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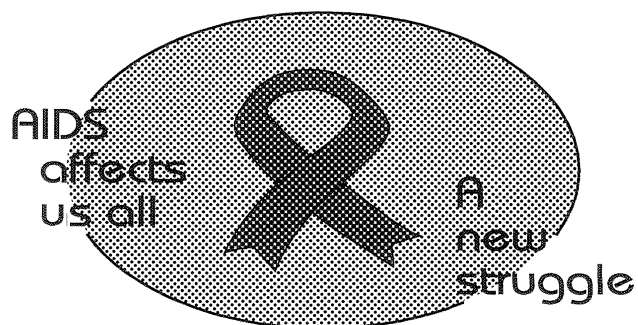
**BUITENGEWONE
PROVINSIALE KOERANT**

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LOCAL AUTHORITY NOTICES

LOCAL AUTHORITY NOTICE 47

GTLM WATER SUPPLY WASTE WATER BY-LAW

23 MAY 2013

GREATER TAUNG LOCAL MUNICIPALITY



WATER SERVICES BY-LAW

GTLM WATER SUPPLY WASTE WATER BY-LAW

23 MAY 2013



THE MUNICIPAL MANAGER HEREBY PUBLISHES in terms of section 13 of the Local Government Municipal Systems Act, Act 32 of 2000, read with section 162 of the Constitution of the Republic of South Africa Act, Act 108 of 1996, the Greater Taung Local Municipality Water Services By-Law which shall come into operation on the date of publication hereof in the Provincial Gazette.

PREAMBLE

- (1) **THE GREATER TAUNG LOCAL MUNICIPALITY** (hereinafter referred to as “the Municipality”) is a water services authority as contemplated in terms of the provisions of section 1(xx) of the Water Services Act, Act 108 of 1997 (hereinafter referred to as “the Act”) and as such the Municipality is responsible for ensuring access to water services i.e. the water supply services and sanitation services.
- (2) **BEING A WATER SERVICES AUTHORITY** the Municipality has a duty to all consumers or potential consumers in its municipal area to progressively ensure efficient, affordable, economical and sustainable access to water supply services and sanitation services.
- (3) **THIS DUTY** is subject to the availability of resources, the need for an equitable allocation of resources to all consumers and potential consumers within the Municipality’s municipal area, the need to regulate access to water services in an equitable way, the duty of consumers to pay reasonable charges, the duty to conserve water resources, the nature, topography, zoning and situation of the land to which such services should be provided

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and the right of the Municipality to limit or disconnect the provision of water services in the event of a failure to comply with conditions set for the provisions of such services.

- (4) **SECTION 21(1) OF THE ACT** stipulates that the Municipality must pass by-laws which contain conditions for the provision of water supply services and sanitation services and which deals with the matters contained in this by-law.

- (5) **THIS BY-LAW** also deals with and sets out conditions under which water services are provided to consumers and seeing that the Municipality also provides water for industrial use and/or controls the system through which industrial effluent is disposed of, this by-law will also deal with the standards of service, the technical conditions of provision and disposal, the determination and structure of tariffs, the payment and collection of money and the circumstances under which the provision and disposal may be limited, disconnected or prohibited.

- (6) **THE CONTENTS OF THIS BY-LAW**, read with the Tariff By-Law and the Credit Control and Debt Collection By-Law of the Municipality, as well as the Tariff Policy and the Credit Control and Debt Collection Policy, will provide for the required policy guidelines to enable this by-law to also fulfil the function of a policy document of the Municipality, in as far as same is required in terms of Regulation 7 of the Municipal Budget and Reporting Regulations promulgated in terms of the Local Government: Municipal Finance Management Act, Act 56 of 2003 (hereinafter referred to as the "MFMA", to deal with matters related to the management related to losses and the promotion of conservation and efficiency.

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THE GREATER TAUNG LOCAL MUNICIPALITY: WATER SERVICES BY-LAW

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CHAPTER 1**GENERAL PROVISIONS****PART 1****DEFINITIONS****1. DEFINITIONS**

- (1) In this by-law, except where the context otherwise indicates or it is expressly stipulated otherwise, the following words and expressions shall have the respective meanings assigned to them hereunder and words or expressions to which a meaning has been assigned in terms of the provisions of section 1 of the Systems Act will have the corresponding meaning assigned thereto.
- (2) Any word or expression used in this by-law to which a meaning is assigned in:
- (a) the Act, will bear that meaning; and
 - (b) the National Building Regulations and Building Standards Act, Act 103 of 1977, the Building Regulations will in respect of Chapter 3 bear that meaning, unless the context indicates otherwise.

NO.	WORD/EXPRESSION	DEFINITION
"A"		
1.1	"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 residential purposes.
1.2	"the Act"	Means the Water Services Act, Act 108 of 1997, as amended from time to time.
"B"		
1.3	"basic sanitation"	Means the prescribed minimum standard of

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		services rendered to households including informal households, necessary for the safe, hygienic and adequate collection, removal, disposal or purification of human excreta, domestic wastewater and sewage prescribed in terms of the Act, under Regulation 2 of Government Notice GN R509 in Gazette Notice 22355 of 8 June 2001 or as amended from time to time, or any substitution for that Regulation.
1.4	“basic water supply”	Means the prescribed minimum standard of water supply services necessary for the reliable supply of sufficient quantity and quality of water to household including informal households to support life and personal hygiene, prescribed in terms of the Act under Regulation 3 Government Notice GN R509 in Gazette Notice 22355 of 8 June 2001, as amended from time to time, or any substitution for that Regulation.
1.5	“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.
1.6	“borehole”	Means a hole sunk into the earth for the purpose of locating, abstracting or using subterranean water and includes a well, excavation or any artificially constructed or improved underground cavity which can be used for the purpose of: <ul style="list-style-type: none"> (a) intercepting, collecting or storing water in or removing water from an aquifer; (b) observing and collecting data and information on water in an aquifer; or (c) recharging an aquifer; and includes a spring.
1.7	“Building Regulations”	Means the National Building Regulations passed in terms of the National Building Regulations and

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		Building Standards Act, Act 103 of 1977.
1.8	“business unit”	In relation to any premises means any building or section of a building occupied or used or intended to be used for purposes other than residential occupation.
“C”		
1.9	“commercial purpose”	Means in relation to the supply of water, water supplied to premises to be used for the carrying out of a trade or business or activity conducted for profit or gain by the individual or organisation concerned.
1.10	“communal sewer”	Means any sewer main and connecting sewers and in respect of which a group of consumers and/or owners has constituted itself as a person willing to assume responsibility for and has signed an agreement accepting responsibility for the maintenance and repair of the communal sewer.
1.11	“communal water services work” or “communal water services connection”	Means a consumer connection through which water services are supplied to more than one person.
1.12	“connecting point”	Means the point at which the drainage installation joins the connecting sewer.
1.13	“connecting sewer”	Means a pipe owned by the Municipality and installed by it for the purpose of conveying sewage from a drainage installation on a premises to a sewer beyond the boundary of those premises or within a servitude area or within an area covered by a wayleave or by agreement.
1.14	“connection pipe”	Means a pipe, the ownership of which is vested in the Municipality and installed by it for the purpose of conveying water from a main to a water installation, and includes a “communication pipe” referred to in SABS 0252 Part I.
1.15	“conservancy tank”	Means a covered tank used for the reception and

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		temporary retention of sewage and which requires emptying at regular intervals.
1.16	"Constitution"	Means the Constitution of the Republic of South Africa, 108 of 1996.
1.17	"consumer"	<p>Means any person or entity consuming or receiving water services, and may include a customer or a tenant of a customer irrespective of whether such a person has concluded a service agreement with the Municipality, and may also include a person who illegally and unlawfully connected to the municipal services infrastructure or who illegally and unlawfully gained access to or usage of the municipal services and include:</p> <ul style="list-style-type: none"> (a) any person who occupies property or premises to whom and in respect of such property or premises, the Municipality: <ul style="list-style-type: none"> (i) has agreed to provide water services; (ii) is actually providing water services; (iii) has entered into an agreement with the Municipality for the provision of water services to or on any property or premises (customer); (b) the owner of any property or premises to which the Municipality is providing water services; (c) where water services are provided through a single connection to a number of accommodation units or consumers or occupiers mean the person to whom the Municipality agreed to provide such water services; (d) any end user who receives water services from the Municipality; and (e) any person who discharges any sewage, industrial effluent, any liquid or substance into

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		the sanitation system of the Municipality.
1.18	“consumer connection”	Means any connection through which a consumer can gain access to water services and includes any consumer installation and any bulk or communal connection.
1.19	“consumer sector”	Means the applicable category of consumers categorised into domestic, industrial or commercial sectors.
1.20	“Council”	Means the municipal council of the Municipality in which the executive and legislative authority of the Municipality is vested and which is the decision making body of the Municipality, its legal successors and its delegates.
1.21	“Credit Control and Debt Collection Policy” and “Credit Control and Debt Collection By-Law”	Means the Credit Control and Debt Collection Policy as adopted by the Municipality in terms of the provisions of section 96 of the Systems Act and the Credit Control and Debt Collection By-Law of the Municipality adopted in terms of section 98 of the Systems Act.
1.22	“customer”	Means the owner of the premises or in exceptional circumstances a tenant, and includes a person or entity liable to the Municipality for the payment of tariffs, levies, fees and municipal consumption charges in terms of a service agreement concluded with the Municipality, and may include a Registered Indigent, as contemplated in terms of the provisions of the Indigent Policy of the Municipality.
“D”		
1.23	“day(s)”	Means a normal calendar day which includes Saturday's, Sunday's and public holidays.
1.24	“domestic purpose”	Means activity relating to normal domestic usage of water resources supplied for personal and residential uses, including health and hygiene, drinking, ablution, culinary, household and garden maintenance.

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1.25	“drain”	Means that portion of the drainage installation that conveys sewage within any premises.
1.26	“drainage installation”	Means a system situated on any premises and vested in the owner thereof and is used for or intended to be used for or in connection with the reception, storage, treatment or conveyance of sewage on that premises to the connecting point and includes drains, fittings, appliances, septic tanks, conservancy tanks, pit latrines and private pumping installations forming part of or ancillary to such systems.
1.27	“drainage work”	Includes any drain, sanitary fitting, water supplying apparatus, waste or other pipe or any work connected with the discharge of liquid or solid matter into any drain or sewer or otherwise connected with the drainage of any premises.
1.28	“duly qualified sampler”	Means a person who takes samples for analysis from the sewage disposal and stormwater disposal systems and from public waters and who has been certified to do so.
1.29	“dwelling unit”	Means a room or an interconnected suite of rooms, including a kitchen or scullery, designed for occupation by a single family irrespective of whether the dwelling unit is a single building or forms part of a building containing 2 (two) or more dwelling units.
“E”		
1.30	“ECA”	Means the Environmental Conservation Act, Act 73 of 1989 and any Regulations made in terms thereof or any superseding legislation.
1.31	“effluent”	Means any liquid whether or not containing matter in solution or suspension and include human excreta, domestic sludge, domestic waste water, grey water or waste water resulting from the commercial or industrial use of water.

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1.32	“EIA”	Means an environmental impact assessment contemplated in NEMA and or the ECA.
1.33	“EIA Regulations”	Means the EIA Regulations as published in Government Notice R 1183 on 5 September 1997, as amended from time to time, or any Regulations made in substitution there for under the ECA or any superseding legislation.
1.34	“emergency”	Means any situation that poses a risk or potential risk to life, health, the environment or property or is declared an emergency under any law.
1.35	“engineer”	Means the engineer of the Municipality, or any other person authorised to act on his behalf.
1.36	“environmental cost”	Means the full cost of all measures necessary to restore the environment to its condition prior to the damaging incident.
1.37	“equipment”	Includes any building or other structure, pipe, pump, wire, cable, meter, engine, any apparatus, tools, device, connection system or network, service protection device, reticulation network or supply mains or any part of any of the foregoing supplied or used in the supply, distribution or conveyance of municipal services or the measurement of consumption of such services, or any other accessories to any of the aforementioned.
“F”		
1.38	“fire installation” or “hydrant”	Means a potable water installation that conveys water for fire fighting purposes only.
1.39	“fixed quantity water delivery system”	Means a water installation, which delivers a fixed quantity of water to a consumer in any single day.
1.40	“flood level (1 in 50 years)”	Means that level reached by flood waters resulting from a storm of a frequency of 1 in 50 years.
1.41	“flood plain (1 in 50 years)”	Means the area subject to inundation by flood waters from a storm of a frequency of 1 in 50

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		years.
"G"		
1.42	"grey water"	Means waste water resulting from the use of water for domestic purposes but does not include human excreta.
"H"		
1.43	"high strength sewage"	Means industrial sewage with a strength or quality greater than standard domestic effluent in respect of which a specific charge as calculated in accordance with the provisions of the Tariff Policy and By-Law may be levied.
1.44	"household"	Means the family unit of persons or individuals in occupation of a building or part of a building designed for residential occupation by such family unit or individuals, and taking into account the number of persons in the family unit, the relationship between the members of the household, their ages and any other factor that the Municipality considers to be relevant.
"I"		
1.45	"illegal connection"	Means a connection to any system through which a municipal service is provided that is not authorised or approved by the Municipality or delivered in terms of a municipal services agreement.
1.46	"industrial effluent"	Means effluent emanating from industrial use of water given off in the course of or as a result of any trade, manufacturing, mining, chemical or other industrial process or in any laboratory or in the course of research, or agricultural activity and includes for purposes of this by-law, any effluent other than standard domestic effluent or stormwater.
1.47	"industrial purposes"	Means in relation to the supply of water supplied to any premises which constitutes a factory as

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		defined in terms of the General Administrative Regulations, published in terms of the Occupational Health and Safety Act, Act 85 of 1993 in Government Gazette Notice R 2206 of 5 October 1984 or any superseding legislation including the use of water for purposes of mining, manufacturing, retailing and service industries, generating electricity, land-based transport, construction or related purposes.
1.48	“installation work”	Means any work done in respect of the construction, rehabilitation, improvement, and maintenance of, or carried out on a water installation.
“L”		
1.49	“Local Government Ordinance”	Means the Local Government Ordinance, Ordinance 17 of 1939.
“M”		
1.50	“main”	Means a pipe, other than a connection pipe, vesting in the Municipality and used by it for the purpose of conveying water to a consumer.
1.51	“manhole”	Means any access chamber to the interior of the sewer provided for the purpose of maintenance and internal cleaning.
1.52	“measuring device”	Means any method, procedure, process or device, apparatus or installation that enables the quantity of water services provided to be quantified or evaluated and includes a method, procedure or process whereby quantity is estimated or assumed.
1.53	“meter”	Means a water meter as defined by the Regulations 81(a) of Government Notice R 2362 dated 18 November 1977, published in terms of the Trade Metrology Act, Act 77 of 1973, or, in the case of water meters of size greater than 100mm, a device which measures the quantity of water passing through it including a prepayment water

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		meter.
1.54	"Municipality"	<p>Means the GREATER TAUNG LOCAL MUNICIPALITY, a local government and legal entity with full legal capacity as contemplated in section 2 of the Systems Act read with the provisions of Chapter 7 of the Constitution and sections 12 and 14 of the Structures Act, with its main place of business and the offices of the Municipal Manager, as envisaged in terms of the provisions of section 115(3) of the Systems Act, at: Taung Station, Main Road, TAUNG, NORTH WEST PROVINCE, and may, depending on the context, include:</p> <ul style="list-style-type: none"> (a) its successor in title; or (b) a functionary, employee or official exercising a delegated power or carrying out an instruction, in the event of any power being delegated as contemplated in terms of the provisions of section 59 of the Systems Act, or exercising any lawful act in the furtherance of the Municipality's duties, functions and powers; or (c) an authorised service provider fulfilling a responsibility assigned to it by the Municipality through a service delivery agreement.
1.55	"Municipal Manager"	<p>Means the Municipal Manager of the Municipality appointed in terms of the provisions of section 54A of the Systems Act and as referred to in the definition of "Accounting Officer" as defined in terms of the provisions of section 1 of the MFMA, and also referred to in section 60 of the MFMA, and includes a person acting as an Accounting Officer, or the person to whom the Accounting Officer has delegated his/her authority to act.</p>
"N"		
1.56	"National Water Act"	Means the National Water Act, Act 36 of 1998.

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1.57	“NEMA”	National Environmental Management Act, Act 107 of 1998.
1.58	“nuisance”	Means any condition, thing, act or commission which is offensive or injurious or which tends to prejudice the safety, good order, peace or health of one or more of the residents in any particular locality within the area of the Municipality, or the rights or reasonable comfort, convenience, peace or quiet of the occupants of any area within the Municipality's jurisdiction including any nuisance as defined in terms of common law.
“O”		
1.59	“occupier”	Means any person who occupies any premises or part thereof, without regard to the title under which he or she occupies the premises.
1.60	“owner”	Means: <ul style="list-style-type: none"> (a) the person in whose name the property is registered; (b) in the case where the person in whose name the property is registered, is insolvent or deceased, or is disqualified in terms of any legal position, the person who is responsible for administration or control of the property as curator, trustee, executor, administrator, legal manager, liquidator, usufructuary, servitude holder or any other duly authorised of appointed representative; (c) in the case where the Municipality or service provider is unable to establish the identity of such person, the person who is entitled to derive benefit from the property or any buildings thereon; (d) in the case of a lease agreement entered into for a period of 30 (thirty) years or longer, or for the natural life of the lessee or any other

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		<p>person mentioned in the lease, or is renewable from time to time at the will of the lessee indefinitely or for a period of periods which, together with the first period of the lease, amounts to 30 (thirty) years, the lessee or any other person to whom he has ceded his right, title and interest under the lease, or gratuitous successor to the lessee;</p> <p>(e) in relation to:</p> <p>(i) a piece of land delineated on a sectional title plan and which is registered in terms of the Sectional Title Act, Act 95 of 1986, without limiting it to the developer or body corporate in respect of the common property;</p> <p>(ii) a section as defined in the Sectional Title Act, Act 95 of 1986, the person in whose name that section is registered in terms of a "sectional title deed", including the lawfully appointed representative or agent of such person;</p> <p>(f) any legal entity including but not limited to:</p> <p>(i) a company registered in terms of the Companies Act, Act 61 of 1973, a trust inter vivos, trust mortis causa, a close corporation registered in terms of the Close Corporation Act, Act 69 of 1984 and any voluntary organisation;</p> <p>(ii) any provincial or national government department, or local authority;</p> <p>(iii) any Council or management body established in terms of any legal framework applicable to the Republic of South Africa; and</p> <p>(iv) any embassy or other foreign entity in</p>
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		<p>whose name the property is registered;</p> <p>(g) in relation to property owned by the Municipality and which has been disposed of, but which has not been transferred to the person to whom it has been disposed of, from the date of the disposition concerned, such person; and</p> <p>(h) in relation to property owned by or under the control or management of the Municipality while held under a lease or any express or tacit extension thereof or under any other contract or under servitude or right analogous thereto, the person so holding the immovable property.</p>
“P”		
1.61	“person”	Means any natural or juristic person, local government body or like authority or an organ of state as defined in terms of section 239 of the Constitution, a company incorporated under any law, a body of persons whether incorporated or not, a statutory body, public utility body, voluntary association, club or trust.
1.62	“plumber”	Means a person who has passed a qualifying Trade Test in Plumbing or has been issued with a certificate of proficiency in terms of the Manpower Training Act, Act 56 of 1981 or such other qualification as may be required under national legislation.
1.63	“pollution”	<p>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:</p> <p>(a) less fit for any beneficial purpose for which it may reasonably be expected to be used; or</p>

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		<p>(b) harmful or potentially harmful:</p> <p>(i) to the welfare, health or safety of human beings;</p> <p>(ii) to any aquatic or non-aquatic organism; or</p> <p>(c) impair its quality for the use for which it is intended.</p>
1.64	“premises”	Means any property or land or any building or structure above or below ground level and includes any vehicle, aircraft or vessel.
1.65	“prepayment for water service”	Means payment for water service through installed pre-paid water meters.
1.66	“prepayment meter”	Means a meter whereby payment for municipal services is first made elsewhere and credit is transferred to such meters by means of a token or coded number or credit card and such meter is programmed and dispenses water services as it is consumed by the consumer at a predetermined rate or charge. The meter is programmed to allow for the flow of pre purchased amounts of water to a consumer.
1.67	“prepayment measuring system”	Means a meter and ancillary devices, approved by the Municipality designed to measure and allocate to a consumer the quantity of water pre-purchased by the consumer.
1.68	“prescribed tariffs”	Means the tariff prescribed and adopted by the Council of the Municipality in terms of the Tariff Policy of the Municipality.
1.69	“property”	<p>Means:</p> <p>(a) immovable property registered in the name of a person/owner including in the case of a sectional title scheme, a sectional title unit registered in the name of any person/owner;</p> <p>(b) a right registered against immovable property</p>

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		<p>in the name of a person excluding a mortgage bond registered against the property;</p> <p>(c) any piece of land, the external surface boundaries of which are delineated on:</p> <p>(i) a general plan or diagram registered in terms of the Land Survey Act, Act 9 of 1927 or in terms of the Deeds Registries Act, Act 47 of 1937 or;</p> <p>(ii) a sectional plan registered in terms of the Sectional Titles Act, Act 95 of 1986;</p> <p>which is situated within the area of the Municipality;</p> <p>(d) a land tenure right registered in the name of a person or granted to a person in terms of legislation; or</p> <p>(e) public service infrastructure.</p>
1.70	“public notice”	Means a notice published in terms of the provisions of section 21A read together with section 21 of the Systems Act.
1.71	“public water”	Means any river, watercourse, bay, estuary, and any other water to which the public has the right of use or to which the public has the right of access.
“R”		
1.72	“Regulations”	Means the Regulations Relating to Compulsory National Standards and Measure to Conserve Water promulgated in terms of Government Notice No. R 509 in Government Gazette No 22355 dated 8 June 2001.
“S”		
1.73	“SABS”	Means South Africa Bureau of Standards.
1.74	“SANS”	Means a standard which has been sets out and issued by the SABS in terms of the provisions of the Standards Act, Act 29 of 1993.

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1.75	“sampler”	Means a person who takes samples for analysis from the sewage disposal and stormwater disposal systems, and who has been certified as qualified to do so by the Municipality.
1.76	“sanitation services”	Means the collection, removal, disposal or purification of human excreta, domestic waste water, sewage and effluent resulting from the use of water for commercial and industrial purposes.
1.77	“sanitation system”	Means the structures, pipes, valves, pumps, meters or other appurtenances used in the provision of sanitation services.
1.78	“septic tank”	Means a tank designed to be watertight and to receive sewerage and to effect the adequate decomposition of organic matter in sewerage by bacterial action.
1.79	“services agreement”	Means the written agreement concluded between the Municipality and a customer for the provision of municipal services to a property once the Municipality has approved the customers official application form for the rendering of such services to the customer and which contains the terms and conditions upon which the Municipality will render such services to the customer.
1.80	“service pipe”	Means a pipe which is part of a water installation provided and installed on any premises by the owner or occupier and which is connected or to be connected to a connection pipe to serve the water installation on the premises.
1.81	“sewage”	Means waste water, industrial effluent, standard domestic effluent and other liquid waste, either separately or in combination, but shall not include stormwater.
1.82	“sewer”	Means any pipe or conduit which is the property of or is vested in the Municipality and which may be used for the conveyance of sewage from the

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		connecting sewer and shall not include a drain as defined and "municipal sewer" shall have a corresponding meaning.
1.83	"standpipe"	Means a connection through which water supply services are supplied to more than one person.
1.84	"standard domestic effluent"	Means effluent with prescribed strength characteristics in respect of chemical oxygen demand and settleable solids as being appropriate to sewage discharges from domestic premises within the jurisdiction of the Municipality, but shall not include industrial effluent.
1.85	"stormwater"	Means water resulting from natural precipitation or accumulation and includes rainwater, subsoil water or spring water.
1.86	"supply zone"	Means an area determined by the Municipality within which all the consumer connections are provided with water supply services from the same bulk supply.
1.87	"Systems Act"	Local Government: Municipal Systems Act, Act 32 of 2000.
"T"		
1.88	"tamper"	Means interference with, damage to, alteration of, by-passing of any connection to or removal of any equipment and includes the consumption of or use of any municipal services not in accordance with this policy.
1.89	"terminal water fitting"	Means a water fitting at an outlet of a water installation that controls the discharge of water from a water installation.
1.90	"trade premises"	Means premises upon which industrial effluent is produced.
1.91	"trap"	Means a pipe fitting or portion of a sanitary appliance designed to retain water to serve as a seal and a barrier against the flow of foul air or gas.

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1.92	“this by-law”	Means the Water Services By-Law of the Municipality as set out herein.
“U”		
1.93	“unauthorised service”	Means the receipt, use or consumption of any municipal service which is not in terms of a service agreement with or approved by the Municipality.
“W”		
1.94	“water efficient device”	Means any product that reduces the excessive use of water.
1.95	“water fitting”	Means a component of a water installation, other than a pipe, through which water passes or in which it is stored.
1.96	“water installation”	Means the pipes and water fitting 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 included 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.
1.97	“water services”	Has the same meaning assigned to it in terms of the Act and means water supply services and sanitation services which includes for purposes of this by-law water for industrial purposes and the disposal of industrial effluent.
1.98	“water services development plan”	Means the water services development plan as contemplated in terms of the provisions of section 12(1) of the Act which must be prepared as part of the Municipality's IDP.
1.99	“water services intermediaries”	Has the same meaning as that assigned to it in terms of the Act and 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

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		that contract.
1.100	“water services work(s)”	Means a reservoir, dam, well, pump house, borehole, pumping installation, purification works, sewage treatment plant, access road, electricity transmission line, pipeline, meter, fitting or apparatus built, installed or used by a water services institution: (a) to provide water services; (b) to provide water for industrial use; or (c) to dispose of industrial effluent.
1.101	“water supply services”	Has the same meaning assigned to it in terms of the Act and means the abstraction, conveyance, treatment and distribution of potable water, water intended to be converted to potable water or water for commercial use, and includes for the purpose of this by-law water for industrial purposes and fire extinguishing services.
1.102	“water supply system”	Means the structures, aqueducts, pipes, valves, pumps, meters or other apparatus relating thereto which are vested in the Municipality and are used or intended to be used by it in connection with the supply of water, and includes any part of the system.

PART 2**APPLICATION FOR WATER SERVICES****2. APPLICATION FOR WATER SERVICES**

- (1) No person shall gain access to, consume, abstract or be supplied with water services from the water supply system, sanitation system or through any other sanitation services unless such person has applied to the Municipality on the prescribed form for such services for a specific purpose and such

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application has been approved by the Municipality and a municipal services agreement has been concluded, as set out and provided for in the Credit Control and Debt Collection Policy and By-Law of the Municipality, which provisions are to read as if specifically incorporated herein.

- (2) The Municipality must, within the reasonable limitations of the Municipality's resources, take reasonable measures to realise the right of every person to basic water supply and basic sanitation services as defined in the Act and the Regulations, subject to the limitations contained in the Act and as referred to in the Constitution and section 73 of the Systems Act.
- (3) The Municipality shall not be obliged to provide water services:
 - (a) to areas or consumers outside the defined limits of the Municipality's area of jurisdiction;
 - (b) where due to the nature of the topography, water services cannot be provided economically and/or cost effectively;
 - (c) where the necessary bulk infrastructure does not exist or is inadequate to service additional consumers; or
 - (d) beyond the Municipality's ability and capacity.
- (4) No person is permitted to have access to water services from a source other than that provided by the Municipality, without the Municipality's prior written approval, which approval may not be unreasonably withheld, and which approval if granted, be subject to such conditions as the Municipality may impose. A person who has made such an application may appeal to the Minister of Water Affairs and Forestry against any decision taken by the Municipality regarding such an application.
- (5) If an EIA is required to be carried out before the provisions of water services can be approved or commenced, the applicant for such services shall be responsible for the carrying out of such EIA and for the expenses connected therewith.

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- (6) Water services rendered to a consumer are subject to the provisions of this by-law, the Credit Control and Debt Collection Policy and By-Law and the Tariff Policy and Tariff By-Law and the conditions contained in the relevant municipal services agreement.

3. SPECIAL AGREEMENTS FOR WATER SERVICES

The Municipality may enter into a special agreement for the provision of water services as provided for in the Credit Control and Debt Collection Policy and By-Law of the Municipality, which provisions are to be read as if specifically incorporated herein.

PART 3**TARIFFS AND CHARGES****4. PRESCRIBED TARIFFS AND CHARGES FOR WATER SERVICES**

- (1) All tariffs and/or charges payable in respect of water services rendered by the Municipality or consumed in terms of this by-law, including but not limited to the payment of connection charges, fixed charges or any additional charges or interest in respect of failure to pay such tariffs or charges on the specified date shall be set by the Municipality by a resolution passed by the Council in accordance with:
- (a) its tariff policy;
 - (b) any by-laws in respect thereof; and
 - (c) any Regulations in terms of section 10 of the Act.
- (2) The Municipality shall be entitled to impose different tariffs, charges or rates in the Tariff Policy and Tariff By-Law on different categories of consumers of

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water services and for different types and levels of water services, quantities of water services, infrastructural requirements and geographical areas.

5. FIXED CHARGES FOR WATER SERVICES

The Municipality may, in addition to the tariffs or charges prescribed for water services actually provided, levy a monthly fixed charge, annual fixed charge or once-off fixed charge in respect of the provision of water services in accordance with Credit Control and Debt Collection Policy and By- Law and the Tariff Policy and Tariff By-Law of the Municipality and any Regulations in terms of section 10 of the Act, which provisions relating to fixed charges are to be read as if specifically incorporated herein.

PART 4

PAYMENT

6. PAYMENT OF DEPOSIT

Every consumer must upon making application for the provision of water services and before such water services are provided by the Municipality, effect payment of the requisite deposit with the Municipality as set out in terms of the Credit Control and Debt Collection Policy and By-Law, as well as the Tariff Policy and By-Law of the Municipality which provisions are to be read as if specifically incorporated herein.

7. PAYMENT FOR WATER SERVICES PROVIDED

Water services provided by the Municipality to a consumer shall be paid for by the consumer in accordance with the Credit Control and Debt Collection Policy and By-Law at the prescribed tariff or charge set out in the Tariff Policy and By-Law of the Municipality for the particular category of water services provided. The provisions of the Credit Control and Debt Collection Policy and By-Law as well as the Tariff Policy

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and By-Law relating to the payment for water services are to be read as if specifically incorporated herein.

8. PREPAYMENT FOR WATER SERVICES

- (1) When a consumer is supplied with water through a prepayment meter, in addition to complying with the requirements of sections 6 and 7 above:
- (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 any credit remaining in the meter shall be made to the consumer; and
 - (c) the Council shall not be liable for the reinstatement of credit in a prepayment meter lost due to tampering with, or incorrect use or the abuse of, a prepayment meter and/or token.
- (2) The prepayment metering system shall comply with the requirements of SABS Code 529 Part 9 – 2002
- (3) The provisions set out in the Credit Control and Debt Collection Policy and By-Law of the Municipality in respect of prepayment metering shall apply and are to be read as if specifically incorporated herein.

PART 5**ACCOUNTS****9. ACCOUNTS**

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Accounts for the provision of water services shall be rendered to consumers in accordance with the Credit Control and Debt Collection Policy and By-Law of the Municipality which provisions are to be read as if specifically incorporated herein and payment of these accounts shall be made as stipulated in the aforementioned policy and by-law.

10. QUERIES OR COMPLAINTS IN RESPECT OF ACCOUNT

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. Such complaint to be lodged and resolved as provided for in the Credit Control and Debt Collection Policy and By-Law of the Municipality.

11. APPEALS AGAINST FINDING OF MUNICIPALITY IN RESPECT OF QUERIES OR COMPLAINTS

A consumer may appeal in writing against a finding of the Municipality in respect of a query or complaint lodged in terms of section 10 above. The appeal process shall be lodged and processed as provided for in the Credit Control and Debt Collection Policy and By-Law of the Municipality which provisions shall be read as if specifically incorporated herein.

12. ARREARS

If a consumer fails to pay the amount(s) due and payable on or before the due date for payment, the unpaid amount shall be regarded as being in arrears. Interest may be levied on all arrears at the rate prescribed by the Municipality from time to time. The arrears shall be dealt with as provided for in the Credit Control and Debt Collection Policy and By-Law of the Municipality which provisions shall be read as if specifically incorporated herein.

13. AGREEMENT FOR THE PAYMENT OF ARREARS IN INSTALMENTS

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The Municipality may enter into an agreement for the payment of arrears in instalments as provided for in the Credit Control and Debt Collection Policy and By-Law of the Municipality which provisions shall be read as if specifically incorporated herein.

PART 6**LIMITATION, DISCONNECTION AND TERMINATION OF WATER SERVICES****14. LIMITATION, DISCONNECTION AND TERMINATION OF AGREEMENT FOR THE PROVISION OF WATER SERVICES**

The Municipality may limit, disconnect and/or terminate the provision of water services in accordance with the Credit Control and Debt Collection Policy and By-Law of the Municipality which provisions shall be read as if specifically incorporated herein.

15. INTERRUPTION IN THE PROVISION OF WATER SERVICES

The Municipality must take steps to ensure that where the water services usually provided by the Municipality are interrupted for a period of more than 24 (twenty four) hours for reasons other than those contemplated in terms of section 4 of the Act, a consumer has access to alternative water services comprising:

- (a) at least 10 (ten) litres of potable water per person per day; and
- (b) sanitation services sufficient to protect health.

16. RECONNECTION AND RESTORATION OF WATER SERVICES

The Municipality shall reconnect and restore the provision of water services in accordance with the provisions of the Credit Control and Debt Collection Policy and By-Law of the Municipality which is to be read as if specifically incorporated herein.

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17. REMOVAL OF WATER CONNECTION

The Municipality may remove a water connection provided by the Municipality to any premises in terms of the provisions of this by-law and the Credit Control and Debt Collection Policy and By-law of the Municipality which provisions shall be read as if specifically incorporated herein.

18. WATER RESTRICTIONS

- (1) The Municipality may, whenever there is a scarcity of water available for consumption and distribution to consumers in terms of this section, prohibit or restrict the use of water under its control or management as contemplated in section 83A of the Local Government Ordinance, or for the purposes of water conservation, by public notice to prevent the wasteful use of water in terms of this policy or in the event of a water shortage, drought or flood and may:
 - (a) prohibit or restrict the consumption of water in the whole or part of its area of jurisdiction in general or for:
 - (i) specified purposes;
 - (ii) during specified hours of the day or on specified days; and
 - (iii) in a specified manner; and
 - (b) determine and impose:
 - (i) limits on the quantity of water that may be consumed over a specified period;
 - (ii) charges additional to those prescribed in respect of the supply of water in excess of a limit contemplated in sub-section (1)(b)(i) above; and
 - (iii) a general surcharge on the prescribed tariffs 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

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consumed, or on the connection of such appliances to the water installation.

- (2) Whenever the Municipality acts in terms of sub-section (1) above, the Municipality must cause a notice of the resolution taken in terms of section 83A of the Local Government Ordinance to be published in accordance with the provisions of section 21A read with section 21 of the Systems Act.
- (3) Notwithstanding the provisions of sub-section (1) and (2) above, should an emergency arise in relation to the availability of water for distribution and supply to its consumers and immediate steps are necessary to avert or remedy any actual or potential consequences of such emergency, the Municipality may take any steps contemplated in section 83A of the Local Government Ordinance without taking the resolution contemplated in the said sub-sections.
- (4) The Municipality may limit the application of the provisions of a notice contemplated by sub-section (1) and (2) above, to specified areas and categories of consumers, premises and activities, and may permit deviations and exemptions from, and the relaxation of, any of the provisions on reasonable grounds.
- (5) The Municipality may:
 - (a) take, or by written notice require a consumer at his or her own expense to take, such measures, including the installation of measurement devices and devices for restricting the flow of water, as may in its opinion be necessary to ensure compliance with a notice published in terms of sub-section (1) above; or
 - (b) subject to such notice and for such period as it may consider fit, limit the supply of water to any premises in the event that a contravention of this by-law takes place on such premises or in the event of a

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failure to comply with the terms of a notice published in terms of sub-section (1) above, and

- (c) where the supply has been discontinued, it shall only be restored when the prescribed tariffs for discontinuation and reconnecting the supply have been paid.
- (6) The provisions of this section shall also apply in respect of water supplied directly by the Municipality to consumers outside its area of jurisdiction, notwithstanding anything to the contrary in the conditions governing such supply, unless otherwise specified in the notice published in terms of sub-section (1) above.

