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KWAZULU-NATAL PROVINSIE  
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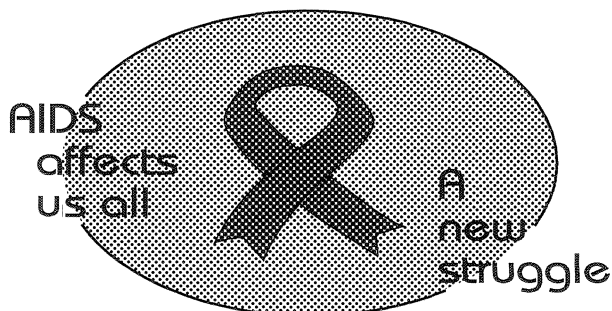
**Vol. 8**

**PIETERMARITZBURG,**

30 OCTOBER 2014  
30 OKTOBER 2014  
30 kuMFUMFU 2014

**No. 1261**

**We all have the power to prevent AIDS**



**AIDS  
HELPLINE**

**0800 012 322**

DEPARTMENT OF HEALTH

**Prevention is the cure**

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**MUNICIPAL NOTICE**

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**UTHUNGULU DISTRICT MUNICIPALITY**

The Council of the uThungulu District Municipality has in terms of Section 156 of the Constitution, 1996 (Act 108 of 1996) read in conjunction with Section 11 of the Municipal Systems Act (Act No 32 of 2000), adopted the following Bylaws:

**WATER SERVICES BYLAWS****CHAPTER I:****General Provisions****Part 1: Definitions****1. Definitions**

(1) In these regulations, unless the context otherwise indicates -

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

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

**"air gap"** means the unobstructed vertical distance through the free atmosphere between the lowest opening from which any pipe, valve or tap supplies water to a tank or fitting or other device, and the overflow level thereof;

**"approved"** means approved by an authorised officer;

**"authorised agent"** means a person authorised by the Municipal Manager to perform any act, function or duty in terms of, or exercise any power under, these bylaws;

**"backflow"** means the flow of water in any pipe or fitting in a direction opposite to the normal direction of flow;

**UTHUNGULU DISTRICT MUNICIPALITY WATER SUPPLR BYLAWS**

- "backflow preventer"** means any device or means to prevent backflow;
- "back siphonage"** means the backflow resulting from pressures lower than the atmospheric pressure in the water installation;
- "basic water supply"** means the minimum standard of water supply services necessary for the reliable supply of water to households to support life and personal hygiene, prescribed in terms of the Act under regulation 3 of Government Notice R509 of 8 June 2001, as amended from time to time, or any substitution for that regulation;
- "basic sanitation"** means the minimum standard of safe and hygienic sanitation services and sewage disposal rendered to households, prescribed in terms of the Act and regulated under regulation 2 of Government Notice R509 of 8 June 2001, as amended from time to time, or any substitution for that regulation;
- "best practicable environmental option"** means the option that provides the most benefit or causes the least damage to the environment as a whole, at a cost acceptable to society, in the long term as well as in the short term;
- "borehole"** means a hole sunk into the earth for the purpose of locating, abstracting or using subterranean water and includes a spring;
- "capacity"** in relation to a storage tank means the volume of the tank between the operating water level of the water contained in such tank and the invert of the outlet from the tank;

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<b>"council"</b>	means the council of the municipality or any of the municipality's other political structures, political office bearers, councillors, or staff members, duly authorised by delegation;
<b>"combined installation"</b>	in relation to water supply means a water installation used for fire-fighting and domestic, commercial or industrial purposes;
<b>"commercial unit"</b>	in relation to any premises means any building or section of a building occupied or used, or intended to be used for purposes other than residential occupation;
<b>"communal sewer"</b>	means a sewer main and connecting sewers and in respect of which a group of users and/or owners has constituted itself as a person willing to assume responsibility for, and has signed an agreement accepting responsibility, for the maintenance and repair of the communal sewer;
<b>"Building Regulations"</b>	means the National Building Regulations made in terms of the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977);
<b>"Commercial purposes"</b>	in relation to the supply of water means water supplied to premises which are used for the carrying on of a business or trade;
<b>"communal water services work"</b>	means a consumer connection through which water services are supplied to more than one person;
<b>"connecting point"</b>	means the point at which the drainage installation joins the connecting sewer;
<b>"connecting sewer"</b>	means a pipe owned by the municipality and installed by it for the purpose of conveying sewage from a drainage installation on a premises to a sewer beyond the boundary of those premises or within a servitude area or within an area covered by a wayleave or by agreement;

#### UTHUNGULU DISTRICT MUNICIPALITY WATER SUPPLR BYLAWS

- "connection pipe"** means a pipe, the ownership of which is vested in the municipality or its authorised agent and installed by it for the purpose of conveying water from a main to a water installation, and includes a "communication pipe" referred to in SABS 0252 Part I;
- "consumer"** means –
- (a) any occupier of any premises to which or on which the municipality or its authorised agent has agreed to provide water services or is actually providing water services, or if there be no occupier, then any person who has entered into a current agreement with the municipality or its authorised agent for the provision of water services to or on such premises, or, if there be no such person, then the owner of the premises; provided that where water services is provided through a single connection to a number of occupiers, it shall mean the occupier, or person, to whom the municipality or its authorised agent has agreed to provide water services; or
  - (b) person that obtains access to water services are provided through a communal water services work;
- "Credit Control and Debt Management Policy By-Law"** means the Credit Control and Debt Management Policy By-Laws, adopted by the council and published in the Provincial Gazette;
- "domestic purposes"** in relation to the supply of water means the general use of water supplied for personal and residential uses, including health and hygiene, drinking, ablution, culinary, household and garden maintenance;
- "drain"** means that portion of the drainage installation that conveys sewage within any premises;
- "drainage installation"** means a system situated on any premises and vested in the owner thereof and is used for or intended to be used for or in connection with the reception, storage, treatment or conveyance of sewage on that premises to the connecting point and includes drains, fittings, appliances, septic tanks, conservancy tanks, pit latrines and private

#### UTHUNGULU DISTRICT MUNICIPALITY WATER SUPPLR BYLAWS

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	pumping installations forming part of or ancillary to such systems;
<b>"drainage work"</b>	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;
<b>"duly qualified sampler"</b>	means a person who takes samples for analysis from the sewage disposal and storm water disposal systems and from public waters and who has been certified to do so by an authorised agent;
<b>"dwelling unit"</b>	means an interconnected suite of rooms designed for residential purposes and occupation by a single household, regardless of how many persons comprise the household as further defined in the Municipality's relevant town planning scheme but excludes an accommodation unit;
<b>"effluent"</b>	means any liquid whether or not containing matter in solution or suspension;
<b>"emergency"</b>	means any situation that poses a risk or potential risk to life, health, the environment or property;
<b>"enforcement notice"</b>	means any notice issued by an authorised official under these By-laws which instructs the person to whom it is issued to comply with the terms of the notice, and includes a compliance notice contemplated in section 115;
<b>"environmental cost"</b>	means the full cost of all measures necessary to restore the environment to its condition prior to the damaging incident;
<b>"fire hydrant"</b>	means a potable water installation that conveys water for fire fighting purposes only;
<b>"fixed quantity"</b>	

#### UTHUNGULU DISTRICT MUNICIPALITY WATER SUPPLR BYLAWS

<b>"water delivery system"</b>	means a water installation, which delivers a fixed quantity of water to a consumer in any single day;
<b>"flood level (1 in 50 year)"</b>	means that level reached by flood waters resulting from a storm of a frequency of 1 in 50 years;
<b>"flood plain (1 in 50 year)"</b>	means the area subject to inundation by flood waters from a storm of a frequency of 1 in 50 years;
<b>"high strength sewage"</b>	means sewage with a strength or quality greater than standard domestic effluent;
<b>"general installation"</b>	means a water installation which conveys water for a combination of domestic, commercial and industrial purposes;
<b>"health nuisance"</b>	means a situation, or state of affairs, that endangers life or health or adversely affects the well-being or mental well-being of a person or community, or creates an environmental risk, "health hazard" has a similar meaning;
<b>"household"</b>	means the family unit of persons, or individuals, in occupation of a building or part of a building, designed for residential occupation by such family unit, or individuals;
<b>"industrial effluent"</b>	means effluent emanating from industrial use of water, includes for purposes of these bylaws, any effluent other than standard domestic effluent or storm water;
<b>"Industrial purposes"</b>	in relation to the supply of water means water supplied to any premises which constitute a factory as defined under the Occupational Health and Safety Act, (Act 85 of 1993);
<b>"installation work"</b>	means work in respect of the construction of, or carried out on a water installation;

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<b>“JASWIC”</b>	means Joint Acceptance Scheme for Water Services Installation Components;
<b>“law”</b>	means any law, including the common law;
<b>“local authority”</b>	means any local government as contemplated under the Constitution or any other local authority as contemplated in the Local Government Transition Act ( Act 209 of 1993 ) and includes any organ of state within the meaning of the Constitution with powers similar to that of any regional water services corporation constituted under the Water Services Ordinance, 1963 (Ordinance No 27 of 1963) or any Water Board within the meaning of the Water Act, 1956(Act 54 of 1956);
<b>“main”</b>	means a pipe, other than a connection pipe, vesting in the municipality or its authorised agent and used by it for the purpose of conveying water to a consumer;
<b>“manhole”</b>	means a chamber of a depth greater than 750mm and of such dimension that allows the entry of a person into such a chamber for the purposes of providing access to a pipe;
<b>“measuring device”</b>	means any method, procedure, process or device, apparatus, installation that enables the quantity of water services provided to be quantified and includes a method, procedure or process whereby quantity is estimated or assumed;
<b>“meter”</b>	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 size greater than 100 mm, a device which measures the quantity of water passing through it;
<b>“Minister”</b>	means the Minister of Water Affairs and Forestry;

#### UTHUNGULU DISTRICT MUNICIPALITY WATER SUPPLR BYLAWS



<b>"municipality"</b>	means the water services authority as defined in the Act;
<b>"occupier"</b>	means a person who occupies any premises or part thereof, without regard to the title under which he or she occupies;
<b>"officer"</b>	means any employee of the Council or any other person who is authorised to perform any act, function or duty in terms of or exercise any power under these bylaws
<b>"operating water level"</b>	means the level of water reached in a storage tank when the valve controlling the inlet of water to the tank closes under normal operating conditions;
<b>"owner"</b>	means - <ul style="list-style-type: none"><li>(a) the person in whom from time to time is vested the legal title to premises;</li><li>(b) in a case where the person in whom the legal title to premises is vested is insolvent or dead, or is under any form of legal disability whatsoever, the person in whom the administration and control of such premises is vested as curator, trustee, executor, administrator, judicial manager, liquidator or other legal representative;</li><li>(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 premises or a building or buildings thereon;</li><li>(d) in the case of premises for which a lease agreement of 30 years or longer has been entered into, the lessee thereof;</li><li>(e) in relation to -<ul style="list-style-type: none"><li>(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</li></ul></li></ul>

#### UTHUNGULU DISTRICT MUNICIPALITY WATER SUPPLR BYLAWS

- (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;

**“owner’s water**

**installation”**

means all the pipe work and water fittings installed by the owner for connecting into the water installation installed by the Municipality;

**“permit holder”**

means a person who has obtained the written permission of an authorised official to discharge or cause or permit to discharge industrial effluent into the sewage disposal system;

**"person"**

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

**"pollution"**

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

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

**"premises"**

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

**UTHUNGULU DISTRICT MUNICIPALITY WATER SUPPLR BYLAWS**

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

**"prepayment meter"** means a meter that can be programmed to limit the flow of water into a water installation to the amount which has been previously purchased;

**"prescribed tariff or charge"** means a charge prescribed by the municipality;

**"public notice"** means a notice in a newspaper in at least two of the official languages in general use within the Province or area in question, and, where possible, the notice shall be published in a newspaper appearing predominantly in the language utilised in the publication of the notice;

**"publish"** means;-

- (a) to publish a notice in the Provincial Gazette, and
- (b) to provide interested parties with copies of such publication, and

© to post the notice so published on the notice boards of the municipality.

**"registered contractor"** means a company/person registered by the SAQCC for the Water Supply Industry;

**"registered plumber"** means a person registered by the SAQCC for the Water Supply Industry;

#### UTHUNGULU DISTRICT MUNICIPALITY WATER SUPPLR BYLAWS

<b>"SABS"</b>	means the South African Bureau of Standards;
<b>"SANS"</b>	means South African National Standards;
<b>"public water"</b>	means any river, watercourse, bay, estuary, the sea and any other water to which the public has the right of use or to which the public has the right of access;
<b>"sanitation services"</b>	has the same meaning assigned to it in terms of the Act and includes for purposes of these bylaws water for industrial purposes and the disposal of industrial effluent;
<b>"SAQCC for the Water Supply Industry"</b>	means the South African Qualification and Certification Committee constituted in terms of Act No. 58 of 1995;
<b>"schedule of approved pipes and fittings"</b>	means the list of approved pipes and fittings compiled by the Authorisation Committee;
<b>"sea outfalls"</b>	means the discharge of effluent directly into the sea;
<b>"service pipe"</b>	means a pipe which is part of a water installation provided and installed on any premises by the owner or occupier and which is connected or to be connected to a connection pipe to serve the water installation on the premises;
<b>"storage tank"</b>	means a tank forming part of a water installation and used for the storage of water, other than a cistern serving a water-closet pan or a urinal and a tank used for the storage of hot water;
<b>"sewage"</b>	means waste water, industrial effluent, standard domestic effluent and other liquid waste, either separately or in combination, but shall not include storm water;

#### UTHUNGULU DISTRICT MUNICIPALITY WATER SUPPLR BYLAWS

<b>"sewage disposal system"</b>	means the structures, pipes, valves, pumps, meters or other appurtenances used in the conveyance through the sewer reticulation system and treatment at the sewage treatment plant under the control of the municipality or its authorised agent and which may be used by it in connection with the disposal of sewage and shall include the sea outfalls;
<b>"sewer"</b>	means any pipe or conduit which is the property of or is vested in the municipality or its authorised agent and which may be used for the conveyance of sewage from the connecting sewer and shall not include a drain as defined;
<b>"standard domestic effluent"</b>	means domestic effluent with prescribed strength characteristics in respect of chemical oxygen demand and settleable solids as being appropriate to sewage discharges from domestic premises within the jurisdiction of the municipality or its authorised agent, but shall not include industrial effluent;
<b>"storage tank"</b>	means a tank forming part of a water installation and used for the storage of water, other than a cistern serving a water-closet pan or a urinal and a tank used for the storage of hot water;
<b>"stormwater"</b>	means water resulting from natural precipitation or accumulation and includes rainwater, subsoil water or spring water;
<b>"Tariff Policy By-Law"</b>	means the tariff policy by-laws promulgated by the council in terms of section 75 of the Local Government: Municipal System Act, No 32 of 2000, or pending such promulgation, a decision by the council in terms of section 75A of that Act to levy and recover fees, charges or tariffs.
<b>"terminal water fitting"</b>	means a water fitting at an outlet of a water installation that controls the discharge of water from a water installation;
<b>"trade premises"</b>	means premises upon which industrial effluent is produced;

#### UTHUNGULU DISTRICT MUNICIPALITY WATER SUPPLR BYLAWS

- “user”** means-
- (a) any person who occupies premises to whom, and in respect of which premises, the Municipality-
    - i) has agreed to provide sanitation services;
    - ii) is providing sanitation services; or
    - iii) has entered into an agreement with the Municipality for the provision of sanitation services to or on any premises;
  - (b) the owner of any premises to which the Municipality is providing sanitation services;
  - (c) where sanitation services are provided through a single connection to a number of accommodation units or users or occupiers, means the person to whom the Municipality agreed to provide such sanitation services; and
  - d) any end-user who receives sanitation services from the Municipality or other sanitation services institution.
- “water”** means potable water unless otherwise stated;
- “water conservation”** means the act of saving or using water in an efficient manner;
- “waste water”** means used water not contaminated by soil water or industrial effluent and does not include storm water;

#### UTHUNGULU DISTRICT MUNICIPALITY WATER SUPPLR BYLAWS

<b>"water fitting"</b>	means a component of a water installation, other than a pipe, through which water passes or in which it is stored;
<b>"water installation"</b>	means the pipes and water fittings which are situated on any premises and vested in the owner thereof and used or intended to be used in connection with the use of water on such premises, and includes a pipe and water fitting situated outside the boundary of the premises, which either connects to the connection pipe relating to such premises or is otherwise laid with the permission of the municipality or its authorised agent;
<b>"water services"</b>	means any part thereof, means the abstraction, conveyance, treatment and distribution of portable water, water intended to be converted to potable water or water for commercial and industrial use and include sanitation services;
<b>"water service facility"</b>	means any land on which there is infrastructure, installed or used by the municipality, or a catchment area in connection with the supply water;
<b>"water services intermediary"</b>	means any person who is obliged to provide water services to another in terms of a contract where the obligation to provide water services is incidental to the main object of that contract;
<b>"water supply system"</b>	means the structures, aqueducts, pipes, valves, pumps, meters or other apparatus relating thereto which are vested in the municipality or its authorised agent and are used or intended to be used by it in connection with the supply of water, and includes any part of the system;

#### UTHUNGULU DISTRICT MUNICIPALITY WATER SUPPLR BYLAWS

<b>"well point"</b>	means a small diameter pipe jetted into unconsolidated sandy or gravely formations, with a pump situated at ground level to lift and distribute the water;
<b>"wet industry" effluent;</b>	means an industry which discharges industrial effluent;
<b>"working day"</b>	means a day other than a Saturday, Sunday or public holiday.
<b>"zone"</b>	means the local area of land of which the premises occupied by the consumer and/or user is a part and which is zoned in terms of a town planning scheme or an integrated development plan for homogeneous usage.

