sanitation services actually provided, levy a monthly fixed charge, a monitoring charge, an annual fixed charge or a once-off fixed charge where sanitation services are available, whether or not such services are consumed.
- (4) Any charges levied and payable in terms of this by-law shall not for any reason be refundable to the developers or owners of land.

Payment for sanitation services

37. (1) The owner or occupier of any premises with whom an agreement for water services has been entered into in terms of section 5 is liable for payment of all sanitation charges in accordance with the Municipality's by-laws relating to credit control and debt collection.
- (2) The municipality may levy sewerage system availability charges as determined from time to time by the Municipality and shall be payable to the Municipality by the owner of immovable property with or without improvements, if the property is connected or not connected to the sewerage system of the Municipality and if access to a sewerage connection is available to the property.

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

38. The operation and maintenance of on-site sanitation systems and all costs pertaining to such operation and maintenance remain the responsibility and liability of the owner of the premises. The Municipality will not, under normal circumstances, render such operation and maintenance services. Should the Municipality, however, approve its rendering of such services -
 - (a) charges in respect of the removal or collection of conservancy tank contents and night soil or the emptying of ventilated improved pit latrines cover all the operating and maintenance costs for the removal of the pit contents, the transportation to a disposal site, the treatment of the contents to achieve a sanitary condition and the final disposal of any solid residues;
 - (b) charges in respect of the removal or collection of conservancy tank contents and night soil or the emptying of ventilated improved pit latrines are based on the volume removed by vacuum tank or otherwise;
 - (c) the Municipality may charge a prescribed fixed charge if the volume of the conservancy tank contents or night soil or the contents of the ventilated improved pit latrines cannot be quantified; and
 - (d) charges in respect of the monitoring of the operations and effluent discharge from a package plant.

Measurement of quantity of domestic effluent discharged

39. (1) The quantity of domestic effluent discharged shall be determined by a percentage of the water supplied by the Municipality, provided that where the Engineer is of the opinion that such a percentage in respect of specific premises is excessive, having regard to the purposes for which the 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.
- (2) Where premises are supplied with water from a source other than or in addition to the Municipality's water supply system, including abstraction from a river or borehole, the quantity of domestic effluent discharged shall be determined as a percentage of the total water used on the premises as may be reasonably estimated by the Municipality.

Metering and assessment of the volume and composition of industrial effluent

40. (1) The quantity of industrial effluent discharged into the sewage disposal system shall -
- (a) where a measuring device is installed, be determined by the quantity of industrial effluent discharged from the premises as measured by means of that measuring device; or
 - (b) until such time as a measuring device is installed, be determined by a percentage of the water supplied by the Municipality to that premises.
- (2) (a) The Municipality may require the owner or occupier of any premises to incorporate, in such a position as the Municipality may determine, in any drainage installation conveying industrial effluent to a sewer, any control meter or gauge or other device of an approved type and in the control of the Municipality for the purpose of ascertaining to the satisfaction of the Municipality the tempo, volume and/or composition of the industrial effluent.
- (b) It is an offence for any person to bypass, open, break into or otherwise interfere with or to damage any meter, gauge or other device referred to in paragraph (a), provided that the Municipality may at its discretion enter into an agreement with any person discharging industrial effluent into a sewer to establish an alternative method of assessing the quantity and tempo of effluent discharged.
- (3) The Municipality is entitled to install and maintain a meter, gauge or device referred to in subsection (2) at the expense of the owner of the premises on which it is installed.
- (4) Where premises are supplied with water from a source other than or in addition to the Municipality's water supply system, including abstraction from a river or borehole, the quantity of industrial effluent discharged shall be determined as a percentage of the total water used on the premises as may be reasonably estimated by the Municipality.
- (5) The owner of any premises on which there is situated a borehole used for a water supply for trade or industrial purposes must -
- (a) register the borehole with the Municipality;
 - (b) provide the Municipality with full particulars of the discharge capacity of the borehole; and
 - (c) if the Municipality has reason to doubt the reliability of the particulars given, carry out at the expense of the owner or occupier, such tests on the discharge capacity of the borehole as may, in the opinion of the Municipality, be necessary for the purposes of these by-laws.
- (6) Where a portion of the water supplied to the premises forms part of the end product of a manufacturing process or is lost by reaction or evaporation during the manufacturing process or for any other reason, the Municipality may on application reduce the assessed quantity of industrial effluent.
- (7) In respect of any premises from which industrial effluent is discharged, the following conditions are applicable in connection with and to the calculation of charges payable to the Municipality for the treatment of industrial effluent:
- (a) In respect of the application of the charges, wherever a person other than the owner occupies the property, the word "owner" refers to the owner of the property. The occupier of the property or, where charges are concerned, the owner and occupier, are jointly and severally liable for the charges, but the Municipality shall in the first instance levy the charge against the occupier. The owner remains liable for all actions on his or her property.
 - (b) The owner of any premises from which industrial effluent is discharged must, in addition to any other charges provided for in these by-laws or in any other law or by-law, pay to the Municipality a charge calculated in accordance with the provisions of these by-laws in respect of each cycle during which the discharge takes place, which charge must be paid within 30 calendar days after the Municipality has rendered an account for the charge. Where the full amount of the charge is not paid to the Municipality within 30 calendar days, a surcharge equal to the outstanding balance is payable to the Municipality.

- (c) In respect of any premises from which industrial effluent is discharged, each owner or occupier must conduct the prescribed tests on the industrial effluent according to a regular schedule as provided for in the permission to discharge industrial effluent and must report the results of the tests to the Municipality.
- (d) The Municipality may conduct random compliance tests on the industrial effluent to correlate those of the industry. If discrepancies are found between the values of the industry and those of the Municipality, the values of the Municipality shall be taken as correct after consultation with the industry involved. Further tests may be requested by the Municipality to determine the values for the industrial effluent discharge formula, which tests shall all be conducted at the cost of the industry.
- (e) The average of the values of the different analysis results of tests done on 24-hourly composite or snap samples of industrial effluent, taken during the period of charge, shall be used to determine the treatment charges payable.
- (f) In the absence of a complete daily set of 24-hourly composite or snap samples, the average of not less than two values of the sampled effluent, taken during the period of charge, shall be used to determine the industrial effluent charges payable.
- (g) The total system values for the treatment charges shall remain constant initially for a period of one month but in any case for a period of not more than 12 months from the date of commencement of the charges. After expiry of the period values may be amended or revised from time to time depending on such changes in the analysis results or further samples as may be determined from time to time, provided that the Municipality may at its discretion in any particular case levy the minimum charges prescribed in paragraph (k) without taking any samples.
- (h) When, in terms of paragraph (d), the Municipality takes a sample, one half of the sample shall be made available to the owner or occupier.
- (i) For the purpose of calculating the quantity of effluent discharged from each point of discharge of effluent, the total quantity of water consumed on the premises shall be allocated to the several points of discharge as accurately as is reasonably practicable after consultation between the Municipality and the owner or occupier of the premises.
- (j) The costs of conveying and treating sewage and/or industrial effluent shall be determined by the Municipality and shall apply with effect from the date determined by the Municipality.
- (k) At the discretion of the Municipality, the charges for industrial effluent may be changed to a fixed monthly charge. The Municipality shall determine the minimum charge, taking into consideration the effluent strengths and the volume of the effluent.
- (l) When an inspection of the premises conducted by the municipality reveals non-compliance with these by-laws, the Municipality may give a written order for the rectification of the situation that is causing the non-compliance. The rectification must be executed diligently. If, at the time of a subsequent re-inspection, nothing has been done to rectify the situation, or no extension of time for the rectification has been requested from the Municipality in writing, an inspection fee shall be levied by the Municipality over and above the treatment charges or the disincentive charges. On receipt of an order on a third inspection the order may include a notice of cancellation of the permission to discharge industrial effluent and a date may be given for the connection to the Municipality's sewers to be sealed off.

Reduction in the quantity determined in terms of sections 39 and 40(1)(a)

- 41. (1) A person is entitled to a reduction in the quantity determined in terms of sections 39 and 40(1)(a) in the event that the quantity of water on which the percentage is calculated was measured during a period when water was wasted or a leakage went undetected, provided that the person demonstrates to the satisfaction of the Municipality that the water was not discharged into the sewage disposal system.
- (2) For the purposes of this section, a reduction in the quantity is based on the quantity of water lost through leakage or wastage during the leakage period.

- (3) For the purposes of this section, the leakage period is either the period of measurement immediately prior to the date of the repair of the leak or the period of measurement during which the leak is repaired, whichever period results in the greater reduction in the quantity.
- (4) For the purposes of this section, the quantity of water lost is calculated as the consumption for the leakage period less the average consumption for the same length of time, which average consumption shall be based on the preceding three months' consumption. In the event of no consumption history being available, the average water consumption shall be determined by the Municipality, after due consideration of all relevant information.
- (5) No reduction in the quantity shall be made in terms of subsection (1) if the loss of water resulted directly or indirectly from the consumer's failure to comply with these or other by-laws or his or her contravention of these or other by-laws.

Other work

42. Where any work other than that for which a fixed charge has been determined by the Municipality is done by the Municipality, the Municipality is entitled in terms of these by-laws to recover the costs from the person in respect of whom the work was done, and a sum to be determined by the Municipality may be included in such costs to cover all expenditure reasonably incurred by the Municipality.

CHAPTER 5. OFFENCES AND PENALTIES

Penalties

43. Subject to any provisions of the Water Act in which an offence is explicitly specified, any person contravening or failing to comply with any provisions of these by-laws or any written conditions laid down in these by-laws is guilty of an offence, and such a person is, for every day the offence continues after the date on which he or she has been given written notice to perform or discontinue an act, deemed guilty of a separate offence and is on conviction liable to any or all of the following penalties:
 - (a) A fine not exceeding R20 000;
 - (b) a fine not exceeding R20 000 or, in default of payment, imprisonment for a period not exceeding 12 months; or
 - (c) imprisonment for a period not exceeding 12 months.

Indemnification from liability

44. Neither an employee of the Municipality nor any person, body, organisation or corporation acting on behalf of the Municipality is liable for any damages arising from any omissions or act done or committed in good faith and in the course of his or her duties, as the case may be.

CHAPTER 6. GENERAL PROVISIONS

Repeal of By-Laws

45. The by-laws referred to in Schedule 1 to these by-laws are repealed.

Short title and Commencement

46. These by-laws are called the City of Tshwane Metropolitan Municipality Sanitation By-laws.

SCHEDULE 1

Notice 1752 of 2003 NOTICE OF THE CITY OF TSHWANE METROPOLITAN MUNICIPALITY SANITATION BY-LAWS

SANITATION BYLAW APPLICABLE IN THE AREAS OF THE FORMER METSWDIMG DISTRICT MUNICIPALITY, KUNGWINI LOCAL MUNICIPALITY AND NOKENG TSA TSAMAYE.

