
CONTENTS • INHOUD

<i>No.</i>	<i>Page No.</i>	<i>Gazette No.</i>
LOCAL AUTHORITY NOTICE		
306 Local Government: Municipal Systems Act (32/2000); Mogalakwena Local Municipality: Water Services By-laws.....	2	1687

LOCAL AUTHORITY NOTICE

LOCAL AUTHORITY NOTICE 306 MOGALAKWENA LOCAL MUNICIPALITY WATER SERVICES BY-LAWS

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

INDEX

1. Definitions	1
CHAPTER 1: APPLICATION AND TERMINATION	9
2. Service Delivery	9
3. Application	9
4. Special Agreements	10
5. Change	10
6. New Developments	10
7. Termination	10
8. Limitation and Disconnection	11
9. Re-connection	12
CHAPTER 2: CHARGES, ACCOUNTS AND PAYMENT	12
Part 1: Charges	12
10. Prescribed Charges	12
11. Subsidised Services	12
12. Recovery of Additional Costs	13
Part 2: Accounts	13
13. Accounts	13
14. Due Date	14
15. Consolidated Debt	14
Part 3: Payment	15
16. Payment for Water Services	15
17. Payment of Deposit	15
18. Determining Amounts Due and Payable	16
19. Full and Final Settlement	16
20. Responsibility for Amounts Due and Payable	16
21. Dishonoured Payments	17
22. Incentive Schemes	17
23. Pay-points and Approved Agents	17
Part 4: Information, Queries and Appeals	17
24. Request for Information	17
25. Queries or Complaints in Respect of an Account	17
26. Appeals Against Municipality's Findings	18
Part 5: Arrears	19

27. Consolidated Arrears	19
28. Interest	19
29. Arrears Agreements	19
30. Additional Costs, Partial Settlement and Instalments	20
31. Duration of Arrears Agreements	20
32. Failure to Honour Arrears Agreement	21
Part 6: Payment Notices	21
33. Final Demand Notice	21
34. Limitation or Disconnection Notice	22
CHAPTER 3: RESTRICTION, EMERGENCIES, CONSERVATION AND DEMAND MANAGEMENT	22
Part 1: Restrictions	22
35. Water Restrictions	22
Part 2: Emergencies	23
36. Imminent emergencies and situations that require immediate action	23
37. Declaration of Emergency Situations	23
38. Duties of the Public	24
39. Temporary Supply from a Hydrant	24
Part 3: Conservation and Demand Management	24
40. Pollution of Water	24
41. Waste of Water	24
42. Water Conservation and Demand Management	25
CHAPTER 4: UNAUTHORISED SERVICES	25
43. Unauthorised Services	25
44. Interference with Infrastructure for the Provision of Water services	25
45. Obstruction of Access to Infrastructure for the Provision of Water services	26
46. Illegal Re-Connection	26
47. Pipes in Streets or Public Places	26
48. Use of Water from Sources Other than the Water Supply System	26
49. Use of On-Site Sanitation Services Not Connected to the Sanitation System	27
CHAPTER 5: CONDITIONS FOR WATER SUPPLY SERVICES	27
Part 1: Service Levels	27
50. Service Levels	27
51. Provision of Water Supply to Several Consumers	27
Part 2: Connection to Water Supply System	27
52. Provision of Connection Pipe	27
53. Location of Connection Pipe	28
54. Provision of Single Water Connection for Supply to Several Consumers on the Same Premises	28
55. Disconnection of Water Installation from the Connection Pipe	29
Part 3: Standards	29
56. Quantity, Quality and Pressure	29
57. Testing of Pressure in Water Supply Systems	29
58. Specific Conditions of Supply	29
Part 4: Measurement	29

59. Measuring of Water Supplied	29
60. Quantity of Water Supplied to Consumer	30
61. Special Measurement	31
62. No reduction of Amount Payable for Water Wasted	31
63. Audit	32
Part 5: Installation Work	32
64. Approval of Installation Work	32
65. Persons Permitted to do Installation and Other Work	32
66. Provision and Maintenance of Water Installations	33
67. Technical Requirements for a Water Installation	33
68. Use of Pipes and Water Fittings to be Authorised	33
69. Labelling of Terminal Water Fittings and Appliances	34
70. Pressure Management	34
Part 6: Non Potable Water	34
71. Use of water from other sources than the water supply system	34
72. Wells, boreholes, well-points and excavations	34
73. Notice of the sinking or digging of boreholes, wells and well-points	35
74. Supply of non-potable water by the municipality	35
75. Warning notices	35
76. Notification of Boreholes	35
Part 7: Fire Services Connections	36
77. Connection to be Approved by the Municipality	36
78. Special Provisions	36
79. Dual and Combined Installations	36
80. Connection Pipes for Fire Extinguishing Services	38
81. Valves and Meters in Connection Pipes	37
82. Meters in Fire Extinguishing Connection Pipes	37
83. Sprinkler Extinguishing Installation	37
84. Header Tank or Double Supply from Main	37
85. Sealing of Private Fire Hydrants	37
CHAPTER 6: CONDITIONS FOR SANITATION SERVICES	38
Part 1: Connection to Sanitation System	38
86. Obligation to Connect to Sanitation System	38
87. Provision of Connecting Sewer	38
88. Location of Connecting Sewer	38
89. Provision of One Connecting Sewer for Several Consumers on Same Premises	39
90. Interconnection Between Premises	39
91. Disconnection of Connecting Sewer	39
Part 2: Standards	39
92. Standards for Sanitation Services	39
93. Unauthorised and Illegal Discharges	39
94. Unauthorised and Illegal Discharges	41
Part 3: Methods for Determining Charges	42

95. Charges in Respect of "On-Site" Sanitation Services	42
96. Measurement of Quantity of Domestic Effluent Discharged	42
97. Measurement of Quantity and Determination of Quality of Industrial Effluent Discharged	43
98. Reduction in the Measured Quantity of Effluent Discharged	44
Part 4: Installation Work	44
99. Approval of Installation Work	44
100. Persons Permitted to do Installation and Other Work	45
101. Use of Pipes and Water Fittings to be Authorised	45
102. Testing of Drainage Installations	46
103. Water Demand Management	46
Part 5: Drainage Installations	46
104. Installation of Drainage Installations	46
105. Disconnection of Drainage Installations	47
106. Maintenance of Drainage Installations	47
107. Technical Requirements for Drainage Installations	47
108. Drains	47
109. Sewer Blockages	48
110. Grease Traps	48
111. Industrial Grease Traps	48
112. Mechanical Appliances for Lifting Sewage	49
Part 6: On-Site Sanitation Services and Associated Services	50
113. Installation of On-Site Sanitation Services	50
114. Ventilated Improved Pit Latrines	50
115. Septic Tanks and Treatment Plants	50
116. French Drains	51
117. Conservancy Tanks	51
118. Operation and Maintenance of On-Site Sanitation Services	52
119. Disused Conservancy and Septic Tanks	52
Part 7: Industrial Effluent	52
120. Approval to Discharge Industrial Effluent	52
121. Withdrawal of Approval to Discharge Industrial Effluent	52
122. Quality Standards for Disposal of Industrial Effluent	53
123. Conditions for the Discharge of Industrial Effluent	53
Part 8: Sewage Delivered by Road Haulage	54
124. Acceptance of Sewage Delivered by Road Haulage	54
125. Approval for Delivery of Sewage by Road Haulage	54
126. Withdrawal of Permission for Delivery of Sewage by Road Haulage	54
127. Conditions for Delivery of Sewage by Road Haulage	54
Part 9: Other Sanitation Services	54
128. Stables and Similar Premises	54
129. Mechanical Food-Waste or Other Disposal Units	55
CHAPTER 7: WATER SERVICES INTERMEDIARIES	55
130. Obligations of Water Services Intermediaries	55

131. Registration of Intermediaries	55
132. Intermediary Costs	56
133. Intermediary Charges	58
134. Standards of Water Services provided by Intermediaries	56
135. Licences for abstraction and disposal	56
136. Monitoring by the Municipality	56
137. Non Compliance with these bylaws	56
CHAPTER 8: PRIVATE TOWNSHIPS	57
138. Water services provision to private townships	57
139. Contributions to plan and implement water services infrastructure	57
140. Determination of rates and contributions	57
CHAPTER 9: INSPECTION AND DOCUMENTATION	58
141. Provision of Information	58
142. Power of Entry and Inspection	58
143. Power to Serve	58
144. Signing of Notices and Documents	59
145. Service of Notices	59
146. Authentication of Documents	59
147. Prima Facie Evidence	60
CHAPTER 10: COMPLIANCE AND OFFENCES	60
148. Responsibility for Compliance	60
149. Compliance with Notices	60
150. Offences	60
151. Appeals Against Decisions of the Municipality	61
CHAPTER 11: GENERAL	61
152. Indemnification from Liability	61
153. Exemption	61
154. Conflict of Law	61
155. Transitional Arrangements	61
156. Repeal of Bylaws	62
157. Short Title and Commencement	62
SCHEDULE A: LIMITS OF CONCENTRATION OF SUBSTANCES THAT MAY BE DISCHARGED TO THE MUNICIPALITY'S SANITATION SYSTEM	63
SCHEDULE B: APPLICATION FORM FOR THE DISCHARGE OF INDUSTRIAL EFFLUENT TO THE MUNICIPALITY'S SANITATION SYSTEM	66
SCHEDULE C: FORMULA FOR THE CALCULATION OF EFFLUENT DISCHARGE CHARGES	72

1. Definitions

For the purpose of these bylaws, any word or expressions to which a meaning has been assigned in the Water Services Act, 1997 (Act No 108 of 1997), the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000) or the National Building Regulations made in terms of the National Building Regulations and Building Standards Act, 1977 (Act No 103 of 1977) shall bear the same meaning in these bylaws and unless the context indicates otherwise and a word in any one gender shall be read as referring also to the other gender. Any word in singular or plural shall be deemed to also include the plural or singular, unless the context indicates otherwise.

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

"account" means an account rendered for water services provided;

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

"actual consumption" means the measured consumption by a customer of water services;

"agreement" means a contractual relationship between the municipality and a consumer that arises, either as a result of the municipality's approval of a written application for water services made in terms of these bylaws, including any subsequent variation that may be made to that agreement in conformity with these bylaws, or that is deemed to be an agreement by these bylaws;

"applicable charges" means the rate (including assessment rates), charges, tariffs or subsidies determined by the municipal council;

"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 is are provided;

"arrears" means any amount that is due, owing and payable by a customer in respect of a municipal service that has not been paid on or before the due date;

"arrears agreement" means an agreement entered into between the municipality and a consumer in relation to the settlement of any arrears;

"authorised agent" means—

- (a) any person authorised by the municipality to perform any act, function or duty in terms of, or to exercise any power under these bylaws;
- (b) any person to whom the municipality has delegated the performance of certain rights, duties and obligations in respect of providing water supply services; or
- (c) any person appointed by the municipality in a written contract as a service provider for the provision of water services to consumers on its behalf, to the extent authorised in such contract;

"average consumption" means the average consumption of a consumer of water services during a specific period, and is calculated by dividing the total measured consumption of water services by that consumer over the preceding three months by three;

"best practicable environmental option" means the option that provides the most benefit or causes the least

damage to the environment as a whole, at a cost acceptable to society, in the long term as well as in the short term;

"borehole" means a hole sunk into the earth for the purpose of locating, abstracting or using subterranean water and includes a spring;

"Building Regulations" means the National Building Regulations made in terms of the National Building Regulations and Building Standards, 1977 (Act No 103 of 1977) as amended;

"charges" means the rate, charge, tariff, flat rate or subsidy determined by the municipal council;

"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 fire-fighting and domestic, commercial or industrial purposes;

"commercial consumer" means any consumer other than domestic consumer and indigent consumers, including, without limitation, business, industrial, government and institutional consumers;

"connecting point" means the point at which the drainage installation joins the connecting sewer;

"connecting sewer" means a pipe owned by the municipality and installed by it for the purpose of conveying sewage from a drainage installation on a premises to a sewer beyond the boundary of those premises or within a servitude area or within an area covered by a way-leave or by 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 SANS 0252 Part I;

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

"consumer connection" means a connection through which water supply services are provided to a consumer;

"consumer" means any occupier of any premises to which or on which the municipality has agreed to provide water services or is actually providing water services, or if there be no occupier, then any person who has entered into a current agreement with the municipality for the provision of water services to or on such premises, or, if there be no such person, then the owner of the premises; provided that where water services is provided through a single connection to a number of occupiers, it shall mean the occupier, or person or committee representing the occupiers, to whom the municipality has agreed to provide water services, or the owner of the premises;

"Credit Control and Debt Management Bylaws" means the Credit Control and Debt Management Bylaws adopted from time to time by the council;

"defaulter" means a consumer who is in arrears to the municipality;

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

"domestic consumer" means a consumer using water for domestic purposes;

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

"domestic waste water" means waste water resulting from the supply of water to a household;

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

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

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

"due date" means the date on which an amount payable in respect of an account becomes due, owing and payable by the consumer, which date shall be not less than 21 (twenty one) days after the date on which the account has been sent to the consumer by any of the ways contemplated in these bylaws;

"duly qualified sampler" means a person who takes samples for analysis from the sewage disposal and storm water disposal systems and from public waters and who has been certified to do so by a water services authority;

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

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

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

"emergency situation" means a situation that would if allowed to continue, pose a substantial risk, threat, impediment or danger to the health and safety of the communities; to the present or future financial viability or sustainability of the municipality; to a specific municipal service; or is a "disaster" as defined in the Disaster Management Act No 57 of 2002;

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

"establish" and "established" in relation to a water scheme, means the entire process of planning, designing, and installing a water scheme so as to be fully operational and commissioned to a standard compatible with these bylaws and includes:

- (a) the design and implementation of managerial, financial, and technical procedures to manage, operate and maintain the water scheme as a viable and sustainable business;
- (b) the design and implementation of managerial, financial, and technical procedures to manage, operate and maintain the water scheme as a viable and sustainable business;
- (c) the identification and training of personnel identified and approved by the municipality to a level reasonably required to manage, operate and maintain the water scheme;

- (d) the identification and training of personnel identified and approved by the relevant community to a level reasonably required to manage, operate and maintain the water scheme;
- (e) the procurement and registration of all required servitudes over land;
- (f) compliance with all legal requirements necessary to secure the legal basis of water scheme

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

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

"fixed charge" means the cost associated with providing water 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;

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

"grey water" means effluent resulting from wash basins, showers, baths, laundry washing machines;

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

"household" means a family unit, that is determined by the municipality to be traditional by taking into account the number of persons in the unit, the relationship between the members of a household, their ages and any other factor that the municipality considers to be relevant;

"illegal connection" means a connection to any system, by means of which water services are provided that is not authorised or approved by the municipality;

"indigent consumer" means a domestic consumer who is qualified to be an indigent in accordance with the municipality's indigent policy;

"industrial effluent" means effluent emanating from the use of water for industrial purposes and includes for purposes of these bylaws any effluent other than standard domestic effluent or storm water;

"industrial purposes" in relation to the supply of water means water supplied to any premises which constitutes a factory as defined in the General Administrative Regulations, published in terms of the Occupational Health and Safety Act, 1993 (Act No 85 of 1993) and including without limitation the mines;

"infrastructure" means the facilities, installations or devices required for the rendering of water services, or for the functioning of a community including, but not limited to, facilities, installation or devices relating to water and sanitation and waste disposal;

"installation work" means any work done in respect of a water installation, including construction, rehabilitation, improvement and maintenance;

"man-hole" means any access chamber to the interior of the sewer provided for the purpose of maintenance and internal cleaning;

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

"measuring device" means any method, procedure, process, device, apparatus or installation that enables the quantity of water 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, 1973 (Act No 77 of 1973) or, in the case of water meters of a size greater than 100 mm, a device that measures the quantity of water passing through it, including a pre-paid water meter;

"municipality" means—

- (a) the Mogalakwena Local Municipality established in terms of section 12 of the Structures Act and its successors-in-title; or
- (b) subject to the provisions of any other law and only if expressly or impliedly required or permitted by these by-law the municipal manager in respect of the performance of any function, or the exercise of any duty, obligation, or right in terms of these bylaws or any other law; or
- (c) an authorised agent of the Mogalakwena Local Municipality; or
- (d) any person employed by the municipality and charged with a certain responsibility, or any person duly authorised by the municipality to perform any part of the function of the municipality, or act on behalf of the municipality for any specified purpose. This may in some instances be a professional engineer where such a person may be required and specified by the municipality or its duly authorised representative.