## **2. Meaning of certain words the same as in Acts**

- (2) Any word or expression used in these bylaws to which a meaning has been assigned in –
  - (a) the Act will bear that meaning; and
  - (b) the National Building Regulations and Building Standards Act, 1997 (Act No. 103 of 1977), the Building Regulations will in respect of Chapter III bear that meaning, unless the context indicates otherwise.
- (3) Any reference in Chapter I of these bylaws to water services or services must be interpreted as referring to water supply services or sanitation services depending on the services to which is applicable.

## **UTHUNGULU DISTRICT MUNICIPALITY WATER SUPPLR BYLAWS**



### 3. Levels of Service

(1) The Municipality may provide the various levels of service set out in sub-section (2) to consumers and users at fees set out in the Tariff of Charges, determined by the Municipality.

(2) levels of service shall comprise-

**(a) (i) Service Level 1, (Rural Water Supply)**

To provide at least 90% of the population with water at a volume of 5l/c/d within a 1000m walking distance, and must consist of-

Rudimentary level of service from Boreholes,  
Springs, Wells and Water Tankers.

**(ii) Service Level 2, (Rural Water Supply)**

which must satisfy the minimum standard for basic water services as required in terms of the Act and its applicable regulations, and must consist of-

a water supply from communal water points within 200m  
walking distance

**(iii) Service Level 3, (Rural Water Supply)**

Water supply from unmetered and unrestricted yard or  
house connection

**(iv) Service Level 4, (Rural Water Supply)**

## UTHUNGULU DISTRICT MUNICIPALITY WATER SUPPLR BYLAWS

Water supply from a metered connection within 200m from dwelling

and

- (b) Service Level 1 (Urban Water Supply),

which must consist of-

A metered yard or house connection on plot boundary.

- (c) (i) Service Level 1, (Rural Sanitation)

a ventilated improved pit latrine located on each site;

- (ii) Service Level 2, (Rural Sanitation)

A communal sewer having been installed and a collective agreement has been signed by the group of users accepting responsibility for the maintenance and repair of the communal sewer.

- (iii) Service Level 3, (Rural Sanitation)

a conventional water borne drainage installation

**(Septic tank)** not connected to the Municipality's sewer.

UTHUNGULU DISTRICT MUNICIPALITY WATER SUPPLR BYLAWS

(d) (i) Service Level 1, (Urban Sanitation)

a pour flush toilet which must not be directly connected to the water installation;

(ii) Service Level 2, (Urban Sanitation)

a conventional water borne drainage installation (**Septic tank**) not connected to the Municipality's sewer.

(iii) Service Level 3, (Urban Sanitation)

A communal sewer having been installed and a collective agreement has been signed by the group of users accepting responsibility for the maintenance and repair of the communal sewer.

(iv) Service Level 4, (Urban Sanitation)

A sanitation toilet system connected to either a municipal sewer or a shallow communal sewer system.

(e) the average water consumption per unmetered stand through the water connection for the zone or group of consumers in the zone does not exceed 6kl over any 30 day period;

(f) the water standpipe is not connected to any other terminal water fittings on the premises;

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- (g) in the case of a communal sewer having been installed a collective agreement has been signed by the group of users accepting responsibility for the maintenance and repair of the communal sewer; and
  - (h) the Municipality may adopt any measures considered necessary to restrict the water flow to Service Level **a (iii)** consumers to 6kl per month per consumer.
    - (ii) a conventional water borne drainage installation (Septic tank)connected to the Municipality's sewer.
- (3) If a consumer receiving Service Level 2 contravenes subparagraph (e) or (f) to subsection **a (iii), c (iii), d (iii) & (iv)**
- (a) the Municipality may install a pre-payment meter or restrictor in the service pipe on the premises; and
  - (b) the fees for water services must be applied in accordance with **section 19**.

#### 4. Exceptions to Applications of these Bylaws

- (1) If authority was given before the date of commencement of these bylaws for installation work to be done, or if authorised work is in progress on such date, such work shall comply with any laws governing such work which were in force in the area of jurisdiction of the Council prior to such date.
- (2) The authorised delegate may, for a period of 90 days after the commencement of these bylaws, give authority for installation work to be done in accordance with any laws governing such work which were in force in the area of jurisdiction of the Council prior to such date.

### UTHUNGULU DISTRICT MUNICIPALITY WATER SUPPLR BYLAWS

## 5. Responsibility for Compliance with these Bylaws

It is the responsibility of the owner of the premises to comply, with the provisions of these Bylaws in respect of the water installation, and the consumers in respect of the use of the water on the premises.

## 6. Existing Water Installation

No owner shall be required to comply with these bylaws by altering a water installation or a part thereof which was installed in conformity with every law applicable immediately before the date of commencement of these bylaws: Provided that if, in the opinion of the authorised delegate the installation or a part thereof is so defective or in such a condition or position as to cause, or be likely to cause, waste or undue consumption of water, pollution, pollution of the water supply, or a health or safety hazard, the authorised delegate may by notice in writing require the owner to comply with the provisions of these bylaws within a specified period.

## 7. Notices and Documents

- (1) A notice or document issued by the Council in terms of these bylaws shall be deemed to be duly issued if it is signed by an officer.
- (2) If a notice or document is to be served on a person in terms of these bylaws such service shall be effected -
  - (a) by delivering it to him personally or to his duly authorised agent;
  - (b) by delivering it at his residence or place of business or employment to a person apparently not less than 16 years of age and apparently residing or employed there;
  - (c) if he has nominated a *domicilium citandi*, by delivering it to such domicilium;
  - (d) if he has not nominated a *domicilium citandi*, by delivering it to the address given by him in his application for a supply of water, for the reception of an account for water supplied;

UTHUNGULU DISTRICT MUNICIPALITY WATER SUPPLR BYLAWS

- (e) in the case of a body corporate, by delivering it at the registered office or business premises of such body corporate;
  - (f) by registered or certified post addressed to his last known address;
- or
- (g) if service cannot be effected in terms of paragraphs (a) to (f)
  - (f) by affixing it to a principal door of entry to the premises concerned.

#### **8. Power to Serve, and Compliance with Notices**

- (1) The authorised delegate may by written notice order a person who by act or commission commits a breach of these bylaws or any condition imposed thereunder to remedy such breach within a period specified in the notice;
- (2) If a person fails to comply with a written notice served on him by the authorised delegate in terms of these bylaws within the specified period the authorised delegate may take such action or do such work as in his opinion is necessary to ensure compliance, and recover the cost of such action or work from the person.

#### **9. False Statements or Information**

No person shall make a false statement or furnish false information to the Council or an officer, or falsify a document issued in terms of these bylaws.

#### **10. Trespassing on Water Supply System**

No person shall, without the prior written permission of the authorised delegate, enter

- (a) upon an area enclosed by a fence or where entry is prohibited by notice boards; or
- (b) a structure used by the Council in connection with its water supply system.

### **UTHUNGULU DISTRICT MUNICIPALITY WATER SUPPLR BYLAWS**

**11. Interference with water services**

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

**12. Obstruction of Access to Water Supply System**

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

**13. Pollution of Council's Water Supply****UTHUNGULU DISTRICT MUNICIPALITY WATER SUPPLR BYLAWS**

- (1) Unless such act is specifically authorised in writing by the authorised delegate, no person shall commit an act which may cause pollution of any nature to water in a reservoir or other place owned, controlled by or vested in the Council either in whole or in part, and used by it in connection with the supply of water.
- (2) No person shall, except at such places as are designated by notice boards or in such receptacles as are provided by the Council deposit or discharge rubbish, night-soil, industrial waste or other matter which may cause pollution of any nature on a portion of a catchment area relating to the Council's water supply which has been designated by notice boards as being an area where such acts are prohibited.
- (3) If a person contravenes subsection (1) or (2) the authorised delegate may -
  - (a) by notice in writing require the person immediately to cease such act, and take specified action within a specified period; or
  - (b) if he is of the opinion that the situation is a matter of urgency, without prior notice take such action as he may deem necessary and recover the cost from the person.

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

- (1) An officer may for any purpose connected with the implementation or enforcement of these bylaws, at all reasonable times or in an emergency at any time, enter premises, request information and make such inspection, examination and enquiry as he may deem necessary, and for those purposes operate any component of the water installation.
- (2) If the authorised delegate considers it necessary that work be performed to enable an officer properly and effectively to implement a function referred to in subsection (1), he may -
  - (a) by written notice require the owner or occupier of the premises at his own cost to do specified work within a specified period; or
  - (b) if in his opinion the situation is a matter of urgency, without prior notice do such work or cause it to be done, at the cost of the owner.
- (3) If the work referred to in subsection (2) is carried out for the purpose of establishing whether a contravention of these

#### **UTHUNGULU DISTRICT MUNICIPALITY WATER SUPPLR BYLAWS**



bylaws has been committed and no such contravention is established, the Council shall bear the expense connected therewith together with that of restoring the premises to its former condition, but it shall not otherwise bear such expense.

- (4) If an officer requires the presence of -
- (a) an owner at an inspection of his water installation;
  - (b) a registered contractor doing installation work at an inspection of such work; or
  - (c) a registered contractor's responsible plumber at an inspection of work being done under his control,

he may give such person written notice of not less than 2 working days to that effect, indicating the date and time when, and the place where, he proposes to carry out the inspection.

#### 15. Pipes in Streets or Public Places

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

#### 16. Offences

- (1) A person who -
- (a) fails or refuses to give access required by an officer in terms of **section 14**;
  - (b) obstructs or hinders an officer in the exercise of his powers or functions or the performance of his duties under these bylaws;
  - (c) fails or refuses to give an officer such information as he reasonably may require for the purpose of the exercise of his powers or functions or the performance of his duties under these bylaws or who gives such officer false or misleading information knowing it to be false or misleading;

### UTHUNGULU DISTRICT MUNICIPALITY WATER SUPPLR BYLAWS

- (d) contravenes or fails to comply with a provision of these bylaws;
- (e) fails to comply with a condition or prohibition imposed in terms of these bylaws;
- (f) fails to comply with the terms of a notice served upon him in terms of these bylaws; or
- (g) fails to comply with a request made in terms of

**section 51(1)**

shall be guilty of an offence and liable, upon conviction to the maximum penalty prescribed for the offence by section 266(7)(a) of the Local Authorities Ordinance, 1974 (Ordinance 25 of 1974).

- (2) A person who causes or incites another person to commit an offence referred to in subsection (1), or who being in a position of authority over another person permits or allows him to commit an offence, shall himself be guilty of that offence.

**17. Liabilities and Compensation**

The Council shall not be liable for damages or compensation arising from anything done by it in terms of these bylaws.

**18. Relaxation of Waiver**

The Council may, in an individual case, relax or waive the requirements of a provision of these bylaws upon such conditions as it deems fit to impose if it is of the opinion that the application or operation of that provision in that case would be so unreasonable as to cause substantial prejudice of a nature or degree which was not intended to flow from the enactment of the provision and if it is of the opinion either that :

- (a) the purpose for which the provision has been enacted has substantially been attained in that case or will be so attained upon compliance with the conditions imposed; or that
- (b) the need to attain that purpose is for any reason absent in that case.

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## 19. Fees for Services

- (1) All fees payable in respect of water services rendered by the Municipality in terms of these By-laws, including but not limited to the payment of connection fees, fixed fees or any additional fees or interest in respect of failure to pay such prescribed fees on the specified date, shall be prescribed by resolution of the Municipality and must be in terms of section 10 of the Act and the regulations made thereunder.
- (2) All fees determined by the Municipality for the use of its sewers, or for discharge into the sewage disposal system or otherwise in connection with such system are payable in accordance with the Tariff of Charges in Schedule A of these By-laws by the owner of the premises.
- (3) If any piece of land, whether or not there are any improvements thereon, is, or in the opinion of the Municipality, could be connected to a water supply system or a sewer, the owner of that land must pay to the Municipality the fees determined by the Municipality.

## 20. Deposit

- (1) Every consumer must on application for the provision of water services and before such water services will be provided by the Municipality, deposit with the Municipality a sum of money as determined in the Municipality's Credit Control By-laws.
- (2) If, upon the termination of the agreement for the provision of water services, an amount remains due to the Municipality in respect of water services rendered to the consumer, the Municipality may apply the deposit in payment or part payment of the outstanding amount and refund any balance to the consumer, if the address of the consumer is known.
- (3) No interest will be paid by the Municipality on the amount of a deposit held by it in terms of this section.

## 21. Payment for water services

- (1) Water services provided by the Municipality must be paid for by the consumer and/or user at the prescribed fees for the particular category of water services provided.
- (2) A consumer and/or user is responsible for the payment of all water services provided to him or her from the date of commencement of the service to the date of termination thereof.
- (3) The Municipality may estimate the quantity of water services provided in respect of a period or periods within the interval between successive measurements which may not be more than 180 (one hundred and eighty) days apart, and may render an account to the consumer and/or user for the services so estimated, which estimate must, for the purposes of these By-laws, be regarded as an accurate measurement until the contrary is proved.
- (4) If a consumer and/or user uses water services for a category of use other than that for which it is provided by the Municipality in terms of an agreement and as a consequence is charged at a rate lower than the rate that should have been charged, the Municipality may make an adjustment of the amount charged in accordance with the rate which should have been charged and recover from the consumer and/or user the fees payable in accordance with such adjustment, and may also review the amount of the deposit held, in accordance with the provisions of the Credit Control By-laws.
- (5) If amendments to the prescribed fees for water services provided become operative on a date between measurements for the purposes of rendering an account in respect of such fees -
  - (a) the same quantity of water services must be regarded as having been provided in each period of 24 (twenty-four) hours during the interval between the measurements; and

## UTHUNGULU DISTRICT MUNICIPALITY WATER SUPPLR BYLAWS

- (b) any prescribed fee must be calculated on a pro rata basis in accordance with the prescribed fee which applied immediately before such amendments.
- (6) Failure by the Municipality to comply with the period of 180 (one hundred and eighty) days referred to in subsection (3) will not disentitle the Municipality from recovering any monies due to it by a consumer and/or user.
- (7) If a consumer and/or user is dissatisfied with an account rendered for water services supplied to him or her by the Municipality he or she may, prior to the due date stipulated therein, object in writing, or be assisted by the Municipality to object in writing, to the account, setting out his or her reasons for such dissatisfaction; provided that the lodging of an objection shall not entitle a consumer and/or user to defer payment except with the written consent of the Municipality.

## **22. Payment in respect of prepayment meters**

When a consumer is supplied with water through a prepayment meter, in addition to the requirements of sections 20 and 21:

- (a) no refund of the amount tendered for the purchase of water credit shall be given at the point of sale after initiation of the process by which the prepayment meter token is produced;
- (b) when a consumer vacates any premises where a prepayment meter is installed, no refund for the credit remaining in the meter shall be made to the consumer; and
- (c) the Municipality shall not be liable for the reinstatement of credit in a prepayment meter lost due to tampering with, or the incorrect use or abuse of a prepayment meter and/or token.

## **23. Accounts**

- (1) Accounts must be rendered and administered in accordance with the requirements and policies of the

## **UTHUNGULU DISTRICT MUNICIPALITY WATER SUPPLR BYLAWS**

Municipality and subject to Credit Control By-laws passed by the Municipality.

- (2) If it is established that a meter is defective, the Municipality must, in accordance with **section 44**, adjust the account rendered.

#### **24. Termination of Agreements**

(1) Subject to the provisions of **section (29)** –

- (a) a consumer and/or user may terminate an agreement for the provision of water services by giving to the Municipality not less than 7 (seven) days' notice in writing of his or her intention to do so;
- (b) the Municipality may, by notice in writing of not less than 14 (fourteen) days, advise a consumer and/or user of the termination of his or her agreement for the provision of water services if –
- i. he or she has not used the water services during the preceding 6 (six) months and has not made arrangements to the satisfaction of the Municipality for the continuation of the agreement;
  - ii. he or she has failed to comply with the provisions of these By-laws and has failed to rectify such failure to comply following the issue of a compliance notice or has failed to pay prescribed fees due and payable: Provided that the provisions of the Act, these By-laws and any other applicable law must be followed before the agreement is terminated; or

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- iii. an arrangement has been made by such consumer and/or user with another water services institution to provide water services to the consumer and/or user;
- (2) The Municipality may, after having given notice, terminate an agreement for water services if a consumer and/or user has vacated the premises to which such agreement relates.
- (3)
  - (a) If it is determined by a body legally entitled to do so, other than the Municipality, that an existing water service on private premises, or emanating from private premises, is creating environmental damage or water pollution, or water wastage, and the owner of the premises or consumer or user, whichever is applicable, is directed to carry out measures as are required under any Act or law to rectify the situation, the Municipality is not liable for any damages arising as a result of the measures required to be taken or in respect of damages suffered as a result of a permanent or temporary termination of the water services.
  - (b) Should the owner of the premises or consumer or user, whichever is applicable, fail to carry out such measures, the Municipality may, subject to the provisions of **Chapter 7**, undertake the measures required, and any expenditure incurred may be recovered from the owner of the premises or the consumer or user as the case may be.

