



LIMPOPO PROVINCE
 LIMPOPO PROVINSIE
 XIFUNDZANKULU XA LIMPOPO
 PROFENSE YA LIMPOPO
 VUNDU LA LIMPOPO
 IPHROVINSI YELIMPOPO

**Provincial Gazette • Provinsiale Koerant • Gazete ya Xifundzankulu
 Kuranta ya Profense • Gazethe ya Vundu**

*(Registered as a newspaper) • (As 'n nuusblad geregistreer)
 (Yi rhijistariwile tanihi Nyuziphepha)
 (E ngwadisitšwe bjalo ka Kuranta)
 (Yo redzhistariwa sa Nyusiphepha)*

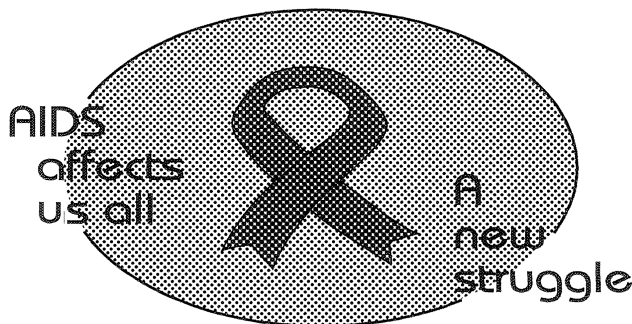
POLOKWANE,

Vol. 20
Extraordinary
Ku katsa na Tigazete to
Hlawuleka hinkwato

27 JUNE 2013
 27 JUNIE 2013
 27 KHOTAVUXIKA 2013
 27 JUNE 2013
 27 FULWI 2013

No. 2214
Buitengewoon
Hu tshi katelwa na
Gazethe dza Nyingo

We all have the power to prevent AIDS



Prevention is the cure

**AIDS
 HELPLINE**

0800 012 322

DEPARTMENT OF HEALTH

N.B. The Government Printing Works will not be held responsible for the quality of "Hard Copies" or "Electronic Files" submitted for publication purposes



IMPORTANT NOTICE

The Government Printing Works will not be held responsible for faxed documents not received due to errors on the fax machine or faxes received which are unclear or incomplete. Please be advised that an "OK" slip, received from a fax machine, will not be accepted as proof that documents were received by the GPW for printing. If documents are faxed to the GPW it will be the sender's responsibility to phone and confirm that the documents were received in good order.

Furthermore the Government Printing Works will also not be held responsible for cancellations and amendments which have not been done on original documents received from clients.

CONTENTS • INHOUD

<i>No.</i>		<i>Page No.</i>	<i>Gazette No.</i>
LOCAL AUTHORITY NOTICE			
89	Municipal Systems Act (32/2000): Thabazimbi Local Municipality: Traffic By-law	3	2214
	Drainage By-law.....	11	2214
	Hiring of Community Halls, Buildings and Other Facilities	60	2214
	Local Tourism By-law	86	2214
	Parking Grounds By-law	97	2214
	Water Supply By-law.....	110	2214

LOCAL AUTHORITY NOTICE

LOCAL AUTHORITY NOTICE 89

THABAZIMBI LOCAL MUNICIPALITY

TRAFFIC BY-LAW

TRAFFIC BY-LAW

The Municipal Manager of Thabazimbi Local Municipality hereby, in terms of section 13(a) in conjunction with section 75 (1) of the Municipal Systems Act, 2000 (Act No. 32 of 2000), publishes the Traffic By-Law for the Thabazimbi Local Municipality, to be approved by the Council, as set out hereunder.

TABLE OF CONTENTS

CHAPTER 1

INTERPRETATION

1. Definitions

CHAPTER 2

2. Driver to take shortest route
3. Driver to keep engagement
4. Operation of taximeters

CHAPTER 3

BUSES

5. Stopping places
6. Entering and alighting a bus
7. Driver to stop at stopping places

CHAPTER 4

GENERAL

8. Parking of metered taxi, minibus, midibus or bus
9. Parking at places of entertainment or funeral
10. Engagement of passengers
11. Failing or refusing to pay or attempting to evade payment of the fare due
12. Furnishing of name and address by person conveyed in or on a metered taxi, minibus, midibus or bus
13. Conveyance of filthy or diseased persons
14. Disinfection of metered taxi, minibus, midibus or bus
15. Driver's right to refuse to convey passengers
16. Property left in metered taxi, minibus, midibus or bus
17. Possession of dangerous or offensive articles
18. Cleanliness

THABAZIMBI LOCAL MUNICIPALITY**TRAFFIC BY-LAW**

- 19. Queue marshal
- 20. Clean vehicle
- 21. Offences and penalties

SCHEDULE 1**CHAPTER 1****DEFINITION AND INTERPRETATION****1. Definitions**

(1) In this By-Law, any word or expression that has been defined has that meaning and, unless the context otherwise indicates -

“Authorised Official” means any official of the Council who has been authorised by it to administer, implement and enforce the provisions of this By-Law;

“Council” or “Municipality” means - the Municipality of Thabazimbi as established in terms of Section 12 of the Municipal Structures Act, 117 of 1998, and includes any political structure, political office bearer, councillor, duly authorised agent thereof or any employee thereof acting in connection with this by-law by virtue of a power vested in the municipality and delegated or sub-delegated to such political structure, political office bearer, councillor, agent or employee;

“Lift Club” means any club of which every member shall, for no direct or indirect reward, have a turn to convey or cause to be conveyed by means of a motor car, the members of such a club or other persons designated by such members, to or from specified places for a specific purpose;

“Medical Officer of Health” means a person appointed as such under the National Health Act (No 61 of 2003);

“Prescribed Fee” means a fee determined by the Council by resolution in terms of section 10G(7)(a)(ii) of the Local Government Transition Act, 1993 (Act No. 209 of 1993), or any other applicable legislation.

“Public Road” means a public road as defined in the National Road Traffic Act, 1996;

THABAZIMBI LOCAL MUNICIPALITY**TRAFFIC BY-LAW**

“Queue Marshal” means a person designated by a taxi association to regulate minibus taxi-type services; and

“Rank” means a facility set aside by the Council for use by public passenger road transport;

(2) If any provision in this By-Law 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 provider, the reference in such provision 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.

CHAPTER 2**2. Driver to take shortest route**

(1) A driver of any metered taxi must, while the metered taxi is hired, drive to the passenger's destination along the shortest route, unless another route is agreed on or directed by the passenger.

(2) A metered taxi driver must have a current map of the municipal area in his or her possession, which must be made available by the driver to a passenger on request.

3. Driver to keep engagement

(1) A driver of any metered taxi must convey a passenger and his or her personal effects to the destination agreed upon between the passenger and the driver.

(2) Should the driver of a metered taxi for any reason whatsoever, be unable to convey the passenger and the passenger's personal effects to the agreed destination, such driver must take all reasonable steps to arrange another metered taxi for the passenger, or let the passenger arrange for transport to get to his or her destination.

4. Operation of taximeter

(1) The driver of a metered taxi fitted with a taximeter must, as soon as the driver arrives at the point where his or her hiring commences and not sooner, set the taximeter in motion, and must upon the termination of hiring immediately stop the taximeter from recording.

THABAZIMBI LOCAL MUNICIPALITY**TRAFFIC BY-LAW**

(2) Upon the occurrence of any stoppage not caused by traffic congestion or by the action or request of any passenger, the said driver must for the duration of such stoppage stop the taximeter from recording.

(3) The owner of a metered taxi must ensure that the provisions of subsections (1) and (2) and the minimum or maximum fare, if any, are affixed to the interior of his or her taxi, in such a position that they can be easily read by a passenger in the taxi.

CHAPTER 3**BUSES****5. Stopping places**

No driver of a bus, as defined in the National Land Transport Transition Act, 2000 (No. 22 of 2000), may stop it for the purpose of picking up or setting down any passenger, except at a stopping place designated by the Council.

6. Entering and alighting from a bus

A prospective passenger of a bus, as defined in the National Land Transport Transition Act, 2000 (No. 22 of 2000), may only enter or alight from a bus at a stopping place designated by the Council.

7. Driver to stop at stopping places

The driver of a vehicle engaged in a public passenger road transport service, which at the time is not carrying the maximum number of passengers the vehicle is lawfully entitled to carry, must stop at any designated stopping place if a prospective passenger is waiting at such stopping place.

CHAPTER 4**GENERAL****8. Parking of metered taxi, minibus, midibus or bus**

No person may park a metered taxi, minibus, midibus or bus on any public road for the purpose of providing a public passenger road transport service, except in an exclusive parking bay, marked by a road traffic sign as prescribed in terms of the National Road Traffic Act, 1996 (Act No. 93 of 1996) for that vehicle.

9. Payment for municipal taxi rank

THABAZIMBI LOCAL MUNICIPALITY**TRAFFIC BY-LAW**

Taxi, metered taxi, minibus, midibus or bus must pay an amount stipulated by the Municipality in using the Municipal Taxi Rank.

Parking at places of entertainment or funeral

Notwithstanding the provision of section 8 of this By-Law, a metered taxi may park on a public road for the purpose of providing a metered taxi service, where a party or private entertainment is in progress or from which any funeral or wedding procession is about to start.

10. Engagement of passengers

(1) No driver of a metered taxi, minibus, midibus or bus, or any other person, may by using force or a threat, or in a illegal manner or by any other means, prevent or seek to prevent any person from hiring any other metered taxi, minibus, midibus or bus or prevent or seek to prevent the driver of such other metered taxi, minibus, midibus or bus from obtaining or conveying a passenger or a load.

(2) No person may use force, a threat, or any illegal or other method, to prevent or attempt to prevent any person from participating in a lift club.

(3) The driver or conductor of a metered taxi, minibus, midibus or bus may not use a hooter or sounding device to attract the custom of potential passengers or customers.

11. Failing or refusing to pay or attempting to evade payment of the fare due

No hirer of, or passenger in or on a vehicle engaged in a public passenger road transport service, may fail or refuse to pay any fare due by such hirer or passenger.

12. Furnishing of name and address by person conveyed in or on metered taxi, minibus, midibus or bus

Any person hiring, or conveyed in or on, a vehicle engaged in a public passenger road transport service, who has failed or refused to pay any fare due by him or her, must when requested to do so by the driver, state his or her correct name and address.

13. Conveyance of filthy or diseased persons

(1) A driver of a vehicle engaged in a public passenger road transport service may refuse to convey or carry -

(a) any person who is obviously in a state of filth or obviously suffering from any contagious disease; or

THABAZIMBI LOCAL MUNICIPALITY**TRAFFIC BY-LAW**

(b) any dead animal except animals or poultry intended for human consumption if the animal or poultry is properly wrapped.

(2) No person who has another person in his or her care who to his or her knowledge has been exposed to, or contaminated with, any contagious disease, may place such person in any metered taxi, minibus, midibus or bus.

(3) No person who is obviously in a state of filth or obviously suffering from any contagious disease may enter any metered taxi, minibus, midibus or bus or, having entered, remain upon such vehicle after being requested by the driver or conductor thereof to leave the vehicle.

14. Disinfection of metered taxi, minibus, midibus or bus

(1) The owner, driver, conductor or any other person in charge of a vehicle engaged in a public passenger road transport service must take immediate steps as soon as it comes to his or her knowledge that -

(a) any person suffering from a contagious disease; or

(b) the body of any person who has died of such disease; or

(c) anything which has been exposed to or contaminated with such disease, has been conveyed in or upon such vehicle engaged in a public passenger road transport service to report the matter to the Medical Officer of Health.

(2) Any owner, driver, conductor or other person referred to in subsection (1) must carry out every instruction issued by the Medical Officer of Health with regard to the disinfection of such vehicle engaged in a public passenger road transport service.

15. Driver's right to refuse to convey passengers

(1) The driver of a vehicle engaged in a public passenger road transport service may, if he or she so decides, or at the request of any passenger, refuse to convey any person who is obviously in a state of intoxication or who is noisy or rowdy or otherwise misbehaving himself or herself.

(2) No person referred to in subsection (1), may remain in or upon such vehicle engaged in a public passenger road transport service, after having been requested by the driver or conductor thereof to leave the vehicle engaged in a public passenger road transport service.

16. Property left in metered taxi, minibus, midibus or bus

THABAZIMBI LOCAL MUNICIPALITY**TRAFFIC BY-LAW**

(1) If any property left in a vehicle engaged in a public passenger road transport service is not claimed within 24 hours after it has been discovered in such vehicle engaged in a public passenger road transport service, the driver or conductor of the vehicle must -

(a) if he or she belongs to a taxi association, take such property to the nearest office of such association;

(b) if he or she uses a bus depot for the purposes of the business in which he or she is engaged, take such property to such depot; or

(c) if he or she does not belong to a taxi association or use a bus depot for the purposes of the business concerned, take such property to the Municipality Transport Department, and obtain a receipt from the person with whom the property is deposited, or the officer on duty Municipality, as the case may be.

(2) If the property referred to in paragraphs (a) and (b) of subsection (1) is not claimed within seven days of its receipt in the office of the relevant taxi association or bus depot, the person with whom it was deposited must take it to the South African Police Services (SAPS), and there deposit it with the officer on duty, who must issue a receipt for such property to the person depositing it.

17. Possession of dangerous or offensive articles

(1) If the driver or conductor of a vehicle engaged in a public passenger road transport service reasonably suspects that any passenger is in possession of any dangerous or offensive article, except a fire-arm as described in subsection (2), the driver or conductor or any other passenger may request the first mentioned passenger to hand such article to the driver or conductor.

(2) If a passenger is in possession of a fire-arm, the driver or conductor may request the passenger to display a valid licence for such fire-arm or, if the passenger is required to carry the fire-arm as a member of the national or a municipal police service established in terms of the South African Police Service Act, 1995, or as a member of the National Defence Force established under the Defence Act, 1957 (Act No. 44 of 1957), the driver or conductor may request the passenger to display the current identity document which was issued to the passenger by such service or force.

(3) If the passenger refuses to hand the article referred to in subsection (1), or fails to display the licence or identity document referred to in subsection (2), to the driver or conductor, the driver may refuse to convey the passenger.

(4) The article referred to in subsection (1) must be returned to its owner at the conclusion of his or her journey.

18. Cleanliness

THABAZIMBI LOCAL MUNICIPALITY**TRAFFIC BY-LAW**

The driver or conductor of any vehicle engaged in a public passenger road transport service must be clean and neatly dressed at all times while conveying a passenger, and must treat every passenger politely and with respect.

19. Queue marshal

- (1) A queue marshal at any rank must be clearly identifiable as to his or her employer and must display his or her name in a conspicuous manner on his or her clothing below the left shoulder.
- (2) A queue marshal must discharge his or her duties in a courteous and polite manner and show respect to every passenger.
- (3) Where a queue marshal is controlling the entry of passengers onto a metered taxi, minibus, midibus or bus, he or she must not allow more than the number of passengers permitted by law, to enter such metered taxi, minibus, midibus or bus.

20. Clean vehicle

The owner and the driver of any metered taxi, minibus, midibus or bus must keep the vehicle clean and in good condition at all times while engaged in public passenger road transport services.

21. Offences and penalties

Any person who -

- (a) Contravenes or fails to comply with any provisions of this By-Law;
- (b) Fails to comply with any notice issued in terms of this By-Law;
- (c) Fails to comply with any lawful instruction given in terms of this By-Law; or
- (d) who obstructs or hinders any authorised official of the Council in the execution of his or her duties under this By-Law, is guilty of an offence and liable on conviction to a fine or in default of payment to imprisonment for a period not exceeding six months and in the case of a continuing offence, to a further fine not exceeding R50, or in default of payment to imprisonment not exceeding one day, for every day during the continuance of such offence, after a written notice has been issued by the Council, and served on the person concerned, requiring the discontinuance of such offence.

THABAZIMBI LOCAL MUNICIPALITY
DRAINAGE BY-LAW

DRAINAGE BY-LAW

1. Definitions

In this by-law, unless the context otherwise indicates -

- "1-in-50-years flood level"** means that level reached by flood waters resulting from a storm of a frequency of 1 in 50 years;
- "adequate" or "effective"** means
(a) adequate or effective in the opinion of the Municipality; or
(b) in relation to any document issued by the Council.
- "anti-siphonage pipe"** means any pipe or portion of a pipe provided for the protection, by ventilation, of the water seal of a trap against unsealing by siphonage or back pressure;
- "approved"** means approved by the Municipality in writing;
- "authorised agent"** means any person or contractor officially authorised by the Municipality to act as the Municipality's agent;
- "building regulations"** means the National Building Regulations and other standards or regulations made in terms of the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977);
- "cleaning eye"** means any access opening to the interior of a discharge pipe or trap which is provided for the purposes of internal cleaning and which remains permanently accessible after completion of the drainage installation;
- "connection"** means the point where a drain is connected to the sewer connection;
- "conservancy tank"** means a covered tank which is used for the reception and temporary retention of sewage
- "domestic effluent"** means effluent of prescribed domestic strength characteristics in respect of chemical oxygen demand and settleable solids, being appropriate to sewage discharges from domestic premises within the jurisdiction of the Municipality, but does not include industrial effluent;

THABAZIMBI LOCAL MUNICIPALITY
DRAINAGE BY-LAW

- "drain"** means that part of a drainage installation, other than soil-water pipes, waste-water pipes, ventilation pipes and anti-siphonage pipes, of which ownership is vested in the owner of the premises and which has been laid in the ground and is used or intended to be used for conveying sewage to the sewer connection or to a common drain or a conservancy tank or septic tank which is situated on the premises;
- "drainage installation"** means an installation of which ownership is vested in the owner of the premises and includes any drain, soil-water pipe, stack, waste-water pipe, ventilation pipe, anti-siphonage pipe, soil-water fitting, waste-water fitting, mechanical appliance or any other appliance or fitting, or a combination of such drain, pipe, stack, fitting and appliance, for the collection and conveyance of sewage;
- "drainage work"** means any construction or reconstruction of, or any alteration or addition to, or any work done in connection with a drainage installation, but does not include any work undertaken solely for purposes of repair or maintenance;
- "effluent"** means any liquid, whether or not containing matter in solution or suspension;
- "Engineer"** means the professional engineer appointed by the Municipality to perform or exercise the functions, powers and duties in terms of these by-law;
- "gully"** means a pipe fitting incorporating a trap into which waste water is discharged;
- "industrial effluent"** means effluent emanating from the industrial use of water, including, for purposes of these by-law, any effluent other than domestic effluent or stormwater;
- "JASWIC"** means the Joint Acceptance Scheme for Water-Services Installation Components, which approves a list of water and sanitation installations, which list is obtainable from the Municipality;
- "manhole"** means any access chamber to the interior of a sewer provided for the purpose of maintenance and internal cleaning;
- "Municipality"** means the Thabazimbi Municipality, as established by General Notice 6770 in Provincial Gazette Extraordinary 141 of 1 October 2000 in terms of the provisions of the Local Government: Municipal Structures Act, 1998 (Act 117

THABAZIMBI LOCAL MUNICIPALITY
DRAINAGE BY-LAW

of 1998), and as provided for by section 155(1)(a) of the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996), and includes any official or authorised agent to whom the Council of the Municipality has delegated the powers, functions and duties in terms of these by-law;

"owner"

means -

- (a) the person in whom from time to time is vested the legal title to the premises;
- (b) a person who receives the rent or profit of premises from a tenant or occupier of the premises, or who would receive such rent or profit if the premises were leased, whether for his or her own account or as an agent for a person entitled to the rent or profit;
- (c) where the person in whom the legal title to the premises is vested is insolvent or dead, or is under any form of legal disability whatsoever, the person in whom the administration and control of the premises is vested as curator, trustee, executor, administrator, judicial manager, liquidator or other legal representative;
- (d) in the case of premises for which a lease agreement of 30 years or more has been entered into, the lessee of
- (e) in relation to -
 - (i) a piece of land delineated on a sectional plan registered in terms of the Sectional Titles Act, 1986 (Act 95 of 1986), the developer or the body corporate in respect of the common property; or
 - (ii) a section as defined in the Sectional Titles Act, 1986, the person in whose name the section is registered under the sectional title deed, and includes the law-fully appointed agent of such a person;

"piece of land"

means -

- (a) a piece of land registered in a deeds registry as an erf, stand, lot, plot or other area or as a portion or a subdivision portion of such an erf, stand, lot, plot or area; or
- (b) a defined portion, not intended as a public place, or a piece of land which is held under surface right permit or under mining title, or which,

THABAZIMBI LOCAL MUNICIPALITY
DRAINAGE BY-LAW

being proclaimed land not held under mining title, is used for residential purposes or for purposes not incidental to mining operations;

- "plumber"** means a person who has passed a qualifying trade test in plumbing or has been issued with a certificate of proficiency for plumbing in terms of the Manpower Training Act, 1981 (Act 56 of 1981) as amended, or holds such other qualification as may be required under the South African Qualifications Authority Act, 1995 (Act 58 of 1995);
- "premises"** means any piece of land, the external surface boundaries of which are delineated on -
- (a) a general plan or diagram registered in terms of the Land Survey Act, 1997 (Act 8 of 1997), or in terms of the Deeds Registries Act, 1937 (Act 47 of 1937); or
- (b) a sectional plan registered in terms of
- "professional engineer"** means a person registered in terms of the Engineering Profession Act, 2000 (Act 46 of 2000), as a professional engineer;
- "purified sewerage effluent"** means the water discharged from a water purification works after purification, either into a water course or for the purposes of re-use.
- "sanitary fitting"** or **"sanitary appliance"** means any soil-water fitting and any waste-water fitting;
- "sanitation services"** has the meaning assigned to it in the Act and includes, for purposes of these by-law, water for industrial purposes and disposal of industrial effluent;
- "septic tank"** means a tank designed to receive sewage and to effect the adequate decomposition of organic matter in sewage by bacterial action;
- "sewage"** means soil water, waste water, industrial effluent and other liquid waste, whether separately or together, but does not include stormwater;

THABAZIMBI LOCAL MUNICIPALITY
DRAINAGE BY-LAW

"sewer"	means any pipe with fittings, of which ownership is vested in the Municipality, and which is designed and used or intended to be used for the conveyance of sewage, but does not include a drain;
"sewer connection"	means that part of a sewer system which is vested in the Municipality and which connects a drain to a sewer;
"soil water"	means any liquid containing human or animal excreta;
"soil-water fitting"	means any fitting used for the reception and discharge of soil water;
"soil-water pipe"	means any pipe, other than a drain, used for the conveyance of soil water with or without waste water;
"stack"	means the main vertical component of a drainage installation or any part of the installation other than a ventilation pipe;
"stormwater"	means any liquid resulting from natural precipitation or accumulation and includes rainwater, spring water and groundwater;
"tariff"	means the tariff of charges in respect of the municipality sewer service
"the Act"	means the Water Services Act, 1997 (Act 108 of 1997), as amended from time to time;
"trap"	means a pipe fitting or portion of a sanitary appliance designed to retain a water seal in position;
"ventilation pipe"	means any pipe or portion of a pipe not conveying any liquid, which pipe or portion of a pipe leads to the open air at its highest point and is used to ventilate a drainage installation in order to prevent the destruction of water seals;
"waste water"	means used water that has not been polluted by soil water or industrial effluent, but does not include stormwater;
"waste-water fitting"	means any fitting used for the reception and discharge of waste water;
"waste-water pipe"	means any pipe, other than a drain, used for the conveyance of waste water only;
"waste-water treatment"	means any water works for the purification, treatment and/or disposal of effluent;

THABAZIMBI LOCAL MUNICIPALITY
DRAINAGE BY-LAW

plant"

"Water Act" means the National Water Act, 1998 (Act 36 of 1998), as amended from time to time; and

"water seal" means the water in a trap, which serves as a barrier against the flow of foul air or gas.

2. Standard of sanitation service

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

3. Scope of by-law

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

4 Notices

- (1) Every notice, order or other document issued or served by the Municipality in terms of these by-law is valid if signed by an official of the Municipality who is duly authorised to do so.
- (2) Any notice, order or other document issued or served in terms of these by-law on any person shall be served in the following manner:

THABAZIMBI LOCAL MUNICIPALITY
DRAINAGE BY-LAW

- (a) The notice, order or other document, or a true copy of the notice, order or document, shall be delivered personally to the person to whom it is addressed or shall be delivered at his or her last-known residence or place of business; or
- (b) the notice, order or other document, or a true copy of the notice, order or document, shall be posted to the person to whom it is addressed at his or her last-known residence or place of business, in which case it will be deemed to have been served five days after it was posted.
- (3) In every notice, order or other document issued or served in terms of these by-law, the premises to which the notice, order or document relates will be specified, but the person for whom it is intended may be referred to as "the owner" or "the occupier" if his or her name is not known.

5. Application for water services

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

TYPES OF SANITATION SERVICES

6. On-site sanitation services and associated services

Application

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

THABAZIMBI LOCAL MUNICIPALITY
DRAINAGE BY-LAW

on-site sanitation services in accordance with the specifications of the Municipality.

- (2) The Municipality may specify the type of on-site sanitation services to be installed.

7. Septic tanks and treatment plants

- (1) No person may construct, install, maintain or operate a septic tank or other plant for the treatment, disposal or storage of sewage without the prior written consent of the Municipality. Such consent is granted without prejudice to any of the provisions of these by-law or any other relevant laws or by-law.
- (2) The removal and handling of any sewage sludge must be in accordance with the relevant health laws and by-law.

8. French drains

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

9. Ventilated improved pit latrines

The Municipality may, at its discretion and on such conditions as it may prescribe, having regard to the nature and permeability of the soil, the depth of the water table, the size of and access to the site and the availability of a piped water supply, permit the disposal of human excrement by means of a ventilated improved pit latrine constructed and maintained in accordance with the specifications of the Municipality and located in a position indicated by the Municipality.

THABAZIMBI LOCAL MUNICIPALITY
DRAINAGE BY-LAW

10. Conservancy tanks

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

THABAZIMBI LOCAL MUNICIPALITY
DRAINAGE BY-LAW

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

11. Sewage delivered by road haulage

(1) Acceptance of sewage delivered by road haulage

The Engineer may, at his or her discretion and subject to the conditions that he or she may specify, accept sewage for disposal which is delivered by road haulage to a waste-water treatment plant of the Municipality or another site approved by the Engineer.

(2) Written permission for delivery of sewage by road haulage

- (a) No person may discharge into a waste-water treatment plant of the Municipality or another approved site sewage delivered by road haulage, except with the written permission of the Engineer and subject to the period and the conditions that may be imposed in the written permission.
- (b) The charges for any sewage delivered for disposal to the Municipality's wastewater treatment plants or to approved sites shall be assessed by the Municipality in accordance with the prescribed tariffs.

(3) Conditions for delivery of sewage by road haulage

When sewage is delivered by road haulage to a waste-water treatment plant of the Municipality or to an approved site for disposal -

- (a) the time and place of delivery must be arranged with the Engineer; and
- (b) the nature and composition of the sewage must be established to the satisfaction of the Engineer prior to the discharge of the sewage, and no person may deliver sewage that does not comply with the standards laid down in terms of these by-law.

THABAZIMBI LOCAL MUNICIPALITY
DRAINAGE BY-LAW

(4) Withdrawal of permission for delivery of sewage by road haulage

The Engineer may withdraw any permission contemplated in section 12(1) after giving the person to whom permission is granted at least 14 days' written notice of the Municipality's intention to withdraw the permission if that person.

