

# **THE WATER AND SANITATION BY-LAW OF THE EMALAHLENI LOCAL MUNICIPALITY**

## **BY-LAW NUMBER 1/2019 (COMPLETED DRAFT OF WATER AND SANITATION)**

In accordance with the powers bestowed upon the Municipal Council of the Emalahleni Local Municipality in terms of section 11(3) of the Municipal Systems Act Number 32 of 2000, read together with section 156 of the Constitution of the Republic of South Africa Act Number 108 of 1996, the Municipal Council of the Emalahleni Local Municipality hereby adopts the Water and Sanitation By-Law of the Emalahleni Local Municipality, to take effect upon publication in the provincial gazette.

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**CHAPTER 1**  
**[General Provisions]**

**1. Definitions**

- (1) Unless the content of this By-Law or any schedule hereto indicates the contrary, the words contained herein, shall be given the following meaning:-

**"Account"** means an account rendered for municipal systems provided, or, rendered by the Municipality;

**"Act"** means the Water Services Act Number 108 of 1997, inclusive of any applicable regulations thereto, as amended from time to time;

**"Agreement"** means the contractual relationship between the Municipality and the customer whether written or otherwise, as provided for in the Municipality's By-Laws relating to credit control, debt collection and other issues of revenue generation or collection approved;

**"Approved"** means approved by the municipality in writing;

**"Area of supply"** means any area within or partly within the area of jurisdiction of the Municipality to which water services are provided, or any other area within which the municipality exercises control in terms of this By-Law, any other By-Law or any national legislation;

**"Authorised Official" or "Authorised Agent"** means:-

- (a) any person authorised by the Municipality to perform or exercise any act, function, power or duties in terms of this By-Law;
- (b) any person to whom the Municipality has transferred the performance of certain rights, duties and obligations in respect of providing water services or any person appointed by the Municipality in terms of the written contract as a services provider to provide water services to consumers on its behalf, to the extent authorised in such contract;

**"Average consumption"** means the average water consumption of a consumer of a Municipal service during a specific period, and is calculated as follows:-

- (a) by dividing the total measured consumption of that Municipal service by the customer or consumer over the preceding three (3) months, by three (3); or
- (b) by dividing the total measured consumption by that consumer of such municipal service during the specific period, by the specific period of consumption;

**"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 or the Municipality, in the long term as well as in the short term;

**"Applicable charge"** means the rate, charge, tariff, flat rate, subsidy or any other cost prescribed by the Municipality from time-to-time in terms of Section 75A of the Municipal

Systems Act No. 32 of 2000, as amended from time-to-time;

**"Authorisation committee"** means the body authorised to compile the schedule of approved pipes and fittings;

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

**"Backflow preventer"** means any device or means to prevent backflow;

**"Back siphonage"** means the backflow resulting from pressure lower than atmospheric pressure in the water installation;

**"Basic sanitation"** means the minimum standard of safe and hygienic sanitation services and sewage disposal rendered to households as prescribed in terms of the Water Services Act under Regulation 2 of Government Notice R509 of 8 June 2001, as amended from time to time, or any substitution or that Regulation, or any other Government Notice or national legislation dealing with levels of basic sanitation;

**"Basic water supply"** means the minimum standard of water supply services necessary for the reliable supply of water into households to support life and personal hygiene, prescribed in terms of the Water Services Act under Regulation 3 of Government Notice R509 of 8 June 2001, as amended from time-to-time, or any substitution for that Regulation, or any other Government Notice or national legislation prescribing basic water supply standards;

**"Borehole"** means a hole site into the earth for the purpose of locating, storing, abstracting or using subterranean water or any other types of water and includes a spring or similar means by which water may be stored underneath the surface of the earth;

**"Building regulations"** means the national building regulations made in terms of the National Building Regulations and Building Standards Act No. 103 of 1977;

**"Charges"** means the rate, charge, tariff, flat rate or subsidy determined by the Municipality;

**"Cleaning eye"** means any access opening to the interior of a discharge pipe or trap provided for the purposes of internal cleaning;

**"Combined installation"** means a water installation used for firefighting and domestic, commercial or industrial purposes;

**"Commercial consumer"** means any consumer other than a domestic consumer and indigent consumer, including without limitation business, industrial, governmental and institutional consumers;

**"Communal water services work"** means a consumer connection through which services are supplied to more than one person;

**"Connecting point"** means the point at which a drainage installation joins the Connecting Sewer;

**"Communal sewer"** means a sewer main and Connecting Sewers and in respect of which a group of consumers and/or owners and/or an individual has constituted itself as a person willing to assume responsibility for and has signed an agreement accepting responsibility

for, or is required to sign an agreement accepting responsibility for the maintenance and repair of the communal sewer;

**"Connecting Sewer"** means a pipe owned by the Municipality and installed by it for the purpose of conveying sewage from a drainage installation on any premises, to a sewer beyond the boundary of those premises, or within a servitude area, or within an area covered by a way-leave document or other type of agreement;

**"Connection"** means the point at which a consumer gains access to water services;

**"Connection pipe"** means a pipe, the ownership of which is vested in the Municipality and installed by it for the purpose of conveying water from a main to a water installation, and includes a "communication pipe" referred to in SANS0252 part (i) or any subsequent South African National standard or international standard as the case may be;

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

**"Consumer"** means:-

- (a) any person who occupies premises to whom, and in respect of which premises, the Municipality:-
  - (i) has agreed to provide water supply and/or sanitation services;
  - (ii) is actually providing water supply and/or sanitation services;
  - (iii) has entered into an agreement with the Municipality for the provision of water and/or sanitation services to or on any premises;
- (b) the owner of any premises to which the Municipality is providing water supply and/or sanitation services;
- (c) where water supply and/or sanitation services are provided through a single connection to a number of accommodation units;

**"Consumers" or "Occupiers"** means the person to whom the Municipality agreed to provide such water services and any end-user who receives water supply and/or sanitation services from the Municipality or other water supply and/or sanitation services institution;

**"Council"** means the council of the Emalahleni Local Municipality;

**"Criminal Procedure Act"** means the Criminal Procedure Act No. 51 of 1977, as amended from time-to-time and includes any regulations promulgated in terms thereof;

**"Delivery system"** means a water delivery mechanism which delivers water to a consumer;

**"Domestic consumer"** means a consumer using water for domestic purposes and producing domestic sewage;

**"Domestic purposes in relation to the supply of water"** means the general use of water supplied for personal and residential uses, including health and hygiene, drinking, ablution, culinary, household and garden maintenance;



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

**"Drainage installation"** means a system situated on any premises invested in the owner thereof that is used for or intended to be used for or in connection with the reception, storage, treatment or conveyance of sewage or other form of waste water on those premises to the connecting point, and includes a drain, a fitting, an appliance, a septic tank, a conservancy tank, a pit latrine and a private pumping installation, forming part of or being ancillary to such system;

**"Drainage work"** means 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;

**"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 by an authorised official or authorised agent;

**"Dwelling unit"** means an inter-connected suite of rooms designed for residential purposes and occupation by a single household, regardless of how many persons comprise the household;

**"DWS"** means the Department of Water and Sanitation or the national department responsible for the administration of water affairs and sanitation affairs or any issues incidental thereto;

**"ECA"** means the Environment Conservation Act No. 73 of 1989 and any Regulations made in terms thereof, as amended from time-to-time or any superseding legislation;

**"Effluent"** means any liquid, whether or not containing matter and solution or suspension, which is discharged from any premises directly or indirectly into a drainage work or any similar apparatus or discharged in any other manner;

**"EIA"** means an environmental impact assessment as contemplated in NEMA, and/or the ECA and the EIA regulations as published in Government Notice R1183 on 5 September 1977, as amended from time-to-time, or in terms of any subsequent Government Notice, regulation or legislation dealing with or regulating an environmental impact assessment;

**"Emergency"** means any situation that poses a risk or potential risk to life, health, the environment, property or declared to be an emergency under any law or By-Law of the Municipality, or in terms of any other policy adopted by the Municipality or a decision taken by council;

**"Enforcement notice" or "notice"** means any notice issued by an authorised official under this By-Law, which instructs the person to whom it is issued to comply with the terms of the notice;

**"Environmental restoration cost"** means:-

- (a) the full cost of all measures necessary to restore the environment to its condition prior to an incident which causes damage to it; or

- (b) the value of the cost benefit that has been lost through the damage through or destruction of the environment; or
- (c) the full cost of all measures necessary to restore the environment to a national norm or standard which the Municipality is obliged to maintain the environment in;

**"Estimated consumption"** means the deemed consumption by a consumer whose consumption is not measured in a specific period, which estimated consumption is rationally determined taking into account at least the consumption of water supply services for a specific level of service during a specific period in the area of supply of the Municipality;

**"Fire installation"** means a potable water installation that conveys water for firefighting purposes only, and **"fire hydrant"** has a similar meaning;

**"Fixed charge"** means the average fixed cost per consumer associated with providing ~~water services or sanitation services in a continuous, effective and efficient manner,~~

**"Fixed quantity water delivery system"** means a water installation, which delivers a fixed quantity of water to a consumer in any single day;

**"General installation"** means a water installation which conveys water for a combination of domestic, commercial and industrial purposes or for any of these purposes;

**"French drain"** means a soil soak pit or similar pit for the disposal of sewage and effluent from a septic tank or any other place of origin of such sewage and effluent;

**"High strength sewage"** or **"industrial effluent"** means any liquid, whether or not containing matter and solution or suspension which is given off in the course of or as a result of any trade, manufacturing, mining, chemical or other industrial process or in any laboratory or in the course of research, agricultural activity or any other such activity and includes any liquid or effluent emanating from the use of water, other than standard domestic effluent or stormwater and **"trade effluent"** bears the same meaning;

**"Household"** means a traditional family unit, as determined by the Municipality from time-to-time, taking into account the number of persons comprising a household, the relationship between the members of a household, the age of the persons who are members of the household and any other relevant factors including the Municipality's By-Law on special planning and land use or any similar national legislation;

**"Industrial purposes in relation to the supply of water"** means water supplied to any premises which constitutes a factory or similar structure, as defined in the General Administrative Regulations, published in terms of the Occupational Health and Safety Act No. 85 of 1993 or any superseding legislation, including the use of water for purposes of mining, manufacturing, retailing and any other industries, and may include the use of water for generating electricity, land-based transport, construction or any other purpose;

**"Drill use installation"** means any work done in respect of a water services installation, including the construction, rehabilitation, improvement and maintenance thereof;

**"Interest"** means such interest as may be prescribed in terms of the Prescribed Rate of Interest Act No. 55 of 1975;

**"JASWIC"** means the Joint Acceptance Scheme for Water Installation Components;

**"Main"** means a pipe other than a connection pipe, vesting in the Municipality and used by it for the purpose of conveying water to any number of consumers;

**"Manhole"** means any access chamber to the interior of the sewer provided for the purposes of maintenance and internal cleaning;

**"Measuring device"** means any method, procedure, process, device, apparatus or installation that enables the quantity of water or sanitation services provided, to be quantified and includes any method, procedure or process whereby the quantity is estimated or assumed;

**"Meter"** means a water meter as defined by the regulations published in terms of the Trade Metrology Act No. 77 of 1973, as amended from time-to-time, or any other legislation providing the definition of "meter", or, in the case of water meters of sizes greater than one hundred millimetres (100mm), a device which measures the quantity of water passing through it, or, a device used by the Municipality to measure water or sanitation services,

**"Municipal account"** bears the same meaning as **"account"**;

**"Municipality"** means:-

- (a) the local Municipality of Emalahleni, established in terms of Sections 12 and 14 of the Local Government Municipal Structures Act No. 117 of 1998, who its successors in title as amended from time-to-time and includes a structure or person exercising a delegated power or carrying out an instruction in terms of this By-Law and legislation applicable to local government; or
- (b) a service provider fulfilling a responsibility under this By-Law, assigned to it in terms of Section 81(2) and 82(c) of the Local Government Municipal Systems Act No. 32 of 2000, or any other law, By-Law or delegated authority, as the case may be;

**"Municipal manager"** means the person appointed as the Municipal manager of the Municipality in terms of Section 82 of the Local Government Municipal Structures Act No. 117 of 1998 and includes any person:-

- (a) acting in such position;
- (b) to whom the Municipal manager has transferred a power, function or duty in respect of such a power, function or duty; or
- (c) any person fulfilling the functions of a Municipal manager in terms of any other national legislation or order of court;

**"Municipal services"** or **"Water services"** or **"Sanitation services"** means, for purposes of this By-Law, services provided by the Municipality, including refuse removal, water supply, sanitation, electricity services and rates, or any services related to water, sanitation, or any other municipal service and includes a singular or plural of any of the aforementioned services;

**"National Water Act"** means the National Water Act No. 36 of 1998, as amended from time-to-time;

**"NEMA"** means the National Environmental Management Act No. 107 of 1998, as

amended from time-to-time;

**"Nuisance"** means any condition, thing, act or emission 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 their rights or reasonable comfort, convenience, peace, quiet or the occupants of any area within the Municipality's jurisdiction and includes the Municipality;

**"Occupier"** means a person who occupies any, or a part of any land, building structure or premises and includes a person who, for someone else's reward or remuneration or for any other reason allows another person to use or occupy any, or a part of any land, building, structure or premises;

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

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**"Operating level"** means the level of water reached in storage tank when the valve controlling the inlet of water into the tank closes under normal operating conditions, or, would under normal circumstances close;

**"Owner"** includes, but is not limited to the following meanings:-

- (a) the person, persons, entity in whom is vested the legal title to premises, including, but not limited to, the registered owner according to the title deed or similar instrument;
- (b) where the owner of the premises concerned is insolvent, deceased, has assigned his estate for the benefit of his creditors, has been placed under curatorship in terms of an order of court, is a close corporation being wound up, or is a company being wound up or under judicial management or under business rescue, including the person in whom the administration of such premises is vested as executor, trustee, assignee, curator, liquidator or judicial manager, business rescue practitioner, as the case may be;
- (c) in any case where the Municipality is unable to determine the identity of such person, persons, entity, a person who is entitled to, or has a legal right in the use of, any such premises, building or any part of a building situated on the premises; and
- (d) the lessee under any registered lease of land which is entered into for a period of not less than ten (10) years or for the natural life of the lessee or any other person mentioned in such lease, or which is renewable from time-to-time at the will of the lessee indefinitely or for periods which together if the first period of such lease amounts in all to not less than ten (10) years, whether or not such renewal is dependent on the periodical consent or permission of, or the periodical renewal of a license by the state or any statutory licensing body or any other person or entity;
- (e) in relation to:-
  - (i) a piece of land delineated on a sectional plan registered in terms of the Sectional Titles Scheme Management Act No. 8 of 2011, as amended from time-to-time or any legislation regulating or dealing with sectional title schemes, the developer or the body corporate in respect of the common property; and
  - (ii) a section as defined in such Act, the person whose name the relevant unit is

registered under a sectional title deed, and includes the lawfully appointed representative of such person, a person in control or occupation of such unit or a person in respect of whom a right is conferred over and/or in respect of such unit;

- (f) a person occupying land under a certificate or similar instrument issued by a tribal authority or in accordance with a sworn affidavit made by a tribal authority;
- (g) any person who requires any right to land by virtue of the provisions of any law applicable in the province of Mpumalanga;

**"Owner's water installation"** means all the pipework and water fittings installed by the consumer for connecting into the water or sanitation installation of the Municipality;

**"Person"** means any person, whether natural or juristic and includes, but is not limited to, a local government body, a company or close corporation incorporated under any law, a body of persons, whether incorporated or not, a statutory body, public utility body, voluntary association or trust or any similar or structured entity or group of persons and includes any forum or community structure;

**"Permit holder"** means a person who has obtained the written permission of an authorised official to discharge or cause or permit to discharge industrial or similar effluent into the sewage disposal system, or any disposal system of the Municipality;

**"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 Man Power Training Act No. 56 of 1981, as amended from time-to-time or superseded by subsequent legislation, or such other qualification as may be required under national legislation and standards to provide services of or equivalent to that of a plumber;

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

**"Premises"** means any piece of land, with or without improvements, the external surface boundaries of which are delineated on:-

- (a) a general plan or diagram registered in terms of the Land Survey Act No. 9 of 1927, or in terms of the Deeds Registries Act No. 47 of 1937;
- (b) a sectional plan or scheme registered in terms of the Sectional Titles Scheme Management Act No. 8 of 2011, as amended from time-to-time or any such superseding or similar legislation; or
- (c) a township plan in terms of any law of the area within which the Municipality operates, whether it has the Emalahleni Local Municipality or such preceding name, or any similar plan in terms of which a description of land is contained; or
- (d) a permission-to-occupy certificate in terms of any customary law, or, a register held by a tribal authority or in accordance with a sworn affidavit made by a tribal authority;
- (e) any other document, title, agreement in which a description of land is contained in a legally permissible and recognisable manner;

**"Pre-paid meter"** means a meter that can be programmed to limit the flow of water into a water installation in an amount which has been previously purchased or programmed as a result of the receipt of monies or an alternative method of payment;

**"Prescribed"** means determined by resolution of the council from time-to-time;

**"Prescribed fee" or "Prescribed charge"** means a fee, charge or any amount determined by the Municipality or council, as the case may be, by resolution;

**"Public notice"** means any, a combination or one of the following:-

- (a) publication of a notice, in any official language determined by the Municipality:-
  - (i) in any local newspaper or newspapers circulating in the area of the Municipality;
  - ~~(ii) in the newspaper or newspapers circulating in the area of supply of the Municipality, determined by the Municipality as a newspaper of record; or~~
  - (iii) by means of transmission on a radio that broadcasts in the area of the Municipality; and
  - (iv) on the Municipality's official website; or
- (b) displaying a notice at the main building of the Municipality, the Municipal council or pay points of the Municipality; or
- (c) communicating with consumers at public meetings and ward committee meetings or any other similar gathering or forum at which the community is present; or
- (d) publication through any means of social media through which the Municipality communicates to the community, or, upon any social media platform which content and/or publication of the Municipality is stored or appears;

