

**THE MSUNDUZI MUNICIPALITY**

**WATER SERVICES BY- LAWS**

**MSUNDUZI LOCAL MUNICIPALITY**

**WATER SERVICES BY-LAWS**

**DRAFT ONE: SEPTEMBER 2013**

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The Msunduzi Municipality acting in terms of section 98 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), read with section 13 of the said Act, hereby publishes the By-laws set forth hereafter, as made by the Municipality, which By-laws shall come into effect on the date of publication thereof.

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**WATER SERVICES BY-LAWS**

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**CHAPTER 1****GENERAL PROVISIONS****1. Definitions and Interpretation.-**

1) In these By-laws and the Schedules thereto, unless the context otherwise indicates-

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

**"affected person"** means a person who has been served with a designated notice;

**"Act"** means the Water Services Act No., 1997 (Act No. 108 of 1997);

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

**"approved"** means approved by the Council;

**"authorised official"** means any official of the Council who has been authorised by it to administer, implement and enforce the provisions of these By-laws;

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

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

**"back siphonage"** means the backflow resulting from pressures lower than atmosphere pressure in water installation;

**"basic sanitation"** means the minimum standard of safe and hygienic sanitation services and sewage disposal rendered to households, pre scribed in terms of the Act, under regulation 2 of Government Notice R509 of 8 June 2001, as amended from time to time, or any substitution for that regulation;

**"basic water supply"** means the minimum standard of water supply services necessary for the reliable supply of water to households to support life and personal hygiene, prescribed in terms of the Act, under regulation 2 of Government Notice R509 of 8 June 2001, as amended from time to time, or any substitution for that regulation;

**"best practicable environmental option"** means the option that provides the most benefit or causes the least damage to the environment as a whole, in both the long and 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 Act, 1977 (Act No. 103 of 1977);

**"business unit"** in relation to any premises means any building or section of a building occupied or used, or intended to be used for purposes other than residential occupation;

**"combined installation"** in relation to water supply means a water installation used for fire- fighting and domestic, commercial or industrial purpose;

**"commercial effluent"** means effluent emanating from an enterprise having a commercial purpose where the effluent is neither industrial effluent nor standard domestic effluent;

**"commercial purpose"** in relation to the supply of water, means water supplied to premises to be used in the carrying out a trade or business;

**"communal sewer"** means a sewer main and connecting sewers and in respect of which a group of consumers and/or owners has constituted itself as a person willing to assume responsibility for, and has signed an agreement accepting responsibility, for the maintenance and repair of the communal sewer;

**"communal water connection"** means a consumer connection through which water services are supplied to more than one consumer, and "communal water services work" has a corresponding meaning.

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

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

**"connection pipe"** means a pipe, the ownership of which is vested in the Council and installed by it for the purpose of conveying water from a main to a water installation, and includes a "communication pipe" referred to in SABS Code 0252 Part I;

**"consumer"** means-

- a) any person who occupies premises to whom, and in respect of which premises, the Council-
  - i. has agreed to provide water services;
  - ii. is actually providing water services;
  - iii. has entered into an agreement with the Council for the provision of water services to or on any premises;
- b) the owner of any premises to which the Council is providing water services;
- c) where water services are provided through a single connection to a number of accommodation units or consumers or occupiers, means the person to whom the Council agreed to provide such water services; and
- d) any end-user who receives water services from the Council or other water services institution;

**"conventional water meter"** means a meter where the account is issued subsequent to the consumption of water;

**"Council"** means the Msunduzi Municipality established in terms of the Municipal Structures Act 1998, (Act No. 117 of 1998) as amended, exercising its legislative and executive authority through its municipal Council; or-

- a) its successor in title; or
- b) a structure or person exercising a delegated power or carrying out an instruction, where any power in these By-laws has been delegated or sub-delegated, or an instruction given, as contemplated in section 59 of the Local Government: Municipal Systems Act, 2000; (Act No. 32 of 2000);
- c) a service provider fulfilling a responsibility under these By-laws, assigned to it in terms of section 81 (2) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) or any other law, as the case may be;

**"day"** means a 24 hour period commencing and ending at 24:00;

**"Designated officer"** means a person designated as such in terms of section 94 of these By-laws."

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

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

**"Drainage work"** 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;

**"dwelling unit"** means an interconnected suite of rooms designed for residential purposes and occupation by a single household, regardless of how many persons comprise the household,

**"ECA"** means the Environment Conservation Act, 1989 (Act No. 73 of 1989) and any regulations made in terms thereof, or any superseding legislation;

**"effluent"** means any liquid, whether or not containing matter in solution or suspension, which is discharged from any premises directly or indirectly into a drainage work;

**"EIA"** means an environmental impact assessment as contemplated in NEMA, and/or the EGA;

**"EIA regulations"** means the EIA Regulations as published in Government Notice R 1183 on 5 September 1997, as amended from time to time, or any regulations made in substitution therefor under the ECA or any superseding legislation;

**"emergency"** means any situation that poses a risk or potential risk to life, health, the environment, or property, or declared to be an emergency under any law;

**"enforcement notice"** means any notice issued by a designated officer under these By- laws, which instructs the person to whom it is issued to comply with the terms of the notice;

**"environmental cost"** means the full cost of all measures necessary to restore the environment to its condition prior to an incident which causes damage to it, and in the event of this not being possible the value of the cost benefit that has been lost through the damage to or destruction of the environment;

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

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

**"flood level"** means that level reached by flood waters resulting from a storm designated in terms of recognised engineering criteria as being of a frequency to be expected once in every 50 years;

**"flood plain"** means the area below the flood level subject to inundation;

**"general installation"** means a water installation which conveys water for a combination of domestic, commercial and industrial purposes;

**"household"** means the family unit of persons, or individuals, in occupation of a building or part of a building, designed for residential occupation by such family unit, or individuals

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

**"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, Occupational Health & Safety Act, 1993 (Act No. 85 of 1993) or any, superseding legislation, including the use of water for purposes of mining, manufacturing, retailing and service industries, generating electricity, land-based transport, construction or any related purpose;

**"installation work"** means work in respect of the construction of, or carried out on, a water installation;

**"law"** means any law, including the common law;

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

**"measuring device"** means any method, procedure, process, device, apparatus, or installation that enables the quantity and/or quality of water services provided to be quantified or evaluated;

**"meter"** means a water meter as defined by Regulation 81 (a) Government Notice R 2362 dated 18 November 1977, published in terms of the Trade Metrology Act, 1973 (Act No. 77 of 1973) or any superseding legislation or, in the case of a water meter of a size greater than 100 mm, a device which measures the quantity of water passing through it;

**"National Water Act"** means the National Water Act, 1998 (Act No. 36 of 1998);

**"NEMA"** means the National Environmental Management Act, 1998 (Act No. 107 of 1998);

**"nuisance"** means any condition, thing, act or omission which is offensive or injurious or which tends to prejudice the safety, good order, peace or health of one or more of the residents in any particular locality within the area of the Council, or the rights, or reasonable comfort, convenience, peace, or quiet, of the occupants of any area within the Council's jurisdiction;

**"occupier"** means a person who occupies any premises or part thereof;

**"owner"** includes-

- a) the person in whom from time to time is vested the legal title to premises, including, but not limited to, the registered owner according to the title deed;
- b) where the owner of the premises concerned is insolvent, deceased, has assigned his estate for the benefit of his creditors, has been placed under curatorship in terms of an order of court, is a closed corporation being wound up, or is a company being wound up or under judicial management, includes the person in whom the administration of such premises is vested as executor, administrator, trustee, assignee, curator, liquidator or judicial manager as the case may be;
- c) in any case where the Council is unable to determine the identity of such person, a person who is entitled to the benefit of the use of such premises; and
- d) the lessee under any registered lease of land which is entered into for a period of not less than ten years or for the natural life of the lessee or any other person mentioned in such lease or which is renewable from time to time at the will of the lessee indefinitely or for period which together with the first period of such lease amount in all to not less than ten years, whether or not such renewal is dependent on the periodical consent or permission of, or the periodical renewal of a licence by the State or any statutory licensing body;
- e) in relation to-
  - i. a piece of land delineated on a sectional plan registered in terms of the Sectional Titles Act, 1986 (Act 95 of 1986), the developer or the body corporate in respect of the common property; and
  - ii. a section as defined in such Act, the person in whose name the relevant unit is registered under a sectional title deed, and includes the lawfully appointed representative of such a person;

**"person"** means any natural or juristic person, an unincorporated body, and includes a voluntary association or trust, an organ of state as defined in section 239 of the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996), and the Minister of Water Affairs and Forestry, or his successor in function as Minister of Water Affairs;

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

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

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

**"prescribed"** means, determined by resolution of the Council from time to time;

**"prescribed fee"** means a fee determined by the Council by resolution in terms of section 10G (7) (a) (ii) of the Local Government Transition Act, 1993 (Act No. 209 of 1993), or any other applicable legislation;

**"prescribed tariff"** means a schedule of prescribed fees;

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

**"public notice"** means at least two notices, each notice being in one of the official languages in general use in the area, but in a different official language to the other notice and published in at least one newspaper in general use within the area in question, preferably a newspaper published predominantly in the same language as the notice;

**"qualified plumber"** means a person who has passed the plumbing trade test of the Department of Labour, and received a certificate therefor;

**"sanitation services"** means the collection, removal and disposal or purification of human excreta, sewage and any other effluent including domestic and industrial effluent resulting from the use of water;

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

**"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;

**"sampler"** means a person who takes samples for analysis from the sewage disposal and stormwater disposal systems, and who has been certified as qualified to do so by the Council;

**"sewage"** means waste water, industrial and commercial effluent, standard domestic effluent and other liquid waste, either separately or in combination, but does not include stormwater;

**"sewage disposal system"** means a structure, pipe, valve, pump, meter or other appurtenance used in the conveyance of sewage through the sewer reticulation system, and the treatment thereof at a sewage treatment plant under the control of the Council 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 Council and which may be used or is intended for the conveyance of sewage from the connecting sewer but does not include a drain as defined; and "municipal sewer" has a corresponding inclusive meaning;

**"standard domestic effluent"** means domestic effluent with prescribed strength characteristics in respect of chemical oxygen demand, total nitrogen, total phosphates and settleable solids as being appropriate to a sewage discharge from domestic premises within the jurisdiction of the Council, but does not include industrial effluent;

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

**"Systems Act"** means the Local Government: Municipal Systems Act 2000 (Act No. 32 of 2000);

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

**"trade premises"** means premises upon which any form of industrial effluent is produced;

**"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 vested in the owner thereof, and used, or intended to be used in connection with the use of water on such premises, and includes a pipe and water fitting situated outside the boundary of the premises, which either connects to the connection pipe relating to such premises, or is otherwise laid with the permission of the Council;

**"water services"** means water supply services and sanitation services, as defined in these By-laws and includes the collection and disposal of industrial effluent;

**"water services work"** means a reservoir, dam, well pump-house, borehole, pumping installation, purification works, sewage treatment plant, access road, electricity transmission line, pipeline, meter, fitting or apparatus built,

installed or used by a water services institution-

- a) to provide water services;
- b) to provide water for industrial use; or
- c) to dispose of industrial effluent;

**"water supply services"** means the abstraction, conveyance, treatment and distribution by the Council, of water for domestic, industrial and commercial purposes;

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

**"wet industry"** means an industry which discharges industrial effluent;

**"working day"** means a day other than a Saturday, Sunday and public holiday;

**"working month"** means a calendar month excluding any Saturday, Sunday, and public holiday.

- 2) If any provision in these By -laws vests or imposes any power, function or duty of the Council in or on an employee of the Council and such power, function or duty has in terms of section 81 (2) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) or any other law been assigned to a service provider, the reference to such employee shall be read as a reference to the service provider or, where applicable, an employee of the service provider authorised by it.

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

Any word or expression used in these By-laws to which a meaning has been assigned in-

- 1) the Act will bear that meaning; and
- 2) The National Building Regulations and Building Standards Act 1977 (Act No. 103 of 1977), and Chapter III of the Building Regulations there under, will bear that meaning unless the context indicates otherwise.