**25. Prohibition of access to water services other than through the Municipality**

- (1) No person is permitted to have access to water services from a source other than the Municipality, without its written approval.
- (2) Despite the provision of subsection (1) hereof, a person who, at the commencement of these By-laws, was using water services from another source may continue to do so -

**UTHUNGULU DISTRICT MUNICIPALITY WATER SUPPLR BYLAWS**

- (a) for a period of 60 (sixty) days after he or she has been requested to apply for approval;
  - (b) thereafter until the application for approval is granted, if it has not been granted within that period; or
  - (c) for a reasonable period thereafter, within the discretion of the Municipality, if the application for approval is refused.
- (3) In granting approval, the Municipality may require the person seeking approval to supply such services as may be specified in the approval to others on reasonable terms, which must be specified by the Municipality.

**26. Water services intermediaries**

- (1) An intermediary for the supply of water and sanitation services must be registered with the Municipality.
- (2) The quality, quantity and sustainability of water services provided by the intermediary must meet the minimum standards prescribed by the Minister and must in all respects comply with the relevant provisions of these By-laws.
- (3) Fees charged by an intermediary must comply with the norms and standards prescribed under the Act and any additional norms and standards required by these By-laws or set by the Municipality.
- (4) In the event of a failure by the intermediary to perform its functions effectively, the Municipality may, subject to the provisions of **section 37** of the Act, direct the intermediary to rectify its failure, and if the direction is not complied with, the Municipality may itself take over such functions.
- (5) When the intermediary is capable of resuming its functions effectively, the Municipality must stop

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exercising such functions on behalf of the intermediary and may recover from the intermediary all expenses incurred and losses suffered as a result of having acted on behalf of the intermediary.

- (6) The Municipality must monitor the performance of intermediaries to ensure that norms and standards for fees, any conditions set by the Municipality, the provisions of these By-laws and any contractual arrangements between the parties are adhered to.

## **27. General responsibility for compliance with these By-laws and other laws**

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

## **UTHUNGULU DISTRICT MUNICIPALITY WATER SUPPLR BYLAWS**

28. Unauthorised use of water services

No person shall take water from the water supply system -

- (1) until an agreement referred to in **section 29 or 30(1)** has been concluded;
- (2) except through a connection pipe as provided in terms of **section 33** or from a fire installation in terms of **section 38**.

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**CHAPTER 2****WATER SUPPLY SERVICES****Part 1****Application for Service****29. Application for supply of water**

- (1) No person, other than one on Service Level 1, may consume, abstract or be supplied with water, unless such person has applied to the Municipality on the **prescribed form** for such service, and such application has been agreed to.
- (2) An application for the use of water supply services approved by the Municipality constitutes an agreement between the Municipality and the applicant, and takes effect on the date referred to in the application.
- (3) The person referred to in subsection (2) will be liable for all the prescribed fees in respect of water supply services rendered to that person until the agreement has been terminated in accordance with these By-laws, and is the consumer for all purposes during the currency of this agreement.
- (4) The Municipality may, if it deems necessary, require a third party to be bound jointly and severally as surety and co-principal debtor with the consumer, for the payment of any prescribed fee.
- (5) The application form must at least contain the following information -
  - (a) acceptance by the consumer of the provisions of these By-laws and acceptance of liability for the cost of all water consumed until the agreement is terminated;
  - (b) name of consumer, and the consumer's identity or registration number, where applicable;

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- (c) address or stand number of premises at which water is to be supplied, or on which a communal water connection operates;
  - (d) address to which accounts must be sent;
  - (e) the purpose for which water is to be used;
  - (f) the agreed date on which the water service shall be provided.
- (6) The applicant must be informed if the Municipality refuses an application for the provision of water supply services, or is unable to render such water supply services on the date requested for provision of services to commence, or is unable to render the water supply services, and the Municipality must furnish the applicant with the reasons therefor and, if applicable, the date when the Municipality will be able to provide such water supply services.

### 30. Special agreements for supply of water

- (1) The Municipality may enter into a special agreement for the supply of water to an applicant -
- (a) inside its area of jurisdiction, if the supply necessitates the imposition of conditions not contained in the **prescribed form**; and
  - (b) outside its area of jurisdiction, if such application has been approved by the municipality in which the applicant resides.
- (2) If the Municipality provides a supply of water to an applicant outside its area of jurisdiction in terms of a special agreement, it may permit him or her to sell such water to other persons outside its area of jurisdiction, only if provision has been made therefor in the special agreement, or the written permission of the Municipality to do so has been obtained.

### 31. Purpose of supply

Where the purpose for which water is used changes, the consumer shall enter into a new agreement as prescribed in Sections 29 and 30.

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### 32. General conditions of water supply

- (1) Subject to the provisions of the Act, the supply of water by the Municipality shall not constitute an undertaking by it to maintain at any time or at any point in its water supply system -
  - (a) an uninterrupted supply;
  - (b) a specific pressure or rate of flow in such supply; or
  - (c) a specific standard of quality of the water.
- (2) The Municipality may, subject to the provisions of subsection (1)(b), specify the maximum height in a building, or the maximum height above ground level or mean sea level, to which water will be supplied from the water supply system.
- (3) If an owner and/or consumer require that any of the standards referred to in subsection (1) be maintained on the owner's premises, the owner shall make provision in the water installation for such operation and maintenance.
- (4) The Municipality may, in an emergency, interrupt the supply of water to any premises without prior notice.
- (5) If in the opinion of the Municipality the consumption of water by a consumer adversely affects the supply of water to another consumer/s, it may apply such restrictions as it may deem fit to the supply of water to the first-mentioned consumer in order to ensure a reasonable supply of water to the other consumer/s.
- (6) The Municipality will not be liable for any damage to premises caused by water flowing from fittings left open when the water supply is re-instated, following an interruption in supply for any reason.
- (7) Every steam boiler and any premises with installations which require, for the purposes of the work undertaken on the premises, a continuous supply of water, must have a storage

### UTHUNGULU DISTRICT MUNICIPALITY WATER SUPPLR BYLAWS

reservoir fitted and maintained in working order and holding a water supply deemed adequate by the owner/consumer of the premises.

- (8) No consumer may 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 necessary.

#### Part 2

### Connection of water supply

#### 33. Provision of connection pipe

- (1) If an agreement for a supply of water in respect of premises has been concluded and no connection pipe exists in respect of the premises, the owner shall apply on the **prescribed form** and pay the prescribed charge for the installation of such a pipe.
- (2) If an application is made for a supply of water to premises which are so situated that it is necessary to extend the water supply system in order to supply water to the premises, the Municipality may agree to the extension subject to such conditions as it may impose.

#### 34. Location of connection pipes

- (1) A connection pipe provided and installed by the Municipality must -
- (a) be located in a position and be of a suitable size determined by the Municipality; and
- (b) terminate at the boundary of the land owned by or vested in the Municipality, or over which it has a servitude or other right, or at the outlet of the water meter if the meter is located on the premises being supplied.

### UTHUNGULU DISTRICT MUNICIPALITY WATER SUPPLY BYLAWS

- (2) In reaching agreement with an owner concerning the location of a connection pipe, the Municipality shall ensure that the owner is aware of -
- (a) practical restrictions which may exist regarding the location of a connection pipe;
  - (b) the cost implications of the various possible locations of the connection pipe;
  - (c) whether or not the Municipality requires the owner to fix the location of the connection pipe by providing a portion of the owner's water installation at or outside the boundary of the owner's premises, or such agreed position inside or outside his or her premises where the connection is required, for the Municipality to connect to such installation.

**35. Interconnection between premises**

An owner of premises shall ensure that no interconnection exists between the water installation on the owner's premises and the water installation on other premises, unless the owner has obtained the prior written consent of the Municipality and complies with any conditions that it may have imposed.

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

- (1) 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, commercial units or consumers located on such premises.
- (2) Where the owner, or the person having charge or management of any premises on which several accommodation units, commercial units, or consumers are situated, requires the supply of water to such premises for the purpose of separate supply to the different units or consumers, the Municipality may, in its discretion, provide and install either -

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- (a) a single measuring device in respect of the premises as a whole or a number of such units or consumers; or
  - (b) a separate measuring device for each such unit or consumer or any number thereof provided such device is on the street boundary.
- (3) Where the Municipality 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, if the Municipality so requires, install and maintain on each branch pipe extending from the connection pipe to the different units or consumers -
    - (i) a separate measuring device; and
    - (ii) an isolating valve; and
  - (b) is liable to the Municipality for the prescribed fees for all water supplied to the premises through such single measuring device, irrespective of the different quantities consumed by the different consumers served by such measuring device.
- (4) Notwithstanding the provisions of subsection (1), the Municipality may permit more than one connection pipe to be provided on the water supply system for the supply of water to any premises comprising, duets provided, that such connections are separately metered and provided on the street boundary.
- (5) Where the provision of more than one connection pipe is authorised by the Municipality in terms of subsection (4), the prescribed fees for the provision of a connection pipe are payable in respect of each connection so provided.
- (6) Where the premises are supplied with water by a number of connection pipes, the Municipality may require the owner to reduce the number of connection points and alter the owner's water installation accordingly at the owner's expense.

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**37. Restriction or cutting-off of supply**

(1) Without prejudice to any other right it may have, the Municipality may, if a consumer has -

- (a) failed to pay a sum due to it in terms of these Bylaws; or
- (b) committed a breach of these bylaws and has failed to rectify such breach within the period specified in a written notice served on the consumer requiring the consumer to do so;

act against such a consumer in terms of these Bylaws, the Municipality's Credit Control By-laws or other applicable legislation.

(2) If, in the opinion of the Municipality, action is necessary as a matter of urgency to prevent waste of water, damage to premises or water installations, danger to life or pollution of water, it may -

- (a) without prior notice, cut off the supply of water to any premises; and
- (b) enter upon such premises and do such emergency work, at the owner's expense, as it may deem necessary, and in addition by written notice require the owner to do such further work as it may deem necessary within a specified period.

(3) Tampering

- (a) Where a water supply has been tampered with or the meter bypassed, the Municipality may apply the provisions of its Credit Management Bylaws and/or disconnect the relevant supply immediately and without any notice whatsoever, and in such a way that no further water supply at those premises is possible. The consumer will be charged the applicable tampering fee.

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(b) Transgressors will be dealt with in the following manner:

(i) First Tampering Offence:

- Supply will be isolated at point of supply.
- Written notification will be given to the consumer informing the consumer of isolation, as well as the fees due in respect of the tampering fee for a first offence, and the calculated amounts.
- The Municipality will only re-instate services after the required amounts mentioned in the notification have been paid.

(ii) Second Tampering Offence:

- instances of a second tampering offence, the Municipality may immediately disconnect the service supply and remove pipes and the meter.
- A written notification will be sent to the consumer informing the consumer of the removal of the services and of any outstanding fees, including tampering fees and calculated amounts due. If the money due has not been paid by a specific date and time to be mentioned in the notice, the matter will be referred for debt collection.
- A written notification will also be sent to the owner of the premises to the

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effect that the service supply has been removed and that a new supply will only be installed after the following conditions have been met :

- ♦ A written application for reconnection of the supply, including a motivation, has been received and approved by the Municipality.
  - ♦ The fee for a new connection, including the pipe cost, as well as all calculated amounts and all other outstanding required amounts, including property tax, have been paid.
- (c) In addition to the provisions of this section, the Municipality may enforce any other rights or exercise any power conferred upon it by the Act, the Municipality's Water Bylaws and any other applicable legislation.

### **38. Interruption of supply at consumer's request**

- (1) The Municipality may, at the written request of a consumer -
- (a) cut off the supply of water to the consumer's premises; and
  - (b) restore the supply;
- on the dates requested by the consumer.
- (2) The consumer shall, prior to the restoration of the water supply in terms of this section, pay the actual cost plus 10% (ten) percent for the cutting-off of the supply of water, and for its restoration.

### 39. Disconnection of water supply

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

- (1) the agreement for supply has been terminated in terms of section 13 and it has not received an application for a subsequent supply of water to the premises served by the pipe within a period of 90 (ninety) days of such termination; or
- (2) the building on the premises concerned has been demolished.

### 40. Water supplied from a fire installation

- (1) The Municipality may permit a temporary supply of water to be taken from one or more fire installations specified by it.
- (2) A person who desires a temporary supply of water referred to in subsection (1) shall apply in the manner prescribed in **section 29(1)** and subject to such conditions as may be prescribed by the Municipality on the **prescribed form**.
- (3) The Municipality may, for purposes of supplying water from a fire installation, provide a portable water meter to be returned to the Municipality on termination of the temporary supply, which portable meter and all other apparatus and fittings used for the connection of a portable water meter to a fire installation remains the property of the Municipality and will be provided subject to any conditions imposed by the Municipality.

## Part 3

### Measuring water supplied

#### 41. Measuring the quantity of water supplied

- (1) All water supplied at service level 3 and, if applicable, also at service level 2, to a consumer by the Municipality, shall pass through a meter or other measuring device for the purpose of measuring the quantity of water consumed.

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- (2) A meter referred to in subsection (1) and its associated apparatus shall be provided and installed by the Municipality, shall remain its property, and may be changed by the Municipality whenever it deems necessary.
- (3) (a) The Municipality may install the meter, and its associated apparatus, serving a water installation at any point in the installation;
- (b) If the Municipality installs a meter in a water installation in terms of paragraph (a), it may install a section of pipe and associated fittings between the end of its connection pipe and the meter, and such section shall be deemed to form part of the water installation.
- (4) If the Municipality installs a meter together with its associated apparatus in a water installation in terms of subsection (3), the owner shall -
- (a) provide a place satisfactory to the Municipality in which to install it;
- (b) ensure that unrestricted access is available to it at all times;
- (c) be responsible for its protection and be liable for the costs arising from damage thereto, excluding damage arising from normal fair wear and tear;
- (d) ensure that no connection is made to the pipe in which the meter is installed, between the meter and the connection pipe serving the installation;
- (e) keep the meter clean, accessible, free from debris and prevent the meter being overgrown by grass or plants; and
- (f) make provision for the drainage of water which may be discharged, from the pipe in which the meter is

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installed, in the course of work done by the Municipality on the meter.

- (5) No person other than an authorised official shall -
- (a) disconnect a meter and its associated apparatus from the pipe in which they are installed;
  - (b) break a seal which the Municipality has placed on a meter; or
  - (c) in any other way interfere with a meter and its associated apparatus.
- (6) If the Municipality considers that the size of a meter is unsuitable by reason of the quantity of water supplied to premises, it may install a meter of such size as it may deem necessary, and may recover from the owner of the premises concerned the prescribed charge for the installation of the meter.

#### **42. Quantity of water supplied to consumer**

- (1) For the purpose of assessing the quantity of water supplied to a consumer during any period and measured through a meter installed by the Municipality over a specific period, it shall be deemed, unless the contrary can be proved, that -
- (a) the quantity is represented by the difference between readings of the meter taken at the beginning and end of such period;
  - (b) the meter was registering correctly during such period; and
  - (c) the entries in the records of the Municipality were correctly made.

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- (2) If water is supplied to, or taken by, a consumer without its passing through a meter, the estimate by the Municipality of the quantity of such water shall be deemed to be correct.
- (3) If a meter is by-passed and a contravention of **section 41(5)** occurs, the Municipality, may for the purposes of rendering an account, make an estimate, in accordance with subsection (4), of the quantity of water supplied to the consumer during the period that water was so taken by the consumer.
- (4) For the purposes of subsection (3), an estimate of the quantity of water supplied to a consumer must be based on -
  - (a) the average monthly consumption of water on the premises registered over three succeeding measuring periods over not more than 180 (one hundred and eighty) days in total, after the date on which the irregularity referred to in subsection (2) was discovered and rectified; and /or
  - (b) the period preceding the date referred to in subsection (2) but not exceeding 36 (thirty six) months.

#### **43. Defective meters**

- (1) If a consumer has reason to believe that a meter, used for measuring water, which was supplied to the consumer by the Municipality, is defective, the consumer may, against payment of the prescribed fee, make application in writing for the meter to be tested.
- (2) The prescribed fee referred to in subsection (1) shall be -
  - (a) retained by the Municipality if the meter is found in terms of subsection (3) or (4) not to be defective; or
  - (b) refunded to the applicant if the meter is found in terms of those subsections to be defective.

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- (3) A meter to which the regulations relating to water meters under the Trade Metrology Act, 1973 (Act No 77 of 1973) are applicable shall be deemed to be defective if, when tested in accordance with SANS 1529-1: 2003, is found to have a percentage error in over-registration or under-registration greater than that permitted for a meter in use in terms of that specification.
- (4) A meter of size greater than 100mm diameter to which the specification referred to in subsection (3) is not applicable, shall be deemed to be defective if it is found to have a percentage error in over-registration or under-registration greater than 5 % (five percent) when tested between 20% (twenty percent) and 75% (seventy-five percent) of its designed maximum rate of flow.
- (5) In addition to applying the provisions of subsection (2) if the meter is found to be defective, the Municipality must -
  - (a) repair the meter or install another meter which is in good working order, without charging the consumer, unless the costs thereof are recoverable from the consumer where **section 41(5)** has been contravened;
  - (b) determine the quantity of water supply services for which the consumer will be charged on the basis set out in section 33.
- (6) Any meter removed by the Municipality for testing must be retained intact and must be available for a period of 3 (three) months after testing.