- (a) fails to ensure that the sewage delivered conforms to the standards prescribed in Appendix A to these by-law or in the written permission; or
- (b) fails or refuses to comply with any notice lawfully served on him or her in terms of these by-law, contravenes any provisions of these by-law, or fails or refuses to comply with any condition imposed on him or her in any permission granted to him or her.

12. Connection to municipal sewer system

(1) Connection to sewer

- (a) No part of any drainage installation may extend beyond the boundary of the piece of land on which the building or part of the building served by the drainage installation is erected, provided that, where the Municipality considers it necessary or expedient to do so, the Municipality may permit the owner to lay a drain, at the owner's own expense, through an adjoining piece of land on submission of proof of registration of the appropriate servitude or of a notarial deed of joint drainage, as the Municipality may require.
- (b) As soon as the Municipality has provided a sewer connection, the owner must connect the drain to the sewer at his or her own expense.
- (c) Any alternative or additional sewer connection required by the owner is subject to the approval of the Engineer and must be effected at the owner's expense in accordance with the standards and specifications of the Engineer.
- (d) Except as may be otherwise authorised by the Municipality in writing, no person other than a plumber or an official duly authorised by the

THABAZIMBI LOCAL MUNICIPALITY
DRAINAGE BY-LAW

Engineer to do so may install a sewer connection to a sewer. Any such sewer connection must be installed in accordance with the specifications of the Engineer.

- (e) No person may permit any substance whatsoever, other than clean water for testing purposes, to enter a drainage installation before the drainage installation has been connected to the sewer.
- (f) The Engineer may authorise and approve, at his or her sole discretion, the conveyance of sewage from two premises or more by means of a common drain to the sewer connection.
- (g) After the completion of every drainage installation and after the completion of any alteration to a drainage installation, the plumber responsible for the execution of the work must submit to the building inspection section of the Municipality a certificate certifying that the work was completed to the standards set out in the building regulations, these by-law and any other relevant law or by-law.

13. Disconnection of drainage installations and conservancy or septic tanks

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

THABAZIMBI LOCAL MUNICIPALITY
DRAINAGE BY-LAW

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

14. Materials to be used in sanitation to be authorised

- (1) No person may, without the prior written authority of the Municipality, install or use a pipe or fitting in a drainage or sewer installation within the Municipality's area of jurisdiction, unless the pipe or fitting is included in the schedule of approved sanitation pipes and fittings that is compiled by the Municipality.
- (2) Application for the inclusion of a pipe or fitting in the schedule referred to in subsection (1) must be made on the form prescribed by the Municipality.

THABAZIMBI LOCAL MUNICIPALITY**DRAINAGE BY-LAW**

- (3) A pipe or fitting may be included in the schedule referred to in subsection (1) if -
- (a) the pipe or fitting bears the standardisation mark of the SABS in respect of the relevant SABS specification issued by the SABS; or
 - (b) the pipe or fitting bears a certification mark issued by the SABS to certify that the pipe or fitting complies with an SABS mark specification or a provisional specification issued by the SABS, provided that no certification marks are issued for a period exceeding two years; or
 - (c) the pipe or fitting has been issued with a JASWIC acceptance certificate.
- (4) The Municipality may, in respect of any pipe or fitting included in the schedule referred to in subsection (1), impose such additional conditions as it may deem necessary in respect of the use or method of installation of the pipe or fitting.
- (5) A pipe or fitting shall be removed from the schedule referred to in subsection (1) if -
- (a) the pipe or fitting no longer complies with the criteria upon which its inclusion in the schedule was based; or
 - (b) the pipe or fitting is no longer suitable for the purpose for which its use was accepted for inclusion in the schedule.
- (6) A current schedule as referred to in subsection (1) shall be available for inspection at the office of the Municipality at any time during the Municipality's working hours.
- (7) The Municipality may sell copies of the schedule referred to in subsection (1) at the prescribed charge.

15. Drainage work that does not satisfy the requirements

- (1) Where a drainage installation that has been constructed or drainage work that has been carried out fails to comply in any respect with any of the provisions of the building regulations or these by-law, the owner must, notwithstanding the fact that he or she may have received approval for the plans for the installation or work in terms of the

THABAZIMBI LOCAL MUNICIPALITY
DRAINAGE BY-LAW

building regulations or previous by-law, carry out, on receiving written notice from the Municipality, the repairs, replacements, alterations or maintenance work in respect of the installation or work within the period specified in the notice.

- (2) When, in the opinion of the Municipality, a nuisance exists owing to the emission of gas from a trap or sanitary fitting or any other part of a drainage installation, the Municipality may require the owner, at his or her expense, to take such action as may be necessary to prevent the recurrence of the nuisance.
- (3) Where any sewage, after being discharged into a drainage installation, enters or overflows a soil-water fitting or wastewater fitting connected to the drainage installation or leaks out somewhere from the drainage installation, whether by reason of surcharge, back pressure or any other circumstance, the Municipality may, by notice in writing, require the owner to carry out within the period specified in the notice the work necessary to abate and to prevent any recurrence of the entry, overflow or leakage of sewage.
- (4) Instead of serving the notice contemplated in subsection (1) or (3), or where such a notice has not been complied with within the period prescribed in the notice, the Municipality may, without prejudice to its right to also prosecute the person or body to whom the notice was directed because of an infringement of the building regulations or these by-law -

(a) proceed itself to carry out such alterations, removals or other work as it may deem necessary for compliance with the provisions of the building regulations or these by-law; and

(b) recover, in terms of section 42, the cost of the alterations, removals or other work from the owner by the ordinary process of law.

THABAZIMBI LOCAL MUNICIPALITY
DRAINAGE BY-LAW

16. Prohibited construction and work

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

17. Maintenance

Where any part of a drainage installation is used by two owners or more or two occupiers or more, they are jointly and severally liable in terms of this section for the maintenance and repair of the drainage installation.

The owner of the premises must ensure that all sewer manholes on the premises are permanently visible and accessible.

18. Sewer blockages

- (1) No person may cause or permit such an accumulation of grease, oil, fat, solid matter or any other substance in any trap, tank or fitting as to cause the blockage or ineffective operation of the trap, tank or fitting.

THABAZIMBI LOCAL MUNICIPALITY
DRAINAGE BY-LAW

- (2) When the owner or occupier of premises has reason to believe that a blockage has occurred in any drainage installation on the premises, he or she must take immediate steps to have the blockage cleared or removed.
 - (3) When the owner or occupier of premises has reason to believe that a blockage has occurred in the sewer system, he or she must immediately inform the Municipality of the blockage.
 - (4) The Engineer is entitled at his or her discretion to clear or remove, whether or not at the request of the owner of the premises, a blockage from a drainage installation and to recover the cost of the clearing or removal from the owner in accordance with section 42.
 - (5) Should the clearing or removal by the Municipality of any blockage in a sewer or drainage installation necessitate the removal or the disturbance of any paving, lawn or other artificial surfacing on any premises, the Municipality is not liable for the reinstatement of the paving, lawn or other artificial surfacing.
 - (6) The owner of any premises is responsible for ensuring that all cleaning eyes and manholes on the premises are at all times visible.
 - (7) Should any drainage installation on any premises overflow as a result of an obstruction in the sewer, and should the Engineer be reasonably satisfied that the obstruction was caused by objects emanating from the drainage installation, the owner of the premises served by the drainage installation is liable for the cost of clearing or removing the blockage, and the Municipality may recover the cost from the owner in accordance with section 42.
 - (8) Where a blockage has been cleared or removed from a drain or portion of a drain that serves two pieces of land or more, the charge for the clearing or removal of the blockage is recoverable in equal proportions from each of the owners of the pieces of land, provided that the owners are jointly and severally liable for the whole charge.
- 19. Interference with or damage to sewers, waste-water treatment plants, etc**
- Any damage caused to the Municipality's sewers or any part of its sewers or to the Municipality's waste-water treatment plants through, or in consequence of, non-

THABAZIMBI LOCAL MUNICIPALITY
DRAINAGE BY-LAW

compliance with or contravention of any provision of the building regulations or these by-law shall be rectified or repaired by the Municipality at the expense of the person responsible for the non-compliance or contravention or for causing or permitting the non-compliance or contravention, and the cost of rectifying or repairing the damage shall be determined by the Engineer.

20. Entry onto premises

- (1) An officer authorised by the Municipality has the right to enter upon any premises at any reasonable time in order to take samples of or test sewage or industrial effluent or to carry out any inspection or work in connection with a drainage installation that the Municipality may deem necessary.
- (2) In respect of an officer entering on premises for the purposes of subsection (1), the owner or occupier of the premises is guilty of an offence under these by-law if he or she -
 - (a) denies the officer entry to the premises or causes or permits any other person to deny the officer entry;
 - (b) obstructs the officer in the performance of the officer's duties or causes or permits the officer to be so obstructed;
 - (c) withholds information that is required by the officer to carry out the officer's duties or causes or permits any other person to withhold such information; or
 - (d) knowingly gives the officer false information or causes or permits any other person to give the officer such information.

21. Mechanical food-waste or other disposal units

- (1) No person may incorporate into a drainage installation a mechanical food-waste or other disposal unit or garbage grinder that has a power capacity in excess of 1 kW, except with the written permission of the Engineer and subject to the conditions that may be imposed in the written permission.
- (2) The Engineer may require the owner or occupier of any premises on which a food-waste or other disposal unit or a garbage grinder has been installed, or

THABAZIMBI LOCAL MUNICIPALITY**DRAINAGE BY-LAW**

the owner of such a unit or grinder, to remove, repair or replace the unit or grinder if, in the opinion of the Engineer, the unit or grinder is functioning inefficiently or is impairing the functioning of the Municipality's sewer system.

- (3) The owner or occupier referred to in subsection (2) must, upon removal of a unit or grinder, notify the Municipality within 14 days of the removal.
- (4) The charges as prescribed in the applicable tariff must be paid in respect of the discharge of a food-waste or other disposal unit or garbage grinder referred to in subsection (1).

22. Grease traps

A grease trap of the approved type, size and capacity must be provided instead of a gully to take the discharge of waste water from every sink or other fitting in -

- (a) a building in respect of which the waste water is disposed of in French drains or other similar works; and
- (b) any place where, in the opinion of the Municipality, the discharge of grease, oil and fat is likely to cause an obstruction in the flow in the sewers or drains or to cause an interference with the proper operation of a waste-water treatment plant.

23. Industrial grease traps

- (1) Industrial effluent that contains or, in the opinion of the Municipality, is likely to contain grease, oil, fat or inorganic solid matter in suspension must, before the effluent is allowed to enter any sewer, be passed through one or more tanks or chambers of an approved type, size and capacity designed to intercept and retain the grease, oil, fat or solid matter.
- (2) Oil, grease or any other substance that is contained in any industrial effluent or other liquid and that gives off an inflammable or noxious vapour at a temperature of or exceeding 20 °C must be intercepted and retained in a tank or chamber so as to prevent entry of the oil, grease or substance into the sewer.

THABAZIMBI LOCAL MUNICIPALITY
DRAINAGE BY-LAW

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

24. Mechanical appliances for lifting sewage

- (1) Every person must, before installing any mechanical appliance for the raising or transfer of sewage in terms of the building regulations, apply in writing to the Engineer for permission to install the appliance, and application must be made on the form included in the Municipality's specifications for the design of pump stations.
- (2) The form prescribed in subsection (1) must be completed by a professional engineer who is fully conversant with the mechanical details of the appliance, and the undertaking annexed to the form must be signed by the owner of the premises.

THABAZIMBI LOCAL MUNICIPALITY
DRAINAGE BY-LAW

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

THABAZIMBI LOCAL MUNICIPALITY
DRAINAGE BY-LAW

(b) Every sewage storage tank required in terms of paragraph (a) must meet the following requirements:

(i) The sewage storage tank must be constructed of hard, durable materials and must be watertight, and the internal surfaces of the walls and floor of the tank must be rendered smooth and impermeable.

(ii) The sewage storage tank's storage capacity below the level of the inlet must be equal to the quantity of sewage that can be discharged into the tank within a period of 24 hours or 900 litres, whichever is the greater quantity.

(iii) The sewage storage tank must be designed so that the maximum proportion of its sewage content is emptied during each discharge cycle of the mechanical appliance.

(10) If a mechanical appliance consists of a pump, the starting mechanism must be set for pumping to commence when the volume of sewage contained in the storage tank is equal to not more than one fifth of the tank's storage capacity.

(11) When required by the Engineer, a stilling chamber must be installed between the outlet of the mechanical appliance and the connecting drain or sewer connection, as the case may be, and such a chamber must have a depth of not less than 1 500 mm.

(12) Every storage tank and stilling chamber must be provided with a ventilation pipe in accordance with the Engineer's specifications.

25. Swimming pools

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

THABAZIMBI LOCAL MUNICIPALITY
DRAINAGE BY-LAW

26. Protection from ingress of flood waters

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

27. Stormwater not to enter sewers

No person may discharge or cause or permit to be discharged any substance other than sewage into a drainage installation.

28. Sewage or other pollutants not to enter stormwater drains

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

INDUSTRIAL EFFLUENT

29. Permission to discharge industrial effluent

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

THABAZIMBI LOCAL MUNICIPALITY
DRAINAGE BY-LAW

- (2) Every person must, before discharging any industrial effluent into a sewer, apply in writing to the Municipality for permission to discharge the effluent and must thereafter furnish such additional information and submit such samples as the Municipality may require.
- (3) The Municipality may, at its discretion, grant permission for the discharge of industrial effluent from any premises into any sewer, having regard to the capacity of the sewers, the mechanical appliance used for the conveyance of the sewage or the waste-water treatment plant, whether or not the plant is vested in the Municipality, subject to the conditions that the Municipality deems fit to impose, including the payment of any charge determined in terms of the tariff.
- (4) Any person to whom permission has been granted in terms of subsection (3) to discharge industrial effluent into a sewer must, before doing anything or causing or permitting anything to be done that may result in a change in the quantity of the discharge or nature of the effluent, notify the Municipality in writing of the date on which the proposed change will take place and of the nature of the proposed change.
- (5) Any person who discharges or causes or permits to be discharged any industrial effluent into a sewer without having first obtained permission to do so in terms of subsections (3) and (4) is guilty of an offence and liable -
- (a) in addition to any penalties, to such charge as the Municipality may assess for the conveyance and treatment of the effluent so discharged; and
 - (b) for any damage caused as a result of the unauthorised discharge.
- (6) Without prejudice to its rights in terms of subsection (5) or section 35(2)(c), the Municipality is entitled to recover from any person who discharges into a drain or sewer any industrial effluent or any substance that is prohibited or restricted in terms of section 35 or that has been the subject of an order issued in terms of section 35(2) all costs, expenses or charges incurred or to be incurred by the Municipality as a result of any or all of the following:
- (a) Injury to people or damage to the sewer, to any waste-water treatment

THABAZIMBI LOCAL MUNICIPALITY
DRAINAGE BY-LAW

plant or mechanical appliance or to any property whatsoever, which injury or damage is as a result of the breakdown, either partial or complete, of any waste-water treatment plant or mechanical appliance, whether under the control of the Municipality or not; or

- (b) a prosecution in terms of the Water Act, or any action against the Municipality consequent on a partial or complete breakdown of any waste-water treatment plant or mechanical appliance caused directly or indirectly by the discharge, including fines and damages which may be imposed or awarded against the Municipality.

- (7) (a) Owing to a change in circumstances arising from a change in the method of sewage treatment or the introduction of new, revised, stricter or other standards by the Municipality or in terms of the Water Act, or as a result of any amendment to these by-law or for any other reason, the Municipality may from time to time or at any time -

(i) review, amend, modify or revoke any permission given or any conditions attached to such a permission;

(ii) impose new conditions for the acceptance of industrial effluent into the sewer; and

(iii) prohibit the discharge of any or all of the industrial effluent into the sewer.

- (b) The Municipality shall give adequate written notice in advance of its intention in terms of paragraph (a) to review, amend, modify or revoke the permission or conditions, to impose new conditions or to prohibit the discharge, provided that on the expiration of the period of such notice the previous permission or conditions, as the case may be, fall away and the new or amended conditions, if any, apply immediately.

30. Control of industrial effluent

- (1) The owner or occupier of any premises from which industrial effluent is discharged into a sewer must provide adequate facilities such as overflow level detection devices, standby equipment, overflow catch-pits or other

THABAZIMBI LOCAL MUNICIPALITY
DRAINAGE BY-LAW

appropriate means to effectively prevent the accidental discharge into a sewer, whether through the negligence of operators, power failure, failure of equipment or control gear, overloading of facilities, spillage during loading or unloading or for any other like reason, of any substance that is prohibited or restricted or has properties outside the limits imposed by these by-law.

- (2) If the owner or occupier of any premises on which industrial effluent originated intends treating the effluent before discharging it, he or she must obtain the prior written permission of the Engineer.
- (3) The Municipality may, by notice served on the owner or occupier of premises from which industrial effluent is discharged, require the owner or occupier to, without prejudice to any other provision of these by-law, do all or any of the following:
 - (a) The owner or occupier must subject the effluent, before it is discharged into the sewer, to such pre-treatment as will ensure that the effluent at no time fails to conform in all respects with the requirements of section 35(1), or the owner or occupier must modify the effluent cycle of the industrial process to an extent and in a manner which, in the opinion of the Municipality, is necessary to enable the waste-water treatment plant receiving the effluent, whether the plant is under the control of the Municipality or not, to produce treated effluent that complies with any standards which may be laid down in respect of waste water treatment plants in terms of the Water Act.
 - (b) The owner or occupier must restrict the discharge of effluent to certain specified hours and restrict the rate of discharge to a specified maximum and must install at his or her own expense such tanks, appliances and other equipment as, in the opinion of the Municipality, may be necessary or adequate for compliance with the restrictions.
 - (c) The owner or occupier must install a separate drainage installation for the conveyance of industrial effluent and must discharge the effluent into the sewer through a separate connection as directed by the Municipality, and the owner or occupier must refrain from discharging the industrial effluent through any drainage installation intended or used for the

THABAZIMBI LOCAL MUNICIPALITY
DRAINAGE BY-LAW

conveyance of domestic sewage or from discharging any domestic sewage through the separate installation for industrial effluent.

- (d) The owner or occupier must construct, at his or her own expense, in any drainage installation conveying industrial effluent to the sewer, one or more inspection, sampling or metering chambers of such dimensions and materials and in such positions as the Municipality may prescribe.
- (e) The owner or occupier must pay, in respect of the industrial effluent discharged from the premises, such charge as may be determined in terms of the tariff, provided that where, owing to the particular circumstances of a case, the actual chemical oxygen demand (COD) or permanganate value (PV) and the concentration of metals of the effluent cannot be assessed by means of the method of assessment prescribed by the SABS, the Engineer may adopt an alternative method of assessment that reflects the said value, and the Engineer shall accordingly determine the charge payable in terms of the tariff.
- (f) The owner or occupier must provide all information that may be required by the Engineer to enable the Engineer to determine the charges payable in terms of the tariff.
- (g) For the purposes of paragraph (f), the owner or occupier must provide and maintain, at his or her own expense, a meter measuring the total quantity of water which is drawn from any borehole, spring or other natural source of water, excluding that of the Municipality, and which is used on the property and discharged as industrial effluent into the sewer.

31. Prohibited discharges

- (1) No person may discharge or cause or permit the discharge or entry into any sewer of any sewage, industrial effluent or other liquid or substance which -
 - (a) in the opinion of the Engineer, may be offensive to or may cause a nuisance to the public;
 - (b) is in the form of steam or vapour or has a temperature exceeding 44 °C at the point where it enters the sewer;
- I has a pH value less than 6,0 or greater than 10,0;

THABAZIMBI LOCAL MUNICIPALITY
DRAINAGE BY-LAW

- (d) contains any substance whatsoever that is likely to produce or emit explosive, flammable, poisonous or offensive gases or vapours in any sewer;
- (e) contains a substance having a flashpoint of less than 93 °C or which emits a poisonous vapour at a temperature below 93 °C;
- (f) contains any material whatsoever, including oil, grease, fat or detergents, that is capable of causing interference with the proper operation of a waste-water treatment plant and the Municipality's sewer system;
- (g) shows any visible signs of tar or associated products or distillates, bitumens or asphalts;
- (h) contains a substance in such concentration as is likely in the final, treated effluent from a waste-water treatment plant to produce an undesirable taste after sterilisation or an undesirable odour or colour, or excessive foam;
- (i) exceeds any of the limits or concentrations of substances given in Appendix A to these by-law, provided that the Municipality may approve greater limits or concentrations for such period or on such conditions as it may specify after consideration of the effect of dilution in the sewer and of the effect of such industrial effluent or other liquid or substance on the sewer or on any sewage treatment process if the Municipality is satisfied that in the circumstances the discharge of the industrial effluent or other liquid or substance will not -
 - (i) harm or damage any sewer, mechanical appliance, waste-water treatment plant or equipment;
 - (ii) prejudice the use of sewage effluent for re-use; or
 - (iii) adversely affect any waters into which purified effluent is discharged, or any land or crops irrigated with the purified effluent; and
- (j) contains any substance whatsoever, which, in the opinion of the Engineer -
 - (i) is not amenable to treatment at a waste-water treatment plant and which causes or may cause a breakdown or inhibition of the normal

THABAZIMBI LOCAL MUNICIPALITY
DRAINAGE BY-LAW

sewage treatment processes;

- (ii) is or may be amenable to treatment only to such degree as to prevent the final, treated effluent from the waste-water treatment plant from satisfactorily complying in all respects with any requirements imposed in terms of the Water Act; or whether listed in the relevant appendix to these by-law or not, either alone or in combination with other matter may -
- (aa) generate or constitute a toxic substance detrimental to the health of persons who are employed at the waste-water treatment plant or who enter the Municipality's sewers or manholes in the course of their duties;
 - (bb) be harmful to sewers, waste-water treatment plants or land used for the disposal of purified sewage effluent; or
 - (cc) adversely affect any of the processes whereby sewage is purified or any re-use of purified sewage effluent.

THABAZIMBI LOCAL MUNICIPALITY
DRAINAGE BY-LAW

- (2) (a) Any person who receives from an official duly authorized thereto by the Municipality a written order instructing him or her to stop discharging into the sewer any substance referred to in subsection (1) must immediately stop such discharge.
- (b) Any person who contravenes the provisions of subsection (1) or who fails to comply with an order issued in terms of paragraph (a) is guilty of an offence.
- (c) Notwithstanding the provisions of paragraph (b), if any person fails to comply with the terms of an order served on him or her in terms of paragraph (a) and if the discharge is in the opinion of the Engineer likely to cause damage to any sewer or mechanical or other appliance or to seriously prejudice the efficient operation of any waste-water treatment plant, the Municipality may, after further written notice, refuse to permit the discharge of the industrial effluent into the sewer until the industrial effluent complies in all respects with the Municipality's requirements as prescribed in terms of these by-law. Any person who has been refused such permission to discharge industrial effluent into a sewer must immediately stop the discharge and, if he or she fails to do so, the Municipality may prevent him or her from proceeding with the discharge.

CHARGES FOR ALL SERVICES

32. Prescribed tariffs and charges for sanitation services

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

THABAZIMBI LOCAL MUNICIPALITY
DRAINAGE BY-LAW

- (2) Charges may differ for the different categories of customers and users of services and according to the types and levels of services, the quantity of services, the infrastructure requirements and the geographic areas.
- (3) The Municipality may, in addition to the tariffs or charges determined for sanitation services actually provided, levy a monthly fixed charge, an annual fixed charge or a once-off fixed charge where sanitation services are available, whether or not such services are consumed.

33. Payment for sanitation services

The owner or occupier of any premises with whom an agreement for water services has been entered into in terms of section 5 is liable for payment of all sanitation charges in accordance with the Municipality's by-law relating to credit control and debt collection.

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

The operation and maintenance of on-site sanitation systems and all costs pertaining to such operation and maintenance remain the responsibility and liability of the owner of the premises. The Municipality will not, under normal circumstances, render such operation and maintenance services. Should the Municipality, however, approve its rendering of such services -

- (a) charges in respect of the removal or collection of conservancy tank contents and night soil or the emptying of ventilated improved pit latrines cover all the operating and

maintenance costs for the removal of the pit contents, the transportation to a disposal site, the treatment of the contents to achieve a sanitary condition and the final disposal of any solid residues;

- (b) charges in respect of the removal or collection of conservancy tank contents and night soil or the emptying of ventilated improved pit

THABAZIMBI LOCAL MUNICIPALITY
DRAINAGE BY-LAW

latrines are based on the volume removed by vacuum tank or otherwise;
and

- (c) the Municipality may charge a prescribed fixed charge if the volume of the conservancy tank contents or night soil or the contents of the ventilated improved pit latrines cannot be quantified.

35. Measurement of quantity of domestic effluent discharged

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

36. Metering and assessment of the volume and composition of industrial effluent

- (1) The quantity of industrial effluent discharged into the sewage disposal system shall -
 - (a) where a measuring device is installed, be determined by the quantity of industrial effluent discharged from the premises as measured by means of that measuring device; or
 - (b) until such time as a measuring device is installed, be determined by a percentage of the water supplied by the Municipality to that premises.

THABAZIMBI LOCAL MUNICIPALITY
DRAINAGE BY-LAW

- (2) (a) The Municipality may require the owner or occupier of any premises to incorporate, in such a position as the Municipality may determine, in any drainage installation conveying industrial effluent to a sewer, any control meter or gauge or other device of an approved type and in the control of the Municipality for the purpose of ascertaining to the satisfaction of the Municipality the tempo, volume and/or composition of the industrial effluent.
- (b) It is an offence for any person to bypass, open, break into or otherwise interfere with or to damage any meter, gauge or other device referred to in paragraph (a), provided that the Municipality may at its discretion enter into an agreement with any person discharging industrial effluent into a sewer to establish an alternative method of assessing the quantity and tempo of effluent discharged.
- (3) The Municipality is entitled to install and maintain a meter, gauge or q device referred to in subsection (2) at the expense of the owner of the premises on which it is installed.
- (4) Where premises are supplied with water from a source other than or in addition to the Municipality's water supply system, including abstraction from a river or borehole, the quantity of industrial effluent discharged shall be determined as a percentage of the total water used on the premises as may be reasonably estimated by the Municipality.
- (5) The owner of any premises on which there is situated a borehole used for a water supply for trade or industrial purposes must -
- (a) register the borehole with the Municipality;
 - (b) provide the Municipality with full particulars of the discharge capacity of the borehole; and
 - (c) if the Municipality has reason to doubt the reliability of the particulars given, carry out at the expense of the owner or occupier, such tests on the discharge capacity of the borehole as may, in the opinion of the Municipality, be necessary for the purposes of these by-law.

