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## LOCAL AUTHORITY NOTICE

### LOCAL AUTHORITY NOTICE 196

### POLOKWANE LOCAL MUNICIPALITY

### WATER AND SANITATION BY-LAWS

### POLOKWANE MUNICIPALITY

#### STANDARD WATER AND SANITATION BY-LAWS

5      The Municipal Manager of the Polokwane Municipality hereby, in terms of the provisions of Section 13(a) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), publishes the Water and Sanitation By-laws for the Polokwane Municipality, as approved by its Council, as set out below;

10     The said by-law shall take effect on the date of publication of this Notice.

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## CHAPTER 1

### APPLICATION AND INTERPRETATION OF BY-LAWS

These by-laws apply-

- (a) Within the defined boundaries of the Polokwane Municipality
- (b) In addition to any applicable national or provincial law.

#### 1. Definitions and Interpretation of By-laws

Unless the context indicates otherwise-

- (a) **"accommodation unit"** in relation to any premises, means a building or section of a building occupied or used or intended for residential occupation or use by any person;
- (b) **"Act"** means the Water Services Act No, 1997 (Act No. 108 of 1997), and the regulations made under that Act;
- (c) **"air gap"** means the unobstructed vertical distance through the free atmosphere between the lowest opening from which any pipe, valve or tap, supplies water to a tank or fitting or other device, and the overflow level thereof;
- (d) **"approved"** means approved by the Council;
- (e) **"authorised official"** means any official of the Council who has been authorised by the Council to administer, implement or enforce the provisions of these By-laws;
- (f) **"backflow"** means the flow of water in any pipe or fitting in a direction opposite to the normal direction of flow;
- (g) **"backflow preventer"** means any device or means to prevent backflow;

- (h) **"back siphonage"** means the backflow resulting from pressures lower than atmospheric pressure in the water installation;
- 5 (i) **"basic sanitation"** means the minimum standard of safe and hygienic sanitation services and sewage disposal rendered to households, prescribed in terms of the Act, under regulation 2 of Government Notice R509 of 8 June 2001, as amended from time to time, or any substitution for that regulation;
- 10 (j) **"basic water supply"** means the minimum standard of water supply services necessary for the reliable supply of water to households to support life and personal hygiene, prescribed in terms of the Act under regulation 3 of Government Notice R509 of 8 June 2001, as amended from time to time, or any substitution for that regulation;
- 15 (k) **"best practicable environmental option"** means the option that provides the most benefit or causes the least damage to the environment as a whole, in both the long and the short term;
- (l) **"borehole"** includes well, excavation or artificially constructed or improved underground cavity which can be used for the purposes of-
- (i) intercepting, collecting or storing water in or removing from an aquifer;
- 20 (ii) observing and collecting data and information on water from an aquifer; or
- (iii) recharging an aquifer.
- (m) **"building regulations"** means the National Building Regulations made in terms of the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977), as amended;
- 25 (n) **"business unit"** in relation to any premises means any building or section of a building occupied or used, or intended to be used for purposes other than residential occupation;

- (o) "**combined installation**" in relation to water supply means a water installation used for fire-fighting and domestic, commercial or industrial purposes;
- 5 (p) "**commercial effluent**" means effluent emanating from an enterprise having a commercial purpose where the effluent is neither industrial effluent nor standard domestic effluent;
- (q) "**commercial purpose**" in relation to the supply of water, means water supplied to premises to be used in the carrying out of a trade or business;
- 10 (r) "**communal sewer**" means a sewer main and connecting sewers and in respect of which a group of consumers and/or owners has constituted itself as a person willing to assume responsibility for, and has signed an agreement accepting responsibility for, the maintenance and repair of the communal sewer;
- 15 (s) "**communal water connection**" means a consumer connection through which water services are supplied to more than one consumer, and "communal water services work" has a corresponding meaning;
- 20 (t) "**connecting point**" means the point at which a drainage installation joins the connecting sewer;
- (u) "**connecting sewer**" means a pipe owned by the Council and installed by it for the purpose of conveying sewage from a drainage installation on any premises, to a sewer beyond the boundary of those premises, or within a servitude area, or within an area covered by a way-leave document or other type of agreement;
- 25 (v) "**connection pipe**" means a pipe, up to and including the water meter, the ownership of which is vested in the Council and installed by it for the purpose of conveying water from a main to a water

installation, and includes a "communication pipe" referred to in SANS Code 0252 Part I;

(w) "**consumer**" means-

(i) any person who occupies premises to whom, and in respect of which premises, the Council-

(aa) has agreed to provide water services;

(bb) is actually providing water services;

(cc) has entered into an agreement with the Council for the provision of water services to or on any premises;

(ii) the owner of any premises to which the Council is providing water services;

(iii) where water services are still provided through a single connection to a number of accommodation units or consumers or occupiers (which single connections to a number of consumers were legal prior to Regulation No 22355 i.t.o. the Act in Government Gazette of 8 June 2001), means the person to whom the Council has agreed to provide such water services; and

(iv) any end-user who receives water services from the Council or other water services institution.

(x) "**conventional water meter**" means a meter where the account is issued subsequent to the consumption of water;

(y) "**Council**" means-

(i) the Polokwane Local Municipality established by Provincial Notice No. 307 of 2000, dated 1 October 2000, as amended, exercising its legislative and executive authority through its municipal council;

- (ii) its successor in title;
- (iii) a structure or person exercising a delegated power or carrying out an instruction, where any power in these by-laws has been delegated or sub-delegated, or an instruction given, as contemplated in section 59 of the Local Government : Municipal Systems Act, 2000; or
- (iv) a service provider fulfilling a responsibility under these by-laws, assigned to it in terms of section 81(2) of the Local Government: Municipal Systems Act 2000, or any other law, as the case may be.
- (z) "**day**" means a 24 hour period commencing and ending at 24h00;
- (aa) "**designated officer**" means a person in the employ of the Council, authorised as a designated officer for the purposes of these By-laws, or if the Council has for the purposes of these By-laws, appointed a service provider which is still operative, an employee of such service provider, authorised by it as a designated officer in terms of section 109 of these By-laws and acting within the scope of the powers, functions and duties assigned to that service provider by the Council;
- (bb) "**domestic purposes**" in relation to the supply of water means the general use of water supplied for personal and residential uses, including health and hygiene, drinking, ablution, culinary, household and garden maintenance;
- (cc) "**drain**" means that portion of the drainage installation that conveys sewage within any premises;
- (dd) "**drainage installation**" means a system situated on any premises and vested in the owner thereof that is used for or intended to be used for or in connection with the reception, storage, treatment or conveyance of sewage or other form of waste water on those premises to the connecting point, and includes a drain, a fitting, an

appliance, a septic tank, a conservancy tank, a pit latrine and a private pumping installation, forming part of or being ancillary to such system;

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

10 (ff) "**dwelling unit**" means an interconnected suite of rooms designed for residential purposes and occupation by a single household, regardless of how many persons comprise the household;

(gg) "**ECA**" means the Environment Conservation Act, 1989 (Act No. 73 of 1989) and any regulations made in terms thereof, or any superseding legislation;

15 (hh) "**effluent**" means any liquid, whether or not containing matter in solution or suspension, which is discharged from any premises directly or indirectly into a drainage work;

(ii) "**EIA**" means an environmental impact assessment as contemplated in NEMA , and/or the ECA;

20 (jj) "**EIA regulations**" means the EIA Regulations as published in Government Notice R 1183 on 5 September 1997, as amended from time to time, or any regulations made in substitution therefor under the ECA or any superseding legislation;

(kk)

25 (ll) "**emergency**" means any situation that poses a risk or potential risk to life, health, the environment, or property, or declared to be an emergency under any law;

(mm) "**enforcement notice**" means any notice issued by a designated officer under these By-laws, which instructs the person to whom it is

issued to comply with the terms of the notice, and includes a compliance notice contemplated in section 119;

(nn) "**environmental cost**" means the full cost of all measures necessary to restore the environment to its condition prior to an incident which causes damage to it, and in the event of this not being possible the value of the cost benefit that has been lost through the damage to or destruction of the environment;

(oo) "**fire installation**" means a potable water installation that conveys water intended for fire-fighting purposes only;

(pp) "**fixed quantity water delivery system**" means a water installation, which delivers a fixed quantity of water to a consumer in any single day;

(qq) "**flood level**" means that level reached by flood waters resulting from a storm designated in terms of recognised engineering criteria as being of a frequency to be expected once in every 50 years;

(rr) "**flood plain**" means the area below the flood level subject to inundation;

(ss) "**general installation**" means a water installation which conveys water for a combination of domestic, commercial and industrial purposes;

(tt) "**household**" means the family unit of persons or individuals in occupation of a building or part of a building designed for residential occupation by such family unit or individuals;

(uu) "**industrial effluent**" means any liquid, whether or not containing matter in solution or suspension, which is given off in the course of or as a result of any trade, manufacturing, mining, chemical or other industrial process or in any laboratory, or in the course of research, or agricultural activity, and includes any liquid or effluent emanating from



the use of water, other than standard domestic effluent or stormwater, and "trade effluent" bears the same meaning;

5 (vv) "**industrial purposes**" in relation to the supply of water means water supplied to any premises which constitutes a factory as defined in the General Administrative Regulations, published in Government Notice R2206 of 5 October 1984 or any superseding legislation, and includes the use of water for purposes of mining, manufacturing, retailing and service industries, generating electricity, land-based transport, construction or any related purpose;

10 (ww) "**installation work**" means work carried out on a water installation, including work in respect of its construction;

(xx) "**law**" means any law, including the common law;

15 (yy) "**main**" means a pipe, other than a connection pipe, vesting in the Council and used by it for the purpose of conveying water to any number of consumers;

(zz) "**measuring device**" means any method, procedure, process, device, apparatus, or installation that enables the quantity or quality of water services provided to be quantified or evaluated;

20 (aaa) "**meter**" means a water meter as defined by Regulation 81(a) Government Notice R 2362 dated 18 November 1977, published in terms of the Trade Metrology Act, 1973 (Act No. 77 of 1973) or any superseding legislation 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;

25 (bbb) "**National Water Act**" means the National Water Act, 1998 (Act No. 36 of 1998);

(ccc) "**NEMA**" means the National Environmental Management Act, 1998 (Act No. 107 of 1998);

- 5 (ddd) "**nuisance**" means any condition, thing, act or omission which is offensive or injurious to, or which tends to prejudice the safety, good order, peace or health of one or more of the residents in any particular locality within the area of the Council, or the rights, or reasonable comfort, convenience, peace or quiet of the occupants of any area within the Council's jurisdiction;
- (eee) "**occupier**" means a person who occupies any premises or part thereof;
- (fff) "**owner**" includes-
- 10 (i) the person in whom from time to time is vested the legal title to premises, including, but not limited to, the registered owner according to the title deed;
- 15 (ii) where the owner of the premises concerned is insolvent, deceased, has assigned his or her estate for the benefit of his or her creditors, has been placed under curatorship in terms of an order of court, is a closed corporation being wound up, or is a company being wound up or under judicial management, includes the person in whom the administration of such premises is vested as executor, administrator, trustee, assignee, curator, liquidator or judicial manager as the case may be;
- 20 (iii) in any case where the Council is unable to determine the identity of such person, a person who is entitled to the benefit of the use of such premises; and
- 25 (iv) the lessee under any registered lease of land which is entered into for a period of not less than ten years or for the natural life of the lessee or any other person mentioned in such lease or which is renewable from time to time at the will of the lessee indefinitely or for a period which together with the first period of such lease amounts in all to not less than ten years, whether or not such
- 30 renewal is dependent on the periodical consent or permission of

or the periodical renewal of a licence by the State or any statutory licensing body;

(v) in relation to 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; and

(vi) in relation to a section as defined in the Sectional Titles Act, 1986 (Act 95 of 1986), the person in whose name the relevant unit is registered under a sectional title deed, and includes the lawfully appointed representative of such a person;

(ggg) "**person**" means any natural or juristic person, an unincorporated body, and includes a voluntary association or trust and an organ of state as defined in section 239 of the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996);

(hhh) "**pollution**" means the introduction of any substance into the water supply system, a water installation or a water resource, or any ground/surface pollution that may effect or that may cause the water and water resources to be harmful to health or the environment, or impair its quality for the use for which it is intended;

(iii) "**premises**" means any piece of land, with or without improvements, the external surface boundaries of which are delineated on-

(i) a general plan or diagram registered in terms of the Land Survey Act, 1927 (Act 9 of 1927) or in terms of the Deeds Registries Act, 1937 (Act No. 47 of 1937); or

(ii) a sectional plan registered in terms of the Sectional Titles Act, 1986 (Act No. 95 of 1986);

- (jjj) "**prepayment meter**" means a meter that can be programmed to limit the flow of water into a water installation to the amount which has been previously purchased;
- 5 (kkk) "**prepayment measuring system**" means a meter and ancillary devices approved by the Council designed to measure and allocate to a consumer the quantity of water pre-purchased by himself or herself;
- (lll) "**prescribed**" means, determined by resolution of the Council from time to time;
- (mmm) "**prescribed fee**" means a prescribed tariff ;
- 10 (nnn) "**prescribed tariff**" means a tariff determined by the Council by resolution in terms of Chapter 4 of the Local Government Municipal Finance Management Act (Act No. 56 of 2003) or any other applicable legislation;
- 15 (ooo) "**professional engineer**" means a person registered as a professional engineer in terms of the Engineering Profession Act, 2000 (Act No. 46 of 2000);
- (ppp) "**qualified plumber**" means a person who has passed a plumbing trade test recognised by the Department of Labour and who has received a certificate therefor;
- 20 (qqq) "**sanitation services**" means the collection, removal and disposal or purification of human excreta, sewage and any other effluent including domestic and industrial effluent resulting from the use of water;
- (rrr) "**SANS**" means the South African National Standards;
- 25 (sss) "**service pipe**" means a pipe which is part of a water installation provided and installed on any premises by the owner or occupier, and which is connected or is to be connected to a connection pipe to serve the water installation on the premises;

(ttt) "**sampler**" means a person who takes samples for analysis from the sewage disposal and stormwater disposal systems and who has been certified as qualified to do so by the Council;

5 (uuu) "**sewage**" means waste water, industrial and commercial effluent, standard domestic effluent and other liquid waste, either separately or in combination, but does not include stormwater;

10 (vvv) "**sewage disposal system**" means a structure, pipe, valve, pump, meter or other appurtenance used in the conveyance of sewage through the sewer reticulation system and the treatment thereof at a sewage treatment plant under the control of the Council and which may be used by the Council in connection with the disposal of sewage;

15 (www) "**sewer**" means any pipe or conduit which is the property of or is vested in the Council and which may be used or is intended for the conveyance of sewage from the connecting sewer but does not include a drain, and "municipal sewer" has a corresponding meaning;

20 (xxx) "**standard domestic effluent**" means domestic effluent with prescribed strength characteristics in respect of chemical oxygen demand, total nitrogen, total phosphates and settleable solids as being appropriate to a sewage discharge from domestic premises within the jurisdiction of the Council, but does not include industrial effluent;

(yyy) "**stormwater**" means water resulting from natural precipitation or accumulation and includes rainwater, subsoil water or spring water;

25 (zzz) "**Systems Act**" means the Local Government: Municipal Systems Act 2000 (Act No. 32 of 2000);

(aaaa) "**terminal water fitting**" means a water fitting at an outlet of a water installation that controls the discharge of water;

- (bbbb) "**these By-laws**" means the Water and Sanitation By-laws, 2004 and any Schedules thereto;
- (cccc) "**trade premises**" means premises upon which any form of industrial effluent is produced;
- 5 (dddd) "**water connection**" means a connection pipe;
- (eeee) "**water fitting**" means a component of a water installation, other than a pipe, through which water passes or in which it is stored;
- 10 (ffff) "**water installation**" means the pipes and water fittings which are situated on any premises and vested in the owner thereof and used, or intended to be used in connection with the use of water on such premises, and includes a pipe and water fitting situated outside the boundary of the premises up to the connection pipe which pipes and water fittings connects to the connection pipe relating to such premises;
- 15 (gggg) "**water services**" means water supply services and sanitation services, as defined in these By-laws and includes the collection and disposal of industrial effluent;
- 20 (hhhh) "**water services work**" means a reservoir, dam, well, pump-house, borehole, pumping installation, purification works, sewage treatment plant, access road, electricity transmission line, pipeline, meter, fitting or apparatus built, installed or used by a water services institution-
- (i) to provide water services;
- (ii) to provide water for industrial use; or
- (iii) to dispose of industrial effluent;
- 25 (iiii) "**water supply services**" means the abstraction, conveyance, treatment and distribution by the Council of water for domestic, industrial and commercial purposes;

(jjjj) "**water supply system**" means a structure, aqueduct, pipe, valve, pump, meter or other apparatus relating thereto which is vested in the Council and is used or intended to be used in connection with the supply of water; and

5 (kkkk) "**working month**" means a calendar month excluding any Saturday, Sunday, and public holiday.