"municipal council" means a municipal council as referred to in section 157(1) of the Constitution of the Republic of South Africa, 1996;

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

"municipal services" means, for purposes of these bylaws, services provided by a municipality, including refuse removal, water supply, sanitation, electricity services and rates or any one of the above;

"National Credit Act" means the National Credit Act, 2005 (Act No 35 of 2005);

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

"officer" means a person duly authorised to act for and on behalf of the municipality;

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

"owner" means—

- (a) the person in whose name the ownership of the premises is registered from time to time or his agent;
- (b) where the registered owner of the premises is insolvent or dead, or for any reason lacks legal capacity, or is

under any form of legal disability, that has the effect of preventing him from being able to perform a legal act on his own behalf, the person in whom the administration and control of such premises is vested as curator, trustee, executor, administrator, judicial manager, liquidator or other legal representative;

- (c) where the municipality is unable to determine the identity of the owner, a person who has a legal right in, or the benefit of the use of, any premises, building, or any part of a building, situated on them;
- (d) where a lease has been entered into for a period of 30 (thirty) years or longer, or for the natural life of the lessee or any other person mentioned in the lease, or is renewable from time to time at the will of the lessee indefinitely or for a period or periods which, together with the first period of the lease, amounts to 30 years, the lessee or any other person to whom he has ceded his right title and interest under the lease, or any gratuitous successor to the lessee;
- (e) in relation to—
 - (i) a piece of land delineated on a sectional plan registered in terms of the Sectional Titles Act, 1986 (Act No 95 of 1986), the developer or
 - (j) he body corporate in respect of the common property, or
 - (k) a section as defined in the Sectional Titles Act, 1986 (Act No 95 of 1986), the person in whose name such section is registered under a sectional title deed and includes the lawfully appointed agent of such a person; or
 - (l) a person occupying land under a register held by a tribal authority or in accordance with a sworn affidavit made by a tribal authority;

“person” means any person, whether natural or juristic, and includes but is not limited to any local government body or like authority, a company or close corporation incorporated under any law, a body of persons whether incorporated or not, a statutory body, public utility body, voluntary association or trust;

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

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

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

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

“prescribed interest rate” means the interest rate as may be prescribed by the Minister of Justice in terms of section 1 of the Prescribed Rate of Interest Act, 1975 (Act No 55 of 1975), limited to the maximum rate of interest which may be prescribed by the National Credit Act;

“prescribed tariff” means tariffs and charges determined by the Council;

"Private Township" is any area or premises used for residential purposes which has not or will not be established in terms of the municipal township establishment process and includes residential areas established in terms of the Development Facilitation Act, (Act 67 of 1995);

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

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

- (a) publication of a notice, in one or more of the official languages determined by the municipal council:
 - (i) in any local newspaper or newspapers circulating in the area of jurisdiction of the municipality;
 - (ii) in the newspaper or newspapers circulating in the area of jurisdiction of the municipality determined by the municipal council as a newspaper of record; or
 - (iii) on the official website of the municipality;
 - (iv) by means of radio broadcasts covering the area of supply of the municipality;
- (b) displaying a notice in or at any premises, office, library or pay-point of either the municipality, or of its authorised agent, to which the public has reasonable access; and
- (c) communication with consumers through public meetings, ward committee meetings and general public announcements;
- (d) displaying or attaching notice on municipal accounts rendered to consumers.

"SANS" means the South African National Standard;

"sanitation services" has the same meaning assigned to it in terms of the Act and includes for purposes of these bylaws the disposal of industrial effluent;

"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;

"septic tank" means a water tight tank designed to receive sewage and to effect the adequate decomposition of organic matter in sewage by bacterial action;

"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;

"shared consumption" means the consumption by a consumer of water services during a specific period, that is calculated by dividing the total metered consumption of that municipal service in the supply zone where the consumer's premises is situated for the same period, by the number of consumers within the supply zone during that period;

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

"sewage disposal 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;

"sewer" means any pipe or conduit which is the property of, or is vested in, the municipality and which may be used for the conveyance of sewage from the connecting sewer and shall not include a drain as defined;

"stand-pipe" means a connection through which water supply services are supplied to more than one person;

"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 sewage discharges from domestic premises within the jurisdiction of the municipality, but shall not include industrial effluent;

"storm water" means water resulting from natural precipitation or accumulation and includes rainwater, subsoil water or spring water;

"subsidised service" means—

- (a) a municipal service which is provided to a consumer at an applicable rate which is less than the cost of actually providing the service, including services provided to consumers at no cost or charge;
- (b) service to an area determined by the municipality, within which all consumers are provided with services from the same bulk supply connection; and
- (c) the receipt, use or consumption of any water services which is not in terms of an agreement, or authorised or approved by the municipality;

"supply zone" means an area, determined by the municipality, within which all the consumer connections are provided with water supply services from the same bulk supply;

"Tariff Bylaw" means the tariff bylaw promulgated by the council in terms of section 75 of the Local Government: Municipal Systems Act, No 32 of 2000, or pending such promulgation, a decision by the council in terms of section 75A to levy and recover fees, charges or tariffs;

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

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

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

"unauthorised service" means the receipt, use or consumption of any municipal service which is not in terms of an agreement with, or approved by, the municipality;

"user connection" means any connection through which water supply services are provided to a premises, irrespective of the purpose for which the premises is used, and includes residential, industrial, commercial, business and institutional premises;

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

"water installation" means the pipes and water fittings which are situated on any premises and ownership thereof vests in the owner thereof and used or intended to be used in connection with the use of water on such premises, and

includes a pipe and water fitting situated outside the boundary of the premises, which either connects to the connection pipe relating to such premises or is otherwise laid with the permission of the municipality;

“water services” means water supply services and sanitation services;

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

“water supply services” has the same meaning assigned to it in terms of the Act and includes for purposes of these bylaws water for industrial purposes and fire extinguishing services;

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

“wet industry” means an industry which discharges industrial effluent; and

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

CHAPTER 1: APPLICATION AND TERMINATION

2. Service Delivery

- (1) If an agreement exists between the municipality and the consumer, water services shall be provided as set out in that agreement.
- (2) Water services provided to a consumer are subject to the published policy of the Council, provisions of these bylaws, any other applicable bylaw and the conditions contained in the agreement, as may be amended by public notice from time to time.

3. Application

- (1) A consumer must apply to the municipality for the provision of water services.
- (2) When application for the provision of water services is made to it, the municipality must inform the applicant of the levels of services that are available and the then applicable tariffs or charges.
- (3) The municipality may only be obliged to provide a level of service requested by the applicant if the requested service is currently being provided in that area of residence and if the municipality has the resources and capacity to provide that level of service.
- (4) The municipality must take reasonable steps to attempt to ensure that an illiterate person who wishes to complete an application form understand the document as well as the consequences of entering into the agreement, and where necessary, assist an illiterate person in completing the application form.
- (5) An application for services that has been submitted by a consumer and approved by the municipality shall constitute a written agreement between the municipality and the consumer, and such agreement shall take effect on the date referred to or stipulated in the agreement.
- (6) If, at the commencement of these bylaws or at any other time, water services are provided and received and no written agreement exists in respect of such services, it shall, until the consumer enters into an agreement in terms of subsection (1), be deemed that—
 - (a) an agreement as envisaged by subsection (5) exists; and
 - (b) the level of services rendered to that consumer is at a level of services elected by the consumer.
- (7) The municipality may, subject to the provisions of any right to privacy and secrecy recognised by any law, undertake an investigation into the creditworthiness of consumers, and may impose specific additional conditions,

which are neither contained in these bylaws nor in the prescribed form, on that consumer.

(8) If the municipality—

- (a) refuses an application for the provision of water services or a specific service or level of service;
- (b) is unable to render water services, or a specific service or level of service, by when the consumer wants it; or
- (c) is unable to render water services, a specific service, or a specific level of service;

it must, within 7 (seven) days of refusing the application or of becoming aware of its inability, inform the consumer about the refusal or its inability, and must furnish the reasons for its refusal or inability and, if it is able to do so, inform the consumer of when the water services, or a specific service, will be resumed.

4. Special Agreements

(1) The municipality may enter into a special agreement for the provision of water services with a consumer—

- (a) within the area of supply if the services applied for requires the imposition of conditions not contained in the prescribed form or these bylaws;
- (b) receiving subsidised services; and
- (c) if the premises to receive such services are situated outside an area of supply, and if the municipality having jurisdiction over the premises has no objection to such a special agreement, and it shall be incumbent on the consumer to advise the municipality having jurisdiction of such a special agreement.

5. Change

(1) A consumer may at any time apply in writing for an alteration to the level of services that was elected in terms of an agreement, and, if the consumer does so, the municipality may approve of the application if it has the capacity and resources to provide the requested level of service subject to the condition that the consumer shall be liable for the cost of effecting the alteration and to pay it before the alteration commences.

(2) Where the purpose for, or extent to which, any municipal service is changed, the consumer must promptly advise the municipality of the change by applying for the change in purpose and enter into a new agreement with the municipality.

6. New Developments

(1) The municipality must be notified of any development within the jurisdiction of the municipality requiring water services to be delivered to consumers.

(2) Developments requiring new connections to an existing water supply system or sewage disposal system shall be dealt with as set out in bylaw 48 and bylaw 79 below.

(3) Property developments in terms of The Development Facilitation Act (Act 67 of 1995) are subject to Chapter 8 of these bylaws.

(4) A property developer must, as soon as an infrastructure is able to render a water service or services to an area which is the subject of development, adequately and promptly inform the municipality, within a reasonable time, of the nature and extent of the service or services to be provided and of the measuring devices that will be used.

(5) A property developer who fails to comply with the provisions of subsection (1) shall be liable for the payment of all the applicable charges that would have been payable by consumers to the municipality in respect of water services that have been used or consumed.

7. Termination

(1) A consumer may voluntarily terminate an agreement for water services by giving at least 15 (fifteen) working

days written notice to the municipality of the date of termination.

(2) The municipality may terminate an agreement for water services by giving at least 15 (fifteen) working days written notice to a consumer where—

- (a) water services were not utilised for a consecutive period of 2 (two) months and without an arrangement, to the reasonable satisfaction of the municipality, having been made for the continuation of the agreement; or
- (b) premises by a consumer have been vacated by the consumer, who owns or has occupied them, and no arrangement for the continuation of the agreement has been made with the municipality.

(3) A consumer shall remain liable for all arrears and applicable charges that are payable for water services rendered prior to the termination of an agreement.

8. Limitation and Disconnection

(1) The municipality may limit, or if appropriate disconnect, water services provided in terms of these bylaws—

- (a) at the written request of a consumer;
- (b) if the agreement for the provision of services has been terminated in accordance with these bylaws;
- (c) the building on the premises to which services were provided has been demolished;
- (d) in an emergency situation is declared in terms of these bylaws;
- (e) 10 (ten) working days after the expiry of the 15 (fifteen) working day period allowed for payment in terms of the disconnection notice as more fully set out in bylaw 34;
- (f) if the consumer has interfered with a restricted or disconnected service; or
- (g) if the consumer has interfered, tampered or damaged or caused or permitted interference, tampering or damage to the water supply system of the municipality for the purposes of gaining access to water supply services.

(2) The municipality shall consider at least the following factors when considering whether the continued supply of water services should be limited or disconnected —

- (a) the potential socio-economic and health implications the limitation or disconnection may have on the consumer;
- (b) a domestic consumer's right of access to basic water services; and
- (c) legal precedent.

(3) The costs associated with the limitation or disconnection of water services shall be for the consumer and shall be included in the arrears amount due and payable by the consumer.

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

(5) No action taken in terms of this bylaw because of the consumer's non-payment will be suspended or withdrawn unless and until the arrears payable, including but not limited to any interest, recoverable administration fees, additional charges, costs incurred in taking relevant action and any penalties, and the payment of a higher deposit is paid in full to the municipality.

(6) The municipality will not be liable for any loss or damage suffered by a consumer owing to water services having been limited or disconnected, the municipality have followed the process set out in the these bylaws.

(7) An arrears agreement entered into after water services has been discontinued will not result in the water services being restored until the arrears, any interest thereon, administration fees, costs incurred in taking relevant action and any penalties, including payment of a higher deposit, is paid in full or as is set out in the arrears agreement.

9. Re-connection

- (1) A consumer must apply for reconnection.
- (2) The municipality shall reconnect the water service when with due considerations to the issues giving arise to the disconnection as set out in bylaw 8.
- (3) An arrears agreement entered into after water services were limited or disconnected, will not result in the services being restored until—
 - (a) the current account, the first instalment payable in terms of the agreement for payment of the arrears and all recoverable administration fees, costs incurred in taking relevant action and any penalties, including payment of a higher deposit, are paid in full; or
 - (b) a written appeal by the consumer, on the ground of having made timeous and full payment of instalments and current amounts due and payable for a period of at least 6 (six) months has been approved by the municipality.
- (4) In addition to any payments referred to in subsection (1), the consumer must pay the standard re-connection fee, as determined by the municipality from time to time, prior to the re-connection of water services by the municipality.
- (5) Water services shall be restored within 7 (seven) working days after a consumer has complied with the provisions of this bylaw.

CHAPTER 2: CHARGES, ACCOUNTS AND PAYMENT

Part 1: Charges

10. Prescribed Charges

- (1) All applicable charges payable by a consumer for water services, including but not limited to the payment of connection charges, fixed charges, availability charges or any additional charges or interest will be set by the municipal council in accordance with—
 - (a) its Rates and Tariff policy;
 - (b) any bylaws in respect thereof; and
 - (c) any regulations in terms of national or provincial legislation.
- (2) Differences between categories of consumers, users of services, types and levels of services, quantities of services, infrastructural requirements and geographic areas, may justify the imposition of differential charges.
- (3) In addition to consumptive based charges determined for water services provided, the municipal council may also determine and levy a monthly fixed charge, an annual fixed charge or only one fixed charge where water services are available, irrespective of whether or not such services are consumed or not.
- (4) The charges made from time to time will be made available by the municipality by public notice.

11. Subsidised Services

- (1) The municipal council may, by public notice, implement subsidies, for water services to the extent to which it can afford to do so without detriment to the sustainability of water services that are being rendered by it within its area of jurisdiction, for what, in its opinion, is a basic level of service.
- (2) In implementing subsidies, the municipal council may differentiate between types of domestic consumers, types and levels of services, quantities of services, geographical areas and socio-economic areas.
- (3) If a domestic consumer's consumption or use of water services is—
 - (a) less than the portion of a service that has been subsidised, the unused portion will not accrue to the consumer and will not entitle the consumer to a payment or a rebate in respect of the unused portion; and
 - (b) in excess of the subsidised portion of the service, the consumer will be obliged to pay for excess consumption at the applicable rate.
- (4) A subsidy implemented in terms of subsection (1) may at any time, after reasonable public notice, be withdrawn or altered in the sole discretion of the municipal council.
- (5) Commercial consumers shall not qualify for subsidised services.
- (6) Subsidised services shall be funded from the portion of revenue that is raised nationally and allocated to the municipality, or other sources available to the municipality as may be appropriate.

12. Recovery of Additional Costs

- (1) The municipality may in addition to any charge or payment of any kind referred to in these bylaws, recover from the consumer any costs incurred by it in implementing these bylaws, including but not limited to—
 - (a) all legal costs, including attorney and client costs incurred in the recovery of arrears which shall be debited against the consumer as arrears in his account; and
 - (b) the costs incurred in demanding payment from the consumer and for reminding the consumer, by means of telephone, fax, e-mail, letter or otherwise that payment is due.

Part 2: Accounts

13. Accounts

- (1) If accounts are issued by the municipality, the accounts shall be rendered at monthly intervals to consumers at the consumer's last recorded address; unless otherwise reasonably determined and published by the municipality's chief financial officer.
- (2) If, in the opinion of the municipality, it is not reasonably possible or cost effective to render accounts to consumers who consume only subsidised services, the municipal council may, notwithstanding subsection (1), decide not to render accounts to those consumers.
- (3) Failure by the consumer to receive or accept an account does not relieve a consumer of the obligation to pay any amount that may be due and payable.
- (4) The municipality will, if it is reasonably possible to do so, issue a duplicate account to a consumer on request.
- (5) Accounts must be paid not later than the last date for payment specified in the account.
- (6) Accounts for water services must—
 - (a) reflect at least the—
 - (i) services rendered;
 - (ii) consumption of metered services or the average, shared or estimated consumption;

- (iii) period addressed in the account;
 - (iv) applicable charges;
 - (v) subsidies;
 - (vi) amount due (excluding the value added tax payable)
 - (vii) value added tax;
 - (viii) adjustment, if any, to metered consumption which has been previously estimated;
 - (ix) arrears;
 - (x) interest payable on any arrears;
 - (xi) final date for payment;
 - (xii) methods, places and approved agents where payment may be made;
 - (xiii) any other information that may be appropriate and informative for consumer awareness and education such and
- (b) state that—
- (i) the consumer and the municipality may enter into an agreement at the municipal offices in terms of which the consumer will be permitted to pay arrears in instalments;
 - (ii) if no such agreement is entered into, the municipality will limit or if appropriate and following due process, may disconnect the services, after sending a final demand notice in terms of these bylaws to the consumer;
 - (iii) legal action may be instituted against any consumer for the recovery of any amount more than 40 (forty) days in arrears; and
 - (iv) a claim for arrears may be ceded to a debt collector for collection.

14. Due Date

- (1) Accounts for water services rendered are payable monthly in arrears, by the due date.
- (2) Unless otherwise published by decision of the municipal council, any payment made by a consumer of an amount less than the total amount due, will be allocated in reduction of the consolidated debt in the following order:
- (a) towards costs incurred in taking relevant action to collect amounts due and payable;
 - (b) towards payment of interest;
 - (c) towards payment of arrears; and
 - (d) towards payment of the current account.
- (3) Unpaid accounts are dealt with as arrears, as set out more fully in Part 6: Arrears below.

15. Consolidated Debt

- (1) If an account is rendered by the municipality for more than one municipal service provided, the amount due and payable by a consumer constitutes a consolidated debt.
- (2) A consumer may not elect how an account is to be settled between the various municipal services if it is either not paid in full or if there are arrears.
- (3) If a body corporate is responsible for the payment of any arrears amount to the municipality in respect of a sectional title development the liability of the body corporate shall be extended to the members thereof, jointly and separately.

Part 3: Payment

16. Payment for Water Services

- (1) The owner and consumer shall be jointly and separately liable and responsible for payment of all water services charges and water services consumed or rendered to the consumer from the commencement date of the agreement until the account has been paid in full and the municipality shall be entitled to recover all payments due to it.
- (2) A consumer (and if relevant the owner) shall be responsible for the payment of all water services. If a consumer uses water services for a use other than that for which it is rendered by the municipality in terms of an agreement, and if the consumer is charged at a lower than the usual applicable charge, the municipality may alter the amount to be charged and recover from the consumer the difference between the altered charge and the amount that has been paid by the consumer.
- (3) If amendments to the applicable charge become operative on a date between when measurements are made for rendering an account for the applicable charges—
 - (a) it shall be deemed that the same quantity of water services was provided for each period of twenty-four hours during the interval between the measurements; and
 - (b) any fixed charge shall be calculated on a pro rata basis in accordance with the charge that applied immediately before such amendment and such amended applicable charge.