**"Public water"** means any river, watercourse, bay, estuary, the sea and any other water which the public has a right to use or to which the public has the right of access;

**"Residential unit"** in relation to any premises, means a building or section of a building occupied or used or intended for residential occupation or use by any person and includes a dwelling unit;

**"Registered contractor"** means a company / person registered by the SAQCC for the water supply or sanitation supply industry;

**"Registered plumber"** means a person registered by the SAQCC for the water supply or sanitation supply industry;

**"Revenue By-Laws"** means the revenue By-Laws adopted and promulgated by the Municipality, or, as the case may be, the provisions of this By-Law that regulates revenue generation or collection or any aspects incidental thereto, where the Municipality's revenue By-Law does not provide for any issues regulated within this By-Law;

**"SABS"** means the South African Bureau of Standards;

**"Sanitation services"** means the collection, removal and disposal or purification of human

excretion, sewage and any other effluent including domestic and industrial effluent resulting from the use of water or involving the use of water, or, any services reliant upon or arising from sanitation services;

**"SAQCC"** or **"SAQCC for the water supply industry"** means the South African Qualification and Certification Committee constituted in terms of Act No. 58 of 1995, as amended from time-to-time or any superseding legislation providing for issues relating to South African qualifications;

**"Sanitation system"** means the structures, pipes, valves, pumps, meters or other appurtenances used in the conveyance through the sewer reticulation system and treatment at the sewage treatment plant, under the control of the Municipality, and which may be used by it in connection with the disposal of sewage, and **"sewage disposal system"** has the same meaning;

**"Service pipe"** means a pipe which is part of a water installation provided and installed on ~~any premises by the owner or occupier, and which is connected, or to be connected to a~~ connection pipe to serve the water installation on the premises;

**"Sewage"** means waste water, industrial effluent, standard domestic effluent and other liquid waste, either separately or in combination but shall not include stormwater, unless in the event of a consumer storing sewage contrary to the provisions of this By-Law and such sewage forms part of stormwater;

**"Sewage disposal system"** means the structures, valves, pipes, pumps, meters or other appurtenances used in the conveyance through the sewer reticulation system and treatment at the treatment works under control of the Municipality and which may be used by it in connection with the disposal of sewage, and includes, in the event applicable, such system which is not under the control of the Municipality but which, in terms of this By-Law, is required to be under the control of the Municipality;

**"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 sewerage from the connective sewer and does not include a drain;

**"Shared consumption"** means the consumption of a consumer of a Municipal service during a specific period, which consumption is calculated by dividing the total metered consumption of that Municipal service within the supply zone within which a consumer's premises are situated for the same period by the number of consumers within that supply zone, during the same period;

**"Sand pipe"** means a connection through which water is supplied in a public space or a yard and which is supported by various means in a vertical or neo-vertical position with a stopcock at its end;

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

**"Stormwater"** means water resulting from natural precipitation or accumulation and includes rain water, subsoil water or spring water;

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

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

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

**"Unauthorised services"** means receipt, use or consumption of any water services or sanitation services which is not in terms of a services agreement, or authorised or approved by the Municipality, or which is contrary to this By-Law and includes any additional or ancillary services that further or achieve unauthorised services;

**"Waste water"** means waste water resulting from the supply of water to a household, offices, shops or any other premises other than industrial premises;

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

**"Water inspector" or "Water official"** means a person who is employed by the Municipality, whether directly or by way of any such agreement, to monitor the implementation of and to enforce compliance with the provisions of this By-Law;

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

**"Water services"** means water supply services and where the context indicates, includes sanitation services;

**"Water 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 the SABS code 0252 part (i), or any superseding legislation or SABS code;

**"Water services authority"** means any municipality, including a district or rural council as defined in the Local Government Transition Act No. 209 of 1993, responsible for ensuring access to water services, or any such superseding legislation, as the case may be;

**"Water services intermediary"** means any person which is obliged to provide water services to another in terms of a contract or any other such agreement, where the obligation to provide water services is incidental to the main objective of that contract;

**"Water services provider"** means any person who provides water services to consumers or to another water services institution, but does not include a water services intermediary, and includes:-

- (a) an entity established or appointed by the Municipality as its authorised agent to operate and maintain a water supply scheme in accordance with this By-Law and in accordance with the Water Services Act; and



- (b) the Municipality, where it has not appointed an agent to act as water services provider, on its behalf and fulfils this duty itself;

**“Water supplies system”** means a structure aqueduct, pipe, valve, pump, meter or other apparatus relating thereto which is vested in the Municipality, and is used or intended to be used in connection with the supply of water;

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

## **2. Interpretation**

- (1) The provisions of this By-Law shall, where necessary, be interpreted and/or given the meaning or purpose prescribed by the Water Services Act, Municipal Systems Act, or any other national legislation or dominant legislation which the Municipality must comply with or is bound by.
- (2) To the extent that any other By-Law of the Municipality provides for any issues that supports an interpretation or meaning that complies with or is compatible with any issue regulated by any legislation mentioned in subsection (1) above, over this By-Law, then the contents of the other By-Law must be favoured over this By-Law, to the extent that this By-Law is incompatible with any aspect provided for in subsection (1) above.

## **3. Purpose, Principles and Objectives**

- (1) To provide for all aspects relating to and arising from the provision of water services, which include, but are not limited to:-
  - (a) The standard of services;
  - (b) Application for services by consumers;
  - (c) Rendering of accounts in respect of water services;
  - (d) Calculation of consumption of water services by consumers;
  - (e) Processes for raising disputes in respect of consumption by consumers;
  - (f) Internal procedures for resolution of disputes raised by consumers;
  - (g) Enforcement of this By-Law;
  - (h) The payment and collection of monies due for the water services, unless provided for in terms of other Municipal By-Laws;
  - (i) The circumstances under which water services may be limited or discontinued and the procedure for such limitation or discontinuation and/or the criteria therefor;
  - (j) The prevention of unlawful connections to water services works and the unlawful or wasteful use of water;
  - (k) Water restrictions;
  - (l) Basic levels of provision of water services including basic water supply or basis sanitation;

- (m) Access to premises for calculation of level of domestic and industrial effluent;
- (2) The Municipality adopts the following principles:-
  - (a) the Municipality recognises that all consumers have the right to access to basic water supply and basic sanitation in the area of jurisdiction of the Municipality, within an environment not harmful to human health or wellbeing and strives to ensure that this is achieved;
  - (b) the Municipality recognises that water and sanitation services have not been realised for all within the jurisdiction of the Municipality and strives, within its available resources, to provide basic and adequate water services to the Emalahleni community;
  - (c) the Municipality acknowledges that, historically, the administration of water services within the Municipal area of the Municipality, has been of a standard below what the community deserves and by the adoption of this By-Law, strives to provide satisfactory water services to the Emalahleni community;
  - (d) the Municipality acknowledges that its control of water services within its jurisdiction has allowed certain domestic and industrial sectors of the community to use water services in a manner contrary to national norms, standards and legislation and by adoption of this By-Law, seeks to redress the situation;
  - (e) the Municipality strives to be a leading water services provider within the province by the adoption and enforcement of this By-Law.

## **CHAPTER 2**

### **[The Supply of Water Services]**

#### **PART 1 – APPLICATION FOR WATER SERVICES**

##### **4. Application for water services**

- (1) No person other than a consumer or person mentioned in subsection (2) below, may consume, abstract or be supplied with water services, unless such person has applied to the Municipality on the prescribed form, for such service, and such application has been approved by the Municipality.
- (2) The Municipality may, in terms of this By-Law, or any other By-Law, or national legislation, provide water services to any such person in order to provide prescribed minimum services to any such person, on terms and upon conditions provided by the Municipality without the need for application as provided for in subsection (1) above.
- (3) No person, other than a person mentioned in subsection (1) and subsection (2) above may consume, abstract or be supplied with services from the Municipality and to do so is a contravention of this By-Law.

- (4) An application for the use of water services, approved by the Municipality, constitutes an agreement between the Municipality and such person and takes effect on the date referred to in the application, or, as the case may be, on the date of supply of such water services by the Municipality or the date of approval of supply of such water services.
- (5) The Municipality may, if it deems necessary, require a third party to be bound jointly and severally as surety and co-principal debtor with the consumer, for the payment of any prescribed fee or tariff or any amount owing to the Municipality by virtue of the consumer's application for water services.
- (6) The applicant for water services, or the consumer of water services, together with any such third party surety and co-principal debtor, as the case may be, will be liable for all the prescribed fees in respect of water services rendered to such person.
- (7) The Municipality may approve, with or without conditions, or refuse any application for water services.
- (8) Any person aggrieved by a decision of the Municipality to approve with conditions, or, refuse any such application for water services, may, in writing, and in the prescribed format or as provided in this By-Law or any other By-Law, appeal such decision to the Municipality, or the person or body designated to adjudicate such appeal.

#### **5. Special agreements for supply of water services**

- (1) The Municipality may enter into a special agreement for the supply of water to an applicant:-
  - (a) inside its area of jurisdiction, if the supply necessitates the imposition of conditions not contained in any such prescribed application form; or
  - (b) outside its area of jurisdiction, if such application has been approved by the Municipality in which the applicant resides.
- (2) If the Municipality provides water services to an applicant outside its area of jurisdiction, in terms of a special agreement, it may do so only in terms of a written agreement approved by Council, and after having considered at least the following factors:-
  - (a) the costs incurred by the Municipality for the provision of such services;
  - (b) whether the party receiving such water services is to re-sell the water services;
  - (c) the purpose for which the applicant for such water services requires the services;
  - (d) the availability of resources of the Municipality.
- (3) The Municipality may require any person applying for water services, in terms of this section, to conclude a written agreement on terms prescribed by the Municipality, prior to any such water services being provided to any such applicant.
- (4) If, at any time after any water services are provided to a consumer, the Municipality or Council deems that a special agreement is required, whether or not a person has applied for water services in terms of this section or not, it may require any such person to conclude a written agreement on terms provided by Council, and, the Municipality may discontinue any such water services to a person, until a written agreement, as provided for in this

section, is concluded, if, the Municipality or Council has not considered the factors mentioned in subsection (2)(a) to (d) above, prior to providing the water services, or if these said factors have since changed.

**6. Change in purpose of supply**

- (1) Where the purpose for which water is used changes, or if the Municipality requires any person receiving water services to apply for water services on any further conditions, the consumer shall enter into a new water service agreement with the Municipality.
- (2) After receiving any application in terms of subsection (1) above, the Municipality may either approve, with or without conditions, or refuse any such application.

**7. General conditions for supply of water services**

- (1) Subject to the provisions of this By-Law, or the Water Services Act, the supply of water ~~services by the Municipality shall not constitute an undertaking by it to maintain, at any time or at any point in its water supply system:-~~
  - (a) an uninterrupted supply of water services;
  - (b) a specific pressure or rate of supply of any such water services;
  - (c) a specific standard or quality of water services.
- (2) The Municipality may, on conditions determined by it, specify the maximum heights or maximum depths at which water services will be supplied to a consumer, from its water supply system, or determine this on a case-by-case basis, as the need may arise;
- (3) If a consumer requires that water services to a property be provided at standards above the maximum standards provided for in subsection (2) above, then the Municipality may permit such person, upon receipt of a written application as prescribed by the municipality, to connect, install and maintain any water supply at such maximum standards, at the cost of the consumer and upon any conditions imposed by the Municipality.
- (4) The Municipality may, in an emergency, or for any other such reason, reasonably determined by the Municipality, interrupt the supply of water services to any premises without prior notice.
- (5) If, in the opinion of the Municipality, a consumer is consuming water services in a manner that adversely affects the supply of water services to any other consumer or consumers, or is infringing on the Municipality's ability to provide water services in any manner or for any other reason, the Municipality may apply restrictions on conditions imposed by it, to any consumer or consumers, in respect of the supply of water services, and, if the Municipality deems it reasonable in the circumstances, it may discontinue water services to any such consumer, until it complies with any such conditions or conditions imposed on the consumer.
- (6) The Municipality will not be liable for any damages to property caused by water flowing from fittings left open or flowing in any other manner, when the water supply is re-installed, following an interruption in supply of water services for any reason.
- (7) Every consumer that requires a continuous supply of water at the consumer's premises, whether for purposes of the work undertaken on such premises or any other reason, must

take his or her own steps, to ensure that the premises has a continuous flow of water, in the event that the Municipality disconnects water supply to such premises.

- (8) No consumer may re-sell water services, which the Municipality supplies to the consumer, without the express written permission of the Municipality, which permission may stipulate the following:-
- (a) the maximum price at which the water services may be re-sold;
  - (b) the levels or quality or standards of service which the consumer must provide; and
  - (c) any other conditions which the Municipality deems necessary.
- (9) The Municipality may, by publication on its official website, or by publication of a notice at the premises of the Municipality, or by way of publication in any other method provided for in this By-Law, impose any other conditions on consumers, which the Municipality deems necessary, in order for the Municipality to provide adequate levels of water services to consumers.
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## **PART 2 – LEVELS OF SERVICE**

### **8. Consumer service levels**

- (1) The Municipality may, in accordance with national legislation and policy, principles of sustainability and affordability and the available resources of the Municipality, determine service levels that it is able to provide to consumers and any such forms or procedures provided for in this By-Law may be made or catered to such service levels.
- (2) The Municipality may, in determining such service levels, differentiate between types of consumers, geographical areas, social economic areas, location of resources, available infrastructure and any other forms of comparison reasonably required by the Municipality.
- (3) The following levels of service may, subject to subsection (1) above, be provided by the Municipality:-
- (a) communal water supply services and on-site sanitation services:-
    - (i) constituting the minimum level of water services which the Municipality must supply;
    - (ii) consisting of reticulated stand pipes or a stationary water tank, serviced either through a network pipe or a water tanker located in the region of any household, with a pit latrine or any other such mechanism, located on each premises;
    - (iii) installed free of charge;
    - (iv) provided free of any 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 unmetered stand pipe on a premises not connected to any

water installation and a pour-flush toilet pan, wash-trough and suitable toilet top structure, connected to the Municipality's sanitation system, or any similar arrangement;

- (ii) installed free of charge;
- (iii) provided free of charge to consumers; and
- (iv) maintained by the Municipality.

(c) A metered pressured water connection with an individual connection to the Municipality's water supply system:-

- (i) installed against payment of the applicable connection charges;
- (ii) provided against payment of the prescribed tariff; and

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

- (4) Where premises or a consumer are provided with any of the water services mentioned in subsection (3) above, or a variant thereof, it is deemed that a service contract between the Municipality and the consumer exists, subject to this By-Law and any other By-Law of the Municipality.
- (5) The Municipality may determine criteria for a consumer's continued use of any level of water service, on terms and conditions determined by the Municipality.
- (6) The Municipality may require a consumer of water services to make application for water services afresh, when a consumer utilises water services in contravention of the limitations or prescribed limits for a consumer's use of water services in terms of any water service level, or, in the event that a consumer contravenes the terms of use of the water service.
- (7) The Municipality may discontinue the supply of water services to any such user or consumer of water services until a consumer has been approved for any such afresh application, as provided for in subsection (6) above.
- (8) A consumer may, at any time, make application to the Municipality, in the manner prescribed by the Municipality, to amend or vary the level of service of the consumer, in respect of which the consumer receives water services, provided that:-
  - (a) the consumer has made payment of any amounts owing by the consumer to the Municipality;
  - (b) the consumer complies with any provisions of this By-Law, national legislation and policy, or any criteria determined by the Municipality;
  - (c) all conditions for the change of level of service have been fulfilled.

### **PART 3 – CONNECTION OF WATER SUPPLY**

#### **9. Provision of connection pipe**

- (1) If an agreement for the supply of water services in respect of a consumer or premises has been concluded and no connection pipe exists in respect of the premises, the owner shall

make application on the prescribed form and pay the prescribed charge and, if applicable, any prescribed tariff resulting therefrom or in relation thereto, for the installation of such connection pipe, and the supply of any such water services thereafter.

- (2) If an application is made for the supply of water services, which are so situated that it is necessary to extend the water supply system, in order to supply water services to the premises, the Municipality may agree to the extension, subject to any such conditions or prescribed fees that the Municipality may impose on the party making such application.

#### **10. Location of connection pipe**

- (1) A connection pipe provided and installed by the Municipality, or by any other party on conditions and terms prescribed by the Municipality, if it so elects, must:-
  - (a) be located in a position and be of a suitable size determined by the Municipality; and
  - (b) ~~terminate at the boundary of the land owned by or vested in the Municipality, or over which it has a servitude or other right, or at the outlet at the water meter, if the meter is located on the property being supplied, or at any other such point determined solely by the Municipality.~~
- (2) The Municipality may require an owner of a premises or a consumer of water services to take any reasonable steps in order for the Municipality to provide any such connection pipe in terms of this section and may refuse to install any such connection pipe until such conditions have been met.
- (3) An owner of any premises or consumer of water services must pay the prescribed connection fee levied by the Municipality in advance, before a water connection is effected.

#### **11. Inter-connection between premises**

- (1) An owner of premises or a consumer of water services on any such premises shall ensure that no inter-connection exists between the water installation on his or her premises and the water installation on any other premises, unless such person has obtained the prior written consent of the Municipality, on any terms and charges prescribed by the Municipality, and such person complies with any such conditions and charges imposed by the Municipality therefor.

