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**MUNICIPAL NOTICES**

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**No. 165****24 November 2009**

**CREDIT CONTROL  
AND DEBT COLLECTION  
BY-LAWS FOR ILEMBE  
DISTRICT MUNICIPALITY**

**The Ilembe District Municipality hereby publishes the following Credit Control and Debt Collection By-laws, in terms of section 156 (2) of the Constitution of the Republic of South Africa read with section 12 (3) (b) of the Local Government: Municipal Systems Act No 32 of 2000.**

## ILEMBE DISTRICT MUNICIPALITY

### BYLAWS RELATING TO CREDIT CONTROL AND DEBT COLLECTION

The Ilembe District Municipality, acting under the authority of section 156 (2) of the Constitution of the Republic of South Africa Act 1996 (Act 108 of 1996) read with section 11 and section 98 of the Local Government: Municipal System Act, 2000 (Act No.32 of 2000), hereby publishes Credit Control and Debt Collection Bylaws which bylaws will come into effect on the first day of the month following the date of publication hereof.

#### CHAPTER 1

#### DEFINITIONS

#### DEFINITIONS

For the purpose of these bylaws, any word or expressions to which a meaning has been assigned in the Act shall bear the same meaning in these bylaws and unless the context indicates otherwise: -

"account"	means any account rendered for municipal services and sundry charges;
"Act"	means the Local Government: Municipal System Act, 2000 (Act No. 32 of 2000, as amended from time to time;
"actual consumption"	means the measured consumption of any customer;
"agreement"	means the contractual relationship between the municipality or its authorized agent and a customer, whether written or deemed;
"area of supply"	means any area within or partly within the area of jurisdiction of the municipality or such other areas where the service is requested;
"arrangement"	means written agreement entered into between the Council and the debtor where specific repayment parameters are agreed;
"arrears"	means any amount due, owing and payable by a customer to the Municipality in respect of municipal services and sundry charges, not paid by due date;
"applicable charges"	means the rate, charge, tariff, flat rate, or subsidy determined by the Municipality;
"authorised agent"	means: -
	(a) any person authorised by the municipality to perform any act, function or duty in terms of, or exercise any power under these bylaws, and/or
	(b) any person to whom the municipality has delegated the performance of certain rights, duties and obligations in respect of providing revenue services; and/or

	(c) any person appointed by the municipality in terms of a written contract or a service provider to provide revenue services to customers on its behalf, to the extent authorised in such contract;
"average consumption"	means the average consumption of a customer of a municipal service during a specific period, which consumption is calculated by dividing the customer's total measured consumption of that municipal service over the preceding six months by six. In the event of the service being less than six months at then at the discretion of the municipality;
"credit control and debt collection policy"	means the policy as adopted by the Municipality for the credit control and debt collections of the municipality;
"Chief Financial Officer"	means a person employed by the Municipality as its Chief Financial Officer;
"commercial customer"	means any customer other than household and indigent customers, including without limitation, business, government, industrial and institutional customers;
"connection"	means the point at which a customer gains access to municipal services;
"Consolidated Bill"	means a monthly bill reflecting all monies due to the Municipality in terms of Section 102 of the Act;
"councillor"	means a person as defined in terms of the Act;
"Credit Control"	means all functions relating to the collection of monies owed to the Municipality;
"customer"	means a person with whom the municipality or its authorised agent has concluded an agreement or has an account with the Municipality or who receives a service from the municipality;
"debtor"	means any person indebted to the Municipality;
"defaulter"	means any customer in arrears;
"deposit"	means an amount required as security to be determined by the Municipality;
"due date"	means the monthly date on which all accounts become due and payable which date shall be within 30 days after the date of the account during normal cashier hours.
"emergency situation"	means any situation that if allowed to continue poses a risk or potential risk to the financial viability or sustainability of the municipality or a specific municipal service;

"estimated consumption"	means the deemed consumption by a customer whose consumption is not measured during a specific period, which estimated consumption is rationally determined taking into account at least the consumption of municipal services for a specific level of service during a specific period in the area of supply of the municipality or its authorised agent;
"flow limiters"	means a mechanism used to limit the flow of water to the legislative requirements.
"household customer"	means a customer that occupies a dwelling, structure or property primarily for residential purposes;
"household"	means a traditional family unit consisting of a combination of persons over the age of eighteen and persons eighteen years and younger) living together as a family unit;
"illegal connection"	means a connection to any system through which municipal services are provided which is not authorised or approved by the municipality or its authorised agent;
"indigent customer"	means a household customer qualifying and registered with the municipality as an indigent to the municipality's indigent policy;
"interest"	means a charge with the same legal authority as service fees and calculated at a rate determined by Council from time to time on all arrear accounts;
"MFMA"	means the Municipal Finance Management Act No 56 of 2003;
"municipal area"	means the area of the Ilembe District Municipality as determined by the demarcation board in terms of the Demarcation Act;
"Municipality or Council"	means the Ilembe District Municipal Council and includes the Mayor, Political Office Bearers, Political Structures, Municipal Manager and any Official who has delegated powers in terms of Section 59 of the Local Government Municipal Systems Act (Act 32 of 2000);
"Municipal Manager"	Means the person appointed by the municipality as the manager of the municipality in terms of section 55 of the Municipal Systems Act read with Section 82 of the Local Government Municipal Structures Act 1998 (Act No. 117 of 1998) and includes any person: <ul style="list-style-type: none"> <li>(a) acting in such position; and</li> <li>(b) to whom the municipal manager has delegated a power, function or duty in respect of such a delegated power, function or duty.</li> </ul>
"municipal service"	means services provided by the municipality or its authorised agent, including sanitation and water services;
"occupier"	includes any person in actual occupation of the land or premises without regard to the title under which he occupies, and, in the case of premises sub-divided and let to lodgers or various tenants, shall include the person receiving the rent payable by

lodgers or tenants whether for his own account or as an agent for any person entitled thereto or interested therein;

"owner"

means: -

- (a) the person in who from time to time is vested the legal title to immovable property;
- (b) in a case where the person in whom the legal title to premises is vested is insolvent or deceased, or is under any form of legal disability whatsoever, the person in whom the administration and control of such premises is vested as curator, trustee, executor, administrator, judicial manager, liquidator or other legal representative;
- (c) in any case where the municipality or its authorised agent is unable to determine the identity of such person, a person who is entitled to the benefit of the use of such immovable property or buildings thereon
- (d) in the case of premises for which a lease agreement of 30 years or longer has been entered into with the lessee thereof;
- (e) in relation to: -
  - (i) a piece of land delineated on a sectional plan registered in terms of the Sectional Act, 1986 (Act No. 95 of 1986), the developer or the body corporate in respect of the common property; or
  - (ii) a section as defined in the Sectional Titles Act, 1986 (Act No. 95 of 1986), the person in whose name such section is registered under a sectional title deed and includes the lawfully appointed agent of such a person;
  - (iii) a 'Home Owners Association', all members of the Association;
- (f) the Ingonyama Trust, where the land is vested in the Trust by virtue of the provisions of the Ingonyama Trust Act.
- (g) any legal person including but not limited to:
  - (i) a company registered in terms of the Companies Act, (Act 61 of 1973), a trust, a close corporation registered in terms of Close Corporation Act, (Act 69 of 1984) a voluntary association and any department of State;
  - (ii) any Council or Board established in terms of any legislation applicable to the Republic of South Africa;
  - (iii) any Embassy or other foreign entity;

	(iv) any co-operative requested in terms of the relevant legislation.
"person"	means any natural person, local government body or like authority, a company or close corporation incorporated under any law, body of persons whether incorporated or not, a statutory body, public utility body, voluntary association or trust;
"public notice"	means publication in an appropriate medium that may include one or more of the following: - <ul style="list-style-type: none"> <li>(a) publication of a notice, in an official language determined by the Municipality in the local newspaper or newspapers in the area of the municipality; or in the newspaper or newspapers circulating in the area of the municipality determined by the Municipality as a newspaper on record; or by means of radio broadcast covering the area of the municipality; or displaying a notice at appropriate offices and pay-points of the municipality or its authorised agent, or</li> <li>(b) communication with customers through public meetings and ward committee meetings</li> </ul>
"Resident"	means a person who is ordinarily resides in the Municipal area;
"Service Authority"	means the power of a Municipality to regulate the provision of a municipal service by a service provider;
"Service Delivery Agreement"	means an agreement between a Municipality and an institution or person mentioned in Section 76(b) of the Act, in terms of which a municipal service is provided by that institution or person, either for its own account or on behalf of the Municipality.
"Service provider"	means a person or institution or any combination of persons and institutions which provide a municipal service;
"Service Utility"	means a municipal entity established in terms of Section 86B;
"Staff"	means the employees of the municipality, including the municipal manager;
"Sundry charges"	means any charge excluding a municipal service;
"supply zone"	means an area, determined by the municipality or its authorised agent, within which all customers are provided with service from the same bulk supply connection;
"unauthorised services"	means receipt, use or consumption of any municipal service which is not in terms of an agreement, or authorised and approved by the municipality or its authorised agent.
"Vat"	means a charge legislated in terms of the Vat Act No. 89 of 1991.



## CHAPTER 2

### PROVISION OF MUNICIPAL SERVICES TO CUSTOMERS

#### PART 1: APPLICATION FOR MUNICIPAL SERVICES

#### **2. APPLICATION AND REGISTRATION FOR SERVICES**

- 2.1. No person shall be entitled to a municipal service unless such person has made application on the prescribed form, annexed hereto, and such application has been approved by the Municipality.
- 2.2. If, at the commencement of these bylaws or at any other time, municipal services are provided and received and no written agreement exist in respect of such services, it shall be deemed that: -
  - (a) an agreement exists; and
  - (b) the level of services provided to that customer are the level of services elected, until such time as the customer enters into an agreement.
- 2.3. The applicant shall be obliged to furnish all documents required by the Municipality in terms of the credit control policy in order to register such person on the municipality's data base as a customer.
- 2.4. Persons who fail to register for services and who illegally benefits from services shall be subjected to punitive measures or such civil or criminal sanction as the municipality deems appropriate in terms of Section 50 of the Bylaws.
- 2.5. The municipality or its authorised agent shall only be obliged to provide a specific level of service requested if such service is currently being provided, provided that the municipality or its authorised agent has the resources and capacity to provide such level of service.
- 2.6. A customer may at any time apply to alter the level of services as elected in terms of the agreement entered into, provided that such level of service is available and that any costs and expenditure associated with altering the level of services is paid by the customer.
- 2.7. An application for services submitted by a customer and approved by the municipality or its authorised agent shall constitute an agreement between the municipality or its authorised agent and the customer, and such agreement shall take effect on the date referred to or stipulated in such agreement.
- 2.8. In completing an application form for municipal services the municipality or its authorised agent will ensure that the document and the process of interaction with the owner, customer or any other person making such an application are understood by that owner, customer or other person and advise him or her of the option to register as an indigent customer.

- 2.9. In the case of illiterate or similarly disadvantaged persons, the municipality or its authorised agent must take reasonable steps to ensure that the person is aware of and understands the contents of the application form and shall assist him or her in completing such form.
- 2.10. Municipal services rendered to a customer is subject to the provisions of these bylaws, any other applicable bylaws and or related policies of the municipality and conditions contained in the agreement signed by such person.
- 2.11. If the municipality or its authorised agent: -
- (a) refuse an application for the provision of municipal services or a specific service or level of service;
  - (b) is unable to render such municipal services or a specific service or level on the date requested for such provision to commence; or
  - (c) is unable to render such municipal services or a specific service or level of services,
- the municipality or its authorised agent shall, within fourteen (14) days, inform the customer in writing of such refusal and/or inability, the reasons therefore and, if applicable, when the municipality or its authorised agent will be able to provide such municipal services or a specific service or level of service.

### **3. SPECIAL AGREEMENTS FOR MUNICIPAL SERVICES**

The municipality or its authorised agent may enter into a special agreement for the provision of municipal services with an applicant: -

- 3.1. within the area of supply; if the services applied for necessitates the imposition of conditions not contained in the prescribed form or these bylaws;
- 3.2. receiving subsidised services ; and
- 3.3. if the premises to receive such services is situated outside the area of supply, provided that the municipality having jurisdiction over the premises has no objection to such special agreement. The obligation is on the customer to advise the municipality having jurisdiction of such special agreement.

### **4. CHANGE IN PURPOSE FOR WHICH MUNICIPAL SERVICES ARE USED**

Where the purpose for or extent to which any municipal service used is changed, the onus and obligation is on the customer to advise the municipality or its authorised agent of such change and to enter into a new agreement with the municipality or its authorised agent.

## **PART 2 APPLICABLE CHARGES**

### **5. APPLICABLE CHARGES FOR MUNICIPAL SERVICES**

- 5.1. All applicable charges in respect of municipal services, including but not limited to the payment of connection charges, fixed charges or any additional charges or interest will be set by the Municipality in accordance with: -
- (a) Its tariff of charges;
  - (b) Its credit control and debt collection policy and any other applicable policy;
  - (c) Any bylaws in respect thereof; and
  - (d) Any regulations in terms of national or provincial legislation.
- 5.2. Applicable charges may differ between different categories of customers, users of services, types and levels of service, quantities of service, infrastructure requirements and geographical areas.
- 5.3. Services will be terminated due to non-payment on the terms and conditions as stipulated in the Credit Control and Debt Collection Policy.
- 5.4. Deferment for payment of service accounts can be granted to consumers in terms of the Municipality's delegated powers and conditions approved in its Credit Control and Debt Collection Policy.
- 5.5. The municipality may consolidate any separate accounts of persons who are liable for payment to the municipality and may credit all payments received from such a person to any service in order of preference as determined by the Municipality from time to time in its Credit Control and Debt Collection Policy.

### **6. AVAILABILITY CHARGES FOR MUNICIPAL SERVICES**

The Municipality may, in addition to the tariff of charges prescribed for municipal services, levy a monthly fixed charge, annual fixed charge or once-off fixed charge where municipal services are available, whether or not such services are consumed or not.

### **7. SUBSIDISED SERVICES**

- 7.1. The Municipality may, from time to time, and in accordance with National Policy, but subject to principles of sustainability and affordability, by public notice, implement subsidies for a basic level of municipal service.
- 7.2. The Municipality may, in implementing subsidies, differentiate between types of household customers, types and levels of services, quantities of services, geographical areas and socio-economic areas.
- 7.3. Public notice in terms of subsection (1) must contain at least the following details applicable to a specific subsidy;

- (a) Household customers who will benefit from the subsidy.
- (b) The type, level and quantity of municipal service that will be subsidised.
- (c) The area within which the subsidy will apply.
- (d) The rate (indicating the level of subsidy).
- (e) The method of implementing the subsidy.
- (f) Any special terms and conditions which will apply to the subsidy.

7.4. If a household customer's consumption or use of a municipal service is: -

- (a) Less than the subsidised service, the unused portion may not be accrued by the customer and will not entitle the customer to cash or a rebate in respect of the unused portion; and
- (b) In excess of the subsidised service, the customer will be obliged to pay for such excess consumption at the applicable rate.

7.5. A subsidy implemented in terms of subsection (1) may at any time, be withdrawn or altered at the sole discretion of the Municipality, after: -

- (a) Service of notice as contemplated in Section 115 of the Act on the person affected by the Municipality's intention to consider such withdrawal or alteration; and
- (b) Consideration by the Municipality of any comments or request received from the person affected.

7.6. Commercial customers may not qualify for subsidised services.

7.7. Subsidised services shall be funded from the portion of revenue raised nationally which is allocated to the municipality and if such funding is insufficient the services may be funded from revenue raised through water, sanitation and other charges in respect of municipal services.

## **8. AUTHORITY TO RECOVER ADDITIONAL COSTS AND FEES**

The municipality or its authorised agent has the authority to, notwithstanding the provisions of any other sections contained in these bylaws, recover any additional costs incurred in respect of implementing these bylaws against the account of the customer, including but not limited to: -

- 8.1. All legal costs, on an attorney and client scale and collection commission incurred in the recovery of any amount from customers;
- 8.2. The **actual** cost incurred relating to any action taken in demanding payment from the customer or reminding the customer, by means of telephone, fax, e-mail letter or otherwise **as determined by Council's Tariff of Charges as amended from time to time.**

### **PART 3: PAYMENT**

#### **9. PAYMENT OF DEPOSIT**

- 9.1. The municipality may from time to time, determine different deposits for different categories of customers use of services, debtors, and different standards of services, which different deposits, shall be recorded and amended from time to time in the Credit Control and Debt Collection Policy of the municipality.
- 9.2. A customer shall on application for the provision of municipal services and before the municipality or its authorised agent may provide such services, pay a deposit, if the Municipality has determined a deposit in terms of its Credit Control and Debt Collection Policy and Tariff of Charges.
- 9.3. The municipality or its authorised agent may review a deposit paid in terms of subsection (9.2) and in accordance with such review require that an additional amount be deposited by the customer where the deposit is less than the most recent deposit determined by the Municipality.
- 9.4. If a customer is in arrears, the municipality or its authorised agent may require that the customer: -
  - (a) pay a deposit if that customer was not previously required to pay a deposit, and
  - (b) pay an additional deposit where the deposit paid by that customer is less than the most recent deposit.
- 9.5. Subject to subsection (9.7) below, the deposit shall not be regarded as being a payment or part payment of an account.
- 9.6. No interest shall be payable by the municipality or its authorised agent on any deposit held.
- 9.7. The deposit, if any, is refundable to the customer on termination of the agreement, provided the customer is not in arrears and applies in writing for the refund of his deposit.

#### **10. METHOD FOR DETERMINING AMOUNTS DUE AND PAYABLE**

- 10.1. The municipality or its authorised agent shall in respect of municipal services that are metered, endeavour to, within available financial and human resources, read all customer connections, on a regular basis, subject to subsection (10.2).
- 10.2. If a service is not measured, a municipality or its authorised agent may, notwithstanding subsection (10.1), determine the amount due and payable by a customer, for municipal services supplied to such a customer by calculating the estimated consumption

- 10.3. If services are metered, but it cannot be read due to financial and human resources constraints or circumstances out of the control of the municipality or its authorised agent, and the customer is charged for an average consumption the account following the reading of the metered consumption must specify the difference between the actual consumption and the average consumption.
- 10.4. Where in the opinion of the municipality or its authorised agent it is not reasonably possible or cost effective to meter all customer connections and/or read all a metered customer connections within a determined area, the Municipality may, on the reconnection of the municipality or its authorised agent, determine a basic tariff (flat rate) to be paid by all the customers within that area, irrespective of actual consumption.
- 10.5. The municipality or its authorised agent must inform customers of the method for determining amounts due and payable in respect of municipal services provide which will apply in respect of their consumption or supply zones.

## **11. PAYMENT FOR MUNICIPAL SERVICES PROVIDED**

- 11.1. A customer shall be responsible for payment of all municipal services consumed by him/her or it from the commencement date of the agreement until his/her or its account has been settled in full and the municipality or its authorised agent must recover all applicable charges due to the municipality.
- 11.2. If a customer uses municipal services for a use other than which it is provided by the municipality or its authorised agent in terms of an agreement and as a consequence is charged at a rate lower than the applicable rate the municipality or its authorised agent may make an adjustment of the amount charged and recover the balance from the customer.
- 11.3. If amendments to the applicable charge become operative on a date between measurements for the purpose of rendering an account in respect of the applicable charges and the date of payment,;-
  - (a) It shall be deemed that the same quantity of municipal services was provided in each period of twenty-four hours during the interval between the measurements; charged at the new tariff; and
  - (b) Any fixed charge shall be paid for the full month at the latest (new) tariff.

## **12. FULL AND FINAL SETTLEMENT OF AN ACCOUNT**

- 12.1. Where an account is not settled in full, any lesser amount tendered and accepted shall not be deemed to be in final settlement of such an account.
- 12.2. Subsection (12.1) shall prevail notwithstanding the fact that such lesser payment was tendered and/or accepted in full and final settlement, unless the municipal manager or the manager of the municipality's authorised agent made such acceptance in writing.

**13. RESPONSIBILITY FOR AMOUNTS DUE AND PAYABLE**

- 13.1. Any amount due to the municipality for municipal service fee, surcharge on fees and any other municipal taxes and duties is a charge upon the property in connection with which the amount is owing and enjoys preference over any mortgage bond registered against the property.
- 13.2. Accordingly, all such municipal debts shall be a charge upon the property and shall be payable by the owner of the property, notwithstanding the provisions of any other sections of the bylaws.
- 13.3. Any person who purchases or otherwise acquires or leases immovable property from the Municipality shall be deemed to be the owner thereof from the date of such purchase or other acquisition by him or from the commencement of such lease, as the case may be.
- 13.4. Where the property is owned by more than one person, each such person shall be liable jointly and severally for all Municipal debts charged on the property.
- 13.5. Owners shall be held jointly and severally liable, with their tenants who are registered as customers for municipal services.
- 13.6. When water consumption is recorded on a property during a period for which there is no registered customer against whom a bill can be raised the relevant charges shall be raised against the registered owner.
- 13.7. When a customer terminates a consumption account and no new customer registers, a property is deemed to be vacant. The owner shall be responsible for the account.

**14. DISHONOURED PAYMENTS**

Where any payment made to the Municipality or its authorised agent by negotiable instrument, is later dishonoured by the bank, the municipality or its authorised agent:

- 14.1. Will recover the bank charges, administrative charges, penalties/interest and collection charges (if applicable) incurred relating to a dishonoured negotiable instrument against the account of the customer;
- 14.2. Shall refuse the acceptance of any future cheque from the customer at the discretion of the municipality;
- 14.3. Shall regard such an event as default on payment and shall be dealt with as an arrear account;
- 14.4. Shall be entitled, at its discretion, to restrict or discontinue the supply of water.
- 14.5. Reserves the right:
  - 14.5.1. Install a flow limiter or
  - 14.5.2. disconnect the water supply or
  - 14.5.3. take further legal action.

**15. INCENTIVE SCHEME**

The Municipality may institute incentive schemes to encourage prompt payment and reward customers that pay accounts on a regular and timeous basis.

**16. PAYPOINTS AND APPROVED AGENT**

- 16.1. A customer must pay his/her or its account at pay-points, designated by the municipality or its authorised agent from time to time, or at approved agents of the municipality or its authorised agent.
- 16.2. The municipality or its authorised agent shall inform a customer of the location of the designated pay-points and approved agents for payment of accounts.

**PART 4: ACCOUNTS****17. ACCOUNTS**

- 17.1. Accounts shall be rendered monthly to customers at the address last recorded with the municipality or its authorised agent. The customer may receive more than one account for different municipal services if they are accounted for separately.
- 17.2. Failure to receive or accept an account does not relieve a customer of the obligation to pay an amount due and payable.
- 17.3. The municipality or its authorised agent may, if administratively possible, issue a duplicate account to a customer on request upon payment of a fee as prescribed in the Municipality's tariff of charges.
- 17.4. Accounts must be paid by no later than the last date of payment specified in such account.
- 17.5. Accounts shall at least reflect: -
  - (a) The services rendered;
  - (b) The consumption of metered services or average, or estimated consumption;
  - (c) The period stipulated in the account;
  - (d) The applicable charges;
  - (e) Any subsidies;
  - (f) The amount due (excluding value added tax);
  - (g) Value added tax;



- (h) The adjustment, if any, to metered consumption which has been previously estimated;
- (i) The arrears, if any;
- (j) The interest payable on arrears, if any;
- (k) The final date for payment;
- (l) The methods, places and approved agents where payment may be made;
- (m) Surcharge;
- (n) Any rebate
- (o) Collection charges;
- (p) Payment received.