19. UNAUTHORISED USE OF WATER SERVICES

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

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Municipality for the rendering of those services, shall cease to further utilise such services until such time as the Municipality has approved such a person's application for the use of such services and has undertaken such work as may be necessary to ensure that the consumer installation through which the access to such services was gained complies with the provisions of this by-law.

20. CHANGE IN PURPOSE FOR WHICH WATER SERVICES ARE USED

Where the purpose or extent for which water services are used is changed, the consumer must inform the Municipality and enter into a new municipal services agreement with the Municipality, expressed to be effective from the date which such change of use took or will take effect. Any increased tariffs applicable to the change of use shall be payable from the date the use changed.

21. INTERFERENCE WITH WATER SUPPLY SYSTEM OR ANY SANITATION SERVICES

- (1) No person other than the Municipality shall manage, operate or maintain any part of the water supply system or any sanitation system or any infrastructure of such system, unless specifically authorised thereto by the Municipality in writing.
- (2) No person other than the Municipality shall effect a connection or reconnection to the water supply system or sanitation system or the infrastructure of any such system, or render any other sanitation services unless specifically authorised thereto by the Municipality in writing.
- (3) 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 sanitation system or the infrastructure of any such system or any equipment, belonging to the Municipality.

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- (4) The Municipality may recover any costs associated with rectifying any actions contravening sub-section (1), (2) or (3) and/or repairing damage caused as a result of a contravention of sub-section (1), (2) or (3). The costs recoverable by the Municipality are the full cost associated with repairing the damage and includes, but is not restricted to, any remedial action, any exploratory investigation, surveys, plans, specifications, schedules of quantities, supervision, administration charge, the use of tools, the expenditure of labour involved in disturbing or rehabilitation of any part of a street or ground affected by the repairs and the environmental cost.

22. OBSTRUCTION OF ACCESS TO WATER SUPPLY SYSTEM OR ANY SANITATION SERVICES

- (1) No person shall prevent or restrict physical access to the water supply system or sanitation system.
- (2) If a person contravenes sub-section (1), the Municipality may:
- (a) by written notice require such person to restore access at his or her own expense within a specified period; or
 - (b) if it is of the opinion that the situation is a matter of urgency, without prior notice restore access and recover the cost from such person.
- (3) The costs recoverable by the Municipality is the full cost associated with repairing the damage and includes, but is not restricted to all remedial action, any exploratory investigation, surveys, plans, specifications, schedules of quantities, supervision, administration charge, the use of tools, the expenditure of labour involved in disturbing or rehabilitation of any part of a street or ground affected by the repairs and the environmental cost.

23. POWER OF ENTRY AND INSPECTION

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- (1) A Municipality may enter and inspect any premises:
- (a) for the purpose set out in and in accordance with the provisions of section 80 of the Act;
 - (b) for any purpose connected with the implementation or enforcement of this by-law, at all reasonable times, after having given reasonable written notice of the intention to do so, unless it is an emergency situation, in which event prior notice shall not be required;
 - (c) the provisions of the Credit Control and Debt Collection Policy and By-Law relating to entry and access to the premises are to be read as if specifically incorporated herein;
 - (d) any entry, access or inspection of premises shall be conducted in conformity with the requirements of the Constitution and any other law and, in particular, with strict regard to decency and order, respect for a person's dignity, freedom and security and personal privacy;
 - (e) the Municipality may be accompanied by an interpreter and any other person reasonably required to assist the Municipality in gaining access to the premises for the purposes of giving effect to any provision of this by-law of the Municipality; and
 - (f) any person representing the Municipality must on request provide his or her identification.

24. SERVICE LEVELS

- (1) The Council may, from time to time, and in accordance with National Policy, but subject to principles of sustainability and affordability and the capacity of the Municipality, by public notice, determine the service levels it is able to provide customers.
- (2) In determining service levels, the Council may differentiate between different types of customers, domestic customers, geographical areas and socio-economic areas.

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- (3) The following levels of service may, subject to sub-section (1), be provided by the Municipality on the promulgation of this by-law:
- (a) communal water supply services and on-site sanitation services:
 - (i) constituting the minimum level of service provided by the Municipality;
 - (ii) constituting a reticulated standpipe or stationary water tank serviced either through a network pipe or a water tanker located within a reasonable walking distance from any household with a ventilated improved pit latrine located on such premises meaning the lowest order of visibly demarcated area on which some sort of informal dwelling has been erected;
 - (iii) installed free of charge;
 - (iv) provided free of charge to consumers; and
 - (v) maintained by the Municipality;
 - (b) a yard connection not connected to any water installation and an individual connection to the Municipality's sanitation system:
 - (i) consisting of an un-metered standpipe on a premises not connected to any water installation using a pour flush toilet pan, wash trough and suitable toilet top structure connected to the Municipality's sanitation system;
 - (ii) installed free of charge;
 - (iii) maintained by the Municipality;
 - (c) a metered pressured water connection with an individual connection to the Municipality's sanitation system:
 - (i) installed against payment of the relevant connection fees, charges and deposit and the conclusion of a municipal services agreement;
 - (ii) provided against payment of prescribed fees and charges; and

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- (iii) with the water and drainage installations maintained by the consumer.

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CHAPTER 2

WATER SUPPLY SERVICES

PART 1

CONNECTION TO WATER SUPPLY SYSTEM

25. PROVISION OF CONNECTION PIPE

- (1) If a municipal services agreement for water supply services in respect of premises has been concluded and no connection pipe exists in respect of the premises, the customer shall make application on the prescribed form and pay the prescribed tariff fees and charges for the installation of such a pipe.
- (2) If an application is made for water supply services which are of such an extent or so situated that it is necessary to extend, modify or upgrade the water supply system in order to supply water to the premises, the Municipality may agree to the levels applied for and the extension subject to such conditions as it may impose and that the customer pays for the costs thereof, as determined by the Municipality.
- (3) Only the Municipality may install a connection pipe but the customer may connect the water installation to the connection pipe.
- (4) No person may commence any development on any premises unless the Municipality has installed a connection pipe and meter.

26. LOCATION OF CONNECTION PIPE

- (1) A connection pipe provided and installed by the Municipality shall:

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- (a) be located in a position and of a suitable size as determined by the Municipality;
 - (b) terminate at:
 - (i) the boundary of the land owned by or vested in the Municipality, or over which the Municipality has a servitude or other right; or
 - (ii) the outlet of the water meter if it is situated on the premises; or
 - (iii) the isolating valve if it is situated on the premises.
- (2) In determining the location of a connection pipe, the Municipality may inform the customer of the following:
 - (a) the practical restrictions that may exist regarding the location of a connection pipe;
 - (b) the cost implications of the various possible locations of the connection pipe;
 - (c) whether or not the Municipality requires the customer to indicate the location of the connection pipe by providing a portion of the customer's water installation at or outside the boundary of the customer's premises, or such agreed position inside or outside the premises where the connection is required, for the Municipality to connect to such installation.
- (3) A Municipality may at the request of any person agree to, subject to such conditions as the Municipality may impose, a connection to a main other than that which is most readily available for the provisions of water supply to the premises, provided that the person making the request shall be responsible for any extension of the water installation to the connecting point designated by the Municipality and for obtaining at such person's cost, such servitudes over other premises as may be necessary.

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- (4) A customer must pay the prescribed connection charge in advance before a water connection can be effected.
- (5) Water connections and extensions shall be effected as soon as practical, but subject to the logistical and other constraints of the Municipality.

27. 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, business units or consumers located on such premises.
- (2) Where the customer, or the person having the charge or management of any premises on which several accommodation units are situated, requires the supply of water to such premises for the purpose of supply to the different accommodation units, the Municipality may, in its discretion, provide and install either:
 - (a) a single measuring device in respect of the premises as a whole or any number of such accommodation units; or
 - (b) a separate measuring device for each accommodation unit or any number thereof.
- (3) Where the Municipality has installed a single measuring device as contemplated in sub-section (2)(a), the customer or the person having the charge or management of the premises, as the case may be:
 - (a) shall, if the Municipality so requires, install and maintain on each branch pipe extending from the connection pipe to the different accommodation units:
 - (i) a separate measuring device; and

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- (ii) an isolating valve; and
 - (b) shall be liable to the Municipality for the tariffs and charges for all water supplied to the premises through such a single measuring device, irrespective of the different quantities consumed by the different consumers served by such measuring device.
- (4) Notwithstanding the provisions of sub-section (1) above, the Municipality may authorise that more than one connection pipe be provided on the water supply system for the supply of water to any premises comprising sectional title units or if, in the opinion of the Municipality, undue hardship or inconvenience would be caused to any consumer on such premises by the provision of only one connection pipe.
- (5) Where the provision of more than one connection pipe is authorised by the Municipality under sub-section (4) above, the tariffs and charges for the provision of a connection pipe are payable in respect of each water connection so provided.
- (6) Where premises are supplied with water by a number of connection pipes the Municipality may require the customer to reduce the number of connection points and alter such customer's water installation accordingly at the customer's expense.

28. INTERCONNECTION BETWEEN PREMISES OR WATER INSTALLATIONS

A customer shall ensure that no interconnection exists between:

- (a) the water installation on the customer's premises and the water installation on other premises; or
- (b) where several accommodation units or business units are situated on the same premises, the water installations of the accommodation or business units;

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unless the customer has obtained the prior written consent of the Municipality and complies with any conditions that may be imposed by the Municipality.

29. DISCONNECTION OF WATER INSTALLATION FROM CONNECTION PIPE

The Municipality may disconnect a water installation from the connection pipe and remove the connection pipe if the municipal services agreement relating to such supply has been terminated in terms of the Credit Control and Debt Collection Policy and By-Law of the Municipality.

PART 2

COMMUNAL WATER SERVICES WORKS

30. PROVISION OF A COMMUNAL WATER SERVICES WORK FOR WATER SUPPLY TO SEVERAL CONSUMERS

- (1) A Municipality may install a communal water services work or standpipe for the provision of water services to several consumers at a location it deems appropriate, provided that:
 - (a) the majority of consumers to whom water services will be provided through that water services work have been consulted in respect of the level of service, the tariff payable and the location of the work;
 - (b) no person shall be permitted to draw water from such points for re-selling or for any purpose other than domestic purpose.
- (2) The Municipality may provide communal water supply services through a communal installation designed to provide a controlled volume of water to several consumers, subject to the same restrictions as set out in sub-section (1) above.

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PART 3**TEMPORARY SUPPLY****31. WATER SUPPLIED FROM A FIRE INSTALLATION OR HYDRANT**

- (1) The Municipality may authorise a temporary supply of water to be taken from one or more fire installations specified by it, subject to such conditions and period as may be prescribed by it in respect of such supply and on payment of such applicable fees and charges, including a deposit as may be determined by the Council of the Municipality by resolution from time to time.
- (2) A person who desires a temporary supply of water referred to in sub-section (1) above, must apply for such water services and must pay a deposit determined by the Council of the Municipality, by resolution from time to time.
- (3) The supply of water in terms of sub-section (1) above must be measured or estimated.
- (4) The Municipality may for purposes of measuring provide a portable water meter to be returned to the Municipality on termination of the temporary supply, which portable meter or measuring device and all other fittings and apparatus used for the connection of the portable water meter to a hydrant, shall remain the property of the Municipality and will be provided subject any conditions imposed by the Municipality. The person referred to in sub-section (2) above shall be responsible for the return of the meter to the Municipality. The failure to return the portable meter or measuring device and all other fittings and apparatus shall result in the imposition of penalties determined by the Municipality from time to time, and the Municipality being entitled to recover the full replacement cost thereof from the person referred to in sub-section (2) above.

PART 4

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STANDARDS AND GENERAL CONDITIONS OF SUPPLY

32. QUANTITY, QUALITY AND PRESSURE

- (1) Water supply services provided by the Municipality must comply with the minimum standards set for the provision of water supply services in terms of section 9 of the Act and the Regulations.
- (2) In terms of Regulation 15(1) of the Regulations, the Municipality shall design and maintain every water reticulation system installed after the 8 June 2001 to operate below a maximum pressure of 900 kPa.
- (3) The Municipality shall, where water pressure in a water reticulation system could rise above 900 kPa, install a pressure control device to prevent the pressure at any domestic consumer connection from rising above 900 kPa.

33. THE QUALITY OF POTABLE WATER

- (1) The Municipality shall have a suitable programme for the sampling the quality of potable water provided by it to consumers in its water services development plan, which must specify the points at which potable water provided to consumers will be sampled, the frequency of the sampling and for which substances and determinants the water will be tested.
- (2) The Municipality shall compare the results obtained from the testing of samples with SABS SANS 241: Specifications for Drinking Water of the South African Water Quality Guidelines published by the Department of Water Affairs and Forestry.
- (3) Should the comparison of the results contemplated in sub-section (2) above, indicate that the water supplied poses a health risk, the Municipality must

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inform the Director General of the Department of Water Affairs and Forestry and the Head of the relevant Provincial Department of Health and the Municipality shall take steps to inform the consumers:

- (a) that the quality of the water that is supplied poses a health risk;
 - (b) of the reasons for the health risk;
 - (c) of any precautions to be taken by the consumers; and
 - (d) of the time frame, if any, within which the Municipality may expect to provide water of a safe quality.
- (4) The Municipality shall keep affected persons informed and within its available resources supply alternative water points such as to provide at least a basic water supply.

34. GENERAL CONDITIONS OF SUPPLY

- (1) Subject to the provisions of the Act, the supply of water by the Municipality does not constitute an undertaking by the Municipality to maintain at any point in its water supply system:
- (a) an uninterrupted supply, subject to the provisions of Regulation 4 of the Regulations;
 - (b) a specific pressure or rate of flow in such supply other than required in terms of Regulation 15(2) of the Regulations; or
 - (c) a specific standard of quality of water.
- (2) The Municipality may specify the maximum height to which water will be supplied from the water supply system. Where a customer requires water to be supplied at a greater height or pressure the customer will be responsible to ensure the provision of such services at the required height or pressure and any alteration to the water supply system to ensure the provision of the water services to such a height or pressure will be for the cost of the customer, and subject to such conditions as the Municipality may specify.

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- (3) The Municipality may, subject to the provisions of sub-section (1)(b) above, specify the maximum pressure to which water will be supplied from the water supply system.
- (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, it may apply such restrictions as it may deem fit to the supply of water to the first mentioned consumer in order to ensure a reasonable supply of water to the other consumer and will inform that consumer of such restrictions.
- (6) If a consumer requires that any of the standards contemplated in section 9 of the Act be maintained on the consumer's premises, the consumer must make provisions in the water installation for such maintenance.
- (7) The Municipality shall not be liable for any damage to property caused by water flowing from fittings left open when the water supply is re-instated following an interruption in supply for any reason.
- (8) Every steam boiler, hospital and any premises which require, for the purposes of the work undertaken on the premises, a continuous supply of water, must have a cistern or storage tank as stipulated in SANS 0252 Part 1, fitted and in working order and holding a water supply deemed adequate by the customer of the premises.
- (9) No consumer shall resell water supplied to him by the Municipality except with the prior written permission of the Municipality which may stipulate the

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maximum price at which the water may be resold and may impose such other conditions as the Municipality may deem necessary.

- (10) The Municipality does not undertake to maintain sufficient pressure in the water supply system to ensure the operation of manually activated toilet flushing valves or any other device which requires a specific operating pressure.

35. WATER SERVICES DEVELOPMENT PLAN

The Municipality shall in terms of the provisions of section 12(1) of the Act as part of the process of preparing its IDP, prepare a draft water services development plan for its municipal area, which draft water services development plan shall contain the details as set out in section 13 of the Act and comply to the requirements of section 14 to be adopted by the Council as part of the Municipality's IDP and in accordance with the provisions of section 15 of the Act.

PART 5**MEASUREMENT OF WATER SUPPLY SERVICES****36. MEASURING OF QUANTITY OF WATER SUPPLIED**

- (1) The Municipality shall provide a meter or measuring device designed to provide either a controlled volume of water or an uncontrolled volume of water to a consumer.
- (2) The Municipality shall measure at regular intervals as the Municipality may determine the quantity of water supplied through a meter or measuring device designed to provide an uncontrolled supply of water.

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- (3) Any meter or measuring device through which water is supplied to a consumer by the Municipality and its associated apparatus shall be provided and installed by the Municipality and shall remain its property, and may be changed and maintained by the Municipality when deemed necessary by it.
- (4) The Municipality may install a meter or measuring device, and its associated apparatus, on premises at any point on the service pipe.
- (5) If the Municipality installs a meter or measuring device on a service pipe in terms of sub-section (4) above, it may install a section of pipe and associated fittings between the end of its connection pipe and the meter or measuring device, and such section shall be deemed to form part of the water supply system.
- (6) If the Municipality installs a meter or measuring device together with its associated apparatus on a service pipe in terms of sub-section (4), the owner shall:
 - (a) prepare and 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 or measuring device is installed between the meter or measuring device and the connection pipe serving the installation;
 - (e) make provision for the drainage of water which may be discharged from the pipe in which the meter or measuring device is installed, in the course of work done by the Municipality on the meter or measuring device; and
 - (f) not use nor permit to be used on any water installation or system any fitting, machine or appliance which causes damage, or in the opinion

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of the Municipality, is likely to cause damage to a meter or measuring device.

- (7) No person other than the Municipality shall:
- (a) disconnect a meter or measuring device and its associated apparatus from the pipe in which they are installed;
 - (b) break a seal which the Municipality has placed on a meter or measuring device; or
 - (c) in any other way interfere with a meter or measuring device and its associated apparatus.
- (8) If the Municipality considers that, in the event of the meter or measuring device being a meter or measuring device where the size of the meter or measuring device is unsuitable by reason of the quantity of water supplied to premises, it may install a meter or measuring device of such size as it may deem necessary, and may recover from the customer concerned the prescribed fees and charge for the installation of the meter or measuring device.
- (9) The Municipality may install or require the installation, at the customer's expense, of a meter or measuring device to each dwelling unit, in separate occupancy, on any premises, for use in determining quantity of water supplied to each unit, provided that where fixed quantity water delivery systems are used, a single meter or measuring device may be used to supply more than one unit.
- (10) The Municipality shall fit a suitable water volume metering or measuring device or volume controlling device to every consumer connection provided with water supply services.

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- (11) The Municipality shall construct or install a suitable water volume meter or measuring device in accordance with Regulation 13 of the Regulations or volume controlling device to separately measure or control the water supply to every:
- (a) individual dwelling within a new sectional title development, group housing development or apartment building;
 - (b) individual building having a maximum design flow rate exceeding 60 (sixty) litres per minute within any commercial or institutional complex; and
 - (c) irrigation system with a maximum designed flow rate exceeding 60 litres per minute that uses water supplied by the Municipality.
- (12) The provisions of the Credit Control and Debt Collection Policy and By-Law of the Municipality regarding measuring and metering of municipal services are to be read as if specifically incorporated herein.

37. QUANTITY OF WATER SUPPLIED TO CONSUMER

- (1) For purposes of assessing the quantity of water supplied to consumers during any period and measured by a meter or measuring device installed by the Municipality on the premises of a consumer or, where applicable, estimated or determined by the Municipality, the provisions of the Credit Control and Debt Collection Policy and By-Law shall apply and shall be read as if specifically incorporated herein.
- (2) Until such time as a meter or measuring device has been installed in respect of water supplied to a consumer, the Municipality shall estimate the quantity of water supplied as determined by the Credit Control and Debt Collection Policy and By-Law of the Municipality and shall be allowed to levy and recover consumption charges, fees, levies, charges and tariffs accordingly.

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- (3) Where water supply services are provided through a communal water services work the amount due and payable by consumers gaining access to water supply services through that communal water services work must be based on the estimated average consumption of water supplied to that water service work and the decision of the Municipality in arriving at the amount is final and binding on each consumer affected thereby.

38. DEFECTIVE MEASUREMENT

If a consumer has reason to believe that a meter or measuring device, used for measuring water, which was supplied to the consumer by the Municipality is defective the consumer may in terms of the provisions of the Credit Control and Debt Collection Policy and By-Law request the meter or measuring device to be tested.

39. SPECIAL MEASUREMENT

- (1) If the Municipality wishes, for purposes other than charging for water consumed, to ascertain the quantity of water which is used in a part of a water installation, it may by written notice advise the consumer concerned of its intention to install a meter or measuring device at such point in the water installation as it may specify.
- (2) The installation of a meter or measuring device referred to in sub-section (1) above, 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 relating to "no reduction of amount payable for water wasted" as set out below shall apply insofar as they may be applicable in respect of a meter or measuring device installed in terms of sub-section (1) above.

40. NO REDUCTION OF AMOUNT PAYABLE FOR WATER WASTED

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

41. ADJUSTMENT OF QUANTITY OF WATER SUPPLIED THROUGH DEFECTIVE MEASURING DEVICE

If a meter or measuring device is found to be defective in terms of this by-law the, the Municipality may estimate the quantity of water supplied to the consumer concerned in accordance with the provisions of the Credit Control and Debt Collection Policy By-Law of the Municipality.

**PART 6
INSTALLATION WORK**

42. APPROVAL OF WATER INSTALLATION WORK

- (1) If an customer wishes to have installation work done, the customer must first obtain the Municipality's written approval, provided that approval shall not be required in the case of water installations in dwelling units or installations where no fire installation is required in terms of SABS SANS Code 0400 or in terms of any municipal by-law, 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 installation work is governed by the EIA Regulations, then the customer must ensure compliance and obtain the relevant authorisation in respect thereof.
- (3) Application for the approval referred to in sub-section (1) above, shall be made on the prescribed form and shall be accompanied by:

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- (a) the prescribed tariffs, if applicable;
 - (b) copies of the drawings as prescribed by the Municipality giving information in the form required by Clause 4.1.1 of SABS SANS Code 0252: Part I; and
 - (c) a certificate by a professional engineer certifying that the installation has been designed in accordance with SABS SANS Code 0252: Part I or has been designed on a rational basis by a professional engineer.
- (4) The provisions of sub-sections (1), (2) and (3) above, shall not apply to a qualified plumber who replaces a fixed water heater or its associated protective devices.
- (5) Authority given in terms of sub-section (1) above, shall lapse at the expiry of a period of twenty four months after the first day of the month succeeding the month in which the authority is given.
- (6) A complete set of approved drawings of installation work shall be available at the site of the work at all reasonable times until such work has been completed, where approval was required in terms of sub-section (1) above.
- (7) If installation work has been done in contravention of sub-sections (1), (2) or (3) above, the Municipality may by written notice require the customer concerned to:
- (a) comply with that Regulation within a specified period;
 - (b) if work is in progress, to cease the work;
 - (c) to remove all such work which does not comply with this by-law; and
 - (d) to rectify any contravention within a specified period.

43. PERSONS PERMITTED TO DO WATER INSTALLATION AND OTHER WORK

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

44. PROVISIONS AND MAINTENANCE OF WATER INSTALLATIONS

- (1) A consumer must provide and maintain his or her water installation at his or her own cost and, where permitted in terms of this by-law, must ensure that the installation is situated within the boundary of his or her premises.

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- (2) A consumer must install an isolating valve at a suitable point on a service pipe immediately inside the boundary of the premises, in the case of a meter or measuring device installed outside the boundary, and in the case of a meter or measuring device installed on the premises at a suitable point on the consumer's service pipe.
- (3) Before doing work in connection with the maintenance of a portion of his or her water installation which is situated outside the boundary of his or her premises, a consumer shall obtain the written consent of the Municipality.

45. TECHNICAL REQUIREMENTS FOR A WATER INSTALLATION

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

46. USE OF PIPES AND WATER FITTINGS TO BE AUTHORISED

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

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

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47. UNLAWFUL WATER INSTALLATION

Where any installation work has been constructed in contravention of the provisions of this by-law, the consumer must on receiving a compliance notice by the Municipality immediately and at the consumer's own costs carry out such alterations to the installation as prescribed in the notice.

48. LABELLING OF TERMINAL WATER FITTINGS AND APPLIANCES

- (1) All terminal water fittings and appliances using or discharging water shall be marked, or have included within the packaging of the item, the following information:
- (a) the range of pressure in kPa over which the water fitting or appliance is designed to operate;
 - (b) the flow rates, in litres per minute, related to the design pressure range, provided that this information shall be given for at least the following water pressures:
 - (i) 20 kPa;
 - (ii) 100 kPa;
 - (iii) 400 kPa.

49. PROTECTION OF WATER INSTALLATIONS AND THE PREVENTION OF THE POLLUTION OF WATER

A consumer must prevent the back siphonage into the water installation of the premises to which the water supply services are provided of any substance which is likely to cause a danger to health or affect the potability of water, in the case of:

- (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 moveable shower unit;
- (b) a fire hose reel in a combined installation;

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- (c) an underground irrigation system; or
- (d) any other fitting which may provide contact between polluted water and the water installation.

50. WATER DEMAND MANAGEMENT

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

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PART 7**RESTRICTION AND WASTEFUL USE OF WATER****51. WASTE OF WATER UNLAWFUL**

- (1) No consumer shall permit:
 - (a) the purposeless or wasteful discharge of water from terminal water fittings;
 - (b) pipes or water fittings to leak;
 - (c) the use of maladjusted, or defective water fittings;
 - (d) an overflow of water to persist; or
 - (e) an inefficient or wasteful use of water to persist.
- (2) A consumer shall repair or replace any part of the consumer'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 sub-section (1) above.
- (3) If a consumer fails to take measures as contemplated in sub-section (2) above, the Municipality shall, in writing issue a compliance notice in terms of this policy requiring the consumer to comply immediately and at the consumer's own cost with the provisions of sub-section (1) above.
- (4) A consumer shall ensure that any equipment or plant connected to the water installation uses water in an efficient manner.
- (5) The Municipality may, by written notice, prohibit the use by a consumer of any equipment in a water installation if, in its opinion, its use of water is inefficient. Such equipment shall not be returned to use until its efficiency

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has been restored and a written application to do so has been approved by the Municipality.

52. REPAIR OF LEAKS

The Municipality shall act in accordance with Regulation 12 of the Regulations and repair any major, visible or reported leak in its water services system within 48 (forty-eight) hours of becoming aware thereof.

53. PROTECTION OF WATER SUPPLY SYSTEM

- (1) A consumer must take the measures referred to in sub-section (2) below, 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 and 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; and
 - (c) a general installation serving:
 - (i) mortuaries;
 - (ii) abattoirs;
 - (iii) sewage purification works;
 - (iv) refuse processing plants;

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

54. DESIGN AND INSTALLATION OF BACKFLOW PREVENTER

A back flow preventer contemplated in section 59 must be designed and installed in accordance with the requirements of SABS Code 0252 Part 1.

55. INSPECTION AND SERVICING OF BACKFLOW PREVENTER

- (1) The consumer utilising water from water services works where a reduced pressure or double check backflow preventer is installed must, at the expense of the consumer, cause the backflow preventer to be:

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- (a) inspected and serviced by a plumber not less than once in every 12 (twelve) months to ensure that it is in working order; and
 - (b) replaced or completely overhauled once in every 5 (five) years;
 - (c) kept in good working order.
- (2) The consumer shall maintain a record of the inspections and services referred to in sub-section (1) above, in which shall be recorded:
 - (a) the name and address of the contractor who carried out the servicing;
 - (b) the date on which the work was done;
 - (c) the details of the repairs or replacements that were effected.
- (3) The record on inspections shall be kept available for inspection by the Municipality.

56. PROHIBITION OF USE OF EQUIPMENT WHERE SUCH USE IS WASTEFUL

The Municipality may, by compliance notice, prohibit the use by a consumer of any equipment in a water installation if, in the opinion of the Municipality, the use of water is wasteful, and such equipment must not be returned to use until its efficiency has been restored and a written application to do so has been approved by the Municipality.

57. SAMPLING OF WATER FROM A SOURCE OTHER THAN THE WATER SUPPLY SYSTEM

- (1) The Municipality may, as and when deemed appropriate, take samples of water obtained from a source other than the water supply system, and cause the samples to be tested for compliance with any national standards prescribed in terms of section 9 of the Act.

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

58. USES OF WATER FROM A SOURCE OTHER THAN THE WATER SUPPLY SYSTEM

- (1) Except with the prior written permission of the Municipality, which may impose such conditions as it deems appropriate, no person shall use or permit the use of water for domestic, commercial or industrial purposes, obtained from a source other than the water supply system, save that rain water tanks which are not connected to the water installation shall not require such approval.
- (2) Any person requiring the permission referred to in sub-section (1) above must at that person's own cost and expense, provide the Municipality with proof to its satisfaction that the water referred to in that section complies, or will comply with the requirements of SABS Code 241:1999 (fourth edition): Drinking Water, and any other requirement contained in this by-law or any other law applicable to the consumption of water, or that the use of such water does not, or will not, constitute a danger to health.
- (3) Any permission given in terms of sub-section (1) above may be withdrawn if, in the opinion of the Municipality:
- (a) a condition imposed in terms of that sub-section is breached;
 - (b) the water no longer conforms to the requirements referred to in sub-section (2) above.
- (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 sanitation system, the Municipality must install a

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meter and any necessary monitoring equipment in the pipe leading from such borehole or other source of supply to the point or points where it is so used.

- (5) The 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 sub-section (2) or any other provision of this by-law;
- (6) The charges and fees for the taking and testing of the samples referred to in sub-section (5) above shall be paid by the person to whom the consent was granted in terms of sub-section (1) above.

59. SUPPLY OF NON-POTABLE WATER BY THE MUNICIPALITY

- (1) The Municipality may on written application agree to supply non-potable water to a consumer, subject to such terms and conditions as the Municipality may impose.
- (2) Any supply of water agreed to in terms of sub-section (1) above, shall not be used for domestic or any other purposes, which, in the opinion of the Municipality may give rise to a health risk. The consumer shall take all steps necessary to prevent the consumption of such water or its direct or indirect ingestion by any person or animal.
- (3) No warranty, expressed or implied, shall apply to the purity of any non-potable water supplied by the Municipality or its suitability for the purpose for which the supply was granted.
- (4) The supply of non-potable water shall, both as to condition and use, be entirely at the risk of the consumer, who shall be liable for any consequential damage or loss arising to himself, herself or others arising directly or

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indirectly there from, including the consequences of any *bona fide* fault of the Municipality, or the malfunction of a treatment plant.

60. TESTING OF PRESSURE IN WATER SUPPLY SYSTEMS

The Municipality may, on written application by a consumer and on payment of the prescribed tariffs, determine and furnish a consumer with the value of the pressure in the water supply system relating the premises where the consumer consumes the said service, over such period as the consumer may request.

61. PIPES IN STREETS OR PUBLIC PLACES

No person shall for the purpose of conveying water derived from any 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 the Municipality may impose on the granting of such permission.

PART 8**WATER AUDIT****62. WATER AUDIT**

- (1) The Municipality may require a consumer within one month after the end of the financial year of the Municipality to undertake a water audit at the cost and expense of the consumer.
- (2) The audit must at least involve and report:
 - (a) the amount of water used during the financial year;
 - (b) the amount paid for water for the financial year;

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- (c) the number of people living on the premises concerned;
- (d) the number of people permanently working on the premises concerned;
- (e) the seasonal variation in demand through monthly consumption figures;
- (f) the water pollution monitoring methods;
- (g) the current initiatives for the management of the demand for water;
- (h) the plans to manage the demand for water;
- (i) a comparison of the report with any report that may have been made during the previous 3 (three) years;
- (j) estimates of consumption by various components of use; and
- (k) a comparison of the above factors with those reported in each of the previous 3 (three) years, where available.

63. WATER SERVICES AUDIT AS PART OF THE WATER SERVICES DEVELOPMENT PLAN

- (1) The Municipality shall in accordance with Regulation 10 of the Regulations, prepare an annual report on the implementation of its water services development plan required in terms of section 18(1) of the Act.
- (2) The water services audit must contain details for the previous financial year and if available, comparative figures for the preceding two financial years in respect of the following:
 - (a) the quantity of water services provided including at least:
 - (i) the quantity of water used by each consumer sector;
 - (ii) the quantity of water provided to the Municipality by any other water services institution;
 - (iii) the quantity of effluent received at sewage treatment plants; and

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- (iv) the quantity of effluent not discharged to sewage treatment plants and approved for use by the Municipality;
- (b) the levels of services rendered including at least:
 - (i) the number of consumer connections in each consumer sector;
 - (ii) the number of households provided with water through communal water services works;
 - (iii) the number of consumers connected to a water reticulation system where pressures rise above 900kPa at the consumer connection;
 - (iv) the number of households provided with sanitation services through consumer installations connected to the sewage system;
 - (v) the number of households with access to basic sanitation services;
 - (vi) the number of new water supply connections made; and
 - (vii) the number of new sanitation connections made;
- (c) the numbers provided for in sub-section (b) above expressed as a percentage of the total number of connections or households;
- (d) cost recovery, including at least:
 - (i) the tariff structures for each consumer sector;
 - (ii) the income collected expressed as a percentage of total costs for water services provided; and
 - (iii) unrecovered charges expressed as a percentage of total costs for water services provided;
- (e) meter installation and meter testing, including at least:
 - (i) the number of new meters installed at consumer installations; and

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- (ii) the number of meters tested and the number of meters replaced expressed as a percentage of the total number of meters installed at consumer connections;
- (f) the water quality sampling programme contemplated in Regulation 5(1) of the Regulations, the results of the comparison set out in Regulation 5(3) and any occurrence reported in compliance with Regulation 5(4) of the Regulations; and
- (g) water conservation and demand management, including at least:
 - (i) the results of the water balance as set out in Regulation 11 of the Regulations;
 - (ii) the total quantity of water unaccounted for;
 - (iii) the demand management activities undertaken; and
 - (iv) the progress made in the installation of water efficient devices.

PART 9

BOREHOLES

64. NOTIFICATION OF BOREHOLES

- (1) No person may sink a borehole on premises situated in a dolomite area, and before sinking a borehole a person wishing to do so must first determine if the premises on which the borehole is to be sunk are situated within a dolomite area.
- (2) The Municipality may, require:
 - (a) the owner of any premises within the area of jurisdiction of the Municipality upon which a borehole exists or, if the owner is not in occupation of such premises, the occupier thereof, to notify it in writing of the existence of a borehole on such premises, and to

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provide the Municipality with such information in respect thereof as the Municipality may require; and

- (b) the owner or occupier of any premises who intends to sink a borehole on such premises to notify it on the prescribed form of such intention before work in connection therewith is commenced.
- (3) The Municipality may require the owner or occupier of any premises who intends to sink a borehole to undertake an EIA (environmental impact assessment) for such intended borehole, to the satisfaction of the Municipality, before sinking the borehole.
- (4) Boreholes are subject to any requirements of the National Water Act, Act 136 of 1998.
- (5) The Municipality may by notice to an owner or occupier or by public notice require owners and occupiers on who has existing boreholes used for water services to:
 - (a) obtain approval from it for the use of a borehole for water services in accordance with sections 6, 7 and 22 of the Act;
 - (b) impose conditions in respect of the use of a borehole for water services; and
 - (c) impose a fixed charge in respect of the use of such a borehole.

PART 10**SPECIAL PROVISIONS FOR FIRE SERVICES****65. INSTALLATION**

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- (1) Any water installation for the provision of water for fire fighting purposes, must comply with the provisions of SABS Code 0252-1:1994 or any revisions or substitution thereof.
- (2) Notwithstanding the provisions of sub-section (1) above, the special provisions contained below inclusively apply, insofar as they are applicable, to the supply of water for fire fighting purposes.