(2) If any provision in these By-laws vests or imposes any power, function or duty of the Council in or on an employee of the Council and such power, function or duty has in terms of section 81(2) of the Local Government: Municipal Systems Act, 2000 or any other law been assigned to a service  
10 provider, the reference to such employee must be read as a reference to the service provider or, where applicable, an employee of the service provider authorised by it.

## 2. General duties regarding water supply and sanitation services

15 (1) The Council must take reasonable measures to realise the right of every person to a basic water supply and sanitation services as contemplated in the Act.

(2) Notwithstanding this basic right, every person who is the head of a household or in charge of a business enterprise or industrial undertaking or the  
20 representative of any such person, and who or which desires to consume water must make application to the Council as contemplated in section 4 to acquire such services.

(3) If the Council is unable to meet the general requirements of all its consumers, it must give preference to providing a basic water supply and basic sanitation  
25 services to all its consumers.

(4) The Council is not obliged to provide water services-

(a) to areas or consumers outside the Council's area of jurisdiction;

- (b) where, due to the nature of the topography, water services cannot be provided economically or cost effectively; or
- (c) where the necessary bulk infrastructure does not exist or is inadequate to service additional consumers.

5      **3. Levels of water supply and sanitation services<sup>2</sup>**

- (1) The Council may provide the various levels of service set out in subsection (2) to consumers at the tariffs set out in the schedule of tariffs determined by the Council.

- (2) The levels of service must comprise-

- 10      (a) Service Level 1, which must satisfy the minimum standard for basic water supply and sanitation services as required in terms of the Act and its applicable regulations and must consist of-
  - (i) a water supply from communal water points; and
  - (ii) a ventilated improved pit latrine located on each site;
- 15      (b) Service Level 2, which must
  - (i) consist of -
    - (aa) a water connection to each stand with an individual yard standpipe;
    - (bb) a water borne connection connected to either a municipal sewer or a shallow communal sewer system; and
    - 20      (cc) a pour flush toilet which must not be directly connected to the water installation;



- (ii) be provided to consumers at the tariffs set out in the schedule of tariffs determined by the Council, provided that-
- (aa) the average water consumption per stand through the water connection for the zone or group of consumers in the zone does not exceed 6kl over any 30 day period;
- (bb) the water standpipe is not connected to any other terminal water fittings on the premises;
- (cc) in the case of a communal sewer having been installed, a collective agreement has been signed by the group of consumers accepting responsibility for the maintenance and repair of the communal sewer; and
- (dd) the Council may adopt any measures necessary to restrict the water flow to Service Level 2 consumers to 6kl per month; and
- (c) Service Level 3, which must
- (i) consist of-
- (aa) a metered full pressure water connection to each stand; and
- (bb) a conventional water borne drainage installation connected to the Council's sewer.
- (3) If a consumer receiving Service Level 2 contravenes subparagraph (2)(b)(ii)(aa) or (2)(b)(ii)(bb)-
- (a) the Council may install a prepayment meter in the service pipe on the premises; and
- (b) the tariffs for water services may be applied in accordance with section 9.

- (4) The level of service to be provided to a community may be established in accordance with the policy of the Council and subject to the conditions determined by the Council.

## CHAPTER 2

### 5 APPLICATIONS AND AGREEMENTS FOR WATER SERVICES

#### 4. Application for water services

- (1) No person, other than a consumer on Service Level 1, may consume, abstract or be supplied with water from the water supply system or utilise the sewage disposal system or any other sanitation services unless he or she has applied to the Council on the prescribed form for such services, and such application has been approved by the Council.
- (2) An application for the use of water services approved by the Council constitutes an agreement between the Council and the applicant and takes effect on the date referred to in the application.
- (3) The applicant is liable for all the prescribed tariffs in respect of water services rendered to him or her until the termination of the agreement.
- (4) The Council, may, if it deems it necessary, require a third party to be bound jointly and severally as surety and co-principal debtor with the consumer, for the payment of any prescribed tariffs under these By-laws.
- (5) An application form must contain the following minimum information<sup>3</sup>-
- (a) a statement by the applicant that he or she is aware of and understands the contents of the form;
  - (b) acceptance by the applicant of the provisions of these By-laws;

- (c) acceptance by the applicant of liability for the cost of water services rendered;
- (d) the name of the proposed consumer and his or her identity or registration number, where applicable;
- 5 (e) the address or stand number of the premises to which, water services are to be rendered, or a communal water connection operates;
- (f) the address to which accounts must be sent;
- (g) if water is to be supplied, the purpose for which the water is to be used;
- 10 (h) the agreed date on which the provision of water services will commence; and
- (i) a copy of any applicable lease agreement or written confirmation from the owner or the owners agent, stating the date of occupation.
- 15 (6) Water services rendered to a consumer are subject to the provisions of these By-laws and the conditions contained in the relevant agreement.
- (7) The applicant must be informed if the Council-
  - (a) refuses an application for the provision of water services;
  - (b) is unable to render such water services on the date requested for such provision of water services to commence;
  - 20 (c) is unable to render the water services
- (8) The Council must furnish the applicant with the reasons for its inability to render the water services and, if applicable, the date when it will be able to provide such water services.

**5. Change of purpose of water services**

Where the purpose or extent for which water services are used is changed, the consumer must inform the Council, and must enter into a new agreement with the Council, expressed to be effective from the date on which such change of use took or will take effect.

**6. Agreements regarding communal sewers**

The Council must provide sanitation services in respect of a communal sewer only once an agreement whereby the community served by that sewer has, by means of an association or other legal entity, concluded an agreement for the maintenance and repair of the communal sewer with the Council and such service must be supplied in accordance with the provisions of that agreement, read with the provisions of these By-laws.

**7. Special agreements for water services**

The Council may enter into a special agreement for the provision of water services to an applicant-

- (a) inside its area of jurisdiction, if the service applied for necessitates the imposition of conditions not contained in the prescribed form or in these By-laws; and
- (b) outside its area of jurisdiction, if such application has been approved by the Council having jurisdiction in the area in which the premises to be supplied are situated.

**8. Termination of agreements**

- (1) Subject to the provisions of these By-laws-

- 5 (a) a consumer may terminate an agreement for the provision of water services by giving to the Council not less than seven days' notice in writing of his or her intention to do so;
- (b) the Council may, by notice in writing of not less than 30 days, advise a consumer of the termination of his or her agreement for the provision of water services if-
- 10 (i) he or she has not used the water services during the preceding six months and has not made arrangements to the satisfaction of the Council for the continuation of the agreement;
- (ii) he or she has failed to comply with the provisions of these By-laws and has failed to rectify such failure to comply following the issue of a compliance notice contemplated in section 119 or has failed to pay prescribed tariffs due and payable; or
- 15 (iii) an arrangement has been made by such consumer with another water services institution to provide water services to the consumer;
- (2) the Council may, after having given notice, terminate an agreement for services if a consumer has vacated the premises to which such agreement relates.
- 20 (3) If it is determined by a body legally empowered to do so, other than the Council, that an existing water service on private property or emanating from private property is creating environmental damage or water pollution or water wastage and the owner of the property, or the consumer, whichever is applicable, is directed to carry out such measures as are required under any
- 25 Act or law to rectify the situation, the Council is not liable for any damages arising as a result of the measures required to be taken or in respect of damages suffered as a result of a permanent or temporary termination of the services.

- (4) Should the consumer fail to carry out the measures contemplated in subsection (3) the Council may, subject to the provisions of these By-laws, undertake the measures required, and any expenditure incurred may be recovered from the owner of the premises or the consumer as the case may be.

### CHAPTER 3

#### TARIFFS, DEPOSITS AND PAYMENT FOR WATER SERVICES<sup>4</sup>

##### 9. Prescribed tariffs for water services

- (1) All prescribed tariffs payable in respect of water services rendered by the Council in terms of these By-laws must be in terms of section 10 of the Act.
- (2) All tariffs determined by the Council for the use of sewers or for discharge into the sewage disposal system or otherwise in connection with such system are payable by-
- (a) the owner of the premises; or
  - (b) the consumer.
- (3) The owner of any piece of land, whether or not there are any improvements thereon, may be required to pay tariffs for water services, if in the opinion of the Council-
- (a) the piece of land is connected to a sewer; or
  - (b) the piece of land could be connected to a sewer.

**10. Deposits for water services**

- 5 (1) Every consumer must on application for the provision of water services and before such water services will be provided by the Council, deposit with the Council a sum of money equal to the estimated tariffs for two average months water services as determined by the Council.
- (2) The Council may require a consumer to whom services are provided and who was not previously required to pay a deposit, for whatever reason, to pay a deposit on request, within a specified period.
- 10 (3) The Council may from time to time review the sum of money deposited by a consumer in terms of subsection (1) and in accordance with such review-
- (a) require that an additional amount be deposited by the consumer; or
- (b) refund to the consumer such amount as may be held by the Council in excess of the revised deposit.
- 15 (4) Subject to the provisions of subsections (5) and (8), an amount deposited with the Council in terms of subsections (1) or (2) must not be regarded as being in payment or part payment of an account due for water services rendered.
- 20 (5) If, upon the termination of the agreement for the provision of water services, an amount remains due to the Council in respect of water services rendered to the consumer, the Council may apply the deposit in payment or part payment of the outstanding amount and refund any balance to the consumer, if the address of the consumer is known.
- (6) No interest will be payable by the Council on the amount of a deposit held by it in terms of this section.
- 25 (7) An agreement for the provision of water services may contain a condition that a deposit will be forfeited to the Council if it has not been claimed within twelve months of the date of termination of the agreement.

- (8) In the case of disconnection of a water supply for an unpaid account, the deposit will be allocated to the unpaid account and a new deposit must be paid before the water supply is reconnected.

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

- 5 (1) Water services provided by the Council to a consumer must be paid for by the consumer at the prescribed tariffs for the particular category of water services provided.
- 10 (2) A consumer is responsible for payment for all water services provided to him or her from the date of commencement of the services until the date of termination thereof.
- 15 (3) The Council may estimate the quantity of water services provided in respect of a period or periods within the interval between successive measurements which may not be more than 180 days apart, and may render an account to a consumer for the services so estimated, which estimate must, for the purposes of these By-laws, be regarded as an accurate measurement until the contrary is proved.
- 20 (4) If a consumer uses water supply services for a category of use other than that for which it is provided by the Council in terms of an agreement and as a consequence is charged at a rate lower than the rate which should have been charged, the Council may make an adjustment of the amount charged in accordance with the rate which should have been charged and recovered from the consumer the tariffs payable in accordance with such adjustment, and may also review the amount of the deposit held, in accordance with section 10(3).
- 25 (5) If amendments to the prescribed tariffs for water services provided become operative on a date between measurements for the purpose of rendering an account in respect of such tariffs-



(a) the same quantity of water services must be regarded as having been provided in each period of twenty-four hours during the interval between the measurements; and

5 (b) any prescribed tariff must be calculated on a pro rata basis in accordance with the prescribed tariff which applied immediately before such amendments.

(6) Failure by the Council to comply with the period of 180 days referred to in subsection (3) does not prevent the Council from recovering any monies due to it by a consumer.

10 **12. Payment in respect of prepayment meters**

When a consumer is supplied with water through a prepayment meter, in addition to the requirements of sections 10 and 11-

15 (a) no refund of the amount tendered for the purchase of water credit may 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 may be made to the consumer; and

20 (c) the Council is not 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.

**13. Accounts rendered by Council**

(1) Accounts must be rendered and administered in accordance with the requirements of the Council.

- (2) If it is established that a meter is defective, the Council must, in accordance with section 39:
- (a) in the case of a conventional water meter, adjust the account rendered;
  - 5 (b) in the case of a prepayment meter-
    - (i) render an account where the meter has been under-reading; or
    - (ii) issue a free token where the meter has been over-registering.
- (3) Monthly accounts will be rendered to consumers for the amount due and payable, at the address last recorded with the Council.
- 10 (4) Failure by the Council to render an account does not relieve a consumer of the obligation to pay any amount due and payable.
- (5) An account rendered by the Council for water services provided to a consumer must be paid not later than the last date for payment specified in such account, which date must be at least 14 days after the date of the account.
- 15 (6) If payment of an account is received after the date referred to in subsection (5), a late payment tariff or interest as may be prescribed, must be paid by the consumer to the Council.
- (7) Accounts must-
- 20 (a) show the following-
- (i) the consumption or estimated consumption or assumed consumption as determined for the measuring and / or consumption period;
  - (ii) the measuring or consumption period;
  - 25 (iii) the applicable tariff;

- (iv) the amount due in terms of the consumption;
- (v) the amount due and payable for any other service rendered in terms of these By-laws by the Council;
- (vi) the amount in arrears, if any;
- 5 (vii) the interest payable on any arrears, if any;
- (viii) the final date for payment; and
- (ix) the methods, places and approved agents where payment may be made; and
- (b) state that-
- 10 (i) if a consumer is unable to pay the full amount due and payable the consumer may conclude an agreement with the Council for payment of the arrears amount in instalments at the Council's offices before the final date for payment;
- 15 (ii) if no such agreement is entered into, the Council may terminate or limit the water services after sending a final demand notice to the consumer;
- (iii) legal action may be instituted against any consumer for the recovery of any amount 30 days in arrears;
- 20 (iv) the defaulting consumer's name may be made public, and may be listed with a credit bureau or any other equivalent body as a defaulter;
- (v) the account may be handed over to a debt collector or attorney for collection;
- 25 (vi) proof of registration as an indigent consumer in terms of the Council's indigent policy must be handed in before the final date for payment; and

- (vii) an indigent consumer is only entitled to basic water supply services and will be liable for payment in respect of water services used in excess of the quantity of basic services.

