

**KWAZULU-NATAL PROVINCE
KWAZULU-NATAL PROVINSIE
ISIFUNDAZWE SAKWAZULU-NATALI**

**Provincial Gazette • Provinsiale Koerant • Igazethi Yesifundazwe
GAZETTE EXTRAORDINARY—BUITENGEWONE KOERANT—IGAZETHI EYISIPESHELI**

(Registered at the post office as a newspaper) • (As 'n nuusblad by die poskantoor geregistreer)
(Irejistiwee njengephephandaba eposihhovisi)

PIETERMARITZBURG,

10 JULY 2009
10 JULIE 2009
10 kuNTULIKAZI 2009

Vol. 3

No. 301

CONTENTS

*No.**Page***GENERAL NOTICE**

113 uMgungundlovu District Municipality: Water Services By-laws

3

MUNICIPAL NOTICE

No. 113**10 July 2009**

WATER SERVICES BY- LAWS
OF THE
uMGUNGUNDLOVU DISTRICT MUNICIPALITY
AS A
WATER SERVICES AUTHORITY

The Municipal Manager of the uMGUNGUNDLOVU District Municipality hereby, in terms of Section 13(a) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), publishes the Water Services By-laws for the uMGUNGUNDLOVU District Municipality, as approved by its Council, as set out hereunder.

CONTENTS

CHAPTER 1

DEFINITIONS AND INTERPRETATION

Definitions and Interpretation

CHAPTER 2

APPLICATION, PAYMENT AND TERMINATION

PART 1: APPLICATION

Application for water supply services	26
Special agreements for water supply services	26
Change in purpose for which water supply services are used	27

PART 2 – TARIFFS AND CHARGES

Prescribed tariffs and charges for water services	27
Availability charges for water supply services	27

PART 3 – PAYMENT

Payment for water supply services	28
-----------------------------------	----

PART 4 – TERMINATION, RESTRICTION, DISCONTINUATION AND RESTORATION

Termination of agreement for the provision of water supply services	28
Restriction and discontinuation of water supply services	29
Restoration of water supply services	30

CHAPTER 3

WATER SUPPLY SERVICES

PART 1– CONNECTION TO WATER SUPPLY SYSTEM

Provision of connection pipe	31
Location of connection pipe	31
Provision of single water connection for supply to several customers on the same premises	32
Disconnection of water installation from a connection pipe	33

PART 2: STANDARDS

Quantity, quality and pressure	34
Testing of pressure in water supply system	34
Pollution of water	34
Water restrictions	35
Specific conditions of supply	36

PART 3: MEASUREMENT

Measuring of quantity of water supplied	38
Quantity of water supplied to customer	40
Defective measurement	42
Special measurement	44
No reduction in amount payable for water wasted	44
Adjustment of quality of water supplied through defective measuring device	44

PART 4: AUDIT

Water audit	45
-------------	----

PART 5: INSTALLATION WORK

Approval of installation work	46
Persons permitted to do installation and other work	47
Provision and maintenance of water installations	48
Technical requirements for a water installation	48
Use of pipes and water fittings to be authorized	48
Labeling of terminal water fittings and appliances	49
Water demand management	50

PART 6: COMMUNAL WATER SUPPLY SERVICE

Provision of water supply to several consumers	50
Zonal control of water supply services	51

PART 7: TEMPORARY WATER SUPPLY SERVICES

Water supplied from a hydrant	51
-------------------------------	----

PART 8: BOREHOLES

Notification of boreholes	52
---------------------------	----

PART 9: FIRE SERVICES CONNECTIONS

Connection to be approved by the municipality	53
Special provisions	53
Payment for services	54
Dual and combined installations	54
Connection pipes for fire extinguishing services	55
Valves and meters in connection pipes	55
Meters in fire extinguishing connection pipes	55
Sprinkler installations	56
Header tanks or duplicate supply from mains	56
Sealing of private fire hydrants	56

CHAPTER 4

SANITATION SERVICES

PART 1

STANDARDS

Standards for sanitation services	58
Objectionable discharge to sewage disposal system	58

PART 2

ON-SITE SANITATION SERVICES AND ASSOCIATED SERVICES

Application for infrastructure	59
Services associated with on-site sanitation services	60
Charges in respect of services associated with on-site sanitation services	60

PART 3

SEWAGE DISPOSAL

Provision of a connecting sewer	60
Location of connecting sewer	61
Provision of one connecting sewer for several consumers on same premises	62
Interconnection between premises	64
Disconnection of draining installation from connecting sewer	64

PART 4**SEWAGE DELIVERED BY ROAD HAULAGE**

Acceptance of sewage delivered by road haulage	64
Written permission for delivery of sewage by road haulage	64
Conditions for delivery of sewage by road haulage	65
Withdrawal of permission for delivery of sewage by road haulage	65

PART 5**DISPOSAL OF INDUSTRIAL EFFLUENT AND TRADE PREMISES**

Application for disposal of industrial effluent	66
Unauthorized discharge of industrial effluent	66
Quality standards for disposal of industrial effluent	67
Conditions for disposal of industrial effluent	68
Withdrawal of written permission for disposal of industrial effluent	69
Notification of non-compliance with standards of industrial effluent	70

PART 6

**MEASUREMENT OF QUANTITY OF EFFLUENT DISCHARGED TO SEWAGE
DISPOSAL SYSTEM**

Measurement of quantity of standard domestic effluent discharged	70
Measurement of quantity of industrial effluent discharged	71

Reduction in the quantity determined in terms of sections 85 and 86 (1) (a)	71
---	----

PART 7

DRAINAGE INSTALLATIONS

Construction or installation of drainage installations	72
Drains in Streets or Public Places	74
Construction by water services authority or its authorised provider	74
Maintenance of drainage installation	74
Installation of pre-treatment facility	75
Protection from ingress of floodwaters	75

PART 8

PROTECTION OF INFRASTRUCTURE

Power of Entry and Inspection	75
Trespassing on the Sewage Disposal System	76
Interference with the Sewage Disposal System	76
Damage to Sewage Disposal System	77
Consequential Maintenance of Sewers	77
Obstruction of Access to Sewage Disposal System	77
Work by Private Persons	78

CHAPTER 5**PART 1- WATER SUPPLY FOR INDUSTRIAL USE AND ACCEPTANCE OF
INDUSTRIAL EFFLUENT**

Industrial Use – Application	80
Procedure on Approval	83

PART 2**WATER SERVICES INTERMEDIARY- REGISTRATION**

Application for registration	83
Additional Information to make Decision	86
Approval of Application	86
Monthly Report	87

CHAPTER 6**NOTICES**

Power to serve and compliance with notices	88
--	----

CHAPTER 7**UNAUTHORISED WATER SUPPLY SERVICES**

Unauthorised services	90
Wasting of water	91
Illegal connection	92
Immediate disconnection	92
Pipes in streets or public places	93
Use of water from sources other than the water supply system	93

CHAPTER 8

DOCUMENTATION

Signing of notices and documents	95
Notices and documents	96
Authentication of documents	96
Prima facie evidence	97

CHAPTER 9

GENERAL PROVISIONS

Responsibility for compliance with these by-laws	97
Power of entry and inspection	97
Exemption	98
Availability of bylaws	98
Conflict of law	98
Transitional arrangements	98
Repeal of existing municipal water supply services by-laws	99
Indemnification from liability	100

SCHEDULES

QUALITY STANDARDS

SCHEDULE A	101
SCHEDULE B	105

CHAPTER 1**DEFINITIONS AND INTERPRETATION****Definitions and Interpretation**

1(1) In these by-laws, unless the context otherwise indicates, any word or expression to which a meaning has been assigned in the Act, shall have the meaning so assigned, and

"accommodation unit"	in relation to any premises, means a building or section of a building occupied or used or intended for residential occupation or use by any person;
"affected person"	means a person who has been served with a designated notice;
"Act"	means the Water Services Act No, 1997 (Act No. 108 of 1997);
"air gap"	means the unobstructed vertical distance through the free atmosphere between the lowest opening from which any pipe, valve or tap, supplies water to a tank or fitting or other device, and the overflow level thereof;
"approved"	means approved by the Council;
"Authorized agent"	(a) means any person authorized by the municipality to perform any act, function or duty in terms of, or to exercise any power under, these by-laws; (b) any person to whom the municipality has delegated the performance of certain rights, duties and obligations in respect of providing water supply services;

- (c) Any person appointed by the municipality in a written contract as a service provider for the provision of water services to customers on its behalf, to the extent authorised in such contract;
- "backflow" means the flow of water in any pipe or fitting in a direction opposite to the normal direction of flow;
- "backflow preventer" means any device or means to prevent backflow;
- "back siphonage" means the backflow resulting from pressures lower than atmospheric pressure in the water installation;
- "basic sanitation" means the minimum standard of safe and hygienic sanitation services and sewage disposal rendered to households, prescribed in terms of the Act, under regulation 2 of Government Notice R509 of 8 June 2001, as amended from time to time, or any substitution for that regulation;
- "basic water supply" means the minimum standard of water supply services necessary for the reliable supply of water to households to support life and personal hygiene, prescribed in terms of the Act under regulation 3 of Government Notice R509 of 8 June 2001, as amended from time to time, or any substitution for that regulation;
- "best practicable environmental option" means the option that provides the most benefit or causes the least damage to the environment as a whole, in both the long and the short term;
- "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, 1997 (Act No. 103 of 1977);

"business unit"	in relation to any premises means any building or section of a building occupied or used, or intended to be used for purposes other than residential occupation;
"combined installation"	in relation to water supply means a water installation used for fire-fighting and domestic, commercial or industrial purposes;
"commercial effluent"	means effluent emanating from an enterprise having a commercial purpose where the effluent is neither industrial effluent nor standard domestic effluent;
"commercial purpose"	in relation to the supply of water, means water supplied to premises to be used in the carrying out of a trade or business;
"communal sewer"	means a sewer main and connecting sewers and in respect of which a group of consumers and/or owners has constituted itself as a person willing to assume responsibility for, and has signed an agreement accepting responsibility, for the maintenance and repair of the communal sewer;
"communal water connection"	means a consumer connection through which water services are supplied to more than one consumer, and "communal water services work" has a corresponding meaning
"connecting point"	means the point at which a drainage installation joins the connecting sewer;
"connecting sewer"	means a pipe owned by the Council and installed by it for the purpose of conveying sewage from a drainage installation on any premises, to a sewer beyond the boundary of those premises, or within a servitude area, or

- within an area covered by a way-leave document or other type of agreement;
- "connection pipe" means a pipe, the ownership of which is vested in the Council and installed by it for the purpose of conveying water from a main to a water installation, and includes a "communication pipe" referred to in SABS Code 0252 Part I;
- "consumer" means- (a) any person who occupies premises to whom, and in respect of which premises, the Council—
- (i) has agreed to provide water services;
 - (ii) is actually providing water services;
 - (iii) has entered into an agreement with the Council for the provision of water services to or on any premises;
- (b) the owner of any premises to which the Council is providing water services;
- (c) where water services are provided through a single connection to a number of accommodation units or consumers or occupiers, means the person to whom the Council agreed to provide such water services; and
- (d) Any end-user who receives water services from the Council or other water services institution.
- "conventional water meter" means a meter where the account is issued subsequent to the consumption of water;
- "Council" means -
- (a) The uMgungundlovu District Municipality established under the Local Government: Municipal Structures Act 11707 1998, as amended,
 - (b) Its successor in title; or

- (c) a structure or person exercising a delegated power or carrying out an instruction, where any power in these by-laws has been delegated or sub-delegated, or an instruction given, as contemplated in section 59 of the Local Government : Municipal Systems Act, 2000; or
- (d) a service provider fulfilling a responsibility under these by-laws, assigned to it in terms of section 81(2) of the Local Government : Municipal Systems Act 2000, or any other law, as the case may be.