66. PAYMENT FOR FIRE SERVICES

The consumer and the owner, in the event of them not being the same person or entity, 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.

67. DUAL AND COMBINED INSTALLATIONS

Any new building erected after the adoption of this by-law must comply with the following requirements in relation to the provision of fire extinguishing services:

- (a) if, in the opinion of the Municipality charged with the approval of plans, enhancement or 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;
- (b) 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;
- (c) in the circumstances contemplated in sub-section (b) above, a fire installation or hydrant must be provided by the Municipality, at the consumer's expense, within 90 meters of the property to provide a

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source of water for the use of the crew of any fire tender sent to extinguish a fire;

- (d) combined installations where a booster pumping connection is provided shall only be permitted when designed and certified by a professional engineer;
- (e) all pipes and fittings must be capable of handling pressures in excess of 1800 kPa, which could be expected when boosting takes place and must be designed to maintain their integrity when exposed to fire conditions.

68. CONNECTION PIPES FOR FIRE EXTINGUISHING SERVICES

- (1) A single connection to the water supply system, to serve a connection pipe for fire installation, excluding a sprinkler system, may be provided by the Municipality.
- (2) The Municipality may provide and install at the cost of the consumer a combined meter or measuring device on the connection pipe referred to in sub-section (1) above.
- (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 sub-section (3) above may be made, nor may any water from such a connection pipe 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 thereto and such tank must be controlled by an approved fitting.

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- (5) A separate connection pipe must be laid and used for every fire sprinkler extinguishing system unless otherwise approved.
- (6) A connection pipe must be equipped with a meter or measuring device that will not obstruct the flow of water while the meter or measuring device is operating.

69. VALVES IN CONNECTION PIPES

Every connection pipe to a fire extinguishing installation must be fitted with a proper gate valve which must be:

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

70. INSPECTION AND APPROVAL OF FIRE EXTINGUISHING INSTALLATION

No water may be supplied to any fire extinguishing installation until:

- (a) it has been inspected and tested by the Municipality;
- (b) the Municipality has certified in writing that such water installation is complete and complies with the requirements of this by-law; and
- (c) the fees determined by the Municipality for such inspection and testing have been paid.

71. CONNECTION TO BE AT THE DISCRETION OF THE MUNICIPALITY

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- (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 water supply system or mains.
- (2) No water shall be supplied to any fire extinguishing installation until a certificate that the Municipality's approval has been obtained and that the installation complies with the requirements of this by-law and any other by-laws of the Municipality.
- (3) If in opinion of the Municipality a fire extinguishing installation which it has allowed to be connected to its mains is not being kept in proper working order or is otherwise not being properly maintained, or is being used in contravention of this by-law, the Municipality is entitled either to require the installation to be disconnected from the water supply system, or the Municipality itself may carry out the work of disconnecting it at the expense of the owner or the consumer, as the case may be.

72. INSTALLATION OF WATER METER IN FIRE EXTINGUISHING CONNECTION PIPE

The Municipality is entitled, to install a water meter or measuring device in any connection pipe used solely for fire extinguishing purposes, and the consumer shall be liable for the cost of such installation, if it appears to the Municipality that water has been consumed or drawn from the pipe for purposes other than the purpose of extinguishing a fire.

73. SPRINKLER EXTINGUISHING INSTALLATION

A sprinkler installed may be installed directly with the water supply system but the Municipality shall not guarantee any specified water pressure to such installation at any point in time.

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74. HEADER TANK OR RESERVE SUPPLY

- (1) Unless a sprinkler installation is provided with a duplicate or reserve supply of water from a separate supply system, 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 in pressure of water from the Municipality's water supply system or main.
- (2) The main pipe leading from such header tank to the sprinkler installation may be directly connected with the Municipality's water supply system, from which the principal supply of water is drawn, provided that such main pipe must be equipped with a reflux valve situated within the premises which, if for any reason the pressure in the main falls or is reduced, will shut off the supply to the main.
- (3) Where a sprinkler installation is provided with a duplicate supply from a separate main, each supply pipe must be equipped with a reflux valve situated within the premises.

75. SEALING OF PRIVATE FIRE INSTALLATION OR HYDRANTS

- (1) Except in the case of a fire installation supplied through a connection pipe fitted with a meter (a combined system with a combination meter), a private hydrant and hose-reel must be sealed by the Municipality and such seal, may not be broken by an 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.
- (2) A consumer shall give the Municipality at least 48 (forty eight) hours' notice of the intention of the consumer to service or test a fire extinguishing installation.

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- (3) The consumer shall be responsible for all the costs associated with the resealing of a hydrant and hose-reel except in the instances where such seal is broken by the Municipality for servicing or testing purposes.
- (4) Any water consumed after a seal is broken, other than in the course of servicing or testing by the Municipality, or in the course of extinguishing a fire, shall be paid by the owner or the consumer at the prescribed tariffs and fees in terms of the Tariff Policy and By-Law of the Municipality for domestic purposes.
- (5) The quantity of water consumed as contemplated in sub-section (4) shall be determined by the Municipality in accordance with the provisions relating to metering and estimates as set out in the Credit and Control and Debt Collection Policy and By-Law of the Municipality.

PART 11**UNAUTHORISED AND ILLEGAL DISCHARGES AND THE DISPOSAL OF GREY WATER****76. OBJECTIONABLE DISCHARGE TO STORMWATER DRAIN, RIVER, STREAM OR OTHER WATERCOURSE**

- (1) No person shall discharge, or cause or permit the discharge of any sewage directly or indirectly into a storm water drain, river, stream or watercourse whether natural or artificial.
- (2) The consumer in respect of any premises on which steam or any liquid other than potable water, is stored, processed or generated shall provide all facilities necessary to prevent any discharge or leakage of such liquid to any street, stormwater drain or watercourse whether natural or artificial, except in the case of a stream where the Municipality has authorised such discharge and in compliance with any conditions imposed by the Municipality. Such

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consent shall not excuse the consumer from complying with any other laws or restrictions applicable to such discharge.

- (3) Where the hosing down or flushing by rainwater of an open area on any premises is in the opinion of the Municipality likely to cause the discharge of objectionable matter into any street, stormwater drain, river, stream or other watercourse whether natural or artificial, or to cause or contribute towards the pollution of any such watercourse, the Municipality may, by notice, require the consumer in respect of such premises to take reasonable measures to prevent or minimise such discharge or pollution or to cease such activity.
- (4) No person may cause or permit any solid, liquid or gaseous substance other than storm water to enter:
 - (a) into a storm water drain;
 - (b) any river, stream or natural water course or any public water, whether natural or artificial or ordinarily dry or otherwise, except in accordance with the provisions of the National Water Act; or
 - (c) any street or premises.
- (5) No person shall discharge, or cause or permit the discharge of any substance referred to in section 85 or any substance or discharge which constitutes a contravention of the National Water Act or any other law or any by-law of the Municipality, into any stormwater drain, river, stream or natural water course or any public water, whether ordinarily dry or otherwise.
- (6) If any person contravenes any provision of this section such person shall within twelve hours, or earlier if possible, advise the Municipality of the details of the contravention and the reasons for it.
- (7) If any contravention of any of the provisions set out in this section takes place on any premises or elsewhere, the owner of such premises or any person

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aware of the contravention shall notify the Municipality, within 12 (twelve) hours of such contravention taking place of the details of the contravention and the reasons for it.

77. DISPOSAL OF GREY WATER

The Municipality may impose limitations on the use of grey water if the use thereof may negatively affect health, the environment or available water resources.

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CHAPTER 3

SANITATION SERVICES

PART 1

CONNECTION TO SANITATION SYSTEM

SEWAGE DISPOSAL

78. OBLIGATION TO CONNECT TO SANITATION SYSTEM

- (1) All premises on which sewage is produced must be connected to the Municipality's sanitation system if a connecting sewer is available or if it is reasonably possible or cost effective for the Municipality to install a connecting sewer, unless prior written approval for the use of on-site sanitation services was obtained in accordance with this by-law.
- (2) The Municipality may by notice require the consumer not connected to the Municipality's sanitation system to connect to the sanitation system.
- (3) A consumer who is required to connect those premises to the Municipality's sanitation system, in accordance with sub-section (1) above must inform the Municipality in writing of any sanitation system provided by the Municipality on this site, which will no longer be required as a result of the connection to the sanitation system.

79. PROVISION OF A CONNECTION SEWER

- (1) If a municipal services agreement for the use of sanitation services in respect of premises has been concluded in accordance with this by-law and the provisions of the Credit Control and Debt Collection Policy and By-Law of the Municipality, and no connecting sewer exists in respect of the premises, the

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customer must immediately make application on the approved form and pay the prescribed tariff for the installation of such a connecting sewer in accordance with any specifications of the Municipality.

- (2) If an application is made for use of the sanitation system at any premises which is so situated and of such a nature that it is necessary to extend, modify or upgrade the sanitation system in order to provide sanitation services to the premises the Municipality may agree to the extension subject to such conditions as it may impose.
- (3) The Municipality must provide sanitation services in respect of a communal sewer only once an agreement whereby the community serviced by that sewer has, by means of an association or legal entity concluded an agreement for the maintenance and repair of the communal sewer with the Municipality, and such service must be supplied in accordance with the provisions of that agreement read with the provisions of this by-law.
- (4) The discharge of any substance whatsoever other than clean water for testing purposes may not be permitted to enter any drainage installation until the drainage installation has been connected to the sanitation system.
- (5) Only the Municipality may install or approve an installed connecting sewer; but the customer may connect the sanitation installation to the connection pipe.
- (6) No person may commence any development on any premises unless the Municipality has installed a connecting sewer.

80. LOCATION OF CONNECTING SEWER

- (1) A connecting sewer provided and installed by the Municipality shall:

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- (a) be located in a position and be of a size determined by the Municipality;
 - (b) terminate at a connection point approximately 1 (one) meter inside the premises from the boundary of the land owned by or vested in the Municipality over which it has a servitude or other right, which applies, at the connecting point designated in terms of this section.

- (2) When determining the location of the connecting sewer, the Municipality shall inform the customer of the following:
 - (a) practical restrictions that may exist regarding the location of a connecting sewer pipe;
 - (b) the cost implications of the various possible locations of the connecting sewer;
 - (c) whether or not the Municipality requires the customer to fix the location of the connecting sewer by providing a portion of the customer's water installation at or outside the boundary of his or her premises, or such agreed position inside or outside of the customer's premises where the connection is required, for the Municipality to connect to such installation.

- (3) The Municipality may at the request of any person agree, subject to such conditions as the Municipality 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 customer shall be responsible for any extension of the drainage installation to the connecting point designated by the Municipality and for obtaining at the customer's cost, such servitudes over other premises as may be necessary.

- (4) A customer must pay the prescribed connection charge and tariffs determined by the Council of the Municipality before a connection to the connecting sewer can be effected.

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- (5) Where a customer is required to provide a sewage lift as provided for in terms of the Building Regulations, the rate and time of discharge into the sewer shall be subject to the prior written approval of the Municipality.

81. PROVISION OF ONE CONNECTING SEWER FOR SEVERAL CONSUMERS ON SAME PREMISES

- (1) Only one connecting sewer to the sanitation system may be provided for the disposal of sewage from any premises, irrespective of the number of accommodation units or consumers located on such premises.
- (2) Where the owner, or the person having the charge or management of any premises on which several accommodation units are situated, requires the disposal of sewage from such premises for the purpose of disposal from the different accommodation units, the Municipality may, in its discretion, provide and install either:
- (a) a single connecting sewer in respect of the premises as a whole or any number of such accommodation units; or
 - (b) a separate connecting sewer for each accommodation unit or any number thereof.
- (3) Where the Municipality has installed a single connecting sewer as contemplated in sub-section (2)(a) above, the owner or the person having the charge or management of the premises, as the case may be:
- (a) must if the Municipality so requires, install and maintain on each branch pipe extending from the connecting sewer to the different accommodation units:
 - (i) a separate connecting sewer; and
 - (ii) an isolating valve; and
 - (b) shall be liable to the Municipality for the tariffs and charges for all sewage disposed from the premises through such a single

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connecting sewer, irrespective of the different quantities disposed by the different consumers served by such connecting sewer.

- (4) Notwithstanding sub-section (1) above, the Municipality may authorise that more than one connecting sewer be provided on the sanitation system for the disposal of sewage from any premises comprising sectional title units or if, in the opinion of the Municipality, undue hardship or inconvenience would be caused to any consumer on such premises by the provision of only one connecting sewer.
- (5) Where the provision of more than one connecting sewer is authorised by the Municipality under sub-section (4) above, the tariffs and charges for the provision of a connecting sewer are payable in respect of each sewage, connection so provided.

82. INTERCONNECTION BETWEEN PREMISES

A consumer shall ensure that no interconnection exists between the drainage installation on the premises where the sanitation services are provided and any other sanitation services on other premises, unless such consumer has obtained the prior written consent of the Municipality and complies with any conditions that the Municipality may have imposed in granting such consent.

83. DISCONNECTION OF DRAINING INSTALLATION FROM CONNECTING SEWER

The Municipality may disconnect a drainage installation from the connecting sewer and remove the connecting sewer and seal the opening of the sewer so made and recover from the consumer the fees, charges and tariffs determined by Council in respect thereof, if the municipal services agreement for provision of the said service has been terminated in terms of this By Law and the provisions of the Credit Control

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and Debt Collection Policy and By-laws of the Municipality or if the building on the premises concerned has been demolished.

PART 2**STANDARDS AND GENERAL PROVISIONS****84. STANDARDS FOR SANITATION SERVICES**

Sanitation services provided by the Municipality will comply with the minimum standards set for the provision of sanitation services in terms of the section 9 of the Act and Regulation 2 of the Regulations pertaining to basic sanitation services.

85. OBJECTIONABLE DISCHARGE TO SANITATION SYSTEM

- (1) No person shall discharge, or permit the discharge or entry into the sanitation system of any sewage or other substance:
- (a) which does not comply with the standards and criteria prescribed in this by-law;
 - (b) which contains any substance in such concentrations as will produce or be likely to produce in the effluent produced for discharge at any sewage treatment plant or in any public water any offensive, or otherwise undesirable taste, colour, odour, temperature or any foam;
 - (c) which may prejudice the re-use of treated sewage or adversely affect any of the processes whereby sewage is purified for re-use, or treated to produce sludge for disposal;
 - (d) which contains any substance or thing of whatsoever nature which is not amenable to treatment to a satisfactory degree at a sewage treatment plant or which causes or is likely to cause a breakdown or inhibition of the processes in use at such plant;
 - (e) which contains any substance or thing of whatsoever nature which is of such strength, or which is amenable to treatment only to a degree

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as will result in effluent from the sewage treatment plant not complying with standards prescribed under the National Water Act, Act 36 of 1998;

- (f) which may cause danger to the health or safety of any person or may be injurious to the structure or materials of the sanitation system or may prejudice the use of any ground used by the Municipality for the sanitation system, other than in compliance with the permissions issued in terms of this by-law;
- (g) which may inhibit the unrestricted conveyance of sewage through the sanitation system;
- (h) which is in the form of steam or vapour or has a temperature exceeding 44°C at the point where it enters the sewer;
- (i) which has a pH balance of less than 4.0;
- (j) which contains any substance likely to give off explosive, flammable, poisonous or offensive gases or vapours in any sewer;
- (k) which contains any substance having an open flashpoint of less than 93 degrees Celsius or which gives off a poisonous vapour at a temperature below 93°C;
- (l) which contains any material of whatsoever nature, including oil, grease, fat or detergents capable of causing obstruction to the flow in sewer, to a drain or interference with the proper operation of a sewage treatment plant;
- (m) which contains any substance in such concentration as is likely in the final treated effluent from any sewage treatment plant to produce an undesirable taste after chlorination, or an undesirable odour or colour, or excessive foam;
- (n) which contains any substance listed in **Schedule "A"** to this by-law:
 - (i) in amounts higher than those specified therein;
 - (ii) which may harm or damage any sewer, mechanical appliance, sewage treatment plant or equipment;
 - (iii) which may prejudice the use of sewage effluent for re-use; or

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- (iv) which may adversely affect any water into which treated sewage effluent is discharge or any land or crop irrigated with sewage effluent;
 - (o) which contains any substance of whatsoever nature which:
 - (i) is not amenable to treatment at the sewage treatment plant; or
 - (ii) causes or may cause a breakdown or inhibition of the normal sewage treatment processes; or
 - (iii) is of such a nature as is or may be amenable to treatment only to such degree as to result in the final treated effluent from the sewage treatment plant not complying in all respects with any requirements imposed in terms of the National Water Act; and
 - (p) whether listed in **Schedule "A"** of this by-law or not, either alone or in combination with other matter may:
 - (i) generate or constitute a toxic substance dangerous to the health of a person employed at the sewage treatment plant or entering a Municipal sewer or manhole in the course and scope of his duty;
 - (ii) adversely affect any process whereby sewage treated or adversely affect any process wherein any re-use of sewage effluent is permitted.
- (2) No person shall cause or permit any stormwater to enter the sanitation system.
- (3) No person may cause or permit any solid, liquid or gaseous substance other than storm water to enter:
- (a) any stormwater drain, storm water sewer or excavated or constructed water course;

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- (b) any river, stream or natural water course or any public water, whether ordinarily dry or otherwise, except in accordance with the provisions of the National Water Act; or
 - (c) any street or premises.

- (4) The Municipality may, by written notice, order a consumer to conduct, at his or her cost, periodic expert inspections of the premises where the sewer services is provided in order to identify precautionary measures which would ensure compliance with this by-law and to report such findings to the Municipality.

- (5) The Municipality may require, by written notice, any consumer in respect of premises from which there is a discharge of any sewage, industrial effluent, liquid or any other substance referred to in sub-section (1) above, to conduct at the consumer's own cost and expense, periodic expert inspections of the premises in order to identify precautionary measures which would ensure compliance with this by-law and report such findings to the Municipality.

- (6) If any person contravenes any provision of sub-section (1) above or sub-sections (2) or (3) above such person shall within 12 (twelve) hours, or earlier if possible, advise the Municipality of the details of the contravention and the reasons for it.

- (7) If any contravention of any of the provisions set out in sub-section (1) above or sub-sections (2) or (3) above takes place on any premises or elsewhere, the owner of such premises or any person aware of the contravention shall notify the Municipality, within 12 (twelve) hours of such contravention taking place of the details of the contravention and the reasons for it.

PART 3

ON-SITE SANITATION SERVICES AND ASSOCIATED SERVICES

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86. INSTALLATION OF ON-SITE SANITATION SERVICES

- (1) If an agreement for on-site sanitation services in respect of premises has been concluded, or it is not reasonably possible or cost effective for the Municipality to install a connecting sewer, the owner must install sanitation services as specified by the Municipality on the site.
- (2) No person shall use or permit the use of on-site sanitation services not connected to the Municipality's sanitation system except with the prior written approval of the Municipality and in accordance with such conditions as the Municipality may impose for domestic, commercial or industrial purposes.
- (3) Any person requiring the consent referred to in this section shall provide the Municipality with satisfactory evidence that the sanitation facility shall not have a detrimental effect on health of any person, plant or animal or on the environment.
- (4) Any consent given in terms of this section may be withdrawn if, in the opinion of the Municipality:
 - (a) a condition imposed by the Municipality is breached;
 - (b) the sanitation facility has a detrimental impact on the health of any person, plant or animal or on the environment.
- (5) The Municipality may undertake any investigations deemed necessary by the Municipality to determine if a sanitation facility has or will have a detrimental impact on the health of any person, plant or animal or on the environment and to ensure compliance with this section and this by-law.
- (6) The person to whom consent is granted in terms of sub-section (1) above shall be liable for the costs associated with an investigation in terms of sub-

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section (5) above, if the result indicates that the sanitation facility has a detrimental effect to the health of any person, plant or animal or which constitutes a contravention of this section or this by-law.

- (7) Every on-site sanitation services shall be located and operated so as not to cause any nuisance through noise or smell or otherwise.

87. VENTILATED IMPROVED PIT LATRINE

- (1) The Municipality may at its discretion and on such conditions as it may prescribe, having regard to the nature and permeability of the soil, the depth of the water table, any other factors which may have the potential to cause harm to the environment, if approval is granted, the size of and access to the site and the availability of a piped water supply, permit the disposal of human excrement by means of a ventilated pit latrine, constructed in accordance with the specifications and located in a position indicated and determined by the Municipality.
- (2) A ventilated improved pit latrine must have:
- (i) a pit of minimum 2 m³ capacity;
 - (ii) lining and sealing as required;
 - (iii) a slab designed to support the superimposed loading; and
 - (iv) protection preventing children from falling into the pit.
- (3) The ventilated improved pit latrine must conform to the following specifications:
- (i) the pit must be ventilated by means of a pipe, sealed at the upper end with durable insect proof screening fixed firmly in place;
 - (ii) the ventilation pipe must project not less than 0.3m above the nearest roof, must be of at least 150mm in diameter, and must be installed vertically with no bend;

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- (iii) the interior of the closet must be finished smooth so that it can be kept in a clean and hygienic condition. The superstructure must be well-ventilated in order to allow the free flow of air into the pit to be vented through the pipe;
- (iv) the opening through the slab must be of adequate size so as to prevent fouling. The rim must be raised so that liquids used for washing the floor do not flow into the pit. It shall be equipped with a lid to prevent the egress of flies and other insects when the toilet is not in use;
- (v) must be sited in a position that is independent of the residential structure or dwelling unit;
- (vi) must be sited in positions that are accessible to road vehicles having a width of 3.0m in order to facilitate the emptying of the pit;
- (vii) in situations where there is the danger of polluting an aquifer due to the permeability of the soil, the pit must be lined with an impermeable material that is durable and will not crack under stress; and
- (viii) in situations where the ground in which the pit is to be excavated is unstable, suitable support is to be given to prevent the collapse of the soil.

88. SEPTIC TANK AND TREATMENT PLANTS

- (1) No person may construct, install, maintain or operate any septic tank or other plant for the treatment, disposal or storage of sewage, without the prior written consent of the Municipality.
- (2) The Municipality may, on such conditions as it may prescribe approve the disposal of sewage or other effluent by means of septic tank(s) or other on-site sewage treatment plants.

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- (3) The consent referred to in sub-section (1) above is subject to the provisions of this by-law, and any other relevant by-laws of the Municipality or any other law.
- (4) Effluent from a septic tank or other on-site treatment plant must be disposed of to the satisfaction of the Municipality.
- (5) A septic tank must be watertight, securely covered and provided with gas-tight means of access to its interior adequate to permit the inspection of the inlet and outlet pipes and adequate for the purposes of removing sludge.
- (6) A septic tank serving a dwelling unit must:
 - (a) have a capacity below the level of the invert of the outlet pipe of not less than 500 litres per bedroom, subject to a minimum capacity below such an invert level of 2 500 litres;
 - (b) have an internal width of not less than 1 meter measured at right angles to the direction of the flow;
 - (c) have an internal depth between the cover and the bottom of the tank of not less than 1.7 meters; and
 - (d) retain liquid to a depth of not less than 1,4 meters.
- (7) Septic tanks serving premises other than a dwelling unit must be designed, and certified by a professional civil engineer registered as a member of the engineering Council of South Africa.
- (8) No rain water, stormwater or effluent other than that approved by the Municipality may be discharged into a septic tank.

89. FRENCH DRAIN

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- (1) The Municipality may, on such conditions as it may prescribe having regard to the quantity and the nature of the effluent and the nature of the soil as determined by the permeability test prescribed by the South African Bureau of Standards, approve the disposal of waste-water or other effluent by means of French drains, soakage pits or other approved works.
- (2) A French drain, soakage pit or other similar work shall not be situated closer than 5 meters to any dwelling unit or to any boundary of any premises on which it is situated, nor in any such position that will, in the opinion of the Municipality, cause contamination of any borehole or other source of water which is, or may be, used for drinking purposes, or cause dampness in any building.
- (3) The dimensions of any French drain, soakage pit or other similar work shall be determined in relation to the absorbent qualities of the soil and the nature and quantity of the effluent.
- (4) French drains serving premises other than a dwelling house must be designed and certified by a professional Civil engineer registered as a member of the Engineering Council of South Africa.

90. CONSERVANCY TANK

- (1) The Municipality may at its discretion permit the owner of any premises to construct a conservancy tank and ancillary appliances for the retention of soil water, or such other sewage or effluent as it may decide, and such tank and appliances must be of such capacity, constructed of such material and located in such position and at such level as the Municipality may prescribe.
- (2) No rain water, stormwater or effluent other than that approved by the Municipality may be discharged into a conservancy tank.

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- (3) No conservancy tank must be used as such unless:
- (a) the invert of the tank slopes towards the outlet at a gradient of not less than 1 in 10;
 - (b) the tank is gas and water tight;
 - (c) the tank has an outlet pipe, 100mm in internal diameter, made of wrought iron, cast iron or other approved material and except if otherwise approved by the Municipality, terminating at an approved valve and fittings for connection to the Municipality's removal vehicles;
 - (d) the valve and fittings referred to in sub-section (c) above or the outlet end of the pipe, as the case may be, are located in a chamber that has a hinged cover approved by the Municipality and which is situated in a position required by the Municipality;
 - (e) access to the conservancy tank must be provided by means of an approved manhole fitted with a removable cast iron cover placed immediately above the visible spigot of the inlet pipe.
- (4) The Municipality may, having regard to the position of a conservancy tank or of the point of connection for a removal vehicle, require the owner or consumer to indemnify the Municipality, in writing, against any liability for any damages that may result from rendering of that service as a condition of emptying the tank.
- (5) Where the Municipality's removal vehicle has to traverse private premises for the emptying of a conservancy tank, the owner shall provide and maintain at the owner's cost a roadway at least 3,5 meters wide, so hardened as to be capable of withstanding a wheel load of 4 metric tons in all weather, and shall ensure that no gateway through which the vehicle is required to pass to reach the tank, shall be less than 3,5 meter wide for such purpose.

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

91. FEES AND CHARGES IN RESPECT OF SERVICES ASSOCIATED WITH ON-SITE SANITATION SERVICES

- (1) Prescribed fees and charges in respect of the removal or collection of conservancy tank contents, night soil or the emptying of pits or septic tanks will cover all the operating and maintenance costs in the removal of the pit or septic tank contents, transportation to a disposal site, the treatment of the contents to achieve a sanitary condition and the final disposal of any solid residues. Such fees and charges shall be set out in the Tariff Schedule as envisaged by the provisions of the Tariff Policy and Tariff By-Law of the Municipality.
- (2) Fees and charges in respect of the removal or collection of conservancy tank contents, night soil or the emptying of pits or septic tanks will be based on the volume removed by vacuum tank or otherwise.
- (3) If the volume of conservancy tank contents, night soil or the emptying of pits or septic tanks removed or collected cannot be quantified the Municipality may charge a fixed fee or other charge as prescribed.
- (4) Fees and charges may be in the form of a monthly contribution or it may be levied as a single payment as and when the service is rendered.
- (5) Services rendered by the Municipality in terms of this section shall be discontinued by the Municipality on receipt by the Municipality of not less than 7 (seven) days notice in writing from the owner or occupier of the premises requesting such service to be discontinued.

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- (6) Where notice to discontinue the service referred to in this section is received by the Municipality, after the date when the services were to be discontinued, the fees or charges must cease from the date and time of receipt of the written notice.

92. DISUSED CONSERVANCY AND SEPTIC TANKS

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

93. SERVICES ASSOCIATED WITH ON-SITE SANITATION SERVICES

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

PART 4

OTHER SANITATION SERVICES

94. 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 of the building or premises cannot discharge sewage by gravitation, the Municipality may, subject to the provisions of sub-sections (2), (3) and (4) below, and to any other conditions

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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 consumer must apply in writing to the Municipality for permission to do so and must thereafter furnish such additional information as the Municipality may require.
- (3) The written application must be accompanied by drawings of the proposed installation and must be signed by both the consumer and a professional engineer. The drawings must be prepared in accordance with the relevant provisions of the Building Regulations and must show details of the compartment containing the appliance, the sewage storage tank, the stilling chamber and their position, and the position of the drains, ventilation pipes, rising main and the sewer connection.
- (4) The maximum discharge rate from any mechanical appliance and the times between which the discharge may take place, must be prescribed as by the Municipality, who may, at any time, require the consumer to install such fittings and regulating devices as may be necessary to ensure that the said prescribed maximum discharge rate will not be exceeded and the prescribed times will be adhered to.
- (5) Notwithstanding any approval given in terms of sub-section (1) above, the Municipality shall not be liable for any injury, loss or damage to life or property caused by the use, malfunctioning or any other condition arising from the installation or operation of a mechanical appliance for the raising or transfer of sewage.
- (6) Every mechanical appliance installed for the raising or transfer of sewage shall be specifically designed for the purpose and shall be fitted with a

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discharge pipe, sluice valves and non-return valves located in approved positions.

- (7) Unless otherwise authorised by the Municipality such mechanical appliance shall be installed in duplicate and each such appliance shall be so controlled that either will immediately begin to function automatically in the event of failure of the other.
- (8) Every mechanical appliance forming part of a drainage installation shall be located and operated so as to not cause any nuisance through noise or smell or otherwise, and every compartment containing any such appliance must be effectively ventilated.
- (9) Except where adequate sewage storage space is incorporated as in integral part of a mechanical appliance, a sewage storage tank must be provided in conjunction with such appliance.
- (10) Every sewage storage tank required in terms of this section must:
 - (a) be constructed of hard, durable materials and must be watertight and the internal surfaces of the walls and floor must be smooth and impermeable;
 - (b) have a storage capacity below the level of the inlet equal to the quantity of sewage discharged there into it in 24 hours or 900 litres whichever is the greater quantity; and
 - (c) be so designed that the maximum of its sewage content shall be emptied at each discharge cycle of the mechanical appliance;
 - (d) be serviced and maintained at the consumer's cost as specified by the manufacturer and kept in good working order.
- (11) Every storage tank and stilling chamber shall be provided with ventilation pipe in accordance with the engineer's specifications.

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95. INSTALLATION, SUPPLY AND USAGE OF GARBAGE GRINDERS

- (1) No person shall install, supply or use a garbage grinder without the prior written approval of the Municipality.
- (2) Any person who is in the business of supplying garbage grinders shall keep a record of all garbage grinders that are kept in stock and that are sold and shall at the written request of the Municipality furnish the Municipality with a copy of such record.
- (3) The Municipality may approve the connection or incorporation of a mechanical waste food disposal unit or garbage grinder into a drainage installation that has a capacity in excess of 500W, subject to the payment of all applicable fees and charges, and to any conditions that the Municipality may impose but approval will only be given if:
 - (a) a water meter is installed by the Municipality;
 - (b) the Municipality is satisfied that the sewage and sewage treatment system will not be adversely affected; and
 - (c) the installation or incorporation is installed in conformity with the Municipality's by-laws relating to electricity.
- (4) The approval by the Municipality in sub-section (3) above may be withdrawn in the event that any conditions are not complied with, or the food disposal unit or garbage grinder ceases to function correctly or causes a nuisance.

96. DISPOSAL OF SLUDGE, COMPOST AND MANURE

Except when prohibited by any law, the Municipality may sell or dispose of sewage sludge, compost or animal manure resulting from the operation of any sewage treatment plant operated by the Municipality or sewage farm associated therewith, on

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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 Municipality may impose or as may be required in terms of any law.

97. STABLES AND SIMILAR SERVICES

- (1) The Municipality may approve the connection of a drainage installation at stables, cowsheds, dairies, kennels, other premises for the accommodation of animals, and tanneries, subject to the payment of all applicable fees and charges and the fulfilment of any condition that the Municipality may impose, but approval shall only be given if:
 - (a) the floor of the premises is paved by impervious materials that are approved by the Municipality and graded to a silt trap, grease trap or gully, of adequate capacity; and
 - (b) every part of the floor of the premises is covered by a roof, or another protective device in such a way that adequately prevents the entry of rain or storm water into the drainage installation.
- (2) The approval by the Municipality in sub-section (1) may be withdrawn in the event that any of the conditions imposed by the Municipality are not complied with or the drainage installation causes a nuisance.

PART 5

SEWAGE DELIVERED BY ROAD HAULAGE

98. ACCEPTANCE OF SEWAGE DELIVERED BY ROAD HAULAGE

The Municipality may, at its discretion, and subject to such conditions as it may specify, accept sewage for disposal delivered to the Municipality's sewage treatment plants by road haulage.

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99. WRITTEN PERMISSION FOR DELIVERY OF SEWAGE BY ROAD HAULAGE

- (1) No person shall deliver to or discharge sewage into the Municipality's sewage treatment plants by road haulage except with the prior written permission of the Municipality and subject to such period and any conditions that may be imposed by the Municipality in terms of the written permission.
- (2) The fees and charges for any sewage delivered for disposal to the Municipality's sewage treatment plants shall be assessed by the Municipality in accordance with the prescribed tariffs of fees and charges set out in the Tariff Policy and By-Law of the Municipality.

100. CONDITIONS FOR DELIVERY OF SEWAGE BY ROAD HAULAGE

- (1) When sewage is delivered by road haulage:
 - (a) the time and place for delivery shall be arranged with the Municipality;
 - (b) the nature and composition of the sewage shall be established to the satisfaction of the Municipality prior to the discharge thereof from the container in which it is delivered and no person shall deliver sewage that does not comply with the standards laid down in terms of this by-law;
 - (c) all other requirements in terms of SABS Codes 0231 and 0232 and any other applicable law must be complied with; and
 - (d) the Municipality must be satisfied before a delivery can take place, that the sewage is of a nature suitable for road haulage and that the method of haulage will not allow for spillage or cause any nuisance. The hauler shall be responsible for any and all costs or effecting any clean up of any spillage.

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101. WITHDRAWAL OF PERMISSION FOR DELIVERY OF SEWAGE BY ROAD HAULAGE

- (1) The Municipality may, withdraw any permission, after giving at least 14 (fourteen) day's written notice if its intention to do so, to a person permitted, to discharge sewage by road haulage if the person:
 - (a) fails to ensure that the sewage so delivered conforms to the standards prescribed in this by-law and **Schedule "A"**, or in the written permission referred to above; or
 - (b) fails or refuses to comply with any notice lawfully served on such person in terms of this by-law or contravenes any provisions of this by-law or any condition imposed on such person in terms of any permission granted to him or her; and
 - (c) fails to pay the assessed charges in respect of any sewage delivered within the period allowed for payment.
- (2) Provided that no notice, as contemplated in sub-section (1) above shall be required if in the opinion of the Municipality the road haulage is causing a danger to the health and safety of persons, animals or the environment, or the Municipality has given a previous notice of its intention to withdraw the permission for road haulage in the last 12 (twelve) months.

PART 6

DISPOSAL OF INDUSTRIAL EFFLUENT AND ISSUES RELATING TO TRADE PREMISES

102. APPLICATION FOR DISPOSAL OF INDUSTRIAL EFFLUENT

- (1) No person shall discharge or cause or permit industrial effluent to be discharged into the sanitation system except with the prior written approval of the Municipality and in accordance with the provisions of this by-law.

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- (2) A person must apply for the permission to discharge industrial effluent into the sanitation system of the Municipality by means of the written application form annexed to this by-law as **Schedule "C"**.
- (3) A person making application in terms of sub-section (2) above shall at the time of, or after making the application, as required, provide such additional information and submit any samples as the Municipality shall require.
- (4) The Municipality may, if in its opinion the capacity of a sanitation system is sufficient to permit the conveyance and effective treatment and lawful disposal of the industrial effluent, for such period and subject to such conditions it may impose, grant written permission to discharge the specified industrial effluent into the sanitation system.
- (5) Any person to whom permission has been granted in terms of sub-section (1) above 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 Municipality 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.
- (6) Upon receipt of the notification referred to in sub-section (5) above, the Municipality may grant permission for such change in the quantity of discharge or nature of effluent permitted, 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.
- (7) Any person who wishes to construct or cause to be constructed, a building which shall be used as a trade premises, shall at the time of lodging a building plan in terms of section 4(1) of the National Building Regulations and Building Standards Act, Act 103 of 1977, also lodge applications for the

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provision of sanitation services and for any permission to discharge industrial effluent in terms of sub-section (1) above.