**18. CONSOLIDATED DEBT**

- 18.1. If one account is rendered for more than one municipal service the amount due and payable by a customer constitutes a consolidated debt, and any payment made by customer of an amount less than the total amount due, will be allocated at the discretion of the municipality between service debts.
- 18.2. If account is rendered for only one municipal service provided, any payment made by a customer of an amount less than the total amount due, will be allocated at the discretion of the municipality.
- 18.3. A customer may not elect how an account is to be settled if it is not settled in full or if there are arrears.

**19. CASH ALLOCATION PRIORITIES**

When part payments are received against a Consolidated Account, the Municipality shall allocate such payments first to any due or unpaid interest charges; secondly, to satisfy any due or unpaid fees or charges; and thirdly, to reduce the amount of the principle debt in terms of the table of priorities as determined from time to time and as set out in the Credit Control and Debt Collection Policy

**20. FAILURE TO PAY ACCOUNT**

In the event of a customer failing to pay his account when it becomes due then the municipality shall at its discretion either:

- (a) Install a flow limiter;
- (b) disconnect the water supply;
- (c) institute legal proceedings for the recovery of the debt.

21. **TERMINATION / TRANSFER OF WATER ACCOUNTS**

- 21.1.1. A customer who intends to terminate or transfer a municipal service shall notify the Municipality in writing at least 14 days prior to the date of termination or transfer and shall also furnish the Municipality with the forwarding address.
- 21.1.2. A customer who sells his property shall be responsible to notify the municipality in writing of such change of ownership.
- 21.2. A final reading shall be recorded on the termination date and the customer will be billed for the consumption.
- 21.3. The deposit shall be appropriated against the account. Should a credit balance remain on the account, after appropriation of the deposit, such credit balance may be refunded to the customer or transferred to the new municipal service upon a written request from the customer.
- 21.4. A debit balance that remains unpaid for a period of 30 days shall be **transferred to the new municipal service or alternatively shall be** recovered through our debt collection procedure.

22. **AGREEMENT WITH EMPLOYERS**

The Municipality may with the consent of a person liable to the municipality for the payment fees, sundry charges and municipal services, enter into an agreement with that person's employer to deduct from the salary or wages of the person-

- 22.1. Any outstanding amounts due by that person to the Municipality; or
- 22.2. Such regular monthly amounts as may be agreed.

**PART 5: QUERIES, COMPLAINTS AND APPEALS**

23. **QUERIES OR COMPLAINTS IN RESPECT OF ACCOUNT**

- 23.1. A customer may lodge a query or a complaint in respect of the accuracy of an amount due and payable in respect of a specific municipal service as reflected on the account rendered.
- 23.2. A query or complaint must be lodged with the municipality or its authorised agent before the due date for payment of the account.
- 23.3. A query or complaint must be accompanied by the payment of the average of the last three month's accounts where history of the account is available or an estimated amount provided by the municipality before payment due date until the matter is resolved.
- 23.4. The municipality or its authorised agent will register the query or complaint and provide the customer with a reference number.
- 23.5. The municipality or its authorised agent: -
- (a) Shall investigate or cause the query or complaint to be investigated; and

- (b) Must inform the customer, in writing, of its finding within one month after the query or complaint was registered.

23.6. Failure to make such agreed interim payment or payments will render the customer liable for disconnection.

24. **APPEAL AGAINST FINDING OF MUNICIPALITY IN TERMS OF SECTION 62 OF THE ACT.**

24.1. A customer may appeal in writing against a decision of, or a notice issued by, the municipality in terms of these by-laws in terms of section 62 of the Local Government: Municipal Systems Act (Act No 32 of 2000).

24.2. An appeal in terms of by-law 24.1 must be made in writing and lodged with the municipality within 21 (twenty one) days after a customer became aware of the decision or notice and must—

- a) set out the reasons for the appeal; and
- b) be accompanied by any security determined by the municipality for the testing of a measuring device if the accuracy of such device is in any way relevant to the appeal.

24.3. An appeal must be decided by the municipality within 14(fourteen) days after the appeal was lodged and the customer must be informed of the outcome in writing, as soon as possible thereafter.

24.4. The decision of the municipality is final.

**PART 6: ARREARS**

25. **INTEREST / PENALTY CHARGES ON OUTSTANDING ACCOUNTS**

The Municipality may in terms of Section 97(1)(e) read with Section 75A (as amended by G.G. No. 24149 dated 05/12/2002) of the Act shall:

25.1 Charge interest/penalty as specified in the tariff of charges from time to time.

25.2 Recover 10% collection charges on all accounts not paid within sixty (60) days final due date.

25.3 Once the debt is handed over for collection to charge all costs incurred in the debt collection including any collection commission (if applicable).

25.4 The general power to levy and recover collection charges and interest on any outstanding amount shall be determined by the municipality by resolution passed by the Municipal Council from time to time.

**26. DEBT COLLECTION**

- 26.1. Where an account rendered to a customer remains in arrears the municipality or its authorised agent may at its discretion: -
- 26.1.1. restrict or disconnect; and/or
  - 26.1.2. institute legal proceedings against a customer for the arrears; or
  - 26.1.3. hand the customer's account over to a debt collector or an attorney for collection.
- 26.2. A customer will be liable for any restrict or disconnection legal fees, cheque costs, postal charges, administration fees, costs incurred in taking action for the recovery of arrears and any penalties, including the payment of a higher deposit, as may be determined by the Municipality from time to time.

**PART 7: ARRANGEMENT FOR THE PAYMENT OF ARREARS****27. ARRANGEMENT**

- 27.1. A customer may enter into an arrangement with the Municipality for the repayment of an arrear account by concluding:
- (a) An acknowledgement of debt.
  - (b) A consent to judgment.
  - (c) An emolument attachment order.
  - (d) An incentive scheme.
- 27.2. A customer shall be charged interest on an arrear account at the prescribed rate of interest in terms of the tariff of charges.
- 27.3. The municipality or its authorised agent shall require a customer to first pay its current account and any other amounts payable in terms of Councils policy before entering into an agreement to pay the arrears as set out in clause 26.1 above.
- 27.5. The municipality reserves the right to:
- 27.5.1. Raise the security deposit requirement of such customer who enters into an agreement in terms of clause 27.1. above, and
  - 27.5.2. Demand that a Deed of Suretyship be completed.

**28. COPY OF AGREEMENT TO CUSTOMER**

A copy of the agreement shall be made available to the customer.

**29. FAILURE TO HONOUR ARRANGEMENT**

In the event of a customer failing to comply with an agreement for the payment of arrears in installments, the total of all outstanding amounts, including the arrears, any interest thereon, administration fees, (including legal costs) costs and penalties, including payment of a higher deposit will immediately become due and payable, without further notice and the municipality or its authorised agent may: -

- 29.1. Restrict or disconnect the customers water service; and/or
- 29.2. Legal action for the recovery of the arrears; and/or
- 29.3. Hand the customer's account over a debt collector or an attorney for collection.

**30. RE-CONNECTION OF SERVICES**

An agreement for the payment of an arrear amount in installments, entered into after the water services has been restricted or disconnected shall not result in the services being fully restored until:

- 30.1. The arrears, any interest thereon, administration fees, legal costs and any other costs and any penalties, including payment of higher deposit, are paid in full; or
- 30.2. In addition to any payments referred to in subsection 30.1. the customer shall pay the standard re-connection fee as determined by the municipality from time to time, prior to the reconnection.

**CHAPTER 3****MUNICIPAL CLEARANCE CERTIFICATES****31. AMOUNT DUE FOR WATER AND SANITATION PRIOR TO TRANSFER**

- 31.1. A property owner remains liable for the payment of water and sanitation included in municipal accounts, notwithstanding the fact that: -
- (a) The property is not occupied by the owner thereof; and/or
  - (b) The municipal account is registered in the name of a person other than the owner of the property.
  - (c) The furnishing of an incorrect address.
- 31.2. Joint owners of property shall be jointly and severally liable for payment of water and sanitation charges.
- 31.3. The above payment shall be made prior to transfer of property.

**32. MUNICIPAL CLEARANCE CERTIFICATES**

- 32.1. Application for a municipal clearance certificate for the purpose of effecting transfer of a property shall be made by the conveyancing attorney in terms of the prescribed procedure as set out in the Credit Control and Debt Collection Policy.
- 32.2. The assessment shall remain valid for a period of sixty (60) days.
- 32.3. The owner shall pay the municipality the average charges for the period as requested in the clearance certificate.

**CHAPTER 4****PROVISION OF MUNICIPAL SERVICES TO INDIGENT CUSTOMERS****33. QUALIFICATION FOR REGISTRATION AS INDIGENT CUSTOMER**

Customers shall qualify to be registered as an indigent if the combined gross income of all occupants of the household over the age of 18 years is less than that amount determined by the municipality from time to time.

**34. CREDIT CONTROL POLICY**

The provisions of municipal services to indigent customers is subject to the policy guidelines as set out in the Credit and Debt Control Policy of the municipality.

**35. APPLICATION FOR REGISTRATION**

35.1. A household who qualifies as an indigent customer must complete the application form entitled "Application for Registration as Indigent Customer" attached as Annexure B to these bylaws.

35.2. Any application in terms of subsection (1) must be accompanied by: -

- (a) Documentary proof of income, such as a letter from the customer employer, a salary advice, a pension card, unemployment fund card; or
- (b) An affidavit declaring unemployment or income; and
- (c) The customer's latest municipal account in his/her possession; and
- (d) A certified copy of the customer's identity document; and
- (e) The names and identity numbers of all occupants and their dependants over the age of 18 years who are resident at the property.

35.3. A customer applying for registration as an indigent customer shall be required to declare that all information provided in the application form and other documentation and information provided in connection with the application is true and correct.

35.4. The municipality or its authorised agent shall counter-sign the application form and certify that the consequences and conditions of such an application for the customer were explained to the customer and that the customer indicated that the content of the declaration was understood.

**36. APPROVAL OF APPLICATION**

36.1. The municipality or its authorised agent may send authorised representatives to premises or households applying for registration as indigent customers to conduct an on-site audit of information provided prior to approval of an application.

- 36.2. An application shall be approved for a period of 12 months only. Subsidies will be forfeited if the applicant fails to submit proof of income or re-apply for the subsidy

**37. APPLICATION EVERY 12 MONTHS**

- 37.1. An indigent customer must re-apply for indigent support every 12 months, failing which the assistance will cease automatically.
- 37.2. The provisions of section 40 and 41 of these bylaws shall apply to any application in terms of subsection (1)
- 37.3. The municipality or its authorised agent cannot guarantee a renewal for indigent support.

**38. SUBSIDISED SERVICES FOR INDIGENT CUSTOMERS**

- 38.1. The Municipality may annually, as part of its budgetary process, determine the municipal services and levels thereof which will be subsidised in respect of indigent customers in accordance with national policy, but subject to principles of sustainability and affordability.
- 38.2. The municipality must, when making a determination in terms of subsection (1) give public notice of such determination.
- 38.3. Public notice in terms of subsection (3) must contain at least the following:
- (a) The level or quantity of municipal service which will be subsidised
  - (b) The level of subsidy.
  - (c) The method of calculating the subsidy.
  - (d) Any special terms and conditions which will apply to the subsidy, not provided for in these bylaws.
- 38.4. Any other municipal services rendered by the municipality or municipal services consumed in excess of the levels or quantities determined in subsection (1) shall be charged for and the indigent customer shall be liable for the payment of such charges levied on the excess consumption.
- 38.5. The provisions of Chapter 3 shall *mutatis mutandis* apply to the amounts due and payable in terms of subsection (5).
- 38.6. The subsidy amount is to be crudely calculated by dividing the portion of the equitable share as budgeted by the estimated number of qualifying households. This figure is the approximate average subsidy per household.
- 38.7. Subsidized services are to be sewerage and water. All households excluding businesses will qualify for 6kl free i.e. water and sanitation.
- 38.8. Households which exceed 6kl water usage over and above free portion may be restricted.



- 38.9. Council may cause inspectors to visit indigent households to audit the veracity of the data in the application form, and to record any changes in circumstances, and make recommendations on the continuation or discontinuation of the subsidy. An audit report be submitted to council on a regular basis.
- 38.10. Households will be excluded from the scheme if:
- (i) The household owns a second property.
  - (ii) The application was filled in dishonesty.
  - (iii) Audits suggest improvements in the financial circumstances of the household.
- 38.11. If a consumer's consumption or use of a municipal service is less than the subsidized service, the unused portion may not be accrued by the customer and will not entitle the customer to cash or a rebate in respect of the unused portion.
- 38.12. If a customer's consumption or use of a municipal service is in excess of the subsidized service, the customer will be obliged to pay for such excess consumption at the applicable rate.

**39. FUNDING OF SUBSIDISED SERVICES**

The subsidised services referred to in section 7 shall be funded from the portion of revenue raised nationally which is allocated to the municipality and if such funding is insufficient the services may be funded from revenue raised through fees and charges in respect of municipal services.

**40. EXISTING ARREARS OF INDIGENT CUSTOMERS**

Arrears accumulated in respect of the municipal accounts of customers prior to registration as indigent customers will be either: -

- 40.1. Written off;
- 40.2. **Recovered** through legal proceedings and/or extended term arrangements.

**41. AUDITS**

The municipality may undertake regular random audits carried out by the municipality or its authorised agent to: -

- 41.1. Verify the information provided by indigent customer;
- 41.2. Record any changes in the circumstances of indigent customers; and
- 41.3. Make recommendations on the de-registration of the indigent customer.

**42. DE-REGISTRATION**

- 42.1. Any customer who provides or provided false information in the application form and/or any other documentation and information in connection with the application shall automatically, without notice, be de-registered as an indigent

customer from the date on which the municipality or its authorised agent became aware that such information is false.

- 42.2. An indigent customer must immediately request de-registration by the municipality or its authorised agent if his/her circumstances has changed to the extent that he/she no longer meet the qualifications.
- 42.3. An indigent customer shall automatically be de-registered if he does not meet the criteria as set out in the Debt and Credit Control Policy.
- 42.4. An indigent customer shall automatically be de-registered if an audit or verification concludes that the financial circumstances of the indigent customer has changed to the extent that he/she no longer meet the qualifications.

An indigent customer may at any time request de-registration.

## CHAPTER 5

### **BUSINESSES WHO TENDER TO THE MUNICIPALITY**

#### **43. PROCUREMENT POLICY AND TENDER CONDITIONS**

- 43.1. When inviting tenders for the provision of services or delivery of goods, potential contractors may submit tenders subject to a condition that consideration and evaluation thereof will necessitate that the tenderer obtain from the Municipality a certificate stating that all relevant municipality accounts owing by the tenderer or its directors, owners or partners have been paid or that suitable arrangements (which include the right to set off in the event of non-compliance) have been made for the payments of arrears. To this end, copies of the municipality account and the identity documents of all directors, members or partners shall be required.
- 43.2. No tender shall be allocated to a person / contractor until suitable arrangement for the repayment of arrears, has been made. The tenderer must maintain arrangements and pay current installments as provided for in any contract with the Municipality.
- 43.3. Where payments are due to a contractor in respect of goods or services provided to the Council, any arrear amount owing to the Council shall be offset as a first charge against such payments as provided for in the contract with the Municipality.
- 43.4. **All tender documents shall contain a condition allowing the Municipality to deduct any moneys owing to the Municipality from contract payments.**

**CHAPTER 6****UNAUTHORISED AND ILLEGAL SERVICES****44. UNAUTHORISED SERVICES**

- 44.1. No person may gain access to water services unless it is in terms of an agreement entered into with the municipality for the rendering of those services.
- 44.2. The municipality may, irrespective of any other action it may take against such person in terms of these by-laws by written notice order a person who is using unauthorised services to—
- a) apply for such services in terms of chapter 2 and 3; and
  - b) undertake such work as may be necessary to ensure that the customer installation through which access was gained complies with the provisions of these or any other relevant by-laws.

**45. ILLEGAL SERVICES**

In the event of it being found that any water or sanitation connection had been made illegally by any person then the following shall take place:

- 45.1. The water shall with immediate effect be disconnected.
- 45.2. The occupier/owner/developer jointly and severally shall pay a penalty as per the tariff of charges.
- 45.3. The occupier/owner/developer jointly and severally shall pay consumption charges.
- 45.4. The occupier/owner/developer jointly and severally shall pay interest on the consumption charges at the rate as determined by Council in the tariff of charges from time to time, from the date of disconnection to date of payment.

**46. INTERFERENCE WITH INFRASTRUCTURE FOR THE PROVISION OF MUNICIPAL SERVICES**

No person may unlawfully interfere with infrastructure through which the municipality provides municipal services.

If a person contravenes subsection (1), the municipality may—

- a) by written notice require such person to seize or rectify the interference at his 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 prevent or rectify the interference and recover the cost from such person.

**47. OBSTRUCTION OF ACCESS TO INFRASTRUCTURE FOR THE PROVISION OF MUNICIPAL SERVICES**

- 47.1. No person shall prevent or restrict the physical access of the municipality to infrastructure through which water services are provided.
- 47.2. If a person contravenes subsection (1), the municipality may—
- a) by written notice require such person to restore access at his own expense within a specified period; or
  - b) if it is of the opinion that the situation is a matter of urgency, without prior notice restore access and recover the cost from such person.
- 47.3. The costs recoverable by the municipality is the full cost associated with restoring access and includes, but is not restricted to, any exploratory investigation, surveys, plans, specifications, schedules of quantities, supervision, administration charge, the use of tools, the expenditure of labour involved in disturbing or rehabilitation of any part of a street or ground affected by restoring access and the environmental costs.

**48. ILLEGAL RE-CONNECTION**

- 48.1. A customer whose access to water supply services have been restricted or disconnected, who intentionally reconnects to services or who intentionally or negligently interferes with infrastructure through which water supply services are provided, shall be disconnected.
- 48.2. In the event of the customer receiving water from a municipal infrastructure which has been illegally reconnected such customer shall be liable for the reconnection charges and penalties as per the tariff of charges.

**49. IMMEDIATE DISCONNECTION**

- 49.1. Immediate disconnection for failure to give information or supply of false information.
- 49.2. The provision of municipal services may immediately be disconnected if any person fails to provide information or provide false information reasonably requested by the municipality or its authorised agent.

**CHAPTER 7****OFFENCES****50. OFFENCES AND PENALTIES****50.1. Any person who—**

- (a) obstructs or hinders the municipality in the exercising of the powers or performance of functions or duties under these by-laws;
- (b) uses, tampers or interferes with municipal equipment, the water supply system, sanitation system and reticulation network or consumption of services rendered;
- (c) contravenes or fails to comply with a provision of these by-laws other than a provision relating to payment for municipal services;
- (d) fails to comply with the terms of a notice served upon him in terms of these by-laws;
- (e) assist any person in providing false or fraudulent information or assist in willfully concealing information;
- (f) uses, tampers or interferes with municipal equipment, service supply equipment, reticulation network or consumption of services rendered;

is guilty of an offence and liable on conviction to a fine or in default of payment to imprisonment for a period not exceeding 6 months and in the case of any continued offence, to a further fine not exceeding R5000.00, or in default of payment, to imprisonment not exceeding one day for every day during the continuance of such offence, after a written notice has been issued by the municipality and served on the person concerned requiring the discontinuance of such an offence.

- 50.2. No person shall be liable to imprisonment if he is unable to afford to pay a fine, and shall instead be liable to a period of community service.
- 50.3. Any person committing a breach of the provisions of these by-laws shall be liable to recompense the municipality for any loss or damage suffered or sustained by it in consequence of the breach.

## CHAPTER 8

### DOCUMENTATION

#### 51. SIGNING OF NOTICE AND DOCUMENTS

A notice or document issued by the municipality in terms of these by-laws and signed by a staff member of the municipality shall be deemed to have been duly issued and must on its mere production be accepted by a court as prima facie evidence of that fact.

#### 52. SERVICE OF NOTICES

52.1. Any notice, order or other document that is served on any person in terms of these by-laws must, subject to the provisions of the Criminal Procedure Act 1977 (Act 51 of 1977), be served personally, failing which it may be regarded as having duly been served—

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

52.2. Any legal process is effectively and sufficiently served on the municipality when it is delivered to the municipal manager or a person in attendance at the municipal manager's office.

52.3. When any notice or other document authorised to be served on the owner, occupier of any property, or on any person who holds a right over, or in respect of that property, it is sufficient if that person is described in the notice or other document as the owner, occupier or holder of the right over or in respect of, the property, and it shall not be necessary to name him.

52.4. Where compliance with a notice is required within a specified number of working days, the period that is required shall commence on the date after the day on which the notice is served or has first been given in any other way contemplated in these by-laws.

#### 53. AUTHENTICATION OF DOCUMENTS

53.1. Every order, notice or other document requiring authentication by the municipality shall be sufficiently authenticated, if it is signed by the municipal manager, by a duly authorised officer of the municipality or by the Manager of the municipality's authorised agent.

53.2. Authorisation as envisaged in by-law 53.1 must be conferred by a resolution of the municipality, by a written agreement or by a bylaw.

54. **PRIMA FACIE EVIDENCE**

In legal proceedings by or on behalf of the municipality, a certificate reflecting an amount of money as being due and payable to the municipality, shall, if it is made under the hand of the municipal manager, or of a suitably qualified employee of the municipality who is authorised by the municipal manager or the Manager of the municipality's authorised agent, shall upon its mere production in a court of civil jurisdiction constitute prima facie evidence of the indebtedness

55. **SIGNING OF NOTICES AND DOCUMENTS**

A notice or document issued by the municipality in terms of these bylaws and signed by a staff member of the municipality or its authorised agent shall be deemed to be duly issued and must on its mere production be accepted by a court of law as evidence of that fact.

56. **BAD DEBT PROVISION**

The Municipality shall from time to time make provision for bad debts in the Credit Control and Debt Collection Policy.

57. **DEBT COLLECTION PROCEDURE**

The municipality has by resolution established a Credit Control and Debt Collection Policy only which regulates the debt collection procedure of the municipality. All debt collection is subjected to both the Bylaw and the Policy.



**CHAPTER 9****CUSTOMER CARE AND MANAGEMENT**

58. The Municipality's customer care and management is as set out in both Chapter 9 of the Act and the Credit Control and Debt Collection Policy.

**CHAPTER 10****NOTICES****59 POWER TO SERVE AND COMPLIANCE WITH NOTICES**

591. The municipality may, by written notice, order an owner, customer or any other person who fails, by act or omission, to comply with the provisions of these by-laws, or to fulfil any condition imposed in it, to rectify his failure within a period specified in the notice, which period shall not be less than seven (7) days.
- 59.2. If a person fails to comply with a written notice served on him by the municipality in terms of these by-laws within the specified period, it may take such action that in its opinion is necessary to ensure compliance including—
- (a) undertaking the work necessary itself and recovering the cost of such action or work from that owner, consumer or other person;
  - (b) restricting or discontinuing the provision of services; and
  - (c) instituting legal proceedings.
- 59.3. A notice in terms of subsection (1) must—
- (a) give details of any 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 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 issued;
  - (c) specify the steps that the owner, consumer or other person must take to rectify the failure to comply;
  - (d) specify the period within which the owner, consumer or other person must take the steps specified to rectify such failure; and
  - (e) indicate that the municipality—
    - (i) may undertake any work that is necessary to rectify a failure to comply with a notice and the cost to the municipality of rectification may be recovered from the owner, consumer or other person who has failed to comply
    - (ii) may take any other action that it considers necessary for ensuring compliance.
- 59.4. In the event of an emergency the municipality may, without prior notice to anyone, undertake the work required by subsection 59(3)(e)(i) and recover the costs from a person who, but for the emergency, would have to be notified in terms of subsection (1).
- 59.5. The costs recoverable by the Municipality in terms of subsections 59(2) and 59(3) are the full costs associated with that work and includes, but are not restricted to, any exploratory investigation, surveys, plans, specifications, schedules of quantities, supervision, administration charge, the use of tools, the expenditure of labour involved in disturbing or rehabilitation of any part of a street or ground affected by the work and the environmental cost.

