

OVERSTRAND MUNICIPALITY



WATER SUPPLY & SANITATION SERVICES BY-LAW, [2009] 2022

To regulate the provision of water and sanitation services in the area of jurisdiction of the Overstrand Municipality and to provide for matters connected therewith.

[Be it enacted by the Municipal Council in terms of section 11(3)(m) of the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000), as follows:-]

In terms of Section 156(2) of the Constitution of the Republic of South Africa, 1996, Overstrand Municipality hereby enacts as follows-

CHAPTER 1

DEFINITIONS AND LEVELS OF SERVICE

1. Definitions
2. Meaning of words
3. Levels of Service and the municipality's right to provide services

CHAPTER 2

WATER SUPPLY SERVICES

Part 1

Application for Service

4. Application for water services

5. Special agreements for supply of water
6. Purpose of supply
7. General conditions of water supply

Part 2

Connection, quantity and quality of water supply

8. Provision of connection pipe
9. Location of connection pipes
10. Interconnection between premises
11. Provision of single water connection for supply to several consumers on same premises
12. Restriction or **[cutting-off]** disconnection of supply
13. Interruption of supply at consumer's request
14. Disconnection of water supply
15. Water supplied from a hydrant
16. Communal Water Services Works
17. Quantity, quality and pressure of water

Part 3

Measuring water supplied

18. Measuring the quantity of water supplied
19. Quantity of water supplied to consumer
20. Defective meters
21. Adjustment of quantity of water supplied through defective meter
22. Special meter reading at request of consumer
23. Special measurement

Part 4

Approval for installation work and use of pipes and fittings

24. Approval of installation work
25. Persons permitted to do installation work
26. Provision and maintenance of water installation

27. Technical requirements for water installation
28. Use of pipes and fittings to be authorised
29. Labelling of terminal water fittings and appliances
30. Unlawful water installation
31. Pipe in street or public place

Part 5

Installations for fire-fighting purposes

32. Special provision for fire services
33. Dual and combined installations
34. Connection pipe for fire extinguishing services
35. Valves in connection pipe
36. Inspection and approval of fire extinguishing installation
37. Connection at the pleasure of the Municipality
38. Meter in fire extinguishing pipe
39. Sprinkler extinguishing installation
40. Header tank or double supply from main
41. Sealing of private fire hydrant

Part 6

Water Conservation and Prevention of Pollution

42. Waste of water
43. Car washing facilities
44. "Grey water" practises
45. Equipment specification to facilitate water conservation
46. Water demand management
47. Water restrictions
48. Owner to prevent pollution of water
49. Protection of water supply system and installation

Part 7

Water Supply Services: Miscellaneous

50. Use of water from source other than water supply system
51. Use of [B]boreholes including well points
52. Sampling and monitoring of water
53. Supply of non-potable water by the Municipality
54. Testing of pressure in system
55. Warning notices
56. Water audit

CHAPTER 3

SANITATION SERVICES

Part 1

Disposal of Sewage

57. Standards for sanitation services
58. Objectionable discharge to sewage disposal system
59. Application for use of sewage disposal system
60. Special agreements for disposal of sewage
61. Application for infrastructure
62. Septic tank and treatment plant
63. French drain
64. Conservancy tank
65. Ventilated improved pit latrine (VIP)
66. Services associated with on-site sanitation services
67. Provision of a connecting sewer
68. Provision of one connecting sewer for several consumers on same premises
69. Interconnection between premises
70. Sewage delivered by road [**haulage**] transport
71. Measurement of quantity and quality of standard domestic effluent discharged

Part 2
Industrial Effluent

- 72. Application for the disposal of industrial effluent
- 72A Norms and standards for industrial effluent
- 73. Unauthorised discharge of industrial effluent
- 74. Relaxation of standards
- 75. Test samples
- 76. Conditions for disposal of industrial effluent
- 77. Withdrawal of written permission for disposal of industrial effluent
- 78. Measurement of quantity of industrial effluent discharged
- 79. Damage to sewage disposal system or the environment
- 80. Periodic review
- 81. Change in process of manufacture of materials
- 82. Discharge into Sea Outfalls

Part 3
Drainage installations

- [82] 83. Construction or installation of drainage installations
- [83] 84. Construction by the Municipality
- [84] 85. Servitudes
- [85] 86. Drains in streets and public places
- [86] 87. Maintenance of drainage installation
- [87] 88. Disconnection of drainage installation

Part 4
Sanitation: Miscellaneous

- [88] 89. Reduction in the quantity determined in terms of domestic and industrial effluent
- [89] 90. Damage to sewage disposal system
- [90] 91. Consequential maintenance of sewers
- [91] 92. Installation of pre-treatment facility
- [92] 93. Protection from ingress of floodwaters
- [93] 94. Work by private persons
- [94] **[Non-waterborne disposal of effluent]**