THABAZIMBI LOCAL MUNICIPALITY
DRAINAGE BY-LAW

- (6) Where a portion of the water supplied to the premises forms part of the end product of a manufacturing process or is lost by reaction or evaporation during the manufacturing process or for any other reason, the Municipality may on application reduce the assessed quantity of industrial effluent.
- (7) In respect of any premises from which industrial effluent is discharged, the following conditions are applicable in connection with and to the calculation of charges payable to the Municipality for the treatment of industrial effluent:
- (a) In respect of the application of the charges, wherever a person other than the owner occupies the property, the word "owner" refers to the owner of the property. The occupier of the property or, where charges are concerned, the owner and occupier, are jointly and severally liable for the charges, but the Municipality shall in the first instance levy the charge against the occupier. The owner remains liable for all actions on his or her property.
- (b) The owner of any premises from which industrial effluent is discharged must, in addition to any other charges provided for in these by-law or in any other law or by-law, pay to the Municipality a charge calculated in accordance with the provisions of these by-law in respect of each cycle during which the discharge takes place, which charge must be paid within 30 calendar days after the Municipality has rendered an account for the charge. Where the full amount of the charge is not paid to the Municipality within 30 calendar days, a surcharge equal to the outstanding balance is payable to the Municipality.
- (c) In respect of any premises from which industrial effluent is discharged, each owner or occupier must conduct the prescribed tests on the industrial effluent according to a regular schedule as provided for in the permission to discharge industrial effluent and must report the results of the tests to the Municipality.
- (d) The Municipality may conduct random compliance tests on the industrial effluent to correlate those of the industry. If discrepancies are found between the values of the industry and those of the Municipality,

THABAZIMBI LOCAL MUNICIPALITY
DRAINAGE BY-LAW

the values of the Municipality shall be taken as correct after consultation with the industry involved. Further tests may be requested by the Municipality to determine the values for the industrial effluent discharge formula, which tests shall all be conducted at the cost of the industry.

(e) The average of the values of the different analysis results of tests done on 24-hourly composite or snap samples of industrial effluent, taken during the period of charge, shall be used to determine the treatment charges payable.

(f) In the absence of a complete daily set of 24-hourly composite or snap samples, the average of not less than two values of the sampled effluent, taken during the period of charge, shall be used to determine the industrial effluent charges payable.

(g) The total system values for the treatment charges shall remain constant initially for a period of one month but in any case for a period of not more than 12 months from the date of commencement of the charges. After expiry of the period values may be amended or revised from time to time depending on such changes in the analysis results or further samples as may be determined from time to time, provided that the Municipality may at its discretion in any particular case levy the minimum charges prescribed in paragraph (k) without taking any samples.

(h) When, in terms of paragraph (d), the Municipality takes a sample, one half of the sample shall be made available to the owner or occupier.

(i) For the purpose of calculating the quantity of effluent discharged from each point of discharge of effluent, the total quantity of water consumed on the premises shall be allocated to the several points of discharge as accurately as is reasonably practicable after consultation between the Municipality and the owner or occupier of the premises.

(j) The costs of conveying and treating sewage and/or industrial effluent shall be determined by the Municipality and shall apply with effect from the date determined by the Municipality.

(k) At the discretion of the Municipality, the charges for industrial effluent may be changed to a fixed monthly charge. The Municipality shall

THABAZIMBI LOCAL MUNICIPALITY
DRAINAGE BY-LAW

determine the minimum charge, taking into consideration the effluent strengths and the volume of the effluent.

(l) When an inspection of the premises conducted by the municipality reveals non-compliance with these by-law, the Municipality may give a written order for the rectification of the situation that is causing the non-compliance. The rectification must be executed diligently. If, at the time of a subsequent re-inspection, nothing has been done to rectify the situation, or no extension of time for the rectification has been requested from the Municipality in writing, an inspection fee shall be levied by the Municipality over and above the treatment charges or the disincentive charges. On receipt of an order on a third inspection the order may include a notice of cancellation of the permission to discharge industrial effluent and a date may be given for the connection to the Municipality's sewers to be sealed off.

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

- (1) A person is entitled to a reduction in the quantity determined in terms of sections 39 and 40(1)(a) in the event that the quantity of water on which the percentage is calculated was measured during a period when water was wasted or a leakage went undetected, provided that the person demonstrates to the satisfaction of the Municipality that the water was not discharged into the sewage disposal system.
- (2) For the purposes of this section, a reduction in the quantity is based on the quantity of water lost through leakage or wastage during the leakage period.
- (3) For the purposes of this section, the leakage period is either the period of measurement immediately prior to the date of the repair of the leak or the period of measurement during which the leak is repaired, whichever period results in the greater reduction in the quantity.
- (4) For the purposes of this section, the quantity of water lost is calculated as the consumption for the leakage period less the average consumption

THABAZIMBI LOCAL MUNICIPALITY
DRAINAGE BY-LAW

for the same length of time, which average consumption shall be based on the preceding three months' consumption. In the event of no consumption history being available, the average water consumption shall be determined by the Municipality, after due consideration of all relevant information.

- (5) No reduction in the quantity shall be made in terms of subsection (1) if the loss of water resulted directly or indirectly from the consumer's failure to comply with these or other by-law or his or her contravention of these or other by-law.

39. Other work

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

40. Offences and penalties

(1) Penalties

Subject to any provisions of the Water Act in which an offence is explicitly specified, any person contravening or failing to comply with any provisions of these by-law or any written conditions laid down in these by-law is guilty of an offence, and such a person is, for every day the offence continues after the date on which he or she has been given written notice to perform or discontinue an act, deemed guilty of a separate offence and is on conviction liable to any or all of the following penalties:

- (a) A fine not exceeding R5 000;
- (b) a fine not exceeding R5 000 or, in default of payment, imprisonment for a period not exceeding 12 months; or
- (c) imprisonment for a period not exceeding 12 months.

THABAZIMBI LOCAL MUNICIPALITY
DRAINAGE BY-LAW

(2) Indemnification from liability

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

Short title**Schedule 1**

Notice 8 of 1991 CONSOLIDATED BY-LAW SUPPLEMENTARY TO THE NATIONAL BUILDING REGULATIONS AND BUILDING STANDARDS ACT, 1977, AND THE REGULATIONS PROMULGATED THERE UNDER

Notice 1443 of 1978 STANDARD DRAINAGE BY-LAW

Notice 3822 of 1992 BUILDING AND SEWAGE BY-LAW; SECTION C, SEWERAGE

Appendix A**LIMITS OF CONCENTRATION OF CERTAIN SUBSTANCES**

(i)

Parameter	Allowed specification
Permanganate value (PV) not exceeding	1 400 ml/l
pH within range of	6,0 - 10,0
Electrical conductivity not greater than	300 mS/m at 20 °C
Caustic alkalinity (expressed as CaCO ₃)	2 000 mg/l
Substance not in solution (including fat, oil, grease, waxes and like substances)	2 000 mg/l
Substances soluble in petroleum ether	500 mg/l
Sulphides, hydrosulphides and polysulphides (expressed as S)	50 mg/l
Substances from which hydrogen cyanide can be liberated in the drainage installation, sewer or sewage treatment works (expressed as HCN)	20 mg/l

THABAZIMBI LOCAL MUNICIPALITY
DRAINAGE BY-LAW

Formaldehyde (expressed as HCHO)	50 mg/ℓ
Non-organic solids in suspension	100 mg/ℓ
Chemical oxygen demand (COD)	5 000 mg/ℓ
All sugars and/or starch (expressed as glucose)	1 500 mg/ℓ
Available chlorine (expressed as Cl)	100 mg/ℓ
Sulphates (expressed as SO ₄)	1 800 mg/ℓ
Fluorine - containing compounds (expressed as F)	5 mg/ℓ
Anionic surface active agents	500 mg/ℓ

(ii) METALS

Group 1:

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

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

Group 2:

Metal	Expressed as
Lead	Pb
Selenium	Se
Mercury	Hg

THABAZIMBI LOCAL MUNICIPALITY
DRAINAGE BY-LAW

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

(iii) OTHER ELEMENTS

Element	Expressed as
Arsenic	As
Boron	B

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

(iv) RADIOACTIVE WASTE

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

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

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

**THABAZIMBI LOCAL MUNICIPALITY
DRAINAGE BY-LAW**

Appendix B

FORM OF APPLICATION FOR PERMISSION TO DISCHARGE INDUSTRIAL EFFLUENT INTO THE MUNICIPALITY'S SEWER

(Please complete the application in block capitals.)

I, _____ (name),
the undersigned, duly authorised to sign on behalf of

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

PART I

1. NATURE OF THE BUSINESS OR UNDERTAKING:

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

3. POSTAL ADDRESS OF THE BUSINESS OR UNDERTAKING:

4. PHYSICAL STREET ADDRESS OF THE BUSINESS OR UNDERTAKING:

ERF NO OR FARM PORTION: _____ TOWNSHIP OR FARM:

THABAZIMBI LOCAL MUNICIPALITY
DRAINAGE BY-LAW

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

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

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

8. INFORMATION RELATING TO EMPLOYEES:

- | Office | Factory |
|---|---------|
| (1) Total number of daily employees (not included in (4)) | |
| (2) Number of shifts worked per day | |
| (3) Number of days worked per week | |
| (4) Number of persons resident on the premises | |
| (5) Is a canteen provided? (Yes/No) | |

**THABAZIMBI LOCAL MUNICIPALITY
DRAINAGE BY-LAW**

PART II

FACTS RELATING TO THE CONSUMPTION OF WATER

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

Meter No Meter No Meter No Total

Water purchased from the Municipality

Water from a borehole or other source

1

Water entering with raw materials

Section of plant served by meter

TOTAL A

2. WATER CONSUMPTION

(1) Industrial kℓ/month

(i) Quantity of water in product

(ii) Quantity of water lost by evaporation

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

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

TOTAL B _____

(2) Domestic use kℓ/month

(i) Total number of employees (Allow 1 kℓ per person per month)

(ii) Total number of employees permanently resident on the premises, eg in hostels (Allow 3 kℓ per person per month)

TOTAL C _____

3. EFFLUENT DISCHARGED INTO SEWER

(1) Metered volume (if known) kℓ/month

(2) Estimated unmetered volume (see below*) kℓ/month

(3) Estimated rate of discharge

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

* If no effluent meter is installed on the premises, the estimated volume of

THABAZIMBI LOCAL MUNICIPALITY
DRAINAGE BY-LAW

unmetered effluent discharged into the sewer is calculated as follows:

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

PART III

INFORMATION REGARDING NATURE OF INDUSTRIAL EFFLUENT

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

- (1) Maximum temperature of effluent (°C)
- (2) pH value (pH)
- (3) Nature and amount of settleable solids
- (4) Organic content (expressed as chemical oxygen demand)
- (5) Maximum total daily discharge (kℓ)
- (6) Maximum rate of discharge (kℓ/hr)
- (7) Periods of maximum discharge (eg 07:00 to 08:00)
- (8) If any of the substances specified in the table below or their salts are formed on the premises, place a cross in the space in which the substance is written and, if possible, state the average concentration of this substance that is likely to be present in any effluent.

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

THABAZIMBI LOCAL MUNICIPALITY
DRAINAGE BY-LAW

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

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

PART IV

CONDITIONS FOR THE ACCEPTANCE OF INDUSTRIAL EFFLUENT

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

1. The applicant must annex to this form descriptions of and a statement setting out the dimensions of the grease and oil traps, screens, dilution and neutralising tanks and any other provision made by the applicant for the treatment of the effluent before it is discharged into the sewer.
2. The applicant must submit to the Municipality, if requested to do so, plans showing the reticulation systems on the applicant's premises for water and industrial effluent.
3. The applicant must, in addition to complying with the provisions of the Municipality's Sanitation By-law as they relate to the protection of the Municipality's employees, sewers and treatment plants from damage, comply with any direction concerned with such protection that is given to the applicant by the Engineer, whether verbally or in writing, for the purpose of ensuring the applicant's compliance with the by-law.

**THABAZIMBI LOCAL MUNICIPALITY
DRAINAGE BY-LAW**

- 4. The applicant must notify the Municipality of any material change in the nature or quantity of the industrial effluent specified in this application or in any of the facts furnished by the applicant in the application. The applicant must notify the Municipality as soon as possible after the applicant becomes aware of the material change, or at least 14 days before anything is done to cause the material change.
- 5. The applicant must, within 30 days from the date of signature of this application, obtain an accurately representative sample of not less than 5 litres of the industrial effluent which is to be discharged into the sewer, which sample must be free of domestic sewage. The applicant must submit one half of the sample to the Municipality for analysis and must also submit to the Engineer a report on the sample compiled by an analyst appointed by the applicant. In the case of a newly established business or undertaking, the 30-day period may be extended by the Municipality for a period not exceeding six months or for further extended periods that the Municipality may, at its discretion, permit from time to time in writing.
- 6. The applicant hereby declares and guarantees that the information furnished by the applicant in this form, or otherwise in connection with this application, is, to the best of the applicant's knowledge and belief, in all respects correct.
- 7. The applicant agrees that the said information, being in all respects correct, forms the basis on which this application will be granted by the Municipality.

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

.....
Signature of the applicant

THABAZIMBI LOCAL MUNICIPALITY
DRAINAGE BY-LAW

Capacity of the applicant:

THABAZIMBI LOCAL MUNICIPALITY
DRAINAGE BY-LAW

Appendix C

INDUSTRIAL EFFLUENT DISCHARGE FORMULA

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

Where T_c = extraordinary treatment cost to consumer

Q_c = waste-water volume discharged by consumer in kilolitres

t = unit treatment cost of waste water in rand per kilolitre

COD_c = total chemical oxygen demand (COD) of waste water discharged by consumer in milligrams per litre and is inclusive of both the biodegradable and non-biodegradable portion of the COD

COD_d = total COD of domestic waste water in milligrams per litre

P_c = orthophosphate concentration of waste water discharged by consumer in milligrams of phosphorus per litre

P_d = orthophosphate concentration of domestic waste water in milligrams of phosphorus per litre

N_c = ammonia concentration of waste water discharged by consumer in milligrams of nitrogen per litre

N_d = ammonia concentration of domestic waste water in milligrams of nitrogen per litre

a = portion of the costs directly related to COD

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

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

THABAZIMBI LOCAL MUNICIPALITY
DRAINAGE BY-LAW

Different terms	Value
t	R0,82/kℓ
COD _d	600 mg/ℓ
P _d	10 mg/ℓ
N _d	25 mg/ℓ
a	0,6
b	0,25
c	0,15

Penalty charges

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

THABAZIMBI LOCAL MUNICIPALITY**HIRING OF COMMUNITY HALLS, BUILDINGS AND OTHER FACILITIES BY-LAW****HIRING OF COMMUNITY HALLS - BUILDINGS AND OTHER FACILITIES****TABLE OF CONTENTS****CHAPTER 1****HIRING OF COMMUNITY, ARTS AND CULTURE FACILITIES**

1. Definitions
2. Rights and status of artists
3. Co-operation between Council departments
4. Application for hiring of premises
5. Prescribed fees
6. Payment of fees
7. Period of hire
8. Adjustment of period of hire
9. Joint hire
10. Sub-letting
11. Condition of premises
12. Duties of the hirer
13. Advertisements and decorations
14. Admissions and sale of tickets
15. Overcrowding
16. Sale of refreshments
17. Services
18. Cancellation due to destruction of premises
19. Cancellation due to non-compliance
20. Termination of period of hire
21. Fire hazards and insurance
22. Storage facilities
23. Equipment
24. Right of entry
25. Inspection
26. Regulations

THABAZIMBI LOCAL MUNICIPALITY**HIRING OF COMMUNITY HALLS, BUILDINGS AND OTHER FACILITIES BY-LAW**

27. Nuisance**CHAPTER 2****COMMUNITY CENTRES**

- 28. Group activities
- 29. Membership
- 30. Membership fees
- 31. Use of centres for religious or personal purposes
- 32. Dress code
- 33. Conduct of children
- 34. Application of certain sections of Chapter 1 to centres
- 35. Application of certain sections of Chapter 3 to centres

CHAPTER 3**SPORT FACILITIES**

- 36. Definitions
- 37. Administration
- 38. Access conditions
- 39. Smoking
- 40. Alcoholic beverages
- 41. Duties of hirer
- 42. Dress code
- 43. Hiring of sport facilities
- 44. Reservation of sport facilities by the Council
- 45. Group activities
- 46. Public decency
- 47. Clothing and personal effects
- 48. Prescribed fees
- 49. Generally prohibited conduct
- 50. Animals
- 51. Infectious diseases
- 52. Firearms and traditional weapons
- 53. Disturbance by sound systems

THABAZIMBI LOCAL MUNICIPALITY**HIRING OF COMMUNITY HALLS, BUILDINGS AND OTHER FACILITIES BY-LAW**

54. Sale of food and refreshments

55. Filming and photographs

56. Sport advisory forum

CHAPTER 1**HIRING AND USE OF COMMUNITY, ARTS AND CULTURE FACILITIES****1. Definitions**

(1) In this Chapter, unless the context otherwise indicates-

"Art" means all forms and traditions of dance, drama, music, music theatre, visual arts, crafts, design, written and oral literature, film, video, traditional and community art, all of which serve as means for individual and collective creativity and expression through performance, execution, presentation, exhibition, transmission and study and artistic has a corresponding meaning;

"Artist" means any person who is involved in the creation or production of art, music, dance, theatre, craft, films, video, traditional and community art, musical theatre and literature;

"Appurtenance" means any installation or appliance on or in the premises and includes, without derogating from the generality of the foregoing, any key, lock, window, toilet pan, basin, water tap and fitting;

"Authorised Official" means an official of the Council who has been authorized by it to administer, implement and enforce the provisions of this By-law;

"Centre" means a building or premises owned or operated by Thabazimbi Municipality, whether incorporating a community hall or not, at which group activities of an indoor sporting, cultural or recreational nature can be pursued;

"Council" or "Municipality" means - the Municipality of Thabazimbi as established in terms of Section 12 of the Municipal Structures Act, 117 of 1998, and includes any political structure, political office bearer, councillor, duly authorised agent thereof or any employee thereof acting in connection with this by-law by virtue of a power vested in the municipality and delegated or sub-delegated to such political structure, political office bearer, councillor, agent or employee;

THABAZIMBI LOCAL MUNICIPALITY**HIRING OF COMMUNITY HALLS, BUILDINGS AND OTHER FACILITIES BY-LAW**

"Culture" means the dynamic totality of distinctive, spiritual, material, intellectual and emotional features which characterise a society or a social group and includes language and heritage conservation and further includes any museum, archive, library, historical site and monument and cultural has a corresponding meaning;

"Cultural Activity" means any cultural function, meeting, festival, flea market and exhibition and any other cultural activity;

"Facility" means any art and cultural facility under the administration and control of Thabazimbi Municipality and includes all appurtenances;

"Group Activity" means -

(a) for the purposes of Chapter 1 of this By-Law, an activity or function of an artistic or cultural nature, in which several members of a group of persons having an interest in the nature of that activity, participate either together or in subgroups or serially; and

(b) for the purposes of Chapter 2 of this By-Law, an activity or function of an artistic, cultural or indoor sporting nature, in which several members of a group of persons having an interest in the nature of the activity, participate either together or in sub-groups, or serially, whether as individuals or in teams;

"Hirer" means any person who applies, pays and obtains approval for the use of premises or a facility;

"Premises" means any land, building or structure or any portion of land, building or structure on or in which art and cultural activities regulated by this By-law take place or on which a centre has been constructed and includes any facility in or on the premises;

"Prescribed Fee" means a fee determined by the Council by resolution in terms of section 10G(7)(a)(ii) of the Local Government Transition Act, 1993 (Act No. 209 of 1993), or any other applicable legislation.

"Property" means the land on which any building or structure of the Council is situated;

THABAZIMBI LOCAL MUNICIPALITY**HIRING OF COMMUNITY HALLS, BUILDINGS AND OTHER FACILITIES BY-LAW**

2. Rights and status of artists

The Council must recognise the right of all artists to practice their respective forms of art and enjoy their right to freedom of expression through such medium, subject to the provision of any law.

3. Co-operation between Council departments

(1) Every department of the Council having jurisdiction over or responsibility for any multi-purpose community premises must cooperate with any other such department in ensuring that -

(a) the premises is properly maintained in a state fit for the purposes for which it was designed and is used; and

(b) no part of the premises is made available to or hired out to more than one person at the same time.

(2) The Council's Department of Arts Culture and Heritage must coordinate the co-operation contemplated in subsection (1).

4. Application for hiring of premises

(1) Any person wishing to apply for the hiring of premises must-

(a) submit an application on the form prescribed by the Council for this purpose; and

(b) submit such application form to the Arts and Culture Office of the Council not less than 42 days prior to the date on which the premises are first required by the applicant.

(2) The Council may refuse to hire out any premises in terms of subsection (1), or cancel any hiring thereof if -

(a) the premises are to be, or being, used for any unlawful purpose; or

(b) the premises being applied for are required by the Council for municipal purposes during the same time.

(3) The Council may in its discretion refund all the prescribed fees that have already been paid to it in respect of the application concerned.

(4) The hirer is limited to the use of the premises specified in the application form.

(5) The premises so hired may not, except with the prior written permission of the Council, be used for any purpose other than the purpose indicated on the application form.

THABAZIMBI LOCAL MUNICIPALITY**HIRING OF COMMUNITY HALLS, BUILDINGS AND OTHER FACILITIES BY-LAW**

(6) No premises hired out by the Council may be used for the purpose of conducting any form of religious worship, unless the express written permission of the Council for such use has been given in writing: Provided that -

(a) such use may be made of the premises only at the times specified in the agreement of hire or letter of approval; and

(b) the Council is entitled to refuse its approval unless it is satisfied that such use will not, by reason of singing, chanting, acclamation or other form of noise-producing worship, constitute an undue interference with the amenities normally enjoyed by other occupants of the building or occupants of any neighbouring building.

5. Prescribed fees

A prescribed fee, if determined by the Council, is payable for premises, services and facilities provided by the Council in terms of this By-law.

6. Payment of fees

No person is permitted to use any premises hired unless the prescribed fee has been fully paid: Provided that the Council may exempt any person or organisation, on good cause, from the payment of portion or the entire prescribed fee.

The Council shall determine an amount that should be paid as a deposit, in case there is damage to property the costs to repair the damages will be recovered from the deposit and if the deposit is too little, the hirer will be liable to pay the remaining amount.

7. Period of hire

Notwithstanding any determination made by the Council regarding the dates and period for which the premises may be hired, the Council may allow the hirer reasonable access to the premises prior to the commencement date of the period of hire, to enable the hirer to make the necessary preparations and arrangements in or on the premises.

8. Adjustment of period of hire

(1) Any person who makes an application for the hire of premises in terms section 4 may, subsequent to the approval of such application, apply for the postponement of such hiring to a later date, without penalty or forfeiture: Provided that the postponement may be refused if the

THABAZIMBI LOCAL MUNICIPALITY

HIRING OF COMMUNITY HALLS, BUILDINGS AND OTHER FACILITIES BY-LAW

premises have in the meantime been hired for use by another person or is required by the Council on the dates to which the postponement is sought.

(2) Any person who has made an application for hiring of premises may cancel such application and if -

(a) an application is cancelled 30 days or longer prior to the commencement date of the period of hire, the hirer must receive a full refund of the prescribed fee already paid;

(b) an application is cancelled more than 15 days but less than 30 days prior to the commencement date of the period of hire, the hirer must receive a 50% refund of the prescribed fee already paid; or

(c) an application is cancelled 15 days or less prior to the commencement date of the period of hire, the hirer is not entitled to receive any refund of the prescribed fee already paid.

(3) Provided the premises concerned have not in the meantime been hired for use on the date concerned by any other person a person who has hired premises may extend the period of hire of that premises upon written application to the Council as contemplated in section 4, except that a period of 42 days' notice is not required.

9. Joint hire

(1) The Council may let any premises or part thereof to different hirers for simultaneous use and in such a case, each hirer must use all the ancillary facilities which serve the different parts of the premises in common, jointly with the other users and in such manner that all the different hirers, their guests, customers and patrons, are able to enjoy the use of those facilities without infringing on the rights of use by other users.

(2) The provisions of this Chapter of this By-law, read with the necessary changes, apply to the joint users of the hired premises.

10. Sub-letting

A hirer may not sub-let the hired premises, or any part thereof, to any other person nor may the hirer cede, pledge or renounce in favour of another person any of his rights or obligations under this By-law, nor allow any other person to occupy the premises, without the prior written permission of the Council.

11. Condition of premises

THABAZIMBI LOCAL MUNICIPALITY**HIRING OF COMMUNITY HALLS, BUILDINGS AND OTHER FACILITIES BY-LAW**

(1) The hirer must inspect the hired premises, including any installation, appliance, fitting, accessory and furniture, on or in the premises before he commences to use such installation, appliance, fitting, accessory and furniture and if the hirer finds that any installation, appliance, fitting, accessory or furniture on the premises are not in a proper state of repair, the hirer must report this fact to the Council in writing.

(2) If the hirer fails either to inspect the premises or to report any defects found, in terms of subsection (1), it is deemed that upon commencement of occupation by the hirer, everything in the premises was in a proper state of repair.

12. Duties of the hirer

A person hiring premises from the Council -

- (a) must keep and maintain the premises hired out and return them to the Council in the same order and condition as when they were hired out;
- (b) must take all reasonable steps to keep every sewerage pipe, water tap and drain within or serving the premises free from obstruction or blockage as a result of the hirer's activities;
- (c) must at all times keep the premises in a clean, tidy and sanitary condition;
- (d) may not affix or attach to the premises any notice or other matter without the prior written permission of the Council and must upon the termination of the hire, remove every such attachment;
- (e) may not obscure any plate glass window by painting or otherwise;
- (f) may not drive any screw or nail into a wall or partition or door of the premises;
- (g) may not change or interfere with or overload any electrical installation in or on the premises;
- (h) may not remove or take out from the premises any furniture or other articles whatsoever belonging to the Council;
- (i) may not obstruct, interfere or tamper with any thermostat or air conditioning appliance in the premises or any building in which the premises are located;
- (j) may not introduce or install any unsafe or heavy article, furniture, fitting, appliance or equipment which, in the opinion of an authorised official could damage the premises or any part thereof without the permission of that official and subject to any conditions imposed by that official, to ensure the safety of the premises and any person using them;
- (k) may not install in the premises any air conditioning or ventilating unit or equipment without the prior written permission of the Council;

THABAZIMBI LOCAL MUNICIPALITY**HIRING OF COMMUNITY HALLS, BUILDINGS AND OTHER FACILITIES BY-LAW**

- (l) may not permit the storage of any motor vehicle or other movable item of any description on any pavement outside an entrance hall, staircase or passage of the premises;
- (m) may not do anything on the premises, nor allow anything to be done in non-compliance with any reasonable instruction given or issued by an authorised official; and
- (n) may not park any vehicle nor allow the parking of any vehicle by any of the hirer's employees, invitees, agents, directors or other representatives anywhere on the premises except in properly demarcated parking bays on the premises as pointed out by an authorised official.

13. Advertisements and decorations

- (1) No person who has applied for the hire of premises may publicly announce or advertise any function or event in respect of which an application for the hire of such premises in terms of section 4 has been made, before the Council has notified that person in writing that the application has been approved.
- (2) Every hirer must, before vacating the hired premises or the termination of the period of hire for any reason whatsoever, remove every poster, notice, decoration, flag, emblem, sign and other form of advertisement or direction erected or affixed by him or her, and make good any damage caused by such removal

14. Admissions and sale of tickets

The hirer is responsible for all arrangements in connection with the admission of the members of the public to any function or event on or in the hired premises, the provision of ushers and other persons necessary to control the admission of persons to the premises, and the sale of tickets.

15. Overcrowding

- (1) No overcrowding of the premises or facilities is allowed at any time during the hirer's function or event and the hirer must comply with the Council's requirements prescribing the maximum number of persons allowed on the premises during the function or event.
- (2) Without detracting from the general requirements referred to in subsection (1), the hirer may not allow more persons admission to the premises than the number of available seats or, if seating is not provided, the maximum number of persons prescribed by notice on the premises or as stipulated in the agreement of hire.