**CHAPTER 11****APPEALS****60 APPEALS AGAINST DECISIONS OF THE MUNICIPALITY**

- 60.1. A customer may appeal in writing against a decision of, or a notice issued by, the municipality in terms of these by-laws in terms of section 62 of the Local Government: Municipal Systems Act (Act No 32 of 2000).
- 60.2. An appeal in terms of by-law 99.1 must be made in writing and lodged with the municipality within 21 (twenty one) days after a customer became aware of the decision or notice and must—
- a) set out the reasons for the appeal; and
  - b) be accompanied by any security determined by the municipality for the testing of a measuring device if the accuracy of such device is in any way relevant to the appeal.
- 60.3. An appeal must be decided by the municipality within 14(fourteen) days after the appeal was lodged and the customer must be informed of the outcome in writing, as soon as possible thereafter.
- 60.4. The decision of the municipality is final.

## CHAPTER 12

### GENERAL PROVISIONS

#### **61. Responsibility for Compliance with these By-Laws**

- 61.1. The owner of premises is responsible for ensuring compliance with these by-laws in respect of all or any matters relating to water and the installation and maintenance of sanitation.
- 61.2. The owner and the customer are jointly and severally responsible for compliance with these by-laws in respect of matters relating to the use of any water and the use or repair and maintenance of sanitation services on the premises.

#### **62. Provision of Information**

An owner, occupier, customer or person within the area of supply of the municipality must provide the municipality with accurate information requested by the municipality that is reasonably required by the municipality for the implementation or enforcement of these by-laws, but no person shall be compelled to provide such information until the municipality has certified that the information is not required for the purposes of a criminal prosecution against him

#### **63. Power of Entry and Inspection**

- 63.1. The municipality may enter and inspect any premises for any purpose connected with the implementation or enforcement of these by-laws, at all reasonable times, after having given reasonable written notice to the occupier of the premises of the intention to do so.
- 63.2. Any entry and inspection must be conducted in conformity with the requirements of the Constitution of South Africa, 1996, and any other law and, in particular, with strict regard to decency and order, respect for a person's dignity, freedom and security, and personal privacy.
- 63.3. The municipality may be accompanied by an interpreter and any other person reasonably required to assist the authorised official in conducting the inspection.
- 63.4. Any person effecting entry upon premises in terms of this by-law on behalf of the municipality of the municipality's agent must, upon request, produce proof of his identification and authority.

#### **64. Indemnification from Liability**

No employee of the municipality nor any person, body, organisation or corporation acting on behalf of the municipality is liable for any damage arising from any omission or act done in good faith in the course of his duties unless the damage is caused by a wrongful and intentional act or by negligence.

#### **65. Exemption**

- 65.1. The municipality may, in writing exempt an owner, customer, any other person or category of owners, customers, ratepayers, users of services from complying with a provision of these by-laws, subject to any conditions such exemption may impose, if he or she is of the opinion that the application or operation of that provision would be unreasonable; provided that the engineer shall not grant exemption from any section of these by-laws that may result in—

- (a) the wastage or excessive consumption of water supply services;
- (b) significant adverse effects on public health, safety or the environment;
- (c) the non-payment for services;
- (d) the Act, or any regulations made in terms of it, not being complied with.

65.2. The municipality may at any time after giving written notice of at least thirty days, withdraw any exemption given in terms of by-law 64.1.

**66. Conflict of Law**

If there is any conflict between these by-laws and any other by-laws of the municipality, these by-laws will prevail in relation to any matter or thing required to be done or note to be done in connection with the supply of water or the provision of sanitation services.

**67. Compliance with other applicable laws**

The approval of any installation, connection, trap, catchpit, treatment apparatus or the like in terms of these by-laws shall not absolve the owner or other person responsible for the installation or operation thereof from compliance with the provisions of any other applicable law.

**68. Interpretation**

Wherever in these by-laws words importing the male gender are used, such words shall be taken to include the female and (where the context so requires) neuter genders

**69. Short Title and Commencement**

69.1. These by-laws are called Credit Control and Debt-Collections By-Laws of the Ilembe District Municipality and shall apply throughout the municipality's area of jurisdiction unless otherwise determined in accordance with by-law 113.2.

69.2. The municipality may, by notice in the Provincial Gazette, determine that provisions of portions or all of these by-laws, as listed in the notice, do not apply in certain areas within its area of jurisdiction as recorded in the notice from a date specified in the notice.

**ANNEXURE A  
MUNICIPALITY  
APPLICATION FOR MUNICIPAL SERVICES**

<b>Section ACDE - Domestic</b>		<b>Section BCDE – Business</b>
<b>Section BCDE – Close Corporation</b>		

<b>Section A:</b>	<b>Domestic</b>
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1. Consumer Surname	
2. Full Names	
3. I D Number	
4. Occupation	
5. Employer/Business	
6. Proof of employment/income	
7. Marital status	

<b>Unmarried</b>	Married	In Community of Property
		Out Community of Property
		Customary Marriage

8. Full Names Spouse	
9. Occupation Spouse	
10. Employer Spouse	
11. Name and Address of Member of Family or Friend	
12.	
13.	
14. Home Telephone Number	
15. Work Telephone Number	
16. Cell Number	
<b>Section B:</b>	<b>Company Details</b>

1. Business Name	
2. Business Registration No.	
3. ID Number – Owner (Natural Person) –Partner	
4. Name of Natural Person	
5. Business Telephone Number	
6. Cell Number	
7. Fax/E-mail	

<b>Section C: General</b>					
1. Postal Address					
					Code:
2. List of Other Accounts Held					
Name	Account Number				
Name	Account Number				
(iii) Name	Account Number				
3. Name of Bank					
4. Branch Code					
5. Account Number					
6. Previous Address And Account Number					
7. If tenant, where is rent paid					
		Total	Over 18	Under 18	
8. Number of people residing on property					
9. Occupies of stand other than family (rental, backyard, lodges, spaza, shops, taxis etc)					

<b>Section D: Service Particular</b>					
1. Address where service is required					
2. Lot/Stand Number					
3. Date when services is required					
4. Services Applied for:					
<b>Water</b>					
Communal Standpipe	Yard Tap	House Connection			
<b>Sewerage</b>					
V I P	Water Borne				
Prepaid		Credit Meter			

<b>Refuse Removal – Mandatory Service</b>					
5. Type of supply					
Domestic	Commercial	Industrial	Educational	State	Agriculture

6. State whether any type of business activities to be conducted from residential address:

Yes	No
-----	----

7. Method of payment \_\_\_\_\_

\_\_\_\_\_  
**CONSUMER/APPLICANT**

\_\_\_\_\_  
**DATE**

<b>Section E:</b>	<b>Declaration</b>
-------------------	--------------------

I hereby declare that I/we agree to the conditions of supply of the mentioned services as laid down in the bylaws of the Municipality and any other laws that are applicable.

I/we hereby accept the street address/stand number specified above as my own *Domicillium citandi et executand* address where I will accept an notice to be served.

I/we hereby tender a deposit/bank guarantee of R \_\_\_\_\_ and agree that this amount or any part thereof may be used to redeem unpaid accounts or any parts thereof and that the surplus if any be paid back to me/us.

I/we indemnify the Municipality against any losses which may occur due to claims instituted against the Municipality due to power failure, or just liable discontinuation of services.

I/we accept the responsibility for the payment of attorney and client costs should be necessary for the Municipality to hand over outstanding amounts and the accounts as well as giving permission to be listed with the Credit Bureau.

I/we received a duplicate of this application form.

I/we hereby certify the information provided to be correct.

I/we declare that all payments due and payable by me in pursuance of this application shall promptly be paid by me on the due date.

I/we undertake to pay interest either as prescribed in terms of the ordinance or the rates act or any legal rate applicable.

\_\_\_\_\_  
**SIGNATURE**

\_\_\_\_\_  
**DATE**

**NAME:** \_\_\_\_\_

**STATUS:** \_\_\_\_\_



**ANNEXURE B**  
**INDIGENT SUPPORT APPLICATION FORMS**

- |    |   |  |
|----|---|--|
| 1. | MUNICIPAL ACCOUNT NUMBER<br>INOMBOLO YESIKWELETU SIKAMASIPALA |  |
| 2. | PRE-PAYMENT CARD METER NUMBER<br>INOMBOLO YEKHADI LIKAGESI    |  |

**A PARTICULARS OF APPLICANT / IMINININGWANE YOMNINIMUZI**

DATE OF BIRTH		LANGUAGE PREFERENCE	
USUKU LOKUZALWA		ULIMI	
IDENTITY NUMBER			
INOMBOLO KAMAZISI			

**SURNAME / ISIBONGO**

FIRST NAMES / AMAGAMA

MARITAL STATUS /  
IZINGA NGOKOMSHADO

**B IF MARRIED – PARTICULARS OF SPOUSE /  
UMA USHADILE – IMINININGWANE YOMLINGANI**

DATE OF BIRTH USUKU LOKUZALWA		LANGUAGE PREFERENCE ULIMI	
----------------------------------	--	------------------------------	--

[illegible]

SURNAME / ISIBONGO

FIRST NAMES / AMAGAMA

**C**      **ADDRESSES / AMAKHELI**

POSTAL ADDRESS  
IKHELI NGOKWEBHOKISI LEPOSI

RESIDENTIAL ADDRESS/ERF NO.  
IKHELI LALAPHO UHLALA KHONA

HOUSE NO. / NOMBOLO YENDLU \_\_\_\_\_

TELEPHONE NUMBER	
INOMBOLO YOCINGO	

**D INCOME / IMALI ENGENA EKHAYA**

EMPLOYER / UMQASHI

GROSS MONTHLY INCOME/  
UMHOLO WENYANGAJOINT MONTHLY INCOME/  
UMHOLO OHLANGANISIWE  
WENYANGAANY OTHER SOURCE OF INCOME  
(EG PENSION, ALLOWANCE ETC)**TOTAL INCOME****E DEPENDANTS WHO LIVE WITH YOU / ABONDLIWA NGUWE OHLALANABO**

	NAME AND SURNAME IGAMA NESIBONGO	SEX UBULILI	DATE OF BIRTH USUKU LOKUZALWA	EMPLOYER/SCHOOL IGAMA LESIKOLE NOMA UMQASHI
1				
2				
3				
4				
5				

ANY ADDITIONAL DEPENDANTS / BAKHONA YINI ABANYE  
OBONDLAYO?

YES	NO
-----	----

**F SUPPLY NAME, ADDRESSES & TELEPHONE NUMBER OF TWO FAMILY  
MEMBERS NOT RESIDING WITH YOU.  
SINIKE IGAMA, IKHELI, NOCINGO LWEZIHLOBO EZIMBILI ONGAHLALI NAZO**

NAME / IGAMA	RELATIONSHIP UBUHLOBO	ADDRESS / IKHELI	TELEPHONE / UCINGO

**G      GENERAL / NGOKUVULELEKILE**

Are you acquainted to a welfare organization?  
 Ikhona yini inhlangano yezehlalakahle ongaphansi kwayo?  
 If so, which organization? Uma kunjalo lyiphi?


Who is the welfare officer? Igama lomsebenzi wayo?

--

**H      STATEMENT / ISITATIMENDE**

I hereby confirm that the information in this form is true and correct and I understand that a false statement will make this application invalid and will disqualify me from any further assistance from the Council.

Ngiqinisekisa ukuthi yonke imininingwane engiyigcwalisile lyiqiniso futhi ilungile futhi ngiyaqonda ukuthi engikushilo okungamanga kuzokwenza isicelo sami singaphumeleli futhi ngingabe ngisamukeleka kunoma yiluphi olunye usizo engingalucela emkhandlwini.

\_\_\_\_\_  
**SIGNATURE OF APPLICANT**  
**ISIGINESHA YAKHO**

\_\_\_\_\_  
**DATE**  
**USUKU**

\_\_\_\_\_  
**COUNCILLOR/DEVELOPMENT COMMITTEE**  
**IKHANSELA / ILUNGA LEKOMIDI LEZENTUTHUKO YEWADI**

I, the undersigned :

Identity number

Residing at


Hereby make oath and state as follows:

1.

I confirm that the information in this form is true and correct and I understand that a false statement will make this application invalid.

THUS done and signed at \_\_\_\_\_ on this \_\_\_\_ day of \_\_\_\_\_ 20\_\_

**DEPONENT**

The Deponent having acknowledged that he/she:

- (a) Knows and understands the contents of this sworn affidavit.
- (b) Has no objection to taking the prescribed oath.
- (c) Deems the prescribed oath to be binding on his/her conscience.

Before Me:

**COMMISSIONER OF OATHS**

ADDRESS:

DESIGNATION:

No. 166

24 November 2009

# **WATER SERVICES BY-LAWS FOR ILEMBE DISTRICT MUNICIPALITY**

**The ILembe District Municipality hereby publishes the following Water Services By-laws, in terms of section 156 (2) of the Constitution of the Republic of South Africa read with section 12 (3) (b) of the Local Government: Municipal Systems Act No 32 of 2000.**

## Definitions

For the purpose of these by-laws, any word or expressions to which a meaning has been assigned in the Water Services Act, 1996 (Act No 108 of 1996), the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000) or the National Building Regulations and Building Standards Act, 1977 (Act No 103 of 1977) shall bear the same meaning in these by-laws, unless the context indicates otherwise and a word in any one gender shall be read as referring also, to the other two genders—

**“accommodation unit”** in relation to any premises, means a building or section of a building separately occupied or used or intended for separate occupation or use for any purpose;

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

**“Act”** means the Water Services Act, 1997 (Act No 108 of 1997), as amended from time to time;

**“agreement”** means the contractual relationship between the municipality and a customer, whether written, deemed or tacit as provided for in the municipality's by-laws relating to credit control and debt collection (does the municipality have such by-laws/);

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

**“area of supply”** means any area within or partly within the area of jurisdiction of the municipality to which a water service is provided;

**“authorised agent”** means—

- (a) any person authorised 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; or
- (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 or as a water services provider, to the extent authorised in such contract;

**“average consumption”** means the deemed average consumption of a customer of a municipal service during a specific period, and is calculated by dividing the total measured consumption of that municipal service by that customer over the preceding six months by six;

**“availability charges”** means where a service or connection is available but not used by customer

**“best practicable environmental option”** means the option that provides the most benefit or causes the least damage to the environment as a whole, at a cost acceptable to society, in the long term as well as in the short term;

**“borehole”** means a hole sunk into earth and/or rock for the purpose of locating, abstracting or using subterranean water and includes a spring;

**“Building Regulations”** means the National Building Regulations (as amended from time to time) made in terms of the National Building Regulations and Building Standards, 1977 (Act No 103 of 1977) as amended;

**“charges”** means the rate, charge, tariff, flat rate or subsidy determined by the municipal council and applicable to the service in question;

**“cleaning eye”** means any opening access point to the interior of a discharge pipe or trap provided for the purposes of internal cleaning or clearing;

**“combined installation”** means a water installation used for both fire-fighting and domestic, commercial or industrial purposes, as the case may be;

**“commercial customer”** means any customer other than a domestic consumer of water services or an indigent customer, and includes, without limitation, business, industrial, government and institutional customers;

**“connecting point”** means the point at which the internal drainage installation joins the connecting sewer;

**“connecting sewer”** means a pipe owned by the municipality and installed by it for the purpose of conveying sewage from a drainage installation on any premises to a sewer installed beyond the boundary of those premises or within a servitude area or within an area covered by a way-leave or agreement;

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

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

**“consumer deposit”** means security held by the municipality.

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

**"customer"** means a person with whom the municipality has concluded an agreement for the provision a municipal service;

**"determined"** means determined by the municipality or by any person who makes a determination in terms of these laws;

**"domestic consumer"** means a customer using water services for domestic purposes;

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

**"drain"** means that portion of the drainage installation that conveys sewage within any premises or from those premises to a connecting sewer;

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

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

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

**"dwaf"** shall mean the Department of Water Affairs and Forestry;

**"effluent"** means any liquid whether or not containing matter in solution or suspension;

**"engineer"** means the engineer of the municipality, or any other person authorised to act on his behalf and includes a water services provider;

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

**"environmental cost"** means the cost of all measures necessary to restore the environment to its condition prior to an incident resulting in damage;

**"estimated consumption"** means the consumption that a customer, whose consumption is not measured during a specific period, is deemed to have consumed, that is estimated by taking into account factors that are considered relevant by the municipality and which may include the consumption of water services by the totality of the users of a service within the area where the service is rendered by the municipality, at the appropriate level of service, for a specific time;

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

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

**"flow limiters"** means a mechanism used to limit the flow of water to the legislative requirements.

**"high strength sewage"** means industrial effluent with a strength or quality greater than standard domestic effluent in respect of which a specific charge as calculated in accordance with Schedule C may be charged;

**"household"** means a family unit, as determined by the municipality as constituting:

- (a) a traditional household by taking into account the number of persons comprising a household, the relationship between the members of a household, the age of the persons who are the members of it and any other factor that the municipality considers to be relevant; or
- (b) A group of persons, not necessarily related to each other, who occupy a dwelling unit on the basis of shared facilities and/or costs;

**"illegal connection"** means a connection to any system, which has not been authorised by the municipality, and by means of which water services are provided to one or more consumers of water services ;

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

**"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 & Safety Act 1993, (Act No 85 of 1993);

**"installation work"** means any work done by the municipality or any of its contractors in respect of water services installation, including construction, rehabilitation, improvement and maintenance;

**"jaswic"** means joint acceptance scheme for water services installation components;

**"local municipality"** means the KwaDukuza Municipality;

**"link mains"** means the pipelines between the development and the existing infrastructure.

**"interest"** means interest as may be prescribed by the Minister of Justice in terms of section 1 of the Prescribed Rate of Interest Act, 1975 (Act No 55 of 1975);

**"manhole"** means any access point or chamber to the interior of any sewer or drainage installation provided for the purpose of human access to the interior of such sewer or drainage installation for the purpose of maintenance and internal cleaning;

**"main"** means a pipe, other than a connection pipe, of which the ownership vests in the municipality and which is used by it for the purpose of providing water services to a consumer;

**"measuring device"** means any method, procedure, process, device, apparatus or installation that enables the consumption of water services provided to any customer or customers to be determined or quantified and includes any method, procedure or process whereby the consumption is estimated .

**"meter"** means a water meter as defined by the regulations published in terms of the Trade Metrology Act, 1973 (Act No 77 of 1973) or, in the case of water meters of a size greater than 100mm, a device that measures the quantity of water passing through it, including a pre-paid water meter ;

**"municipality"** means—

- (a) the Ilembe District Municipality, a district municipality established in terms of section 12 of the Structures Act, or its council (as the context may require) and its successors-in-title; or
- (b) subject to the provisions of any other law and only if expressly or impliedly required or permitted by these by-law the municipal manager in respect of the performance of any function, or the exercise of any duty, obligation, or right in terms of these by-laws or any other law; or
- (c) an authorised agent of the Ilembe District municipality, which includes a duly appointed water services provider as defined in the Act;

**"municipal manager"** means the person appointed by the municipal council as the municipal manager or acting municipal manager of the municipality in terms of section 82 of the Local Government Municipal Structures Act, 1998 (Act No 117 of 1998) and includes any person to whom the municipal manager has delegated any power, function or duty contemplated in the Act or these by-laws but only in respect of that delegated power, function or duty;

**"municipal services"** means, for the purpose of these by-laws, services provided by a municipality including water supply and sanitation;

**"occupier"** means a person who occupies part or all of any land, building, structure or premises and includes a person who, for reward or remuneration allows another person to use or occupy part or all of any land, building structure or premises;

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

**"owner"** means—

- (a) the person in whose name the ownership of the premises is registered from time to time or his accredited agent;
- (b) where the owner of the premises is insolvent or dead, or for any reason lacks legal capacity, or is under any form of legal disability, that has the effect of preventing him from being able to perform a legal act on his own behalf, the person in whom the administration and control of such premises is vested as curator, trustee, executor, administrator, judicial manager, liquidator or other duly appointed legal representative;
- (c) where the municipality is unable to determine the identity of the owner, a person who has a legal right in, or the benefit of the use of, any premises, building, or any part of a building, situated thereon;
- (d) where a lease has been entered into for a period of 30 (thirty) years or longer, or for the natural life of the lessee or any other person mentioned in the lease, or is renewable from time to time at the will of the lessee indefinitely or for a period or periods which, together with the first period of the lease, amounts to at least 30 years, the lessee or any other person to whom he has ceded his right title and interest under the lease, or any gratuitous successor to the lessee;
- (e) in relation to —
  - (i) a piece of land delineated on a sectional plan registered in terms of the Sectional Titles Act, 1986 (Act No 95 of 1986), the developer or the body corporate in respect of the common property, or



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

(iii) a person occupying land under a register held by a tribal authority or in accordance with a sworn affidavit made by the head or authorised representative of the head of a tribal authority

**"person"** means any person, whether natural or juristic, and includes, but is not limited to, any local government body or like authority, a company or close corporation incorporated under any law, a body or voluntary association of persons whether incorporated or not, a statutory body, or trust and includes any person referred to in paragraph (b) of the definition of "owner";

**"plumber"** means a person who has passed a qualifying Trade Test in Plumbing or has been issued with a certificate of proficiency in terms of the Manpower Training Act, 1981 (Act No 56 of 1981) or such other relevant qualification as may be required or recognised under national legislation;

**"pollution"** means the introduction of any substance into the water supply system, a water installation or a water resource that may make the water harmful to health or the environment or impair or destroy its quality for the use for which it is normally intended;

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

(a) a general plan or diagram or a subdivisional diagram registered in terms of the Land Survey Act, 1927 (Act No 9 of 1927), or in terms of the Deeds Registries Act, 1973 (Act no 47 of 1937);

(b) a sectional plan registered in terms of the Sectional Titles Act, 1986 (Act no 95 of 1986); or

(c) a register held by a tribal authority or in accordance with a sworn affidavit made by a tribal authority or the authorised representative of that authority;

**"professional engineer"** means a person registered in terms of the Engineering Profession Act 2000 (Act No 46 of 2000) as a professional engineer;

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

(a) publication of notice, in the official languages selected by the Municipality in one or more newspapers circulating in the areas affected by the contents of such notice

- (a) broadcasting on one or more radio services in or more of those languages
- (b) broadcasting on a television service in or more of those services;
- (c) a newsletter published by the municipality and circulated to the customers of the municipality in the area of supply by hand delivery to the customer's premises or by post to his last known address;

**"regular"** means a period of no less than \_\_\_\_\_ days

**"SANS"** means South African National Standards;

**"sewer contribution"** means a payment made by the owner/developer for the provision and supply of sewer reticulation.

**"unoccupied property"** means a developed property with improvements and which is unoccupied;

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

**"water contribution"** means a payment made by the owner/developer for the provision and supply of sewer reticulation.

**"vacant land"** means an immovable property which has no development or improvement

**"water installation"** means the pipes and water fittings which are situated on any premises, ownership of which installataion vests in the owner of the premises and are used or intended to be used in connection with the use of water or water services on such premises, and includes a pipe and water fitting situated outside the boundary of the premises, to the point at which it either connects to the connection pipe relating to such premises or is otherwise laid with the permission of the municipality;

**"water services"** means water supply services and sanitation services as defined and referred to in the Act;

**"water services intermediaries"** has the same meaning as that assigned to it in terms of the Act;

**"water supply services"** has the same meaning as is assigned to it in terms of the Act and includes for purposes of these by-laws water for industrial purposes and fire extinguishing services;

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

**"working day"** means a day other than a Saturday, Sunday or Public Holiday

**"sewage"** means waste, industrial effluent, standard domestic effluent and other liquid waste, either separately or in combination, but shall not include storm water;

**"sewer"** means any piece or conduit which is the property of or is vested in the municipality and which may be used for the conveyance of sewage from the connecting sewer but shall not include a drain as defined and **"sewerage"** shall connote the whole or part of any system for the conveyance thereof, as the context may require;

**"standpipe"** means a connection through which water supply services are supplied as a common facility to more than one person, or more than one family or household occupying more than one accommodation unit or dwelling unit;

**"standard domestic effluent"** means domestic effluent with prescribed strength characteristics as determined and published by the municipality in respect of chemical oxygen demand and settleable solids as being appropriate to sewage discharges from domestic premises within the jurisdiction of the municipality, but shall not include industrial effluent;

**"storm water"** means water resulting from natural precipitation, accumulation or run-off thereof, and includes rainwater, subsoil water or spring water;

**"supply zone"** means an area made up of a number of customers supplied from a common point as determined by the municipality

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

**"trade premises"** means premises upon which industrial effluent is produced;

**"trap"** means a pipe fitting or portion of a sanitary appliance designed to retain water in position, or a seal which serves as a barrier against the flow of foul air or gas;

and

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

**"unauthorised service"** means the receiving, use or consumption of any municipal services which is not in terms of an agreement with or approved by the municipality.