APPENDIX A

Appendix A - Limits of concentration of certain substances

(i)

Parameter	Allowed specification
Permanganate value (PV) not exceeding	1 400 ml/l
pH within range of	6,0 – 10,0
Electrical conductivity not greater than	300 mS/m at 20 °C
Caustic alkalinity (expressed as CaCO ₃)	2 000 mg/l
Substance not in solution (including fat, oil, grease, waxes and like substances)	2 000 mg/l
Substances soluble in petroleum ether	500 mg/l
Sulphides, hydrosulphides 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 (COD)	5 000 mg/l
All sugars and/or starch (expressed as glucose)	1 500 mg/l
Available chlorine (expressed as Cl)	100 mg/l
Sulphates (expressed as SO ₄)	1 800 mg/l
Fluorine - containing compounds (expressed as F)	5 mg/l
Anionic surface active agents	500 mg/l

(ii) METALS

Group 1:

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

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

Group 2:

Metal	Expressed as
Lead	Pb
Selenium	Se
Mercury	Hg

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

(iii) OTHER ELEMENTS

Element	Expressed as
Arsenic	As
Boron	B

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

(iv) RADIOACTIVE WASTE

Radioactive waste or isotopes: Such concentration as may be laid down by the South African Nuclear Energy Corporation or any State department.

Notwithstanding the requirements set out in this Appendix, the Municipality reserves the right to limit the total mass of any substance or impurity discharged per 24 hours into the sewers from any premises.

NOTE: The method of testing in order to ascertain the concentration of any substance referred to here shall be the test normally used by the Municipality for these purposes. Any person discharging any substance referred to in this Appendix shall obtain the details of the appropriate test from the Municipality.

APPENDIX B

Appendix B - Form of application for permission to discharge industrial effluent into the municipality's sewer.

(Please complete the application in block capitals.)

I, _____ (name),

the undersigned, duly authorised to sign on behalf of

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

PART I

1. NATURE OF THE BUSINESS OR UNDERTAKING:

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

3. POSTAL ADDRESS OF THE BUSINESS OR UNDERTAKING:

4. PHYSICAL STREET ADDRESS OF THE BUSINESS OR UNDERTAKING:

ERF NO OR FARM PORTION: _____ TOWNSHIP OR FARM: _____

5. IF THE BUSINESS OR UNDERTAKING IS CONDUCTED BY A COMPANY OR CLOSED CORPORATION, STATE THE NAME OF THE SECRETARY AND, IF IT IS A PARTNERSHIP, STATE THE NAMES OF THE PARTNERS:

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

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? (Yes/No)		

PART II

FACTS 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 a 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 (cooling, gardens, etc)	.....
TOTAL B	_____

(2) Domestic use	kℓ/month
(i) Total number of employees (Allow 1 kℓ per person per month)	.....
(ii) Total number of employees permanently resident on the premises, eg in hostels (Allow 3 kℓ per person per month)	.....
TOTAL C	_____

3. EFFLUENT DISCHARGED INTO SEWER

(1) Metered volume (if known)	..... kℓ/month
(2) Estimated unmetered volume (see below*)	..... kℓ/month
(3) Estimated rate of discharge	.....
(4) Period of maximum discharge (eg 07:00 to 08:00)	.....

* If no effluent meter is installed on the premises, the estimated volume of unmetered effluent discharged into the sewer is calculated as follows:

$$A - (B + C) = \dots\dots\dots \text{kℓ/month}$$

PART III

INFORMATION REGARDING NATURE OF INDUSTRIAL EFFLUENT

Information required concerning 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 (kℓ)	
(6) Maximum rate of discharge (kℓ/hr)	
(7) Periods of maximum discharge (eg 07:00 to 08:00)	
(8) If any of the substances specified in the table below or their salts are formed on the premises, place a cross in the space in which the substance is written and, if possible, state the average concentration of this substance that is likely to be present in any effluent.	

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	Sulphate	mg/ℓ	Synthetic detergents	mg/ℓ
Chromium	mg/ℓ	Sulphide	mg/ℓ	Tar and/or tar oils	mg/ℓ
Cobalt	mg/ℓ	Other (Specify)	mg/ℓ	Volatile solvents	mg/ℓ
Copper	mg/ℓ			Other (Specify)	mg/ℓ
Cyanide	mg/ℓ				
Iron	mg/ℓ				
Lead	mg/ℓ				
Manganese	mg/ℓ				
Mercury	mg/ℓ				
Nickel	mg/ℓ				
Selenium	mg/ℓ				
Titanium	mg/ℓ				
Tungsten	mg/ℓ				
Zinc	mg/ℓ				
Other (Specify)	mg/ℓ				

- (9) Furnish any further information about the kind or character, the chemical composition, concentration or other properties peculiar to the industrial effluent on a separate sheet and attach it to this form.

PART IV

CONDITIONS FOR THE ACCEPTANCE OF INDUSTRIAL EFFLUENT

This application will only be granted on the applicant's undertaking that the applicant will abide by, observe and comply with the following terms and conditions, and any further special conditions that the Engineer may think fit to impose in any particular case:

1. The applicant must annex to this form descriptions of and a statement setting out the dimensions of the grease and oil traps, screens, dilution and neutralising tanks and any other provision made by the applicant for the treatment of the effluent before it is discharged into the sewer.
2. The applicant must submit to the Municipality, if requested to do so, plans showing the reticulation systems on the applicant's premises for water and industrial effluent.
3. The applicant must, in addition to complying with the provisions of the Municipality's Sanitation By-laws as they relate to the protection of the Municipality's employees, sewers and treatment plants from damage, comply with any direction concerned with such protection that is given to the applicant by the Engineer, whether verbally or in writing, for the purpose of ensuring the applicant's compliance with the by-laws.
4. The applicant must notify the Municipality of any material change in the nature or quantity of the industrial effluent specified in this application or in any of the facts furnished by the applicant in the application. The applicant must notify the Municipality as soon as possible after the applicant becomes aware of the material change, or at least 14 days before anything is done to cause the material change.
5. The applicant must, within 30 days from the date of signature of this application, obtain an accurately representative sample of not less than 5 litres of the industrial effluent which is to be discharged into the sewer, which sample must be free of domestic sewage. The applicant must submit one half of the sample to the Municipality for analysis and must also submit to the Engineer a report on the sample compiled by an analyst appointed by the applicant. In the case of a newly established business or undertaking, the 30-day period may be extended by the Municipality for a period not exceeding six months or for further extended periods that the Municipality may, at its discretion, permit from time to time in writing.
6. The applicant hereby declares and guarantees that the information furnished by the applicant in this form, or otherwise in connection with this application, is, to the best of the applicant's knowledge and belief, in all respects correct.
7. The applicant agrees that the said information, being in all respects correct, forms the basis on which this application will be granted by the Municipality.

Thus done and signed at by the applicant on this day of 20....

.....
Signature of the applicant

Capacity of the applicant:

APPENDIX C

Appendix C - Industrial effluent discharge formula

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

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

Where

T_c	=	extraordinary treatment cost to consumer
Q_c	=	waste-water volume discharged by consumer in kilolitres
t	=	unit treatment cost of waste water in rand per kilolitre
COD_c	=	total chemical oxygen demand (COD) of waste water discharged by consumer in milligrams per litre and is inclusive of both the biodegradable and non-biodegradable portion of the COD
COD_d	=	total COD of domestic waste water in milligrams per litre
P_c	=	orthophosphate concentration of waste water discharged by consumer in milligrams of phosphorus per litre
P_d	=	orthophosphate concentration of domestic waste water in milligrams of phosphorus per litre
N_c	=	ammonia concentration of waste water discharged by consumer in milligrams of nitrogen per litre
N_d	=	ammonia concentration of domestic waste water in milligrams of nitrogen per litre
a	=	portion of the costs directly related to COD
b	=	portion of the costs directly related to the removal of phosphates
c	=	portion of the costs directly related to the removal of nitrates

Different terms	Value
t	R0,82/kℓ
COD_d	600 mg/ℓ
P_d	10 mg/ℓ
N_d	25 mg/ℓ
a	0,6
b	0,25
c	0,15

Penalty charges

2. Penalties for the exceeding of the prescribed limits shall be determined by the Municipality from time to time in accordance with the Water Act and the applicable regulations.

APPENDIX D

Appendix D - Effluent quality released from a package plant.

- (5) The quality of any effluent or waste water released from a Package Plant should be prescribed to the following requirements and the necessary analyses has to be done twice monthly on a composite sample taken over a 24h period.

Parameter	Required Standard
pH	5.5 – 7.5
Faecal Coli forms	None
Dissolved Oxygen	75 % saturated
Chemical Oxygen Demand mg/l	30
Permanganate Value mg/l	5
Conductivity mS/m	15% above intake
Suspended Solids mg/l	10
Residual chlorine mg/l	Nil
Free & saline ammonia mg/l	1.0
Nitrates mg/l	1.5
Soluble ortho phosphate mg/l	1.0

LOCAL AUTHORITY NOTICE 1004**CITY OF TSHWANE METROPOLITAN MUNICIPALITY****NOTICE OF THE WATER SUPPLY BY-LAWS**

The City Manager of the City of Tshwane Metropolitan Municipality hereby publishes in terms of Sections 5 and 6 of the Local Government: Municipal Property Rates Act, 2004 (Act 6 of 2004), read with section 7 of the Gauteng Rationalisation of Local Government Affairs Act, 1998 (Act 10 of 1998), Section 13 of the Local Government: Municipal System Act, 2000 (Act 32 of 2000), and Section 162 of The Constitution of the Republic of South Africa, 1996 (Act 108 of 1996); the City Of Tshwane Metropolitan Municipality: Water Supply By-Laws, as contemplated in the hereunder and approved by the said Council on **30 May 2014**.

The said By-laws will come into operation on date of promulgation hereof in the Provincial Gazette.

JASON NGOBENI
CITY MANAGER

(Notice No 468 of 2014)
23 July 2014

CITY OF TSHWANE**WATER SUPPLY BY-LAWS**

The purpose of these by-laws are to provide for the general definition and conditions for the local supply of water to consumers, and the system of supply of water; to provide for the responsibilities of the municipality in the provision of water supply, and that of consumers in respect of the water supply; the distribution of and trading in water within the municipality; and to provide for matters connected.