17. Payment of Deposit

- (1) On application for services, or when in default, a consumer may be required to pay a deposit.
- (2) The deposits required shall be determined by the municipal council, and made available by public notice.
- (3) The municipal council may determine that different deposits be paid by different categories of consumers, users of services and debtors as well as for different services and standards of service and within a period as may be specified by the municipality; having due regard to the past patterns of reasonable consumption of the category of consumer and the consumer risk profile.
- (4) The municipal council may specify acceptable forms of deposits, which may include:
 - (a) cash;
 - (b) bank guaranteed cheques; and
 - (c) bank guarantees.
- (5) If a deposit is required of a consumer, this must be paid by a consumer with the application for water services as water services will not be rendered until it has been paid.
- (6) The municipality may annually review deposits paid in terms of subsection (3) and depending on the outcome of the review—
 - (a) require that an additional amount of money be deposited by the consumer if the deposit is less than the most recent deposit determined by the municipal council; or
 - (b) refund to the consumer whatever amount of money that may be held by the municipality as a deposit which is in excess of the most recent deposit determined by the municipal council.
- (7) If a consumer is in arrears, the municipality may require the consumer to—
 - (a) pay a deposit if that consumer has not previously been required to pay a deposit, if the municipal council has determined a deposit; and

(b) pay an additional deposit where the deposit paid by that consumer is less than the most recent deposit determined by the municipal council.

(8) A deposit, or any part of a deposit, is neither a payment, nor a part payment, of an account but if on termination of the agreement the account is in arrear, the deposit may be used in payment, or part payment, of the arrears.

(9) No interest shall be payable by the municipality on any deposit, or part of a deposit, held by it.

(10) A deposit is refundable to the consumer on termination of the agreement with the municipality, and settlement of all arrears.

(11) A deposit shall be forfeited to the municipality if it has not been claimed by the consumer within 12 (twelve) months of the termination of the agreement.

18. Determining Amounts Due and Payable

(1) The municipality will endeavour to meter all water services that are capable of being metered, if it has the financial and human resources, to do so and, also, to read all metered services on a regular basis, but if a service is not measured, a municipality may, subjectively but transparently determine what is due and payable by a consumer for water services by calculating the shared consumption; or, if that is not possible, by means of an estimated consumption.

(2) If a service is metered, but it cannot be read because of financial and human resource constraints, or circumstances beyond the control of the municipality, and the consumer is charged for an average consumption, the account following a reading of the metered consumption must state the difference between the actual consumption and the average consumption, and reflect the resultant credit or debit adjustment.

(3) Where in the opinion of the municipality it is not reasonably possible or cost effective to meter all consumer connections, or to read all metered consumer connections, within a determined area, the municipal council may determine the amount due and payable by a consumer for water services in the manner set out in subsection (1).

(4) Where water supply services are provided by a communal water services work, the amount that consumers must pay for gaining access to, and utilising, water from the communal water services work, will be based on the shared or estimated consumption of water supplied to that water services work.

(5) The municipality must by public notice inform consumers about the method used in determining what is due and payable in respect of water services in their consumption or supply zones.

(6) If a consumer uses water supply services for a category of use other than that for which it is provided by the municipality in terms of an agreement, and as a consequence is charged at a rate lower than the rate which should have been charged, the municipality may make an adjustment of the amount charged in accordance with the rate which should have been charged and recover from the consumer the tariffs and charges payable in accordance with such adjustment.

19. Full and Final Settlement

(1) If an account for services rendered is not settled in full, any lesser amount tendered to, and accepted by, the municipality shall not be a full and final settlement of such an account despite the fact that the payment was tendered in full and final settlement, unless the municipal manager or the manager of the municipality's authorised agent, expressly accepts it in writing as being in full and final settlement of the account in question.

20. Responsibility for Amounts Due and Payable

(1) Subject to subsection (2) and notwithstanding any other provision in these bylaws, an owner of premises shall be liable for the payment of any amount that is due and payable to the municipality by a consumer for the preceding two years, provided that the municipality has taken reasonable steps to recover from the consumer any amount due and payable and an amount remains outstanding; and further provided that the owner signed the application for services in bylaw 2, and the municipality advised the owner that the consumer is in arrears.

(2) If, at the commencement of these bylaws or at any other time, water services are rendered and received by any person at the premises, and if no written agreement exists in respect of those services, the owner of the premises shall be deemed to have agreed to the provisions of subsection (1) until the consumer enters into an agreement with the municipality in terms of bylaw 2 and the application form for the services is signed by the owner.

21. Dishonoured Payments

(1) Where any payment made to the municipality by negotiable instrument is later dishonoured by the bank, the municipality—

- (a) may debit the consumers account with the bank charges and administration fees incurred in respect of dishonoured negotiable instruments;
- (b) shall regard such an event as default on payment;
- (c) and the municipality shall have the right to refuse future payments by cheque.

22. Incentive Schemes

(1) The municipal council may institute incentive schemes to encourage prompt payment and to reward consumers who pay their accounts regularly and on time.

23. Pay-points and Approved Agents

(1) A consumer must pay his account at pay-points specified by the municipality or by an approved agent of the municipality.

(2) The municipality must by public notice inform consumers of the location of specified pay-points and about who is an approved agent for receiving the payment of accounts.

Part 4: Information, Queries and Appeals

24. Request for Information

(1) At the request of the consumer, the municipality must make available to the consumer a statement of all or any of the following:

- (a) the current balance of the consumer's account;
- (b) any amounts credited or debited during a period specified in the request;
- (c) any amounts currently overdue and when each such amount became due; and
- (d) any amount currently payable and the date it became due.

(2) A statement requested in terms of subsection (1) must be delivered-

- (a) within 10 (ten) days, if all the requested information relates to a period of one year or less before the request was made; or
- (b) within 20 (twenty) days, if any of the requested information relates to a period of more than one year before the request was made.

(3) A statement under this section may be delivered-

- (a) orally, in person or by telephone; or
- (b) in writing, either to the consumer in person or by sms, mail, fax, email or other electronic form of communication, to the extent that the municipality is equipped to offer such facilities, as directed by the consumer when making the request.

25. Queries or Complaints in Respect of an Account

- (1) Where a request for information in terms of bylaw 24 does not reasonably satisfy the consumer, and the dissatisfied consumer has a query, complaint or objection relating to the accuracy of any amount stated to be due and payable by the consumer in an account that has been rendered to the consumer, the consumer may raise a query, complaint or objection orally. Where it is not resolved to the satisfaction of the consumer the consumer must lodge the query, complaint or objection in writing with the municipality.
- (2) The municipality must assist an illiterate or similarly disadvantaged consumer in lodging a query, complaint or objection and must take reasonable steps to ensure that it is reflected correctly in writing.
- (3) Where a query or complaint is lodged after the due date of the account queried or complained about, such query or complaint must be accompanied by the payment of at least an amount equal to the average amount that was due and payable during the preceding three months.
- (4) The municipality will record the query, complaint or objection and provide the consumer with a reference number to identify where it has been recorded.
- (5) The municipality—
 - (a) shall investigate or cause the query, complaint or objection to be investigated within 10 (ten) working days after the query or complaint was registered; and
 - (b) will inform the consumer, in writing, of its finding within 15 (fifteen) working days after the query, complaint or objection was registered.

26. Appeals Against Municipality's Findings

- (1) A consumer may appeal in writing against a finding of the municipality in terms of bylaw 25.
- (2) An appeal in terms of subsection (1) must be made in writing and lodged with the municipality manager within 20 (twenty) working days after the consumer became aware of the finding referred to in bylaw 25 and must—
 - (a) set out the reasons for the appeal; and
 - (b) be accompanied by a deposit, as determined by the municipal council, if the municipality requires a deposit to be made.
- (3) The municipality may, on appeal by a consumer, instruct him to pay the full amount appealed against.
- (4) The consumer remains liable for all other amounts falling due and payable during the adjudication of the appeal.
- (5) An appeal must be decided by the municipality within 20 (twenty) working days after an appeal was lodged and the consumer must be informed of the outcome in writing, as soon as is reasonably possible, afterwards.
- (6) The municipality may condone the late lodging of appeals or other procedural irregularities.
- (7) If the municipality reasonably rejects the query, or complaint or objection, the consumer must pay any amounts found to be due and payable in terms of the decision within 15 (fifteen) working days of being informed of the outcome of the appeal.
- (8) If it is alleged in an appeal that a measuring device is inaccurate, the device must be subjected to a standard industry test as determined by the municipality, to establish its accuracy and the consumer must be informed of the estimated cost of such a test prior to such test being undertaken.
- (9) If the outcome of any test shows that a measuring device is—
 - (a) within a prescribed range of accuracy, the consumer will be liable for the costs of the test and any other amounts outstanding, and those costs will be debited in the consumer's account;
 - (b) is outside a prescribed range of accuracy, the municipality will be liable for the costs of such test and the consumer must be informed of the amount of any credit to which he is entitled as a consequence of any inaccuracy.

- (10) A deposit referred to in subsection (2)(b), shall be-
- (a) retained by the municipality if the measuring device is found not to be defective; or
 - (b) refunded to the applicant to the extent that it exceeds the amount payable in respect of quantity determined in accordance with subsection 11(b), if the measuring device is found in terms of that subsection to be defective.
- (11) In addition to subsections (10) and (11), if the measuring device is found defective, the municipality must-
- (a) repair the measuring device or install another device in good working order, without charge to the consumer, unless the cost of doing so is recoverable from the consumer in terms of these or any other bylaws of the municipality; and
 - (b) determine the quantity of water services for which the consumer will be charged in lieu of the quantity measured by the defective measuring device by taking as a basis for such determination, and as the municipality may decide—
 - (i) the quantity representing the average monthly consumption of the consumer during the three months preceding the month in respect of which the measurement is disputed and adjusting that quantity in accordance with the degree of error found in the reading of the defective meter or measuring device;
 - (ii) the average consumption of the consumer during the succeeding three metered periods after the defective meter or measuring device has been repaired or replaced; or
 - (iii) the consumption of services on the premises recorded for the corresponding period in the previous year.

Part 5: Arrears

27. Consolidated Arrears

- (1) If one account is rendered for more than one municipal service provided, all arrears due and payable by a consumer constitute a consolidated debt.

28. Interest

- (1) Interest may be levied on arrears at the prescribed interest rate.
- (2) In the levying interest at the prescribed interest rate, the municipal council may differentiate between types of domestic consumers, types and levels of services, quantities of services, geographical areas and socio-economic areas, which shall be promulgated annually as part of the tariff setting process, taking into consideration the legal prescriptions.

29. Arrears Agreements

- (1) Where an agreement is reached between the municipality and a consumer in regard to arrears, and it is an "incidental credit agreement" as defined in the National Credit Act 2005, the provisions of the National Credit Act shall apply to the conduct of the municipality and the consumer.
- (2) The following agreements for the payment of arrears may be entered into:
- (a) an acknowledgement of debt;
 - (b) a consent to judgment; or
 - (c) an emolument attachment order.
- (3) Only a consumer with positive proof of identity or a person authorised in writing by that consumer, or, if a consumer is illiterate, a person authorised by a consumer personally in the presence of an officer appointed by the

municipality for that purpose, will be allowed to enter into an arrears agreement.

- (4) No consumer will be allowed to enter into an arrears agreement where that consumer failed to honour a previous agreement for the payment of arrears, unless the municipality, in its sole discretion, permits the consumer to do so.
- (5) A copy of the arrears agreement must be made available to the consumer.
- (6) An arrears agreement may not be entered into unless and until a consumer has paid his current account.
- (7) A consumer may be required to complete a debit order for the payment of arrears to give effect to the agreement reached.

30. Additional Costs, Partial Settlement and Instalments

(1) The costs associated with entering into an arrears agreement, and the costs associated with limitation or disconnection of water services in accordance with bylaw 8, shall be included in the arrears amount due and payable by the consumer.

(2) The municipality must, in determining the instalment amounts payable by the consumer on entering into an arrears agreement take the following factors into account:

- (a) the credit record of the consumer;
- (b) the amount in arrears;
- (c) the level of consumption of water services;
- (d) the level of service provided to the consumer;
- (e) previous breaches of agreements (if there be any) for the payment of arrears in instalments; and
- (f) any other relevant factors.

(3) If a consumer, on entering into an arrears agreement, proves to the municipality that the consumer is unable to pay the amount referred to in this bylaw 30, the municipality may, after taking into account the factors referred to in subsection (2)—

- (a) extend its payment to the end of the month in which the consumer enters into the agreement; or
- (b) include it in the amount payable in terms of the agreement.

(4) The municipality may, after taking into account the factors referred to in subsection (2), require a consumer to pay an additional amount on entering into an agreement for the payment of arrears, in addition to the current account, representing a percentage of the arrears amount in arrear.

(5) If a consumer enters into an arrears agreement and requests the following, a municipality may -

- (a) install a pre-payment meter; or
- (b) limit the water services to basic water services.

31. Duration of Arrears Agreements

(1) Subject to sub-section 2, agreements for the payment of arrears shall not be for longer the 24 (twenty-four) month periods.

(2) If an individual domestic consumer can justify it, the municipality may allow a longer period than 24 (twenty four) months for the payment of arrears, if special circumstances prevail that in the opinion of the municipality warrants such an extension and which the consumer reasonably could not prevent or avoid. Documentary proof of any special circumstances must be furnished by the consumer on request by the municipality or its authorised agent.

(3) The municipality may, in exercising his or her discretion under sub-section (2) have regard to a consumer's—

- (a) credit record;

- (b) consumption;
 - (c) level of service;
 - (d) previous breaches of agreements for the payment of arrears in instalments; and
 - (e) any other relevant factors.
- (4) The municipality may, in deciding on the duration of the agreement for the payment of arrears have regard to—
- (a) the credit record of the consumer;
 - (b) the amount in arrear;
 - (c) the gross and net income of the consumer;
 - (d) the level of consumption of water services;
 - (e) the level of service provided to the consumer;
 - (f) previous breaches of agreements for the payment of arrears in instalments; and
 - (g) any other relevant factor.

32. Failure to Honour Arrears Agreement

(1) If a consumer fails to comply with the terms of an arrears agreement, the total of all outstanding, including arrears, any interest, administration fees, costs incurred in taking relevant action, and penalties, including payment of a higher deposit, will be immediately due and payable without further notice or correspondence and the municipality may—

- (a) limit or disconnect the water services specified in the final demand notice sent to the consumer in accordance with bylaw 8;
- (b) institute legal action for the recovery of the arrears; and
- (c) hand the consumer's account over to a debt collector or an attorney for collection, and
- (d) list the defaulting consumer's name with a credit bureau or any equivalent body as a defaulter.

(2) If a consumer fails to comply with the arrears agreement entered into after receipt of a limitation or disconnection notice issued in terms of bylaw 34, access to services may be disconnected without further notice or correspondence in addition to any other actions taken against or that may be taken against such a consumer.

(3) No consumer will be allowed to enter into an arrears agreement where that consumer failed to honour a previous agreement for the payment of arrears.

Part 6: Payment Notices

33. Final Demand Notice

(1) If a consumer fails to pay the account on or before the due date, a final demand notice may be hand delivered or sent by registered post to the most recent recorded address of the consumer.

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

(3) The final demand notice must contain the following statements:

- (a) the amount in arrears and any interest payable;
- (b) that the consumer refer the issue to a debt counsellor, or follow the dispute resolution procedures; and
- (c) that the consumer may develop and agree on a plan to bring the arrear payment up to date with the municipality within 10 (ten) working days of the date of the final demand notice; and

- (d) that if no such agreement is entered into within the stated period that specified water services may be limited or if appropriate disconnected in accordance with bylaw 8;
- (e) that legal action may be instituted against any consumer for the recovery of any amount 40 (forty) days in arrears; and
- (f) that the account may be handed over to a debt collector for collection.

34. Limitation or Disconnection Notice

(1) If-

- (a) no payment was received by the due date;
- (b) no agreement was entered into for the payment of arrears;
- (c) no payment was received in accordance with an arrears agreement; then

the municipality may after 5 (five) working days after the expiry of the period allowed for payment in terms of the final demand notice –

- (i) limit the provision of water services to a defaulting residential consumer to basic water services; and
- (ii) hand deliver or send, per registered mail, to the last recorded address of the consumer, a disconnection notice informing the consumer that the provision of water services will be disconnected within 15 (fifteen) working days of the date of the discontinuation notice.

(2) A disconnection notice must contain –

- (a) the amount in arrears and any interest payable;
- (b) a statement that the consumer may conclude an agreement with the municipality for payment of the arrears amount in instalments, within 15 (fifteen) working days of the date of the disconnection notice;
- (c) that if no such agreement is entered into within the stated period, the municipality may disconnect the provision of water services with immediate effect, notwithstanding any legal action instituted or in the process of being instituted against the consumer for the recovery of the arrears amount.

CHAPTER 3: RESTRICTION, EMERGENCIES, CONSERVATION AND DEMAND MANAGEMENT

Part 1: Restrictions

35. Water Restrictions

(1) The council may by public notice, whenever there is a scarcity of water available to it for distribution and supply to consumers, or for any other good cause –

- (a) prohibit or restrict the consumption of water in any supply zone;
 - (i) in general or for specified purposes;
 - (ii) during specified hours of the day or on specified days; and
 - (iii) in a specified manner.
- (b) determine and impose limits on the quantity of water that may be consumed over a specified period;
- (c) impose restrictions or prohibitions on the use or manner of use or disposition of an appliance by means of which water is used or consumed, or on the connection of such appliances to the water installation; and
- (d) invoke the special tariffs in respect of water restrictions, determined in terms of the Tariff Bylaws.