## CHAPTER 2: APPLICATION, PAYMENT AND TERMINATION

### Part 1: Application

#### 1. Application for Water Services

- 1.1 No person shall be provided with access to water services unless application has been made to, and approved by, the municipality on the form prescribed by the municipality from time to time.
- 1.2 Water services rendered to a customer by the municipality are subject to the municipality's policy relating to credit control and debt collection, the by-laws relating thereto and the terms and conditions contained in the relevant agreement.

#### 2. Special Agreements for water Services

The municipality may enter into a special agreement for the provision of water services with an applicant in accordance with the municipality's policy.

#### 3. Change in Purpose for which Water Services are Used

Where the purpose for, or extent to which, any municipal service is changed or required to be changed, the customer must promptly advise the municipality of the change and enter into a new agreement with the municipality. Where any such change involves the application of charges on a different basis or scale from those previously levied against the customer, such alterations to charges or scales shall be clearly reflected in the new agreement.

### Part 2: Charges

#### 4. Prescribed Charges for Water Services

- 4.1 All applicable charges payable in respect of water services, including, but not restricted to, the payment of connection charges, fixed charges or any additional charges or interest will be set by the municipal council in accordance with—
- (a) its Rate and Tariff policy;
  - (b) any by-laws in respect thereof; and
  - (c) any regulations in terms of national or provincial legislation; but
- 4.2 Differences between categories of customers, users of services, types and levels of services, quantities of service, infrastructural requirements and geographic areas, may justify the imposition of differential charges.

#### 5. Availability Charges for water Services

The municipality may, in addition to the charges determined for water services that have been actually provided, levy a monthly fixed charge, an annual fixed charge or only one fixed charge where water services are available, but are not consumed.

### Part 3: Payment

#### 6.1. Payment for Water services

The owner, occupier and customer shall be jointly and severally liable and responsible for payment of all water services charges and water services consumed by a customer or in the relevant accommodation unit or premises.

#### 6.2. Payment for Water and Sewer Contribution

The owner, customer, developer shall be liable for and responsible for the payment of the water and/or sewer contribution.

### Part 4: Termination, Limitation and Disconnection

#### 7. Termination of Agreement for the Provision of Water Services

A customer may terminate an agreement for the provision of water services by giving one month's notice in writing to the municipality at the offices of the water services provider.

#### 8. Limitation and or Disconnection of Water Services Provided

- 8.1 The engineer may restrict or discontinue water supply services provided in terms of these by-laws—
- a) on failure to pay the determined charges on the date specified, in accordance with and after following the procedure set out in the municipality's policies and by-laws relating to credit control and debt collection.
  - b) at the written request of a customer;
  - c) if the agreement or the provision of services has been terminated in accordance with the municipality's policy relating to credit control and debt collection;
  - d) if the building on the premises to which services were provided has been demolished;
  - e) if the customer, occupier or owner has interfered in any way with a restricted or discontinued service;
  - f) in an emergency or emergency situation where it is deemed necessary to do so in order to repair or replace a burst water or sewer main or other water installation; or which results in a loss of water; or

- g) if the customer, owner or occupier has interfered or tampered with or damaged or caused or permitted interference or tampering with or damage to the water supply system of the municipality for the purposes of gaining access to water supply services, after notice to this effect has been given by the municipality.

8.2 The engineer may disconnect sanitation services provided in terms of these by-laws—

- a) at the written request of a customer;
- b) if the agreement for the provision of sanitation services has been terminated in accordance with the breach provisions thereof or in terms of the municipality's policies and by-laws relating to credit control and debt collection;

or

- g) the building on the premises to which services were provided has been demolished.

8.3 The municipality shall not be liable for any damages or claims that may arise from the limitation or disconnection of water services provided in terms of subparagraphs (1) and (2) of this by-law, including any damages or claims that may arise due to the limitation or disconnection of water services by the municipality in the bona fide belief that the provisions of subsection (1) and (2) applied.

## CHAPTER 3: SERVICES LEVELS

**9. Services Levels**

9.1 The municipality may, from time to time, and in accordance with national policy, but subject to principles of sustainability and affordability, by public notice, determine the services levels it is able to provide to customers.

9.2 The municipality may, in determining services levels, differentiate between types of customers, domestic customers, geographical areas and socio-economic areas.

9.3 The following levels of service may, subject to subparagraph (1) of this by-law, be provided by the municipality on the promulgation of these by-laws:

- a) Communal water supply services and on site-sanitation services—
  - i) constituting the minimum level of service provided by the municipality;
  - ii) consisting of reticulated standpipes or stationary water tanks serviced either through a network pipe or a water tanker and located within a reasonable walking distance from any household or dwelling unit with a Ventilated Improved Pit latrine located on each premises. For this purpose "premises" means the lowest order of visibly demarcated area on which an informal dwelling (i.e. one constructed of materials not permitted in terms of the National Building regulations Building Standards Act, No 103 of 1977 and in respect of which no building plans has been approved by the local municipality) of any kind has been erected;

- iii) are installed free of charge in terms of the municipality's policy;
  - iv) are provided free of any charge to consumers; and
  - v) are maintained by the municipality.
- a) Yard connection not connected to any water installation and an individual connection to the municipality's sanitation system—
    - i) consisting of an un-metered standpipe on premises not connected to any water installation and a pour-flush toilet pan, wash-trough and suitable toilet top structure connected to the municipality's sanitation system;
    - ii) is installed free of charge;
    - iii) is maintained by the municipality
  - c) a metered pressured water connection with an individual connection to the municipality's sanitation system—
    - i) installed against payment of the relevant connection charges;
    - ii) provided against payment of prescribed charges; and
    - iii) with the water and drainage installations maintained by the customer.

## CHAPTER 4: CONDITIONS FOR WATER SUPPLY SERVICES

### Part 1: Connection to Water Supply System

#### 10. Provision of Connection Pipe

- 10.1 If an agreement for water supply services in respect of premises has been concluded and no connection pipe exists in respect of the premises, the owner shall make application on the prescribed form and pay the determined charge for the installation of such a pipe.
- 10.2 If an application is made for water supply services which are of such an extent or so situated that it is necessary to extend, modify or upgrade the water supply system in order to supply water to premises, the municipality may agree to the extension provided that the owner shall pay for the cost of the extension, as determined by the engineer.
- 10.3 Only the engineer may install a connection pipe but the owner or customer may connect the water installation to the connection pipe.
- 10.4 No person may commence any development on any premises unless the engineer has installed a connection pipe and meter.
- 10.5.1 The onus for the payment of water contribution rests with the owner. The owner shall prior to the approval of the plan and before construction pay the water contribution in terms of the tariff policy;
- 10.5.2 The owner shall be responsible for the submissions of building plans to the Municipality to the commencement of any construction;
- 10.6.1. The owner, customer or developer shall be charged at the municipality's costs for the installation of the link mains; or
- 10.6.2. the owner, customer or developer may, on receipt of written consent of the municipality and subject to the municipality's requirements install their own link mains.

#### 11. Location of Connection Pipe

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

designated by the municipality and for obtaining at his cost, any servitudes over other premises that may be necessary.

- 11.3 An owner must pay the determined connection charge in advance before a water connection can be effected.

#### 12. Provision of Single Water Connection for Supply to Several Customers on the Same Premises

- 12.1 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 accommodation units or customers located on such premises.
- 12.2 Where the owner, or the person having the charge or management of any premises on which several accommodation units are situated, require the supply of water to such premises for the purpose of supply to the different accommodation units, the engineer may, in its discretion, provide and install either—
- a) a single measuring device in respect of the premises as a whole or any number of such accommodation units; or
  - b) a separate measuring device for each accommodation unit or any number thereof.
- 12.3 Where the engineer 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, as the case may be—
- a) must install and maintain on each branch pipe extending from the connection pipe to the different accommodation units—
    - i) a separate measuring device; and
    - ii) an isolating valve; and
    - iii) will be liable to the municipality for the 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 such measuring device.
- 12.4 Where premises are supplied by a number of connection pipes, the engineer may

require the owner to reduce the number of connection points and alter his water installation accordingly.

### **13. Disconnection of Water Installation from the Connection Pipe**

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

## **Part 2: Standards**

### **14. Quantity, quality and Pressure**

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

### **15. Testing of Pressure in water Supply Systems**

The engineer may, on application by an owner and on payment of the determined charge, determine and furnish the owner with the amount of the pressure in the water supply system relating to his premises over such period as the owner may request.

### **16. Pollution of Water**

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

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

### **17. Water Restrictions**

17.1 The municipality may for purposes of water conservation or where, in its opinion, drought conditions are imminent, by public notice—

- a) prohibit or restrict the consumption of water in the whole or part of its area of jurisdiction—
  - i) in general or for specified purposes;
  - ii) during specified hours of the day or on specified days; and
  - iii) in a specified manner; and

b) determine and impose—

- i) a restriction on quantity of water that may be consumed over specified period;
  - ii) charges additional to those determined in respect of the supply of water in excess of a restriction contemplated in subsection (1)(b)(i);
  - iii) a general surcharge on the determined charges in respect of the supply of water; and
- c) impose restrictions or prohibitions on the use or manner of use or disposition of an appliance by means of which water is used or consumed, or on the connection of such appliances to the water installation.

17.2 The municipality may restrict the application of the provisions of a notice contemplated by subsection (1) to specified areas and categories of customers or users of premises, and activities and may permit deviations and exemptions from, and the relaxation of, any of its provisions where there is a reason to do so.

### **17.3 The municipality—**

- a) may take, or by written notice require a customer at its own expense to take, such measures, including the installation of measurement devices and devices for restricting the flow of water, as may in its opinion be necessary to ensure compliance with a notice published in terms of subsection (1); or
- b) may, subject to notice, and for such period as it may consider fit, restrict and/or discontinue the supply of water to any premises in the event of a contravention of these by-laws that takes place on or in such premises or a failure to comply with the terms of a notice published in terms of subsection (1); or
- c) shall where the supply has been restricted/discontinued, restore it only when the determined charge for restriction and/or discontinuation and reconnecting the supply has been paid.

### **18. Specific Conditions of Supply**

18.1 Notwithstanding the provision in section 15, the granting of a supply of water by the municipality shall not constitute an undertaking by it to maintain at any time or any point in its water supply system—

- a) an uninterrupted supply, subject to the provisions of regulations 4 and 14 of Regulation 22355 promulgated in terms of the Act on 08 June 2003; or
- b) a specific pressure or rate of flow in such supply other than required in terms of regulation 15(2) of Regulation 22355 promulgated in terms of the Act on 08 June 2003.

18.2 The engineer may, subject to the provisions of subsection (1)(b), specify the maximum pressure to which water will be supplied from the supply system.

18.3 If an owner of customer requires—

- a) that any of the standards referred to in sub-section (1); or
- b) a higher standard of service than the specified section in section 15;

be maintained on his premises, he or she shall take the necessary steps to ensure that the proposed water installation is able to meet such standards.

18.4 The engineer may, in an emergency, interrupt the supply of water to any premises without prior notice.

18.5 If in the opinion of the engineer the consumption of water by a customer, adversely affects the supply of water to another customer, he may apply such restrictions as he may consider fit, to the supply of water to customer in order to ensure a reasonable supply of water to the other customer and must inform that customer about the restrictions.

18.6 The municipality shall not be liable for any damage to property caused by water flowing from any water installation that is left open when the water supply is re-instated, after an interruption in supply.

18.7 Every steam boiler, hospital, industry and any premises which requires, for the purpose of the work undertaken on the premises, a continuous supply of water shall have a storage tank, which must comply with the specification for water storage tanks as stipulated in SANS 0252 Part 1, with a capacity of not less than 24 hours water supply calculated as the quantity required to provide the average daily consumption, where water can be stored when the continuous supply is disrupted.

18.8 No customer shall resell water supplied to him 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 the municipality may deem fit.

### **Part 3: Measurement**

#### **19. Measuring of Quantity of Water Supplied**

19.1 The engineer must provide a measuring device designed to provide either a controlled volume of water, or an uncontrolled volume of water, to a customer.

19.2 The municipality must, at regular intervals, measure the quantity of water supplied through a measuring device designed to provide an uncontrolled volume of water.

19.3 Any measuring device and its associated apparatus through which water is supplied to a customer by the municipality, shall be provided and installed by the engineer, shall remain its property and may be changed and maintained by the engineer when he considers it necessary to do so.

19.4 The engineer may install a measuring device, and its associated apparatus, at any point on the service pipe.

19.5 If the engineer installs a measuring device on a service pipe in terms of subsection (4), he may install a section of pipe and associated fittings between the end of its connection pipe and the meter, and that section shall form part of the water installation.

19.6 If the engineer installs a measuring device together with its associated apparatus on a service pipe in terms of subsection (4), the owner shall—

- a) provide a place satisfactory to the engineer in which to install it;
- b) ensure that unrestricted access is available to it at all times;
- c) be responsible for its protection and be liable for the costs arising from damage to it, excluding damage arising from normal fair wear and tear;
- d) ensure that no connection is made to the pipe in which the measuring device is installed between the measuring device and the connection pipe serving the installation;



- e) make provision for the drainage of water which may be discharged from the pipe, in which the measuring device is installed, in the course of work done by the engineer on the measuring device; and
- f) not use, or permit to be used on any water installation, any fitting, machine or appliance which causes damage or which, in the opinion of the engineer is likely to cause damage to any meter.

19.7 No person other than the engineer or authorised person of the municipality shall:

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

19.8 If the engineer considers that, a measuring device is a meter whose size is unsuitable because of the quantity of water supplied to premises, he may install a meter of a size that he considers necessary, and may recover the determined charge for the installation of the meter from the owner of the premises.

19.9 The municipality may require the installation, at the owner's expense, of a measuring device to each dwelling unit, in separate occupancy, on any premises, for use in ascertaining the quantity of water supplied to each such unit; but where controlled volume water-delivery systems are used, a single measuring device may otherwise be used for more than one unit.

## **20. Quantity of Water Supplied to Customer**

20. For the purposes of ascertaining the quantity of water that has been measured by a measuring device that has been installed by the engineer and that has been supplied to a customer over a specific period, it will, for the purposes of these by-laws, be presumed except in any criminal proceedings, unless the contrary is proved, that—

- a) the quantity, where the measuring device designed to provide an uncontrolled volume of water, is the difference between measurements taken at the beginning and at the end of that period;
- b) the quantity, where the measuring device is designed to provide a controlled volume of water, is the volume dispensed by the measuring device;
- c) the measuring device was accurate during that period; and
- d) the entries in the records of the municipality were correctly made; and
- e) if water is supplied to, or taken by, a customer without having passed through a measuring device, the estimate by the municipality of the quantity of that water shall be presumed, except in any criminal proceedings, to be correct unless the contrary is proved.

20.2 Where water supplied by the municipality to any premises is in any way taken by the customer without the water passing through any 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.

20.3 For the purposes of subsection (2), an estimate of the quantity of water supplied to a customer shall, be decided at the discretion of the municipality.

20.4 Nothing in these by-laws shall be construed as imposing the municipality an obligation to cause any measuring device installed by the engineer on any premises to be measured at the end of every month or any other fixed period, and the municipality may charge the customer shall be decided at the discretion of the municipality.

- 20.5 Until time when a measuring device has been installed in respect of water supplied to a customer, the estimated or shared consumption of that customer during specific period, shall be decided at the discretion of the municipality
- 20.6 Where in opinion of the engineer it is not reasonably possible or cost effective to measure water that is supplied to each customer within a determined supply zone, the municipality may determine a tariff at its discretion.
- 20.7 The municipality must within seven days, on receipt of a written notice from the customer and subject to payment of the determined charge, measure the quantity of water supplied to the customer at a time, or on a day, other than that upon which it would normally be measured.
- 20.8 If a customer fails to comply with subsection (7) occurs, the customer must pay to the municipality the cost of whatever quantity of water was, in the opinion by the municipality, supplied to him.

## 21. Special Measurement

- 21.1 If the engineer requires, for the purposes other than charging for water consumed, to ascertain the quantity of water which is used in a part of a water installation, he may, by written notice, advise the owner concerned of his intention to install a measuring device at any point in the water installation that he may specify.
- 21.2 The installation of a measuring device referred to in subsection (1), its removal, and the restoration of the water installation after such a removal shall be carried out at the expense of the municipality.
- 21.3 The provisions of sections 20(5) and 20(6) shall apply, insofar as they may be applicable, in respect of a measuring device that has been installed in terms of subsection (1).

## 22. No reduction of Amount Payable for Water Wasted

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

## Part 4 : Audit

### 23. Water Audit

- 23.1 The municipality may require a customer, within one month after the end of a financial year of the municipality, to undertake a water audit at his own cost.
- 23.2 The audit must at least involve and report—
- the amount of water used during the financial year;
  - the amount paid for water for the financial year;
  - the number of people living on the stand or premises;
  - the number of people permanently working on the stand or premises;
  - the seasonal variation in demand through monthly consumption figures;
  - the water pollution monitoring methods;
  - the current initiatives for the management of the demand for water;
  - the plans to manage their demand for water;
  - a comparison of the report with any report that may have been made during the previous three years;
  - estimates of consumption by various components of use; and
  - a comparison of the above factors with those reported in each of the previous three years, where available.

## Part 5: Installation Work

### 24. Approval of Installation Work

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

24.2 Application for the approval referred to in subsection (1) shall be made on the prescribed form and shall be accompanied by—

- a) the determined charge, if applicable; and
- b) copies of the drawings as may be determined by the municipality, giving information in the form required by Clause 4.1.1 of SANS Code 0252: Part 1;
- c) a certificate certifying that the installation has been designed in accordance with SANS Code 0252: Part 1 by a professional engineer.

24.3 Authority given in terms of subsection (1) shall lapse at the expiry of a period of twenty-four months.

24.4 Where approval was required in terms of subsection (1), a complete set of approved drawings of installation work must be available at the site of the work at all times until the work has been completed.

24.5 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 the specified period;
- b) if work is in progress, to cease the work; and
- c) to remove all such work which does not comply with these by-laws.

#### **25. Persons Permitted to do Installation and Other work**

25.1 Only a plumber, a person working under the control of a plumber, or another person authorised in writing by the municipality, shall be permitted to:

- a) do installation work other than the replacement or repair of an existing pipe or water fitting;
- b) replace a fixed water heater or its associated protective devices;
- c) inspect, disinfect and test a water installation, fire installation or storage tank;
- d) Service, repair or replace a back flow pre-venter; or

- e) Install, maintain or replace a meter provided by an owner in a water installation.
- f) Install a flow limiter.

25.2 No person shall require or engage a person who is not a plumber to do the work referred to in subsection (1).

25.3 Notwithstanding the provision of subsection (1) the municipality may permit a person who is not a plumber to do installation work on his own behalf on premises owned and occupied solely by himself and his immediate household, provided that such work must be inspected and approved by a plumber at the direction of the engineer.

#### **26. Provisions and Maintenance of Water Installations**

26.1 An owner must provide and maintain his water installation at his own cost and except where otherwise permitted must ensure that the installation is situated within the boundary of his premises.

26.2 An owner must install an isolating valve at a suitable point on service pipe immediately inside the boundary of the property in the case of a meter installed outside the boundary, and in the case of a meter installed on the premises at a suitable point on his service pipe.

26.3 Before doing work in connection with the maintenance of a portion of his water installation, which is situated outside the boundary of his premises, an owner shall obtain the written consent of the municipality or the owner of the land on which the portion is situated, as the case may be.

#### **27. Technical Requirements for a Water Installation**

Notwithstanding the requirement that a certificate be issued in terms of section 25, all water installation shall comply with SANS 0252 Part 1 and all fixed electrical storage water heaters shall comply with SANS 0254.

#### **28. Use of Pipes and Water Fittings to be Authorised**

28.1 No person shall, without the prior written authority of the engineer, install or use a pipe or water fitting in a water installation within the municipality's area of jurisdiction

unless it is included in the Schedule of Approved Pipes and fitting as compiled by the municipality.

- 28.2 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.

- 28.3 A pipe or water fitting may not be included in the Schedule referred to in subsection (1) unless it—

- a) bears the standardisation mark of the South African Bureau of Standards in respect of the relevant SANS specification issued by the Bureau;
- b) bears a certification mark issued by the SANS to certify that the pipe or water fitting complies with an SANS Mark specification or a provisional specification issued by the SANS, provided that no certificate marks shall be issued for a period exceeding two years; or
- c) is acceptable by the municipality.

- 28.4 The municipality may, in respect of any pipe or water fitting included in the Schedule, impose such additional conditions, as it may consider necessary in respect of the use or method of installation.

- 28.5 A pipe or water fitting shall be removed from the Schedule if it—

- a) no longer complies with the criteria upon which its inclusion was based; or
- b) is no longer suitable for the purpose for which its use was accepted.

- 28.6 The current Schedule shall be available for inspection at the office of the municipality at any time during working hours.

- 28.7 The municipality may sell copies of the current Schedule at a determined charge.

## **29. Labelling of Terminal Water Fittings and Appliances**

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

- a) the range of pressure in kPa over which the

water fitting or appliance is designed to operate.

- b) The flow rate, litres per minute, related to the design pressure range, provided that this information shall be given for at least the following pressures: 20kPa, 100kPa and 400kPa.

## **30. Water Demand Management**

- 30.1 In any water installation where the dynamic pressure is more than 200kPa 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 greater than 10 litres per minute must not be installed.