## **3. Levels of service.-**

- 1) The Council may, subject to applicable law and in its own discretion provide various levels of service to consumers. Such levels of service may include:
  - a) Water supply from communal water points;
  - b) Water supply from mobile vehicles;
  - c) Metered full pressure water supply connections;
  - d) Ventilated improved pit latrines;
  - e) Conventional water borne installations connected to the Council's sewer.

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

- 1) No person may consume, abstract or be supplied with water from the water supply system, or utilise the sewage disposal system or any other sanitation services, unless he or she has applied to the Council on the prescribed form for such services, and such application has been agreed to.
- 2) An application for the use of water services approved by the Council constitutes an agreement between the Council and the applicant, and takes effect on the date referred to in the application.
- 3) The person referred to in subsection (2) will be liable for all the prescribed fees in respect of water services rendered to him or her until the agreement has been terminated in accordance with these By- laws, and is the consumer for all purposes during the currency of the agreement.
- 4) The Council, may, if it deems it necessary, require a third party to be bound jointly and severally as surety and co-principal debtor with the consumer, for the payment of any prescribed fees under these By- laws.
- 5) An application form shall contain at least the following minimum information-
  - a) a statement by the applicant that he or she is aware of and understands the contents of the form;
  - b) acceptance by the applicant of the provisions of these By-laws, and acceptance of liability for the cost of water services rendered until the agreement is terminated;
  - c) the name of the proposed consumer, and his or her identity or registration

number, where applicable;

- d) the address or stand number of the premises to or on which, water services are to be rendered, or a communal water connection operates;
  - e) the address to which accounts shall be sent;
  - f) if water is to be supplied, the purpose for which the water is to be used;
  - g) the agreed date on which the provision of water services will commence; and
  - h) a copy of any applicable lease agreement or written confirmation from the owner or the owners agent, stating the date of occupation.
- 6) Water services rendered to a consumer are subject to the provisions of these By-laws and the conditions contained in the relevant agreement.
  - 7) The applicant shall be informed if the Council refuses an application for the provision of water services, or is unable to render such water services on the date requested for such provision of water services to commence, or is unable to render the water services, and the Council shall furnish the applicant with the reasons therefor and, if applicable, the date when the Council will be able to provide such water services.

**5. Special agreements for water services.-**The Council may enter into a special agreement for the provision of water services to an applicant-

- 1) inside its area of jurisdiction, if the service applied for necessitates the imposition of conditions not contained in the prescribed form or in these By-laws; and
- 2) outside its area of jurisdiction, if such application has been approved by the Council having jurisdiction in the area in which the premises to be supplied are situated.

**FEES**

**6. Prescribed fees for water services.-**

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

**7. Deposit.-**

- 1) Every consumer shall on application for the provision of water services and before such water services will be provided by the Council, deposit with the Council a sum of money equal to the estimated fees for two average months water services as determined by the Council.
- 2) The Council may require a consumer to whom services are provided and who was not previously required to pay a deposit, for whatever reason, to pay a deposit on request, within a specified period.
- 3) The Council may from time to time review the sum of money deposited by a consumer in terms of subsection (1) and, in accordance with such review-
  - a) require that an additional amount be deposited by the consumer; or
  - b) refund to the consumer such amount as may be held by the Council in excess of the revised deposit.
- 4) Subject to the provisions of subsections (5) and (8), an amount deposited with the Council in terms of subsections (1) or (2) shall not be regarded as being in payment or part payment of an account due for water services rendered.
- 5) If, upon the termination of the agreement for the provision of water services, an amount remains due to the Council in respect of water services rendered to the consumer, the Council may apply the deposit in payment or part payment of the outstanding amount and refund any balance to the consumer, if the address of the consumer is known.
- 6) No interest will be payable by the Council on the amount of a deposit held by it in terms of this section.



- 7) An agreement for the provision of water services may contain a condition that a deposit will be forfeited to the Council if it has not been claimed within twelve months of the date of termination of the agreement.
- 8) In the case of disconnection of a water supply for an unpaid account, the deposit will be allocated to the unpaid account, and a new deposit shall be paid before the water supply is reconnected.

#### **8. Payment for water services.-**

- 1) Water services provided by the Council to a consumer shall be paid for by the consumer at the prescribed fees, for the particular category of water services provided.
- 2) consumer is responsible for payment for all water services provided to him or her from the date of commencement of the services until the date of termination thereof.
- 3) The Council may estimate the quantity of water services provided in respect of a period or periods within the interval between successive measurements which may not be more than 180 days apart, and may render an account to a consumer for the services so estimated, which estimate shall, for the purposes of these By-laws, be regarded as an accurate measurement until the contrary is proved.
- 4) If a consumer uses water supply services for a category of use other than that for which it is provided by the Council in terms of an agreement and as a consequence is charged at a rate lower than the rate which should have been charged, the Council may make an adjustment of the amount charged in accordance with the rate which should have been charged and recovered from the consumer the fees payable in accordance with such adjustment, and may also review the amount of the deposit held, in accordance with section 7 (3).
- 5) If amendments to the prescribed fees for water services provided become operative on a date between measurements for the purpose of rendering an account in respect of such fees-
  - a) the same quantity of water services shall be regarded as having been provided in each period of twenty- four hours during the interval between the measurements; and
  - b) any prescribed fee shall be calculated on a pro rata basis in accordance with the prescribed fee which applied immediately before such amendments.
- 6) Failure by the Council to comply with the period of 180 days referred to in subsection (3) will not disentitle the Council from recovering any monies due to it by a consumer.

#### **9. Accounts.-**

- 1) Accounts shall be rendered and administered in accordance with the requirements of the Council.
- 2) If it is established that a meter is defective, the Council shall, in accordance with section 34, adjust the account rendered.
- 3) Monthly accounts will be rendered to consumers for the amount due and payable, at the address last recorded with the Council.
- 4) Failure by the Council to render an account does not relieve a consumer of the obligation to pay any amount due and payable.

#### **10. Termination of agreements.-**

- 1) A consumer may terminate an agreement for the provision of water services by giving to the Council not less than seven days' notice in writing of his or her intention to do so.
- 2) The Council may, by notice in writing of not less than 30 days, advise a consumer of the termination of his or her agreement for the provision of water services if-
  - a) he or she has not used the water services during the preceding six months and has not made arrangements to the satisfaction of the Council for the continuation of the agreement;
  - b) he or she has failed to comply with the provisions of these By-laws and has failed to rectify such failure to comply following the issue of a compliance notice contemplated in section III or has failed to pay prescribed fees due and payable: Provided that the provisions of the Act, these By-laws and any other applicable law shall be followed before the agreement is terminated; or
  - c) an arrangement has been made by such consumer with another water services institution to provide water services to the consumer.
- 3) The Council may, after having given notice, terminate an agreement for services if a

consumer has vacated the premises to which such agreement relates.

4)

- a) If it is determined by a body legally empowered to do so, other than the Council that an existing water service on private property, or emanating from private property, is creating environmental damage, or water pollution, or water wastage, and the owner of the property, or the consumer, whichever is applicable, is directed to carry out such measures as are required under any Act or law to rectify the situation, the Council is not liable for any damages arising as a result of the measures required to be taken or in respect of damages suffered as a result of a permanent or temporary termination of the services.
- b) Should the consumer fail to carry out such measures, the Council may, subject to the provisions of Chapter 5, undertake the measures required, and any expenditure incurred may be recovered from the owner of the premises or the consumer as the case may be.

#### **11. Limitation and/or discontinuation of water services.-**

- 1) The Council may limit or discontinue water services provided in terms of these By- laws-
  - a) at the written request of a consumer;
  - b) if the agreement for the provision of services has been terminated in terms of section 10 and the Council has not received an application for subsequent services to the premises, within a period of ninety days of such termination;
  - c) if the building on premises to which services were provided has been demolished;
  - d) if the consumer has unlawfully interfered with the water installation or service in any way;
  - e) in an emergency;
  - f) if there has been material abuse of the water services by the consumer or an occupier of the premises; or
  - g) if the use of the water services is creating significant environmental damage or water pollution.
- 2) The Council will, where a water service has been in terms of subsection (1) discontinued, only be obliged to restore it when the prescribed fees for the discontinuation and reconnection of the water service and any applicable deposit have been paid.

#### **12. Restoration of water services.-**

When a consumer enters into an agreement for the payment of the arrears amount in instalments after the receipt of a final demand notice or a discontinuation notice, the water services will be restored to the type of service the consumer elected in terms of the agreement for the provision of water services, as soon as reasonably possible.

#### **13. Obligations.-**

- 1) The Council shall take reasonable measures to realise the right of every person to a basic water supply and sanitation services as defined in the Act, subject to the limitations contained in the Act.
- 2) Notwithstanding this basic right, every person who is the head of a household or in charge of a business enterprise or industrial undertaking or the representative of any such person, and who or which desires to consume water shall make application to the Council to acquire such services.
- 3) If the Council is unable to meet the general requirements of all its consumers, it shall give preference to providing a basic water supply and basic sanitation services to all its consumers.
- 4) The Council shall not be obliged to provide water services-
  - a) to areas or consumers outside the defined limits of the Council's area of jurisdiction;
  - b) where, due to the nature of the topography, water services cannot be provided economically and/or cost effectively; or where the necessary bulk infrastructure does not exist or is inadequate to service additional consumers.

#### **15. Environmental impact assessments.-**

- 1) If an EIA is required to be carried out before the provision of the water services can be approved or commenced, the applicant for such services shall be responsible for the carrying out of such EIA, and for the expenses connected therewith.

- 2) After environmental approval has been granted and the provision of water services has been approved by the Council, it is the responsibility of the proposed consumer or any entity established under any law to represent the property interests of any consumer or group of consumers to ensure that all laws and conditions affected by the provisions of water services and relating to environmental management and control are complied with.

**16. General responsibility for compliance with these By-laws, and other laws.-**

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

**17. Unauthorised use of water services.-**

- 1) No person may gain access to water services from the water supply system, sewage disposal system or any other sanitation services unless an agreement has been entered into with the Council for the rendering of those services.
- 2) A designated officer may issue a compliance notice in terms of section 104 to ensure compliance with subsection (1) by, inter alia, ordering a person making unauthorised use of water services to-
  - a) apply for such services in terms of section 4 or 5; and
  - b) undertake and complete, to the reasonable satisfaction of the designated officer, such plant as may be necessary to ensure that the consumer installation through which access was gained complies with the provisions of these By-laws, and to make application in the prescribed manner for such services.

**18. Purpose of water services.-**

Where the purpose or extent for which water services are used is changed, the consumer shall inform the Council, and shall enter into a new agreement with the Council, expressed to be effective from the date on which such change of use took or will take effect.

**19. Interference with water supply system or any sanitation services.-**

- 1) No person shall-
  - a) operate or maintain any part of the water supply system;
  - b) operate any sewage disposal system;
  - c) effect a connection or reconnection to the water supply system or sewage disposal system; or
  - d) render any other sanitation services, unless in any such case he or she has been authorised to do so by the Council in writing.
- 2) No person shall interfere with, or wilfully or negligently damage, or permit damage to or interference with any part of the water supply system or sewage disposal system belonging to the Council.
- 3) No person shall do anything that would obstruct damage, interfere with, encroach onto or impede access by the Council to any servitude registered in its favour and in relation to the supply of water. The Council may require the owner of the property by written notice to remedy such obstruction, damage, encroachment or impediment within a stipulated time period. In the event that such owner fails to comply with such written notice, the Council may, in its discretion, do everything reasonably necessary to remedy such obstruction, damage, encroachment or impediment, and at the cost of the owner. Where such obstruction, damage, encroachment or impediment is of such nature or extent so as to constitute an immediate risk to life or require immediate remedial action in the public interest, the Council may take the aforesaid remedial steps without prior notice to the owner and without having to apply to a competent court for permission to take such remedial steps.

**20. Obstruction of access to water supply system or any sanitation service.**

No person shall prevent or restrict physical access to the water supply system or sewage disposal system by any employee of the Council.

## CHAPTER 2

### **WATER SUPPLY SERVICES**

#### **21. 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 prescribed fees for the installation of such a pipe.
- 2) If 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 Council may agree to the extension, modification or upgrade, if the owner pays for the cost thereof, as determined by the Council.