"day"	means a 24 hour period commencing and ending at 24:00;
"domestic purposes"	in relation to the supply of water means the general use of water supplied for personal and residential uses, including health and hygiene, drinking, ablution, culinary, household and garden maintenance;
"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 that is used for or intended to be used for or in connection with the reception, storage, treatment or conveyance of sewage or other form of waste water on those premises to the connecting point, and includes a drain, a fitting, an appliance, a septic tank, a conservancy tank, a pit latrine and a private pumping installation, forming part of or being ancillary to such system;
"drainage work"	includes any drain, sanitary fitting, water supplying apparatus, waste or other pipe or any work connected with the discharge of liquid or solid matter into any drain or sewer or, otherwise connected with the drainage of any premises;

"dwelling unit"	means an interconnected suite of rooms designed for residential purposes and occupation by a single household, regardless of how many persons comprise the household;
"ECA"	means the Environment Conservation Act, 1989 (Act No. 73 of 1989) and any regulations made in terms thereof, or any superseding legislation;
"effluent"	means any liquid, whether or not containing matter in solution or suspension, which is discharged from any premises directly or indirectly into a drainage work;
"EIA"	means an environmental impact assessment as contemplated in NEMA , and/or the ECA
"EIA regulations"	means the EIA Regulations as published in Government Notice R 1183 on 5 September 1997, as amended from time to time, or any regulations made in substitution therefor under the ECA or any superseding legislation;
"emergency"	means any situation that poses a risk or potential risk to life, health, the environment, or property, or declared to be an emergency under any law;
"enforcement notice"	means any notice issued by a designated officer under these By-laws, which instructs the person to whom it is issued to comply with the terms of the notice, and includes a compliance notice contemplated in section 111;
"engineer"	means the engineer of the municipality, or any other person authorized to act on his behalf
"environmental cost"	means the full cost of all measures necessary to restore the environment to its condition prior to an incident which causes damage to it, and in the event of this not being

	possible the value of the cost benefit that has been lost through the damage to or destruction of the environment;
"fire installation"	means a potable water installation that conveys water intended 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"	means that level reached by flood waters resulting from a storm designated in terms of recognized engineering criteria as being of a frequency to be expected once in every 50 years;
"flood plain"	means the area below the flood level subject to inundation;
"general installation"	means a water installation which conveys water for a combination of domestic, commercial and industrial purposes;
"household"	means the family unit of persons, or individuals, in occupation of a building or part of a building, designed for residential occupation by such family unit, or individuals;
"high strength sewage"	means sewage with a strength or quality greater than standard domestic effluent;
"industrial effluent"	means any liquid, whether or not containing matter in solution or suspension, which is given off in the course of or as a result of any trade, manufacturing, mining, chemical or other industrial process or in any laboratory, or in the course of research, or agricultural activity, and includes any liquid or effluent emanating from the use of water, other than standard domestic effluent or stormwater, and "trade effluent" bears the same meaning;
"industrial purposes"	in relation to the supply of water means water supplied to any premises which constitutes a factory as defined in the

General Administrative Regulations, published in terms of the Occupational Health and Safety Act, 1993 (Act No 85 of 1993);

"installation work"	means work in respect of the construction of, or carried out on, a water installation, including construction, rehabilitation, improvement and maintenance;
"law"	means any law, including the common law;
"main"	means a pipe, other than a connection pipe, vesting in the Council and used by it for the purpose of conveying water to any number of consumers;
"manhole"	means any access chamber to the interior of the sewer provided for the purpose of conveying water to customer;
"measuring device"	means any method, procedure, process, device, apparatus, or installation that enables the quantity and/or quality of water services provided to be quantified or evaluated;
"meter"	means a water meter as defined by regulations published in terms of the Trade Metrology Act, 1973 (Act No. 77 of 1973) or any superseding legislation or, in the case of a water meter of a size greater than 100 mm, a device which measures the quantity of water passing through it;
"Municipality"	<p>means -</p> <p>(a) the uMgungundlovu District Municipality established in terms of section 12 of the structures act and its successors-in-title; or</p> <p>(b) the Municipal Manager in respect of the performance of any action or exercise of any right, duty, obligation or function in terms of these by-laws; or</p>

	(c) an authorized agent;
"Municipal Manager"	means the person appointed by the Council as the Municipal Manager of the Municipality in terms of section 82 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998), and includes any person - <ul style="list-style-type: none"> (a) acting in such a position; and (b) to whom the Municipal Manager has delegated a power, function or duty;
"National Water Act"	means the National Water Act 1998 , (Act No. 36 of 1998);
"NEMA "	means the National Environmental Management Act, 1998 (Act No. 107 of 1998);
"nuisance"	means any condition, thing, act or omission which is offensive or injurious or which tends to prejudice the safety, good order, peace or health of one or more of the residents in any particular locality within the area of the Council, or the rights, or reasonable comfort, convenience, peace, or quiet, of the occupants of any area within the Council's jurisdiction;
"occupier"	means a person who occupies any premises or part thereof;
"owner"	includes – <ul style="list-style-type: none"> (a) the person in whom from time to time is vested the legal title to premises, including, but not limited to, the registered owner according to the title deed; (b) where the owner of the premises concerned is insolvent, deceased, has assigned his estate for the benefit of his creditors, has been placed under curatorship in terms of an order of court, is a closed corporation being wound up, or is

- a company being wound up or under judicial management, includes the person in whom the administration of such premises is vested as executor, administrator, trustee, assignee, curator, liquidator or judicial manager as the case may be;
- (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; and
 - (d) the lessee under any registered lease of land which is entered into for a period of not less than ten years or for the natural life of the lessee or any other person mentioned in such lease or which is renewable from time to time at the will of the lessee indefinitely or for period which together with the first period of such lease amount in all to not less than ten years, whether or not such renewal is dependent on the periodical consent or permission of, or the periodical renewal of a license by the State or any statutory licensing body;
 - (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; and
 - (ii) a section as defined in such Act, the person in whose name the relevant unit is registered under a sectional title deed, and includes the lawfully appointed representative of such a person;

"person"

means any natural or juristic person, an unincorporated body, and includes a voluntary association or trust, an organ of state as defined in section 239 of the Constitution of the Republic

	of South Africa, 1996 (Act No. 108 of 1996), and the Minister of Water Affairs and Forestry, or his successor in function as Minister of Water Affairs;
"pollution"	means the introduction of any substance into the water supply system, a water installation or a water resource, that may make the water harmful to health or the environment, or impair its quality for the use for which it is intended;
"premises"	means any piece of land, with or without improvements, the external surface boundaries of which are delineated on- (a) a general plan or diagram registered in terms of the Land Survey Act, 1927 (Act 9 of 1927), or in terms of the Deeds Registries Act, 1937 (Act No. 47 of 1937); or (b) a sectional plan registered in terms of the Sectional Titles Act, 1986 (Act No. 95 of 1986);
"prepayment meter"	means a meter that can be programmed to limit the flow of water into a water installation to the amount which has been previously purchased;
"prepayment measuring system"	means a meter and ancillary devices, approved by the Council, designed to measure and allocate to a consumer the quantity of water pre-purchased by himself or herself;
"prescribed"	means, determined by resolution of the Council from time to time;
"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;
"prescribed tariff"	means a schedule of prescribed fees;

“professional engineer”	means a person registered as a professional engineer in terms of the Engineering Profession Act, 2000 (Act No. 46 of 2000);
"public notice"	means at least two notices, each notice being in one of the official languages in general use in the area, but in a different official language to the other notice and published in at least one newspaper in general use within the area in question, preferably a newspaper published predominantly in the same language as the notice;
“qualified plumber”	means a person who has passed the plumbing trade test of the Department of Labour, and received a certificate thereof;
"sanitation services"	means the collection, removal and disposal or purification of human excreta, sewage and any other effluent including domestic and industrial effluent resulting from the use of water;
“SABS”	means South African Bureau of Standards;
"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;
“sampler”	means a person who takes samples for analysis from the sewage disposal and stormwater disposal systems, and who has been certified as qualified to do so by the Council;
"sewage"	means waste water, industrial and commercial effluent, standard domestic effluent and other liquid waste, either separately or in combination, but does not include stormwater;

- "sewage disposal system" means a structure, pipe, valve, pump, meter or other appurtenance used in the conveyance of sewage through the sewer reticulation system, and the treatment thereof at a sewage treatment plant under the control of the Council and which may be used by it in connection with the disposal of sewage;
- "sewer" means any pipe or conduit which is the property of or is vested in the Council and which may be used or is intended for the conveyance of sewage from the connecting sewer but does not include a drain as defined; and "municipal sewer" has a corresponding inclusive meaning;
- "standard domestic effluent" means domestic effluent with prescribed strength characteristics in respect of chemical oxygen demand, total nitrogen, total phosphates and settleable solids as being appropriate to a sewage discharge from domestic premises within the jurisdiction of the Council, but does not include industrial effluent;
- "stormwater" means water resulting from natural precipitation or accumulation and includes rainwater, subsoil water or spring water;
- "Systems Act" means the Local Government: Municipal Systems Act 2000 (Act No. 32 of 2000) ;
- "terminal water fitting" means a water fitting at an outlet of a water installation that controls the discharge of water;
- "trade premises" means premises upon which any form of 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 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 Council;
"water services"	means water supply services and sanitation services, as defined in these By-laws and includes the collection and disposal of industrial effluent;
"water services work"	means a reservoir, dam, well pump-house, borehole, pumping installation, purification works, sewage treatment plant, access road, electricity transmission line, pipeline, meter, fitting or apparatus built, installed or used by a water services institution – <ul style="list-style-type: none">(i) to provide water services;(ii) to provide water for industrial use; or(iii) to dispose of industrial effluent;
"water supply services"	means the abstraction, conveyance, treatment and distribution by the Council, of water for domestic, industrial and commercial purposes;
"water supply system"	means a structure, aqueduct, pipe, valve, pump, meter or other apparatus relating thereto which is vested in the Council, and is used or intended to be used in connection with the supply of water;
"wet industry"	means an industry which discharges industrial effluent;

- "working day" means a day other than a Saturday, Sunday and public holiday;
- "working month" means a calendar month excluding any Saturday, Sunday, and public holiday.