- 30.2 The maximum flow rate from any tap installed on a wash hand basin must not exceed 6 litres per minute.

## **Part 6: Communal Water Supply Services**

### **31. Provision of Water Supply to Several Consumers**

- 31.1 The engineer may install a communal standpipe for the provision of water supply services to several consumers at a location it considers appropriate, provided that a majority, of consumers who in the opinion of the Engineer constitute a substantial majority, and to whom water services will be provided by the standpipe, has been consulted by him or the municipality.

- 31.2 The engineer may provide communal water supply services through a communal installation designed to provide a controlled volume of water to several consumers.

## **Part 7: Temporary Water Supply Services**

### **32. Water Supplied from a Hydrant**

- 32.1 The engineer may authorise a temporary supply of water to be taken from one or more fire hydrants specified by it, subject to such conditions and for any period that may be prescribed by him and payment of such applicable charges, including a deposit, as may be determined by the municipal council from time to time.

- 32.2 A person who wishes to obtain a temporary supply of water referred to in subsection (1) must apply for such a water supply service in terms of section (2) and must pay a deposit determined by the municipal council from time to time.

- 32.3 The engineer shall provide a portable water meter and all other fittings and apparatus necessary for the temporary supply of water from a hydrant.

- 32.4 The portable meter and all other fittings and apparatus provided for the temporary supply of water from a hydrant remain the property of the municipality and must be returned to the municipality on termination of the temporary supply. Failure to return the portable meter and all other fittings and apparatus shall result in the imposition of penalties determined by the municipality from time to time.

### Part 8: Boreholes

#### 33. Notification of Boreholes

- 33.1 No person may sink a borehole on premises situated in a dolomite area, and before sinking a borehole a person must determine if the premises on which the borehole is to be sunk are situated within a dolomite area.

- 33.2 The municipality may, by public notice, require—

- a) the owner of any premises within any area of the municipality upon which a borehole exists or, if the owner is not in occupation of such premises, the occupier to notify it of the existence of a borehole on such premises, and provide it with such information about the borehole that 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 its intention to do so before any work in connection with sinking it is commenced.

- 33.3 The municipality may require the owner or occupier of any premises who intends to sink a borehole, to undertake an environmental impact assessment of the intended borehole, to the satisfaction of the municipality, before sinking it.

- 33.4 The municipality may by notice to an owner or occupier or by public notice, require an owner or occupier who has an existing borehole that is used for water supply services to—

- a) obtain approval from it for the use of a borehole for potable water supply services in accordance with sections 6, 7 and 22 of the Act; and

- b) impose conditions in respect of the use of a borehole for potable water services.

### Part 9: Fire Services Connections

#### 34. Connection to be Approved by the Municipality

- 34.1 The engineer shall be entitled in his absolute discretion to grant or refuse an application for the connection of a fire extinguishing installation to the municipality's main.

- 34.2 No water shall be supplied to any fire extinguishing installation until a certificate that the local municipality's approval in terms of section 25 has been obtained and that the installation complies with the requirements of these and any other by-laws of the municipality, has been submitted.

- 34.3 If in the local municipality's opinion a fire extinguishing installation, which he has allowed to be connected to the municipality's main, is not being kept in proper working order, or is otherwise not being properly maintained, or is being used for the purpose other than fire fighting, that the Municipality shall be entitled either to require the installation to be disconnected from the main or itself to carry out the work of disconnecting it at the customer's expense.

#### 35. Special Provisions

The provisions of SANS 0252-1 shall apply to the supply of water for fire fighting purposes.

#### 36. Dual and Combined Installations

All new buildings erected after the commencement of these by-laws, must comply with the following requirements in relation to the provision of fire extinguishing services:

- a) If boosting of the system is required, a dual pipe system must be used, one for fire extinguishing purposes and the other for general domestic purposes.
- b) Combined installations shall only be permitted where no booster pumping connection is provided on the water installation. In such cases a fire hydrant must be provided by the municipality, at the customer's expense, within 90 meters of the property to provide a source of water for the fire tender to use in extinguishing the fire.

- c) Combined installations where a booster pumping connection is provided, shall only be permitted when designed and certified by a professional engineer.
- d) All pipes and fittings must be capable of handling pressures in excess of 1 800 kPa, if that pressure could be expected when boosting takes place and must be capable of maintaining their integrity when exposed to fire conditions.

### **37. Connection Pipes for Fire Extinguishing Services**

- 37.1 After the commencement of these by-laws, a single connection pipe for both fire (excluding sprinkler systems) and potable water supply services shall be provided by the engineer of the local municipality.
- 37.2 The engineer shall provide and install, at the cost of the owner a combination meter on the connection pipe referred to in (1).
- 37.3 A separate connection pipe shall be laid and used for every fire sprinkler extinguishing system unless the engineer of the local municipality gives his approval to the contrary.
- 37.4 A connection pipe must be equipped with a measuring device that will not obstruct the flow of water while the device is operating.

### **38. Valves and Meters in Connection Pipes**

Every connection pipe to a fire extinguishing installation must be fitted with valves and a measuring device which shall be:

- a) supplied by the engineer at the expense of the customer;
- b) installed between the customer's property and the main; and
- c) installed in such position as may be determined by the engineer.

### **39. Meters in Fire Extinguishing Connection Pipes**

The engineer shall be entitled to install a water meter in any connection pipe used solely for fire extinguishing purposes and the owner of the premises shall be liable for all costs in so doing if it appears to the municipality that water has been drawn from the pipe for the purposes other than for the purpose of extinguishing a fire.

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### **40. Sprinkler Extinguishing Installation**

A sprinkler installation may be installed directly to the main, but the municipality may not be deemed to guarantee any specified pressure at any time.

### **41. Header Tank or Double Supply from Main**

- 41.1 The customer must install a header tank at such elevation as will compensate for any failure or reduction of pressure in the municipality's main for its sprinkler installation, unless this installation is provided with a duplicate supply from a separate main.
- 41.2 The main pipe leading from a header tank to the sprinkler installation may be in direct communication with the main, provided that main pipe must be equipped with a reflux valve which, if for any reason the pressure in the main fails or is reduced, will shut off the supply from the main.
- 41.3 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.

### **42. Sealing of Private Fire Hydrants**

- 42.1 Except where a system is a combined system with a combination meter, all private hydrants and hose-reels must be sealed by the local municipality and the seals must not, except for the purposes of opening the hydrant or using the hose when there is a fire, be broken by any person other than by the local municipality in the course of servicing and testing.
- 42.2 The customer must give the local municipality at least 48 hours notice prior to a fire extinguishing installation being serviced and tested.
- 42.3 The cost of resealing hydrants and hose-reels shall be borne by the customer except when the seals are broken by the municipality's officers for testing purposes.
- 42.4 Any water consumed through a fire installation or sprinkler system shall be paid for by the customer at the charges determined by the municipality.

## CHAPTER 5: CONDITIONS FOR SANITATION SERVICES

### Part 1: Connection to Sanitation System

#### 43. Obligation to Connect to Sanitation System

- 43.1 All premises on which sewage is produced must be connected to the municipality's sanitation system if a connecting sewer is available or if it is reasonably possible or cost effective for the municipality to install a connecting sewer, unless approval for the use of on-site sanitation services has been obtained in accordance with these by-laws.
- 43.2 The municipality may, by written notice, require the owner of premises not connected to the municipality's sanitation system to connect to the sanitation system and, where approval for the use of on-site sanitation services has previously been given may simultaneously withdraw such approval.
- 43.3 An owner of premises who is required to connect those premises to the municipality's sanitation system in accordance with by-law 43.1 must inform the municipality in writing of any sanitation services, provided by the municipality on the site, which will no longer be required as a result of the connection to the sanitation system.
- 43.4 An owner will be liable for any charge payable in respect of sanitation services to the site, until an agreement for rendering those services has been terminated in accordance with by-law 7 or with the municipality's by-laws relating to credit control and debt collection.
- 43.5 If an owner fails to connect premises to the sanitation system after having had a notice in terms of by-law 43.2, the municipality, in addition to any other action that it may take in terms of these by-laws, may impose a penalty determined by it and published in the tariff of charges.

#### 44. Provision of Connecting Sewer

- 44.1 If an agreement for sanitation services in respect of premises has been concluded in accordance with the municipality's by-laws relating to credit control and debt collection and no connecting sewer exists in respect of the premises, the owner shall make application on the prescribed form, and pay the tariffs and charges determined by the municipality for the installation of a connecting sewer (Is this fair?).

44.2 If an application is made for sanitation services which are of such an extent or so situated that it will become necessary to extend, modify or upgrade the sanitation system in order to provide sanitation services to any premises, the municipality may agree to the extension only if the owner pays or undertakes to pay for the cost, as determined by the engineer, of the extension, modification or upgrading of the services.

44.3 Only the engineer may install or approve an installed connecting sewer; but the owner or customer may connect the sanitation installation to the connection pipe.

44.4 No person may commence any development on any premises unless:

- (a) the municipality has granted its approval of the building plans; and
- (b) an agreement has been made between the Municipality and the developer as to the timing of the installation connection.

44.5 The owner/developer shall be liable for the availability costs of both developed and underdeveloped land whether or not the owner/developer connects to the available sewer line.

#### **45. Location of Connecting Sewer**

45.1 A connecting sewer that has been provided and installed by the engineer must—

- a) be located in a position determined by the engineer and be of a suitable size determined by the engineer; and
- b) terminate at—
  - i) the boundary of the premises; or
  - ii) at the connecting point if it is situated on the premises.

45.2 The engineer may at the request of the owner of the premises, approve, subject to any conditions that he may impose, a connection to a connecting sewer other than one that is most readily available for the provisions of sanitation services to the premises; in which event the owner shall be responsible for any extension of the drainage installation to the connecting point designated by the municipality and for obtaining, at his own cost, any servitude over other premises that may be necessary.

45.3 Where an owner is required to provide a sewage lift as provided for in terms of the Building Regulations, or the premises are at a level where the drainage installation cannot discharge into the sewer by gravitation, the rate and time of discharge into the sewer has to be subject to the approval of the municipality.

45.4 The owner of the premises must pay the connection charges and tariffs determined by the municipality before a



connection to the connecting sewer can be effected.

#### **46. Provision of One Connecting Sewer for Several Consumers on Same Premises**

- 46.1 Only one connecting sewer to the sanitation system may be provided for the disposal of sewage from any premises, irrespective of the number of accommodation units of consumers located on such premises.
- 46.2 Notwithstanding the provisions of by-law 46.1, the municipality may permit more than one connecting sewer to be provided in the sanitation system for the disposal of sewage from any premises comprising sectional title units or if, in the opinion of the municipality, undue hardship or inconvenience would be caused to any consumer on such premises by the provision of only one connecting sewer.
- 46.3 Where the provision of more than one connecting sewer is authorised by the municipality under by-law 46.2, the tariffs and charges for the provision of a connecting sewer are payable in respect of each sewage connection so provided.

#### **47. Interconnection Between Premises**

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

#### **48. Disconnection of Connecting Sewer**

The engineer may disconnect a drainage installation from the connection pipe and remove the connection pipe on the termination of an agreement for the provision of water supply services in accordance with the municipality's by-laws relating to credit control and debt collection or upon the termination of the agreement in terms of by-law 7, if so requested by the owner..

### **Part 2: Standards**

#### **49. Standards for Sanitation Services**

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

### **Part 3: Methods for Determining Charges**

#### **50. Measurements of Quantity of Domestic Effluent Discharged**

- 50.1 The quantity of domestic effluent discharged shall be determined as a percentage of water supplied by the municipality to such premises ; provided that where the municipality is of the opinion that such a percentage in respect of any specific premises is excessive, having regard to the purposes for which water is consumed on those premises, the municipality may reduce the percentage of effluent determined to be applicable to those premises, to a figure which, in its opinion and in the light of the available information, reflects as accurately as may, in the sole discretion of the municipality, be determined as the proportion between the likely quantity of sewage discharged from the premises and the quantity of water supplied.
- 50.2 Where premises are supplied with water from a source other than, or in addition to, the municipality's water supply system, including lawful abstraction from a river or borehole, the quantity must be a percentage of the total water used on those premises that is reasonably estimated by the municipality; and the municipality may, for this purpose, install a measuring device on the pipe providing the supply of water to the premises from such river or borehole.

#### **51. Measurement of Quantity and Determination of Quality of Industrial Effluent Discharged**

- 51.1 The quantity of industrial effluent discharged into the sanitation system must be determined—
- a) where a measuring device is installed, by the quantity of industrial effluent discharged from the premises as measured by the measuring device; or
  - b) where no measuring device has been installed, until one is installed, by a percentage of the water supplied by the municipality to those premises as determined by the municipality, having regard to the nature of the activities undertaken on those premises..
- 51.2 The municipality may require the owner of any premises to incorporate in any drainage installation conveying industrial effluent to a sewer, any control meter or gauge or other device of an approved type and in the control of the municipality for the purpose of ascertaining to the satisfaction of the municipality, the tempo, volume and composition of the effluent.
- 51.3 The municipality may install and the maintain any meter, gauge or device referred to in subsection (2) at the expense of the owner of the premises on which it is installed

- 51.4 Where the premises are supplied with water from a source other than or in addition to the municipality's water supply system, including abstraction from a river or borehole, the quantity will be a percentage of the total water used on those premises reasonably estimated by the municipality
- 51.5 Where a portion of the water supplied to the premises forms part of the end product of any manufacturing process or is lost by reaction or evaporation during the manufacturing process or for any other reason, the municipality may on application and good cause shown by the owner reduce the assessed quantity of industrial effluent
- 51.6 The municipality may at its discretion enter into an agreement with any person discharging industrial effluent into the sanitation systems, establishing an alternative method of assessing the quantity and tempo of effluent so discharged.
- 51.7 Charges relating to the quality of industrial effluent will be based on the formula for industrial effluent discharges as prescribed in Schedule C.
- 51.8 The following conditions shall apply in respect of the assessment of the quality of industrial effluent discharged.
- a) each customer must conduct the tests prescribed by the municipality, on a regular basis as provided for in the approval to discharge industrial effluent, and report the results to the municipality;
  - b) the municipality may conduct random compliance tests to correlate with those referred to in subparagraph (a) and, if discrepancies are found, the values of the municipality shall, except for the purpose of criminal proceedings, be presumed to be correct and further tests may be required by the municipality, at the cost of the customer, to determine the values for the formula;
  - c) the average of the values of the different analysis results of 24 hourly composite or snap samples of the effluent, taken during the period of discharge, will be used to determine the quality charges payable;
  - d) in the absence of a complete daily set of 24 hourly composite or snap samples, the average of not less than two values of the sampled effluent will be used to determine the charges payable;
  - e) in order to determine the strength (Chemical oxygen demand, suspended solids concentration, Ammonia concentration) in the effluent as well as the concentration of Group 1 and 2 metals, pH value and conductivity, the municipality will use the tests normally used by municipalities for such purposes. Details of the appropriate test may be ascertained from the municipality or the SANS. Test results from an independent laboratory, accredited by the municipality, will have precedence over those of the municipality;
  - f) the formula must be calculated on the basis of the different analysis results of individual snap or composite samples and the period of treatment for the purposes of calculation shall not be less than one full 24-hour period; unless evidence is submitted to and accepted by the municipality that a lesser period is actually applicable or sufficient for the purposes of such calculation;
  - g) the terms of the disincentive formula cannot assume a negative value;
  - h) the total system values for quality charges shall remain constant for an initial period of at least one month, but in any case not longer than twelve months from the date of commencement of these charges, after the expiry of which period they may be amended or revised from time to time depending on such changes in the analysis results or further samples, as may be determined from time to time in terms of the provisions of this by-law: provided that the municipality in its discretion in any particular case, may levy the minimum charges prescribed in by-law 51 (8)(l) without taking any samples;
  - i) whenever the municipality takes a sample, one half if it must be made available to the customer;
  - j) for the purpose of calculating of the quantity of effluent discharged from each point of discharge of effluent, the total quantity of water consumed on the premises shall be allocated to the several points of discharge as accurately as is reasonably practicable;
  - k) the costs of conveying and treating industrial effluent shall be determined by the municipality and shall apply with effect from a date determined by the municipality; and
  - l) in the discretion of the municipality, the charges for industrial effluent may be changed to a fixed monthly charge determined by taking into consideration

the effluent strengths, the volume and the economic viability of micro and small industries.

#### **52. Reduction in the Measured Quantity of Effluent Discharged**

- 52.1 A customer shall be entitled to a reduction in the quantity of effluent discharged, as determined in terms of by-laws 51 and 52, where the quantity of water, on which percentage is calculated, was measured during a period where water was wasted or a leakage went undetected, if the consumer demonstrates to the satisfaction of the municipality that the water was not discharged into the sanitation system.
- 52.2 The reduction in the quantity shall be based on the quantity of water lost through leakage or wastage during the leak period.
- 52.3 The leak period shall be either the measurement 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.
- 52.4 The quantity of water lost shall be calculated as the consumption for the leak period less the average daily consumption, based on the preceding (3) (three) months. In the event of no previous history of consumption being available, the average water consumption will be determined by the municipality, after taking into account all information that is considered by it to be relevant.
- 52.5 There shall be no reduction in the quantity if a loss of water has resulted, directly or indirectly, from a consumer's failure to comply with these or other by-laws.

#### **53. Charges in Respect of "On-Site" Sanitation Services**

Charges in respect of the removal or collection of conservancy tank contents, night soil or the emptying of pits will cover all the operating and maintenance costs arising from removal of the tank, pail or pit contents, its transportation to a disposal site, the treatment of the contents to achieve a sanitary condition and the final disposal of any solid residues, and are payable by the owner, occupier, or customer, as the case may be..

### **Part 4: Drainage Installations**

#### **54. Installations of Drainage**

An owner must provide and maintain his drainage installation at his own expense, unless the installation constitutes a basic sanitation facility as determined by the municipality, and except where otherwise approved by the municipality, must ensure that the installation is situated within the boundary of his premises.

- 54.1 The municipality may prescribe the point in the sewer, and the depth below the ground, at which any drainage installation is to be connected and the route to be followed by the drain to the connecting point and may require the owner not to commence the construction or connection of the drainage installation until the municipality's connecting sewer has been laid.
- 54.2 Any drainage installation that has been constructed or installed must comply with any applicable specifications in terms of the Building Regulations and any standard prescribed in terms of the Act.
- 54.3 No person shall permit the entry of any liquid or solid substance whatsoever, other than clean water for testing purposes, to enter any drainage installation before the drainage installation has been connected to the sewer.
- 54.4 Where premises are situated in the 1 in 50 year flood plain, the top level of all service access holes, inspection chambers and gullies must be above the 1 in 50 year flood level.
- 54.5 After the completion of any drainage installation, or after any alteration to any drainage installation is completed, the plumber responsible for the execution of the work must submit to the building inspection section of the local municipality a certificate certifying that the work was completed to the standards set out in the Building Regulations, these by-laws and any other relevant law or by-laws.
- 54.6 No rainwater or storm-water, and no effluent other than an effluent that has been approved by the municipality, may be discharged into a drainage installation.
- #### **55. Disconnection of Drainage Installations**
- 55.1 Except for the purpose of carrying out maintenance or repair work, no drainage installation may be disconnected from the connection point.

55.2 Where any part of a drainage installation is disconnected from the remainder because it will no longer be used, the disconnected part must be destroyed or entirely removed from the premises on which it was used, unless the municipality approves otherwise.

55.3 When a disconnection has been made after all the requirements of the Building Regulations in regard to disconnection have been complied with, the engineer must upon request of the owner, issue a certificate certifying that the disconnection has been completed in terms of the Building Regulations and that any charges raised in respect of the disconnected portion of the drainage installation shall cease to be levied from the end of the month preceding the first day of the month following the issue of such certificate. The customer shall still be liable for availability charges.

55.4 When a drainage installation is disconnected from a sewer, the engineer must ensure that the opening caused by the disconnection is sealed and may recover the cost of doing so from the owner of the premises on which the installation is disconnected.

55.5 Where a drainage system is connected to or disconnected from the sewer system during a month, charges will be calculated for that entire month of disconnection or reconnection.

#### **56. Maintenance of Drainage Installations**

56.1 An owner must provide and maintain his drainage installation at his own cost.

56.2 Where any part of a drainage installation is used by two or more owners or occupiers, they shall be jointly and separately liable for the maintenance of the installation.

56.3 The owner of any premises must ensure that all manholes and cleaning eyes on the premises are permanently visible and accessible.

**56.4 If the owner of a drainage installation fail to effect repairs within 24 hours after receipt of a notice from the municipality, the municipality may enter upon the premises and effect such repairs at the owner's expense.**

**56.5. The municipality shall disconnect the supply of water should the overflowing sewer not be repaired within twenty four (24) hours.**

#### **57. Technical Requirements for Drainage Installations**

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

#### **58. Drains**

58.1 Drains passing through ground which in the opinion of the engineer is liable to movement, shall be laid on a continuous bed of river sand or similar granular material not less than 100 mm thick under the barrel of the pipe and with a surround of similar material and thickness, and the joints of such drains must be flexible joints approved by the engineer.

58.2 A drain or part of it may only be laid within, or pass under or through a building, with the approval of the engineer.

58.3 If a drain passes through or under a wall, foundation or other structure, adequate precautions shall be taken to prevent the discharge of any substance to the drain.

#### **59. Sewer Blockages**

59.1 No person may cause or permit an accumulation of grease, oil, fat, solid matter, or any other substance in any trap, tank, or fitting that may cause the blockage or ineffective operation of a drainage installation or sewer.

59.2 When the owner or occupier of premises has reason to believe that a blockage has occurred in any drainage installation in or on it, he shall take immediate steps to have it cleared.

59.3 When the owner or occupier of premises has reason to believe that a blockage has occurred in the sewer system, he shall immediately inform the municipality.

59.4 Where a blockage occurs in a drainage installation, any work necessary for its removal must be done by, or under the supervision of, a plumber.

59.5 Should any drainage installation on any premises overflow as a result of an obstruction in the sewer, and if the municipality is reasonably satisfied that the obstruction was caused by objects emanating from that drainage installation, the owner of the premises served by the drainage installation shall be liable for the cost of clearing the blockage.

59.6 Where a blockage has been removed from a drain or portion of a drain which serves two or more premises, the owners are jointly and severally liable for the cost of clearing the blockage.

- 59.7 Where a blockage in a sanitation system has been removed by the engineer and the removal necessitated the disturbance of an owners paving, lawn or other artificial surface neither the engineer nor the municipality shall be required to restore them to their previous condition and shall not be responsible for any damage to them unless caused by the wrongful act or negligence of the engineer.

## 60. Grease Traps

A grease trap of an approved type, size and capacity must be provided in respect of all premises that discharge sewage to on-site sanitation systems or where, in the opinion of the municipality, the discharge of grease, oil and fat is likely to cause an obstruction to the flow in sewers or drains, or interference with the proper operation of any waste-water treatment plant.

## 61. Industrial Grease Traps

- 61.1.1 The owner of premises or the manufacturer operating therein must ensure that industrial effluent which contains, or which, in the opinion of the municipality is likely to contain, grease, oil, fat or inorganic solid matter in suspension shall, before it is allowed to enter any sewer, be passed through one or more tanks or chambers, of a type, size and capacity designed to intercept and retain such grease, oil, fat or solid matter, that is approved by the engineer.