#### **12. Provision of single water connection for supply to several consumers on the 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 owner, or the person in charge or the management of any premises on which several accommodation units, business units or consumers are situated, require the supply of water to such premises for a purpose of separate supply to the different units or consumers, the Municipality may, in its discretion, provide and install, or at its election, appoint any other party to provide and install, or permit such person to install and maintain at its own cost as the case may be:-
  - (a) a single measuring device in respect of the premises as a whole or a number of such units or consumers; or

- (b) a separate measuring device for each such unit or consumer or any number thereof.
- (3) Where the Municipality has installed a single measuring device, as contemplated in subsection (2)(a) above, the owner or the person in charge or management of the premises, as the case may be:-
  - (a) must, if the Municipality so requires, install and maintain on each branch pipe extending from the connection pipe to the different units or consumers:-
    - (i) a separate measuring device;
    - (ii) an isolating valve; and
  - (b) is liable to the Municipality for the tariffs and charges for all water services 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 subsection (1) above, the Municipality may authorise, at its election, on terms and conditions prescribed by the Municipality, that more than one connection pipe be provided on the water supply system, for the supply of water services to a premises:-
  - (a) comprising sectional title units; or
  - (b) if 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, in terms of subsection (4) above, the tariffs and charges for the provision of a connection pipe are payable in respect of each water connection so provided, which payments, if required by the Municipality, must be made prior to any such connection.
- (6) Where a premises is supplied by a number of connection pipes, the Municipality may require the owner to reduce the number of connection points and alter his or her water installation accordingly, and, if the owner or user of water services fails to comply with any such requirement in terms of this subsection, the Municipality may disconnect the supply of water services to such premises or consumer and/or take any such steps to ensure that the number of connection pipes is reduced, as required by the Municipality.

### **13. Temporary supply of water services**

- (1) The Municipality may, upon receipt of written application on such terms prescribed by the Municipality or in accordance with a prescribed form, authorise the temporary supply of water in any manner, provided:-
  - (a) the temporary supply of water services does not contravene any provision of this By-Law or any other By-Law or any legislation;
  - (b) is accompanied by the payment of a prescribed fee which council may determine for the temporary use of such water services;
  - (c) is metered and monitored so that the terms of use of such temporary water services are not exceeded, and of the terms of use or amount of use of water services is exceeded, then such exceeded amount is charged to the consumer of such



temporary water services;

- (d) a service level agreement, or agreement as the case may be, is concluded between the Municipality and such user of temporary water services;
- (e) the supply of such temporary water services is measured;
- (f) the user of such temporary services agrees that any use of such temporary services is in terms of this By-Law or any other By-Law of the Municipality or any legislation.

#### **PART 4 – RESTRICTION OR DISCONNECTION OF SUPPLY OF WATER SERVICES**

##### **14. Restriction or cutting-off of supply**

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

- ~~(a) failed to pay a sum due to it in terms of this By-Law or any other applicable By-Law; or~~
- (b) committed a breach of this By-Law or any other applicable By-Law and has failed to remedy such breach within the period specified in any such correspondence, or written notice served on him or her requiring him or her to do so; or
- (c) failed to comply with any condition or prescribed term imposed on such consumer or owner of a premises, as the case may be;

act against such a person in terms of this By-Law, the Municipality's credit control and debt collection policy or By-Law, any other By-Law or applicable legislation, or take any steps it may have in law.

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

- (a) without prior notice, cut-off the supply of water to any premises, with or without conditions imposed thereon; and
- (b) enter upon such premises, with or without notice to the owner of such premises or consumer, as the circumstances of the situation may require, and effect any such emergency work or take such emergency action, at the owner's or consumer's expense, as the Municipality may deem necessary, and, the Municipality may, in addition, by written notice if possible, require the owner of the premises or the consumer to effect any such further work at the owner or consumer's expense, as the Municipality may deem necessary, within any specified period.

- (3) Notwithstanding the above, the Municipality may install any water usage limiting equipment and take any other measures, in order to ensure compliance with this By-Law, the Municipality's credit control and debt collection policy or By-Law, any other By-Law or applicable legislation, or a resolution of the Council.

##### **15. Tampering**

- (1) Where the supply of water services has been tampered with or the meter by-passed, reversed or in any manner altered without the consent of the Municipality, the Municipality may disconnect the relevant supply of water services immediately and without notice to

the owner of the premises or consumer, and in such a manner that no further water supply to the respective premises or consumer is possible.

- (2) Where the circumstances, as provided for in subsection (1) above are present, the owner of any such premises or the consumer will be charged a tampering fee and penalised in any other manner provided in this By-Law or any other By-Law of the Municipality or any legislation, or in an amount otherwise determined by council considering the loss of revenue to the Municipality and all expenses associated thereto.
- (3) The Municipality may, if the circumstances in subsection (1) above are present, impose any conditions on the consumer or owner, in order to prevent the repeat of such conditions and otherwise prevent the contravention of this By-Law.
- (4) Where a Municipality has disconnected the supply of water services to a premises or consumer, in accordance with subsection (1) above, the Municipality will only reconnect the supply of water services to the premises or consumer after receipt of payment of any ~~disconnection fee payable by the consumer and any such tampering fee or penalty~~ imposed on any such consumer and upon the fulfilment of any further conditions prescribed by the Municipality.
- (5) If the owner of the premises or consumer refuses, fails or neglects to pay any amounts owing by the owner of the premises or consumer, in accordance with this section, or, continually tampers with the supply of water services, prescribed by this By-Law or any legislation, or, fails to comply with or fulfil any conditions imposed in terms of subsection (3) above, the Municipality may:-
  - (a) remove any water supply system from the premises or provided to the consumer;
  - (b) disconnect, permanently, the supply of water services to the premises or the consumer concerned; and
  - (c) the supply of water services to a premises or consumer, shall only be reconnected upon written application for reconnection having been motivated and approved by the Municipality, and upon:-
    - (i) payment of any prescribed penalties and charges;
    - (ii) payment of any reconnection fees;
    - (iii) fulfilment of any other conditions prescribed by the Municipality.

#### **16. Disconnection of water services at request of consumer**

- (1) The Municipality may, upon the written request of a consumer in the format prescribed by the Municipality:-
  - (a) cut-off the supply of water services to the consumer's premises upon receipt of payment of any prescribed disconnection fee or upon fulfilment of any conditions prescribed by the Municipality, including receipt of payment of any amounts owing to the Municipality.
- (2) The Municipality may only reconnect the supply of water services to a consumer or premises, on such conditions and terms prescribed by the Municipality and having received proof of payment of all amounts owing by the consumer in respect of water

services.

- (3) Failure of the Municipality to disconnect water services shall not absolve a consumer of liability to pay for any water services used in lieu of disconnection by the Municipality.

#### **17. Disconnection of water services**

- (1) The Municipality may disconnect a water installation from the connection pipe, or the supply of water services and remove the connection pipe, if:-
  - (a) the agreement for supply has been terminated and the Municipality has not received an application for a subsequent supply of water services to the premises or consumer served by the pipe, within a period of ninety (90) days of such termination, or such other period resolved by Council, or upon the consumer complying with any conditions and/or penalties and/or charges imposed upon it by the Municipality; or
  - ~~(b) the building on the premises concerned has been demolished.~~
- (2) The Municipality may disconnect the supply of water services to any premises or consumer as provided for elsewhere in this By-Law, any other applicable By-Law or any other legislation, or, upon being notified of the Municipality's intention to disconnect the supply of water services and having been afforded an opportunity to respond thereto, and having exhausted any such internal procedure resulting from the Municipality's decision to disconnect such water supply, if applicable, as the case may be.

### **PART 5 – MEASURING OF WATER SUPPLIED**

#### **18. Measuring the quantity of water supplied**

- (1) All water supplied to a consumer by the Municipality shall pass through a meter or other measuring device prescribed by the Municipality, for the purpose of measuring the quantity of water consumed, together with any other measurements required by the Municipality.
- (2) A meter referred to in subsection (1) above, and its associated apparatus shall be provided and installed by the Municipality, or any other party elected by the Municipality, and shall remain the property of the Municipality and may be changed by the Municipality whenever it deems necessary, unless otherwise required by the Municipality.
- (3) The Municipality may install, at any point on the service pipe on the premises, a measuring device and its associated apparatus.
- (4) If the Municipality installs a measuring device on a service pipe in terms of subsection (3) above, then it may install a section of pipe and associated fittings between the end of its connection pipe and the meter, and such section is deemed to form part of the water supply system.
- (5) The Municipality shall, at its own discretion, determine the type of metering or measuring device contemplated in terms of subsection (1) above.
- (6) If the Municipality installs a measuring device together with its associated apparatus, on a service pipe in terms of subsection (3) above, then the owner must:-
  - (a) provide a place satisfactory to the Municipality, in which to install it;

- (b) ensure that unrestricted access is available to it at all times;
  - (c) be responsible for its protection and be liable for the costs arising from damage thereto, excluding damage arising from normal fair wear and tear;
  - (d) ensure that no connection is made to the pipe in which the meter is installed, between the meter and the connection pipe serving the installation;
  - (e) make provision for the drainage of water, which may be discharged, from the pipe in which the meter is installed, in the course of work done by the Municipality on the meter;
  - (f) not use or permit to be used on any water installation, any fitting, machine or appliance which causes damage or is likely to cause damage to the meter; and
  - (g) comply with any additional conditions prescribed by the Municipality.
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- (7) No person other than an official of the Municipality, or a person appointed by the Municipality in writing, may:-
- (a) disconnect a meter and its associated apparatus from the pipe in which it is installed;
  - (b) break a seal which the Municipality has placed on a meter; or
  - (c) in any other way interfere with or work on a meter and its associated apparatus.
- (8) If the Municipality considers that the size of a meter is in any way unsuitable, by reason of the quantity of water supplied to any premises or consume or otherwise, it may install a meter of such size, as it may deem necessary and may recover from the owner of the premises or consumer concerned, the prescribed charge for the installation of the meter, or, may demand that the owner of the premises or consumer install any such meter and make payment of any amount required by the Municipality for the installation of such meter and comply with any additional conditions imposed by the Municipality on such owner or consumer.
- (9) The Municipality may require the owner of a premises or consumer, at his or her expense, to install a measuring device to each dwelling unit on any premises, to determine the quantity of water supply to each unit, but where fixed quantity water delivery systems are used, a single measuring device may be used to supply more than one (1) unit.
- (10) The Municipality may, regardless of anything contained in this By-Law or any other applicable By-Law of the Municipality or in terms of any prescribed forms or application forms provided by the Municipality to consumers, refuse the installation of any meter in which it deems, in its sole discretion, is unsuitable to the Municipality's ability to measure water or perform its functions in terms of this By-Law, or of the installation of such meter would create undue administration, financial implications or burden any resource of the Municipality.
- (11) The Municipality may prescribe standards and/or minimum requirements of meters to be installed on any premises or to be used by any consumer.

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

- (1) For the purposes of ascertaining the quantity of water that has been measured by a

measuring device that has been installed by the Municipality, or any such party elected by the Municipality, that has been supplied to a consumer over a specific period, it will, for the purposes of this By-Law, be presumed, unless the contrary is proved that:-

- (a) the quantity is represented by the difference between readings of the meter taken at the beginning and end of such period; and/or
  - (b) the quantity where the measuring device is designed to provide a controlled volume of water is the volume dispensed by the measuring device;
  - (c) the measuring device was accurate during the period;
  - (d) the entries in the records of the Municipality were correctly made; and
  - (e) if water is supplied to or taken by a consumer without having passed through a measuring device, the estimate provided by the Municipality or any other such ~~average reading rendered by the Municipality is correct.~~
- 
- (2) Where water supplied by the Municipality to any premises is in any way taken by the consumer without such water passing through any measuring device provided by the Municipality, the Municipality, for the purpose of rendering any account, may estimate, in accordance with subsection (3) below, the quantity of water supplied to the consumer during that period that water is so taken by the consumer, provided that, in the sole election of the Municipality, it may, if the reading taken by the consumer is higher than the estimate, use, for purposes of rendering an account, the reading taken by the consumer for that period.
- (3) For the purposes of subsection (2) above, an estimate of the quantity of water supplied to a consumer is based on, as the Municipality may decide:-
- (a) the average monthly consumption of water on the premises, registered over three (3) successive measuring periods after the date on which any irregularity was discovered and rectified; or
  - (b) the average monthly consumption of water on the premises during any three (3) consecutive measuring periods during the twelve (12) months period before the date on which it was discovered that the water was taken in the manner mentioned in subsection (2) above; or
  - (c) in any other manner determined by the Municipality, which, in the opinion of the Municipality, constitutes a fair estimation of the water consumed by the consumer, factoring in the following:-
    - (i) the records available to the Municipality;
    - (ii) the reason for the inability to measure the consumption;
    - (iii) the available resources of the Municipality;
    - (iv) the meter reading capabilities of the Municipality;
    - (v) the billing system of the Municipality; and
    - (vi) any other By-Law of the Municipality or national legislation.

- (4) Nothing in this By-Law may be construed as imposing on the Municipality, an obligation to cause any measuring device, installed by the Municipality on any premises and maintained by the consumer or the Municipality as the case may be, to be read at the end of every month or any other fixed period, and the Municipality may charge the consumer an average consumption, in terms of this section, at its election or where practicable, or during the interval between successive readings of the measuring device.
- (5) Until such time as a measuring device has been installed in respect of water supply to a consumer, the estimated or shared consumption of that consumer must be based on the average consumption, during a specific period, of water supplied to the specific supply zone within which the consumer's premises is situated.
- (6) Where it is not reasonably possible or cost-effective to measure water supplied to each consumer within a determined supply zone, the Municipality may determine a tariff or charge based on the estimated or shared consumption of water supplied to that supply zone.
- (7) The Municipality must, within seven (7) days, or such other reasonable period, measure the quantity of water supplied to the consumer at a time or on a day other than that on which it would normally be measured:-
  - (a) on receipt of a written request, on the prescribed form, from the consumer; and
  - (b) subject to the consumer making payment of any prescribed charges; and
  - (c) upon the consumer complying with any other prescribed conditions imposed on it by the Municipality, in order for the fulfilment of this subsection.
- (8) Where the Municipality has placed limitations or restrictions on the usage of water services, for specific levels of service, and any consumers have consumed services in excess of such limitation, the Municipality may determine the amount of water services consumed by any such consumer, in any manner practicable and reasonable by the Municipality and impose any such charge on the consumer regardless of the level of service of the consumer.

## **20. Defective meters**

- (1) If a consumer has reason to believe that a meter, used for measuring water, which was supplied to him or her by the Municipality, is defective, he or she may, against payment of the prescribed fee, and completion of the prescribed application form in the manner required by the Municipality, make application in writing for the meter to be tested.
- (2) The prescribed fee referred to in subsection (1) above, will be:-
  - (a) retained by the Municipality if the meter is found in terms of subsection (3) below not to be defective; or
  - (b) refunded to the Applicant or applied as a credit on the consumer's municipal account if the meter is found, in terms of subsection (3) below to be defective.
- (3) A meter to which the regulations relating to water meters published under the Trade Metrology Act No. 77 of 1973, or any other applicable legislation, are applicable, will be deemed to be defective if, when tested in accordance with SABS 1529 part (i), or any other

applicable SABS standard or international standard, it is found to have a percentage error in over-registration or under-registration greater than that permitted for a meter in use in terms of that specification.

- (4) A meter of a size greater than one hundred millimetre diameter, to which the specification referred to in subsection (3) above is not applicable, shall be deemed to be defective if it is found to have a percentage error in over-registration or under-registration greater than 10% at any one of the rate flows when tested at the following percentages of its designed maximum rate of flow, or upon application of any other applicable criteria considering the specific meter, as the case may be:-
  - (a) 75% or more of the design maximum flow;
  - (b) between 50% and 55% of the design maximum flow; and
  - (c) between 50% and 20% of the design maximum flow.
- (5) In addition to applying the provisions of subsection (4) above, if the meter is found to be defective, the Municipality may:-
  - (a) repair the meter or install another meter which is in good working order, without charging the consumer, unless the costs thereof are recoverable from the consumer where the consumer has tampered with the meter or in any other way caused damage to the meter; and
  - (b) determine the quantity of water services for which the consumer will be charged, in terms of this By-Law, or by estimate.
- (6) A consumer is entitled, upon giving the Municipality written notice of his or her intention to be present at the testing of any meter in which the consumer has an interest, and, upon payment of any such prescribed fee as may be determined by the Municipality, to so present.
- (7) Any meter removed by the Municipality for testing, must be retained intact and must be available for a period of three (3) months after testing, or such other period required by the Municipality.

## **21. Adjustment of quantity of water supply through defective meter**

- (1) If a meter is found to be defective, the Municipality may estimate the quantity of water supply to the consumer concerned during the period in which, in its opinion, such meter was defective, on the basis of the average daily quantity of water supply to him or her over:-
  - (a) a period between two or three successive measurements subsequent to the replacement of the meter;
  - (b) the period between three successive measurements prior to the meter becoming defective;
  - (c) any such previous successive average period used by the Municipality prior to the meter becoming defective; or
  - (d) in any other practicable manner determined by the Municipality.

- (2) If the quantity of water supply to a consumer, during the period when his or her meter was defective, cannot be adequately estimated in terms of subsection (1) above, by quantifying the average use of the consumer by determining the value from the water supply to the specific zone within which the consumer's premises is situated, a consumer may, within a period of fourteen days of receiving any such account containing calculations determined in terms of this section, appeal any such decision provided for in this By-Law, in a manner provided for in this By-Law or otherwise provided by the Municipality.
- (3) A consumer must pay any amount which it does not dispute in terms of this subsection, where the dispute forms part of a lawful appeal, in terms of this By-Law.

## **22. Special measurement**

- (1) If the Municipality wishes, for purposes other than charging for water consumed, to ascertain the quantity of water which is used in a part of the water installation, it may, by written notice, ~~advise the owner concerned of its intention to install a meter at such point~~ in the water installation as it may specify, and on such terms and conditions prescribed by the Municipality.
- (2) The installation of a meter referred to in subsection (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 of this By-Law relating to any meter or device installed by the Municipality, whether on the consumer's premises or not, shall apply.

## **23. Pre-paid meters**

- (1) The Municipality may install pre-paid meters at its sole discretion upon the consumer tampering with any meter or contravening the provisions of the By-Law, or, upon the written request of a consumer, but only:-
  - (a) when it reasonably deems such installation to be necessary in order to achieve the objectives or to implement the provisions of this By-Law;
  - (b) if it is practical and cost effective to do so;
  - (c) If it is possible to do so; and
  - (d) upon the consumer complying with all conditions imposed on him or her in order to obtain pre-paid meters, including the payment of any prescribed fees.
- (2) All costs of installation of a pre-paid meter in terms of subsection (1) above, shall be borne by the consumer and may include the following:-
  - (a) the costs of any application;
  - (b) the costs of the pre-paid meter;
  - (c) the cost of removal of any existing meter;
  - (d) the cost of installation of the pre-paid meter and any incidental installation costs;



- (e) the costs of labour required for such installation.
- (3) The provisions of this By-Law shall, at all times, apply to the operation and use of any pre-paid meter approved in terms of this section and this section does not constitute a waiver of the Municipality's rights to rely on or enforce this By-Law.