**14. Account queries or complaints by consumers**

- 5 (1) A consumer may lodge a query or complaint in respect of the accuracy of the amount due and payable in terms of an account rendered by the Council.
- (2) A query or complaint must be lodged with the Council before or on the due date for payment of the account, or as soon as reasonably possible thereafter.
- 10 (3) Where a query or complaint is lodged after the due date of the account queried or complained about, such query or complaint must be accompanied by the payment of at least an amount equal to the average amount that was due and payable during the preceding three months.
- (4) The Council must register the query or complaint and provide the consumer with a reference number.
- 15 (5) The Council must-
- (a) investigate or cause the query or complaint to be investigated within 14 days or as soon as possible after the query or complaint was registered; and
- 20 (b) must inform the consumer, in writing, of its finding as soon as possible thereafter, whereupon any arrears found to be due and payable must be paid within seven days from the date on which the consumer is notified of the amount found to be due and payable.

**15. Action by Council regarding arrear payments<sup>5</sup>**

- 5 (1) If a consumer fails to pay the amount due and payable on or before the final date for payment, the unpaid amount is in arrears and a final demand notice may be sent and may be hand delivered or posted, per mail, to the most recent recorded address of the consumer.
- (2) Failure to deliver or send a final demand notice does not relieve a consumer from paying such arrears.
- (3) The final demand notice must contain the following-
- 10 (a) the amount in arrears and any interest payable and the date by which such arrears and interest must be paid;
- (b) that the consumer may conclude an agreement with the Council for payment of the arrears amount in instalments within 14 days of the date of the final demand notice;
- 15 (c) that if no such agreement is entered into within the stated period that the water services will be discontinued or limited and that legal action may be instituted against any consumer for the recovery of any amounts 30 days or more in arrear, without further notice;
- (d) that the account may be handed over to a debt collector or attorney for collection;
- 20 (e) proof of registration as an indigent consumer in terms of the Council's indigent policy must be handed in to the Council on or before the date for payment contemplated in paragraph (a);
- 25 (f) that an indigent consumer is only entitled to basic water services and will be liable for payment in respect of water services used in excess of the quantity of basic services; and

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<sup>5</sup> These provisions may more appropriately be located in By-laws dealing with Council credit control.

- (g) an opportunity for the consumer to make representations in writing on or before the date of payment contemplated in paragraph (a).
- (4) Interest may be levied on all arrears at a rate prescribed by the Council from time to time.
- 5 (5) The amount due and payable by a consumer constitutes a consolidated debt, and any payment made by a consumer of an amount less than the total amount due will be allocated in reduction of the consolidated debt in the order determined by the Council.
- 10 (6) The Council may, after the expiry of the period allowed for payment in terms of the final demand notice, hand deliver or send per mail to the last recorded address of the consumer a discontinuation notice-
  - (a) informing such consumer that the provision of water services will be or has been discontinued on the date stated on the discontinuation notice;
  - 15 (b) containing information advising the consumer of steps which can be taken to have the service re-connected.
- 20 (7) If representations made by a consumer are unsuccessful either wholly or in part, a final demand notice complying with the provisions of subsections (3)(a) to (g) must be given to the consumer in the manner provided for in subsection (1), stipulating that no further representations may be made.
- (8) Subject to the provisions of the Act, the Council may reduce supply of water services to a consumer if-
  - (a) full payment was not received within the period stated in the final demand notices referred to in subsections (3) and (7);
  - 25 (b) no agreement was entered into for the payment of arrears in instalments;

- (c) no proof of registration as an indigent was furnished within the period provided for in the final demand notice contemplated in subsections (3) and (7);
- 5 (d) no payment was received in accordance with an agreement for payment of arrears;
- (e) no representations as contemplated in paragraph (h) of subsection (3) were made within the period provided for in the final demand notice, contemplated in subsection (3); or
- 10 (f) the representations referred to in subsection (7) have not been wholly acceded to by the Council.
- (9) Where an account rendered to a consumer remains outstanding for more than 60 days the defaulting may be handed over to a debt collector or an attorney for collection.
- 15 (10) A consumer will be liable for any administration tariffs or costs incurred in taking action for the recovery of arrears and any penalties, including the payment of a higher deposit.
- 20 (11) Where a body corporate is responsible for the payment of any arrears amount to the Council in respect of a sectional title development, the liability of the body corporate is extended to the members thereof, jointly in proportion to the participation quota of each sectional title unit.
- 25 (12) No action taken in terms of this section due to non-payment will be suspended or withdrawn, unless the arrears, any interest thereon, administration tariff, additional charges, costs incurred in taking legal action and any penalty, including the payment of a higher deposit, which are payable, are paid in full.
- (13) Subject to the provisions of the Act, an agreement for payment of the arrears amount in instalments entered into after the water services were discontinued, will not result in the water services being restored until the

arrears, any interest thereon, administration tariffs, costs incurred in taking legal action and any penalty, including payment of a higher deposit, are paid in full.

**16. Agreements regarding payment of arrears in instalments**

- 5           (1) Only a consumer with positive proof of identity or a person authorised, in writing by that consumer may enter into an agreement with the Council for the payment of arrears in instalments.
- 10           (2) The amount due and payable by a consumer constitutes a consolidated debt, and any payment made by a consumer of an amount less than the total amount due, must be allocated in reduction of the consolidated debt in the order determined by the Council.
- (3) A consumer may be required to complete a debit order for the payment of arrears.
- 15           (4) No agreement for the payment of arrears will be longer than 24 months, unless the circumstances referred to in subsection (5) prevail.
- 20           (5) The Council may, on an individual basis, allow a longer period than 24 months for the payment of arrears, if special circumstances prevail that in the opinion of the Council warrant such an extension and which the consumer could not reasonably prevent or avoid, and documentary proof of any special circumstances must be furnished by the consumer on request by the Council.
- (6) The Council must, in exercising its discretion under sub-section (5) have regard to a consumer's-
- (a) credit record;
- (b) consumption;
- 25           (c) level of service;



(d) previous breaches of agreements for the payment of arrears in instalments; and

(e) any other relevant factors.

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(7) A copy of the agreement must on request be made available to the consumer.

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(8) If a consumer fails to comply with an agreement for the payment of arrears in instalments, the total of all outstanding amounts, including the arrears, any interest thereon, any administration tariff, costs incurred in taking legal action, and penalty, including payment of a higher deposit, will be immediately due and payable, without further notice or correspondence.

15

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

(10) No consumer may enter into an agreement for the payment of arrears in instalments where that consumer has failed to honour a previous agreement for the payment of arrears in instalments, unless the Council otherwise decides.

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#### **17. Council may limit or discontinue water services**

(1) Subject to the provisions of these By-laws, the Council may limit or discontinue water services provided in terms of these By-laws-

(a) at the written request of a consumer;

25

(b) if the agreement for the provision of services has been terminated in terms of section 8 and the Council has not received an application for subsequent services to the premises;

- (c) if the building on premises to which services were provided has been demolished;
- (d) if the consumer has unlawfully interfered with the water installation or service in any way;
- 5 (e) in an emergency;
- (f) if there has been material abuse of the water services by the consumer or an occupier of the premises; or
- (g) if the use of the water services is creating significant environmental damage or water pollution.

- 10 (2) The Council will, where a water service has been discontinued in terms of subsection (1), be obliged to restore it only after the prescribed tariffs for the discontinuation and reconnection of the water service and any applicable deposit, as well as any applicable fine in terms of these by-laws have been paid.

15 **18. Restoration of water services by Council**

When a consumer enters into an agreement for the payment of the arrears amount in instalments after the receipt of a final demand notice or a discontinuation notice, the water services will be restored to the type of service the consumer elected in terms of the agreement for the provision of water services, as soon as reasonably  
20 possible.

## CHAPTER 4

### DUTIES AND PROHIBITIONS REGARDING WATER SERVICES

#### 19. Access to water services other than through Council prohibited

- 5 (1) No person is permitted to have access to water services from a source other than the Council without the Council's written approval.
- (2) Despite the provisions of subsection (1), a person who at the commencement of these By-laws, was using water from another source may continue to do so-
- 10 (a) for a period of 60 days after he or she has been requested by the Council to apply for approval;
- (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 Council, if the application for approval is refused.
- 15 (3) In granting approval, the Council may require the person seeking approval to supply such services as may be specified in the approval to others on reasonable terms specified by the Council.

#### 20. Responsibility for Environmental Impact Assessments

- 20 (1) If an EIA is required to be carried out before the provision of water services can be approved or commenced, the applicant for such services is responsible for the carrying out of such EIA and for the expenses connected therewith.
- (2) After environmental approval has been granted and the provision of water services has been approved by the Council, it is the responsibility of the
- 25 proposed consumer or any entity established under any law to represent the

property interests of any consumer or group of consumers to ensure that all laws and conditions affected by the provisions of water services and relating to environmental management and control are complied with.

**21. General responsibilities of owner and consumer for compliance with By-laws**

- 5 (1) The owner of premises is ultimately responsible for ensuring compliance with these By-laws in respect of all or any matters relating to any installation, and if he or she is not the consumer who actually uses the water services, the owner is jointly and severally liable with such consumer in respect of all matters relating to the use of any water services on his or her property, including any financial obligation.
- 10 (2) The consumer is primarily responsible for compliance with these By-laws in respect of matters relating to the use of any water service.
- (3) No approval given under these By-laws relieves any owner or consumer from complying with any other law relating to the abstraction and use of water or the disposal of effluent.
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**22. Unauthorised use of water services prohibited**

- (1) No person may gain access to water services from the water supply system, sewage disposal system or any other sanitation services unless an agreement has been entered into with the Council for the rendering of those services.
- 20 (2) A designated officer may issue a compliance notice in terms of section 111 to ensure compliance with subsection (1) by, inter alia, ordering a person making unauthorised use of water services to-
- (a) apply for such services in terms of section 4 or 7; and
- 25 (b) undertake and complete, to the reasonable satisfaction of the designated officer, such plant as may be necessary to ensure that the

consumer installation through which access was gained complies with the provisions of these By-laws, and to make application in the prescribed manner for such services.

**23. Interference with water supply system or sanitation services prohibited**

- 5 (1) Unless he or she has been authorised to do so by the Council in writing, no person may-
- (a) operate or maintain any part of the water supply system;
- (b) operate any sewage disposal system;
- 10 (c) effect a connection or reconnection to the water supply system or sewage disposal system; or
- (d) render any other sanitation services.
- (2) No person may interfere with or wilfully or negligently damage or permit damage to or interference with any part of the water supply system or sewage disposal system belonging to the Council.

15 **24. Obstruction of access to water supply system or sanitation service prohibited**

No person may prevent or restrict physical access by any employee of the Council to the water supply system or sewage disposal system of the Council.

## CHAPTER 5

### WATER SUPPLY SERVICES

#### Part A

#### General Conditions of Water Supply Services by Council

5      **25. Quantity, quality and pressure of water supply**

Water supply services provided by the Council must comply with the minimum standards set for the provision of water supply services in terms of section 9 of the Act.

**26. General conditions of water supply services by Council**

- 10      (1) Subject to the provisions of the Act, the supply of water by the Council does not constitute an undertaking by it to maintain at any time or any point in its water supply system-
- (a) an uninterrupted supply;
- (b) a specific pressure or rate of flow in such supply; or
- 15      (c) a specific standard of quality of water.
- (2) If the water supply to a consumer is interrupted for more than 24 hours, the Council must provide an alternative basic water supply as soon as reasonably practicable.
- 20      (3) The Council may specify the maximum height above ground level or mean sea level to which water is supplied from the water supply system.
- (4) If an owner requires that any of the standards contemplated in section 9 of the Act, be maintained on his or her premises, he or she must make provision in the water installation for such maintenance.

- (5) The Council may in an emergency, interrupt the supply of water to any premises without prior notice.
- 5 (6) If the consumption of water by a consumer adversely affects the supply of water to any other consumer, the Council may apply such restrictions as are necessary, to the supply of water to the first mentioned consumer, in order to ensure a reasonable supply of water to the other consumer or consumers concerned, and must inform the first mentioned consumer of such restrictions.
- 10 (7) The Council will not be liable for any damage to property caused by water flowing from fittings left open when the water supply is re-instated, following an interruption in supply for any reason
- 15 (8) Every steam boiler and any premises which require, for the purpose of the work undertaken on the premises, a continuous supply of water, must have a cistern fitted and in working order and holding a water supply deemed adequate by the occupier of the premises.
- (9) No consumer may resell water supplied to him or her by the Council except with the written permission of the Council, which may stipulate the maximum price at which the water may be resold and may impose such other conditions as the Council may deem necessary.
- 20 (10) The Council does not undertake to maintain sufficient pressure in the water supply system to ensure the operation of manually actuated toilet flushing valves which require a specified minimum pressure to operate.

## Part B

### Provision Of Water Supply Connections

#### 27. Provision of connection pipes

- 5 (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 make application on the prescribed form and pay the prescribed tariffs for the installation of such a pipe, which tariffs shall not apply to consumers on Service Level 1 and Service Level 2.
- 10 (2) If application is made for water supply services which are of such an extent or so situated that it is necessary to extend, modify or upgrade the water supply system in order to supply water to the premises, the Council may agree to the extension, modification or upgrade, if the owner pays for the cost thereof, as determined by the Council.

#### 28. Location of connection pipes

- 15 (1) A connection pipe provided and installed by the Council must-
- (a) be located in a position determined by the Council after consultation with the owner referred to in section 27(1) and be of a suitable size as determined by the Council; and
- 20 (b) terminate at the boundary between the land owned by or vested in the Council, or over which either of them has a servitude or other right, and the owner's premises.
- 25 (2) If there is land between the boundary of land owned by or vested in the Council and the land of an owner who has made an application referred to in subsection (1), and the intervening land is not subject to a servitude or other right to carry a connection pipe, such pipe must terminate at the boundary of the land owned by the Council, or vested in it.



- (3) The Council is liable for the maintenance of any meter and associated valve which may be situated on the consumer's premises.
- (4) The Council may, at the request of any person, agree, subject to such conditions as it may impose, to a connection to a main other than that which is most readily available for the provision of water supply to the premises if the applicant agrees to be responsible for any extension of the water installation to the connecting point designated and agreed to by the Council and for obtaining at his or her cost, such servitudes over other property as may be necessary.

#### 29. Provision of single water connection to premises

- (1) In terms of the Regulations relating to compulsory national standards & measures to conserve water, published under Government Gazette No.22355 on 8 June 2001, the practice where only one connection pipe to the water supply system was provided for the supply of water to any premises, irrespective of the number of accommodation units, business units or consumers located on such premises is no longer allowed after June 2001.
- (2) Where, after 8 June 2001, the owner, or the person having the charge or management of any premises on which several accommodation units, business units, or consumers are situated, requires the supply of water to such premises for the purpose of separate supply to the different units or consumers, a suitable water volume measuring device or volume controlling device must be fitted to separately measure or control the water supply to every individual unit or consumer.