- (8) The Municipality 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 Municipality, or in terms of the National Water Act, or as a result of any amendment to this by-law or for any other reason, review, amend, modify or revoke any permission or consent given or any conditions attached to such permission or consent, 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.
- (9) A person to whom such consent or permission is granted in terms of this section shall pay to the Municipality any prescribed fees and charges as set out in the Tariff Policy and Schedule to the Tariff Policy, before such person may discharge, cause or permit to be discharged any industrial effluent into the sewer, and any costs incurred in the Municipality testing such effluent to ensure it conforms to the conditions approved.
- (10) The Municipality may withdraw any such permission if at any time in the opinion of the Municipality the sewer system is no longer able to or equipped to accept and process such discharge or it if contravenes any provisions of this by-law.

103. UNAUTHORISED DISCHARGE OF INDUSTRIAL EFFLUENT

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- (1) Any person who discharges or causes or permits to be discharged any industrial effluent into the sewer without having first obtained the required permission and consent to do so in terms of this by-law, shall be guilty of an offence and liable, in addition to the penalties provided for in this by-law, to pay such fees and charges as the Municipality 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) In addition to the powers and rights of the Municipality in terms of sub-section (1) above, the Municipality shall be entitled to recover from any person who discharges into a drain or sewer, any industrial effluent or any substance which is prohibited or restricted in terms of section 85 read with **Schedule "A"**, all loss, damages, costs, expenses and fees incurred by the Municipality 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, oils or grease of:
 - (i) the sewer;
 - (ii) any sewage treatment plant;
 - (iii) any mechanical appliance;
 - (iv) any other property whatsoever whether or not under the control of the Municipality; and
 - (b) any costs, including any fines and damages, which may be incurred by or awarded against the Municipality, or any expense incurred by the Municipality 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.

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- (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 this by-law is guilty of an offence.

104. QUALITY STANDARDS FOR DISPOSAL OF INDUSTRIAL EFFLUENT

- (1) A person to whom permission has been granted in terms of section 102 of this by-law must ensure that no industrial effluent is discharged into the sanitation system of the Municipality unless it complies with the standards and criteria set out in section 85 read together with **Schedule "A"** hereto, and any conditions imposed by the Municipality.
- (2) The Municipality may by endorsement in writing on the permission concerned, relax or vary the standards in **Schedule "A"**, provided that the Municipality is satisfied that any such relaxation represents the best practicable environmental option.
- (3) In determining whether relaxing or varying the standards referred to in subsection (1) above, represents the best practicable environmental option the Municipality will consider:
- (a) whether the consumer's undertaking is operated and maintained at optimal levels;
 - (b) whether technology used by the consumer represents the best available option to the applicants industry and, if not, whether the installation of such technology would entail unreasonable cost to the applicant;
 - (c) whether the consumer is implementing a programme of waste minimisation which complies with national and local waste minimisation standards, to the satisfaction of the Municipality;
 - (d) the cost to the Municipality of granting the relaxation or variation; and
 - (e) the environmental impact or potential impact of such a relaxation or variation.

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- (4) Test samples may be taken at any time by a duly qualified sampler to ascertain whether the industrial effluent complies with the standards and criteria set out in sub-section (1) above, or any other standard laid down as requisition for granting written permission or approval. The method of testing in order to ascertain the concentration of any substance in **Schedule "C"** shall be the test normally used by the Municipality for these purposes.
- (5) Any person discharging any substance referred to in **Schedule "C"** shall ascertain the details of the appropriate test form the Municipality.

105. CONDITIONS FOR DISPOSAL OF INDUSTRIAL EFFLUENT

- (1) The Municipality may subject to the provisions of this by-law on the granting of approval or at any time that when the Municipality considers appropriate, by way of a written notice, require a person to:
- (a) subject the industrial effluent to such preliminary treatment as in the opinion of the Municipality will ensure that the industrial effluent conforms to the standards prescribed in section 85 and **Schedule "A"** before being discharged into the sanitation system;
 - (b) install such equalising tanks, valves, pumps, appliances, meters and other equipment which in the opinion of the Municipality will be necessary to control the rate and time of discharge into the sanitation system in accordance with the conditions imposed by it;
 - (c) install a separate drainage installation for the conveyance of industrial effluent and to discharge the same into the sanitation system through a separate connection as directed by the Municipality, 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

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effluent through the separate drainage installation for industrial effluent;

- (d) construct on any pipe conveying industrial effluent to any sewer, a service access hole, a manhole or stop-valve in such position and of such dimensions and materials as the Municipality may prescribe;
- (e) provide all such information as may be required by the Municipality to enable it to assess the tariffs or charges due to the Municipality;
- (f) provide adequate facilities such as level or overflow detection devices, standby equipment, overflow catch-pits, or other appropriate means to prevent a discharge into the sanitation system which is in contravention of this by-law;
- (g) cause any meter, gauge or other device installed in terms of this section to be calibrated by an independent authority at the cost of that person at such intervals as required by the Municipality and copies of the calibration to be forwarded to the Municipality;
- (h) cause industrial effluent to be sampled and analysed as often and in such manner as may be prescribed by the Municipality and provide it with the results of these tests when completed; 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;
- (j) have an engineer certify the installation of any equipment, treatment plant, works or installation accepting, processing or dealing with the industrial effluent as compliant to the specifications, standards and conditions the Municipality may impose.

- (2) The cost of any treatment plant, works or analysis which the person discharging industrial effluent may be required to carry out, construct or install in terms of sub-section (1) above, shall be borne by the person discharging the industrial effluent.

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- (3) The prior written permission of the Municipality must be obtained for any proposed changes to the composition of industrial effluent discharged into the sanitation system. Such permission if given may be subject to such further conditions as the Municipality deems appropriate.
- (4) In the event that industrial effluent that does not comply with the standards prescribed in this by-law and in terms of **Schedule "A"** or the written permission issued in respect of that process or premises, is discharged into the sanitation system, the Municipality must be informed by the owner or occupier of the premises of the incident and the reasons therefore within 12 (twelve) hours of such discharge.
- (5) A person to whom permission has been granted in terms of section 102 of this by-law, shall at least 14 (fourteen) days before anything is done to cause, or which may cause, any material alteration in the nature or quantity of the industrial effluent which is being lawfully discharged into the Municipality's sanitation system, notify the Municipality in writing of this impending alteration, which alteration may not be proceeded with, allowed or effected unless the Municipality has granted its prior written approval.
- (6) For high strength sewage the Municipality shall be entitled to levy a specific charge as set out and calculated in the Tariff Policy and By-Law of the Municipality.

106. WITHDRAWAL OF WRITTEN PERMISSION

- (1) The Municipality may withdraw any permission given in terms of this by-law, after giving at least 14 (fourteen) days written notice if its intention to do so to any person permitted to discharge industrial effluent into the sanitation system if that person or any employee, contractor or consultant of that person:

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- (a) fails to ensure that the industrial effluent discharged conforms to the industrial effluent standards prescribed in section 85 and **Schedule "A"** of this by-law or the written permission;
 - (b) fails or refuses to comply with any notice lawfully served on him or her in terms of this by-law or contravenes any provisions of this by-law or any condition imposed in terms of any permission granted to such person, or
 - (c) fails to pay the prescribed fees or charges in respect of any industrial effluent discharged.

- (2) Provided that no notice, as contemplated in sub-section (1) above shall be required if in the opinion of the Municipality the disposal of industrial effluent is causing a danger to the health and safety of persons, animals or the environment, or the Municipality has given a previous notice of its intention to withdraw the permission for in the last 12 months.

- (3) The Municipality may on withdrawal of any written permission:
 - (a) in addition to any steps prescribed in this by-law, and on 14 (fourteen) days written notice authorise the closing or sealing of the connecting sewer of the said premises to any sewer and to recover in respect thereof such charge as may be prescribed in the Municipality tariff of charges;
 - (b) refuse to accept any industrial effluent until it is satisfied that adequate steps to ensure that the industrial effluent to be discharged conforms with the standards prescribed in this by-law; and
 - (c) close off the water supply to the industrial process.

- (4) No person, may, without the written permission of the Municipality, open or break the seal of a drain closed and sealed off in terms of sub-section (2) above, or cause or permit this to be done.

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- (5) In the event of the Municipality acting in terms of sub-section (2) above, the owner, consumer or occupier of the premises must furnish written proof to the Municipality that the industrial effluent emanating from the premises will be discharged to an alternative disposal site approved by the Municipality.

PART 7**MEASUREMENT OF QUANTITY OF EFFLUENT DISCHARGED TO SANITATION SYSTEM****107. MEASUREMENT OF QUANTITY OF STANDARD DOMESTIC EFFLUENT DISCHARGED**

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

108. MEASUREMENT OF QUANTITY OF INDUSTRIAL EFFLUENT DISCHARGED

- (1) The quantity of industrial effluent discharged into the sanitation system shall be determined:

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- (a) where a meter or measuring device is installed, by the quantity of industrial effluent discharged from a premises as measured through that meter or measuring device; or
 - (b) until such time as a meter or measuring device, is installed by a percentage of the water supplied by the Municipality to that premises.
- (2) Where any premises are supplied with water from a source other than or in addition to the Municipality water supply system, including extraction from a river or borehole, the quantity will be a percentage of the total water used on that premises as may be reasonably estimated by the Municipality.
- (3) The Municipality may require the consumer to incorporate in any drainage installation conveying industrial effluent to a sewer, any control meter, measuring device or gauge or other device of an approved type and in the control of the Municipality for the purpose of ascertaining to the satisfaction of the Municipality the tempo, volume and composition of the effluent.
- (4) The Municipality may install and maintain any meter, gauge or device referred to in sub-section (3) above of the expense of the consumer in respect of any premises on which it is installed.
- (5) Where a portion of the water supplied to the premises forms part of the end product of any manufacturing process or is lost by reaction or evaporation during the manufacturing process or for any other reason, the Municipality may on application, reduce the assessed quantity of industrial effluent.
- (6) The Municipality may at its discretion enter into an agreement with any person discharging industrial effluent into the sanitation system, establishing an alternative method of assessing the quantity and tempo of effluent.

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- (7) It is an offence for any person to bypass, open, break into or otherwise interfere with or to damage any meter, measuring device or gauge referred to herein.
- (8) 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 or measuring devices, 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.
- (9) The Council may determine a rebate to apply to the fees and charges determined in accordance with the Tariff Policy and Tariff By-Law and as set out in the Tariff Schedule, if the owner, consumer 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.
- (10) Upon payment of the prescribed fees or charges determined by the Council, for the installation of any meter or measuring device, the Municipality shall install on any premises a separate meter or measuring device to record the consumption of water:
- (a) obtained from any source other than the Municipality's water supply or;
 - (b) which, after use, will not reach a drainage installation.
- (11) The following conditions apply in respect of the assessment of the quality of industrial effluent discharged:
- (a) each consumer must conduct the prescribed tests, on a regular basis as provided for in the approval to discharge industrial effluent and report the results to the Municipality;

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- (b) the Municipality may conduct random compliance tests to correlate with those used in sub-section (a) above and, if discrepancies are found, the values of the Municipality shall, except in the case of criminal proceedings, be presumed to be correct and further tests may be required by the Municipality to determine, at the cost of the consumer the values for the formula;
- (c) the average of the values of the different analysis results of 24 (twenty four) hourly composite or snap samples of the effluent, taken during the period of charge, will be used to determine the charges relating to the quality of industrial effluent as set out in the Tariff Schedule as envisaged in terms of the Tariff Policy and Tariff By-Law of the Municipality;
- (d) in the absence of a complete daily set of 24 (twenty four) hourly composite or snap samples, the average of not less than 2 (two) values of the sampled effluent, taken during the period of charge, will be used to determine the charges payable;
- (e) in order to determine the strength (chemical oxygen demand, suspended solids concentration, ammonia concentration, and orthophosphate concentration) in the effluent as well as the concentration of Group 1 and Group 2 metals, pH value and conductivity, the Municipality shall use the tests normally used by municipalities for these respective purposes. Details of the said tests may be obtained from the Municipality or from the SABS. Test results from a laboratory approved by the Municipality will take precedence over any tests of the Municipality;
- (f) the formula must be calculated on the basis of the different analysis results of individual snap or composite samples and the period of treatment for calculation shall not be less than one full 24 (twenty four) hour period: unless evidence is submitted to the Municipality that a lesser period is actually applicable;
- (g) the terms of any disincentive formula cannot assume a negative value;

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- (h) whenever the Municipality takes a sample one half of it must be made available to the consumer;
- (i) for the purposes of calculating the quantity of effluent discharged from each point of discharge of effluent, the total quantity of water consumed on the premises shall be allocated to the several points of discharge as accurately as reasonably practicable;
- (j) the cost of conveying and treating industrial effluent shall be determined by the Municipality, be paid by the consumer, and shall apply with effect from a date determined by the Municipality;
- (k) in the discretion of the Municipality, the charges for industrial effluent may be changed to a fixed monthly charge determined by taking into consideration the effluent strengths, the volume and the economic viability of micro and small industries; and
- (l) notwithstanding the fact that the values for the quality and/or quantity of industrial effluent may increase the Municipality in its discretion may in any particular instance levy the minimum charges prescribed relating to the discharge of industrial effluent and without taking account of the increased values.

109. REDUCTION IN THE MEASURED QUANTITY OF EFFLUENT DISCHARGED

- (1) A person shall be entitled to a reduction in the quantity determined in terms of this by-law in the event that the quantity of water on which the percentage is calculated was measured during a period where water was wasted or a leakage on the water installation was undetected if the consumer satisfies the Municipality that the said water was not discharged into the sanitation system.
- (2) The reduction in the quantity referred to in sub-section (1) above, shall be based on the quantity of water loss through leakage or wastage during the leak period.

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- (3) The leak period shall be either the measuring period immediately prior to the date of repair of the leak or the measurement period during which the leak is repaired, whichever results in the greater reduction in the quantity of water supplied.
- (4) The quantity of water loss shall be calculated as the consumption for the leak period less an average consumption, based on the preceding 3 (three) months, for the same length of time as the leak period. In the event of no previous consumption history being available the average water consumption will be determined by the Municipality after due consideration of all relevant information.
- (5) There shall be no reduction in the quantity determined in terms of this by-law if the loss of water directly or indirectly resulted from the consumer's failure to comply with or as a result of a contravention of this by-law, or where the loss of water was caused directly or indirectly by the actions, fault or negligence of the consumer or any employee or agent of the consumer.

110. INDUSTRIAL GREASE TRAPS

- (1) Industrial effluent which contains, or in the opinion of the Municipality, 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 as approved by the Municipality designed to intercept and retain such grease, oil, fat or inorganic 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°C, must be intercepted and retained in a tank or chamber so as to prevent the entry thereof into the sewer.

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- (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;
 - (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.
- (4) A tank or chamber referred to in sub-section (2) above, must comply with the following requirements:
- (a) it shall be of adequate capacity, constructed of hard durable materials and water tight when completed;
 - (b) the water seal of its discharge pipe shall be not less than 300mm in depth; and
 - (c) shall be provided with a sufficient number of manhole covers for the adequate and effective removal of grease, oil, fat and solid matter.

111. USE OF EFFLUENT

- (1) The Municipality shall ensure that the use of effluent for any purpose does not pose a health risk before approving that use.
- (2) Any tap or point of access through which effluent or non-potable water can be accessed must be clearly marked with a durable notice indicating that the effluent or non-potable water is not suitable for potable purposes.

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- (3) A notice contemplated in sub-section (2) above, must be in more than one official language and must include the PV5 symbolic sign for non-potable water as described in SABS 1186: Symbolic Safety Signs: Part 1: Standards, Signs and General Requirements.

112. WATER AND EFFLUENT BALANCE ANALYSIS AND DETERMINATION OF WATER LOSSES

- (1) The Municipality must every month:
- (a) measure the quantity of water provided to each supply zone within the supply area of the Municipality;
 - (b) determine the quantity of unaccounted for water by comparing the measured quantity of water provided to each supply zone with the total measured quantity of water provided to all user connections within that supply zone;
 - (c) measure quantity of effluent received at each sewage treatment plant; and
 - (d) determine the quantity of water supplied but not discharged to sewage treatment plants by comparing the measured quantity of effluent received at all sewage plants with the total measure quantity of water provided to all consumer connections.
- (2) The Municipality must:
- (a) take steps to reduce the quantity of water unaccounted for; and
 - (b) keep record of the quantities of water measured and of the calculations made.

PART 8

DRAINAGE INSTALLATIONS

113. TECHNICAL REQUIREMENTS FOR DRAINAGE INSTALLATIONS

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- (1) Any drainage installation constructed or installed must comply with any applicable specifications in terms of the National Building Standards and Building Regulations Act, Act 103 of 1977 and any standards prescribed in terms of the Act as well as compliance with SABS Code 0400-1990 Part P, Drainage, and any amendments thereto and SABS SANS code 0252.
- (2) Where the draining installation is a pit latrine it must comply with the provisions of this by-law.

114. INSTALLATION OF DRAINAGE INSTALLATIONS

- (1) A consumer must provide and maintain his drainage installation at the consumer's cost and expense, unless the installation constitutes a basic sanitation facility as determined by the Municipality, and except where otherwise approved by the Municipality, must ensure that the installation is situated within the boundary of the consumer's premises or the premises under the consumer's control.
- (2) The Municipality may prescribe the point in the sewer, and the depth below the ground, at which any drainage installation is to be connected and the route to be followed by the drain to the connecting point and may require the consumer not to commence the construction or connection of the drainage installation until the Municipality's connecting sewer has been laid.
- (3) No person shall permit the entry of any liquid or solid substance whatsoever, other than clean water for testing purposes, to enter any drainage installation before the drainage installation has been connected to the sewer.
- (4) Where premises are situated in the 1 in 50 years flood plain, the top level of all service access holes, inspection chambers and gullies must be above the 1 in 50 years flood level.

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- (5) After the completion of any drainage installation, or after any alteration to any drainage installation is completed, the plumber responsible for the execution of the work must submit to the building inspection section of the Municipality a certificate certifying that the work was completed to the standards set out in the building Regulations, this by-law and any other relevant law or by-laws.
- (6) No rainwater or stormwater, and no effluent other than effluent that has been approved by the Municipality may be discharged into a drainage installation.

115. DISCONNECTION OF DRAINAGE INSTALLATIONS

- (1) Except for the purpose of carrying out maintenance or repair work, no drainage installation may be disconnected from the connection point.
- (2) Where any part of a drainage installation is disconnected from the remainder because it will no longer be used, the disconnected part must be destroyed or entirely removed from the premises on which it was used, unless the Municipality approves otherwise.
- (3) When a disconnection has been made after all the requirements of the National Building Standards and Building Regulations Act, Act 103 of 1977 in regard to disconnection have been complied with, the Municipality must upon request of the consumer, issue a certificate certifying that the disconnection has been completed in terms of the National Building Standards and Building Regulations Act, Act 103 of 1977, and that any fees and charges raised in respect of the disconnected portion of the drainage installation shall cease to be levied from the end of the month preceding the first day of the month following the issue of such certificate.
- (4) When a drainage installation is disconnected from a sewer the Municipality must seal the opening caused by the disconnection and may recover the cost

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of doing so from the consumer in respect of the premises on which the installation is disconnected.

- (5) When a drainage system is connected to or disconnected from the sewer system during a month, charges will be calculated as if the connection or disconnection were made on the first day on the month following the month in which the connection or disconnection took place.

116. MAINTENANCE OF DRAINAGE INSTALLATIONS

- (1) The owner or occupier of any premises must maintain, in good working order and free of obstructions, any drainage installation and any sewer connection on such premises at the owner's or occupier's own cost. The owner and the occupier of the premises shall be liable jointly and severally for such costs.
- (2) Where any part of a drainage installation is used by two or more owners or consumers they shall be jointly and severally liable for the maintenance of the installation.
- (3) The owner and or occupier of any premises must ensure that all manholes and cleaning eyes on the premises are appropriately covered, that the cover cannot be removed and are completely safe, permanently visible and accessible.
- (4) Any person who requests the Municipality to clear a drainage installation will be liable to pay the prescribed tariff.
- (5) A Municipality may, on the written application of the owner or occupier of any premises, inspect and test the drainage installation of such premises or any section thereof and recover from the owner or occupier the cost of such

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inspection and test, calculated at the rate specified in the prescribed tariff or charges.

- (6) The Municipality shall be entitled, whether or not it has been requested by the owner or occupier to do so, at its own discretion, to remove a blockage from a drainage installation and may charge the owner or occupier for removing such blockage in accordance with the prescribed fees determined by the Council.
- (7) Should the clearing, by the Municipality, of any blockage in a drainage installation necessitate the removal or disturbance of any paving, lawn or other artificial surface on any premises, the Municipality shall not be liable for the reinstatement thereof.
- (8) Should any drainage installation on any premises overflow as a result of an obstruction in the connecting sewer, and the Municipality be reasonably satisfied that such obstruction was caused from objects emanating from the drainage installation, the owner or occupier of the premises served by the drainage installation shall be liable for the cost of clearing the blockage in accordance with the prescribed fee determined by the Council.
- (9) Where a blockage has been removed from a drain or portion of a drain which serves 2 (two) or more premises or pieces of land, the charges for clearing 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.

117. DRAINS

- (1) Drains passing through ground which in the opinion of the Municipality is liable to movement shall be laid on a continuous bed of river sand or similar granular material not less than 100mm thick under the barrel of the pipe and

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with a surround of similar material and thickness, and the joints of such drains must be flexible joints approved by the Municipality.

- (2) A drain or part of it may only be laid within, or pass under or through a building with the approval of the Municipality.
- (3) A drain or part of it which is laid on an inaccessible position under a building may not bend or be laid at a gradient.
- (4) If a drain passes through or under a wall, foundation or other structure, adequate precautions shall be taken to prevent the discharge of any substance to the drain.

118. USE OF PIPES AND FITTINGS IN DRAINAGE INSTALLATION TO BE AUTHORISED

- (1) No person may without the permission of the Municipality install or use a pipe or fitting in a drainage installation within the Municipality's area, unless it is of a type approved by the Municipality and contained in **Schedule "B"** to this by-law.
- (2) Application for the inclusion of a type of pipe or fitting referred to in sub-section (1) above must be made on the form prescribed by the Municipality and be accompanied by the prescribed fees.
- (3) A type of pipe or fitting may be included in the schedule of approved pipes or fittings referred to in sub-section (1) above if:
 - (a) it bears the standardisation mark of the SABS in respect of the relevant SABS specification issued by the Bureau; or
 - (b) it bear a certification mark issued by the SABS to certify that the type of pipe or fitting complies with an SABS mark specification or

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provisional specification issued by the SABS, provided that no certification marks are valid for this purpose beyond a period exceeding 2 (two) years from the date of issue.

- (4) The Municipality may, in respect of any type of pipe or fitting included in the schedule, impose such additional conditions, as it may deem necessary in respect of the use of method of installation thereof.
- (5) A type of pipe or fitting may be removed from the schedule of approved pipes or fittings referred to in sub-section (1) above 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.

119. 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 sub-section (1) above, for which permission has been given in terms of this by-law, may be commenced until after the expiration of 2 (two) days after notice in writing has been served on the Municipality stating the day on and the 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.

120. TESTING OF DRAINAGE INSTALLATION

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- (1) No drainage installation or any part of thereof shall be connected to on-site sanitation services, nor shall the Municipality's sanitation system be connected to an existing approved installation, unless any one or more of the following tests have been applied in the presence and to the satisfaction of the Municipality, before the draining installation has been enclosed:
- (a) the interior of every pipe or series of pipes between two points of access shall be inspected throughout its length by means of a mirror and a source of light, and during the inspection, a full circle of light must appear to the observer, and the pipe or series of pipes must be seen to be unobstructed;
 - (b) a smooth ball having a diameter 12mm less than the nominal diameter of the pipe shall when inserted at the higher end of the pipe roll down without assistance or interruption to the lower end;
 - (c) after all openings to the pipe or series of pipes to be tested after having been plugged or sealed and after all traps associated with them have been filled with water, air shall be pumped into the pipe or pipes until a manometric pressure of 38mm of water is indicated, after which the pressure must remain greater than 25mm of water for a period of at least 3 (three) minutes without further pumping; and
 - (d) all parts of the installation are subjected to and required to withstand an internally applied hydraulic test pressure of not less than a 3m head of water for a period of not less than 10 (ten) minutes.
- (2) If the Municipality has reason to believe that any drainage installation or any part of such drainage system has become defective, it may require the owner or occupier of the premises to conduct any or all of the tests prescribed in sub-section (1) above and, if the installation fails to pass any test, or all the tests, to the satisfaction of the Municipality, the Municipality may by notice require the owner or occupier to take all reasonable measures that may be necessary to enable the installation to satisfy any or all of them.

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121. UNLAWFUL DRAINAGE WORK

- (1) Where any drainage work has been constructed without complying with the provisions of this by-law concerning the submission and approval of plans, the owner or occupier must on receiving a compliance notice from the Municipality 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 or in any respect, to comply with any of the provisions of this by-law the owner or occupier must on receiving a compliance notice from the Municipality, and notwithstanding that the owner or occupier may have received approval of the plans in respect of the said installation or work in terms of this by-law, carry out such alterations to the installation, remove such parts thereof, and carry out such work as and within the time which the notice may specify.

- (3) The Municipality may where such a notice has not been complied with, within the time prescribed therein, proceed itself to carry out any such alterations, removal or other work as it may deem necessary for compliance with this by-law and recover the costs thereof from the owner or occupier who shall be jointly and severally liable for such costs.

122. 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 R 2378 of 12 October 1990 as amended, to enter the drainage installation.

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- (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 Municipality at any time become aware of any installation which does not comply with the provisions of sub-sections (1), (2) or (3) above or that any provision thereof has or is being contravened it may carry out such alterations to the installation as it may deem necessary to ensure compliance with the provisions of these sections and this by-law and recover from the owner or occupier, the costs or the prescribed fees as determined by the Council and the owner and occupier shall be jointly and severally liable for such costs.

123. 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 Municipality may require the owner or occupier, at the owner or occupier's own expense, to take such action as may be necessary to prevent such nuisance.

124. BLOCKAGE IN THE DRAINAGE INSTALLATION

- (1) No person may cause or permit an accumulation of grease, oil, fat, solid matter, or any other substance in any trap, tank or fitting that may cause a blockage or ineffective operation.
- (2) When the owner or occupier in respect of any premises has reason to believe that a blockage has occurred in any drainage installation in or on it, that

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owner or occupier shall take immediate steps to have it cleared. The Municipality may take any steps required to remove the blockage and recover all costs thereof from the owner or occupier jointly and severally.

- (3) When the owner or occupier in respect of any premises has reason to believe that a blockage has occurred in the sewer system he shall immediately notify the Municipality.
- (4) Where a blockage occurs in a drainage installation, any work necessary for its removal must be done by or under the supervision of a plumber.
- (5) Should any drainage installation on any premises overflow as a result of an obstruction and if the Municipality is reasonably satisfied that the obstruction was caused by objects emanating from the drainage installation, the owner or occupier of the premises served by the drainage shall be liable for the cost of clearing the blockage and the owner and the occupier shall be jointly and severally liable for such costs.
- (6) Where a blockage has been removed from a drain which serves 2 or more premises the owners are jointly and severally liable for the cost of clearing the blockage.
- (7) Where a blockage in a sanitation system has been removed by the Municipality and the removal has necessitated the disturbance of an owner's paving, lawn or other artificial surface the Municipality shall not be required to restore them to their previous condition and shall not be responsible for any damage to them unless caused by wrongful or negligent act on the part of the Municipality.

125. GREASE TRAPS

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

126. DRAINS IN STREETS OR PUBLIC PLACES

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

127. CONSTRUCTION BY MUNICIPALITY

The Municipality may agree with the owner of any premises that any drainage work which such owner desires, or is required to construct in terms of this by-law or the Building Regulations, will be constructed by the Municipality against payment, in advance or on demand, of all costs associated with such construction, and such agreement does not absolve the owner from complying with the requirements of any other law in respect of such construction work.

128. INSTALLATION OF PRE-TREATMENT FACILITY

The Municipality may require that any new premises must be provided with a minimum pre-treatment facility of a type specified by it prior to that premises being connected to the sanitation system.

129. PROTECTION FROM INGRESS OF FLOODWATERS

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- (1) Where premises are situated in the 1 in 50 years flood plain the top level of manholes, service access holes, inspection chambers and gullies is to be above the 1 in 50 years flood level, except, in the case of manholes, service access holes and inspection chambers, where the cover is secured in place by approved means.
- (2) No occupier of any premises whatsoever will be allowed to divert storm water from gutters into the sewer system of the Municipality.

PART 9

EMERGENCIES AND EXEMPTIONS

130. EMERGENCY SITUATIONS

- (1) The Council may at any time at the request of the Municipality declare by public notice, that an emergency situation exists in a supply zone or area in respect of a municipal service, or more than one municipal service, if in the opinion of the Municipality, a significant risk to the financial viability or sustainability of the Municipality, or the sustainable rendering of a specific municipal service to the community exists and that no other reasonable measures may be taken to avoid or limit the risk, but may do so if the Municipality has submitted a report that contains:
 - (a) details of all measures taken by the Municipality to avoid or limit the risk;
 - (b) an assessment of why any measures taken by the Municipality to avoid or limit the risk has been unsuccessful;
 - (c) details of the proposed measures to be taken by the Municipality to avoid or limit the risk;
 - (d) an assessment of the impact or potential impact of the proposed measures on individual customers within the relevant supply zone including, but not limited to, health and access to basic services;

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- (e) details of educational and communication measures to be, or that have been taken prior to the implementation of the proposed measures;
 - (f) the duration of the proposed measures to be taken; and
 - (g) details of the reasonable measures to be taken to ensure equitable access by each household in the supply zone to that municipal service.
- (2) The public notice referred to in sub-section (1) above must contain at least the following details applicable to a specific emergency situation:
 - (a) the reasons for the declaration;
 - (b) the consumers who and the supply zone that will be affected by the declaration;
 - (c) the type, level and quantity of municipal services that will be provided;
 - (d) the duration of the declaration;
 - (e) the method of implementing the declaration;
 - (f) specific measures or precautions to be taken by affected consumers; and
 - (g) special relief that may be granted to individual consumers.
- (3) In the event of the declaration of a supply area or zone as an emergency area in accordance with sub-sections (1) and (2) above the municipal services to that supply zone may be limited to basic municipal services for a household, as determined by the Municipality from time to time.
- (4) The Municipality must submit a monthly status report to the Council that contains at least the following details:
 - (a) any improvement in the conditions that were reflected in the information on which the declaration was based;

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- (b) the impact of the proposed measures on individual consumers within the relevant supply zone, including but not limited to health and access to basic services implications; and
 - (c) special relief granted to individual consumers.
- (5) The Council shall by public notice declare an area no longer to be an emergency area:
 - (a) where the risk and limitation referred to in sub-section (1) above, no longer warrants the declaration of an emergency;
 - (b) on the expiry of the period referred to in the notice;
 - (c) if in the opinion of the Municipality undue hardship has been suffered by consumers affected by the declaration.
- (6) The Municipality may request the Council to declare a supply area or zone an emergency area after the ending of a declaration if in the Municipality's opinion a new declaration is required. In which even the provisions of sub-sections (1) to (4) above shall apply to any new declaration.

131. EXEMPTIONS

- (1) The Municipality may in writing exempt any person from complying with a provision of this by-law, subject to any conditions the Municipality may impose, if it is of the opinion that the application of the operation of that provision would be unreasonable in the circumstances, provided that the Municipality may not grant exemption from any section or provision of this by-law that may result in:
 - (a) the wastage or excessive consumption of municipal services;
 - (b) the evasion or avoidance of water restrictions;
 - (c) any significant negative effects on public health, safety or the environment;
 - (d) non payment for municipal services;

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- (e) non compliance with the Act or any Regulations made in terms thereof;
 - (f) a nuisance.
- (2) The Municipality may at any time after given written notice of at least 30 (thirty) days withdraw any exemption granted in terms of sub-section (1) above, and may require the owner or consumer as the case may be, to comply with the relevant sections and provisions of this by-law within a period stated in the notice of withdrawal: Provided that the Municipality may withdraw such an exemption without such notice if, in the opinion of the Municipality, there is a present or imminent danger to public health or the environment or of the wastage or excessive consumption of municipal services or the evasion of water restrictions or the obligation to pay for the consumption of municipal services supplied.

PART 10**WATER SERVICES INTERMEDIARIES****132. REGISTRATION**

The Municipality may in terms of section 24 of the Act require the registration with the Municipality of water services intermediaries or classes of water services intermediaries in the municipal area of the Municipality by such means as the Municipality may deem prudent and which may include a public notice and the Municipality requiring the conclusion of a service level agreement with such a water services intermediary.

133. PROVISION OF WATER SERVICES

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- (1) Water services intermediaries must ensure that water services including basic services as determined by the Council are provided to such persons it is obliged to provide with water services.
- (2) The quality, quantity, sustainability of water services provided by a water services intermediary must meet any minimum standards prescribed in terms of the Act and must at least be of the same standards as provided by the Municipality to consumers.

134. CHARGES FOR WATER SERVICES PROVIDED

- (1) A water services intermediary may not charge for water services at a price which does not comply with any norms and standards prescribed by the Act and any additional norms and standards as may be prescribed by the Municipality as set out in the Tariff Policy and Tariff By-Law of the Municipality.
- (2) A water services intermediary must provide for subsidised water services as determined by the Council in terms of the Municipality's Tariff Policy and Tariff By-Law and Credit Control and Debt Collection Policy and By-Law, from time to time, and provided by the Municipality to consumers at a price that is the same or less than the charges at which the Municipality provides such water services.

135. DEFAULT BY WATER SERVICES INTERMEDIARIES

- (1) If a water services intermediary fails to perform its functions effectively, the Municipality having jurisdiction in the area in question may direct the water services intermediary to rectify its failure.
- (2) A direction in terms of sub-section (1) above must set out:

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- (a) the nature of the failure;
 - (b) the steps which must be taken to rectify the failure; and
 - (c) a reasonable period within which those step must be taken.
- (3) If the water services intermediary fails to rectify its failure within that period, the Municipality may:
 - (a) after having given the water services intermediary a reasonable opportunity to make written representation to it; and
 - (b) after having afforded the water services intermediary a hearing on any submission received,take over the relevant functions of the water services intermediary, with or without cancelling the registration of the water service intermediary.
- (4) Where the Municipality takes over any functions in terms of sub-section (3) above:
 - (a) it may exercise all relevant powers and perform all relevant duties on behalf of the water services intermediary to the exclusion of the water services intermediary; and
 - (b) it may use the infrastructure of the water services intermediary to the extent necessary to perform those functions.
- (5) The Municipality may appoint another water services intermediary to act on its behalf in performing the functions of a water services intermediary in terms of sub-section (4) above.
- (6) As soon as a water services intermediary is in a position to resume its functions effectively, and provided that the Municipality has not cancelled its registration, the Municipality must stop exercising the powers and performing the duties on the intermediaries behalf.

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- (7) The Municipality may recover from a water services intermediary:
- (a) outstanding expenses which the Municipality incurred;
 - (b) all losses which the Municipality suffered as a result of having acted in terms of this section.
- (8) The procedure set out in sub-section (3) above, need not be followed in an emergency situation.

136. MONITORING PERFORMANCE OF WATER SERVICES PROVIDERS AND WATER SERVICES INTERMEDIARIES

- (1) The Municipality must monitor the performance of water service providers and water services intermediaries within its jurisdiction to ensure that:
- (a) standards and norms and standards for tariffs prescribed under sections 9 and 10 of the Act are complied with;
 - (b) any condition set by the Municipality in terms of section 6, 7 and 22 of the Act is met;
 - (c) any additional standards set by the Municipality for water services intermediaries, are complied with; and
 - (d) any contract is adhered to.