### **CHAPTER 3**

#### **[Installation of Water Services]**

#### **Part 1: Approval of work and pipes and fittings**

#### **24. Approval of installation work**

- (1) If an owner or consumer wishes to have installation work done, then he or she must first obtain the Municipality's written approval, but the approval is not required:-
  - (a) in the case of water installations in dwelling units or installations where no fire installation is required in terms of any SANS code or any applicable standard;
  - (b) for the repair or replacement of an existing pipe or water fitting other than a fixed water heater and its associated protective devices.
- (2) Application for the approval referred to in subsection (1) above, must be made on the prescribed form, and must be accompanied by:-
  - (a) the prescribed tariff, or charge, as applicable;
  - (b) copies of any drawings as prescribed by the Municipality, giving information in the form required in clause 4.1.1 of SABS code 0252: part (i), or any other applicable standard, or as required by any other applicable By-Law or legislation;
  - (c) a certificate from a person approved by the Municipality, certifying that the installation has been designed in accordance with SABS 0252: part (i) or has been designed in accordance with the prescribed requirements of the Municipality;
  - (d) the provisions of subsections (1) and (2) above shall not apply to a plumber who replaces a fixed water heater or its associated protective device;
  - (e) approval given in terms of subsection (1) above, lapses at the expiry of a period of twenty four (24) months after the first day of the month after the month in which the authority is given, or such other period as prescribed by the Municipality;
  - (f) a complete set of approved drawings or installation work must be available at the site of the work at all times until such work has been completed, where permission for works is required in terms of subsection (1) above;
  - (g) if installation work has been performed in contravention of subsection (1) and (2) above, then the Municipality may, by written notice require the owner of the premises concerned:-
    - (i) to rectify the contravention within a specified period; to seize the performance of such work; to remove all such work which does not comply with this section; or

- (ii) to perform any other action or take any other steps which the Municipality deemed necessary in order to ensure compliance with this section.

## **25. Persons permitted to perform installation work**

- (1) A person, except a plumber or a person working under a plumber, or any such other person registered with the SAQCC for the water supply industry, may not:-
  - (a) perform 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 provided by an owner in a water installation.
- (2) No person shall require or engage a person who is not a registered plumber or such other person registered with the SACQQ, to perform the work mentioned in subsection (1) above.
- (3) The provisions of subsection (1) above shall not apply to a person acting in the scope of his or her employment with a registered plumber or a registered contractor or such other person registered with SAQCC to perform such works.
- (4) Notwithstanding the provisions of subsection (1) above, a person who, in terms of any law in force, immediately prior to the commencement of this By-Law, who was entitled to do the work described in subsection (1), may continue to do such work for a period not exceeding twelve (12) months after this By-Law became effective.
- (5) Notwithstanding the provisions of subsection (1) above, the Municipality may permit a person who is not a registered plumber or a registered contractor or such person registered with SAQCC to perform such works, to perform installation work on his or her own behalf on premises owned and occupied solely by himself or herself, and his or her immediate household, providing that such work may be inspected and approved by a person registered with the SAQCC for the water supply industry, in the category appropriate to the work being undertaken, upon the conditions and direction of the Municipality.
- (6) Approval of such works referred to in subsection (5) above must be approved by the Municipality in writing, upon receipt of written application.

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

- (1) An owner must provide and maintain a water installation at his or her own cost and must ensure that the installation is situated within the boundary of his or her premises, except:-
  - (a) in the case of a connection to a connection pipe; or the where permitted in terms of this By-Law or any other applicable By-Law or any other applicable legislation.
- (2) Before performing work in connection with the maintenance of a portion of his or her water installation, which is situated outside the boundary of his or her premises, an

owner must obtain the written consent of the Municipality or the owner of the land on which such portion is situated, as the case may be.

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

- (1) Notwithstanding the requirement that a certificate be issued in terms of this By-Law, as required by the Municipality, all water installations shall comply with SABS code: 0252 parts (i), and all fixed electrical storage water heaters shall comply with SABS code: 0254, or any other applicable codes or standards, as the case may be.
- (2) In addition to any requirement of SABS code: 0252 part (i) as described above, or any other applicable standard, the consumer must at his or her expense, or the Municipality may in its discretion and at the consumer's expense, and for the consumer's exclusive use, provide and install a stopcock at a suitable point inside the boundary of the premises on the consumers side of the meter leading to the water installation.

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

- (1) No person shall, without the prior written approval of the Municipality, install or use a pipe or water fitting in a water or drainage installation within the Municipality's area of jurisdiction, unless it is included in the schedule of approved pipes and fittings, the SANS or SABS list of water saving features or such approved pipes and fittings communicated to any person upon written request by such person.
- (2) A pipe or water fitting may be included in such schedule or list referred to in subsection (1) above, if:-
  - (a) it bears the standardization mark of the SABS in respect of the relevant SABS specification issued by the bureau; or
  - (b) it pays a certification mark issued by the SABS to certify that the pipe or water fitting complies with an SABS mark specification or a provisional specification issued by the SABS, provided that no certification mark shall be issued for a period exceeding two (2) years;
  - (c) the Municipality may, in respect of any pipe water fitting included in such schedule or list mentioned in subsection (1) above, impose such additional conditions as it may deem necessary in respect of the use or method of installation of any such pipe or water fitting, or any matter incidental thereto;
  - (d) a type of pipe water fitting may be removed from the schedule or lists referred to in subsection (1) above, if it:
    - (i) no longer complies with the criteria upon which its inclusion was based; or
    - (ii) is no longer suitable for the purpose for which its use was accepted.
- (3) The current schedule/list referred to in subsection (1) above, may be made available for inspection at the office of Municipality, upon written request in the prescribed format, during such hours and times provided by the Municipality.
- (4) The Municipality may sell copies of the current schedule/list, at a rate prescribed by the Municipality.

- (5) An application for the inclusion of a pipe or water fitting in the schedule/list referred to in subsection (1) above, must be made in writing on the prescribed form, and upon payment of any prescribed fees required by the municipality, and the Municipality's decision whether or not to include such pipe or fitting in the schedule/list referred to in subsection (1) above, may be made after considering any relevant criteria.
- (6) All pipes and water fittings must have the least adverse effect on the water resources of the Municipality and that of the environment.

#### **29. Isolation valve**

- (1) an owner must install an isolating valve, item or material, and:-
  - (a) in the case of a meter installed outside the boundary, at a suitable point on a service pipe immediately inside the boundary of the property; and
  - ~~(b) in the case of a meter installed on the premises, at a suitable point on his or her service pipe;~~
  - (c) or at any other such place prescribed by the Municipality.

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

- (1) all terminal water fittings and appliances using or discharging water must 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; and
  - (b) the flow rates, 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; or
    - (iv) any other rates or pressures determined by the Municipality.

#### **31. Unlawful water installation**

- (1) Where any installation work has been constructed in contravention of this By-Law, the owner must, upon receiving a compliance notice issued by the Municipality, carry out such alterations to the installation as prescribed in the notice.
- (2) Notwithstanding subsection (1) above, the Municipality may take any steps necessary in order to compel compliance with this By-Law, or any other legislation, including taking steps in terms of this By-Law or otherwise as provided for in law.

### **PART 2 - SPECIFIC INSTALLATIONS**

#### **32. Pipes in the street or public places**

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

### **33. Special provision for fire services**

- (1) Any water installation for the provision of water for firefighting for related purposes, must comply with the provisions of capital SABS code: 0252-1: 1994, or any provisional substitution thereof, or any such similar standard.
- (2) Notwithstanding the provisions of subsection (1) above, any special provisions contained in this By-Law, any other applicable By-Law or legislation, shall apply to water supplied for the purpose of firefighting.

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### **34. Dual and combined installations**

- (1) 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 any official or employee of the Municipality in charge with the approval of plans, or any other employee of the Municipality, the boosting of any 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, or, such alternative system as required by the Municipality;
  - (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 paragraph (b) above, a fire hydrant must be provided by the Municipality, at the consumer's expense, within ninety (90) meters of the property, to provide a source of water for the use of the crew of any firefighting official sent to extinguish a fire or perform any other function; and
  - (d) all pipes and fittings must be capable of handling pressures in excess of 1015 kPa, or any other pressure or requirement prescribed by the Municipality, which could be expected when boosting takes place and must be designed to maintain their integrity when exposed to fire conditions.

### **35. Connection pipe for fire extinguishing services**

- (1) A single connection to the water supply system, to serve a connection pipe for a fire installation, excluding a sprinkler system, may be provided by the Municipality.
- (2) The municipality may provide and install at its cost, a meter on the connection pipe referred to in subsection (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 subsection (3) above, may

be made, nor may any water therefrom be used, except in connection with an automatic sprinkler and drencher, a hydrant connection or a hose-reel connection, or for any pressure tank connection therewith, and such tank must be controlled by an approved fitting.

- (5) A separate connection pipe must be laid and used for every fire sprinkler extinguishing system, unless otherwise approved in writing by the Municipality.

### **36. Inspection and approval of fire extinguishing installation**

- (1) 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 any other applicable By-Law or applicable legislation; and
  - (c) the fees required by the Municipality for such inspection and testing have been paid after receipt of written request for same and completion of any prescribed forms.

### **37. Connection at the instance of the Municipality**

- (1) The Municipality is entitled, at its absolute discretion, to grant or refuse an application for the connection of a fire extinguishing installation to its main.
- (2) If, in its opinion, a fire extinguishing installation which it has allowed to be connected to its main, is not being kept in proper working order or is otherwise not being properly maintained, or is being used in contravention of this By-Law, the Municipality is entitled either:-
  - (a) to require the installation to be disconnected from the main;
  - (b) that it itself carry out the work of disconnecting the installation at the expense of the owner or consumer as the case may be; or
  - (c) to take any other steps necessary as contemplated in this By-Law or any other applicable By-Law and legislation.

### **38. Metering of fire extinguishing pipe or installation**

- (1) The Municipality is entitled to install a water meter on any connection pipe used for fire extinguishing purposes in any manner required by the Municipality and the owner of the premises or consumer as the case is liable for the whole of the costs if it appears to the Municipality that water has been drawn from the pipe or installation, otherwise than for purposes of extinguishing a fire.
- (2) The Municipality may charge any fees it deems appropriate, to any owner or consumer as the case may be, where the Municipality has determined that water has been drawn from any such firefighting pipe or insulation for use other than for firefighting purposes and may take any other steps against such owner or consumer in order to recover any wasted resources and unlevied charges.

### **39. Sprinkler extinguishing installation**

- (1) A sprinkler installation may be linked directly with the main, but the Municipality is not bound to guarantee any specified pressure at any time.
- (2) The Municipality shall not be liable for any damages that arises from an owner or consumer making any installation in terms of subsection (1) above.

**40. Header Tank or double supply from main**

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

**41. Sealing of private fire hydrant**

- (1) Except in the case of a fire installation supplied through a connection pipe fitted with a meter, a private hydrant and a hose-reel must be sealed by the Municipality and such seal may not be broken by any person other than the Municipality, in the course of servicing and testing, except for the purpose of opening the hydrant in the case of a fire.
- (2) Every owner or consumer must give the Municipality at least seven working days' notice, or such alternative period as required by the Municipality, of his/her intention to cause a fire extinguishing installation to be tested.
- (3) The cost of resealing a hydrant and a hose-reel referred to in subsection (1) above, must be borne by the consumer, except when such seal is broken by the Municipality's employee for testing purposes.
- (4) Any water consumed after the breaking of the of the seal, where such has taken place other than by the Municipality, must be paid for by the consumer at the fees determined by the Municipality.
- (5) The quantity of water consumed as contemplated in subsection (4) above, must be determined by the Municipality.

**42. Valves in connection pipe**

- (1) Every connection pipe to a fire extinguishing installation, must be fitted with valves and a measuring device which is:-
  - (a) supplied by the Municipality at the expense of the owner;
  - (b) installed between the owner's property and the main;

- (c) installed in such position as may be determined by the Municipality; or upon such other terms and conditions prescribed by the Municipality.

### **PART 3 - BOREHOLES**

#### **43. General matters relating to boreholes**

- (1) The Municipality may, by notice, 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 or consumers as the case may be, to notify it, together with such conditions as required, of the existence of a borehole on such premises, and provide the Municipality with such information in respect thereof as it may require; and
  - (b) the owner or occupier of any premises who intends to sink a borehole on such premises, to notify it on the prescribed form of such intention, before work in connection therewith is commenced.
- (2) The owner or occupier of any premises, who intends to sink a borehole, shall undertake an environmental impact assessment for such intended borehole, to the satisfaction of the Municipality, before sinking the borehole, and in accordance with EIA standards, or any other such standards determined by the Municipality, which standards may be obtained from the offices of the Municipality.
- (3) The Municipality may, after considering an assessment referred to in subsection (2) above, in writing, approve the sinking of such intended borehole. Provided that such assessment must consider and the Municipality must be consider, to the satisfaction of the Municipality, at least the following:-
- (a) the impact on the environment and surrounding community; and
  - (b) the quality of the water extracted.
- (4) The Municipality may, require any owner or consumer of any premises, as the case may be, to undertake any prescribed environmental impact assessment, where no such assessment exists for any borehole that has already been sunk prior to the operation of this By-Law, or which is otherwise sunk in contravention of this By-Law, any other applicable By-Law or legislation.
- (5) Any notice to an owner or consumers as the case may be, contemplated in terms of section (4), shall be on any such reasonable terms as prescribed by the Municipality.
- (6) The Municipality may refuse any intended sinking of a borehole, upon receiving any environmental assessment, or which in the opinion of the Municipality, may contravene any provisions of this By-Law, any other applicable By-Law or legislation, or would otherwise cause harm to the Municipality or the public.
- (7) Notwithstanding the provisions of this section, the Municipality may, by notice, require an owner or occupier who has an existing borehole used for water services, to obtain approval from it for the use of such borehole, for potable water supply services in accordance with the Water Services Act or any other legislation, or if it is in the interest of the Municipality to do so.



- (8) The Municipality may, in any notice contemplated in terms of this section:-
- (a) impose conditions in respect of the use of a borehole for potable water services or any other services;
  - (b) impose a fixed charge in respect of the use of a borehole or any other charges related to the use thereof; and
  - (c) Decommission any borehole and/or withdraw and borehole permit, with any such further conditions which the Municipality may determine.

## **CHAPTER 4**

### **[Miscellaneous matters relating to water]**

#### **PART 1 - MISCELLANEOUS**

##### **44. Use of water from sources other than water supply system**

- (1) No person shall use or permit the use of water obtained from a source other than the water supply system, except rainwater tanks, which are not connected to the water installation, except with the prior written approval of the Municipality, after having received a written application, and in accordance with any conditions as may be imposed by the Municipality, for domestic, commercial or industrial purposes, as the case may be.
- (2) Any person desiring the approval referred to in subsection (1) above, shall provide the Municipality with satisfactory evidence, to the effect that the water referred to in that subsection, complies, whether as a result of treatment or otherwise, with the requirements of SABS specification 241-1984: water for domestic supplies, published in the Government Gazette under general notice 2828, dated 20 December 1985, as amended, as the case may be, or with any other applicable national legislation or standard, or, that the use of such water does not or will not constitute a danger to health.
- (3) Any approval given in terms of subsection (1), above, may be withdrawn if, in the opinion of the Municipality:-
  - (a) a condition posed in terms of subsection (1) is breached;
  - (b) the water no longer conforms to the requirements referred to in subsection (2) above; or
  - (c) the use of such water would contravene the provisions of this By-Law, any other applicable By-Law or legislation.
- (4) If water obtained from a borehole or other source of supply on any premises is used for a purpose which gives rise to the discharge of such water or a portion thereof into the Municipality's sewerage system, the Municipality may require that any such consumer, or the Municipality at the expense of the consumer, installs a meter in the pipe leading from such borehole or other source of supply, to the point or points where it is so used.

##### **45. Sampling of water**

- (1) The municipality may take samples of water obtained from a source other than the water

supply system and cause the samples to be tested for compliance with the requirements referred to in this By-Law, any other applicable By-Law, legislation or national norms and standards.

- (2) The prescribed charge for the taking and testing of the samples referred to in subsection (1) above, shall be paid by the person to whom consent to use the water was granted in terms of this By-Law, or any other lawful approved consent.
- (3) Where the Municipality has reason to believe that water provided to any consumer or premises or drawn from any such consumer or premises, is of a standard below that required in terms of this By-Law, any other applicable By-Law, legislation or national norms and standards, the Municipality may, for the purpose of determining this, require that any water be tested and the costs associated with the testing thereof shall be borne by the person using the water, provided that the Municipality may require such person to, if it chooses, firstly, take its own tests, at its own cost, but to the satisfaction of the Municipality.

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**46. Supply of non-potable water by the municipality**

- (1) The municipality may, on application in terms of this By-Law, other applicable By-Law or otherwise in terms legislation, agree to supply non-potable water to a consumer, of its choice, subject to such terms and conditions as the municipality may impose.
- (2) Any supply of water agreed to in terms of subsection (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 hazard.
- (3) No warranty, expressed or implied, shall apply to the purity of any non-potable water supplied by the Municipality or its suitability for the purpose for which the supply was granted.
- (4) The applicant for such water as contemplated in terms of subsection (1) above, shall ensure that the water is tested and is of a suitable nature for the purpose for which it is required.
- (5) 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 and loss to himself, herself or others arising directly or indirectly therefrom, including the consequences of any bona fide fault of the Municipality or the malfunction of a treatment plant.