#### 30. Valves in connection pipe

Every connection pipe must be fitted with a suitable valve, which must be-

- (a) supplied by the Council at the expense of the consumer;
- (b) installed between the consumer's property and the main;
- (c) of the same diameter as the connection pipe; and
- (d) installed in such position as may be specified by the Council.

5      **31. Unauthorised interconnection between premises or water installations prohibited**

Unless he or she has obtained the prior written consent of the Council and complies with any conditions that may have been imposed by the Council in this regard, an owner of premises must ensure that no interconnection exists between-

- 10            (a) the water installation on his or her premises and the water installation on any other premises; or
- (b) where several dwelling or business units are situated on the same premises, the water installations of such units.

**32. Disconnection of water installation from connection pipe by Council**

15            The Council may disconnect a water installation from the connection pipe and remove the connection pipe if-

- (a) the agreement for supply has been terminated in terms of section 8 and it has not received an application for a subsequent supply of water to the premises served by the pipe within a period of 90 days of
- 20            such termination; or
- (b) the building on the premises concerned has been or is in the process of being demolished pursuant to the grant of a permit for such demolition in terms of law.

**33. Water may be supplied from hydrant in certain circumstances**

- 5 (1) The Council may authorise a temporary supply of water to be taken from one or more fire hydrants specified by it, subject to such conditions and for such period as may be generally prescribed or specifically imposed by it in respect of such supply.
- (2) Except in an emergency, a person who requires a temporary supply of water referred to in subsection (1) must apply therefor.
- 10 (3) The Council may, for the purpose of supplying water from a hydrant, provide a portable water meter to be returned to the Council on termination of the temporary supply, which portable meter and all other fittings and apparatus used for the connection of the portable water meter to a hydrant remains the property of the Council and will be provided subject to any conditions imposed by the Council.

**Part C**

15 **Measuring Quantity Of Water Supplied By Council**

**34. Measuring quantity of water supplied**

- (1) The Council must measure the quantity of water supplied at such regular intervals as the Council may determine, but which must not exceed 180 days.
- 20 (2) Any measuring device through which water is supplied to a consumer by the Council and its associated apparatus-
- (a) must be provided and installed by the Council;
  - (b) remains the property of the Council; and
  - (c) may be changed and maintained when deemed necessary by the Council.

- (3) The Council may install a measuring device and its associated apparatus at any point on the service pipe.
- (4) If the Council installs a measuring device on a service pipe in terms of subsection (3), it may install a section of pipe and associated fittings between the end of its connection pipe and the meter, and such section is deemed to form part of the water installation.
- (5) If the Council installs a measuring device together with its associated apparatus on a service pipe in terms of subsection (3), the owner must-
- (a) provide a place satisfactory to the Council in which to install it;
  - (b) ensure that unrestricted access is available to it at all times;
  - (c) be responsible for its protection and be liable for the costs arising from damage thereto, excluding damage arising from normal fair wear and tear;
  - (d) ensure that no connection is made to the pipe in which the measuring device is installed, between the measuring device and the connection pipe or water main serving the installation;
  - (e) make provision for the drainage of water which may be discharged, from the pipe in which the measuring device is installed, in the course of work done by the Council on the measuring device;
  - (f) not use nor permit to be used on any water installation, any fitting, machine or appliance which causes damage or, in the opinion of the Council, is likely to cause damage to any meter.
- (6) No person other than an authorised official of the Council may-
- (a) disconnect a measuring device and its associated apparatus from the pipe in or to which they are installed or connected;
  - (b) break a seal which the Council has placed on any meter; or

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

(7) If the Council considers that, in the event of the measuring device being a meter, the size of the meter is unsuitable by reason of the quantity of water supplied to premises, it may install a meter of such size as it may deem necessary, and may recover from the owner of the premises concerned the prescribed tariffs for the installation of the replacement meter.

(8) The Council may, at the owner's expense, install or require the installation, of a measuring device to each business or dwelling unit on any premises, if such units are in separate occupancy, for use in determining the quantity of water supplied to each such unit.

(9) Failure by the Council to comply with the period of 180 days referred to in subsection (1), will not disentitle the Council from recovering any monies due to it by a consumer.

### **35. Determining quantity of water supplied to consumer**

(1) For purposes of determining the quantity of water supplied to a consumer during any period and measured by a measuring device installed by the Council, it must be deemed that, other than in the case of prepayment meters-

(a) the quantity is represented by the difference between measurements taken at the beginning and end of such period;

(b) the measuring device was accurate during such period; and

(c) the entries in the records of the Council were correctly made.

(2) If water is supplied to or taken by a consumer without it passing through a measuring device, the estimate by the Council of the quantity of such water must be deemed to be correct.

- 5 (3) Where water supplied by the Council to any premises is in any way taken by the consumer without such water passing through any measuring device provided by the Council, the Council may for the purpose of rendering an account, make an estimate, in accordance with subsection (4), of the quantity of water supplied to the consumer during the period that water is so taken by the consumer.
- (4) For the purposes of subsection (3), an estimate of the quantity of water supplied to a consumer must be based on-
- 10 (a) the average monthly consumption of water on the premises registered over three succeeding measuring periods taken over not more than 180 days in total, after the date on which the irregularity referred to in subsection (2) was discovered and rectified, and/or
- (b) the period preceding the date referred to in subsection (2), but not exceeding 36 months.
- 15 (5) Nothing in these By-laws may be construed as imposing on the Council an obligation to cause any measuring device installed on any premises to be measured at the end of any fixed period, and the Council may estimate the quantity of water supplied over any period during the interval between successive measurements of the measuring device, which may not be more
- 20 than 180 days apart, and render an account to a consumer for the quantity of water so estimated.
- 25 (6) The Council must, on receipt from the consumer of written notice of not less than 7 days and subject to payment of the prescribed tariffs, measure the quantity of water supplied to such consumer at a time or on a day other than that upon which it would normally be measured.
- (7) If a contravention of section 34(6) occurs, the consumer must pay to the Council the cost of such quantity of water estimated by the Council to have been supplied to the consumer.

- (8) Until such time as a measuring device has been installed in respect of water supplied to a consumer, the estimated consumption of that consumer must be based on the average consumption of water supplied to the specific zone within which the consumer's premises are situated, during a specific period.
- 5 (9) Where in the opinion of the Council it is not reasonably possible or cost effective to measure water supplied to each consumer within a particular zone, the Council may determine the tariffs to be paid by each consumer within that zone irrespective of actual consumption.
- 10 (10) Tariffs determined in terms of subsection (9) will be based on the estimated average consumption of water supplied to that zone.
- 15 (11) Where water supply services are provided through a communal water services work, the amount due and payable by consumers gaining access to water supply services through that communal water services work, will be based on the estimated average consumption of water supplied to that water services work, and the decision of the Council in arriving at that amount is final and binding on each consumer affected thereby, unless legally set aside.
- 20 (12) For the purposes of subsections (8) and (9), a zone is that local area of land, of which the premises occupied by the consumer is a part, which is zoned in terms of a town planning scheme or an integrated development plan for homogeneous usage.
- (13) Failure by the Council to comply with the period of 180 days referred to in subsections (4)(a) and (5), does not prevent the Council from recovering any monies due to it by a consumer.

**36. Prepayment metering systems<sup>6</sup>**

- (1) Prepayment metering systems must comply with the requirements of SANS Code 1529 Part 9- 2002
- (2) The conditions set out in these By-laws in respect of conventional meters must apply in respect of prepayment meters unless otherwise provided for in these By-laws.

**37. Arrangements regarding defective measurements**

- (1) If a consumer has reason to believe that a measuring device used for measuring water supplied or installed by the Council is defective, the consumer may, against payment of the prescribed tariff, make application in writing for the measuring device to be tested.
- (2) The consumer referred to in subsection (1) must lodge a deposit equal to the cost of the test with the Council, prior to the test being undertaken.
- (3) If it is alleged that a measuring device is inaccurate, the device must be subjected to a standard industry test to establish its accuracy.
- (4) The consumer referred to in subsection (1), must be informed of the prescribed range of accuracy then applicable, and the possible cost implications including the estimated cost of such test, as set out in subsection (5)(a) prior to such test being undertaken.
- (5) If the outcome of any test shows that a measuring device is-
  - (a) within a prescribed range of accuracy, the consumer will be liable for the costs of such test and any other amounts outstanding; or

<sup>6</sup> Provisions dealing with prepayment meters have been incorporated in some metropolitan by-laws – is it appropriate to circumstances in your municipality?



- (b) outside a prescribed range of accuracy, which is not due to any act or omission of the consumer, the Council will be liable for the costs of such test and the consumer must be informed of the amount of any credit to which he or she is entitled.

5 (6) Any deposit lodged by a consumer for the testing of a measuring device-

- (a) may be retained by the Council if the measuring device is found not to be defective; or
- (b) must be refunded to the consumer if the measuring device is found to be defective, and the defect is not due to any act or omission of the

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consumer;

(7) If the measuring device is-

- (a) a meter to which the regulations relating to water meters published under the Trade Metrology Act, 1973 are applicable, it will be deemed to be defective if, when tested in accordance with SANS Code 1529 Part 1, it is found to have a percentage error in over-registration or under-registration greater than that permitted for a meter in use in

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terms of that specification;

- (b) a meter of a size greater than 100mm diameter but not exceeding 800mm diameter to which the specification referred to in subsection (a) is not applicable, it will be deemed to be defective, when tested in accordance with SANS Code 1529 Part 4 -1998 if it is found to have a percentage error in over-registration or under-registration greater than permitted for a meter in terms of that specification;

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- (c) a prepayment water measuring system, this shall be deemed to be defective if when tested in accordance with SANS Code 1529 Part 9 -2002, it is found to have a percentage error in over-registration or under-registration greater than that permitted in terms of that specification.

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(8) In addition to applying the provisions of subsection (6), if the measuring device is found to be defective, the Council must-

(a) repair the measuring device or install another device which is in good working order, without charging the consumer, unless the costs thereof are recoverable from the consumer where section 34(6) has been contravened;

(b) determine the quantity of water services for which the consumer will be charged on the basis set out in section 35.

(9) A consumer is entitled, on giving the Council reasonable notice of the consumer's intention, to be present at the testing of any meter in which the consumer has an interest.

(10) Any meter removed for testing by the Council must be retained intact and be available for inspection for a period of three months after testing.

### **38. Arrangements for special measurements**

(1) If the Council wishes, for purposes other than charging for water consumed, to ascertain the quantity of water which is used in a part of a water installation, it may, by written notice, advise the owner of the premises affected, of its intention to install a measuring device at such point in the water installation as it may specify.

(2) The installation of a measuring device referred to in subsection (1), its removal, and the restoration of the water installation after such removal must be carried out at the expense of the Council.

(3) The provisions of section 37 apply in respect of a measuring device installed in terms of subsection (1).

**39. Adjustments regarding defective measuring devices**

- 5 (1) If a measuring device is found to be defective, the Council may estimate the quantity of water supplied to the consumer concerned during the period in which, in its opinion, such measuring device was defective, on the basis of the average daily quantity of water supplied to him or her over-
- (a) a period between two successive measurements subsequent to the replacement of the measuring device or, if this is not possible;
- (b) the period in the previous year, corresponding to the period in which the measuring device was defective; or, if this is not possible;
- 10 (c) the period between three successive measurements prior to the measuring device becoming defective.
- (2) If the quantity of water supplied to a consumer during the period when his or her measuring device was defective cannot be estimated in terms of subsection (1), the Council may estimate the quantity.
- 15 (3) The consumer must be informed of the method used by the Council to estimate the quantity of water supplied to him or her, as contemplated in subsections (1) and (2), and given an opportunity to make representations to the Council before a final estimate is arrived at.

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

- 20 A consumer is not entitled to a reduction of the amount payable in respect of water wasted or water losses in a water installation.

## Part D

### Installation Work

#### 41. Approval of installation work

- 5 (1) If an owner wishes to have installation work done, he or she must first obtain the written permission of the Council: Provided that permission is not required in the case of water installations in dwelling units or installations where no fire installation is required in terms of SANS Code 0400 or in terms of any by-laws, or for the repair or replacement of an existing pipe or water fitting, other than a fixed water heater and its associated protective devices.
- 10 (2) If any of the installation work is governed by the EIA Regulations, then the owner must ensure compliance and obtain the relevant authorisation in respect thereof.
- (3) Application for the permission referred to in subsection (1) must be made on the prescribed form and must be accompanied by-
- 15 (a) the prescribed tariffs, if applicable;
- (b) copies of the drawings as prescribed by the Council, reflecting the information and in the form required by Clause 4.1.1 of SANS Code 0252 : Part I; or
- 20 (c) a certificate from a professional engineer or qualified plumber certifying that the installation has been designed in accordance with SANS Code 0252 : Part I or, has been designed on a rational basis.
- (4) The provisions of subsections (1), (2) and (3) do not apply to a qualified plumber who replaces a fixed water heater or its associated protective devices.

- (5) Any authority given in terms of subsection (1) lapses at the expiry of a period of twenty-four months after the first day of the month succeeding the month in which the authority is given.
- 5 (6) A complete set of approved drawings of installation work must be available at the site of the work at all times until such work has been completed, where permission is required in terms of subsection (1).
- (7) If installation work has been done in contravention of subsections (1), (2) or (3), a designated officer may, subject to the provisions of these By-laws, issue a compliance notice requiring the owner of the premises concerned-
- 10 (a) to comply with the relevant subsection, within a specified period;
- (b) if the work is still in progress, to cease the work; and
- (c) to remove all such work as does not comply with these By-laws.

#### **42. Persons permitted to do installation and other work**

- (1) No person who is not a qualified plumber may be permitted to-
- 15 (a) do any 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;
- 20 (d) service, repair or replace a back flow preventer; or
- (e) install, maintain or replace a meter provided by an owner in a water installation.
- (2) No person may require or engage a person who is not a qualified plumber to do the work referred to in subsection (1).

- (3) Notwithstanding the provisions of subsection (1), the Council may permit a person who is not a qualified plumber to do installation work on his or her own behalf on premises owned and occupied solely by himself or herself and his or her household, provided that such work may be required to be inspected and approved by a qualified plumber at the direction of the Council.

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

- (1) An owner must provide and maintain his or her water installation at his or her own cost and, except where permitted in terms of these By-laws, must ensure that the installation is situated within the boundary of his or her premises.
- (2) Before doing work in connection with the maintenance of a portion of his or her water installation which is situated outside the boundary of his premises, an owner must obtain the written consent of the Council or the owner of the land on which such portion is situated, as the case may be.

#### **44. Technical requirements for water installations**

- (1) Notwithstanding the requirement that a certificate be issued in terms of section 41(3)(c), all water installations must comply with SANS Code 0252 Part 1 and all fixed electrical storage water heaters must comply with SANS Code 0254.
- (2) In addition to any requirement of SANS Code 0252 Part 1, the consumer must, at his or her own expense, or the Council may in its discretion and at the consumer's expense, and for the consumer's exclusive use, provide and install a stop-cock at a suitable point inside the boundary of the premises on the consumer's side of the meter leading to the water installation.