PREAMBLE

WHEREAS THE Constitution of the Republic of South Africa Act, 1996 mandates the City of Tshwane Metropolitan Municipality to render the function of Potable Water Supply within its area of jurisdiction;

AND WHEREAS the supply and distribution of Water must take place within a regulatory framework and in accordance with the Water Services Act, 1997 (Act No. 108 of 1997) as amended from time to time and regulations promulgated in terms thereof;

AND WHEREAS these By-Laws envisages to provide for the above and matters related thereto;

AND WHEREAS these By-Laws envisages to provide to promote a fair, accessible and sustainable Water supply service and for that purpose to ensure compliance with the national standards and measures relating to consumer protection, to provide for improved standards of Water supply to consumers, in compliance with the Consumer Protection Act, 2008 (Act No. 68 of 2008);

BE IT HEREBY ENACTED by the Council of the City of Tshwane Metropolitan Municipality, as follows:-

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CHAPTER I: definitions

Definitions

1. (1) In these by-laws, unless the context otherwise indicates -

"account" means any account rendered for municipal services provided;

"actual consumption" means the measured consumption of any customer;

"agreement" means the contractual relationship between the Municipality or an authorised agent and a customer, whether reduced to writing or deemed to be reduced to writing;

"applicable charge" means the rate, charge, tariff, flat rate or subsidy determined by the Council;

"approved" means approved by the Municipality or an authorised agent in writing;

"area of supply" means any area within or partly within the area of jurisdiction of the Municipality for which a municipal service or municipal services are provided;

"authorised agent" means -

(a) any person authorised by the Municipality to perform any act, function or duty in terms of or exercise any power under these by-laws; and/or

- (b) any person to whom the Municipality has delegated the performance of certain rights, duties and obligations in respect of providing water services; and/or
- (c) any person appointed by the Municipality in terms of a written contract as a service provider to provide water services to customers on its behalf, to the extent authorised in such contract;

"average consumption" means a customer's estimated average consumption of a municipal service during a specific period, which consumption is calculated by dividing by three the customer's total measured consumption of that municipal service for –

- (a) the preceding three months; or
- (b) the corresponding period in the previous year; or
- (c) the next three months;

"borehole" means a hole sunk into the earth for the purpose of locating, abstracting or using subterranean water, and includes a spring;

"Building Regulations" means the National Building Regulations made in terms of the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977);

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

"connection" means the point at which a customer gains access to municipal services;

"connection pipe" means a pipe, the ownership of which is vested in the Municipality, which pipe is installed by the Municipality for the purpose of conveying water from a main to a water installation and includes a communication pipe referred to in SANS 10252-1;

"consumer" means any end user who receives water supply services from a water services institution, including an end user in an informal settlement;

"Council" means the Council of the Municipality as contemplated in section 157(1) of the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996);

"customer" means a person with whom the Municipality or an authorised agent has concluded an agreement for the provision of a municipal service;

"determined" means determined by the Municipality from time to time;

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

"dwelling unit" means an interconnected suite of rooms, including a kitchen or scullery, designed for occupation by a single family, irrespective of whether the dwelling unit is a single building or forms part of a building containing two dwelling units or more;

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

"emergency situation" means any situation that, if allowed to continue, poses a risk or potential risk to the financial viability or sustainability of the Municipality or a specific municipal service;

"Engineer" means the professional engineer or technologist, appointed by the Municipality or an authorised agent to perform or exercise the functions, powers and duties in terms of these by-laws;

"environmental cost" means the cost of all measures needed to restore the environment to its condition prior to a damaging incident;

"fire installation" means a water installation that conveys water for firefighting purposes only;

"household" means a traditional family unit consisting of a maximum of eight persons (being a combination of four persons over the age of eighteen and four persons eighteen years old or younger);

"industrial purposes", in relation to the supply of water, means water supplied to any premises which constitute a factory as defined in the General Administrative Regulations made under the Occupational Health and Safety Act, 1993 (Act 85 of 1993);

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

"JASWIC" means the Joint Acceptance Scheme for Water-Services Installation Components, which approves a list of water and sanitation installations, which list is obtainable from the Municipality;

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

"measuring device" means any method, procedure, process or device, apparatus or installation that enables the water supply services provided to be quantified;

"meter" means a water meter as defined in the regulations made under the Trade Metrology Act, 1973 (Act 77 of 1973), or, in the case of a water meter of a size greater than 100 mm, a device which measures the quantity of water passing through it;

"Municipality" means -

- (a) the City of Tshwane Metropolitan Municipality or its successors-in-title; or
- (b) the Municipal Manager in respect of the performance of any action or exercise of any right, duty, obligation or function in terms of these by-laws; or
- (c) an authorised agent;

"Municipal Manager" means the person appointed by the Council as the Municipal Manager of the Municipality in terms of section 82 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998), and includes any person -

- (a) acting in such a position; and
- (b) to whom the Municipal Manager has delegated a power, function or duty;

"municipal service" means, for purposes of these by-laws, a service provided by the Municipality, and includes a refuse removal service, a water supply service, a sanitation service or an electricity service;

"occupier", in relation to the occupation of land or premises, includes any person in actual occupation of the land or premises, irrespective of the title under which he or she occupies the land or premises, and, in the case of premises subdivided and let to lodgers or tenants, includes the person receiving the rent payable by the lodgers or tenants, whether for his or her own account or as an agent for a person entitled to the rent or having an interest in the rent;

"owner" means -

- (a) the person in whom from time to time is vested the legal title to premises;
- (b) a person who receives the rent or profit of premises from a tenant or occupier of the premises, or who would receive such rent or profit if the premises were leased, whether for his or her own account or as an agent for a person entitled to the rent or profit;
- (c) where the person in whom the legal title to the premises is vested is insolvent or deceased, or is under any form of legal disability whatsoever, the person in whom the administration and control of the premises is vested as curator, trustee, executor, administrator, judicial manager, liquidator or other legal representative;
- (d) where the Municipality is unable to determine the identity of the person in whom legal title to the premises is vested, the person who has a legal right in or to the benefit of the use of the premises or a building or buildings on the premises;
- (e) in the case of premises for which a lease agreement of 30 years or more has been entered into, the lessee of the premises;
- (f) in relation to -
 - (i) a piece of land delineated on a sectional plan registered in terms of the Sectional Titles Act, 1986 (Act 95 of 1986), the developer or the body corporate in respect of the common property; or
 - (ii) a section as defined in the Sectional Titles Act, 1986, the person in whose name the section is registered under a sectional title deed, and includes the lawfully appointed agent of such a person; or
- (g) 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 a natural person, a local government body, a company or close corporation incorporated under any law, a body of persons, whether incorporated or not, a statutory body, a public utility body, a voluntary association or a trust;

"plumber" means a person who has passed a qualifying trade test in plumbing or has been issued with a certificate of proficiency for plumbing in terms of the Manpower Training Act, 1981 (Act 56 of 1981) as amended, or holds such other qualification as may be required under the South African Qualifications Authority Act, 1995 (Act 58 of 1995);

"pollution" means the introduction of any substance into the water supply system, a water installation or a water resource that may -

- (a) make the water harmful to the health and well-being of humans and other living organisms or to the environment; or
- (b) impair or adversely affect the quality of the water for the use for which it is intended;

"premises" means any piece of land, the external surface boundaries of which are delineated on -

- (a) a general plan or diagram registered in terms of the Land Survey Act, 1997 (Act 8 of 1997), or in terms of the Deeds Registries Act, 1937 (Act 47 of 1937); or
- (b) a sectional plan registered in terms of the Sectional Titles Act, 1986; or
- (c) a register held by a tribal authority or in accordance with a sworn affidavit made by a tribal authority;

"public notice" means notice in the official languages determined by the Council and in an appropriate medium that may include one or more of the following:

- (a) The publication of a notice -
 - (i) in a local newspaper or newspapers in the area of the Municipality; or
 - (ii) in a newspaper or newspapers circulating in the area of the Municipality and determined by the Council to be a newspaper of record; or
- (b) the broadcasting of a notice by means of radio broadcasts covering the area of the Municipality; or
- (c) the displaying of a notice at appropriate offices and pay points of the Municipality; or
- (d) the communication of the content of a notice to customers through public meetings and ward committee meetings;

"SABS" means the South African Bureau of Standards;

"SANS 241" means the specification *SANS 241/SABS 241:2001 - Drinking water*, as issued by Standards South Africa of the SABS and as amended from time to time;

"SANS 1529-1" means the specification *SANS 1529-1/SABS 1529-1:1998 - Water meters for cold potable water, Part 1: Metrological characteristics of mechanical water meters of nominal bore not exceeding 100 mm*, as issued by Standards South Africa of the SABS and as amended from time to time;

"SANS 10252-1" means the code of practice *SANS 10252-1/SABS 0252-1:1994 - Water supply and drainage for buildings, Part 1: Water supply installations for buildings*, as issued by Standards South Africa of the SABS and as amended from time to time;

"SANS 10254" means the code of practice *SANS 10254/SABS 0254:2000 - The installation, maintenance, replacement and repair of fixed electric storage water heating systems*, as issued by Standards South Africa of the SABS and as amended from time to time;

"SANS 10400" means the code of practice *SANS 10400/SABS 0400:1990 - The application of the National Building Regulations*, as issued by Standards South Africa of the SABS and as amended from time to time;

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

"standpipe" means a customer connection through which water supply services are provided to more than one household;

"subsidised service" means a municipal service which is provided for a customer at an applicable charge that amounts to less than the cost of actually providing the service, and includes a service provided for a customer at no cost to the customer;

"supply zone" means an area determined by the Municipality, within which all customers are provided with services from the same bulk supply connection;

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

"the Act" means the Water Services Act, 1997 (Act 108 of 1997) as amended;

"unauthorised service" means a municipal service that is received, used or consumed in the absence of an agreement or in the absence of the authorisation or approval of the Municipality;

"water fitting" means a component of a water installation, other than a pipe, through which water passes or in which water is stored;

"water installation" means the pipes and water fittings which are situated on any premises and ownership of which vests in the owner of the premises and which are used or intended to be used in connection with the use of water on the premises, and includes a pipe and water fitting situated outside the boundary of the premises, which either connect to the connection pipe relating to the premises or are otherwise laid with the permission of the Municipality;

"water supply services" means the abstraction, conveyance, treatment and distribution of potable water, water intended to be converted into potable water or water for commercial use, including, for the purposes of these by-laws, water for industrial purposes;

"water supply system" means the water supply system of which ownership vests in the Municipality and which is used or intended to be used by the Municipality in connection with the supply of water, and includes the structures, aqueducts, pipes, valves, pumps, meters or other apparatus relating to the water supply system and any part of the water supply system; and

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

- (2) Any word or expression used in these by-laws to which a meaning has been assigned in -
- (a) the Act bears that meaning, unless the context indicates otherwise; and
 - (b) the National Building Regulations and Building Standards Act, 1977, and the Building Regulations bears, in respect of Chapter III of these by-laws, that meaning, unless the context indicates otherwise.

CHAPTER II: APPLICATION, PAYMENT AND TERMINATION

PART 1: APPLICATION

Application for water supply services

2. (1) No person is entitled to access to water supply services unless -
 - (a) application has been made to the Municipality on the form prescribed in terms of the Municipality's by-laws relating to credit control and debt collection;
 - (b) the application has been approved by the Municipality; and
 - (c) an agreement has been entered into with the Municipality for the provision of water supply services.
- (2) Water supply services rendered to a customer by the Municipality are subject to these by-laws and the conditions contained in the relevant agreement.
- (3) If an applicant, occupier or consumer is not the registered owner of the premises, authorisation in writing by the owner of the premises to the applicant/occupier/consumer for the rendering of a water connection is required before hand. The agreement between municipalities and customer binds both the applicant/occupier/consumer and the owner of the premises.

Transfer of ownership

3. (1) The seller must, before transfer of a property, submit a certificate from an accredited plumber certifying that;
 - (a) the water installation conforms to the National Building Regulations and this by-law;
 - (b) there are no defects;
 - (c) the water meter(s) registers; and
 - (d) there is no discharge of stormwater into the sewer system.
- (2) The certificate referred to in subsection (1) must be in the format of the form attached as SCHEDULE 1.

Special agreements for water supply services

4. Where a person applies for water supply services, the Municipality may enter into a special agreement with that person for the provision of water supply services -
 - (a) within the area of supply, if the services applied for necessitate the imposition of conditions not contained in the prescribed form or these by-laws;
 - (b) if the premises which are to receive the services are situated outside the area of supply, provided that -
 - (i) the municipality having jurisdiction over the premises has no objection to such special agreement; and
 - (ii) the obligation is on the person to advise that municipality of the special agreement.