(2) The council may limit the application of the provisions of a notice contemplated in subsection (1) to specified

areas and/or categories of consumer, premises and activities, and may permit deviations and exemptions from, and the relaxation of, any of such provisions on reasonable grounds, provided that there will be no deviation from the tariffs referred to in subsection (1)(d).

(3) The Municipality may order a consumer to, at the consumers own expense, take such measures, including the installation of meters and devices for restricting the flow of water, as may in his or her opinion be necessary to ensure compliance with a notice published in terms of subsection (1).

(4) The Municipality –

- (a) may discontinue or, for such period as he or she may deem fit, limit the supply of water to any premises in the event of a failure to comply with the terms of a notice referred to in subsection (1), and
- (b) must, where the supply has been discontinued in terms of paragraph (a), restore it only when the fee for discontinuation and reconnecting the supply has been paid.

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

(6) Any person contravening the provisions of a notice published in terms of subsection (1) is guilty of an offence.

Part 2: Emergencies

36. Imminent emergencies and situations that require immediate action

(1) The municipality may, in cases of imminent emergencies or situations that require immediate action, take any reasonable measures to prevent or eradicate such imminent emergencies or situations.

(2) When an imminent emergency or situation as contemplated by subsection (1) occurs on private property, the municipality may –

- (a) by written notice direct the owner and/or consumer to take such measures as may be deemed necessary to prevent or eradicate the imminent emergency or the situation; or
- (b) in the event that the owner cannot be found or the owner fails to immediately comply with the requirements of the municipality, take such measures as may be deemed necessary to prevent or eradicate the imminent emergency or the situation.

(3) In the event where the emergency emanates from a water installation, the owner of such water installation is liable for the costs incurred by the municipality.

(4) If in the opinion of the municipality action is necessary as a matter of urgency to prevent wastage of water, damage to property, danger to life or pollution of water, he or she may –

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

37. Declaration of Emergency Situations

(1) The municipality may at any, by public notice declare that an emergency situation exists in a supply zone, if in its opinion, a significant health or safety risk, or risk to the financial viability or sustainability of the municipality, or the sustainable rendering of a specific water service to the community exists and that no other reasonable measures may be taken to avoid or limit the risk.

(2) The emergency situation must be declared by public notice and must contain-

- (a) the reasons for the declaration;
-

- (b) the consumers who, and supply zone that, will be affected by the declaration;
- (c) the type, level and quantity of water service that will be provided;
- (d) the duration of the declaration;
- (e) specific measures or precautions to be taken by affected consumers; and
- (f) special relief that may be granted to individual consumers on application to the municipality.

(3) The municipality must by public notice declare an area no longer to be an emergency situation when any of the information on which the declaration was based, improves to such an extent that the avoidance or limitation of the risk referred to in subsection (1) no longer warranted its being declared an emergency area.

38. Duties of the Public

(1) Every member of the public must, on becoming aware of any emergency situation that requires immediate attention or a situation that may give rise to the wastage of water or pollution, immediately inform the municipality.

(2) Any person acting in terms of subsection (1) who does not wish to be identified may request that his or her name not be disclosed in any subsequent action.

39. Temporary Supply from a Hydrant

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

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

(3) The municipality shall provide a portable water meter and all other fittings and apparatus necessary for the temporary supply of water from a hydrant.

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

Part 3: Conservation and Demand Management

40. Pollution of Water

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

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

(2) The municipality may from time to time by means of a public notice prescribe measures and standards that must be adhered to by owners or consumers.

41. Waste of Water

(1) No person may negligently, purposefully or wastefully—

- (a) discharge water from terminal water fittings or permit such discharge;
- (b) permit pipes or water fittings to leak;
- (c) use water fittings that are incorrectly adjusted or defective or permit such use;

- (d) permit an overflow of water to persist; or
 - (e) inefficiently use water or allow an inefficiently use of water to persist.
- (2) An owner must repair or replace any part of the water installation which is in such a state of disrepair that, in the opinion of the municipality, it is either causing or is likely to cause an occurrence listed in subsection (1).
- (3) If an owner fails to comply with subsection (2), the municipality may take such measures as he or she may deem fit and recover the cost from the owner.
- (4) a) A consumer must ensure that any equipment or plant connected to the water installation uses water in an efficient manner.
- b) If in the opinion of the Municipality, the use of water by any equipment in a water installation is inefficient or wasteful, the Municipality may, by written notice, prohibit the use of such equipment.
- (5) When the use of equipment has been prohibited in terms of subsection (4)(b), such equipment shall not be returned to use until its efficiency has been restored and a written application to do so has been approved by the municipality.

42. Water Conservation and Demand Management

Any owner or consumer must comply with the water conservation and demand management policy of the municipality.

CHAPTER 4: UNAUTHORISED SERVICES

43. Unauthorised Services

- (1) Subject to Chapter 7: Water Services Intermediaries and Chapter 8: Private Townships, no person may gain access to water services unless it is in terms of an agreement entered into with the municipality for the rendering of those services.
- (2) Irrespective of any other action it may take against a person in terms of these bylaws, the municipality may by written notice order a person who is using unauthorised services to—
- (a) apply for such services in terms of bylaws 3 and 4; and
 - (b) undertake any work that may be necessary to ensure that the consumer installation, by means of which access was gained, complies with the provisions of these or any other relevant bylaws or if it is of the opinion that the situation is a matter of urgency, and may, without prior notice, prevent or rectify the non-compliance and recover the cost from him.
- (3) A person who gains access to water services in a manner other than in terms of an agreement entered into with the municipality for the rendering of those services shall be liable to pay for any services that the consumer may have utilised or consumed in breach of these bylaws, notwithstanding any other actions that may be taken against such a person. Consumption and use will be estimated on the basis of the average consumption of services to the specific area within which the unauthorised connection was made.

44. Interference with Infrastructure for the Provision of Water services

- (1) No person shall manage, operate or maintain infrastructure through which water services are provided by the municipality, unless authorised by the municipality.
- (2) No person other than the municipality shall effect a connection to infrastructure through which water services are provided.
- (3) No person shall intentionally or negligently damage, change or in any way interfere with infrastructure through which the municipality provides water services unless there is a lawful justification for intentionally doing so.

- (4) If a person contravenes subsection (1), the municipality may—
- (a) by written notice require a person to cease or rectify the damage, change or interference at his own expense within a specified period; or
 - (b) if it is of the opinion that the situation is a matter of urgency, without prior notice prevent or rectify the change, damage or interference and recover the cost of doing so from him.

45. Obstruction of Access to Infrastructure for the Provision of Water services

- (1) No person shall prevent or restrict physical access to infrastructure through which water services are provided.
- (2) If a person contravenes subsection (1), the municipality may—
- (a) by written notice require such person to restore access at his own expense within a specified period; or
 - (b) if it is of the opinion that the situation is a matter of urgency, without prior notice restore access and recover the cost of doing so from him.

46. Illegal Re-Connection

- (1) A consumer whose access to water services has been restricted or disconnected, who, except as provided for in these bylaws, restores or reconnects to those services or who intentionally or negligently interferes with infrastructure through which water services are provided, shall be disconnected, after he has been given reasonable written notice.
- (2) A person who re-connects to water services in the circumstances referred to in subsection (1) shall be liable for to pay for any services that he it may have utilised or consumed in breach of these bylaws, notwithstanding any other action that may be taken against him.
- (3) Consumption will be estimated on the basis of the average consumption of services to the specific area within which the illegal re-connection was made.

47. Pipes in Streets or Public Places

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

48. Use of Water from Sources Other than the Water Supply System

- (1) No person shall use or permit the use of water obtained from a source other than the water supply system, other than rain water tanks which are not connected to the water installation, except with the prior approval of the municipality, and in accordance with such conditions as it may impose, for domestic, commercial or industrial purposes.
- (2) Any person desiring the consent referred to in subsection (1) shall provide the municipality with evidence satisfactory to it that the water referred to in subsection (1) complies, whether as a result of treatment or otherwise, with the requirements of SANS 241: Drinking Water, or that the use of such water does not or will not constitute a danger to health.
- (3) Any consent given in terms of subsection (1) may be withdrawn if, in the opinion of the municipality —
- (a) a condition imposed in terms of subsection (1) is breached; or
 - (b) the water quality no longer conforms to the requirements referred to in subsection (2).
- (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 subsection (2).
- (5) The determined charge for the taking and testing of the samples referred to in subsection (4) above shall be

paid by the person to whom consent was granted in terms of subsection (1).

(6) If water obtained from a borehole or other source of supply on any premises is used for a purpose which gives rise to the discharge of such water or a portion thereof into the municipality's sewerage system, the municipality may install a meter in the pipe leading from such borehole or other source of supply to the point or points where it is so used.

49. 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's 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 subsection (1) shall provide the municipality with evidence satisfactory to it that the sanitation facility is not likely to have a detrimental effect on health or the environment.

(3) Any consent given in terms of subsection (1) may be withdrawn if, in the opinion of the municipality—

- (a) a condition imposed in terms of subsection (1) is breached; or
- (b) the sanitation facility has a detrimental impact on health or the environment.

(4) The municipality may undertake such investigations as he or she may deem necessary to determine if a sanitation facility has a detrimental impact on health or the environment.

(5) The person to whom consent was granted in terms of subsection (1) shall be liable for the costs associated with an investigation undertaken in terms of subsection (2) if the result of the investigation indicates that the sanitation facility has a detrimental impact on health or the environment.

CHAPTER 5: CONDITIONS FOR WATER SUPPLY SERVICES

Part 1: Service Levels

50. Service Levels

(1) The municipal council may, from time to time, and in accordance with national policy, but subject to principles of sustainability and affordability by public notice determine the service levels it is able to offer to provide to consumers.

(2) In determining service levels, the municipal council may differentiate between types of consumers, domestic consumers, geographical areas and socio-economic areas.

51. Provision of Water Supply to Several Consumers

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

(2) The municipality may provide communal water supply services through a communal installation designed to provide a controlled volume of water to several consumers.

Part 2: Connection to Water Supply System

52. Provision of Connection Pipe

(1) If an agreement for water supply services in respect of premises has been concluded and no connection pipe exists in respect of the premises, the owner shall make application on the prescribed form and pay the determined charge for the installation of such a pipe.

(2) If an application is made for water supply services which are of such an extent or so situated that it is necessary

to extend, modify or upgrade the water supply system in order to supply water to the premises, the municipality may agree to the extension provided that the owner shall pay for the cost of the extension, as determined by the municipality.

(3) Only the municipality may install a connection pipe but the owner or consumer may connect the water installation to the connection pipe.

(4) No person may commence any development on any premises unless the municipality has installed a connection pipe and meter.

53. Location of Connection Pipe

(1) A connection pipe provided and installed by the municipality shall—

- (a) be located in a position determined by the municipality and be of a suitable size as determined by the municipality;
- (b) terminate at—
 - (i) the boundary of the land owned by or vested in the municipality, or over which it has a servitude or other right; or
 - (ii) at the outlet of the water meter or isolating valve if it is situated on the premises.

(2) The municipality may at the request of any person agree, subject to such conditions as the municipality may impose, to a connection to a main other than that which is most readily available for the provision of water supply to the premises; provided that the applicant shall be responsible for any extension of the water installation to the connecting point designated by the municipality and for obtaining at his cost, any servitudes over other premises that may be necessary.

(3) An owner must pay the determined connection charge in advance before a water connection can be effected.

54. Provision of Single Water Connection for Supply to Several Consumers on the Same Premises

(1) Notwithstanding the provisions of bylaw 18, 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 having the charge or management of any premises on which several accommodation units are situated, requires the supply of water to such premises for the purpose of supply to the different accommodation units, the municipality may, in its discretion, provide and install either—

- (a) a single measuring device in respect of the premises as a whole or any number of such accommodation units; or
- (b) a separate measuring device for each accommodation unit or any number thereof.

(3) Where the municipality has installed a single measuring device as contemplated in subsection (2) (a), the owner or the person having the charge or management of the premises, as the case may be—

- (a) must install and maintain on each branch pipe extending from the connection pipe to the different accommodation units—
 - (i) a separate measuring device; and
 - (ii) an isolating valve; and
 - (iii) will be liable to the municipality for the charges for all water supplied to the premises through such a single measuring device, irrespective of the different quantities consumed by the different consumers served by such measuring device.

(4) Where premises are supplied by a number of connection pipes, the municipality may require the owner to reduce the number of connection points and alter his water installation accordingly.

55. Disconnection of Water Installation from the Connection Pipe

(1) The municipality may disconnect a water installation from the connection pipe and remove the connection pipe on termination of an agreement for the provision of water supply services in accordance with these bylaws.

Part 3: Standards

56. Quantity, Quality and Pressure

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

57. Testing of Pressure in Water Supply Systems

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

58. Specific Conditions of Supply

(1) The granting of a supply of water by the municipality shall not constitute an undertaking by it to maintain at any time or any point in its water supply system.

(2) The municipality may specify the maximum pressure to which water will be supplied from the water supply system.

(3) If an owner or consumer requires—

- (a) that any of the standards referred to in bylaw 52; or
- (b) a higher standard of service than specified in the municipality's service levels;

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

(4) The municipality may, in an emergency, interrupt the supply of water to any premises without prior notice.

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

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

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

(8) No consumer shall resell water supplied to him by the municipality except with the written permission of the municipality, which may stipulate the maximum price at which the water may be resold, and may impose such other conditions as the municipality may deem fit.

Part 4: Measurement

59. Measuring of Water Supplied

- (1) The municipality may provide a measuring device designed to provide either a controlled volume of water, or an uncontrolled volume of water, to a consumer.
- (2) The municipality must, at regular intervals, measure the quantity of water supplied through a measuring device designed to provide an uncontrolled volume of water.
- (3) Any measuring device and its associated apparatus through which water is supplied to a consumer by the municipality, shall be provided and installed by the municipality, shall remain its property and may be changed and maintained by the municipality when he consider it necessary to do so.
- (4) The municipality may install a measuring device, and its associated apparatus, at any point on the service pipe.
- (5) If the municipality installs a measuring device on a service pipe in terms of subsection (4), he may install a section of pipe and associated fittings between the end of its connection pipe and the meter, and that section shall form part of the water installation.
- (6) If the municipality installs a measuring device together with its associated apparatus on a service pipe in terms of subsection (4), the owner shall—
 - (a) provide a place satisfactory to the 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 to it, excluding damage arising from normal fair wear and tear;
 - (d) ensure that no connection is made to the pipe in which the measuring device is installed between the measuring device and the connection pipe serving the installation;
 - (e) make provision for the drainage of water which may be discharged from the pipe, in which the measuring device is installed, in the course of work done by the municipality on the measuring device; and
 - (f) not use, or permit to be used on any water installation, any fitting, machine or appliance which causes damage or which, in the opinion of the municipality, is likely to cause damage to any meter.
- (7) No person other than the municipality shall:
 - (a) disconnect a measuring device and its associated apparatus from the pipe on which they are installed;
 - (b) break a seal which the municipality has placed on a meter; or
 - (c) in any other way interfere with a measuring device and its associated apparatus.
- (8) If the municipality considers that, a measuring device is a meter whose size is unsuitable because of the quantity of water supplied to premises, he may install a meter of a size that he considers necessary, and may recover the determined charge for the installation of the meter from the owner of the premises.
- (9) The municipality may require the installation, at the owner's expense, of a measuring device to each dwelling unit, in separate occupancy, on any premises, for use in ascertaining the quantity of water supplied to each such unit; but where controlled volume water-delivery systems are used, a single measuring device may otherwise be used for more than one unit.

60. 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 and that has been supplied to a consumer over a specific period, it will, for the purposes of these bylaws, be presumed except in any criminal proceedings, unless the contrary is proved, that—
 - (a) the quantity, where the measuring device designed to provide an uncontrolled volume of water, is the difference between measurements taken at the beginning and end of that period;

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

(2) Where water supplied by the municipality to any premises is in any way taken by the consumer without the water passing through any measuring device provided by the municipality, the municipality may, for the purpose of rendering an account, estimate, in accordance with subsection (3), the quantity of water supplied to the consumer during the period that water is so taken by the consumer.

(3) For the purposes of subsection (2), an estimate of the quantity of water supplied to a consumer shall, as the municipality may decide, be based either on—

- (a) the average monthly consumption of water on the premises recorded in three succeeding measuring periods after the date on which an irregularity referred to in subsection (2) has been discovered and rectified, or
- (b) the average monthly consumption of water on the premises during any three consecutive measuring periods during the twelve months immediately before the date on which an irregularity referred to in subsection (2) was discovered.

(4) Nothing in these bylaws shall be construed as imposing on the municipality an obligation to cause any measuring device installed by the municipality on any premises to be measured at the end of every month or any other fixed period, and the municipality may charge the consumer for an average consumption during the interval between successive measurements by the measuring device.

(5) Until the time when a measuring device has been installed in respect of water supplied to a consumer, the estimated or shared consumption of that consumer during a specific period, must be based on the average consumption of water supplied to the specific supply zone within which the consumer's premises are situated.

(6) Where in the opinion of the municipality it is not reasonably possible or cost effective to measure water that is 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 days, on receipt of a written notice from the consumer and subject to payment of the determined charge, measure the quantity of water supplied to the consumer at a time, or on a day, other than that upon which it would normally be measured.

(8) If a contravention of subsection (7) occurs, the consumer must pay to the municipality the cost of whatever quantity of water was, in the opinion by the municipality, supplied to him.

61. Special Measurement

(1) If the municipality requires, for purposes other than charging for water consumed, to ascertain the quantity of water which is used in a part of a water installation, may, by written notice, advise the owner concerned of his intention to install a measuring device at any point in the water installation that he may specify.

(2) The installation of a measuring device referred to in subsection (1), its removal, and the restoration of the water installation after such a removal shall be carried out at the expense of the municipality.

