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CITY OF CAPE TOWN
WATER AMENDMENT BY-LAW, 2018
APPROVED BY COUNCIL: 31 MAY 2018
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CITY OF CAPE TOWN
WATER AMENDMENT BY-LAW, 2018

GENERAL EXPLANATORY NOTE:

[] Words in bold type in square brackets indicate omissions from existing enactments.

_____ Words underlined with a solid line indicate insertions in existing enactments.

To amend the City of Cape Town: Water By-law, 2010, so as to amend and insert certain definitions; to provide for the control and regulation of water services in the City; to provide for the implementation of prepayment meters and private sub-meters; to provide for the registration of plumbers; to provide for the cancellation of registration of plumbers; to provide for the responsibilities of plumbers; to provide for the imposition of water restrictions; to provide for the installation of alternative water systems; to amend the provision relating to Offences and Penalties; to provide for the substitution of Schedule 1; to repeal Schedule 4; and to provide for matters connected therewith.

BE IT ENACTED by the Council of the City of Cape Town, as follows:-

Amendment of section 1 of the City of Cape Town: Water By-law, 2010

1. Section 1 of the City of Cape Town: Water By-law, 2010, (hereinafter referred to as the principal By-law) is hereby amended—

(a) by the addition of the following definitions before the definition for **“authorized official”**:

“**alternative water**” means water sourced from a supply other than municipal drinking water, including; -

(a) grey water,

(b) rainwater,

(c) treated effluent;

(d) surface water including sea water; and

(e) water from a borehole, well, well-point or spring;’;

“**associated protective devices**” means the safety devices that forms part of the hot water cylinder installations which prevents excessive temperatures or pressures within the system;’;

- (b) by the substitution for the definition of **“authorized official”** of the following definition:

“authorized official” means an [official] employee of the City responsible for [the implementation and enforcement of the provisions of this By-law] carrying out any duty or function or exercising any power in terms of this By-law and includes employees delegated to carry out or exercise such duties, functions or powers;’;

- (c) by the substitution for the definition of **“City”** of the following definition:

“City” means the City of Cape Town, a municipality established by the City of Cape Town Establishment Notice No. 479 of 22 September 2000, issued in terms of [section 12 of] the Local Government: Municipal Structures Act, 1998, [(Act No. 117 of 1998)] or any structure or employee of the City acting in terms of delegated authority;’;

- (d) by the substitution for the definition of **“Council”** of the following definition:

“Council” means the Municipal Council of the City [or any political structure, political office bearer, Councillor or staff member of the City, duly authorized by delegation];’;

- (e) by the substitution for the definition the definition of **“domestic purposes”** of the following definition:

“domestic purposes” in relation to the supply of water means water supplied for drinking, ablution and culinary purposes. [excluding toilets and urinals];’;

- (f) by the insertion after the definition of **“health nuisance”** of the following definition:

“industry best practice norms” means recycling and re-using a minimum of 50% of the water used;’;

- (g) by the substitution for the definition of **“meter”** of the following definition:

“meter” means a device installed and maintained by the City which measures the quantity of water passing through as contemplated in the Trade Metrology Act, 1973 (Act No. 77 of 1973) as amended;’;

- (h) by the insertion after the definition of ‘meter’ of the following definition:

“new development” refers to land development for commercial, industrial or housing purposes including sectional title, single title cluster, gated villages, block of flats, etc excluding stand-alone households;’;

- (i) by the insertion after the definition of “**person**” of the following definition:

“**plumbing components**” means any fitment, pipe, fitting, meter, or any other part of a plumbing installation or water services infra-structure that is used to convey water;’;

- (j) by the insertion after the definition of “**pollution**” of the following definitions:

“**prepayment meter**” means a City meter that can be programmed to allow the flow of a pre-purchased volume of water to the customer;’;

“**prescribed charge**” means a fee, charge or tariff determined and imposed by the Council in terms of the Tariff By-law;’;

“**private sub-meter**” means a device owned, installed and maintained by a person other than the City which measures the quantity of water passing through as contemplated in the Trade Metrology Act, 1973 (Act No. 77 of 1973) as amended;’;

- (k) by the deletion of the definition of “**prescribed charge**” where it occurs after the definition of “publish”.

- (l) by the insertion after the definition of “**publish**” of the following definition:

“**registered plumber**” means a plumber registered with the City in terms of section 46A;’; and

- (m) by the insertion after the definition of “**storage tank**” of the following definition:

“**tamper**” includes to alter, cut, disturb, interfere with, interrupt, manipulate, obstruct, remove or uproot by any means, method or device;’.

Substitution for the word “Director” in the City of Cape Town: Water By-law, 2010

2. The principal by-law is hereby amended by the substitution for the word “Director” wherever it appears, of the words “authorized official” except in sections 3(2), 5, 7, 31, 36 (1) and 46A .

Amendment of section 2 of the City of Cape Town: Water By-law, 2010

3. Section 2 of the principal by-law is hereby amended—

(a) by the insertion after subsection (1) of the following subsections:

“(1A) The owner is responsible for ensuring compliance with this By-law in respect of all or any matters relating to the water installation, and the maintenance thereof.”;

“(1B) the consumer is responsible for compliance with this By-law in respect of matters relating to the wastage or other abuse of any water.”.