95. Construction of municipal sewer systems

CHAPTER 4

DEPOSITS, PAYMENTS AND ACCOUNTS

- [95] 96. Deposits
- [96] 97. Fees for services
- [97] 98. Accounts
- [98] 99. Payment for water services
- [99] 100. Review of finding of the Municipality in respect of queries or complaints
- [100] 101. Payment in respect of prepayment meters

CHAPTER 5

GENERAL PROVISIONS

Part 1

Unlawful actions and termination

- [101] 102. General responsibility for compliance with this By-law and other laws
- [102] 103. Interference with water supply system or sanitation services
- [103] 104. Obstruction of access to water supply system or sanitation services
- [104] 105. Prohibition of access to water services other than through the Municipality
- [105] 106. Unauthorised use of water services
- 106(A) Re-sale of water
- [106] 107. Termination of agreements
- [107] 108. Water services intermediaries

Part 2

Enforcement of By-Law and Legal Matters

- [108] 109. Authorisation of authorised official
- [109] 110. Functions of authorised official
- [110] 111. Notices and documents
- [111] 112. Power to serve notices and compliance
- [112] 113. Power of entry and inspection
- [113] 114. Additional powers of authorised official

- [114] [Procedure to execute work or conduct an inspection: entry with a written authorisation]
- [115] [Procedure to execute work or conduct an inspection: entry without a written authorisation]
- [116] 115. Using force to enter
- [117] 116. Authorised official may be accompanied
- [118] 117. Duty to produce document
- [119] 118. Complaints against persons other than the Municipality
- [120] 119. Official address
- [121] 120. Recovery of costs and fees
- [122] 121. Liabilities and compensation
- [123] 122. Legal compliance warranty
- [124] 123. False statement or information
- [125] 124. Exceptions and transitional arrangements
- [126] 125. Exemptions
- [127] 126. Appeals
- [128] 127. Offences
- [129] 128. Penalties
- [130] 129. Application of this By-law
- [131] 130. Repeal of By-laws
- [132] 131. Short title and Commencement

[SCHEDULES:]

[Acceptance of Industrial Effluent for Discharge into the Municipality's sewer system (*Schedule "A"*)
 Application Form: Discharge of Industrial Effluent into the Municipality's Sewer (*Schedule "B"*)
 Repealed by-laws (*Schedule "C"*)]

CHAPTER 1

[GENERAL PROVISIONS] DEFINITIONS AND LEVELS OF SERVICE

Definitions

- In this By-law [and the Schedules thereto, words used in the masculine gender include the feminine, the singular includes the plural and vice versa and] 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;
 "Act" means the Water Services Act, 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;]

“applicable charge” means the rate, charge, tariff, flat rate, subsidy or any other cost prescribed by the municipality from time to time;

"authorised official" means a person in the employ of the Municipality, authorised by the Municipality to administer and implement the provisions [for the purposes] of this By-law, or if the Municipality has appointed a service provider, an employee of such service provider, authorised by it as an authorised official in terms of this By-law and acting within the scope of the powers, functions and duties assigned to that service provider; **[by the Municipality.]**

"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 atmospheric pressure in the water installation;]

"basic sanitation" means the minimum standard of safe and hygienic sanitation services and sewage disposal rendered to households, 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];**

"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 3 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 in compliance with NEMA, [the option that provides the most benefit] the most beneficial [or causes the least damage to the environment as a whole], least damaging [at a cost acceptable to the community, in the long term as well as in the short term;] and cost effective long- and short-term option to the environment;

"borehole" includes a well, well-point, excavation, spring, or any artificially constructed or improved underground cavity which can be used for the purpose of-

- (a) locating, intercepting, collecting or storing water in or removing water from an aquifer;
- (b) observing and collecting data and information on water in an aquifer; or
- (c) recharging an aquifer; **[and]**

[(d) includes a spring;]

"building regulations" means the National Building Regulations made in terms of the National Building Regulations and Building Standards Act, 1997 (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]** commercial purposes;

“capacity” in relation to a storage tank means the volume of the tank between the full operating water level **[of the water contained in such tank]** below overflow level of the tank and the invert of the outlet pipe from the tank;

"combined installation" means a water installation used for fire-fighting and domestic, commercial or industrial purposes;

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

["communal water connection" means a consumer connection through which water services are supplied to more than one person; the service is operated and maintained jointly by the users thereof, and "communal water services work" has a corresponding meaning;]

"communal water services work" means a water services connection or network through which water services are supplied to more than one person in respect of which a group of consumers or owners constituted themselves as a body prepared to assume responsibility, and has signed an agreement accepting responsibility for the maintenance and repair of the said communal water services works;