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CHAPTER 4**ENFORCEMENT OF THE BY-LAWS AND LEGAL MATTERS****137. ENFORCEMENT AND COMPLIANCE WITH THIS BY-LAW**

The Municipality shall enforce compliance with this by-law.

138. POWERS OF THE MUNICIPALITY IN TERMS OF THE ACT OR THIS BY-LAW

- (1) Where the Municipality executes any work or conducts any inspection in terms of this by-law the Municipality may in addition to any rights and powers given to the Municipality in terms of the Act or this by-law:
- (a) access any premises and/or execute work on and/or inspect any 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 Municipality believes may have information relevant to the work or inspection;
 - (d) inspect any document that a person is required to maintain in terms of any law or may be relevant to any work or inspection;
 - (e) copy any document referred to in sub-section (d) above, 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 or any person, process, action or condition on or regarding any premises;
 - (i) do whatsoever is necessary for the execution of work or the conducting of an inspection including removing any object or item

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from the premises, such as to enable the Municipality to do what is required to give effect to and/or enforce the provisions of this by-law;

- (j) remove or rectify any unlawful connection or works.

- (2) Where the Municipality removes anything other than a substance referred to in sub-section (1)(f) above, from premises being worked upon or inspected must:

- (a) issue a receipt for anything removed from the premises to the owner or any person in control of the premises;
- (b) return the object removed as soon as practically possible after achieving the purpose for which it was removed.

139. CONDITIONS IMPOSED BY THE MUNICIPALITY

Where any condition(s) imposed by the Municipality in terms of this by-law, for any reason do not or no longer achieve the purpose intended by the Municipality, the Municipality may on 14 (fourteen) days notice and after considering any representations of the consumer, amend or amplify such conditions and on the expiry of the 14 (fourteen) day period such new condition(s) shall apply.

140. OBSERVING FUNDAMENTAL RIGHTS

The Municipality must, when exercising any right in terms of this by-law, do so with strict regard for decency and orderliness and with regard for each person's human rights including the right to dignity, freedom, security and privacy.

141. AN EMPLOYEE OR OFFICIAL OF THE MUNICIPALITY MAY BE ACCOMPANIED

During the execution of any work or an inspection an authorised employee or official of the Municipality may be accompanied by a member of the South African Police

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Services or by any other person reasonably required to assist in executing the work or conducting any inspection.

142. NOTICES

- (1) Any notice given by the Municipality in terms of this by-law shall be regarded as having been served:
 - (a) when it has been delivered to that person personally;
 - (b) when it has been left at that person's place of residence or place of business or employment with a person apparently over the age of 16 (sixteen) years;
 - (c) when it has been posted by pre-paid registered or certified mail to that person's last known residential address or business address and an acknowledgment of the posting thereof from the postal service is obtained;
 - (d) when it has been served on that person's agent or representative in any of the manners provided for in this by-law;
 - (e) when it has been posted in a conspicuous place on the premises to which the notice relates;
 - (f) when it has been faxed to that persons fax number and a confirmation of the successful sending of the fax is obtained;
 - (g) when it has been emailed to that persons email address and a confirmation of the successful sending of the email is obtained.
- (2) In the case where compliance with a notice is required within a specified number of days, such period shall be deemed to commence on the date of service of the notice.
- (3) When any notice or other document must be authorised or served on the owner, occupier or holder of any property or right in any property, it is sufficient if that person is described in the notice or other document as the

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owner, occupier or holder of the property or right in question, and it is not necessary to address that person by name.

- (4) Any legal process is effectively and sufficiently served on the Municipality when it is delivered to the Municipal Manager or a person in attendance at the Municipal Manager's office.
- (5) Any person on whom a notice is served shall, comply with its terms or when a time is specified, comply with the terms of the notice within the specified time.

143. COMPLIANCE NOTICE

- (1) Where the Municipality becomes aware that any provision of this by-law has not been complied with, the Municipality may issue a compliance notice to the owner, consumer, occupier or the person apparently in control of the premises or property.
- (2) The Municipality may, by written notice, order an owner, consumer, occupier or any other person who fails, by act or omission, to comply with the provisions of this by-law or with any condition imposed hereunder, to remedy such breach within a period specified in the notice, which period shall must be reasonable taking into account the objective of the notice.
- (3) Where the Municipality is satisfied that the owner, consumer, occupier or the person apparently in control of the premises or property, has complied with and satisfied the terms of a compliance notice, the Municipality may issue a compliance certificate to that effect.
- (4) A compliance notice remains in force until the Municipality has issued a compliance certificate in respect of that notice.

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- (5) A compliance notice must set out the following:
- (a) details of the provisions of the By-Law or any other law which has not been complied with;
 - (b) details of the nature and extent of the non-compliance;
 - (c) specify any steps that are required to be taken in order to comply with the notice;
 - (d) specify the period within which the owner, consumer, occupier or other person must take the steps specified to rectify such failure and the period within which those steps must be taken;
 - (e) any penalty that may be imposed in terms of this by-law in the event of non-compliance with these steps;
 - (f) any other relevant information;
 - (g) give the owner, consumer, occupier or other person a reasonable opportunity to make representations and state his/her case, in writing, to the Municipality within a specified period, unless the owner, consumer, occupier or other person was given such an opportunity before the notice was issued; and
 - (h) indicate that the Municipality:
 - (i) may undertake such work necessary to rectify the failure to comply if the notice is not complied with and that any costs associated with such work may be recovered from the owner, consumer, occupier or other person; and
 - (ii) may take any other action it deems necessary to ensure compliance.
- (6) In the event of an emergency the Municipality may without prior notice undertake the work required and recover the costs from such person.
- (7) Any person on whom a notice duly issued or given under this by-law is served shall, within the time specified in such notice, comply with its terms.

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144. REPORTING OF NON COMPLIANCE

The Municipality shall have a consumer service to which any non compliance in terms of the Act or Regulations to the Act can be reported.

145. RECOVERY OF COSTS AND FEES

The Municipality is entitled to recover from a consumer, owner, occupier or any other person any and all costs or expenditure incurred by the Municipality in terms of or in the execution of this by-law, which may include but are not limited to any prescribed fees, expenses incurred in any exploratory investigation, costs of remedial action, survey plan, specification, schedule or quantities compilation, supervision, administration or authorisation charges, including the costs of 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.

146. LEGAL COMPLIANCE WARRANTY

Notwithstanding any provision to the contrary, any customer by making application for water services, warrants that the customer shall:

- (a) in all activities of the customer, the application and use the water services, processes and operations, comply with all relevant laws, Regulations and standards governing the environment, health and safety;
- (b) take all reasonable measures to prevent wastage, pollution or environmental degradation from occurring, continuing or recurring;
- (c) insofar as such harm to the environment is authorised by law, or cannot be reasonably avoided or stopped, minimise and rectify such pollution or degradation of the environment; and

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- (d) bear all costs and expenses incurred in meeting the above obligations and the implementation thereof.

147. RESPONSIBILITY FOR COMPLIANCE WITH THIS BY-LAW

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

148. NON LIABILITY OF THE MUNICIPALITY

- (1) Neither the Municipality nor any employee, official, person, body, organisation or corporation acting on behalf of the Municipality shall be liable for any loss or damages of whatsoever nature howsoever arising whether, direct or consequential, suffered or sustained by any person as a result of or arising from the provision, limitation, disconnection or termination, interruption, functioning, malfunctioning, leaks or any other abnormality of or in the supply of the municipal services or water services, or any act or omission done by the Municipality or any employee, official, person, body, organisation or corporation acting on behalf of the Municipality.
- (2) There shall be no claim of whatsoever nature against the Municipality as a result of any costs or consequences of complying with any condition imposed by the Municipality or in complying with these By-Laws or as a result of the Municipality exercising any right or duty or enforcing any provision of this by-law.

149. CODE OF ETHICS

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- (1) All the officials of the Municipality shall embrace the spirit of Batho Pele and treat all consumers and debtors with dignity and respect at all times.
- (2) Employees of the Municipality shall execute their duties in terms of this policy in an honest and transparent manner whilst protecting the confidentiality of information of consumers and debtors in accordance with the provisions of the Promotion of Access to Information Act, Act 2 of 2000.

150. AUTHENTICATION OF DOCUMENTS

Any document requiring authentication by the Municipality shall be sufficiently authenticated if signed by the Municipal Manager, or by a person duly authorised to do so, on behalf of the Municipality, by resolution of the Municipality and shall constitute prime facie proof of the authenticity, existence and contents of the document.

151. PRIMA FACIE EVIDENCE

In legal proceedings by, or on behalf of the Municipality, a certificate reflecting any information required in terms of this by-law included in such a certificate and which is signed by the Municipal Manager, or by a person duly authorised to do so, on behalf of the Municipality, by resolution of the Municipality, shall subject to the provisions of section 3 of the Law of Evidence Amendment Act, Act 45 of 1988, upon its mere production constitute prima facie evidence of the contents of the certificate.

152. PROVISION OF INFORMATION

A consumer, owner, occupier or person within the area of supply of the Municipality must provide the Municipality with accurate information requested by the Municipality that is reasonably required by the Municipality for the implementation or enforcement of this by-law.

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153. FALSE STATEMENTS OR INFORMATION

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

154. OFFENCES

- (1) It is an offence for any person to:
- (a) unlawfully and intentionally or negligently interfere with any water services works of the Municipality;
 - (b) tamper with any equipment of the Municipality or break any seal on a meter or measuring device;
 - (c) unlawfully use, tamper or interfere with any municipal equipment, the water supply system, sanitation system and reticulation network or other consumption of services rendered;
 - (d) contravene or fail to comply with any provision of this by-law;
 - (e) contravene or fail to comply with a condition or prohibition imposed in terms of this by-law;
 - (f) contravene or fail to comply with any conditions imposed upon the granting of any application, consent, approval, concession, exemption or authority in terms of this by-law;
 - (g) fail to provide information or provide false or misleading information reasonably requested by the Municipality;
 - (h) fail or refuse to give access required by the Municipality in terms of the provision of this by-law;
 - (i) fail to comply with the terms of a notice served upon him/her in terms of this by-law;
 - (j) fail or refuse to provide the Municipality with a document or information that the Municipality is entitled to in terms of this by-law;

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- (k) disclose any information relating to the financial or business affairs of any person which information was acquired in the performance of any function or exercise of any power in terms of this by-law, except:
 - (i) to a person who requires that information in order to perform a function or exercise a power in terms of this by-law;
 - (ii) if the disclosure is ordered by a court of law; or
 - (iii) if the disclosure is in compliance with the provisions of any law;
 - (l) fail to comply with any lawful instruction given in terms of this by-law; or
 - (m) obstruct or hinder the Municipality in the execution of the Municipality's duties under this by-law.
- (2) Any alleged offence committed in terms of sub-section (1) above, may be referred to the South African Police Services for investigation with a view to possible prosecution.

155. PENALTY

A person who contravenes or fail to comply with a provision of this by-law or commit an offence as set out in this by-law shall be liable on conviction to a fine of not less than R3 000.00 (three thousand rand), or in default of payment to imprisonment for a period not exceeding 6 (six) months, or in the case of any continued offence to a further fine of not less than R6 000.00 (six thousand rand), or in default of payment, to imprisonment not exceeding one day for every day during the continuance of such offence, after a written notice has been issued by the Municipality and served on the person concerned requiring the discontinuance of such an offence

156. AVAILABILITY OF BY-LAW

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A copy of this by-law shall be included in the Municipality's Municipal Code as required by the provisions of section 15 of the Systems Act and a copy of this by-law shall be available for inspection at the offices of the Municipality at all reasonable times and shall also be available from the Municipality against payment of an amount as determined by the Council.

157. TRANSITIONAL ARRANGEMENTS

- (1) Installation work authorised by the Municipality prior to the commencement of this by-law or authorised installation work in progress on that date, shall be deemed to have been authorised in terms of this by-law: and the Municipality may for a period of 90 (ninety) days after the commencement of this by-law authorise installation work in accordance with the by-laws that regulated that work immediately prior to the promulgation of this by-law.
- (2) Any reference in this by-law to a charge determined by the Council shall be deemed to be a reference to a charge determined by the Council under the by law repealed by this by-law, until the effective date of the applicable charges that may be determined by the Council in terms of this by-law, or By-Laws relating to Credit Control and Debt Collection and/or the Tariff By-Law.
- (3) Any approval, consent or exemption granted under the by-law repealed in terms of this by-law shall subject to the provisions of this by-law, remain valid.
- (4) No consumer shall be required to comply with this by-law by altering a water installation of part of it which was installed in conformity with any laws applicable immediately prior to the commencement of this by-law, provided that if, in the opinion of the Municipality the installation or part thereof is so defective or in a condition that could cause waste or undue consumption of water, pollution of the water supply or a health hazard, the Municipality may by notice require the consumer to comply with the provisions of this by-law.

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158. THE PROVISIONS OF THE CREDIT CONTROL AND DEBT COLLECTION POLICY AND BY-LAW AND THE TARIFF POLICY AND BY-LAW

The contents of this by-law shall be interpreted and given effect with reference to the provisions of the Credit Control and Debt Collection Policy and By-Law and the Tariff Policy and By-Law of the Municipality as the context may require or in as far as the provisions of the aforementioned policies and by-laws are applicable to the interpretation, implementation and the giving of effect to the contents of this policy.

159. REPEAL

This by-law repeals any by-law or portion of a by-law which deals with and regulates water supply services and sanitation services of the Municipality including the Water Supply and Waste Water By-Laws promulgated in terms of Extraordinary Government Gazette No 6343 under Local Authority Notice No 407 of 24 November 2006.

PART 1

SHORT TITLE AND COMMENCEMENT

This by-law is called the Water Services By-Law and shall come into effect after being published in the Provincial Gazette.

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QUALITY STANDARDS



SCHEDULE "A"

ACCEPTANCE OF INDUSTRIAL EFFLUENT FOR DISCHARGE

INTO THE SANITATION SYSTEM

- (1) No industrial effluent shall be accepted for discharge into the sanitation system unless it complies with the following conditions.
- (2) The effluent shall not contain concentrations of substances in excess of those stated below:

VARIABLE	*TARGET VALUE	*MAXIMUM Mg/l
GENERAL		
Ph		6-10
Temperature °C	38	44
Electric Conductivity (mS/m)	150	300
Total dissolved Solids (TDS)	1 000	2 000
Bio-degradable Chemical Oxygen Demand (COD)	** 2 000	** 5 000
Oxygen Demand (PV Strength)	1 000	1 400
Suspended Solids (Organic)-		2 000
Suspended Solid (Non-organic)	50	100
Caustic alkalinity as CaCO ₃		2 000
Substance soluble in Petroleum Ether	50	300
Anionic surface active agents	50	300
Substances from which hydrogen Cyanide can be liberated (as HCN)	5	10
Formaldehyde (expressed as HCHO)		50
All sugars and/or starch (as glucose)	1 000	1 500
Available chlorine (as Cl ₂)	50	100
Sulphates (as SO ₄)	200	1 500
Sulphides, hydrosulphides, polysulphides	200	1 500
Fluorine containing compounds (as F)	2	5

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Chloride (as Cl)	200	500
Sodium (as Na)		500
Phosphate (as P)		10
Free and Saline (as NH ₇)		100
Calcium carbide	250	400
Phonetic Compounds	0	1
METALS		
GROUP I		
The total collective concentration of group I (expressed as indicated below) in any sample of the effluent, shall not exceed 50 mg/l		
Iron (as Fe)		20
Cobalt (as Co)		20
Chromium (as Cr)		10
Silver (as Ag)		20
Copper (as Cu)		20
Titanium (as Ti)		20
Nickel (as Ni)		20
Tungsten (as W)		20
Zink(as Zn)		20
Cadmium (as Cd)	1	10
Manganese (as Mn)		20
Molopdenium (Mo)		20
GROUP II		
The total collective concentration of all metals in group II (expressed as indicated below) in any sample of the effluent, shall not exceed 20 mg/l		
Arsenic (as As)		5
Boron (as B)		5
Lead (as Pb)	1	5
Selenium (as Sc)		5
Mercury (as Hg)	1	5
RADIO ACTIVE WASTES		

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Any waste of radioactive isotopes shall not exceed the concentration of radioactive as laid down by the Atomic Energy Board or the applicable National Department.

REGARDLESS OF ABOVE, ANY SUBSTANCE THAT MIGHT HAVE THE ABILITY TO HAVE A SEVERE EFFECT ON THE BIOLOGICAL OR CHEMICAL TREATMENT PROCESS OF A SEWAGE TREATMENT PLANT, SHALL NOT BE DISCHARGED INTO THE SANITATION SYSTEM.

* Concentrations in mg/l (except for first three)

** Biodegradable content $\geq 80\%$

SPECIAL LIMITATIONS:

- (1) No calcium carbide, radioactive waste or isotopes.
- (2) No yeast and yeast wastes, molasses spent or unspent.
- (3) No cyanides or related compounds capable of liberating HCN gas or cyanogens.
- (4) No degreasing solvents, petroleum spirit, volatile flammable solvents or any substance which yields a flammable vapour at 21°C.
- (5) Provided that, notwithstanding the requirements set out in this schedule the Municipality reserves the right to limit the total mass of any substance or impurity discharged per 24 hours into the sanitation system from any premises.

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SCHEDULE "B"

SCHEDULE OF APPROVED PIPES AND FITTINGS

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SCHEDULE "C"

**APPLICATION FROM FOR THE DISCHARGE OF INDUSTRIAL
EFFLUENT TO THE MUNICIPALITY'S SANITATION SYSTEMS**

(Please complete application in block capitals)

I, _____ (name & surname), the undersigned, duly authorised to set on behalf of _____, and hereinafter referred to as the applicant, hereby apply in terms of the Water Services By-laws of the Municipality for approval to discharge industrial effluent into the Municipality's sanitation system in accordance with the information provided herein.

PART I			
1. Nature of the business or industry concerned:			
2. Name or style under which the business or industry is conducted:			
3. Postal address of the business or industry:			
4. Physical street address:			
Erf No./Farm PTN:		Township or Farm:	
5. If the business or industry is conducted by a company or close corporation, state the name of the secretary, and if it is a partnership, state the names of the partners:			
6. Is this a new or established business?			
		New	Established
7. Description of industrial or trade process by which the effluent will be produced:			
8. Information relating to employees:			
(a) Total number of daily employees:		Office	Factory
(b) Number of shifts worked by day:			
(c) Number of days worked per week:			

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(d) Number of persons resident on the premises:					
(e) Is a canteen provided:					
PART II					
INFORMATION RELATING TO THE CONSUMPTION OF WATER					
1. Total number of litres of water consumed in 6 (six) months:				<i>(fill in the table below)</i>	
	Meter No.	Meter No.	Meter No.	Total	
Water purchased from the Municipality:					
Water from borehole or other source:					
Water entering with raw materials:					
Section or plant served by meter:					
TOTAL A					
2. Water consumption:				<i>(fill in the table below)</i>	
(a) Industrial:					kl/Month
(i) Quantity of water in product:					
(ii) Quantity of water lost by evaporation:					
(iii) Quantity of water used as boiler make-up:					
(iv) Quantity of water for other uses (e.g. cooling, gardens, etc):					
TOTAL B					
(b) Domestic use:					kl/Month
(i) Total number of employees (allow 1 kilolitre/person/month)					
(ii) Total number of employees permanently resident on the premises e.g. Hostels (allow 1 kilolitre/person/month)					
TOTAL C					
3. Effluent discharge into sanitation system:				<i>(fill in the table below)</i>	
(a) Metered volume (if known) in kl/Month:					
(b) Estimated un-metered volume (<i>see below*</i>) in kl/Month:					
(c) Estimated rate of discharge:					
(d) Period of maximum discharge (e.g. 07:00 to 08:00)					
<p>* <i>in the event that no effluent meter is installed on the premises, the estimate volume of un-metered effluent discharge to sewer is calculated as follows:</i></p> <p>A – (B + C) = _____ kl/Month</p>					

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PART III

INFORMATION REGARDING THE COMPOSITION OF INDUSTRIAL EFFLUENT

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

(a) Maximum temperature of effluent _____ °C

(b) pH value _____ Ph

(c) Nature and amount of settleable solids:

(d) Organic Content (Expressed as Chemical Oxygen Demand):

(e) Maximum total daily discharge (kilolitres): _____ KI

(f) Periods of maximum discharge (e.g. 07:00 to 08:00): _____ to _____

(g) If any of the substances or their salts, specified in the table below, are formed on the premises, a cross must be placed in the space in which the substance appears, and, if possible, the average concentration of this substance likely to be present in any effluent must also be stated.

TABLE

ELEMENTS		COMPOUNDS		OTHER SUBSTANCES	
Arsenic	mg/l	Ammonium	mg/l	Grease and/or Oil	mg/l
Boron	mg/l	Nitrate	mg/l	Starch and/or Sugars	mg/l
Cadmium	mg/l	Sulphide	mg/l	Synthetic detergents	mg/l
Chromium	mg/l	Sulphate	mg/l	Tar and/or Tar oils	mg/l
Cobalt	mg/l	Others (specify)	mg/l	Volatile Solvents	mg/l
Copper	mg/l			Others (specify)	

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Cyanide	mg/l				
Iron	mg/l				
Lead	mg/l				
Manganese	mg/l				
Mercury	mg/l				
Nickel	mg/l				
Selenium	mg/l				
Tungsten	mg/l				
Titanium	mg/l				
Zinc	mg/l				
Other (Specify)	mg/l				

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

PART IV

CONDITIONS RELATING TO THE ACCEPTANCE OF INDUSTRIAL EFFLUENT

1. The applicant shall attach descriptions and a statement of the dimensions of grease and oil traps, screens, dilution and neutralising tanks and any other provision made for the treatment of the effluent prior to discharge to the sanitation system.
2. The applicant shall submit to the Municipality, if requested, plans showing the reticulation systems on his/her premises for water and industrial effluent.
3. The applicant shall, in addition to complying with the provisions of the Municipality's Water Services By-laws aimed at the protection of its employees, sewers and treatment plant from damage, comply with any direction concerned with such protection given by the engineer verbally or in writing for the purpose of ensuring the applicant's compliance with the said by-laws.
4. The applicant shall notify the Municipality, as soon as possible after he becomes aware thereof, or at least 14 (fourteen) days before anything is done to cause material alteration in the nature or quantity of the industrial effluent specified in this application or in any of the facts stated by him/her therein.
5. The applicant shall, within 30 (thirty) days from the date of signature of this application, procure an accurately representative sample of not less than 5 (five) litre of the industrial effluent to be discharged into the sewer, which sample shall be free of domestic sewage, and shall submit one half thereof to the Municipality for analysis and also submit to the engineer a report on the sample

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made by an analyst appointed by him, provided that in the case of a newly established industry the period specified may be extended by the Municipality for a period not exceeding 6 (six) months or such further extended periods as the Municipality in its discretion may approve.

6. The applicant hereby declares and warrants that the information given by him/her in this form, or otherwise, in connection with this application is, to the best of his/her knowledge and belief, in all respects true and correct and that the provision of any false or misleading information may lead to prosecution.
7. The applicant agrees that said information, being in all respects correct, shall form the basis on which this application is granted by the Municipality.

Thus done at _____ by the applicant, on this _____
day of _____ 20 ____.

Signature of applicant

Capacity

LOCAL AUTHORITY NOTICE 48

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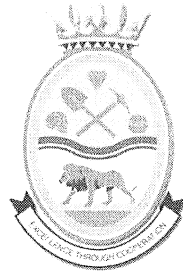
GREATER TAUNG LOCAL MUNICIPALITY



ELECTRICITY SUPPLY BY-LAW

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THE MUNICIPAL MANAGER HEREBY PUBLISHES in terms of Section 13 of the Local Government: Municipal Systems Act, Act 32 of 2000, read with the Constitution of the Republic of South Africa Act, Act 108 of 1996, and the Greater Taung Local Municipality Electricity Supply By-Law which shall come into operation on the date of publication hereof in the Provincial Gazette.

PREAMBLE

- (1) **THE GREATER TAUNG LOCAL MUNICIPALITY** (hereinafter referred to as "the Municipality") is a distributor and supplier of electricity to consumers within its area of jurisdiction in terms of the Electricity Regulation Act, Act 4 of 2006.
- (2) **BEING A DISTRIBUTOR AND PROVIDER OF ELECTRICITY SUPPLY SERVICES** the Municipality has a duty to all consumers and potential consumers in its municipal area to progressively ensure efficient, affordable, economical and sustainable access to electricity.
- (3) **THIS DUTY** is subject to the constraints, limitations and availability of the resources of the Municipality, to ensure that the interests and needs of present and future electricity consumers are safeguarded and met within the Municipality's municipal area, the need to regulate access to electricity in an equitable way, the duty of consumers to pay reasonable charges, the duty to conserve electricity, the nature, topography, zoning and situation of the land to which such services are to be provided and the right of the Municipality to,

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limit, disconnect or terminate the provision of electricity in the event of a failure to comply with conditions set for the provisions of such .

- (4) **THE MUNICIPALITY** must pass by-laws which contain conditions for the provision of electricity and related matters.
- (5) **THE BY-LAW** deals with and sets out the conditions under which electricity provided to consumers, the standards of service, the technical conditions of provision, the determination and structure of tariffs, the payment and collection of money and the circumstances under which the provision of electricity may be limited, disconnected or terminated.
- (6) **THE CONTENTS OF THIS BY-LAW**, read with the Tariff By-Law and the Credit Control and Debt Collection By-Law of the Municipality, as well as the Tariff Policy and the Credit Control and Debt Collection Policy, will provide for the required policy guidelines to enable this by-law to also fulfil the function of a policy document of the Municipality, in as far as same is required in terms of Regulation 7 of the Municipal Budget and Reporting Regulations promulgated in terms of the Local Government: Municipal Finance Management Act, Act 56 of 2003 (hereinafter referred to as the "MFMA").

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THE GREATER TAUNG LOCAL MUNICIPALITY: ELECTRICITY SUPPLY BY-LAW

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CHAPTER 1 GENERAL

1. DEFINITIONS AND INTERPRETATION

- (1) In this by-law, except where the context otherwise indicates or it is expressly stipulated otherwise, the following words and expressions shall have the respective meanings assigned to them hereunder and words or expressions to which a meaning has been assigned in terms of the provisions of the Local Government: Municipal Systems Act, Act 32 of 2000, the Tariff Policy, Tariff Schedule and By-Law; the Credit Control and Debt Collection Policy and By-Law of the Municipality, will have a corresponding meaning assigned thereto in terms of such policies or by-laws.
- (2) (a) All references made to the male gender shall also include the female gender, and vice versa;
- (b) all references to singular shall also mean the plural;
- (c) all references to a person shall include both a natural person and/or a legal entity established in terms of any relevant Act or other legislation

NO.	WORD/EXPRESSION	DEFINITION
“A”		
1.1	“accredited person”	Means a person registered in terms of the Regulations as an electrical tester for single phase, an installation electrician or a master installation electrician, as the case may be, and registered person has the same meaning.
1.2	“applicable standard specification”	Means the standard specifications as listed in Schedule 1 attached to this by-law.

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1.3	“authorised maximum demand”	Means the allocated or authorised maximum demand allowed for any particular premises determined by the Municipality on the basis of the size of the particular premises and its particular use zoning.
1.4	“availability charge”	As referred to and utilised in the Tariff Policy and Tariff By- Law of the Municipality and which is the charges and fees levied by the Municipality on the basis that the municipal service is available irrespective of whether the municipal service is consumed.
“C”		
1.5	“certificate of compliance”	Means a certificate issued in terms of the Regulations in respect of an electrical installation or part of an electrical installation by an accredited person.
1.6	“consumer”	Means any person or entity consuming or receiving electricity and may include a customer or a tenant of a customer irrespective of whether such a person has concluded a service agreement with the Municipality, and may also include a person who illegally and unlawfully connected to the municipal services infrastructure or who illegally and unlawfully gained access to or usage of the municipal services and includes: <ul style="list-style-type: none"> (a) any person who occupies premises to whom and in respect of such premises, the Municipality: <ul style="list-style-type: none"> (i) has agreed to provide electricity (ii) is actually providing electricity; (iii) has entered into a services agreement with the Municipality for the provision of electricity to or on any premises;

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		<p>(b) the owner of any premises to which the Municipality is providing electricity;</p> <p>(c) any "end user" who receives electricity from the Municipality.</p>
1.7	"Council"	Means the Municipal Council of the Municipality as referred to and constituted in terms of the provisions of section 157 of the Constitution.
1.8	"Credit Control and Debt Collection Policy" and "Credit Control and Debt Collection By-Law"	Means the Credit Control and Debt Collection Policy as adopted by the Municipality in terms of the provisions of section 96 of the Systems Act and the Credit Control and Debt Collection By-Law of the Municipality adopted in terms of section 98 of the Systems Act.
1.9	"customer"	Means the owner of the premises or in exceptional circumstances a tenant, and includes a person or entity liable to the Municipality for the payment of tariffs, levies, fees and municipal consumption charges in terms of a service agreement concluded with the Municipality, and may include a Registered Indigent, as contemplated in terms of the provisions of the Indigent Policy of the Municipality.
"D"		
1.10	"day(s)"	Means a normal calendar day which includes Saturdays, Sundays and public holidays.
1.11	"distribution"	Means the conveyance of electricity through a distribution power system excluding trading, and "distribute" and "distributing" have corresponding meanings.
1.12	"distribution system"	means the network infrastructure system operated by the Municipality that operates at or below 132kV.
1.13	"distributor"	Means a person (including any organ of state as defined in section 239 of the Constitution) who distributes electricity.

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“E”		
1.14	“electrical contractor”	Means an electrical contractor as defined in the Regulations.
1.15	“electrical installation”	Means an electrical installation as defined in the Regulations and is any machinery in or on any premises used for the transmission of electricity from a point of control to a point of consumption anywhere on the premises, including any article forming part of such an electrical installation irrespective of whether or not it is part of the electrical circuit, but excluding- <ul style="list-style-type: none"> (a) any machinery of the supplier related to the supply of electricity on the premises; (b) any machinery which transmits electrical energy in communication control circuits, television or radio circuits; (c) an electrical installation on a vehicle, vessel, train or aircraft; and (d) control circuits of 50V or less between different parts of machinery or system components, forming a unit, which are separately installed and derived from an independent source or an isolating transformer.
1.16	“Electricity Regulation Act”	Means the Electricity Regulation Act, Act 4 of 2006 and includes any regulation or rule made or issued in terms thereof.
1.17	“emergency”	Means any situation that poses a risk or potential risk to life, health, the environment or property or is declared an emergency under any law.
1.18	“end user”	Means a user of electricity or a service relating to the supply of electricity.
1.19	“equipment”	Includes any electrical installation, building or other structure, pipe, pump, wire, cable, meter, engine,

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		any apparatus, tools, device, connection system or network, service protection device, reticulation network or supply mains or any part of any of the foregoing supplied or used in the supply, distribution or conveyance of electricity supply and electricity or the measurement of consumption of such services, or any other accessories to any of the aforementioned.
1.20	“ESKOM”	Means Eskom Holdings Limited
1.21	“exceptional circumstances”	Means such circumstances which in the sole discretion of the Municipality constitutes an exception and depending on the context the discretion will be exercised by the Chief Financial Officer or the Director of Technical and Infrastructure Services.
“G”		
1.22	“generation”	Means the production of electricity by any means, and “generate” and “generating” have corresponding meanings.
“I”		
1.23	“installation work”	Means installation work as described in the Regulations and includes: (a) the installation, extension, modification or repair of an electrical installation; (b) the connection of machinery at the supply terminals of such machinery; (c) the inspection, testing and verification of electrical installations for the purpose of issuing a certificate of compliance.
“H”		
1.24	“high voltage”	Means the set of nominal voltage that are used in power systems for bulk transmission of electricity in the range of 44kV < UN 220kV. [SANS 1019].

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“L”		
1.25	“low voltage”	Means the set of nominal voltage levels that are used for the distribution of electricity and whose upper limit is generally accepted to be 1000V (or a d.c. voltage of 1500 V) [SANS 1019].
1.26	“low voltage enclosure” and “enclosure for a special supply of low voltage”	Means any chamber compartment or other enclosure in which a transformer, switch gear or other electrical equipment is contained for operating low voltage.
“M”		
1.27	“medium voltage”	Means the set of nominal voltage levels that lie above low voltage and below high voltage in the range of 1 kV < UN 44 kV [SABS SANS 1019].
1.28	“medium voltage enclosure”	Means a chamber, compartment or other enclosure in which a transformer, switchgear or other electrical equipment is contained for operating at a minimum voltage.
1.29	“measuring device”	Means any method, procedure, process or device, apparatus or installation that enables the supply of electricity provided, to be quantified or evaluated and includes a method, procedure or process whereby quantity is estimated or assumed.
1.30	“meter”	Means a device which records the demand and/or the electrical energy consumed and includes conventional and prepayment meters.
1.31	“metering equipment”	Means a meter or measuring device.
1.32	“meter cabinet”	Means an enclosure intended for the accommodation of a meter, circuit breaker or other associated electrical equipment as determined by the Municipality and designed to operate at low voltage.
1.33	“motor rating”	Means the maximum continuous kW output of a motor as stated on the maker's rating plate.