- 61.2 The owner or manufacturer must ensure that oil, grease or any other substance which is contained in any industrial effluent or other liquid and which gives off an inflammable or noxious vapour at a temperature of, or exceeding, 20°C must be intercepted and retained in a tank or chamber so as to prevent its entry into the sewer.

- 61.3 A tank or chamber as referred to in subsection (2) must comply with the following requirements:

- a) It shall be of adequate capacity, constructed of hard durable materials and water-tight when completed;
- b) The water-seal of its discharge pipe shall be not less than 300 mm in depth; and
- c) shall be provided with a sufficient number of manhole covers for the adequate and effective removal of grease, oil fat and solid matter.

- 61.4 Any person discharging effluent to a tank or chamber must remove grease, oil, fat or solid matter regularly from the tank or chamber and must maintain a register recording—

- a) the dates on which the tank or chamber was cleaned;
- b) the name of any persons employed by him to clean the tank or chamber or, if he cleaned it himself, the fact that he did so; and
- c) a certificate from the person employed to clean it certifying that the tank or chamber has been cleaned and stating the manner in which the contents of the tank or chamber were disposed of, or, if he cleaned it himself, his own certificate to that effect.

## 62. Mechanical Appliances for Lifting Sewage

- 62.1 The owner of any premises must obtain the approval of the engineer before installing any mechanical appliance for the raising or transfer of sewage in terms of the Building Regulations.

- 62.2 Approval must be applied for by a professional engineer and must be accompanied by drawings prepared in accordance with the relevant provisions of the Building Regulations and must show details of the compartment containing the appliance, the sewage storage tank, the stilling chamber and their position, and the position of the drains, ventilation pipes, rising main and the sewer connection.

- 62.3 Notwithstanding any approval given in terms of by-law 62.1, the municipality shall not be liable for any injury, loss or damage to life or property caused by the use, malfunctioning or any other condition arising from the installation or operation of a mechanical appliance for the raising or transfer of sewage unless the injury or damage be caused by the wrongful intentional negligent act or negligence of an employee of the municipality. The onus to prove such negligence rests with the injured.

- 62.4 Every mechanical appliance installed for the raising or transfer of sewage shall be specifically designed for the purpose and shall be fitted with a discharge pipe, sluice valves and non-return valves located in approved positions.

- 62.5 Unless otherwise permitted by the engineer, such mechanical appliances shall be installed in duplicate and each such appliance shall be so controlled that either will immediately begin to function automatically in the event of failure of the other.

- 62.6 Every mechanical appliance forming part of a drainage installation shall be located and operated so as to not cause any unreasonable nuisance through noise or smell or otherwise, and every compartment containing any such appliance must be effectively ventilated.
- 62.7 The maximum discharge rate from any mechanical appliance, and the times between which the discharge may take place, shall be as determined by the engineer who may, at any time, require the owner to install such fittings and regulating devices as may in his opinion, be necessary to ensure that the determined maximum discharge rate shall not be exceeded.
- 62.8 Except where sewage storage space is incorporated as an integral part of such mechanical appliance, a sewage storage tank must be provided in conjunction with such appliance.
- 62.9 Every sewage storage tank required in terms of by-law 62.8 must—
- be constructed of hard, durable materials and must be watertight and the internal surfaces of walls and floor must be smooth and impermeable;
  - have a storage capacity below the level of the inlet equal to the quantity of sewage discharged into it in 24 hours or 900 litres, whichever is the greater quantity; and
  - be so designed that the maximum of its sewage content shall be emptied at each discharge cycle of the mechanical appliance.
- 62.10 Every storage tank and stilling chamber shall be provided with a ventilation pipe in accordance with the engineer's specifications.

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

##### **63. Installation of On-Site Sanitation Services**

If an agreement for on-site sanitation services in respect of premises has been concluded, or if it is not reasonably possible or cost effective for the municipality to install a connecting sewer, the owner must install sanitation services specified by the municipality, on the site unless the service is a subsidised service that has been determined by the municipality, in accordance with the municipality's Credit Control and Debt Collection Bylaw.

##### **64. Ventilated Improved Pit Latrines**

- 64.1 The municipality may, on such conditions as it may prescribe, having regard to the nature and permeability of the soil, the depth of the water table, the size of, and access to, the site and the availability of a piped water supply, approve the disposal of human excrement by means of a ventilated improved pit (VIP) latrine.
- 64.2 A VIP latrine must have—
- a pit of 2 m<sup>3</sup> capacity;
  - lining as required;
  - a slab designed to support the superimposed loading; and
  - protection preventing children from falling into pit;
- 64.3 A VIP latrine must conform to the following minimum specifications:
- the pit must be ventilated by means of a pipe, sealed at the upper end with durable insect proof screening fixed firmly in place;
  - the ventilation pipe must project not less than 0.5m above the nearest roof, must be of at least 150mm in diameter, and must be installed vertically with no bend;
  - 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;
  - 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;
  - it must be sited in a position that is independent of any dwelling unit;
  - it must be sited in positions that are accessible to road vehicles having a width of 3.0m in order to facilitate the emptying of the pit;
  - in situations where there is the danger of polluting an aquifer due to the permeability of the soil, the pit must be lined with an impermeable material that is durable and will not crack under stress; and

- h) in situations where the ground in which the pit is to be excavated is unstable, suitable support to the satisfaction of the engineer is to be given to prevent the collapse of soil.

### 65. Septic tanks and Treatment Plants

- 65.1 The municipality may, on such conditions as it may prescribe, approve the disposal of sewage or other effluent by means of septic tanks or other on-site sewage treatment plants.
- 65.2 A septic tank or other sewage treatment plant on a site must not be situated closer than 3 metres to any dwelling unit or any boundary of any premises on which it is situated.
- 65.3 Effluent from a septic tank or other on-site sewage treatment plant must be disposed of to the satisfaction of the municipality.
- 65.4 A septic tank must be watertight, securely covered and provided with gas-tight means of access to its interior so as to permit the inspection of the inlet and outlet pipes and adequate for the purposes of removing sludge.
- 65.5 A septic tank serving a dwelling unit must—
- have a capacity below the level of the invert of the outlet pipe of not less than 500 litres per bedroom, subject to a minimum capacity below such an invert level of 2500 litres;
  - have an internal width of not less than 1 metre measured at right angles to the direction of the flow;
  - have an internal depth between the cover and the bottom of the tank of not less than 1,7 metres; and
  - retain liquid to a depth of not less than 1.4 metres.
- 65.6 Septic tanks serving premises other than a dwelling unit must be designed and certified by a professional civil engineer registered as a member of the engineering Council of South Africa.
- 65.7 No rainwater, storm-water, or effluent other than that approved by the municipality may be discharged into a septic tank.

### 66. French drains

- 66.1 The municipality may, on such conditions as it may prescribe having regard to the quantity and the nature of the effluent and the nature of the soil as determined in accordance with SANS specifications, approve the disposal of waste-water or other effluent by means of French drains, soakage pits or other approved works.
- 66.2 A French drain, soakage pit or other similar work shall not be situated closer than 5m to any dwelling unit or to any boundary of any premises on which it is situated, nor in any such position that will, in the opinion of the municipality, cause contamination of any borehole or other source of water which is, or may be, used for drinking purposes, or cause dampness in any building.
- 66.3 The dimensions of any French drain, soakage pit or other similar work shall be determined in relation to the absorbent qualities of the soil and the nature and quantity of the effluent.
- 66.4 French drains serving premises other than a dwelling house must be designed and certified by a professional Civil Engineer registered as a member of the Engineering Council of South Africa.

### 67. Conservancy Tanks

- 67.1 The municipality may, on such conditions as it may prescribe; approve the construction of a conservancy tank and ancillary appliances for retention of sewage or effluent.
- 67.2 No rain water, storm-water, or effluent other than as approved by the municipality may be discharged into a conservancy tank.
- 67.3 No conservancy tank must be used as such unless—
- the invert of the tank slopes towards the outlet at a gradient of not less than 1 in 10;
  - the tank is gas and water tight;
  - the tank has an outlet pipe, 100mm in internal diameter, made of wrought iron, cast iron or other approved material, and (unless otherwise approved by the municipality) terminating at an approved valve and fittings for connection to the municipality's removal vehicles;
  - the valve and fittings referred to in paragraph (c) or the outlet end of the pipe, as the case may be, are located in a chamber that has a hinged cover approved by the engineer and which is situated in a position required by the municipality;



- e) access to the conservancy tank must be provided by means of an approved manhole fitted with a removable cast iron cover placed immediately above the visible spigot of the inlet pipe.

- 67.4 The municipality may, having regard to the position of a conservancy tank or of the point of connection for a removal vehicle, require the owner or customer to indemnify the municipality, in writing, against any liability for any damages that may result from the rendering of a removal service as a condition for emptying the tank.
- 67.5 Where the municipality's removal vehicle has to traverse private premises for the emptying of a conservancy tank, the owner shall provide a roadway at least 3,5m wide, so hardened as to be capable of withstanding a wheel load of 4 metric tons in all weathers, and shall ensure that no gateway through which the vehicle is required to pass to reach the tank, shall be less than 3,5m wide for such purposes.
- 67.6 The owner or occupier of premises on which a conservancy tank is installed shall at all times maintain the tank in good order and condition to the satisfaction of the municipality.

#### **68. Operation and Maintenance of On-Site Sanitation Services**

The operation and maintenance of on-site sanitation services and all costs pertaining thereto remains the responsibility of the owner of the premises.

#### **69. Disused Conservancy and Septic Tanks**

If an existing conservancy tank or septic tank is no longer required for the storage or treatment of sewage, or if permission for its use is withdrawn, the owner must either cause it to be completely removed or to be completely filled with earth or other suitable material, provided that the engineer may require a tank to be dealt with in another way, or approve its use for other purposes, subject to any conditions specified by him.

### **Part 6: Industrial Effluent**

#### **70. Approval to Discharge Industrial Effluent**

- 70.1 No person shall discharge or cause or permit industrial effluent to be discharged into the sanitation system except with the approval of the municipality.
- 70.2 Every person wishing to discharge effluent into the sanitation system must apply for approval to discharge industrial effluent into the sanitation system of the municipality on the prescribed form attached as Schedule B to these by-laws.
- 70.3 The municipality may, if in its opinion the capacity of the sanitation system is sufficient to permit the conveyance and effective treatment and lawful disposal of the industrial effluent, for such period and subject to such conditions it may impose, approve the discharge of industrial effluent into the sanitation system.
- 70.4 Any person who wishes to construct or cause to be constructed, a building which shall be used as trade premises, must at the time of lodging a building plan in terms of Section 4 of the National Building Regulations and Building Standards Act No. 103 of 1977, also lodge application for the provision of sanitation services and for approval to discharge industrial effluent.

#### **71. Withdrawal of Approval to Discharge Industrial Effluent**

- 71.1 The municipality may on reasonable grounds withdraw any approval to a commercial customer, who has been authorised to discharge industrial effluent into the sanitation system and disconnect the water supply forthwith, alternatively upon giving 14 (fourteen) days notice if such customer -
- a) fails to ensure that the industrial effluent discharged conforms to the industrial effluent standards prescribed in Schedule A of these by-laws or the written permission referred to in section 71;
  - b) fails or refuses to comply with any notice lawfully served on him in terms of these by-laws, or contravenes any provisions of these by-laws or any condition imposed in terms of any permission granted to him; or
  - c) fails to pay the charges in respect of any industrial effluent discharged.
- 71.2 The municipality may on withdrawal of any approval—
- a) in addition to any steps required by in these by-laws, and on 14(fourteen) days' written notice, authorise the closing or sealing of the connecting sewer of the said premises; and



- b) refuse to receive any industrial effluent until it is satisfied that adequate steps to ensure that the industrial effluent that is to be discharged conforms to the standards required by these by-laws.

## **72. Quality Standards or Disposal of Industrial Effluent**

- 72.1 A commercial customer, to whom approval to discharge effluent into the sanitation system of the municipality has been granted must ensure that no industrial effluent is discharged into that unless it complies with the standards and criteria set out in Schedule A.
- 72.2 The municipality may, in giving its approval, relax or vary the standards in Schedule A, provided that it is satisfied that any relaxation represents the best practicable environmental option.
- 72.3 In determining whether relaxing or varying the standards in Schedule A represents the best practicable environmental option a municipality must consider—
  - a) whether the commercial customer's undertaking is operated and maintained at optimal levels;
  - b) whether technology used by the commercial customer represents the best available to the commercial customer's industry and, if not whether the installation of the best technology would cause the customer unreasonable expense;
  - c) whether the commercial customer is implementing a programme of waste minimisation that complies with national waste minimisation standards set in accordance with national legislation;
  - d) the cost to the municipality of granting the relaxation or variation; and
  - e) the environmental impact or potential impact of the relaxation or variation.
- 72.4 Test samples may be taken at any time by a duly qualified sampler to ascertain whether the industrial effluent complies with Schedule A or any other standard laid down as a requisition for granting an approval.

## **73. Conditions for the Discharge of Industrial Effluent**

- 73.1 The municipality may on granting approval for the discharge of industrial effluent, or at any time that it considers appropriate, by notice, require a commercial customer to—
  - a) subject the industrial effluent to such preliminary treatment as in the opinion of the municipality will ensure that the industrial effluent conforms to the standards prescribed in Schedule A before being discharged into the sanitation system;
  - b) install equalising tanks, valves, pumps, appliances, meters and other equipment which, in the opinion of the municipality, will be necessary to control the rate and time of discharge into the sanitation system in accordance with the conditions imposed by it;
  - c) install for the conveyance of the industrial effluent into the sanitation system at a given point, a drainage installation separate from the drainage installation for other sewage and may prohibit a commercial customer from disposing of his industrial effluent at any other point;
  - d) construct on any pipe conveying his industrial effluent to any sewer, a service access hole or stop-valve in such position and of such dimensions and materials as the municipality may prescribe and as may be necessary to enable samples of effluent to be extracted for testing;
  - e) provide all information that may be required by the municipality to enable it to assess the tariffs or charges due to the municipality;
  - f) provide adequate facilities including, but not limited to, level or overflow detection devices, standby equipment, overflow catch-pits, or other appropriate means of preventing a discharge into the sanitation system in contravention of these by-laws;
  - 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 the commercial customer at such intervals as may be required by the municipality and copies of the calibration must be forwarded to it by the commercial customer; and
  - h) cause industrial effluent to be analyzed as often, and in whatever manner, as may be required by the municipality and provide it with the results of these tests when they are completed.

73.2 The cost of any treatment, plant, work or analysis, which may be required to be carried out, constructed or installed in terms of by-law 73.1, shall be borne by the commercial customer concerned.

73.3 If industrial effluent that does not comply with the standards in Schedule A and has not otherwise received the approval of the municipality, is discharged into the sanitation system, the municipality must be informed and the reasons for it, within twelve hours of the discharge.

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

##### **74. Acceptance of Sewage Delivered by Road Haulage**

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

##### **75. Approval for Delivery of Sewage by Road Haulage**

75.1 No person shall deliver sewage by road haulage in order to discharge it into the municipality's sewage treatment plants except with the approval of the engineer and subject to any conditions, and any directives as to time of delivery, that may on reasonable grounds be imposed by him.

75.2 The charges for any sewage delivered by road haulage for disposal to the municipality's sewage treatment plants shall be assessed by the municipality in accordance with the prescribed tariffs of charges.

##### **76. Withdrawal of Permission for Delivery of Sewage by Road Haulage**

The engineer may withdraw an approval, given in terms of section 75, after giving at least 14 (fourteen) days written notice of his intention to do so, if a person who has been allowed to discharge sewerage by road haulage—

- a) fails to ensure that the sewage conforms to the standards prescribed either in Schedule A, or as a condition of approval; or
- b) fails or refuses to comply with any notice served on him in terms of these by-laws or contravenes any provision of these by-laws or any condition which has been imposed on him as a condition of approval; or
- c) fails to pay all charges applicable to the delivery of sewage by road haulage

##### **77. Conditions for Delivery of Sewage by Road Haulage**

When sewage is to be delivered by road haulage—

- a) the time and place when delivery is to be made shall be arranged in consultation with the engineer; and
- b) the engineer must be satisfied before a delivery can take place, that the sewage is of a nature suitable for road haulage and that the delivery would otherwise comply with the provisions, of these by-laws.

#### **Part 8: Other Sanitation Services**

##### **78. Stables and Similar Premises**

The municipality may approve the connection of a drainage installation to stables, cowsheds, diaries, kennels, other premises for the accommodation of animals, and tanneries, subject to the payment of all applicable charges and the fulfilment of any condition that the municipality may impose; but approval will be given only if—

- a) the floor of the premises is paved by impervious materials that are approved by the municipality and graded to silt trap, grease trap or gully of adequate capacity; and
- b) every part of the floor of the premises is covered by a roof, or another protective device, in a way that adequately prevents the entry of rain or storm water into the drainage installation.

##### **79. Mechanical Food-Waste or Other Disposal Units**

The municipality may approve the connection or incorporation of a mechanical waste food disposal system and any disposal unit or garbage grinder, into a drainage installation that has capacity in excess of 500W, subject to the payment of all applicable charges and to any condition that the municipality may impose, but approval will be given only if—

- a) a water meter is installed by the municipality;
- b) the engineer is satisfied that the municipality's sewerage and sewage treatment systems will not be adversely affected; and
- c) the installation or incorporation is installed in conformity with any relevant municipal by-laws relating to electricity.

**Part 9: Installation Work****80. Approval of Installation Work**

80.1 If an owner wishes to have installation work done, he must first obtain the municipality's written approval.

80.2 Application for the approval referred to in subsection (1) must be made on the prescribed form and shall be accompanied by—

- a) Payment of such charge as may have been determined by the municipality;
- b) copies of all drawings that may be required to be approved by the municipality; and
- c) a certificate by a professional engineer certifying that the installation has been designed in accordance with any applicable SANS Codes.

80.3 Approval given in terms of subsection (1) shall lapse after 12 (twelve) months if work on the installation has not substantially commenced within that period. (The 24 month period is in conflict with the requirements of the NBR Act which prevails over the by-laws)

80.4 When approval has been given in terms of by-law 80.1, a complete set of the drawings that have been required and approved by the municipality must be available for inspection at the site at all reasonable times until the work has been completed.

80.5 If installation work has been done in contravention of by-laws 80.1. or 80.2., the municipality may require the owner—

- a) to rectify the contravention within a specified time;
- b) if work is in progress, to cease the work; and
- c) to remove all work that does not comply with these by-laws.

**81. Persons Permitted to do Installations and Other Work**

81.1 No person who is not a plumber, or working under the control of a plumber, shall be employed, engaged or permitted to—

- a) do installation work other than the replacement or repair of an existing pipe or sanitation fitting;

b) inspect, disinfect and test a drainage installation, fire installation or storage tank;

c) service, repair or replace a back flow preventer; or

d) install, maintain or replace a meter provided by an owner in a drainage installation.

81.2 Notwithstanding the provisions of by-law 82.1, the municipality may permit a person, who is not a plumber, to do installation work at his own premises if they are occupied by himself or his own household, but if permission is given, the work must be inspected and approved by a plumber who has been nominated by, the engineer.

**82. Use of Pipes and Water Fittings to be Authorised**

82.1 No person shall, without prior written authority of the engineer, install or use a pipe or water fitting in a water installation within the municipality's area of jurisdiction unless it is included in the schedule of Approved Pipes and fittings compiled by the municipality.

82.2 Application for the inclusion of a pipe or water fitting in the Schedule referred to in by-law 82.1 must be made on the form prescribed by the municipality.

82.3 A pipe or water fitting may be included in the Schedule referred to in by-law 82.1 if—

- a) it bears the standardisation mark of the South African Bureau of Standards in respect of the relevant SANS specification issued by the Bureau; or
- b) it bears a certification mark issued by the SANS to certify that the pipe or water fitting—
  - i) complies with a relevant SANS Mark specification; or
  - ii) a provisional specification issued by the SANS;

- c) it is included in the list of water and sanitation installations accepted by JASWIC.
- d) No certification marks shall be valid for a period exceeding two years.

82.4 The municipality may impose any additional condition that it considers necessary as relating to the use, or method of installation, of any pipe or water fitting included in the Schedule.

82.5 A pipe or sanitation fitting must be removed from the Schedule if it—

- a) no longer complies with the criteria upon which its inclusion was based; or
- b) is no longer suitable for the purpose for which its use was accepted.

82.6 The current Schedule must be available for inspection at the office of the municipality at any time during working hours.

82.6 The municipality may sell copies of the current Schedule at a charge determined by it.

### 83. Testing of Drainage Installations

83.1 No drainage installation, or any part thereof shall be connected to on-site sanitation services nor shall, the municipality's sanitation system be connected to an existing approved installation, unless any one or more of the following tests have been applied in the presence, and to the satisfaction, of the engineer, before the drainage installation has been enclosed:

- a) the interior of every pipe or series of pipes between two points of access shall be inspected throughout its length by means of a mirror and a source of light, and during the inspection, a full circle of light must appear to the observer, and the pipe or series of pipes must be seen to be unobstructed;
- b) a smooth ball having a diameter 12mm less than the nominal diameter of the pipe shall, when inserted at the higher end of the pipe, roll down without assistance or interruption to the lower end;
- c) after all openings to the pipe or series of pipes to be tested, have been plugged or sealed and after all traps associated with them have been filled

with water, air shall be pumped into the pipe or pipes until a manometric pressure of 38mm of water is indicated, after which the pressure must remain greater than 25mm of water for a period of at least 3 (three) minutes without further pumping; and

- d) all parts of the installation are subjected to and required to withstand an internally applied hydraulic test pressure of not less than a 3m head of water for a period of not less than 10 minutes.

83.2 If the municipality has reason to believe that any drainage installation or any part of it has become defective, it may require the owner of any premises to conduct any or all of the tests prescribed in by-law 83.2 and, if the installation fails to pass any such test to the satisfaction of the municipality, the municipality may by notice require the owner to take all reasonable measures that may be necessary to enable the installation to satisfy any or all of them.

### 84. Water Demand Management

84.1 Notwithstanding any provisions contained in these by-laws to the contrary, no flushing urinal that is not user-activated shall be installed or continue to operate in any water installation. All flushing urinals that are not user-activated installed prior to the commencement of these regulations must be converted to user-activated urinals within (12) twelve months of the commencement of these by-laws.

84.2 No cistern, and related pan designed to operate with such cistern, shall be installed with a cistern capacity of greater than 9 litres and all cisterns not intended for public use shall be fitted with flushing devices allowing interruptible or multiple flushes, provided that such flushing device shall not be required in cisterns with a capacity of 4.5 litres or less.

## CHAPTER 6: WATER SERVICES INTERMEDIARIES

### 85. Registration

The municipality may by public notice require water services intermediaries or classes of water services intermediaries to register with the municipality in a manner specified in the public notice.

### 86. Provision of Water Services

- 86.1 Water Services intermediaries must ensure that water services, including basic services as determined by the municipal council, are provided to such persons it is obliged to provide with water services.
- 86.2 The quality, quantity and sustainability of water services provided by a water services intermediary must meet any minimum standards prescribed in terms of the Act and must at least be of the same standards as provided by the municipality to customers.

### 87. Charges for Water Services Provided

- 87.1 A water services intermediary may not charge for water services at a price which does not comply with any norms and standards prescribed under the Act and any additional norms and standards as may be set by the municipality.
- 87.2 A water services intermediary must provide subsidised water services, as determined by the municipal council in terms of the municipality's by-laws relating to credit control and debt collection from time to time, and provided by the municipality to customers at a price that is the same or less than the charges at which the municipality provides such services.