"connecting point" means the connecting manhole or a similar installation point approved by the Municipality at which a drainage installation joins the connecting sewer;

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

“connection” means the point at which a consumer may legally connect**[s]** to water services supplied by the municipality;

“connection pipe” means a pipe, including the water meter and stop valve, the ownership of which is vested in the Municipality and installed by it for the purpose of conveying water from a main to a water installation, and includes a “communication pipe” referred to in SANS 0252 Part I;

“conservancy tank” means a watertight tank which stores sewage until emptied by means of a suction tanker;

"consumer" means-

- (a) any person who occupies premises to whom, and in respect of which premises, the Municipality-
 - (i) has agreed to provide water **[and/]** or sanitation services;
 - (ii) is actually providing water **[and/]** or sanitation services;

- (iii) has entered into an agreement with the Municipality for the provision of water **[and/]** or sanitation services to or on such premises; or
- (b) if there **[be no such person]** is no occupier, then the owner of **[any]** the premises to which the Municipality **[is providing]** provides water **[supply and/]** or sanitation services;
- (c) provided that where water **[supply and/]** or sanitation services are provided through a single connection to a number of accommodation units or consumers or occupiers, means the person with whom the Municipality agreed to provide such **[water]** services;
- (d) any end-user who receives water **[supply and/]** or sanitation services from the Municipality or **[other]** from another water **[supply and/]** or sanitation services **[institution]** provider; or
- (e) a person **[that]** who obtains access to water **[supply and/]** or sanitation services provided through a communal water supply **[and/]** or sewage network;

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

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

"drainage installation" means a system situated on any premises **[and vested in the owner thereof]**, up stream of the connecting point **[at]** to the municipal main sewer, including the connecting manhole, **[and that]** which is used for or intended to be used for or in connection with the reception, storage, treatment or conveyance of sewage or other forms of wastewater on **[that]** such premises **[to the connecting point]** and includes a drain, a fitting, an appliance, a septic tank, a conservancy tank, **[a pit latrine]** VIP and a private pumping installation[,] forming part of or being ancillary to such system;

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

"duly qualified sampler" means a person who has been authorized and trained to take[s] samples for analysis from the water and sanitation [sewage disposal and] systems, storm water disposal systems and from public waters **[and who has been certified to do so by an authorised official]**;

"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;

"effluent standards" means the standards for effluent prescribed in Government Notice No. 9225 of 18 May 1984 or any superseding legislation;

"EIA" means an environmental impact assessment as contemplated in NEMA, **[and/]** or the ECA and further in accordance with the EIA Regulations as published in Government Notice R 1183 on 5 September 1997, as amended from time to time;

"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 an authorised official under this By-law which instructs the person to whom it is issued to comply with the terms of the notice, and includes a compliance notice contemplated in section **[110] 111**;

"environmental restoration cost" means the **[full] total** cost of all measures necessary to restore the environment to **[its] the condition it had been in** prior to an incident **[which causes damage to it,] that resulted in it having been damaged** and in the event of this not being possible, the value of the cost-benefit that **[has been] was** lost **[through the damage to or destruction of the environment] as a result of the incident**;

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

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

"flood level (1 in 50 year)" means that level reached by flood waters resulting from a storm of a frequency of 1 in 50 years;

"flood plain (1 in 50 year)" means the area subject to inundation by flood waters from a storm of a frequency of 1 in 50 years;

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

"grey water" means wastewater resulting from **[use] normal usage** of water for domestic purposes (bathing, showers, washing machines, wash basins), but does not include **[human excreta] water from toilets, kitchen sinks and dish washers**;

"hazardous waste" means any waste that contains organic or inorganic elements or compounds that may, owing to the inherent physical, chemical, or toxicological characteristics of that waste, have a detrimental impact on health and the environment;

"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] discharged** 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 storm water **[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, published in Government Notice R2206 of 5 October 1984 or any superseding legislation, including the use of water for purposes of mining, manufacturing, retailing and service industries, generating electricity, land-based transport, construction or any related purpose;

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

"interest" means a levy with the same legal property as service fees and calculated in terms of this By-law on all amounts in arrears in respect of prescribed fees for water services at a standard rate equal to an interest rate as determined by the Credit Control and Debt Collection By-law;

"main" (noun) means a pipe, other than a connection pipe, vested in the Municipality and used by it for the purpose of conveying water to any number of consumers;

"manhole" means a chamber **[of a depth greater than 750mm and of such dimension that allows an entry of a person into such a chamber]** for the purposes of providing access to a drain;

"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]** in the Legal Metrology Regulations, 2017, promulgated in terms of the Legal Metrology Act, 9 of 2014; 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, **[or a measuring device, any of which must be approved by the SABS]** as approved by the Municipality;