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1.34	"Municipality"	<p>Means the GREATER TAUNG LOCAL MUNICIPALITY, a local government and legal entity with full legal capacity as contemplated in section 2 of the Systems Act read with the provisions of Chapter 7 of the Constitution and sections 12 and 14 of the Structures Act, with its main place of business and the offices of the Municipal Manager, as envisaged in terms of the provisions of section 115(3) of the Systems Act, at: Taung Station, Main Road, TAUNG, NORTH WEST PROVINCE, and may, depending on the context, include:</p> <ul style="list-style-type: none"> (a) its successor in title; or (b) a functionary, employee or official exercising a delegated power or carrying out an instruction, in the event of any power being delegated as contemplated in terms of the provisions of section 59 of the Systems Act, or exercising any lawful act in the furtherance of the Municipality's duties, functions and powers; or (c) an authorised service provider fulfilling a responsibility assigned to it by the Municipality through a service delivery agreement.
1.35	"Municipal Manager"	<p>Means the Municipal Manager of the Municipality appointed in terms of the provisions of section 54A of the Systems Act and as referred to in the definition of "Accounting Officer" as defined in terms of the provisions of section 1 of the MFMA, and also referred to in section 60 of the MFMA, and includes a person acting as an Accounting Officer, or the person to whom the Accounting Officer has delegated his/her authority to act.</p>
"N"		
1.36	"National Energy Regulator" or "Regulator"	<p>Means the National Electricity Regulator established in terms of section 3 of the National Energy</p>

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		Regulator Act, Act 40 of 2004.
"O"		
1.37	"the Occupational Health and Safety Act"	means the Occupational Health and Safety Act, Act 85 of 1993 and depending on the context may include the Regulations promulgated in terms of the said Act.
1.38	"occupier"	Means any person who occupies any premises or part thereof, without regard to the title under which he or she occupies the premises.
1.39	"official application form"	Means the application form for the provision of municipal services, including electricity, provided in Schedule 1 to the Credit Control and Debt Collection Policy and Credit Control and Debt Collection By-Law of the Municipality.
1.40	"owner"	Means: <ul style="list-style-type: none"> (a) the person in whose name the property is registered; (b) in the case where the person in whose name the property is registered, is insolvent or deceased, or is disqualified in terms of any legal action, the person who is responsible for administration or control of the property as curator, trustee, executor, administrator, legal manager, liquidator, usufructuary, servitude holder or any other duly authorised or appointed representative; (c) in the case where the Municipality or service provider is unable to establish the identity of such person, the person who is entitled to derive benefit from the property or any buildings thereon; (d) in the case of a lease agreement in excess of 30 years then the lessee;

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		<p>(e) in relation to:</p> <p>(i) a piece of land delineated on a sectional title plan and which is registered in terms of the Sectional Title Act, Act 95 of 1986, without limiting it to the developer or body corporate of the common property;</p> <p>(ii) a section as defined in the Sectional Title Act 95 of 1986, the person in whose name that section is registered in terms of a "sectional title deed", including the lawfully appointed representative or agent of such person;</p> <p>(f) any legal entity including but not limited to:</p> <p>(i) a company registered in terms of the Companies Act, Act 61 of 1973, a trust inter vivos, trust mortis causa, a close corporation registered in terms of the Close Corporation Act, Act 69 of 1984 and any voluntary organisation;</p> <p>(ii) any provincial or national government department, or local authority;</p> <p>(iii) any Council or management body established in terms of any legal framework applicable to the Republic of South Africa; and</p> <p>(iv) any embassy or other foreign entity in whose name the property is registered;</p> <p>(g) in relation to property owned by the Municipality and which has been disposed of, but which has not been transferred to the person to whom it has been disposed of, from the date of the disposition concerned, such person; and</p> <p>(h) in relation to property owned by or under the</p>
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		control or management of the Municipality while held under a lease or any express or tacit extension thereof or under any other contract or under servitude or right analogous thereto, the person so holding the immovable property.
"p"		
1.41	"person"	Means any natural or juristic person, local government body or like authority or an organ of state as defined in terms of section 239 of the Constitution, a company incorporated under any law, a body of persons whether incorporated or not, a statutory body, public utility body, voluntary association, club or trust.
1.42	"point of consumption"	Means a point of consumption as defined in the Regulations and includes any point of outlet or the supply terminals of machinery which is not connected to a point of outlet and which converts electrical energy to another form of energy: provided that in the case of machinery which has been installed for any specific purpose as a complete unit, the point of consumption shall be the supply terminals which have been provided on the unit of machinery for that purpose.
1.43	"point of control"	Means the point of control as defined in the regulations.
1.44	"point of metering"	Means the point at which the consumer's consumption of electricity is metered and which may be at the point of supply or at any other point on the distribution system of the Municipality or the electrical installation of the consumer, as specified by the Municipality provided that it shall meter all of, and only, the consumer's consumption of electricity.
1.45	"point of supply"	Means the point determined by the Municipality at which electricity is supplied to any premises by the

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		Municipality.
1.46	“premises”	Means any property or any building or structure above or below ground level and includes any vehicle, aircraft or vessel.
1.47	“prepayment meter”	Means a meter or measuring device whereby payment for electricity supply services is first made elsewhere and credit is transferred to such meters by means of a token or coded number or credit card and such meter is programmed and dispenses electricity as it is consumed by the consumer at a predetermined rate or charge.
1.48	“prepayment measuring system”	Means a meter or measuring device and ancillary devices, approved by the Municipality designed to measure and allocate to a consumer the quantity of electricity pre-purchased by the consumer.
1.49	“prescribed tariffs”	Means the tariffs prescribed and adopted by the Council of the Municipality in terms of the Tariff Policy and Tariff By-law and contained in the Tariff Schedule of the Municipality.
1.50	“property”	Means: (a) immovable property registered in the name of a person/owner including in the case of a sectional title scheme, a sectional title unit registered in the name of any person/owner; (b) a right registered against immovable property in the name of a person excluding a mortgage bond registered against the property; (c) any piece of land, the external surface boundaries of which are delineated on: (i) a general plan or diagram registered in terms of the Land Survey Act, Act 9 of 1927 or in terms of the Deeds Registries Act, Act 47 of 1937 or;

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		<p>(ii) a sectional plan registered in terms of the Sectional Titles Act, Act 95 of 1986;</p> <p>which is situated within the area of the Municipality;</p> <p>(d) a land tenure right registered in the name of a person or granted to a person in terms of legislation; or</p> <p>(e) public service infrastructure.</p>
1.51	“public notice”	Means a notice published in terms of the provisions of section 21A read together with section 21 of the Systems Act.
“R”		
1.52	“registered person”	Means a person registered in terms of the Regulations as an electrical tester for single phase, installation electrician or a master installation electrician, as the case may be, and accredited person has the same meaning.
1.53	“Regulations”	Means Regulations promulgated in terms of the Occupational Health and Safety Act, Act 85 of 1993) known as the Occupational Health and Safety Act, 1993 Electrical Installation Regulations No R 242. published in Government Gazette No. 3197 of 6th March 2009.
“S”		
1.54	“SABS”	Means the South Africa Bureau of Standards.
1.55	“safety standard”	Means the Code of Practice for the Wiring of Premises SABS SANS 10142 incorporated in the Regulations.
1.56	“SANS”	Means the national standard which has been sets out and issued by the SABS in terms of the provisions of the Standards Act, Act 29 of 1993.
1.57	“service(s) agreement”	Means the written agreement concluded between

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		the Municipality and a customer for the provision of municipal services to premises once the Municipality has approved the customer's official application form for the rendering of such services to the customer and which contains the terms and conditions upon which the Municipality will render such services to the customer.
1.58	"service connection"	Means equipment, a cable or conductor leading from the supply main to the point of supply of the electrical installation including any high voltage or other equipment connected to that cable or conductor, any meter or metering equipment, load management equipment, all high, medium and low voltage switchgear and cables, and any board, panel or other device to which the meter is fixed and all installation work and apparatus associated with the said equipment, meter or other device installed by the Municipality.
1.59	"service protective device"	Means any fuse or circuit breaker installed for the purpose of protecting the Municipality's equipment from overloads or faults occurring on the installation or on the internal service connection.
1.60	"service provider"	Means the Municipality as well as any external entity that provides municipal services to the consumer on behalf of the Municipality, pursuant to a service delivery agreement entered into with Municipality in terms of section 80 of the Systems Act, and may also include any authorised agent of the Municipality.
1.61	"special supply at low voltage"	Means a supply of electricity exceeding 40 kVA at low voltage.
1.62	"standby supply"	Means an alternative electricity supply not normally used by the consumer.
1.63	"supply"	Means a supply of electricity from the supply mains

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		of the Municipality and includes the trading and the generation, transmission or distribution of electricity.
1.64	“supply main”	Means any part of the Municipality's electricity distribution network.
1.65	“Systems Act”	Means the Local Government: Municipal Systems Act, Act 32 of 2000, as amended from time to time.
“T”		
1.66	“tamper”	Means interference with, damage to, alteration of, by-passing of any connection to or removal of any equipment and includes the consumption of or use of any electricity supply services not in accordance with this policy.
1.67	“tariff”	Means the fees, charges or tariffs levied and approved by the Council in terms of section 75A of the Systems Act read with the Tariff Policy and Tariff By-Law.
1.68	“Tariff Policy”	Means the Tariff Policy of the Municipality as envisaged in terms of the provisions of section 74 of the Systems Act.
1.69	“Tariff Schedule”	Means the Tariff Schedule as referred to in the Tariff Policy and approved by Council.
1.70	“temporary supply”	Means an electricity supply required by a consumer for a period normally less than a year.
1.71	“this by-law”	Means the Electricity Supply By-Law of the Municipality, as set out herein.
1.72	“token”	Means the essential element of a prepayment metering system used to transfer information from a point of sale for electricity credit to a prepayment meter and <i>vice versa</i> .
1.73	“trading”	Means the buying or selling of electricity as a commercial activity.
“V”		

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1.74	“voltage”	Means the root-mean-square value of electrical potential between two conductors.
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2. OTHER TERMS

All other terms used in this by-law shall, unless the context otherwise requires, have the meaning assigned thereto in the Electricity Regulation Act, the Occupational Health and Safety Act the Regulations, as amended from time to time.

3. HEADINGS AND TITLES

The headings and titles in this by-law shall not affect the construction thereof.

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CHAPTER 2**GENERAL CONDITIONS OF SUPPLY**

4. PROVISION OF ELECTRICITY

- (1) Only the Municipality shall supply, distribute or contract for the supply or distribution of electricity within the area of jurisdiction of the Municipality.
- (2) Notwithstanding the provision of sub-section (1), the Municipality may give prior written consent, in exceptional circumstances, to a bulk consumer of electricity to contract directly with ESKOM for the supply of electricity. The Municipality may impose any conditions it deems fit relating to the aforesaid supply and contract.

5. APPLICATION FOR SUPPLY OF ELECTRICITY

- (1) No person shall gain access to, consume, use or be supplied with electricity nor may any supply be given to an electrical installation, from the Municipality through the supply mains, equipment and distribution network of the Municipality unless such person has applied to the Municipality on the official application form prescribed for such services for a specific purpose, and such application has been approved by the Municipality, and a municipal services agreement has been concluded, as set out and provided for in the Credit Control and Debt Collection Policy and By-Law of the Municipality, which provisions are to be read as if specifically incorporated herein.
- (2) The Municipality shall not be obliged to provide electricity:
 - (a) to areas or consumers outside the defined limits of the Municipality's area of jurisdiction;

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- (b) where due to the nature of the topography, electricity cannot be provided economically and/or cost effectively;
 - (c) where the necessary bulk infrastructure does not exist or is inadequate to service additional consumers; or
 - (d) beyond the Municipality's, resources, ability and capacity.
- (3) Electricity rendered to a consumer are governed by and subject to the provisions of this by-law, the Credit Control and Debt Collection Policy and By-Law, the Tariff Policy and Tariff By-Law and the conditions contained in the relevant municipal services agreement.
- (4) The official application form for the supply of electricity, as contemplated and referred to the Credit Control and Debt Collection Policy and By-Law, shall be obtained from the office of the Municipality and in instances where the consumer requires a specific minimum supply of electricity, the said consumer shall indicate the estimated load required, in kVA, of the installation, in the said form. Such application shall be made as early as possible before the supply of electricity is required in order to facilitate the work of the Municipality.
- (5) An application for an electricity supply for a period of less than one year shall be regarded as an application for a temporary supply of electricity and shall be considered at the discretion of the Municipality, which may specify and special conditions to be satisfied in such case.

6. INSPECT THE ELECTRICAL INSTALLATION

The Municipality may, before granting any supply of electricity, inspect and test the electrical installation to which the application relates with a view to establishing that such installation is safe and proper and complies with this by-law and all other applicable legislation.

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7. TARIFFS PAYABLE IF NO SERVICES AGREEMENT IS CONCLUDED

If any consumer gains access to, consumes, uses or is supplied with electricity without entering into a services agreement as contemplated in this by-law then such a consumer shall be liable for all the tariffs in respect of the electricity as prescribed in terms of the Credit Control and Debt Collection Policy and By-Law; Tariff Policy, Tariff Schedule and Tariff By-Law of the Municipality and any other such costs and charges incurred by the Municipality in such circumstances. All processes to recover the aforesaid costs, fees, tariffs and charges shall be governed by this by-law and the provisions of the Credit Control and Debt Collection Policy and By-Law of the Municipality shall be read as if specifically incorporated herein.

8. PROCESSING OF REQUESTS FOR SUPPLY

Applications for the supply of electricity will be processed and the supply made available within the periods stipulated in NRS 047 and in accordance with the provisions of this by-law and the Credit Control and Debt Collection Policy and By-Law of the Municipality which shall be read as if specifically incorporated herein.

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CHAPTER 3

TARIFFS AND CHARGES

9. PRESCRIBED TARIFFS AND CHARGES FOR ELECTRICITY

- (1) All tariffs and charges payable in respect of electricity supplied and distributed by the Municipality or used, accessed or consumed in terms of this by-law, including but not limited to the payment of connection charges, fixed charges or any additional charges or interest in respect of failure to pay such tariffs and/or fees and/or charges, on the specified date, shall be set by the Municipality by a resolution passed by the Council in accordance with:
 - (a) its tariff policy;
 - (b) the Credit Control and Debt Collection Policy and By-Law;
 - (c) any by-laws in respect thereof; and
 - (d) in accordance with charges, tariffs and provisions approved by the National Energy Regulator in terms of the Electricity Regulation Act.
- (2) The Municipality may not discriminate between customers/consumers or classes of customers/ consumers regarding access, tariffs, charges and conditions of service except for objectively justifiable and identifiable differences approved by the National Energy Regulator.
- (3) The Municipality may prescribe or provide incentives for the continued improvement of the technical and economic efficiency for the supply and distribution of electricity.
- (4) The National Energy Regulator may, in prescribed circumstances, approve a deviation from the set of approved tariffs, charges and fees referred to in sub-section (1) above.

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- (5) An availability charge, as determined from time to time by the Municipality is payable to the Municipality in respect of any premises, whether improved or not, irrespective of whether the premises is connected to the electricity distribution system or not, and solely based on the premise that the premises can connect to the electricity distribution system.
- (6) The provisions of sub-section (5) shall not apply to premises that belong to the Municipality and any premises in respect of which the Municipality has granted a written exemption or partial exemption from payment of the availability charges provided that the Municipality may at any time withdraw the exemption.
- (7) The Municipality shall determine from time to time a special tariff payable by developers or owners of property within the supply area of the Municipality where the authorised maximum demand of the land is exceeded. This tariff imposed by the Municipality is a "special tariff" as referred to in terms of the Tariff Policy and Tariff By-Law of the Municipality and covers the cost of extending the local distribution and reticulation network which costs are not recovered by the Municipality under the tariff for the supply of electricity.

10. PAYMENT OF DEPOSIT

Every consumer must, upon making application for the provision of electricity and before electricity is provided by the Municipality, effect payment of the requisite deposit with the Municipality as set out in terms of the this by-law and the Credit Control and Debt Collection Policy and By-Law, as well as the Tariff Policy, Tariff Schedule and By-Law of the Municipality, which provisions shall be read as if specifically incorporated herein.

11. PAYMENT FOR ELECTRICITY PROVIDED

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Electricity supplied by the Municipality in terms of this by law, to a consumer shall be paid for by the consumer as provided for in the Credit Control and Debt Collection Policy and By-Law at the prescribed tariff set out in the Tariff Policy, Tariff Schedule and Tariff By-Law of the Municipality. The provisions of the Credit Control and Debt Collection Policy and By-Law as well as the Tariff Policy and By-Law shall be read as if specifically incorporated herein.

12. STATEMENTS OF ACCOUNT

Statements of account and payment of such accounts relating to the supply of electricity shall be rendered to consumers in accordance with the Credit Control and Debt Collection Policy and By-Law of the Municipality which provisions shall be read as if specifically incorporated herein.

13. ARREARS

If a consumer fails to pay the amount/s due and payable on or before the due date for payment, the unpaid amount shall be regarded as being in arrears. Interest may be levied on all arrears at the rate prescribed by the Municipality from time to time. The arrears shall be dealt with as provided for in the Credit Control and Debt Collection Policy and By-Law of the Municipality which provisions shall be read as if specifically incorporated herein.

14. AGREEMENT FOR THE PAYMENT OF ARREARS IN INSTALMENTS

The Municipality may enter into an agreement for the payment of arrears in instalments as provided for in the Credit Control and Debt Collection Policy and By-Law of the Municipality which provisions shall be read as if specifically incorporated herein.

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15. INTEREST ON OVERDUE ACCOUNTS

The Municipality may charge interest on accounts which are in arrears at an interest rate prescribed by the Municipality from time to time and as provided for in the Credit Control and Debt Collection Policy and By-Law of the Municipality and may provide indigent support as set out in the Municipality's Indigent Policy, which provisions shall be read as if specifically incorporated herein.

16. QUERIES, COMPLAINTS OR DISPUTES

A consumer may lodge a query or complaint as provided for in the Credit Control and Debt Collection Policy and By-Law of the Municipality. A complaint or query so lodged shall be dealt with, processed and resolved in terms of the Credit Control and Debt Collection Policy and By-Law of the Municipality which provisions shall be read as if specifically incorporated herein. Any dispute arising out of the Electricity Regulation Act shall be settled by such means and on such terms as the National Energy Regulator may deem fit, as provided for in the provisions of section 42 of the Electricity Regulation Act.

17. APPEALS AGAINST FINDING OF MUNICIPALITY IN RESPECT OF QUERIES OR COMPLAINTS

A consumer may appeal in writing against a finding of the Municipality in respect of a query or complaint lodged in terms of this by-law. The appeal process shall be lodged, dealt with, processed and resolved in terms of the provisions of the Credit Control and Debt Collection Policy and By-Law of the Municipality which provisions shall be read as if specifically incorporated herein.

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CHAPTER 4

SUPPLY AND METERING OF ELECTRICITY

PART 1

MEASUREMENT OF ELECTRICITY

18. METERING

- (1) The Municipality shall at the customer's cost, in the form of a direct charge or prescribed fee, or if and when the Municipality so decides at the Municipality's cost, provide, install and maintain appropriately rated metering equipment, installed at the point of delivery/metering, for measuring the electricity delivered to a premises. The metering device shall be provided and installed by the Municipality and shall at all times remain the property of the Municipality irrespective of the manner in which it is attached or installed in or on the premises

- (2) The meter or measuring device may be a conventional meter allowing an uncontrolled supply of electricity or a prepayment meter allowing for a controlled supply of electricity.

- (3) No alterations, repairs, additions, or electrical connections of any description shall be made prior to or on the point of supply unless specifically approved in writing by the Municipality.

- (4) Any meter or measuring device supplied to a consumer by the Municipality and its associated apparatus or equipment may be changed and maintained by the Municipality when deemed necessary by it.

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- (5) If the Municipality installs a meter or measuring device in terms of this section, the customer shall:
- (a) prepare and 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) comply with all the requirements and conditions of the Municipality for such installation and the provisions of this by-law;
 - (d) be responsible for its protection and be liable for the costs arising from damage thereto, excluding damage arising from normal fair wear and tear;
 - (e) not use nor permit to be used on any electrical installation, equipment or system any fitting, machine or appliance which causes damage, or in the opinion of the Municipality, is likely to cause damage to a meter or measuring device.
- (6) No person other than the Municipality shall:
- (a) disconnect a meter or measuring device and its associated apparatus from any electrical installation in respect of which they are installed;
 - (b) break a seal which the Municipality has placed on a meter or measuring device; or
 - (c) in any other way interfere with a meter or measuring device and its associated apparatus or equipment.
- (7) If the Municipality considers that a meter or measuring device is for any reason unsuitable for its intended use it may install a new meter or measuring device of such size and capacity as it may deem necessary, and may recover from the customer concerned the prescribed fees and charges for the installation of the meter or measuring device.

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- (8) Where the electricity supplied to a consumer is charged at different tariff rates, the consumption must be metered for each tariff. Adequate metering equipment must be installed to give effect hereto.
- (9) The provisions of the Credit Control and Debt Collection Policy and By-Law of the Municipality relating to metering shall be read as if specifically incorporated herein.

19. MEASURING THE QUANTITY OF ELECTRICITY SUPPLIED TO CONSUMERS

- (1) The Municipality shall measure at regular intervals as the Municipality may determine the quantity of electricity supplied through a conventional meter or measuring device.
- (2) Any and all provisions of the Credit Control and Debt Collection Policy and By-Law relating to metering of municipal service shall apply and be read as if specifically incorporated herein.

20. DEFECTIVE MEASUREMENT

- (1) The provisions of all statutory standards that apply to the accuracy of the metering of the supply of electricity shall be read as if specifically incorporated herein and more specifically regarding electricity meters, a meter shall be conclusively presumed to be registering accurately if it satisfies the requirements prescribed in NRS 057 Part 3 – Electricity Metering: Minimum Requirements.

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- (2) The provisions of the Credit Control and Debt Collection Policy and By-Law shall apply to defective metering and shall be read as if specifically incorporated herein.

21. SPECIAL MEASUREMENT

- (1) If the Municipality wishes, for any purpose, to ascertain the quantity of electricity supplied to any premises and/ or to any consumer, it may by written notice advise the consumer concerned of its intention to install a meter or measuring device at such point in the electrical installation as it may specify.
- (2) The installation of a meter or measuring device referred to in sub-section (1) above, its removal, and the restoration of the installation work after such removal shall be carried out at the expense of the Municipality.

22. ADJUSTMENT OF QUANTITY OF ELECTRICITY SUPPLIED THROUGH DEFECTIVE METER OR MEASURING DEVICE

In determining whether a meter or measuring device is defective or if a meter or measuring device is found to be defective in terms of this by-law or the provisions of the Credit Control and Debt Collection Policy and By-Law, the Municipality may estimate the quantity of electricity supplied to the consumer concerned in accordance with the provisions of the Credit Control and Debt Collection Policy By-Law of the Municipality which provisions shall be read as if specifically incorporated herein.

23. PREPAYMENT METERING

- (1) When a consumer is supplied with electricity through a prepayment meter the consumer must comply with the requirements of the Municipality set out in

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this by-law and the Credit Control and Debt Collection Policy and By-Law of the Municipality

- (2) When a consumer is supplied with electricity through a prepayment meter -
 - (a) no refund of the amount tendered for the purchase of electricity 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 any 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 incorrect use or the abuse of, a prepayment meter and/or token.
- (3) The prepayment metering system shall comply with the all statutory and South African Bureau of Standards requirements.

24. LEAKAGE OF ELECTRICITY

Under no circumstances shall any rebate be allowed on the account for electricity supplied and metered in respect of electricity wasted owing to leakage or any other fault in the electrical installation.

PART 2

LIMITATION, DISCONNECTION AND TERMINATION OF THE SUPPLY OF ELECTRICITY

25. LIMITATION, DISCONNECTION AND TERMINATION OF AGREEMENT FOR THE PROVISION OF ELECTRICITY SUPPLY SERVICES AND RESTRICTIONS

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The Municipality may limit, disconnect and/or terminate the supply of electricity in accordance with the this by-law and/or the Credit Control and Debt Collection Policy and By-Law of the Municipality which provisions shall be read as if specifically incorporated herein.

26. RECONNECTION AND RESTORATION OF THE SUPPLY OF ELECTRICITY

The Municipality shall reconnect and restore electricity in accordance with the provisions of this by-law and/ or the Credit Control and Debt Collection Policy and By-Law of the Municipality which shall be read as if specifically incorporated herein.

27. REMOVAL OF AN ELECTRICITY CONNECTION, METER OR MEASURING DEVICE

The Municipality may remove an electricity connection, meter or measuring device provided by the Municipality to any premises in terms of the provisions of this by-law and/or the Credit Control and Debt Collection Policy and By-Law. The provisions of the Credit Control and Debt Collection Policy and By-Law shall be read as if specifically incorporated herein.

28. ELECTRICITY RESTRICTIONS

- (1) The Municipality may, whenever there is a scarcity or shortage of electricity available for access, use, consumption and distribution to consumers, restrict the access, use, consumption and distribution of electricity under its control or management as contemplated in section 83A of the Local Government Ordinance, or for the purposes of electricity conservation, by public notice:
- (a) prohibit or restrict the use and consumption of electricity in the whole or part of its area of jurisdiction in general or for:

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- (i) specified purposes;
 - (ii) during specified hours of the day or on specified days; and
 - (iii) in a specified manner; and
 - (b) determine and impose:
 - (i) limits on the quantity of electricity that may be consumed over a specified period;
 - (c) impose restrictions or prohibitions on the use or manner of use or disposition of an appliance by means of which electricity is used or consumed, or on the connection of such appliances to the electricity installation.
- (2) Whenever the Municipality acts in terms of sub-section (1) above, the Municipality must cause a notice of the resolution taken in terms of this by-law to be published in accordance with the provisions of section 21A read with section 21 of the Systems Act.
- (3) Notwithstanding the provisions of sub-sections (1) and (2) above, should an emergency arise in relation to the availability of electricity and immediate steps are necessary to avert or remedy any actual or potential consequences of such emergency, the Municipality may take such steps without taking the resolution contemplated in the said aforesaid sub-paragraphs.
- (4) The Municipality may limit the application of the provisions of a notice contemplated by sub-sections (1) and (2) above, to specified areas and categories of consumers, premises and activities, and may permit deviations and exemptions from, and the relaxation of, any of the provisions on reasonable grounds.
- (5) The Municipality may:

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- (a) take, or by written notice require a consumer at the consumer's own cost and expense to take, such measures, including the installation of a measurement devices and devices for restricting the flow of electricity as may in its opinion be necessary to ensure compliance with this by-law; or
 - (b) subject to such notice and for such period as it may consider fit, limit the supply of electricity to any premises in the event that a contravention of this by-law takes place on such premises or in the event of a failure to comply with the terms of a notice published in terms of sub-paragraph (1) above, and
 - (c) where the supply of electricity has been discontinued, it shall only be restored when the prescribed tariffs for discontinuation and reconnecting the supply have been paid.
- (6) The provisions of this section shall also apply in respect of electricity supplied directly by the Municipality to consumers outside its area of jurisdiction, notwithstanding anything to the contrary contained in the conditions governing such supply, unless otherwise specified in the notice published in terms of sub-paragraph (1) above.

29. IMPROPER USE OF ELECTRICITY AND DISCONNECTION

- (1) If the consumer uses electricity for any purpose, or deals with the electricity in any manner, which the Municipality has reasonable grounds for believing interferes in an improper or unsafe manner, or is calculated to interfere in an improper or unsafe manner, with the efficient supply of electricity to any other consumer, the Municipality may, in accordance with the provisions of the this by-law and/or the Credit Control and Debt Collection Policy and By-Law of the Municipality, disconnect the electricity supply. The provisions of the Credit Control and Debt Collection Policy and By-Law relating hereto shall be read as if specifically incorporated herein.

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- (2) The Municipality may disconnect the electricity supply to any premises if there has been any overloading on or the illegal increase of supply or capacity of supply to the premises.
- (3) The reconnection or restoration of electricity to a consumer whose supply has been disconnected in terms of sub-section (1) above shall take place on compliance with the provisions of the Credit Control and Debt Collection Policy and By-Law which shall be read as if specifically incorporated herein.
- (4) The fee as prescribed by the Municipality for the disconnection and the reconnection shall be paid by the consumer before the electricity supply is restored in accordance with the provisions of the Credit Control and Debt Collection Policy and By-Law of the Municipality and Tariff Policy and By-Law of the Municipality, which shall be read as is specifically incorporated herein, unless it can be shown that the consumer did not use or deal with the electricity in an improper or unsafe manner, or in contravention of sub-section (1) above.
- (5) If the consumer did not use or deal with the electricity in a proper, safe or lawful manner the Municipality may require that a new certificate of compliance be issued and submitted for the installation.

30. TEMPORARY DISCONNECTION AND RECONNECTION

- (1) The Municipality shall, at the request of the consumer, temporarily disconnect and reconnect the supply of electricity to the consumer's electrical installation upon payment of the fee as prescribed by the Municipality for each such disconnection and subsequent reconnection.

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- (2) In the event of the necessity arising for the Municipality to effect a temporary disconnection and reconnection of the supply of electricity to a consumer's electrical installation and the consumer is in no way responsible for bringing about this necessity, the Municipality shall waive payment of the fee hereinbefore referred to.
- (3) The Municipality may inspect the service connection and/ or require a Certificate of Compliance to be submitted before reconnecting the supply.
- (4) The provisions of the Credit Control and Debt Collection Policy and By-Law and the Tariff Policy and By-Law shall apply to temporary connections and disconnections which provisions shall be read as if specifically incorporated herein.
- (5) Notice of a planned disconnection or interruption shall be given to the consumer by the Municipality in accordance with NRS 047-1:2005.
- (6) Disconnections contemplated in this section must be effected and handled by Municipality in accordance with Credit Control and Debt Collection Policy and By-Law.
- (7) Should the Municipality have to perform small tasks on the electricity distribution network, mains, cables or equipment of the Municipality for a period not exceeding 45 (forty five) minutes, the Municipality shall not be required to give prior notice of the interruption to the consumer except in cases of electricity supply to consumers with which the Municipality has a special arrangement or agreement.
- (8) Save where provided to the contrary in this by-law, notice of a planned disconnection of an electricity supply for the purpose of maintenance, repair

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or construction work shall be given to the consumer in accordance with NRS 047-1:2005.

PART 3

SERVITUDES, WAYLEAVES, RIGHT OF ACCESS AND REFUSAL OF ADMITTANCE

31. WAYLEAVES AND SERVITUDES ON PRIVATE PROPERTY

- (1) The Municipality may refuse to lay or erect a service connection above or below ground on any thoroughfare or land not vested in the Municipality or on any private property, unless and until the prospective consumer shall have obtained and deposited with the Municipality written permission, granted by the owner of the said private property or by the person in whom is vested the legal title to the land or thoroughfare as aforesaid exists, as the case may be, authorising the laying or erection of a service connection thereon.
- (2) If such permission is withdrawn at any time or if the aforesaid private property or thoroughfare changes ownership and the new owner refuses to grant or continue such permission, the cost of any alteration required to be made to a service connection in order that the supply of electricity may be continued, and of any removal thereof which may become necessary in the circumstances, shall be borne by the consumer to whose premises the supply of electricity is required to be continued.

32. STATUTORY SERVITUDE

- (1) Subject to the provisions of sub-section (3) below, the Municipality may within its municipal area:
 - (a) provide, establish and maintain electricity;

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- (b) acquire, construct, lay, extend, enlarge, divert, maintain, repair, discontinue the use of, close up and destroy electricity supply mains;
 - (c) construct, erect or lay any electricity supply main on, across, through, over or under any street or premises and the ownership of any such main shall remain vested in the Municipality;
 - (d) do any other thing necessary or desirable for or incidental, supplementary or ancillary to any matter contemplated by sub-sections (a) to (c) above.
- (2) If the Municipality constructs, erects or lays any electricity supply main on, across, through, over or under any street or premises not owned by the Municipality or under the control of or management of the Municipality it shall determine the restrictions to be imposed on the use of the premises under a servitude agreement.
- (3) The Municipality shall pay to the owner of such street or premises compensation in an amount agreed upon by such owner and the Municipality or, in the absence of agreement, as determined by court of law. The Municipality shall have the right to register servitude in its favour to protect its rights.
- (4) The Municipality shall, before commencing any work, other than repairs or maintenance on or in connection with any electricity supply main on premises not owned by the Municipality or under the control or management of the Municipality, give the owner or occupier of such premises reasonable notice of the proposed work and the date on which it proposed to commence such work.
- (5) The Municipality may do all such things over, in or along roads or streets and associated infrastructure as may be necessary to carry out the provisions of this by-law or any other law.

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- (6) The Municipality must undertake the activities in terms of this section subject to the right of supervision and in accordance with plans, routes and specifications of the person in control of that street, except in cases of emergency or where the person concerned fails or refuses to co-operate with the Municipality.
- (7) The Municipality shall in exercising its rights in terms of this by-law-
 - (a) comply with all laws or by-laws that may be applicable;
 - (b) complete its activities within a reasonable time; and
 - (c) repair any damage caused or reimburse the person in control of that road or street for any damage caused.
- (8) For the purpose of this section street includes any square or enclosed public place.

33. RIGHT OF ACCESS AND ADMITTANCE TO INSPECT, TEST AND/OR DO MAINTENANCE WORK

- (1) In addition to and in amplification of the right of access or entry to property which the Municipality has in terms of the provisions of the Credit Control and Debt Collection Policy and By-Law, the Municipality shall, through its employees, contractors and their assistants and advisers, have entry or access to or over any premises to which electricity is or has been supplied for the purpose of:
 - (a) doing anything authorised or required to be done by the Municipality under this by-law or any other law;
 - (b) maintenance to the distribution network or lines meters, fittings, equipment, electrical installation works, service connections and apparatus installed on the premises;

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- (c) a general inspection to be done for maintenance, operational requirements or other purposes;
 - (d) upgrading of the network;
 - (e) inspecting and examining any service mains and anything connected therewith;
 - (f) inspecting lines meters, fittings, equipment, electrical installation works and apparatus;
 - (g) inquiring into and investigating any possible source of electricity supply or the suitability of premises for any work, scheme or undertaking of the Municipality and making any necessary survey in connection therewith;
 - (h) ascertaining whether there is or has been a contravention of the provisions of this by-law or any other law; and
 - (i) enforcing compliance with the provisions of this by-law or any other law including the Electricity Regulation Act.
- (2) The Municipality may, by notice in writing served on the owner or occupier of any premises, require such owner or occupier to provide, on the day and at the hour specified in such notice, access to such premises to a person and for a purpose referred to in sub-section (1) above, or make other suitable arrangements with the owner or occupier in order to give effect to a purpose referred to in sub-section (1) above.
- (3) The Municipality may gain access to or over any premises without notice and may take whatever action as may, in its opinion, be necessary or desirable in consequence of the existence of a state of war or the occurrence of any calamity, emergency or disaster.
- (4) The Municipality shall, if possible, on access to the premises adhere to all reasonable security measures of the owner or occupier of the premises.

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- (5) Any person authorised by the Municipality to gain access to the premises shall exhibit his authorisation at the request of any person materially affected by such access and activities of the Municipality.
- (6) The provisions of the Credit Control and Debt Collection Policy and By-Law relating to access by the Municipality for the purposes set out herein shall be read as if specifically incorporated herein.
- (7) For the purposes of giving effect to the provisions of this section the Municipality may remove any earth, paving bricks, stone ironwork or woodwork or other surface covering any portion of the premises for the purpose of upgrading, inspection or maintenance.
- (8) Any damage caused by such entry, inspection or removal shall be repaired and compensated for by the Municipality.

34. REFUSAL OF ADMITTANCE

No person shall wilfully hinder, obstruct, interfere with or refuse admittance to any authorised official of the Municipality in the performance of his duty under this by-law or of any duty connected therewith or relating thereto.

PART 4

RESALE OF ELECTRICITY AND FAILURE OF SUPPLY

35. RESALE OF ELECTRICITY

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- (1) Resellers of electricity shall comply with the licensing and registration requirements set out in the Electricity Regulations Act and regulations issued under this act.
- (2) No person shall, unless with the prior written authorisation of the Municipality, sell or supply or distribute electricity, supplied to such persons premises under an agreement with the Municipality, to any other person or persons for use on any other premises, or permit or allow such resale or supply to take place.
- (3) If electricity is resold for use upon the same premises, the electricity resold shall be measured by a sub meter or a measuring device of a type, which has been approved by the South African Bureau of Standards and supplied, installed and programmed as approved by the Municipality and in accordance with the standards of the Municipality.
- (4) The tariff, rates fees and charges at which, and the conditions of sale under which, electricity is thus re-sold shall not be less favourable to the purchaser than those that would have been payable and applicable had the purchaser been supplied directly with electricity by the Municipality.
- (5) Every re seller shall furnish the purchaser with monthly accounts that are at least as detailed as the relevant billing information details provided by the Municipality to its electricity consumers.

36. FAILURE OF SUPPLY

- (1) The Municipality does not undertake to attend to a failure of supply of electricity due to a fault in the electrical installation of the consumer, except when such failure is due to the operation of the service protective device of the Municipality.

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- (2) When any failure of supply of electricity is found to be due to a fault in the electrical installation of the consumer or to the faulty operation of apparatus used in connection therewith, the Municipality shall have the right to charge the consumer the fee as prescribed by the Municipality for each restoration of the supply of electricity in addition to the cost of making good or repairing any damage which may have been done to the service main and meter by such fault or faulty operation as aforesaid.

PART 5

SEALS OF THE MUNICIPALITY, TAMPERING WITH SERVICE CONNECTION OR SUPPLY MAINS, PROTECTION OF THE MUNICIPALITY'S MAINS, UNAUTHORISED CONNECTIONS AND RECONNECTIONS, INTERFERENCE WITH ANOTHER CONSUMER'S ELECTRICAL CONNECTION

37. SEALS OF THE MUNICIPALITY

The meter, measuring device, service protective devices, equipment and all apparatus belonging to the Municipality may at the instance of the Municipality be sealed or locked by the Municipality, and no person not being an official of the Municipality duly authorised thereto shall in any manner or for any reason whatsoever remove, break, deface, or tamper or interfere with such seals or locks.

38. TAMPERING WITH SERVICE CONNECTION OR SUPPLY MAINS

- (1) No person shall in any manner and for any reason whatsoever tamper with, paint, interfere with, vandalise, fix advertising medium to, or deface any meter or metering equipment or service connection or service protective device or supply mains or any other equipment of the Municipality or illegally connect into the municipal services of any other consumer.