16. Sale of refreshments

THABAZIMBI LOCAL MUNICIPALITY**HIRING OF COMMUNITY HALLS, BUILDINGS AND OTHER FACILITIES BY-LAW**

- (1) No person may sell refreshments or food stuffs on or in any hired premises during any function or event for which they have been hired, without the prior written permission of the Council.
- (2) The Council may permit the sale of refreshments or foodstuffs by any person as it may approve after it has received a written application to sell such items, and the Council may allocate sufficient accommodation to that approved person, wherein trading stock, furniture, equipment, installations and books necessarily required for trading may be accommodated.
- (3) The provisions of subsections (1) and (2) do not apply if the supply and sale of refreshments or foodstuffs is an integral part of the function or event of the hirer.

17. Services

- (1) The nature of the municipal services to be provided to the hired premises by the Council is at the sole discretion of the Council.
- (2) The Council may take such steps as it may consider necessary in its discretion for the proper maintenance and operation of any common areas in or on the hired premises.
- (3) An authorised representative of the Council may attend the hirer's function or event to ensure compliance with any provision of this Chapter.
- (4) A hirer is not entitled to the official services of any authorised official or other representative of the Council who attends the hirer's function or event in terms of subsection (3).
- (5) A hirer is not entitled to receive gratuitous cleaning or other service from the Council in connection with the hirer's activities during the preparation for, or during, a function or event.

THABAZIMBI LOCAL MUNICIPALITY**HIRING OF COMMUNITY HALLS, BUILDINGS AND OTHER FACILITIES BY-LAW****18. Cancellation due to destruction of premises**

(1) The Council may cancel the hire of premises if-

- (a) the premises are destroyed or are damaged to such an extent that they are substantially unusable;
- (b) there is such damage to the premises that, although paragraph (a) does not apply, the premises have been rendered substantially unusable because of the absence of access or supply of any necessary municipal service or amenity; or
- (c) there is destruction of damage to the premises or any part thereof or to any neighbouring building, whether or not the hired premises are involved, and the Council decides not to proceed with the hire of the premises in order to engage in reconstruction, renovation or rebuilding or for safety reasons.

(2) Any decision made in terms of subsection (1), must be communicated by written notice given by the Council to the hirer within a reasonable period after the event referred to in subsection (1) giving rise to the cancellation.

19. Cancellation due to non-compliance

(1) The Council may at any time cancel the hire of premises if the hirer contravenes or fails to comply with any provision of this Chapter.

(2) A cancellation in terms of subsection (1) is without prejudice to any right or claim which the Council may have against the hirer under any provision of this By- law or at common law.

20. Termination of period of hire

(1) Upon the termination of the period of hire for any reason, the hirer must return the premises and the facilities to the Council in good order and condition and must make good and repair or replace at his or her own cost on demand of the Council any damage or breakage or missing article or, in the alternative, reimburse the Council for the cost of repairing, making good or replacing any broken, damaged or missing article. (2) (a) Every hirer must vacate the hired premises after termination of the period of hire within the period specified in the application form or agreement of hire.

(b) If a hirer fails to comply with the provisions of paragraph (a), he or she is liable to pay a further prescribed fee, for the additional period during which the hirer remains in occupation of the premises after the termination of the period of hire.

THABAZIMBI LOCAL MUNICIPALITY**HIRING OF COMMUNITY HALLS, BUILDINGS AND OTHER FACILITIES BY-LAW**

(c) The provisions of this subsection do not preclude the Council from taking lawful steps to procure the eviction of any such hirer from the premises.

(3) (a) A hirer must comply with every reasonable and lawful instruction of the Council or an authorized official in respect of the cleaning of the premises when the hirer vacates the premises.

(b) An authorised official may elect to undertake the cleaning of all crockery and cutlery used by the hirer.

(4) A hirer must comply with all reasonable and lawful instructions of the Council or an authorized official in respect of the vacation of the premises and the return of the facilities concerned.

21. Fire hazards and insurance

(1) A hirer may not at any time bring or allow to be brought or kept on the premises, nor do or undertake nor permit to be done or undertaken in or on the premises, any matter, thing or activity whereby a fire or any other insurance policy relating to the building concerned may become or becomes void or voidable or whereby the premium for any such insurance may be or is increased.

(2) If the premiums for insurance contemplated in subsection (1), are increased as a result of any act or omission contemplated in that subsection, the Council may, in its discretion, allow the activity concerned to continue and recover from the hirer the amount due in respect of any additional insurance premiums and the hirer must pay such amount immediately on notification from the Council or the insurance company to the effect that such additional premiums have been charged.

(3) The Council may at any time in its discretion require the hirer to take up insurance of the premises hired with an insurance company approved by the Council, against loss or damage by fire or any other cause during or as a result of any function or event for which the premises are hired.

22. Storage facilities

The Council is not responsible for providing facilities for the storage of the equipment of the hirer, or the hirer's employees, visitors, supporters or agents during any period prior to, during or after the function or event concerned.

THABAZIMBI LOCAL MUNICIPALITY**HIRING OF COMMUNITY HALLS, BUILDINGS AND OTHER FACILITIES BY-LAW****23. Equipment**

(1) A hirer who requests the Council to supply any equipment for use during a function or event, may use such equipment only with the permission of the Council and under the supervision of an authorized official.

(2) If a hirer causes damage to the equipment referred to in subsection (1), or removes or causes the equipment to be removed from the premises without permission or, having removed it with permission, fails to return it, the hirer is liable for the repair or replacement costs thereof.

24. Right of entry

(1) Subject to the provisions of applicable national and provincial legislation, an authorized official or another authorised representative of the Council, or service provider may enter hired premises at any reasonable time-

(a) to inspect the premises and carry out any repairs, alterations, additions, modifications or improvements on or in the premises.

(b) in order to ensure that the conditions of hire of the premises and the provisions of this Chapter are being complied with.

(2) An authorised official, other authorised representative of the Council, or a service provider is entitled to erect scaffolding, hoardings and building equipment in, at, near or in front of hired premises as well as such other devices required by law or which the Council's architects may certify is necessary to carry out the activities contemplated in subsection (1)(a).

25. Inspection

Upon the conclusion of all the hirer's activities at the termination of the period of hire or at the cancellation of the hire in terms of any provision in this Chapter, an authorised official and the hirer or his or her nominee must inspect the premises, for the purpose of assessing any damage or loss and compliance with the provisions of this Chapter.

26. Regulations

A hirer must comply with the Council's security and fire protection regulations which may from time to time be in force in respect of the premises concerned.

27. Nuisance

THABAZIMBI LOCAL MUNICIPALITY**HIRING OF COMMUNITY HALLS, BUILDINGS AND OTHER FACILITIES BY-LAW**

(1) No person attending or intending to attend any function or event in or on hired premises, may conduct himself or herself in an unseemly or obnoxious manner or cause a nuisance or annoyance to any other person in or user of the premises, or to any occupier of any other part of the building or neighbouring building.

(2) An authorised official may, during any function or event of a hirer, instruct the hirer to remove from the premises any person who is in a state of intoxication or who is acting in contravention of subsection (1).

(3) An authorised official may, during any function or event of a hirer, direct the hirer to prevent the entry on or into the hired premises by any person who is in a state of intoxication or who is acting in contravention of subsection (1).

CHAPTER 2: COMMUNITY CENTRES**28. Group activities**

(1) Every participant in a group activity must be a registered member of the centre at which such activity takes place.

(2) Notwithstanding the provisions of subsection (1), a member may introduce a guest participant and every guest must be registered with an authorised official upon arrival, and, if no authorised official is then present, the particulars of the guest must be entered in a register kept at the centre for that purpose.

(3) Unless permission to do otherwise has been granted by the authorized official in charge of a centre, a group activity may only take place under the supervision of an authorised official.

(4) A group activity may only take place at times allocated for that activity by the authorised official in charge of the centre.

29. Membership

(1) Membership of a centre is valid for one calendar year, from January to December of each year, or for the remaining portion of such year after the date of approval of an application for membership.

(2) Membership may be renewed at the end of each year for the following year.

(3) Resignation from membership during the course of a year does not entitle a member to a refund of any portion of the prescribed membership fee.

THABAZIMBI LOCAL MUNICIPALITY**HIRING OF COMMUNITY HALLS, BUILDINGS AND OTHER FACILITIES BY-LAW**

30. Membership fees

(1) In determining prescribed fees for membership, the Council may differentiate between the prescribed fees payable by members of different centres and between classes of membership, which are dependent on the nature of the activity which a member wishes to pursue.

31. Use of centres for religious or personal purposes

(1) The Council may determine, either specifically or generally, the times when and the conditions under which any portion of a centre may be set aside for exclusive use by members of one sex only, whether in accordance with religious observance or for any other reason.

(2) The Council may also determine which portions of a centre may be so set aside at such times.

32. Dress code

Any member and his or her guest must at all times be suitably attired for participation in the activity they propose to pursue, and without derogating from the generality of this requirement, no participant may wear any shoes or other footwear which, in the opinion of the authorised official in charge of, or supervising, the activity may cause damage to any part of the floor of a centre.

33. Conduct of children

Unless the group activity in which a child under the age of 14 years is participating is a session specially arranged for young participants, every such child must be accompanied to the centre and must at all times be under the control and supervision of a parent or other adult, and such parent or adult is responsible for the conduct of such child while present in the centre.

34. Application of certain sections of Chapter 1 to centres

The provisions of sections 1 to 10, 12, 15 to 18, 20 to 23, 26 and 27 read with the necessary changes, apply to the hire, operation and use of centres.

THABAZIMBI LOCAL MUNICIPALITY**HIRING OF COMMUNITY HALLS, BUILDINGS AND OTHER FACILITIES BY-LAW****35. Application of certain sections of Chapter 3 to centres**

The provisions of sections 36 to 56 read with the necessary changes, apply to the operation and use of centres.

CHAPTER 3: SPORT FACILITIES**36. Definitions**

(1) In this Chapter, any word or expression defined in section 20, bears that meaning and, unless the context otherwise indicates-

"**Group Activity**" means any sporting activity involving, or conducted by, an organised body of people which body can be joined by any member of the public who is eligible for membership, and "group" has a corresponding meaning;

"**Local Sport Facility**" means any sport facility which falls within the area of jurisdiction of the Council;

"**Notice**" means a clearly visible notice in the official languages determined by the Council as contemplated in section 21(2) of the Local Government: Municipal Systems Act, 2000, or any graphic icon depicting notification to members of the public;

"**Sporting Activity**" means any game or recreational activity pursued in a sport facility, and includes practice and training sessions;

"**Sport Facility**" means any area, building or structure which is designated or set aside for a sporting activity and which is owned, managed or controlled by the Council, including but not limited to a stadium, a tennis court or tennis court complex, a squash court or squash court complex, a swimming pool, a golf course or an ice rink, or any combination of such facilities, and the surrounding and ancillary facilities associated with any such sport facility;

37. Administration

(1) Subject to the Council's statutory duty to use the resources of the Council in the best interest of the local community, as envisaged in Section 4(2)(a) of the Local Government: Municipal

THABAZIMBI LOCAL MUNICIPALITY

HIRING OF COMMUNITY HALLS, BUILDINGS AND OTHER FACILITIES BY-LAW

Systems Act, 2000, all local sport facilities must be administered by or on behalf of the Council in accordance with this Chapter: Provided that nothing in this Chapter may be interpreted so as to prevent the Council from disposing of any local sport facility or any rights thereto, in accordance with applicable legislation.

(2) The use and enjoyment of the local sport facilities by the local community or by any other person are subject to such terms and conditions as may be determined by the Council from time to time, and subject also to such terms and conditions, not inconsistent with this Chapter, which are contained in any agreement of hire or lease entered into between the Council and any individual or group.

(3) Despite the right of the local community to the use and enjoyment of the local sport facilities, the Council is entitled to hire out any local sport facility on a regularly recurring or specific basis for any purpose whatsoever.

38. Access conditions

(1) No person, other than an authorised official or any other person duly authorised by such official, may enter or be admitted into any local sport facility or any part thereof otherwise than by an entrance designated for that purpose.

(2) The right of access to any local sport facility is reserved by the Council at all times and an authorised official may refuse admission to any person or instruct any person to leave a local sport facility forthwith if such person behaves or conducts him/herself in a manner which is considered by the authorised official to be prejudicial to good order or contrary to, or disruptive of, the generally accepted rules for the sporting activity concerned.

(3) In the event of a person contemplated in subsection (1), refusing to leave a sporting facility voluntarily when instructed to do so, the authorized official is entitled to eject such person forcibly from the local sport facility, with or without the assistance of security personnel or a member of the South African Police Services (SAPS) or a member of any other police force, if available.

(4) The Council has a discretion to determine the maximum capacity of any local sport facility, and an authorised official, or any other person designated by him or her, may, once the maximum capacity has been reached, refuse further access to that facility by closing every entrance to the facility and, if necessary, by the construction of barriers at any entrance thereto, and by displaying a notice prohibiting further access to the facility, once such maximum capacity has been reached.

THABAZIMBI LOCAL MUNICIPALITY**HIRING OF COMMUNITY HALLS, BUILDINGS AND OTHER FACILITIES BY-LAW**

(5) For the purpose of ensuring that law and order is observed and for the safety of persons patronising or using a local sport facility, an authorized official has the power to -

- (a) search any person wishing to enter that facility;
- (b) search any container of whatever kind which such person proposes to bring into or on to that facility;
- (c) search any motor vehicle which it is proposed to drive into or onto that facility;
- (d) seize any item or object being carried by any person or revealed by any such search which, in the opinion of the authorised official -
 - (i) is a substance the possession of which is prohibited by any law;
 - (ii) is or could become a dangerous weapon;
 - (iii) contains intoxicating liquor; or
 - (iv) might otherwise be used to disrupt the peaceful enjoyment of that facility by persons lawfully admitted thereto;

(6) With the exception of any substance referred to in subsection (5) (d)(i), any object seized in terms of paragraph (d), must be returned to the person concerned, upon request, at his or her departure from the local sport facility.

(7) (a) The Council must, display conspicuous notices at or near every entrance gate, indicate the hours during which a local sport facility is open to members of the public.

(b) The Council may at any time temporarily close a local sport facility to members of the public for purposes of repair, maintenance, hire to a group, or for any other reason, in the Council's discretion.

(c) No unauthorised person may enter or remain inside, a local sport facility, at any time other than during the hours when that sport facility is open to members of the public or during any period when that facility is closed in terms of paragraph (b).

39. Smoking

Subject to any other law, and save for an open air local sport facility, such as an open air stadium or a golf course, no person may smoke in a local sport facility except in any portion thereof which has been designated for that purpose, as indicated by a notice to that effect.

THABAZIMBI LOCAL MUNICIPALITY**HIRING OF COMMUNITY HALLS, BUILDINGS AND OTHER FACILITIES BY-LAW****40. Alcoholic beverages**

(1) Subject to the terms and conditions stipulated in any agreement entered into between the Council and a hirer of a local sport facility, and subject to any other law, no person may -

- (a) sell any alcoholic beverage on the premises of a sport facility without the prior written permission of the Council; or
- (b) bring his or her own supply of alcoholic beverage on or into a local sport facility without the prior written permission of an authorized official.

(2) If the sale and consumption of alcohol on or in a local sport facility is permitted by the Council, such sale or consumption is on condition that -

- (a) beer, cider and alcoholic cordials of all descriptions is served only in a can, keg, or plastic cup, and no alcoholic beverage may be served in a glass bottle; and
- (b) no person who is under 18 years of age is served or allowed to consume any alcoholic beverage and the hirer of a sport facility or the person in charge thereof, as the case may be, is responsible for ensuring that this age limit restriction is observed.

41. Duties of hirer

A hirer of a local sport facility is responsible for the maintenance of good order and socially acceptable behaviour within the sport facility and must ensure that the sport facility is left in the same condition it was in when he or she was given possession thereof, failing which the hirer is liable for the cost to the Council of repairing any damage to, or cleaning, that facility.

42. Dress code

(1) Every person who participates in a sporting activity must wear appropriate clothing for that activity and an authorised official who is of the opinion that any person is not appropriately clothed, may instruct that any additional item of clothing be worn for a particular sporting activity by that person.

(2) No person may wear shoes or other footwear which may damage the surface of a local sport facility in any manner and an authorised official may instruct that they be removed forthwith and, if the person concerned refuses to comply with such instruction, may prohibit such person from participating in the activity concerned.

(3) If the conduct of a person not participating in a sporting activity is such that his or her shoes are likely to cause damage to a local sport facility while wearing such shoes an authorised official

THABAZIMBI LOCAL MUNICIPALITY**HIRING OF COMMUNITY HALLS, BUILDINGS AND OTHER FACILITIES BY-LAW**

may eject the person concerned from the premises and debar him or her from re-entry until such shoes have been removed.

43. Hiring of sport facilities

(1) The hiring of a local sport facility must be arranged by prior reservation with an authorised official and must be recorded in a register kept by an authorised official for that purpose and, depending on the length of the period for which the facility is to be hired, may be on a first-come-first-served basis.

(2) The purpose for which the local sport facility is to be hired must be disclosed to the authorised official with whom the reservation is made, who may refuse the reservation if such purpose is, in his or her opinion, illegal or contrary to the policy of the Council or is likely to result in violence or possible damage to that facility or to other property.

(3) The terms and conditions of the hiring of a local sport facility must be contained in a written agreement, which must be signed by both the hirer and the authorised official at least 7 days prior to the date of commencement of the proposed hiring, or such shorter period as may be agreed upon with the authorised official, against payment by the hirer of a prescribed fee as confirmation of the reservation.

(4) No agreement for the hiring of a local sport facility may be entered into with any minor, unless properly assisted by his or her parent, guardian or tutor, and the authorised official is, in his or her discretion, entitled to require any applicant for hire to produce proof of age.

(5) The agreement contemplated in section 40(1) constitutes proof of reservation and the hirer must produce it at any stage whilst making use of the local sport facility if he or she is required by an authorised official to do so.

(6) A hirer of a local sport facility on which any alcoholic beverage is served is responsible for ensuring that the age limit restriction contemplated in section 40(1) (b) is observed at all times.

(7) A hirer of a local sport facility must take out an insurance policy with an insurance company approved by the Council, in an amount likewise approved, to cover any structural damage which may occur to the sport facility whilst being used by the hirer, and may also be required by the Council to take out public liability insurance, likewise approved, in respect of the death of, or injury to, any person that may occur during or as a consequence of any activity taking place during the period of hire.

THABAZIMBI LOCAL MUNICIPALITY**HIRING OF COMMUNITY HALLS, BUILDINGS AND OTHER FACILITIES BY-LAW****44. Reservation of sport facilities by the Council**

(1) Notwithstanding any other provision of this Chapter, the Council may -

(a) for any period reserve any local sport facility for the holding of any specific sporting activity or competition and may during any such period or on any other day reserve to itself the right of admission to that facility and determine a fee for admission to that facility;

(b) reserve any local sport facility either permanently or for such period as it deems fit.

(2) Except insofar as is provided otherwise in subsection (1), the provisions of this Chapter, read with the necessary changes, remain applicable to a local sport facility reserved in terms of subsection (1) and to any person visiting or using it while it is being used for the purpose for which it was reserved.

45. Group activities

(1) Each participant in a group activity must be registered as a member of the group concerned, or be a bona fide guest of the group, introduced as a member; and the Council may determine a prescribed fee for the hire of a sport facility if it is used by guests in addition to the registered members of a group.

(2) (a) Each member of a group making use of a local sport facility must be issued with a membership card either by the group, or by the Council, if the Council elects to establish a club or group for any group activity on or in that sport facility.

(b) Any member who fails to produce his or her membership card when requested to do so by an authorised official, may be refused admission.

(c) The holder of membership card may not transfer it or allow it to be used by any other person.

(3) If any membership card issued by the Council is lost, it will be replaced at the cost of the member.

(4) A membership card must be renewed annually and, if issued by the Council, the prescribed fee therefore must be paid;

(5) Any group activity may be organised and controlled by an authorized official, free lance instructor, volunteer or any other person, and an authorised official may be present in any instance where the activity is not controlled or organised such official.

(6) Every group must strictly adhere to the specific period allocated to it by an authorised official for the use of a local sport facility or any part thereof, and if the use is extended beyond such period, an additional prescribed fee becomes payable.

THABAZIMBI LOCAL MUNICIPALITY**HIRING OF COMMUNITY HALLS, BUILDINGS AND OTHER FACILITIES BY-LAW**

(7) If a local sport facility or any part thereof has been allocated to a group, either for a group activity or for any other purpose, that group must ensure that it or its members make regular use of its allocated period and that if any group is for any reason unable to use its allocated period, the authorised official who is in charge of the sport facility must be notified beforehand.

(8) If the use of a local sport facility has been allocated to a group for a specific activity, that group is prohibited from engaging in any other type of activity on or in the sport facility concerned during the allocated period unless prior permission to do so has been obtained from an authorized official in charge of the sport facility concerned.

(9) A group may not transfer its allocated period to any other group or person, and any alteration in the local sport facility programme must be negotiated and agreed with an authorised official in charge of the sport facility concerned.

(10) (a) A group may be instructed by an authorised official to cancel their regular activities on a particular day due to any circumstances, including repairs and maintenance, which may require temporary closure of the whole or part of a local sport facility.

(b) An authorised official must give prior written notice to an affected group of a proposed instruction in terms of paragraph (a).

(c) Notwithstanding the provision of paragraph (b), an authorised official may cancel at short notice any regular activity if, in his or her opinion, a situation of emergency has arisen which renders such cancellation necessary or desirable.

(11) Notwithstanding anything to the contrary contained in this Chapter, it is competent for an authorised official to suspend or terminate with immediate effect the use of a local sport facility by any person or group whose conduct or behaviour is, in the opinion of that official, prejudicial to good order or the generally accepted rules of the group activity concerned.

(12) Any person whose participation in a group activity or use of a local sport facility is suspended in terms of subsection (11), is barred from entering into the local sport facility concerned or participating in the group activity concerned until the suspension is raised by an authorised official.

46. Public decency

(1) (a) No person may be present in or on any local sport facility, except in a change room or ablution facility specifically set aside for use by persons of the same sex, in a state of undress or any other state which is indecent or harmful in any way to the morals of any other person present in or on the sport facility at the time.

THABAZIMBI LOCAL MUNICIPALITY**HIRING OF COMMUNITY HALLS, BUILDINGS AND OTHER FACILITIES BY-LAW**

(b) An authorised official may instruct any person to refrain from contravening paragraph (a) and such person must comply with the reasonable requirements of that official so as to remove the cause of contravention, and failing such compliance, that person may be ejected from the sport facility and denied re-entry until the offending state of undress or other state contemplated in paragraph (a) has been remedied.

(2) No person may relieve him or herself in any part of a local sport facility other than in the ablution facilities specifically provided for that purpose and for use by members of his or her own sex.

(3) Any cubicle, change room and place of ablution set aside for persons of one sex may not be used by any person of the other sex and no person, other than a child not exceeding the age of five years, may enter any part of the premises which is reserved for the use of persons of the other sex.

(4) No person may occupy a change room for longer than is reasonably necessary to change into different attire.

(5) No person may use profane or indecent language or behave in an indecent manner or in any other manner which, constitutes a nuisance or hinders or interferes with the enjoyment of a local sport facility by other persons, and, if that person persists in such conduct after having been instructed by an authorised official to desist, he or she may be ejected forthwith from the sport facility by that official.

47. Clothing and personal effects

(1) Subject to the availability of an appropriate storage facility within the premises of a local sport facility, a person who has changed into appropriate attire in order to participate in a sporting activity may place his or her clothing, possessions and effects in a container provided for the purpose by an authorised official, and may deposit such container for safekeeping in the change room or any other place which an authorized official may direct.

(2) The authorised official must give a disc or other token bearing a number or other distinguishing mark, by means of which the container may be identified, to the person concerned.

(3) Notwithstanding the provisions of subsection (2), a scholar intending to participate in a group activity organised by his or her school or a voluntary schools association, may present his or her clothing, possessions and effects for deposit in terms of this section in a neat bundle only.

THABAZIMBI LOCAL MUNICIPALITY**HIRING OF COMMUNITY HALLS, BUILDINGS AND OTHER FACILITIES BY-LAW**

(4) The authorised official must return a container or bundle referred to in subsection (1) or (3) with all its contents to the person surrendering the appropriate disc in exchange therefore.

48. Prescribed fees

The person concerned must pay the appropriate prescribed fee for admission to, or hire or use of, any local sport facility and any other prescribed fee contemplated in this Chapter.

49. Generally prohibited conduct

No person may -

- (a) willfully or negligently destroy, damage or deface any part of a sport facility, including any feature, fixture, fitting or appliance contained therein or any article supplied by the Council for use in a local sport facility;
- (b) throw, deposit or drop or cause to be thrown, deposited or dropped any refuse, glass, tin, paper, fruit, fruit peels, sharp object or any other object that is perishable, offensive or that may interfere with the cleanliness of a local sport facility or that may cause annoyance, danger, injury or accident to any other person inside a sport facility; other than inside a refuse bin or container provided by the Council for that purpose;
- (c) remove or in any way interfere with any gravel, sand, sod, turf, mould or other substance covering the surface of a local sport facility;
- (d) except where special provision therefore has been made by the Council, light any fire or do any act which may cause any substance or thing to catch fire inside a local sport facility;
- (e) walk upon or recline in any flowerbed or lawn on the premises of a local sport facility or draw, drive or propel thereon any vehicle or machine of whatsoever nature in contravention of any prohibitory notice displayed in a conspicuous place therein or thereon;
- (f) encroach upon or build any enclosure, make any hole, or erect or place any peg, spike, tent, booth, screen, stand, swing or any other building, erection or structure of on or within a local sport facility, without written authority from an authorised official;
- (g) except in any place and at any time prescribed by these or any other By-laws or by a notice displayed at the entrance to a local sport facility, drive, draw or propel any vehicle within a local sport facility-
 - (a) other than a wheelchair, whether propelled by electrical power or not, or perambulator propelled by hand and used solely for the conveyance of an invalid or a child;
 - (ii) except in any place where access of vehicles is allowed; or

THABAZIMBI LOCAL MUNICIPALITY**HIRING OF COMMUNITY HALLS, BUILDINGS AND OTHER FACILITIES BY-LAW**

-
- (i) in excess of the speed limit indicated by a notice displayed in the local sport facility.
 - (h) sell, hawk, advertise, place any advertisement, offer or expose any article for sale or hire or distribute any pamphlet, book, handbill or other written or printed matter inside a local sport facility without the prior written permission of an authorised official;
 - (i) tamper with or in any way interfere with the action or function of any lock, cock, tap, valve, pipe or other appliance or any machine in a local sport facility.
 - (j) otherwise do anything which may endanger the safety of others or constitute a nuisance, obstruction or annoyance to member of the public, either inside or outside a local sport facility.

50. Animals

Unless where otherwise allowed by a notice displayed in a conspicuous place at the entrance to a local sport facility, or the sport facility is designed or has been hired out for an activity that necessarily involves the presence of animals, no animal other than a guide dog may be brought into a local sport facility, without the prior written permission of an authorised official.