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

Meaning of certain words the same as in Acts

2. Any word or expression used in these By-laws 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 1977 (Act No. 103 of 1977), and Chapter III of the Building Regulations thereunder, will bear that meaning;

CHAPTER 2

APPLICATION, PAYMENT AND TERMINATION

PART 1: APPLICATION

Application for water supply services

3. (1) No person is entitled to access to water supply services unless -

(a) application has been made to the municipality on the form prescribed in terms of the municipality's by-laws relating to credit control and debt collection; and

(b) the application has been approved by the municipality.

(2) Water supply services rendered to a customer by the municipality are subject to these by-laws and the conditions contained in the relevant agreement.

Special agreements for water supply services

4. Where a person applies for water supply services, the municipality may enter into a special agreement with that person for the provision of water supply services -

(a) within the area of supply, if the services applied for necessitate the imposition of conditions not contained in the prescribed form or these by-laws;

(b) if the person is to receive subsidized services; and

(c) if the premises which are to receive the services are situated outside the area of supply, provided that -

(i) the municipality having jurisdiction over the premises has no objection to such special agreement; and

(ii) the obligation is on the person to advise that municipality of the special agreement.

Change in purpose for which water supply services are used

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

PART 2: TARIFFS AND CHARGES**Prescribed tariffs and charges for water supply services**

6. (1) All applicable charges, deposits, guarantees and sureties payable in respect of water supply services, including but not restricted to connection charges, fixed charges or any additional charges or interest, are determined by the Council in accordance with -

- (a) the rates and tariff policy of the municipality;
- (b) any relevant by-laws; and
- (c) any regulations under any national or provincial law.

- (2) Applicable charges may differ for the different categories of customers and users of water supply services and according to the types and levels of water supply services, the quantity of water supply services, the infrastructure requirements and the geographic areas.

Availability charges for water supply services

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

PART 3: PAYMENT

Payment for water supply services

8. In respect of water supply services provided for any premises, the owner, occupier and customer are, in accordance with the municipality's by-laws relating to credit control and debt collection, jointly and severally liable and responsible for payment of all applicable charges for water supply and for all water supply services consumed in respect of the premises.

PART 4: TERMINATION, RESTRICTION, DISCONTINUATION AND RESTORATION

Termination of agreement for the provision of water supply services

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

- (c) in terms of an arrangement made by the municipality with another water supply services institution, such institution is to provide water supply services to the customer.
- (3) The municipality may, after having given notice in terms of subsection (2), terminate an agreement for the provision of water supply services if the customer has vacated the premises to which the agreement relates.

Restriction and discontinuation of water supply services

10. (1) The Municipality may restrict or discontinue water supply services that are provided for the premises of a customer in terms of these by-laws if -
 - (a) the customer has failed to pay the applicable charges on the date specified, after the procedure set out in the municipality's by-laws relating to credit control and debt collection has been followed;
 - (b) the customer has failed to comply with any other provisions of these by-laws after notice in terms of section 50 has been given;
 - (c) the customer has in writing requested the restriction or termination;
 - (d) the agreement for the provision of water supply services has been terminated in terms of section 8 and the municipality has not subsequently received an application for water supply services to the premises within a period of 60 days of the termination;
 - (e) the building on the premises has been demolished;
 - (f) the customer has interfered with restricted or discontinued water supply services;
 - (g) an emergency or emergency situation arises; or
 - (h) the customer has, for the purposes of gaining access to water supply services, interfered or tampered with or damaged any main, communication pipe, meter or other plant or apparatus belonging to the municipality or has caused or permitted such interference, tampering or damage.

- (2) The municipality is not liable for any damages or claims that may arise from the restriction or discontinuation of water supply services in terms of subsection (1), including damages or claims that may arise due to the restriction or disconnection of water supply services by the municipality in the bona fide belief that the restriction or discontinuation was justified in terms of the provisions of subsection (1).
- (3) The Municipality may, where water supply services have been discontinued in terms of the provisions of these by-laws, restore the water supply services only when the applicable charge for the discontinuation and reconnection of the water supply services has been paid.

Restoration of water supply services

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

CHAPTER 3

WATER SUPPLY SERVICES

PART 1- CONNECTION TO WATER SUPPLY SYSTEM

Provision of connection pipe

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

Location of connection pipe

13. (1) A connection pipe provided and installed by the Municipality shall -
- (a) be located in a position determined by the Municipality and be of a suitable size determined by the Municipality; and
 - (b) terminate at -
 - (i) the boundary of the land owned by or vested in the Municipality or an authorised agent, or over which the Municipality has a servitude or other right; or

- (ii) the outlet of the meter or isolating valve if the meter or isolating valve, as the case may be, is situated on the premises.
- (2) The Municipality may on application by any person agree, subject to such conditions as the Municipality may impose, to a connection to a main other than that which is most readily available for the supply of water to the premises, provided that the applicant is responsible for -
 - (a) any extension of the water installation to the connecting point designated by the Municipality; and
 - (b) obtaining, at his or her cost, such servitudes over other premises as may be necessary.
- (3) Before a water connection can be effected, the owner of premises must pay in advance the applicable charge for connection.

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

14. (1) Notwithstanding the provisions of section 12, only one connection pipe to the water supply system may be provided for the supply of water to any premises, irrespective of the number of dwelling units, business units or customers located on such premises.
- (2) Where the owner or the person having charge or management of premises on which several dwelling units are situated requires the supply of water to such premises for the purpose of supplying water to the different dwelling units, the Municipality may, at its discretion, provide and install either -
- (a) a single measuring device in respect of the premises as a whole or in respect of any number of dwelling units; or
 - (b) a separate measuring device for each dwelling unit or any number of dwelling units.
- (3) Where the Municipality has installed a single measuring device as contemplated in subsection (2)(a), the owner or the person having charge or management of the premises, as the case may be -

- (a) must install and maintain on each branch pipe extending from the connection pipe to the different dwelling units -
 - (i) a separate measuring device; and
 - (ii) an isolating valve; and
- (b) is liable to the Municipality for the applicable charges for all water supplied to the premises through such a single measuring device, irrespective of the different quantities consumed by the different customers served by the measuring device.
- (4) Notwithstanding subsection (1), the Municipality may authorise that more than one connection pipe be provided on the water supply system for the supply of water to any premises if, in the opinion of the Municipality, undue hardship or inconvenience would be caused to any customer on such premises by the provision of only one connection pipe.
- (5) Where the provision of more than one connection pipe is authorized by the Municipality under subsection (4), the applicable charges for the provision of a connection pipe are payable by the owner or the person having charge or management of the premises in respect of each water connection so provided.
- (6) Where premises are supplied by a number of connection pipes, the Municipality may require the owner to reduce, at the owner's expense, the number of connection points and alter the water installation accordingly.

Disconnection of water installation from a connection pipe

15. The Municipality may disconnect a water installation from a connection pipe and remove the connection pipe on termination of an agreement for the provision of water supply services under these by-laws.

PART 2: STANDARDS

Quantity, quality and pressure

16. Water supply services provided by the Municipality shall comply with the minimum standards set for the provision of water supply services in terms of section 9 of the Act.
- 17.(1) Municipality may take samples of water obtained from a source other than the water supply system and may cause the samples to be tested for compliance with the requirements referred to in section 58(2).
- (2) The applicable charge for the taking and testing of the samples referred to in subsection (1) must be paid by the person to whom consent to use the water as potable water was granted in terms of section 58(1).

Testing of pressure in water supply system

18. The Municipality may, on application by an owner of premises and on payment of the applicable charge -
- (a) determine the value of the pressure in the water supply system relating to the owner's premises over such period as the owner may request; and
 - (b) inform the owner of such value.

Pollution of water

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

Water restrictions

20. (1) The Municipality may by public notice -

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

(i) in general or for specified purposes;

(ii) during specified hours of the day or on specified days; and

(iii) in a specified manner;

(b) determine and impose -

(i) a limit on the quantity of water that may be consumed over a specified period;

(ii) charges additional to the applicable charges in respect of the supply of water, in addition to a limit contemplated in paragraph (b)(i); and

(iii) a general surcharge on the applicable charges in respect of the supply of water; and

(c) impose restrictions or prohibitions on -

(i) the use or manner of use or disposition of an appliance by means of which water is used or consumed; or

(ii) the connection of such appliance to the water installation.

(2) The Municipality may -

(a) limit the application of the provisions of a notice contemplated in subsection (1) to specified areas and categories of customers, premises and activities; and

(b) permit deviations and exemptions from, or the relaxation of, any such provisions on reasonable grounds.

(3) The Municipality may -

- (a) take, or by written notice require a customer at his or her own expense to take, such measures, including the installation of measuring devices and devices for restricting the flow of water, as may in its opinion be necessary to ensure compliance with a notice contemplated in subsection (1); or
- (b) discontinue or, for such period as it may deem fit, restrict the supply of water to any premises in the event of a contravention of the provisions of a notice contemplated in subsection (1) on such premises or failure to comply with such notice, subject to a notice in terms of section 50; and
- (c) where the supply has been discontinued in terms of paragraph (b), restore the supply only when the applicable charge for discontinuation and reconnecting the supply is paid.

(4) The provisions of this section also apply in respect of water supplied direct by the Municipality to customers outside its area of jurisdiction, notwithstanding anything to the contrary in the conditions governing such supply, unless otherwise specified in a notice contemplated in subsection (1).

Specific conditions of supply

21. (1) Notwithstanding the provisions of section 15, the granting of a supply of water by the Municipality or an authorized agent does not constitute an undertaking by it that it will maintain at any time or at any point in its water supply system -

- (a) an uninterrupted supply;
- (b) a specific pressure or rate of flow in such supply; or
- (c) a specific standard or quality of water.

(2) The Municipality may, subject to subsection (1) (b), specify the maximum height to which water will be supplied from the water supply system.

- (3) If an owner requires that any standard referred to in subsection (1) be maintained on his or her premises, he or she must make provision in the water installation for the maintenance of such standard.
- (4) The Municipality may, in an emergency, interrupt the supply of water to any premises without prior notice.
- (5) If, in the opinion of the Municipality, the consumption of water by a customer adversely affects the supply of water to another customer, the Municipality may apply such restrictions to the supply of water to the first-mentioned customer as the Municipality deems necessary to ensure a reasonable supply of water to the other customer, and the Municipality shall inform that first-mentioned customer of the restrictions.
- (6) The Municipality is not liable for any damage to property caused by water flowing from fittings left open when the water supply is reinstated following an interruption in supply.
- (7) Every premises which requires, for the purpose of the work or activity undertaken on the premises, a continuous supply of water must have a water storage tank, which must comply with the specification for water storage tanks as stipulated in SANS 10252-1 and have a capacity of not less than 24 hours of water supply calculated as the quantity required to provide for the average daily consumption, in which tank water can be stored for periods when the continuous supply is disrupted.
- (8) No customer may resell water supplied to him or her by the Municipality, except with the written permission of the Municipality, which may stipulate the maximum price at which the water may be resold and may impose such other conditions as it deems fit.