**45. Installation or use of pipes and water fittings in water installations**

- 5 (1) No person may, without the prior written permission of the Council, install or use a pipe or water fitting in a water installation within the Council's area of jurisdiction unless it is of a type that is included in the schedule of approved pipes and fittings as compiled by the Council.
- (2) Application for the inclusion of a type of pipe or water fitting in the schedule referred to in subsection (1), must be made on the form prescribed by the Council and be accompanied by the prescribed tariffs.
- 10 (3) A type of pipe or water fitting may be included in the schedule referred to in subsection (1) if-
- (a) it bears the standardisation mark of the South African Bureau of Standards in respect of the relevant SANS specification issued by the Bureau; or
- 15 (b) it bears a certification mark issued by the SANS to certify that the type of pipe or water fitting complies with an SANS mark, specification or a provisional specification issued by the SANS: Provided that no certification marks shall be regarded as valid if issued more than two years previously.
- 20 (4) The Council may, in respect of any type of pipe or water fitting included in the schedule, impose such additional conditions as it may deem necessary in respect of the use or method of installation thereof.
- (5) A type of pipe or water fitting may be removed from the schedule if it-
- (a) no longer complies with the criteria upon which its inclusion was based; or
- 25 (b) is no longer suitable for the purpose for which its use was accepted.
- (6) The schedule referred to in subsection (1) must be available for inspection at the office of the Council at any time during working hours.

(7) The Council may provide copies of the schedule at the prescribed tariffs .

#### **46. Unlawful water installation work**

Where any installation work has been constructed in contravention of these By-laws, the owner must on receiving a compliance notice by the Council, carry out such alterations to the installation as prescribed in the notice.

#### **47. Labelling of terminal water fittings and appliances**

A terminal water fitting and appliance using or discharging water must be marked, or have included within the packaging of the item, the following information-

- (a) the range of pressure in kPa over which the water fitting or appliance is designed to operate; and
- (b) the flow rates, in litres per minute, related to the design pressure range, including at least the following water pressures-
  - (i) 20 kPa;
  - (ii) 100 kPa; and
  - (iii) 400 kPa.

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

An owner must provide and maintain effective measures to prevent the entry of any substance or matter which may be a danger to health or may adversely affect the portability of water or affect its fitness for use in-

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



**Part E****Protection of Water Supply System from Backflow and Back Siphonage****49. Protection of water supply system from backflow**

- 5 (1) The owner must take any of the measures referred to in subsection (2) to prevent the backflow of water from the water installation to the water supply system in the case of-
- (a) a fire or combined installation on premises; and
  - (b) a general installation serving the following activities-
    - (i) medical treatment of people or animals;
    - 10 (ii) medical, pharmaceutical or chemical research and manufacturing;
    - (iii) agriculture, including dairies and nurseries;
    - (iv) photographic processing;
    - (v) laundering and dry-cleaning;
    - 15 (vi) metal plating;
    - (vii) treatment of skins and hides; and
  - (c) a general installation serving-
    - (i) mortuaries;
    - (ii) abattoirs;
    - 20 (iii) sewage purification works;
    - (iv) refuse processing plants;

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- (v) oil processing and storage facilities;
  - (vi) wineries, distillers, breweries, yeast and cold drink factories;
  - (vii) sports facilities; or
  - (viii) any other premises on which an activity is carried out which in the opinion of the Council is likely to cause a danger to health or affect the portability of water in the event of a substance resulting from such activity entering the water supply system; and
- (d) a general installation on any premises after a compliance notice by the Council to do so.
- 10 (2) The measures required in terms of subsection (1) are-
- (a) the discharge of water from the service pipe into a storage tank through an air gap; or
  - (b) the passing of water through-
    - (i) a reduced pressure backflow preventer; or
    - 15 (ii) a double check backflow preventer; or
  - (c) any other measures approved by the Council which achieve the same purpose.

#### 50. Design and installation of backflow preventers

20 A backflow preventer contemplated in section 49 must be designed and installed in accordance with the requirements of SANS Code 0252 Part 1.

**51. Inspection and service of backflow preventers**

(1) The owner of premises on which a reduced pressure or double check backflow preventer is installed must, at his own expense, cause the backflow preventer to be-

5 (a) inspected and serviced not less than once in every 12 months to ensure that it is in working order; and

(b) replaced or completely overhauled once in every 5 years.

(2) The owner shall maintain a record of the inspections and services referred to in subsection (1) in which shall be recorded-

10 (a) the name and address of the contractor who carried out the servicing;

(b) the date on which the work was done; and

(c) the details of the repairs or replacements that were effected;

(3) The record of inspections shall be kept available for inspection by the Council.

15 **52. Protection of water installations from back siphonage**

The owner of any premises must prevent the back siphonage into his or her water installation of a substance which is likely to cause a danger to health or affect the portability of water, in the case of-

20 (a) a terminal water fitting which is so designed that a hose or other flexible pipe is or can be attached to it, which shall include a hose bibcock, a laboratory tap, and a movable shower unit;

(b) a fire hose reel in a combined installation;

(c) an underground irrigation system; or

- (d) any other fitting which may provide contact between polluted water and the water installation.

## **Part F**

### **Water Restrictions**

5      **53. Council may impose water restrictions**

- (1) Whenever there is a scarcity of water available for distribution and supply to consumers, the Council may prohibit or restrict the use of water under its control or management, as contemplated in section 83A of the Local Government Ordinance, No. 17 of 1939.
- 10      (2) Whenever it acts in terms of subsection (1), the Council must cause a notice of the resolution taken in terms of section 83A(1) of the Local Government Ordinance, 1939 to be published in one or more local newspapers, in two of the official languages.
- 15      (3) Notwithstanding the provisions of subsections (1) and (2), should an emergency arise in relation to the availability of water for distribution and supply to its consumers and immediate steps are necessary to avert or remedy any actual or potential consequences of such emergency, the Council may take any steps contemplated in section 83A of the Local Government Ordinance, 1939 without taking the resolution contemplated in
- 20      that section.

## **Part G**

### **General**

**54. Waste of water unlawful**

- (1) No consumer may permit-

- 5
- (a) the purposeless or wasteful discharge of water from terminal water fittings;
  - (b) pipes or water fittings forming part of a water installation to leak;
  - (c) the use of maladjusted or defective water fittings in a water installation;
  - (d) an overflow of water from a water installation to persist; or
  - (e) a wasteful use of water to persist.
- 10
- (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 event referred to in subsection (1).
  - (3) If an owner fails to take measures as contemplated in subsection (2), a designated officer may issue an enforcement notice in connection therewith.
  - (4) Every consumer must ensure that any equipment or plant connected to his or her water installation uses water in an efficient manner.

15      **55. Prohibition of use of certain equipment in water installations**

20      A designated officer may, by compliance notice, prohibit the use by a consumer of any equipment in a water installation if, in his or her opinion, its use of water is wasteful, and such equipment must not be returned to use until its efficiency has been restored, and a written application to do so has been approved by the Council.

**56. Sampling of water**

- (1) The Council may take samples of water obtained from a source other than the water supply system and cause the samples to be tested for compliance with the requirements referred to in section 59(2).

- (2) The prescribed tariffs for the taking and testing of the samples referred to in subsection (1) must be paid by the person to whom approval to use the water for potable water was granted in terms of that section.

**57. Testing of pressure in water supply system**

- 5 The Council must, on application by an owner and on payment of the prescribed tariffs, determine and furnish the owner with the value of the pressure in the water supply system relating to his or her premises, over such period as the owner may request.

**58. Pipes in streets or public places**

- 10 No person may, for the purpose of conveying water derived from whatever source, lay or construct a pipe or associated component on, in or under a street, public place or other land owned by, vested in, or under the control of the Council, except with the prior written permission of the Council, and subject to such conditions as may be imposed by it on granting permission.

**59. Use of water from source other than water supply system**

- 15 (1) Except with the prior permission of the Council, no person may use or permit the use of water obtained from a source other than the water supply system, other than rain water tanks which are not connected to the water installation, and in accordance with such conditions as the Council may impose, for
- 20 domestic, commercial or industrial purposes, and except with the approval of any other authority required by any law.
- (2) Any person requiring the permission referred to in subsection (1) must, at his or her own cost, provide the Council with proof to its satisfaction that the water referred to in that section complies or will comply with the requirements
- 25 of SANS Code 241:1999 (Fourth Edition): Drinking Water and any other requirement contained in these By-laws or any other law applicable to the

consumption of water, or that the use of such water does not, or will not, constitute a danger to health.

- (3) Any permission given in terms of subsection (1) may be withdrawn if, in the opinion of the Council-

- 5           (a) a condition imposed in terms of that subsection is breached; or
- (b) the water no longer conforms to the requirements referred to in subsection (2).

- 10           (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 such water or a portion thereof into the sewage disposal system, the Council must install a meter and any necessary monitoring equipment in the pipe leading from such borehole or other source of supply to the point or points where it is so used.

- (5) The provisions of section 34 must apply insofar as they may be applicable in respect of any meter referred to in subsection (4).

15

## Part H

### Special Provisions Regarding Fire Services<sup>7</sup>

#### 60. Special provisions for fire services

- 20           (1) Any water installation for the provision of water for fire fighting purposes, must comply with the provisions of SANS Code 0252-1:1994 or any revision or substitution thereof.
- (2) Notwithstanding the provisions of subsection (1), the special provisions contained in sections 61 to 69 inclusive apply, insofar as they are applicable, to the supply of water for fire fighting purposes.

**61. Payment for fire services**

The consumer and the owner of the premises are jointly and severally liable to pay the tariffs determined by the Council, in respect of any fire installation system or a fire protection system or appliance used or installed upon such premises.

**5 62. Dual and combined installations**

Any new building erected after the adoption of these By-laws must comply with the following requirements in relation to the provision of fire services-

- 10 (a) if, in the opinion of any officer or employee of the Council charged with the approval of plans, boosting of the system is required, either in terms of ensuring adequate pressure or supply of water for the purposes which the system is intended to meet, a dual pipe system must be used, one for fire installation system purposes and the other for general domestic purposes;
- 15 (b) combined installations, in which the same pipes and fittings are used for fire and general domestic purposes, are only permitted where no booster pumping connection is provided on the water installation;

**63. Connection pipes for fire installation systems**

- 20 (1) A single connection to the water supply system, to service a connection pipe for a fire installation, excluding a sprinkler system, may be provided by the Council.
- (2) The Council may provide and install at its cost a meter on the connection pipe referred to in subsection (1).

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<sup>7</sup> These provisions may more appropriately be located in by-laws dealing with fire or emergency services.



(3) Where, there is an existing connection pipe for the sole purpose of fire installation services, such connection pipe may only be used for that purpose.

(4) No take-off of any kind from any connection pipe referred to in subsection (3) may be made, nor may any water therefrom be used except in connection with an automatic sprinkler and drencher installation, a hydrant connection or a hose-reel connection, or for any pressure tank connection therewith, and such tank must be controlled by an approved fitting for fire fighting purposes.

(5) A separate connection pipe must be laid and used for every fire sprinkler extinguishing system, unless otherwise approved, in accordance with SANS 20-0287 Code of Practice.

#### **64. Inspection and approval of automatic sprinkler installation for fire fighting purposes**

No water may be supplied to any fire installation until-

- (a) it has been inspected and tested by the Council;
- (b) the Council has certified in writing that such water installation is complete and complies with the requirements of these By-laws; and
- (c) the tariffs determined by the Council for such inspection and testing have been paid.

#### **65. Connection of fire installations to mains**

- (1) The Council, is entitled, in its absolute discretion, to grant or refuse an application for the connection of a fire installation to its main.
- (2) If in its opinion a fire installation which it has allowed to be connected to its main is not being kept in proper working order or is otherwise not being properly maintained, or is being used in contravention of sections 64(3) and

(4), the Council is entitled either to require the installation to be disconnected from the main, or itself to carry out the work of disconnecting it at the expense of the owner or consumer, as the case may be.

**66. Meters in fire installations connection pipes**

- 5           The Council is entitled to install a water meter in any connection pipe used solely for fire purposes, and the owner of the premises will be liable for the whole of the cost of so doing if it appears to the Council that water has been drawn from the pipe otherwise than for the purpose of extinguishing a fire.

**67. Sprinkler installations**

- 10           A sprinkler installation may be installed in direct communication with the main, but the Council is not bound to guarantee any specified pressure at any time.

**68. Header tanks or double supplies from mains**

- 15           (1) Unless a sprinkler installation is provided with a duplicate or reserve supply from a separate main, the consumer must install a header tank on or in the building or structure at such elevation as will compensate for any failure or reduction of pressure in the Council's main.
- 20           (2) The main pipe leading from such header tank to the sprinkler installation may be in direct communication with the main from which the principal supply of water is drawn, provided that such main pipe must be equipped with a reflux valve which, if the pressure in the main fails or is reduced for any reason, will shut off the opening to the main.
- (3) Where a sprinkler installation is provided with a duplicate or reserve supply from a separate main, each supply pipe must be equipped with a reflux valve situated within the premises.

**CHAPTER 6****SANITATION SERVICES****Part A****Certain Discharges to Disposal System Prohibited****5 69. Objectionable discharges to sewage disposal system**

(1) No person may discharge or cause or permit the discharge or entry into any sewer of any storm water and underground seepage water. Nor shall any person discharge or cause or permit the discharge or entry into any sewer of any sewage, industrial effluent or other liquid or substance-

- 10 (a) which may be offensive to, or may cause a nuisance to the public;
- (b) which is in the form of steam or vapour or has a temperature exceeding 44 degrees Celsius at the point where it enters the sewer;
- (c) which has a pH value less than 6.0 or more than 10.0;
- 15 (d) which contains any substance of whatsoever nature likely to produce or give off explosive, flammable, poisonous or offensive gases or vapours in any sewer;
- (e) which contains any substance having an open flash point of less than 93 degrees Celsius or which gives off a poisonous vapour at a temperature below 93 degrees Celsius;
- 20 (f) which contains any material of whatsoever nature, including oil, grease, fat or detergents capable of causing an obstruction to the flow in a sewer, to a drain or interference with the proper operation of a sewage treatment plant;

- (g) which may inhibit the unrestricted conveyance of sewage through the sewage disposal system;
- (h) which contains any substance in such concentration as is likely in the final treated effluent from any sewage treatment plant to produce an undesirable taste after chlorination, or an undesirable odour or colour, or excessive foam;
- (i) which contains any substance listed in Schedule B;
- (ii) in amounts higher than those specified therein;
- (iii) which may harm or damage any sewer, mechanical appliance, sewage treatment plant or equipment;
- (iv) which may prejudice the use of sewage effluent for re-use; or
- (v) which may adversely affect any water into which treated sewage effluent is discharged, or any land or crop irrigated with the sewage effluent;
- (i) which contains any substance of whatsoever nature-
- (i) which is not amenable to treatment at the sewage treatment plant, or
- (ii) causes or may cause a breakdown or inhibition of the normal sewage treatment processes; or
- (iii) is of such nature as is or may be amenable to treatment only to such degree as to result in the final treated effluent from the sewage treatment plant not complying in all respects with any requirements imposed in terms of the National Water Act; and
- (j) whether listed in Schedule B of these By-laws or not, either alone or in combination with other matter may-

- (i) generate or constitute a toxic substance dangerous to the health of a person employed at the sewage treatment plant, or entering a Council sewer or manhole in the course of his or her duty; or
- (ii) adversely affect the equipment of the sewage treatment plant or the land used for the disposal of treated sewage effluent; or
- (iii) adversely affect any process whereby sewage is treated or wherein any re-use of sewage effluent is permitted.
- (k) COD > 2000 mg/L
- (2) No person may cause or permit any solid, liquid or gaseous substance, other than storm water or underground seepage water to enter-
- (a) any storm water drain, storm water sewer or excavated or constructed water course;
- (b) any river, stream, or natural water course or any public water, whether ordinarily dry or otherwise, except in accordance with the provisions of the National Water Act; or
- (c) any street or premises.
- (3) An authorised official may require any owner of premises from which there is a discharge of any sewage, industrial effluent, or any substance referred to in subsection (1), to conduct at his or her cost periodic expert inspections of the premises, in order to identify precautionary measures which would ensure compliance with these By-laws, and report such findings to the Council.
- (4) If any contravention of any provision of subsection (1) takes place on any premises, or elsewhere, the owner of such premises, or any person aware of the contravention must as soon as possible notify the Council of the details of the contravention and the reason for it.