#### **22. Location of connection pipe.-**

- 1) A connection pipe provided and installed by the Council shall-
  - a) be located in a position determined by the Council after consultation with the owner referred to in section (1), and be of a suitable size as determined by the Council; and
  - b) terminate at the boundary between the land owned by or vested in the Council, or over which either of them has a servitude or other right, and the owner's premises.
- 2) If there is land between the boundary of land owned by or vested in the Council and the land of an owner who has made an application referred to in subsection (1), and the intervening land is not subject to a servitude or other right to carry a connection pipe, such pipe shall terminate at the boundary of the land owned by the Council, or vested in it.
- 3) The Council shall be liable for the maintenance of any meter and associated valve which may be situated on the consumer's premises.
- 4) The Council may, at the request of any person, agree, subject to such conditions as it 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 if the applicant agrees to be responsible for any extension of the water installation to the connecting point designated and agreed to by the Council and for obtaining at his or her cost, such servitudes over other property as may be necessary.

#### **23. Provision of single water connection for supply to several consumers on same premises.-**

- 1) Only one connection pipe to the water supply system may be provided for the supply of water to any premises, irrespective of the number of accommodation units, business units or consumers located on such premises.
- 2) Where the owner, or the person having the charge or management of any premises on which several accommodation units, business units, or consumers are situated, requires the supply of water to such premises for the purpose of separate supply to the different units or consumers, the Council may, in its discretion, provide and/or install either-
  - a) a single measuring device in respect of the premises as a whole or a number of such units or consumers; or
  - b) a separate measuring device for each such unit or consumer or any number thereof.
- 3) Where the Council 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) shall, if the Council so requires, install and maintain on each branch pipe extending from the connection pipe to the different units or consumers-
    - i. a separate measuring device; and
    - ii. an isolating valve; and
  - b) is liable to the Council for the prescribed fees for all water supplied to the premises through such single measuring device, irrespective of the different quantities consumed by the different consumers served by such measuring device.
- 4) Notwithstanding the provisions of subsection (1), the Council may permit more than one connection pipe to be provided on the water supply system for the supply of water to any premises comprising sectional title units or if, in the opinion of the Council, undue hardship or inconvenience would be caused to any consumer on such premises by the provision of only one connection pipe.

- 5) Where the provision of more than one connection pipe is authorised by the Council in terms of subsection (4), the prescribed fees for the provision of a connection pipe are payable in respect of each water connection so provided.
- 6) Where premises are supplied with water by a number of connection pipes, the Council may require the owner to reduce the number of connection points and alter his or her water installation accordingly at the owner's expense.

**24. Interconnection between premises or water installations.-**

- 1) An owner of premises shall ensure that no interconnection exists between-
  - a) the water installation on his or her premises and the water installation on any other premises; or
  - b) where several dwelling or business units are situated on the same premises, the water installations of such units, unless he or she has obtained the prior written consent of the Council and complies with any conditions that may have been imposed.
  - c) Any water installation connected to a borehole and any water installation connected to the Council's water supply system.

**25. Disconnection of water installation from connection pipe.-**

- 1) The Council may disconnect a water installation from the connection pipe and remove the connection pipe if-
  - a) the agreement for supply has been terminated in terms of section and it has not received an application for a subsequent supply of water to the premises served by the pipe within a period of 90 days of such termination; or
  - b) the building on the premises concerned has been or is in the process of being demolished pursuant to the grant of a permit for such demolition in terms of law.

**26. Water supplied from a hydrant-**

- 1) The Council 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 such period as may be generally prescribed or specifically imposed by it in respect of such supply.
- 2) Except in an emergency, a person who requires a temporary supply of water referred to in subsection (1) shall apply therefor.
- 3) The Council may, for the purpose of supplying water from a hydrant, provide a portable water meter to be returned to the Council on termination of the temporary supply, which portable meter and all other fittings and apparatus used for the connection of the portable water meter to a hydrant remains the property of the Council and will be provided subject to any conditions imposed by the Council.

**27. Quantity, quality and pressure.-**

Water supply services provided by the Council shall comply with the minimum standards set for the provision of water supply services in terms of section 9 of the Act.

**28. General conditions of supply.-**

- 1) Subject to the provisions of the Act, the supply of water by the Council does not constitute an undertaking by it to maintain at any time or any point in its water supply system-
  - a) an uninterrupted supply;
  - b) a specific pressure or rate of flow in such supply; or
  - c) a specific standard of quality of water:

Provided that if the water supply to a consumer is interrupted for more than 24 hours, the Council shall provide an alternative basic water supply as soon as reasonably practicable.

- 2) The Council may specify the maximum height above ground level or mean sea level to which water is supplied from the water supply system.
- 3) If an owner requires that any of the standards contemplated in section 9 of the Act, be maintained on his or her premises, he or she shall make provision in the water installation for such maintenance.
- 4) The Council, may, in an emergency, interrupt the supply of water to any premises without prior notice.
- 5) If the consumption of water by a consumer adversely affects the supply of water to any

other consumer, the Council may apply such restrictions as are necessary, to the supply of water to the first mentioned consumer, in order to ensure a reasonable supply of water to the other consumer or consumers concerned, and shall inform the first mentioned consumer of such restrictions.

- 6) The Council will not be liable for any damage to property caused by water flowing from fittings left open when the water supply is re-instated, following an interruption in supply for any reason.
- 7) Every steam boiler and any premises which require, for the purpose of the work undertaken on the premises, a continuous supply of water, shall have a cistern fitted and in working order and holding a water supply deemed adequate by the occupier of the premises.
- 8) No consumer may resell water supplied to him by the Council except with the written permission of the Council, which may stipulate the maximum price at which the water may be resold, and may impose such other conditions as the Council may deem necessary.
- 9) The Council does not undertake to maintain sufficient pressure in the water supply system to ensure the operation of manually actuated toilet flushing valves which require a specified minimum pressure to operate.

## **29. Measuring of quantity of water supplied.-**

- 1) The Council shall measure the quantity of water supplied at such regular intervals as the Council may determine, but which shall not exceed 180 days.
- 2) Any measuring device through which water is supplied to a consumer by the Council, and its associated apparatus, shall be provided and installed by the Council, and remains its property, and may be changed and maintained by the Council when deemed necessary by it.
- 3) The Council may install a measuring device, and its associated apparatus, at any point on the service pipe.
- 4) If the Council installs a measuring device on a service pipe in terms of subsection (3), it may install a section of pipe and associated fittings between the end of its connection pipe and the meter, and such section is deemed to form part of the water installation.
- 5) If the Council installs a measuring device together with its associated apparatus on a service pipe in terms of subsection (3), the owner shall-
  - a) provide a place satisfactory to the Council in which to install it;
  - b) ensure that unrestricted access is available to it at all times;
  - c) be responsible for its protection and be liable for the costs arising from damage thereto, excluding damage arising from normal fair wear and tear;
  - d) ensure that no connection is made to the pipe in which the measuring device is installed, between the measuring device and the connection pipe or water main 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 Council on the measuring device;
  - f) not use nor permit to be used on any water installation, any fitting, machine or appliance which causes damage or, in the opinion of the Council, is likely to cause damage to any meter.
- 6) No person other than an authorised official of the Council may-
  - a) disconnect a measuring device and its associated apparatus from the pipe in or to which they are installed or connected;
  - b) break a seal which the Council has placed on any meter; or
  - c) in any other way interfere with a measuring device and its associated apparatus.
- 7) If the Council considers that, in the event of the measuring device being a meter, the size of the meter is unsuitable by reason of the quantity of water supplied to premises, it may install a meter of such size as it may deem necessary, and may recover from the owner of the premises concerned the prescribed fees for the installation of the replacement meter.
- 8) The Council may, at the owner's expense, install or require the installation, of a measuring device to each business or dwelling unit on any premises, if such units are in separate occupancy, for use in determining the quantity of water supplied to each such unit: Provided that where a fixed quantity water delivery system is used, a single measuring device may be used to supply more than one unit.

- 9) Failure by the Council to comply with the period of 180 days referred to in subsection (1), will not disentitle the Council from recovering any monies due to it by a consumer.

**30. Quantity of water supplied to consumer.-**

- 1) For purposes of assessing the quantity of water supplied to a consumer during any period and measured by a measuring device installed by the Council over a specific period, for the purposes of these By-laws it will be deemed that-
  - a) the quantity is represented by the difference between measurements taken at the beginning and end of such period;
  - b) the measuring device was accurate during such period; and
  - c) the entries in the records of the Council were correctly made.
- 2) If water is supplied to, or taken by, a consumer without its passing through a measuring device, the estimate by the Council of the quantity of such water will be deemed to be correct.
- 3) Where water supplied by the Council to any premises is in any way taken by the consumer without such water passing through any measuring device provided by the Council, the Council may for the purpose of rendering an account, make an estimate, in accordance with subsection (4), of the quantity of water supplied to the consumer during the period that water is so taken by the consumer.
- 4) For the purposes of subsection (3), an estimate of the quantity of water supplied to a consumer shall be based on-
  - a) the average monthly consumption of water on the premises registered over three succeeding measuring periods taken over not more than 180 days in total, after the date on which the irregularity referred to in subsection (2) was discovered and rectified; and/or
  - b) the period preceding the date referred to in subsection (2) but not exceeding 36 months.
- 5) Nothing in these By-laws may be construed as imposing on the Council an obligation to cause any measuring device installed on any premises to be measured at the end of any fixed period, and the Council may estimate the quantity of water supplied over any period during the interval between successive measurements of the measuring device, which may not be more than 180 days apart, and render an account to a consumer for the quantity of water so estimated.
- 6) The Council shall, on receipt from the consumer of written notice of not less than seven days and subject to payment of the prescribed fees, measure the quantity of water supplied to such consumer at a time or on a day other than that upon which it would normally be measured.
- 7) If a contravention of section 29 (6) occurs, the consumer shall pay to the Council the cost of such quantity of water estimated by the Council to have been supplied to the consumer.
- 8) Until such time as a measuring device has been installed in respect of water supplied to a consumer, the estimated consumption of that consumer shall be based on the average consumption of water supplied to the specific zone within which the consumer's premises are situated, during a specific period.
- 9) Where in the opinion of the Council it is not reasonably possible or cost effective to measure water supplied to each consumer within a particular zone, the Council may determine the fees to be paid by each consumer within that zone irrespective of actual consumption.
- 10) Fees determined in terms of subsection (9) will be based on the estimated average consumption of water supplied to that zone.
- 11) Where water supply services are provided through a communal water services work, the amount due and payable by consumers gaining access to water supply services through that communal water services work, will be based on the estimated average consumption of water supplied to that water services work, and the decision of the Council in arriving at that amount is final and binding on each consumer affected thereby, unless legally set aside.
- 12) For the purposes of subsections (8) and (9), a zone is that local area of land, of which the premises occupied by the consumer is a part, which is zoned in terms of a town planning scheme or an integrated development plan for homogeneous usage.
- 13) Failure by the Council to comply with the period of 180 days referred to in subsections (4) (a) and (5), will not disentitle the Council from recovering any monies due to it by a consumer.

**31. Defective measurement.-**

- 1) If a consumer has reason to believe that a measuring device, used for measuring water, which was supplied to him or her or installed by the Council, is defective, he or she may, against payment of the prescribed fee, make application in writing for the measuring device to be tested.
- 2) The consumer referred to in subsection (1) shall lodge a deposit equal to the cost of the test with the Council, prior to the test being undertaken.
- 3) If it is alleged that a measuring device is inaccurate, the device shall be subjected to a standard industry test to establish its accuracy.
- 4) The consumer referred to in subsection (2), shall be informed of the prescribed range of accuracy then applicable, and the possible cost implications including the estimated cost of such test, as set out in subsection (5) (a) prior to such test being undertaken.
- 5) 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 such test and any other amounts outstanding; or
  - b) outside a prescribed range of accuracy, which is not due to any act or omission of the consumer, the Council will be liable for the costs of such test and the consumer shall be informed of the amount of any credit to which he or she is entitled.
- 6) Any deposit lodged by a consumer for the testing of a measuring device-
  - a) may be retained by the Council if the measuring device is found not to be defective; or
  - b) shall be refunded to the consumer if the measuring device is found to be defective, and the defect is not due to any act or omission of the consumer.
- 7) If the measuring device is-
  - a) a meter to which the regulations relating to water meters published under the Trade Metrology Act, 1973, are applicable, it will be deemed to be defective if, when tested in accordance with SABS Code 1529 Part 1, it is found to have a percentage error in over-registration or under-registration greater than that permitted for a meter in use in terms of that specification.
  - b) a meter of a size greater than 100 mm diameter but not exceeding 800 mm diameter to which the specification referred to in subsection (a) is not applicable, it will be deemed to be defective, when tested in accordance with SABS Code 1529 Part 4-1998 if it is found to have a percentage error in over-registration or under-registration greater than permitted for a meter in terms of that specification.
- 8) In addition to applying the provisions of subsection (6), if the measuring device is found to be defective, the Council shall-
  - a) repair the measuring device or install another device which is in good working order, without charging the consumer, unless the costs thereof are recoverable from the consumer where section 29 (6) has been contravened;
  - b) determine the quantity of water services for which the consumer will be charged on the basis set out in section 34.
- 9) A consumer is entitled, on giving the Council reasonable notice of his, her or its intention, to be present at the testing of any meter in which the consumer is interested.
- 10) Any meter removed for testing by the Council shall be retained intact and be available for inspection for a period of three months after testing.