PART 3: MEASUREMENT

Measuring of quantity of water supplied

22. The Municipality may provide a measuring device designed to supply either a controlled volume of water or an uncontrolled volume of water to a customer.
23. (1) The Municipality shall, at regular intervals, measure the quantity of water supplied through a measuring device designed to supply an uncontrolled volume of water.
- (2) Any measuring device and its associated apparatus through which water is supplied to a customer by the municipality shall be provided and installed by the Municipality and such measuring device and associated apparatus remain the property of the municipality and may be changed and maintained by the Municipality as it deems necessary.
- (3) The Municipality may install a measuring device and its associated apparatus at any point on a service pipe.
- (4) If the Municipality installs a measuring device on a service pipe in terms of subsection (3), he or she may install a section of pipe and associated fittings between the end of the connection pipe and the meter, and such section shall be deemed to form part of the water installation.
- (5) If the Municipality installs a measuring device together with its associated apparatus on a service pipe on premises in terms of subsection (3), the owner of the premises -
- (a) must provide a place satisfactory to the Municipality in which to install the measuring device and its associated apparatus;
- (b) must ensure that unrestricted access is available to the measuring device and its associated apparatus at all times;
- (c) is responsible for the protection of the measuring device and its associated apparatus and is liable for the costs arising from damage to the measuring

device and its associated apparatus, excluding damage arising from fair wear and tear;

- (d) must ensure that no connection is made to such service pipe between the measuring device and the connection pipe serving the installation;
- (e) must make provision for the drainage of water that may be discharged from such service pipe during the course of work done by the Municipality on the measuring device; and
- (f) may not use or permit to be used on any water installation any fitting, machine or appliance that causes damage or, in the opinion of the Municipality, is likely to cause damage to any meter.

(6) No person other than the Municipality may -

- (a) disconnect a measuring device and its associated apparatus from the pipe in which they are installed;
- (b) break a seal that the Municipality has placed on a meter; or
- (c) in any other way interfere with a measuring device and its associated apparatus.

(7) In the event of the measuring device on premises being a meter, the Municipality may, if he or she is of the opinion that the size of the meter is unsuitable by reason of the quantity of water supplied to the premises, install a meter of such size as he or she deems necessary and may recover from the owner of the premises the applicable charge for the installation of the meter.

(8) Subject to the provisions of section 13, the municipality may require the installation, at the expense of the owner of premises, of a measuring device to each dwelling unit on the premises to determine the quantity of water supplied to each dwelling unit, provided that where controlled-volume water delivery systems are used, a single measuring device may be used to supply more than one unit.

Quantity of water supplied to customer

24. (1) For the purposes of assessing the quantity of water that is measured by a measuring device installed by the Municipality and that is supplied to a customer over a specific period, it must be deemed, for the purpose of these by-laws, that, unless it can otherwise be proved -
- (a) the quantity, in respect of a measuring device designed to provide an uncontrolled volume of water, is represented by the difference between the measurements taken at the beginning and at the end of such period;
 - (b) the quantity, in respect of a measuring device designed to provide a controlled volume of water, is represented by the volume dispensed by the measuring device;
 - (c) the measuring device was accurate during such period; and
 - (d) the entries in the records of the municipality were correctly made;
- provided that if water is supplied to, or taken by, a customer without it passing through a measuring device, the estimate by the municipality of the quantity of such water is deemed to be correct.
- (2) Where water supplied by the municipality to any premises is in any way taken by the customer without such water passing through a measuring device provided by the municipality, the municipality may, for the purpose of rendering an account, estimate, in accordance with subsection (3), the quantity of water supplied to the customer during the period that water is so taken by the customer.
- (3) For the purposes of subsection (2), an estimate of the quantity of water supplied to a customer must be based, as the municipality may decide, on -
- (a) the average monthly consumption of water on the premises registered during three successive measuring periods after the date on which the taking of water as contemplated in subsection (2) was discovered and rectified; or
 - (b) the average monthly consumption of water on the premises during any three consecutive measuring periods in the twelve-month period prior to the date

on which the taking of water as contemplated in subsection (2) was discovered.

- (4) Nothing in these by-laws contained may be construed as imposing on the municipality an obligation to cause any measuring device installed by the Municipality on any premises to be measured at the end of every month or during any other fixed period, and the municipality may estimate the quantity of water supplied during any period in an interval between the successive measurements of the measuring device and render an account to a customer for the quantity of water so estimated.
- (5) The municipality shall, within seven days of receiving a written notice from a customer and subject to payment by the customer of the applicable charge, measure the quantity of water supplied to the customer at a time or on a day other than that at which or on which it would normally be measured.
- (6) If a contravention of section 22(6) occurs, the customer must pay to the municipality -
- (a) the cost of such quantity of water as in the municipality's opinion was supplied to him or her; and
 - (b) the cost of rectifying the disconnection, break or interference, as the case may be.
- (7) Until such time as a measuring device has been installed in respect of water supplied to a customer, the estimated or assumed consumption of that customer must be based on the average consumption of water supplied during a specific period to the supply zone within which the customer's premises are situated.
- (8) Where in the opinion of the Municipality it is not reasonably possible or cost-effective to measure water supplied to each customer within a supply zone, the municipality may determine a basic tariff or charge to be paid by each customer within that supply zone, irrespective of actual consumption.
- (9) A basic tariff or charge determined in terms of subsection (8) will be based on the estimated average consumption of water supplied to the supply zone.

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

Defective measurement

25. (1) If a customer has reason to believe that a measuring device supplied to him or her by the municipality is defective, he or she may, against payment of the applicable charge, apply in writing for the measuring device to be tested.
- (2) If the outcome of any test referred to in subsection (1) shows that a measuring device is -
- (a) within the range of accuracy prescribed by the Trade Metrology Act, 1973, the customer is liable for the cost of the test and any other amounts outstanding; or
 - (b) outside the prescribed range of accuracy, the municipality is liable for the cost of the test, in which case the customer must be informed of the amount of any credit to which he or she is entitled.
- (3) The applicable charge paid in accordance with subsection (1) for the testing of a measuring device may be -
- (a) retained by the municipality if the measuring device is found not to be defective in terms of this section; or
 - (b) refunded to the customer if the measuring device is found to be defective in terms of this section.
- (4) If a measuring device is -
- (a) a meter to which the regulations relating to meters published under the Trade Metrology Act, 1973, are applicable, the measuring device shall be deemed to be defective if, when tested in accordance with SANS 1529-1,

the measuring device is found to have a percentage error in over-registration or under-registration greater than that permitted for a meter in use in terms of SANS 1529-1; or

(b) a meter of a size greater than 100 mm in diameter to which SANS 1529-1 is not applicable, the measuring device shall be deemed to be defective if it is found to have a percentage error in over-registration or under-registration greater than 5% at any one of the rates of flow when tested at the following percentages of design maximum rates of flow:

- (i) 75% or more of the design maximum flow;
- (ii) between 50% and 55% of the design maximum flow; and
- (iii) between 15% and 20% of the design maximum flow.

(5) Subject to subsection (3), the municipality shall, if a measuring device is found to be defective in terms of this section -

(a) repair the measuring device or replace it with another measuring device which is in good working order, at no charge to the customer unless the cost of the repair or replacement is recoverable from the customer owing to a contravention of section 22(6);and

(b) determine the water supply services for which the customer is to be charged on the basis set out in section 27.

(6) A customer is entitled, on giving the Municipality reasonable notice of his or her intention, to be present at the testing of any meter in which the customer has any interest.

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

Special measurement

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

No reduction in amount payable for water wasted

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

Adjustment of quantity of water supplied through defective measuring device

28. (1) If a measuring device is found to be defective in terms of section 24(2) or (4), the municipality may estimate the quantity of water supplied to the customer for the period in which, in its opinion, the measuring device was defective, and such estimate must be made on the following basis:
- (a) The quantity of water shall be based on the average monthly consumption of water on the premises served by the measuring device during the three months prior to the registration of the defect;
- (b) if an estimate is not possible on the basis contemplated in paragraph (a), the quantity of water shall be based on the consumption of water on the premises served by the measuring device in the corresponding month of the previous year; or
- (c) if an estimate is not possible on the basis contemplated in paragraph (a) or (b), the quantity of water shall be based on the average monthly consumption

of water on the premises served by the measuring device during a period of three months after the repair or replacement of the measuring device has been effected.

- (2) If the quantity of water supplied to a customer during the period when his or her measuring device was defective cannot be estimated in accordance with subsection (1), the municipality may estimate the quantity.
- (3) When an adjustment contemplated in subsection 27 (1) is made, the adjustment may not apply to a period exceeding three years proceeding the date on which the metering equipment was found to be inaccurate.

PART 4: AUDIT

Water audit

- 28. (1) The municipality may require a customer to, within one month after the end of a financial year of the municipality, undertake a water audit at the customer's own cost.
- (2) The water audit referred to in subsection (1) must at least determine details in respect of -
 - (a) the amount of water used during the financial year;
 - (b) the amount paid for water for the financial year;
 - (c) the number of people living on the customer's stand or premises;
 - (d) the number of people permanently working on the customer's stand or premises;
 - (e) the seasonal variation in demand through monthly consumption figures;
 - (f) the water pollution monitoring methods;
 - (g) the current initiatives to manage demand for water;
 - (h) the plans to manage demand for water;

- (i) a comparison of the factors contemplated in paragraphs (a) to (h) with those reported for each of the previous three years, where available; and
- (j) estimates of consumption by various components of use.

PART 5: INSTALLATION WORK

Approval of installation work

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

- (5) If installation work has been done in contravention of subsection (1) or (2), the municipality may require the owner -
- (a) to rectify the contravention within a specified period;
 - (b) if the work is in progress, to cease the work; and
 - (c) to remove all work that does not comply with these by-laws.

Persons permitted to do installation and other work

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

Provision and maintenance of water installations

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

Technical requirements for a water installation

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

Use of pipes and water fittings to be authorised

34. (1) No person may, 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 the pipe or water fitting is included in the Schedule of Approved Pipes and Fittings as compiled by the municipality.
- (2) Application for the inclusion of a pipe or water fitting in the schedule referred to in subsection (1) must be made on the form prescribed by the municipality.
- (3) A pipe or water fitting may be included in the schedule referred to in subsection (1) if
- (a) the pipe or water fitting bears the standardization mark of the SABS in respect of the relevant South African National Standards specification issued by the SABS;
 - (b) the pipe or water fitting bears a certification mark issued by the SABS to certify that the pipe or water fitting complies with an SABS mark

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

Labeling of terminal water fittings and appliances

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

Water demand management

36. (1) Notwithstanding the provisions of sections 54 and 69(3), no flushing urinal that is not user-activated may be installed or continue to operate in any water installation. Any flushing urinal that is not user-activated and that was installed prior to the commencement of these by-laws must be converted to a user-activated urinal within two years of the commencement of these by-laws.
- (2) No cistern and related pan designed to operate with the cistern may be installed if the cistern has a capacity of more than 9 litres, and any cistern not intended for public use must be fitted with a flushing device allowing interruptible or multiple flushes, provided that such flushing device is not required in a cistern with a capacity of 4, 5 litres or less.
- (3) In any water installation where the dynamic water pressure is more than 200 kPa at a shower control valve and where the plumbing has been designed to balance the water pressures on the hot and cold water supplies to the shower control valve, a shower head with a maximum flow rate of more than 10 litres per minute may not be installed.
- (4) The maximum flow rate from any tap installed on a wash hand basin may not exceed 6 litres per minute.