**Part B****On-Site Sanitation Services****70. Application for on-site sanitation services infrastructure**

- 5 (1) If an agreement for on-site sanitation and associated services in accordance with section 4 has been concluded, and no infrastructure in connection therewith exists on the premises, the owner must immediately make application for the installation thereof on the prescribed form and-
- (a) pay the prescribed tariffs for the installation of the necessary infrastructure; or
- 10 (b) with the approval of the Council install on-site sanitation services in accordance with the specifications of the Council.
- (2) In approving an application for the installation of infrastructure, the Council may specify the type of on-site sanitation services to be installed.

**71. Septic tanks and treatment plants**

- 15 (1) No person may construct, install, maintain or operate any septic tank or other plant for the treatment, disposal or storage of sewage, without the prior written permission of the Council.
- (2) The permission referred to in subsection (1) is subject to the provisions of these By-laws, any other relevant by-laws of the Council, or any other law.

**20 72. French drains**

The Council 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 wastewater or other effluent by means of a french drain, soakage pit or other approved work.

**73. Conservancy tanks**

5 The Council may, at its discretion permit the owner of any premises to construct a conservancy tank and ancillary appliances for the retention of soil water, or such other sewage or effluent as it may decide, and such tank and appliances must be of such capacity, constructed of such material, and located in such position and at such level as it may prescribe.

**74. Ventilated improved pit latrines**

10 The Council 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 water table, any other factors which may have the potential to cause harm to the environment if approval is granted, 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 ventilated improved pit latrine, constructed in accordance with the specifications and located in a position indicated by the Council.

**75. Services associated with on-site sanitation services**

15 The removal or collection of conservancy tank contents, night soil or the emptying of pits will be undertaken by the Council in accordance with a removal and collection schedule determined from time to time by the Council.

**76. Tariffs for on-site sanitation services**

20 (1) Prescribed tariffs in respect of the removal or collection of conservancy tank contents, night soil or the emptying of a pit or septic tank will be based on the quantity removed by vacuum tank or on the number of pails, in the case of a night soil removal service, and must be in accordance with the prescribed tariff in terms of these By-laws.

25 (2) Regular night soil, conservancy tank and pit content removal services rendered in terms of these By-laws, will be discontinued on receipt by the

Council of not less than 48 hours notice in writing from the owner or occupier of the property or premises to discontinue the service.

- 5
- (3) The tariffs for the services contemplated in subsection (1) will continue to be payable until the Council has received such notice and until the notice has expired.
- (4) Where notice to discontinue the service referred to in subsection (1) is received by the Council after the date when the services were to have been discontinued, the tariff must cease as from the date and time of receipt of the written notice.

10      **77. Disused conservancy and septic tanks**

- 15
- (1) If an existing conservancy tank or septic tank is no longer required for the storage or treatment of sewage, or if permission for such use is withdrawn, the owner must either cause it to be completely recovered, or to be completely filled with earth or other suitable material, and the land involved to be rehabilitated.
- (2) The Council may require the tank referred to in subsection (1) to be otherwise dealt with or it may permit it to be used for some other purpose, subject to such conditions as may be considered necessary, regard being had to all the circumstances of the case.



**Part C****Connection to Sewage Disposal System****78. Provision of connecting sewers**

- 5 (1) If an agreement for the use of a sewage disposal system in accordance with section 4 has been concluded, the Council may, subject to the provisions of subsection (2) and as soon as practicable after being notified by the owner that the drainage installation on his premises is ready for connection to the sewage disposal system, at the Council's own expense, connect the drainage installation to the sewage disposal system.
- 10 (2) Any connection required by the owner subsequent to the initial connection provided by the Council is subject to the approval of the Council and must be installed at the owner's expense.
- 15 (3) The discharge of any substance whatsoever other than clean water for testing purposes may not be permitted to enter any drainage installation until the drainage installation has been connected to the sewage disposal system.
- (4) If an application is made for the connection of the sewage disposal system to premises which are so situated that it is necessary to extend the sewer in order to connect the sewage disposal system to the premises, the Council may agree to the extension subject to such conditions as it may impose.

**20 79. Location of connecting sewers**

- (1) A connecting sewer provided and installed by the Council in terms of section 79 shall be located in a position either agreed to between the owner and the Council, or if no agreement can be reached, determined by the Council, and be of a size determined by an authorised official.

(2) The Council may at the request of any person agree, subject to such conditions as it may impose, to a connection to a sewer other than that which is most readily available for the drainage of the premises.

5 (3) The applicant contemplated in subsection (2) is responsible for any extension of the drainage installation to the connecting point so agreed, and for obtaining at his or her cost, such servitudes over other premises as may be necessary.

#### **80. Interconnections between premises**

10 Every owner of premises must ensure that no interconnection exists between the drainage installation on his or her premises and any drainage installation on other premises, unless he or she has obtained the prior written permission of the Council and complies with any conditions that may have been imposed in granting such permission.

#### **81. Disconnection of drainage installations from connecting sewers**

15 The Council may disconnect a drainage installation from the connecting sewer and seal the opening to the sewer so made and recover from the owner the tariffs determined by the Council, if-

- (a) notified in writing by the owner when a drainage installation is to be disconnected from a connecting sewer; or
- 20 (b) the building on the premises concerned has been demolished.

**Part D****Road Haulage of Sewage****82. Acceptance of sewage delivered by road haulage**

5 The Council may, at its discretion, and subject to such conditions as it may specify, accept sewage for disposal delivered to the any sewage treatment plant by road haulage.

**83. Written permission for delivery of sewage by road haulage**

- 10 (1) No person may discharge sewage into any Council sewage treatment plant by road haulage except with the written permission of the Council, and subject to such terms and conditions as may be imposed in terms of the written permission.
- (2) The tariffs for any sewage delivered for disposal to a Council sewage treatment plant must be assessed by the Council in accordance with the prescribed tariffs applicable.

**15 84. Conditions for delivery of sewage by road haulage**

When sewage is delivered by road haulage-

- 20 (a) the time of delivery must be arranged with the Council;
- (b) the nature and composition of the sewage must be established to the satisfaction of the Council prior to the discharge thereof from the container in which it is delivered, and no person may deliver sewage that does not comply with the standards laid down in or in terms of these By-laws; and
- (c) all other requirements in terms of SANS Codes 0231 and 0232 and any other applicable law must be complied with.

**85. Withdrawal of permission for delivery of sewage by road haulage**

The Council may withdraw any permission, after giving at least 14 days written notice of its intention to do so, to any person who has been granted permission to discharge sewage by road haulage if that person-

- 5 (a) fails on more than two occasions to ensure that the sewage so delivered conforms to the standards prescribed in section 70 and Schedule B, which ever is applicable, or in the written permission referred to in section 84(1);
- 10 (b) fails or refuses to comply with any notice lawfully served on him or her in terms of these By-laws, or contravenes any provisions of these By-laws or any condition imposed on him or her in terms of any permission granted to him or her; and
- (c) fails to pay the assessed tariffs in respect of any sewage delivered within the period allowed for payment.

15

**Part E****Disposal of Industrial Effluent****86. Application for disposal of industrial effluent**

- 20 (1) Every person desiring to dispose of industrial effluent must apply in writing and in duplicate on the form prescribed by the Council for that purpose, for written permission to discharge industrial effluent into the sewage disposal system of the Council, and must thereafter provide such additional information and submit such sample as the Council may require.
- 25 (2) The Council may, if in its opinion the capacity of the relevant sewage disposal system is sufficient to permit the conveyance and effective treatment and lawful disposal of such industrial effluent for such period and subject to

such conditions it may determine and impose, grant an application made in terms of subsection (1).

- 5 (3) The provisions of section 4 will apply, insofar as they are applicable and subject to such adjustments as may be necessary, to any permission granted in terms of subsection (2).

- 10 (4) Any person to whom permission has been granted in terms of subsection (2) must, before doing or causing or permitting to be done anything that results in a change in the quantity of discharge or nature of effluent permitted, notify the Council in writing of the date on which it is proposed that such change is intended to take place and of the nature of the proposed change.

- (5) Upon receipt of the notification referred to in subsection (4), the Council may grant permission for such change, and in so doing may amend the conditions applicable to the discharge permit of the party concerned, or it may refuse permission for the change.

- 15 (6) Any person who wishes to construct or cause to be constructed a building which is to be used as trade premises must, at the time of lodging his or her building plan in terms of section 4 of the National Building Regulations and Building Standards Act 1977, also lodge applications for the provision of sanitation services and for permission to discharge industrial effluent in terms of subsection (1).
- 20

- 25 (7) The Council may from time to time or at any time as a result of a change in the method of sewage treatment or the introduction of new or revised or stricter or other standards by the Council or in terms of the National Water Act or as a result of any amendment to these By-laws or for any other reason, review, amend, modify or revoke any permission given or any conditions attached to such permission, and / or impose new conditions, either generally or specifically, for the acceptance of any industrial effluent into the sewer, or prohibit the discharge of any or all of such effluent to the sewer, on giving adequate written notice in advance of its intention to do so, and on the expiration of such period of notice, the previous permission or
- 30

conditions, as the case may be, must be regarded as having fallen away and the new or amended conditions, if any, as the case may be, forthwith apply.

**87. Unauthorised discharge of industrial effluent**

- 5 (1) Any person who discharges or causes or permits to be discharged any industrial effluent into the sewer without having first obtained permission to do so in terms of section 87(2), shall be guilty of an offence and liable, in addition to the penalties provided for in section 127, to pay such tariffs as the Council may assess for the conveyance and treatment of effluent so discharged and for any damage or loss, whether pecuniary or otherwise, caused as a result of such unauthorised discharge.
- 10
- 15 (2) Apart from the powers and rights of the Council in terms of subsection (1) and section 90, the Council shall be entitled to recover from any person who discharges to a drain or sewer, any industrial effluent or any substance which is prohibited or restricted in terms of section 70 read with Schedule B, or who has been the subject of any action taken by the Council in terms of section 96(2), all loss, damages, costs, expenses and tariffs incurred by the Council as a result of any or all of the following:
- 20 (a) the death of or injury to any person, or damage to, or blockage or breakdown whether partial or complete, or contamination by, fats, oil or grease of-
- (i) the sewer;
- (ii) any sewage treatment plant;
- (iii) any mechanical appliance; and
- 25 (iv) any other property whatsoever whether or not under the control of the Council; and
- (b) any costs, including fines and damages, which may be incurred by or awarded against the Council, or any expense incurred by the Council

as a result of a prosecution in terms of the National Water Act or any other law, or any action against it, consequent on any partial or complete breakdown of any sewage treatment plant or mechanical appliance, caused directly or indirectly by the said discharge.

- 5           (3) Any person who discharges or causes or permits to be discharged any industrial effluent in any manner whatsoever that is not authorised in terms of these By-laws is guilty of an offence.

**88. Quality standards for disposal of industrial effluent**

- 10           (1) A person to whom permission has been granted in terms of section 87 must ensure that no industrial effluent is discharged into the sewage disposal system of the Council, unless it complies with the standards and criteria set out in section 70, read with Schedule B.
- 15           (2) The Council may by endorsement on the permission concerned, relax or vary the standards and criteria referred to in subsection (1), if the Council is satisfied that any such relaxation represents the best practicable environmental option.
- 20           (3) In determining whether relaxing or varying the standards and criteria referred to in subsection (1) represents the best practicable environmental option, the Council must consider-
- 25           (a) whether the applicant's undertaking is operated and maintained at optimal levels;
- (b) whether technology used by the applicant represents the best available option for the applicant's industry and, if not, whether the installation of such technology would entail unreasonable cost to the applicant;
- (c) whether the applicant is implementing a programme of waste minimisation which complies with national and local waste minimisation standards to the satisfaction of the Council;

- (d) the cost to the Council of granting the relaxation or variation; and
- (e) the environmental impact or potential impact of such a relaxation or variation.

- 5           (4) Test samples may be taken at any time by a sampler to ascertain whether any industrial effluent complies with the standards and criteria mentioned in subsection (1) or any other standard laid down in a written permission issued in terms of subsection (2).

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

- 10           (1) A designated officer may subject to the provisions of these By-laws issue a compliance notice requiring the person in charge of any enterprise that generates industrial effluent to-
- (a) subject the industrial effluent to such preliminary treatment as will ensure that it conforms to the standards and criteria prescribed in section 89 before being discharged into the sewage disposal system;
  - 15           (b) install such equalising tank, valve, pump, appliance, meter and control system and other equipment as in the opinion of the designated officer will be necessary to control the rate and time of discharge into the sewage disposal system in accordance with the requirements of section 87;
  - 20           (c) install a separate drainage installation for the conveyance of industrial effluent and to discharge the same into the sewage disposal system through a separate connection as directed by the designated officer, and such notice may prohibit the discharge of the effluent through any drainage installation intended or used for the conveyance of
  - 25           wastewater and standard domestic effluent, or prohibit the discharge of any wastewater and standard domestic effluent through the separate drainage installation for industrial effluent;



- (d) construct on any pipe conveying industrial effluent to any sewer, a manhole or stop-valve in such position and of such dimensions and materials as the designated officer may prescribe;
- 5 (e) provide all such information as may be required by the designated officer to enable the Council to assess the prescribed tariff due to the Council;
- 10 (f) provide adequate facilities such as a level or overflow detection device, standby equipment, overflow catch-pit, or other appropriate means to prevent a discharge into the sewage disposal system which is in contravention of these By-laws;
- 15 (g) cause any meter, gauge or other device installed in terms of this section to be calibrated by an independent authority accepted by the Council, at the cost of that person at such intervals as are stated in the notice, and to forward a copy of the calibration certificate to the Council;
- (h) cause the industrial effluent to be sampled and analysed as often and in such manner as may be prescribed by the designated officer and provide the Council with the results of these tests when completed; and
- 20 (i) manage the effluent in such a manner that at all times the samples taken thereof are an accurate representation of the general strength and composition of the industrial effluent.
- 25 (2) The cost of any treatment, plant, work or analysis which the person discharging industrial effluent may be required to carry out, construct or install in terms of subsection (1) must be borne by the person discharging the industrial effluent.
- (3) In the event that any industrial effluent that does not comply with the standards prescribed or permitted in terms of section 89 is discharged into the sewage disposal system, the Council must be informed by the owner or

occupier of the premises of the incident and the reasons therefor within twelve hours of such discharge.