**47. Testing of pressure in system**

- (1) The municipality may, on application by an owner and upon payment of the prescribed charges and compliance with any conditions imposed by the Municipality, determine and furnish the owner with the value of the pressure in the water supply system, relating to his or her premises, over such period as the owner may request.

**48. Warning Notices**

- (1) On premises on which non-potable water is used, the owner shall, ensure that every terminal water fitting and every appliance, which supplies or uses the water, is clearly marked with a weatherproof notice, indicating that the water therefrom is water not suitable for domestic purposes.
- (2) In an area where treated sewage and effluent is used, the owners shall erect weatherproof

notices in prominent positions, warning that such effluent is not suitable for domestic purposes.

- (3) Every warning notice prescribed in terms of subsections (1) and (2) above, shall be in more than one (1) official language and shall include the symbolic sign for non-potable water, sign PD5 as described in a SABS 1186, or any other applicable national norms and standard and shall be approved for use by the Municipality before being used.

#### **49. Water audit**

- (1) Major water users, being those using 3650 kilolitres per annum, or such other quantity as categorized by the Municipality, excluding those comprising multiple dwelling units, shall undertake, as and when required by the municipality, a water audit.
- (2) The audit referred to in subsection (1) above shall detail at least the following:–
  - (a) the amount of water used during the financial year;
  - (b) the amount paid for water for the financial year;
  - (c) the number of people living on the stand or premises;
  - (d) the number of people permanently working on the stand or premises;
  - (e) the comparison of the above factors with those reported in each of the previous three (3) years, where applicable;
  - (f) seasonal variation in demand and monthly consumption figures
  - (g) details of water pollution monitoring methods;
  - (h) details of current initiatives to manage the demand for water by the major water user;
  - (i) details of plans to manage the demand for water;
  - (j) comparison of the above factors with those reported in each of the previous three (3) years, where applicable; and
  - (k) the estimate of consumption by various components of the use.
- (3) Notwithstanding subsection one above, the Municipality may require any other consumer to perform a water audit in terms of this section, on any terms and conditions imposed by the Municipality.

#### **50. Water demand management**

- (1) A showerhead with a maximum flow rate of greater than 10 litres per minute, may not be installed in any water installation where:–
  - (a) the dynamic water pressure is more than 200 kPa at a shower control valve;
  - (b) the plumbing has been designed to balance the water pressure on the hot and cold water supplies to the shower control valve.

- (2) The maximum flow rate from any tap installed on a wash hand basin, may not exceed 6 litres per minute.
- (3) The council may, by resolution, amend the amounts and values contained in subsections (1) and (2) above in order to preserve the resources of the municipality and may impose any additional conditions on consumers, in order to preserve water.
- (4) The council may, by resolution, determine any other measures which the consumer must take and/or implement, in order to conserve and protect the water resources of the Municipality.

## **CHAPTER 5**

### **[Sanitation Services]**

#### **PART 1 - DISPOSAL OF SEWAGE**

##### **51. Objectionable discharge of sewage**

- (1) No person shall cause or permit any solid, liquid, gaseous or other substance to be discharged in any manner whatsoever, into:-
  - (a) Any stormwater drain, stormwater sewer, excavated or constructed water course;
  - (b) Any river, stream, natural water course or any public water, whether ordinarily dry or otherwise, or other water source; or
  - (c) Any street, premises or land.
- (2) No person shall, other than in compliance with the permissions granted in terms of this By-Law or any other permission provided by the council, discharge or permit the discharge or entry into the sewage disposal system of any sewage or other substance:-
  - (a) Which does not comply with the standards and criteria prescribed in this By-Law or any other applicable legislation;
  - (b) Which contains any substance in such concentration or otherwise, which will produce or is likely to produce, in the final treated effluent at any treatment works or water outfall discharge point or any public water, any offensive or otherwise undesirable taste, colour, odour, consistency or which may have the propensity to adversely affect the Municipality's ability to adequately provide water services;
  - (c) Which may prejudice the re-use of treated sewage or adversely affect any of the processes in terms of which sewage is purified for re-use or treated to produce sludge for disposal;
  - (d) Which contains any substance or content of whatsoever nature, which is not capable of being treated at a treatment works to the satisfaction of the Municipality, or, which causes or is likely to cause a breakdown or inhibition of the processes of such works;
  - (e) Which may inhibit the unrestricted conveyance of sewage in any process of the sewage disposal system;
  - (f) Which in the opinion of the Municipality, upon reasonable grounds, may cause harm to the Municipality and its ability to provide water services.

- (3) No person shall cause or permit any storm water to enter the sewage disposal system.
- (4) An authorised official may, by written notice, order the owner or occupier of any premises to conduct, at his or her own costs, periodic expert inspections and reports, to the satisfaction of the Municipality, of the premises, in order to identify precautionary measures, which would ensure compliance with these By-Laws, any other applicable legislation or council resolution, and to report such findings to the Municipality.
- (5) If any person becomes aware of any contravention of these By-Laws, he or she shall immediately inform the Municipality of such contraventions.

## **52. Special agreement for disposal of sewerage**

- (1) The Municipality may enter into a special agreement for the disposal or discharge of sewage with:-
  - (a) A person, entity within the Municipality's area of jurisdiction, if the disposal necessitates the imposition of conditions not contained in this By-Law;
  - (b) A person, entity outside the Municipality's area of jurisdiction;
  - (c) Any other person or entity which, in the opinion of the Municipality, requires the entering into of a special agreement for any issue related to disposal of sewerage.
- (2) The Municipality shall determine all terms and conditions necessary to be included in such special agreement, provided such special agreement does not conflict with any provisions of this By-Law, any other applicable By-Law or the Act.

## **53. Provision of Connecting Sewer**

- (1) If a service contract for the use of the sewage disposal system exists and no Connecting Sewer exists in respect of the premises, then the owner or occupier of the premises must immediately apply to the Municipality of the prescribed form, for a Connecting Sewer to be installed and:-
  - (a) Must pay the prescribed fee for the installation of such Connecting Sewer; or
  - (b) With the approval of the Municipality, may install the Connecting Sewer in accordance with any specifications and conditions determined by the Municipality.
- (2) If the owner applies for use of the sewage disposal system on premises which is so situated in such a manner that it is necessary to extend the sewer in order to connect the sewage disposal system to the premises, then the Municipality may agree to the extension on such terms and conditions as it deems necessary.
- (3) Only the Municipality may install or approve an installed Connecting Sewer, which approval must be in writing.
- (4) The owner or consumer may, if permission in writing be granted by the Municipality, connect the sanitation installation to the Connecting Sewer.
- (5) A person may not commence with any development on any premises unless the Municipality has installed a Connecting Sewer, or provided permission in writing to such person.

#### **54. Location of Connecting Sewer**

- (1) A Connecting Sewer provided and installed by the Municipality, or owner in terms of this By-Law, must:-
  - (a) be located in a position determined by the Municipality and be of such a size determined by the Municipality; and
  - (b) terminate at a connection point approximately one metre inside the premises from the boundary of the land owned by or vested in the Municipality for over which the Municipality has a servitude or other right, provided that the Municipality shall determine any other such specifications.
- (2) In determining the location of a Connecting Sewer, the Municipality may consider and determine:-
  - (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; and
  - (c) whether or not the Municipality requires the owner or occupier to fix the location of the Connecting Sewer by providing a portion of his or her water installation at or outside the boundary of his or her premises for the Municipality to connect to such installation.
- (3) An owner or occupier of premises, must pay the relevant charge before a connection to the Connecting Sewer can be effected.
- (4) Where an owner is required to provide a sewage lift as provided for in terms of the Building regulations, the Municipality must approve the rate and time of discharge into the sewer.

#### **55. Provision of one Connecting Sewer for several consumers of the same premises**

- (1) Subject to sub-section (2)(b) below, only one Connecting Sewer to the sewage disposal system may be provided for the disposal of sewage from any premises, irrespective of the number of accommodation units or consumers located on such premises.
- (2) Where the owner, occupier or person in charge of the premises or management of any premises on which several accommodation units are situated, requires the disposal of sewage from several accommodation units, the Municipality may provide and install, on such terms as it deems necessary, 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, occupier, person in charge of the premises or person in charge of 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) is liable to the Municipality for the tariffs and charges for all sewage disposed from the premises through such a single Connecting Sewer, irrespective of the fact that, by such Connecting Sewer, different quantities of sewage are disposed by the different consumers served.
- (4) Despite sub-section (1) above, the Municipality may authorise that more than one Connecting Sewer be provided on the sewage disposal system for the disposal of sewage from any premises comprising sectional title units or when, 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, the tariffs and charges for the provision of a Connecting Sewer must be paid in respect of each sewage connection so provided.

**56. Inter-connection between premises**

- (1) An owner of one or more premises must, subject to sub-section (2) below, ensure that no inter-connection exists between the draining installation on his or her premises and the drainage installation on any other premises.
- (2) Inter-connection may exist, only if an owner has:-
  - (a) obtained prior written consent from the Municipality; and
  - (b) complied with any conditions that the Municipality has imposed.

**57. Disconnection of Drainage Installation from Connecting Sewer**

- (1) The Municipality may disconnect a drainage installation from the Connecting Sewer and remove the Connecting Sewer if:-
  - (a) the agreement for provision has been terminated and the Municipality has not received an application for subsequent provision into the premises, served by the sewer within a period of ninety (90) days of such termination;
  - (b) the building on the premises concerned has been demolished; or
  - (c) the Municipality has made application to any competent court for an Order disconnecting any such drainage installation.

**58. Septic Tanks and on-site sewerage treatment plants**

- (1) The Municipality may, on such conditions as it may specify, approve the disposal of sewage or other effluent by means of septic tanks or other onsite sewage treatment plants.
- (2) A septic tank or other on-site sewage treatment plant may not be situated nearer than 5 metres to any dwelling, unit or boundary of any premises on which such septic tank or other onsite sewage treatment plant is situated.

- (3) Effluent from a septic tank or other onsite sewage treatment plant must be disposed of to the satisfaction of the Municipality, and only if provided with written permission to do so.
- (4) A septic tank must be water-tight, securely covered and provided with gastight means of access to its interior, which is adequate to permit the inspection of the inlet and outlet pipes and adequate for the purpose of removing sludge.
- (5) 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 invert level of 2500 litres;
  - (b) have an internal width of not less than one metre measures 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 metres; and
  - (d) retain liquid to a depth of not less than 1.4 metres.
- (6) Septic tanks serving premises other than a dwelling unit must be designed and certified by a professional engineer and to the satisfaction of the Municipality.

#### **59. French drains and other approved works**

- (1) The Municipality may approve the disposal of waste water or other effluent by means of a French drain, soakage pit or other approved works on such conditions as it may specify, having regard to the quantity and nature of the effluent and nature of the soil or other material, as determined by the relevant prescribed SANS test.
- (2) A French drain, soakage pit or other similar works, may not:-
  - (a) be situated closer than 5 metres to any dwelling unit or to any boundary of any premises on which it is situated;
  - (b) be in any position which will cause or is likely to cause contamination of any borehole or other source of water which is or may be used for drinking purposes; or
  - (c) cause dampness in any building.
- (3) The dimensions of any French drain, soakage pit or other similar work must be determined in relation to the absorbent qualities of the soil or similar material and the nature and quantity of the effluent or disposed substance.
- (4) The design of French drains serving premises other than a dwelling house must be approved in writing and certified by the Municipality.

#### **60. Conservancy tanks**

- (1) The Municipality may, on such conditions as it may specify, approve the construction of a conservancy tank and ancillary appliances for the retention of any sewage or effluent.



- (2) No rain water, storm water or effluent other than that approved by the Municipality may be discharged into a conservancy tank.
- (3) No conservancy tank may 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, 100 metres in internal diameter, made of wrought iron, cast iron or such other approved material and, except if otherwise approved by the Municipality, an approved valve and fitting for connection to removal vehicles;
  - (d) the valve and fittings referred to in (c) above, or the outlet end of the pipe, as the case may be, are located in a chamber having an approved hinge cover and situated in such position as required by the Municipality;
  - (e) access to the conservancy tank is provided by means of an approved manhole fitted with a removable cast iron cover placed immediately above the visible spigot of the inlet pipe;
  - (f) otherwise approved in writing on such terms and conditions as may be necessary, by the Municipality.
- (4) The Municipality may, having regard to the position of a conservancy tank or the point of connection for a removal vehicle, make it a condition of its emptying of the tank, that the owner or consumer must indemnify the Municipality, against any liability for any damages that may result from rendering that service.
- (5) Where the removal vehicle has to traverse private premises for the emptying of a conservancy tank, the owner must:-
  - (a) provide a roadway at least 3.5 metres wide, so hardened as to be capable of withstanding a wheel load of 4 metric tonnes in all weather condition; and
  - (b) ensure that no gateway through which the vehicle is required to pass to reach the tank, is less than 3.5 metres wide.
- (6) The owner or occupier of premises on which a conservancy tank is installed must at all times maintain the tank in good order and condition, to the satisfaction of the Municipality.

#### **61. Operation and maintenance of on-site sanitation services**

- (1) The operation of maintenance of on-site sanitation services and all costs pertaining thereto remain the responsibility of the owner of the premises.

#### **62. Disused conservancy and septic tanks**

- (1) If a conservancy tank or septic tank is no longer required for the storage or treatment of sewage, or if permission for such use is withdrawn, then the owner must:-
  - (a) cause it to be completely removed to the satisfaction of the Municipality; or
  - (b) cause it to be completely filled with earth or other suitable material, to the satisfaction

of the Municipality.

(2) The Municipality may:-

- (a) require the tank to be reasonably dealt with in another manner; or
- (b) approve the use of the tank for other purposes subject to such conditions as the Municipality may impose.

## **PART 2 - DRAINAGE INSTALLATIONS**

### **63. Approval and maintenance of drainage installations**

(1) An owner or occupier of any premises must provide and maintain his or her drainage installation at his or her own cost and must ensure that the installation is situated within the boundary of his or her premises, except where otherwise approved.

(2) The Municipality may:-

- (a) specify in any approval:
  - (i) the point in a sewer, in respect of which a drainage installation is to be connected;
  - (ii) the depth below the ground which a drainage installation is to be connected;
  - (iii) the route to be followed by the drain to the connecting point;
  - (iv) any other condition and requirement it may determine; and
- (b) require the owner not to commence with the construction or connection of the drainage installation, until the Municipality's Connecting Sewer has been laid and any other applicable conditions have been met.

(3) A drainage installation constructed or installed, must comply with at least:-

- (a) any applicable specifications in terms of the Building regulations;
- (b) any standards prescribed in terms of the Act or this By-Law;
- (c) any other conditions imposed by the council or in terms of any other applicable By-Law.

(4) A person may not permit the entry of any liquid, solid or any other such substance, other than clean water for testing purposes, to any drainage installation before the drainage installation has been connected to the sewer.

(5) The plumber or other applicable professional responsible for executing the work must, after the completion of any drainage installation or after any alteration to any drainage installation is completed, submit to the building inspection section of the Municipality, or any other such designated office 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 applicable legislation or By-Law.

- (6) No rain water, storm water, effluent or any other substance other than an effluent that has been approved by the Municipality, may be discharged into a drainage installation.

**64. Construction or installation of drainage installations**

- (1) Where the drainage installation is a pit latrine, it must be of a kind approved by the Municipality, having at least the following minimum specifications:-
- (a) a pit latrine of at least 2m<sup>3</sup> capacity;
  - (b) a suitable lining;
  - (c) a slab designed to support the superimposed loading;
  - (d) protection to prevent children from falling into the pit; and
  - (e) any other applicable minimum standards in terms of any legislation.
- 
- (2) A pit latrine must conform with at least the following specifications:-
- (a) the pit must be ventilated by means of a pipe, sealed at the upper end with insect-proof screening fixed in place;
  - (b) the ventilation pipe:-
    - (i) may not project less than 0.5 metres above the nearest roof;
    - (ii) must be of at least 150mm in diameter; and
    - (iii) must be installed vertically with no bend.
  - (c) The interior of the closet must be smoothly finished so that it can be kept in a clean and hygienic condition;
  - (d) the super structure must be ventilated in order to allow the free flow of air into the pit to be vented through the pipe;
  - (e) the opening through the slab must be of such size as to prevent fouling, and the rim must be raised so that liquids used for washing the floor do not flow into the pit; and
  - (f) the pedestal must be equipped with a lid to prevent the egress of flies and other insects when the toilet is not in use.
- (3) A pit latrine must be situated in a position that is independent of the residential structure and is accessible to a road vehicle having a width of 3m in order to facilitate the emptying of the pit.
- (4) In situations where:-
- (a) there is the danger of polluting and aquifer due to the permeability of the soil, the pit of a pit latrine must be lined with an impermeable material that will not crack under stress; and
  - (b) the ground in which the pit of the pit latrine is to be excavated is unstable, support is to be given to prevent the collapse of the soil into the pit.

- (5) A pit latrine may not be used than more than one household.
- (6) A pit latrine must have access to water for hand washing within 10 metres of the pit latrine.
- (7) The Municipality may levy a charge in the form of a monthly contribution, or levied as a single payment when the service is rendered, that covers all the operating and maintenance costs in the:-
  - (a) removal of the pit contents;
  - (b) transportation to a disposal site;
  - (c) treatment of the contents to achieve a sanitary condition;
  - (d) final disposal of any solid residues; and
  - (e) any other processes in respect of which the Municipality has incurred charges for.

#### **65. Disconnection of drainage installations**

- (1) Except for the purpose of carrying out maintenance or work, or where written approval has been granted by the Municipality, no drainage installation may be disconnected from the connection point.
- (2) Where any part of a drain installation is disconnected from the remainder thereof, because it will no longer be used, the disconnected part must, unless the Municipality approves otherwise in writing:-
  - (a) be destroyed;
  - (b) be entirely removed from the premises on which it was used; or
  - (c) be dealt with in any other manner provided for by the Municipality.
- (3) The Municipality must issue a certificate to certify that the disconnection has been contemplated in terms of the Building regulations, any other applicable legislation or By-Law of the Municipality:-
  - (a) after all the requirements of the Building regulations, applicable legislation or By-Laws, in regard to disconnection have been complied with; and
  - (b) on written request of the owner accompanied by any such documentation and charges payable to the Municipality.
- (4) When a drainage installation is to be disconnected from a sewer, the Municipality:-
  - (a) must ensure that the owner has sealed the opening so caused; and
  - (b) may recover the costs of any such work from the owner of the premises on which the installation is so disconnected.
- (5) The Municipality may determine the basis upon which any charge in respect of the connection or disconnection in terms of this section, is to be levied on the owner or

occupier of any such premises.