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- (2) Where a consumer and/or any person has contravened sub-section (1) above, the Municipality shall have the right to disconnect the supply of electricity in accordance with the provisions of the Credit Control and Debt Collection Policy and By-Law of the Municipality which provisions shall be read as if specifically incorporated herein. The consumer and any such person shall be liable for all cost, fees, tariffs and charges levied by the Municipality for such disconnection.
- (3) Where a consumer and/or any person has contravened sub-section (1) above and such contravention has resulted in the meter or measuring device recording less than the true consumption, the Municipality shall have the right to recover from the consumer the full cost of the estimated consumption as set out in the provisions of the Credit Control and Debt Collection Policy and By-Law which provisions shall be read as if specifically incorporated herein.

39. PROTECTION OF MUNICIPALITY'S SUPPLY MAINS

- (1) No person shall except with the prior written consent of the Municipality and subject to such conditions as may be imposed:
- (a) construct, erect or lay, or permit the construction, erection or laying of any building, structure or other object, or plant trees or vegetation over or in such a position or in such a manner as to interfere with or endanger the supply mains and electricity distribution network and the requirements of the Occupational Health and Safety Act, Act 85 of 1993 and the National Building Regulations and Building Standards Act, Act 103 of 1977 must be observed in this regard;
 - (b) excavate, open up or remove the ground above, next to, under or near any part of the supply mains or electricity distribution network or dump anything onto, next to or under any part of the supply mains or electricity distribution network;

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- (c) damage, endanger, remove or destroy, or do any act likely to damage, endanger or destroy any part of the supply mains or electricity distribution network;
 - (d) makes any unauthorised connection to any part of the supply mains or electricity distribution network or divert or cause to be diverted any electricity there from;
 - (e) abstract or branch off or divert any electrical current or cause any electrical current to be abstracted, branched off or diverted or consume or use the current that has been wrongfully or unlawfully abstracted, branched off or diverted;
 - (f) install any paving over the Municipality's cables or equipment unless adequate sleeves for the cables have been installed under the paving and marked at the edges of the paving;
 - (g) do any excavations over the Municipality's electricity distribution network, mains, cables or equipment without the prior written permission of the Municipality; and
 - (h) do any excavation over the Municipality's electricity distribution network, mains, cables or equipment with excavating or other machines but excavations may be done by hand once prior written consent of the Municipality for the excavation has been given.
- (2) The owner or occupier shall limit the height of trees or length of projecting branches in the proximity of overhead lines or provide a means of protection which in the opinion of the Municipality will adequately prevent the tree from interfering with the conductors should the tree or branch fall or be cut down. Should the owner fail to observe this provision the Municipality shall have the right, after prior written notification, or at any time in an emergency, to cut or trim the trees or other vegetation in such a manner as to comply with this provision and shall be entitled to enter the premises for this purpose.

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- (3) The Municipality demolish, alter or otherwise deal with any building, structure or other object constructed, erected or lain in contravention with this by-law.
- (4) The Municipality may in the case of an emergency or disaster remove anything damaging, obstructing or endangering or likely to damage, obstruct, endanger or destroy any part of the electrical distribution system, mains, cables or any equipment of the Municipality.
- (5) If the Municipality is required to take any action or undertake any work arising from a contravention of sub-sections (1) and (2) above and such action or work is necessary, the cost and expense of such action or work shall be for the account of the person who acted in contravention of this by-law.
- (6) The Municipality may implement any rights it has in terms of any other policy or by-law of the Municipality in respect of the protection of the electricity distribution network, mains, cables or equipment of the Municipality.
- (7) The Municipality may in respect of any premises:
 - (a) fill in and make good any ground that has been excavated or removed in contravention of this by-law;
 - (b) repair and make good any damage that has been done in contravention of this by-law;
 - (c) remove anything that is damaging, obstructing or endangering or that is likely to damage, obstruct, endanger or destroy any part of the electricity distribution network, mains, cables or equipment of the Municipality;
 - (d) provide an account for any work done in terms of this section . The supply of electricity may be disconnected in the event that payment of the account is not made in accordance with this by-law and the

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Credit Control and Debt Collection Policy and By-Law of the Municipality.

40. PREVENTION OF TAMPERING WITH SERVICE CONNECTION OR SUPPLY MAINS

If the Municipality decides that it is necessary or desirable to take special precautions in order to prevent tampering with any portion of the supply mains, service connection or service protective device or meter or metering equipment, the consumer shall either supply and install the necessary protection or pay the costs involved where such protection is supplied by the Municipality.

41. UNAUTHORISED CONNECTIONS

- (1) No person other than a person specifically authorised thereto by the Municipality in writing shall directly or indirectly connect, attempt to connect or cause or permit to be connected any electrical installation or part thereof to the supply mains or service connection.

- (2) No person shall without the prior written consent of the Municipality lead electricity temporarily or permanently to any point of consumption or place not forming part of the electrical installation for which a supply has been agreed upon or given.

42. UNAUTHORISED RECONNECTIONS

- (1) No person other than a person specifically authorised thereto by the Municipality in writing shall reconnect, attempt to reconnect or cause or permit to be reconnected to the supply mains or service connection any electrical installation or installations which has or have been disconnected by the Municipality.

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- (2) Where the supply of electricity that has previously been disconnected is found to have been illegally reconnected, the consumer using the supply of electricity shall be liable for all cost, fees, tariffs and charges for electricity consumed between the date of disconnection and the date the electricity supply was found to be reconnected and any other charges raised in this regard.
- (3) The Municipality reserves the right to remove part or all of the supply equipment until such time as payment has been received in full. In addition, the consumer shall be responsible for all the costs associated with the reinstatement of such supply equipment.
- (4) The provisions of the Credit Control and Debt Collection Policy of the Municipality shall apply to such unauthorised reconnections which provisions shall be read as if specifically incorporated herein.

43. INTERFERENCE WITH OTHER PERSONS' ELECTRICAL EQUIPMENT

- (1) No person shall operate electrical equipment having load characteristics that, singly or collectively, give rise to voltage variations, harmonic currents or voltages, or unbalanced phase currents that fall outside the applicable standard specification.
- (2) The assessment of interference with other persons' electrical equipment shall be carried out by means of measurements taken at the point of common coupling as described in NRS 048.

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- (3) Should it be established that undue interference is in fact occurring, the consumer shall, at the consumer's own cost, install the necessary equipment to filter out the interference and prevent it reaching the supply mains.
- (4) In order to assess the contribution, whether singly or collectively, of any consumer to the combined interference experienced at any point of common coupling the Municipality reserves the right to have monitoring equipment installed on any consumer's electrical installation.

PART 6

TEMPORARY SUPPLIES, TEMPORARY WORK, LOAD REDUCTION

44. TEMPORARY SUPPLIES

It shall be a condition of the giving of any temporary supply of electricity, as defined in this by-law, that, if such supply is found to interfere with the efficient and economical supply of electricity to other consumers, the Municipality shall have the right, with notice, or under exceptional circumstances without notice, to terminate such temporary supply at any time and, the Municipality shall not be liable for any loss or damage occasioned by the consumer by such termination. Application for a temporary electricity supply shall be made on the prescribed application form as per the Credit Control and Debt Collection Policy and By-Law.

45. TEMPORARY WORK

Electrical installations requiring a temporary supply of electricity shall not be connected directly or indirectly to the supply mains except with the special permission in writing of the Municipality. Full information as to the reasons for and nature of such temporary work shall accompany the application for the aforesaid permission, and the Municipality may refuse such permission or may grant the same

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upon such terms and conditions as it may appear desirable and necessary. A certificate of compliance must be submitted by the consumer to the Municipality in such cases of temporary work.

46. LOAD REDUCTION

- (1) At times of peak load, or in an emergency, or when, in the opinion of the Municipality, it is necessary for any reason to reduce the load on the electricity supply system of the Municipality, the Municipality may without notice interrupt and, for such period as the Municipality may deem necessary, discontinue the electricity supply to any consumer's electrically operated thermal storage water heater or any specific appliance or the whole installation. The Municipality shall not be liable for any loss or damage directly or consequentially due to or arising from such interruption and discontinuance of the electricity supply.
- (2) The Municipality may install upon the property or premises of the consumer such apparatus and equipment as may be necessary to give effect to the provisions of sub-section (1) above, and the Municipality may at any reasonable time enter any premises for the purpose of installing, inspecting, testing adjusting and/or changing such apparatus and equipment.
- (3) Notwithstanding the provisions of sub-section (2) above, the consumer or the owner, as the case may be, shall, when installing an electrically operated water storage heater, provide such necessary accommodation and wiring as the Municipality may decide to facilitate the later installation of the apparatus and equipment referred to in sub-section (2) above.

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CHAPTER 5

MUNICIPALITY SWITCHGEAR AND EQUIPMENT, SUBSTATION ACCOMMODATION, WIRING DIAGRAM AND SPECIFICATIONS, STANDBY SUPPLY AND CONSUMER ELECTRICITY GENERATING EQUIPMENT, TECHNICAL CIRCULARS

47. MEDIUM AND LOW VOLTAGE SWITCHGEAR AND EQUIPMENT

- (1) In cases where a supply of electricity is given at either medium or low voltage, the supply and installation of the switchgear, cables and equipment forming part of the service connection shall, unless otherwise approved by the Municipality, be paid for by the consumer.
- (2) In the case of a medium voltage supply of electricity, all such equipment shall be approved by the Municipality and installed by or under the supervision of the Municipality.
- (3) No person shall operate medium voltage switchgear without the prior written authority of the Municipality.
- (4) All earthing and testing of medium voltage equipment linked to the Municipality's network shall be conducted by or under the supervision of the Municipality.
- (5) In the case of a low voltage supply of electricity, the consumer shall provide and install a low voltage main switch and/or any other equipment required by the Municipality.

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- (6) All such equipment installed on the consumer's premises shall be compatible with the specifications prescribed by the Municipality from time to time.
- (7) No person shall open, close, isolate, link or earth high or medium voltage switchgear or equipment without giving reasonable prior notice to the Municipality.
- (8) In the case of high or medium voltage supply of electricity, where the consumer has high or medium voltage switchgear installed, the Municipality shall be advised of the competent person appointed by the consumer in terms of the Regulations, and of any changes made to such appointment.

48. SUBSTATION ACCOMMODATION

- (1) The Municipality may, on such conditions as may be deemed fit by the Municipality, require the owner to provide and maintain accommodation which shall constitute a substation and which shall consist of a separate room or rooms to be used exclusively for the purpose of housing high voltage cables and switchgear, medium voltage cables and switchgear, transformers, low voltage cables and switchgear and other equipment necessary for the supply of electricity requested by the applicant. The accommodation shall be situated at a point to which free, adequate and unrestricted access is available at all times for purposes connected with the operation and maintenance of the equipment.
- (2) The Municipality reserves the right to supply its own networks from its own equipment installed in such accommodation, and if the Municipality requires additional accommodation, the applicant at the cost of the Municipality shall provide such additional accommodation.

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- (3) The substation accommodation shall comply with specified requirements and dimensions determined by the Municipality and shall incorporate adequate lighting, ventilation, fire prevention and fire extinguishing measures.
- (4) The substation accommodation shall be situated on ground floor level at a point to which free, adequate and unrestricted access is available at all times for purposes connected with the operation and maintenance of the equipment.
- (5) Where in the opinion of the Municipality the position of the substation accommodation is no longer readily accessible or has become a danger to life or property or has for justifiable reasons become unsuitable, the consumer shall remove it to a new position to the satisfaction of the Municipality, and the cost of such removal, which shall be carried out within a reasonable period of time, shall be borne by the consumer.

49. WIRING DIAGRAM AND SPECIFICATION

- (1) When more than one electrical installation or electricity supply from a common main or more than one distribution board or meter is required for any building or block of buildings, the wiring diagram of the circuits starting from the main switch and a specification shall on request be supplied to the Municipality in duplicate for approval before the work commences. The design must be certified by a competent person contemplated in the regulations under the Occupational Health and Safety Act, Act 85 of 1993 and the wiring diagram of the circuits starting from the main switch and the design of the internal distribution network. In the case of a township development the design must comply with the specifications of the Municipality.

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- (2) Where an electrical installation is to be supplied from a substation on the same premises on which the current is transformed from high voltage, or from one of the substations of the Municipality through mains separate from the general distribution system, a complete specification and drawings for the plant to be installed by the consumer shall, if so required, be forwarded to the Municipality for written approval before any material in connection therewith is ordered.

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CHAPTER 6

STANDBY SUPPLY AND ELECTRICITY GENERATION EQUIPMENT

50. STANDBY SUPPLY

No person shall be entitled to a standby supply of electricity from the Municipality for any premises having a separate source of electricity supply except with the written consent of the Municipality and subject to such terms and conditions as may be laid down by the Municipality.

51. CONSUMER'S EMERGENCY STANDBY SUPPLY EQUIPMENT / ELECTRICITY GENERATION EQUIPMENT

- (1) No emergency standby or generation equipment provided by a consumer in terms of any regulations or for his own operational requirements shall be connected to any installation without the prior written approval of the Municipality.
- (2) Application for such approval shall be made in writing and shall include a full specification of the equipment and a wiring diagram.
- (3) The electricity generation equipment or standby equipment shall be so designed and installed that it is impossible for the Municipality's supply mains to be energized by means of a back feed from such equipment.
- (4) The consumer shall be responsible for providing and installing all such protective equipment and for obtaining a Certificate of Compliance issued in terms of the Regulations for the work carried out.

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- (5) Where by special agreement with the Municipality, the consumer's electricity generation or standby generating equipment is permitted to be electrically coupled to, and run in parallel with the Municipality's supply mains, the consumer shall be responsible for providing, installing and maintaining all the necessary synchronizing and protective equipment required for such safe parallel operation, to the satisfaction of the Municipality.

52. TECHNICAL STANDARDS / CIRCULAR LETTERS

The Municipality may from time to time issue Technical Standard Circulars detailing the requirements of the Municipality regarding matters not specifically covered in the Regulations or this by-law but which are necessary for the safe, efficient operation and management of the supply of electricity.

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CHAPTER 7

RESPONSIBILITIES OF CONSUMERS

53. CONSUMER TO ERECT AND MAINTAIN ELECTRICAL INSTALLATION

- (1) Any electrical installation connected or to be connected to the supply mains, and any additions or alterations thereto which may be made from time to time, shall be provided and erected and maintained and kept in good order by the consumer at his own expense and in accordance with this by-law and the Regulations.
- (2) The consumer shall be responsible for the safety, safe use and maintenance of the electrical installation such consumers uses or consumes.
- (3) The consumer in respect of an electrical installation shall be responsible for the safety of the conductors on the premises connecting the electrical installation to the point of supply in the case where the point of supply is not the point of control.
- (4) No person may authorise, design, install or permit or require the installation of an electrical installation other than in terms of the health and safety standards incorporated in to the Regulations under section 44 of the Occupational Health and Safety Act, Act 85 of 1993.
- (5) No person may use components within an electrical installation unless those components comply with the standards referred to in sub-section (4) above, and proof of compliance shall be identifiable on the components or certification shall be available from the manufacturer or supplier of the materials or components in terms of the National Regulator for Compulsory Specifications Act, Act 5 of 2008.

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- (6) Items of an electrical installation not covered by the health and safety standards, and the conductors between the point of supply and the point of control shall be installed in accordance with this by-law.
- (7) A registered person shall exercise general control over all electrical installation work being carried out and no person may allow such work without such control.
- (8) Where the voltage exceeds 1kVA, a person deemed competent in terms of regulation 1 of the General Machinery Regulations 1988 promulgated in terms of Government Notice No, R 1521 of 5th August 1988, or a person registered in professional category in terms of the Engineering Profession Act, Act 46 of 2000 shall approve the design of that part of the electrical installation.
- (9) The Municipality may not restrict the application of a health and safety standard referred to herein or in the Regulations when an electrical installation is installed except where the distribution system of the Municipality may be adversely affected by the application thereof.

54. CERTIFICATE OF COMPLIANCE

- (1) Subject to the provisions of the Regulations every consumer or user of an electrical installation shall have a valid certificate of compliance for that installation in the prescribed form which shall be accompanied by the prescribed test report, in respect of every electrical installation.

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- (2) Every consumer or user of an electricity installation shall on request by the Municipality produce the certificate of compliance for that electrical installation.
- (3) Subject to the provisions of the Regulations, where any addition or alteration has been effected to an electrical installation for which a certificate of compliance was previously issued, the consumer or user of such electrical installation shall obtain a certificate of compliance for at least the addition or alteration.

55. FAULT IN ELECTRICAL INSTALLATION

- (1) If any fault develops in the electrical installation, which constitutes a hazard to persons, livestock or property, the consumer shall immediately disconnect the electricity supply. The consumer shall without delay give notice thereof to the Municipality and shall immediately take steps to remedy the fault.
- (2) The Municipality may require the consumer to reimburse it for any expense to which it may be put in connection with a fault in the electrical installation.

56. TERMINATION OF USE OF ELECTRICITY SUPPLY

- (1) In the event of a consumer desiring to terminate the services agreement and discontinue using the electricity supply, the consumer shall give notice of and act in terms of the provisions of the Credit Control and Debt Collection Policy and By-Law of the Municipality, which provisions shall be read as if specifically incorporated.
- (2) A consumer vacating any premises and failing to give notice of the consumer's intention to discontinue using the electricity supply shall, in terms

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of the Credit Control and Debt Collection Policy and By-Law and the Tariff Policy and By-Law of the Municipality, remain liable for all cost, charges, fees and tariffs relating to such supply and any other costs and charges in terms of this by-law.

57. CHANGE OF CONSUMER

- (1) In the case of a change of occupier at any premises supplied with electricity in terms of this by-law, the consumer including a consumer bound by a prepayment agreement who is vacating the premises must give the Municipality at least 5 (five) days notice in writing of the intention to discontinue using the electricity supply, failing which such consumer shall remain liable in terms of this by-law for the supply of electricity until the supply is disconnected or a new services agreement is entered into.
- (2) If the new occupier or consumer of the premises wishes to continue using the electricity supply such consumer must prior to occupation of the premises make written application in accordance with the provisions of this by-law and the Credit Control and Debt Collection Policy and By-Law which provisions shall be read as if specifically incorporated herein.
- (3) Where premises are fitted with prepayment meters any person occupying the premises at that time shall be deemed to be the consumer. Until such time as an application is made by this person for a supply of electricity, in terms of this by-law and the Credit Control and Debt Collection Policy and By-Law of the Municipality such person occupying the premises shall be liable for all cost, tariffs, charges and fees owed to the Municipality for that metering point as well as any outstanding charges and fees whether accrued by that person or not.

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- (4) Subject to the provisions of sub-sections (1), (2) and (3) above, the owner of the premises remains liable for any electricity consumed on the premises.
- (5) A clearance certificate in terms of section 118 of the Systems Act shall not be issued and an electrical connection shall not be effected unless and until a certified copy of the certificate of compliance is submitted by the new consumer to the Municipality. Should it at any stage be found that a supply was given without a certificate of compliance being furnished in accordance with this by-law the Municipality shall be entitled to terminate the supply of electricity at any time and without prior notice.

58. SERVICE EQUIPMENT

- (1) The consumer shall be liable for all costs to the Municipality arising from damage to or loss of any metering equipment, service protective device, service connection or other equipment on the premises, unless such damage or loss is shown to have been occasioned by an act of God or an act or omission of an employee of the Municipality or caused by an abnormality in the supply of electricity to the premises.
- (2) If, during a period of disconnection of an installation from the supply mains, the electricity distribution network, metering equipment or measuring device, cables, equipment or any other service apparatus, being the property of the Municipality and having been previously used, have been removed without its permission or have been damaged so as to render reconnection dangerous, the owner or occupier of the premises, as the case may be, during such period shall, bear the cost of overhauling and/or replacing any such part or portion of the supply mains, the electricity distribution network, metering equipment or measuring device, cables, equipment or any other service apparatus, of the Municipality.

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- (3) Where there is a common metering position, the liability detailed in sub-section (1) above, shall devolve on the owner of the premises.
- (4) The amount in terms of subsection (1) shall be evidenced by a certificate from the Municipality, which shall be final and binding.
- (5) The applicant applying for a temporary connection shall be responsible for the Municipality's service equipment in terms of sub-section (1) above.

59. SUPPLY NOT IN LINE WITH CONSENT USE

In supplying electricity to a consumer or premises, the Municipality does not consent or acknowledge the purpose for or the use of the electricity, neither that the consumer, by obtaining electricity from the Municipality, has obtained the right to contravene any law, and the consumer shall not have the right to raise a defence of consent against the Municipality, if charged, penalised or summonsed for contravening the law.

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CHAPTER 8

SPECIFIC CONDITIONS OF SUPPLY

60. SERVICE CONNECTION

- (1) All consumers whose electrical installations comprise in the whole or in part, circuits exceeding 1000 V ms or 1500 V dc shall comply with the requirements of SANS 10142-2 where applicable.
- (2) The consumer shall bear the cost, fees, charges and tariffs of the service connection, as approved by the Municipality and as reflected in the Municipality's Tariff Policy, Tariff By-Law and Tariff Schedule...
- (3) Notwithstanding the fact that the consumer bears the cost, fees, charges and tariffs of the service connection, ownership of the service connection, laid or erected by the Municipality, shall vest in the Municipality, the Municipality shall be responsible for the maintenance of such service connection up to the point of supply.
- (4) The consumer shall not be entitled to any compensation from the Municipality in respect of such service connection.
- (5) The work to be carried out by the Municipality at the cost and expense of the consumer for a service connection to the consumer's premises shall be determined by the Municipality.
- (6) A service connection shall be laid underground, whether the supply mains are laid underground or erected overhead, unless the Municipality specifically requires an overhead service connection.

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- (7) If the Municipality so requires an overhead service connection must be replaced by an underground cable connection at the cost and expense of the consumer if:
- (a) re-roofing is taking place;
 - (b) the connection is being upgraded; or
 - (c) the connection has to be moved for extension of alterations to a building.
- (8) The consumer shall provide, fix and/or maintain on his premises such ducts, wire ways, trenches, fastenings and clearance to overhead supply mains as may be required by the Municipality for the installation of the service connection.
- (9) The conductor used for the service connection must be a three or four core steel armoured (SWA) PVC cable with two 1mm (fine strand) communication cores placed in the interstice of the cores (not in armouring) in accordance with SANS 1507. The cable size must be determined in accordance with SANS 10142-1.
- (10) The conductor used for the services connection shall have a cross-sectional area according to the size of the electrical supply but shall not be less than 10mm² (copper or copper equivalent), and all conductors shall have the same cross-sectional area, unless otherwise approved by the Municipality.
- (11) Unless otherwise approved in writing, the Municipality shall only provide one service connection to each registered erf. In respect of two or more premises belonging to one owner and situated on adjacent erven, a single bulk supply of electricity may be made available provided the erven are consolidated or notorially tied.

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- (12) Any covers of a wireway carrying the supply circuit from the point of supply to the metering equipment shall be made to accept the seals of the Municipality.
- (13) Within the meter box, the service conductor or cable, as the case may be, shall terminate in an unobscured position and the conductors shall be visible throughout their length when cover plates, if present, are removed.
- (14) In the case of service connections to multiple consumers on premises, blocks of buildings occupied by a number of individual consumers, separate wireways and conductors or cables shall be laid from the common metering room or rooms to each individual consumer in the blocks of buildings. Alternatively, if trunking is used, the conductors of the individual circuits shall be clearly identified (tied together every 1,5m) throughout their length.
- (15) In the case of service connections as provided in sub-section (14) above to multiple consumers on premises, the Municipality must provide a bulk supply and bulk metering point on the boundary of the premises or in a substation building and the owner or consumer, as the case may be, is responsible for the operation, maintenance of the network from that point onwards and the resale of electricity under these circumstances shall be governed by the Electricity Regulation Act and this by-law. The consumer shall, if so required by the Municipality provide accommodation for the load reduction equipment as required in this by-law to the satisfaction of the Municipality.
- (16) Notwithstanding that the service connection to an approved electrical installation may have already been completed, the Municipality may at its absolute discretion, refuse to supply electricity to that installation until all costs, charges, fees and tariffs and any other amounts due to the Municipality, by the same consumer in respect of that or any other service connection, whether or not on the same premises, has been paid.

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- (17) In cases where more than one consumer on the same property or premises is provided with electricity from a single point by means of equipment belonging to the owner of the property or premises, the Municipality will not be responsible for any defects in the electricity supply whatsoever, that are caused by defects in the equipment of the owner of the property or premises.
- (18) The applicant for a service connection shall before work on the installation is commenced furnish the Municipality with any indemnity that the Municipality may specify or require.
- (19) The Municipality may, notwithstanding any indemnity given in terms of subsection (18) above, refuse to install a service connection until it is satisfied that no person is entitled to object to such installation.
- (20) If any damage occurs to the cable or any part of a service connection, the consumer shall inform the Municipality as soon as the consumer becomes aware of that fact and the Municipality shall repair the damage. If the damage was caused by the consumer, the consumer shall be liable for the cost.
- (21) The point at which overhead service connections are terminated shall be determined by the Municipality.

61. METERING ACCOMMODATION OR ENCLOSURES

- (1) The consumer shall, if required by the Municipality, provide accommodation in an approved position, for the meter board and adequate conductors for the Municipality's metering equipment, service apparatus and protective devices.

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- (2) Such accommodation and protection shall be provided and maintained, to the satisfaction of the Municipality, at the cost of the consumer or the owner, as the circumstances may demand.
- (3) In the case of conventional meters, metering accommodation and/ or meter cabinet shall be provided at a point, to be determined by the Municipality, to which free and unrestricted access shall be had at all reasonable hours for the reading of meters and measuring devices, but at all times for purposes connected with the operation and maintenance of the service equipment.
- (4) Prepayment metering accommodation and/ or meter cabinet shall be provided at a point, as determined by the Municipality, to which free and unrestricted access shall be had at all reasonable hours for the reading of meters and measuring devices, but at all times for purposes connected with the operation and maintenance of the service equipment. Access at all reasonable hours shall be afforded for the inspection of prepayment meters.
- (5) Where sub metering equipment is installed, accommodation separate from the Municipality's metering equipment shall be provided.
- (6) The consumer or, in the case of a common meter position, the owner of the premises shall provide a distribution board from which to supply adequate electric lightning in the space and access route to areas set aside for accommodating the metering equipment and service apparatus. Should the lightning not be maintained the Municipality may maintain it at the cost of the consumer or owner, as the case may be.
- (7) Where in the opinion of the Municipality the position of the meter, service connection, protective devices or main distribution board is no longer readily accessible or becomes a source of danger to life or property, or is being

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tampered with, or in any way becomes unsuitable, the owner or consumer shall at the instance of the Municipality:

- (a) remove it to a new position, and the cost of such removal, which shall be carried out with reasonable dispatch, shall be borne by the owner or consumer;
 - (b) repair the meter, service connection, service protective devices or main distribution board to the original condition.
- (8) The accommodation for the Municipality's metering equipment and protective devices may, if approved, include the consumer's main switch and main protective devices.
- (9) No apparatus other than that used in connection with the supply of electricity and use of electricity shall be installed or stored in such accommodation unless approved.
- (10) No person shall enter the enclosure accommodating the Municipality's supply equipment or touch or interfere with any apparatus therein, unless authorised to do so by the Municipality.
- (11) Every low voltage enclosure associated with a medium voltage enclosure and every enclosure for a that low voltage or any other enclosure specified by the Municipality, shall be kept locked by the owner or consumer and a key shall, if required by the Municipality be deposited with the Municipality or provision shall be made for the fitting of an independent lock by the Municipality who shall be entitled to access to the accommodation or enclosure at all times.
- (12) The consumer or owner of premises shall at all times provide for and maintain safe and convenient access to a medium voltage enclosure and

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such enclosure shall at all times be kept clean and tidy by the owner or consumer to the satisfaction of the Municipality and shall be used for no purpose save the accommodation of equipment and apparatus associated with the supply. Such access is to be direct to that part of the enclosure into which the medium voltage supply is led and not through the low voltage enclosure or through any door or gate the lock of which is controlled by the consumer or owner of the premises.

- (13) The consumer or owner of premises shall at all times provide and maintain safe and convenient access to a medium voltage enclosure.
- (14) The Municipality may use any enclosure for supply equipment in connection with a supply to a consumer on property or premises other than those on which that enclosure is situated.
- (15) Where the metering equipment and service apparatus are to be fixed upon any portion of a partition wall, the owner or consumer shall, if required by the Municipality at the cost and expense of the owner or consumer satisfactorily reinforce that portion of the wall.
- (16) All meter rooms shall be secured by means of an approved padlock or night latch.
- (17) Should any owner or consumer breach the provisions of this section the Municipality shall give the owner or consumer notice thereof and require such breach to be rectified within a specified period of time stated in the compliance notice.

62. METERING CABINETS

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- (1) Before a low voltage supply is provided, the owner or consumer shall, if required to do so by the Municipality and at the cost and expense of the owner or consumer at such position and in such manner and upon such conditions as the Municipality may require, provide a meter cabinet of a design approved by the Municipality and construction for the accommodation of the Municipality's service connection and equipment,
- (2) The owner or consumer shall maintain such cabinet at the cost and expense of the owner or consumer to the satisfaction of the Municipality.

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CHAPTER 9

SYSTEMS OF SUPPLY

63. NOMINAL SUPPLY VOLTAGE

The nominal supply voltage at which supply is given shall be determined by the Municipality as necessitated by technical considerations to ensure the efficient operation of the supply mains.

64. LOAD REQUIREMENTS

Alternating current supplies shall be given as prescribed by the Electricity Regulation Act, Act 4 of 2006, and in the absence of a quality of supply agreement, as set out in the applicable standard specification.

65. LOAD LIMITATIONS

- (1) Where the estimated load, calculated in terms of the safety standard, does not exceed 15kVA, the electrical installation shall be arranged for a two-wire single-phase supply of electricity, unless otherwise approved by the Municipality.
- (2) Where a three-phase four-wire supply of electricity is provided, the load shall be approximately balanced over the three phases but the maximum out-of-balance load shall not exceed 15kVA, unless otherwise approved by the Municipality.

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- (3) No current consuming appliance, inherently single phase in character, with a rating which exceeds 15kVA shall be connected to the electrical installation without the prior approval of the Municipality.
- (4) Where, in respect of electricity, the actual load of a consumer differs from the initial estimated load provided for to the extent that the municipality deems it necessary to alter or replace its metering equipment to match the load, the costs of such alteration or replacement shall be borne by the consumer.

66. SUPPLIES TO MOTORS

Unless otherwise approved in writing by the Municipality the rating of motors shall be limited as follows:

- (1) Limited size for low voltage motors:

The rating of a low voltage single phase motor shall be limited to 2kW and/or the starting current shall not exceed 70A. All motors exceeding these limits shall be wound for three phases at low voltage or such higher voltage as may be required.

- (2) Maximum starting and accelerating currents of three-phase alternating current motors:

The starting current of three-phase low voltage motors permitted shall be related to the capacity of the consumer's service connection, as follows:

Insulated service cable, size in mm ² , copper equivalent mm ²	Maximum permissible starting current A	Maximum motor rating in kW		
		Direct on line (6 x full-load current)	Star/Delta (2 x full-load current)	Other means (1,5 x full-load current)
		kW	kW	kW

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16	72	6	13,5	23
25	95	7,5	18	30
35	115	9	22	36,5
50	135	10	25	45
70	165	13	31	55
95	200	16	38	67
120	230	18	46	77
150	260	20	52	87

(3) Consumers supplied at medium voltage –

In an installation supplied at medium voltage the starting current of a low voltage motor shall be limited to 1,5 times the rate full-load current of the transformer supplying such a motor. The starting arrangement for medium voltage motors shall be subject to the written approval of the Municipality.

67. POWER FACTOR

- (1) If required by the Municipality, the power factor of any load shall be maintained within the limits 0,85 lagging and 0,9 leading.
- (2) Where, for the purpose of complying with sub-section (1) above, it is necessary to install power factor corrective devices, such corrective devices shall be connected to the individual appliance terminals unless the correction of the power factor is automatically controlled.
- (3) The consumer shall, at his/her own cost, install such corrective devices.

68. PROTECTION

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Electrical protective devices for motors shall be of such a design as effectively to prevent sustained overcurrent and single phasing, where applicable and be in accordance with SANS 10142-1.

69. SURGE DIVERTERS

Every electrical installation connected to an overhead supply main shall be provided with one or more approved surge diverters in positions determined and upon such conditions as imposed by the Municipality.

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CHAPTER 10

ELECTRICAL CONTRACTORS

70. ELECTRICAL CONTRACTOR'S RESPONSIBILITIES

In addition to the requirements set out in the Regulations the following requirements shall apply:

- (1) No person may do electrical installation work as an electrical contractor unless that person has been registered as an electrical contractor in terms of the Regulations.
- (2) Any person registered as an electrical contractor who undertakes to do electrical installation work shall ensure that a valid certificate of compliance is issued for that work.
- (3) Where an application for a new or increased supply of electricity has been made to the Municipality, the Municipality may at its discretion accept notification of the completion of any part of an electrical installation, the circuit arrangements of which permit the electrical installation to be divided up into well-defined separate portions, and such part of the electrical installation may, at the discretion of the Municipality, be inspected, tested and connected to be supply mains as though it were a complete installation, subject to the submission by the owner, consumer or the applicant, as the case may be, of a certificate of compliance for that part of the installation.
- (4) The examination test and inspection referred to in sub-section (3) above, may be carried out at the discretion of the Municipality and shall not in any way relieve the electrical contractor or accredited person, the consumer or

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user or occupier, as the case may be, from his responsibility or liability for any defect in the installation.

- (5) Such examination, test and inspection shall not be taken under any circumstances (even where the electrical installation has been connected to the supply mains) as indicating or guaranteeing in any way that the electrical installation has been carried out efficiently with the most suitable materials for the purpose or that it is in accordance with this by-law or the safety standard, and the Municipality shall not be held responsible for any defect or fault in such electrical installation.

71. NON LIABILITY OF MUNICIPALITY FOR WORK DONE BY ELECTRICAL CONTRACTORS

The Municipality shall not be liable for:

- (1) The work done by the electrical contractor or accredited person on a consumer's premises.
- (2) Any loss or damage which may be occasioned by fire or an accident arising from the state of the wiring or an act of an electrical contractor or accredited person on the premises.

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CHAPTER 11**COST OF WORK AND MAINTENANCE**

72. REPAIR OF DAMAGE

The Municipality may repair and make good any damage done in contravention of this by-law or resulting from a contravention of this by-law. The cost of any such work carried out by the Municipality which was necessary due to the contravention of this by-law, shall be to the account of the person who acted in contravention of this by-law.

73. MAINTENANCE OF INSTALLATION

- (1) Any electrical installation on any premises connected to the supply must be maintained in good working order and condition at all times by the consumer to the satisfaction of the Municipality.
- (2) The Municipality may require a consumer who takes a multiphase supply, to distribute his electrical load as approved by the Municipality over the supply phase and must install such devices in the relevant services connection as it may deem necessary to ensure that this requirement is complied with.
- (3) No consumer shall operate electrical equipment having load characteristics or having unbalanced phase currents, which fall outside the standards determined by the Municipality.
- (4) No person shall, except with the prior written consent of the Municipality and subject to such conditions as may be imposed:

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- (a) construct, erect or permit the erection of any building structure or other object or plant trees or vegetation over or in such a position or in such a manner as to interfere with or endanger the electrical distribution and supply system, supply mains, service connection or any equipment or apparatus used in the supply of electricity;
- (b) excavate, open up or remove the ground above, next to or under any part of the electrical distribution system and supply system, supply mains, service connection or any equipment or apparatus used in the distribution and supply of electricity;
- (c) damage, endanger, remove or destroy or do any act likely to damage, endanger or destroy any part of the electrical distribution system and supply system, supply mains, service connection or any equipment or apparatus used in the distribution and supply of electricity;
- (d) make any opening in any part of the electrical distribution system or obstruct or divert or cause to be obstructed or diverted any electrical distribution system and supply system, supply mains, service connection or any equipment or apparatus used in the distribution and supply of electricity;
- (e) the owner or consumer shall limit the height of the trees or length of projecting branches in the vicinity of overhead lines or provide a means of protection which in the opinion of the Municipality will adequately prevent the tree from interfering with the conductors should the tree or branches fall down. Should the owner or consumer fail to observe this provision the Municipality shall have the right and after prior written notification, or at any time in the event of an emergency, to cut or trim the trees or other vegetation in such a manner as to comply with this provision and shall be entitled to enter the property for this purpose;
- (f) the cost of any work carried out by the Municipality as necessitated by a contravention of this by-law shall be for the account of the person who acted in contravention of this section.