Change in purpose for which water supply services are used

5. Where the purpose for or extent to which water supply services used is changed, the onus and obligation are on the customer to advise the Municipality of the change and to enter into a new agreement with the Municipality.

PART 2: TARIFFS AND CHARGES

Prescribed tariffs and charges for water supply services

6. (1) All applicable charges, deposits, guarantees and sureties payable in respect of water supply services, including but not restricted to connection charges, fixed charges or any additional charges or interest, are determined by the Council in accordance with -
 - (a) the rates and tariff policy of the Municipality;
 - (b) any relevant by-laws; and
 - (c) any regulations under any national or provincial law.
- (2) Applicable charges may differ for the different categories of customers and users of water supply services and according to the types and levels of water supply services, the quantity of water supply services, the infrastructure requirements and the geographic areas.

Availability charges for water supply services

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

PART 3: PAYMENT

Payment for water supply services

8. (1) In respect of water supply services provided for any premises, the owner, occupier and customer are, in accordance with the Municipality's by-laws relating to credit control and debt collection, jointly and severally liable and responsible for payment of all applicable charges for water supply and for all water supply services consumed in respect of the premises.
- (2) When a consumer is supplied with water through a prepayment meter, in addition to the requirements of the municipality's by-law related to credit control and debt collection:
 - (a) no refund of the amount tendered for the purchase of water credit shall be given at the point of sale after initiation of the process by which the prepayment meter token is produced.
 - (b) when a consumer vacates any premises where a prepayment meter is installed, no refund for the credit remaining in the meter shall be made to the consumer; and

- (c) the Municipality shall not be liable for the reinstatement of credit in a prepayment meter lost due to tampering with, or the incorrect use or the abuse of a prepayment meter and/or token.

PART 4: TERMINATION, RESTRICTION, DISCONTINUATION AND RESTORATION

Termination of agreement for the provision of water supply services

- 9. (1) A customer may terminate an agreement for the provision of water supply services by giving the Municipality not less than ten working days' notice in writing of his or her intention to terminate the agreement.
- (2) The Municipality may, by notice in writing of not less than 14 days, advise a customer of the termination of his or her agreement for the provision of water supply services if
 - (a) the customer has not used the water supply services during the preceding six months and has not made arrangements to the satisfaction of the Municipality for the continuation of the agreement;
 - (b) the customer has -
 - (i) failed to comply with the provisions of these by-laws and, on receiving notice in terms of section 50, has failed to remedy the non-compliance; or
 - (ii) failed to pay any tariffs or charges due and payable by him or her after the procedure set out in the Municipality's by-laws relating to credit control and debt collection has been followed; and
 - (c) in terms of an arrangement made by the Municipality with another water supply services institution, such institution is to provide water supply services to the customer.
- (3) The Municipality may, after having given notice in terms of subsection (2), terminate an agreement for the provision of water supply services if the customer has vacated the premises to which the agreement relates.

Restriction and discontinuation of water supply services

- 10. (1) The Engineer may restrict or discontinue water supply services that are provided for the premises of a owner, consumer or customer in terms of these by-laws if -
 - (a) the owner, consumer or customer has failed to pay the applicable charges on the date specified for water services, electricity services, property rates, waste or any other services provided by the Municipality, after the procedure set out in the Municipality's by-laws relating to credit control and debt collection has been followed;
 - (b) the customer has failed to comply with any other provisions of these by-laws after notice in terms of section 50 has been given;
 - (c) the owner, consumer or customer has in writing requested the restriction or termination;
 - (d) the agreement for the provision of water supply services has been terminated in terms of section 9 (1) and the Municipality has not subsequently received an application for water supply services to the premises within a period of 60 days of the termination;
 - (e) the building on the premises has been demolished;
 - (f) the customer has interfered with restricted or discontinued water supply services;
 - (g) an emergency or emergency situation arises; or

- (h) the customer has, for the purposes of gaining access to water supply services, interfered or tampered with or damaged any main, communication pipe, meter or other plant or apparatus belonging to the Municipality or has caused or permitted such interference, tampering or damage.
- (2) The Municipality is not liable for any damages or claims that may arise from the restriction or discontinuation of water supply services in terms of subsection (1), including damages or claims that may arise due to the restriction or disconnection of water supply services by the Municipality in the bona fide belief that the restriction or discontinuation was justified in terms of the provisions of subsection (1).
- (3) The Engineer may, where water supply services have been discontinued in terms of the provisions of these by-laws, restore the water supply services only when the applicable charge for the discontinuation and reconnection of the water supply services has been paid.

Restoration of water supply services

- 11. When a customer enters into an agreement for the payment, in instalments, of his or her arrears after the restriction or disconnection of his or her water supply services in terms of section 9 due to non-payment, the water supply services shall be restored, within seven working days of entering into such agreement, to the types of water supply services the customer chose under his or her agreement for the provision of water supply services.

CHAPTER III: CONDITIONS FOR WATER SUPPLY SERVICES

PART 1: CONNECTION TO WATER SUPPLY SYSTEM

Provision of connection pipe

- 12 (1) If an agreement for water supply services in respect of premises has been concluded and no connection pipe exists in respect of the premises, the owner must apply on the prescribed form and pay the applicable charge for the installation of the connection pipe.
- (2) If an application is made for water supply services to premises and such water supply services 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, modification or upgrading, provided that the owner pays for the cost of the extension, modification or upgrading, which cost is determined by the Engineer.
- (3) Only the Engineer may install a connection pipe to premises, and the owner or customer may connect the water installation to the connection pipe.
- (4) No person may commence with any development on any premises unless the Engineer has installed a connection pipe and meter to the premises.

Location of connection pipe

- 13. (1) A connection pipe provided and installed by the Engineer shall -
 - (a) be located in a position determined by the Engineer and be of a suitable size determined by the Engineer; and
 - (b) terminate at -
 - (i) the boundary of the land owned by or vested in the Municipality or an authorised agent, or over which the Municipality has a servitude or other right; or
 - (ii) the outlet of the meter or isolating valve if the meter or isolating valve, as the case may be, is situated on the premises.

- (2) The Engineer may on application by any person agree, subject to such conditions as the Engineer may impose, to a connection to a main other than that which is most readily available for the supply of water to the premises, provided that the applicant is responsible for -
 - (a) any extension of the water installation to the connecting point designated by the Municipality; and
 - (b) obtaining, at his or her cost, such servitudes over other premises as may be necessary.
- (3) The owner, consumer or customer, as the case may be, must install and maintain an isolating valve on the service pipe on the downstream side of the water meter installation in order to shut off the water for any maintenance purposes on the water installation.
- (4) Before a water connection can be effected, the owner, consumer or customer of premises must pay in advance the applicable charge for connection.

Provision of single water connection for supply to several customers on the same premises

14. (1) Notwithstanding the provisions of section 12, only one connection pipe to the water supply system may be provided for the supply of water to any premises, irrespective of the number of dwelling units, business units or customers located on such premises.
- (2) Where the owner or the person having charge or management of premises on which several dwelling units are situated requires the supply of water to such premises for the purpose of supplying water to the different dwelling units, the Engineer may, at his or her discretion, provide and install either -
 - (a) a single measuring device in respect of the premises as a whole or in respect of any number of dwelling units; or
 - (b) a separate measuring device for each dwelling unit or any number of dwelling units.
- (3) Where the Engineer has installed a single measuring device as contemplated in subsection (2)(a), the owner or the person having charge or management of the premises, as the case may be -
 - (a) must install and maintain on each branch pipe extending from the connection pipe to the different dwelling units -
 - (i) a separate measuring device; and
 - (ii) an isolating valve; and
 - (b) is liable to the Municipality for the applicable charges for all water supplied to the premises through such a single measuring device, irrespective of the different quantities consumed by the different customers served by the measuring device.
- (4) Notwithstanding subsection (1), the Engineer may authorise that more than one connection pipe be provided on the water supply system for the supply of water to any premises if, in the opinion of the Engineer, undue hardship or inconvenience would be caused to any customer on such premises by the provision of only one connection pipe.
- (5) Where the provision of more than one connection pipe is authorised by the Engineer under subsection (4), the applicable charges for the provision of a connection pipe are payable by the owner or the person having charge or management of the premises in respect of each water connection so provided.
- (6) Where premises are supplied by a number of connection pipes, the Engineer may require the owner to reduce, at the owner's expense, the number of connection points and alter the water installation accordingly.

Disconnection of water installation from a connection pipe

15. (1) The Engineer may, subject to the conditions stated hereunder, limit the supply or disconnect a water installation from a connection pipe and remove the connection pipe on termination of an agreement for the provision of water supply services under these by-laws.
- (2) The Municipality shall have the right, after giving written notice, to disconnect the water supply to any premises if -
- (i) the person liable for payment for the supply or for payment for any other municipal service fails to pay any charge due to the Municipality in respect of any service which he or she may at any time have received from the Municipality in respect of the premises; or
 - (ii) the owner refuses the Engineer access to the metering device.
 - (iii) The consumer misuses water or resell water supplied by the municipality without written permission of the municipality, or
 - (iv) any of the provisions of these by-laws and/or the regulations are being contravened.
- (3) The Municipality shall give notice to the consumer of its intention to disconnect or limit the water supply, but in the case of a serious risk as determined by the Engineer, the Municipality may disconnect without giving notice.
- (4) The Municipality may provide for the general limitation or total discontinuation of water services where national disasters cause disruptions in the provision of services; or where sufficient water is not available for any other reason;
- (5) The Municipality shall retain limited access to at least basic water supply and basic sanitation for a domestic consumer whose water services are to be discontinued; and where the consumer is registered as indigent, in terms of the indigent policy of the municipality.

PART 2: STANDARDS

Quantity, quality and pressure

16. (1) Water supply services provided by the Municipality shall comply with the minimum standards set for the provision of water supply services in terms of section 9 of the Act.
- (2) The Engineer may take samples of water obtained from a source other than the water supply system and may cause the samples to be tested for compliance with the requirements referred to in section 59(2).
- (3) The applicable charge for the taking and testing of the samples referred to in subsection (2) must be paid by the person to whom consent to use the water as potable water was granted in terms of section 59(1).

Testing of pressure in water supply system

17. The Engineer may, on application by an owner of premises and on payment of the applicable charge -

- (a) determine the value of the pressure in the water supply system relating to the owner's premises over such period as the owner may request; and
- (b) inform the owner of such value.

Pollution of water

18. An owner of premises must take and maintain approved measures to prevent the entry into -
- (a) the water supply system; and
 - (b) any part of the water installation on his or her premises; of a substance that may be harmful or a danger to the health or well-being of any human or other living organism or may adversely affect the water or its fitness for use.