**66. Drains in public places or places not approved**

- (1) A person may not, except with the prior written permission of the Municipality and subject to such conditions and charges as it may impose, for the purpose of conveying sewage derived from whatever source, lay or construct a drain on, in or under a street, public place, land owned by, vested in or under the control of the Municipality, or any other such premises or place which has not been approved by the Municipality.

**67. Maintenance of drainage installations**

- (1) An owner or occupier of any premises must provide and maintain his or her drainage installation at his or her cost.
- (2) Where any part of a drainage installation is used by 2 or more occupiers or owners, they are jointly and severally liable for the maintenance of the installation, with the one paying the other to be absolved.
- (3) The owner of any premises, or occupier thereof:-
  - (a) must ensure that each sewage manhole on the premises is permanently visible and accessible, inclusive of any other drainage facility; and
  - (b) is responsible for ensuring that the visibility of each cleaning eye and manhole on the premises at all times.
- (4) Any person who requests the Municipality to clear a drainage installation is liable to pay the appropriate charge set out in the prescribed tariff or any such cost determined by the Municipality.
- (5) The Municipality may, on the written application of the owner of any premises or occupier thereof, inspect and test the drainage installation of the premises or a section thereof and may recover from the owner or occupier the cost of the inspection and tests, calculated at a rate determined by the Municipality, and after compliance with any such terms and conditions imposed by the Municipality.

**68. Technical requirements for drainage installations**

- (1) All drainage installations must comply with the relevant SANS specifications which are applicable at the given time, the Building regulations and any other applicable legislation, council resolutions or By-Laws.
- (2) Drains passing through ground which is liable to movement, must be laid on a continuous bed of river sand or similar granular material, not less than 100mm thick under the barrow of the pipe with a surrounding of similar material and thickness, and the joints of such drains must be approved flexible joints.
- (3) A drain or part thereof may only be laid within, pass under or through a building with the approval of the Municipality. A drain or part thereof which is laid in an inaccessible position, under a building, may not bend or be laid at a gradient less than 1:50.

- (4) If a drain passes through or under a wall, foundation or other structure then the owner of the premises or occupier thereof must take precautions to prevent the discharge of any substance into such drain.

#### **69. Sewer and drainage blockages**

- (1) A person may not cause or permit an accumulation of grease, oil, fat, solid matter or any other substance in any trap, tank or any fitting of a sewer or drainage which is likely to or has caused a blockage or ineffective operation of the relevant sewer or drainage installation.
- (2) When the owner or occupier of a premises has reason to believe that a blockage has occurred in any drainage installation on the premises, or any component of the sewage, he or she must immediately take steps to have it cleared.
- (3) When the owner or occupier of a premises has reason to believe that a blockage has occurred in the sewer system, he or she must immediately inform the Municipality thereof.
- (4) Where a blockage occurs in a drainage installation, any work necessary its removal must be done by or under the supervision of a plumber or such other suitably qualified professional.
- (5) Should a drainage installation on a premises overflow as a result of an obstruction in the sewer, and the obstruction was caused by objects emanating from the drainage installation, the owner of the premises served by the drainage installation is liable for the cost of clearing the blockage.
- (6) Where a blockage has been removed from a drain or portion of a drain which serves 2 or more premises, the owners and any occupiers of the premises are jointly and severally liable for the cost of clearing the blockage, provided that the Municipality may elect whether to sue the owner, occupier or both.
- (7) If a blockage in the sanitation system has been removed by the Municipality and such removal necessitated the disturbance of an owner's paving, lawn or other artificial surface, then the Municipality is not responsible for reinstating such paving, lawn or other artificial surface.

#### **70. Grease traps**

- (1) A grease trap of approved type, size and capacity must be provided:
  - (a) in respect of each premises that discharges sewage into on-site sanitation systems; or
  - (b) where the discharge of grease, oil, fat or other such substance is likely to:-
    - (i) cause an obstruction to the flow in sewer or drains; or
    - (ii) interfere with the proper operation of any waste water treatment plant.
- (2) Industrial effluent which contains, or is likely to contain grease, oil, fat or inorganic solid matter in suspension or any other such matter must, before it is allowed to enter any sewer, be passed through one or more tanks or chambers of approved type, size and

capacity designed to intercept and retain such grease, oil, fat or any other such matter whether solid or otherwise.

- (3) Oil, grease or any other substance which is contained in any industrial effluent or other liquid and which gives off any inflammable or noxious vapour at a temperature of or exceeding 20°C, or any other applicable temperature in accordance with any other such legislation, regulations or By-Laws, must be:-
  - (a) intercepted and retained in a tank or chamber so as to prevent entry thereof into the sewer; and
  - (b) disposed of in a legally competent manner.
- (4) A tank or chamber which is referred to in sub-section (3) above, must comply with at least the following requirements:-
  - (a) it must be of an adequate capacity, constructed of hard durable materials and be water-tight when completed;
  - (b) the water-seal of its discharge pipe may not be less than 300mm in depth; and
  - (c) it must be provided with such number of manhole covers as may be adequate for the effective removal of grease, oil, fat and any other applicable substance.
- (5) Any person who discharges effluent to a tank or chamber must:-
  - (a) regularly remove grease, oil, fat or any other matter from the tank or chamber; and
  - (b) maintain a register in which at least the following is contained:-
    - (i) the dates on which the tank or chamber was cleaned;
    - (ii) the name of the company which was employed to clean the tank or chamber;
    - (iii) the name and contact details of the person who performed any services in respect of the cleaning or maintenance of the tank or chamber; and
    - (iv) a certificate from the cleaning company:-
      - (aa) certifying that the tank or chamber was cleaned; and
      - (bb) stating the manner in which the contents of the tank or chamber were disposed of together with the applicable registration and other details of the company.

#### **71. Mechanical appliances for lifting sewage**

- (1) The owner of any premises must, in accordance with sub-section (2) below, apply for the approval and obtain the written approval of the Municipality before he or she installs any mechanical appliance for the raising or transfer of sewage in terms of the Building regulations, national legislation or any other applicable By-Law or resolution of council.
- (2) A professional engineer must apply for approval, and the application must:-

- (a) be accompanied by drawings prepared in accordance with the relevant provisions of the Building regulations or any other applicable legislation or authority; and
  - (b) show details of at least the following:-
    - (i) the compartment containing the appliance;
    - (ii) the sewage storage tank;
    - (iii) the stilling chamber and its position;
    - (iv) the position of the drains, ventilation pipes, rising main and the sewer connection; and
    - (v) all details of the professional engineer, including the applicable name, contact details and professional registration details thereof.
- 
- (3) Despite any approval given in terms of sub-section (1) above, the Municipality is not liable and is without fault for any injury 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 transfers of sewage.
  - (4) Every mechanical appliance installed for the raising or transfer of sewage must be:-
    - (a) specifically designed for that purpose; and
    - (b) fitted with a discharge pipe, sluice valves and non-return valves located in approved positions.
  - (5) Unless otherwise permitted by the Municipality, such mechanical appliances must be installed in duplicate and each appliance must be so controlled that either will immediately begin to function automatically in the event of failure of the other.
  - (6) Every mechanical appliance forming part of a drainage installation must be so located and operated so as not to cause any nuisance through noise, smell or otherwise and every compartment containing any such appliance must be effectively ventilated.
  - (7) The maximum discharge rate from any mechanical appliance and the times between which the discharge may take place must be determined by the Municipality, which may, at any time, require the owner to install such fittings and regulating devices as may be necessary to ensure that the determined maximum discharge rate is not exceeded.
  - (8) A sewage storage tank must be provided in conjunction with a mechanical appliance, except where sewage storage space is incorporated as an integral part of the appliance.
  - (9) Every sewage storage tank required in terms of sub-section (8) above, must at least:-
    - (a) be constructed of hard, durable materials and must be water-tight and the internal surfaces of the walls and floor must be rendered smooth and impermeable;
    - (b) have a storage capacity, below the level of the inlet, equal to the quantity of sewage discharged thereto in 24 hours, or 900 litres, whichever is the greater quantity; and



- (c) be so designed that the maximum proportion of its sewage content is emptied at each discharge cycle of the mechanical appliance.
- (10) Every storage tank and stilling chamber must be provided with a ventilation pipe in accordance with the Municipality's specifications.

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

- (1) The Municipality may require that any premises, existing or new, must be fitted with a minimum pre-treatment facility of a type specified by the Municipality, prior to the premises being connected to the sewage disposal system; or
- (2) If such premises is already connected to the sewage disposal system, on terms and conditions stipulated by the Municipality in writing to the owner or occupier of such premises.

**73. Protection from ingress of flood waters**

- (1) Where any premises is situated on such land which contains a likelihood of a flood of 2% (1 in 50 years floodplain) or any such other percentage of risk communicated by the Municipality, the top level of service access holes, inspection chambers and gullies must be above the 2% flood risk level, or any other such communicated level, except where, in the case of service access holes and inspection chambers, the cover is secured in place by any means approved by the Municipality in writing.

**74. Trespassing on sewage disposal system**

- (1) A person may not come up without the prior written permission of the Municipality:-
  - (a) enter upon an area used for the purpose of sewage disposal system:-
    - (i) if the area is enclosed by a fence;
    - (ii) if entry is prohibited by notice boards; or
    - (iii) entry is not permitted in writing or in terms of this By-Law.
  - (b) Enter a structure used by the Municipality in connection with its sewage disposal system.

**75. Interference with sewage disposal system**

- (1) No person may, without the prior written permission of the Municipality:-
  - (a) interfere or tamper with the sewage disposal system;
  - (b) make a connection to the sewage disposal system, except as otherwise contemplated in this By-Law;
  - (c) within an area that is subject to a sewer servitude:-
    - (i) construct a building;
    - (ii) raise or lower the ground level;

- (iii) prevent the Municipality, in any manner, from accessing or utilizing such servitude.

**76. Damage to sewage disposal system subsection**

- (1) A person may not damage or endanger the sewage disposal system, or cause or permit it to be damaged or endangered.
- (2) A person who intends performing work which may cause damage to sewage disposal system on land owned by or vested in the Municipality or over which it has a servitude or other right, must, before he or she commences the work, ascertain from the Municipality if any part of the sewage disposal system is situated on the land and seek further written instructions from the Municipality on how to proceed.
- (3) If work which could damage or endanger the sewage disposal system, whether emanating from land owned or occupied by the person performing such works or otherwise, is to be performed or is being performed on land referred to in sub-section 2 above, or on land adjacent thereto, then an authorised officer may, by written notice, require the person concerned not to commence, or to cease performing the work until such time as he or she has complied with any conditions stipulated in terms of such written communication.

**77. Consequential maintenance of sewers**

- (1) Whenever a sewer is damaged or becomes obstructed or in need of repair, as a result of the act or commission of any person, whether by reason of the failure of such person to comply with the requirements of this By-Law or otherwise, the Municipality may carry out such work, maintenance or repairs as is necessary, or, remove the obstruction and recover from him or her the full cost of doing any works contemplated in terms of this section.

**78. Obstruction of access to sewage disposal system**

- (1) A person may not prevent or restrict access to a sewage disposal system.
- (2) If a person contravenes sub-section 1 above, an authorized officer may:-
  - (a) by written notice to notice, require the person to restore access at his or her own cost within a specified period; or
  - (b) if the situation is a matter of urgency, then, without prior notice, restore access and recover the full costs of doing so from any such person.

**79. Work by private person**

- (1) The Municipality must lay all sewers and Connecting Sewers, unless it elects not to do so, in which case the work must be executed in accordance with the Municipality's instructions, terms and conditions of contract applicable to the work, provided that the following provisions shall apply:-
  - (a) any person carrying out such work must, before he or she commences the work:-
    - (i) lodge with the Municipality a written indemnity in terms of which he or she indemnifies the Municipality against all liability in respect of any accident or injury to a person or loss or damage to property which may occur as a direct

result of the execution of such works;

- (ii) obtain from the Municipality the written requirements to be complied with; and
  - (b) where the surface of any street or road has been disturbed in the course of such work, only the Municipality may, at the expense of the person carrying out such work, restore these surface, provided that, the Municipality may on terms and conditions imposed by it agree to permit any other person to perform services on the surface of any street or road, on terms and conditions imposed by the Municipality.
- (2) Before the surface of a street or road is disturbed, the person must deposit with the Municipality a sum of money which is sufficient to cover the estimated cost of such restoration.
  - (3) When the actual cost is greater than the deposit, the excess is recoverable from the person, and when the actual cost is less, any balance may be refunded to such person once all obligations by that person or any person or party associated to such person has been extinguished.
  - (4) All work contemplated in sub-section 1(a) above, must be carried out in accordance with the written requirements by the Municipality.

#### **PART 4 - INDUSTRIAL EFFLUENT**

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

- (1) A person may not, except with the prior written approval of the Municipality, discharge or cause or permit industrial effluent to be discharged, in any manner, into the sanitation system.
- (2) A person must apply for approval to discharge industrial effluent into the sanitation system of the Municipality, in the manner prescribed by the Municipality and on such terms and conditions as prescribed by the Municipality.
- (3) A person or institution, applying as contemplated in sub-section (2) above, must do so in accordance with the provisions of this section, and at his or her own expense.
- (4) If an applicant intends applying simultaneously for approval in terms of this section and any other provision of the Act, then, such applicant must deal with each application separately, provided that information may be incorporated by reference in one of the applications and must then be annexed thereto.
- (5) An applicant in terms of this section must comply with this By-Law, the Act, the Water Services Development Plan of the Municipality and any other regulation or resolution of council.
- (6) For purposes of determining whether the applicant has complied with sub-section (5) above, the Municipality may call for any additional information or documentation which may be required by it.

##### **81. Approval to discharge industrial effluent**

- (1) The Municipality must, if the capacity of the sanitation system is sufficient to permit the

conveyance and effective treatment and lawful disposal of the industrial effluent, for such period and subject to such conditions it may impose, approve the discharge of industrial effluent into the sanitation system.

- (2) A person who wishes to construct, or cause to be constructed, a building which is to be used as trade premises, must, at the time of lodging a building plan in terms of the National Building Regulations And Building Standards Act, Act 103 of 1977, or in terms of any By-Law or additional legislation, also lodge application for the provision of sanitation services and for approval to discharge industrial effluent.

## **82. Letter of approval**

- (1) In the event of the Municipality granting approval to discharge effluent waste to any applicant, it must issue to the applicant, a letter of approval which contains such conditions imposed by the Municipality, which conditions are binding on the applicant and any successor in title.

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## **83. Unauthorized discharge of industrial effluent**

- (1) A person may not, except with and in terms of the written approval of the Municipality and in accordance with the provisions of this By-Law, discharge or cause or permit to be discharged, into the sanitation system, any industrial effluent.
- (2) A person in respect of whom such permission is granted, must pay to the Municipality, any applicable charges stipulated by the Municipality.

## **84. Quality Standards for disposal of industrial effluent**

- (1) Where permission has been granted for the disposal of industrial effluent, such person must ensure that no industrial effluent is discharged into the sanitation system of the Municipality, unless the industrial effluent complies with the standards and criteria set out in terms of this By-Law, national legislation, any other By-Law or resolution of the Municipality.
- (2) The Municipality may, by resolution of council, relax or vary any such standards contemplated in sub-section (1) above, provided that any such relaxation or variation represents the best practical environmental option for the Municipality and its inhabitants, such relaxation or variation will not pose any harm to the Municipality and the applicant concerned has indemnified the Municipality from any harm or loss caused to it, any third party any person of the public and the applicant or person in charge of the applicant has bound him or herself personally as surety for any such loss or damage which may result under these circumstances, perpetually.
- (3) In determining whether relaxing or varying the standards in terms of sub-section (2) above, the Municipality must consider:-
  - (a) whether the applicant's industry is operated and maintained at optimal levels;
  - (b) whether technology used by the applicant represents the best available option to the applicant's industry and, if not, whether the installation of such technology would entail unreasonable costs to the applicant;
  - (c) whether the applicant is implementing a program of waste minimisation which complies with national and local waste minimization standards;

- (d) the cost to the Municipality of granting the relaxation or variation;
  - (e) the environmental impact or potential impact of such a relaxation or variation; and
  - (f) the ability of the Municipality to recover damages from any such applicant.
- (4) A duly qualified sampler may take test samples at any time, to ascertain whether the industrial effluent complies with the standards and criteria set out in this By-Law, any other but By-law, national legislation and regulations or resolution of the Municipality, or, any other standard laid down in a written permission, granted in terms of this By-Law.

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

- (1) The Municipality may, in the written permission granted in terms of this By-Law, or at any reasonable time, by written notice, require a person to:-
- (a) subject the industrial effluent to preliminary treatment to ensure that the industrial effluent conforms to the standards and criteria set out in this By-Law, any other By-Law, national legislation and regulations or council resolution, before being discharged into the sanitation system;
  - (b) install such equalising tanks, valves, pumps, appliances, meters and other equipment as is necessary, to control the rate and time of discharge into the sanitation system, in accordance with any conditions imposed by the Municipality;
  - (c) install, for the conveyance of his or her industrial effluent, into the sanitation system at a given point, a drainage installation separate from the drainage installation for waste water and standard domestic effluent, and the Municipality may prohibit the person from disposing of his or her industrial effluent at any other point and from disposing of his or her waste water and standard domestic effluent by means other than into the sanitation system;
  - (d) construct a pipe conveying his or her industrial effluent to any sewer, a service access point or stop valve in such position and of such dimensions and materials as the Municipality may specify in the permission or notice;
  - (e) provide all such information, as may be required by the Municipality, to enable it to assist the tariffs or charges due to the Municipality or, to enable the Municipality to determine whether such person or holder of any permission is complying with any condition imposed on it in terms of this By-Law, any other By-Law of the Municipality, national legislation or regulations, council resolution or written permission;
  - (f) provide adequate facilities such as level or overflow detection services, standby equipment, overflow catch-pits or other appropriate means to prevent a discharge into the sanitation system in contravention of this By-Law;
  - (g) cause any meter, gauge or other device, installed in terms of the section, to be calibrated by an independent authority at the cost of the person or applicant or permission holder and at such intervals which the Municipality requires, and to ensure that copies of calibration or any other documentation thereof is forwarded to the Municipality; and
  - (h) cause his or her industrial effluent to be analyzed as often and in such manner as may be specified by the Municipality, and provide the Municipality with the results

of these tests when completed.