### **32. Special measurement.-**

- 1) If the Council wishes, for purposes other than charging for water consumed, to ascertain the quantity of water which is used in a part of a water installation, it may, by written notice, advise the owner of the premises affected, of its intention to install a measuring device at such point in the water installation as it 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 removal shall be carried out at the expense of the Council.

### **33. No reduction of amount payable for water wasted.-**

A consumer is not entitled to a reduction of the amount payable in respect of water wasted or water losses in a water installation.



**34. Adjustment of quantity of water supplied through defective measuring device.-**

- 1) If a measuring device is found to be defective, the Council may estimate the quantity of water supplied to the consumer concerned during the period in which, in its opinion, such measuring device was defective, on the basis of the average daily quantity of water supplied to him or her over-
  - a) a period between two successive measurements subsequent to the replacement of the measuring device or, if this is not possible;
  - b) the period in the previous year, corresponding to the period in which the measuring device was defective; or, if this is not possible;
  - c) the period between three successive measurements prior to the measuring device becoming defective.
- 2)
  - a) If the quantity of water supplied to a consumer during the period when his or her measuring device was defective cannot be estimated in terms of subsection (1), the Council may estimate the quantity; and
  - b) the consumer shall be informed of the method used by the Council to estimate the quantity of water supplied to him or her, as contemplated in subsections (1) and (2), and given an opportunity to make representations to the Council before a final estimate is arrived at.

**35. Approval of installation work.-**

- 1) If an owner wishes to have installation work done, he or she shall first obtain the written permission of the Council: Provided that permission is not required in the case of water installations in dwelling units or installations where no fire installation is required in terms of SABS Code 0400 or in terms of any By- laws, or for the repair or replacement of an existing pipe or water fitting, other than a fixed water heater and its associated protective devices.
- 2) If any of the installation work is governed by the EIA Regulations, then the owner shall ensure compliance and obtain the relevant authorisation in respect thereof.
- 3) Application for the permission referred to in subsection (1) shall be accompanied by-
  - a) the prescribed fees, if applicable;
  - b) copies of the drawings as prescribed by the Council, reflecting the information and in the form required by Clause 4.1.1 of SABS Code 0252; Part I; or
  - c) a certificate from a professional engineer or qualified plumber certifying that the installation has been designed in accordance with SABS Code 0252: Part I or, has been designed on a rational basis.
- 4) The provisions of subsections (1), (2) and (3) do not apply to a qualified plumber who replaces a fixed water heater or its associated protective devices.
- 5) Any authority given in terms of subsection (1) lapses at the expiry of a period of twenty-four months after the first day of the month succeeding the month in which the authority is given.
- 6) A complete set of approved drawings of installation work shall be available at the site of the work at all times until such work has been completed, where permission is required in terms of subsection (1).
- 7) If installation work has been done in contravention of subsections (1), (2) or (3), a designated officer may, subject to the provisions of Chapter 5, issue a compliance notice requiring the owner of the premises concerned-
  - a) to comply with the relevant subsection, within a specified period;
  - b) if the work is still in progress, to cease the work; and
  - c) to remove all such work as does not comply with these By-laws.

**36. Persons permitted to do installation and other work.-**

- 1) No person who is not a qualified plumber may be permitted to-
  - a) do any installation work other than the replacement or repair of an existing pipe or water fitting;
  - b) replace a fixed water heater or its associated protective devices;
  - c) inspect, disinfect or test a water installation, fire installation or storage tank;
  - d) service, repair or replace a back flow preventer; or

- e) install, maintain or replace a meter provided by an owner in a water installation.
- 2) No person may require or engage a person who is not a qualified plumber to do the work referred to in subsection (1).
- 3) Notwithstanding the provisions of subsection (1), the Council may permit a person who is not a qualified plumber to do installation work on his or her own behalf on premises owned and occupied solely by himself or herself and his or her household, provided that such work may be required to be inspected and approved by a qualified plumber at the direction of the Council.

**37. Provision and maintenance of water installation.-**

- 1) An owner shall provide and maintain his or her water installation at his or her own cost and, except where permitted in terms of these By-laws, shall ensure that the installation is situated within the boundary of his or her premises.
- 2) Before doing work in connection with the maintenance of a portion of his or her water installation which is situated outside the boundary of his premises, an owner shall obtain the written consent of the Council or the owner of the land on which such portion is situated, as the case may be.

**38. Technical requirements for a water installation.-**

- 1) Notwithstanding the requirement that a certificate be issued in terms of section 35 (3) (c), all water installations shall comply with SABS Code 0252 Part I and all fixed electrical storage water heaters shall comply with SABS Code 0254.
- 2) In addition to any requirement of SABS Code 0252 Part I, the consumer shall, at his or her own expense, or the Council may in its discretion and at the consumer's expense, and for the consumer's exclusive use, provide and install a stop-cock at a suitable point inside the boundary of the premises on the consumer's side of the meter leading to the water installation.

**39. Use of pipes and water fittings to be authorised.-**

- 1) No person may, without the prior written permission of the Council, install or use a pipe of water fitting in a water installation within the Council's area of jurisdiction unless it is of a type that is included in the schedule of approved pipes and fittings as compiled by the Council.
- 2) Application for the inclusion of a type of pipe or water fitting in the schedule referred to in subsection (1), shall be made on the form pre scribed by the Council and be accompanied by the prescribed fees.
- 3) A type of pipe or water fitting may be included in the schedule referred to in subsection (1) if -
  - a) it bears the standardization mark of the South African Bureau of Standards in respect of the relevant SABS specification issued by the Bureau; or
  - b) it bears a certification mark issued by the SABS to certify that the type of pipe or water fitting complies with an SABS mark, specification or a provisional specification issued by the SABS: Provided that no certification marks shall be regarded as valid if issued more than two years previously.
- 4) The Council may, in respect of any type of pipe or water fitting included in the schedule, impose such additional conditions as it may deem necessary in respect of the use or method of installation thereof.
- 5) A type of pipe or water fitting may be removed from the schedule if it-
  - a) no longer complies with the criteria upon which its inclusion was based; or
  - b) is no longer suitable for the purpose for which its use was accepted.
- 6) The current schedule referred to in subsection (1) shall be available for inspection at the office of the Council at any time during working hours.
- 7) The Council may sell copies of the current schedule at the prescribed fees.

**40. Unlawful water installation work.-**

where any installation work has been constructed in contravention of the provisions of these By-laws, the owner shall on receiving a compliance notice by the Council, carry out such alterations to the installation as prescribed in the notice.

**41. Labelling of terminal water fittings and appliances.-**

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

**42. Owner to prevent pollution of water.-**

- 1) An owner shall provide and maintain effective measures to prevent the entry of any substance or matter, which may be a danger to health or may adversely affect the portability of water or affect its fitness for use, in-
  - 2) the water supply system or plant; and
  - 3) any part of the water installation on his or her premises.

**42A. Protection of water supply system.-**

- 1) The owner shall take such measures as may be required by the Council to prevent the backflow of water from the water installation to the water supply system in the case of-
  - a) a fire or combined installation on premises; and
  - b) a general installation serving the following activities-
    - i. medical treatment of people or animals;
    - ii. medical, pharmaceutical or chemical research and manufacturing;
    - iii. agriculture, including dairies and nurseries;
    - iv. photographic processing;
    - v. laundering and dry-cleaning;
    - vi. metal plating;
    - vii. treatment of skins and hides; and
  - c) a general installation serving-
    - i. mortuaries;
    - ii. abattoirs;
    - iii. sewage purification works;
    - iv. refuse processing plants;
    - v. oil processing and storage facilities;
    - vi. wineries, distillers, breweries, yeast and cold drink factories;
    - vii. sports facilities; or
    - viii. any other premises on which an activity is carried out which in the opinion of the Council is likely to cause a danger to health or affect the potability of water in the event of a substance resulting from such activity entering the water supply system; and
  - d) a general installation on any premises after a compliance notice by the Council to do so.
- 2) The measures required in terms of subsection (1) may include-
  - a) the discharge of water from the service pipe into a storage tank through an air gap; or
  - b) the passing of water through-
    - i. a reduced pressure backflow preventer; or
    - ii. a double check backflow preventer; or
  - c) any other measures approved by the Council which achieve the same purpose.

**42B. Design and installation of backflow preventer.-**

A backflow preventer contemplated in section 42A shall be designed and installed in accordance with the requirements of SABS Code 0252 Part 1

**42C. Inspection and servicing of backflow preventer.-**

- 1) The owner of premises on which a reduced pressure or double check backflow preventer is installed shall, at his own expense, cause the back-flow preventer to be-
  - a) inspected and serviced not less than once in every 12 months to ensure that it is in working order; and
  - b) replaced or completely overhauled once in every 5 years.
- 2) The owner shall maintain a record of the inspections and services referred to in subsection (1) in which shall be recorded-
  - a) the name and address of the contractor who carried out the servicing;
  - b) the date on which the work was done; and
  - c) the details of the repairs or replacements that were effected.
- 3) The record of inspections shall be kept available for inspection by the Council.

**42D. Protection of water installations.-**

- 1) The owner of any premises shall prevent the back siphonage into his or her water installation of a substance which is likely to cause a danger to health or affect the portability of water, in the case of-a terminal water fitting which is so designed that a hose or other flexible pipe is or can be attached to it, which shall include a hose bib- cock, a laboratory tap, and a movable shower unit;
  - a) a fire hose-reel in a combined installation;
  - b) an underground irrigation system; or
  - c) any other fitting which may provide contact between polluted water and the water installation.

**43. Water restrictions.-**

- 1) Whenever there is a scarcity of water available for distribution and supply to consumers, the Council may prohibit or restrict the use of water under its control or management, as contemplated in section 241A of the Local Authorities Ordinance, No. 25 of 1974.
- 2) Wherever it acts in terms of subsection (1), the Council shall cause a notice of the resolution taken in terms of section 241A (1) of the Local Authorities Ordinance, 1974, to be published in one or more local newspapers, in two of the official languages.
- 3) Notwithstanding the provisions of subsections (1) and (2), should an emergency arise in relation to the availability of water for distribution and supply to its consumers, and immediate steps are necessary to avert or remedy any actual or potential consequences of such emergency, the Council may take any steps contemplated in section 241A of the Local Authorities Ordinance, 1974, without taking the resolution contemplated in that section.

**44. Waste of water unlawful.-**

- 1) No consumer may permit-
  - a) the purposeless or wasteful discharge of water from terminal water fittings;
  - b) pipes or water fittings forming part of a water installation to leak;
  - c) the use of maladjusted or defective water fittings in a water installation;
  - d) an overflow of water from a water installation to persist; or
  - e) a wasteful use of water to persist.
- 2) An owner shall repair or replace any part of his or her water installation which is in such a state of disrepair that it is either causing or is likely to cause an event referred to in subsection (1)
- 3) If an owner fails to take measures as contemplated in subsection (2), a designated officer may issue an enforcement notice in connection there with.
- 4) Every consumer shall ensure that any equipment or plant connected to his or her water installation uses water in an efficient manner.