PART 6: COMMUNAL WATER SUPPLY SERVICES**Provision of water supply to several consumers**

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

Zonal control of water supply services

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

PART 7: TEMPORARY WATER SUPPLY SERVICES**Water supplied from a hydrant**

39. (1) The Municipality may authorise a temporary supply of water to be taken from one or more fire hydrants specified by him or her, subject to -
- (a) such conditions and such period as may be prescribed by him or her; and
 - (b) payment of such applicable charges as may be determined by the Council from time to time.
- (2) A person who desires a temporary supply of water referred to in subsection (1) must apply for the water supply services in accordance with section 2.
- (3) The Municipality shall, for the purposes of supplying water from a fire hydrant as contemplated in subsection (1), provide a portable meter, which portable meter must be returned to the municipality on termination of the temporary supply, and such portable meter and all other fittings and apparatus used for the connection of the portable meter to the fire hydrant remain the property of the municipality and are provided subject to any conditions imposed by the municipality or an authorised agent.

PART 8: BOREHOLES

Notification of boreholes

40. (1) In respect of any area of the municipality, the municipality may by public notice require -

- (a) the owner of any premises on which a borehole exists or, if the owner is not in occupation of the premises, the occupier of the premises, to notify the municipality of the existence of a borehole on the premises and to provide it with such information about the borehole as it may require; and
- (b) the owner or occupier of any premises who intends to sink a borehole on the premises to notify it on the prescribed form of his or her intention to sink a borehole before work in connection with the sinking of the borehole is commenced.

(2) The municipality may require the owner or occupier of any premises who intends to sink a borehole on the premises to conduct, to the satisfaction of the municipality, an environmental impact assessment in respect of the proposed borehole before sinking the borehole.

(3) In respect of an owner or occupier of premises who has an existing borehole on the premises that is used for water supply services, the municipality may by notice to the owner or occupier or by public notice -

- (a) require the owner or occupier, as the case may be, to obtain approval from the municipality for the use of the borehole for potable water supply services in accordance with sections 6, 7 and 22 of the Act; and
- (b) impose conditions in respect of the use of the borehole for potable water supply services.

PART 9: FIRE SERVICES CONNECTIONS

Connection to be approved by the municipality

41. (1) The Municipality is entitled at his or her absolute discretion to grant or refuse an application for the connection of a fire extinguishing installation to the municipality's main.

(2) No water may be supplied to any fire extinguishing installation until -

(a) a certificate in accordance with section 29 has been submitted to the municipality; and

(b) the installation complies with the requirements of these by-laws and any other by-laws of the municipality.

(3) If in the opinion of the Municipality a fire extinguishing installation which he or she has allowed to be connected to the municipality's main in terms of subsection (1) is not being kept in proper working order, is otherwise not being properly maintained, or is being used for purposes other than fire fighting, the municipality is entitled to --

(a) require the customer to disconnect the installation from the main at the customer's expense; or

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

Special provisions

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

Payment for services

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

Dual and combined installations

44. All new buildings erected after the commencement of these by-laws must comply with the following requirements in respect of the provision of fire extinguishing services:

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

Connection pipes for fire extinguishing services

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

Valves and meters in connection pipes

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

Meters in fire extinguishing connection pipes

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

Sprinkler installations

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

Header tanks or duplicate supply from mains

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

Sealing of private fire hydrants

50. (1) (a) Except in the case of a combined system with a combination meter, any private fire hydrant and hose-reel shall be sealed by the municipality, and any such seal may not be broken by any person other than the municipality, provided that -
- (i) the municipality may break the seal in the course of servicing and testing the fire hydrant and hose-reel; and
- (ii) any person may break the seal for the purpose of opening the fire hydrant in the event of a fire.
- (b) The customer must give the municipality at least 48 hours' notice prior to a fire extinguishing installation being serviced and tested.

- (2) The cost of resealing a fire hydrant and hose-reel contemplated in subsection (1) must be borne by the customer, except where a seal is broken by the municipality's officers for testing purposes.
- (3) Any water consumed through a private fire installation or sprinkler system must be paid for by the customer at the applicable charge.

CHAPTER 4

SANITATION SERVICES

PART 1

STANDARDS

Standards for sanitation services

51. 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.

Objectionable discharge to sewage disposal system

- 52(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 81, 82 and 84 below;
 - (b) which contains any substance in such concentration as will produce or be likely to produce in the effluent for discharge at any sewage treatment plant or sea outfall 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 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, 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 or the authorized provider, for the sewage disposal system, other than in compliance with the permissions issued in terms of these by-laws; and
 - (g) which may inhibit the unrestricted conveyance of sewage through the sewage disposal system.
- (2) No person shall cause or permit any stormwater 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 these by-laws and to report such findings to an authorized provider.
 - (4) If any person contravenes any provision of subsection (1) or subsection (2) he or she shall within twelve hours, or earlier if possible, advise the municipality or the authorized provider, of the details of the contravention and the reasons for it.

PART 2

ON-SITE SANITATION SERVICES AND ASSOCIATED SERVICES

Application for infrastructure

53(1) If an agreement for on site sanitation and associated services in accordance with section 6 exists and no infrastructure in connection therewith exists on the premises, the owner must immediately make application on a form approved by the municipality and –

- (a) pay the prescribed charge for the installation of necessary infrastructure; or

- (b) with the approval by the municipality or the authorized provider, , install the connecting sewer or on site sanitation services in accordance with the specifications of the municipality or the authorized provider,.
- (2) The municipality or the authorized provider, may specify the type of on site sanitation services to be installed, where a Ventilated Improved Pit Latrine is not appropriate in specific circumstances.

Services associated with on-site sanitation services

- 54(1) The removal or collection of conservancy tank contents, night soil or the emptying of pits will be undertaken by the municipality or the authorized provider, in accordance with a removal and collection schedule determined by the municipality or the authorized provider,.
- (2) Copies of the collection and removal schedule will be available on request.

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

- 55(1) Charges in respect of the removal or collection of conservancy tank contents, night soil or the emptying of pits will be based on the volume removed by vacuum tank or otherwise.
- (2) If the volume of conservancy tank contents, night soil or the emptying of pits removed or collected cannot be quantified the municipality or the authorized provider may charge a fixed charge as prescribed.

PART 3

SEWAGE DISPOSAL

Provision of a connecting sewer

- 56. (1) If an agreement for the use of the sewage disposal system in accordance with section 6 exists and no connecting sewer exists in respect of the premises, the

owner must immediately make application on a form approved by the municipality and –

- (a) pay the prescribed charge for the installation of such a connecting sewer; or
 - (b) with the approval by the municipality or the authorized provider,, install the connecting sewer in accordance with any specifications of the municipality or the authorized provider,.
- (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 or the authorized provider, may agree to the extension subject to such conditions as it may impose.

Location of connecting sewer

57. (1) A connecting sewer provided and installed by the municipality or the authorized provider, or owner in terms of section (70) shall -
- (a) be located in a position agreed to between the owner and the municipality or the authorized provider, and be of a size determined by an authorized 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 the authorized provider, or over which it has a servitude or other right or when subsection (3) applies at the connecting point designated in terms of that subsection;
- (2) In reaching agreement with an owner concerning the location of a connecting sewer, the municipality or the authorized provider, 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;
 - (c) whether or not the municipality or the authorized provider, requires the owner to fix the location of the connecting sewer by providing a portion of his or her sewer 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 or the authorized provider, to connect to such installation.
- (3) The municipality or the authorized provider, 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 an authorized officer and for obtaining at his or her cost, such servitudes over other premises as may be necessary.
- (4) An owner must pay the prescribed connection charge.
- (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 or the authorized provider,.

Provision of one connecting sewer for several consumers on same premises

58. (1) Notwithstanding the provisions of section 70 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 consumer unit of consumers located on such premises.
- (2) Where the owner, or the person having the charge or management of any premises on which several consumer unit(s) are situated, requires the disposal of sewage from such premises for the purpose of disposal from the different consumer units,

the municipality or the authorized provider, 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 consumer units; or
 - b) a separate measuring device for each consumer unit or any number thereof.
- (3) Where the municipality or the authorised provider, has installed a single measuring device as contemplated in subsection (2) (a), the owner or the person having the charge or management of the premises, -
- (a) must, if the municipality or the authorized provider so requires, install and maintain on each branch pipe extending from the connecting sewer to the different consumer units –
 - (i) a separate measuring device; and
 - (ii) an isolating valve; and
 - (b) will be liable to the municipality or the authorized provider, for the tariffs and charges for all sewage disposed from the premises through such a single measuring device, irrespective of the different quantities disposed by the different consumers served by such measuring device.
- (4) Notwithstanding subsection (1), the municipality or the authorized provider, may authorize 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 or the authorized provider,, 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 authorized by the municipality or the authorized provider, under subsection (4), the tariffs and charges for the provision of a connecting sewer is payable in respect of each sewage connection so provided.

Interconnection between premises

- 59 An owner of premises shall ensure that no interconnection exists between the drainage installation on his or her premises and the drainage installation on other premises, unless he or she has obtained the prior written consent of the municipality or the authorized provider, and complies with any conditions that it may have imposed.

Disconnection of draining installation from connecting sewer

60. The municipality or the authorized provider, 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 15 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.

PART 4**SEWAGE DELIVERED BY ROAD HAULAGE****Acceptance of sewage delivered by road haulage**

61. (1) The municipality or the authorised provider, may, at its discretion, and subject to such conditions as it may specify, accept sewage for disposal delivered to the municipalities sewage treatment plants by road haulage.

Written permission for delivery of sewage by road haulage

62. (1) No person shall discharge sewage into the municipalities sewage treatment plants by road haulage except with the written permission of the municipality or the

authorised provider, 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 municipalities sewage treatment plants shall be assessed by the municipality or the authorised provider, in accordance with the prescribed tariffs of charges.

Conditions for delivery of sewage by road haulage

63. (1) When sewage is delivered by road haulage-

- (a) the time of delivery shall be arranged with the municipality or the authorised provider,; and
- (b) the nature and composition of the sewage shall be established to the satisfaction of the municipality or the authorised provider, prior to the discharge thereof and no person shall deliver sewage that does not comply with the standards laid down in terms of these by-laws.

Withdrawal of permission for delivery of sewage by road haulage

64. (1) The municipality or the authorised provider, may withdraw any permission, after giving at least fourteen days written notice of its intention to a person permitted to discharge sewage by road haul if the person –

- (a) fails to ensure that the sewage so delivered conforms to the standards prescribed in Schedule "A" or "B", as applicable, or in the written permission; or
- (b) fails or refuses to comply with any notice lawfully served on him or her in terms of these by-laws or contravenes any provisions of these by-laws or any condition imposed on him 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 5

DISPOSAL OF INDUSTRIAL EFFLUENT AND TRADE PREMISES

Application for disposal of industrial effluent

65. (1) A person must apply for permission to discharge industrial effluent into the sewage disposal system of the municipality or the authorised provider, in terms of section 6.
- (2) The municipality or the authorised provider, 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 it will, for such period and subject to such conditions it may impose, grant written permission to discharge industrial effluent.
- (3) The provisions of Chapter 2 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 also lodge applications for the provision of sanitation services and for permission to discharge industrial effluent in terms of subsection (2).