- (2) The person concerned must bear the cost of any treatment, plant, works or analysis which he or she may be required to carry out, construct or installed in terms of sub-section (1) above.
- (3) The person concerned must obtain the written permission of the Municipality for any proposed changes to the conditions of industrial effluent discharged into the sanitation system.
- (4) In the event that industrial effluent, that does not comply with the standards and criteria set out in terms of this By-Law, any other By-Law of the Municipality, national legislation and regulations, council resolution or written permission issued in terms of this By-Law, is discharged into the sanitation system, then the person concerned must, within 12 hours of such discharge, by written notice, inform the Municipality of the incident and the reasons therefore.

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**86. Withdrawal of approval to discharge industrial effluent**

- (1) The Municipality may withdraw any approval, granted in terms of this By-Law, after giving at least 7 days written notice of its intention to so withdraw, to a person authorized to discharge industrial effluent into the sanitation system, if the person:-
  - (a) fails to ensure that the industrial effluent discharged, conforms to the industrial effluent standards set out in this By-Law, any other By-Law of the Municipality, national legislation and regulations or any council resolution or permission in terms of this By-Law;
  - (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 approval granted to him or her; or
  - (c) fails to pay the assessed charges in respect of any industrial effluent discharged.
- (2) The Municipality may, on withdrawal of any approval:-
  - (a) in addition to any steps prescribed in this By-Law or available to it in law, and on 7 days written notice, authorize the closing or sealing of the Connecting sewer of the premises; and
  - (b) refuse to accept any industrial effluent until adequate steps have been taken to ensure that the industrial effluent to be discharged conforms to the standards set out in this By-Law.

**PART 5 - SEWAGE DELIVERED BY ROAD HAULAGE**

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

- (1) The Municipality may, subject to such conditions as it may specify, accept sewage for disposal delivered to the Municipality's sewage treatment plants, by road haulage.

**88. Approval for delivery of sewage by road haulage**

- (1) A person may not discharge sewage into the Municipality's sewage treatment plants by road haulage, except with the written approval of the Municipality and subject to such

period and any conditions that the Municipality may impose, including any indemnification is and surety ships.

- (2) The charges for any sewage delivered for disposal to the Municipality sewage treatment plants must be assessed by the Municipality in accordance with its prescribed tariffs and charges.

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

- (1) When sewage is delivered by road haulage:-
  - (a) the time and place of delivery must be arranged with the Municipality; and
  - (b) the nature and composition of the sewage must be established prior to the discharge thereof and no person may deliver sewage that does not comply with the standards laid down in this By-Law, any other By-Law of the Municipality, national legislation and regulations, council resolutions or permissions in terms of this By-Law.

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

- (1) The Municipality may withdraw any permission, after giving at least 7 days written notice of 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, any other By-Law of the Municipality, national legislation and regulations and municipal resolutions and conditions of approval;
  - (b) fails or refuses to comply with any notice served on him or her in terms of this By-Law;
  - (c) contravenes any provision of this By-Law or any condition imposed on him or her in terms of any approval; or
  - (d) fails to pay any applicable charge.

### **PART 6 - OTHER SANITATION SERVICES**

#### **91. Stables and similar premises**

- (1) The Municipality may approve the connection of a drainage installation to stables cows sheds, dairies, kennels and other premises for the accommodation of animals, subject to the payment of relevant charges and compliance with such conditions as the Municipality may impose, provided that:-
  - (a) the floor of the premises must be paved with approved impervious materials and graded to a silt trap, grease trap or gully of adequate capacity; and
  - (b) every part of the floor of the premises must be covered by a roof or be effectively protected to prevent the entry of rain or stormwater into the drainage installation.

#### **92. Mechanical food-waster or other disposal units**

- (1) The Municipality may approve the connection or incorporation of a mechanical food-

waster, other disposal unit or garbage grinder into a drainage installation, which has a capacity in excess of 500 watts, subject to the payment of relevant charges and such conditions as the Municipality may impose, provided that:-

- (a) a water meter is installed by the Municipality;
- (b) the Municipality is satisfied that the sanitation system will not be negatively affected; and
- (c) the installation or incorporation is installed in conformity with the Municipality's By-Laws relating to electricity.

## **PART 7 - SANITATION INSTALLATION WORKS**

### **93. Approval of installation works**

- (1) If an owner wishes to have installation work done, then he or she must first apply for and obtain the written approval of the Municipality.
- (2) Application for the approval must be made in the manner prescribed by the Municipality and must be accompanied by:-
  - (a) payment of any applicable charges;
  - (b) copies of such drawings as may be determined by the Municipality; and
  - (c) a certificate certifying that the installation has been designed in accordance with any applicable SANS codes.
- (3) Approval given in terms of sub-section (1) above, lapses at the expiry of a period of 24 months.
- (4) A complete set of approved drawings of installation works must be available at the site of the work at all times until such work has been completed.
- (5) If installation works has been done in contravention of sub-sections (1) or (2) above, then, the Municipality may, by written notice, require the owner to:-
  - (a) rectify the contravention within a specified period; or
  - (b) where work is in process cease the work and to remove all such work which does not comply with this section.
- (6) If such person has not complied with a notice contemplated in terms of sub-section (5) above, then the Municipality may thereafter, withdraw any such approval.

### **94. Persons permitted to do installation and other works**

- (1) A person who is not a plumber or not working under the control of a plumber, may not:-
  - (a) perform installation works other than the replacement or repair of an existing pipe or sanitation fitting;
  - (b) inspect, disinfect and test a drainage installation, fire installation or a storage tank;



- (c) service, repair or replace a back flow preventer; or
  - (d) install, maintain or replace a meter provided by an owner in a drainage installation.
- (2) A person may not require or engage a person who is not a plumber to do the work referred to in sub-section (1) above.
  - (3) Despite sub-sections (1) and (2) above, the Municipality may permit a person who is not a plumber, to perform installation works on his own behalf on premises owned and occupied solely by himself or herself and his or her immediate household, but such works must be inspected and approved by a plumber at the discretion of the Municipality.

#### **95. Testing of drip drainage installations**

- (1) No drainage installation, or any part of one, shall be connected to on-site sanitation services and nor shall, the Municipality sanitation system be connected to an existing approved installation, unless any one or more of the following tests have been applied in the presence, and to the satisfaction, of the engineer, before the drainage installation has been closed:-
  - (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 a series of pipes must be seen to be unobstructed;
  - (b) a smooth bore, having a diameter 12mm less than the nominal diameter of the pipe, when inserted at the higher end of the pipe, rolled 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 minutes without further pumping; and
  - (d) all parts of the installation are subjected to and required to withstand internally applied hydraulic test pressure of not less than a 3m head of water for a period of not less than 10 minutes.
- (2) If the Municipality has reason to believe that any drainage installation or any part thereof has become defective, then it may require the owner of any 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 the tests, to the reasonable satisfaction of the Municipality, then the Municipality may on written notice require the owner to take all reasonable measures that may be necessary to enable the installation to satisfy any or all of the tests.

#### **96. Cisterns**

- (1) A cistern and related pan designated to operate with such cistern, may not be installed with a cistern capacity of greater than 9 litres, and all cisterns not intended for public use must be fitted with flushing devices allowing interruptible or multiple flushes, but such flushing device is not required in a cistern with a capacity of 4.5 litres or less.

**Chapter 6**  
**[Water Services intermediaries]**

**PART 1 - REGISTRATION AND INCIDENTAL MEASURES**

**97. Registration**

- (1) The Municipality may, by public notice, require water services intermediaries or classes of water services intermediaries to register with the Municipality in a manner specified in the public notice.

**98. Provision of water services**

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

**99. Changes for water services provided**

- (1) A water service intermediary may not charge for water services at a price which does not comply with any norms or standards prescribed under the Act and any additional norms or standards as may be set by the Municipality.
- (2) A water services intermediary must provide subsidized water services, as determined by the Municipality in terms of its revenue By-Law or any other By-Law, council resolution or other Act, at a price that is the same or less than the charges at which the Municipality provides such services.

**Chapter 7**  
**[Unauthorized use of water services]**

**PART 1 - PROHIBITED CONDUCT**

**100. Unauthorized use of water services**

- (1) A person may not gain access to water services from the water supply system commerce sewage disposal system or any other sanitation services unless an agreement has been entered into with the Municipality for the rendering of those services.
- (2) The Municipality may, irrespective of any other action it may take against such person in terms of this By-Law, by written notice, order a person who has gained access to water services from the water supply system commerce sewage disposal system or any other sanitation services provided by the Municipality, without an agreement with the Municipality for the rendering of those services:-
  - (a) to apply for such services in terms of the revenue By-Law, this By-Law or any other By-Law of the Municipality as the case may be;
  - (b) to undertake such work as may be necessary, to ensure that the consumer installation through which access was gained, complies with this By-Law.

#### **101. Interference with infrastructure for provision of water services**

- (1) A person other than the Municipality may not manage, operate or maintain a water supply system or any sanitation system unless authorized in writing by the Municipality.
- (2) A person other than the Municipality may not effect a connection to the water supply system or sewage disposal system or into any other sanitation source services.
- (3) The Municipality may recover from the offender any costs associated with repairing damage caused as a result of a contravention of sub-section (1) or (2) above, and the costs recoverable by the Municipality shall be construed as the full costs associated with repairing the damage and includes, the costs incurred with regard to any exploratory investigation, surveys, plans, specifications, schedules of quantities, supervision, administration charge, the use of tools, the expenditure of labour involved in disturbing or rehabilitating any part of a street or ground affected by the repairs and the environmental costs.

#### **102. Obstruction of access to infrastructure for provision of water services.**

- (1) A person may not, by construction, prevent or restrict physical access to the water supply system or sewage disposal system.
- (2) If a person contravenes sub-section (1) above, the Municipality may:-
  - (a) by written notice, require the person to restore access to at his or her own expense within a specified period; or
  - (b) if the situation is a matter of urgency, then, without prior notice, restore access and recover the costs from the person.
- (3) The costs recoverable under sub-section (2)(b), by the Municipality, shall be construed as the full costs associated with restoring access and includes the costs incurred with regard to any exploratory investigation, surveys, plans, specifications, schedules of quantities, supervision, administration charge, the use of tools, the expenditure of labour involved in disturbing or rehabilitating any part of a street or ground affected by restoring access, environmental costs and any legal costs associated thereto.

#### **103. Waste of water unlawful**

- (1) A person may not 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;
  - (e) an inefficient use of water to persist.
- (2) An owner must repair or replace any part of his or her water installation which is in such a state of disrepair that it is either causing or is likely to cause an occurrence listed in sub-section (1) above.

- (3) If an owner fails to take measures as contemplated in sub-section (2) above, then the Municipality must, by a written notice, require the owner to comply with the provisions of sub-section (2).
- (4) An owner must ensure that any equipment or plant connected to his or her water installation uses water in an efficient manner.
- (5) The Municipality may, by written notice, prohibit the use by a person, of any equipment in a water installation, if its use of water is inefficient, and the equipment may not be used until its efficiency has been restored and a written application to do so has been approved by the Municipality.

#### **104. Unauthorized and illegal discharges**

- (1) A person may not discharge or cause or permit any sewage to be discharged directly or indirectly into a stormwater drain, a river, stream or other water course, whether natural or artificial.
- (2) The owner or occupier of any premises on which steam or any liquid, other than potable water, is stored, processed or generated, must provide all facilities necessary to prevent any discharge or leakage of such liquid to any street, stormwater drain or water course, whether natural or artificial, except where in the case of steam, the Municipality has approved such discharge.
- (3) Where the hosing down or flushing by rain water of an open area on any premises is likely to cause the discharge of objectionable matter into any street, stormwater drain, river, stream or other would of course, with a natural or artificial, or to cause or contribute towards the pollution of any such water course, the Municipality may, by written notice, require the owner of the premises to take reasonable measures to prevent or minimize such discharge or pollution.
- (4) A person may not discharge or cause or permit the discharge of:-
  - (a) any substance coming including stormwater, other than sewage, to be discharged into a drainage installation;
  - (b) water from any swimming pool directly or indirectly over any road or into a gutter, stormwater drain, water course, open ground or private premises, other than the premises of the owner of such swimming pool;
  - (c) or water artificial fountains, reservoirs or swimming pools, situated on the premises, into a drainage installation without the approval of the Municipality and subject to the payment of all applicable charges and under such conditions as the Municipality may impose;
  - (d) any sewage, industrial effluent or other liquid or substance which:-
    - (i) may be offensive to or may cause a nuisance to the public;
    - (ii) is in the form of steam or vapour or has a temperature exceeding 44° centigrade at the point where it enters the sewer;
    - (iii) has a ph value less than 6.0;

- (iv) contains any substance of whatever nature likely to produce or release explosive, flammable, poisonous or offensive gases or vapours in any sewer;
  - (v) contains any substance having an open flash point of less than 93° centigrade or which releases a poisonous vapour at a temperature below 93° centigrade;
  - (vi) contains any material of whatever nature including oil, grease, fat detergents, capable of causing obstruction to the flow in sewers or drains or interference with the proper operation of sewage treatment works;
  - (vii) shows any visible signs of tar or associated products or distillates, bitumens or asphalts;
  - (viii) contains any substance in such concentration to produce an undesirable taste after chlorination or an undesirable odour or colour, or excessive foam;
  - (ix) has either a greater PV (per manganite value) or COD (chemical oxygen demand) value, a lower ph value, or a higher caustic alkalinity or electrical conductivity other than specified in terms of this By-Law, any other bowl of the Municipality, national legislation and regulations or a council resolution or condition of the Municipality, without the prior written approval and subject to the payment of all applicable charges and conditions imposed by the Municipality;
  - (x) contains any substance which:-
    - (aa) cannot be treated at the sewage treatment work to which it could be discharged;
    - (bb) will negatively affect the treatment and process at the sewage treatment work to which it could be discharge; or will
    - (cc) negatively impact on the ability of the sewage treatment work to produce discharges that meet the wastewater discharge standards set out in terms of the National Water Act, Act 36 of 1998 or any other applicable legislation; or
  - (xi) either alone or in combination with other substances, may:-
    - (aa) generate or constitute a toxic substance dangerous to the health of persons employed at the sewage treatment works or entering the Municipality sewers or manholes in the course of their duties;
    - (bb) be harmful to sewers, treatment plant or land used for the disposal of treat treated wastewater; or
    - (cc) adversely affect any of the processes whereby sewage is treated for any reuse or sewage effluent.
- (5) A person may not cause or permit the accumulation of grease, oil, fat or solid matter in any drainage installation that will adversely affect its effective functioning.
- (6) The Municipality may, despite any other actions that may be taken in terms of this By-Law,

recover from any person who discharges industrial effluent or any substance which is unauthorized or illegal, or costs incurred by the Municipality as a result of such discharge, including costs that result from:-

- (a) injury to persons;
- (b) damage to the sanitation system;
- (c) loss to the Municipality, whether financial or otherwise;
- (d) a prosecution in terms of the National Water Act, Act 36 of 1998.

#### **105. Legal connection**

- (1) Subject to the applicable provisions of this By-Law, if a person's access to water services has been restricted or disconnected, and he or she unlawfully reconnects to such water services, then his or her water supply shall be disconnected.
- (2) No person shall connect to any services of the Municipality other than in terms of an agreement with the Municipality.

#### **106. Interference with infrastructure**

- (1) A person may not unlawfully and intentionally or negligently interfere with infrastructure which the Municipality provides municipal services with.
- (2) If a person contravenes sub-section (1) above, then the Municipality may:-
  - (a) by written notice, require such person to cease or rectify the interference at his or her own expense within a specified period; or
  - (b) when the situation is a matter of urgency, without prior notice, prevent or rectify the interference and recover costs from such person.

#### **107. Use of water from sources other than water supply system provided by the Municipality**

- (1) A person may not use or permit the use of water obtained from a source other than the water supply system or rainwater tanks which are not connected to the water installation, except with the prior written approval of the Municipality, and in accordance with such conditions imposed, for domestic, commercial or industrial purposes.
- (2) Any person desiring the approval referred to in sub-section (1) above, must provide the Municipality with evidence to the effect that:-
  - (a) the water referred to in sub-section (1) complies, whether as a result of treatment or otherwise, with the applicable SANS requirements for drinking water; or
  - (b) the use of such water does not all or not constitute a danger to health.
- (3) An approval given in terms of sub-section (1), may be withdrawn if:-
  - (a) a condition imposed in terms of sub-section (1) is breached; or
  - (b) the water quality no longer conforms to the requirements referred to in sub-section

(2) above.

- (4) 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 referred to in sub-section (2) above.
- (5) The relevant charges set out in the prescribed tariff for the taking and testing of the samples referred to in sub-section (4) above, must be paid by the person to whom approval was granted in terms of sub-section (1) above.
- (6) If water obtained from a borehole or other source of supply on any premises is used for a purpose which gives rise to the discharge of such water or a portion thereof into the Municipality sewage disposal system, then the Municipality may install a meter in the pipe leading from such borehole or other source of supply to the point where it is so used, in accordance with the provisions of this By-Law.
- (7) When the conditions described in terms of sub-section (6) above prevail, then any owner or occupier of such premises must immediately notify the Municipality of these circumstances.