**45. Prohibition of use of certain equipment in a water installation.-**

A designated officer may, by compliance notice, prohibit the use by a consumer of any equipment in a water installation if, in his or her opinion, its use of water is wasteful, and 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 Council.

**46. Sampling of water.-**

- 1) The Council 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 section 49 (2).
- 2) The prescribed fees for the taking and testing of the samples referred to in subsection (1) shall be paid by the person to whom approval to use the water for potable water was granted in terms of that section.

**47. Testing of pressure in water supply system.-**

The Council shall, on application by an owner and on payment of the prescribed fees, determine and Furnish the owner with the value of the pressure in the water supply system relating to his or her premises, over such period as the owner may request.

**48. Pipe in street or public place.-**

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

**49. Use of water from source other than the water supply system.-**

- 1) Except with the prior permission of the Council, no person may 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, and in accordance with such conditions as the Council may impose, for domestic, commercial or industrial purposes, and except with the approval of any other authority required by any law.
- 2) Any person requiring the permission referred to in subsection (1) shall, at his or her own cost, provide the Council with proof to its satisfaction that the water referred to in that section complies or will comply with the requirements of SABS Code 241:1999 (Fourth Edition): Drinking Water, and any other requirement contained in these By-laws or any other law applicable to the consumption of water, or that the use of such water does not, or will not, constitute a danger to health.
- 3) Any permission given in terms of subsection (1) may be withdrawn if, in the opinion of the Council-
  - a) a condition imposed in terms of that subsection is breached; or
  - b) the water no longer conforms to the requirements referred to in subsection (2).
- 4) If water obtained from a borehole or other source of supply on any premises is used for a purpose which gives rise to the discharge of such water or a portion thereof into the sewage disposal system, the Council shall install a meter and any necessary monitoring equipment in the pipe leading from such borehole or other source of supply to the point or points where it is so used.
- 5) The provisions of section 30 shall apply insofar as they may be applicable in respect of any meter referred to in subsection (4).

**50. Special provisions for fire services.-**

- 1) Any water installation for the provision of water for fire fighting purposes, shall comply with the provisions of SABS Code 0252-1:1994 or any revision or substitution thereof.
- 2) Notwithstanding the provisions of subsection (1), the special provisions contained in sections 51 to 61 inclusive apply, insofar as they are applicable, to the supply of water for fire fighting purposes.

**51. Payment for fire services.-**

The consumer and the owner of the premises are jointly and severally liable to pay the fees determined by the Council, in respect of any fire extinguishing installation or appliance used or installed upon such premises.

**52. Dual and combined installations.-**

- 1) Any new building erected after the adoption of these By-laws shall comply with the following requirements in relation to the provision of fire extinguishing services-
  - a) If, in the opinion of any officer or employee of the Council charged with the approval of plans, boosting of the system is required, either in terms of ensuring adequate pressure or supply of water for the purposes which the system is

intended to meet, a dual pipe system shall be used, one for fire extinguishing purposes and the other for general domestic purposes;

- b) Combined installations, in which the same pipes and fittings are used for fire extinguishing and general domestic purposes, are only permitted where no booster pumping connection is provided on the water installation;
- c) In the circumstances contemplated in paragraph (b), a fire hydrant shall be provided by the Council, at the consumer's expense, within 90 metres of the property to provide a source of water for the use of the crew of any fire tender sent to extinguish a fire; and
- d) All pipes and fittings shall be capable of handling pressures in excess of 1015 kPa, which could be expected when boosting takes place and shall be designed to maintain their integrity when exposed to fire conditions.

**53. Connection pipes for fire extinguishing services.-**

- 1) A single connection to the water supply system, to serve a connection pipe for a fire installation, excluding a sprinkler system, may be provided by the Council.
- 2) The Council may provide and install at its cost a meter on the connection pipe referred to in subsection (1).
- 3) Where, there is an existing connection pipe for the sole purpose of fire extinguishing services, such connection pipe may only be used for that purpose.
- 4) No take-off of any kind from any connection pipe referred to in subsection (3) may be made, nor may any water therefrom be used except in connection with an automatic sprinkler and drencher, a hydrant connection or a hose-reel connection, or for any pressure tank connection therewith, and such tank shall be controlled by an approved fitting.
- 5) A separate connection pipe shall be laid and used for every fire sprinkler extinguishing system, unless otherwise approved.

**54. Valves in connection pipe.-**

- 1) Every connection pipe shall be fitted with a proper gate valve, which shall be-
  - a) supplied by the Council at the expense of the consumer;
  - b) installed between the consumer's property and the main;
  - c) of the same diameter as the connection pipe; and
  - d) installed in such position as may be specified by the Council.

**55. Inspection and approval of fire extinguishing installation.-**

- (1) No water may be supplied to any fire extinguishing installation until-
  - a) it has been inspected and tested by the Council;
  - b) the Council has certified in writing that such water installation is complete and complies with the requirements of these By-laws; and
  - c) the fees determined by the Council for such inspection and testing have been paid.

**56. Connection to be at the pleasure of the Council.-**

- 1) The Council is entitled, in its absolute discretion, to grant or refuse an application for the connection of a fire extinguishing installation to its main.
- 2) If in its opinion a fire extinguishing installation which it has allowed to be connected to its main is not being kept in proper working order or is otherwise not being properly maintained, or is being used in contravention of sections, 53 (3) or 53 (4), the Council is entitled either to require the installation to be disconnected from the main, or itself to carry out the work of disconnecting it at the expense of the owner or consumer, as the case may be.

**57. Meter in fire extinguishing connection pipe.-**

- (1) The Council is entitled to install a water meter in any connection pipe used solely for fire extinguishing purposes, and the owner of the premises will be liable for the whole of the cost of so doing. And for any water consumption registered by such meter.

**58. Sprinkler extinguishing installation.-**

- (1) A sprinkler installation may be installed in direct communication with the main, but the Council is not bound to guarantee any specified pressure at any time.

**59. Header tank or double supply from main.-**

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

**60. Sealing of private fire hydrants.**

- 1) Except in the case of a fire installation supplied through a connection pipe fitted with a meter, a private hydrant and hose-reel shall be sealed by the Council and such seal may not be broken by any person other than the Council in the course of servicing and testing, except for the purpose of opening the hydrant in the case of fire.
  - a) Every owner or consumer shall give the Council at least 48 hours' notice of his or her intention to cause a fire extinguishing installation to be serviced and tested.
- 2) The cost of resealing a hydrant and hose-reel referred to in subsection (1) (a), shall be borne by the consumer except when such seal is broken by the Council's employee for testing purposes.
- 3) Any water consumed after the breaking of the seal referred to in subsection (2), other than in the course of testing by the Council or in the course of fighting a fire, shall be paid for by the consumer at the fees determined by the Council for domestic purposes,
- 4) The quantity of water consumed as contemplated in subsection (3), shall be determined by the Council.

**CHAPTER 3**

**SANITATION SERVICES**

**61. Objectionable discharge to sewage disposal system.-**

- 1) No person may discharge, or cause or permit the discharge or entry into any sewer of any sewage, industrial effluent or other liquid or substance-
  - a) which may be offensive to, or may cause a nuisance to the public;
  - b) which is in the form of steam or vapour or has a temperature exceeding 44 degrees Celsius at the point where it enters the sewer;
  - c) which has a pH value less than 6,5;
  - d) which contains any substance of whatsoever nature likely to produce or give off explosive, flammable poisonous or offensive gases or vapours in any sewer;
  - e) which contains any substance having an open flashpoint of less than 65 degrees Celsius or which gives off a poisonous vapour at a temperature below 65 degrees Celsius;
  - f) which contains any material of whatsoever nature, including oil, grease, fat or detergents capable of causing an obstruction to the flow in a sewer, to a drain or interference with the proper operation of a sewage treatment plant;
  - g) which may inhibit the unrestricted conveyance of sewage through the sewage disposal system;
  - h) which contains any substance in such concentration as is likely in the final treated effluent from any sewage treatment plant to produce an undesirable taste after chlorination, or an undesirable odour or colour, or excessive foam;
    - i. which contains any substance listed in Schedule A hereto- in amounts higher than those specified therein;
    - ii. which may harm or damage any sewer, mechanical appliance, sewage treatment plant or equipment;
    - iii. which may prejudice the use of sewage effluent for re-use; or
    - iv. which may adversely affect any water into which treated sewage effluent is discharged, or any land or crop irrigated with the sewage effluent;

- i) which contains any substance of whatsoever nature which-
    - i. which is not amenable to treatment at the sewage treatment plant; or
    - ii. causes or may cause a breakdown or inhibition of the normal sewage treatment processes; or
    - iii. is of such nature as is or may be amenable to treatment only to such degree as to result in the final treated effluent from the sewage treatment plant not complying in all respects with any requirements imposed in terms of the National Water Act; and
  - j) whether listed in Schedule A to this Chapter or not, either alone or in combination with other matter may-
    - i. generate or constitute a toxic substance dangerous to the health of a person employed at the sewage treatment plant, or entering a Council sewer or manhole in the course of his or her duty; or
    - ii. adversely affect the equipment of the sewage treatment plant or the land used for the disposal of treated sewage effluent; or
    - iii. adversely affect any process whereby sewage is treated or wherein any re- use of sewage effluent is permitted.
- 2) No person may cause or permit any solid, liquid or gaseous substance, other than storm water to enter-
    - a) any storm water drain, storm water sewer or excavated or constructed water course;
    - b) any river, stream, or natural water course or any public water, whether ordinarily dry or otherwise, except in accordance with the provisions of the National Water Act; or
    - c) any street or premises.
  - 3) No person shall cause or permit any stormwater to enter the sewage disposal system.
  - 4) An authorized official may require any owner of premises from which there is a discharge of any sewage, industrial effluent, or any substance referred to in subsection (1), to conduct at his or her cost periodic expert inspections of the premises, in order to identify precautionary measures which would ensure compliance with these By-laws, and report such findings to the Council.
  - 5) If any contravention of any provision of subsection (1) takes place on any premises, or elsewhere, the owner of such premises, or any person aware of the contravention shall as soon as possible notify the Council of the details of the contravention and the reason for it.

**62. Specified on-site sanitation.-**

- 1) Any drainage installation constructed or installed shall comply with any applicable specifications in terms of the Building regulations and any standards prescribed in terms of the Act.
- 2) Where the draining installation is a pit latrine, it shall be of the ventilated improved pit latrine type and conform to the specification of the Council, as amended from time to time.
- 3) No conservancy tank, septic tank/french drain or any other on-site sanitation system may be installed on a premises without written permission from Council, who may grant such permission subject to any conditions which may apply.

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

- 1) The removal or collection of conservancy tank contents or the emptying of pits will be based on the volume removed by vacuum tanker or otherwise.
- 2) However, the Council may, after written application and at its discretion and on such conditions as it may prescribe, allow private persons to carry out such services within its area of jurisdiction.

**64. Charges in respect of services associated with on-site sanitation services.**

- 1) Charges in respect of the removal or collection of conservancy tank contents or the emptying of pits will be based on the volume removed by vacuum tanker or otherwise.
- 2) If the volume of the conservancy tank contents or the emptying of pits cannot be quantified, the Council may charge a fixed charge as prescribed.



**65. Disused conservancy and septic tanks.-**

- 1) If an existing conservancy tank or septic tank is no longer required for the storage or treatment of sewage, or if permission for such use is withdrawn, the owner shall either cause it to be completely recovered, or to be completely filled with earth or other suitable material, and the land involved to be rehabilitated.
- 2) The Council may require the tank referred to in subsection (1) to be otherwise dealt with or it may permit it to be used for some other purpose, subject to such conditions as may be considered necessary, regard being had to all the circumstances of the case.

**66. Provision of a connecting sewer.-**

- 1) If an agreement for the use of the sanitation system exists and no connecting sewer exists in respect of any premises, the owner shall immediately make application on a form approved by Council and pay the prescribed charge for the installation of such a connecting sewer by Council.
- 2) If an application is made for use of the sanitation system to a premises which is so situated that it is necessary to extend the sewer in order to connect the sanitation system to the premises, Council may agree to the extension, subject to such conditions as it may impose.
- 3) Should an on-site sanitation system be located on a premises, and a sanitation system is constructed by the Council, such that the said premises can now be served by the said system, the owner of the premises shall, within six (6) months of receiving written notification from the Council-
  - a) make application for a connecting sewer in accordance with subsection (1); and
  - b) abandon the on-site sanitation system on the premises once the connecting sewer has been made.