Unauthorized discharge of industrial effluent

66. (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 or the authorised provider, and in accordance the provisions of this part.
- (2) A person to whom such permission is granted shall pay to the authorised provider, any prescribed charges.

Quality standards for disposal of industrial effluent

- 67 (1) A person to whom permission has been granted in terms of section 79 must ensure that no industrial effluent is discharged into the sewage disposal system of the municipality or the authorised provider, unless it complies with the standards and criteria set out in Schedules A and B hereto.
- (2) The municipality or the authorised provider, may by writing in the permission concerned, relax or vary the standards in Schedules A or B, provided that the municipality or the authorised provider, is satisfied that any such relaxation represents the best practicable environmental option.
- (3) In determining whether relaxing or varying the standards in Schedules A or B represents the best practicable environmental option an municipality or the authorised provider, 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 or the authorised provider,;
 - (d) the cost to the municipality or the authorised provider, 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 and B or any other standard laid down in a written permission.

Conditions for disposal of industrial effluent

68 (1) The municipality or the authorised provider, 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 or the authorised provider, will ensure that the industrial effluent conforms to the standards prescribed in Schedules A and B 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 or the authorised provider, 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 manhole or stop-valve in such position and of such dimensions and materials as the municipality or the authorised provider, may prescribe;
- (e) provide all such information as may be required by the municipality or the authorised provider, to enable it to assess the tariffs or charges due to the municipality or the authorised provider;
- (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-laws;

- (g) cause any meter, gauge or other device installed in terms of this section to be calibrated by an independent authority at the cost of that person at such intervals as required by the municipality or the authorised provider, and copies of the calibration to be forwarded to it; and
 - (h) cause his or her industrial effluent to be analyzed as often and in such manner as may be prescribed by the municipality or the authorised provider, and provide it with the results of these tests when completed.
- (2) The cost of any treatment, plant, works or analysis which the permit holder may be required to carry out, construct or install in terms of subsection (1) shall be borne by the permit holder concerned.
- (3) The written permission of the municipality or the authorised provider, must be obtained for any proposed changes to the composition of industrial effluent discharged into the sewage disposal system.

Withdrawal of written permission for disposal of industrial effluent

69. (1) The municipality or the authorised provider, may withdraw any permission, after giving at least fourteen days written notice of its intention to a person permitted to discharge industrial effluent into the sewage disposal system if the person –
- (a) fails to ensure that the industrial effluent discharged conforms to the industrial effluent standards prescribed in Schedules A and B of these by-laws or the written permission;
 - (b) fails or refuses to comply with any notice lawfully served on him or her in terms of these by-laws or contravenes any provisions of these by-laws or any condition imposed in terms of any permission granted to him or her; or
 - (c) fails to pay the assessed charges in respect of any industrial effluent discharged.
- (2) The municipality or the authorised provider, may on withdrawal of any written permission –

- (a) in addition to any steps prescribed in these by-laws, and on fourteen days' 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 or the authorised provider's tariff of charges; and
- (b) refuse to accept any industrial effluent until it is satisfied that adequate steps are or have been to ensure that the industrial effluent to be discharged conforms with the standards prescribed in these by-laws.

Notification of non-compliance with standards of industrial

- 70 In the event that industrial effluent that does not comply with the standards in Schedules A or B or the written permission issued in respect of that process or premises, is discharged into the sewage disposal system, the municipality or the authorised provider, must be informed of the incident and the reasons therefore within twelve hours of such discharge.

PART 6

MEASUREMENT OF QUANTITY OF EFFLUENT DISCHARGED TO SEWAGE DISPOSAL SYSTEM

Measurement of quantity of standard domestic effluent discharged

71. (1) The quantity of standard domestic effluent discharged shall be determined by a percentage of water supplied by the municipality or the authorised provider, provided that where the municipality or the authorised provider, 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 or the authorised provider, may reduce the percentage applicable to those premises to a figure which, in its opinion and in the light of the available information,

reflects the proportion between the likely quantity of sewage discharged from the premises and the quantity of water supplied thereto.

- (2) Where a premises is supplied with water from a source other than or in addition to the municipality or the authorised provider's water supply system, including abstraction from a river or borehole, the quantity will be a percentage of the total water used on that premises as may be reasonably estimated by the municipality or the authorised provider,.

Measurement of quantity of industrial effluent discharged

72. (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 premises as measured through that measuring device;
 - (b) until such time as a measuring device is installed by a percentage of the water supplied by the municipality or the authorised provider, to that premises.
- (2) Where a premises is supplied with water from a source other than or in addition to the municipality or the authorised provider's water supply system, including abstraction from a river or borehole, the quantity will be a percentage of the total water used on that premises as may be reasonably estimated by the municipality or the authorised provider,.
- (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 or the authorised provider, may on application reduce the assessed quantity of industrial effluent.

Reduction in the quantity determined in terms of Sections 85 and 86 (1) (a)

73. (1) A person shall be entitled to a reduction in the quantity determined in terms of Sections 85 and 86 (1) (a) 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 undetected if the consumer demonstrates to the satisfaction of the municipality or the authorised provider, 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 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 or the authorised provider, 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 contravention of these by-laws.

PART 7**DRAINAGE INSTALLATIONS****Construction or installation of drainage installations**

74. (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 having—
- (i) a pit of 2 m³ capacity;
 - (ii) lining as required;
 - (iii) a slab designed to support the superimposed loading; and
 - (iv) 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 110 mm in diameter, 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;
- (c) any ventilated pit latrine should not usually be used by more than one household;
- (d) access to water for hand washing;
- (e) the municipality or the authorised provider, may levy a charge that covers all the operating and maintenance costs in the removal of the pit contents, transportation to a disposal site, the treatment of the contents to achieve a sanitary condition and the final disposal of any solid residues. The charge may be in the form of a monthly contribution or it may be levied as a single payment when the service is rendered.

Drains in Streets or Public Places

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

Construction by municipality or the authorised provider,

76. The municipality or the authorised provider, may agree with the owner of any premises that any drainage work which such owner desires, or is required to construct in terms of these by-laws or the Building Regulations, will be

constructed by the municipality or the authorised provider, against payment, in advance or on demand, of all costs associated with such construction.

Maintenance of drainage installation

- 77(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 or the authorised provider, to clear a drainage installation will be liable to pay the prescribed tariff.
- (3) The municipality or the authorised provider, may, on the written application of the owner or occupier of any premises, inspect and test the drainage installation of such premises or any section thereof and recover from the owner or occupier the cost of such inspection and test, calculated at the rate specified in the prescribed tariff of charges.

Installation of pre-treatment facility

78. The municipality or the authorised provider 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.

Protection from ingress of floodwaters

- 79 Where a premise is situated in the 1 in 50 years flood plain the top level of manholes, inspection chambers and gullies is to be above the 1 in 50 years flood level, except, in the case of manholes and inspection chambers, where the cover is secured in place by means approved by the authority.

PART 8

PROTECTION OF INFRASTRUCTURE

Power of Entry and Inspection

- 80(1) An officer of the municipality may for any purpose connected with the implementation or enforcement of these By-laws, at all reasonable times or in an emergency at any time, enter premises, request information, take samples, make such inspection, examination and enquiry and carry out work as he or she may deem necessary, and for those purposes operate any component of the drainage installation.
- (2) If the authorised officer considers it necessary that work be performed to enable an authorised officer properly and effectively to implement a function referred to in subsection (1), he may -
- (a) by written notice require the owner or occupier of the premises at his own cost to do specified work within a specified period; or
 - (b) if in his opinion the situation is a matter of urgency, without prior notice do such work or cause it to be done, at the cost of the owner.
- (3) If the work referred to in subsection (2) is carried out for the sole purpose of establishing whether a contravention of these by-laws has been committed and no such contravention is established, the municipality shall bear the expense connected therewith together with that of restoring the premises to its former condition but it shall not otherwise bear such expense.

Trespassing on the Sewage Disposal System

- 81(1) No person shall without the prior written permission of the authorised officer enter -
- (a) upon an area used for the purpose of the sewage disposal system which is enclosed by a fence or where entry is prohibited by notice boards; or

- (b) a structure used by the municipality in connection with its sewage disposal system.

Interference with the Sewage Disposal System

82(1) Except with the prior authority of an authorised officer –

- (a) no person shall interfere or tamper with the sewage disposal system,
- (b) no person shall make a connection to the sewage disposal system save as contemplated in section 67.
- (c) no person shall construct a building or raise or lower the ground level within an area that is subject to a sewer servitude.

Damage to Sewage Disposal System

- 83(1) No person shall damage or endanger the sewage disposal system, or cause or permit it to be damaged or endangered.
- (2) Any person who intends performing work which may cause damage to the sewage disposal system on land owned by or vested in the water services authority or over which it has a servitude or other right, shall prior to commencement of such work, ascertain from an authorised officer if any part of the sewage disposal system is situated on the land.
 - (3) If work which in the opinion of an authorised officer could damage or endanger the sewage disposal system is to be performed or is being performed on land referred to in subsection (2), or on land adjacent thereto, he may by notice in writing require the person concerned not to commence, or to cease performing, the work until such time as he has complied with the conditions specified in the notice.

Consequential Maintenance of Sewers

- 84(1) Whenever a sewer is damaged or becomes obstructed or in need of repair as a result of the act or omission of any person, whether by reason of the failure of such person to comply with the requirements of these by-laws or otherwise, the municipality shall be entitled to carry out such work of maintenance or repair as an authorised officer considers necessary or to remove the obstruction at the expense of such person and to recover from him the full cost of doing so.

Obstruction of Access to Sewage Disposal System

- 85 (1) No person shall prevent or restrict access to the sewage disposal system.
- (2) If a person contravenes subsection (1), the authorised officer may:
- (a) by written notice require the person to restore access at his or her own cost within a specified period; or
 - (b) if he or she is of opinion that the situation is a matter of urgency, without prior notice restore access and recover the full cost of doing so from such person.

Work By Private Persons

- 86(1) The municipality or the authorised provider shall lay all sewers and connecting sewers unless it elects not to do so in which case the work shall be executed in accordance with the authority's Conditions of Contract applicable to the work and the following provisions:
- (a) any persons carrying out such work in terms of this section shall prior to commencement of such work lodge with an authorised officer a written indemnity to his satisfaction indemnifying the municipality against all liability in respect of any accident or injury to persons or loss or damage to

property which may occur as the direct result of the execution of such works;

- (b) where a connection is to be made with any sewer it shall be made at a point indicated by the authorised officer;
 - (c) whenever the surface of any street or road has been disturbed in the course of such work, the restoration of such surface shall be undertaken solely by the municipality at the expense of the person carrying out such work.
- (2) Prior to the disturbance of the surface of such street or road a deposit shall be made by such person with the municipality which in the opinion of the authorised officers is sufficient to cover the estimated cost of such restoration.
 - (3) When the actual cost is greater or less than the amount deposited an excess shall be recoverable from such person and any balance shall be refunded to him.
 - (4) All work shall be carried out in accordance with the requirements and to the satisfaction of an authorised officer.