THABAZIMBI LOCAL MUNICIPALITY**HIRING OF COMMUNITY HALLS, BUILDINGS AND OTHER FACILITIES BY-LAW****51. Infectious diseases**

No person who is suffering from or is in quarantine for any infectious or contagious disease may enter or seek admission to any local sport facility.

52. Firearms and traditional weapons

No firearm or traditional weapon may be brought into a local sport facility, unless, subject to the availability of a safe or other appropriate storage facility at the entrance to a local sport facility, it is surrendered to an authorised official for safe keeping and must be collected from that official when leaving the local sport facility.

53. Disturbance by sound systems

No amplified music or sound relayed through a public address system is allowed in a local sport facility without the prior permission of an authorized official and then only in an area specified by that official and any sound system must be positioned in such a way that sound travels to the interior of the sport facility with volume at a moderate level so that it will not disturb the peace and quiet of the surrounding community.

54. Sale of food and refreshments

No person may, without the prior written permission of the Council and, subject to compliance with any other law, prepare or sell food or refreshments within a local sport facility or in the immediate vicinity of an entrance thereto.

55. Filming and photographs

(1) No person may without the prior written permission of an authorized official film or take a photograph for reward or anticipated profit, on or in a local sport facility.

(2) Written permission must be obtained from the Council for the filming of commercial material or documentaries, which is subject to payment of a prescribed fee.

56. Sport advisory forum

The Council may establish a sport forum or sport council to assist and advise it in connection with the management of any or all of its local sport facilities, and sport representatives and members of groups may be elected to serve on such a body.

THABAZIMBI LOCAL MUNICIPALITY

LOCAL TOURISM BY-LAW

LOCAL TOURISM BY-LAW

The Municipal Manager of Thabazimbi Local Municipality hereby, in terms of section 13(a) in conjunction with section 75 (1) of the Municipal Systems Act, 2000 (Act No. 32 of 2000), publishes the Local Tourism By-Law for the Thabazimbi Local Municipality, to be approved by the Council, as set out hereunder.

TABLE OF CONTENTS

1. Definitions

CHAPTER 1

2. General Provisions

CHAPTER 2

3. Protection, Exploitation, Use and Development of Local Tourism Resources

CHAPTER 3

4. Local Tourism Promotion

CHAPTER 4

5. Tourist

CHAPTER 5

6. Local Tourism Business

CHAPTER 6

7. Municipal Administration of Local Tourism

CHAPTER 7

8. Dealing with Violations

DEFINITIONS

In this By-Law, the underneath terms shall be construed as follows:

“Municipality” means -

- (a) Thabazimbi Local Municipal which as a municipal area determined in terms of the Local Government: Municipal Demarcation Act, 1998 (Act No. 27 of 1998); exercising its legislative and executive authority through its Municipal Council; or
- (b) Its successor in title; or

THABAZIMBI LOCAL MUNICIPALITY

LOCAL TOURISM BY-LAW

- (c) A structure or person exercising a delegated power or carrying out an instruction, where any power in this By-Law has been delegated or sub-delegated, or an instruction given, as contemplated in section 59 of the Act; or
- (d) A service provider fulfilling a responsibility under this By-Law, assigned to it in terms of section 81(2) of the Act, or any other law, as the case may be;

“Municipal Manager” means -

- (a) The person appointed by Thabazimbi Local Municipality as the Municipal Manager in terms of section 82 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998), and includes any person acting in that position; or
- (b) In relation to a service provider referred to in paragraph (d) of the definition of “Municipality”, the chief executive officer of that service provider.

“Municipal Council” or **“Council”** means - a Municipal Council referred to in section 157(1) of the Constitution. According to section 157(1) of the Constitution, a Municipal Council consists of -

- (a) Members elected in accordance with subsections (2), (3), (4) and (5); or
- (b) If provided for by national legislation -
 - (i) Members appointed by other Municipal Councils to represent those other Councils; or
 - (ii) Both members elected in accordance with paragraph (a) and members appointed in accordance with subparagraph (i) of this paragraph.

“Tourism” refers to human activities outside their permanent residing area aimed at meeting their needs for visits, leisures, recreation in a certain period of time.

“Tourist” means a person, whose movement is for leisures or associated with tourism purpose, excluding those who go to study, work or practise to get paid at their destinations.

“Tourism Resources” are natural landscapes, historical relics, revolutionary sites, humanities values, creative human labour works which can be used to meet tourism needs; constitute the fundamental factor to form tourism attractions and resorts so as to create tourism attractiveness.

“Tourism Attraction” is a site endowed with appealing tourism resources, susceptible to attracting tourists.

THABAZIMBI LOCAL MUNICIPALITY

LOCAL TOURISM BY-LAW

“**Tourism Resort**” is an area which has tourism resources with overriding advantages in terms of natural landscapes, has been planned and invested for development in order to meet the diversified demands of tourists, thus bringing about the socio-economic and environmental efficiencies.

“**Tourism Circuit**” is a route that links various tourism attractions and resorts.

“**Tourism Business**” is running of one, a number of or all tourism activities in the process or provision of tourism services on the market for profit-making.

“**Travel**” is a journey made according to the set plan, itinerary or program.

“**Tourism Accommodation Establishment**” is a business which provides rooms, beds and other tourism services for tourists. Tourism accommodation establishment includes hotels, tourism villages, villas, apartments, tents and camping sites for rent, of which hotel forms a major part.

“**Tourism Promotion**” is an activity aimed at seeking, stimulating opportunities for tourism development.

CHAPTER 1:

GENERAL PROVISIONS

Thabazimbi Local Municipality views local tourism as an important part of integrated local economic development. Development of tourism aims at meeting demands for visit, leisure, recreation of people and international tourists, thus contributing in generating employment and bringing about socio-economic development within the Municipality.

The Local Tourism By-Law shall regulate tourism activities; define rights and obligations of tourists, and of organizations, individuals doing tourism business within Thabazimbi Local Municipality

The Municipality’s intention is to uniformly administer tourism activities; ensure the development of tourism in line with cultural and ecological tourism while preserving and fully realizing cultural identity, good traditions and customs of the community within Thabazimbi Local Municipality.

THABAZIMBI LOCAL MUNICIPALITY

LOCAL TOURISM BY-LAW

The Municipality shall respect, protect legitimate rights and interests of tourists; encourage, facilitate intra-regional and outbound travel, inbound travel foreigners for tourism.

The Municipality shall protect legitimate rights and interests of organizations, individuals engaged in tourism business; encourage economic components to get involved in tourism development.

The Municipality shall adopt policies and measures for implementation of the master-plan for tourism development and promotion; make due investments in the construction of infrastructures, physical and technical facilities for key tourism resorts and attractions.

The Municipality shall undertake measures to protect, embellish, properly exploit and utilize tourism resources for the tourism development in sustainable manner.

All tourism activities, which pose negative impacts on the environment, cultural identity and good traditions and customs of the people, are detrimental to social order and safety, are strictly prohibited.

CHAPTER 2

PROTECTION, EXPLOITATION, USE AND DEVELOPMENT OF LOCAL TOURISM RESOURCES

Tourism resources include those being exploited as well as untapped. Basing on the regulations of the Government, the Municipality, in consultation with key stakeholders, shall identify areas with tourism potentials.

The Municipality shall be charged with overall controls and coordination of tourism and tourism-related resources, shall coordinate with key stakeholders in the protection, appropriate exploitation, use and development of tourism resources.

Organizations, individuals involved in tourism business shall protect, properly and efficiently exploit and use tourism resources and preserve environments at tourism resorts, circuits and attractions.

Organizations, individuals tasked to manage tourism resources at the tourism attractions and resorts shall be entitled to collect charges and fees.

THABAZIMBI LOCAL MUNICIPALITY

LOCAL TOURISM BY-LAW

Planning, designing, construction of structures at tourism attractions and resorts shall be conducted in compliance with legal provisions and subject to approval by the competent State Administration Agencies of Tourism.

Any acts in violation of tourism resources shall be strictly dealt with in accordance with the legal provisions.

Thabazimbi Local Municipality shall invest in basic surveys on tourism resources; prioritize investment projects in protection, embellishment, use and development of tourism resources at tourism attractions and resorts; work out policies to encourage organizations, individuals to invest in protection, upgradation, use and development of tourism resources.

CHAPTER 3

LOCAL TOURISM PROMOTION

Thabazimbi Local Municipality shall adopt policies and measures to boost tourism promotion under the following major contents:

Marketing the Municipality, people, sceneries, historical relics, revolutionary sites, cultural heritage, human creative labour works, cultural identity to people from all walks of life in the country and international friends;

Raising social awareness of tourism, creating civilized, healthy, safe environment of tourism, bringing into full play the tradition of hospitality of the people;

Provide assistance in developing diversified and unique tourism resorts and attractions of high quality;

Developing infrastructures, physical-technical facilities for tourism, diversifying and improving the quality of tourism services.

Thabazimbi Local Municipality intends encouraging and facilitating private business, organizations, individuals to invest in the following areas:

THABAZIMBI LOCAL MUNICIPALITY**LOCAL TOURISM BY-LAW**

- Training and Human Resources Development in tourism;
- Advertisement and publicity in tourism;
- Scientific research, application and development of advanced technologies in tourism;
- Modernization of transportation means, communications facilities and other tourism-related equipments;
- Construction of infrastructures at tourism circuits, attractions and resorts;
- Building and improvement of physical-technical facilities at key tourism areas;
- Production of souvenirs, handicraft and fine-art goods; restoration and development of traditional trades;
- Improvement of quality services of travel, tour-guiding, tourism accommodation and transportation;
- Exploitation of tourism potentials at the areas where the socio-economic conditions are difficult and extremely difficult.

The Municipality shall set up a tourism development fund by using part of the annual revenues originated from tourism business activities and contribution from organizations, individuals doing tourism business, and other organizations, individuals inside and outside the country.

Management and use of this fund shall be regulated by Thabazimbi Local Municipality.

CHAPTER 4**TOURIST**

Tourist includes both domestic and international visitor.

Domestic tourists are South African citizens and International tourists are foreigners making inbound visits for tourism.

THABAZIMBI LOCAL MUNICIPALITY**LOCAL TOURISM BY-LAW**

Tourist shall have the following rights:

- To choose a part of or the whole tour program and tourism services provided by organizations or individuals doing tourism business;
- To request organizations or individuals doing tourism business to furnish with necessary information on tourism programs and services;
- To enjoy tourism services in compliance with the contract;
- To be ensured of the safety of their lives, property during the tour;
- To be compensated for the losses incurred due to mistakes made by organizations, individuals doing tourism business;
- To complain, denounce, file a lawsuit against the acts in violation of tourism legislations;
- Other rights in accordance with the laws.

Tourist shall have the following obligations:

- To respect and preserve natural landscapes, beauties, sceneries environment, historical relics, revolutionary sites, cultural heritage, good traditional customs of the people and social order, safety at tourism sites;
- To abide by rules and regulations of tourism resorts, attractions and accommodation establishments;
- To clear tourism services charges as contracted and other fees and surcharges in accordance with legal regulations;
- To compensate for the losses which they may cause to organizations, individuals doing tourism business;
- To adhere to and comply with other legal regulations.

The Municipality shall take necessary measures to prevent risks, assure safety of life, property of tourists and stop acts of unlawfully benefits-making from tourists.

THABAZIMBI LOCAL MUNICIPALITY

LOCAL TOURISM BY-LAW

CHAPTER 5

LOCAL TOURISM BUSINESS

Organizations, individuals doing tourism business shall observe the provisions in this By-Law and other provisions of the relevant national legislative framework.

Tourism trade includes the followings:

- Domestic and international travel business;
- Tourism accommodation establishment business;
- Tourism transportation business;
- Other tourism services business.

Organizations, individuals are eligible to register all trades of business stipulated in this By-Law, with Companies and Intellectual Property Registration Office (CIPRO).

To set up a tourism company and register for its tourism business within the Municipality database, organizations and individuals shall satisfy the following conditions:

- To have staff with good professional knowledge, good health fit in the tourism business trades and scopes required ;
- To have feasible plan for tourism business;
- To have necessary physical facilities and equipments suited to the tourism business trades and scopes;
- To have locations appropriate for tourism business trades.

In order to be allowed to do domestic tourism business, the tourism company shall meet the following conditions:

- Having tour programs for domestic and international tourists;
- Having tour guides suitable with tourism programs;
- The person working as tour guide must have tour guiding certificate or equivalent;

THABAZIMBI LOCAL MUNICIPALITY**LOCAL TOURISM BY-LAW**

- Registered with SATOUR
- To be issued a tour guiding certificate or equivalent qualification, it is required to meet the following conditions:
 - a. Being South African citizen;
 - b. Having good ethical conduct and personality;
 - c. Having good health;
 - d. Have good command of the language spoken within the community;
 - e. Tour guiding professionalism or specialized areas plus tour guiding certificate through refreshening or training courses issued by the designated training institutions.

Organizations, individuals doing tourism accommodation business must have their tourism accommodation establishments to meet the conditions and criteria set by the authorized South African tourism agencies, SATOUR and South African government.

Tourism accommodation establishment shall be classified consistent with the regulations imposed by the authorized South African tourism agencies, SATOUR, and South African government.

For organizations, individuals doing in-land and waterway tourism transportation business, their means of transportation as well as drivers must meet the conditions and criteria prescribed by law.

Drivers of the means of transportation specially meant for tourists must be professionally trained on tourism transportation.

Organizations, individuals doing tourism business shall have the following rights:

- Select the tourism business activities;
- Be protected by the State for their lawful tourism business activities;
- Join professional tourism associations and tourism promotion associations;
- Have other rights as provided for by law.

Organizations, individuals doing tourism business within the Municipality have the following obligations:

- Comply with the South African legislation;

THABAZIMBI LOCAL MUNICIPALITY

LOCAL TOURISM BY-LAW

- Comply with Town Planning Scheme
- Do the business as permitted in the license, business registration certificate; make known to the public their facial board, headquarters, branches and representative offices;
- Fulfill obligations as contracted with tourists; be responsible for the quality of services, commodities provided to the tourists; publicize the service quotations and commodities prices; take measures for the safety of tourists' lives, properties and provide necessary information on the itinerary for tourists; tip tourists off rules and regulations of tourism sites.
- Compensate for the losses caused to tourists;
- Comply with the provisions of the State on reporting, accounting regimes, statistics compilation, publicity and advertisement.

CHAPTER 6

MUNICIPALITY ADMINISTRATION OF LOCAL TOURISM

The Municipality administration over tourism includes:

- Promulgating and organizing implementation of legal documents on tourism;
- Formulating and directing implementation of strategies, planning, schemes and policies for tourism development;
- Organizing and managing training, fostering, development of tourism human resources, research and application of science, technologies in protection of tourism resources, environment; preserving and bringing into full play cultural identity, good traditional customs of the people in tourism activities;
- Organizing and managing tourism promotion and international cooperation in tourism;
- Checking up, inspecting, settling complaints, denunciations and handling moves in violation of tourism legislations;
- Approve of and direct implementation of strategy, planning and scheme of tourism development;

THABAZIMBI LOCAL MUNICIPALITY**LOCAL TOURISM BY-LAW**

CHAPTER 7**DEALING WITH VIOLATIONS (OFFENCES AND PENALTIES)**

Any person whose conduct contravenes the provisions in By-Law and other legal provisions on tourism shall, depending on the nature, severity of their infringements, be dealt with subject to administrative sanctions or prosecution of penal liabilities; if damages are caused, compensation shall be required as prescribed by law.

Organizations, individuals engaged in tourism business neither with licenses and registration for business operations nor in consistence with registered business trades; that provide tour guiding services for tourists without tour guiding accreditations, conduct behaviours to make unlawful benefits from tourists or other acts to violate legal provisions on tourism shall, depending on the nature and severity of their violations, be handled subject to administrative sanctions or prosecution of penal liabilities; if damages are caused, compensation shall be required as regulated by law.

Any law-contravening acts aimed at impeding tourism activities shall be dealt with according to the South African common law, and legal provisions, in extreme cases criminal charges will be laid against the person or juristic person

Any persons, either natural or juristic, who abuse titles and powers to breach provisions of this By-Law and other tourism legally-related provisions shall, depending on the nature, severity of their violations, be handled subject to disciplinary sanctions or prosecution of penal liabilities; if damages are caused, recoupment shall be required as regulated by law.

THABAZIMBI LOCAL MUNICIPALITY**PARKING GROUNDS BY-LAW****PARKING GROUNDS BY-LAW****TABLE OF CONTENTS****CHAPTER 1**

1. Definitions

CHAPTER 2**TICKET CONTROLLED PARKING GROUNDS**

2. Parking fees

3. Conditions of parking in ticket-controlled parking grounds

4. Mechanical parking grounds

5. Monthly tickets

6. Vehicles of excessive size

CHAPTER 3**PARKING METER PARKING GROUNDS**

7. Place of parking

8. Conditions of parking

9. Prohibitions relating to parking meters

10. Proof of time

CHAPTER 4**PAY AND DISPLAY PARKING GROUNDS**

11. Parking

12. Prohibitions relating to pay and display machines

13. Proof of date and time of departure

CHAPTER 5**MISCELLANEOUS**

14. Closure of parking grounds

15. Defective vehicles

16. Parking of a vehicle in parking ground

17. Cleaning and repair of vehicle

18. Parking according to instruction

THABAZIMBI LOCAL MUNICIPALITY**PARKING GROUNDS BY-LAW**

19. Tampering with vehicles and obstructions
20. Parking after parking period
21. Forging or defacing tickets
22. Persons prohibited from being in parking grounds
23. Abandoned vehicles
24. Refusal of admission
25. Medical practitioners exempt
26. Offences and penalties

SCHEDULE 1**CHAPTER 1****1. Definitions**

(1) In this By-law, any word or expression which has been defined in the National Road Traffic Act, 1996 (Act No. 93 of 1996), has that meaning and, unless the context otherwise indicates -

“Authorised Official” means any official of the Council who has been authorized by it to administer, implement and enforce the provisions of this By-Law;

“Council” or “Municipality” means - the Municipality of Thabazimbi as established in terms of Section 12 of the Municipal Structures Act, 117 of 1998, and includes any political structure, political office bearer, councillor, duly authorised agent thereof or any employee thereof acting in connection with this by-law by virtue of a power vested in the municipality and delegated or sub-delegated to such political structure, political office bearer, councillor, agent or employee;

“Parking Bay” means a demarcated area within which a vehicle is to be parked in terms of this By-Law, demarcated as such upon the surface of a parking ground or a floor thereof;

THABAZIMBI LOCAL MUNICIPALITY**PARKING GROUNDS BY-LAW**

“Parking Ground” means any area of land or any building set aside by the Council as a parking ground or garage for the parking of vehicles by members of the public, whether or not a prescribed fee has been determined for the use thereof;

“Parking Meter Parking Ground” means a parking ground or any part thereof where parking is controlled by means of parking meters;

“Parking Meter” means a device for registering and visibly recording the passage of time in accordance with the insertion of a coin or other method of payment prescribed and includes any post or fixture to which it is attached;

“Parking Period” means that period, including a period reflected on a parking meter, on any one day during which vehicles are permitted to park in a parking ground or parking bay or as indicated by a road traffic sign;

“Pay and Display Machine” means a machine installed at a pay and display parking ground for the sale of tickets on which the following are reflected:

- (a) The date or day of issue of the ticket
- (b) the amount paid for the ticket;
- (c) the departure time; and
- (d) the machine code number.

“Pay and Display Parking Ground” means a parking ground, or any part thereof where a notice is erected by the Council at the entrance thereof indicating that the parking ground concerned or part thereof is a pay and display parking ground;

“Pound” means an area of land or place set aside by the Council for the custody of vehicles removed from a parking ground in terms of this By-Law;

“Prescribed Fee” means a fee determined by the Council by resolution in terms of section 10G(7)(a)(ii) of the Local Government Transition Act, 1993 (Act No. 209 of 1993), or any other applicable legislation.

THABAZIMBI LOCAL MUNICIPALITY**PARKING GROUNDS BY-LAW**

(2) If any provision in this By-Law 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 (Act No. 32 of 2000), or any other law been assigned to a service provider, the reference in such provision 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. Parking fees

Any person making use of a parking ground or parking bay in a parking ground must pay the prescribed fee.

CHAPTER 2**TICKET-CONTROLLED PARKING GROUNDS****3. Conditions of parking in ticket-controlled parking grounds**

(1) No person may park a vehicle or cause or permit a vehicle to be parked or allow it to be or to remain in a parking ground, wherein parking is controlled by the issue of tickets

(a) except in a parking bay and in compliance with any directions which may be given by an authorised official or where no such bay has been marked, except in a place indicated by the authorised official;

(b) after an authorised official has indicated to the person that the parking ground is full; or

(c) after the expiry of the parking period.

(2) No person may remove or cause or permit the removal of any vehicle from a parking ground unless -

(a) that person has produced to the authorised official a ticket authorising him or her to park in the parking ground and which was issued to that person upon entering or leaving the parking ground; and

(b) that person has upon entering or leaving the parking ground paid the prescribed fee to the authorised official.

(3) If a person fails to produce a ticket authorising him or her to park in a parking ground, that person is deemed to have parked the vehicle from the beginning of a period as

THABAZIMBI LOCAL MUNICIPALITY**PARKING GROUNDS BY-LAW**

prescribed and indicated on a notice board in the parking ground until the time that person wants to remove the vehicle and he or she must pay the prescribed fee for that period.

(4) No person may, after failing to produce a ticket, remove or cause or permit the removal of any vehicle parked in the parking ground until that person has produced other proof, to the satisfaction of an authorised official, of his or her right to remove such vehicle.

(5) An authorised official may require a person referred to in subsection (4), to furnish prescribed security.

(6) If a vehicle has not been removed from a parking ground by the end of the parking period for which the prescribed fee has been paid, a further prescribed fee is payable for the next parking period.

4. Mechanical parking grounds

(1) If the actual parking of a vehicle in a parking ground is effected wholly or partly by means of a mechanical device, an authorised official may, if a parking bay is available, issue to a person who wants to park a vehicle at the parking ground, a ticket in terms of which the Council authorises the parking of the vehicle in that parking ground.

(2) No vehicle parked in a parking ground referred to in subsection (1), may be removed by any person unless -

(a) payment of the prescribed fee has been made to an authorized official; and

(b) that person has produced to an authorised official the ticket issued to him or her in terms of subsection (1) or, failing the production of such ticket, the provisions of section 3(4) applies, read with the necessary changes.

(3) No person who has caused a vehicle to be parked in a parking ground referred to in subsection (1), may allow it to remain therein after expiry of the parking period.

5. Monthly tickets

(1) Notwithstanding anything to the contrary contained in this By-Law, the Council may in respect of any parking ground controlled by the issue of tickets, issue at a prescribed fee a ticket which entitles the holder to park a vehicle in that ground for one calendar month or any lesser period specified therein, at the times specified in the ticket, if a parking bay is available.

THABAZIMBI LOCAL MUNICIPALITY**PARKING GROUNDS BY-LAW**

(2) The Council may issue to any of its employees a ticket which entitles the holder, when using a vehicle regarding the business of the Council, to park it in a parking ground specified in the ticket, if a parking bay is available in the parking ground.

(3) A ticket issued in terms of subsection (1) or (2), may not be transferred to any other person or be used in respect of any vehicle other than the vehicle specified in the ticket, without the prior written permission of the Council.

(4) A ticket issued in terms of subsection (1) or (2), must be affixed by the holder of the ticket to the vehicle in respect of which it is issued in such manner and place that the written or printed text of the ticket is readily legible from the outside of the vehicle.

6. Vehicles of excessive size

Unless a road traffic sign displayed at the entrance to a parking ground indicates otherwise, no vehicle which together with any load, exceeds 5 m in length, may be parked in a parking ground.

CHAPTER 3**PARKING METER PARKING GROUNDS****7. Place of parking**

No person may park or cause or permit to be parked any vehicle or allow a vehicle to be or remain in a parking meter parking ground otherwise than in a parking bay.

8. Conditions of parking

(1) No person may park a vehicle or cause any vehicle to be parked in a parking bay in a parking meter parking ground unless a coin or other prescribed object is forthwith inserted

- (a) into the meter allocated to that parking bay; or

(b) if a meter controls more than one parking bay, in the meter controlling the parking bay concerned as indicated by any marking or sign on the surface or floor of the parking bay or the surface or floor adjacent thereto; and that meter is put into operation in accordance with the instructions appearing thereon so that the meter registers and visibly indicates the parking period appropriate to the inserted coin or other prescribed object.

(2) Notwithstanding the provisions of subsection (1) -

THABAZIMBI LOCAL MUNICIPALITY**PARKING GROUNDS BY-LAW**

- (a) a person may, subject to the provisions of subsection (5), park a vehicle in a vacant parking bay without inserting a coin or other prescribed object, for any period indicated on the parking meter as unexpired; and
- (b) if a person has ascertained that the parking meter for any parking bay is not operating properly, he or she is, subject to the provisions of subsection (6), entitled to park a vehicle in that parking bay without inserting a coin or other prescribed object.
- (3) The insertion of a coin or other prescribed object into a parking meter entitles the person inserting it, to park a vehicle in the appropriate parking bay for the period corresponding with the payment so made.
- (4) The period during which a vehicle may be parked in a parking bay and the coin or other prescribed object to be inserted in respect of that period into the parking meter allocated to that parking bay, must be in accordance with the prescribed fee and the period and the coin or other prescribed object to be inserted in respect thereof, must at all times be clearly indicated on the parking meter.
- (5) Subject to the provisions of subsection (6), no person may either with or without the insertion of an additional coin or other prescribed object into a parking meter, leave a vehicle in a parking bay after the expiry of the period indicated on the parking meter or return the vehicle to that bay within fifteen minutes after such expiry, or obstruct the use of that bay by any other person.
- (6) If the Council displays a sign specifying a maximum period for continuous parking in a parking bay, which differs from that on the parking meter for that parking bay, any person may, subject to the provisions of subsections (1) and (4), park a vehicle in that bay for the maximum period so specified or for any shorter period.

9. Prohibitions relating to parking meters

No person may -

- (a) insert or attempt to insert into a parking meter a coin or object except
- (i) a coin of South African currency of a denomination as prescribed; or
- (ii) an object which is prescribed as another method of payment as contemplated in section 8(1);
- (b) insert or attempt to insert into a parking meter any false or counterfeit coin or prescribed object or any foreign object;

THABAZIMBI LOCAL MUNICIPALITY**PARKING GROUNDS BY-LAW**

- (c) tamper with, damage, deface or obscure a parking meter;
- (d) in any way whatsoever cause or attempt to cause a parking meter to record the passage of time otherwise than by the insertion of a coin or other prescribed object;
- (e) jerk, knock, shake or interfere with a parking meter which is not working properly or at all in order to make it do so or for any other purpose; or
- (f) obscure a parking meter or any part thereof or remove or attempt to remove it from the post or other fixture to which it is attached.

10. Proof of time

The passage of time as recorded by a parking meter is for the purpose of this By-law and in any proceedings arising from the enforcement of this By-Law, deemed to be correct and may constitute evidence on the face of it of the time that the vehicle has been parked in a parking bay unless the contrary is proved.

CHAPTER 4**PAY AND DISPLAY PARKING GROUNDS****11. Parking**

(1) No person may park or cause or permit to be parked any vehicle or allow a vehicle to be or remain in a pay and display parking ground unless immediately upon entering the parking ground -

(a) the person purchases a ticket issued by means of a pay and display machine in that parking ground in accordance with the instructions displayed on, or within a distance of not more than 1,5 m of such machine; and

(b) the person displays such ticket by affixing it to the inside of the driver's side of the front windscreen of the vehicle in such a manner and place that the information printed on the ticket by the pay and display machine is readily legible from the outside of the vehicle.