**67. Location of connecting sewer.-**

- 1) A connecting sewer provided and installed by the Council in terms of section 66, shall-
  - a) be located in a position and of a size determined by the Council, and
  - b) terminate at a connection point approximately 1 meter inside the premises from the boundary of the land owner or controlled by the Council, or over which it has a servitude or other right of way.
- 2) In determining the location of a connecting sewer, the Council shall ensure that the owner is aware of-
  - a) practical restrictions that may exist regarding the location of a connecting sewer;
  - b) the cost implications of the various possible locations of the connecting sewer;
  - c) whether or not the Council requires the owner to fix the location of the connecting sewer by providing a portion of his or her sewer installation at or outside the boundary of his or her premises, or such agreed position inside or outside his or her premises where the connection is required, for the Council to connect to such installation.
- 3) Where an owner is required to pump sewage from his or her premises into the sanitation system as provided for in terms of the Building Regulations, the rate and time of discharge into the sewer shall be subject to the approval of the Council.

**68. Provision of one connecting sewer for several consumers on same premises.-**

- 1) Notwithstanding the provisions of section 66 only one connecting sewer to the sanitation system may be provided for the disposal of sewage from any premises, irrespective of the number of consumer units of consumers located on such premises.
- 2) Notwithstanding subsection (1), the Council may authorise that more than one connecting sewer be provided onto the sanitation system for the disposal of sewage from any premises comprising several consumer units if, in the opinion of the Council, 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 Council, under subsection (2), the tariffs and charges for the provision of a connecting sewer is payable in respect of each connecting sewer so provided.

**69. Interconnection between premises.-**

Every owner of premises shall ensure that no interconnection exists between the drainage installation on his or her premises and any drainage installation on other premises, unless he or she has obtained the prior written permission of the Council and complies with any conditions that may have been imposed in granting such

permission.

**70. Disconnection of drainage installation from connecting sewer.-**

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

- 1) notified in writing by the owner when a drainage installation is to be disconnected from a connecting sewer; or
- 2) the building on the premises concerned has been demolished.

**71. Approval of drainage work.**

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

**72. Unlawful drainage work.-**

- 1) Where any drainage work has been constructed without complying with the provisions of these By- laws concerning the submission and approval of plans, the owner shall, subject to the provisions of Chapter 5, on receiving a compliance notice from a designated officer, comply with the said provisions within the period prescribed in that notice.
- 2) Where any drainage installation has been constructed or any drainage work has been carried out which fails in itself in any respect to comply with any of these By-laws other than those referred to in subsection (1), the owner shall, on receiving a compliance notice from the Council, and notwithstanding that he or she may have received approval of the plans in respect of the said installation or work in terms of these By- laws, carry out such alterations to the installation, remove such parts thereof, and carry out such other work as and within the time which the notice may specify.
- 3) The Council shall, subject to the provisions of Chapter 5, where such a notice has not been complied with within the time prescribed therein, proceed itself to carry out any such alteration, removal or other work as it may deem necessary for compliance with these By-laws and recover the cost thereof from the owner.

**73. Ingress of storm water into drainage installation prohibited.-**

- 1) No part of a drainage installation may at any time be constructed or designed to allow or be capable of allowing water from any source, not being soil water or waste water, both as defined in the national regulations published in Government Notice R 2378 of 12 October 1990, as amended, to enter the drainage installation.
- 2) No person may discharge or cause or permit to be discharged any substance other than sewage into a drainage installation.
- 3) No pipe, channel or other device used for conducting or capable of being used to conduct rainwater from any roof or other surface may be permitted to discharge into any gully forming part of a drainage installation.
- 4) Should the Council at any time become aware of any installation which does not comply with the provisions of subsections (1), (2) or (3) or that any provision thereof has or is being contravened it may, subject to the provisions of section 76 and Chapter 6, carry out such alterations to the installation as it may deem necessary to ensure compliance with the provisions of those sections and recover from the owner the costs or the prescribed fees as determined by the Council. In addition, the owner shall be liable to pay to the Council the cost imposed on it by Umgeni Water as a result of a contravention of this bylaw in accordance with any tariffs adopted by it in accordance with the provisions of section 75A of the Local Government: Municipal Systems Act, 32 of 2000, and provided that such tariffs contain an objective method or criteria for the estimation of such cost, such tariffs may also provide for the estimation of such cost.

**74. Emission of gas.-**

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

**75. Industrial grease traps.-**

- 1) Industrial effluent which contains or, in the opinion of the Council, is likely to contain, grease, oil, fat or inorganic solid matter in suspension, shall, before it is allowed to enter any sewer, be passed through one or more tanks or chambers of approved type, size and capacity designed to intercept and retain such grease, oil, fat or solid matter.
- 2) Oil, grease or any other substance which is contained in any industrial effluent or other liquid which gives off a flammable or noxious vapour at a temperature of or exceeding 20 degrees Celsius, shall be intercepted and retained in a tank or chamber so as to prevent the entry thereof into the sewer.
- 3) The tank or chamber shall be regularly cleaned of such grease, oil, fat or solid matter and the person discharging effluent to the tank or chamber shall maintain a register in which shall be recorded-
  - a) the dates on which the tank or chamber was cleaned;
  - b) the name, address, and telephone number of the company employed to clean the tank or chamber; and
  - c) a certificate from the person who undertook the cleaning, certifying the cleaning of the tank or chamber, and stating the manner in which the contents of the tank or chamber were disposed of.

**76. Mechanical appliances for lifting sewage.-**

- 1) Where any part of a building or premises is at such a level in relation to the sewer that a drainage installation serving that part cannot discharge not the sewer by gravitation, the Council may, subject to subsections (2) and (4) and to any other conditions it may deem necessary, permit the sewage from such part to be raised by a mechanical appliance to discharge at such point and such level as it may determine.
- 2) Before installing any mechanical appliance for the raising or transfer of sewage, the owner shall apply in writing to the Council for permission to do so, and shall thereafter furnish such additional information as the Council may require.
- 3) Drawings of the proposed installation shall be completed and signed by a professional engineer, and the owner of the premises.
- 4) The maximum discharge rate from any mechanical appliance, and the times between which the discharge may take place, shall be as prescribed by the Council which may, at any time, require the owner to install such fittings and regulating devices as may be necessary to ensure that the said prescribed maximum discharge rate will not be exceeded.

**77. Drain in street or public place.-**

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

**78. Construction by Council of drainage work.-**

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

**79. Maintenance of drainage installation.-**

- 1) The owner or occupier of any premises shall maintain any drainage installation and any sewer connection on such premises.
- 2) The Council itself is entitled, whether or not it has been requested by the owner to do so, at its own discretion to remove a blockage from a drainage installation and may charge the owner therefor in accordance with the prescribed fees determined by the Council.
- 3) Should the clearing by the Council of any blockage in a drainage installation necessitate the removal or disturbance of any paving, lawn or other artificial surfacing on any premises, the Council shall not be liable for the reinstatement thereof.
- 4) Should any drainage installation on any premises overflow as a result of an obstruction in the connecting sewer, and the Council be reasonably satisfied that such obstruction was caused by objects emanating from the drainage installation, the owner of the premises served by the drainage installation is liable for the cost of clearing the blockage in accordance with the prescribed fee determined by the Council.
- 5) Where a blockage has been removed from a drain or portion of a drain which serves two or more pieces of land, the charges for clearing of such blockage are recoverable in the first place in equal portions from each of the owners thereof, who are, however, ultimately jointly and severally liable for the whole charge.

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

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

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

**81. Protection from ingress of flood water.-**

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

**CHAPTER 4**

**DISPOSAL OF INDUSTRIAL EFFLUENT AND TRADE PREMISES**

**82. Application for disposal of industrial effluent.-**

- 1) A person shall apply for permission to discharge industrial effluent into the sanitation system.
- 2) An application for permission to discharge industrial effluent into the sanitation system shall be accompanied by-
  - a) a written consent from the owner of the premises, where the applicant is not the owner thereof;
  - b) such plans, in triplicate, and such other particulars as are necessary to describe the premises, drainage system and any works, apparatus or plant from which the industrial effluent is to be discharged and to identify the sewer to which the discharge is to be made and the point of discharge;
  - c) particulars of the anticipated nature, composition, temperature, volume and rate of discharge of, and the proposed method of any treatment of the industrial effluent and the period or periods during which the industrial effluent is to be discharged;
  - d) a general description of the process or activity giving rise to the discharge;
  - e) a description of the techniques to be used for preventing the discharge into any environmental medium of such industrial effluent;
  - f) proposals for monitoring the discharge of such industrial effluent;
  - g) any additional information which the applicant wishes the Council to take into account in considering the application; and
  - h) a nominated address at which the applicant agrees to accept service of all notices contemplated in these By-laws.
- 3) Simultaneously with the making of an application contemplated in section 82 (2), the applicant shall publish in a newspaper designated by the Council, notice of such application.
- 4) A notice under subsection 3 shall contain, as a heading, the words "Discharge of Industrial Effluent" and shall-
  - a) state the name of the applicant;
  - b) give a general description of the industrial effluent;
  - c) state the nature of the trade or industry;
  - d) state the name and location of the premises from which the industrial effluent is to be discharged;
  - e) state the place at which, and period during which the application may be inspected; and
  - f) state the date by which, and the place at which objections may be lodged.
- 5) The application shall lie for inspection by interested parties in a designated office of the Council for a period of fourteen (14) days after publication of the notice.
- 6) Where notice of any application has been published under subsection (3), any person having an interest in the matter may, within 14 (fourteen) days after the date of such

publication, lodge any objections or representations in writing addressed to the municipality, stating-

- a) the person's name and address;
  - b) the person's interest in the matter;
  - c) the matter in respect of which the person is objecting to the application or in respect of which a representation is being submitted;
  - d) the grounds for objection or representations; and
  - e) whether or not a hearing is requested.
- 7) The Council shall consider every application and any objection thereto and shall consult any persons and authorities as he or she deems necessary for the purposes of considering such application and any objections thereto.
- 8) Every applicant and objector shall, during the consideration of an application and any objection thereto, be entitled to attend before the Council in person, or, if such person is a body corporate, to be represented by a person authorised thereto by such body corporate and shall be entitled to be heard.
- 9) The Council shall, if requested by the applicant or any other objector, and may, if he or she considers it necessary, convene a hearing in which event he/she shall give notice thereof to the applicant and every objector of the date, time and place of the hearing.
- 10) Any interested person may inspect any documents relevant to the application until the application is determined.
- 11) The Council may, if in its opinion the capacity of a sanitation system is sufficient to permit the conveyance and effective treatment and lawful disposal of the industrial effluent, it will, for such period and subject to such conditions it may impose, grant written permission to discharge industrial effluent.
- 12) Any person who wishes to construct or cause to be constructed, a building which shall be used as a trade premises, shall at the time of lodging a building plan in terms of section (4) of the National Building Regulations and Building Standards Act, also lodge applications for the provision of sanitation services and for permission to discharge industrial effluent in terms of subsection (2).
- 13) Any permission granted by the Council in terms of section 82 shall-
- a) be personal to the applicant;
  - b) terminate two years from the date of grant or such lesser period as the Council may stipulate when granting the permission; and
  - c) not be ceded, assigned or otherwise transferred without the written permission of the Council.
- 14) A person to whom such permission is granted shall pay to the Council any prescribed tariffs and charges as determined from time to time.

**83. Unauthorised discharge of industrial effluent.-**

- (1) No person shall discharge or cause or permit to be discharged into the sanitation system any industrial effluent, except with and in terms of the written permission of the Council, and in accordance with all provisions of this permission.

**84. Quality standards for disposal of industrial effluent.-**

- 1) A person to whom permission has been granted in terms of section 82 shall ensure that no industrial effluent is discharged into the sanitation system of the Council, unless it complies with the standards and criteria set out in Schedule A hereto.
- 2) The Council may, by writing into the permission concerned, relax or vary the standards in Schedule A, provided that the Council is satisfied that any such 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 Council will consider-
  - a) whether the applicants undertaking is operated and maintained at optimal levels;
  - b) whether technology used by the applicant represents the best available option to the applicant's industry and, if not, whether the installation of such technology would entail unreasonable cost to the applicant;
  - c) whether the applicant is implementing a programme of waste minimisation

which complies with national and local waste minimization standards to the satisfaction of the Council;

- d) the cost to the Council of granting the relaxation or variation; and
  - e) the environmental impact or potential impact of such a 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 in a written permission.