62. No reduction of Amount Payable for Water Wasted

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

63. Audit

- (1) The municipality may require a consumer, within one month after the end of a financial year of the municipality, to undertake a water audit at his own cost.
- (2) The audit must at least involve and report—
- (a) the amount of water used during the financial year;
 - (b) the amount paid for water for the financial year;
 - (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 seasonal variation in demand through monthly consumption figures;
 - (f) the water pollution monitoring methods;
 - (g) the current initiatives for the management of the demand for water;
 - (h) the plans to manage their demand for water;
 - (i) a comparison of the report with any report that may have been made during the previous three years;
 - (j) estimates of consumption by various components of use; and
 - (k) a comparison of the above factors with those reported in each of the previous three years, where available.

Part 5: Installation Work**64. Approval of Installation Work**

- (1) If an owner wishes to have installation work done, he or she must first obtain the municipality's written approval; provided that approval shall not be required in the case of water installations in dwelling units or installations where no fire installation is required in terms of SANS 0400 or in terms of any municipal bylaws, or for the repair or replacement of an existing pipe or water fitting other than a fixed water heater and its associated protective devices.
- (2) Application for the approval referred to in subsection (1) shall be made on the prescribed form and shall be accompanied by—
- (a) the determined charge, if applicable; and
 - (b) copies of the drawings as may be determined by the municipality, giving information in the form required by Clause 4.1.1 of SANS Code 0252: Part I;
 - (c) a certificate certifying that the installation has been designed in accordance with SANS Code 0252: Part I by a professional municipality.
- (3) Approval given in terms of subsection (1) shall lapse at the expiry of a period of twenty-four months.
- (4) Where approval was required in terms of subsection (1), a complete set of approved drawings of installation work must be available at the site of the work at all times until the work has been completed.
- (5) If installation work has been done in contravention of subsection (1) or (2), the municipality may require the owner—
- (a) to rectify the contravention within a specified period;
 - (b) if work is in progress, to cease the work; and
 - (c) to remove all such work which does not comply with these bylaws.

65. Persons Permitted to do Installation and Other Work

- (1) Only a plumber, a person working under the control of a plumber, or another person authorised in writing by the municipality, shall be permitted to:
- (a) do installation work other than the replacement or repair of an existing pipe or water fitting;
 - (b) replace a fixed water heater or its associated protective devices;
 - (c) inspect, disinfect and test a water installation, fire installation or storage tank;
 - (d) service, repair or replace a back flow 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 plumber to do the work referred to in subsection (1).
- (3) Notwithstanding the provisions of subsection (1) the municipality may permit a person who is not a plumber to do installation work on his own behalf on premises owned and occupied solely by himself and his immediate household, provided that such work must be inspected and approved by a plumber at the direction of the municipality.

66. Provision and Maintenance of Water Installations

- (1) An owner must provide and maintain his water installation at his own cost and must ensure that the installation is situated within the boundary of his premises.
- (2) An owner must install an isolating valve at a suitable point on service pipe immediately inside the boundary of the property in the case of a meter installed outside the boundary, and in the case of a meter installed on the premises at a suitable point on his service pipe.
- (3) Before doing work in connection with the maintenance of a portion of his water installation, which is situated outside the boundary of his premises, an owner shall obtain the written consent of the municipality or the owner of the land on which the portion is situated, as the case may be.

67. Technical Requirements for a Water Installation

- (1) All water installations shall comply with SANS 0252 Part 1 and all fixed electrical storage water heaters shall comply with SANS 0254.

68. Use of Pipes and Water Fittings to be Authorised

- (1) No person shall, without the prior written authority of the municipality, install or use a pipe or water fitting in a water installation within the municipality's area of jurisdiction unless it is included in the Schedule of Approved Pipes and Fittings as compiled by the municipality.
- (2) Application for the inclusion of a pipe or water fitting in the Schedule referred to in subsection (1) must be made on the form prescribed by the municipality.
- (3) A pipe or water fitting may not be included in the Schedule referred to in subsection (1) unless it—
- (a) bears the standardisation mark of the South African Bureau of Standards in respect of the relevant SANS specification issued by the Bureau;
 - (b) bears a certification mark issued by the SANS to certify that the pipe or water fitting complies with an SANS Mark specification or a provisional specification issued by the SANS, provided that no certification marks shall be issued for a period exceeding two years; or
 - (c) is acceptable to the municipality.
- (4) The municipality may, in respect of any pipe or water fitting included in the Schedule, impose such additional conditions, as it may consider necessary in respect of the use or method of installation.
- (5) A pipe or water fitting shall be removed from the Schedule if it—

- (a) no longer complies with the criteria upon which its inclusion was based; or
 - (b) is no longer suitable for the purpose for which its use was accepted.
- (6) The current Schedule shall be available for inspection at the office of the municipality at any time during working hours.
- (7) The municipality may sell copies of the current Schedule at a determined charge.

69. Labelling of Terminal Water Fittings and Appliances

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

70. Pressure Management

- (1) In any water installation where the dynamic water pressure is more than 200 kPa at a shower control valve, and where the plumbing has been designed to balance the water pressures on the hot and cold water supplies to the shower control valve, a shower head with a maximum flow rate of greater than 10 litres per minute must not be installed.
- (2) The maximum flow rate from any tap installed on a wash hand basin must not exceed 6 litres per minute.

Part 6: Non Potable Water

71. Use of water from other sources than the water supply system

- (1) No one may use, or permit to be used, any water obtained from a source other than the municipal water supply for domestic consumption, unless the water concerned has been approved by the municipality for that purpose and in accordance with the conditions determined by the municipality.
- (2) No person may connect a water supply obtained from any source other than the water supply system to any water distribution system without the prior written approval of the municipality, and then only in accordance with the conditions determined by the municipality.
- (3) Any owner of premises on which a water source is located, must within 10 (ten) working days of being called upon to do so, provide the municipality with such particulars regarding the water source as may be required.
- (4) An owner of premises contemplated by subsection (3), must at own cost, on being called upon to do so, furnish the municipality with such certificates of analysis and bacteriological investigation in respect of water sources on those premises as may be required.
- (5) The Municipality may withdraw any consent given in terms of subsection (1) if, in the opinion of the Municipality—
- (a) a condition imposed in terms of that subsection is breached, or
 - (b) the water no longer conforms to the requirements imposed by the municipality.
- (6) The provisions of this section do not exempt any person from complying with the applicable provisions of the National Water Act, 1998 (Act 36 of 1998) or any other relevant national legislation.

72. Wells, boreholes, well-points and excavations

- (1) Every owner of premises must ensure that any well, well-point, borehole or other excavation located on the owners premises—

- (a) is adequately safeguarded from creating a health nuisance, and
- (b) is not filled in a way, or with material, that may cause an adjacent well, borehole or underground source of water to become polluted or contaminated.

73. Notice of the sinking or digging of boreholes, wells and well-points

- (1) No one may sink or dig, or cause or permit to be sunk or dug, a well, well-point or borehole, unless the municipality is provided with at least 10 (ten) working days' written notice of his intention to do so.
- (2) The notice contemplated in subsection (1) must state the proposed location and purpose for which the water is to be used.
- (3) 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 disposal system, the owner must install a meter to the municipality's specification in the pipe leading from such borehole or other source of supply to the point or points where it is so used.
- (4) The municipality may, by public notice, require the owner of any premises within any area of the municipality upon which a borehole exists or, if the owner is not in occupation of such premises, the occupier to notify it of the existence of a borehole on such premises, and provide it with such information about the borehole that it may require.
- (5) If it finds it necessary, the municipality may require that a study be undertaken at the cost of the owner in order to assess any impact the proposed well, well-point or borehole may have on the wellbeing of the community.

74. Supply of non-potable water by the municipality

- (1) The municipality may on application in terms of by-law 71 grant a supply of non-potable water to a consumer and at such conditions as the municipality may deem fit.
- (2) Any supply of water granted in terms of subsection (1) may not be used for domestic or any other purposes which, in the opinion of the municipality, may give rise to a health hazard.

65. Disclaimer in respect of non-potable water quality

- (1) No warranty, expressed or implied, applies to the purity of any non-potable water supplied by the municipality or its suitability for the purpose for which the supply was granted.
- (2) The use of non-potable water is entirely at the risk of the consumer, and the municipality is not liable for any consequential damage or loss arising directly or indirectly therefrom.

75. Warning notices

- (1) An owner of premises on which non-potable water is used must ensure that every terminal water fitting and every appliance which supplies or uses the water is clearly marked with a weatherproof notice indicating that such water is unsuitable for domestic purposes.
- (2) In an area where treated sewage effluent is used, the consumer shall erect weatherproof notices in prominent positions warning that such water is not suitable for domestic purposes.
- (3) Every warning notice prescribed in terms of subsections (1) and (2) must be in the three official languages used in the province.

76. Notification of Boreholes

- (1) No person may sink a borehole on premises situated in a dolomite area, and before sinking a borehole a person must determine if the premises on which the borehole is to be sunk are situated within a dolomite area.
- (2) The municipality may, by public notice, require—
 - (a) the owner of any premises within any area of the municipality upon which a borehole exists or, if the

owner is not in occupation of such premises, the occupier to notify it of the existence of a borehole on such premises, and provide it with such information about the borehole that it may require; and

- (b) the owner or occupier of any premises who intends to sink a borehole on the premises, to notify it on the prescribed form of its intention to do so before any work in connection sinking it is commenced.

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

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

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

Part 7: Fire Services Connections

77. Connection to be Approved by the Municipality

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

(2) No water shall be supplied to any fire extinguishing installation until a certificate that the municipality's approval in terms of bylaw 64 has been obtained and that the installation complies with the requirements of these and any other bylaws of the municipality, has been submitted.

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

78. Special Provisions

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

79. Dual and Combined Installations

(1) All new buildings erected after the commencement of these bylaws, must comply with the following requirements in relation to the provision of fire extinguishing services:

- (a) If boosting of the system is required, a dual pipe system must be used, one for fire extinguishing purposes and the other for general domestic purposes.
- (b) Combined installations shall only be permitted where no booster pumping connection is provided on the water installation. In such cases a fire hydrant must be provided by the municipality, at the consumer's expense, within 90 metres of the property to provide a source of water for the fire tender to use in extinguishing the fire.
- (c) Combined installations where a booster pumping connection is provided, shall only be permitted when designed and certified by a professional municipality.
- (d) All pipes and fittings must be capable of handling pressures in excess of 1 800 kPa, if that pressure could be expected when boosting takes place and must be capable of maintaining their integrity when exposed to fire conditions.

80. Connection Pipes for Fire Extinguishing Services

(1) After the commencement of these bylaws, a single connection pipe for both fire (excluding sprinkler systems)

and potable water supply services shall be provided by the municipality.

(2) The municipality shall provide and install, at the cost of the owner a combination meter on the connection pipe referred to in (1).

(3) A separate connection pipe shall be laid and used for every fire sprinkler extinguishing system unless the municipality gives his approval to the contrary.

(4) A connection pipe must be equipped with a measuring device that will not obstruct the flow of water while the device is operating.

81. Valves and Meters in Connection Pipes

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

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

82. Meters in Fire Extinguishing Connection Pipes

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

83. Sprinkler Extinguishing Installation

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

84. Header Tank or Double Supply from Main

(1) The consumer must install a header tank at such elevation as will compensate for any failure or reduction of pressure in the municipality's main for its sprinkler installation, unless this installation is provided with a duplicate supply from a separate main.

(2) The main pipe leading from a header tank to the sprinkler installation may be in direct communication with the main, provided that the main pipe must be equipped with a reflux valve which, if for any reason the pressure in the main fails or is reduced, will shut off the supply from the main.

(3) Where a sprinkler installation is provided with a duplicate supply from a separate main, each supply pipe must be equipped with a reflux valve situated within the premises.

85. Sealing of Private Fire Hydrants

(1) Except where a system is a combined system with a combination meter, all private hydrants and hose-reels must be sealed by the municipality and the seals must not, except for the purposes of opening the hydrant or using the hose when there is a fire, be broken by any person other than by the municipality in the course of servicing and testing.

(2) The consumer must give the municipality at least 48 hours notice prior to a fire extinguishing installation being serviced and tested.

(3) The cost of resealing hydrants and hose-reels shall be borne by the consumer except when the seals are broken by the municipality's officers for testing purposes.

(4) Any water consumed through a fire installation or sprinkler system shall be paid for by the consumer at the charges determined by the municipality.

CHAPTER 6: CONDITIONS FOR SANITATION SERVICES**Part 1: Connection to Sanitation System****86. Obligation to Connect to Sanitation System**

- (1) All premises on which sewage is produced must be connected to the municipality's sanitation system if a connecting sewer is available or if it is reasonably possible or cost effective for the municipality to install a connecting sewer, unless approval for the use of on-site sanitation services was obtained in accordance with bylaw 113.
- (2) The municipality may, by notice, require the owner of premises not connected to the municipality's sanitation system to connect to the sanitation system.
- (3) An owner of premises, who is required to connect those premises to the municipality's sanitation system in accordance with subsection (1), must inform the municipality in writing of any sanitation services, provided by the municipality on the site, which will no longer be required as a result of the connection to the sanitation system.
- (4) The owner will be liable for any charge payable in respect of sanitation services on the site, until an agreement for rendering those services has been terminated in accordance with these bylaws.
- (5) If the owner fails to connect premises to the sanitation system after having had a notice in terms of subsection (2) the municipality, notwithstanding any other action that it may take in terms of these bylaws, may impose a penalty determined by it.

87. Provision of Connecting Sewer

- (1) If an agreement for sanitation services in respect of premises has been concluded in accordance with these bylaws a connecting sewer exists in respect of the premises, the owner shall make application on the prescribed form, and pay the tariffs and charges determined by the municipality for the installation of a connecting sewer.
- (2) If an application is made for sanitation services which are of such an extent or so situated that it will become necessary to extend, modify or upgrade the sanitation system in order to provide sanitation services to any premises, the municipality may agree to the extension only if the owner pays or undertakes to pay for the cost, as determined by the municipality, of the extension, modification or upgrading of the services.
- (3) Only the municipality may install or approve an installed connecting sewer; but the owner or consumer may connect the sanitation installation to the connection pipe.
- (4) No person may commence any development on any premises unless the municipality has installed a connecting sewer.

88. Location of Connecting Sewer

- (1) A connecting sewer that has been provided and installed by the municipality must—
 - (a) be located in a position determined by the municipality and be of a suitable size determined by the municipality; and
 - (b) terminate at—
 - (i) the boundary of the premises; or
 - (ii) at the connecting point if it is situated on the premises.
- (2) The municipality may at the request of the owner of premises, approve, subject to any conditions that he may impose, a connection to a connecting sewer other than one that is most readily available for the provision of sanitation services to the premises; in which event the owner shall be responsible for any extension of the drainage installation to the connecting point designated by the municipality and for obtaining, at his own cost, any servitude over other premises that may be necessary.
- (3) Where an owner is required to provide a sewage lift as provided for in terms of the Building Regulations, or the

premises are at a level where the drainage installation cannot discharge into the sewer by gravitation, the rate and time of discharge into the sewer has to be subject to the approval of the municipality.

(4) The owner of premises must pay the connection charges and tariffs determined by the municipality before a connection to the connecting sewer can be effected.

89. Provision of One Connecting Sewer for Several Consumers on Same Premises

(1) Notwithstanding the provisions of bylaw 54, only one connecting sewer to the sanitation system may be provided for the disposal of sewage from any premises, irrespective of the number of accommodation units of consumers located on such premises.

(2) Notwithstanding subsection (1), the municipality may authorise that more than one connecting sewer be provided in the sanitation system for the disposal of sewage from any premises comprising sectional title units or if, in the opinion of the municipality, undue hardship or inconvenience would be caused to any consumer on such premises by the provision of only one connecting sewer.

(3) Where the provision of more than one connecting sewer is authorised by the municipality under subsection (2), the tariffs and charges for the provision of a connecting sewer are payable in respect of each sewage connection so provided.

90. Interconnection Between Premises

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

91. Disconnection of Connecting Sewer

(1) The municipality may disconnect a drainage installation from the connection pipe and remove the connection pipe on the termination of an agreement for the provision of water supply services in accordance with these bylaws.

Part 2: Standards

92. Standards for Sanitation Services

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

93. Unauthorised and Illegal Discharges

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

(2) The owner or occupier of any premises on which steam or any liquid other than potable water, is stored, processed or generated shall provide all facilities necessary to prevent any discharge or leakage of such liquid to any street, storm water drain or watercourse, whether natural or artificial, except where, in the case of steam, the municipality has approved such discharge.

(3) Where the hosing down or flushing by rainwater of an open area on any premises is in the opinion of the municipality is likely to cause the discharge of objectionable matter into any street, storm water drain, river, stream or other watercourse, whether natural or artificial, or to cause or contribute towards the pollution of any such watercourse, the municipality may, by notice, require the owner of the premises to take reasonable measures to prevent or minimise such discharge or pollution.