Water restrictions

19. (1) The Municipality may by public notice -
- (a) prohibit or restrict the consumption of water in the whole or in 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;
 - (b) determine and impose -
 - (i) a limit on the quantity of water that may be consumed over a specified period;
 - (ii) charges additional to the applicable charges in respect of the supply of water, in addition to a limit contemplated in paragraph (b)(i); and
 - (iii) a general surcharge on the applicable charges in respect of the supply of water; and
 - (c) impose restrictions or prohibitions on -
 - (i) the use or manner of use or disposition of an appliance by means of which water is used or consumed; or
 - (ii) the connection of such appliance to the water installation.
- (2) The Municipality may -
- (a) limit the application of the provisions of a notice contemplated in subsection (1) to specified areas and categories of customers, premises and activities; and
 - (b) permit deviations and exemptions from, or the relaxation of, any such provisions on reasonable grounds.
- (3) The Municipality may -
- (a) take, or by written notice require a customer at his or her own expense to take, such measures, including the installation of measuring devices and devices for restricting the flow of water, as may in its opinion be necessary to ensure compliance with a notice contemplated in subsection (1); or
 - (b) discontinue or, for such period as it may deem fit, restrict the supply of water to any premises in the event of a contravention of the provisions of a notice contemplated in subsection (1) on such premises or failure to comply with such notice, subject to a notice in terms of section 50; and
 - (c) where the supply has been discontinued in terms of paragraph (b), restore the supply only when the applicable charge for discontinuation and reconnecting the supply is paid.
- (4) The provisions of this section also apply in respect of water supplied direct by the Municipality to customers outside its area of jurisdiction, notwithstanding anything to the contrary in the conditions governing such supply, unless otherwise specified in a notice contemplated in subsection (1).

Specific conditions of supply

20. (1) Notwithstanding the provisions of section 15, the granting of a supply of water by the Municipality or an authorised agent does not constitute an undertaking by it that it will maintain at any time or at any point in its water supply system -
 - (a) an uninterrupted supply;
 - (b) a specific pressure or rate of flow in such supply; or
 - (c) a specific standard or quality of water.
- (2) The Engineer may, subject to subsection (1)(b), specify the maximum height to which water will be supplied from the water supply system.
- (3) If an owner requires that any standard referred to in subsection (1) be maintained on his or her premises, he or she must make provision in the water installation for the maintenance of such standard.
- (4) The Engineer may, in an emergency, interrupt the supply of water to any premises without prior notice.
- (5) If, in the opinion of the Engineer, the consumption of water by a customer adversely affects the supply of water to another customer, the Engineer may apply such restrictions to the supply of water to the first-mentioned customer as the Engineer deems necessary to ensure a reasonable supply of water to the other customer, and the Engineer shall inform that first-mentioned customer of the restrictions.
- (6) The Municipality is not liable for any damage to property caused by water flowing from fittings left open when the water supply is reinstated following an interruption in supply.
- (7) Every premises which requires, for the purpose of the work or activity undertaken on the premises, a continuous supply of water must have a water storage tank, which must comply with the specification for water storage tanks as stipulated in SANS 10252-1 and have a capacity of not less than 24 hours of water supply calculated as the quantity required to provide for the average daily consumption, in which tank water can be stored for periods when the continuous supply is disrupted.
- (8) (a) Unless otherwise authorised by the Engineer, no person who is supplied with water in terms of this by-law may sell water to any other person or persons for use on any other premises, or permit or allow the resale to take place.
 - (b) If the Engineer grants the authorisation referred to in (8)(a), he or she may stipulate the maximum charges, determined by the Municipality, that may be imposed and such other conditions as he or she may deem fit.
 - (c) Reselling of water on the same premises, or for use on another premises as authorised by the Engineer, is subject to -
 - (i) each individual consumer is metered and billed separately;
 - (ii) each bill must reflect the start and end reading and applicable charges; and
 - (iii) only approved tariffs of the Municipality are used to bill for water consumption.

PART 3: MEASUREMENT

Measuring of quantity of water supplied

21. The Engineer may provide a measuring device designed to supply either a controlled volume of water or an uncontrolled volume of water to a customer.
22. (1) The Municipality shall, at regular intervals, measure the quantity of water supplied through a measuring device designed to supply an uncontrolled volume of water.

- (2) Any measuring device and its associated apparatus through which water is supplied to a customer by the Municipality shall be provided and installed by the Engineer, and such measuring device and associated apparatus remain the property of the Municipality and may be changed and maintained by the Engineer as he or she deems necessary.
- (3) The Engineer may install a measuring device and its associated apparatus at any point on a service pipe.
- (4) If the Engineer installs a measuring device on a service pipe in terms of subsection (3), he or she may install a section of pipe and associated fittings between the end of the connection pipe and the meter, and such section shall be deemed to form part of the water installation.
- (5) If the Engineer installs a measuring device together with its associated apparatus on a service pipe in the premises in terms of subsection (3), the owner of the premises -
 - (a) must provide, where applicable, a place satisfactory to the Engineer in which to install the measuring device and its associated apparatus;
 - (b) must ensure that unrestricted access is available to the measuring device and its associated apparatus at all times;
 - (c) is responsible for the protection of the measuring device and its associated apparatus, and is liable for the costs arising from damage to the measuring device and its associated apparatus, excluding damage arising from fair wear and tear;
 - (d) must ensure that no connection is made to such service pipe between the measuring device and the connection pipe serving the installation;
 - (e) must make provision for the drainage of water that may be discharged from such service pipe during the course of work done by the Engineer on the measuring device; and
 - (f) may not use or permit to be used on any water installation any fitting, machine or appliance that causes damage or, in the opinion of the Engineer, is likely to cause damage to any meter.
- (6) No person other than the Engineer may -
 - (a) disconnect a measuring device and its associated apparatus from the pipe in which they are installed;
 - (b) break a seal that the Engineer has placed on a meter; or
 - (c) in any other way interfere with a measuring device and its associated apparatus.
- (7) In the event of the measuring device on premises being a meter, the Engineer may, if he or she is of the opinion that the size of the meter is unsuitable by reason of the quantity of water supplied to the premises, install a meter of such size as he or she deems necessary and may recover from the owner of the premises the applicable charge for the installation of the meter.
- (8) Subject to the provisions of section 13, the Municipality may require the installation, at the expense of the owner of premises, of a measuring device to each dwelling unit on the premises to determine the quantity of water supplied to each dwelling unit, provided that where controlled-volume water delivery systems are used, a single measuring device may be used to supply more than one unit.

Quantity of water supplied to customer

23. (1) For the purposes of assessing the quantity of water that is measured by a measuring device installed by the Engineer and that is supplied to a customer over a specific period, it must be deemed, for the purpose of these by-laws, that, unless it can otherwise be proved -
 - (a) the quantity, in respect of a measuring device designed to provide an uncontrolled volume of water, is represented by the difference between the measurements taken at the beginning and at the end of such period;

- (b) the quantity, in respect of a measuring device designed to provide a controlled volume of water, is represented by the volume dispensed by the measuring device;
- (c) the measuring device was accurate during such period; The Municipality has the right to test its metering equipment. If it is established by a test or otherwise that the metering equipment is defective, the quantity water consumed may be retrospectively adjusted for a period not exceeding three years and
- (d) the entries in the records of the Municipality were correctly made;

provided that if water is supplied to, or taken by a customer without it passing through a measuring device, the estimate by the Municipality of the quantity of such water is deemed to be correct.

- (2) Where water supplied by the Municipality to any premises is in any way taken by the customer without such water passing through a measuring device provided by the Municipality, the Municipality may, for the purpose of rendering an account, estimate, in accordance with subsection (3), the quantity of water supplied to the customer during the period that water is so taken by the customer.
- (3) For the purposes of subsection (2), an estimate of the quantity of water supplied to a customer must be based, as the Municipality may decide, on -
 - (a) the average monthly consumption of water on the premises registered during three successive measuring periods after the date on which the taking of water as contemplated in subsection (2) was discovered and rectified; or
 - (b) the average monthly consumption of water on the premises during any three consecutive measuring periods in the twelve-month period prior to the date on which the taking of water as contemplated in subsection (2) was discovered.
- (4) Nothing in these by-laws contained may be construed as imposing on the Municipality an obligation to cause any measuring device installed by the Engineer on any premises to be measured at the end of every month or during any other fixed period, and the Municipality may estimate the quantity of water supplied during any period in an interval between the successive measurements of the measuring device and render an account to a customer for the quantity of water so estimated.
- (5) The Municipality shall, within seven days of receiving a written notice from a customer and subject to payment by the customer of the applicable charge, measure the quantity of water supplied to the customer at a time or on a day other than that at which or on which it would normally be measured.
- (6) If a contravention of section 22(6) occurs, the customer must pay to the Municipality -
 - (a) the cost of such quantity of water as in the Municipality's opinion was supplied to him or her; and
 - (b) the cost of rectifying the disconnection, break or interference, as the case may be.
- (7) Until such time as a measuring device has been installed in respect of water supplied to a customer, the estimated or assumed consumption of that customer must be based on the average consumption of water supplied during a specific period to the supply zone within which the customer's premises are situated.
- (8) Where in the opinion of the Engineer it is not reasonably possible or cost-effective to measure water supplied to each customer within a supply zone, the Municipality may determine a basic tariff or charge to be paid by each customer within that supply zone, irrespective of actual consumption.
- (9) A basic tariff or charge determined in terms of subsection (8) will be based on the estimated average consumption of water supplied to the supply zone.

- (10) Where water supply services are provided through communal water supply services works, the amount due and payable by customers gaining access to water supply services through the communal water supply services works must be based on the estimated average consumption of water supplied to the water supply services works.

Defective measurement

24. (1) If a customer has reason to believe that a measuring device supplied to him or her by the Municipality is defective, he or she may, against payment of the applicable charge, apply in writing for the measuring device to be tested.
- (2) If the outcome of any test referred to in subsection (1) shows that a measuring device is -
- (a) within the range of accuracy prescribed by the Trade Metrology Act, 1973, the customer is liable for the cost of the test and any other amounts outstanding; or
- (b) outside the prescribed range of accuracy, the Municipality is liable for the cost of the test, in which case the customer must be informed of the amount of any credit to which he or she is entitled.
- (3) The applicable charge paid in accordance with subsection (1) for the testing of a measuring device may be -
- (a) retained by the Municipality if the measuring device is found not to be defective in terms of this section; or
- (b) refunded to the customer if the measuring device is found to be defective in terms of this section.
- (4) If a measuring device is -
- (a) a meter to which the regulations relating to meters published under the Trade Metrology Act, 1973, are applicable, the measuring device shall be deemed to be defective if, when tested in accordance with SANS 1529-1, the measuring device is found to have a percentage error in over-registration or under-registration greater than that permitted for a meter in use in terms of SANS 1529-1; or
- (b) a meter of a size greater than 100 mm in diameter, or a meter such as a combination water meter to which SANS 1529-1 is not applicable, the measuring device shall be deemed to be defective if it is found to have a percentage error in over-registration or under-registration greater than 5% at any one of the rates of flow when tested at the following rates of flow:
- (i) 50% or more of the design maximum flow of the meter;
- (ii) between 30% and 40% of the design maximum flow of the meter; and
- (iii) between 10% and 15% of the design maximum flow of the meter; and
- (iv) for combination water meters, an additional flow rate test between 0,5 and 0,6 of the maximum design flow (q_s) of the bypass meter.
- (5) Subject to subsection (3), the Municipality shall, if a measuring device is found to be defective in terms of this section -
- (a) repair the measuring device or replace it with another measuring device which is in good working order, at no charge to the customer unless the cost of the repair or replacement is recoverable from the customer owing to a contravention of section 22(6); and
- (b) determine the water supply services for which the customer is to be charged on the basis set out in section 27.
- (6) A customer is entitled, on giving the Engineer reasonable notice of his or her intention, to be present at the testing of any meter in which the customer has any interest.

- (7) Any meter removed for testing by the Municipality shall be retained intact and be available for inspection for a period of three months after testing.