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

- 1) The Council may, in the written permission or at any time, by written notice, require a consumer to-
- a) subject the industrial effluent to such preliminary treatment as in the opinion of the Council, will ensure that the industrial effluent conforms to the standards prescribed in Schedule A, provided that it does not unduly endanger the health and safety of persons working in the sewer, and will render it innocuous to the materials of which the sewer is constructed and to the plant and equipment of the sewage treatment plants, before being discharged into the sanitation system;
  - b) Will be necessary to control the rate and time of discharge into the sanitation system in accordance with the conditions imposed by it, or to measure the quantity of industrial effluent discharged from premises.
  - c) install for the conveyance of his or her industrial effluent into the sanitation system at a given point, a drainage installation separate from the drainage installation for waste water and standard domestic effluent and may prohibit such person from disposing of his or her industrial effluent at any other point and from disposing of his or her waste water and standard domestic effluent by means other than into the sanitation system;
  - d) construct on any pipe conveying his or her industrial effluent to any sewer, a manhole or stop-valve in such position and of such dimensions and materials as the Council may prescribe;
  - e) provide all such information as may be required by the Council, to enable it to assess the tariffs or charges due;
  - f) install equipment and the like, and to provide adequate facilities such as level or overflow detection devices, standby equipment, overflow catch-pits, or other appropriate means to prevent a discharge into the sanitation system which is in contravention of these By-laws, or to otherwise ensure compliance with these By- laws;
  - g) cause any meter, gauge or other device installed in terms of this section to be calibrated by an independent authority at the cost of that person at such intervals as required by the Council, and copies of the calibration to be forwarded to it; and
  - h) cause such industrial effluent to be analysed as often and in such manner as may be prescribed by the Council, and provide it with the results of these tests when completed.
- 2) The cost of any treatment, plant, works or analysis which the permit holder may be required to carry out, construct or install in terms of subsection (1), shall be borne by the consumer concerned.
- 3) The written permission of the Council shall be obtained for any proposed changes to the composition of industrial effluent discharged into the sanitation system.
- 4) In taking samples and conducting tests for the purposes of subsection (1) (e) above, the Council shall-
- a) notify the owner or occupier of the premises or the person in charge, or apparently in charge of the premises, of his/her presence and his/her intention to take any sample or make any test or measurement and invite such person to be present at the taking of such sample or making of such test or measurement;
  - b) take one sample of effluent and cause it to be placed in a container for analysis at the laboratory of the Council.

**86. Withdrawal of written permission for disposal of industrial effluent.-**

- 1) The Council may withdraw any permission, after giving at least 14 (fourteen) days' written notice of its intention to a person permitted to discharge industrial effluent into the

sanitation system if the person-

- a) fails to ensure that the industrial effluent discharged conforms to the industrial effluent standards prescribed in Schedule A of these By-laws or the written permission;
  - b) fails or refuses to comply with any notice lawfully served on him or her in terms of these By-laws or contravenes any provisions of these By-laws or any condition imposed in terms of any permission granted to him or her; and
  - c) fails to pay the assessed charges in respect of any industrial effluent discharged.
- 2) The Council may, on withdrawal of any written permission-
- a) in addition to any steps prescribed in these By-laws , and on 14 (fourteen) days written notice authorise the closing or sealing of the connecting sewer of the said premises to any sanitation system for such charge it may determine;
  - b) refuse to accept any industrial effluent until it is satisfied that adequate steps are or have been taken to ensure that the industrial effluent to be discharged conforms with the standards prescribed in Schedule A; and
  - c) require the person concerned to take all steps necessary to facilitate the disposal of industrial effluent by other lawful means.

#### **87. Right of appeal.-**

Any applicant for permission to discharge industrial effluent, or any person who is dissatisfied with any decision taken by the Council relating to a refusal to grant or renewal of such permission, or any conditions attached thereto, or any variation of such conditions, any withdrawal of such permission may, within 30 (thirty) days after being notified of the decision of the Council, lodge a written notice of appeal with the Council in terms of section 23 of these By-laws, provided that notwithstanding any such appeal, any drainage connection closed or sealed shall remain closed or sealed.

#### **88. Obligations of a holder of a permission to discharge industrial effluent.-**

- 1) Every owner and occupier of premises where industrial effluent, domestic effluent or any other liquid is produced shall prevent any discharge prohibited by Schedule A from entering or being discharged into any sewer, and every holder of a permission, owner and occupier who permits or negligently fails to prevent such entering or discharge, shall be guilty of an offence.
- 2) Where it is shown that effluent discharging from any premises at the point where such effluent joins the sewer, does not conform to the limits prescribed in Schedule A, it shall be presumed, until the contrary is proved, that-
  - a) the owner and occupier thereof and the operator of the industry being conducted thereon knew of such discharge;
  - b) the owner and occupier thereof and the operator of the industry being conducted thereon knew that such discharge did not comply with the said limits; and
  - c) the measurements taken of the discharge at said point accurately reflect the measurements of the effluent being discharged from the premises.
- 3) The holder of a permission shall not make, or cause or permit to be made, any change to the premises or in the manner of running, using, maintaining or operating the premises or in any operation or process carried on at the premises, which change causes, or is intended or likely to cause, a material increase in the quantity or quality of industrial effluent or both, discharged from the premises, unless prior written approval of the Council has been obtained for such change.
- 4) For the Council purposes of subsection (3), changes to the premises include-
  - a) any change in the construction, structure or arrangement of the premises or any building serving the premises;
  - b) any change in the construction, structure, arrangement, alignment, direction or condition of any channelling device, system or facility serving the premises; and
  - c) any change of, to, or in, any plant, machine, process or equipment used or installed at the premises which affects the production or treatment of any effluent.
- 5) An application for the approval of any changes as provided for in subsections (3) and (4) shall be made in writing to the Council and the provisions of section 82 shall apply mutatis mutandis to such application.

- 6) In the event of there being any change in circumstances arising from-
  - a) any changes envisaged in subsection 3;
  - b) the introduction of new or revised standards prescribed by the Council or national legislation;
  - c) any amendment to these By-laws; or
  - d) constraints from the nature and capacity of the treatment processes at the sewage treatment works, the Council may, after the expiration of 60 (sixty) days' written notice to the holder of a permission of his/her intention to do so, amend, modify or revoke such permission or any conditions attached thereto and/or impose additional conditions for the acceptance of any industrial effluent into any sewer or prohibit the discharge of any or all of such industrial effluent into such sewer.
- 7) The provisions of section 87 of these By-laws shall apply mutatis mutandis to any notification given to an owner or occupier in terms of subsection (6).
- 8) The holder of a permission and the owner or occupier of any premises shall ensure that all employees are instructed in procedures to avoid accidental discharges of industrial effluent into a sewer or generally into the environment, to remove, disperse or destroy any industrial effluent so accidentally discharged and to otherwise prevent, abate or mitigate any harmful effects caused by any such accidental discharge of industrial effluent.
- 9)
  - a) The owner and occupier of any premises shall forthwith furnish the Council in writing with any information concerning an accidental discharge of industrial effluent and shall comply forthwith with any requirements of the Council for the prevention, abatement or mitigation of the effects thereof.
  - b) The owner and occupier of any premises shall forthwith notify the Council of any rupture or damage to or blockage of any sewer on the premises and take immediate steps to repair such sewer.
- 10) The Council shall, if it considers such action necessary, immediately report the circumstances of any such accidental discharge to the operator of the sewage treatment works, and to the council, the action which he/she has taken.

**89. Measurement of quantity of standard domestic effluent discharged.-**

- 1) The quantity of standard domestic effluent emanating from a residential unit situated on a single erf is not measured for tariff purposes, and a fixed monthly charge is levied.
- 2) For all other residential premises such as flats, simplex/duplex developments and the like, as well as commercial and institutional premises, the quantity of standard domestic effluent discharged shall be determined by a percentage of water supplied by the Council which, in its opinion and in the light of the available information, reflects the proportion between the likely quantity of sewage discharged from the premises and the quantity of water supplied thereto.
- 3) Where a premises is supplied with water from a source other than or in addition to the Council's water supply system, including abstraction from a river or borehole, the quantity of standard domestic effluent will be a percentage of the total water used on that premises as may be reasonably estimated by the Council.

**90. Measurement of quantity of industrial effluent discharged.-**

- 1) The quantity of industrial effluent discharged into the sewage disposal system shall be determined-
  - a) where a measuring device is installed by the quantity of industrial effluent discharged from a premises as measured through that measuring device; or
  - b) until such time as a measuring device is installed, by a percentage of the water supplied by the Council, to that premises.
- 2) Where a premises is supplied with water from a source other than or in addition to the Council's water supply system, including abstraction from a river or borehole, the quantity will be a percentage of the total water used on that premises as may be reasonably estimated by the Council.
- 3) 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 Council, may on application reduce the assessed quantity of industrial effluent.
- 4) In cases where, in the opinion of the Council, the method of calculation of the charges



payable in terms of the Council's tariff of charges does not, for any reason, give an adequate estimate of treatability of the industrial effluent, the Council shall be entitled to adopt any other scientific method of assessing the treatability of the industrial effluent and may also enter into a special agreement with the applicant or holder of the permission concerned whereby an alternative method of assessing the treatability of the industrial effluent and of calculating the industrial effluent charge is adopted.

- 5) Unless the Council shall in any particular case agree otherwise in writing with the holder of the permission concerned, charges payable in terms of the Council's tariff of charges shall be levied monthly.
- 6) If a meter, whereby the quantity of water consumed on the premises is measured, is proved by the holder of the permission concerned to be defective, the appropriate adjustment shall be made to the quantity of industrial effluent discharged when calculated as prescribed by subsection (1). In the absence of such proof, the meter shall be deemed to operate accurately.

**91. Reduction in the quantity determined in terms of section 90.-**

- 1) A person shall be entitled to a reduction in the quantity determined in terms of section 90 in the event that the quantity of water on which the percentage is calculated was measured during a period where water was wasted or a leakage was undetected if the consumer demonstrates to the satisfaction of the Council, that the said water was not discharged into the sanitation system.
- 2) The reduction in the quantity shall be based on the quantity of water loss 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 loss shall be calculated as the consumption for the leak period less an average consumption, based on the preceding three months, for the same length of time. In the event of no previous consumption history being available, the average water consumption will be determined by the Council, after due consideration of all relevant information.
- 5) There shall be no reduction in the quantity if the loss of water directly or indirectly resulted from the consumer's failure to comply with or contravention of these By-laws.

**92. Register of holders of permission to discharge industrial effluent.-**

- 1) The Council shall keep a register which shall be available for inspection by the public at all reasonable hours and shall contain the following particulars of every permission granted by the Council under these By-laws and which continues to be in force-
  - a) the date of grant of the permission and the name and address of the person to whom it was granted;
  - b) brief details thereof, including any conditions attached to it;
  - c) the date and brief details of any variations thereto indicating whether the variations were effected in pursuance of an application or otherwise;
  - d) whether the permission was granted or varied in accordance with a direction given by the appeal tribunal; and
  - e) Whether any legal action was taken against the owner or occupier and the outcome thereof.
- 2) The particulars specified in subsection (1) shall be entered in the register within 14 (fourteen) days from the grant, or, as the case may be, variation or amendment, of the permission to which they relate.

**93. Liability of holders of permission to discharge industrial effluent.-**

Any person who discharges any industrial effluent into the sewer in contravention of these By-laws which damages any component of the sewer or the industrial effluent treatment works or which entails additional treatment costs shall be liable, in addition to prosecution under these By-laws, for the costs of the necessary repairs to the sanitation system and the sewage treatment works and the additional treatment costs thereby incurred.

**SCHEDULE A**

**ACCEPTANCE OF INDUSTRIAL EFFLUENT FOR DISCHARGE INTO THE SEWAGE DISPOSAL SYSTEM**

[Schedule A corrected by MN 36 of 31 March 2011.]