(4) No person may discharge or cause or permit the discharge of—

- (a) any substance, including storm water, other than sewage, to be discharged into a drainage installation;
- (b) of water from any swimming pool directly or indirectly over any road or into a gutter, storm water drain,

watercourse, open ground or private premises other than the premises of the owner of such swimming pool;

- (c) water from artificial fountains, reservoirs or swimming pools situated on premises into a drainage installation, without the approval of the municipality and subject to the payment of relevant charges and such conditions as the municipality may impose;
- (d) any sewage, industrial effluent or other liquid or substance which—
- (i) in the opinion of the municipality may be offensive to or may cause a nuisance to the public;
 - (ii) is in the form of steam or vapour or has a temperature exceeding 44° C at the point where it enters the sewer;
 - (iii) has a pH value less than 6.0;
 - (iv) contains any substance of whatsoever nature likely to produce or release explosive, flammable, poisonous or offensive gases or vapours in any sewer;
 - (v) contains any substance having an open flashpoint of less than 93°C or which releases a poisonous vapour at a temperature below 93° C;
 - (vi) contains any material of whatsoever nature, including oil, grease, fat or detergents capable of causing obstruction to the flow in sewers or drains or interference with the proper operation of a sewerage treatment works;
 - (vii) shows any visible signs of tar or associated products or distillates, bitumens or asphalts;
 - (viii) contains any substance in such concentration to produce an undesirable taste after chlorination or an undesirable odour or colour, or excessive foam;
 - (ix) has either a greater PV or COD (Chemical Oxygen Demand) value, a lower pH value, or a higher caustic alkalinity or electrical conductivity than specified in Schedule A, without the prior approval and subject to the payment of relevant charges and such conditions as the municipality may impose;
 - (x) contains any substance which in the opinion of the municipality—
 - (aa) cannot be treated at the sewage treatment work to which it could be discharged; or
 - (bb) will negatively affect the treatment processes at the sewage treatment work to which it could be discharged or
 - (cc) will negatively impact on the ability of the sewage treatment work to produce discharges that meet the waste water discharge standards set in terms of the National Water Act, 1998 (Act No 36 of 1998), or
 - (xi) either alone or in combination with other substance may—
 - (aa) generate or constitute a toxic substance dangerous to the health of persons employed at the sewage treatment works or entering the council's sewers or manholes in the course of their duties; or
 - (bb) be harmful to sewers, treatment plant or land used for the disposal of treated waste water; or
 - (cc) adversely affect any of the processes whereby sewage is treated or any re-use of sewage effluent.

(5) No person shall cause or permit the accumulation of grease, oil, fat or solid matter in any drainage installation that will adversely affect its effective functioning.

(6) The municipality may, notwithstanding any other actions that may be taken in terms of these bylaws, recover from any person who discharges industrial effluent or any substance which is unauthorised or illegal all costs incurred, by the municipality as a result of such discharges, including costs that result from—

- (a) injury to persons, damage to the sanitation system; or
- (b) a prosecution in terms of the National Water Act, 1998 (Act No 36 of 1998).

94. Unauthorised and Illegal Discharges

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

(2) The owner or occupier of any premises on which steam or any liquid other than potable water, is stored, processed or generated shall provide all facilities necessary to prevent any discharge or leakage of such liquid to any street, storm water drain or watercourse, whether natural or artificial, except where, in the case of steam, the municipality has approved such discharge.

(3) Where the hosing down or flushing by rainwater of an open area on any premises is in the opinion of the municipality is likely to cause the discharge of objectionable matter into any street, storm water drain, river, stream or other watercourse, whether natural or artificial, or to cause or contribute towards the pollution of any such watercourse, the municipality may, by notice, require the owner of the premises to take reasonable measures to prevent or minimise such discharge or pollution.

(4) No person may discharge or cause or permit the discharge of—

- (a) any substance, including storm water, other than sewage, to be discharged into a drainage installation;
- (b) of water from any swimming pool directly or indirectly over any road or into a gutter, storm water drain, watercourse, open ground or private premises other than the premises of the owner of such swimming pool;
- (c) water from artificial fountains, reservoirs or swimming pools situated on premises into a drainage installation, without the approval of the municipality and subject to the payment of relevant charges and such conditions as the municipality may impose;
- (d) any sewage, industrial effluent or other liquid or substance which—
 - (i) in the opinion of the municipality may be offensive to or may cause a nuisance to the public;
 - (ii) is in the form of steam or vapour or has a temperature exceeding 44° C at the point where it enters the sewer;
 - (iii) has a pH value less than 6.0;
 - (iv) contains any substance of whatsoever nature likely to produce or release explosive, flammable, poisonous or offensive gases or vapours in any sewer;
 - (v) contains any substance having an open flashpoint of less than 93°C or which releases a poisonous vapour at a temperature below 93° C;
 - (vi) contains any material of whatsoever nature, including oil, grease, fat or detergents capable of causing obstruction to the flow in sewers or drains or interference with the proper operation of a sewerage treatment works;
 - (vii) shows any visible signs of tar or associated products or distillates, bitumens or asphalts;
 - (viii) contains any substance in such concentration to produce an undesirable taste after chlorination or an undesirable odour or colour, or excessive foam;
 - (ix) has either a greater PV or COD (Chemical Oxygen Demand) value, a lower pH value, or a higher

caustic alkalinity or electrical conductivity than specified in Schedule A, without the prior approval and subject to the payment of relevant charges and such conditions as the municipality may impose;

- (x) contains any substance which in the opinion of the municipality—
 - aa) cannot be treated at the sewage treatment work to which it could be discharged; or
 - bb) will negatively affect the treatment processes at the sewage treatment work to which it could be discharged or
 - cc) will negatively impact on the ability of the sewage treatment work to produce discharges that meet the waste water discharge standards set in terms of the National Water Act, 1998 (Act No 36 of 1998), or
- (xi) either alone or in combination with other substance may—
 - aa) generate or constitute a toxic substance dangerous to the health of persons employed at the sewage treatment works or entering the council's sewers or manholes in the course of their duties; or
 - bb) be harmful to sewers, treatment plant or land used for the disposal of treated waste water; or
 - cc) adversely affect any of the processes whereby sewage is treated or any re-use of sewage effluent.

(5) No person shall cause or permit the accumulation of grease, oil, fat or solid matter in any drainage installation that will adversely affect its effective functioning.

(6) The municipality may, notwithstanding any other actions that may be taken in terms of these bylaws, recover from any person who discharges industrial effluent or any substance which is unauthorised or illegal all costs incurred, by the municipality as a result of such discharges, including costs that result from—

- (a) injury to persons, damage to the sanitation system; or
- (b) a prosecution in terms of the National Water Act, 1998 (Act No 36 of 1998).

Part 3: Methods for Determining Charges

95. Charges in Respect of "On-Site" Sanitation Services

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

96. Measurement of Quantity of Domestic Effluent Discharged

(1) The quantity of domestic effluent discharged shall be determined as a percentage of water supplied by the municipality; provided that where the municipality is of the opinion that such a percentage in respect of specific premises is excessive, having regard to the purposes for which water is consumed on those premises, the municipality may reduce the percentage applicable to those premises to a figure which, in its opinion and in the light of the available information, reflects the proportion between the likely quantity of sewage discharged from the premises and the quantity of water supplied.

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

97. Measurement of Quantity and Determination of Quality of Industrial Effluent Discharged

- (1) The quantity of industrial effluent discharged into the sanitation system must be determined—
 - (a) where a measuring device is installed, by the quantity of industrial effluent discharged from the premises as measured by that measuring device; or
 - (b) until the time that a measuring device is installed, by a percentage of the water supplied by the municipality to those premises.
- (2) The municipality may require the owner of any premises to incorporate in any drainage installation conveying industrial effluent to a sewer, any control meter or gauge or other device of an approved type and in the control of the municipality for the purpose of ascertaining to the satisfaction of the municipality, the tempo, volume and composition of the effluent.
- (3) The municipality may install and maintain any meter, gauge or device referred to in subsection (2) at the expense of the owner of the premises on which it is installed.
- (4) Where premises are supplied with water from a source other than or in addition to the municipality's water supply system, including abstraction from a river or borehole, the quantity will be a percentage of the total water used on those premises reasonably estimated by the municipality.
- (5) Where a portion of the water supplied to the premises forms part of the end product of any manufacturing process or is lost by reaction or evaporation during the manufacturing process or for any other reason, the municipality may on application by the owner reduce the assessed quantity of industrial effluent.
- (6) The municipality may at its discretion enter into an agreement with any person discharging industrial effluent into the sanitation system, establishing an alternative method of assessing the quantity and tempo of effluent so discharged.
- (7) Charges relating to the quality of industrial effluent will be based on the formula for industrial effluent discharges as prescribed in Schedule C.
- (8) The following conditions apply in respect of the assessment of the quality of industrial effluent discharged:
 - (a) each consumer must conduct the prescribed tests, on a regular schedule as provided for in the approval to discharge industrial effluent, and report the results to the municipality;
 - (b) the municipality may conduct random compliance tests to correlate with those used in subsection (a) and, if discrepancies are found, the values of the municipality shall, except for the purpose of criminal proceedings, be presumed to be correct and further tests may be required by the municipality to determine, at the cost of the consumer, the values for the formula;
 - (c) the average of the values of the different analysis results of 24 hourly composite or snap samples of the effluent, taken during the period of charge, will be used to determine the quality charges payable;
 - (d) in the absence of a complete daily set of 24 hourly composite or snap samples, the average of not less than two values of the sampled effluent, taken during the period of charge, will be used to determine the charges payable;
 - (e) in order to determine the strength (Chemical oxygen demand, suspended solids concentration, Ammonia concentration, and orthophosphate concentration) in the effluent as well as the concentration of Group 1 and 2 metals, pH value and conductivity, the municipality will use the tests normally used by municipalities for these respective purposes. Details of the appropriate test may be ascertained from the municipality or the SANS. Test results from a laboratory, accredited by the municipality, will have precedence over those of the municipality;
 - (f) the formula is calculated on the basis of the different analysis results of individual snap or composite

samples and the period of treatment for calculation shall not be less than one full 24-hour period; unless evidence, is submitted to the municipality that a lesser period is actually applicable;

- (g) the terms of the disincentive formula cannot assume a negative value;
- (h) the total system values for quality charges shall remain constant for an initial period of one month, but in any case not longer than twelve months from the date of commencement of these charges, after the expiry of which time they may be amended or revised from time to time depending on such changes in the analysis results or further samples, as may be determined from time to time: provided that the municipality in its discretion in any particular case, may levy the minimum charges prescribed in subsection (7)(l) without taking any samples;
- (i) whenever the municipality takes a sample, one half of it must be made available to the consumer;
- (j) for the purpose of calculating of the quantity of effluent discharged from each point of discharge of effluent, the total quantity of water consumed on the premises shall be allocated to the several points of discharge as accurately as is reasonably practicable;
- (k) the costs of conveying and treating industrial effluent shall be determined by the municipality and shall apply with effect from a date determined by the municipality; and
- (l) in the discretion of the municipality, the charges for industrial effluent may be changed to a fixed monthly charge determined by taking into consideration the effluent strengths, the volume and the economic viability of micro and small industries.

98. Reduction in the Measured Quantity of Effluent Discharged

- (1) A person shall be entitled to a reduction in the quantity of effluent discharged, as determined in terms of bylaws 95 and 97, where the quantity of water, on which a percentage is calculated, was measured during a period where water was wasted or a leakage went undetected, if the consumer demonstrates to the satisfaction of the municipality that the water was not discharged into the sanitation system.
- (2) The reduction in the quantity shall be based on the quantity of water lost through leakage or wastage during the leak period.
- (3) The leak period shall be either the measuring period immediately prior to the date of repair of the leak, or the measurement period during which the leak is repaired, whichever results in the greater reduction in the quantity.
- (4) The quantity of water lost shall be calculated as the consumption for the leak period less the average consumption, based on the preceding 3 (three) months, for the same length of time. In the event of no previous history of consumption being available, the average water consumption will be determined by the municipality, after taking into account all information that is considered by it to be relevant.
- (5) There shall be no reduction in the quantity if a loss of water, directly or indirectly, resulted from a consumer's failure to comply with these or other bylaws.

Part 4: Installation Work

99. Approval of Installation Work

- (1) If an owner wishes to have installation work done, he must first obtain the municipality's written approval.
- (2) Application for the approval referred to in subsection (1) must be made on the prescribed form and shall be accompanied by—
 - (a) a charge determined by the municipality, if a charge is determined, and
 - (b) copies of all drawings that may be required and approved by the municipality;
 - (c) a certificate by a professional engineer certifying that the installation has been designed in accordance

with any applicable SANS Codes.

- (3) Approval given in terms of subsection (1) shall lapse after 24 (twenty-four) months.
- (4) When approval has been given in terms of subsection (1), a complete set of the drawings that have been required and approved by the municipality must be available for inspection at the site at all reasonable times until the work has been completed.
- (5) If installation work has been done in contravention of subsections (1) or (2), the municipality may require the owner—
 - (a) to rectify the contravention within a specified time;
 - (b) if work is in progress, to cease the work; and
 - (c) to remove all work that does not comply with these bylaws.

100. Persons Permitted to do Installation and Other Work

- (1) No person who is not a plumber, or working under the control of a plumber, shall be permitted to—
 - (a) do installation work other than the replacement or repair of an existing pipe or sanitation fitting;
 - (b) inspect, disinfect and test a drainage installation, fire installation or storage tank;
 - (c) service, repair or replace a back flow preventer; or
 - (d) install, maintain or replace a meter provided by an owner in a drainage installation.
- (2) No person shall require or engage a person who is not a plumber to do the work referred to in subsection (1).
- (3) Notwithstanding the provisions of subsections (1) and (2), the municipality may permit a person, who is not a plumber, to do installation work at his own premises if they are occupied by himself or his own household, but if permission is given, the work must be inspected and approved by a plumber under the direction of or who has been nominated by, the municipality.

101. Use of Pipes and Water Fittings to be Authorised

- (1) No person shall, without the prior written authority of the municipality, install or use a pipe or water fitting in a water installation within the municipality's area of jurisdiction unless it is included in the Schedule of Approved Pipes and Fittings compiled by the municipality.
- (2) Application for the inclusion of a pipe or water fitting in the Schedule referred to in subsection (1) must be made on the form prescribed by the municipality.
- (3) A pipe or water fitting may be included in the Schedule referred to in subsection (1) if—
 - (a) it bears the standardisation mark of the South African Bureau of Standards in respect of the relevant SANS specification issued by the Bureau; or
 - (b) it bears a certification mark issued by the SANS to certify that the pipe or water fitting—
 - (i) complies with an SANS Mark specification; or
 - (ii) a provisional specification issued by the SANS;
 - (c) it is included in the list of water and sanitation installations accepted by the Joint Acceptance Scheme for Water Services Installations Components (JASWIC).
- (4) No certification marks shall be for a period exceeding two years.
- (5) The municipality may impose any additional condition that it considers necessary as relating to the use, or method of installation, of any pipe or water fitting included in the Schedule.

- (6) A pipe or sanitation fitting must be removed from the Schedule if it—
- (a) no longer complies with the criteria upon which its inclusion was based; or
 - (b) is no longer suitable for the purpose for which its use was accepted.
- (7) The current Schedule must be available for inspection at the office of the municipality at any time during working hours.
- (8) The municipality may sell copies of the current Schedule at a charge determined by it.

102. Testing of Drainage Installations

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

- (a) the interior of every pipe or series of pipes between two points of access shall be inspected throughout its length by means of a mirror and a source of light, and during the inspection, a full circle of light must appear to the observer, and the pipe or series of pipes must be seen to be unobstructed;
- (b) a smooth ball having a diameter 12mm less than the nominal diameter of the pipe shall, when inserted at the higher end of the pipe, roll down without assistance or interruption to the lower end;
- (c) after all openings to the pipe or series of pipes to be tested, after having been plugged or sealed and after all traps associated with them have been filled with water, air shall be pumped into the pipe or pipes until a mano-metric pressure of 38mm of water is indicated, after which the pressure must remain greater than 25mm of water for a period of at least 3 (three) minutes without further pumping; and
- (d) all parts of the installation are subjected to and required to withstand an internally applied hydraulic test pressure of not less than a 3m head of water for a period of not less than 10 minutes.

(2) If the municipality has reason to believe that any drainage installation or any part of it has become defective, it may require the owner of any premises to conduct any or all of the tests prescribed in subsection (1) and, if the installation fails to pass any test, or all the tests, to the satisfaction of the municipality, the municipality may by notice require the owner to take all reasonable measures that may be necessary to enable the installation to satisfy any or all of them.

103. Water Demand Management

(1) No flushing urinal that is not user-activated shall be installed or continue to operate in any water installation. All flushing urinals that are not user-activated installed prior to the commencement of these regulations must be converted to user-activated urinals within two years of the commencement of these bylaws.

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

Part 5: Drainage Installations

104. Installation of Drainage Installations

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

(2) The municipality may prescribe the point in the sewer, and the depth below the ground, at which any drainage installation is to be connected and the route to be followed by the drain to the connecting point and may require the

owner not to commence the construction or connection of the drainage installation until the municipality's connecting sewer has been laid.

(3) Any drainage installation that has been constructed or installed must comply with any applicable specifications in terms of the Building Regulations and any standard prescribed in terms of the Act.

(4) No person shall permit the entry of any liquid or solid substance whatsoever, other than clean water for testing purposes, to enter any drainage installation before the drainage installation has been connected to the sewer.

(5) Where premises are situated in the 1 in 50 years flood plain, the top level of all service access holes, inspection chambers and gullies must be above the 1 in 50 years flood level.

(6) After the completion of any drainage installation, or after any alteration to any drainage installation is completed, the plumber responsible for the execution of the work must submit to the building inspection section of the municipality a certificate certifying that the work was completed to the standards set out in the building regulations, these bylaws and any other relevant law or bylaws.

(7) No rainwater or storm-water, and no effluent other than an effluent that has been approved by the municipality, may be discharged into a drainage installation.

105. Disconnection of Drainage Installations

(1) Except for the purpose of carrying out maintenance or repair work, no drainage installation may be disconnected from the connection point.

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

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

(4) When a drainage installation is disconnected from a sewer, the municipality must seal the opening caused by the disconnection and may recover the cost of doing so from the owner of the premises on which the installation is disconnected.

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

106. Maintenance of Drainage Installations

(1) An owner must provide and maintain his drainage installation at his own cost.

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

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

107. Technical Requirements for Drainage Installations

(1) All drainage installations shall comply with SANS code 0252 and the Building Regulations.