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**44. Adjustment of quantity of water supplied through defective meter**

(1) If a meter is found to be defective, the Municipality may estimate the quantity of water supplied to the consumer concerned during the period in which, in its opinion, such meter was defective, on the basis of the average daily quantity of water supplied to the consumer over -

(a) a period between 2 (two) successive measurements subsequent to the replacement of the meter or, if this is not possible;

(b) the period in the previous year, corresponding to the period in which the meter was defective or, if this is not possible;

(2) (a) If the quantity of water supplied to a consumer during the period when the consumer's meter was defective cannot be estimated in terms of subsection (1), the Municipality may estimate the quantity; and

(b) the consumer must be informed of the method used by the Municipality to estimate the quantity of water supplied to the consumer as contemplated in subsections (1) and (2), and given the opportunity to make representations within 14 (fourteen) days to the Municipality before a final estimate is arrived at.

**45. Special meter reading at request of consumer**

The Municipality must, on receipt from the consumer of a written notice of not less than 7 (seven) days and subject to payment of the

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prescribed fee, read a meter at a time or on a day other than that upon which it would normally be read.

#### **46. Special measurement**

- (1) If the Municipality wishes, for purposes other than charging for water consumed, to ascertain the quantity of water which is used in a part of the water installation, it may by written notice advise the owner concerned of its intention to install a meter at such point in the water installation as it may specify.
- (2) The installation of a meter referred to in subsection (1), its removal, and the restoration of the water installation after such removal shall be carried out at the expense of the Municipality.
- (3) The provisions of **sections 41(4) and 41(5)** shall apply insofar as they may be applicable in respect of a meter installed in terms of subsection (1).

### **Part 4**

#### **Payment and accounts**

#### **47. Payment for water supplied**

All water supplied by the Municipality must be paid for by the consumer in accordance with **section 21** of these By-laws.

#### **48. Water accounts**

- (1) Accounts must be rendered and administered in accordance with the requirements of the Council.
- (2) If it is established that a meter is defective, the Council must, in accordance with section 35:
  - (i) in the case of a conventional meter, adjust the account rendered;

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(ii) in the case of a prepayment meter, (a) render an account where the meter has been under-reading; or (b) issue a free token where the meter has been over-registering.

(3) The sections relating to credit control measures in these By-laws shall lapse upon the promulgation of relevant Credit Control By-Laws by the Council which replace the measures set out herein.

#### **A Accounts : transitional measures**

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

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

(3) An account rendered by the Council for water services provided to a consumer must be paid not later than the last date for payment specified in such account, which date must be at least 14 days after the date of the account.

(4) If payment of an account is received after the date referred to in subsection (3), a late payment fee or interest as may be prescribed, must be paid by the consumer to the Council.

(5) Accounts must –

(a) show the following –

(i) the consumption or estimated consumption or assumed consumption as

determined for the measuring and / or consumption period;

(ii) the measuring or consumption period;

(iii) the applicable tariff;

(iv) the amount due in terms of the consumption;

(v) the amount due and payable for any other service rendered in terms of these Bylaws by the Council;

(vi) the amount in arrears, if any;

(vii) the interest payable on any arrears, if any;

(viii) the final date for payment; and

(ix) the methods, places and approved agents where payment may be made; and

(b) state that –

(i) the consumer may conclude an agreement with the Council for payment of the arrears amount in installments, at the Council's offices before the final date for payment, if a consumer is unable to pay the full amount due and payable;

(ii) if no such agreement is entered into the Council may terminate or limit the water

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services after sending a final demand notice to the consumer;

(iii) legal action may be instituted against any consumer for the recovery of any amount 30 days in arrears;

(iv) the defaulting consumer's name may be made public, and may be listed with a credit bureau or any other equivalent body as a defaulter;

(v) the account may be handed over to a debt collector or attorney for collection; (vi) proof of registration as an indigent consumer in terms of the Council's indigent policy must be handed in before the final date for payment; and

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

### **B Queries or complaints in respect of account**

(1) A consumer may lodge a query or complaint in respect of the accuracy of the amount due and payable in terms of an account rendered to him, her or it.

(2) A query or complaint must be lodged with the Council before or on the due date for payment of the account, or as soon as reasonably possible thereafter.

(3) Where a query or complaint is lodged after the due date of the account queried or complained about, such query or complaint must be accompanied by the payment of at least an amount equal to the average amount that was due and payable during the preceding three months.

(4) The Council must register the query or complaint and provide the consumer with a reference number.

(5) The Council must—

(a) investigate or cause the query or complaint to be investigated within 14 days, or as soon as possible after the query or complaint was registered ; and

(b) must inform the consumer, in writing, of its finding as soon as possible thereafter, whereupon any arrears found to be due are payable must be paid within seven days from the date on which the consumer is notified of the amount found to be due and payable.

### **C Arrears**

(1) If a consumer fails to pay the amount due and payable on or before the final date for payment, the unpaid amount is in arrears and a final demand notice may be sent and may be hand delivered or posted, per mail, to the most recent recorded address of the consumer.

(2) Failure to deliver or send a final demand notice does not relieve a consumer from paying such arrears.

(3) The final demand notice must contain the following -

(a) the amount in arrears and any interest payable, and the date by which such

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arrears and interest must be paid;

(b) that the consumer may conclude an agreement with the Council for payment of the arrears amount in instalments within 14 days of the date of the final demand notice;

(c) that if no such agreement is entered into within the stated period that the water services will be discontinued or limited and that legal action may be instituted against any consumer for the recovery of any amounts 30 days or more in arrear, without further notice;

(d) that the consumer's name may be made public, and may be listed with a credit bureau or any other equivalent body as a defaulter;

(e) that the account may be handed over to a debt collector or attorney for collection;

(f) proof of registration as an indigent consumer in terms of the Council's indigent policy must be handed in to the Council on or before the date for payment contemplated in paragraph (a); and

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

(h) an opportunity for the consumer to make representation in writing, on or before the date of payment contemplated in paragraph (a).

(4) Interest may be levied on all arrears at a rate prescribed by the Council from time to time.

(5) The amount due and payable by a consumer constitutes a consolidated debt, and any payment made by a consumer of an amount less than the total amount due will be allocated in reduction of the consolidated debt in the order determined by the Council.

(6) The Council may, after the expiry of the period allowed for payment in terms of the final demand notice, hand deliver or send, per mail, to the last recorded address of the consumer -

(a) a discontinuation notice informing such consumer that the provision of water services will be, or has been discontinued on the date stated on the discontinuation notice;

(b) a discontinuation notice must contain information advising the consumer of steps which can be taken to have the service re-connected.

(7) If representations made by a consumer are unsuccessful either wholly or in part, a final demand notice complying with the provisions of subsections (3)(a) to (g) must be given to the consumer in the manner provided for in subsection (1), stipulating that no further representations may be made.

(8) Subject to the provisions of the Act, and subject to the provisions of the Promotion of Administrative Justice Act, 2000 (Act No.3 of 2000), having been observed, save that the Council's reasons for its decision to act must be supplied within seven days after a request therefore; the Council may discontinue water services to a consumer if -

(a) full payment was not received within the period stated in the final demand notices referred to in subsections (3) and (7);

(b) no agreement was entered into for the payment of arrears in instalments;

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(c) no proof of registration as an indigent was furnished within the period provided for in the final demand notice contemplated in subsections (3) and (7);

(d) no payment was received in accordance with an agreement for payment of arrears;

(e) no representations as contemplated in paragraph (h) of subsection (3) were made within the period provided for in the final demand notice, contemplated in subsection (3); and

(f) the representations referred to in subsection (7) have not been wholly acceded to by the Council.

(9) Where an account rendered to a consumer remains outstanding for more than 60 days –

(a) the defaulting consumer's name may be made public, and may be listed with a credit bureau or any other equivalent body as a defaulter; and

(b) may be handed over to a debt collector or an attorney for collection.

(10) A consumer will be liable for any administration fees, costs incurred in taking action for the recovery of arrears and any penalties, including the payment of a higher deposit.

(11) Where a body corporate is responsible for the payment of any arrears amount to the Council in respect of a sectional title development the liability of the body corporate shall be extended to the members thereof, jointly in proportion to the participation quota of each sectional title unit.

(12) No action taken in terms of this section due to non-payment will be suspended or withdrawn, unless the arrears, any interest thereon, administration fee, additional charges,

costs incurred in taking legal action and any penalty, including the payment of a higher deposit, which are payable, are paid in full.

(13) Subject to the provisions of the Act, an agreement for payment of the arrears amount in installments, entered into after the water services were discontinued, will not result in the water services being restored until the arrears, any interest thereon, administration fees,

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

#### **D Agreement for the payment of arrears in installments**

(1) Only a consumer with positive proof of identity or a person authorized, in writing, by that consumer, will be allowed to enter into an agreement for the payment of arrears in installments.

(2) The amount due and payable by a consumer constitutes a consolidated debt, and any payment made by a consumer of an amount less than the total amount due, must be allocated in reduction of the consolidated debt in the order determined by the Council.

(3) A consumer may be required to complete a debit order for the payment of arrears.

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(4) No agreement for the payment of arrears will be longer than 24 months, unless the circumstances referred to in subsection (5) prevail.

(5) The Council may, on an individual basis, allow a longer period than 24 months for the payment of arrears, if special circumstances prevail, that in the opinion of the Council warrants such an extension and which the consumer could not reasonably prevent or avoid,

and documentary proof of any special circumstances must be furnished by the consumer on request by the Council.

(6) The Council must, in exercising its discretion under sub-section (5) have regard to a

consumer's—

(a) credit record;

(b) consumption;

(c) level of service;

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

(e) any other relevant factors.

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

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

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

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

#### **49. No reduction of amount payable for water wasted**

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

#### **50. Charges other than for water supplied**

(1) The Municipality may, in addition to fees authorised elsewhere in these By-laws, prescribe and levy any of the following fees:

(a) A fee payable by the consumer in respect of each connection pipe or meter provided by the Municipality to

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serve the premises occupied by the consumer, whether or not water has been supplied to the consumer, the fee being due from the date of the agreement referred to in **sections 29(1) or 29(2)**, whichever is applicable. Such fee shall not be based on any quantity of water consumed.

- (b) A monthly fee payable by the owner in respect of premises which, in the opinion of the Municipality, can reasonably be connected to the water supply system but is not so connected.
- (2) The consumer and the owner of the premises are jointly and severally liable to pay the fees determined by the Municipality, in respect of any fire extinguishing installation or appliance used or installed upon such premises.

## Part 5

### Municipality approval for work and use of pipes and fittings

#### 51. Approval of installation work

- (1) If an owner wishes to have installation work done, the owner shall first obtain the Municipality's written approval; provided that approval shall not be required in the case of water installations in dwelling units or installations where no fire installation is required, or for the repair or replacement of an existing pipe or water fitting other than a fixed water heater and its associated protective devices.
- (2) If any of the installation work is governed by the EIA Regulations, then the owner must ensure compliance and obtain the relevant authorisation in respect thereof.
- (3) Application for the approval referred to in subsection (1) shall be made on the **prescribed form** and shall be accompanied by -
  - (a) the prescribed fees, if applicable; and

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- (b) copies of the drawings as prescribed by the Municipality, giving information in the form required by the relevant clause of SANS 10252-1: 2004; or
  - (c) a certificate from a person approved by the Municipality certifying that the installation has been designed in accordance with SANS 10252-1: 2004 or has been designed on a basis approved by the Municipality.
- (4) The provisions of subsections (1), (2) and (3) shall not apply to a registered plumber who replaces a fixed water heater or its associated protective devices.
  - (5) Authority given in terms of subsection (1) shall lapse at the expiry of a period of 24 (twenty-four) months after the first day of the month succeeding the month in which the authority is given.
  - (6) A complete set of approved drawings of installation work must be available at the site of the work at all times until such work has been completed, where permission is required in terms of subsection (1).
  - (7) If installation work has been done in contravention of subsections (1), (2) or (3), the Municipality may by written notice require the owner of the premises concerned to comply with that regulation within a specified period, and if work is in progress, to cease the work, and may further require the owner to remove all such work which does not comply with these By-laws.

**52. Persons permitted to do installation work**

- (1) No person who is not registered with the SAQCC for the Water Supply Industry, in the category appropriate for the work to be undertaken, shall be permitted to:
  - (a) do installation work other than the replacement or repair of an existing pipe or water fitting;

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- (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 backflow preventer; or
  - (e) install, maintain or replace a meter provided by an owner in a water installation.
- (2) No person shall require or engage a person who is not a registered plumber to do the work referred to in subsection (1).
- (3) The provisions of subsection (1) shall not apply to a person acting in the scope of that person's employment with a registered plumber or a registered contractor.
- (4) Notwithstanding the provisions of subsection (1), a person who, in terms of any law in force immediately prior to the commencement of these bylaws, was entitled to do the work described in subsection (1), may continue to do such work for a period not exceeding 12 (twelve) months after these bylaws became effective.
- (5) Notwithstanding the provisions of subsection (1), the Municipality may permit a person who is not a registered plumber or a registered contractor to do installation work on that person's own behalf on domestic premises owned and occupied solely by that person and that person's immediate household; provided that such work may be inspected and approved by a person registered with the SAQCC for the Water Supply Industry, in the category appropriate to the work being undertaken, at the direction of Municipality.

### **53. Provision and maintenance of water installation**

- (1) An owner must provide and maintain a water installation at the owner's own cost and must ensure that the installation is situated within the boundary of the owner's premises, except –

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(a) in the case of a connection to a connection pipe; or

(b) where permitted in terms of **section 34(2)(c)**

- (2) Before doing work in connection with the maintenance of a portion of the owner's water installation which is situated outside the boundary of the owner's premises, an owner shall obtain the written consent of the Municipality or the owner of the land on which such portion is situated, as the case may be.

#### **54. Technical requirements for water installation**

- (1) Notwithstanding the requirement that a certificate be issued in terms of **section 51(3)(c)**, all water installations shall comply with SANS 10252-1: 2004 and all fixed electric storage water heaters shall comply with SANS 10254: 2004;
- (2) In addition to any requirement of SANS 10252-1: 2004, the consumer must at the consumer's own expense, or the Municipality may in its discretion and at the consumer's expense, and for the consumer's exclusive use, provide and install a stop-cock at a suitable point inside the boundary of the premises on the consumer's side of the meter leading to the water installation.

#### **55. Use of pipes and fittings to be authorised**

- (1) No person shall, without the prior written authority of the Municipality, install or use a pipe or water fitting in a water or drainage installation within the Municipality's area of jurisdiction unless it is included in the schedule of approved pipes and fittings.
- (2) A pipe or water fitting may be included in the Schedule referred to in subsection (1) if -
- (a) it bears the standardisation mark of the SABS in respect of the relevant SANS specification issued by the SABS; or

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

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

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

- (1) the range of pressure in kPa over which the water fitting or appliance is designed to operate;

- (2) the flow rates, in litres per minute, related to the design pressure range; provided that this information shall be given for at least the following water pressures:
- (a) 20 (twenty) kPa
  - (b) 100 (one hundred) kPa
  - (c) 400 (four hundred) kPa

**57. Unlawful water installation**

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

**58. Pipe in street or public place**

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

**59. Special provision for fire services**

- (1) Any water installation for the provision of water for fire fighting purposes, must comply with the provisions of SANS 10252-1: 2004 and SANS 10400: 1990 Part T, Fire- fighting systems, or any revision or substitution thereof.
- (2) Notwithstanding the provisions of subsection (1), the special provisions contained in **section 59 to 68** inclusive apply, insofar as they are applicable, to the supply of water for fire fighting purposes.

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**60 Dual and combined installations**

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

- (1) If, in the opinion of any authorised official of the Municipality charged with the approval of plans, boosting of the system is required, either in terms of ensuring adequate pressure or supply of water for the purposes which the system is intended to meet, a dual pipe system must be used, one for fire extinguishing purposes and the other for general domestic purposes;
- (2) Combined installations, in which the same pipes and fittings are used for fire extinguishing and general domestic purposes, are only permitted where no booster pumping connection is provided on the water installation;
- (3) In the circumstances contemplated in paragraph (2), a fire hydrant must be provided by the Municipality, at the consumer's expense, within 90 (ninety) metres of the premises to provide a source of water for the use of the crew of any fire tender sent to extinguish a fire; and
- (4) All pipes and fittings must be capable of handling pressures in excess of 1015 (one thousand and fifteen) kPa, which could be expected when boosting takes place and must be designed to maintain their integrity when exposed to fire conditions.

**61. Connection pipe for fire extinguishing services**

- (1) A single connection to the water supply system, to serve a connection pipe for a fire installation, excluding a sprinkler system, may be provided by the Municipality.
- (2) The Municipality must provide and install a meter on the connection pipe referred to in subsection (1), at the cost of the owner of the premises.

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- (3) Where there is an existing connection pipe for the sole purpose of fire extinguishing services, such connection pipe may only be used for that purpose.
- (4) No take-off of any kind from any connection pipe referred to in subsection (3) may be made, nor may any water therefrom be used except in connection with an automatic sprinkler and drencher, a hydrant connection or a hose-reel connection, or for any pressure tank connection therewith, and such tank must be controlled by an approved fitting.
- (5) A separate connection pipe must be laid and used for every fire sprinkler extinguishing system, unless otherwise approved.

#### **62. Valves in connection pipe**

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

- (1) supplied by the Municipality at the expense of the owner;
- (2) installed between the owner's premises and the main; and
- (3) installed in such position as may be specified by the Municipality.

#### **63. Inspection and approval of fire installation**

No water may be supplied to any fire installation until -

- (1) it has been inspected and tested by the Municipality;
- (2) the Municipality has certified in writing that such water installation is complete and complies with the requirements of these By-laws; and

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- (3) the fees required by the Municipality for such inspection and testing have been paid.