Special measurement

25. (1) If, for purposes other than charging for water consumed, the Engineer requires that the quantity of water used in a part of a water installation on premises be ascertained, the Engineer may by written notice advise the owner of the premises of the Municipality's intention to install a measuring device at such point in the water installation as it may specify.
- (2) The installation of a measuring device referred to in subsection (1), its removal, and the restoration of the water installation after such removal shall be carried out at the expense of the Municipality.
- (3) The provisions of section 22(5) and (6) apply in so far as they relate to a measuring device installed in terms of subsection (1).

No reduction in amount payable for water wasted

26. A customer is not entitled to a reduction in the amount payable for water wasted or for water losses in a water installation.

Adjustment of quantity of water supplied through defective measuring device

27. (1) If a measuring device is found to be defective in terms of section 24(2) or (4), the Municipality may estimate the quantity of water supplied to the customer for the period in which, in its opinion, the measuring device was defective, and such estimate must be made on the following basis:
- (a) The quantity of water shall be based on the average consumption of water on the premises served by the measuring device for the period between two successive actual meter readings prior to the meter becoming defective;
 - (b) The quantity of water shall be based on the average monthly consumption of water on the premises served by the measuring device during the three months prior to the registration of the defect; or
 - (c) the quantity of water shall be based on the consumption of water on the premises served by the measuring device in the corresponding month of the previous year; or
 - (d) the quantity of water shall be based on the average monthly consumption of water on the premises served by the measuring device during a period of three months after the repair or replacement of the measuring device has been effected; or
 - (e) in the case of prepayment meter, render an account where the meter has been under-reading; or issue a free token where the meter has been over-registering.
- (2) If the quantity of water supplied to a customer during the period when his or her measuring device was defective cannot be estimated in accordance with subsection (1), the Municipality may estimate the quantity as deemed appropriate.
- (3) When an adjustment contemplated in subsection 27 (1) is made, the adjustment may not apply to a period exceeding three years preceding the date on which the metering equipment was found to be inaccurate.

PART 4: AUDIT

Water audit

28. (1) The Municipality may require a customer to, within one month after the end of a financial year of the Municipality, undertake a water audit at the customer's own cost.

- (2) The water audit referred to in subsection (1) must at least determine details in respect of -
- (a) the amount of water used during the financial year;
 - (b) the amount paid for water for the financial year;
 - (c) the number of people living on the customer's stand or premises;
 - (d) the number of people permanently working on the customer's stand or premises;
 - (e) the seasonal variation in demand through monthly consumption figures;
 - (f) the water pollution monitoring methods;
 - (g) the current initiatives to manage demand for water;
 - (h) the plans to manage demand for water;
 - (i) a comparison of the factors contemplated in paragraphs (a) to (h) with those reported for each of the previous three years, where available; and
 - (j) estimates of consumption by various components of use.

PART 5: INSTALLATION WORK

Approval of installation work

29. (1) If an owner of premises wishes to have installation work done, he or she must first obtain the Municipality's written approval, provided that approval is not required -
- (a) in the case of water installations in dwelling units or installations where no fire installation is required in terms of SANS 10400 or in terms of any municipal by-laws; or
 - (b) for the repair or replacement of an existing pipe or water fitting other than a fixed water heater and its associated protective devices.
- (2) Application for the approval referred to in subsection (1) must be made on the prescribed form, which form must be accompanied by -
- (a) the applicable charge, if required;
 - (b) copies of such drawings as may be determined by the Municipality, giving information in the form required by clause 4.1.1 of SANS 10252-1; and
 - (c) a certificate certifying that the installation has been designed in accordance with SANS 10252-1 by a professional engineer or an approved competent person registered in terms of the Engineering Profession Act, 2000 (Act 46 of 2000).
- (3) The authorisation obtained through the approval in terms of subsection (1) lapses on expiry of a period of 24 months from the date of the approval.
- (4) Where approval is required in terms of subsection (1), a complete set of approved drawings in respect 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 subsection (1) or (2), the Municipality may require the owner -
- (a) to rectify the contravention within a specified period;
 - (b) if the work is in progress, to cease the work; and
 - (c) to remove all work that does not comply with these by-laws.

Persons permitted to do installation and other work

30. (1) No person who is not a plumber or who is not working under the control of a plumber is permitted to -
- (a) do installation work other than the replacement or repair of an existing pipe or water fitting;
 - (b) replace a fixed water heater or its associated protective devices;
 - (c) inspect, disinfect or test a water installation, fire installation or storage tank;
 - (d) service, repair or replace a backflow preventer; or
 - (e) install, maintain or replace a meter in a water installation if such meter is provided by the owner of the premises on which the water installation is situated.

- (2) No person may require or engage a person who is not a plumber to do the installation work or other work referred to in subsection (1).
- (3) Notwithstanding the provisions of subsection (1), the Municipality may permit a person who is not a plumber to do installation work on his or her own premises if the premises are owned and occupied solely by himself or herself and his or her immediate household, provided that such work is inspected and approved by a plumber at the direction of the Engineer.

Provision and maintenance of water installations

- 31. (1) An owner of premises must provide and maintain his or her water installation at his or her own cost and must, except where permitted in terms of section 57, ensure that the water installation is situated within the boundary of his or her premises.
- (2) If a portion of a water installation is situated outside the boundary of an owner's premises, the owner must, before doing any work in connection with the maintenance of that portion of the water installation, obtain the written consent of the Municipality or the written consent of the owner of the land on which that portion is situated, as the case may be.

Technical requirements for a water installation

- 32. Notwithstanding the requirement that a certificate be issued in terms of section 29, all water installations must comply with SANS 10252-1 and all fixed electrical storage water heaters must comply with SANS 10254.

Use of pipes and water fittings to be authorised

- 33. (1) No person may, without the prior written authority of the Engineer, install or use a pipe or water fitting in a water installation within the Municipality's area of jurisdiction unless the pipe or water fitting is included in the Schedule of Approved Pipes and Fittings as compiled by the Municipality.
- (2) Application for the inclusion of a pipe or water fitting in the schedule referred to in subsection (1) must be made on the form prescribed by the Municipality.
- (3) A pipe or water fitting may be included in the schedule referred to in subsection (1) if
 - (a) the pipe or water fitting bears the standardisation mark of the SABS in respect of the relevant South African National Standards specification issued by the SABS;
 - (b) the pipe or water fitting bears a certification mark issued by the SABS to certify that the pipe or water fitting complies with an SABS mark specification or a provisional specification issued by the SABS, provided that no certification marks are issued for a period exceeding two years; or
 - (c) the pipe or water fitting is included in the list of water and sanitation installations accepted by JASWIC.
- (4) The Municipality may, in respect of any pipe or water fitting included in the schedule referred to in subsection (1), impose such additional conditions as it may deem necessary in respect of the use or method of installation of the pipe or water fitting.
- (5) A pipe or water fitting must be removed from the schedule referred to in subsection (1) if -
 - (a) the pipe or water fitting no longer complies with the criteria upon which its inclusion in the schedule was based; or
 - (b) the pipe or water fitting is no longer suitable for the purpose for which its use was accepted for inclusion in the schedule.
- (6) The current schedule referred to in subsection (1) shall be available for inspection at the office of the Municipality at any time during the Municipality's working hours.

- (7) The Municipality may sell copies of the schedule referred to in subsection (1) at the applicable charge.

Labelling of terminal water fittings and appliances

34. Any terminal water fitting or appliance using or discharging water must have the following information marked on the fitting or appliance or included within the packaging of the fitting or appliance:
- (a) The range of pressure in kPa over which the water fitting or appliance is designed to operate; and
 - (b) the flow rate, in litres per minute, related to the design pressure range, provided that this information is given for at least the following pressures: 20 kPa, 100 kPa and 400 kPa.

Water demand management

35. (1) Notwithstanding the provisions of sections 55, no flushing urinal that is not user-activated may be installed or continue to operate in any water installation. Any flushing urinal that is not user-activated and that was installed prior to the commencement of these by-laws must be converted to a user-activated urinal within two years of the commencement of these by-laws.
- (2) No cistern and related pan designed to operate with the cistern may be installed if the cistern has a capacity of more than 9 litres.
- (3) In any water installation where the dynamic water pressure is more than 200 kPa at a shower control valve and where the plumbing has been designed to balance the water pressures on the hot and cold water supplies to the shower control valve, a shower head with a maximum flow rate of more than 10 litres per minute may not be installed.
- (4) 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

Provision of water supply to several consumers

36. (1) The Engineer may install a communal standpipe for the provision of water supply services to several consumers at a location he or she deems appropriate, provided that the consumers to whom water supply services are to be provided through that communal standpipe have been consulted.
- (2) The Engineer may provide communal water supply services through a communal installation designed to supply a controlled volume of water to several consumers.

Zonal control of water supply services

37. The Engineer may restrict the water supply to a supply zone to a quantity equal to not less than the total basic water supply for the estimated number of households residing in the supply zone.

PART 7: TEMPORARY WATER SUPPLY SERVICES

Water supplied from a hydrant

38. (1) The Engineer may authorise a temporary supply of water to be taken from one or more fire hydrants specified by him or her, subject to -
- (a) such conditions and such period as may be prescribed by him or her; and
 - (b) payment of such applicable charges as may be determined by the Council from time to time.

- (2) A person who desires a temporary supply of water referred to in subsection (1) must apply for the water supply services in accordance with section 2.
- (3) The Engineer shall, for the purposes of supplying water from a fire hydrant as contemplated in subsection (1), provide a portable meter, which portable meter must be returned to the Municipality on termination of the temporary supply, and such portable meter and all other fittings and apparatus used for the connection of the portable meter to the fire hydrant remain the property of the Municipality and are provided subject to any conditions imposed by the Municipality or an authorised agent.

PART 8: BOREHOLES

Notification of boreholes

- 39. (1) In respect of any area of the Municipality, the Municipality may by public notice require -
 - (a) the owner of any premises on which a borehole exists or, if the owner is not in occupation of the premises, the occupier of the premises, to notify the Municipality of the existence of a borehole on the premises and to provide it with such information about the borehole as it may require; and
 - (b) the owner or occupier of any premises who intends to sink a borehole on the premises to notify it on the prescribed form of his or her intention to sink a borehole before work in connection with the sinking of the borehole is commenced.
- (2) The Municipality may require the owner or occupier of any premises who intends to sink a borehole on the premises to conduct, to the satisfaction of the Municipality, an environmental impact assessment in respect of the proposed borehole before sinking the borehole.
- (3) In respect of an owner or occupier of premises who has an existing borehole on the premises that is used for water supply services, the Municipality may by notice to the owner or occupier or by public notice -
 - (a) require the owner or occupier, as the case may be, to obtain approval from the Municipality for the use of the borehole for potable water supply services in accordance with sections 6, 7 and 22 of the Act; and
 - (b) impose conditions in respect of the use of the borehole for potable water supply services.

PART 9: FIRE SERVICES CONNECTIONS

Connection to be approved by the Municipality

- 40. (1) The Engineer is entitled at his or her absolute discretion to grant or refuse an application for the connection of a fire extinguishing installation to the Municipality's main.
- (2) No water may be supplied to any fire extinguishing installation until -
 - (a) a certificate in accordance with section 29 has been submitted to the Municipality; and
 - (b) the installation complies with the requirements of these by-laws and any other by-laws of the Municipality.
- (3) If in the opinion of the Engineer a fire extinguishing installation which he or she has allowed to be connected to the Municipality's main in terms of subsection (1) is not being kept in proper working order, is otherwise not being properly maintained, or is being used for purposes other than firefighting, the Municipality is entitled to -
 - (a) require the customer to disconnect the installation from the main at the customer's expense; or

- (b) carry out the work of disconnecting the installation at the customer's expense.