**90. Withdrawal of written permission for disposal of industrial effluent**

- 5 (1) The Council may withdraw any permission, after giving at least 14 days written notice of its intention to a person permitted to discharge industrial effluent into the sewage disposal system, if that person or any employee, contractor or consultant of that person-
- 10 (a) fails to ensure that the industrial effluent discharged conforms to the industrial effluent standards prescribed or permitted in terms of section 89;
- (b) fails or refuses to comply with any notice lawfully served on him or her in terms of these By-laws or contravenes any provisions of these By-laws or any condition imposed in terms of any permission granted; or
- 15 (c) fails to pay the assessed tariffs in respect of any industrial effluent discharged into the sewage disposal system.
- (2) Subject to the provisions of these By-laws, the Council may, on withdrawal of any written permission and after notifying the owner and occupier of its intention to do so-
- 20 (a) in addition to any other steps prescribed in these By-laws, authorise the closing and sealing of the connecting sewer of the said premises conveying such effluent to the sewer;
- (b) refuse to accept any industrial effluent from that source until it is satisfied that adequate steps have been taken to ensure that the industrial effluent to be discharged will conform with the standards prescribed in these By-laws; and
- 25 (c) close off the water supply to the industrial process.

- (3) No person may, without the written permission of the Council, open or break the seal of a drain closed and sealed off in terms of subsection (2) or cause or permit this to be done.
- (4) In the event of the Council acting in terms of subsection (2), the owner or occupier of the premises must furnish written proof to the authorised official that the industrial effluent emanating from the premises will be discharged to an alternative disposal site approved by the authorised official.

## Part F

### Measuring Quantity of Effluent Discharge

#### 91. Measurement of quantity of standard domestic effluent discharged

- (1) The quantity of standard domestic effluent discharged must be determined as a percentage of the water supplied to those premises by the Council.
- (2) If the Council is of the opinion that the percentage referred to in subsection (1), in respect of specific premises is excessive, having regard to the purposes for which water is consumed on those premises, the Council may reduce the percentage applicable to those premises to a figure which, in its opinion and in the light of the available information, reflects the proportion between the likely quantity of sewage discharged from the premises and the quantity of water supplied thereto.
- (3) In the absence of direct measurement, the standard domestic effluent will be estimated as follows-
- (a) 1,0 kiloliter per full-time staff member per working month;
- (b) 4,0 kiloliter per resident per working month, not included in paragraph (a); and
- (c) (c) for staff canteens: 0,15 kiloliter per meal prepared per working month;

for which purpose a working month will be based on a 5 day working week, and in cases where the working week deviates from 5 days, a pro rata adjustment will be made.

- 5 (4) Where premises are lawfully supplied with water from a source other than or in addition to the Council 's water supply system, including abstraction from a river or borehole, the quantity will be a reasonable percentage of the total water used on those premises as may be estimated by the Council, taking into account any representations which may be made by the consumer.

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

- 10 (1) The Council may install, in such position as it determines, in any drainage installation conveying industrial effluent to a sewer, any meter or gauge or other device for the purpose of ascertaining the quantity or composition of the industrial effluent.
- 15 (2) It is an offence for any person to bypass, open, break into or otherwise interfere with or to damage any such meter, gauge or other measuring device.
- (3) The Council may, after consultation with the person concerned, establish an alternative method of assessing the quantity of the effluent to be discharged.
- 20 (4) The Council is entitled to install and maintain any such meter, gauge or measuring device as aforesaid at the expense of the owner of the premises on which it is installed.
- 25 (5) Notwithstanding the foregoing provisions of this section, the Council may require any person who discharges industrial effluent into its sewers to provide one or more meters, gauges or measuring devices in such a position in the water installation as the Council may deem necessary to record the water consumption in a specific part of the premises.
- (6) The Council may determine a rebate to apply to the tariffs determined if the owner or occupier discharges industrial effluent-

- (a) solely during periods specified by the Council; and /or
- (b) containing constituents which will have a beneficial effect on the effluent discharged from the sewage treatment plant.

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

10 (8) Upon payment of the prescribed tariff determined by the Council for the installation of any meter, the Council must install on any premises, a separate meter to record the consumption of water-

- (a) obtained from any source other than the Council's water supply, or
- (b) which, after use, will not reach a drainage installation.

### 93. Reduction in determination of the quantity of effluent discharged

15 (1) A consumer is entitled to a reduction in the quantity determined in terms of sections 92 and 93 in the event that the quantity of water on which the percentage is calculated was measured during a period where water was wasted, or a leakage on the water installation was undetected, if the consumer satisfies the Council that the said water was not discharged into the sewage disposal system.

20 (2) The reduction in the quantity referred to in subsection (1) must be based on the assessed quantity of water loss through leakage or wastage during the leak period.

25 (3) The leak period is either the measuring period immediately prior to the date of repair of the leak or the measurement period during which the leak is repaired, whichever results in the greater reduction in the quantity of water supplied.

- 5
- (4) The quantity of water lost will be calculated as the consumption for the leak period less an average consumption, based on the three months after the repair of the leak, for the same length of time as the leak period.
  - (5) If no previous consumption history is available, the average water consumption will be determined by the Council, after due consideration of all relevant information.
  - (6) There will be no reduction in the quantity determined in terms of sections 92 and 93 if the loss of water resulted directly or indirectly from the consumer's failure to comply with, or as a result of a contravention of these By-laws.

10

**Part G****Drainage Installations and Drainage Work****94. Construction or installation of drainage installation**

Any drainage installation must comply with *SANS Code 0400-1990 Part P, Drainage* and any amendments thereto.

15

**95. Use of pipes and fittings in drainage installations to be authorised**

- 20
- (1) No person may, without the prior written permission of the Council install or use a pipe or fitting in a drainage installation within the Council's area of jurisdiction, unless it is of a type included in the schedule referred to in section 45(1).
  - (2) Application for the inclusion of a type of pipe or fitting in the schedule referred to in subsection (1) must be made on the form prescribed by the Council and be accompanied by the prescribed tariffs .
  - (3) A type of pipe or fitting may be included in the schedule referred to in subsection (1) if-

(a) it bears the standardisation mark of the SANS in respect of the relevant SANS specification issued by the Bureau; or

(b) it bears a certification mark issued by the SANS to certify that the type of pipe or fitting complies with an SANS mark specification or a provisional specification issued by the SANS, provided that no certification marks are valid for this purpose beyond a period exceeding two years from the date of issue.

(4) The Council may, in respect of any type of pipe or fitting included in the schedule, impose such additional conditions, as it may deem necessary in respect of the use or method of installation thereof.

(5) A type of pipe or fitting may be removed from the schedule referred to in subsection (1) if it-

(a) no longer complies with the criteria upon which its inclusion was based; or

(b) is no longer suitable for the purpose for which its use was accepted.

(6) (a) The current schedule must be available for inspection at the office of the Council at any time during working hours; and

(b) the Council may sell copies of the current schedule at the tariffs prescribed from time to time.

#### **96. Approval of drainage work**

(1) No person may construct, reconstruct, alter, add to or make any permanent disconnection in or of any drainage installation without first having obtained the permission of the Council in writing.

(2) No drainage work mentioned in subsection (1) for which permission has been given in terms of these By-laws, may be commenced until after the expiration

of two clear days after notice in writing has been served on the Council stating the day on and time at which it is intended to commence the work.

- (3) Before any part of a drainage installation is permanently covered or otherwise rendered practically inaccessible to visual inspection, it must be inspected and approved by the Council.

#### **97. Unlawful drainage work**

- (1) Where any drainage work has been constructed without complying with the provisions of these By-laws concerning the submission and approval of plans, the owner must subject to the provisions of these By-laws, on receiving a compliance notice from a designated officer, so to do, comply with the said provisions within the period prescribed in that notice.

- (2) Where any drainage installation has been constructed or any drainage work has been carried out which fails in itself in any respect to comply with any of these By-laws other than those referred to in subsection (1), the owner must, on receiving a compliance notice from the Council, and notwithstanding that he or she may have received approval of the plans in respect of the said installation or work in terms of these By-laws, carry out such alterations to the installation, remove such parts thereof, and carry out such other work as and within the time which the notice may specify.

- (3) The Council must, subject to the provisions of these By-laws, where such a notice has not been complied with within the time prescribed therein, proceed itself to carry out any such alteration, removal or other work as it may deem necessary for compliance with these By-laws and recover the cost thereof from the owner.

#### **98. Ingress of stormwater into drainage installations prohibited**

- (1) No part of a drainage installation may at any time be constructed or designed to allow or be capable of allowing water from any source, not being soil water



or waste water, both as defined in the national regulations published in Government Notice R 2378 of 12 October 1990, as amended, to enter the drainage installation.

- 5 (2) No person may discharge or cause or permit to be discharged any substance other than sewage into a drainage installation.
- (3) No pipe, channel or other device used for conducting or capable of being used to conduct rainwater from any roof or other surface may be permitted to discharge into any gully forming part of a drainage installation.
- 10 (4) Should the Council at any time become aware of any installation which does not comply with the provisions of subsections (1), (2) or (3) or that any provision thereof has or is being contravened it may, subject to the provisions of these By-laws, issue a notice on the owner to comply with the provisions of this clause within 30 days of service of such a notice, failure by the relevant owner which will constitute an offence under these by-laws.

15 **99. Emission of gasses**

When a nuisance exists or could exist, owing to the emission of gas from any trap or sanitary fitting or any other part of a drainage installation, the Council may require the owner, at his or her own expense, to take such action as may be necessary to prevent such nuisance.

20 **100. Industrial grease traps**

- 25 (1) Industrial effluent which contains or, in the opinion of the Council, is likely to contain, grease, oil, fat or inorganic solid matter in suspension, must, before it is allowed to enter any sewer, be passed through one or more tanks or chambers of approved type, size and capacity designed to intercept and retain such grease, oil, fat or solid matter.
- (2) Oil, grease or any other substance which is contained in any industrial effluent or other liquid which gives off a flammable or noxious vapour at a

temperature of or exceeding 20 degrees Celsius, must be intercepted and retained in a tank or chamber so as to prevent the entry thereof into the sewer.

5 (3) The tank or chamber must be regularly cleaned of such grease, oil, fat or solid matter and the person discharging effluent to the tank or chamber must maintain a register in which shall be recorded-

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

(b) the name, address, and telephone number of the company employed to clean the tank or chamber; and

10 (c) a certificate from the person who undertook the cleaning, certifying the cleaning of the tank or chamber, and stating the manner in which the contents of the tank or chamber were disposed of.

#### **101. Mechanical appliances for lifting sewage**

15 (1) Where any part of a building or premises is at such a level in relation to the sewer that a drainage installation serving that part cannot discharge into the sewer by gravitation, the Council may, subject to subsections (2) and (4) and to any other conditions it may deem necessary, permit the sewage from such part to be raised by a mechanical appliance to discharge at such point and such level as it may determine.

20 (2) Before installing any mechanical appliance for the raising or transfer of sewage, the owner must apply in writing to the Council for permission to do so in the form prescribed by the Council and must thereafter furnish such additional information as the Council may require.

25 (3) The form prescribed in subsection (2) must be completed by a professional engineer, and the undertaking annexed to such form must be signed by the owner of the premises, and must be accompanied by drawings of the proposed installation.

- (4) The maximum discharge rate from any mechanical appliance, and the times between which the discharge may take place, must be as prescribed by the Council who may, at any time, require the owner to install such fittings and regulating devices as may be necessary to ensure that the said prescribed maximum discharge rate will not be exceeded.

#### **102. Construction by Council of drainage work**

The Council may agree with the owner of any premises that any drainage work which such owner desires or is required to construct in terms of these By-laws or the building regulations, will be constructed by the Council against payment, in advance, of all costs associated with such construction, and such agreement does not absolve the owner from complying with the requirements of any other law in respect of such construction work.

#### **103. Maintenance of drainage installation**

- (1) The owner or occupier of any premises must maintain any drainage installation and any sewer connection on such premises.
- (2) The Council itself is entitled, whether or not it has been requested by the owner to do so, at its own discretion to remove a blockage from a drainage installation and may charge the owner therefor in accordance with the prescribed tariffs determined by the Council.
- (3) Should the clearing by the Council of any blockage in a drainage installation necessitate the removal or disturbance of any paving, lawn or other artificial surfacing on any premises, the Council shall not be liable for the reinstatement thereof.
- (4) Should any drainage installation on any premises overflow as a result of an obstruction in the connecting sewer, and the Council be reasonably satisfied that such 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 the blockage in accordance with the prescribed tariff determined by the Council.

(5) Where a blockage has been removed from a drain or portion of a drain which serves two or more pieces of land, the charges for clearing of such blockage are recoverable in the first place in equal portions from each of the owners thereof, who are, however, ultimately jointly and severally liable for the whole charge.

(6) The Council may, on the written application of the owner or occupier of any premises, inspect and test the drainage installation of such premises or any section thereof, and recover from the owner or occupier the cost of such inspection and test, calculated at the rate specified in the prescribed tariff of charges.

## Part H

### General

#### 104. Disposal of sludge, compost and manure

(1) Except when prohibited by any law, the Council may sell or dispose of sewage sludge, compost or animal manure resulting from the operation of any sewage treatment plant operated by the Council or sewage farm associated therewith, on such conditions regarding the loading and conveyance thereof, the place to which it is conveyed and the manner in which it is to be used, applied or processed, as the Council may impose or as may be required in terms of any law.

(2) Except in the case of long-term contracts entered into for the purpose of the removal thereof, such sludge, compost or manure must be sold or disposed of at a price determined from time to time by the Council.

**105. Drains in streets or public places**

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

**106. Installation of pre-treatment facilities**

(1) The Council may require that any premises which require connection to a sewage disposal system for the first time, must be provided with a minimum pre-treatment facility of a type specified by it prior to those premises being connected to the sewage disposal system.

(2) In the instance of premises with an already existing connection to a sewage disposal systems that does not comply with the terms and conditions as set out in these by-laws, and which premises do not dispose of a pre-treatment facility, the owner of such a premises shall provide at his/her own cost such a pre-treatment facility to the satisfaction of the council within a period to be determined by the council and which period shall not exceed 36 months.

**107. Protection from ingress of floodwater**

Where premises constructed within, or any portion of a property lie within the 1 in 50 years flood plain, the top level of any manhole, inspection chamber and gully located below the level of such flood plain must be above the 1 in 50 years flood level, except in the case of a manhole and inspection chamber the cover of which is secured in place by approved means.