## CHAPTER 7: UNAUTHORISED WATER SERVICES

### 88. Unauthorised Services

- 88.1 No person may gain access to water services unless it is in terms of an agreement entered into with the municipality for the rendering of those services.
- 88.2 The municipality may, irrespective of any other action it may take against such person in terms of these by-laws by written notice order a person who is using unauthorised services to—
- apply for such services in terms of chapter 2 and 3; and
  - undertake such work as may be necessary to ensure that the customer installation through which access was gained complies with the provisions of these or any other relevant by-laws.

### 89. Interference with Infrastructure for the Provision of Water Services

- 89.1 No person other than the municipality shall manage, operate or maintain infrastructure through which water services are provided.
- 89.2 No person other than the municipality shall effect a connection to infrastructure through which water services are provided.
- 89.3 The municipality may recover any costs associated with repairing damage caused as a result of a contravention of subsections (89.1) and (89.2). The costs recoverable by the municipality is the full cost associated with repairing the damage and includes, but is not restricted to, any exploratory investigation, surveys, plans, specifications, schedules of quantities, supervision, administration charge, the use of tools, the expenditure of labour involved in disturbing or rehabilitation of any part of a street or ground affected by the repairs and the environmental cost.

### 90. Obstruction of Access to Infrastructure for the Provision of Water Services

- 90.1 No person shall prevent or restrict the physical access of the municipality to infrastructure through which water services are provided.
- 90.2 If a person contravenes subsection (1), the municipality may—

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

- 90.3 The costs recoverable by the municipality is the full cost associated with restoring access and includes, but is not restricted to, any exploratory investigation, surveys, plans, specifications, schedules of quantities, supervision, administration charge, the use of tools, the expenditure of labour involved in disturbing or rehabilitation of any part of a street or ground affected by restoring access and the environmental costs.

### 91. Waste of Water

- 91.1 No customer shall permit—
- the purposeless or wasteful discharge of water from terminal water fittings;
  - pipes or water fittings to leak;
  - the use of maladjusted or defective water fittings, or
  - an overflow of water to persist.
- 91.2 An owner shall repair or replace any part of his water and sanitation installation which is in such a state of disrepair that it is either causing or is likely to cause an occurrence listed in subsection (1).
- 91.3 If an owner fails to take measures as contemplated in subsection (2), the municipality shall, by written notice, require the owner to comply with the provisions of subsection (1).
- 91.4 The municipality may, by written notice, prohibit the use by a customer of any equipment in a water or sanitation installation if, in its opinion, its use of water is inefficient. Such equipment shall not be returned to use until its efficiency has been restored and a written application to do so has been approved by the municipality.
- 91.5 The failure by the owner/customer to comply shall result in a disconnection.

### 92. Unauthorised and Illegal Discharges

- 92.1 No person may discharge or cause or permit any sewage to be discharged directly or indirectly into a storm water drain, river, stream or other watercourse, whether natural or artificial.

- 92.2 The owner or occupier of any premises on which steam or any liquid other than potable water, is stored, processed or generated shall provide all facilities necessary to prevent any discharge or leakage of such liquid to any street, storm water drain or watercourse, whether natural or artificial, except where, in the case of steam, the municipality has approved such discharge.
- 92.3 Where the hosing down or flushing by rainwater of an open area on any premises is in the opinion of the municipality is likely to cause the discharge of objectionable matter into any street, storm water drain, river, stream or other watercourse, whether natural or artificial, or to cause or contribute towards the pollution of any such watercourse, the municipality may, by notice, require the owner of the premises to take reasonable measures to prevent or minimise such discharge or pollution.
- 92.4 No person may discharge or cause or permit the discharge of—
- a) any substance, including storm water, other than sewage, to be discharged into a drainage installation;
  - b) of water from any swimming pool directly or indirectly over any road or into a drainage installation;
  - c) water from artificial fountains, reservoirs or swimming pools situated on premises into a drainage installation, without the approval of the municipality and subject to the payment of relevant charges and such conditions as the municipality may impose;
  - d) any sewage, industrial effluent or other liquid or substance which—
    - i) in the opinion of the engineer may be offensive to or may cause a nuisance to the public;
    - ii) is in the form of steam or vapour or has a temperature exceeding 44° C at the point where it enters the sewer;
    - iii) has a pH value less than 6.0;
    - iv) contains any substance of whatsoever nature likely to produce or release explosive, flammable, poisonous or offensive gases or vapours in any sewer;
  - v) contains any substance having an open flashpoint of less than 93° C or which releases a poisonous vapour at a temperature below 93° C;
  - vi) contains any material of whatsoever nature, including oil, grease, fat or detergents capable of causing obstruction to the flow in sewer or drains or interference with the proper operation of a sewerage treatment works;
  - vii) shows any visible signs of tar or associated products or distillates, bitumens or asphalts;
  - viii) contains any substance in such concentration to produce an undesirable taste after chlorination or desirable odour or colour, or excessive foam;
  - ix) has either a greater PV or COD (Chemical Oxygen Demand) value, a lower pH value, or a higher caustic alkalinity or electrical conductivity than specified in Schedule A, without the prior approval and subject to the payment of relevant charges and such conditions as the municipality may impose;
  - x) contains any substance which in the opinion of the engineer—
    - aa) cannot be treated at the sewage treatment work to which it could be discharged; or
    - bb) will negatively affect the treatment processes at the sewage treatment work to which it could be discharged or
    - cc) will negatively impact on the ability of the sewage treatment work to produce discharges that meet the waste water discharge standards set in terms of the National Water Act, 1998 (Act No 36 of 1998), or
  - i) either alone or in combination with other substance may—
    - aa) generate or constitute a toxic substance dangerous to the health of persons employed at the sewage treatment works or entering the council's sewers or manholes in the course of their duties; or
    - bb) be harmful to sewers, treatment plant or land used for the disposal of treated waste or water; or
    - cc) adversely affect any of the processes whereby sewage is treated or any re-use of sewage effluent.

- 92.5 No person shall cause or permit the accumulation of grease, oil, fat or solid matter in any drainage installation that will adversely affect its effective functioning.
- 92.6 The municipality may, notwithstanding any other action that may be taken in terms of these by-laws, recover from any person who discharges industrial effluent or any substance which is unauthorised or illegal all costs incurred, by the municipality as a result of such discharges, including costs that result from—
- injury to persons, damage to the sanitation system; or
  - a prosecution in terms of the National Water Act, 1998 (Act No 36 of 1998)
  - a fine in terms of the tariff of charges.

### 93. Illegal Re-Connection

- 93.1. A customer whose access to water supply services have been restricted or disconnected, who intentionally reconnects to services or who intentionally or negligently interferes with infrastructure through which water supply services are provided, shall be disconnected.
- 93.2. In the event of the customer receiving water from a municipal infrastructure which has been illegally reconnected such customer shall be liable for the reconnection charges and penalties as per the tariff of charges.

### 94. Interference with Infrastructure

- 94.1. No person may unlawfully interfere with infrastructure through which the municipality provides municipal services.
- 94.2. If a person contravenes subsection (1), the municipality may—
- by written notice require such person to seize or rectify the interference at his own expense within a specified period; or
  - if it is of the opinion that the situation is a matter of urgency, without prior notice prevent or rectify the interference and recover the cost from such person.

### 95. Pipes in Streets or Public Places

No person shall for the purpose of conveying water or sewage derived from whatever source, lay or construct a pipe or associated component on, in or under a street, public place or other land owned by 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.

### 96. Use of Water from Sources Other than the Water Supply System

- 96.1 No person shall use or permit the use of water obtained from a source other than the water supply system, other than rain water tanks which are not connected to the water installation, except with the prior approval of DWAF and the written consent of the municipality and in accordance with such conditions as it may impose, for domestic, commercial or industrial purposes.
- 96.2 Any person desiring the consent referred to in subsection (1) shall provide the engineer with evidence satisfactory to it that the water referred to in subsection (1) complies, whether as a result of treatment or otherwise, with the requirements of SANS 241: Drinking Water, or that the use of such water does not or will not constitute a danger to health.
- 96.3 Any consent given in terms of subsection (1) may be withdrawn if, in the opinion of the engineer—
- a condition imposed in terms of subsection (1) is breached; or
  - the water quality no longer conforms to the requirements referred to in subsection (2).
- 96.4 The engineer may take samples of water obtained from a source, other than the water supply system and cause the samples to be tested for compliance with the requirements referred to in subsection (2).
- 96.5 The determined charge for the taking and testing of samples referred to in subsection (4) above shall be paid by the person to whom consent was granted in terms of subsection (1).
- 96.6 If water obtained from a borehole or other source of supply on any premises is used for a purpose which gives rise to the discharge of such water or a portion thereof into the municipality's sewerage system, the municipality may install a meter in the pipe leading from such borehole or other source of supply to the point or points where it so used.
- 96.7 The provisions of section 20 shall apply insofar as they may be applicable in respect of the meter referred to in subsection (4).
- 96.8 Those persons who currently operate boreholes without such consent is required in terms of Section 96.1. shall make application to the municipality within six (6) months of the coming into operation of this Bylaws.



### 97. Use of On-Site Sanitation Services Not Connected to the Sanitation System

- 97.1 No person shall use or permit the use of on-site sanitation services not connected to the municipality's sanitation system except with the prior approval of the engineer, and in accordance with such conditions as it may impose, for domestic, commercial or industrial purposes.
- 97.2 Any person desiring the consent referred to in subsection (1) shall provide the engineer with evidence satisfactory to it that the sanitation facility is not likely to have a detrimental effect on health or the environment.
- 97.3 Any consent given in terms of subsection (1) may be withdrawn if, in the opinion of the engineer.
- a) a condition imposed in terms of subsection (1) is breached; or
  - b) the sanitation facility has a detrimental impact on health or the environment.
- 97.4 The engineer may undertake such investigations as he or she may deem necessary to determine if a sanitation facility has a detrimental impact on health or the environment.
- 97.5 The person to whom consent was granted in terms of subsection (1) shall be liable for the costs associated with an investigation undertaken in terms of subsection (2) if the result of the investigation indicates that the sanitation facility has a detrimental impact on health or the environment

### CHAPTER 8: NOTICES

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

- 98.1 The municipality may, by written notice, order an owner, customer or any other person who fails, by act or omission, to comply with the provisions of these by-laws, or to fulfil any condition imposed in it, to rectify his failure within a period specified in the notice, which period shall not be less than seven (7) days.
- 98.2 If a person fails to comply with a written notice served on him by the municipality in terms of these by-laws within the specified period, it may take such action that in its opinion is necessary to ensure compliance including—
- a) undertaking the work necessary itself and recovering the cost of such action or work from that owner, consumer or other person;
  - b) restricting or discontinuing the provision of services; and
  - c) instituting legal proceedings.
- 98.3 A notice in terms of subsection (1) must—
- a) give details of any 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 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 issued;
  - c) specify the steps that the owner, consumer or other person must take to rectify the failure to comply;
  - d) specify the period within which the owner, consumer or other person must take the steps specified to rectify such failure; and
  - e) indicate that the municipality—
    - i) may undertake any work that is necessary to rectify a failure to comply with a notice and the cost to the municipality of rectification may be recovered from the owner, consumer or other person who has failed to comply

- ii) may take any other action that it considers necessary for ensuring compliance.

- 98.4 In the event of an emergency the municipality may, without prior notice to anyone, undertake the work required by subsection (3)(e)(i) and recover the costs from a person who, but for the emergency, would have to be notified in terms of subsection (1).
- 98.5 The costs recoverable by the Municipality in terms of subsections (98.2) and (98.3) are the full costs associated with that work and includes, but are not restricted to, any exploratory investigation, surveys, plans, specifications, schedules of quantities, supervision, administration charge, the use of tools, the expenditure of labour involved in disturbing or rehabilitation of any part of a street or ground affected by the work and the environmental cost.

## CHAPTER 9: APPEALS

### 99. Appeals Against Decisions of The Municipality

- 99.1 A customer may appeal in writing against a decision of, or a notice issued by, the municipality in terms of these by-laws in terms of section 62 of the Local Government: Municipal Systems Act (Act No 32 of 2000).
- 99.2 An appeal in terms of by-law 99.1 must be made in writing and lodged with the municipality within 21 (twenty one) days after a customer became aware of the decision or notice and must—
- set out the reasons for the appeal; and
  - be accompanied by any security determined by the municipality for the testing of a measuring device if the accuracy of such device is in any way relevant to the appeal.
- 99.3 An appeal must be decided by the municipality within 14(fourteen) days after the appeal was lodged and the customer must be informed of the outcome in writing, as soon as possible thereafter.
- 99.4 The decision of the municipality is final.

## CHAPTER 10: OFFENCES

### 100. Offences

- 100.1 Subject to by-law 100.2, any person who—
- obstructs or hinders the municipality in the exercising of the powers or performance of functions or duties under these by-laws;
  - uses, tampers or interferes with municipal equipment, the water supply system, sanitation system and reticulation network or consumption of services rendered;
  - contravenes or fails to comply with a provision of these by-laws other than a provision relating to payment for municipal services;
  - fails to comply with the terms of a notice served upon him in terms of these by-laws;

is guilty of an offence and liable on conviction to a fine or in default of payment to imprisonment for a period not exceeding 6 months and in the case of any continued offence, to a further fine not exceeding R5000.00, or in default of payment, to imprisonment not exceeding one day for every day during the continuance of such offence, after a written notice has been issued by the municipality and served on the person concerned requiring the discontinuance of such an offence.

- 100.2 No person shall be liable to imprisonment if he is unable to afford to pay a fine, and shall instead be liable to a period of community service.
- 100.3 Any person committing a breach of the provisions of these by-laws shall be liable to recompense the municipality for any loss or damage suffered or sustained by it in consequence of the breach.

## CHAPTER 11: DOCUMENTATION

### 101. Signing of Notice and Documents

A notice or document issued by the municipality in terms of these by-laws and signed by a staff member of the municipality shall be deemed to have been duly issued and must on its mere production be accepted by a court as *prima facie* evidence of that fact.

### 102. Service of Notices

- 102.1 Any notice, order or other document that is served on any person in terms of these by-laws must, subject to the provisions of the Criminal Procedure Act 1977 (Act 51 of 1977), be served personally, falling which it may be regarded as having duly been served—
- when it has been left at a person's village, place of residence, or business or employment in the Republic, with a person apparently over the age of sixteen years;
  - when it has been posted by registered mail to a person's last known residential address or business address in the Republic and an acknowledgement of posting thereof from the postal service is obtained;
  - if a person's address in the Republic is unknown, when it has been served on that person's agent or representative in the Republic in a manner provided for in subsections (a), (b), or (d); or
  - if that person's address and agent or representative in the Republic is unknown, when it has been placed in a conspicuous place on the property or premises, if any, to which it relates.
- 102.2 Any legal process is effectively and sufficiently served on the municipality when it is delivered to the municipal manager or a person in attendance at the municipal manager's office.
- 102.3 When any notice or other document authorised to be served on the owner, occupier of any property, or on any person who holds a right over, or in respect of that property, it is sufficient if that person is described in the notice or other document as the owner, occupier or holder of the right over or in respect of, the property, and it shall not be necessary to name him.

- 102.4. Where compliance with a notice is required within a specified number of working days, the period that is required shall commence on the date after the day on which the notice is served or has first been given in any other way contemplated in these by-laws.

### 103 Authentication of Documents

- 103.1 Every order, notice or other document requiring authentication by the municipality shall be sufficiently authenticated, if it is signed by the municipal manager, by a duly authorised officer of the municipality or by the Manager of the municipality's authorised agent.
- 103.2 Authorisation as envisaged in by-law 103.1 must be conferred by a resolution of the municipality, by a written agreement or by a bylaw.

### 104. Prima Facie Evidence

In legal proceedings by or on behalf of the municipality, a certificate reflecting an amount of money as being due and payable to the municipality, shall, if it is made under the hand of the municipal manager, or of a suitably qualified employee of the municipality who is authorised by the municipal manager or the Manager of the municipality's authorised agent, shall upon its mere production in a court of civil jurisdiction constitute *prima facie* evidence of the indebtedness.

## CHAPTER 12: GENERAL PROVISIONS

### 105. Responsibility for Compliance with these By-Laws

- 105.1 The owner of premises is responsible for ensuring compliance with these by-laws in respect of all or any matters relating to water and the installation and maintenance of sanitation.
- 105.1.1 The owner and the customer are jointly and severally responsible for compliance with these by-laws in respect of matters relating to the use of any water and the use or repair and maintenance of sanitation services on the premises.

### 106. Provision of Information

An owner, occupier, customer or person within the area of supply of the municipality must provide the municipality with accurate information requested by the municipality that is reasonably required by the municipality for the implementation or enforcement of these by-laws, but no person shall be compelled to provide such information until the municipality has certified that the information is not required for the purposes of a criminal prosecution against him

**107. Power of Entry and Inspection**

- 107.1 The municipality may enter and inspect any premises for any purpose connected with the implementation or enforcement of these by-laws, at all reasonable times, after having given reasonable written notice to the occupier of the premises of the intention to do so.
- 107.2 Any entry and inspection must be conducted in conformity with the requirements of the Constitution of South Africa, 1996, and any other law and, in particular, with strict regard to decency and order, respect for a person's dignity, freedom and security, and personal privacy.
- 107.3 The municipality may be accompanied by an interpreter and any other person reasonably required to assist the authorised official in conducting the inspection.
- 107.4 Any person effecting entry upon premises in terms of this by-law on behalf of the municipality or the municipality's agent must, upon request, produce proof of his identification and authority.

**108. Indemnification from Liability**

No employee of the municipality nor any person, body, organisation or corporation acting on behalf of the municipality is liable for any damage arising from any omission or act done in good faith in the course of his duties unless the damage is caused by a wrongful and intentional act or by negligence.

**109. Exemption**

- 109.1 The engineer may, in writing exempt an owner, customer, any other person or category of owners, customers, ratepayers, users of services from complying with a provision of these by-laws, subject to any conditions such exemption may impose, if he or she is of the opinion that the application or operation of that provision would be unreasonable; provided that the engineer shall not grant exemption from any section of these by-laws that may result in—
- the wastage or excessive consumption of water supply services;
  - significant adverse effects on public health, safety or the environment;
  - the non-payment for services;
  - the Act, or any regulations made in terms of it, not being complied with.

- 109.2 The municipality may at any time after giving written notice of at least thirty days, withdraw any exemption given in terms of by-law 109.1.

**110. Conflict of Law**

If there is any conflict between these by-laws and any other by-laws of the municipality, these by-laws will prevail in relation to any matter or thing required to be done or note to be done in connection with the supply of water or the provision of sanitation services.

**111. Transitional Arrangements**

- 111.1 Installation work authorised by the municipality prior to the commencement date of these by-laws or authorised installation work in progress on that date shall be deemed to have been authorised in terms of the corresponding provisions of these by-laws; and the municipality may, for a period of 90 (ninety) days after the commencement of these by-laws, authorise installation work in accordance with the by-laws that regulated that work immediately prior to the promulgation of these by-laws.
- 111.2 Any reference in these by-laws to a charge determined by the municipal council shall be deemed to be a reference to a charge determined by the municipal council under the laws repealed by by-law 112, until the effective date of any applicable charges that may be determined by the municipal council in terms of these by-laws relating to credit control and debt collection, and any reference to a provision in the laws repealed by by-law 112 shall be deemed to be a reference to a corresponding provision in these by-laws.
- 111.3 Any approval, consent or exempting granted under the laws repealed by by-law 112 shall remain valid.
- 111.4 No customer shall be required to comply with these by-laws by altering a water installation or part of it which was installed in conformity with any laws applicable immediately prior to commencement of these by laws; provided that if, in the opinion of the engineer, the installation, or part, is so defective or in a condition or position that could cause waste or undue consumption of water, pollution of the water supply or a health hazard, the engineer may by notice require the customer to comply with the provisions of these by-laws.

**112. Compliance with other applicable laws**

The approval of any installation, connection, trap, catchpit, treatment apparatus or the like in terms of these by-laws shall not absolve the owner or other person responsible for the installation or operation thereof from compliance with the provisions of any other applicable law.

**113. Repeal of Existing Municipal Water Services By-Laws**

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

**114. Interpretation**

Wherever in these by-laws words importing the male gender are used, such words shall be taken to include the female and (where the context so requires) neuter genders

**115. Short Title and Commencement**

115.1 These by-laws are called Water Services By-Laws of the Ilembe District Municipality and shall apply throughout the municipality's area of jurisdiction unless otherwise determined in accordance with by-law 113.2.

115.2 The municipality may, by notice in the Provincial Gazette, determine that provisions of portions or all of these by-laws, as listed in the notice, do not apply in certain areas within its area of jurisdiction as recorded in the notice from a date specified in the notice.

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

<b>Parameter</b>	<b>Allowed Specification</b>
PV-not exceed	1400 ml/l
Ph within range	6,0 – 10,0
Electrical conductivity-not greater than	500 mS/m at 20° C
Caustic alkalinity (expressed as CaCO <sub>3</sub> )	2 000 mg/l
Substance not in solution (including fat, oil, grease waxes and like substances)	2 000 mg/l
Substances soluble in petroleum ether	500 mg/l
Sulphides, hydro-sulphides and polysulphides (expressed as S)	50 mg/l
Substances from which hydrogen cyanide can be liberated in the drainage installation, sewer or sewage treatment works (expressed as HCN)	20 mg/l
Formaldehyde (expressed as HCHO)	50 mg/l
Non- organic solids in suspension	100 mg/l
Chemical Oxygen demand (CO)	5 000 mg/l
All sugars and / or starch (expressed as glucose)	1 500 mg/l
Available chlorine (expressed as Cl)	100 mg/l
Sulphates (expressed as SO <sub>4</sub> )	1 800 mg/l
Fluorine- containing compounds (expressed as F)	5 mg/l
Anionic surface active agents	500 mg/l

**METALS:**

**Group 1:**

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

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

**Group 2:**

<b>Metal</b>	<b>Expressed as</b>
Metal	Pb
Selenium	Se
Mercury	Hg

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

## Other Elements

Element	Expressed as
Arsenic	As
Boron	B

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

## RADIO-ACTIVE WASTES

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

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

## METHOD OF TESTING

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

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

(Please complete application in block capitals)

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

The undersigned, duly authorised to set on behalf of

\_\_\_\_\_

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

**PART I**

1. NATURE OF BUSINESS OR INDUSTRY CONCERNED:

\_\_\_\_\_

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

\_\_\_\_\_

3. POSTAL ADDRESS OF THE BUSINESS OR INDUSTRY:

\_\_\_\_\_

4. PHYSICAL ADDRESS:

\_\_\_\_\_

\_\_\_\_\_

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

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

\_\_\_\_\_

6. IS THIS NEW OR ESTABLISHED BUSINESS: \_\_\_\_\_

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

\_\_\_\_\_



## 8. INFORMATION RELATING TO EMPLOYEES

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

## PART II

## INFORMATION RELATING TO THE CONSUMPTION OF WATER

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

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

## 2. WATER CONSUMPTION

(1)	Industrial	kl/Month
(i)	Quantity of water in product	.....
(ii)	Quantity of water lost by evaporation	.....
(iii)	Quantity of water used as a boiler make-up	.....
(iv)	Quantity of water for other uses (e.g. cooling, gardens, etc)	.....