**64. Connection at the pleasure of the Municipality**

- (1) The Municipality is entitled, in its absolute discretion, to grant or refuse an application for the connection of a fire extinguishing installation to its main.
- (2) If in its opinion a fire extinguishing installation which it has allowed to be connected to its main is not being kept in proper working order or is otherwise not being properly maintained, or is being used in contravention of **section 61(3) or 61(4)**, the Municipality is entitled either to require the installation to be disconnected from the main, or itself to carry out the work of disconnecting it at the expense of the owner or consumer, as the case may be.

**65. Meter in fire installation**

The Municipality must install a water meter in any connection pipe used solely for fire extinguishing purposes, and the owner of the premises will be liable for the whole of the costs.

**66. Sprinkler extinguishing installation**

A sprinkler installation may be linked directly with the main, but the Municipality is not bound to guarantee any specified pressure at any time.



**67. Header tank or double supply from main**

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

**68. Sealing of private fire hydrant**

- (1) (a) Except in the case of a fire installation supplied through a connection pipe fitted with a meter, a private hydrant and hose-reel must be sealed by the Municipality and such seal may not be broken by any person other than the Municipality in the course of servicing and testing, except for the purpose of opening the hydrant in the case of fire.
- (b) Every owner or consumer must give the Municipality at least 48 (forty-eight) hour's notice of the owner or consumer's intention to cause a fire extinguishing installation to be tested.

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- (2) The cost of resealing a hydrant and hose-reel referred to in subsection 1(a), must be borne by the consumer except when such seal is broken by the Municipality's employee for testing purposes.
- (3) Any water consumed after the breaking of the seal referred to in subsection (2), other than in the course of testing by the Municipality or of fighting a fire, must be paid for by the consumer at the fees determined by the Municipality.
- (4) The quantity of water consumed as contemplated in subsection (3), must be determined by the Municipality.

## **Part 6**

### **Water conservation and prevention of pollution**

#### **69. Waste of water**

- (1) No consumer shall permit -
  - (a) the purposeless or wasteful discharge of water from terminal water fittings;
  - (b) pipes or water fittings to leak;
  - (c) the use of maladjusted or defective water fittings;
  - (d) an overflow of water to persist; or
  - (e) an inefficient use of water to persist.

## **UTHUNGULU DISTRICT MUNICIPALITY WATER SUPPLR BYLAWS**

- (2) An owner shall repair or replace any part of the owner's water 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).
- (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).
- (4) If an owner fails to comply with the notice referred to in subsection (3), the Municipality shall take such measures as it may deem fit without prior notice and recover the cost of doing so from the owner.
- (5)
  - (a) A consumer shall ensure that any equipment or plant connected to the consumer's water installation uses water in an efficient manner.
  - (b) The Municipality may, by written notice, prohibit the use by a consumer of any equipment in a water installation if, in its opinion, its use of water is inefficient. Such equipment shall not be returned to use until its efficiency has been restored and a written application to do so has been approved by the Municipality.

#### **70. Car washing facilities**

All commercial vehicle washing facilities shall be constructed and operated in such a manner that 50 % (fifty percent) of the water used by such facility is recycled for re-use in the facility.

#### **71. Grey water practices**

Any device which entails the recycling or re-use of water shall not make use of water derived from any kitchen, excluding clothes washing machines, or from toilet discharges.

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**72. Equipment specification to facilitate water conservation**

- (1) No cistern, and related pan designed to operate with such cistern, shall be installed with a cistern capacity of greater than 6 (six) litres.
- (2) Only flushing urinals that are user activated may be installed.
- (3) In any water installation where the dynamic water pressure is more than 200 (two hundred) kPa at a shower control valve, and where the plumbing has been designed to balance the water pressures on the hot and cold water supplies to the shower control valve, a shower head with a maximum flow rate of no greater than 10 (ten) litres per minute shall be installed.
- (4) The maximum flow rate from any tap installed on a wash hand basin shall not exceed 6 (six) litres per minute.

**73. Water demand management**

- (1) No person shall, without prior written authority from the Municipality, water a garden, sports field, park or other grassed or horticultural area between the hours of 11:00 and 15:00, between the months of October and March inclusive, irrespective of the source of the water used.
- (2) Any person who contravenes or fails to comply with subsection (1) shall be guilty of an offence and liable to penalties as prescribed in the National Water Act, or other applicable legislation.

**74. Water restrictions**

- (1) The Municipality may, subject to other applicable legislation, by notice -
  - (a) prohibit or restrict the consumption of water -
    - (i) for specified purposes or otherwise;

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- (ii) during specified hours of the day or on specified days or otherwise than during specified hours of the day or on specified days; and
    - (iii) in a specified manner or otherwise than in a specified manner;
  - (b) determine and impose -
    - (i) limits on the quantity of water which may be consumed over a specified period;
    - (ii) fees additional to those prescribed in respect of the supply of water in excess of a limit contemplated in subparagraph (i); and
    - (iii) a general surcharge on the prescribed fees in respect of the supply of water; and
  - (c) impose restrictions or prohibitions on the use or manner of use or disposition of an appliance by means of which water is used or consumed, or on the connection of such appliances to the water installation.
- (2) The Municipality may limit the application of the provisions of a notice contemplated by subsection (1) to specified areas and classes of consumers, premises and activities, and may permit deviations and exemptions from, and the relaxation of, any of the provisions on such grounds as it may deem fit.
- (3) The Municipality may -
- (a) take, or by written notice require a consumer at the consumer's 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

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(b) cut off or, for such period as it may deem fit, restrict the supply of water to any premises in the event of a contravention on such premises or failure to comply with the terms of a notice published in terms of subsection (1), and where the supply has been cut off, it shall only be restored when the prescribed charge for cutting off and reconnecting the supply has been paid.

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

#### **75. Consumer to prevent pollution of water**

(1) A consumer shall provide and maintain approved measures to prevent the entry of a substance, which may be a danger to health or adversely affect the potability of water or affect its fitness for use, into

(a) the water supply system; and

(b) any part of the water installation on the consumer's premises.

(2) If any person contravenes subsection (1), the Municipality may:

(a) by written notice require the consumer to take remedial steps to prevent pollution of the water in the water supply system or water installation on the consumer's premises within a specified period; or

(b) if it is of the opinion that the situation is a matter of urgency, without prior notice undertake the work required by subsection 2(a) and recover the costs from the consumer.

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**76. Protection of water supply system and installation**

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

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- (xii) oil processing and storage facilities;
  - (xiii) wineries, distillers, breweries, yeast and cold drink factories;
  - (xiv) sports facilities; or
  - (xv) any other premises on which an activity is carried out which in the opinion of the Municipality is likely to cause a danger to health or affect the portability of water in the event of a substance resulting from such activity entering the water supply system; and
- (c) a general installation on any premises after a compliance notice by the Municipality to do so.
- (2) The measures required in terms of subsection (1) are-
- (a) the discharge of water from the service pipe into a storage tank through an air gap; or
  - (b) the passing of water through a backflow preventer; or
  - (c) any other measures approved by the Municipality which achieve the same purpose.
- (3) The owner of any premises must prevent the back siphonage into the owner's water installation of a substance which is likely to cause a danger to health or affect the portability of water, in the case of-

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- (a) a terminal water fitting which is so designed that a hose or other flexible pipe is or can be attached to it, which shall include a hose bibcock, a laboratory tap, and a movable shower unit;
- (b) a fire hose-reel in a combined installation;
- (c) an underground irrigation system; or
- (d) any other fitting which may provide contact between polluted water and the water installation.

**Part 7**

**Water supply services: Miscellaneous**

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

- (1) No person shall use or permit the use of water obtained from a source other than the water supply system, except rain water tanks which are not connected to the water installation, except with the prior consent of the Municipality and in accordance with such conditions as it may impose, for domestic, commercial or industrial purposes.
- (2) Any person desiring the consent referred to in subsection (1) shall provide the Municipality with satisfactory evidence to the effect that the water referred to in that subsection complies, whether as a result of treatment or otherwise, with the requirements of SANS 241: 2001 Drinking Water, or that the use of such water does not or will not constitute a danger to health.
- (3) Any consent given in terms of subsection (1) may be withdrawn if, in the opinion of the Municipality -
  - (a) a condition imposed in terms of subsection (1) is breached; or

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- (b) the water no longer conforms to the requirements referred to in subsection (2).
  
- (4) If water obtained from a borehole or other source of supply on any premises is used for a purpose which gives rise to the discharge of 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 is so used.
  
- (5) The provisions of section 30 shall apply insofar as they may be applicable in respect of the meter referred to in subsection (4).

#### 78. Boreholes

- (1) The owner of any premises within the area of a land use management system of the Municipality upon which a borehole exists or, if the owner is not in occupation of such premises, the occupier thereof, shall notify the Municipality on the **prescribed notification form** of the existence of a borehole on such premises, and provide the Municipality with such information in respect thereof as it may require.
  
- (2) The sinking of a new borehole or the rehabilitation of an existing borehole with the intention to use it as a borehole is only allowed above the 50m (fifty metre) mean sea level contour line.
  
- (3) Notwithstanding subsection (2) the sinking of boreholes below the 50m (fifty metre) mean sea level contour line may in the Municipality's discretion be authorised on conditions as deemed necessary by the Municipality for research or monitoring purposes. An application for such intended use shall be submitted to the Municipality on the **prescribed application form** prior to the commencement of any work in connection therewith.

#### 79. Sampling of water

- (1) The Municipality 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 of the National Water Act.
  
- (2) The prescribed charge for the taking and testing of the samples referred to in section (1) shall be paid by the person to whom

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consent to use the water was granted in terms of the National Water Act.

**80. Supply of non-potable water by the Municipality**

- (1) The Municipality may on application in terms of **section 29**, agree to supply non-potable water to a consumer (excluding residential premises) subject to such terms and conditions as the Municipality may impose.
- (2) Any supply of water agreed to in terms of subsection (1) shall not be used for domestic or any other purposes which, in the opinion of the Municipality may give rise to a health hazard.
- (3) No warranty, expressed or implied, shall apply to the purity of any non-potable water supplied by the Municipality or its suitability for the purpose for which the supply was granted.
- (4) The supply of non-potable water shall, both as to condition and use, be entirely at the risk of the consumer, who shall be liable for any consequential damage or loss to the consumer or others arising directly or indirectly there from, including the consequences of any bona fide fault of the Municipality or the malfunction of a treatment plant.

**81. Testing of pressure in system**

The Municipality may, on application by an owner and on payment of the prescribed charge, determine and furnish the owner with the value of the pressure in the water supply system relating to an owner's premises over such period as the owner may request.

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**82. Warning notices**

- (1) At premises on which non-potable water is used, the owner shall ensure that every terminal water fitting and every appliance which supplies or uses the water is clearly marked with a weatherproof notice indicating that the water therefrom is water unsuitable for domestic purposes.
- (2) In an area where treated sewage effluent is used, the owner shall erect weatherproof notices in prominent positions warning that such effluent is not suitable for domestic purposes.
- (3) Every warning notice prescribed in terms of subsections (1) and (2) shall be in more than one official language and shall include the symbolic sign for non-potable water, sign PV5 as described in SANS 1186-1: 2003.

**83. Water audit**

- (1) Major water consumers (those using more than 3 650 kilolitres per annum), excluding those comprising multiple dwelling units, shall undertake as and when required by the Municipality, a water audit.
- (2) The audit shall detail the following:-
  - (a) amount of water used during the financial year;
  - (b) amount paid for water for the financial year;
  - (c) number of people living on the stand or premises;
  - (d) number of people permanently working on the stand or premises;
  - (e) comparison of the above factors with those reported in each of the previous three years (where available);

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- (f) seasonal variation in demand (monthly consumption figures);
- (g) details of water pollution monitoring methods;
- (h) details of current initiatives to manage their demand for water;
- (i) details of plans to manage their demand for water;
- (j) comparison of the above factors with those reported in each of the previous 3 (three) years (where available); and
- (k) estimate of consumption by various components of use.

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**CHAPTER 3****SANITATION SERVICES****Part 1****Disposal of sewage****84. Objectionable discharge to sewage disposal system**

- (1) No person shall cause or permit any solid, liquid or gaseous substance other than storm water to enter: -
  - (a) any storm water system or excavated or constructed ;
  - (b) any river, stream or natural watercourse or any public water, whether ordinarily dry or otherwise, except in accordance with the provisions of the National Water Act; or
  - (c) any street or premises.
  
- (2) No person shall, other than in compliance with the permissions issued in terms of these By-laws, discharge, or permit the discharge or entry into the sewage disposal system of any sewage or other substance -
  - (a) which does not comply with the standards and criteria prescribed in these By-laws or other applicable legislation;
  - (b) which contains any substance in such concentration as will produce or is likely to produce in the final treated effluent at any treatment works or sea outfall discharge point or in any public water, any offensive or otherwise undesirable taste, colour or odour or any foam;

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- (c) which may prejudice the re-use of treated sewage or adversely affect any of the processes whereby sewage is purified for re-use or treated to produce sludge for disposal;
  - (d) which contains any substance or thing of whatever nature which is not amenable to treatment at treatment works to a satisfactory degree or which causes or is likely to cause a breakdown or inhibition of the processes in use at such works;
  - (g) which may inhibit the unrestricted conveyance of sewage through the sewage disposal system.
- (3) No person shall cause or permit any storm water to enter the sewage disposal system.
  - (4) No person shall cause or permit any disposal of water into a ventilated improved pit latrine.
  - (5) An authorised official may, by written notice, order the owner or occupier to conduct, at cost, periodic expert inspections of the premises in order to identify precautionary measures, which would ensure compliance with these By-laws, and to report such findings to an authorised official.
  - (6) If any person becomes aware of any contravention of these By-laws, such person shall immediately advise the authorised official of the details of such contravention.

#### **85. Application for use of sewage disposal system**

- (1) Any person wishing to connect to the sewage disposal system must submit an application to the Municipality on the **prescribed form**, accompanied by such information as set out in **section 85(2)** and any additional information that the Municipality may require from time to time.
- (2) The application form must at least contain the following information -

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- (a) acceptance by the user of the provisions of these By-laws and acceptance of liability for the cost of all sanitation services used until the agreement is terminated;
  - (b) name of user, and the user's identity or registration number, where applicable;
  - (c) address or stand number of the premises at which the sanitation service is to be provided, or on which a communal sewer connection is used;
  - (d) address to which accounts must be sent;
  - (e) the agreed date on which the sanitation service shall be provided.
- (3) The approval of an application referred to in subsection (1) shall constitute an agreement between the Municipality and that person.
- (4) After approval of the application the applicant referred to in subsection (1) shall be liable for all the prescribed fees in respect of the use of the sewage disposal system in accordance with these By-laws.
- (5) Where premises have been connected to the sewage disposal system or are reasonably capable of being so connected, the owner shall be liable for compliance with these By-laws.

#### **86. Special agreements for disposal of sewage**

- (1) The Municipality may enter into a special agreement for the disposal of sewage with -
- (a) a person within the Municipality's area of jurisdiction, if the disposal necessitates the imposition of conditions not contained in these By-laws.

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(b) a person outside the Municipality's area of jurisdiction.

(2) If the Municipality, in terms of a special agreement in subsection (1), provides a means of disposal of sewage to a person outside the Municipality's area of jurisdiction, it may permit that person to accept sewage for eventual disposal by the Municipality from other persons outside the Municipality's area of jurisdiction, subject to such conditions as the Municipality deems fit.

#### **87. Application for infrastructure**

(1) If an agreement for on-site sanitation and associated services in accordance with **section 86** has been concluded, and no infrastructure in connection therewith exists on the premises, the owner must immediately make application for the installation thereof on the **prescribed form** and –

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

(b) with the approval of the Municipality install on-site sanitation services in accordance with the specifications of the Municipality.

(2) In approving an application for the installation of infrastructure, the Municipality may specify the type of on-site sanitation services to be installed.

#### **88. Septic tank, treatment plant and French drain**

(1) No person may without the prior written permission of the Municipality construct, install, maintain or operate any septic tank, French drain, soakage pit or other plant for the treatment, disposal or storage of sewage, if a sewage disposal system and/or connection sewer is available.

(2) The permission referred to in subsection (1) is subject to the provisions of these By-laws, any other relevant by-laws of the Municipality, or any other law.

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**89. Conservancy tank**

The Municipality may when no sewage disposal system is available, at its discretion permit the owner of any premises to construct a conservancy tank and ancillary appliances for the retention of soil water, or such other sewage or effluent as it may decide, and such tank and appliances must be of such capacity, constructed of such material, and located in such position and at such level as it may prescribe.

**90. Ventilated improved pit latrine**

The Municipality may at its discretion and on such conditions as it may prescribe, taking into regard the nature and permeability of the soil, the depth of the water table and any other factors which may have the potential to cause harm to the environment if approval is granted, the size of and access to the site and the availability of a piped water supply, permit the disposal of human excrement only by means of a ventilated improved pit latrine, constructed in accordance with the specifications and located in a position indicated by the Municipality.

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

The removal or collection of conservancy tank contents, night soil or the emptying of pits must be undertaken by the Municipality or a service provider nominated and approved by the Municipality in terms of the Act.

**92. Provision of a connecting sewer**

- (1) If application has been made in accordance with **section 85** for use of the sewage disposal system and no connecting sewer exists in respect of the premises, the owner or his or her agent shall immediately apply to the Municipality for the installation of such a connecting sewer and pay the prescribed charge.
- (2) If an application is made for use of the sewage disposal system to premises which is so situated that it is necessary to extend the sewer in order to connect the sewage

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disposal system to the premises, an authorised official may agree to the extension subject to such conditions as he or she may impose.