#### **108. Use of on-site sanitation services not connected to the sanitation system**

- (1) No person shall use or permit the use of on-site sanitation services not connected to the Municipality sanitation system, except with the prior approval of the Municipality, and in accordance with such conditions as it may impose, for domestic, commercial or industrial purposes.
- (2) Any person desiring the consent referred to in sub-section (1) above shall provide the Municipality with the evidence satisfactory to it that the sanitation facility is not likely to have a detrimental effect on health.
- (3) Any consent 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 sub-section (1) above is breached; or
  - (b) the sanitation facility has a detrimental impact on health or the environment
- (4) The Municipality may undertake such investigations as it may deem necessary to determine if a sanitation facility has a detrimental impact on health or the environment.
- (5) The person to whom consent was granted in terms of sub-section (1) above shall be liable for the costs associated with an investigation undertaken in terms of sub-section (2) and any costs related thereto, if the result of the investigation indicates that the sanitation facility has a detrimental impact on health or the environment.

### **Chapter 8**

### **[Enforcement]**

#### **PART 1 - LEGAL MATTERS AND IMPLICATIONS**

#### **109. The responsibility for compliance with By-Law**

- (1) The owner of any premises and occupier thereof is responsible for ensuring compliance with this By-Law, in respect of all or any matter relating to a water installation, and if an owner or occupier contravenes a provision which he or she must comply with, then he or she commits an
- (2) The owner and occupier of any premises are responsible for compliance with this By-Law in respect of matters relating to the use of any water installation, and if such owner or occupier or consumer contravenes a provision which he or she must comply, then he or she commits an offence, which, additionally if proven shall constitute a criminal offence.
- (3) Any reference to an owner or occupier, as the case may be, in terms of this By-Law, shall, when enforcing compliance with this By-Law, mean an owner and / or occupier of any premises and / or consumer of services jointly and / or severally from one another.

#### **110. Notice of complaints and representations.**

- (1) The Municipality may, by a Notice of Compliance, which must be in writing, order an owner, occupier, consumer or any other person who fails, by act or omission, to comply with the provisions of this By-Law, with any condition imposed thereunder, request compliance with the provisions of this By-Law and any condition imposed thereunder and / or to remedy such breach, within a period specified in such notice, which notice may specify:-
  - (a) the name, physical or residential address of the affected person, if either of these are known, or, the name and address of a person who may reasonably be expected to bring the notice to the attention of any other person, or, the name and address of a person in control of any premises or who has been in contact with the Municipality in respect of the relevant contravention or matter contained in this By-Law;
  - (b) the provision of this By-Law which has not been complied with (which may be by colloquial reference);
  - (c) if applicable, the measures to be taken by such person, persons, in order to remedy the situation; and
  - (d) if applicable, any prescribed penalties which must be paid to the Municipality in terms of a breach or contravention of the By-Law.
- (2) When a compliance notice has been issued in terms of sub-section 1 above, and, the period within which the relevant party has been given to remedy such breach has lapsed, the Municipality may:-
  - (a) prosecute any such contravention in a competent court;
  - (b) take any further steps in terms of the By-Law; and
  - (c) may take any additional legal steps which it is entitled to by law.

#### **111. Costs**

- (1) If an owner, occupier or consumer or any other person fails to take the measures required of him or her by notice, then the Municipality may, subject to sub-section 3 below, recover from such person all costs incurred as a result of the Municipality taking measures itself to enforce compliance.



- (2) The costs claimed may include, without being limited to, costs relating to labour, electricity, water, equipment, administrative and overhead expenses.
- (3) If more than one person is liable for the costs incurred, then the Municipality may, if it is so elects, claim any costs from any such persons jointly or severally as the case may be.
- (4) Cost that are incurred by the Municipality when effecting alterations or other works, may be recovered from the person who received the notice, who is addressed to in the notice, occupier or owner of any such premises, or, if a deposit has been paid to the Municipality by any such person, the costs may be deducted from such deposit.

#### **112. Water inspectors and enforcement officers**

- (1) The Municipality may appoint water inspectors to monitor the implementation of this By-Law and to enforce the provisions thereof.
- (2) The By-law enforcement officers of the Municipality or any other persons appointed by council, may enforce compliance with this By-Law
- (3) A water inspector in terms of sub-section 1 above, is vested with at least the same authority granted to any other authorized officer in terms of this By-Law, or, any enforcement officer who by law, is competent to enforce compliance with this By-Law.
- (4) A person in terms of sub-sections (1) and (2) above, may issue a written notice to any person who is alleged to have contravened any provisions of this By-Law, in terms of Section 56 of the Criminal Procedure Act, No. 51 of 1977, provided that the notice must comply with Section 56. It shall be of no legal effect, in terms of the relevant sections of the Criminal Procedure Act, unless a water inspector or any other person has been declared to be a peace officer in terms of Section 334 sub-section (1) or the Criminal Procedure Act.
- (5) Any notice issued in terms of sub-section (4) above, must comply with the requirements of the Criminal Procedure Act.

#### **113. Provision of Information**

- (1) An owner, occupier, consumer or person within the area of supply of the Municipality must, when so requested, provide the Municipality with accurate information, in writing, that may be required by the Municipality for the implementation of this By-law.

#### **114. Serving of notices and other documents**

- (1) Any notice or document that is served on a person in terms of this By-Law, is regarded as having been served:-
  - (a) when it has been delivered to that person personally;
  - (b) when it has been left at the person's place of residence or business in the Republic with a person apparently over the age of 16 years;
  - (c) when it has been posted by registered mail to that person's last known residential or business address in the Republic;
  - (d) if that person's address in the Republic is unknown, when it has been served on that

person's agent or representative in the Republic in the manner prescribed by section sub-sections (a) and (b) above;

- (e) when it has been posted to any person, at the address where the contravention is taking place;
  - (f) in the event of a body corporate, when it has been delivered to the registered office of the business premises of such body corporate, or at such place where the body corporate functions; or
  - (g) when it has been delivered by way of e-mail and proof thereof is provided; or
  - (h) in any other manner agreed to between the relevant parties.
- (2) Service of a copy of any notice or document is deemed to be service of the original.
- (3) When any notice or other document must be served on the owner, occupier, consumer of services 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, consumer of services or holder of the property or right in question, and it is not necessary to specifically name such person.

#### **115. Offences**

- (1) A person commits an offence if he or she:-
- (a) obstructs or hinders the Municipality in the exercising of the powers or performance of functions or duties under this By-Law;
  - (b) uses, tempers or interferes with the Municipality's equipment, the water supply system, sanitation system and reticulation network or consumption of services rendered;
  - (c) contravenes or fails to comply with this By-Law; or
  - (d) fails to comply with a Notice of Compliance served in terms of this By-Law.
- (2) A person, contemplated in sub-section (1) above, is liable upon conviction to a fine or to a period of imprisonment not exceeding 6 months and/or a fine of R5 000.00 or such other figure determined by Court, if the matter proceeds to Court, and/or, in the event of a continuing offense:-
- (a) to a further fine of R 2 000.00 for every day the offense is continued, where the offense relates to a contravention in terms of domestic services; or to a further fine of R 20 000.00 for every day the offense is continued, where the offense relates to industrial services. Provided that Counsel may determine any updated fine amounts upon its publication or gazetting hereafter.
- (3) The Municipality may, in a civil court of law, simultaneous with any additional relief it may seek, or in isolation, seek the relevant court to order any person contemplated in sub-section (1) above, to make payment of any fine which may be due and owing in respect of such contravention, as may be proved in court.

#### **116. Proof of indebtedness**

- (1) In legal proceedings by or on behalf of the Municipality, a certificate reflecting the amount due and payable to the Municipality, must, upon mere production of it, whether signed or not, be accepted by any court of law as sufficient proof of the indebtedness of any such person.

#### **117. Power of entry and inspection**

- (1) An authorised officer may, on the authority of a warrant, for any purpose connected with the implementation or enforcement of this By-Law:-
  - (a) enter premises;
  - (b) request information;
  - (c) take samples;
- (d) make such inspection, examination and enquiry and carry out such work as he or she may deem necessary, and for these purposes operate any component of the drainage installation or any other such system.
- (2) If the authorised officer considers it necessary that work be performed to enable him or her properly and effectively to implement a function referred to in sub-section (1) above, then he or she may, subject to sub-section (3) below:-
  - (a) By written notice, required the owner, occupier or consumer of the premises, at his or her own cost, to do specified work within a specified period; or
  - (b) if the situation is a matter of urgency, without prior notice, do such work or cause it to be done, at the costs of the owner.
- (3) If the work referred to in sub-section (2) above is carried out for the sole purpose of establishing with a contravention of this By-Law has been committed and no such contravention is established, then the Municipality is liable to pay the related costs of the works to the owner, occupier or consumer of services.
- (4) A person representing the Municipality must, on request, provide his or her identification and authority.

#### **118. Indemnification from liability**

- (1) Neither an employee of the Municipality nor any person, body, organization or corporation acting on behalf of the Municipality is liable for any damage arising from any omission or act done in good faith in the course of his, or its duties unless the damage is caused by wrongful and intentional act or negligence.

#### **119. Exemption**

- (1) The Municipality may, in writing comment exempt and owner, occupier, consumer of services or any other person or category of owners, occupiers, consumers or other persons from complying with a provision of this By-Law, subject to any conditions it may impose, when the application or operation of that provision would be unreasonable, but the Municipality may not grant exemption from any section of this By-Law that may result in:-

- (a) the wastage or excessive consumption of water;
  - (b) the evasion or avoidance of water restrictions;
  - (c) significant negative effects on public health, safety or the environment;
  - (d) the non-payment for services;
  - (e) the installation of pipes and fittings which are not approved; or
  - (f) the Act, or any regulations made in terms thereof, not being complied with.
- (2) The Municipality may, at any time after having given written notice of at least 30 days, withdraw any exemption given.

#### **120. Water restrictions**

- (1) Council may, at its sole discretion and after considering all relevant factors, impose any water restrictions on any category of consumer, including the imposition of additional charges and fees to be paid in terms of any measures of restriction which it has resolved.

#### **121. Conflict of law**

- (1) If there is any conflict between this By-Law and any other By-Law of the Municipality, then this By-Law shall prevail.

#### **122. Transitional arrangements**

- (1) Installation work, or any other applicable works, authorized by the Municipality prior to the commencement date of this By-Law, or, authorized installation work in progress on such date, is regarded to have been authorized in terms of this By-Law, and the Municipality may, for a period of 90 days after the commencement of this By-Law, authorize installation work, in accordance with the By-Laws that regulated such work, immediately prior to the promulgation of this By-Law.
- (2) Any approval, consent or exemption granted under any previous By-Law which this By-Law replaces, remains valid, to the extent that such approval, consent or exemption is consistent with the requirements of this By-Law.
- (3) To the extent that the Municipality has levied, prior to the commencement date of this By-Law, a monthly fixed charge, an annual fixed charge or only one fixed charge where water services are available, whether or not such services are consumed, such charge shall be deemed to have been levied in accordance with the authority granted in terms of this By-Law.

#### **123. Dispute of charges levied**

- (1) Where a consumer of services disputes any charge levied in respect of the day-to-day usage of services by a consumer, then the consumer shall request from the Municipality the relevant dispute form and refer such dispute to the Municipality for resolution, on the terms and conditions imposed by the Municipality and after payment of the relevant and applicable charges.
- (2) Once a referral in terms of sub-section (1) above has been received by the Municipality, a

determination may be made by the Municipality.

- (3) Where a determination in terms of sub-section (2) above has been made, and the consumer is aggrieved by the outcome, then the consumer may request an appeal in terms of Section 62 of the Local Government: Municipal Systems Act, Act 32 of 2000.

**124. Repeal of existing water services By-Law**

- (1) The provisions of any By-Laws of the Municipality in the area of jurisdiction of the Municipality, relating to water services and sanitation services by the Municipality, is hereby repealed, insofar as such by law relates to any matter provided for in this By-Law.

**125. Short title and commencement.**

- (1) This By-Law is called the Emalahleni Local Municipality Water and Sanitation services By-Law.
- (2) This By-Law commences on the date of publication in the Provincial Gazette.
- (3) The Municipality may, by notice in the Provincial Gazette, determine that any provision of this By-Law, listed in the notice, does not apply in certain areas within its area of jurisdiction, listed in the notice from a date specified therein.

## SCHEDULE 1

### MAXIMUM LIMITS OF PERMITTED DISCHARGES\*

Section A: General;		Not less than	Not to exceed
1.	Temperature at point of entry	25°C	40°C
2.	Electrical Conductivity at 25°C	n/a	500 mS/m
3.	pH value at 25°C	5.5	12.0
4.	Chemical Oxygen Demand	n/a	1 000 mg/l

Section B: Chemical substances other than heavy metals – maximum concentrations		
1.	Settleable Solids (60 minutes)	50 ml/l
2.	Suspended Solids	1 000 mg/l
3.	Total Dissolved Solids at 105°C	4 000 mg/l
4.	Chloride as Cl	1 500 mg/l
5.	Sodium as Na	1 000 mg/l
6.	Total Sulphates as SO <sub>4</sub>	1 500 mg/l
7.	Total phosphorus containing compounds as P	25 mg/l
8.	Total Cyanides as CN	20 mg/l
9.	Total Sulphides	50 mg/l
10.	Total sugars and starches as Glucose (C <sub>6</sub> H <sub>12</sub> O <sub>6</sub> )	1 500 mg/l
11.	Total Phenol containing compounds as Penol (C <sub>6</sub> H <sub>6</sub> OH) <sub>2</sub>	50 mg/l
12.	Oil, grease, wax and fat	1 000 mg/l

Section C: Metals and inorganic content – maximum concentrations		
Group 1		
1.	Total Iron as Fe	50 mg/l
2.	Total Chromium as Cr	10 mg/l
3.	Total Copper as Cu	20 mg/l
4.	Total Titanium as Ti	20 mg/l
5.	Total Zinc as Zn	30 mg/l
6.	Manganese Mn	10 mg/l
Total collective concentration of all metals (EXCEPT Iron) in group 1 shall not exceed 50 mg/l		

Section C: Metals and inorganic content – maximum concentrations		
Group 2		
1.	Total Arsenic	5 mg/l
2.	Total Boron as B	5 mg/l
3.	Total Cadmium as Cd	5 mg/l
4.	Total Fluoride as F	5 mg/l
5.	Total Lead as Pb	5 mg/l
6.	Total Mercury as Hg	5 mg/l
7.	Total Nickel as Ni	5 mg/l
8.	Total Selenium as Se	5 mg/l
9.	Total Silver as Ag	5 mg/l
Total collective concentration of all metals and inorganic constituents in Group 2 shall not exceed 20		

**Section D: Prohibited radioactive materials.**

Any radioactive wastes or isotopes of such nature or in such concentration as do not meet the requirements laid down by the Council for Nuclear Safety referred to in section 24 of the Nuclear Energy Act (Act 92 of 1982) as amended.

\*Council may determine updated maximum levels of discharge, which shall be applicable from the date of publication.

**SCHEDULE 2****INDUSTRIAL EFFLUENT CHARGES**

1. The owner or occupier of any premises from where industrial effluent is discharged shall, irrespective of the Municipality's permission for the discharge as mentioned in Chapter 5 part 3 section 82 additional to any other charges which are provided for in these by-laws or any other by-laws; pay an amount to the Municipality which is subject to the following stipulations if the schedule and is calculated according to the following formula:

$$\text{Industrial Effluent Charge} = A \times V \times T$$

Where: A is the treatment cost of wastewater in c per cubic metre (kilolitre) as resolved by the Municipality and application for the applicable Financial Year of the Municipality,

V is the determined volume of industrial wastewater discharged from the premises concerned and for the period to the charge relates,

T is determined strength of the industrial effluent where:

$$T = 0.5 + \frac{\text{COD}}{1\,000^*}$$

COD = Chemical Oxygen Demand that is the arithmetic mean value of results of all samples taken by the duly appointed official of the Municipality during the period to which the charge relates. \*provided that T may not be reduced to below 1.

2. The Municipality determines the total volume of industrial effluent that is discharged from the premises during every period, and for the purpose of such determination the Municipality shall:
  - (a) In a case where the industrial effluent is not separately measured, determine that the industrial effluent volume is 90% of the water supplied to the property by the Municipality,
  - (b) Consider a fully motivated application by a discharger of industrial effluent for a lower percentage of the water supplied to the property by the Municipality; to be used in the determination of the assessed volume of industrial effluent discharged during the period concerned,
  - (c) In a case where the industrial effluent is separately metered before discharge to the sewer,

use the recorded flow of industrial effluent in the calculation of the industrial effluent charge due for the period in question. The Municipality may require a calibration certificate for the meter at regular intervals. Should the meter not record or this is a dispute over the volume recorded, the Municipality may determine the volume of industrial effluent discharge as provided for in sub-section (a), above,

- (d) In a case where industrial effluent contains domestic wastewater, then the total volume will be considered as industrial wastewater for the purpose of calculating the charge due for the period concerned,
  - (e) In a case where industrial effluent is discharged from more than one point on the premises, allocate such volumes as accurately as possible to the different points of discharge. Separate samples will be taken from the different discharge points and the flow-weighted mean calculation for establishing the effective strength for use in the calculation of the industrial effluent charge due for the period concerned.
3. The Municipality may determine that the formula detailed above, is not applicable in any case where the method of determining the strength of the industrial effluent as specified in the above formula, does not reflect the true strength of said effluent, in the opinion of the Municipality,
4. Where the industrial effluent does not comply with the limits indicated in Schedule 1, the Municipality may add a surcharge to the sum calculated using the formula given in section 1, above,
- (a) Where any two limits detailed in Schedule 1 are exceeded by a factor of 10% or more in any sample taken and analysed, then a surcharge of 10% will be added to the sum calculated using the formula given in section 1 for the period concerned. Repeated exceedances will result in the surcharges being accumulated,
  - (b) The imposition of a surcharge does not prevent the Municipality from taking further action against the owner and or occupier as provided for, elsewhere in this by-law.

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