(b) by the substitution for subsection (5) of the following subsection:

“(5) The [**Director may, in consultation with the Executive Director City Health,**] City must, where it is not reasonably possible or cost effective to supply water to each consumer within a particular area, determine an alternative manner of water supply.”.

Amendment of section 8 of the City of Cape Town: Water By-law, 2010

4. Section 8 of the principal by-law is hereby amended—

(a) by the substitution for subsection (1) of the following subsection:

“8. (1) Any member of the public must[], inform the Director immediately, on becoming aware of any emergency[], or imminent situation [that requires immediate attention or a situation] that may give rise to the wastage [**of water**] or pollution of water, [**inform the Director immediately.**] damage to property, or risk of injury to a person.”.

Repeal of section 11 of the City of Cape Town: Water By-law, 2010

5. Section 11 of the principal by-law is hereby repealed.

Amendment of section 12 of the City of Cape Town: Water By-law, 2010

6. Section 12 of the principal by-law is hereby amended by—

(a) by the substitution for paragraph (a) of subsection (1) of the following paragraph:

“(a) unless an agreement referred to in section 13 or [**14**] 15 has been concluded;”;

(b) by the substitution for paragraph (b) of subsection (2) of the following paragraph:

“(b) determine the **[amount]** volume of water for which the City can claim compensation by using [where proven theft has taken place, the Director must use] the maximum flow rate of a water meter which is [that complies with the regulations relating to water meters published under the Trade Metrology Act, 1973 (Act No. 77 of 1973), and of] the same size **[in diameter as the pipe from]** of the pipe through which the unauthorized water was drawn[.] and which complies with the Legal Metrology Act, 2014 (Act No.09 of 2014) or as amended.”.

Amendment of section 13 of the City of Cape Town: Water By-law, 2010

7. Section 13 of the principal by-law is hereby amended—

(a) by the substitution for subsection (1) of the following subsection:

“(1) Water from the water supply system will not be supplied to any **[new]** premises unless the owner has applied to the City for a supply and such application has been approved by the Director.”;

(b) by the substitution for subsection (3) of the following subsection:

“(3) The owner is liable for all the fees in respect of the supply of water determined in terms of the Tariff By-law until the supply has been interrupted at the request of the owner, or the agreement has been terminated in terms of section 18, and the owner is deemed to be the consumer for all purposes during the **[currency]** term of the agreement.”.

(c) by the insertion after subsection (5) of the following subsection:

“(5A) When an application is made for water supply to a vacant erf, unless otherwise agreed to, the supply is deemed to be for building purposes and will be serviced via a temporary connection.”;

(d) by the substitution for subsection (6) of the following subsection:

“(6) Where the purpose for which the water is applied for in terms of subsection (4)(f), or the extent to which the water is applied for is changed, the owner must promptly, in addition to advising the City of the change, enter into a new agreement with the City[.]including supply provided in terms of section 24(5A).”.

Substitution of section 14 of the City of Cape Town: Water By-law, 2010

8. The following section is hereby substituted for section 14 of the principal by-law:

“Transfer of ownership

14. **[(1) The seller must, before transfer of a property, submit a certificate from an accredited plumber certifying that—**

- (a) the water installation conforms to the national Building Regulations and this By-law;**
- (b) there are no defects;**
- (c) the water meter registers; and**
- (d) there is no discharge of storm water into the sewer system.**

(2) The certificate referred to in subsection (1) must be in the format of the form attached as Schedule 4.]

(1) The seller must before transfer of a property, submit a certificate of compliance from a registered plumber, certifying that the water installation conforms to the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977) and this By-law.

(2) The certificate referred to in subsection (1) is available on the City’s website.

(3) Any person who provides false information on a certificate referred to in subsection (1), may be prosecuted in terms of section 64.”.

Substitution of section 19 of the City of Cape Town: Water By-law, 2010

9. The following section is hereby substituted for section 19 of the principal by-law:

“Interference with the water supply

19. **[Unless authorized in terms of this By-law, no] No person unless authorized by [other than] the City in terms of this By-law may—**

- (a) [manage,] interfere or tamper with, operate or maintain infrastructure belonging to the City for the provision of water services; or**
- (b) effect a connection to the water supply system.”.**

Amendment of section 21 of the City of Cape Town: Water By-law, 2010

10. Section 21 of the principal by-law is hereby amended—

(a) by the substitution in subsection (3) for the words preceding paragraph (a) of the following words:

“(3) The Director [**may**] must determine the— ”;

(b) by the substitution for subsection (7) of the following subsection:

“(7) Unless otherwise agreed to by the Director, only one communication pipe per type of water installation, may be provided to any premises, [**irrespective of the number of accommodation units, business units or consumers located on such premises**] to determine water use.”;

(c) by the deletion of subsection (9).