Special provisions

41. In general, the provisions of SANS 10252-1 and SANS 10400 apply to the supply of water for fire fighting purposes. Notwithstanding anything to the contrary contained in SANS 10252-1 and SANS 10400, the special provisions contained in these by-laws apply *mutatis mutandis* to the supply of water for fire fighting purposes.

Payment for services

42. In respect of any fire extinguishing installation or fire extinguishing appliance used or installed on any premises, the customer and the owner of the premises are jointly and severally liable for payment of the applicable charges determined by the Municipality.

Dual and combined installations

43. All new buildings erected after the commencement of these by-laws must comply with the following requirements in respect of the provision of fire extinguishing services:
- (a) If boosting of the water supply system is required, a water installation with a dual pipe system must be used, of which one pipe must be for fire extinguishing purposes and the other for general domestic purposes.
 - (b) A combined installation is permitted only where no booster pumping connection is provided on the water installation. In such a case a fire hydrant shall be provided by the Municipality, at the customer's expense, within 90 m of the premises to provide a source of water for a fire tender to extinguish a fire.
 - (c) A combined installation where a booster pumping connection is provided is permitted only if the combined installation is designed and certified by a professional engineer or an approved competent person.
 - (d) All pipes and fittings must be capable of -
 - (i) handling pressures in excess of 1 800 kPa, which could be expected when boosting takes place; and
 - (ii) maintaining their integrity when exposed to fire conditions.

Connection pipes for fire extinguishing services

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

Valves and meters in connection pipes

45. A connection pipe to a fire extinguishing installation must be fitted with a valve and a meter which shall be -
- (a) supplied by the Engineer at the expense of the customer;
 - (b) installed between the customer's premises and the main; and
 - (c) installed in such position as may be determined by the Engineer.

Meters in fire extinguishing connection pipes

46. In respect of any premises, the Engineer is entitled to install a meter in any connection pipe used solely for fire extinguishing purposes, and the owner of the premises is liable for all costs involved if it appears to the Municipality that water has been drawn from the connection pipe for purposes other than extinguishing a fire.

Sprinkler installations

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

Header tanks or duplicate supply from mains

48. (1) In respect of any sprinkler installation, the customer must install a header tank for the sprinkler installation at such elevation as will compensate for any failure or reduction of pressure in the Municipality's main, unless the sprinkler installation is provided with a duplicate supply from a separate main.
- (2) The main pipe leading from a header tank contemplated in subsection (1) to the sprinkler installation may be in direct communication with the main, provided that the main pipe is equipped with a reflux valve which shuts off the supply from the main if, for any reason, the pressure in the main fails or is reduced.
- (3) Where a 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 on which the sprinkler installation is installed.

Sealing of private fire hydrants

49. (1) (a) Except in the case of a combined system with a combination meter, any private fire hydrant and hose-reel shall be sealed by the Municipality, and any such seal may not be broken by any person other than the Municipality, provided that -
- (i) the Municipality may break the seal in the course of servicing and testing the fire hydrant and hose-reel; and
- (ii) any person may break the seal for the purpose of opening the fire hydrant in the event of a fire.
- (b) The customer must give the Municipality at least 48 hours' notice prior to a fire extinguishing installation being serviced and tested.
- (2) The cost of resealing a fire hydrant and hose-reel contemplated in subsection (1) must be borne by the customer, except where a seal is broken by the Municipality's officers for testing purposes.
- (3) Any water consumed through a private fire installation or sprinkler system must be paid for by the customer at the applicable charge.

CHAPTER IV: NOTICES

Power to serve and compliance with notices

50. (1) The Municipality may, by written notice, order an owner, consumer or any other person who, by an act or omission, fails to comply with -
- (a) the provisions of these by-laws; or
- (b) any condition imposed by these by-laws;
- to remedy such failure within a period specified in the notice, which period may not be less than 30 days, provided that the period in the case of a notice issued in terms of section 19 or section 54(3) may not be less than seven days.

- (2) If an owner or consumer or any other person fails to, within the specified period, comply with a written notice served on him or her by the Municipality in terms of these by-laws, the Municipality may take such action as in its opinion is necessary to ensure compliance, which action includes -
- (a) undertaking the work necessary and recovering the cost of the work from the owner, consumer or other person, as the case may be;
 - (b) restricting or discontinuing the provision of services to the owner; consumer or other person, as the case may be; and
 - (c) instituting legal proceedings against the owner, consumer or other person, as the case may be.
- (3) A notice in terms of subsection (1) shall -
- (a) give details of the provision of the by-laws that has not been complied with;
 - (b) give the owner, consumer or other person a reasonable opportunity to make representations and state his or her case in writing to the Municipality within a specified period, unless the owner, consumer or other person was given such an opportunity before the notice was served;
 - (c) specify the steps that the owner, consumer or other person can take to rectify the failure;
 - (d) specify the period within which the owner, consumer or other person is to take the steps specified to rectify the failure; and
 - (e) indicate that the Municipality -
 - (i) may, if the notice is not complied with, undertake the work that is necessary to rectify the failure and recover from the owner, consumer or other person any costs associated with such work; and
 - (ii) may take any other action it deems necessary to ensure compliance.
- (4) In the event of an emergency, the Municipality may without prior notice undertake the work contemplated in subsection (3)(e)(i) and recover the costs from the owner, consumer or other person, as the case may be.
- (5) The costs recoverable by the Municipality in terms of subsections (3) and (4) shall be the full costs associated with the work and include, but are not restricted to -
- (a) the cost of any exploratory investigation, survey, plan, specification, schedule of quantities, supervision, administrative charge, the use of tools, and the labour involved in disturbing or rehabilitating any part of a street or ground affected by the work; and
 - (b) the environmental cost.

CHAPTER V: UNAUTHORISED WATER SUPPLY SERVICES

Prohibition of access to water services other than through the Municipality

51. (1) No person is permitted to have access to water services from a source other than from the Municipality or its authorised provider, without its approval.
- (2) Despite the provisions of paragraph (1) hereof, a person who, at the commencement of these by-laws was using water from another source may continue to do so -
- (a) for a period of 60 days after he or she has been requested to apply for approval; and
 - (b) thereafter until the application for approval is granted if it has not been granted within that period; or
 - (c) for a reasonable period thereafter within the discretion of the Engineer or its authorised provider, if the application for approval is refused.
- (3) In granting approval, the Engineer or its authorised provider may require the person seeking approval to supply such services as may be specified in the approval to others on reasonable terms, which may be specified by the Engineer or its authorised provider.

- (4) Any application for water services for industrial purposes is subject not only to the requirements of these By-laws but also of section 7 of the Water Services Act.

Unauthorised services

52. (1) No person may gain access to water supply services unless such access is in terms of an agreement entered into with the Municipality for the rendering of the water supply services.
- (2) If any person uses unauthorised services, the Municipality may, irrespective of any other action it may take against the person in terms of these by-laws, order the person by written notice to -
- (a) apply for the water supply services in terms of sections 2 and 3; and
 - (b) undertake such work as may be necessary to ensure that the installation through which access to unauthorised services was gained complies with the provisions of these or any other relevant by-laws.
- (3) The provisions of section 50 apply to a notice served in terms of subsection (2).
- (4) The Municipality may, without compensation, confiscate the property or other instruments through which unauthorised services were accessed.

Interference with infrastructure for the provision of water supply services

53. (1) No person other than the Engineer may manage, operate or maintain the infrastructure through which municipal services are provided
- (2) No person other than the Municipality may directly or indirectly connect, attempt to effect or cause or permit a connection to the infrastructure (mains or service connection) through which municipal services are provided.
- (3) No person other than a person whom the Engineer specifically authorises in writing to do so may reconnect, attempt to reconnect or cause or permit the reconnection of the supply mains or service connection of an water installation that has been disconnected by the Engineer.

Access obstruction to infrastructure for the provision of water supply services

54. (1) No person may prevent or restrict physical access to the infrastructure through which water supply services are provided.
- (2) If a person contravenes subsection (1), the Municipality may -
- (a) by written notice require such person to restore access at his or her own expense within a specified period; or
 - (b) if it is of the opinion that the situation is a matter of urgency, without prior notice restore access and recover from such person the cost of restoring the access.

Wasting of water

55. (1) No customer may permit -
- (a) the purposeless or wasteful discharge of water from any terminal water fitting;
 - (b) any pipe or water fitting to leak;
 - (c) the use of any maladjusted or defective water fitting;
 - (d) an overflow of water to persist; or
 - (e) the inefficient use of water to persist.
- (2) An owner must repair or replace any part of his or her water installation which is in such a state of disrepair that it is either causing or is likely to cause an occurrence contemplated in subsection (1).

- (3) If an owner fails to take the measures contemplated in subsection (2), the Municipality may, by written notice in terms of section 50, require the owner to comply with the provisions of subsection (1).
- (4) A customer must ensure that any equipment or plant connected to his or her water installation uses water in an efficient manner.
- (5) The Municipality may, by written notice, prohibit the use by a customer of any equipment in a water installation if, in the opinion of the Municipality, the equipment's use of water is inefficient. Such equipment may not be returned to use until its efficiency has been restored and a written application for the return of the equipment to use has been approved by the Municipality.
- (6) The municipality may, without notice, disconnect the water supply to the premises if an owner fails to take the measures contemplated in subsection (2). The owner may be required to re-apply for a water connection.

Illegal reconnection

56. (1) If, after having had his or her access to municipal services restricted or discontinued, a person unlawfully and intentionally or negligently -
 - (a) effects a reconnection to the infrastructure through which municipal services are provided; or
 - (b) interferes or tampers with such infrastructure;such a person's connection to such infrastructure shall be disconnected immediately.
- (2) A person who, in the circumstances referred to in subsection (1), effects a reconnection to the infrastructure through which municipal services are provided is liable for the cost associated with any consumption arising from such reconnection, notwithstanding any other action that may be taken against such person.
- (3) The consumption contemplated in subsection (2) shall be estimated on the basis contemplated in section 27(1) or, if an estimation on such basis is not possible, the consumption contemplated in subsection (2) shall be based on the average consumption of water supplied to the area within which the unauthorised service was used.

Immediate disconnection

57. If any person -
 - (a) unlawfully and intentionally or negligently interferes with or obstructs access to the infrastructure through which the Municipality provides water supply services; or
 - (b) fails to provide information or provides false information when reasonably requested by the Municipality to provide information;

or

 - (c) connected to the water supply system without entering into an agreement with the Municipality,

the supply may be disconnected from the infrastructure immediately, and the person is liable for the cost of the water consumed and for the cost of the removal of the connection.