(2) (a) The period during which a vehicle may be parked in a pay and display parking ground and the coin or other prescribed object to be inserted in respect of that period into the pay and display machine, must be indicated on such machine.

(b) No person may allow a vehicle to remain in a pay and display parking ground after the expiry of the departure time indicated on the ticket.

THABAZIMBI LOCAL MUNICIPALITY**PARKING GROUNDS BY-LAW****12. Prohibitions relating to pay and display machines**

No person may -

- (a) insert or attempt to insert into a pay and display machine, a coin or other prescribed object which is false or counterfeit or any object other than a coin of South African currency or other prescribed object;
- (b) jerk, knock, shake or in any way interfere with, or damage or deface a pay and display machine; or
- (c) remove or attempt to remove a pay and display machine or any part thereof from its mounting.

13. Proof of date and time of departure

The date or day and time of departure as recorded by a pay and display machine is taken on the face of it to be correct evidence of date or day and time, unless the contrary is proved.

CHAPTER 5**MISCELLANEOUS****14. Closure of parking grounds**

Notwithstanding anything to the contrary contained in this By-Law, the Council may at any time close any parking ground or portion thereof temporarily or permanently and must indicate the fact and the period of such closure by a road traffic sign displayed at the entrance to the closed parking ground or portion, as the case may be.

15. Defective vehicles

No person may park or cause or permit any vehicle to be parked or to be or remain in any parking ground which is mechanically defective or for any reason incapable of movement unless a vehicle has, after having been parked in a parking ground, developed a defect which immobilises it and the person in control of it shows that he or she took reasonable steps to have the vehicle repaired or removed within a reasonable time.

16. Parking of a vehicle in parking ground

THABAZIMBI LOCAL MUNICIPALITY**PARKING GROUNDS BY-LAW**

No person may park or cause or permit any vehicle other than a vehicle as defined in the National Road Traffic Act, 1996, to be parked or to be or remain in any parking ground.

17. Cleaning and repair of vehicle

No person may in any parking ground clean, wash, work on or effect repairs to a vehicle except minor emergency repairs, unless the prior written permission of the Council has been obtained.

THABAZIMBI LOCAL MUNICIPALITY**PARKING GROUNDS BY-LAW****18. Parking according to instruction**

No person may in any parking ground park a vehicle otherwise than in compliance with an instruction or direction, if any, given by an authorised official or introduce or remove a vehicle otherwise than through an entrance thereto or exit therefrom demarcated for that purpose.

19. Tampering with vehicles and obstructions

(1) No person may in any parking ground without reasonable cause or without the knowledge and consent of the owner or person in lawful control of a vehicle, enter or climb upon that vehicle or set the machinery thereof in motion or in any way tamper or interfere with its machinery or any other part of it or with its fittings, accessories or contents.

(2) No person may in any parking ground -

(a) park any vehicle so that any part of it extends across any white line forming a boundary of a parking bay or that it is not entirely within the confines of the bay; or

(b) perform any act or introduce anything which obstructs or is likely to obstruct the movement of persons or vehicles.

20. Parking after parking period

No person may park a vehicle or cause or permit it to be parked in any parking ground before the beginning or after the expiry of the parking period prescribed for the parking ground unless that person is the holder of a ticket issued in terms of this By-Law authorising him or her to do so.

21. Forging or defacing tickets

No person may with intent to defraud the Council, forge, imitate, deface, mutilate, alter or make any mark upon any ticket issued in terms of this By-Law.

22. Persons prohibited from being in parking grounds

No person may enter or be in a parking ground otherwise than for the purpose of parking a vehicle therein or lawfully removing it therefrom unless authorised thereto by the Council.

THABAZIMBI LOCAL MUNICIPALITY**PARKING GROUNDS BY-LAW****23. Abandoned vehicles**

(1) Any vehicle which has been left in the same place in a parking ground for a continuous period of more than 14 days may, unless otherwise authorised by the Council, be removed by or at the instance of an authorised officer to the Council's pound.

(2) The Council must take all reasonable steps to trace the owner of a vehicle removed in terms of subsection (1) and if, after the lapse of 90 days from the date of its removal the owner or person entitled to its possession cannot be found, the vehicle may, subject to the provisions of subsection (3), be sold by the Council by public auction.

(3) The Council must 14 days prior to the date of an auction sale contemplated in subsection (2) publish a notice thereof in at least two newspapers circulating within the municipal area of the Council, but a vehicle may not be sold at the auction if at any time before the vehicle is sold, it is claimed by the owner or any person authorised by the owner or otherwise lawfully entitled to claim the vehicle and every prescribed fee payable in respect thereof in terms of this By-Law and all costs referred to in subsection (4) are paid to the Council.

(4) The proceeds of a sale concluded in terms of this section must be applied first in payment of every fee referred to in subsection (3) and to defray the following:

- (a) The costs incurred in endeavouring to trace the owner in terms of subsection (2);
- (b) the costs of removing the vehicle and effecting the sale of the vehicle;
- (c) the pro-rata costs of publication in terms of subsection (3), taking into account the number of vehicles to be sold at the auction; and
- (d) the costs of keeping the vehicle in the pound which must be calculated at the prescribed rate,

(5) Any balance of the proceeds referred to in subsection (4), must be paid to the owner of the vehicle or any person lawfully entitled to receive it upon that person establishing his or her right thereto to the satisfaction of the Council and if no claim is established within one year of the date of the sale, the balance will be forfeited to the Council.

24. Refusal of admission

An authorised official may refuse to admit into a parking ground a vehicle which is by reason of its length, width or height likely to cause damage to persons or property or to

THABAZIMBI LOCAL MUNICIPALITY**PARKING GROUNDS BY-LAW**

cause an obstruction or undue inconvenience or which in terms of section 6 or 16 may not be parked in a parking ground.

25. Medical practitioners exempt

A medical practitioner is exempt from paying the prescribed fees, while the vehicle used by that practitioner is parked in a parking ground to enable him or her to perform professional duties at any place other than a consulting room or similar place, subject to a form or token issued by the South African Medical Council for that purpose being displayed on the windscreen of the vehicle concerned in such manner that it is readily legible from outside the vehicle.

26. Offences and penalties

Any person who -

- (a) contravenes or fails to comply with any provision of this By-Law;
- (b) fails to comply with any notice issued in terms of this By-Law; or
- (c) fails to comply with any lawful instruction given in terms of this By-Law; or
- (d) who obstructs or hinders any authorised representative or employee of the Council in the execution of his or her duties under this By-Law, is guilty of an offence and liable on conviction to a fine or in default of payment to imprisonment for a period not exceeding six months, and in the case of a continuing offence, to a further fine not exceeding R50, or in default of payment to imprisonment not exceeding one day, for every day during the continuance of such offence after a written notice has been issued by the Council and served on the person concerned requiring the discontinuance of such offence.

THABAZIMBI LOCAL MUNICIPALITY
WATER SUPPLY BY-LAW

WATER SUPPLY BY-LAW

- CHAPTER I : General provisions**
- Part A : Definitions**
Definitions
 - Part B : Application for water services**
Application for water services
Special agreements for water services
 - Part C : Tariffs and charges**
Prescribed tariffs and charges for water services
Fixed charges for water services
 - Part D : Payment**
Payment of deposit
Payment for water services provided
 - Part E : Accounts**
Accounts
 - Part F : Termination, limitation and discontinuation of water services**
Termination of agreement for the provision of water services
Limitation and / or discontinuation of water services provided
 - Part G : General provisions**
Responsibility for compliance with this by-law
Exemption
Unauthorised use of water services
Change in purpose for which water services are used
Interference with water supply system or any sanitation services
Obstruction of access to water supply system or any
Sanitation services

Prepared for Thabazimbi Local Municipality only

THABAZIMBI LOCAL MUNICIPALITY
WATER SUPPLY BY-LAW

- Notices and documents
- Power to serve and compliance with notices
- Power of entry and inspection
- False statements or information
- Offences
- CHAPTER II : Water supply services**
 - Part A : Connection to water supply system**
 - Provision of connection pipe
 - Location of connection pipe
 - Provision of single water connection for supply to several Consumers on same premises
 - Interconnection between premises or water installations
 - Disconnection of water installation from connection pipe
 - Part B : Communal water services works**
 - Provision of a water services work for water supply to several consumers
 - Part C : Temporary supply**
 - Water supplied from a hydrant
 - Part D : Standards and general conditions of supply**
 - Quantity, quality and pressure
 - General conditions of supply
 - Part E : Measurement of water supply services**
 - Measuring of quantity of water supplied
 - Quantity of water supplied to consumer
 - Defective measurement
 - Special measurement
 - No reduction of amount payable for water wasted
 - Part F : Installation work**
 - Approval of installation work
 - Provision and maintenance of water installations
 - Use of pipes and water fittings to be authorised

Prepared for Thabazimbi Local Municipality only

THABAZIMBI LOCAL MUNICIPALITY
WATER SUPPLY BY-LAW

Labelling of terminal water fittings and appliances

Part G : Water pollution, restriction and wasteful use of water

Owner to prevent pollution of water

Water restrictions

Waste of water unlawful

Part H : General provisions

Notification of boreholes

Sampling of water

Supply of non-potable water by municipality

Testing of pressure in water supply systems

Pipes in streets or public places

CHAPTER III : Sanitation services

Part A : Standards and general provisions

Standards for sanitation services

Part B : On-site sanitation services and associated services

Application for infrastructure

Services associated with on-site sanitation services

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

Part C : Sewage disposal

Provision of a connecting sewer

Location of connecting sewer

Provision of one connecting sewer for several consumers on same premises

Interconnection between premises

Disconnection of draining installation from connecting Sewer

Part D : Sewage delivered by road haulage

Acceptance of sewage delivered by road haulage

Written permission for delivery of sewage by road

Prepared for Thabazimbi Local Municipality only

THABAZIMBI LOCAL MUNICIPALITY
WATER SUPPLY BY-LAW

haulage

Conditions for delivery of sewage by road haulage

Withdrawal of permission for delivery of sewage by road haulage

Part E : Disposal of industrial effluent and trade premises

Application for disposal of industrial effluent

Unauthorised discharge of industrial effluent

Quality standards for disposal of industrial effluent

Conditions for disposal of industrial effluent

Withdrawal of written permission for disposal of industrial effluent

Part F : Measurement of quantity of effluent discharged to

sewage disposal system

Measurement of quantity of standard domestic effluent discharged

Measurement of quantity of industrial effluent discharged

Reduction in the quantity determined in terms of Sections 77 and 78 (1)(a)

Part G : Drainage installations

Construction or installation of drainage installations

Drains in streets or public places

Construction by municipality

Maintenance or drainage installation

Installation of pre-treatment facility

Protection from ingress of floodwaters

Part H : Quality standards

SCHEDULE A : Acceptance of industrial effluent for discharge into the sewage disposal system

Prepared for Thabazimbi Local Municipality only

THABAZIMBI LOCAL MUNICIPALITY
WATER SUPPLY BY-LAW

CHAPTER I: GENERAL PROVISIONS

PART A: DEFINITIONS

1. Definitions

In this by-law, words used in the masculine gender include the feminine, the singular includes the plural and vice versa, the Afrikaans text prevails in the event of an inconsistency between the different texts and unless the context otherwise indicates:

“accommodation unit”	in relation to any premises, means a building or section of a building occupied or used or intended for occupation or use for any purpose;
“Act”	means the Water Services Act, 1997 (Act No. 108 of 1997), as amended from time to time;
“approved”	means approved by the municipality;
“authorised agent”	means a person authorised by the municipality to perform any act, function or duty in terms of, or exercise any power under, this by-law;
“best practicable environmental option”	means the option that provides the most benefit or causes the least damage to the environment as a whole, at a cost acceptable to society, in the long term as well as in the short term;

Prepared for Thabazimbi Local Municipality only

THABAZIMBI LOCAL MUNICIPALITY
WATER SUPPLY BY-LAW

"borehole"	means a hole sunk into the earth for the purpose of locating, abstracting or using subterranean water and includes a spring;
"Building Regulations"	means the National Building Regulations made in terms of the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977);
"communal water services work"	means a consumer connection through which water services are supplied to more than one person;
"connection pipe"	means a pipe, the ownership of which is vested in the municipality and installed by it for the purpose of conveying water from a main to a water installation, and includes a "communication pipe" referred to in SABS 0252 Part I;
"connecting point"	means the point at which the drainage installation joins the connecting sewer;
"connecting sewer"	means a pipe owned by the municipality and installed by it for the purpose of conveying sewage from a drainage installation on a premises to a sewer beyond the boundary of those premises or within a servitude area or within an area covered by a way leave or by agreement;
"consumer"	means - (a) any occupier of any premises to which or on which the municipality has agreed to provide water

Prepared for Thabazimbi Local Municipality only

THABAZIMBI LOCAL MUNICIPALITY
WATER SUPPLY BY-LAW

services or is actually providing water services, or if there be no occupier, then any person who has entered into a current agreement with the municipality for the provision of water services to or on such premises, or, if there be no such person, then the owner of the premises; provided that where water services is provided through a single connection to a number of occupiers, it shall mean the occupier, or person, to whom the municipality has agreed to provide water services;

or

- (b) a person that obtains access to water services provided through a communal water services work;

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

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

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

Prepared for Thabazimbi Local Municipality only

THABAZIMBI LOCAL MUNICIPALITY
WATER SUPPLY BY-LAW

	drain or sewer or otherwise connected with the drainage of any premises;
"duly qualified sampler"	means a person who takes samples for analysis from the sewage disposal and storm water disposal systems and from public waters and who has been certified to do so by an authorised agent;
"effluent"	means any liquid whether or not containing matter in solution or suspension;
"emergency"	means any situation that poses a risk or potential risk to life, health, the environment or property;
"environmental cost"	means the full cost of all measures necessary to restore the environment to its condition prior to the damaging incident;
"fire hydrant"	means an installation that conveys water for fire fighting purposes only;
"fixed quantity water delivery system"	means a water installation, which delivers a fixed quantity of water to a consumer in any single day;
"flood level (1 in 50 year)"	means that level reached by flood waters resulting from a storm of a frequency of 1 in 50 years;
"flood plain (1 in 50 year)"	means the area subject to inundation by flood waters from a storm of a frequency of 1 in 50 years;

Prepared for Thabazimbi Local Municipality only

THABAZIMBI LOCAL MUNICIPALITY
WATER SUPPLY BY-LAW

"high strength sewage"	means sewage with a strength or quality greater than standard domestic effluent;
"industrial effluent"	means effluent emanating from industrial use of water, includes for purposes of this by-law, any effluent other than standard domestic effluent or storm water;
"installation work"	means work in respect of the construction of, or carried out on a water installation;
"main"	means a pipe, other than a connection pipe, vesting in the municipality and used by it for the purpose of conveying water to a consumer;
"measuring device"	means any method, procedure, process or device, apparatus, installation that enables the quantity of water services provided to be quantified and includes a method, procedure or process whereby quantity is estimated or assumed;
"meter"	means a water meter as defined by the Regulations published in terms of the Trade Metology Act, 1973 (Act No. 77 of 1973), or, in the case of water meters of size greater than 100 mm, a device which measures the quantity of water passing through it;
"municipality"	means the Municipality of the established in terms of Section 12 of the Municipal Structures Act, 117 of 1998, Provincial Notice 487 dated 22 September 2000 and includes any political structure, political office bearer, councillor, duly authorised agent thereof or any employee

Prepared for Thabazimbi Local Municipality only

THABAZIMBI LOCAL MUNICIPALITY
WATER SUPPLY BY-LAW

thereof acting in connection with this by-law by virtue of a power vested in the municipality and delegated or sub-delegated to such political structure, political office bearer, councillor, agent or employee;

"occupier" means a person who occupies any premises or part thereof, without regard to the title under which he or she occupies;

"owner" means -

- (a) the person in whom from time to time is vested the legal title to premises;
- (b) in a case where the person in whom the legal title to premises is vested is insolvent or dead, or is under any form of legal disability whatsoever, the person in whom the administration and control of such premises is vested as curator, trustee, executor, administrator, judicial manager, liquidator or other legal representative;
- (c) in any case where the municipality is unable to determine the identity of such person, a person who is entitled to the benefit of the use of such premises or a building or buildings thereon;
- (d) in the case of premises for which a lease agreement of 30 years or longer has been entered into, the lessee thereof;
- (e) in relation to -
 - (i) a piece of land delineated on a sectional plan registered in terms of the Sectional

THABAZIMBI LOCAL MUNICIPALITY
WATER SUPPLY BY-LAW

Titles Act, 1986 (Act No. 95 of 1986), the developer or the body corporate in respect of the common property, or

- (ii) a section as defined in the Sectional Titles Act, 1986 (Act No. 95 of 1986), the person in whose name such section is registered under a sectional title deed and includes the lawfully appointed agent of such a person;

"person" means any natural person, local government body or like authority, a company incorporated under any law, a body of persons whether incorporated or not, a statutory body, public utility body, voluntary association or trust;

"pollution" means the introduction of any substance into the water supply system, a water installation or a water resource that may directly or indirectly alter the physical, chemical or biological properties of the water found therein so as to make it -

- (a) less fit for any beneficial purpose for which it may reasonably be expected to be used; or
- (b) harmful or potentially harmful -
- (i) to the welfare, health or safety of human beings;
- (ii) to any aquatic or non-aquatic organism;

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

Prepared for Thabazimbi Local Municipality only

THABAZIMBI LOCAL MUNICIPALITY
WATER SUPPLY BY-LAW

- (a) a general plan or diagram registered in terms of the Land Survey Act, 1927 (Act No. 9 of 1927), or in terms of the Deeds Registries Act, 1937 (Act No. 47 of 1937); or
- (b) a sectional plan registered in terms of the Sectional Titles Act, 1986 (Act No. 95 of 1986);
- (c) a register held by a tribal authority;

THABAZIMBI LOCAL MUNICIPALITY
WATER SUPPLY BY-LAW

"prescribed tariff or charge"	means a charge prescribed by the municipality;
"public notice"	means notice to the public in a manner determined by the council;
"public water"	means any river, watercourse, bay, estuary, the sea and any other water to which the public has the right of use or to which the public has the right of access;
"sanitation services"	has the same meaning assigned to it in terms of the Act and includes for purposes of this by-law water for industrial purposes and the disposal of industrial effluent;
"service pipe"	means a pipe which is part of a water installation provided and installed on any premises by the owner or occupier and which is connected or to be connected to a connection pipe to serve the water installation on the premises;
"sewage"	means waste water, industrial effluent, standard domestic effluent and other liquid waste, either separately or in combination, but shall not include storm water;
"sewage disposal system"	means the structures, pipes, valves, pumps, meters or other appurtenances used in the conveyance through the sewer reticulation system and treatment at the sewage treatment plant under the control of the municipality and which may be used by it in connection with the disposal of sewage.

Prepared for Thabazimbi Local Municipality only

THABAZIMBI LOCAL MUNICIPALITY
WATER SUPPLY BY-LAW

"sewer"	means any pipe or conduit which is the property of or is vested in the municipality and which may be used for the conveyance of sewage from the connecting sewer and shall not include a drain as defined;
"standard domestic effluent"	means domestic effluent with prescribed strength characteristics in respect of chemical oxygen demand and settleable solids as being appropriate to sewage discharges from domestic premises within the jurisdiction of the municipality, but shall not include industrial effluent;
"storm water"	means water resulting from natural precipitation or accumulation and includes rainwater, subsoil water or spring water;
"terminal water fitting"	means a water fitting at an outlet of a water installation that controls the discharge of water from a water installation;
"trade premises"	means premises upon which industrial effluent is produced;
"water fitting"	means a component of a water installation, other than a pipe, through which water passes or in which it is stored;
"water installation"	means the pipes and water fittings which are situated on any premises and vested in the owner thereof and used or intended to be used in connection with the use of water on such premises, and includes a pipe and water fitting

Prepared for Thabazimbi Local Municipality only

THABAZIMBI LOCAL MUNICIPALITY
WATER SUPPLY BY-LAW

situated outside the boundary of the premises, which either connects to the connection pipe relating to such premises or is otherwise laid with the permission of the municipality;

“water services” has the same meaning assigned to it in terms of the Act and includes for purposes of this by-law water for industrial purposes and the disposal of industrial effluent;

“water supply services” has the same meaning assigned to it in terms of the Act and includes for purposes of this by-law water for industrial purposes and the disposal of industrial effluent;

“water supply system” means the structures, aqueducts, pipes, valves, pumps, meters or other apparatus relating thereto which are vested in the municipality and are used or intended to be used by it in connection with the supply of water, and includes any part of the system;

“wet industry” means an industry which discharges industrial effluent;
and

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

(1) Any word or expression used in this by-law to which a meaning has been assigned in -

- (a) the Act will bear that meaning; and
- (b) the National Building Regulations and Building Standards Act, 1997 (Act No. 103 of 1977), the Building Regulations will in respect of Chapter III bear that meaning, unless the context indicates otherwise.

Prepared for Thabazimbi Local Municipality only

THABAZIMBI LOCAL MUNICIPALITY
WATER SUPPLY BY-LAW

- (2) Any reference in Chapter I of this by-law to water services or services must be interpreted as referring to water supply services or sanitation services depending on the services to which it is applicable.

PART B: APPLICATION FOR WATER SERVICES

2 Application for water services

- (1) No person shall gain access to water services from the water supply system, sewage disposal system or through any other sanitation services unless he or she has applied to the municipality on the prescribed form for such services for a specific purpose and to which such application has been agreed.
- (2) Where a premises or consumer are provided with water services, it shall be deemed that an agreement in terms of sub-section (1) exists.
- (3) The municipality must on application for the provision of water services by a consumer inform that consumer of the different levels of services available and the tariffs and / or charges associated with each level of services.
- (4) A consumer must elect the available level of services to be provided to him or her or it.
- (5) A consumer may at any time apply to alter the level of services elected in terms of the agreement entered into, provided that such services are available and that any costs and expenditure associated with altering the level of services will be payable by the consumer.
- (6) An application agreed to by the municipality shall constitute an agreement between the municipality and the applicant, and such agreement shall take effect on the date referred to or stipulated in such agreement.

Prepared for Thabazimbi Local Municipality only

THABAZIMBI LOCAL MUNICIPALITY
WATER SUPPLY BY-LAW

- (7) A consumer shall be liable for all the prescribed tariffs and / or charges in respect of water services rendered to him or her until the agreement has been terminated in accordance with this by-law or until such time as any arrears have been paid.
- (8) In preparing an application form for water services the municipality will ensure that the document and the process of interaction with the owner, consumer or any other person making application are understood by that owner, consumer or other person. In the case of illiterate or similarly disadvantaged persons, the municipality will take reasonable steps to ensure that the person is aware of and understands the contents of the application form.
- (9) An application form will require at least the following minimum information -
- (a) certification by an authorised agent that the applicant is aware of and understands the contents of the form;
 - (b) acceptance by the consumer of the provisions of the by-law and acceptance of liability for the cost of water services rendered until the agreement is terminated or until such time as any arrears have been paid;
 - (c) Name of consumer;
 - (d) address or stand number of premises to or on which water services are to be rendered or the communal water services work where water services will be used;
 - (e) address where accounts will be sent;
 - (f) source of income of the applicant;
 - (g) name and address of the applicant's employer, where appropriate;
 - (h) if water will be supplied, the purpose for which the water is to be used; and
 - (i) the agreed date on which the provision of water services will commence.
- (10) Water services rendered to a consumer are subject to the provisions of this by-law and the conditions contained in the relevant agreement.
-

Prepared for Thabazimbi Local Municipality only

THABAZIMBI LOCAL MUNICIPALITY
WATER SUPPLY BY-LAW

- (11) If a municipality refuses an application for the provision of water services, is unable to render such water services on the date requested for such provision of water services to commence or is unable to render the water services, the municipality will inform the consumer of such refusal and/or inability, the reasons therefore and, if applicable, when the municipality will be able to provide such water services.

3. Special agreements for water services

The municipality may enter into a special agreement for the provision of water services to -

- (a) an applicant inside its area of jurisdiction, if the services applied for necessitates the imposition of conditions not contained in the prescribed form; and
- (b) an applicant outside its area of jurisdiction, if such application has been approved by the municipality having jurisdiction in the area in which the premises is situated.

PART C: TARIFFS AND CHARGES

4 Prescribed tariffs and charges for water services

All tariffs and or charges payable in respect of water services rendered by the municipality in terms of this by-law, including but not limited to the payment of connection charges, fixed charges or any additional charges or interest in respect of failure to pay such tariffs or charges on the specified date will be set by the municipality by a resolution passed by the Council in accordance with:

- (i) its tariff policy;
- (ii) any by-law in respect thereof; and

Prepared for Thabazimbi Local Municipality only

THABAZIMBI LOCAL MUNICIPALITY
WATER SUPPLY BY-LAW

- (iii) any regulations in terms of section 10 of the Act.

5. Fixed charges for water services

(1) The municipality may, in addition to the tariffs or charges prescribed for water services actually provided, levy a monthly fixed charge, annual fixed charge or once-off fixed charge

in respect of the provision of water services in accordance with -

- (a) its tariff policy;
- (b) any by-law in respect thereof; and
- (c) any regulations in terms of Section (10) of the Act.

(2) Where a fixed charge is levied in terms of Sub-Section (1), it shall be payable by every owner or consumer in respect of water services provided by the municipality to him, her or it, whether or not water services are used by him, her or it.

PART D: PAYMENT

6. Payment of deposit

(1) Every consumer must on application for the provision of water services and before such water services will be provided by the municipality, deposit with the municipality a sum of money as determined in terms of the municipality's credit control policy except in the case of a pre-payment measuring device being used by the municipality.

(2) The municipality may require a consumer to whom services are provided and who was not previously required to pay a deposit, for whatever reason, to pay a deposit on request, within a specified period.

(3) No interest shall be payable by the municipality on the amount of a deposit

Prepared for Thabazimbi Local Municipality only

THABAZIMBI LOCAL MUNICIPALITY
WATER SUPPLY BY-LAW

held by it in terms of this section.

(4) An agreement for the provision of water services may contain a condition that a deposit shall be forfeited to the municipality if it has not been claimed within twelve months of the termination of the agreement.

THABAZIMBI LOCAL MUNICIPALITY
WATER SUPPLY BY-LAW

7. Payment for water services provided

(1) Water services provided by the municipality to a consumer shall be paid for by the consumer at the prescribed tariff or charge set in accordance with sections 4 and 5, for the particular category of water services provided.

(2) A consumer shall be responsible for payment for all water services provided to the consumer from the date of an agreement until the date of termination thereof.

(3) The municipality may estimate the quantity of water services provided in respect of a period or periods within the interval between successive measurements and may render an account to a consumer for the services so estimated.

PART E: ACCOUNTS

8. Accounts

(1) Monthly accounts will be rendered to consumers for the amount due and payable, at the address last recorded with the municipality.

(2) Failure by the municipality to render an account does not relieve a consumer of the obligation to pay any amount due and payable.

PART 6: TERMINATION, LIMITATION AND DISCONTINUATION OF WATER SERVICES

9. Termination of agreement for the provision of water services

(1) A consumer may terminate an agreement for the provision of water services by giving to the municipality notice in writing of his or her intention to do so.