108. Drains

(1) Drains passing through ground which in the opinion of the municipality is liable to movement, shall be laid on a

continuous bed of river sand or similar granular material not less than 100 mm thick under the barrel of the pipe and with a surround of similar material and thickness, and the joints of such drains must be flexible joints approved by the municipality.

(2) A drain or part of it may only be laid within, or either passes under or through a building, with the approval of the municipality.

(3) A drain or part of it which it is laid in an inaccessible position under a building may not bend or be laid at a gradient.

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

109. Sewer Blockages

(1) No person may cause or permit an accumulation of grease, oil, fat, solid matter, or any other substance in any trap, tank, or fitting that may cause its blockage or ineffective operation.

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

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

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

(5) Should any drainage installation on any premises overflow as a result of an obstruction in the sewer, and if the municipality is reasonably satisfied that the obstruction was caused by objects emanating from the drainage installation, the owner of the premises served by the drainage installation shall be 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 two or more premises, the owners are jointly and severally liable for the cost of clearing the blockage.

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

110. Grease Traps

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

111. Industrial Grease Traps

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

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

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

- (a) It shall be of adequate capacity, constructed of hard durable materials and water-tight when completed;
 - (b) the water-seal of its discharge pipe shall be not less than 300 mm in depth; and
 - (c) shall be provided with a sufficient number of manhole covers for the adequate and effective removal of grease, oil fat and solid matter.
- (4) Any person discharging effluent to a tank or chamber must remove grease, oil, fat or solid matter regularly from the tank or chamber and must maintain a register recording—
- (a) the dates on which the tank or chamber was cleaned;
 - (b) the name of any the persons employed by him to clean the tank or chamber or, if he cleaned it himself, that fact that he did so; and
 - (c) a certificate from the person employed to clean it certifying that the tank or chamber has been cleaned and stating the manner in which the contents of the tank or chamber were disposed of, or, if he cleaned it himself, his own certificate to that effect.

112. Mechanical Appliances for Lifting Sewage

- (1) The owner of any premise must obtain the approval of the municipality before installing any mechanical appliance for the raising or transfer of sewage in terms of the Building Regulations.
- (2) Approval must be applied for by a professional municipality and must be accompanied by drawings prepared in accordance with the relevant provisions of the Building Regulations and must show details of the compartment containing the appliance, the sewage storage tank, the stilling chamber and their position, and the position of the drains, ventilation pipes, rising main and the sewer connection.
- (3) Notwithstanding any approval given in terms of subsection (1), the municipality shall not be liable for any injury, loss or damage to life or property caused by the use, malfunctioning or any other condition arising from the installation or operation of a mechanical appliance for the raising or transfer of sewage unless the injury or damage be caused by the wrongful intentional or negligent act or negligence of an employee of the municipality.
- (4) Every mechanical appliance installed for the raising or transfer of sewage shall be specifically designed for the purpose and shall be fitted with a discharge pipe, sluice valves and non-return valves located in approved positions.
- (5) Unless otherwise permitted by the municipality, such mechanical appliances shall be installed in duplicate and each such appliance shall be so controlled that either will immediately begin to function automatically in the event of failure of the other.
- (6) Every mechanical appliance forming part of a drainage installation shall be located and operated so as to not cause any nuisance through noise or smell or otherwise, and every compartment containing any such appliance must be effectively ventilated.
- (7) The maximum discharge rate from any mechanical appliance, and the times between which the discharge may take place, shall be as determined by the municipality who may, at any time, require the owner to install such fittings and regulating devices as may in his opinion, be necessary to ensure that the determined maximum discharge rate shall not be exceeded.
- (8) Except where sewage storage space is incorporated as an integral part of a mechanical appliance, a sewage storage tank must be provided in conjunction with such appliance.
- (9) Every sewage storage tank required in terms of paragraph (a) must—
- (a) be constructed of hard, durable materials and must be watertight and the internal surfaces of the walls and floor must be smooth and impermeable;
 - (b) have a storage capacity below the level of the inlet equal to the quantity of sewage discharged there into it in 24 hours or 900 litres, whichever is the greater quantity; and

- (c) be so designed that the maximum of its sewage content shall be emptied at each discharge cycle of the mechanical appliance.

(10) Every storage tank and stilling chamber shall be provided with a ventilation pipe in accordance with the municipality's specifications.

Part 6: On-Site Sanitation Services and Associated Services

113. Installation of On-Site Sanitation Services

(1) If an agreement for on-site sanitation services in respect of premises has been concluded, or if it is not reasonably possible or cost effective for the municipality to install a connecting sewer, the owner must install sanitation services specified by the municipality, on the site unless the service is a subsidised service that has been determined by the municipality in accordance with these bylaws.

114. Ventilated Improved Pit Latrines

(1) The municipality may, on such conditions as it may prescribe, having regard to the nature and permeability of the soil, the depth of the water table, the size of, and access to, the site and the availability of a piped water supply, approve the disposal of human excrement by means of a ventilated improved pit (VIP) latrine.

(2) A ventilated improved pit latrine must have—

- (a) a pit of 2 m³ capacity;
- (b) lining as required;
- (c) a slab designed to support the superimposed loading; and
- (d) protection preventing children from falling into the pit;

(3) A ventilated improved pit latrine must conform to the following specifications:

- (a) the pit must be ventilated by means of a pipe, sealed at the upper end with durable insect proof screening fixed firmly in place;
- (b) the ventilation pipe must project not less than 0.5 m above the nearest roof, must be of at least 150 mm in diameter, and must be installed vertically with no bend;
- (c) the interior of the closet must be finished smooth so that it can be kept in a clean and hygienic condition. The superstructure must be well-ventilated in order to allow the free flow of air into the pit to be vented through the pipe;
- (d) the opening through the slab must be of adequate size as to prevent fouling. The rim must be raised so that liquids used for washing the floor do not flow into the pit. It shall be equipped with a lid to prevent the egress of flies and other insects when the toilet is not in use;
- (e) must be sited in a position that is independent of the dwelling unit;
- (f) must be sited in positions that are accessible to road vehicles having a width of 3.0 m in order to facilitate the emptying of the pit;
- (g) in situations where there is the danger of polluting an aquifer due to the permeability of the soil, the pit must be lined with an impermeable material that is durable and will not crack under stress; and
- (h) in situations where the ground in which the pit is to be excavated is unstable, suitable support is to be given to prevent the collapse of the soil.

115. Septic Tanks and Treatment Plants

- (1) The municipality may, on such conditions as it may prescribe, approve the disposal of sewage or other effluent by means of septic tanks or other on-site sewage treatment plants.
- (2) A septic tank or other sewage treatment plant on a site must not be situated closer than 3 metres to any dwelling unit or to any boundary of the premises on which it is situated.
- (3) Effluent from a septic tank or other on-site sewage treatment plant must be disposed of to the satisfaction of the municipality.
- (4) A septic tank must be watertight, securely covered and provided with gas-tight means of access to its interior adequate to permit the inspection of the inlet and outlet pipes and adequate for the 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 an invert level of 2 500 litres;
 - (b) have an internal width of not less than 1 metre measured at right angles to the direction of the flow;
 - (c) have an internal depth between the cover and the bottom of the tank of not less than 1,7 metre; and
 - (d) retain liquid to a depth of not less than 1,4 metre.
- (6) Septic tanks serving premises other than a dwelling unit must be designed and certified by a professional civil engineer registered as a member of the engineering Council of South Africa.
- (7) No rain water, storm-water, or effluent other than that approved by the municipality may be discharged into a septic tank.

116. French Drains

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

117. Conservancy Tanks

- (1) The municipality may, on such conditions as it may prescribe approve the construction of a conservancy tank and ancillary appliances for retention of sewage or effluent.
- (2) No rain water, storm-water, or effluent other than approved by the municipality may be discharged into a conservancy tank.
- (3) No conservancy tank must be used as such unless—
 - (a) the invert of the tank slopes towards the outlet at a gradient of not less than 1 in 10;
 - (b) the tank is gas and water tight;
 - (c) the tank has an outlet pipe, 100 mm in internal diameter, made of wrought iron, cast iron or other

approved material, and except if otherwise approved by the municipality, terminating at an approved valve and fittings for connection to the municipality's removal vehicles;

- (d) the valve and fittings referred to in paragraph (c) or the outlet end of the pipe, as the case may be, are located in a chamber that has hinged cover approved by the municipality and which is situated in a position required by the municipality;
- (e) access to the conservancy tank must be provided by means of an approved manhole fitted with a removable cast iron cover placed immediately above the visible spigot of the inlet pipe.

(4) The municipality may, having regard to the position of a conservancy tank or of the point of connection for a removal vehicle, require the owner or consumer to indemnify the municipality, in writing, against any liability for any damages that may result from rendering of that service as a condition for emptying the tank.

(5) Where the municipality's removal vehicle has to traverse private premises for the emptying of a conservancy tank, the owner shall provide a roadway at least 3,5 m wide, so hardened as to be capable of withstanding a wheel load of 4 metric tons in all weather, and shall ensure that no gateway through which the vehicle is required to pass to reach the tank, shall be less than 3,5 m wide for such purposes.

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

118. Operation and Maintenance of On-Site Sanitation Services

(1) The operation and maintenance of on-site sanitation services and all costs pertaining to it remains the responsibility of the owner of the premises, unless the on-site sanitation services are subsidised services.

119. Disused Conservancy and Septic Tanks

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

Part 7: Industrial Effluent

120. Approval to Discharge Industrial Effluent

(1) No person shall discharge or cause or permit industrial effluent to be discharged into the sanitation system except with the approval of the municipality.

(2) A person must apply for approval to discharge industrial effluent into the sanitation system of the municipality on the prescribed form attached as Schedule B to these bylaws.

(3) The municipality may, if in its opinion the capacity of the sanitation system is sufficient to permit the conveyance and effective treatment and lawful disposal of the industrial effluent, for such period and subject to such conditions it may impose, approve the discharge of industrial effluent into the sanitation system.

(4) Any person who wishes to construct or cause to be constructed, a building which shall be used as a trade premises, must at the time of lodging a building plan in terms of section 4 of the National Building Regulations and Building Standards No. 103 of 1977, also lodge applications for the provision of sanitation services and for approval to discharge industrial effluent.

121. Withdrawal of Approval to Discharge Industrial Effluent

(1) The municipality may withdraw any approval to a commercial consumer, who has been authorised to discharge industrial effluent into the sanitation system, upon giving 14 (fourteen) days notice, if the consumer—

- (a) fails to ensure that the industrial effluent discharged conforms to the industrial effluent standards prescribed in the municipality's bylaws or the written permission referred to in bylaw 120;

- (b) fails or refuses to comply with any notice lawfully served on him in terms of these bylaws, or contravenes any provisions of these bylaws or any condition imposed in terms of any permission granted to him; or
 - (c) fails to pay the charges in respect of any industrial effluent discharged.
- (2) The municipality may on withdrawal of any approval—
- (a) in addition to any steps required by in these bylaws, and on 14 (fourteen) days' written notice, authorise the closing or sealing of the connecting sewer of the said premises; and
 - (b) refuse to receive any industrial effluent until it is satisfied that adequate steps to ensure that the industrial effluent that is to be discharged conforms to the standards required by these bylaws.

122. Quality Standards for Disposal of Industrial Effluent

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

123. Conditions for the Discharge of Industrial Effluent

- (1) The municipality may on granting approval for the discharge of industrial effluent, or at any time that it considers appropriate, by notice, require a commercial consumer to—
- (a) subject the industrial effluent to such preliminary treatment as in the opinion of the municipality will ensure that the industrial effluent conforms to the standards prescribed in Schedule A before being discharged into the sanitation system;
 - (b) install equalising tanks, valves, pumps, appliances, meters and other equipment which, in the opinion of the municipality, will be necessary to control the rate and time of discharge into the sanitation system in accordance with the conditions imposed by it;
 - (c) install for the conveyance of the industrial effluent into the sanitation system at a given point, a drainage installation separate from the drainage installation for other sewage and may prohibit a commercial consumer from disposing of his industrial effluent at any other point;
 - (d) construct on any pipe conveying his industrial effluent to any sewer, a service access hole or stop-valve in such position and of such dimensions and materials as the municipality may prescribe;

- (e) provide all information that may be required by the municipality to enable it to assess the tariffs or charges due to the municipality;
 - (f) provide adequate facilities including, but not limited to, level or overflow detection devices, standby equipment, overflow catch-pits, or other appropriate means of preventing a discharge into the sanitation system in contravention of these bylaws;
 - (g) cause any meter, gauge or other device installed in terms of this section to be calibrated by an independent authority at the cost of the commercial consumer at such intervals as may be required by the municipality and copies of the calibration must to be forwarded to it by the commercial consumer; and
 - (h) cause industrial effluent to be analyzed as often, and in whatever manner, may be determined by the municipality and provide it with the results of these tests when they are completed.
- (2) The cost of any treatment, plant, work or analysis, which a person may be required to carry out, construct or install in terms of subsection (1), shall be borne by the commercial consumer concerned.
- (3) If industrial effluent that neither complies with the standards in Schedule A nor has received the approval of the municipality, is discharged into the sanitation system, the municipality must be informed and the reasons for it, within twelve hours of the discharge.

Part 8: Sewage Delivered by Road Haulage

124. Acceptance of Sewage Delivered by Road Haulage

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

125. Approval for Delivery of Sewage by Road Haulage

- (1) No person shall deliver sewage by road haulage in order to discharge it into the municipality's sewage treatment plants except with the approval of the municipality and subject to any conditions, and any times, that may on reasonable grounds be imposed by him.
- (2) The charges for any sewage delivered for disposal to the municipality's sewage treatment plants shall be assessed by the municipality in accordance with the prescribed tariffs of charges.

126. Withdrawal of Permission for Delivery of Sewage by Road Haulage

- (1) The municipality may withdraw any approval, given in terms of bylaw 125, after giving at least 14 (fourteen) days written notice of his intention to do so, if a person who has been allowed to discharge sewerage by road haulage—
- (a) fails to ensure that the sewage conforms to the standards prescribed either in Schedule A, or as a condition of approval; or
 - (b) fails or refuses to comply with any notice served on him in terms of these bylaws or contravenes any provision of these bylaws or any condition has been imposed on him as a condition of approval; and
 - (c) fails to pay all the charges applicable to the delivery of sewage.

127. Conditions for Delivery of Sewage by Road Haulage

- (1) When sewage is to be delivered by road haulage—
- (a) the time and place when delivery is to be made shall be arranged in consultation with the municipality; and
 - (b) the municipality must be satisfied before a delivery can take place, that the sewerage is of a nature suitable for road haulage and that the delivery would comply with the provisions, of these bylaws.

Part 9: Other Sanitation Services

128. Stables and Similar Premises

- (1) The municipality may approve the connection of a drainage installation to stables, cowsheds, dairies, kennels, other premises for the accommodation of animals, and tanneries, subject to the payment of all applicable charges and the fulfilment of any condition that the municipality may impose; but approval will be given only if—
- (a) the floor of the premises is paved by impervious materials that are approved by the municipality and graded to a silt trap, grease trap or gully of adequate capacity; and
 - (b) every part of the floor of the premises is covered by a roof, or another protective device, in a way that adequately prevents the entry of rain or storm water into the drainage installation.

129. Mechanical Food-Waste or Other Disposal Units

- (1) No person shall install, supply or use mechanical waste food, disposal which and any disposal unit or garbage grinder, without the prior approval of the municipality.
- (2) The municipality may approve the connection or incorporation of a mechanical waste food, disposal which and any disposal unit or garbage grinder, into a drainage installation that has a capacity in excess of 500W, subject to the payment of all applicable charges and to any condition that the municipality may impose, but approval will be given only if—
- (a) a water meter is installed by the municipality;
 - (b) the municipality is satisfied that the municipality's sewerage and sewage treatment system will not be adversely affected; and
 - (c) the installation or incorporation is installed in conformity with the municipality's bylaws relating to electricity.

CHAPTER 7: WATER SERVICES INTERMEDIARIES

130. Obligations of Water Services Intermediaries

- (1) Water services intermediaries, whether registered or not under these bylaws, must comply with their duties under section 25 of the Act.

131. Registration of Intermediaries

- (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.
- (2) The municipality may, on registration, impose conditions regulating the conduct of water services intermediaries, including the imposition of regular reporting requirements.
- (3) Any person or institution required to register with the municipality as a water services intermediary shall do so in accordance with the provisions of these bylaws and at his own expense.
- (4) The municipality may call for any additional information or documents reasonably required to enable it to determine whether the applicant, or the water services scheme or water services schemes will comply with the Act, these bylaws and the water services development plan of the municipality, and whether the obligations of the municipality, imposed on it by the Act, will be met.
- (5) If the municipality accepts and intermediary's application to register, the municipality will notify the applicant in writing and may set out any additional reasonable and relevant conditions that the municipality places on the intermediary with regard to the scheme or schemes that the intermediary operates or will operate.
- (6) If the municipality does not accept the registration, the municipality will notify the applicant in writing and may request the applicant to submit the needed information and/or to comply with actions to be performed by the applicant to qualify for registration.

132. Intermediary Costs

- (1) Water services intermediaries are responsible for all costs and resources required to establish, operate, maintain and improve any water services scheme or schemes it utilises to provide water services it is obliged to provide in terms of its contract.
- (2) The municipality may contribute resources to intermediaries in order for it to ensure that all citizens within its area of jurisdiction have access to appropriate water services and free basic water services. Resources may include grants that contribute towards establishment, operation and maintenance, augmentation and improvement of any scheme or schemes operated by the intermediary and may be subject to conditions if the intermediary terminates service provision from infrastructure developed from grant funding.
- (3) Any such contribution will be negotiated after registration of the intermediary in the manner prescribed and based on any conditions set by the municipality in specification documents.

133. Intermediary Charges

- (1) A water services intermediary may not charge for water services at a price which does not comply with any norms and standards prescribed by the Act, and any regulations promulgated in terms of that Act and any additional norms and standards as may be set by the municipality in terms of its bylaws.