Pipes in streets or public places

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

Use of water from sources other than the water supply system

59. (1) No person may use or permit the use of water obtained from a source other than the water supply system, except for a rainwater tank that is not connected to a water installation, provided that -
- (a) the prior written consent of the Engineer has been obtained for the use of water from a source other than the water supply system or rainwater tank, as the case may be; and
 - (b) the use of water is in accordance with the conditions that the Municipality may impose for domestic, commercial or industrial purposes.
- (2) Any person desiring the consent referred to in subsection (1) must provide the Engineer with evidence satisfactory to the Engineer that -
- (a) the water referred to in subsection (1) complies, whether as a result of treatment or otherwise, with the requirements of SANS 241; or
 - (b) the use of such water does not or will not constitute a danger to health.
- (3) Any consent given in terms of subsection (1) may be withdrawn by the Engineer if, in the opinion of the Engineer -
- (a) a condition imposed in terms of subsection (1) is breached; or
 - (b) the water quality no longer conforms to the requirements referred to in subsection (2).
- (4) 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 the water or some of the water into the Municipality's sewerage system, the Municipality may install a meter in the pipe leading from the borehole or other source of supply to the point or points where the water is used.
- (5) The provisions of section 22 apply in so far as they may be applicable to the meter referred to in subsection (4).

CHAPTER VI: OFFENCES

Offences

- (1) Subject to any provisions of the Water Services Act in which an offence is explicitly specified, any person contravening or failing to comply with any provisions of these by-laws or any written conditions laid down in these by-laws is guilty of an offence, and such a person is, for every day the offence continues after the date on which he or she has been given written notice to perform or discontinue an act, deemed guilty of a separate offence and is on conviction liable to any or all of the following penalties:
- (a) A fine not exceeding R20 000;
 - (b) a fine not exceeding R20 000 or, in default of payment, imprisonment for a period not exceeding 12 months; or
 - (c) imprisonment for a period not exceeding 12 months.

Indemnification from liability

Neither an employee of the Municipality nor any person, body, organisation or corporation acting on behalf of the Municipality is liable for any damages arising from any omissions or act done or committed in good faith and in the course of his or her duties, as the case may be.

CHAPTER VII: DOCUMENTATION

Signing of notices and documents

61. A notice or document issued by the Municipality in terms of these by-laws and signed by a staff member of the Municipality or of an authorised agent shall be deemed to be duly issued and must on its mere production be accepted by any court of law as evidence of the facts stated in the notice.

Notices and documents

62. (1) A notice or document issued by the Municipality in terms of these by-laws shall be deemed to be duly authorised if a staff member of the Municipality or of an authorised agent has signed it.
- (2) Any notice or other document that is served on an owner, a customer or any other person in terms of these by-laws shall be deemed to have been served -
- (a) if it has been delivered to that owner, customer or other person personally;
 - (b) if it has been left at that owner's, customer's or other person's village, place of residence, business or employment in the Republic with a person who is apparently over the age of 16 years;
 - (c) if it has been posted by registered or certified mail to the last-known residential or business address of that owner, customer or other person in the Republic and an acknowledgement of posting thereof from the postal service has been obtained;
 - (d) if it has been served on the agent or representative of that owner, customer or other person in the Republic in the manner provided for in paragraphs (a) to (c), in the event that the address of the owner, customer or other person in the Republic is unknown; or
 - (e) if it has been posted in a conspicuous place on the property or premises to which it relates, in the event that the address and agent or representative of that owner, customer or other person in the Republic is unknown.
- (3) When any notice or other document is to be served on the owner or occupier of any property or the holder of a right, that owner, occupier or holder may be addressed or described in the notice or other document as the "owner", "occupier" or "holder" in respect of the property or right in question, and his or her name need not be used.
- (4) Where compliance with a notice is required within a specified number of working days, the period of working days must be deemed to have commenced on the date of delivery or dispatch of the notice.

Authentication of documents

63. Every order, notice or other document requiring authentication by the Municipality shall be sufficiently authenticated, and such order, notice or other document shall be deemed to be authenticated if signed by the Municipal Manager or by a duly authorised officer of the Municipality or of an authorised agent, provided that the authority to authenticate any order, notice or other document is conferred by a resolution of the Council, a written agreement or a by-law.

Prima facie evidence

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

CHAPTER VIII: GENERAL PROVISIONS

Responsibility for compliance with these by-laws

65. (1) The owner of premises is responsible for ensuring compliance with these by-laws in respect of all or any matters relating to any water installation on the premises.
- (2) A customer is responsible for compliance with these by-laws in respect of matters relating to the use of a water installation.

Power of entry and inspection

66. (1) the Municipality or authorized agent may enter and inspect any premises –
- (a) for the purpose set out in and in accordance with the provisions of section 80 of the Act;
 - (b) for any purpose connected with the implementation or enforcement of these by-laws, at all reasonable times, after having given reasonable written notice of the intention to do so, unless it is an emergency situation;
 - (c) for the purpose of removal and/or seizure of any pipe lines, meters, fittings, works, the installation thereof is prohibited in terms of this by-laws or any legislation applicable.
- (2) For the purpose of subsection (1) any earth surface covering or structure on any portion of the premises may be removed. The municipality shall endeavor to restore the premises to a reasonable level should no contravention of these by-laws be discovered.
- (3) Any person wishing to enter any premises in terms of subsection (1) shall-
- (a) give the owner or occupant prior written notice of a period of not less than 7 days or a shorter period, with consent of the owner or legal occupant of the premises, before entering such premises, and shall adhere to all reasonable security measures, if any, of the occupant or owner of the premises;
 - (b) exhibit his or her written authorization at the request of any person materially affected by his activities;
 - (c) in addition to the written authorization and without any request, positively identify him- or herself by exhibiting his Identity Document.
- (4) Any person wishing to enter any premises for the purpose of inspection, removal and/or seizure of any installation, fitting, works, illegal construction or due to an emergency on the premises shall-
- (a) do so without any prior notice and where he or she reasonable believe that a prior notice will defeat the purpose of entry;
 - (b) exhibit his or her written authorization at the request of any person materially affected by his activities;
 - (c) in addition to the written authorization and without any request, positively identify him- or herself by exhibiting his Identity Document;
 - (d) The authorised person shall list any article seized in terms of these by-laws and provide the owner or occupant of the premise with an inventory, and such article shall forfeit to the Municipality, unless the owner thereof applies to the court for the return thereof, and proves to the satisfaction of the court that the item was not installed on the system illegally or used for any illegal activities on the sewerage system, within a period of thirty days from the date of seizure.

- (5) Without derogating from any specific duty imposed on a consumer by these by-laws, every consumer shall –
- (a) as far as is reasonably practicable, cause the Municipality to be made conversant with any hazards to the health and safety of any person attached to any work or activity performed by any other person on the water system, or any article or appliance used in contravention of any of the provision of this by-law;
 - (b) inform the Municipality of any necessary inspections, investigations or formal inquiries that may need to be made in establishing whether or not any of the provisions of this by-laws is infringed.
- (6) Anyone who unreasonably hinder, obstruct, interfere with, withholds information or refuse entry of a duly authorized official to the premises or property, or cause such entry to be hindered, obstructed, interfered with or refused, shall be guilty of an offence and on conviction by the court, shall be liable to a fine as may be prescribed in terms of this by-laws;

Exemption

67. (1) The Engineer may, subject to any conditions he or she may impose, exempt in writing any owner, customer, ratepayer, user of services or any other person or any category of owners, customers, ratepayers or users of services from complying with a provision of these by-laws, if the Engineer is of the opinion that the application or operation of that provision would be unreasonable, provided that the Engineer may not grant exemption from any section of these by-laws that may result in –
- (a) the wastage or excessive consumption of municipal services;
 - (b) a significant negative effect on public health, safety or the environment;
 - (c) non-payment for services; or
 - (d) the Act or any regulations made in terms thereof not being complied with.
- (2) The Municipality may, at any time after giving written notice of at least 30 days, withdraw any exemption given in terms of subsection (1).

Availability of by-laws

68. A copy of these by-laws shall be included in the Municipality's Municipal Code as required by law, and shall apply to anyone owning, residing or occupying a property within the jurisdiction of the municipality.

Conflict of law

69. (1) When interpreting a provision of these by-laws, any reasonable interpretation which is consistent with the purpose of the Act shall be preferred over any alternative interpretation which is inconsistent with that purpose.
- (2) If there is any conflict between these by-laws and any other by-laws of the Municipality, these by-laws will prevail.

Transitional arrangements

70. (1) Installation work authorised by the Municipality prior to the commencement date of these by-laws or authorised installation work in progress on such date shall be deemed to have been authorised in terms of these by-laws.
- (2) The Municipality may for a period of 90 days after the commencement of these by-laws authorise installation work in accordance with the by-laws that regulated such work immediately prior to the promulgation of these by-laws.

- (3) No customer may be required to comply with these by-laws by altering a water installation or part thereof that was installed in conformity with any laws applicable immediately prior to the commencement of these by-laws, provided that if, in the opinion of the Engineer, the installation or part thereof is so defective or in such condition or position as to cause -

- (a) a wastage of water or undue consumption of water;
- (b) the pollution of the water supply; or
- (c) a health hazard;

the Engineer may by notice require the customer to comply with the provisions of these by-laws.

Repeal of existing municipal water supply services by-laws

71. The provisions of any by-laws relating to water supply services rendered by the Municipality are hereby repealed in so far as such provisions relate to matters provided for in these by-laws, provided that such provisions are deemed not to have been repealed in respect of any by-laws that have not been repealed and that are not repugnant to these by-laws on the basis determined by the by-laws in question.

Indemnification from liability

72. Neither an employee of the Municipality nor any person acting on behalf of the Municipality is liable for any damage arising from any act or omission committed in good faith in the course of his or her duties.

Repeal of By-laws

73. The by-laws referred to in Schedule 1 to these by-laws and all prior by-law relating to the regulation of the supply of water within the City of Tshwane Metropolitan Municipality are hereby repealed.

Short title and commencement

74. (1) These by-laws are called the Water Supply By-laws of the City of Tshwane Metropolitan Municipality.
- (2) The Municipality may, by notice in the *Provincial Gazette*, determine that, from a date specified in the notice, certain provisions of these by-laws do not apply to certain areas within the Municipality's area of jurisdiction, which notice shall list the provisions and the areas in question.
- (3) Until any notice contemplated in subsection (2) is issued, these by-laws are binding.

1.1 Schedule 1

Notice 2267 of 2003 CITY OF TSHWANE METROPOLITAN MUNICIPALITY WATER SUPPLY BY-LAWS

SANITATION BY-LAW APPLICABLE IN THE AREAS OF THE FORMER METSWDIMG DISTRICT MUNICIPALITY, KUNGWINI LOCAL MUNICIPALITY AND NOKENG TSA TAEMANE

1.2 Schedule 2:

Certificate issued in terms of section 3(2)

CERTIFICATE OF COMPLIANCE OF WATER INSTALLATION ON TRANSFER OF OWNERSHIP IN ACCORDANCE WITH THE WATER BY-LAW

PROPERTY ADDRESS.....

.....

.....

ERF NUMBER.....

NAME OF SELLER.....

CONTACT DETAILS OF SELLER.....

.....

NAME OF BUYER.....

I,....., a suitably accredited plumber, certify that I inspected the plumbing installation at the above address, and confirm that:

- 1) The water meter is registering
- 2) There are no defects which can cause water to run to waste, and
- 3) There is no ingress of rainwater into the sewerage system

SIGNATURE:.....DATE:.....

PRINT NAME & CONTACT DETAILS:.....

.....

.....

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