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- (5) The Municipality may:
- (a) demolish, alter or otherwise deal with any building, structure or other object constructed, erected or laid in contravention of this section;
 - (b) fill in and make good any ground or excavated or removed in contravention of this section;
 - (c) repair and make good any damage done in contravention of these by-laws or resulting from a contravention of this section;
 - (d) remove anything damaging or obstructing or endangering or likely to damage, obstruct, endanger or destroy any part of the electrical distribution system, supply system, supply mains, service connection or any equipment or apparatus used in the distribution and supply of electricity.

74. ELECTRICITY INFRASTRUCTURE AND FIXTURES OF THE MUNICIPALITY

- (1) Any asset belonging to the Municipality that is lawfully constructed, erected, used, placed, installed or affixed to any land or premises not belonging to the Municipality remains the property of the Municipality notwithstanding that such asset may be of a fixed or permanent nature and will not accede to the property to which it is affixed or erected thereon. .
- (2) An asset referred to in sub-section (1) above belonging to the Municipality:
- (a) may not be attached or taken in execution under any process of law, or be the subject of any insolvency or liquidation proceedings instituted against the owner of the land or the occupier or landlord in respect of such premises concerned;
 - (b) may not be subject to a landlord's hypothec for rent; and

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- (c) may only be validly disposed of or otherwise dealt with in terms of a written agreement with the Municipality.

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CHAPTER 12

ENFORCEMENT OF THE BY-LAWS AND LEGAL MATTERS

75. ENFORCEMENT AND COMPLIANCE WITH THIS BY-LAW

The Municipality shall enforce compliance with this by-law.

76. POWERS OF THE MUNICIPALITY IN TERMS OF THIS BY-LAW

- (1) Where the Municipality executes any work or conducts any inspection in terms of this by-law the Municipality may in addition to any rights and powers given to the Municipality in terms of the this by-law:
 - (a) access any premises and/or execute work on and/or inspect any 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 Municipality believes may have information relevant to the work or inspection;
 - (d) inspect any document that a person is required to maintain in terms of any law or may be relevant to any work or inspection;
 - (e) copy any document referred to in sub-section (d) above, or if necessary remove the document in order to copy it;
 - (f) monitor and take readings or make measurements;
 - (g) take photos or make audio-visual recordings of anything or any person, process, action or condition on or regarding any premises;
 - (h) do whatsoever is necessary for the execution of work or the conducting of an inspection including removing any object or item from the premises, such as to enable the Municipality to do what is required to give effect to and/or enforce the provisions of this by-law;

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- (i) remove or rectify any unlawful connection or works.

77. CONDITIONS IMPOSED BY THE MUNICIPALITY IN TERMS OF THIS BY-LAW

Where any condition(s) imposed by the Municipality in terms of this by-law, for any reason do not or no longer achieve the purpose intended by the Municipality, the Municipality may, on 14 (fourteen) days' notice and after considering any representations of the consumer, amend or amplify such conditions and on the expiry of the 14 (fourteen) day period such new condition(s) shall apply.

78. OBSERVING FUNDAMENTAL RIGHTS

The Municipality must, when exercising any right in terms of this by-law, do so with strict regard for decency and orderliness and with regard for each person's human rights including the right to dignity, freedom, security and privacy.

79. AN EMPLOYEE OR OFFICIAL OF THE MUNICIPALITY MAY BE ACCOMPANIED

During the execution of any work or an inspection an authorised employee or official of the Municipality 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 any inspection.

80. NOTICES

- (1) Any notice given by the Municipality in terms of this by-law shall be regarded as having been served:
 - (a) when it has been delivered to that person personally;

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- (b) when it has been left at that person's place of residence or place of business or employment with a person apparently over the age of 16 (sixteen) years;
 - (c) when it has been posted by pre-paid registered or certified mail to that person's last known residential address or business address and an acknowledgment of the posting thereof from the postal service is obtained;
 - (d) when it has been served on that person's agent or representative in any of the manners provided for in this by-law;
 - (e) when it has been posted in a conspicuous place on the premises to which the notice relates;
 - (f) when it has been faxed to that persons fax number and a confirmation of the successful sending of the fax is obtained;
 - (g) when it has been emailed to that persons email address and a confirmation of the successful sending of the email is obtained.
- (2) In the case where compliance with a notice is required within a specified number of days, such period shall be deemed to commence on the date of service of the notice
- (3) When any notice or other document must be authorised or served on the owner, occupier or holder of any property or right in any property, it is sufficient if that person is described in the notice or other document as the owner, occupier or holder of the property or right in question, and it is not necessary to address that person by name.
- (4) Any legal process is effectively and sufficiently served on the Municipality when it is delivered to the Municipal Manager or a person in attendance at the Municipal Manager's office.

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- (5) Any person on whom a notice is served shall, comply with its terms or when a time is specified, comply with the terms of the notice within the specified time.

81. COMPLIANCE NOTICE

- (1) Where the Municipality becomes aware that any provision of this by-law has not been complied with, the Municipality may issue a compliance notice to the owner, consumer, occupier or the person apparently in control of the premises or property.
- (2) The Municipality may, by written notice, order an owner, consumer, occupier or any other person who fails, by act or omission, to comply with the provisions of this by-law or with any condition imposed hereunder, to remedy such breach within a period specified in the notice, which period shall must be reasonable taking into account the objective of the notice.
- (3) Where the Municipality is satisfied that the owner, consumer, occupier or the person apparently in control of the premises or property, has complied with and satisfied the terms of a compliance notice, the Municipality may issue a written confirmation to that effect.
- (4) A compliance notice remains in force until the Municipality has issued the foresaid written confirmation.
- (5) A compliance notice must set out the following:
- (a) details of the provisions of the by-law or any other law which has not been complied with;
 - (b) details of the nature and extent of the non- compliance;

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- (c) specify any steps that are required to be taken in order to comply with the notice;
 - (d) specify the period within which the owner, consumer, occupier or other person must take the steps specified to rectify such failure and the period within which those steps must be taken;
 - (e) any penalty that may be imposed in terms of this by-law in the event of non-compliance with these steps;
 - (f) any other relevant information;
 - (g) give the owner, consumer, occupier or other person a reasonable opportunity to make representations and state his/her case, in writing, to the Municipality within a specified period, unless the owner, consumer, occupier or other person was given such an opportunity before the notice was issued; and
 - (h) indicate that the Municipality:
 - (i) may undertake such work necessary to rectify the failure to comply if the notice is not complied with and that any costs associated with such work may be recovered from the owner, consumer, occupier or other person; and
 - (ii) may take any other action it deems necessary to ensure compliance.
- (6) In the event of an emergency the Municipality may without prior notice undertake the work required and recover the costs from such person.
- (7) Any person on whom a notice duly issued or given under this by-law is served shall, within the time specified in such notice, comply with its terms.

82. REPORTING OF NON COMPLIANCE

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The Municipality shall have a consumer service to which any non-compliance in terms of the Act or Regulations to the Act can be reported.

83. RECOVERY OF COSTS, FEES, CHARGES AND EXPENSES

The Municipality is entitled to recover from a consumer, owner, occupier or any other person any and all costs or expenditure incurred by the Municipality in terms of or in the execution of this by-law, in as far as it relates to the electrical installation of that consumer, owner or occupier, which may include but are not limited to any prescribed fees, expenses incurred in any exploratory investigation, costs of remedial action, survey plan, specification, schedule or quantities compilation, supervision, administration or authorisation charges, including the costs of 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 any part of the electrical distribution system, supply system, supply mains, service connection or any equipment or apparatus used in the distribution and supply of electricity.

84. LEGAL COMPLIANCE WARRANTY

Notwithstanding any provision to the contrary, any customer by making application in terms of this by-law and the Credit Control and Debt Collection Policy and By-Law of the Municipality for electricity warrants that the customer shall:

- (a) in all activities of the customer, the application and use of the electricity, processes and operations, comply with all relevant laws, Regulations and standards governing the environment, health and safety;
- (b) take all reasonable measures to prevent wastage, pollution or environmental degradation from occurring, continuing or recurring;

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- (c) insofar as such harm to the environment is authorised by law, or cannot be reasonably avoided or stopped, minimise and rectify such pollution or degradation of the environment; and
- (d) bear all costs and expenses incurred in meeting the above obligations and the implementation thereof.

85. RESPONSIBILITY FOR COMPLIANCE WITH THIS BY-LAW

- (1) Save where the context of any provision of this by-law or any other law indicates the contrary, the owner or occupier of premises is responsible for ensuring compliance with this by-law in respect of all or any matters relating to any installation.
- (2) The consumer is responsible for compliance with this by-law in respect of matters relating to the use of any installation.

86. NON LIABILITY OF THE MUNICIPALITY

- (1) Save where otherwise provided in terms of any other law neither the Municipality nor any employee, official, person, body, organisation or corporation acting on behalf of the Municipality shall be liable for any loss or damages of whatsoever nature howsoever arising whether, direct or consequential, suffered or sustained by any person as a result of or arising from the provision, cessation, limitation, disconnection or termination, interruption, functioning, malfunctioning, leaks or any other abnormality of or in the supply and distribution of electricity, or any act or omission done by the Municipality or any employee, official, person, body, organisation or corporation acting on behalf of the Municipality.
- (2) Save where otherwise provided in terms of any other law there shall be no claim of whatsoever nature against the Municipality as a result of any costs

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or consequences of complying with any condition imposed by the Municipality or in complying with this by-law or as a result of the Municipality exercising any right or duty or enforcing any provision of this by-law.

- (3) Neither the Municipality's approval of an electrical installation after making any inspection or test thereof nor the granting by it of permission to connect the installation to the supply shall be taken as constituting for any purpose a guarantee by the Municipality that the work has been properly executed or that materials used in it are sound or suitable for the purpose or any warranty whatsoever or as relieving the contractor from liability, whether civil or criminal, for executing the work improperly or for using faulty material therein.
- (4) The Municipality shall not be liable in respect of any installation or other work or for any loss or damage caused by fire or other accident arising wholly or partly from the condition of an electrical installation.

87. CODE OF ETHICS

- (1) All the officials of the Municipality shall embrace the spirit of Batho Pele and treat all consumers and debtors with dignity and respect at all times.
- (2) Employees of the Municipality shall execute their duties in terms of this policy in an honest and transparent manner whilst protecting the confidentiality of information of consumers and debtors in accordance with the provisions of the Promotion of Access to Information Act, Act 2 of 2000.

88. AUTHENTICATION OF DOCUMENTS

Any document requiring authentication by the Municipality shall be sufficiently authenticated if signed by the Municipal Manager, or by a person duly authorised to

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do so, on behalf of the Municipality, by resolution of the Municipality and shall constitute prime facie proof of the authenticity, existence and contents of the document.

89. PRIMA FACIE EVIDENCE

In legal proceedings by, or on behalf of the Municipality, a certificate reflecting any information required in terms of this by-law included in such a certificate and which is signed by the Municipal Manager, or by a person duly authorised to do so, on behalf of the Municipality, by resolution of the Municipality, shall subject to the provisions of section 3 of the Law of Evidence Amendment Act, Act 45 of 1988, upon its mere production constitute prima facie evidence of the contents of the certificate

90. PROVISION OF INFORMATION

- (1) A consumer, owner, occupier or person within the area of supply of the Municipality must provide the Municipality with accurate information requested by the Municipality that is reasonably required by the Municipality for the implementation or enforcement of this by-law.
- (2) No person shall refuse or fail to give such information as may be reasonably required of such person by any duly authorised official of the Municipality or render any false information to any such official regarding any electrical installation work completed or contemplated.
- (3) The Municipality shall not make available concerning the supply of electricity or account details for any premises or property to any third party without the express written permission from the consumer who signed the services agreement for the supply of electricity to the premises or property concerned, except to the owner of a property, upon written request to the Municipality.

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91. FALSE STATEMENTS OF INFORMATION

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

92. DOMICILIUM

The street address, building or flat address of the point of supply of electricity is deemed to be the *domicilium citandi et executandi* of the consumer for the purposes of serving any documents or notices in accordance with this by-law and the provisions of section 115 of the Systems Act

93. OFFENCES

- (1) It is an offence for any person to:
- (a) unlawfully and intentionally or negligently use, tamper with or interfere with any part of the electrical distribution system, supply system, supply mains, service connection or any equipment or apparatus used in the distribution and supply of electricity, of the Municipality;
 - (b) tamper with any equipment of the Municipality or break any seal on a meter or measuring device;
 - (c) contravene or fail to comply with any provision of this by-law;
 - (d) contravene or fail to comply with a condition or prohibition imposed in terms of this by-law;
 - (e) contravene or fail to comply with any conditions imposed upon the granting of any application, consent, approval, concession, exemption or authority in terms of this by-law;
 - (f) fail to provide information or provide false or misleading information reasonably requested by the Municipality;

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- (g) fail or refuse to give access required by the Municipality in terms of the provision of this by-law;
 - (h) fail to comply with the terms of a notice served upon him/her in terms of this by-law;
 - (i) fail or refuse to provide the Municipality with a document or information that the Municipality is entitled to in terms of this by-law;
 - (j) disclose any information relating to the financial or business affairs of any person which information was acquired in the performance of any function or exercise of any power in terms of this by-law, except:
 - (i) to a person who requires that information in order to perform a function or exercise a power in terms of this by-law;
 - (ii) if the disclosure is ordered by a court of law; or
 - (iii) if the disclosure is in compliance with the provisions of any law;
 - (k) fail to comply with any lawful instruction given in terms of this by-law; or
 - (l) obstruct or hinder the Municipality in the execution of the Municipality's duties under this by-law.
- (2) Any alleged offence committed in terms of sub-section (1) above, may be referred to the South African Police Services for investigation with a view to possible prosecution.
- (3) Any person who continues to commit an offence after notice has been served on such person to cease committing such offence or after such person has been convicted of such offence shall be guilty of a continuing offence.
- (4) Every person committing a breach of the provisions of this by-law shall be liable to recompense the Municipality for any loss or damage suffered or sustained by it in consequence of such breach.

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94. PENALTY

A person who contravenes or fail to comply with a provision of this by-law or commit an offence as set out in this by-law shall be liable on conviction to a fine of not less than R3 000.00 (three thousand rand), or in default of payment to imprisonment for a period not exceeding 6 (six) months or to such imprisonment without the option of a fine or to both such fine and such imprisonment, or in the case of any continued offence to a further fine of not less than R6 000.00 (six thousand rand), or in default of payment, to imprisonment not exceeding one day for every day during the continuance of such offence, after a written notice has been issued by the Municipality and served on the person concerned requiring the discontinuance of such an offence

95. AVAILABILITY OF BY-LAW

- (1) A copy of this by-law shall be included in the Municipality's Municipal Code as required by the provisions of section 15 of the Systems Act and a copy of this by-law shall be available for inspection at the offices of the Municipality at all reasonable times and shall also be available from the Municipality against payment of an amount as determined by the Council.
- (2) The Municipality shall take all required legal steps to inform customers of the content of this by-law.

96. EXEMPTIONS

- (1) The Municipality may in writing exempt any person from complying with a provision of this by-law, subject to any conditions it may impose, if it is of the opinion that the application of the operation of that provision would be unreasonable in the circumstances, provided that the Municipality may not

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grant exemption from any section or provision of this by-law that may result in:

- (a) the wastage or excessive consumption of electricity;
- (b) the evasion or avoidance of electricity services restrictions and load reduction;
- (c) significant negative effects on public health, safety or the environment;
- (d) non-payment for electricity services;
- (e) a danger or a hazard to any person or thing;
- (f) non-compliance with any other act or law.

- (2) The Municipality may at any time after given written notice of at least 30 (thirty) days withdraw any exemption granted in terms of sub-section (1) above, and may require the owner or consumer as the case may be, to comply with the relevant sections and provisions of this by-law within a period stated in the notice of withdrawal: Provided that the Municipality may withdraw such an exemption without such notice if, in the opinion of the Municipality, there is any condition present in terms of sub-section (1)(a) to (f) above.

97. TRANSITIONAL ARRANGEMENTS

- (1) Electrical Installation work or any service connection or any other electrical work authorised by the Municipality prior to the commencement of this by-law or such electrical installation work or service connection or any other electrical work authorised by the Municipality, in progress on that date, shall be deemed to have been authorised in terms of this by-law: and the Municipality may for a period of 90 (ninety) days after the commencement of this by-law authorise installation work in accordance with the by-laws that regulated that work immediately prior to the promulgation of this by-law.

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- (2) Any reference in this by-law to a charge, fee, cost or tariff determined by the Council shall be deemed to be a reference to a charge, fee, cost or tariff determined by the Council under the by-law repealed by this by-law, until the effective date of the charges, fees, costs or tariffs that may be determined by the Council in terms of this by-law, or By-Laws relating to Credit Control and Debt Collection and/or the Tariff By-Law.
- (3) Any approval, consent or exemption granted under the by-law repealed in terms of this by-law shall subject to the provisions of this by-law, remain valid.
- (4) The Municipality may if its opinion any electrical Installation work or any service connection or any other electrical work authorised by the Municipality prior to the commencement of this by-law no longer complies with the provisions of this by-law or any other law, is dangerous, so defective or in a condition that could cause waste or undue consumption of electricity, pollution to the environment or a health hazard or any other matter of concern to the Municipality, the Municipality may by notice require the consumer to comply with the provisions of this by-law.

98. THE PROVISIONS OF THE CREDIT CONTROL AND DEBT COLLECTION POLICY AND BY-LAW AND THE TARIFF POLICY AND BY-LAW

The contents of this by-law shall be interpreted and given effect with reference to the provisions of the Credit Control and Debt Collection Policy and By-Law and the Tariff Policy and By-Law of the Municipality as the context may require or in as far as the provisions of the aforementioned policies and by-laws are applicable to the interpretation, implementation and the giving of effect to the contents of this by-law.

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CHAPTER 13

99. REPEAL

This by-law repeals any by-law or portion of a by-law which deals with and regulates electricity supply services of the Municipality including the Electricity Supply By-Law promulgated in terms of Extraordinary Government Gazette No 5992 under Local Authority Notice No 32 of 19 February 2004

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SCHEDULE 1

“Applicable standard specification” means:

SABS SANS 1019	Standard voltages, currents and insulation levels for electricity supply;
SABS SANS 1607-	Electromechanical watt-hour meters;
SABS SANS 1524-1	Electricity payment systems;
SABS SANS IEC 60211	Maximum demand indicators, Class 1.0;
SABS SANS IEC 60521	Alternating current electromechanical watt-hour meter (Classes 0.5, 1 & 2)
SABS SANS 10142-I	Code of Practice for the wiring of premises;
NRS 047	National Rationalised Specification for the Electricity Supply – Quality of Service;
NRS 048	National Rationalised Specification for the Electricity Supply – Quality of Supply; and
NRS 057	Electricity Metering – Minimum Requirements.

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GREATER TAUNG LOCAL MUNICIPALITY



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**PREAMBLE**

- (1) The Constitution of the Republic of South Africa, 1996, and the Local Government: Municipal Property Rates Act, Act 6 of 2004 (hereinafter referred to as "the MPRA"), empowers the Greater Taung Local Municipality (hereinafter referred to as "the Municipality") to impose rates on property.
- (2) In terms of section 4(1)(c) of the Local Government: Municipal Systems Act, Act 32 of 2000 (hereafter "the Systems Act"), the Municipality may, inter alia, levy rates on property to finance operational expenditure of the Municipality.
- (3) In terms of section 62(1)(f)(ii) of the Local Government: Municipal Finance Management Act, Act 56 of 2003, the Municipal Manager of the Municipality, appointed in terms of section 54A of Systems Act must, in his capacity as the accounting officer of the Municipality, ensure that the Municipality has and implements a rates policy and further gives effect to such policy by adopting a by-law in terms of the provisions of section 6(1) of the MPRA.
- (4) The Municipality has adopted a rates policy and accordingly this by-law is adopted in order to give effect to the implementation of the Rates Policy of the Municipality as envisaged in terms of the provisions of section 6(1) of the MPRA.

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THE GREATER TAUNG LOCAL MUNICIPALITY: RATES BY-LAW

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1. DEFINITIONS

The words and expressions used in this by-law shall have the respective meanings assigned to them in the Rates Policy of the Municipality, and words or expressions to which a meaning has been assigned in terms of the provisions of section 1 of the MPRA will have the meaning assigned thereto by the said act. All headings are included for convenience only and shall not be used in the interpretation of any of the provisions of this by-law.

2. THE RATES POLICY ADOPTED BY THE MUNICIPALITY

This Municipality has prepared and adopted a policy, known as the Rates Policy of the Municipality (also referred to as "the policy"), as contemplated in terms of the provisions of section 3(1) of the MPRA. The policy comprehensively and in detail deals with and regulates the matters as prescribed in the provisions of sections 3(3), 3(4), 3(5) and 6(2) of the MPRA and therefore it is not necessary for this by-law to restate and repeat same. Therefore and without repeating the contents of the policy, the contents of the policy are hereby incorporated into this by-law by reference and *mutatis mutandis* assigned the status of a by-law in as far as it is required for its implementation, enforcement and to be given effect to, as referred to in terms of the provisions of section 6(1) of the MPRA.

3. OBJECTIVE OF THE BY-LAW

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The objective of this by-law is to give effect to the implementation and enforcement of the policy of the Municipality as required in terms of the provisions of section 6(1) of the MPRA.

4. TITLE AND APPLICATION OF THE BY-LAW

- (1) This by-law is known as the Rates By-Law of the Municipality.
- (2) This by-law revokes all previous by-laws, decisions and/or *ad hoc* clauses within any other by-law, regarding the subject matter of this by-law.

5. RESPONSIBLE AUTHORITY

The responsible authority for the adoption, publication and implementation of this by-law is the Municipality and where applicable the municipal council of the Municipality.

6. COMMENCEMENT AND VALIDITY

This by-law shall come into full force and effect upon publication hereof in accordance with the provisions of section 13 of the Systems Act.

7. ENFORCEMENT AND COMPLIANCE WITH THIS BY-LAW

The Municipality shall enforce compliance with this by-law.

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8. POWERS OF THE MUNICIPALITY IN TERMS OF THE MPRA OR THIS BY-LAW

- (1) Where the Municipality executes any actions or conducts any inspection in terms of this by-law the Municipality may in addition to any rights and powers given to the Municipality in terms of the MPRA or this by-law:
 - (a) access any premises and/or execute work on and/or inspect any 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 Municipality believes may have information relevant to the work or inspection;
 - (d) inspect any document that a person is required to maintain in terms of any law or may be relevant to any work or inspection;
 - (e) copy any document referred to in sub-section (d) above, 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 or any person, process, action or condition on or regarding any premises;
 - (i) do whatsoever is necessary for the execution of work or the conducting of an inspection including removing any object or item from the premises, such as to enable the Municipality to do what is required to give effect to and/or enforce the provisions of this by-law;
 - (j) remove or rectify any unlawful connection, works, material, acts or behaviour.

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- (2) Where the Municipality removes anything other than a substance referred to in sub-section (1)(f) above, from premises being worked upon or inspected must:
- (a) issue a receipt for anything removed from the premises to the owner or any person in control of the premises;
 - (b) return the object removed as soon as practically possible after achieving the purpose for which it was removed.

9. OBSERVING FUNDAMENTAL RIGHTS

The Municipality must, when exercising any right in terms of this by-law, do so with strict regard for decency and orderliness and with regard for each person's human rights including the right to dignity, freedom, security and privacy.

10. NON LIABILITY OF THE MUNICIPALITY

Neither the Municipality nor any employee, official, person, body, organisation or corporation acting on behalf of the Municipality shall be liable for any loss or damages of whatsoever nature howsoever arising whether, direct or consequential, suffered or sustained by any person as a result of, or arising from the Municipality enforcing, imposing, giving effect to or taking any act or omission in respect of any matter in terms of this by-law.

11. CODE OF ETHICS

- (1) All the officials of the Municipality shall embrace the spirit of Batho Pele and treat all rate payers, owners, consumers, customers and debtors with dignity and respect at all times.

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- (2) Employees of the Municipality shall execute their duties in terms of this policy in an honest and transparent manner whilst protecting the confidentiality of information of rate payers, owners, consumers, customers and debtors in accordance with the provisions of the Promotion of Access to Information Act, Act 2 of 2000.

12. AUTHENTICATION OF DOCUMENTS

Any document requiring authentication by the Municipality shall be sufficiently authenticated if signed by the Municipal Manager, or by a person duly authorised to do so, on behalf of the Municipality, by resolution of the Municipality and shall constitute *prima facie* proof of the authenticity, existence and contents of the document.

13. PRIMA FACIE EVIDENCE

In legal proceedings by, or on behalf of the Municipality, a certificate reflecting any information required in terms of this by-law included in such a certificate and which is signed by the Municipal Manager, or by a person duly authorised to do so, on behalf of the Municipality, by resolution of the Municipality, shall subject to the provisions of section 3 of the Law of Evidence Amendment Act, Act 45 of 1988, upon its mere production constitute *prima facie* evidence of the contents of the certificate.

14. PROVISION OF INFORMATION

A rate payer, owner, consumer, customer and debtor or person within the municipal area the Municipality must provide the Municipality with accurate information requested

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by the Municipality that is reasonably required by the Municipality for the implementation or enforcement of this by-law.

15. FALSE STATEMENTS OR INFORMATION

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

16. OFFENCES

- (1) It is an offence for any person to:
- (a) unlawfully and intentionally or negligently interfere with any actions taken by the Municipality in terms of this by-law;
 - (b) contravene or fail to comply with any provision of this by-law in as much as this by-law places an obligation or duty on such a person to comply with this by-law;
 - (c) contravene or fail to comply with a condition or prohibition imposed in terms of this by-law;
 - (d) contravene or fail to comply with any conditions imposed upon the granting of any application, consent, approval, concession, exemption, rebate or authority in terms of this by-law;
 - (e) fail to provide information or provide false or misleading information reasonably requested by the Municipality;
 - (f) fail or refuse to give access required by the Municipality in terms of the provision of this by-law;
 - (g) fail to comply with the terms of a notice served upon him/her in terms of this by-law;

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- (h) fail or refuse to provide the Municipality with a document or information that the Municipality is entitled to in terms of this by-law;
 - (i) disclose any information relating to the financial or business affairs of any person which information was acquired in the performance of any function or exercise of any power in terms of this by-law;
 - (j) fail to comply with any lawful instruction given in terms of this by-law; or
 - (k) obstruct or hinder the Municipality in the execution of the Municipality's duties under this by-law.
- (2) Any alleged offence committed in terms of sub-section (1) above, may be referred to the South African Police Services by the Municipality for investigation with a view to possible prosecution.

17. PENALTY

A person who contravenes or fail to comply with a provision of this by-law, or commit an offence as set out in this by-law shall be liable on conviction to a fine or imprisonment, or in the case of any continued offence to a further fine or imprisonment for every day during the continuance of such offence.

18. AVAILABILITY OF BY-LAW

A copy of this by-law shall be included in the Municipality's Municipal Code as required by the provisions of section 15 of the Systems Act and a copy of this by-law shall be available for inspection at the offices of the Municipality at all reasonable times and shall also be available from the Municipality against payment of an amount as determined by the Council.

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PREAMBLE

- (1) In order to comply with and execute the provisions of sections 95, 96 and 97 of the Local Government: Municipal Systems Act, Act 32 of 2000 (hereinafter referred to as "the Systems Act"), the Greater Taung Local Municipality (hereinafter referred to as "the Municipality") has adopted a Credit Control & Debt Collection Policy (also hereinafter referred to as "the Policy").
- (2) In terms of section 62(1)(f)(iii) of the Local Government: Municipal Finance Management Act, Act 56 of 2003, the Municipal Manager of the Municipality, appointed in terms of section 54A of Systems Act must, in his capacity as the accounting officer of the Municipality, ensure that the Municipality has and implements a credit control and debt collection policy and further gives effect to such policy by adopting a by-law in terms of the provisions of section 98(1) of the Systems Act.
- (3) In terms of the provisions of section 98(1) of the Systems Act the Municipality must adopt a by-law in order to give effect to the implementation and enforcement of the policy.
- (4) Therefore this by-law is adopted in order to give effect to the implementation and enforcement of the policy and to provide for ancillary matters and procedures related to credit control and debt collection.

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THE GREATER TAUNG LOCAL MUNICIPALITY: CREDIT CONTROL & DEBT COLLECTION BY-LAW

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CONTENTS**1. DEFINITIONS**

The words and expressions used in this by-law shall have the respective meanings assigned to them in the Credit Control & Debt Collection Policy of the Municipality, and words or expressions to which a meaning has been assigned in terms of the provisions of section 1 of the Systems Act will have the meaning assigned thereto by the said act. All headings are included for convenience only and shall not be used in the interpretation of any of the provisions of this by-law.

2. THE CREDIT CONTROL & DEBT COLLECTION POLICY ADOPTED BY THE MUNICIPALITY

This Municipality has prepared and adopted a policy, known as the Credit Control & Debt Collection Policy of the Municipality (also referred to as "the policy"), as contemplated in terms of the provisions of section 96(b) of the Systems Act. The policy comprehensively and in detail deals with and regulates the matters as prescribed in the provisions of sections 97 and 98(2) of the Systems Act and therefore it is not necessary for this by-law to restate and repeat same. Therefore and without repeating the contents of the policy, the contents of the policy are hereby incorporated into this by-law by reference and *mutatis mutandis* assigned the status of a by-law in as far as it is required for its implementation, enforcement and to be given effect to, as referred to in terms of the provisions of section 98(1) of the Systems Act.

3. OBJECTIVE OF THE BY-LAW

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The objective of this by-law is to give effect to the implementation and enforcement of the policy of the Municipality as required in terms of the provisions of section 98(1) of the Systems Act.

4. TITLE AND APPLICATION OF THE BY-LAW

- (1) This by-law is known as the Credit Control & Debt Collection By-Law of the Municipality.
- (2) This by-law revokes all previous by-laws, decisions and/or *ad hoc* clauses within any other by-law, regarding the subject matter of this by-law.

5. RESPONSIBLE AUTHORITY

The responsible authority for the adoption, publication and implementation of this by-law is the Municipality and where applicable the municipal council of the Municipality.

6. COMMENCEMENT AND VALIDITY

This by-law shall come into full force and effect upon publication hereof in accordance with the provisions of section 13 of the Systems Act.

7. ENFORCEMENT AND COMPLIANCE WITH THIS BY-LAW

The Municipality shall enforce compliance with this by-law.

8. POWERS OF THE MUNICIPALITY IN TERMS OF THE SYSTEMS ACT OR THIS BY-LAW

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- (1) Where the Municipality executes any actions or conducts functions in terms of this by-law the Municipality may in addition to any rights and powers given to the Municipality in terms of the Systems Act or this by-law:
- (a) access any premises and/or execute work on and/or inspect any 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 Municipality believes may have information relevant to the work or inspection;
 - (d) inspect any document that a person is required to maintain in terms of any law or may be relevant to any work or inspection;
 - (e) copy any document referred to in sub-section (d) above, 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 or any person, process, action or condition on or regarding any premises;
 - (i) do whatsoever is necessary for the execution of work or the conducting of an inspection including removing any object or item from the premises, such as to enable the Municipality to do what is required to give effect to and/or enforce the provisions of this by-law;
 - (j) remove or rectify any unlawful connection, works, material, acts or behaviour.
- (2) Where the Municipality removes anything other than a substance referred to in sub-section (1)(f) above, from premises being worked upon or inspected must:

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- (a) issue a receipt for anything removed from the premises to the owner or any person in control of the premises;
- (b) return the object removed as soon as practically possible after achieving the purpose for which it was removed.

9. OBSERVING FUNDAMENTAL RIGHTS

The Municipality must, when exercising any right in terms of this by-law, do so with strict regard for decency and orderliness and with regard for each person's human rights including the right to dignity, freedom, security and privacy.

10. NON LIABILITY OF THE MUNICIPALITY

Neither the Municipality nor any employee, official, person, body, organisation or corporation acting on behalf of the Municipality shall be liable for any loss or damages of whatsoever nature howsoever arising whether, direct or consequential, suffered or sustained by any person as a result of or arising from the Municipality enforcing, imposing, giving effect to or taking any act or omission in terms of any matter regarding this by-law.

11. CODE OF ETHICS

- (1) All the officials of the Municipality shall embrace the spirit of Batho Pele and treat all rate payers, owners, consumers, customers and debtors with dignity and respect at all times.
- (2) Employees of the Municipality shall execute their duties in terms of this policy in an honest and transparent manner whilst protecting the confidentiality of information of owners, consumers, customers and debtors

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in accordance with the provisions of the Promotion of Access to Information Act, Act 2 of 2000.

12. AUTHENTICATION OF DOCUMENTS

Any document requiring authentication by the Municipality shall be sufficiently authenticated if signed by the Municipal Manager, or by a person duly authorised to do so, on behalf of the Municipality, by resolution of the Municipality and shall constitute *prime facie* proof of the authenticity, existence and contents of the document.

13. PRIMA FACIE EVIDENCE

In legal proceedings by, or on behalf of the Municipality, a certificate reflecting any information required in terms of this by-law included in such a certificate and which is signed by the Municipal Manager, or by a person duly authorised to do so, on behalf of the Municipality, by resolution of the Municipality, shall subject to the provisions of section 3 of the Law of Evidence Amendment Act, Act 45 of 1988, upon its mere production constitute *prima facie* evidence of the contents of the certificate.

14. PROVISION OF INFORMATION

An owner, consumer, customer and debtor or person within the municipal area the Municipality must provide the Municipality with accurate information requested by the Municipality that is reasonably required by the Municipality for the implementation or enforcement of this by-law.

15. FALSE STATEMENTS OR INFORMATION

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

16. OFFENCES

- (1) It is an offence for any person to:
- (a) unlawfully and intentionally or negligently interfere with any actions taken by the Municipality in terms of this by-law;
 - (b) contravene or fail to comply with any provision of this by-law in as much as this by-law places an obligation or duty on such a person to comply with this by-law;
 - (c) contravene or fail to comply with a condition or prohibition imposed in terms of this by-law;
 - (d) contravene or fail to comply with any conditions imposed upon the granting of any application, consent, approval, concession, exemption, rebate or authority in terms of this by-law;
 - (e) fail to provide information or provide false or misleading information reasonably requested by the Municipality;
 - (f) fail or refuse to give access required by the Municipality in terms of the provision of this by-law;
 - (g) fail to comply with the terms of a notice served upon him/her in terms of this by-law;
 - (h) fail or refuse to provide the Municipality with a document or information that the Municipality is entitled to in terms of this by-law;
 - (i) disclose any information relating to the financial or business affairs of any person which information was acquired in the performance of any function or exercise of any power in terms of this by-law;
 - (j) fail to comply with any lawful instruction given in terms of this by-law;
- or

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(k) obstruct or hinder the Municipality in the execution of the Municipality's duties under this by-law.

(2) Any alleged offence committed in terms of sub-section (1) above, may be referred to the South African Police Services by the Municipality for investigation with a view to possible prosecution.

17. PENALTY

A person who contravenes or fail to comply with a provision of this by-law, or commit an offence as set out in this by-law shall be liable on conviction to a fine or imprisonment, or in the case of any continued offence to a further fine or imprisonment for every day during the continuance of such offence.

18. AVAILABILITY OF BY-LAW

A copy of this by-law shall be included in the Municipality's Municipal Code as required by the provisions of section 15 of the Systems Act and a copy of this by-law shall be available for inspection at the offices of the Municipality at all reasonable times and shall also be available from the Municipality against payment of an amount as determined by the Council.