134. Standards of Water Services provided by Intermediaries

- (1) All 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 water services intermediary must meet the minimum standards prescribed in the Act and municipal bylaws and must at least be of the same standards as provided by the municipality to consumers.

135. Licences for abstraction and disposal

- (1) Where an intermediary abstracts water services from, or disposes effluent into a water services source, the intermediary must obtain any licences required by the National Water Act, 1998, for such purposes and must ensure that it complies with any conditions that may be set in the licence. The intermediary must upon registration notify the municipality of any licences it has or has applied for. The intermediary is responsible to determine the assurance of supply of the water source and to timeously put in place measures to address any shortages that may occur.

136. Monitoring by the Municipality

- (1) The municipality may monitor compliance of intermediaries to national standards and its bylaws. It may also at any time inspect any water services installations for monitoring purposes.
- (2) Any person authorised in writing by the Municipal Manager, may at any reasonable time and without prior notice enter any property and inspect any water services infrastructure or installation in order to ascertain whether national legislation or municipal bylaws is being complied with.
- (3) Any person entering property must identify him or her and present his or her authorisation.

137. Non Compliance with these bylaws

- (1) If and intermediary is found to be in contravention with national legislation or these bylaws, the municipality may request or direct the intermediary to comply. Such a request or direction to comply must be in writing and must describe the non-compliance; request the intermediary to rectify the failure within a specified period; and request confirmation in writing, within a specified period, from the intermediary that the non-compliance will be rectified within the specified period and the steps that has been or will be taken to rectify the non-compliance; or state that, where the intermediary is unable to comply with the request, the reasons for the non-compliance must be provided to the Municipal Manager within a specific period in writing.

- (2) If the intermediary fails to comply with such a request of directive, the municipality may take legal action.

CHAPTER 8: PRIVATE TOWNSHIPS

138. Water services provision to private townships

- (1) If a private township is proposed to be established in terms of the Development Facilitation Act (Act 67 of 1995) within the area of jurisdiction of the municipality, the developer must notify the municipality of the proposal, and provide details on how potable water and sanitation waste water disposal will be developed and water services will be provided to consumers, such owner or property developer shall, if he requires such supply to be provided by the municipality, be liable to pay to the municipality a contribution determined by agreement and with reference to the municipal council's tariff policy.
- (2) If infrastructure and services will be developed by the developer, these must meet minimum standards as may be prescribed in applicable national or provincial legislation or by public notice.
- (3) The municipality may supply water, either in bulk or by retail, to the occupier of any land situated within the area of jurisdiction of the municipality upon such terms and conditions as may be included in these bylaws and tariffs set.
- (4) No person shall be entitled to a supply of water for any development which has a separate supply of water unless he agrees to pay of such minimum annual sum as will, in the opinion of the municipality give the municipality a reasonable return on such capital expenditure and other charges as may be necessarily incurred by the municipality in order to meet the possible maximum demand for water in respect of such development.

139. Contributions to plan and implement water services infrastructure

- (1) If the supply of water to a private township requires the municipality to incur additional costs in relation to the supply of water to any development, the municipality may:
- (i) upon the development or proposed development of such land in accordance with such altered use; and
 - (ii) upon being requested to supply water to such project or to continue or enlarge the supply of water to such project,

assess, in accordance with regulations made by the municipality for the purpose, the additional contribution towards costs in which it will or may subsequently be involved in making, continuing or enlarging such supply and require payment by the owner of such project of the additional contribution so assessed as a condition precedent to the making, continuing or enlargement of such supply.

- (2) Any water services contribution or additional water services contribution assessed and levied by the municipality on any lot in a private township in terms of the conditions of establishment of such private township; or in terms of these bylaws, shall be payable by the township owner or developer to the municipality prior to the registration of the transfer or other alienation of such lot or township.

140. Determination of rates and contributions

- (1) The water services contribution or additional water services contribution included therein shall be deemed to be a water tariff rate levied in terms of these bylaws and the municipality may issue a combined rates and water services contribution certificate.
- (2) The volume of any supply shall be deemed to be the daily quantity of water to which such contribution as may have been paid to the municipality reasonably relates, or greatest daily quantity of water actually used during the two years immediately prior to the commencement of this development, whichever is the greater; or the volume in existence immediately prior to the commencement of the development.
- (3) If at any time the owner or developer of a piece of land situated within the area of jurisdiction of the municipality requires a water supply from the municipality for a development, and the municipality agrees to supply water services

for use in or by the occupants of such project, such owner or developer shall, as a condition precedent to the making of such services, pay the municipality the contribution as set by the municipality in terms of these bylaws.

(4) Where a water services contribution, other than a contribution in respect of extraordinary expenses, is or was previously paid to the municipality in respect of the private township in terms of the provisions of these bylaws, any lot in respect of which the municipality has not yet been requested to supply water services, shall be deemed to require a volume equal to the quantity to which the contribution paid in respect of such lot reasonably relates, and if the municipality is subsequently requested supply water services to the private township, an assessment in accordance with the provisions of that bylaws shall be made only in respect of the additional volume that may be required, if any.

(5) Subject to the preceding provisions of this subsection, any volume or additional volume hereinbefore contemplated shall be binding on both the municipality and the owner or developer of the land on which the relevant development is situated and their successors in title.

CHAPTER 9: INSPECTION AND DOCUMENTATION

141. Provision of Information

(1) An owner, occupier, consumer or person within the area of supply of the municipality must provide the municipality with accurate information requested by the municipality that is reasonably required by the municipality for the implementation or enforcement of these bylaws.

142. Power of Entry and Inspection

(1) The municipality may enter and inspect any premises for any purpose connected with the implementation or enforcement of these bylaws, at all reasonable times, after having given reasonable written notice to the occupier of the premises of the intention to do so.

(2) Any entry and inspection must be conducted in conformity with the requirements of the Constitution of South Africa, 1996, and any other law and, in particular, with strict regard to decency and order, respect for a person's dignity, freedom and security, and personal privacy.

(3) The municipality may be accompanied by an interpreter and any other person reasonably required to assist the authorised official in conducting the inspection.

(4) A person representing the municipality must, on request, provide his identification.

143. Power to Serve

(1) The municipality may, by written notice, order an owner, consumer or any other person who fails, by act or omission, to comply with the provisions of these bylaws, or to fulfil any condition imposed in it, to rectify his failure within a period specified in the notice, which period shall not be less than thirty days except where a notice is issued in terms of bylaw 34 when the period shall not be less than seven days.

(2) A notice in terms of subsection (1) must—

- (a) give details of any provision of the bylaws that has not been complied with;
- (b) give the owner, consumer or other person a reasonable opportunity to make representations and state his case, in writing, to the municipality within a specified period, unless the owner, consumer or other person was given such an opportunity before the notice was issued;
- (c) specify the steps that the owner, consumer or other person must take to rectify the failure to comply;
- (d) specify the period within which the owner, consumer or other person must take the steps specified to rectify such failure; and
- (e) indicate that the municipality—

- (i) may undertake any work that is necessary to rectify a failure to comply with a notice and the cost to the municipality of rectification may be recovered from the owner, consumer or other person who has failed to comply with it; and
- (ii) may take any other action that it considers necessary for ensuring compliance.

(3) In the event of an emergency the municipality may, without prior notice to anyone, undertake the work required by subsection (3)(e)(i) and recover the costs from a person who, but for the emergency, would have to be notified in terms of subsection (1).

(4) The costs recoverable by the municipality in terms of subsections (3) and (4) are the full costs associated with that work and includes, but are not restricted to, any exploratory investigation, surveys, plans, specifications, schedules of quantities, supervision, administration charge, the use of tools, the expenditure of labour involved in disturbing or rehabilitation of any part of a street or ground affected by the work and the environmental cost.

(5) The costs recoverable by the municipality in terms of subsections (3) and (4) are the full costs associated with that work and includes, but are not restricted to, any exploratory investigation, surveys, plans, specifications, schedules of quantities, supervision, administration charge, the use of tools, the expenditure of labour involved in disturbing or rehabilitation of any part of a street or ground affected by the work and the environmental cost.

144. Signing of Notices and Documents

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

145. Service of Notices

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

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

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

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

(4) Where compliance with a notice is required within a specified number of working days, the period that is required shall commence on the date when the notice is served or when it has first been given in any other way contemplated in these bylaws.

146. Authentication of Documents

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

(2) Authority to authorise, as envisaged in subsection (1) must be conferred by a resolution of the municipality, by a written agreement or by a bylaw.

147. Prima Facie Evidence

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

CHAPTER 10: COMPLIANCE AND OFFENCES

148. Responsibility for Compliance

(1) The owner of premises is responsible for ensuring compliance with these bylaws in respect of all or any matters relating to water and the installation and maintenance of sanitation.

(2) The consumer is responsible for compliance with these bylaws in respect of matters relating to the use of any water and the installation and maintenance of sanitation.

149. Compliance with Notices

(1) If a person fails to comply with a written notice served on him by the municipality in terms of these bylaws within the specified period, it may take such action that in its opinion is necessary to ensure compliance, including—

- (a) undertaking the work necessary itself and recovering the cost of such action or work from that owner, consumer or other person;
- (b) restricting or discontinuing the provision of services; and
- (c) instituting legal proceedings.

150. Offences

(1) Subject to subsection (2), any person who—

- (a) obstructs or hinders the municipality in the exercising of the powers or performance of functions or duties under these bylaws;
- (b) uses, tampers or interferes with municipal equipment, the water supply system, sanitation system and reticulation network or consumption of services rendered;
- (c) contravenes or fails to comply with a provision of these bylaws other than a provision relating to payment for water services;
- (d) fails to comply with the terms of a notice served upon him in terms of these bylaws;

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

(2) Any person committing a breach of the provisions of these bylaws shall be liable to recompense the municipality for any loss or damage suffered or sustained by it in consequence of the breach.

151. Appeals Against Decisions of the Municipality

- (1) A consumer may appeal in writing against a decision of, or a notice issued by, the municipality in terms of these bylaws.
- (2) Where the appeal is in relation to the payment of arrears, it may be subject to the National Credit Act.
- (3) An appeal in terms of subsection (1) must be made in writing and lodged with the municipality within 14 (fourteen) days after a consumer became aware of the decision or notice and must—
 - (a) set out the reasons for the appeal; and
 - (b) be accompanied by any security determined by the municipality for the testing of a measuring device, if it has been tested.
- (4) An appeal must be decided by the municipality within 14 (fourteen) days after an appeal was lodged and the consumer must be informed of the outcome in writing, as soon as possible thereafter.
- (5) The decision of the municipality is final.
- (6) The municipality may condone the late lodging of appeals or other procedural irregularities.

CHAPTER 11: GENERAL**152. Indemnification from Liability**

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

153. Exemption

- (1) The municipality may, in writing exempt an owner, consumer, any other person or category of owners, consumers, ratepayers, users of services from complying with a provision of these bylaws, subject to any conditions it may impose, if he or she is of the opinion that the application or operation of that provision would be unreasonable, provided that the municipality shall not grant exemption from any section of these bylaws that may result in—
 - (a) the wastage or excessive consumption of water supply services;
 - (b) significant adverse effects on public health, safety or the environment;
 - (c) the non-payment for services;
 - (d) the Act, or any regulations made in terms of it, not being complied with.
- (2) The municipality may at any time after giving written notice of at least thirty days, withdraw any exemption given in terms of subsection (1).

154. Conflict of Law

- (1) If there is any conflict between these bylaws and any other bylaws of the municipality, these bylaws will prevail.
- (2) If there is conflict between these bylaws and national legislation, national legislation shall apply.

155. Transitional Arrangements

- (1) Installation work authorised by the municipality prior to the commencement date of these bylaws or authorised installation work in progress on that date shall be deemed to have been authorised in terms of these bylaws; and the municipality may, for a period of 90 (ninety) days after the commencement of these bylaws, authorise installation work in accordance with the bylaws that regulated that work immediately prior to the promulgation of these bylaws.
 - (2) Any reference in these bylaws to a charge determined by the municipal council shall be deemed to be a
-

reference to a charge determined by the municipal council under the laws repealed by bylaw 156, until the effective date of any applicable charges that may be determined by the municipal council in terms of these bylaws, and any reference to a provision in the laws repealed by bylaw 156 shall be deemed to be a reference to a corresponding provision in these bylaws.

(3) Any approval, consent or exemption granted under the laws repealed by bylaw 156 shall, save for the provisions of subsection (3), remain valid.

(4) No consumer shall be required to comply with these bylaws by altering a water installation or part of it which was installed in conformity with any laws applicable immediately prior to the commencement of these bylaws; provided that if, in the opinion of the municipality, the installation, or part, is so defective or in a condition or position that could cause waste or undue consumption of water, pollution of the water supply or a health hazard, the municipality may by notice require the consumer to comply with the provisions of these bylaws.

156. Repeal of By-laws

(1) The following By-laws or part thereof of the Municipality are hereby repealed :

- a) The Standard Water Supply By-laws promulgated under Administrator's Notice 21 dated 5 January 1977 adopted by the municipality by Administrator's Notice 1915 dated 21 December 1977 ; and
- b) Section B of the Building and Drainage By-laws promulgated under Administrator's Notice 1866 dated 29 May 1991.

157. Short Title and Commencement

- (1) These bylaws are called the Water Services Bylaws of the Mogalakwena Local Municipality.
- (2) The municipality may, by notice in the Provincial Gazette, determine that provisions of these bylaws, listed in the notice, do not apply in certain areas within its area of jurisdiction listed in the notice from a date specified in the notice.
- (3) Until any notice contemplated in subsection (2) is issued, these bylaws are binding.

**L J SEBOLA
ACTING MUNICIPAL MANAGER**

**P O BOX 34
MOKOPANE
0600**

**NOTICE NUMBER 131/2009
14 SEPTEMBER 2009**

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

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

METALS:

Group 1:

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

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

Group 2:

Metal	Expressed as
Lead	Pb
Selenium	Se
Mercury	Hg

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

OTHER ELEMENTS

Element	Expressed as
Arsenic	As
Boron	B

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

RADIO-ACTIVE WASTES

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

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

METHOD OF TESTING

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

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

[DRAFTING NOTE: This is from the DWAF bylaws. It needs to be checked by Technical Department against current requirements of Industrial clients]

(Please complete application in block capitals)

I (name): _____

the undersigned, duly authorised to set on behalf of

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

PART I

1. NATURE OF THE BUSINESS OR INDUSTRY CONCERNED:

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

3. POSTAL ADDRESS OF THE BUSINESS OR INDUSTRY:

4. PHYSICAL STREET ADDRESS:

ERF NO OR FARM PTN: _____ TOWNSHIP OR FARM: _____

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

6. IS THIS A NEW OR ESTABLISHED BUSINESS: _____

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

8. INFORMATION RELATING TO EMPLOYEES:

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

PART II

INFORMATION RELATING TO THE CONSUMPTION OF WATER

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

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

2. WATER CONSUMPTION

(1) Industrial

kl/Month

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

TOTAL B

(2) Domestic use

kl/Month

- (i) Total number of employees (Allow 1 kilolitre/person/month)
- (ii) Total number of employees permanently resident on the premises eg. hostels (Allow 1 kilolitre/person/month)

TOTAL C

3. EFFLUENT DISCHARGE INTO SANITATION SYSTEM

- (1) Metered volume (if known)kl/ Month
- (2) Estimated un-metered volume (see below*) kl/ Month

(3) Estimated rate of discharge

(4) Period of maximum discharge (eg. 07:00 to 08:00)

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

A - (B + C) =Kilolitre /Month

PART III

INFORMATION REGARDING THE COMPOSITION OF INDUSTRIAL EFFLUENT

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

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

TABLE

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

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

PART IV

CONDITIONS RELATING TO THE ACCEPTANCE OF INDUSTRIAL EFFLUENT

1. The applicant shall attach descriptions and a statement of the dimensions of grease and oil traps, screens, dilution and neutralising tanks and any other provision made for the treatment of the effluent prior to discharge to the sanitation system.
2. The applicant shall submit to the municipality, if requested, plans showing the reticulation systems on his premises for water and industrial effluent.
3. The applicant shall, in addition to complying with the provisions of the municipality's Water Services By-laws

aimed at the protection of its employees, sewers and treatment plant from damage, comply with any direction concerned with such protection given by the engineer verbally or in writing for the purpose of ensuring the applicant's compliance with the said by-laws.

- 4. The applicant shall notify the municipality, as soon as possible after he becomes aware thereof, or at least 14 days before anything is done to cause material alteration in the nature or quantity of the industrial effluent specified in this application or in any of the facts stated by him therein.
- 5. The applicant shall, within 30 days from the date of signature of this application, procure an accurately representative sample of not less than 5 litre of the industrial effluent to be discharged into the sewer, which sample shall be free of domestic sewage, and shall submit one half thereof to the municipality for analysis and also submit to the engineer a report on the sample made by an analyst appointed by him: Provided that in the case of a newly established industry the period specified may be extended by the municipality for a period not exceeding six months or such further extended periods as the municipality in its discretion may approve.
- 6. The applicant hereby declares and warrants that the information given by him in this form, or otherwise, in connection with this application is, to the best of his knowledge and belief, in all respects correct.
- 7. The applicant agrees that the said information, being in all respects correct, shall form the basis on which this application is granted by the municipality.

Thus done at by the applicant this day of 20

.....

Signature and capacity of the applicant

SCHEDULE C: FORMULA FOR THE CALCULATION OF EFFLUENT DISCHARGE CHARGES

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

$$T_c = Q_c t \left[a \left(\frac{COD_c - COD_d}{COD_d} \right) + b \left(\frac{P_c - P_d}{P_d} \right) + c \left(\frac{N_c - N_d}{N_d} \right) \right]$$

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

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

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