- (3) An authorised official may at the request of any person agree, subject to such conditions as the authorised official may impose, to a connection to a sewer other than that which is most readily available for the drainage of the premises; provided that the applicant shall be responsible, at the applicant's cost, for any extension of the drainage installation to the connecting point designated by an authorised official and for obtaining such servitudes over other premises as may be necessary. (4) A connecting sewer provided and installed by the Municipality shall -
- (a) be located in a position determined by an authorised official;
  - (b) terminate at a connection point approximately 1 (one) metre inside the premises from the boundary of the land owned by or vested in the Municipality or over which it has a servitude or other right or when subsection (3) applies, at the connecting point designated in terms of that subsection; and
  - (c) be of a size determined by an authorised official.

#### **93. Construction of drainage installation**

Any drainage installation must comply with SANS 10400:1990 Part P, Drainage, and any amendments thereto.

#### **94. Use of pipes and fittings in drainage installation to be authorised**

No person may, without the prior written permission of the Municipality install or use a pipe or fitting in a drainage installation within the Municipality's area of jurisdiction, unless it is of a type included in the schedule referred to in **section 55**.

**95. Approval of drainage work**

- (1) No person may construct, reconstruct, alter, add to or make any permanent disconnection in or of any drainage installation without first having obtained the permission of the Municipality in writing.
- (2) No drainage work mentioned in subsection (1) for which permission has been given in terms of these By-laws, may be commenced until after the expiration of 2 (two) clear days notice after notice in writing has been served on the Municipality stating the day on and time at which it is intended to commence the work.
- (3) Before any part of a drainage installation is permanently covered or otherwise rendered practically inaccessible to visual inspection, it must be inspected and approved by the Municipality.
- (4) The owner or occupier of any premises must maintain any drainage installation and any sewer connection on such premises.

**96. Interconnection between premises**

Every owner of premises must ensure that no interconnection exists between the drainage installation on the owner's premises and any drainage installation on other premises, unless the owner has obtained the prior written permission of the Municipality and complies with any conditions that may have been imposed in granting such permission.

**97. Acceptance of sewage delivered by road haulage**

- (1) An authorised official may, subject to such conditions as the authorised official may specify, accept sewage for disposal delivered to the Municipality's facilities by road haulage.
- (2) No person shall discharge sewage into the Municipality's facilities by road haulage, except with and in accordance with the written permission of an authorised official. An authorised official shall determine the fees for any sewage

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delivered as contemplated in subsection (1) for disposal to any of the Municipality's facilities in accordance with the prescribed Tariff of Charges.

- (3) When delivery is by road haulage-
- (a) the time of delivery shall be arranged with an authorised official; and
  - (b) the nature and composition of the sewage shall be established to the satisfaction of an authorised official prior to the discharge thereof, and no person shall deliver sewage which does not comply with the standards determined in terms of these By-laws.
- (4) Provided that 14 (fourteen) days' written notice is given, an authorised official may withdraw any permission to discharge sewage delivered in terms of this section if the person to whom such permission had been given:
- (a) fails to ensure that the sewage so delivered conforms to the standards prescribed in Schedule "B" or "C", as applicable, or in the permit; or
  - (b) fails or refuses to comply with any notice lawfully served on the person in terms of these By-laws or contravenes any provisions of these By-laws or any condition imposed on the person in terms of any permission granted to the person;
  - (c) fails to pay the assessed charges in respect of any sewage delivered.

**98. Measurement of quantity of standard domestic effluent discharged**

The quantity of standard domestic effluent must be determined in accordance with the Tariff of Charges (Schedule A).

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**114. Disposal of sludge, compost and manure**

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

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

**100. Fees in respect of services associated with on-site sanitation services**

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

(2) Regular night soil, conservancy tank and pit content removal services rendered in terms of these By-laws, will be discontinued on receipt by the Council of not less than 48 hours notice in writing from the owner or occupier of the property or premises to discontinue the service.

(3) The fees for the services contemplated in subsection (1) will continue to be payable until the Council has received such notice and until the notice has expired;

(4) Where notice to discontinue the service referred to in subsection (1) is received by the Council after the date when the services were to have been discontinued, the fee must cease as from the date and time of receipt of the written notice.

**101. Disused conservancy and septic tanks**

(1) If an existing conservancy tank or septic tank is no longer required for the storage or treatment of sewage, or if permission for such use is withdrawn, the owner must either cause it to be completely recovered, or to be completely filled with earth or other suitable material, and the land involved to be rehabilitated;

(2) The Council may require the tank referred to in subsection (1) to be otherwise dealt with or it may permit it to be used for some other purpose, subject to such conditions as may be considered necessary, regard being had to all the circumstances of the case.

**102. Location of connecting sewer**

(1) A connecting sewer provided and installed by the Council in terms of section 72 shall be located in a position either agreed to between the owner and the Council, or

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if no agreement can be reached, determined by the Council, and be of a size determined by an authorized official.

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

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

### **103. Disconnection of drainage installation from connecting sewer**

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

if –

(a) notified in writing by the owner when a drainage installation is to be disconnected from a connecting sewer; or

(b) the building on the premises concerned has been demolished.

**104. Unlawful drainage work**

(1) Where any drainage work has been constructed without complying with the provisions of these By-laws concerning the submission and approval of plans, the owner must subject to the provisions of Chapter 4, on receiving a compliance notice from a designated officer, so to do, comply with the said provisions within the period prescribed in that notice.

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

(3) The Council must, subject to the provisions of Chapter 4, where such a notice has not been complied with within the time prescribed therein, proceed itself to carry out any such alteration, removal or other work as it may deem necessary for compliance with these Bylaws and recover the cost thereof from the owner.

**105. Ingress of stormwater into drainage installation prohibited**

(1) No part of a drainage installation may at any time be constructed or designed to allow or be capable of allowing water from any source, not being soil water or waste water, both as defined in the national regulations published in Government Notice R2378 of 12 October 1990, as amended, to enter the drainage installation.

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

(3) No pipe, channel or other device used for conducting or capable of being used to conduct rainwater from any roof or other surface may be permitted to discharge into any gully forming part of a drainage installation.

(4) Should the Council at any time become aware of any installation which does not comply with the provisions of subsections (1), (2) or (3) or that any provision thereof has or is being contravened it may, subject to the provisions of section 95 and Chapter 4, carry out such alterations to the installation as it may deem necessary to ensure compliance with the provisions of those sections and recover from the owner the costs or the prescribed fees as

determined by the Council.

**106. Emission of gas**

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



**107. Industrial grease traps**

(1) Industrial effluent which contains or, in the opinion of the Council, is likely to contain, grease, oil, fat or inorganic solid matter in suspension, must, before it is allowed to enter any sewer, be passed through one or more tanks or chambers of approved type, size and capacity designed to intercept and retain such grease, oil, fat or solid matter.

(2) Oil, grease or any other substance which is contained in any industrial effluent or other liquid which gives off a flammable or noxious vapour at a temperature of or exceeding 20 degrees Celsius, must be intercepted and retained in a tank or chamber so as to prevent the entry there of into the sewer.

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

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

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

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

**108. Mechanical appliances for lifting sewage**

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

(2) Before installing any mechanical appliance for the raising or transfer of sewage, the owner must apply in writing to the Council for permission to do so in the form set out in Schedule B to these By-laws and must thereafter furnish such additional information as the Council may require.

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

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

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**109. Drain in street or public place**

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

**110. Construction by Council of drainage work**

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

**111. Maintenance of drainage installation**

(1) The owner or occupier of any premises must maintain any drainage installation and any sewer connection on such premises.

(2) The Council itself is entitled, whether or not it has been requested by the owner to do so, at its own discretion to remove a blockage from a drainage installation and may charge the owner therefore in accordance with the prescribed fees determined by the Council.

(3) Should the clearing by the Council of any blockage in a drainage installation necessitate the removal or disturbance of any paving, lawn or other artificial surfacing on any premises, the Council shall not be liable for the reinstatement thereof.

(4) Should any drainage installation on any premises overflow as a result of an obstruction in the connecting sewer, and the Council be reasonably satisfied that such obstruction was caused by objects emanating from the drainage installation, the owner of the premises served by the drainage installation is liable for the cost of clearing the blockage in accordance with the prescribed fee determined by the Council.

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

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

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**112. Installation of pre-treatment facility**

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

**113. Protection from ingress of floodwater**

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

## Part 2

**Industrial effluent****114. Discharge of industrial effluent**

- (1) No person shall discharge or cause or permit to be discharged into the sewage disposal system any industrial effluent except with and in accordance with the provisions of these By-laws and the written permission of an authorised official.
- (2) If, in the opinion of an authorised official, the capacity of a sewage disposal system is sufficient to permit the conveyance, effective treatment and lawful disposal of the industrial effluent the authorised official may, for such period and subject to such conditions as the authorised official may impose, grant written permission in terms of subsection (1).
- (3) A person to whom such permission is granted shall pay to the Municipality the prescribed fees.
- (4) Application for permission to discharge industrial effluent shall be made in accordance with section 75 above.
- (5) The person to whom permission has been granted in terms of this Chapter shall ensure that no industrial effluent is discharged into the sewage disposal system unless it complies with the standards and criteria set out in Schedules "B" and "C" hereto.

**115. Relaxation of standards**

- (1) An authorised official may relax or vary the standards prescribed in Schedules "B" or "C" provided that the authorised official is satisfied that any such relaxation represents the best practicable environmental option.
- (2) In determining whether relaxing or varying the standards in Schedules "B" or "C" represents the best practicable environmental option an authorised official shall apply a risk-averse and cautious approach and give consideration to:

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- (a) whether the applicant's plant is operated and maintained at optimal levels;
- (b) whether technology used by the applicant represents the best available to the applicant's industry and, if not, whether the installation of such technology would entail unreasonable cost to the applicant;
- (c) whether the applicant is implementing a program of waste minimization which complies with national and local waste minimization standards to the satisfaction of the authorised official;
- (d) the cost to the Municipality of granting the relaxation or variation; and
- (e) the environmental impact, or potential impact, if the relaxation or variation is granted.

#### **116. Test samples**

- (1) Test samples may be taken at any time by a duly qualified sampler to ascertain whether the industrial effluent complies with Schedule "B" and "C" or any other standard prescribed by the Municipality's permit.
- (2) The permit holder of a permit issued in terms of subsection (1) shall provide a sampling point, to the satisfaction of the authorised official, in respect of the industrial premises concerned.

#### **117. Duties of permit holder**

- (1) An authorised official may in the permit or at any time, by written notice, require a person to whom permission had been granted in terms of section 101(1) to -

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- (a) subject the industrial effluent to such preliminary treatment as in the opinion of an authorised official will ensure that the industrial effluent conforms to the standards prescribed in Schedules "B" and "C" before being discharged into the sewage disposal system;
- (b) install such equalizing tanks, valves, pumps, appliances, meters and other equipment as in the opinion of an authorised official will be necessary to control the rate and time of discharge into the sewage disposal system in accordance with the conditions imposed by the authorised official;
- (c) install for the conveyance of industrial effluent into the sewage disposal system at a given point, a drainage installation separate from the drainage installation for waste water and standard domestic effluent and may prohibit such permit holder from disposing of industrial effluent at any other point and from disposing of waste water and standard domestic effluent by means other than into a sewage disposal system;
- (d) construct on any pipe conveying industrial effluent to any sewer, a manhole and/or stop-valve in such position and of such dimensions and materials as an authorised official shall prescribe;
- (e) provide all such information as may be required or called for by an authorised official to enable the authorised official to assess the charges due to the Municipality in terms of these By-laws in accordance with the formula prescribed by it;
- (f) provide adequate facilities such as level or overflow detection devices, standby equipment, overflow catchpits, or other appropriate means to prevent a discharge into the sewage disposal system which is in contravention of these By-laws;
- (g) cause any meter, gauge or other device installed in terms of this section to be calibrated by an independent authority at the cost of the permit holder at times laid down by an authorised official and copies of the calibration to be forwarded to the authorised official;
- (h) cause industrial effluent to be analysed as often and in such manner as may be prescribed by an authorised official and

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provide the authorised official with results of these tests when completed;

- (i) obtain the written permission of an authorised official for any proposed changes to the composition of industrial effluent discharged into the sewage disposal system;
  - (j) in the event of the permit holder discharging into the sewage disposal system any industrial effluent which does not comply with the permit issued in respect of that process or premises, the permit holder shall, within 12 (twelve) hours of the discharge, notify an authorised official of the incident and the reasons for it.
- (2) The cost of any treatment, plant, works or analysis required in terms of subsection (1), shall be borne by the person to whom permission had been granted.

#### **118. Withdrawal of written permission for disposal of industrial effluent**

- (1) Provided that an authorised official shall give 14 (fourteen) days' written notice, the authorised official may withdraw any permission to discharge industrial effluent into the sewage disposal system granted in terms of this Chapter if the person to whom such permission had been granted -
- (a) fails to ensure that the industrial effluent so discharged conforms to the industrial effluent standards prescribed in Schedules "B" and "C" of these By-laws or in the permit;
  - (b) fails or refuses to comply with any notice lawfully served on the person in terms of these By-laws or contravenes any provision of these By-laws or any condition imposed upon the person in terms of any permission granted to the person; or
  - (c) fails to pay the charges due in respect of any industrial effluent discharged.
- (2) The authorised official may, when withdrawing the permission as contemplated in subsection (1), -

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- (a) and in addition to any steps prescribed in these By-laws, on 14 (fourteen) days' written notice served on the person concerned, authorize the closing or sealing of the connecting sewer or drain of the said premises to any sewer at the cost of such a person;
  - (b) refuse to accept any further industrial effluent until the authorised official is satisfied that the person concerned has taken adequate steps to ensure that the industrial effluent to be discharged conforms with the standards prescribed in these By-laws.
- (3) An authorised official may, subsequent to a drain or connecting sewer having been closed or sealed in terms of subsection (2), upon being satisfied that the effluent to be discharged meets with the standards prescribed in these By-laws and against payment of the prescribed fees, open or authorise the reopening of the connection or seal.

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

- (1) The Municipality may install, in such position as it determines, in any drainage installation conveying industrial effluent to a sewer, any meter or gauge or other device for the purposes of ascertaining the quantity or composition of the industrial effluent and it may recover the installation and maintenance costs from the owner.
- (2) It is an offence for any person to bypass, open, break into or otherwise interfere with or to damage any such meter, gauge or other device.
- (3) The Municipality may, after consultation with the person concerned, establish an alternative method of assessing the quantity of the effluent to be discharged.
- (4) Notwithstanding the foregoing provisions of this section, the Municipality may require any person who discharges industrial effluent into its sewers to provide one or more meters in such a position in the water installation as the Municipality may deem necessary to record the water consumption in a specific part of the premises.

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- (5) The Municipality may determine a rebate to apply to the prescribed fees if the owner or occupier discharges industrial effluent -
- (a) solely during periods specified by the Municipality;  
and/or
  - (b) containing constituents which will have a beneficial effect on the effluent discharged from the sewage treatment plant.
- (6) 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, upon application, reduce the assessed quantity of industrial effluent.

#### **120. Damage to sewage disposal system or the environment**

If a person is discharging industrial effluent which will, if allowed to continue, seriously damage the sewage disposal system or the environment, an authorised official may immediately authorise the sealing of the sewer connection through which the industrial effluent is being discharged. No person shall permit the opening of that connection until an authorised official is satisfied that the industrial effluent will comply with the prescribed standards.

#### **121. Provision applicable to sea outfall pipeline**

- (1) The provisions of this chapter shall apply *mutatis mutandis* to effluent discharged into any sea outfall.
- (2) Where effluent is accepted for discharge into a sea outfall, it shall be delivered to the point of acceptance approved by an authorised official by means of a pipeline constructed and maintained by the person to whom permission to discharge had been granted, at such person's expense.

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- (3) No effluent shall be accepted for discharge into a sea outfall unless it complies with the standards and criteria set out in Schedule "C".
- (4) Effluent shall not be accepted for discharge into a sea outfall unless it, whether alone or in combination with other substances, can be demonstrated to the satisfaction of an authorised official, not to:
- (a) be toxic to marine fauna or flora;
  - (b) contain any other constituents in concentrations which can create a nuisance on the beaches or in the sea, or a health hazard or which may have an adverse effect on bathing or other recreational activities;
  - (c) contain any floating material;
  - (d) contain any substance which may be prejudicial or injurious to the Municipality's sea outfall and associated sumps, sewers, plant and equipment or to the public;
  - (e) contain any materials capable of creating a nuisance by frothing; or
  - (f) contain any standard domestic effluent.

#### **122. Maintenance of delivery pipeline**

The delivery pipeline from the premises concerned to the point of acceptance shall be maintained by the permit holder in a proper condition and free from leaks.

#### **123. Periodic review**

Acceptance of the industrial effluent shall be subject to periodic review; provided that such review may be made at any time if, in the opinion of an authorised official, special circumstances such as pollution of the sea

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or beaches, the killing of fish or other incidents arise as a result of the acceptance thereof into a sea outfall.

#### **124. Change in process of manufacture of materials**

An authorised official shall be notified of any proposed change in the process of manufacture or in the quantity or nature of the materials used which is likely to affect the nature, composition or quantity of the industrial effluent discharged and the authorised official's permission for the continued discharge of such effluent shall be obtained.