(2) The municipality may, by notice in writing of not less than thirty working days,

Prepared for Thabazimbi Local Municipality only

THABAZIMBI LOCAL MUNICIPALITY
WATER SUPPLY BY-LAW

advise a consumer of the termination of his, her or its agreement for the provision of water services if -

- (a) he, she or it has not used the water services during the preceding six months and has not made arrangements to the satisfaction of the municipality for the continuation of the agreement;
- (b) he, she or it has failed to comply with the provisions of this bylaw and has failed to rectify such failure to comply on notice in terms of section 17.
- (c) in terms of an arrangement made by it with another water services institution to provide water services to the consumer.

(3) The municipality may, after having given notice, terminate an agreement for services if a consumer has vacated the premises to which such agreement relates.

10. Limitation and / or discontinuation of water services provided

(1) The municipality may limit or discontinue water services provided in terms of this bylaw

- (a) on failure to pay the prescribed tariffs or charges on the date specified in the municipality's by-law relating to credit control.
- (b) on failure to comply with any other provisions of this by-law, after notice in terms of section 17 was given;
- (c) at the written request of a consumer;
- (d) if the agreement for the provision of services has been terminated in terms of section 9 and it has not received an application for subsequent services to the premises within a period of 90 (ninety) days of such termination;
- (e) the building on the premises to which services were provided has been demolished;
- (f) if the consumer has interfered with a limited or discontinued service; or
- (g) in an emergency.

(2) The municipality will not be liable for any damages or claims that may arise

Prepared for Thabazimbi Local Municipality only

THABAZIMBI LOCAL MUNICIPALITY
WATER SUPPLY BY-LAW

from the limitation or discontinuation of water services provided in terms of sub-section (1).

PART G: GENERAL PROVISIONS

11. Responsibility for compliance with this by-law

(1) The owner of premises is responsible for ensuring compliance with this by-law in respect of all or any matters relating to any installation.

(2) The consumer is responsible for compliance with this by-law in respect of matters relating to the use of any installation.

12. Exemption

(1) The municipality may, in writing exempt an owner, consumer, any other person or category of owners, consumers or other persons from complying with a provision of this by-law, subject to any conditions it may impose, if it is of the opinion that the application or operation of that provision would be unreasonable, provided that the municipality shall not grant exemption from any section of this by-law that may result in -

- (a) the wastage or excessive consumption of water;
- (b) the evasion or avoidance of water restrictions;
- (c) significant negative effects on public health, safety or the environment;
- (d) the non-payment for services;
- (e) the installation of pipes and fittings which are not approved in terms of this by-law; and
- (f) the Act, or any regulations made in terms thereof, is not complied with.

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

THABAZIMBI LOCAL MUNICIPALITY
WATER SUPPLY BY-LAW

13. Unauthorised use of water services

- (1) No person may gain access to water services from the water supply system, sewage disposal system or any other sanitation services unless an agreement has been entered into with the municipality for the rendering of those services.
- (2) The municipality may, irrespective of any other action it may take against such person in terms of this by-law, by written notice order a person who has gained access to water services from the water supply system, sewage disposal system or any other sanitation services without an agreement with the municipality for the rendering of those services,
 - (a) to apply for such services in terms of sections 2 or 3; and
 - (b) to undertake such work as may be necessary to ensure that the consumer installation through which access was gained complies with the provisions of these by-law.
- (3) The provisions of section 17 shall apply to a notice in terms of sub-section (2) above.

14. Change in purpose for which water services are used

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

15. Interference with water supply system or any sanitation services

- (1) No person other than the municipality shall manage, operate or maintain the water supply system or any sanitation system unless authorised by this by-law or an authorised agent.
- (2) No person other than the municipality shall effect a connection to the water

Prepared for Thabazimbi Local Municipality only

THABAZIMBI LOCAL MUNICIPALITY
WATER SUPPLY BY-LAW

supply system or sewage disposal system or render any other sanitation services.

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

- (1) No person shall prevent or restrict physical access to the water supply system or sewage disposal system.

- (2) If a person contravenes sub-section (1), the municipality may -
 - (a) by written notice require such person to restore access at his or her own expense within a specified period; or
 - (b) if it is of the opinion that the situation is a matter of urgency, without prior notice restore access and recover the cost from such person.

17. Notices and documents

- (1) A notice or document issued by the municipality in terms of this by-law must be deemed to be duly authorised if the authorised agent signs it.

- (2) If a notice or document is to be served on an owner, consumer or any other person in terms of this by-law such service shall be effected by -
 - (a) delivering it to him or her personally or to his or her duly authorised agent;
 - (b) delivering it at his or her residence, village or place of business or employment to a person not less than sixteen years of age and apparently residing or employed there;
 - (c) if he or she has nominated an address for legal purposes, delivering it to such an address;
 - (d) if he or she has not nominated an address for legal purposes, delivering it to the address given by him or her in his or her application for the provision of water services, for the reception of an account for the provision of water services;

Prepared for Thabazimbi Local Municipality only

THABAZIMBI LOCAL MUNICIPALITY
WATER SUPPLY BY-LAW

- (e) sending by pre-paid registered or certified post addressed to his or her last known address;
 - (f) in the case of a legal person, by delivering it at the registered office or business premises of such legal person; or
 - (g) if service cannot be effected in terms of sub-sections (a) to (f), by affixing it to a principal door of entry to the premises concerned.
- (3) In the case where compliance with a notice is required within a specified number of working days, such period shall be deemed to commence on the date of delivery or sending of such notice.

18. Power to serve and compliance with notices

- (1) The municipality may, by written notice, order an owner, consumer or any other person who fails, by act or omission, to comply with the provisions of this by-law or of any condition imposed thereunder to remedy such breach within a period specified in the notice.
- (2) If a person fails to comply with a written notice served on him or her by the municipality in terms of this by-law within the specified period, it may take such action that in its opinion is necessary to ensure compliance, including -
- (a) undertaking the work necessary itself and recovering the cost of such action or work from that owner, consumer or other person;
 - (b) limiting or discontinuing the provision of services; and
 - (c) instituting legal proceedings.
- (3) A notice in terms of sub-section (1) will -
- (a) give details of the provision of the by-law not complied with;
 - (b) give the owner, consumer or other person a reasonable opportunity to make representations and state his or her case, in writing, to the municipality within

Prepared for Thabazimbi Local Municipality only

THABAZIMBI LOCAL MUNICIPALITY
WATER SUPPLY BY-LAW

- a specified period, unless the owner, consumer or other person was given such an opportunity before the notice was issued;
- (c) specify the steps that the owner, consumer or other person must take to rectify the failure to comply;
- (d) specify the period within which the owner, consumer or other person must take the steps specified to rectify such failure; and
- (e) indicate that the municipality -
- (i) may undertake such work necessary to rectify the failure to comply if the notice is not complied with and that any costs associated with such work may be recovered from the owner, consumer or other person; and
 - (ii) may take any other action it deems necessary to ensure compliance.
- (4) In the event of an emergency the municipality may without prior notice undertake the work required by sub-section (3)(e)(i) and recover the costs from such person.
- (5) The costs recoverable by the municipality in terms of sub-sections (3) and (4) is the full cost associated with that work and includes, but is not limited to, any exploratory investigation, surveys, plans, specifications, schedules of quantities, supervision, administration charge, the use of tools, the expenditure of labour involved in disturbing or rehabilitation of any part of a street or ground affected by the work and the environmental cost.
- 19. Power of entry and inspection**
- (1) A municipality may enter and inspect any premises -
- (a) for the purposes set out in and in accordance with the provisions of section 80 of the Act;
 - (b) for any purpose connected with the implementation or enforcement of this by-law, at all reasonable times, after having given reasonable written notice of the intention to do so, unless it is an emergency situation.

Prepared for Thabazimbi Local Municipality only

THABAZIMBI LOCAL MUNICIPALITY
WATER SUPPLY BY-LAW

20. False statements or information

No person shall make a false statement or furnish false information to the municipality or falsify a document issued in terms of this by-law.

21. Offences

(1) No person may -

- (a) unlawfully and intentionally or negligently interfere with any water services works of the municipality;
- (b) refuse or neglect to provide information or provide false information reasonably requested by the municipality;
- (c) refuse to give access required by a municipality in terms of Section 19;
- (d) obstruct or hinder a municipality in the exercise of his or her powers or performance of his or her functions or duties under this by-law;
- (e) contravene or fail to comply with a provision of this by-law;
- (f) contravene or fail to comply with a condition or prohibition imposed in terms of this by-law;
- (g) contravene or fail to comply with any conditions imposed upon the granting of any application, consent, approval, concession, exemption or authority in terms of this by-law; or
- (h) fail to comply with the terms of a notice served upon him or her in terms of this by-law;

(2) Any person who contravenes any of the provisions of sub-section 1 shall be guilty of an offence and liable on conviction to:

- (a) a fine or 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,

Prepared for Thabazimbi Local Municipality only

THABAZIMBI LOCAL MUNICIPALITY
WATER SUPPLY BY-LAW

- (b) in the case of a continuing offence, to an additional fine or an additional period of imprisonment of 10 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 and,
- (c) a further amount equal to any costs and expenses found by the court to have been incurred by the municipality result of such contravention or failure.

CHAPTER II: WATER SUPPLY SERVICES

PART A: CONNECTION TO WATER SUPPLY SYSTEM

22. Provision of connection pipe

(1) If an agreement for water supply services in respect of premises has been concluded and no connection pipe exists in respect of the premises, the owner shall make application on the prescribed form and pay the prescribed charge for the installation of such a pipe.

(2) If an application is made for water supply services which are of such an extent or so situated that it is necessary to extend, modify or upgrade the water supply system in order to supply water to the premises, the municipality may agree to the extension subject to such conditions as it may impose.

23. Location of connection pipe

- (1) A connection pipe provided and installed by the municipality shall -
- (a) be located in a position agreed to between the owner and the municipality and be of a suitable size as determined by the municipality;
 - (b) terminate at -
 - (i) the boundary of the land owned by or vested in the municipality, or over which it has a servitude or other right; or

Prepared for Thabazimbi Local Municipality only

THABAZIMBI LOCAL MUNICIPALITY
WATER SUPPLY BY-LAW

- (ii) the outlet of the water meter if it is situated on the premises; or
 - (iii) the isolating valve if it is situated on the premises.
- (2) In reaching agreement with an owner concerning the location of a connection pipe, the municipality shall ensure that the owner is aware of:
- (a) practical restrictions that may exist regarding the location of a connection pipe;
 - (b) the cost implications of the various possible locations of the connection pipe;
 - (c) whether or not the municipality requires the owner to indicate the location of the connection pipe by providing a portion of his or her water installation at or outside the boundary of his or her premises, or such agreed position inside or outside his or her premises where the connection is required, for the municipality to connect to such installation.
- (3) A municipality may at the request of any person agree, subject to such conditions as he or she may impose, to a connection to a main other than that which is most readily available for the provision of water supply to the premises; provided that the applicant shall be responsible for any extension of the water installation to the connecting point designated by the municipality and for obtaining at his or her cost, such servitudes over other premises as may be necessary.
- (4) An owner must pay the prescribed connection charge.

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

- (1) Notwithstanding the provisions of section 22 only one connection pipe to the water supply system may be provided for the supply of water to any premises, irrespective of the number of accommodation units, business units or consumers located on such premises.

THABAZIMBI LOCAL MUNICIPALITY
WATER SUPPLY BY-LAW

- (2) Where the owner, or the person having the charge or management of any premises on which several accommodation units are situated, requires the supply of water to such premises for the purpose of supply to the different accommodation units, the municipality may, in its discretion, provide and install either -
- (a) a single measuring device in respect of the premises as a whole or any number of such accommodation units; or
 - (b) a separate measuring device for each accommodation unit or any number thereof.
- (3) Where the municipality has installed a single measuring device as contemplated in sub-section (2)(a), the owner or the person having the charge or management of the premises, as the case may be, -
- (a) must, if the municipality so requires, install and maintain on each branch pipe extending from the connection pipe to the different accommodation units -
 - (i) a separate measuring device; and
 - (ii) an isolating valve; and
 - (b) will be liable to the municipality for the tariffs and charges for all water supplied to the premises through such a single measuring device, irrespective of the different quantities consumed by the different consumers served by such measuring device.
- (4) Notwithstanding sub-section (1), the municipality may authorise that more than one connection pipe be provided on the water supply system for the supply of water to any premises comprising sectional title units if, in the opinion of the municipality, undue hardship or inconvenience would be caused to any consumer on such premises by the provision of only one connection pipe.
- (5) Where the provision of more than one connection pipe is authorised by the municipality under sub-section (4), the tariffs and charges for the provision of a

Prepared for Thabazimbi Local Municipality only

THABAZIMBI LOCAL MUNICIPALITY
WATER SUPPLY BY-LAW

connection pipe is payable in respect of each water connection so provided.

25. Interconnection between premises or water installations

An owner of premises shall ensure that no interconnection exists between -

- (a) the water installation on his or her premises and the water installation on other premises; or
 - (b) where several accommodation units are situated on the same premises, the water installations of the accommodation units;
- unless he or she has obtained the prior written consent of the municipality, and complies with any conditions that it may have imposed.

26. Disconnection of water installation from connection pipe

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

- (a) the agreement for supply has been terminated in terms of section 9 and it has not received an application for a subsequent supply of water to the premises served by the pipe within a period of 90 days of such termination; or
- (b) the building on the premises concerned has been demolished.

PART B: COMMUNAL WATER SERVICES WORKS

27. Provision of a water services work for water supply to several consumers

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

Prepared for Thabazimbi Local Municipality only

THABAZIMBI LOCAL MUNICIPALITY
WATER SUPPLY BY-LAW

PART C: TEMPORARY SUPPLY

28. Water supplied from a hydrant

(1) The municipality may authorise a temporary supply of water to be taken from one or more fire hydrants specified by it, subject to such conditions and period as may be prescribed by it.

(2) A person who desires a temporary supply of water referred to in sub-section (1) must apply for such water services in terms of section 2.

(3) The supply of water in terms of sub-section (1) must be measured.

(4) The municipality may for purposes of measuring provide a portable water meter to be returned to the municipality on termination of the temporary supply, which portable meter and all other fittings and apparatus used for the connection of the portable water meter to a hydrant, shall remain the property of the municipality and will be provided subject any conditions imposed by the municipality.

PART D: STANDARDS AND GENERAL CONDITIONS OF SUPPLY

29. Quantity, quality and pressure

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

30. General conditions of supply

(1) The municipality may specify the maximum height to which water will be supplied from the water supply system. Where a consumer requires water to be supplied at a greater height or pressure the consumer will be responsible therefore.

Prepared for Thabazimbi Local Municipality only

THABAZIMBI LOCAL MUNICIPALITY
WATER SUPPLY BY-LAW

(2) The municipality may, in an emergency, interrupt the supply of water to any premises without prior notice.

(3) If in the opinion of the municipality the consumption of water by a consumer adversely affects the supply of water to another consumer, it may apply such restrictions as it may deem fit to the supply of water to the first mentioned consumer in order to ensure a reasonable supply of water to the other consumer and will inform that consumer of such restrictions.

PART E: MEASUREMENT OF WATER SUPPLY SERVICES

31. Measuring of quantity of water supplied

(1) The municipality will measure the quantity of water supplied at regular intervals.

(2) Any measuring device through which water is supplied to a consumer by the municipality and its associated apparatus shall be provided and installed by the municipality, shall remain its property, and may be changed and maintained by the municipality when deemed necessary by it.

(3) The municipality may install a measuring device, and its associated apparatus, on premises at any point on the service pipe.

(4) If the municipality installs a measuring device on a service pipe in terms of sub-section (5) it may install a section of pipe and associated fittings between the end of its connection pipe and the meter, and such section shall be deemed to form part of the water supply system.

(5) If the municipality installs a measuring device together with its associated

Prepared for Thabazimbi Local Municipality only

THABAZIMBI LOCAL MUNICIPALITY
WATER SUPPLY BY-LAW

- apparatus on a service pipe in terms of sub-section (3), the owner shall -
- (a) provide a place satisfactory to the municipality in which to install it;
 - (b) ensure that unrestricted access is available to it at all times;
 - (c) be responsible for its protection and be liable for the costs arising from damage thereto, excluding damage arising from normal fair wear and tear;
 - (d) ensure that no connection is made to the pipe in which the measuring device is installed, between the measuring device and the connection pipe serving the installation; and
 - (e) make provision for the drainage of water which may be discharged, from the pipe in which the measuring device is installed, in the course of work done by the municipality on the measuring device.
- (6) No person other than an authorised agent shall -
- (a) disconnect a measuring device and its associated apparatus from the pipe in which they are installed;
 - (b) break a seal which the municipality has placed on a meter; or
 - (c) in any other way interfere with a measuring device and its associated apparatus.
- (7) If the municipality considers that, in the event of the measuring device being a meter, that the size of a meter is unsuitable by reason of the quantity of water supplied to premises, it may install a meter of such size as it may deem necessary, and may recover from the owner of the premises concerned the prescribed charge for the installation of the meter.
- (8) The municipality may require the installation, at the owner's expense, of a measuring device to each dwelling unit, in separate occupancy, on any premises, for use in determining quantity of water supplied to each such unit; provided that where fixed quantity water delivery systems are used, a single measuring device may be used to supply more than one unit.

THABAZIMBI LOCAL MUNICIPALITY
WATER SUPPLY BY-LAW

32. Quantity of water supplied to consumer

(1) For purposes of assessing the quantity of water measured by a measuring device installed by the municipality on the premises of a consumer or, where applicable, estimated or determined by the municipality in terms of any provision of this by-law, it will, for the purposes of this by-law, be deemed, unless the contrary can be proved, that -

- (a) the quantity is represented by the difference between measurements taken at the beginning and end of such period;
- (b) the measuring device was accurate during such period;
- (c) the entries in the records of the municipality were correctly made; and
- (d) if water was supplied to, or taken by a consumer without its passing through a measuring device, the estimate by the municipality of the quantity of such water was correct.

(2) Where water supplied by the municipality to any premises is in any way taken by the consumer without such water passing through any measuring device provided by the municipality, the municipality may for the purpose of rendering an account estimate, in accordance with sub-section (3), the quantity of water supplied to the consumer during the period from the last previous reading of the water meter until the date it is discovered that water is so taken by the consumer.

(3) For the purposes of sub-section (2), an estimate of the quantity of water supplied to a consumer shall be based on, as the municipality may decide -

- (a) the average monthly consumption of water on the premises during any three consecutive measuring periods during the twelve months' period prior to the date on which the taking of water in the manner mentioned in sub-section (2) was discovered; or
- (b) the average monthly consumption on the premises registered over three succeeding measuring periods after the date referred to in sub-section (3)(a).

Prepared for Thabazimbi Local Municipality only

THABAZIMBI LOCAL MUNICIPALITY
WATER SUPPLY BY-LAW

(4) Nothing in this by-law shall be construed as imposing on the municipality an obligation to cause any measuring device installed by the municipality on any premises to be measured at the end of every month or any other fixed period, and the municipality may estimate the quantity of water supplied over any period during the interval between successive measurements of the measuring device and render an account to a consumer for the quantity of water so estimated.

(5) The municipality must, on receipt from the consumer of written notice of not less than 7 (seven) days and subject to payment of the prescribed charge, measure the quantity of water supplied to consumer at a time or on a day other than that upon which it would normally be measured.

THABAZIMBI LOCAL MUNICIPALITY
WATER SUPPLY BY-LAW

(6) If a contravention of section 31(6) occurs, the consumer shall pay to the municipality the cost of such quantity of water as in the municipality's opinion was supplied to him or her.

(7) Until such time that a measuring device has been installed in respect of water supplied to a consumer, the estimated or assumed consumption of that consumer must be based on the average consumption of water supplied to the specific zone within which the consumer's premises is situated, during a specific period.

(8) Where in the opinion of the municipality it is not reasonably possible or cost effective to measure water supplied to each consumer within a determined zone, the municipality may in terms of its tariff policy determine a basic tariff or charge to be paid by each consumer within that zone irrespective of actual consumption.

33. Defective measurement

If a consumer has reason to believe that a measuring device, used for measuring water, which was supplied to him or her by the municipality is defective he or she may take the steps as provided for in the municipality's by-law relating to credit control and debt collection.

34. Special measurement

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

(2) The installation of a measuring device referred to in sub-section (1), its removal, and the restoration of the water installation after such removal shall be

Prepared for Thabazimbi Local Municipality only

THABAZIMBI LOCAL MUNICIPALITY
WATER SUPPLY BY-LAW

carried out at the expense of the municipality.

(3) The provisions of sections 31(5) and 31(6) shall apply insofar as they may be applicable in respect of a measuring device installed in terms of sub-section (1).

35. No reduction of amount payable for water wasted

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

PART F: INSTALLATION WORK

36. Approval of installation work

(1) If an owner wishes to have installation work done, he or she must first obtain the municipality's written approval; provided that approval shall not be required in the case of water installations in dwelling units or installations where no fire installation is required in terms of SABS Code 0400 or for the repair or replacement of an existing pipe or water fitting other than a fixed water heater and its associated protective devices.

(2) Application for the approval referred to in sub-section (1) shall be made on the prescribed form and shall be accompanied by -

- (a) the prescribed charge, if applicable;
- (b) copies of the drawings as prescribed by the municipality, giving information in the form required by clause 4.1.1 of SABS Code 0252 : Part I; and
- (c) a certificate certifying that the installation has been designed in accordance with SABS Code 0252 : Part I or has been designed on a rational basis.

(3) The provisions of sub-sections (1) and (2) shall not apply to a qualified plumber who replaces a fixed water heater or its associated protective devices.

Prepared for Thabazimbi Local Municipality only

THABAZIMBI LOCAL MUNICIPALITY
WATER SUPPLY BY-LAW

(4) Authority given in terms of sub-section (1) shall lapse at the expiry of a period of twenty-four months after the first day of the month succeeding the month in which the authority is given.

(5) A complete set of approved drawings of installation work shall be available at the site of the work at all times until such work has been completed, where approval was required in terms of sub-section 1.

(6) If installation work has been done in contravention of sub-section (1) or (2), the municipality may by written notice require the owner of the premises concerned to -

- (a) comply with that regulation within a specified period;
- (b) if work is in progress, to cease the work; and
- (c) to remove all such work which does not comply with these by-law.

37. 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, where permitted in terms of sub-section (2), 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 or her premises, an owner shall obtain the written consent of the municipality or the owner of the land on which such portion is situated, as the case may be.

38. Use of pipes and water fittings to be authorised

(1) No person shall, without the prior written authority of the municipality, install or use a pipe or water fitting in a water installation within the municipality's area of jurisdiction unless it is included in the Schedule of Approved Pipes and Fittings as compiled by the municipality.

Prepared for Thabazimbi Local Municipality only

THABAZIMBI LOCAL MUNICIPALITY
WATER SUPPLY BY-LAW

- (2) Application for the inclusion of a pipe or water fitting in the Schedule referred to in sub-section (1) must be made on the form prescribed by the municipality and be accompanied by the prescribed charge.
- (3) A pipe or water fitting may be included in the Schedule referred to in Sub-Section (1) if -
- (a) it bears the standardisation mark of the South African Bureau of Standards in respect of the relevant SABS specification issued by the Bureau; or
 - (b) it bears a certification mark issued by the SABS to certify that the pipe or water fitting complies with an SABS Mark specification or a provisional specification issued by the SABS, provided that no certification marks shall be issued for a period exceeding two years.
- (4) The municipality may, in respect of any pipe or water fitting included in the Schedule, impose such additional conditions, as it may deem necessary in respect of the use or method of installation thereof.
- (5) A pipe or water fitting shall be removed from the Schedule if it -
- (a) no longer complies with the criteria upon which its inclusion was based; or
 - (b) is no longer suitable for the purpose for which its use was accepted.
- (6) The current schedule shall be available for inspection at the office of the municipality at any time during working hours.

39. Labelling of terminal water fittings and appliances

All terminal water fittings and appliances using or discharging water shall be marked, or have included within the packaging of the item, the following information:

- (a) the range of pressure in kPa over which the water fitting or appliance is

Prepared for Thabazimbi Local Municipality only

THABAZIMBI LOCAL MUNICIPALITY
WATER SUPPLY BY-LAW

designed to operate;

(b) the flow rates, in litres per minute, related to the design pressure range, provided that this information shall be given for at least the following water pressures -

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

PART G: WATER POLLUTION, RESTRICTION AND WASTEFUL USE OF WATER

40. Owner to prevent pollution of water

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

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

41. Water restrictions

(1) The municipality may by public notice to prevent the wasteful use of water in terms of section 42 or in the event of a water shortage, drought or flood

(a) prohibit or restrict the consumption of water in the whole or part of its area of jurisdiction in general or for -

- (i) specified purposes;
- (ii) during specified hours of the day or on specified days; and
- (iii) in a specified manner; and

(b) determine and impose -

- (i) limits on the quantity of water that may be consumed over a specified period;
- (ii) charges additional to those prescribed in respect of the supply of water

Prepared for Thabazimbi Local Municipality only

THABAZIMBI LOCAL MUNICIPALITY
WATER SUPPLY BY-LAW

- in excess of a limit contemplated in sub-section (1)(b)(i); and
- (iii) a general surcharge on the prescribed charges in respect of the supply of water; and
- (c) impose restrictions or prohibitions on the use or manner of use or disposition of an appliance by means of which water is used or consumed, or on the connection of such appliances to the water installation.
- (2) The municipality may limit the application of the provisions of a notice contemplated by sub-section (1) to specified areas and categories of consumers, premises and activities, and may permit deviations and exemptions from, and the relaxation of, any of the provisions on reasonable grounds.
- (3) The municipality may -
- (a) take, or by written notice require a consumer at his or her own expense to take, such measures, including the installation of measurement devices and devices for restricting the flow of water, as may in its opinion be necessary to ensure compliance with a notice published in terms of sub-section (1); or
- (b) discontinue or, for such period as it may deem fit, limit the supply of water to any premises in the event of a contravention on such premises or failure to comply with the terms of a notice published in terms of sub-section (1), subject to notice in terms of section 18;
- (4) The provisions of this section shall also apply in respect of water supplied directly by the municipality to consumers outside its area of jurisdiction, notwithstanding anything to the contrary in the conditions governing such supply, unless otherwise specified in the notice published in terms of sub-section (1).

THABAZIMBI LOCAL MUNICIPALITY
WATER SUPPLY BY-LAW

42. Waste of water unlawful

- (1) No consumer shall permit -
- (a) the purposeless or wasteful discharge of water from terminal water fittings;
 - (b) pipes or water fittings to leak;
 - (c) the use of maladjusted or defective water fittings;
 - (d) an overflow of water to persist; or
 - (e) an inefficient use of water to persist.
- (2) An owner shall repair or replace any part of his or her water installation which is in such a state of disrepair that it is either causing or is likely to cause an occurrence listed in sub-section (1).
- (3) If an owner fails to take measures as contemplated in sub-section (2), the municipality shall, by written notice in terms of section 18, require the owner to comply with the provisions of sub-section (1).
- (4) A consumer shall ensure that any equipment or plant connected to his or her water installation uses water in an efficient manner.
- (5) The municipality may, by written notice, prohibit the use by a consumer of any equipment in a water installation if, in its opinion, its use of water is inefficient. Such equipment shall not be returned to use until its efficiency has been restored and a written application to do so has been approved by the municipality.