No industrial effluent shall be accepted for discharge into the sewage disposal system unless it complies with the following conditions. The industrial effluent shall not contain concentrations of substances in excess of those stated

below:

<b><u>General Quality Limit</u></b>	<b><u>Units</u></b>
1. Temperature (C)	45°C
2. pH	6,5 < pH < 9,5
3. Grease & Mineral Oil, Tar and Tar Oils not dissolved in the aqueous phase	50mg/?
4. Cobalt (Co)	5mg/?
5. Animal & Vegetable Oils, Fats or Waxes	250 mg/?
6. Total Sugar & Starch (as Glucose)	1 000 mg/?
7. Sulphates in Solution (SO=4)	250 mg/?
8. Sulphides, Hydrosulphides (as S=) & Polysulphides	25 mg/?
9. Chlorides (as C-)	1 000 mg/?
10. Flouride(as F-)	5 mg/?
11. Phenols (as phenol)	10 mg/?
12. Cyanides (as CN-)	20mg/?
13. Suspended Solids	400 mg/?
14. Total Dissolved Solids	5 000mg/?
15. Electrical Conductivity	400 mSiemens/m
<b><u>Heavy Metal Limits</u></b>	
16. Copper (as Cu)	5 mg/?
17. Nickel (Ni)	5 mg/?
18. Zinc (Zn)	5 mg/?
19. Iron (Fe)	50 mg/?
20. Boron (B)	5 mg/?
21. Selenium (Se)	1 mg/?
22. Manganese (Mn)	50 mg/?
23. Lead (Pb)	5 mg/?
24. Cadmium (Cd)	1 mg/?
25. Mercury (Hg)	1 mg/?
26. Chromium [CR(iii)]	25 mg/?
27. Chromium [CR(vi)]	0 mg/?
28. Arsenic (As)	1 mg/?
29. Titanium (Ti)	20 mg/?
30. Molybdenum (Mo)	1 mg/?
31. Phosphates (P)	20 rag/?
32. Free Saline Ammonia (N)	80 mg/?
33. Total Kjeldahl Nitrogen	100 mg/?

### **Special Limitations**

35. No calcium carbide or any other substance whatsoever liable to give off explosive or offensive gases or vapours in the sanitation system.

36. No radioactive waste or isotopes.

37. No yeast or yeast wastes, molasses spent or unspent.

38. No substance which has an open flash point of less than 65 degrees centigrade or which gives off a poisonous vapour below 65 degrees centigrade.

Any substance which, whether alone or in combination with other matter, may in the opinion of the Council, cause a nuisance of any kind to the public or, in particular, injury to, or danger to the health of persons entering the sanitation

39. system or carrying out any work in connection therewith or working at the sewage treatment works, or which may be injurious to the sanitation system, sewage treatment works or any land used for disposal of sludge, or which shall in any way injuriously affect any of the processes whereby sewage is treated or the re-use of treated sewage effluent.

## **CHAPTER 5**

### **ENFORCEMENT OF THE BY-LAWS AND LEGAL MATTERS**

#### **94. Authorisation of designated officer.-**

The Council may authorise any person in its employment or in the employment of a service provider as contemplated in section 76 of the Systems Act, or in the employment of a Water Board as contemplated in the Water Services Act as a designated officer.

#### **95. Powers of designated officer.-**

- 1) A designated officer who executes work or conducts an inspection may-
  - a) execute work on or inspect premises;
  - b) question a person present on any premises in respect of any matter which may be relevant to the work or inspection;
  - c) question a person whom the designated officer believes may have information

relevant to the work or inspection;

- d) inspect any document that a person is required to maintain in terms of any law or that may be relevant to any work or inspection;
  - e) copy any document referred to in paragraph (d) or if necessary, remove the document in order to copy it;
  - f) take samples of any substance that is relevant to the work or inspection;
  - g) monitor and take readings or make measurements;
  - h) take photos or make audio-visual recordings of anything or any person, process, action or condition on or regarding any premises; and do what is necessary for the execution of work or the conducting of an inspection that the Council is required to undertake in terms of these By-laws.
- 2) A designated officer who removes anything other than a substance contemplated in subsection (1) (f) from premises being worked upon or inspected, shall-
    - a) issue a receipt for it to the owner or a person in control of the premises; and
    - b) return it as soon as is practicable after achieving the purpose for which it was removed.
  - 3) Before commencing work or inspecting any premises, a designated officer shall identify him or herself and explain his or her authority or furnish proof of such authority to the person apparently in control of the premises or the person who gave permission to enter.

**96. Observing fundamental rights.-**

A designated officer who enters and executes work or inspects any premises in terms of this Chapter shall do so with strict regard for decency and orderliness and with regard for each person's human rights including the right to dignity, freedom, security and privacy.

**97. Using force to enter.-**

- 1) A designated officer may overcome any resistance to entry, execution of work or inspection by using as much force as is reasonably required, including breaking a lock, door or window of the premises to be entered.
- 2) Before resorting to force, the designated officer shall audibly demand admission and shall announce his or her purpose, unless he or she reasonably believes that doing so may induce someone to destroy, dispose of, or tamper with, an article or document that is the object of the work or inspection.
- 3) The Council shall not be liable compensate anyone who suffers damage because of forced entry during the execution of any work or any inspection when no one responsible for the premises was present.

**98. Designated officer may be accompanied. -**

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

**99. Duty to produce document.-**

Any person who holds any document relevant to the execution of any work or inspection contemplated in this Chapter shall produce it at the request of a designated officer.

**100. Duty to answer question and assist designated officer.-**

- 1) Any person who is questioned by a designated officer in terms of this Chapter shall answer truthfully and to the best of his or her ability.
- 2) An owner or occupier of any premises shall provide any facility and assistance that is reasonably required by a designated officer to perform his or her functions effectively.

**101. Compliance notice.-**

- 1) A designated officer who becomes aware that any provision of these By- laws has not been complied with, may issue a compliance notice to the owner or person apparently in control of the relevant premises.
- 2) A designated officer who is satisfied that the owner or person apparently in control of any premises has satisfied the terms of a compliance notice may issue a compliance certificate to that effect.
- 3) A compliance notice remains in force until a designated officer has issued a compliance certificate in respect of that notice.

- 4) A compliance notice shall set out-
  - a) the provision that has not been complied with;
  - b) details of the nature and extent of non-compliance;
  - c) any steps that are required to be taken and the period with which those steps shall be taken; and
  - d) any penalty that may be imposed in terms of these By-laws in the event of non-compliance with these steps.

**102. Complaints against persons other than the Council or service provider.-**

- (1) Anyone may lodge a complaint with a designated officer, either directly or through any other channel established by the Council, that another person-
  - a) is likely to cause or has caused a disruption of the provision of water and sanitation services without just cause; or
  - b) is likely to act or has acted contrary to any provisions of these By-laws; in which event the designated officer, unless he or she has reasonable grounds to believe that the complaint is frivolous, shall investigate the complaint and, take any necessary action which is competent in terms of these By-laws.

**103. Official address.-**

- 1) For the purpose of the service of any notice, order or other document relating to legal proceedings-
  - a) the address of the owner of the premises on which domestic water is consumed or generated is deemed to be the official address of such owner; and
  - b) the address of the consumer, as referred to in section 4 (5) (e) is deemed to be the official address of the consumer.
- 2) Where any notice or other document is required by these By-laws to be served on any person other than for the purpose of criminal proceedings, it shall be served on him or her personally, failing which it may be served on any member of his or her household or any employee as the case may be, of the apparent age of 16 years or older, at the place of residence or business of that person, or if sent by registered post, to the official address contemplated in subsection (1), it will constitute prima facie proof of the service of such notice.

**104. Recovery of costs and fees.-**

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

**105. Legal compliance warranty.-**

- (1) Notwithstanding any provision to the contrary, any consumer by making application for water services, warrants that he or she will-
  - a) in his or her activities, application and use of the water services, processes, and operations, comply with all relevant laws, regulation, and standards governing the environment, health and safety;
  - b) take all reasonable measures to prevent pollution or environmental degradation from occurring, continuing or recurring;
  - c) insofar as such harm to the environment is authorized by law, or cannot reasonably be avoided or stopped, minimize and rectify such pollution or degradation of the environment; and
  - d) bear all costs and expenses incurred in meeting the above obligations and the implementation thereof.

**106. False statement or information.-**

No person may make a false statement or furnish false information to the Council, an authorised official, a designated officer or an employee of the Council or falsify a document issued in terms of these By-laws.

**107. Exceptions to application of these By-laws.-**

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

**108. Exemptions.-**

- 1) The Council may by resolution exempt any person from complying with a provision of these By-laws, subject to any conditions it may impose, if it is of the opinion that the application or operation of that provision would be unreasonable in the circumstances, provided that the Council may not grant an exemption from any section of this section that may result in-
  - a) the wastage or excessive consumption of water;
  - b) the evasion or avoidance of water restrictions;
  - c) significant negative effects on public health, safety or the environment;
  - d) non-payment for services;
  - e) the installation of pipes and fittings which are not approved in terms of these By-laws; or
  - f) Non-compliance with the Act or any regulations made in terms thereof.
- 2) Subject to the provisions of the Promotion of Administrative Justice Act, 2000, the Council may at any time after giving written notice of at least thirty days, withdraw

any exemption given in terms of subsection (1), and may compel the owner or consumer, as the case may be, to comply with the relevant section or sections within a period to be stated in the notice of withdrawal: Provided that it may withdraw such an exemption without such notice if, in the opinion of the designated officer there is a present or imminent danger to public health or the environment, or of the wastage or excessive consumption of water, or of the evasion of water restrictions or the obligation to pay for the consumption of water supplied.

**109. Offences.-**

- 1) It is an offence for any person to-
  - a) refuse to grant a designated officer access to premises obstruct, interfere or hinder a designated officer who is exercising a power or carrying out a duty under these By- laws;
  - b) fail or refuse to provide a designated officer with a document or information that the person is required to provide under these By-laws;
  - c) give false or misleading information to a designated officer;
  - d) unlawfully prevent the owner of any premises, or a person working for that owner, from entering the premises in order to comply with a requirement of these By-laws;
  - e) pretend to be a designated officer;
  - f) falsely alter an authorization to a designated officer or written authorization, compliance notice or compliance certificate issued in terms of this Chapter;
  - g) disclose any information relating to the financial or business affairs of any person which was acquired in the performance of any function or exercise of any power in terms of these By-laws, except- to a person who requires that information in order to perform a function or exercise a power in terms of these By-laws;
    - (ii) if the disclosure is ordered by a court of law; or
    - (iii) if the disclosure is in compliance with the provisions of any law;
  - h) contravene or fail to comply with any provisions of these By-laws;
  - i) fail to comply with any notice issued in terms of these By-laws;
  - j) fail to comply with any lawful instruction given in terms of these By-laws; or

- k) obstruct or hinder any authorized official of the Council in the execution of his or her duties under these By-laws.
- 2) Any person convicted of an offence contemplated in subsection (1) is liable on conviction to a fine, or in default of payment, to imprisonment for a period not exceeding six months, and in the case of a continuing offence, to a further fine not exceeding R50, 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 Council requiring the discontinuance of such offence, and for a second or subsequent offence he shall be liable on conviction to a fine or in default or payment to imprisonment for a period not exceeding six months.

**110. Application of these bylaws.-**

- 1) The provisions of the Chapter apply to all persons or bodies, including the State.
  - 2) A provision of this Chapter conferring a power or imposing a duty applies in respect of-
    - a) all premises;
    - b) any person or thing on or in any premises;
    - c) the owner or occupier of all premises; and
    - d) any matter relating to premises, a person, or thing.
- (2) For the purposes of these bylaws, , the head of a national or provincial department or the municipal manager of the Council is deemed to be the owner and occupier of all premises that the department or municipality occupies or uses to the exclusion of any other person.

**111. Repeal of By-laws.-**

The Water Supply By-laws published under Provincial Notice 247 of 1957 on 10 June 1957, the Industrial Effluent By-laws published under Municipal Notice 93 of 1998 on 19 November 1998, and the Water Services Bylaws published under Municipal Notice no 7 of 2005 dated 17 March 2005, are hereby repealed.

**112 Short title.-**These By-laws are called the Water Services By-laws, 2013.