Amendment of section 24 of the City of Cape Town: Water By-law, 2010

11. Section 24 of the principal by-law is hereby amended—

(a) by the insertion after subsection (5) of the following subsection:

“(5A) No water installation will be supplied with water through a communication pipe which was installed to provide water for building construction purposes until the certificate of approval referred to in section 46B (b) has been received by the City and if no such certificate has been received, the Director may disconnect or restrict the water supply to that water installation.”;

(b) by the substitution in subsection (6) for the words preceding paragraph (a) of the following words:

“(6) The Director may install a Water Management Device or prepayment meter at any premises as part of the water meter and its associated apparatus to—”;

(c) by the substitution for subsection (7) of the following subsection:

“(7) Where a Water Management Device or prepayment meter has been installed at any premises, a consumer may request to enter into an agreement with the [**Director**]City in terms of the City’s Credit Control and Debt Collection Policy and it’s Credit Control and Debt Collection By-law, 2006, to set the [**drinking**] domestic water supply to their premises to a predetermined daily volume.”.

Amendment of section 27 of the City of Cape Town: Water By-law, 2010

12. Section 27 of the principal by-law is hereby amended—

(a) by the substitution for paragraph (a) of the following paragraph:

“(a) agreement for supply has been terminated in terms of section [17] 18 and the Director has not received an application for a subsequent supply of water to the premises served by the communication pipe within a period of 90 days of such termination;”.

Amendment of section 28 of the City of Cape Town: Water By-law, 2010

13. Section 28 of the principal by-law is hereby amended—

(a) by the substitution for subsection (1) of the following subsection:

“(1) Water supplied to premises must pass through a meter, installed between the communication pipe and water installation_ **[in a position determined by the Director, provided that a meter may be dispensed with in the case of—**

- (a) an automatic sprinkler fire installation;**
- (b) a fire installation in respect of which steps have been taken to detect unauthorized draw-off of water for purposes other than fire-fighting;**
- (c) circumstances determined by the Director; or**
- (d) where water is consumed through an existing unmetered fire connection.]”;**

(b) by the substitution for subsection (2) of the following subsection:

“(2) The Director may, after informing the owner of the property in writing of his or her intention to install a meter to an existing unmetered fire connection **[referred to in subsection (1)(d)]**, at the cost of the City, install such meter and subsequently render an account for water consumed through the connection.”;

(c) by the substitution for subsection (3) of the following subsection:

“(3) A meter and its associated apparatus that is provided and installed by the City, remains the property of the City and may be replaced when deemed necessary by the Director.”;

(d) by the substitution for subsection (9) of the following subsection:

“(9) The Director may at the cost of the owner, install or require the installation of a private sub-meter, **[or volume controlling device]** water management device or prepayment meter to each section, business or dwelling unit on any premises for use in determining the quantity of water supplied to each section, business or dwelling unit or portion of the premises.”;

(e) by the substitution for subsection (13) of the following subsection:

“(13) If access for reading purposes to a meter, installed in terms of subsection (4)(a) is denied, the owner is[,] during the period of such denial, liable for the cost of the water wasted, should a leak develop on such meter and its associated apparatus and their fittings, **[or become visible on the section of the service pipe within such premises, and is measured by a meter installed in accordance with subsection (12)(a).]**”;

(f) by the substitution for subsection (20) of the following subsection:

“(20)(a) Where the owner, **[or]** person in 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 or to different portions of the premises, the Director **[may]** must provide and install **[either—]**

[(a)] a single meter in respect of the premises as a whole subject to item 20(b) **[or any number of such accommodation units; or]**

(b) The Director may approve an application for deviation where separately motivated. [(b) a separate meter, situated at the property boundary on the land vested in the City, for each accommodation unit or any number thereof.]”;

(g) by the substitution for subsection 21 of the following subsection:

“(21) Where **[the Director has installed]** a **[single]** meter as contemplated in subsection (20)**[(a)]** is installed, the owner, **[or the]** person in charge or management of the premises must install and maintain on each branch pipe **[extending from the communication pipe]** to the different **[accommodation]** units—

(a) **[a separate meter]** an isolating valve; and

(b) **[an isolating valve]** a water management device, prepayment meter or a private sub-meter,

and will be liable to the City for payment of the prescribed charges for all water supplied to the premises through such a meter, irrespective of the different quantities consumed by the different consumers served by such meter.”.

(h) by the addition after subsection (21) of the following subsections :

“(22) “Where separate private sub-meters exist for individual dwelling or commercial units on any land, the owner or person in charge or management of the premises must monitor and record the monthly usage of each individual unit and retain detailed records in respect thereof for a period of at least twenty four months.”

(23) The person in charge or management of premises upon which separate private sub-meters exist for individual dwelling or commercial units must notify the City and provide proof to the City of water usage upon any such unit which transgresses any water restrictions or exceeds directed usage limits prescribed by the Director from time to time, within twenty one days of such transgression or exceedance being observed. The City shall thereupon be entitled to take such enforcement steps as are prescribed in this By-law directly against the owner or person in charge of the relevant unit.”.

Amendment of section 31 of the City of Cape Town: Water By-law, 2010

14. Section 31 of the principal by-law is hereby amended

(a) by the substitution for subsection (4) of the following subsection:

“(4) Subject to subsection (1), [R]resale of water [is intended to] covers the supply of water—
[(a) to other municipalities;
(b) to the Ports Authority of South Africa;
(c) to Airports Company of South Africa ;]
(d) in cases where the City cannot gain direct access to a property;
(e) where the expansion of the City’s network to serve a property cannot be undertaken immediately;
or
(f) where a bulk main passes a property which cannot be served by another water service authority.”.