## TOTAL B

(2)	Domestic use	kl/Month
(i)	Total number of employees (Allow 1 kilolitre/person/month)	.....
(ii)	Total number of employees permanently resident on the premises eg.hostels (Allow 1 kilolitre/person/month)	.....

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

## 3. EFFLUENT DISCHARGE INTO SANITATION SYSTEM

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

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

A – (B + C) = .....Kilolitre/ Month

**PART III**

## INFORMATION REGARDING THE COMPOSITION OF INDUSTRIAL EFFLUENT

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

- (1) Maximum temperature of effluent °C
- (2) pH value Ph
- (3) Nature and amount of settleable solids
- (4) Organic Content (Expressed as Chemical Oxygen Demand)
- (5) Maximum total daily discharge (kilolitres)
- (6) Maximum rate of discharge (kilolitres / hr)
- (7) Periods of maximum discharge, (e.g. 7:00 am to 8:00 am)
- (8) If any of the substances or their salts, specified in the table, are formed on the premises, a cross must be placed in the space in which the substance appears, and if possible, the average concentration of this substance likely to be present in any effluent must also be stated.

## TABLE

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

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

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

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

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

.....

Signature and capacity of the applicant

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

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

Where	$T_c$	=	Extraordinary Treatment Cost to Consumer
	$Q_c$	=	Waste water Volume discharge by consumer in kl
	$t$	=	Unit Treatment cost of waste water in R/kl
	$COD_c$	=	Total COD of waste water discharged by consumer in milligrams/litre and is inclusive of both the biodegradable and non-biodegradable portion of the COD.
	$COD_d$	=	Total COD of domestic waste water in milligrams per litre
	$P_c$	=	Ortho-phosphate concentration of waste water discharged by consumer in milligrams phosphorus per litre.
	$P_d$	=	Ortho-phosphate concentration of domestic water discharged by consumer in milligrams phosphorus per litre
	$N_c$	=	Ammonia concentration of waste water discharged by consumer in milligrams of nitrogen per litre.
	$N_d$	=	Ammonia concentration of domestic water discharged by consumer in milligrams of nitrogen per litre.
	$a$	=	Portion of the costs directly related to COD
	$b$	=	Portion of the costs directly related to the removal of phosphates
	$c$	=	Portion of the costs directly related to the removal of nitrates.

Different Terms	Value
T	R0.82/kl
$COD_d$	600 mg/l
	10 mg/l
$N_d$	25 mg/l
A	0.6
B	0.25
C	0.15

## ANNEXURE A:

**EXTRACTS FROM THE LEGISLATION THAT SETS OUT WHAT MUST BE ADDRESSED IN BY LAWS****The Water Services Act**

Section 21 of the Water Services Act provide as follows:

**"21. By-laws**

- (4) Every water service authority must make by-laws which contains for the provision of water services, and which must provide for at least-
- (a) the standard of the services;<sup>2</sup>
  - (b) the technical conditions of supply, including quality standards, units or standards of measurements, the verification of meters, acceptable limits of error and procedures for the arbitration of disputes relating to the measurements of water services provided;<sup>3</sup>
  - (c) the installation, operation, protection and inspection of water services works and consumer installations;
  - (d) the determination and structure of tariffs in accordance with section 10; (see note 4)
  - (e) the payment and collection of money due for the water services;
  - (f) the circumstances under which water services may be limited or discontinued and the procedure for such limitation or discontinuation; (see note 5). and
  - (g) the prevention of unlawful connections to the water services works and the unlawful or wasteful use of water
- (5) Conditions under which water services are provided-

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2 See Regulations relating to a compulsory national standards and measures to conserve water promulgated in terms of sections 9(1) and 73(1) of the Water Services Act – Government Notice R509, 8 June 2001.

3 See Regulations relating to compulsory national standards and measures to conserve water promulgated in terms of sections 9(1) and 73(1) of the Water Services Act Government Notice R509, 8 June 2001.

4 See Regulations relating to norms and standards in respect of tariffs for water services promulgated in terms of section 10(1) of the water Services Act- Government Notice R652, 20 July 2001

5 See section 4(3) of the Water Services Act states that "procedures for the limitation or discontinuation of water services must-

- (a) be fair and equitable;
- (b) provide for reasonable notice of intention to limit or discontinue water services and for an opportunity to make representations, unless-
  - (i) other consumers would be prejudiced;
  - (ii) there is an emergency situation; or
  - (iii) the consumer has interfered with a limited or discontinued service; and
- (c) not resulted in a person being denied access to basic water services for non-payment, where that person proves, to the satisfaction of the relevant water services authority, that he or she is unable to pay for basic services."
- (a) may place limits on the areas which water services will be provided according to the nature, topography; zoning and situation of the land in question;
- (b) may provide for the limitation or discontinuation of water services where a consumer fails to meet his or her obligations to the water services provider, including-
  - (i) a failure to pay for services; or
  - (ii) a failure to meet other condition for the provision of services;

- (c) may place an obligation on a payment defaulter-
  - (i) to pay a higher deposit;
  - (ii) to pay a reconnection fee after disconnection of water services;
- (d) may require a payment defaulter to pay a higher tariff for water services, where that defaulter gains access to water services through a communal water services work and the provision thereof cannot be disconnected or limited without other consumers being prejudiced;
- (e) may provide for the general limitations or discontinuation of water services where-
  - (i) national disasters cause disruptions in the provision of services; or
  - (ii) sufficient water is not available for any other reason;
- (f) may include an option to retain limited access to at least basic water supply or basic sanitation for a consumer whose water services are to be discontinued; and
- (g) must be accessible to consumer and potential consumers.
- (6) A water services authority which-
  - (a) provide water for industrial use; or
  - (b) controls a system through which industrial effluent is disposed of, must make by-laws providing for at least-
    - (i) the standards of service;
    - (ii) the technical conditions of provision and disposal;
    - (iii) the determination and structure of tariffs ;
    - (iv) the payment and collection of money due; and
    - (v) the circumstances under which the provision and disposal may be limited or prohibited.

### **The Municipal Systems Act**

#### **Tariffs**

Section 75 of the Municipal Systems Act provides as follows -

#### **“75. By-laws to give effect to policy**

- (7) A municipal council must adopt by-laws to give effect to the implementation and enforcement of its tariff policy.
- (8) By-laws in terms of subsection (1) may differentiate between different categories of users, debtors, service providers, service standards and geographical areas as long as such differentiation does not amount to unfair discrimination.”

When making by-laws relations to tariffs it is important that a tariff policy must be drafted by the municipality prior to making such by-laws. The policy must precede the by-laws. The by-laws must give effect to the tariff policy. The Municipal Systems Act provides the following in respect of a tariff policy-

#### **“74. Tariff policy**

- (9) A municipal council must adopt and implement a tariff policy on the levying of fees for municipal services provided by the municipality itself or by way of services delivery agreements, and which complies with the provision of this Act and with any other applicable legislation.

- (10) A tariff policy must reflect at least the following principles, namely that—
- (a) users of municipal services should be treated equitably in the application of tariffs;
  - (b) the amount individual users pay for services should generally be in proportion to their use of that service;
  - (c) poor households must have access to at least basic services through—
    - (i) tariffs that cover only operating and maintenance costs;
    - (ii) special tariffs or life line tariffs for low levels of use or consumption of services or for basic levels of service; or
  - (iii) any other direct or indirect method of subsidisation of tariffs for poor households;
  - (d) tariffs must reflect the costs reasonably associated with rendering the service, including capital, operating, maintenance, administration and replacement costs, and interest charges;
  - (e) tariffs must be set at levels that facilitate the financial sustainability of the service, taking into account subsidisation from sources other than the service concerned;
  - (f) provision may be made in appropriate circumstances for a surcharge on the tariff for a service;
  - (g) may be made for the promotion of local economic development through special tariffs for categories of commercial and industrial users;
  - (h) the economical, efficient and effective use of resources, the recycling of waste, and other appropriate environmental objectives must be encouraged;
  - (i) the extent of subsidisation of tariffs for poor households and other categories of users should be fully disclosed.
- (11) A tariff policy may differentiate between different categories of users, debtors, service providers, services, service standards, geographical areas and other matters as long as the differentiation does not amount to unfair discrimination."

### **Credit Control**

Section 75 of the Municipal Systems Act provides as follow –

#### **"98. By-laws to give effect to policy**

- (12) A municipal council must adopt by-laws to give effect to the municipality's credit control and debt collection policy, its implementation and enforcement.
- (2) By-laws in terms of subsection (1) may differentiate between different categories of ratepayers, users of services, debtors, taxes, services, service standards and other matters as long as the differentiation does not amount to unfair discrimination."

When making by-laws relating to credit control and debt collection it is important that a credit control and debt collection policy must be drafted by the municipality prior to making such by-laws. The policy must precede the by-laws.

The by-laws must give effect to the credit control and debt collection. The Municipal systems Act provides the following in respect of a credit control and debt collection policy-

#### **"96. Debt collection responsibility of municipalities**

A municipality –

- (a) must collect all money that is due and payable to it, subject to this Act and any other applicable legislation; and

- (b) for this purpose, must adopt, maintain and implement a credit control and debt collection policy which is consistent with its rates and tariff policies and complies with the provisions of this Act.

#### **97. Contents of policy**

(13) A credit control and debt collection policy must provide for –

- (a) credit control procedures and mechanisms;
- (b) debt collection procedures and mechanism;
- (c) provision for indigent debtors that is consistent with its rates and tariff policies and any national policy on indigents;
- (d) realistic targets consistent with –
  - (i) general recognised accounting practices and collection ratios, and
  - (ii) the estimates of income set in the budget less an acceptable provision for bad debts;
- (e) interest on arrears, where appropriate;
- (f) extensions of time for payment of accounts;
- (g) termination of services or the restriction of the provision of services when payments are in arrears;
- (h) matters relating to unauthorised consumption of services, theft and damages; and
- (i) any other matters that may be prescribed by regulation in terms of section 104.

(14) A credit control and debt collection policy may differentiate between different categories of ratepayers, users of services, debtors, taxes, services, service standards and other matters as long as the differentiation does not amount to unfair discrimination."

#### **Other relevant sections**

The Municipal Systems Act further contains a number of additional sections relating to credit control and debt collection that are relevant to by-laws in respect thereof. These are –

#### **"95. Customer care and management**

- (15) In relation to the levying of rates and other taxes by a municipality and the charging of fees for municipal services, a municipality must, within its financial and administrative capacity –
  - (a) establish a sound customer management system that aims to create a positive and reciprocal relationship between persons liable for these payments and the municipality, and where applicable, service provider;
  - (b) establish mechanisms for users of services and ratepayers to give feedback to the municipality or other service provider regarding the quality of services and the performance of the service provider;
  - (c) take reasonable steps to ensure that users of services are informed of the costs involved in service provision, the reasons for payment of service fees, and the manner in which monies raised from the service are utilised;
  - (d) where the consumption of services has to be measured, take reasonable steps to ensure that the consumption by individual users of services is measured through accurate and verifiable metering systems;
  - (e) ensure that persons liable for payments, receive regular and accurate accounts that indicate the basis for calculating the amounts due;



- (f) provide accessible mechanisms for those persons to query and verify accounts and metered consumption, and appeal procedures which allow such persons to receive prompt redress for inaccurate accounts;
- (g) provide accessible mechanisms for dealing with complaints from such persons, together with prompt replies and corrective action by the municipality;
- (h) provide mechanisms to monitor the response time and efficiency in complying with paragraph (g); and
- (i) provide accessible pay points and other mechanisms for settling accounts or for making pre-payments for services.

#### **101. Municipality's Right of Access to Premises**

The occupier of premises in a municipality must give an authorised representative of the municipality or of a service provider access at all reasonable hours to the premises in order to read, inspect, install or repair any meter or service connection for reticulation, or to disconnect, stop or restrict the provision of any service.

#### **102. Accounts**

(16) A municipality may—

- (a) consolidate any separate accounts of persons liable for payments to the municipality;
- (b) credit a payment by such a person against any account of that person; and
- (c) implement any of the debt collection and credit control measures provided for in this Chapter in relation to any arrears on any of the accounts of such a person.

(17) Subsection (17) does not apply where there is a dispute between the municipality and a person referred to in that subsection concerning any specific amount claimed by the municipality from that person.

#### **103. Agreements with Employers**

A municipality may –

- (a) with the consent of a person liable to the municipality for the payment of rates or other taxes, or fees for municipal services, enter into an agreement with that person's employer to deduct from the salary or wages of that person –
  - (i) any outstanding amounts due by that person to the municipality; or
  - (ii) regular monthly amounts as may be agreed; and
- (b) provide special incentives for—
  - (i) employers to enter into such agreements; and
  - (ii) employees to consent to such agreements."

#### **118. Restraint on Transfer of Property** (see note 6 at bottom of page)

- (1) A registrar of deeds may not register the transfer of property except on production to that registrar of deeds of a prescribed certificate –
  - (a) issued by the municipality or municipalities in which that property is situated; and
  - (b) which certifies that all amounts that became due in connection with that property for municipal service fees, surcharges on fees, property rates and other municipal taxes, levies and duties during the two years preceding the date of application for the certificate have been fully paid.

- (1A) A prescribed certificate issued by a municipality in terms of subsection (1) is valid for a period of 120 days from the date it has been issued.
- (2) In the case of the transfer of property by a trustee of an insolvent estate, the provisions of this section are subject to section 89 of the Insolvency Act No. 24 of 1936.
- (3) An amount due for municipal service fees, surcharge on fees, property rates and other municipal taxes, levies and duties is a charge upon the property in connection with which the amount is owing and enjoys preference over any mortgage bond registered against the property.
- (4) Subsection (1) does not apply to—
- (a) a transfer from the national government, a provincial government or a municipality of a residential property which was financed with funds or loans made available by the national government, a provincial government or a municipality; and
- (b) the vesting of ownership as a result of a conversion of land tenure rights into ownership in terms of Chapter 1 of the Upgrading of Land Tenure Rights Act No. 112 of 1991:  
Provided that nothing in this subsection precludes the subsequent collection by a municipality of any amounts owed to it in respect of such a property at the time of such transfer or conversion.
- (5) Subsection (3) does not apply to any amount referred to in that subsection that became due before a transfer of a residential property or a conversion of land tenure rights into ownership contemplated in subsection (4) took place.

It is important to remember that the Minister may make regulations or issue guidelines to provide for regulate the following matters relating to credit control and debt collection in terms of the Municipal Systems Act. No regulations have been promulgated to date.

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6 The Constitutional Court is currently considering the constitutionality of this section – *Mkontwana v Nelson Mandela Metropolitan Municipality and Others; Bisset and Others v Buffalo City municipality* 2003 unreported case Numbers 1238/02 and 903/2002

## ANNEXURE B:

**EXTRACTS FROM THE STRATEGIC FRAMEWORK FOR WATER SERVICES, 2003****Tariffs**

Retail tariff policies must be based on the following tariff principles: (see note 7 at bottom of page)

- Tariffs should be applied equitably and fairly.
- The amount individual users pay for services generally should be in proportion for their use of that services
- Water and sanitation tariffs for domestic use should be pro-poor in their orientation, that is, they should seek to ensure that a minimum basic level of water supply and sanitation service is affordable for all households, especially vulnerable groups such households headed by women or children or affected by HIV/AIDS.
- Tariffs must reflect all of the costs reasonably associated with rendering the service.
- Tariffs must be set at levels that facilitate use of resources, the reduction of leaks and unaccounted for water, the recycling of water, and other appropriate environmental objectives must be encouraged.
- A tariff policy may differentiate between different categories of users, debtors, service providers, service standards, geographical areas and other matters as long as the differentiation does not amount to unfair discrimination.
- All forms of subsidies should be transparent and fully disclosed.

**Retail water and Sanitation Tariff Policies – Water Services Authorities**

Retail water and sanitation tariff policies must be developed by water services authorities. These must conform to the following requirements.

**Revenue requirements.** When determining the revenue requirements for water services, a water services institution must take into account at least the following : realistic operating and maintenance costs (including any relevant and applicable overheads, charges and levies), interest costs, depreciation charges, a reasonable rate of return on assets (where appropriate), and provisions for bad debt and other future costs (including infrastructure expansion). In addition, a water services institution must determine the cash needs to maintain a financially viable and sustainable operation over time, taking into account any available and secure operating subsidies. A water services institution may take into account a contribution to the general municipal rates fund (where appropriate).

**Costs.** All water services authorities must plan to provide all households with at least a basic level of water supply and sanitation service. In the first instance, national government subsidies in the form of the municipal infrastructure grant and the local government equitable share should be used to assist in the provision of these services. Taking these sources of subsidy into account, any additional costs, associated with the provision of basic water supply and sanitation services (including implementation of free basic water supply and sanitation policies) must be included in the revenue requirements outline above. The costs of rehabilitation and system expansion must be taken in account. Water losses and unaccounted-for water must be managed down to acceptable levels. The allocation of funds for maintenance must be sufficient to maintain the water services infrastructure and related systems adequately.

**Contributions.** The contribution from water services to the rates and general fund should be limited to less than ten percent of gross revenue from the sale of water. Income from sanitation charges should not be used to subsidise other services.

**Consumer categories.** Retail water and wastewater tariffs shall distinguish between at least three categories of consumers : domestic, industrial and other.

**Levels of Service.** Retail water and wastewater tariffs shall distinguish between significantly different levels and standards of service provided and between at least the following: a communal water service (water services provided to more than one household); where a controlled (limited or restricted) volume of water is supplied to a household, where an uncontrolled volume of water is supplied to a household (that is, the volume of water supply is not limited for all practical purposes); where a household is connected to a sewer and where a household is not connected to a sewer.

**Cross-subsidies.** Tariffs shall support the viability and sustainability of water supply services to the poor through cross-subsidies (where feasible) and discourage wasteful or inefficient use.

**Metering.** All connections providing an uncontrolled volume of water supply shall be metered and tariffs shall be applied in proportion to water use.

**Marginal domestic tariff above the basic amount.** Where domestic consumers consumer just more than a defined basic amount, water services authorities shall not be entitled to recoup the full financial cost of providing the basic amount in the marginal tariff for the next small increment consumed. In other words, if the free basic water allocation is 6kl per month, then a water services authority may not require a consumer who uses 7kl per month to pay for the full financial costs for the supply of 7kl per month.

Domestic water tariffs for water consumed significantly in excess of a defined basic amount shall at least recover the full direct financial costs of the service provided in excess of the defined basic amount, and may take into account any external economic costs and benefits (externalities) associated with the provision of the service delivery including, where appropriate, the average incremental cost that would be incurred to increase capacity of the water supply and wastewater infrastructure to meet an incremental growth in demand.

**Industry and non-domestic.** Water and sanitation tariffs for industrial and other categories of non-domestic consumer shall at least recover the full direct financial costs of the service. Tariffs may take into account any external economic costs and benefits (externalities) associated with the provision of the service including, where appropriate, the average incremental costs that would be incurred to increase the capacity of the water supply and wastewater infrastructure to meet an incremental growth in demand.

**Tariff increases.** Water service authorities must strive to keep tariff increases to below the rate of inflation. Tariff increases must be based on the efficient use of resources and the actual input cost increases incurred (for eg. Chemical and energy costs). Where there have been no recent expansions in infrastructure, then it should be possible to keep tariff increases to well below the rate of inflation due to the fact that fixed depreciation and financing costs are likely to make up a significant share of total costs. Conversely, when system expansion has occurred and this has resulted in increased depreciation and financing costs, then tariff increases in excess of inflation may be necessary in order to maintain the financial viability of the service. When current tariffs do not adequately cater for system rehabilitation and maintenance, then tariffs will need to be increased appropriately.

**Subsidies.** Where subsidies for water services are applied, these shall be prioritised for the provision of basic water supply and sanitation services in terms of the free basic water and free basic sanitation policies.

**Special tariffs.** Water services authorities may implement special tariffs during periods of water restrictions to reduce water use to within sustainable levels.

### **Credit Control**

Effective credit control is a critically important component of providing a reliable and effective service to all communities and consumers. Failure to consistently apply credit control policies can result in consumers and whole communities going without water.

Water services authorities have the responsibility to develop a credit control policy. This policy must provide for credit control procedures which are fair and equitable, provide for warnings and adequate notice, provide for consumer representations, allow alternative payment arrangements, and set out a fair procedure that will be applied in the event of non-payment. Where a consumer continues to fail to pay for such services provided after the application of such procedures and a fair warning, a Municipality must be able to take actions that will limit its financial loss and promote good payment habits.

When a Municipality formulates its credit control policy it must take into account the impact of credit control mechanisms (and the lack thereof) on the community, the existing service delivery context, the need for financial viability to support the sustainable provision of services and the effectiveness of the proposed credit control mechanisms.

The following principles must be incorporated in the credit control policy :

**Compassion:** Local Government must develop and implement a credit control policy which is compassionate, especially towards poor and vulnerable households. This means that priority should be given to providing a reliable, secure, sustainable and affordable water supply and sanitation service to all households including the

poor. Policies and procedures should seek to avoid the accumulation of bad debt and the high costs associated with restrictions or disconnections and reconnections.

**Communication:** Consumers must be informed with respect to water consumption, credit control, debt collection, disconnection policies, credit control procedures and consumer responsibilities. Communication must be clear and accessible and, wherever practical, in the home language of the consumer.

**Fair process:** All restrictions and disconnections must be done in terms of a fair and transparent process and as a result of the failure of a consumer (or consumers) to fulfil their obligations in terms of a consumer contract.

**Warning :** Domestic consumers must receive a warning prior to any credit control action.

**Restricting Domestic Connections :** In the first instance, and after following due process (including a warning), domestic water supply connections must be restricted and not disconnected, ensuring that at least a basic supply of water is available. (Only where the costs associated with restricting water services in this manner would have a sustainable and significant impact on the sustainable provision of water services to the broader community, may water services be disconnected after proper procedures have been followed).

**Tampering:** Disconnection (after an warning) may be appropriate where services equipment has been tampered with, since tampering may jeopardise the health of consumers and the proper functioning of the system.

**Interference:** Where a domestic consumer's access to water services has been restricted (in terms of an appropriate policy and procedure) and that consumer interferes with the restriction in a manner that renders the limitation less effective, the Municipality may disconnect such a consumer (after a warning) until such time as the consumer has made an arrangement for settlement of the outstanding amount and has paid any fine that the water services provide may impose.

**Disconnecting Water Supplies:** A water services provider has the right to disconnect water services of domestic water consumers only where all the above provisions have been followed. A water services provider has the right to disconnect water services of non-domestic water consumers whenever a non-domestic consumer has breached its contract with the water services provider, provided a fair process is followed.

In addition to the above, various alternative or complementary credit control mechanisms could be considered where appropriate.

**Responsibility for Implementing Credit Control:** Water services providers have the responsibility of implementing credit control (in terms of the credit control policy established by the water services authority) where they assume the financial risk and have the responsibility for collecting user charges. Where this is not the case, then the water services authority has the responsibility to implement credit control itself. In order to protect the financial viability of a water services provider, a water services authority must give the water services provider the right to restrict and disconnect water services connection subject to the credit control policy established by the water services authority and developed in terms of the policies set out in this White Paper.

**Balancing Rights and Responsibilities:** The limitation and disconnection of water services is a sensitive issues that requires the balancing of rights and obligations. Consumers have a right to a basic water supply and sanitation service. However, this right also embodies the obligation to exercise that right reasonably and in accordance with general limitations placed on that right. At the same time, water services authorities must ensure sustainable provision of water services and safeguard the financial viability of the water services provider. These rights and responsibilities must be clearly communicated to consumers.

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