CHAPTER 5

PART 1: WATER SUPPLY FOR INDUSTRIAL USE AND ACCEPTANCE OF INDUSTRIAL EFFLUENT

Industrial Use – Application

- 87 (1) Any person or institution seeking approval, or the renewal of an approval, from the municipality in terms of section 7(1) of the Act shall do so in accordance with the provisions of these by-laws and at its own expense.
- (2) If an applicant intends making application simultaneously for approval in terms of section 7(1) and any other provision of the Act, he shall deal with each application separately, provided that information may be incorporated in one or the other application by reference.
- (3) An application for approval contemplated in subsection (1), or the renewal of such approval, shall be made to the municipality in writing.
- (4) Any submission application for any approval in terms of subsection (1), or the renewal of any approval granted by the authority, shall be accompanied by, at least, the following documents or particulars, provided that, in the case of a renewal of an approval, the municipality may, in its discretion, dispense with some of the documents or particulars to avoid unnecessary duplication:
- (a) a certified copy of the identity document of the applicant, if a natural person, or a certified copy of the founding document or constitution of the applicant, if the applicant is a legal person;
 - (b) a certified resolution adopted by the management body of the applicant, if the applicant is a legal person, resolving to apply for approval as a water services provider;
 - (c) a certified list of the names and addresses of all persons occupying a leadership and decision-making power in the applicant;
 - (d) a detailed statement, supported by adequate proof of authenticity, setting out the applicants qualifications, capacity to undertake the work

associated with the provision of water services in the circumstances reflected in the application, and the experience, skills and financial resources available to it to undertake the provision of water services to be provided by the applicant;

- (e) a full and detailed description of the water scheme or schemes which will be operated by the applicant containing sufficient information to enable the municipality to determine whether the water scheme or schemes complies with the criteria set in section 11 of the Act, these by-laws and the water development plan adopted by the municipality in terms of section 15 of the Act, which description shall include, but not be limited to:
- (i) the name or names of the water scheme or schemes,
 - (ii) an indication of the nature of the water services to be provided by the applicant;
 - (iii) detailed plans or drawings, with co-ordinates and scales, and specifications depicting the physical installation associated with the water scheme or schemes, including all the structures, aqueducts, pipes, valves, pumps, meters or other apparatus relating thereto used or intended to be used by it in connection with the provision of water services contemplated in the application;
 - (iv) a detailed description, including numbers and locality, of the consumers or potential consumers that will be supplied with water by the applicant;
 - (v) details of the source, the quality and quantity of water that will be supplied to consumers or potential consumers and what arrangements are in place to ensure that such quality and quantity is consistently maintained;
 - (vi) a business plan setting out how the water scheme or water schemes will be operated and maintained during the period the applicant

- undertakes the supply of water services as contemplated in the application, and what arrangements have been adopted to deal with any emergency, including natural disasters and drought;
- (vii) a budget describing the financial administration of the water scheme or water schemes, the source of any capital or revenue requirements, and an indication of the sustainability of the water scheme or water schemes; and
 - (viii) details of tariffs and charges that the applicant will levy on all consumers and potential consumers, the method of calculating such tariffs and charges, the process whereby increases or decreases in such tariffs and charges will be dealt with, and the manner in which such tariffs and charges comply with the national norm set by the Minister of Water Affairs and Forestry in terms of section 10 of the Act.
- (f) The applicant shall also provide:
- (i) a certificate indicating who the legal owner or owners of the water scheme or schemes is or are;
 - (ii) certified copies of all documents and deeds reflecting the legal status of the water scheme or schemes, including deeds of servitude where appropriate; and
 - (iii) full details of the conditions that will be imposed in terms of section 4 of the Act and full details required in terms of section 19(4) of the Act.
- (2) The municipality may call for any additional information or documents reasonably required to enable it to determine whether the proposer or applicant, including a public sector water provider, or the water scheme or schemes will comply with the Act, these by-laws and the water development plan of the authority, and whether the obligations of the authority, imposed on it by the Act, will be met.

- (3) The municipality may, and it shall, if it initially decides to refuse an application made in terms of subsection (1), including an application made by a public sector water provider, prior to making a final decision, meet with the applicant, and any organisation reasonably representative of the consumers or potential consumers of the water scheme or schemes, in order to hear representations made by the applicant and such representative organisations in support of, or against, the applications, and it shall take such representations into account in arriving at its final decision.

Procedure on Approval

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

PART 2

WATER SERVICES INTERMEDIARY – REGISTRATION

Application for Registration

- 89(1) Any person or institution seeking registration with the municipality as a water services intermediary in terms of section 24 of the Act shall do so in accordance with the provisions of these by-laws and at his or its own expense.
- (2) An application for such registration shall be made to the municipality in writing.
- (3) An application for such registration shall be accompanied by, at least, the following documents or particulars:
- (a) a certified copy of the identity document of the applicant, if a natural person, or a certified copy of the founding document or constitution of the applicant, if the applicant is a legal person;

- (b) a certified resolution adopted by the management body of the applicant, if the applicant is a legal person, resolving to apply for registration as a water services intermediary;
- (c) a certified list of the names and addresses of all persons occupying a leadership and decision-making power in the applicant;
- (d) a detailed statement, supported by adequate proof of authenticity, setting out the applicants qualifications, capacity to undertake the work associated with the provision of water services in the circumstances reflected in the application, and the experience, skills and financial resources available to it to undertake the provision of water services to be provided by the applicant;
- (e) the grounds upon which the applicant contends that it is a water services intermediary as defined in the Act;
- (f) a full and detailed description of the water scheme or schemes which will be operated by the applicant containing sufficient information to enable the municipality to determine whether the water scheme or schemes complies with the criteria set in section 11 of the Act, these by-laws and the water development plan adopted by the municipality in terms of section 15 of the Act, which description shall include, but not be limited to:
 - (i) the name or names of the water scheme or schemes,
 - (ii) an indication of the nature of the water services to be provided by the applicant;
 - (iii) detailed plans or drawings, with co-ordinates and scales, and specifications depicting the physical installation associated with the water scheme or schemes, including all the structures, aqueducts, pipes, valves, pumps, meters or other apparatus relating thereto used or intended to be used by it in connection with the provision of water services contemplated in the application;

- (iv) a detailed description, including numbers and locality, of the consumers or potential consumers that will be supplied with water by the applicant;
- (v) details of the source, the quality and quantity of water that will be supplied to consumers or potential consumers and what arrangements are in place to ensure that such quality and quantity is consistently maintained;
- (vi) a business plan setting out how the water scheme or water schemes will be operated and maintained during the period the applicant undertakes the supply of water services as contemplated in the application, and what arrangements have been adopted to deal with any emergency, including natural disasters and drought;
- (vii) a budget describing the financial administration of the water scheme or water schemes, the source of any capital or revenue requirements, and an indication of the sustainability of the water scheme or water schemes; and
- (viii) details of tariffs and charges that the applicant will levy on all consumers and potential consumers, the method of calculating such tariffs and charges, the process whereby increases or decreases in such tariffs and charges will be dealt with, and the manner in which such tariffs and charges comply with the national norm set by the Minister of Water Affairs and Forestry in terms of section 10 of the Act.
- (ix) a certificate indicating who the legal owner or owners of the water scheme or schemes is or are;

- (x) certified copies of all documents and deeds reflecting the legal status of the water scheme or schemes, including deeds of servitude where appropriate; and
- (xi) full details of the conditions that will be imposed in terms of section 4 of the Act and full details required in terms of section 19(4) of the Act.

Additional Information to make Decision

- 90(1) The municipality may call for any additional information or documents reasonably required to enable it to determine whether the applicant, or the water scheme or schemes will comply with the Act, these by-laws and the water development plan of the authority, and whether the obligations of the authority, imposed on it by the Act, will be met.
- (2) The municipality may, and it shall, if it initially decides to refuse to refuse an application made in terms of section 111(1), prior to making a final decision, meet with the applicant and any organisation reasonably representative of the consumers or potential consumers of the water scheme or schemes, in order to hear representations made by the applicant and such representative organisations in support of, or against, the applications, and it shall take such representations into account in arriving at its final decision.

Approval of Application

- 91 The municipality may approve or refuse the application, provided that:
- (a) if it approves the application, it may make such registration subject to such reasonable and relevant conditions as it deems necessary;
 - (b) if it refuses the application, it shall advise the applicant of the reasons for such refusal.

92(1) In the event of the municipality granting such registration it shall deliver a written notification thereof to the applicant and in such notice it shall:

- (a) draw the applicants attention to the provisions of sections 25, 26 and 27 of the Act;
- (b) draw the applicants attention to the provisions of these by-laws; and
- (c) set out any conditions referred to in subsection 113(a).

Monthly Report

93 A registered water services intermediary shall submit a quarterly report to the municipality providing at least such information as the municipality may reasonably require in order to enable it to monitor and evaluate the operation of the water scheme concerned and to satisfy itself that the said scheme is being operated in such a manner so as to fulfil the requirements of Act, the applicable water development plan, these by-laws and any conditions imposed as a condition of registration.

CHAPTER 6

NOTICES

Power to serve and compliance with notices

94. (1) The municipality may, by written notice, order an owner, consumer or any other person who, by an act or omission, fails to comply with -

(a) the provisions of these by-laws; or

(b) any condition imposed by these by-laws;

to remedy such failure within a period specified in the notice, which period may not be less than 30 days, provided that the period in the case of a notice issued in terms of section 19 or section 54(3) may not be less than seven days.

(2) If an owner or consumer or any other person fails to, within the specified period, comply with a written notice served on him or her by the municipality in terms of these by-laws, the municipality may take such action as in its opinion is necessary to ensure compliance, which action includes -

(a) undertaking the work necessary and recovering the cost of the work from the owner, consumer or other person, as the case may be;

(b) restricting or discontinuing the provision of services to the owner; consumer or other person, as the case may be; and

(c) instituting legal proceedings against the owner, consumer or other person, as the case may be.

(3) A notice in terms of subsection (1) shall -

(a) give details of the provision of the by-laws that has not been complied with;

(b) give the owner, consumer or other person a reasonable opportunity to make representations and state his or her case in writing to the municipality within a specified period, unless the owner, consumer or other person was given such an opportunity before the notice was served;

- (c) specify the steps that the owner, consumer or other person can take to rectify the failure;
 - (d) specify the period within which the owner, consumer or other person is to take the steps specified to rectify the failure; and
 - (e) indicate that the municipality -
 - (i) may, if the notice is not complied with, undertake the work that is necessary to rectify the failure and recover from the owner, consumer or other person any costs associated with such work; and
 - (ii) may take any other action it deems necessary to ensure compliance.
- (4) In the event of an emergency, the municipality may without prior notice undertake the work contemplated in subsection (3)(e)(i) and recover the costs from the owner, consumer or other person, as the case may be.
- (5) The costs recoverable by the municipality in terms of subsections (3) and (4) shall be the full costs associated with the work and include, but are not restricted to -
- (a) the cost of any exploratory investigation, survey, plan, specification, schedule of quantities, supervision, administrative charge, the use of tools, and the labour involved in disturbing or rehabilitating any part of a street or ground affected by the work; and
 - (b) the environmental cost.