Amendment of section 32 of the City of Cape Town: Water By-law, 2010

15. Section 32 of the principal by-law is hereby amended—

(a) by the substitution for subsection (5) of the following subsection:

“(5) Where a meter installed in terms of section 28 (4) (a) and (4)(b), has ceased to function and does not register the consumption through it, it is deemed to be defective.”. [Estimation of quantity of water supplied to consumer through defective meter]

Substitution of section 33 of the City of Cape Town: Water By-law, 2010

16. The following section is hereby substituted for section 33 of the principal by-law:

“Estimation of quantity of water supplied to consumer through defective meter

(1) If a meter is found to be defective in terms of section 31(3), (4) or (5), the Director may estimate the quantity of water consumed during the period in which such meter was defective, in line with the City of Cape Town’s Tariff policy , and on the basis of the average daily quantity of water supplied over—

- (a) a period between two successive meter readings subsequent to the replacement of the meter;
- (b) a period in the previous year corresponding to the period in which the meter was defective; or
- (c) the period between three successive meter readings prior to the meter becoming defective, whichever the Director considers the most appropriate.

(2) If the quantity of water supplied to a consumer during the period when the meter was defective cannot be estimated in terms of subsection (1), the Director may estimate the quantity on any other basis that is available.

(3)The consumer must be informed of the method used by the Director to estimate the quantity of water supplied to him or her, as contemplated in subsection (1) or (2), and be given an opportunity to make representations to the Director[**before a final estimate is arrived at**].”.

Amendment of section 34 of the City of Cape Town: Water By-law, 2010

17. Section 34 of the principal by-law is hereby amended—

(a) by the substitution for subsection (4) of the following subsection:

“(4) Rebates will only be granted in terms of underground leaks, for categories specified in the City of Cape Town’s Tariff Policy, and where the repair of such leak was [**visually**] confirmed by an official of the City.”.

Amendment of section 35 of the City of Cape Town: Water By-law, 2010

18. Section 35 of the principal by-law is hereby amended—

(a) by the substitution for subsection (1) of the following subsection:

“(1) If the Director 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, he or she may by written notice, advise the owner concerned of his or her intention to install a measuring device or a prepayment meter at any point in the water installation that he or she may specify.”.

Amendment of section 36 of the City of Cape Town: Water By-law, 2010

19. Section 36 of the principal by-law is hereby amended—

(a) by the substitution in subsection (1) for the words preceding paragraph (a) of the following words:

“(1) The Director may, by public notice, whenever there is scarcity of water [**available to it**] for distribution and supply to consumers, or for any other good cause—”.

(b) by the addition after subsection (5) of the following subsections:

“(6) Council may impose water restrictions by issuing a direction in terms of sections 54(3)(b) and 55(2) of the Disaster Management Act, 2002 (Act 57 of 2002), where a local disaster has been declared due to a scarcity of water or in an effort to prevent such a disaster from being declared.

“(7) A person who fails to comply with water restrictions imposed in terms of subsection (6), is guilty of an offence and is liable to a fine or upon conviction to a period of imprisonment not exceeding six months.”.

Deletion of sections 39, 40 and 41 of the City of Cape Town: Water By-law, 2010

20. Sections 39, 40 and 41 of the principal by-law are hereby deleted.

Amendment section 42 of the City of Cape Town: Water By-law, 2010

21. Section 42 of the principal by-law is hereby amended—

(a) by the substitution for subsection (1) of the following subsection:

“(1) If an owner wishes to **[install] construct** a new water installation, **or extend an existing one** he or she must first obtain the written approval of the Director on plans submitted for scrutiny, provided that approval is not required for the repair or replacement of an existing pipe or water fitting other than a fixed water heater and its associated protective devices, in which instance, a notice of notification is required.”.

(b) by the deletion of subsection (3).

(c) by the substitution for subsection (5) of the following subsection:

“(5) **Where renovations to an existing building triggers a building plan approval process, full details of any [proposed] water conservation and demand management system or alternative water systems [such as a grey water system, air conditioner or bleed-off] for flushing toilets, irrigation, swimming pool filling or top-up or other non – domestic purposes must accompany the building plans.**”; and

(d) by the addition after subsection (5) of the following subsections:

“(6) **All new developments must provide for the installation of water conservation and demand management systems or alternative water systems for non-domestic purposes and full details thereof must accompany the building plans.**

(7) **The owner must notify the City when any of the following plumbing components are either installed or changed:**

(a) **a fixed water heater;**

(b) **heat pump installations; and**

(c) **solar hot water panels.**

together with their associated protective devices.

(8) **The provisions of this section do not exempt any person from complying with relevant policies, standards or any applicable legislation.**”.