PART H: GENERAL PROVISIONS

43. Notification of boreholes

- (1) The municipality may, by public notice, require -

Prepared for Thabazimbi Local Municipality only

THABAZIMBI LOCAL MUNICIPALITY
WATER SUPPLY BY-LAW

- (a) the owner of any premises within the area of jurisdiction of the municipality upon which a borehole exists or, if the owner is not in occupation of such premises, the occupier thereof, to notify it on the prescribed form of the existence of a borehole on such premises, and provide it with such information in respect thereof as it may require; and
 - (b) the owner or occupier of any premises who intends to sink a borehole on such premises to notify it on the prescribed form of such intention before work in connection therewith is commenced.
- (2) The municipality may require the owner or occupier of any premises who intends to sink a borehole to undertake an environmental impact assessment for such intended borehole, to the satisfaction of the municipality, before sinking the borehole.
- (3) Boreholes are subject to any requirements of the National Water Act, 1998 (Act No. 36 of 1998).
- (4) The municipality may by notice to an owner or occupier or by public notice require owners and occupiers who have existing boreholes used for water services to -
- (a) obtain approval from it for the use of a borehole for water services in accordance with sections 6, 7 and 22 of the Act;
 - (b) adhere to conditions imposed by it in respect of the use of a borehole for water services; and
 - (c) to pay a fixed charge imposed by it in respect of the use of such a borehole.

44. Sampling of water

- (1) The municipality may take samples of water obtained from a source, authorised in terms of sections 6 or 7 of the Act, other than the water supply system for domestic purposes and cause the samples to be tested for compliance with

Prepared for Thabazimbi Local Municipality only

THABAZIMBI LOCAL MUNICIPALITY
WATER SUPPLY BY-LAW

any national standards prescribed in terms of section 9 of the Act.

(2) The prescribed charge for the taking and testing of the samples referred to in sub-section (1) shall be paid by the person to whom approval to use the water for potable water was granted in terms of section 6(1) of the Act.

45. Supply of non-potable water by municipality

(1) The municipality may on application in terms of section (3) agree to supply non-potable water to a consumer, subject to such terms and conditions as the municipality may impose.

(2) Any supply of water agreed to in terms of sub-section (1) shall not be used for domestic or any other purposes, which, in the opinion of the municipality, may give rise to a health risk.

(3) No warranty, expressed or implied, shall apply to the purity of any non-potable water supplied by the municipality or its suitability for the purpose for which the supply was granted.

(4) The supply of non-potable water shall, both as to condition and use, be entirely at the risk of the consumer, who shall be liable for any consequential damage or loss arising to himself, herself or others arising directly or indirectly there from, including the consequences of any bona fide fault of the municipality or the malfunction of a treatment plant.

46. Testing of pressure in water supply systems

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

Prepared for Thabazimbi Local Municipality only

THABAZIMBI LOCAL MUNICIPALITY
WATER SUPPLY BY-LAW

request.

47. Pipes in streets or public places

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

CHAPTER III: SANITATION SERVICES

PART A: STANDARDS AND GENERAL PROVISIONS

48. Standards for sanitation services

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

49. Objectionable discharge to sewage disposal system

- (1) No person shall discharge, or permit the discharge or entry into the sewage disposal system of any sewage or other substance -
- (a) which does not comply with the standards and criteria prescribed in sections 66 to 69 below;
 - (b) which contains any substance in such concentration as will produce or be likely to produce in the effluent produces for discharge at any sewage treatment plant or sea outfalls discharge point or in any public water any offensive, or otherwise undesirable taste, colour, odour, temperature or any foam;
 - (c) which may prejudice the re-use of treated sewage or adversely affect any of the processes whereby sewage is purified for re-use, or treated to produce

Prepared for Thabazimbi Local Municipality only

THABAZIMBI LOCAL MUNICIPALITY
WATER SUPPLY BY-LAW

- sludge for disposal;
- (d) which contains any substance or thing of whatsoever nature which is not amenable to treatment to a satisfactory degree at a sewage treatment plant or which causes or is likely to cause a breakdown or inhibition of the processes in use at such plant;
 - (e) which contains any substance or thing of whatsoever nature which is of such strength, or which is amenable to treatment only to a degree as will result in effluent from the sewage treatment plant or discharge from any sea outfalls not complying with standards prescribed under the National Water Act, 1998 (Act No. 36 of 1998);
 - (f) which may cause danger to the health or safety of any person or may be injurious to the structure or materials of the sewage disposal system or may prejudice the use of any ground used by the municipality for the sewage disposal system, other than in compliance with the permissions issued in terms of this by-law; and
 - (g) which may inhibit the unrestricted conveyance of sewage through the sewage disposal system.
- (2) No person shall cause or permit any storm water to enter the sewage disposal system.
- (3) The municipality may, by written notice, order the owner or occupier to conduct, at his or her cost, periodic expert inspections of the premises in order to identify precautionary measures which would ensure compliance with this by-law and to report such findings to an authorised agent.
- (4) If any person contravenes any provision of sub-section (1) or sub-section (2) he or she shall within twelve hours, or earlier if possible, advise the municipality of the details of the contravention and the reasons for it.

THABAZIMBI LOCAL MUNICIPALITY
WATER SUPPLY BY-LAW

PART B: ON-SITE SANITATION SERVICES AND ASSOCIATED SERVICES

50. Application for infrastructure

(1) If an agreement for on site sanitation and associated services in accordance with section 2 exists and no infrastructure in connection therewith exists on the premises, the owner must immediately make application on the approved form and -

- (a) pay the prescribed charge for the installation of necessary infrastructure; or
- (b) with the approval by the municipality and at the request of the owner, install the connecting sewer or on site sanitation services in accordance with the specifications of the municipality.

(2) A municipality may specify the type of on site sanitation services to be installed.

51. Services associated with on-site sanitation services

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

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

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

(1) Charges in respect of the removal or collection of conservancy tank contents, night soil or the emptying of pits will cover all the operating and maintenance costs in the removal of the pit contents, transportation to a disposal site, the treatment of the contents to achieve a sanitary condition and the final disposal of any solid residues.

(2) Charges shall be payable in terms of the municipality's tariff policy when the service is rendered.

Prepared for Thabazimbi Local Municipality only

THABAZIMBI LOCAL MUNICIPALITY
WATER SUPPLY BY-LAW

PART C: SEWAGE DISPOSAL

53. Provision of a connecting sewer

(1) If an agreement for the use of the sewage disposal system in accordance with section 2 exists and no connecting sewer exists in respect of the premises, the owner must immediately make application on the approved form and -

- (a) pay the prescribed charge for the installation of such a connecting sewer; or
- (b) with the approval by the municipality and at the request of the owner, install the connecting sewer in accordance with any specifications of the municipality.

(2) If an application is made for use of the sewage disposal system to a premises which is so situated that it is necessary to extend the sewer in order to connect the sewage disposal system to the premises, the municipality may agree to the extension subject to such conditions as it may impose.

54. Location of connecting sewer

(1) A connecting sewer provided and installed by the municipality or owner in terms of section 54 shall -

- (a) be located in a position agreed to between the owner and the municipality and be of a size determined by an authorised officer;
- (b) terminate at a connection point approximately 1 meter inside the premises from the boundary of the land owned by or vested in the municipality or over which it has a servitude or other right or when sub-section (3) applies, at the connecting point designated in terms of that sub-section;

(2) In reaching agreement with an owner concerning the location of a connecting sewer, the municipality shall ensure that the owner is aware of

- (a) practical restrictions that may exist regarding the location of a connecting sewer pipe;
- (b) the cost implications of the various possible locations of the connecting sewer;

Prepared for Thabazimbi Local Municipality only

THABAZIMBI LOCAL MUNICIPALITY
WATER SUPPLY BY-LAW

(c) whether or not the municipality requires the owner to fix the location of the connecting sewer by providing a portion of his or her water installation at or outside the boundary of his or her premises, or such agreed position inside or outside his or her premises where the connection is required, for the municipality to connect to such installation.

(3) A municipality may at the request of any person agree, subject to such conditions as he or she may impose, to a connection to a sewer other than that which is most readily available for the drainage of the premises; provided that the applicant shall be responsible for any extension of the drainage installation to the connecting point designated by the municipality and for obtaining at his or her cost, such servitudes over other premises as may be necessary.

(4) An owner must pay the prescribed connection charge.

(5) Where an owner is required to provide a sewage lift as provided for in terms of the Building Regulations the rate and time of discharge into the sewer shall be subject to the approval of the municipality.

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

(1) Notwithstanding the provisions of section 54 only one connecting sewer to the sewage disposal system may be provided for the disposal of sewage from any premises, irrespective of the number of accommodation units of consumers located on such premises.

(2) Where the owner, or the person having the charge or management of any premises on which several accommodation units are situated, requires the disposal of sewage from such premises for the purpose of disposal from the different accommodation units, the municipality may, in its discretion, provide and install either -

Prepared for Thabazimbi Local Municipality only

THABAZIMBI LOCAL MUNICIPALITY
WATER SUPPLY BY-LAW

- (a) a single connecting sewer in respect of the premises as a whole or any number of such accommodation units; or
- (b) a separate connecting sewer for each accommodation unit or any number thereof.
- (3) Where the municipality has installed a single connecting sewer as contemplated in sub-section (2)(a), the owner or the person having the charge or management of the premises, as the case may be, -
- (a) must if the municipality so requires, install and maintain on each branch pipe extending from the connecting sewer to the different accommodation units -
- (i) a separate connecting sewer; and
- (ii) an isolating valve;
- (b) will be liable to the municipality for the tariffs and charges for all sewage disposed from the premises through such a single connecting sewer, irrespective of the different quantities disposed by the different consumers served by such connecting sewer.
- (4) Notwithstanding sub-section (1), the municipality may authorise that more than one connecting sewer be provided on the sewage disposal system for the disposal of sewage from any premises comprising sectional title units or if, in the opinion of the municipality, undue hardship or inconvenience would be caused to any consumer on such premises by the provision of only one connecting sewer.
- (5) Where the provision of more than one connecting sewer is authorised by the municipality under Sub-Section (4), the tariffs and charges for the provision of a connecting sewer is payable in respect of each sewage connection so provided.

56. Interconnection between premises

An owner of premises shall ensure that no interconnection exists between the drainage

Prepared for Thabazimbi Local Municipality only

THABAZIMBI LOCAL MUNICIPALITY
WATER SUPPLY BY-LAW

installation on his or her premises and the drainage installation on other premises, unless he or she has obtained the prior written consent of the municipality and complies with any conditions that it may have imposed.

57. Disconnection of draining installation from connecting sewer

The municipality may disconnect a drainage installation from the connecting sewer and remove the connecting sewer if -

- (a) the agreement for provision has been terminated in terms of section 12 and it has not received an application for subsequent provision to the premises served by the sewer within a period of 90 days of such termination; or
- (b) the building on the premises concerned has been demolished.

THABAZIMBI LOCAL MUNICIPALITY
WATER SUPPLY BY-LAW

PART D: SEWAGE DELIVERED BY ROAD HAULAGE

58. Acceptance of sewage delivered by road haulage

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

59. Written permission for delivery of sewage by road haulage

(1) No person shall discharge sewage into the municipality's sewage treatment plants by road haulage except with the written permission of the municipality and subject to such period and any conditions that may be imposed terms of the written permission.

(2) The charges for any sewage delivered for disposal to the municipality's sewage treatment plants shall be assessed by the municipality in accordance with the prescribed tariffs or charges.

60. Conditions for delivery of sewage by road haulage

- (1) When sewage is delivered by road haulage-
- (a) the time of delivery shall be arranged with the municipality; and
 - (b) the nature and composition of the sewage shall be established to the satisfaction of the municipality prior to the discharge thereof and no person shall deliver sewage that does not comply with the standards laid down in terms of these by-law.

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

(1) The municipality may withdraw any permission, after giving written notice if its intention to a person permitted to discharge sewage by road haul if the person -

Prepared for Thabazimbi Local Municipality only

THABAZIMBI LOCAL MUNICIPALITY
WATER SUPPLY BY-LAW

- (a) fails to ensure that the sewage so delivered conforms to the standards prescribed in Schedule "A" or in the written permission; or
- (b) fails or refuses to comply with any notice lawfully served on him or her in terms of this by-law or contravenes any provisions of this by-law 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 charges in respect of any sewage delivered.

PART E: DISPOSAL OF INDUSTRIAL EFFLUENT AND TRADE PREMISES

62. Application for disposal of industrial effluent

(1) A person must apply for the permission to discharge industrial effluent into the sewage disposal system of the municipality in terms of section 2(1).

(2) The municipality may, if in its opinion the capacity of a sewage disposal system is sufficient to permit the conveyance and effective treatment and lawful disposal of the industrial effluent, for such period and subject to such conditions it may impose, grant written permission to discharge industrial effluent.

(3) The provisions of Chapter 1 will *mutatis mutandis* apply to any permission to discharge industrial effluent.

(4) Any person who wishes to construct or cause to be constructed, a building which shall be used as a trade premises, shall at the time of lodging a building plan in terms of section 4 of the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977), also lodge applications for the provision of sanitation services and for permission to discharge industrial effluent in terms of sub-section (1).

THABAZIMBI LOCAL MUNICIPALITY
WATER SUPPLY BY-LAW

63. Unauthorised discharge of industrial effluent

(1) No person shall discharge or cause or permit to be discharged into the sewage disposal system any industrial effluent except with and in terms of the written permission of the municipality and in accordance the provisions of this part.

(2) A person to whom such permission is granted shall pay to the municipality any prescribed charges.

64. Quality standards for disposal of industrial effluent

(1) A person to whom permission has been granted in terms of section 62 must ensure that no industrial effluent is discharged into the sewage disposal system of the municipality unless it complies with the standards and criteria set out in Schedule A hereto.

(2) The municipality may by writing in the permission concerned, relax or vary the standards in Schedule A, provided that the municipality is satisfied that any such relaxation or variation represents the best practicable environmental option.

(3) In determining whether relaxing or varying the standards in Schedule A represents the best practicable environmental option a municipality will consider

- (a) whether the applicant's undertaking is operated and maintained at optimal levels;
- (b) whether technology used by the applicant represents the best available option to the applicant's industry and, if not, whether the installation of such technology would entail unreasonable cost to the applicant;
- (c) whether the applicant is implementing a program of waste minimisation which complies with national and local waste minimisation standards to the satisfaction of the municipality;

Prepared for Thabazimbi Local Municipality only

THABAZIMBI LOCAL MUNICIPALITY
WATER SUPPLY BY-LAW

- (d) the cost to the municipality of granting the relaxation or variation; and
 - (e) the environmental impact or potential impact of such a relaxation or variation.
- (4) Test samples may be taken at any time by a duly qualified sampler to ascertain whether the industrial effluent complies with Schedule A or any other standard laid down in a written permission.

65. Conditions for disposal of industrial effluent

- (1) The municipality may in the written permission or at any time, by written notice, require a person to -
- (a) subject the industrial effluent to such preliminary treatment as in the opinion of the municipality will ensure that the industrial effluent conforms to the standards prescribed in Schedule A before being discharged into the sewage disposal system;
 - (b) install such equalising tanks, valves, pumps, appliances, meters and other equipment as in the opinion of the municipality will be necessary to control the rate and time of discharge into the sewage disposal system in accordance with the conditions imposed by it;
 - (c) install for the conveyance of his or her industrial effluent into the sewage disposal system at a given point, a drainage installation separate from the drainage installation for waste water and standard domestic effluent and may prohibit such person from disposing of his or her industrial effluent at any other point and from disposing of his or her waste water and standard domestic effluent by means other than into a sewage disposal system;
 - (d) construct on any pipe conveying his or her industrial effluent to any sewer, a service access hole or stop-valve in such position and of such dimensions and materials as the municipality may prescribe;
 - (e) provide all such information as may be required by the municipality to enable it to assess the tariffs or charges due to the municipality;

Prepared for Thabazimbi Local Municipality only

THABAZIMBI LOCAL MUNICIPALITY
WATER SUPPLY BY-LAW

- (f) provide adequate facilities such as level or overflow detection devices, standby equipment, overflow catch-pits, or other appropriate means to prevent a discharge into the sewage disposal system which is in contravention of these by-law;
 - (g) cause any meter, gauge or other device installed in terms of this Section to be calibrated by an independent authority at the cost of that person at such intervals as required by the municipality and copies of the calibration to be forwarded to it; and
 - (h) cause his or her industrial effluent to be analysed as often and in such manner as may be prescribed by the municipality and provide it with the results of these tests when completed.
- (2) The cost of any treatment, plant, works or analysis which the person mentioned in sub-section (1) may be required to carry out, construct or install in terms of sub-section (1) shall be borne by the said person;
- (3) The written permission of the municipality must be obtained for any proposed changes to the composition of industrial effluent discharged into the sewage disposal system.
- (4) In the event that industrial effluent that does not comply with the standards in Schedule A or the written permission issued in respect of that process or premises, is discharged into the sewage disposal system, the municipality must be informed of the incident and the reasons therefore within twelve hours of such discharge.

66. Withdrawal of written permission for disposal of industrial effluent

- (1) The municipality may withdraw any permission, after giving written notice of its intention to a person permitted to discharge industrial effluent into the sewage disposal system if

Prepared for Thabazimbi Local Municipality only

THABAZIMBI LOCAL MUNICIPALITY
WATER SUPPLY BY-LAW

the person -

- (a) fails to ensure that the industrial effluent discharged conforms to the industrial effluent standards prescribed in Schedule A of this by-law or the written permission;
 - (b) fails or refuses to comply with any notice lawfully served on him or her in terms of this by-law or contravenes any provisions of this by-law or any condition imposed in terms of any permission granted to him or her; or
 - (c) fails to pay the assessed charges in respect of any industrial effluent discharged.
- (2) The municipality may on withdrawal of any written permission -
- (a) in addition to any steps prescribed in these by-law, and on written notice authorise the closing or sealing of the connecting sewer of the said premises to any sewer for such charge as may be prescribed in the municipality's tariff of charges; and
 - (b) refuse to accept any industrial effluent until it is satisfied that adequate steps have been taken to ensure that the industrial effluent to be discharged conforms with the standards prescribed in this by-law.

**PART F: MEASUREMENT OF QUANTITY OF EFFLUENT DISCHARGED TO SEWAGE
DISPOSAL SYSTEM**

67. Measurement of quantity of standard domestic effluent discharged

(1) The quantity of standard domestic effluent discharged shall be determined by a percentage of water supplied by the municipality; provided that where the municipality is of the opinion that such a percentage in respect of specific premises is excessive, having regard to the purposes for which water is consumed on those premises, the municipality may reduce the percentage applicable to those premises to a figure which, in its opinion and in the light of the available information, reflects the proportion between the likely quantity of sewage discharged from the premises and

Prepared for Thabazimbi Local Municipality only

THABAZIMBI LOCAL MUNICIPALITY
WATER SUPPLY BY-LAW

the quantity of water supplied thereto.

(2) Where a premises is supplied with water from a source other than or in addition to the municipality's water supply system, including abstraction from a river or borehole, the quantity of standard domestic effluent will be a percentage of the total water used on that premises as may be reasonably estimated by the municipality.

68. Measurement of quantity of industrial effluent discharged

(1) The quantity of industrial effluent discharged into the sewage disposal system shall be determined -

- (a) where a measuring device is installed by the quantity of industrial effluent discharged from a premises as measured through that measuring device; or
- (b) until such time as a measuring device is installed by a percentage of the water supplied by the municipality to that premises.

(2) Where a premises is supplied with water from a source other than or in addition to the municipality's water supply system, including abstraction from a river or borehole, the quantity of standard industrial effluent will be a percentage of the total water used on that premises as may be reasonably estimated by the municipality.

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

69. Reduction in the quantity determined in terms of Sections 67 and 68

(1) A person shall be entitled to a reduction in the quantity determined in terms of sections 67 and 68 in the event that the quantity of water on which the percentage is calculated was measured during a period where water was wasted or a leakage was

Prepared for Thabazimbi Local Municipality only

THABAZIMBI LOCAL MUNICIPALITY
WATER SUPPLY BY-LAW

undetected if the consumer demonstrates to the satisfaction of the municipality that the said water was not discharged into the sewage disposal system.

(2) The reduction in the quantity shall be based on the quantity of water loss through leakage or wastage during the leak period.

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

(4) The quantity of water loss shall be calculated as the consumption for the leak period less an average consumption, based on the preceding 3 (three) months, for the same length of time. In the event of no previous consumption history being available the average water consumption will be determined by the municipality, after due consideration of all relevant information.

(5) There shall be no reduction in the quantity if the loss of water directly or indirectly resulted from the consumer's failure to comply with or is in contravention of this by-law.

PART F: DRAINAGE INSTALLATIONS

70. Construction or installation of drainage installations

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

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

(i) a pit of 2 m³ capacity;

Prepared for Thabazimbi Local Municipality only

THABAZIMBI LOCAL MUNICIPALITY
WATER SUPPLY BY-LAW

- (ii) lining as required;
 - (iii) a slab designed to support the superimposed loading; and
 - (iv) protection preventing children from falling into the pit;
- (b) The ventilated improved pit latrine must conform with the following specifications -
- (i) the pit must be ventilated by means of a pipe, sealed at the upper end with durable insect proof screening fixed firmly in place.
 - (ii) the ventilation pipe must project not less than 0.5 m above the nearest roof, must be of at least 150 mm in diameter, and must be installed vertically with no bend;
 - (iii) the interior of the closet must be finished smooth so that it can be kept in a clean and hygienic condition. The superstructure must be well-ventilated in order to allow the free flow of air into the pit to be vented through the pipe;
 - (iv) the opening through the slab must be of adequate size as to prevent fouling. The rim must be raised so that liquids used for washing the floor do not flow into the pit. It shall be equipped with a lid to prevent the egress of flies and other insects when the toilet is not in use;
 - (v) must be sited in a position that is independent of the residential structure;
 - (vi) must be sited in positions that are accessible to road vehicles having a width of 3.0 m in order to facilitate the emptying of the pit;
 - (vii) in situations where there is the danger of polluting an aquifer due to the permeability of the soil, the pit must be lined with an impermeable material that is durable and will not crack under stress;
 - (viii) in situations where the ground in which the pit is to be excavated is unstable, suitable support is to be given to prevent the collapse of the soil;
 - (ix) the latrine must have access to water for washing hands.

71. Drains in streets or public places

No person shall for the purpose of conveying sewage derived from whatever source,

Prepared for Thabazimbi Local Municipality only

THABAZIMBI LOCAL MUNICIPALITY
WATER SUPPLY BY-LAW

lay or construct a drain on, in or under a street, public place or other land owned by, vested in, or under the control of the municipality, except with the prior written permission of the municipality and subject to such conditions as it may impose.

72. Construction by municipality

The municipality may agree with the owner of any premises that any drainage work which such owner desires, or is required to construct in terms of this by-law or the Building Regulations, will be constructed by the municipality against payment, in advance or on demand, of all costs associated with such construction.

73. Maintenance of drainage installation

- (1) The owner or occupier of any premises must maintain any drainage installation and any sewer connection on such premises.

- (2) Any person who requests the municipality to clear a drainage installation will be liable to pay the prescribed tariff.

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

74. Installation of pre-treatment facility

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

Prepared for Thabazimbi Local Municipality only

THABAZIMBI LOCAL MUNICIPALITY
WATER SUPPLY BY-LAW

75. Protection from ingress of floodwaters

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

THABAZIMBI LOCAL MUNICIPALITY
WATER SUPPLY BY-LAW

PART H: QUALITY STANDARDS

SCHEDULE A: Acceptance of industrial effluent for discharge into the sewage disposal system

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

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

Large Works general quality limits are applicable when an industry's effluent discharges in a catchment leading to a sewage works of greater than 25 M/d capacity. Small Works quality limits apply for catchments leading to sewage works with less than 25 M/d capacity.

GENERAL QUALITY LIMITS	LARGE WORKS > 25 M/d	SMALL WORKS < 25 M/d	UNITS
1. Temperature (C)	< 44 C	< 44 C	Degrees Celcius
2. pH	6 < pH < 10	6,5 < pH < 10	pH units
3. Oils, greases, waxes of mineral origin	50	50	mg/
4. Vegetable oils, greases, waxes	250	250	mg/
5. Total sugar and starch (as glucose)	1 000	500	mg/
6. Sulphates in solution (as SO_4^-)	250	250	mg/
7. Sulphides, hydrosulphides (as S^-) and polysulphides	1	1	mg/
8. Chlorides (as Cl^-)	1 000	500	mg/

Prepared for Thabazimbi Local Municipality only

**THABAZIMBI LOCAL MUNICIPALITY
WATER SUPPLY BY-LAW**

9.	Fluoride (as F)	5	5	mg/
10.	Phenols (as phenol)	10	5	mg/
11.	Cyanides (as CN ⁻)	20	10	mg/
12.	Settleable solids	Charge	Charge	m /
13.	Suspended solids	2 000	1 000	mg/
14.	Total dissolved solids	1 000	500	mg/
15.	Electrical conductivity	-	400	MS/m
16.	Anionic surfactants	-	500	mg/
17.	C.O.D.	Charge	Charge	mg/
GENERAL QUALITY LIMITS		LARGE WORKS	SMALL WORKS	UNITS
		> 25 M/d	< 25 M/d	
<u>Heavy Metal Limits</u>				
18.	Copper (as Cu)	50	5	mg/
19.	Nickel (Ni)	50	5	mg/
20.	Zinc (Zn)	50	5	mg/
21.	Iron (Fe)	50	5	mg/
22.	Boron (B)	50	5	mg/
23.	Selenium (Se)	50	5	mg/
24.	Manganese (Mn)	50	5	mg/
25.	Lead (Pb)	20	5	mg/
26.	Cadmium (Cd)	20	5	mg/
27.	Mercury (Hg)	1	1	mg/
28.	Total Chrome (Cr)	20	5	mg/
29.	Arsenic (As)	20	5	mg/
30.	Titanium (Ti)	20	5	mg/
31.	Cobalt (Co)	20	5	mg/
TOTAL METALS		100	20	mg/

Prepared for Thabazimbi Local Municipality only

THABAZIMBI LOCAL MUNICIPALITY

WATER SUPPLY BY-LAW

Special limitations

- 1 No calcium carbide, radio active waste or isotopes
- 2 No yeast and yeast wastes, molasses spent or unspent
- 3 No cyanides or related compounds capable of liberating HCN gas or cyanogen
- 4 No degreasing solvents, petroleum spirit, volatile flammable solvents or any substance which yields a flammable vapour at 21 C

Prepared for Thabazimbi Local Municipality only

Page 67 of 67

Printed by and obtainable from the Government Printer, Bosman Street, Private Bag X85, Pretoria, 0001. Tel: (012) 334-4507, 334-4511, 334-4509, 334-4515
Also available at **The Provincial Administration: Limpopo Province**, Private Bag X9483, Office of the Premier, 26 Bodenstein Street, Pietersburg, 0699. Tel. (015) 291-3910
Gedruk deur en verkrygbaar by die Staatsdrukker, Bosmanstraat, Privaat Sak X85, Pretoria, 0001. Tel: (012) 334-4507, 334-4511, 334-4509, 334-4515
Ook verkrygbaar by **Die Provinsiale Administrasie: Limpopo Provinsie**, Privaat Sak X9483, Kantoer van die Premier, Bodensteinstraat 26, Pietersburg, 0699. Tel. (015) 291-3910