CHAPTER 7

UNAUTHORISED WATER SUPPLY SERVICES

Unauthorised services

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

Interference with infrastructure for the provision of water supply services

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

Obstruction of access to infrastructure for the provision of water supply services

97. (1) No person may prevent or restrict physical access to the infrastructure through which water supply services are provided.
- (2) If a person contravenes subsection (1), the municipality may -

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

Wasting of water

98. (1) No customer may permit -

- (a) the purposeless or wasteful discharge of water from any terminal water fitting;
 - (b) any pipe or water fitting to leak;
 - (c) the use of any maladjusted or defective water fitting;
 - (d) an overflow of water to persist; or
 - (e) the inefficient use of water to persist.
- (2) An owner must repair or replace any part of his or her water installation which is in such a state of disrepair that it is either causing or is likely to cause an occurrence contemplated in subsection (1).
- (3) If an owner fails to take the measures contemplated in subsection (2), the municipality may, by written notice in terms of section 50, require the owner to comply with the provisions of subsection (1).
- (4) A customer must ensure that any equipment or plant connected to his or her water installation uses water in an efficient manner.
- (5) The municipality may, by written notice, prohibit the use by a customer of any equipment in a water installation if, in the opinion of the municipality, the equipment's use of water is inefficient. Such equipment may not be returned to use until its efficiency has been restored and a written application for the return of the equipment to use has been approved by the municipality.

Illegal reconnection

99. (1) If, after having had his or her access to municipal services restricted or discontinued, a person unlawfully and intentionally or negligently -

(a) effects a reconnection to the infrastructure through which municipal services are provided; or

(b) interferes with such infrastructure;

such a person's connection to such infrastructure shall be disconnected immediately.

(2) A person who, in the circumstances referred to in subsection (1), effects a reconnection to the infrastructure through which municipal services are provided is liable for the cost associated with any consumption arising from such reconnection, notwithstanding any other action that may be taken against such person.

(3) The consumption contemplated in subsection (2) shall be estimated on the basis contemplated in section 27(1) or, if an estimation on such basis is not possible, the consumption contemplated in subsection (2) shall be based on the average consumption of water supplied to the area within which the unauthorised service was used.

Immediate disconnection

100. If any person -

(a) unlawfully and intentionally or negligently interferes with or obstructs access to the infrastructure through which the municipality provides water supply services; or

(b) fails to provide information or provides false information when reasonably requested by the municipality to provide information;

his or her connection to such infrastructure may be disconnected.

Pipes in streets or public places

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

Use of water from sources other than the water supply system

102. (1) No person may use or permit the use of water obtained from a source other than the water supply system, except for a rainwater tank that is not connected to a water installation, provided that -

(a) the prior written consent of the Municipality has been obtained for the use of water from a source other than the water supply system or rainwater tank, as the case may be; and

(b) the use of water is in accordance with the conditions that the municipality may impose for domestic, commercial or industrial purposes.

(2) Any person desiring the consent referred to in subsection (1) must provide the Municipality with evidence satisfactory to the Municipality that -

(a) the water referred to in subsection (1) complies, whether as a result of treatment or otherwise, with the requirements of SANS 241; or

(b) the use of such water does not or will not constitute a danger to health.

(3) Any consent given in terms of subsection (1) may be withdrawn by the Municipality if, in the opinion of the Municipality -

(a) a condition imposed in terms of subsection (1) is breached; or

(b) the water quality no longer conforms to the requirements referred to in subsection (2).

- (4) If water obtained from a borehole or other source of supply on any premises is used for a purpose which gives rise to the discharge of the water or some of the water into the municipality's sewerage system, the municipality may install a meter in the pipe leading from the borehole or other source of supply to the point or points where the water is used.
- (5) The provisions of section 22 apply in so far as they may be applicable to the meter referred to in subsection (4).

CHAPTER 8

DOCUMENTATION

Signing of notices and documents

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

Notices and documents

105. (1) A notice or document issued by the municipality in terms of these by-laws shall be deemed to be duly authorised if a staff member of the municipality or of an authorised agent has signed it.

(2) Any notice or other document that is served on an owner, a customer or any other person in terms of these by-laws shall be deemed to have been served -

- (a) if it has been delivered to that owner, customer or other person personally;
- (b) if it has been left at that owner's, customer's or other person's village, place of residence, business or employment in the Republic with a person who is apparently over the age of 16 years;
- (c) if it has been posted by registered or certified mail to the last-known residential or business address of that owner, customer or other person in the Republic and an acknowledgement of posting thereof from the postal service has been obtained;
- (d) if it has been served on the agent or representative of that owner, customer or other person in the Republic in the manner provided for in paragraphs (a) to (c), in the event that the address of the owner, customer or other person in the Republic is unknown; or
- (e) if it has been posted in a conspicuous place on the property or premises to which it relates, in the event that the address and agent or representative of that owner, customer or other person in the Republic is unknown.

- (3) When any notice or other document is to be served on the owner or occupier of any property or the holder of a right, that owner, occupier or holder may be addressed or described in the notice or other document as the "owner", "occupier" or "holder" in respect of the property or right in question, and his or her name need not be used.
- (4) Where compliance with a notice is required within a specified number of working days, the period of working days must be deemed to have commenced on the date of delivery or dispatch of the notice.

Authentication of documents

106. Every order, notice or other document requiring authentication by the municipality shall be sufficiently authenticated, and such order, notice or other document shall be deemed to be authenticated if signed by the Municipal Manager or by a duly authorised officer of the municipality or of an authorised agent, provided that the municipality to authenticate any order,

notice or other document is conferred by a resolution of the Council, a written agreement or a by-law.

Prima facie evidence

107. In legal proceedings by or on behalf of the municipality, a certificate reflecting the amount due and payable to the municipality shall on its mere production be accepted by any court of law as prima facie evidence of the indebtedness, which certificate shall be -

- (a) under the hand of the Municipal Manager or a suitably qualified staff member of the municipality authorized by the Municipal Manager; or
- (b) the manager of the authorized agent.

CHAPTER 9

GENERAL PROVISIONS

Responsibility for compliance with these by-laws

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

Power of entry and inspection

109. The municipality may, at all reasonable times, enter and inspect any premises for any purpose connected with the implementation or enforcement of these by-laws, after having given reasonable written notice to the occupier of the premises of its intention to enter and inspect the premises.

Exemption

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

- (2) The municipality may, at any time after giving written notice of at least 30 days, withdraw any exemption given in terms of subsection (1).

Availability of by-laws

111. A copy of these by-laws shall be included in the Municipality's Municipal Code as required by law.

Conflict of law

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

Transitional arrangements

113. (1) Installation work authorised by the municipality prior to the commencement date of these by-laws or authorised installation work in progress on such date shall be deemed to have been authorised in terms of these by-laws.
- (2) The municipality may for a period of 90 days after the commencement of these by-laws authorise installation work in accordance with the by-laws that regulated such work immediately prior to the promulgation of these by-laws.
- (3) No customer may be required to comply with these by-laws by altering a water installation or part thereof that was installed in conformity with any laws applicable immediately prior to the commencement of these by-laws, provided that if, in the opinion of the Municipality, the installation or part thereof is so defective or in such condition or position as to cause -

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

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

Repeal of existing municipal water supply services by-laws

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

Indemnification from liability

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

SCHEDULES
QUALITY STANDARDS

(See Section 78(1) (a))

SCHEDULE 'A'

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

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

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

Large Works general quality limits are applicable when an industries effluent discharges in a catchments leading to a sewage works of greater than 1 Megalitre per day capacity. Small Works quality limits apply for catchments leading to sewage works with less than 1 Megalitre per day capacity.

GENERAL QUALITY LIMITS	LARGE WORKS	SMALL WORKS	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/l
4.	Vegetable Oils, greases, waxes	250	250	mg/l
5.	Total sugar and starch (as glucose)	1 000	500	mg/l
6.	Sulphates in solution (as SO_4^{2-})	250	250	mg/l
7.	Sulphides, hydrosulphides (as S^{2-}) and polysulphides	1	1	mg/l
8.	Chlorides (as Cl^-)	1 000	500	mg/l
9.	Flouride (as F^-)	5	5	mg/l
10.	Phenols (as phenol)	10	5	mg/l
11.	Cyanides (as CN^-)	20	10	mg/l
12.	Settleable Solids	Charge	Charge	m /l
13.	Suspended Solids	2 000	1 000	mg/l
14.	Total dissolved solids	1 000	500	mg/l
15.	Electrical Conductivity	-	400	MS/m
16.	Anionic Surfactants	-	500	mg/l
17.	C.O.D.	Charge	Charge	mg/l

GENERAL QUALITY LIMITS	LARGE WORKS	SMALL WORKS	UNITS
<u>Heavy Metal Limits</u>			
18. Copper (as Cu)	50	5	mg/l
19. Nickel (Ni)	50	5	mg/l
20. Zinc (Zn)	50	5	mg/l
21. Iron (Fe)	50	5	mg/l
22. Boron (B)	50	5	mg/l
23. Selenium (Se)	50	5	mg/l
24. Manganese (Mn)	50	5	mg/l
25. Lead (Pb)	20	5	mg/l
26. Cadmium (Cd)	20	5	mg/l
27. Mercury (Hg)	1	1	mg/l
28. Total Chrome (Cr)	20	5	mg/l
29. Arsenic (As)	20	5	mg/l
30. Titanium (Ti)	20	5	mg/l
31. Cobalt (Co)	20	5	mg/l
TOTAL METALS	100	20	mg/l

Special limitations

- 1 No calcium carbide, radio active waste or isotopes
- 2 No yeast & 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

SCHEDULE 'B'

ACCEPTANCE OF INDUSTRIAL EFFLUENT FOR DISCHARGE INTO SEA OUTFALLS

No industrial effluent shall be accepted for discharge into the sea outfall unless it complies with the following conditions. The industrial effluent shall not contain concentrations of substances in excess of those stated below:-

SEA OUTFALL QUALITY LIMIT		UNIT
1. Temperature	44	C
2. Ph	5,5 < pH < 9,5	
3. Settleable solids	2	m /h
4. Oils, greases and waxes of mineral origin	50	mg/l
5. Arsenic (expressed as As)	5	mg/l
6. Cadmium (expressed as Cd)	1,5	mg/l
7. Total chromium (expressed as Cr)	3	mg/l
8. Copper (expressed as Cu)	3	mg/l
9. Lead (expressed as Pb)	5	mg/l
10. Mercury (expressed as Hg)	0,05	mg/l
11. Cyanides (expressed as CN ⁻)	10	mg/l
12. Nickel (expressed as Ni)	10	mg/l
13. Zinc (expressed as Zn)	20	mg/l
14. Sulphide (expressed as S ⁼)	1	mg/l
15. Sulphates in solution (expressed as SO ₄ ⁼)	250	mg/l