Amendment of section 44 of the City of Cape Town: Water By-law, 2010

22. Section 44 of the principal by-law is hereby amended—

(a) by the substitution for subsection (1) of the following subsection:

“(1) Unless the Director has in writing determined otherwise, the drawings depicting the new or amended water installation must be on sheets of a size not smaller than A4 and must provide information in the form required by Clause 4.1.1 of SANS 10252:~~2004~~ 2012 Part 1, or as amended, a copy of which may be obtained from the Director.”;

(b) by the substitution for subsection (3) of the following subsection:

“(3) If more than one type of water installation is to be installed in a building, such installations may be shown on the same drawing, provided they are clearly differentiated.”;

(c) by the substitution for subsection (4) of the following subsection:

“(4) A schedule must be provided with each drawing or set of drawings, indicating the number and type, of each [**type of**] terminal water fitting and its nominal size.”.

Substitution of section 45 of the City of Cape Town: Water By-law, 2010

23. The following section is hereby substituted for section 45 of the principal by-law:

“Copies of drawings to be kept on site

45. Until [**receipt by**] the Director is in receipt of the certificate of [**compliance**] approval for newly completed or altered water installations, submitted in terms of section 48, a complete set of approved drawings of the installation work must at all times be available at the site of the work.”.

Insertion of section 46A, and section 46B in City of Cape Town: Water By-law, 2010

24. The following sections are hereby inserted in the principal by-law after section 46:

“Registration and cancellation of registration of plumbers

46A. (1) The authorized official must maintain a register of registered plumbers.

(2) A plumber who is qualified and accredited in terms of the National Qualifications Framework Act, 2008 (Act No. 67 of 2008) may register with the City.

(3) The authorized official must consider the application and issue the registered plumber with proof of registration upon payment of a fee determined by Council from time to time.

(4) The authorized official must publish the register of registered plumbers.

(5) Notwithstanding the registering of a plumber’s details in terms of subsection (1), the City is not liable for any misleading information, incorrect work, or poor workmanship carried out by the plumber.

(6) Subject to subsection (7), the Director may cancel the registration of a registered plumber and remove his or her name from the register if such registered plumber -

(a) fails to comply with the requirements as contemplated in any provision of this by-law;

(b) falsely or misleadingly completes and issues a certificate of compliance; or

(c) allows his or her registration details to be used in a fraudulent manner.

(7) Prior to cancelling the registration of any registered plumber, the Director

(a) must serve a written notice of pre-cancellation of registration on the registered plumber, which must include reasons; and

(b) must provide an opportunity for the registered plumber to make written representations as to why his or her registration should not be cancelled within 14 days of receipt of such notice.

(8) The Director may via a written notice cancel the registration of the registered plumber—

(a) 14 days after service of the pre-cancellation notice where no representations are made; or

(b) 21 days after receiving written representations.

(9) The authorized official may, after a period of 12 months of the cancellation and removal from the register of a registered plumber, consider an application to re-register such plumber.

Responsibilities of a registered plumber

46B. Every registered plumber must -

- (a) ensure that installation or other work done by him or her or under his or her control complies with this by-law;
- (b) submit a certificate of approval for work done, in terms of section 42(1) to the City, certifying that the work is in compliance with this by-law; and
- (c) provide a copy of the approved certificate to the property owner.”.

Amendment of section 47 of the City of Cape Town: Water By-law, 2010

25. Section 47 of the principal by-law is hereby amended—

- (a) by the substitution in subsection (1) for the words preceding paragraph (a) of the following words:

“47(1) No person, who is not qualified and accredited in terms of the **[South African Qualifications Authority Act, 1995 (Act No. 58 of 1995)]** National Qualifications Framework Act, 2008 (Act No.67 of 2008), may-”; and

- (b) by the deletion of subsection (2).

Substitution of section 48 of the City of Cape Town: Water By-law, 2010

26. The following section is hereby substituted for section 48 of the principal by-law—

“Responsibilities of a property owner

48(1) A property owner must **[ensure that the installation work done on his or her premises]** –

- (a) ensure that the installation work done on his or her premises is carried out by a **[person or]** plumber qualified in terms of Section 47;
- (b) **[complies with this By-law;]** notify the City of any changes, replacements or installations to the pipework mentioned in section 42(7); and
- (c) **[on completion thereof]**, ensure that a certificate of [compliance] approval for newly completed or altered water installations, is submitted to the Director.

(2) If installation work is being done in contravention of section 47, the Director may by written notice require the owner of the premises concerned to cease such work until he or she has employed a qualified plumber to—

- (a) inspect such work and rectify any part of it which does not comply with this By-law;
- (b) test and disinfect the work in terms of section 49; and

(c) ensure that a certificate of [**compliance**] approval for newly completed or altered water installations, stating that the work carried out complies with this By-law, is submitted to the Director.”.

Amendment of section 49 of the City of Cape Town: Water By-law, 2010

27. Section 49 of the principal by-law is hereby amended—

(a) by the substitution for subsection (3) of the following subsection:

“(3) The owner of a premises on which a storage tank is installed must, not less than once in every five years, cause such tank to be drained, inspected and disinfected, in accordance with the relevant standard and procedure set in SANS 10252:[**2004**] 2012 Part 1, or as amended.”;

(b) by the substitution for subsection (5) of the following subsection:

“(5) Before the tank or the water installation served by it referred to in subsection (4) [(3)] is returned to use, it must be cleaned and disinfected in accordance with the relevant standard and procedure set in SANS 10252:[**2004**] 2012 Part 1, or as amended.”.