## CHAPTER 7

### POWERS AND FUNCTIONS OF DESIGNATED OFFICERS

#### 108. Authorisation of designated officer

- 5           (1) The council may authorise any person in its employ to be a designated officer for purposes of these By-laws.
- (2) A service provider as contemplated in the definition of Council and in section 76 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), may authorise any person in its employ to be a designated officer.

#### 109. Functions of designated officer

- 10           (1) A designated officer may execute work, conduct an inspection and monitor and enforce compliance with these By-laws.
- (2) Subject to the provisions of any other law, a designated officer must carry out the functions contemplated in this section and the powers set out in section 111, in accordance with the procedure outlined in sections 112 and 113.

#### 15           110. Powers of designated officer

- (1) A designated officer who executes work or conducts an inspection may-
- (a) execute work on or inspect premises;
- (b) question a person present on any premises in respect of any matter which may be relevant to the work or inspection;
- 20           (c) question a person whom the designated officer believes may have information relevant to the work or inspection;

- (d) inspect any document that a person is required to maintain in terms of any law or that may be relevant to any work or inspection;
- (e) copy any document referred to in paragraph (d) or if necessary, remove the document in order to copy it;
- 5 (f) take samples of any substance that is relevant to the work or inspection;
- (g) monitor and take readings or make measurements;
- (h) take photos or make audio-visual recordings of anything or any person, process, action or condition on or regarding any premises;
- 10 and
- (i) do what is necessary for the execution of work or the conducting of an inspection that the Council is required to undertake in terms of these By-laws.
- (2) A designated officer who removes anything other than a substance
- 15 contemplated in subsection (1)(f) from premises being worked upon or inspected, must-
- (a) issue a receipt for it to the owner or a person in control of the premises; and
- (b) return it as soon as is practicable after achieving the purpose for
- 20 which it was removed.

#### **111. Entry of premises for carrying out of works & inspections**

- (1) The owner of premises in a municipality must give a designated officer of the municipality or of a service provider access at all reasonable hours to the
- 25 premises in order to carry out works of reading, inspecting, installing or

repairing any meter or service connection or to disconnect, stop or restrict the provision of any service.

#### **112. Observing fundamental rights**

- 5           A designated officer who enters and executes work or inspects any premises in terms of this Chapter must do so with strict regard for decency and orderliness and with regard for each person's human rights including the right to dignity, freedom, security and privacy.

#### **113. Using force to enter**

- 10           (1) A designated officer carrying out a written authorisation in terms of section 112 may overcome any resistance to entry, execution of work or inspection by using as much force as is reasonably required, including breaking a lock, door or window of the premises to be entered.
- 15           (2) Before resorting to force, the person carrying out the written authorisation must audibly demand admission and must announce his or her purpose, unless he or she reasonably believes that doing so may induce someone to destroy, dispose of, or tamper with, an article or document that is the object of the work or inspection.
- 20           (3) The Council must compensate anyone who suffers damage because of forced entry during the execution of any work or any inspection when no one responsible for the premises was present.
- (4) Force may not be used to effect an entry to execute work or conduct an inspection in terms of section 113, unless an emergency arises.



**114. Designated officer may be accompanied**

During the execution of any work or an inspection, a designated officer may be accompanied by a member of the South African Police Services and by any other person reasonably required to assist in executing the work or conducting the inspection.

**115. Duty to produce documents**

Any person who holds any document relevant to the execution of any work or inspection contemplated in this Chapter must produce it at the request of a designated officer.

**116. Duty to answer questions and assist designated officer**

- (1) Any person who is questioned by a designated officer in terms of this Chapter must answer truthfully and to the best of his or her ability.
- (2) An answer or explanation given to a designated officer may not be used or admitted in criminal proceedings against the person who provides it, except in proceedings against that person on a charge relating to-
  - (a) the administration or taking of an oath;
  - (b) the making a false statement; or
  - (c) the failure to answer a lawful question fully and satisfactorily.
- (3) An owner or occupier of any premises must provide any facility and assistance that is reasonably required by a designated officer to perform his or her functions effectively.

**117. Compliance notice**

- (1) A designated officer who becomes aware that any provision of these By-laws has not been complied with, may issue a compliance notice to the owner or person apparently in control of the relevant premises.
- 5 (2) A designated officer who is satisfied that the owner or person apparently in control of any premises has satisfied the terms of a compliance notice may issue a compliance certificate to that effect.
- (3) A compliance notice remains in force until a designated officer has issued a compliance certificate in respect of that notice.
- 10 (4) A compliance notice must set out-
  - (a) the provision that has not been complied with;
  - (b) details of the nature and extent of non-compliance;
  - (c) any steps that are required to be taken and the period with which those steps must be taken; and
  - 15 (d) any penalty that may be imposed in terms of these By-laws in the event of non-compliance with these steps.

## CHAPTER 8

### MISCELLANEOUS<sup>8</sup>

#### 118. Complaints against persons other than Council or service providers

Any one may lodge a complaint with a designated officer, either directly or through any other channel established by the Council, that another person-

- (a) is likely to cause or has caused a disruption of the provision of water and sanitation services without just cause; or
- (b) is likely to act or has acted contrary to any provisions of these By-laws;

in which event the designated officer, unless he or she has reasonable grounds to believe that the complaint is frivolous, must investigate the complaint and, take any necessary action which is competent in terms of these By-laws.

#### 119. Sinking of boreholes

- (1) Any owner of a premise who wishes to sink a borehole on such premises shall do so only within the parameters of the erf-boundaries of his/her premises, and then only on weekdays, Monday to Saturday between 7h00 and 17h00.
- (2) No person shall sink a borehole on the sidewalk of his/her premises without the prior written consent of the Council.
- (3) Any owner of a premise will be responsible to ensure that a drilled borehole be properly closed and safe guarded at all times for safety and security reasons.

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<sup>8</sup> Attention will be given to the necessary transitional provisions after receiving comments on the preliminary draft.

**120. Official addresses for purposes of By-laws**

(1) For the purpose of the service of any notice, order or other document relating to legal proceedings-

(a) the address of the owner of the premises on which domestic water is consumed or generated is deemed to be the official address, of such owner; and

(b) the address of the consumer, as referred to in section 4(5)(e) is deemed to be the official address, of the consumer.

(2) Where any notice or other document is required by these By-laws to be served on any person other than for the purpose of criminal proceedings, it must be served on him or her personally, failing which it may be served on any member of his or her household or any employee as the case may be, of the apparent age of 16 years or older, at the place of residence or business of that person, or if sent by registered post, to the official address contemplated in subsection (1), it will constitute prima facie proof of the service of such notice.

**121. Recovery of costs and tariffs**

Any costs which the Council is entitled to recover from a consumer, owner or other person in terms of these By-laws include, where applicable, any prescribed tariffs, expenses incurred in any exploratory investigation, survey, plan, specification, or schedule of quantities compilation, supervision, administration or authorisation charges, including the cost of any ancillary work associated therewith, wear and tear on plant and equipment utilised in any of these activities, the provision of labour and the costs, including environmental costs, involved in the disturbing and making good of any part of any street, ground or water services work.

**122. Legal compliance warranty**

Notwithstanding any provision to the contrary, any consumer by making application for water services, warrants that he or she will-

- 5 (1) in his or her activities, application and use of the water services, processes, and operations, comply with all relevant laws, regulation, and standards governing the environment, health and safety;
- (2) take all reasonable measures to prevent pollution or environmental degradation from occurring, continuing or recurring;
- 10 (3) insofar as such harm to the environment is authorised by law, or cannot reasonably be avoided or stopped, minimise and rectify such pollution or degradation of the environment; and
- (4) bear all costs and expenses incurred in meeting the above obligations and the implementation thereof.

**123. False statements or information**

- 15 No person may make a false statement or furnish false information to the Council, an authorised official, a designated officer or an employee of the Council or falsify a document issued in terms of these By-laws.

**124. Exceptions to application of By-laws**

- 20 (1) If authority was given before the date of commencement of these By-laws for installation work to be done, or if authorised work is in progress on such date, such work must comply with any applicable laws which were in force in the relevant portion of the area of jurisdiction of the Council, immediately prior to such date.

(2) For a period of 90 days after the commencement of these By-laws, the Council may give authority for installation work to be done in accordance with any law mentioned in subsection (1).

(3) No owner may be required to comply with these By-laws by altering a water installation or part thereof which was installed in conformity with any law applicable immediately before the date of commencement of these By-laws : Provided that if in the opinion of the Council, the installation or a part thereof is so defective, or in such a condition or position as to cause waste or undue consumption of water, pollution of the water supply, or a health, safety or environmental hazard, it may by notice in writing require the owner to comply with the provisions of these By-laws within a specified and reasonable period.

#### 125. Exemptions to By-laws

(1) The Council may by resolution exempt any person from complying with a provision of these By-laws, subject to any conditions it may impose, if it is of the opinion that the application or operation of that provision would be unreasonable in the circumstances, provided that the Council may not grant an exemption from any section of this section that may result in-

(a) the wastage or excessive consumption of water;

(b) the evasion or avoidance of water restrictions;

(c) significant negative effects on public health, safety or the environment;

(d) non-payment for services;

(e) the installation of pipes and fittings which are not approved in terms of these By-laws; or

(f) non-compliance with the Act or any regulations made in terms thereof.

- (2) The Council may at any time after giving written notice of at least 30 days, withdraw any exemption given in terms of subsection (1), and may compel the owner or consumer, as the case may be, to comply with the relevant section or sections within a period to be stated in the notice of withdrawal: Provided that it may withdraw such an exemption without such notice if, in the opinion of the designated officer there is a present or imminent danger to public health or the environment, or of the wastage or excessive consumption of water, or of the evasion of water restrictions or the obligation to pay for the consumption of water supplied.

**126. Offences and penalties**

- (1) It is an offence for any person to-
- (a) refuse to grant a designated officer access to premises to which that designated officer is duly authorised to have access;
  - (b) obstruct, interfere or hinder a designated officer who is exercising a power or carrying out a duty under these By-laws;
  - (c) fail or refuse to provide a designated officer with a document or information that the person is required to provide under these By-laws;
  - (d) give false or misleading information to a designated officer;
  - (e) unlawfully prevent the owner of any premises, or a person working for that owner, from entering the premises in order to comply with a requirement of these By-laws;
  - (f) pretend to be a designated officer;
  - (g) falsely alter an authorisation to a designated officer or written authorisation, compliance notice or compliance certificate issued in terms of these By-laws;

- (h) contravene or fail to comply with any provisions of these By-laws;
- (i) fail to comply with any notice issued in terms of these By-laws;
- (j) fail to comply with any lawful instruction given in terms of these By-laws; or
- 5 (k) obstruct or hinder any authorised official of the Council in the execution of his or her duties under these By-laws.
- (l) Any person convicted of an offence contemplated in subsection (1) is liable on conviction-
  - 10 (i) to a fine not exceeding R10 000,00, or in default of payment, to imprisonment for a period not exceeding six months or to such imprisonment without the option of a fine or to both such fine and such imprisonment; and
  - (ii) in the case of a continuing offence, to a further fine not exceeding  
15 R500,00 or additional imprisonment for a period not exceeding ten days or to such additional imprisonment without the option of a fine or to both such additional fine and imprisonment for each day on which such offence is continued, or in default of payment, to imprisonment not exceeding one day, for every day during the  
20 continuance of such offence after a written notice has been issued by the Council requiring the discontinuance of such offence.
  - (iii) Every person committing a breach of the provisions of this by-law shall be liable to recompense the Municipality for any loss or  
25 damage suffered or sustained by it in consequence of such breach.



**127. Application of By-laws**

- (1) The provisions of these By-laws apply to all persons or bodies, including the State.
- (2) Any provision of these By-laws conferring a power or imposing a duty applies in respect of-
- (a) all premises;
  - (b) any person or thing on or in any premises;
  - (c) the owner or occupier of all premises; and
  - (d) any matter relating to premises, a person, or thing.
- (3) For the purposes of these By-laws, the head of a national or provincial department or the municipal manager of the Council is deemed to be the owner and occupier of all premises that the department or municipality occupies or uses to the exclusion of any other person

**128. Repeal of By-laws**

The By-laws listed in Schedule A are hereby repealed.

**129. Short title**

These By-laws are called the Water and Sanitation Services By-laws, 2004.

**SCHEDULE A****REPEALED BY-LAWS<sup>9</sup>**

<b>Number and year</b>	<b>Name of By-laws</b>	<b>Extent of Repeal</b>
Administrator's Notice 665 dated 8 June 1977	Pietersburg Municipality: Standard Drainage By-laws	The whole
Administrator's Notice 21 dated 5 January 1977	Pietersburg Municipality: Standard Water Supply By- laws	The whole

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<sup>9</sup> Are there any other relevant By-laws that should be repealed?

**SCHEDULE B****LIMITS AND MAXIMUM CONCENTRATION OF CERTAIN SUBSTANCES**

**Subject to the provisions of these By-laws, the following maximum concentration limits apply to substances contained in any sewage, industrial effluent or other liquid discharged to the sewer:**

5

Electrical conductivity not greater than : 500 mS/m at 20 degrees Celsius.

Chemical oxygen demand < 5 000 mg/l

Substances not in solution including fat, oil, grease, waxes and like substances -

(a) of mineral origin < 50 mg/l

10

(b) of vegetable origin < 200 mg/l

Chlorides (expressed as Cl): 1 000 mg/l

Anionic surface active agents : 250 mg/l

Sulphates (expressed as SO<sub>4</sub>) : 250 mg/l.

Iron (as Fe) : 200 mg/l

15

Manganese (as Mn) 50 mg/l

Nitrates (as N) : 50 mg/l

Chromium (expressed as Cr) : 20 mg/l

Cobalt (expressed as Co) : 20 mg/l

Copper (expressed as Cu) : 20 mg/l

20

Titanium (as Ti): 20 mg/l

Cyanides (as CN) : 20 mg/l

Zinc (expressed as Zn) : 20 mg/l

Lead (expressed as Pb) : 10 mg/l

Phenols (expressed as phenol) : 10 mg/l

Nickel (expressed as Ni) : 10 mg/l

5 Sulphides (as S) : 10 mg/l

Boron (expressed as B) : 5 mg/l

Fluoride (expressed as F) : 5 mg/l

Molybdenum (expressed as Mo) : 5 mg/l

Arsenic (expressed as As) : 2,5 mg/l

10 Cadmium (expressed as Cd) : 2,5 mg/l

Selenium (expressed as Se) : 2,5 mg/l

Mercury (expressed as Hg) : 1,0 mg/l

Radio-active wastes

15 Any radio-active wastes or isotopes - such concentrations as may be laid down by the Nuclear Energy Agency or any State Department.

**Notwithstanding the requirements set out in this Schedule, the Council may limit the total mass of any substance or impurity discharged over a specified period into the sewers from any premises.**

**ADV. J.L. THUBAKGALE**

**MUNICIPAL MANAGER**

**Polokwane Municipality**

**Civic Center**

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**POLOKWANE**

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