#### **125. Application for disposal of industrial effluent**

(1) Every person desiring to dispose of industrial effluent must apply in writing and in duplicate on the form prescribed in Schedule C for that purpose, for written permission to discharge industrial effluent into the sewage disposal system of the Council, and must thereafter provide such additional information and submit such sample as the Council may require.

(2) The Council may, if in its opinion the capacity of the relevant sewage disposal system is sufficient to permit the conveyance and effective treatment and lawful disposal of such industrial effluent for such period and subject to such conditions it may determine and impose, grant an application made in terms of subsection (1).

(3) The provisions of Chapter 1 will apply, insofar as they are applicable and subject to such adjustments as may be necessary, to any permission granted in terms of subsection (2).

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

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

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

(7) Subject to the provisions of the Promotion of Administrative Justice Act, 2000, the Council may from time to time or at any time as a result of a change in the method of sewage treatment, or the introduction of new or revised or stricter or other standards by the Council, or in terms of the National Water Act, or as a result of any amendment to these By-laws or for any other reason, review, amend, modify or revoke any permission given or any

conditions attached to such permission, and / or impose new conditions, either generally or specifically, for the acceptance of any industrial effluent into the sewer, or prohibit the discharge of any or all of such effluent to the sewer, on giving adequate written notice in advance of its intention to do so, and on the expiration of such period of notice, the previous permission or conditions, as the case may be, must be regarded as having fallen away and

the new or amended conditions, if any, as the case may be, forthwith apply.

#### **126. Unauthorised discharge of industrial effluent**

(1) Any person who discharges or causes or permits to be discharged any industrial effluent into the sewer without having first obtained permission to do so in terms of section 80(2), shall be guilty of an offence and liable, in addition to the penalties provided for in section 119(3), to pay such fees as the Council may assess for the conveyance and treatment of effluent so discharged and for any damage or loss, whether pecuniary or otherwise, caused as a result of such unauthorised discharge.

(2) Apart from the powers and rights of the Council in terms of subsection (1) and section 84, the Council shall be entitled to recover from any person who discharges to a drain or sewer, any industrial effluent or any substance which is prohibited or restricted in terms of section 62 read with Schedule D, or who has been the subject of any action taken by the Council in terms of section 84(2), all loss, damages, costs, expenses and fees incurred by the Council as a result of any or all of the following:

(a) the death of or injury to any person, or damage to, or blockage or breakdown whether partial or complete, or contamination by, fats, oil or grease of -

(i) the sewer;

(ii) any sewage treatment plant ;

(iii) any mechanical appliance; and

(iv) any other property whatsoever whether or not under the control of the Council; and

(b) any costs, including fines and damages, which may be incurred by or awarded against the Council, or any expense incurred by the Council as a result of a prosecution in terms of the National Water Act or any other law, or any action against

it, consequent on any partial or complete breakdown of any sewage treatment plant or mechanical appliance, caused directly or indirectly by the said discharge.

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

#### **127. Quality standards for disposal of industrial effluent**

(1) A person to whom permission has been granted in terms of section 80 must ensure that no industrial effluent is discharged into the sewage disposal system of the

Council, unless it complies with the standards and criteria set out in section 62, read with Schedule D.

(2)(a) The Council may by endorsement on the permission concerned, relax or vary the standards and criteria referred to in subsection (1), if the Council is satisfied that any such relaxation represents the best practicable environmental option.

(b) In determining whether relaxing or varying the standards and criteria referred to in subsection (1) represents the best practicable environmental option, the Council must

consider -

(i) whether the applicant's undertaking is operated and maintained at optimal levels;

(ii) whether technology used by the applicant represents the best available option for the applicant's industry and, if not, whether the installation of such technology would entail unreasonable cost to the applicant;

(iii) whether the applicant is implementing a programme of waste minimisation which complies with national and local waste minimisation standards to the satisfaction of the Council;

(iv) the cost to the Council of granting the relaxation or variation; and

(v) the environmental impact or potential impact of such a relaxation or variation.

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

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

(1) A designated officer may subject to the provisions of Chapter 4, issue a compliance notice requiring the person in charge of any enterprise that generates industrial effluent to-

(a) subject the industrial effluent to such preliminary treatment as will ensure that it conforms to the standards and criteria prescribed in section 82 before being discharged into the sewage disposal system;

(b) install such equalising tank, valve, pump, appliance, meter and control system and other equipment as in the opinion of the designated officer will be necessary to control the rate and time of discharge into the sewage disposal system in accordance with the requirements of section 82;

(c) install a separate drainage installation for the conveyance of industrial effluent and to discharge the same into the sewage disposal system through a separate connection as directed by the designated officer, and such notice may prohibit the discharge of the effluent through any drainage installation intended or used for the conveyance of wastewater and standard domestic effluent, or prohibit the discharge of any wastewater and standard domestic effluent through the separate drainage installation for industrial effluent;

(d) construct on any pipe conveying industrial effluent to any sewer, a manhole or stop-valve in such position and of such dimensions and materials as the designated officer may prescribe;

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- (e) provide all such information as may be required by the designated officer to enable the Council to assess the prescribed fee due to the Council;
- (f) provide adequate facilities such as a level or overflow detection device, standby equipment, overflow catch-pit, or other appropriate means to prevent a discharge into the sewage disposal system which is in contravention of these By-laws;
- (g) cause any meter, gauge or other device installed in terms of this section to be calibrated by an independent authority accepted by the Council, at the cost of that person at such intervals as are stated in the notice, and to forward a copy of the calibration certificate to the Council;
- (h) cause the industrial effluent to be sampled and analysed as often and in such manner as may be prescribed by the designated officer and provide the Council with the results of these tests when completed; and
- (i) manage the effluent in such a manner that at all times the samples taken thereof are an accurate representation of the general strength and composition of the industrial effluent.
- (2) The cost of any treatment, plant, work or analysis which the person discharging industrial effluent may be required to carry out, construct or install in terms of subsection (1) must be borne by the person discharging the industrial effluent.
- (3) In the event that any industrial effluent that does not comply with the standards prescribed or permitted in terms of section 82 is discharged into the sewage disposal system, the Council must be informed by the owner or occupier of the premises of the incident and the reasons therefore within twelve hours of such discharge.

### Part 3

#### Sanitation: Miscellaneous

##### 129. Damage to sewage disposal system

- (1) A person may not damage or endanger the sewage disposal system, or cause or permit it to be damaged or endangered.
- (2) Any person who intends performing work on land owned by or vested in the Municipality or over which it has a servitude or other right and which may cause damage to the sewage disposal system shall, prior to commencement of such work, ascertain from an authorised official if any part of the sewage disposal system is situated on the said land.
- (3) If work is to be performed or is being performed on land referred to in subsection (2), or on land adjacent thereto which in the opinion

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of an authorised official could damage or endanger the sewage disposal system the authorised official may, by notice in writing, require the person concerned not to commence, or to cease performing, the work until such time as the person has complied with the conditions specified in the notice.

### **130. Consequential maintenance of sewers**

Whenever a sewer is damaged or becomes obstructed or in need of repair as a result of the act or omission of any person, whether by reason of the failure of such person to comply with the requirements of these By-laws or otherwise, the Municipality shall be entitled to remove the obstruction or perform the maintenance or repairs deemed necessary by the authorised official, at the expense of such person.

### **131. Work by private persons**

The Municipality or its agents shall lay all sewers and connecting sewers unless it elects not to do so, in which case the work shall be executed in accordance with the Municipality's specifications applicable to the work, as well as the following provisions:

- (1) any person performing work in terms of this section shall, prior to commencement of such work, lodge with an authorised official a written indemnity to the satisfaction of the authorised official indemnifying the Municipality against all liability in respect of any accident or injury to persons or loss or damage to property which may occur as the direct or indirect result of the execution of such works;
- (2) where a connection is to be made with any sewer it shall be made at a point indicated by an authorised official;
- (3) whenever the surface of any street or road has been disturbed in the course of such work, the restoration of such surface shall be undertaken solely by the Municipality at the expense of the person performing the work. Prior to the disturbance of the surface of such street or road a deposit shall be made by such person with the Municipality which in the opinion of an authorised official is sufficient to cover the estimated cost of such restoration. When the actual cost exceeds or is less than the amount deposited, any excess shall be recoverable from such person and any balance shall be refunded to the person;

- (4) all work shall be performed in accordance with the requirements and to the satisfaction of an authorised official.

### **132. Written permission for delivery of sewage by road haulage**

(1) No person may discharge sewage into any Council sewage treatment plant by road haulage except with the written permission of the Council, and subject to such terms and conditions as may be imposed in terms of the written permission.

(2) The fees for any sewage delivered for disposal to a Council sewage treatment plant must be assessed by the Council in accordance with the prescribed fees applicable.

### **133. Conditions for delivery of sewage by road haulage**

When sewage is delivered by road haulage -

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

### **134. Withdrawal of permission for delivery of sewage by road haulage**

(1) The Council may subject to the provisions of the Promotion of Administrative Justice Act, 2000, withdraw any permission, after giving at least 14 days written notice of its intention to do so, to any person who has been granted permission to discharge sewage by road haulage if that person -

- (a) fails on more than two occasions to ensure that the sewage so delivered conforms to the standards prescribed in section 62 and Schedule D, which ever is applicable, or in the written permission referred to in section 77(1);
- (b) fails or refuses to comply with any notice lawfully served on him or her in terms of these By-laws, or contravenes any provisions of these By-laws or any condition imposed on him or her in terms of any permission granted to him or her; and
- (c) fails to pay the assessed fees in respect of any sewage delivered within the period allowed for payment.



**CHAPTER 4****ENFORCEMENT OF BY-LAWS AND LEGAL MATTERS****135. Authorisation of an authorised official**

A service provider as contemplated in the definition of the Municipality and in section 76 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), may authorise any person in its employ to be an authorised official.

**136. Functions of an authorised official**

- (1) An authorised official may execute work, conduct an inspection and monitor and enforce compliance with these By-laws.
- (2) Subject to the provision of any other law, an authorised official must carry out the functions contemplated in this section and the powers set out in **section 115**, in accordance with the procedure outlined in **sections 116 and 117**.

**137. Additional powers of an authorised official**

- (1) An authorised official, in addition to any power conferred upon the authorised official in terms of these By-laws, may –
  - (a) execute work on or inspect premises;
  - (b) question a person present on any premises in respect of any matter which may be relevant to the work or inspection;
  - (c) question a person whom the authorised official believes may have information relevant to the work or inspection;

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

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**138. Procedure to execute work or conduct an inspection: entry with a written authorisation**

- (1) An authorised official may subject to section 101 of the Systems Act, enter any premises if a justice of peace as contemplated in section 3 and 4 of the Justices of the Peace and Commissioners of Oaths Act, 1963 (Act No. 16 of 1963) has issued a written authorisation to enter and execute work or inspect the premises, and the written authorisation is still valid.
  
- (2) A justice of peace may issue a written authorisation to enter and execute work or inspect any premises if, from information on oath, there are reasonable grounds to believe that -
  - (a) in the interest of the public, it is necessary to execute work or obtain information that cannot be obtained without entering those premises;
  - (b) there is non-compliance with any provision of these By-laws in respect of the premises; and
  - (c) significant environmental degradation or water pollution has taken, or is likely to take place, or is suspected.
  
- (3) A justice of peace may issue a written instruction to the owner or person in control of the premises to do work, at the expense of such owner or person, which is necessary to enable an authorised official to –
  - (a) determine whether or not there has been a contravention of these By-laws on such premises;
  - (b) restore access to water supply system or any sanitation service where the owner or such person has restricted

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access; and

- (c) properly or effectively execute work or inspect premises, as contemplated in subsection (1).
- (4) If, after the work contemplated in subsection (3) has been performed, it is established that no contravention of these By-laws has taken place, the expenses incurred in performing the work and restoring the premises to its former condition, shall be paid by the Municipality.
- (5) A written authorisation in terms of subsection (2) may be issued at any time and must specifically -
  - (a) identify the premises that may be worked on or inspected; and
  - (b) authorise the authorised official to enter and execute or inspect the premises and do anything listed in **section 115(1)**.
- (6) A written authorisation issued in terms of subsection (2) is valid until one of the following events occur:
  - (a) it is carried out;
  - (b) is cancelled by the person who issued it or, in that person's absence, by a person with similar authority;
  - (c) the purpose for which it was issued, has lapsed; and

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- (d) 3 (three) months have passed since the date of issue.
  
- (7) A written authorisation issued in terms of subsection (2) may only be carried out between 07:00 and 19:00, unless the justice of peace who issues it states in writing that it may be carried out at a different time reasonable in the circumstances.
  
- (8) Before commencing any work or inspection, an authorised official who carries out a written authorisation must either -
  - (a) if the owner of or a person apparently in control of the premises is present -
    - (i) identify him or herself and explain his or her authority to that person or furnish proof of such authority; and
    - (ii) hand a copy of the written authorisation to that person;
  - (b) if the owner or person apparently in control of the premises is absent or refuses to accept a copy, attach a copy of the written authorisation to the premises in a prominent and visible place.

**139. Procedure to execute work or conduct an inspection: entry without a written authorisation**

- (1) An authorised official who does not have a written authorisation may, subject to **section 112** of the Systems Act, enter and execute work or inspect –
- (a) any premises with the consent of the owner or person apparently in control of the premises; or
  - (b) any premises, except residential premises, on a routine basis
    - (i) no more frequently than 6 (six) times during a 12 (twelve) month period; or
    - (ii) more frequently if permitted by these By-laws for the purposes of any work or inspection;
  - (c) any premises, if there are reasonable grounds to suspect that there is an emergency, and/or that any delay in commencing any work or inspection may -
    - (i) disrupt or adversely affect the provision of water services;
    - (ii) result in excessive wastage or pollution of water;or

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- (iii) have significant detrimental effects on public or private health and safety;
  - (d) any premises from which there is a discharge or suspected discharge, into any sewer of any storm water, sewage, industrial effluent, or other liquid or substance contemplated in **section 84(1), (2) and (3)**;
  - (e) any premises on which a nuisance is caused by, or related to, or emanates from a drainage installation; and
  - (f) any premises on which a contravention of **section 12** exists or is suspected.
- (2) Unless the emergency and/or delay in commencing any work or inspection referred to in subsection (1)(c) was caused by an act or omission of the Municipality, the cost of any remedial action taken in connection with subsections (c), (d), (e) and (f) must be paid by the owner of the premises.
- (3) In addition to the entry permitted in terms of subsection (1), an authorised official may enter any premises without a written authorisation in respect of which there is an outstanding compliance notice, issued in terms of **section 121** for the purposes of determining whether that notice has been complied with.
- (4) Before commencing work or inspecting any premises in terms of this section, an authorised official must identify him or herself and explain his or her authority or furnish proof of

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such authority to the person apparently in control of the premises or the person who gave permission to enter.

- (5) Any entry and execution of work or inspection without a written authorisation must be carried out at a reasonable time in the circumstances.

#### **140. Using force to enter**

- (1) An authorised official carrying out a written authorisation in terms of **section 115** may overcome any resistance to entry, execution of work or inspection by using as much force as is reasonably required, including breaking a lock, door or window of the premises to be entered.
- (2) Before resorting to force, the person carrying out the written authorisation must audibly demand admission and must announce his or her purpose, unless he or she reasonably believes that doing so may induce someone to destroy, dispose of, or tamper with, an article or document that is the object of the inspection.
- (3) The Municipality must compensate anyone who suffers damage because of forced entry during the execution of any work or any inspection when no one responsible for the premises was present.

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- (4) Force may not be used to affect an entry or execute work or conduct an inspection in terms of **section 115** unless an emergency arises.

**141. Authorised official may be accompanied**

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

**142. Duty to produce document**

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

**143. Compliance notice**

- (1) An authorised official who becomes aware that any provision of these By-laws has not been complied with, may issue a compliance notice to the owner or person apparently in control of the relevant premises.
- (2) An authorised official who is satisfied that the owner or person apparently in control of any premises has satisfied the terms of a compliance notice may issue a compliance certificate to that effect.

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- (3) A compliance notice remains in force until an authorised official has issued a compliance certificate in respect of that notice.
- (4) A compliance notice must set out -
  - (a) the provision that has not been complied with;
  - (b) details of the nature and extent of non-compliance;
  - (c) any steps that are required to be taken and the period within which those steps must be taken; and
  - (d) any penalty that may be imposed in terms of these By-laws in the event of non-compliance with these steps.

#### **144. Complaints against persons other than the Municipality**

Anyone may lodge a complaint with an authorised official, either directly or through any other channel established by the Municipality, that another person -

- (1) is likely to cause or has caused a disruption of the provision of water services without just cause; or
- (2) is likely to act or has acted contrary to the provisions of these By-laws; in which event the authorised official, unless that authorised official has reasonable

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grounds to believe that the complaint is frivolous, must investigate the complaint and, take any necessary action which is competent in terms of these By-laws.

#### 145. Official address

- (1) For the purposes of the service of any notice, order or other document relating to legal proceedings –
  - (a) the address of the owner of the premises on which domestic water is consumed or generated is deemed to be the official address of such owner; and
  - (b) the address of the consumer and/or user, as referred to in **sections 29(5) and 85(2)** is deemed to be the official address of the consumer and/or user.
- (2) Where any notice or other document is required by these By-laws to be served on any person other than for the purpose of criminal proceedings, it must be served on that person, failing which it may be served on any member of that person's household or an employee as the case may be, of the apparent age of 16 (sixteen) years or older, at the place of residence or business of that person, or if sent by registered post, to the official address contemplated in subsection (1), it will constitute prima facie proof of the service of such notice.