Amendment of section 51 of the City of Cape Town: Water By-law, 2010

28. Section 51 of the principal By-law is hereby amended by:

(a) the deletion of subsection (4); and

(b) the substitution for subsection (5) of the following subsection:

“(5) The Director must make available during working hours copies of Schedule 2 [**as updated in terms of this By-law,**] at the offices of the City.”.

Amendment of section 52 of the City of Cape Town: Water By-law, 2010

29. Section 52 of the principal by-law is hereby amended—

(a) by the substitution in subsection (1) for the words preceding paragraph (a) of the following words:

“(1) An owner and the **qualified and accredited** plumber, who executed the work on his or her behalf, must ensure that—”;

(b) by the substitution for paragraph (a) of subsection (1) of the following paragraph:

“(a) water installations comply with the relevant standard set by—SANS 10252:~~[2004]~~ 2012 Part 1 or as amended;”;

(c) by the substitution for paragraph (b) of subsection (1) of the following paragraph:

“(b) hot water cylinder installations comply with the relevant standard set by— SANS [~~10254~~] 10252:~~[2004]~~2012 or as amended;”;

(d) by the substitution for paragraph (c) of subsection (1) of the following paragraph:

“(c) solar heated water installations comply with the relevant standard set by— SANS 10106:~~[1972]~~2006 or as amended;”;

(e) by the insertion after paragraph (c) of subsection (1) of the following paragraph:

“(cA) heat pump water installations comply with the relevant standard set by SANS 1352:2012 or as amended;”;

(f) by the substitution for paragraph (d) of subsection (1) of the following paragraph:

“(d) The storage of a minimum quantity of water, to be used for purposes other than fire-fighting or air-conditioning, is provided in accordance with Table 1 of Schedule 3 or as amended;”;

(g) by the substitution for paragraph (e) of subsection (1) of the following paragraph:

“(e) the storage of a minimum quantity of water to be used for flushing of water closets and urinals in commercial and industrial premises is provided in accordance with Table 2 of Schedule 3 or as amended;”;

(h) by the substitution for paragraph (f) of subsection (1) of the following paragraph:

“(f) the design of storage tanks is in accordance with the relevant standard set by SANS 10252:~~[2004]~~ 2012 Part 1 or as amended and with section 53;”;

(i) by the substitution for paragraph (g) of subsection (1) of the following paragraph:

“(g) the use of pipes supplying water in any installation is in accordance with the relevant standard set by SANS 10252:~~[2004]~~ 2012 Part 1 or as amended and Schedule 3 or as amended;”;

(j) by the substitution for paragraph (h) of subsection (1) of the following paragraph:

“(h) a non-return valve of similar size as the service pipe immediately downstream of the isolating valve, referred to in section **[28(21)(b),] 23(2)(a) and section 23(2)(b)** is installed;”;

(k) by the deletion of subsection (6).

Amendment of section 53 of the City of Cape Town: Water By-law, 2010

30. Section 53 of the principal by-law is hereby amended—

(a) by the substitution for subsection (1) of the following subsection:

“(1) Any person who installs a storage tank must install it in such a position that its exterior and interior can readily be inspected, cleaned and maintained, unless it is a concrete reservoir that is buried or partly sunk into the ground and has been designed, constructed and tested in accordance with the relevant standard **[set by]** where only the interior is accessible for inspection and cleaning, as per –SANS 10100-1 and SANS 1200-G or as amended.”;

(b) by the substitution for paragraph (c) of subsection (3) of the following paragraph:

“(c) a contamination proof tank is totally enclosed with no other access to its interior, other than an access panel in its side to facilitate inspection and cleaning, which must be at a level where the tank cannot be used unless the access panel cover is in place; **[and]**”;

(c) by the insertion after paragraph (c) of subsection (3) of the following paragraph:

“(cA) that the material the tank is manufactured from, is suitable for the application and is impervious to sunlight; and”;

(d) by the substitution for subsection (4) of the following subsection:

“(4) Unless authorized in writing by the Director, every **[boiler, steam kettle or other apparatus for generating steam, gas producer,] device generating steam, or in a case of a** gas engine or oil engine or any other apparatus in or by which water supplied by the City is used, must be supplied only through a cold water feed tank which utilizes an air gap to separate the incoming mains water from the contents of the tank.”.

Amendment of section 54 of the City of Cape Town: Water By-law, 2010

31. Section 54 of the principal by-law is hereby amended—

(a) by the substitution for paragraph (b) of subsection (1) of the following paragraph:

“(b) any part of the water installation [**on his or her premises**].”;

(b) by the addition of the following subsection:

“(3) Where a property is supplied with potable and alternative water , the owner must ensure that—

(a) no interconnection is effected between the installations; and

(b) the pipe work is correctly colour coded, as per SANS 10140-3:2003 and that the appropriate signage, as per SANS 1186-1:2008 is displayed.”.

Amendment of section 55 of the City of Cape Town: Water By-law, 2010

32. Section 55 of the principal by-law is hereby amended—

(a) by the substitution for paragraph (a) of subsection (1) of the following paragraph:

“(a) hose reel and hydrant installations comply with the relevant standard set by SANS 10252:**[2004]**
2012Part 1 or as amended; and”;

(b) by the substitution for subsection (3) of the following subsection:

“(3) No water will [**be**]continue to be supplied to any fire extinguishing installation—

(a) without a certificate of approval [**issued**] referred to in terms of [**section 47**] section 46B
(b); and

(b) unless the installation complies with the requirements of this By-law.”.

Amendment of section 56 of the City of Cape Town: Water By-law,2010

33. Section 56 of the principal by-law is hereby amended-

(a) by the substitution for subsection(1) of the following subsection:

“(1) No person may use or permit to be used any water obtained from a source other than the water supply system of the City for domestic purposes[.] without the prior written approval of the Director, and in accordance with any conditions determined by him or her.”; and

(b) by the substitution for subsection (2) of the following subsection:

“(2) No person may connect a water supply obtained from any source other than the water supply system of the City to any water distribution system without the prior written approval of the Director, and in accordance with any conditions determined by **[the]** him or her.”;

(c) by the substitution for subsection (3) of the following subsection:

“(3) Any owner of premises on which an alternative water source], **such as well-point, borehole or well,** is located or on which alternative water is used, must within 14 days of being called upon to do so provide the Director with such particulars regarding the alternative water source. **[as may be required]**.”.

(d) by the insertion and after subsection (5) of the following subsections:

“(5A) The Council may by public notice, require water services intermediaries or classes of water services intermediaries to apply and register with the City in a manner specified in the public notice.

“(5B)(1) Water services intermediaries must ensure that water services, including basic services as determined by the Council are provided to such persons it is obliged to provide with water services.

“(2) The quality, quantity and sustainability of water services provided by a water services intermediary must at least be of the same standards as provided by the City to consumers.

“(5C)(1) A water services intermediary may not charge for water services at a price which does not comply with the norms and standards as may be set by the Director.

“(2) A water services intermediary must provide subsidized water services, as determined by the Council in terms of the Credit Control and Debt Collection By-law and provided by the City to consumers at a price that is the same or less than the prescribed charges at which the City provides such services.”.

(e) by the addition after subsection (6) of the following subsection:

“(7)(a) The consumer assumes full responsibility for all consequences of their use of water not from the City’s water supply system.

(b) The City bears no responsibility or liability, financial or otherwise, for the use of water not from the City’s water supply system.”.

Substitution of section 57 of the City of Cape Town: Water By-law, 2010

34. The following section is hereby substituted for section 57 of the principal by-law:

“Wells, boreholes, wellpoints and excavations

57. Every owner of premises must ensure that any well, borehole, well-point, installation relating to alternative water or any other excavation relating thereto located on his or her premises—

(a) is adequately safeguarded from creating a health nuisance;

(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; **[and]**

[(c) no interconnection is made between a water installation supplied from the main and any other source of water supply.]

(d) is registered or re-registered on the database of the City and a sign provided by the City is prominently displayed on the property; and

(e) where water is being used from boreholes and well points, it shall be used sparingly and efficiently and where used for irrigation purposes in line with the watering times of the water by-laws of the City.”.

Amendment of section 58 of the City of Cape Town: Water By-law, 2010

35. Section 58 of the principal by-law is hereby amended—

(a) by the insertion after subsection (2) of the following subsection :

“(2A) Authorisation to use water from boreholes, wells and well points must, be sought from the Department of Water and Sanitation in terms of section 39 of the National Water Act,1998 (Act 36 of 1998).”;

(b) by the substitution for subsection (4) of the following subsection:

“(4) The Director may, by written notice, require the owner of any premises within any area of the City upon which a borehole, well and wellpoint exists or, if the owner is not in occupation of such premises, the occupier at the time to notify him or her of the existence of a borehole, well and wellpoint on such premises, and provide [it] him or her with such information about the borehole, well and wellpoint as he or she may require.”;

Amendment of section 59 of the City of Cape Town: Water By-law, 2010

36. Section 59 of the principal by-law is hereby amended—

(a) by the substitution for subsection (1) of the following subsection:

“(1) The Director may, on application [**in terms of section 13**] by an owner and subject to any other law, grant a supply of non-potable water to a consumer and on such conditions as he or she may deem fit.”;

(b) by the substitution for subsection (2) of the following subsection:

“(2) Any supply of water granted in terms of subsection (1) may not be used for domestic or any other purposes, or in any way which may give rise to a health hazard., without the prior written approval of the Director, and in accordance with any conditions determined by him or her.”.

Amendment of section 61 of the City of Cape Town: Water By-law, 2010

37. Section 61 of the principal by-law is hereby amended—

(a) by the substitution for subsection (3) of the following subsection:

“(3) Every warning notice referred to in subsections (1) and (2) must be in the three official languages, used in the Province.

[Irrigation systems]”

Substitution of section 62 of the City of Cape Town: Water By-law, 2010

38. The following section is hereby substituted for section 62 of the principal by-law:

“Irrigation systems

62. Where a new irrigation system, which is to be supplied from an existing domestic connection or another existing irrigation connection, is installed—

(a) the size of the existing connection must be reviewed by the City; **[and]**

(b) all materials used in the system must comply with SABS requirements[.];

- (c) it shall be installed in such a way as to minimize water wastage onto hard surfaces; and
- (d) it shall be able to be adjusted to prevent water wastage during cooler or rainy weather conditions.”.