**146. Recovery of costs and fees**

Any costs which the Municipality is entitled to recover from a consumer and/or user, owner or other person in terms of these By-laws include, where applicable, any prescribed fees, expenses incurred to remedy the pollution of water in terms of **section 76(2)**, the cost of any exploratory investigation, survey, plan, specification, or schedule of quantities compilation, supervision, administration or authorisation charges, including the cost of any ancillary work associated therewith, wear and tear on plant and equipment utilised in any of these activities, the provision of labour and the costs, including environmental costs, involved in the disturbing and making good of any part of any street, ground or water services work.

**147. Legal compliance warranty**

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

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

**148. False statement or information**

No person may make a false statement or furnish false information

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to the Municipality, an authorised official or an employee of the Municipality or falsify a document issued in terms of these By-laws.

#### **149. Exceptions to application of these By-laws**

- (1) If authority was given before the date of commencement of these By-laws for installation work to be done, or if authorised work is in progress on such a date, such work must comply with any applicable laws which were in force in the area of jurisdiction of the Municipality, immediately prior to such date.
- (2) For a period of 90 (ninety) days after the commencement of these By-laws, the Municipality may give authority for installation work to be done in accordance with any law mentioned in subsection (1).
- (3) No owner may be required to comply with these By-laws by altering a water installation or part thereof which was installed in conformity with any law applicable immediately before the date of commencement of these By-laws provided that, if in the opinion of the Municipality, the installation or part thereof is so defective, or in such a condition or position to cause waste or undue consumption of water, pollution of the water supply, or a health, safety or environmental hazard, it may by notice in writing require the owner to comply with the provisions of these By-laws within a specified and reasonable period.

#### **150. Exemptions**

- (1) The Municipality may by resolution exempt any person from complying with a provision of these By-laws, subject to conditions, if the provision is considered to be unreasonable, provided that an exemption may not be granted which will result in -
  - (a) wastage or excessive water consumption;

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- (b) evasion or avoidance of water restrictions;
  - (c) a danger for public health, safety or the environment;
  - (d) non-payment for services;
  - (e) the installation of pipes and fittings which are not approved in terms of these By-laws;
  - (f) non-compliance with the Act and regulations made in terms thereof.
- (2) The Municipality may at any time withdraw an exemption given in terms of subsection (1), provided that it must give the person concerned reasonable notice in writing of its intention to withdraw an exemption previously granted.

#### **151. Offences**

- (1) It is an offence for any person to -
- (a) refuse to grant an authorised official access to premises to which that authorised official is duly authorised to have access;
  - (b) obstruct, interfere or hinder an authorised official who is exercising a power or carrying out a duty under these By-laws;
  - (c) fail or refuse to provide an authorised official with a

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document or information that the person is required to provide under these By-laws;

- (d) give false or misleading information to an authorised official;
- (e) unlawfully prevent the owner of any premises, or a person working for that owner, from entering the premises in order to comply with a requirement of these By-laws;
- (f) pretend to be an authorised official;
- (g) falsely alter an authorisation to an authorised official or written authorisation, compliance notice or compliance certificate issued in terms of this Chapter;
- (h) enter any premises without a written authorisation in circumstances requiring such authorisation;
  - (i) act contrary to a written authorisation issued in terms of these By-laws;
  - (j) without authority –
    - (i) enter or inspect premises;
    - (ii) carry out any act mentioned in **section 112(1)**;
  - (k) disclose any information relating to the financial or business affairs of any person which was

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acquired in the performance of any function or exercise of any power in terms of these By-laws, except –

- (i) to a person who requires that information in order to perform a function or exercise a power in terms of these By-laws;
  - (ii) if the disclosure is ordered by a court of law; or
  - (iii) if the disclosure is in compliance of the provisions of any law.
- (l) contravene or fail to comply with the provisions of these By-laws;
- (m) fail to comply with any notice issued in terms of these By-laws;
- (n) fail to comply with any lawful instruction given in terms of these By-laws;
- (o) obstruct or hinder any authorised official of the Municipality in the execution of his or her duties under these By-laws; or
- (p) cause any damage to any water installation or the sewage disposal system which is the property of the Municipality whether such water installation or the sewage disposal system is located outside the boundaries or inside the boundaries of the premises of which such person is the owner or occupier.

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- (2) Any person convicted of an offence contemplated in subsection (1) is liable on conviction to a fine not exceeding R 2000, or in default of payment, to imprisonment for a period not exceeding 6 (six) months, and in the case of a continuing offence, to a further fine not exceeding R1000, or in default of payment to imprisonment not exceeding 1 (one) day, for every day during the continuance of such offence after a written notice has been issued by the Municipality requiring the discontinuance of such offence, and for a second or subsequent offence he shall be liable on conviction to a fine not exceeding R 5000 or in default of payment to imprisonment for a period not exceeding 6 (six) months.

#### **152. Application of this Chapter**

The provisions of this Chapter apply to all persons or bodies, including the State.

#### **153. Short title**

These By-laws are called the Water Services By-laws, 2009.

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**SCHEDULE A****TARIFFS OF CHARGES:****DISCHARGE OF SEWAGE, INDUSTRIAL EFFLUENTS, AND OTHER SUBSTANCES**

The Drainage By-laws (Tariffs) published on 31 October 1974 under Municipal Notice 525 and amended in Municipal Notice 272 on 12 October 1989 are hereby further amended by the substitution of Sections A and B for the following:

**A:1 GENERAL**

(1) Every premises upon which a building has been erected or if it is undeveloped, or is large enough in the opinion of Council to be utilised, provided it is connected, or in the opinion of the Council could be connected to Council's sewage disposal system, is subject to a levy/tariff.

(2) The following formula shall be applied in order to determine the monthly charges per erf or connection point, in respect of the usage of the sewage disposal system:

(a) *Developed Erven:*

$$C = \frac{b}{360} \left( \frac{V}{eb_v} + \frac{B}{eb_B} + \frac{S}{eb_s} \right) T$$

(b) *Undeveloped Erven:*

$$C = \frac{b}{360} \left( \frac{V}{eb_v} + \frac{S}{eb_s} \right) T$$

C	Monthly charges per erf or connection point
b	Calculated, measured or as agreed upon monthly discharge per connection point of the sewage, industrial effluent and other substances

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eb <sub>v</sub>	Estimated daily capacity of the sewage disposal system
eb <sub>B</sub>	Estimated daily discharge in the sewage disposal system determined by the authorised officer from time to time
eb <sub>s</sub>	Daily capacity purchased in the sea (outfall)
V	Annual estimated capital cost of the sewage disposal system
B	Annual estimated operating cost of the sewage disposal system
S	Annual estimated cost of the sea (outfall)
T	A surcharge determined by the council

(3) The monthly discharge is calculated, measured or as agreed upon per month and in accordance with the table in paragraph B. The discharge figures in the respective tables are for Primary Uses in accordance with the proposed City of uMhlatuze Land Use Scheme in course of preparation.

(4) After approval of a consent use, the erf will be reclassified to the applicable use zone.

*(5) Should the registered owner or occupier disagree with the determined discharge, the onus rests with the owner or user of developed erven to deliver proof of the monthly discharge, to the satisfaction of the authorised official.*

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**B. DISCHARGE FIGURES****(1) MONTHLY DISCHARGE FIGURES FOR UNDEVELOPED ERVEN**

The discharge shall be a minimum of 18 cubic metres or as determined below provided that the maximum erf size shall be 10 000 square metres.

(a)	Residential 1,2,3	18 cubic m
(b)	Residential 4,5	22,5 cubic m
(c)	Residential 6,7	0,090 cubic m./m <sup>2</sup>
(d)	Residential 8 & 9	0,090 cubic m./m <sup>2</sup>
(e)	Residential Estate and Small Holdings	0,090 cubic m./m <sup>2</sup>
(f)	Hotel & Resort	0,120 cubic m./m <sup>2</sup>
(g)	Public Garage	112,5 cubic m.
(h)	Service Industrial	0,240 cubic m./m <sup>2</sup>
(i)	Low, medium & high impact industrial	0,075 cubic m./m <sup>2</sup>
(j)	Institutional	0.045 cubic m./m <sup>2</sup>
(k)	Worship	0.045 cubic m./m <sup>2</sup>
(l)	Educational, Health and Welfare:	
	Crèche and Pre-Primary m./m <sup>2</sup>	0.045 cubic m./m <sup>2</sup>
	Primary School	0.045 cubic m./m <sup>2</sup>
	High School	0.045 cubic m./m <sup>2</sup>
(m)	Limited Commercial 1 & 2	0,056 cubic m./m <sup>2</sup>
	Special Commercial 1 & 2	
(n)	General Commercial	0,225 cubic m./m <sup>2</sup>
(o)	Active Open Space, Passive Open Space,	

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	Agricultural 1 & 2, Special uses and other	Per Agreement
(p)	Municipal & Government 1 & 2	0,056 cubic m./m <sup>2</sup>
(q)	Core mixed use 1 & 2	0,240 cubic m./m <sup>2</sup>
(r)	Mixed use medium & low	0,056 cubic m./m <sup>2</sup>
(s)	Multi use retail and office	0,056 cubic m./m <sup>2</sup>
(t)	Quarrying and mining	Per Agreement
(u)	Airport	Per Agreement
(v)	Harbour & Harbour Resort	Per Agreement
(w)	Railways, Bus & Taxi Rank	Per Agreement

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**(2) MONTHLY DISCHARGE FIGURES FOR DEVELOPED ERVEN**

The discharge shall be a minimum of 18 cubic metres or as determined below:

(a)	Residential 1,2 & 3	18 cubic m. Additional Units @ 18 cubic m.
(b)	Residential 4 & 5	22,5 cubic m. Additional Units @ 18 cubic m.
(c)	Residential 6 & 7	Number of dwellings x 22.5 cubic m.
(d)	Residential 8 & 9	Number of dwellings x 18 cubic m.
(e)	Residential Estate and Small Holdings	Number of dwellings x 22.5 cubic m. or per agreement
(f)	Hotel & Resort	100% of water consumption or per agreement
(g)	Public Garage	100% of water consumption or per agreement
(h)	Service Industrial	100% of water consumption or per agreement
(i)	Low, medium & high impact industrial	100% of water consumption or per agreement
(j)	Institutional	100% of water consumption or per agreement
(k)	Worship	100% of water consumption or per agreement
(l)	Educational, Health and Welfare:	
	Crèche and Pre-Primary	100% of water consumption or per agreement
	Primary School	100% of water consumption or per agreement

**UTHUNGULU DISTRICT MUNICIPALITY WATER SUPPLR BYLAWS**

	High School	100% of water consumption or per agreement
(m)	Limited Commercial 1 & 2, Special Commercial 1 & 2, Light Commercial	100% of water consumption or per agreement
(n)	General Commercial	100% of water consumption or per agreement
(o)	Active Open Space, Passive Open Space, Agricultural 1 & 2, special uses and other	Per agreement
(p)	Municipal & Government 1 & 2	100% of water consumption or per agreement
(q)	Core mixed use 1 & 2	100% of water consumption or per agreement
(r)	Mixed use medium & low	100% of water consumption or per agreement
(s)	Multi use retail and office	100% of water consumption or per agreement
(t)	Quarrying and mining	100% of water consumption or per agreement
(u)	Airport	100% of water consumption or per agreement
(v)	Harbour & Harbour Resort	100% of water consumption or per agreement
(w)	Railways, Bus & Taxi Rank	100% of water consumption or per agreement

#### UTHUNGULU DISTRICT MUNICIPALITY WATER SUPPLR BYLAWS

**SCHEDULE B****ACCEPTANCE OF EFFLUENT FOR DISCHARGE INTO THE SEWAGE DISPOSAL SYSTEM**

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

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

Large Works = A sewage works of greater than 25 MI/d capacity.

Small Works = A sewage works with less than 25 MI/d capacity

**Special Limitations**

1. No calcium carbide, radioactive waste or isotopes
2. No yeast & yeast wastes, molasses spent or unspent
3. No cyanides or related compounds capable of liberating HCN gas or cyanogen
4. No degreasing solvents, petroleum spirit, volatile flammable solvents or any substance which yields a flammable vapour above 20°C

General Quality Limits	Large Works	Small Works	Units
	> 25 MI/d	< 25 MI/d	
1. Temperature (°C)	< 44°C	< 44°C	Degrees Celsius
2. pH	6 < pH < 10	6,5 < pH < 10	pH units
3. Oils, greases, waxes of mineral	50	50	mg/l

**UTHUNGULU DISTRICT MUNICIPALITY WATER SUPPLR BYLAWS**



origin			
4. Vegetable Oils, greases, waxes	250	250	mg/l
5. Total sugar and starch (as glucose)	1 000	500	mg/l
6. Sulphates in solution (as $\text{SO}_4^{2-}$ )	250	250	mg/l
7. Sulphides, hydrosulphides and polysulphides (as $\text{S}^{2-}$ )	1	1	mg/l
8. Chlorides (as $\text{Cl}^-$ )	1 000	500	mg/l
9. Flouride (as $\text{F}^-$ )	5	5	mg/l
10. Phenols (as phenol)	10	5	mg/l
11. Cyanides (as $\text{CN}^-$ )	20	10	mg/l
12. Settle-able Solids	Charge	Charge	ml/l
13. Suspended Solids	2 000	1 000	mg/l
14. Total dissolved solids	1 000	500	mg/l
15. Electrical Conductivity	-	400	mS/m
16. Anionic Surfactants	-	500	mg/l
17. C.O.D.	Charge	Charge	mg/l
Heavy Metal Limits			
18. Copper (as Cu)	50	5	mg/l
19. Nickel (Ni)	50	5	mg/l
20. Zinc (Zn)	50	5	mg/l
21. Iron (Fe)	50	5	mg/l

#### UTHUNGULU DISTRICT MUNICIPALITY WATER SUPPLR BYLAWS

22. Boron (B)	50	5	mg/l
23. Selenium (Se)	50	5	mg/l
<b>General Quality Limits</b>	<b>Large Works &gt; 25 MI/d</b>	<b>Small Works &lt; 25 MI/d</b>	<b>Units</b>
24. Manganese (Mn)	50	5	mg/l
25. Lead (Pb)	20	5	mg/l
26. Cadmium (Cd)	20	5	mg/l
27. Mercury (Hg)	1	1	mg/l
28. Total Chrome (Cr)	20	5	mg/l
29. Arsenic (As)	20	5	mg/l
30. Titanium (Ti)	20	5	mg/l
31. Cobalt (Co)	20	5	mg/l
<b>Total Metals</b>	100	20	mg/l

UTHUNGULU DISTRICT MUNICIPALITY WATER SUPPLR BYLAWS

**SCHEDULE C****ACCEPTANCE OF TRADE EFFLUENT FOR DISCHARGE INTO SEA OUTFALLS**

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

<b>Sea Outfall Quality Limited</b>		<b>Units</b>
1. Temperature (°C)	44°C	Degrees Celsius
2. pH	5,5 < pH < 9,5	
3. Settle-able Solids	2	mg/l
4. Oils, greases, waxes of mineral origin	50	mg/l
5. Arsenic (expressed as As)	5	mg/l
6. Cadmium (expressed as Cd)	1,5	
7. Total chromium (expressed as Cr)	3	mg/l
8. Copper (expressed as Cu)	3	mg/l
9. Lead (expressed as Pb)	5	mg/l
10. Mercury (expressed as Hg)	0,05	mg/l
11. Cyanides (expressed as CN <sup>-</sup> )	10	mg/l
12. Nickel (expressed as Ni)	10	mg/l
13. Zinc (expressed as Zn)	20	mg/l
14. Sulphide (expressed as S <sup>2-</sup> )	1	mg/l

**UTHUNGULU DISTRICT MUNICIPALITY WATER SUPPLR BYLAWS**

15. Sulphates in solution (as $\text{SO}_4^{2-}$ )	250	mg/l
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UTHUNGULU DISTRICT MUNICIPALITY WATER SUPPLR BYLAWS







**NOTICE – CHANGE OF TELEPHONE NUMBERS: GOVERNMENT PRINTING WORKS**

As the mandated government security printer, providing world class security products and services, Government Printing Works has adopted some of the highly innovative technologies to best serve its customers and stakeholders. In line with this task, Government Printing Works has implemented a new telephony system to ensure most effective communication and accessibility. As a result of this development, our telephone numbers will change with effect from 3 February 2014, starting with the Pretoria offices.

The new numbers are as follows:

- Switchboard : 012 748 6001/6002
- Advertising : 012 748 6205/6206/6207/6208/6209/6210/6211/6212
- Publications Enquiries : 012 748 6052/6053/6058 [GeneralEnquiries@gpw.gov.za](mailto:GeneralEnquiries@gpw.gov.za)
  - Maps : 012 748 6061/6065 [BookShop@gpw.gov.za](mailto:BookShop@gpw.gov.za)
  - Debtors : 012 748 6060/6056/6064 [PublicationsDebtors@gpw.gov.za](mailto:PublicationsDebtors@gpw.gov.za)
  - Subscription : 012 748 6054/6055/6057 [Subscriptions@gpw.gov.za](mailto:Subscriptions@gpw.gov.za)
- SCM : 012 748 6380/6373/6218
- Debtors : 012 748 6236/6242
- Creditors : 012 748 6246/6274

Please consult our website at [www.gpwonline.co.za](http://www.gpwonline.co.za) for more contact details.

The numbers for our provincial offices in Polokwane, East London and Mmabatho will not change at this stage.