Substitution of section 63 of the City of Cape Town: Water By-law, 2010

39. The following section is hereby substituted for section 63 of the principal by-law:

“Appeals

63. A person whose rights are affected by a decision taken in terms of a power or duty delegated or sub-delegated in terms of this By-law, may appeal against that decision in accordance with section 62 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000). **[Offences and penalties]”**

Substitution of section 64 of the City of Cape Town: Water By-law, 2010

40. The following section is hereby substituted for section 64 of the principal by-law”

“Offences and penalties

64. Subject to section 36(7), any person who—

- (a) contravenes or fails to comply with any provision of this By-law;
- (b) fails to comply with any notice issued, or lawful instruction given, in terms of this By-law; **[or]**
- (c) obstructs or hinders any authorized **[representative or employee of the City] official** in the execution of his or her duties under this By-law~~],; or~~
- (d) deliberately furnishes false or misleading information to an authorized official,

is guilty of an offence and is~~], on conviction,~~ liable to a fine or upon conviction to a [term] period of imprisonment not exceeding five years or to both such fine and [term]period of imprisonment.”.

Substitution of Schedule 1 of the City of Cape Town: Water By-law, 2010

41. Schedule 1 of the principal by-law is hereby amended—

(a) by the substitution for Schedule 1 of the following Schedule:

“Schedule 1**Water Conservation and Demand Management**

(Section 38)

1 No person may without prior written authority from the Director, water a garden, sports field, park, or other grassed area using potable water, between the hours of ~~[10:00]09:00~~ and ~~[16:00]18:00~~

2 Where a hosepipe is used to irrigate a garden, park, or sports field ~~[from a potable water source]~~a controlling device such as a sprayer or automatic self-closing device must be attached to the hose end.

2A Automated sprinkler systems should be able to be correctly positioned and be able to be adjusted to prevent water wastage.

3 No person may without prior written authority from the Director hose down a hard-surfaced or paved area using water from a potable source.

4 A hosepipe used for washing vehicles, boats, and caravans must be fitted with an automatic self-closing device.

5 Automatic top up systems using a float valve fed from a potable water source to supply swimming pools and garden ponds is not allowed.

6 Commercial car wash industries must comply with industry best practice norms regarding water usage per car washed.

7 Wash-hand basins provided in public facilities must be fitted with demand type taps.

8 Showers provided at public facilities must be fitted with demand type valves.

9 Potable water may not be used to dampen building sand and other building material to prevent it from being blown away.

10 Stand pipe draw-off taps must be at a height of at least 450mm, measured above ground level.

11 The maximum flow rate from any tap installed in a wash hand basin may not exceed 6 litres per minute.

12 The maximum flow rate from any showerhead may not exceed ~~[10]~~ 7 litres per minute.

13 ~~New or replaced~~ ~~[W]~~water closet cisterns may not exceed~~[9.5]~~ 6 litres in capacity.

14 No automatic cistern or tipping tank may be used for flushing a urinal

15 All automatic flushing cisterns fitted to urinals, must be replaced with either manually operated systems or non-manual apparatus which causes

the flushing device to operate only after each use of such urinal or waterless systems that must be properly maintained.

16 Terminal water fittings installed outside any buildings other than a residential dwelling must—

(a) incorporate a self-closing device; or

(b) have a removable handle for operating purposes; or

(c) be capable of being locked to prevent unauthorized use; or

(d) be of a demand type that limits the quantity of water discharged in each operation.

17 Water Audit

(a) Major water users (those using more than 10 000 kilolitres per annum), excluding those comprising multiple dwelling units, must

undertake an annual water audit. The audit must be carried out no later than two weeks after the end of each financial year of the City.

The audit report must be available for inspection by officials from the Department of Water and Sanitation [Affairs and Forestry], the Water Board (where applicable) and the City.

(b) The audit must detail the following—

(i) amount of water used during a financial year;

(ii) amount paid for water for the financial year;

(iii) number of people living on the stand or premises;

(iv) number of people permanently working on the stand or premises;

(v) comparison of the above factors with those reported in each of the previous three years (where available);

(vi) seasonal variation in demand (monthly consumption figures);

(vii) detailed methods of water pollution monitoring ;

(viii) details of current initiatives to manage their demand for water;

(ix) details of future plans to manage their water demand;

(x) comparison of the above factors with those reported in each of the previous three years (where available); and

(xi) estimate of consumption by various components in use such as appliances and terminal water fittings.

18 No person may allow water, used as a heat-exchange medium in any equipment or plant and supplied from a water installation, to run continuously to waste except for maintaining a prescribed level of total dissolved solids in a recirculating plant.”

19. All swimming pools must be covered by a pool cover to avoid evaporation when not in use.”.

Repeal of Schedule 4 of the City of Cape Town: Water By-law, 2010

42. Schedule 4 of the principal by-law is hereby repealed.

Short Title

43. This By-law is called the City of Cape Town: Water Amendment By-law, 2018.