"Municipality" means -

- (a) the Overstrand Local Municipality established in terms of sections 12 and 14 of the Local Government Municipal Structures Act, 1998 (Act. No 117 of 1998), Provincial Notice 488 dated 22 September 2000 or its successors in title, and includes any structure or person exercising a delegated power or carrying out an instruction in terms of this By-law and legislation applicable to Local Government; or
- (b) a service provider appointed or approved by Overstrand Local Municipality fulfilling a responsibility under this by-law, assigned to it in terms of section 81(2) and 82(1)(c) of the Local Government: Municipal Systems Act 2000, or any other law, as the case may be;

"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);

"**non-return valve**" means any device or means to prevent backflow of water, sewage or effluent;

"**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 Municipality, or the rights, or reasonable comfort, convenience, peace, or quiet, of the occupants of any area within the Municipality's jurisdiction;

"**occupier**" means a person who occupies any premises or part thereof, without regard to the title under which he or she so occupies the premises and includes –

- (a) any person in actual occupation of those premises;
- (b) any person legally entitled to occupy those premises;
- (c) in the case of those premises being subdivided and let to lodgers or various tenants, the person receiving the rent payable by such lodgers or tenants whether on the person's own account or as agent for any person entitled thereto or interested therein;
- (d) any person having the charge of or management of those premises, and includes the agent of any such person when the person is absent from the Republic of South Africa or his whereabouts are unknown; or
- (e) the owner of those premises;

"**on-site sanitation service**" means a conservancy tank, septic tank, chemical toilet, urine diversion system, "VIP", grey water system, package treatment plants, or other related systems;

"**operating level**" means the level of water reached in a storage tank when the valve controlling the inlet of water to the tank closes under normal operating conditions, lower than the overflow level of the tank;

"**owner**" [**includes**] means-

- (a) **[the person in whom is vested the legal title to premises, including, but not limited to, the registered owner according to the title deed;]**
the person in whom the legal title to the property is vested;
- (b) **[where the owner of the premises concerned is insolvent, deceased or in any form of legal disability whatsoever, 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, trustee, assignee, curator, liquidator or judicial manager as the case may be;]**

a person mentioned below may for the purposes of this By-law be regarded by the Municipality as the owner of a property in the following cases:

- (i) a trustee, in the case of a property in a trust excluding state trust land;
- (ii) an executor or administrator, in the case of a property in a deceased estate;

- (iii) a trustee, in the case of a property in an insolvent estate;
 - (iv) a judicial manager, in the case of a property in the estate of a person under judicial management;
 - (v) a curator, in the case of a property in the estate of a person under curatorship;
 - (vi) a person in whose name a usufruct or other personal servitude is registered, in the case of a property that is subject to a usufruct or other personal servitude;
 - (vii) a lessee, in the case of a property that is registered in the name of a municipality and is leased by the lessee;
 - (viii) a purchaser, in the case of a property that was sold by the Municipality and of which possession and occupation was given to the purchaser pending registration of transfer in the name of the purchaser;
- (c) in **[any]** the case where the Municipality is unable to determine the identity of such person, [a] the person who is entitled to the benefit of [the use of] such [premises] property or [a] any building [or buildings] thereon; [and]
- [(d) the lessee under any registered lease of land which is entered into for a period of 30 years or more or for the natural life of the lessee or any other person mentioned in such lease, or which is renewable from time to time at the will of the lessee indefinitely or for periods which together 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; or**
 - (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 person;**
- (f) **any person who requires any right to land by virtue of the provisions of any law applicable in the Province of the Western Cape;]**
- (d) regarding a unit, described in the Sectional Titles Act No 95 of 1986 (as amended), and registered in the name of a person, in a Sectional Titles Scheme which consists of a section as shown and more fully described on a sectional plan and an undivided share in the common property in the scheme apportioned to the said section in accordance with the participation quota endorsed on the said plan, or the Developer of the Scheme, and the Body Corporate as far as the common property in the Scheme is concerned;
- (e) any juristic person, including but not limited to:-
- (f) a company registered in terms of the Companies Act, 2008 (Act No 71 of 2008), a trust inter vivos, a trust mortis causa, a close corporation registered in terms of the Close Corporations Act, 1984 (Act No 69 of 1984), and any non-profit company;

- (g) any local, provincial or the national government;
- (h) any council, board or entity established in terms of any legislation of the Republic of South Africa; and any embassy or other foreign entity;
- (i) in the case of property owned by the Municipality and which has been alienated, but which has not been transferred to the person to whom it has been alienated, such person from the date of the alienation concerned; and
- (j) in the case of property owned by or under the control and management of the Municipality while held under a lease or any express or tacit extension thereof or under any other contract or under a servitude or right analogous thereto, the person so holding the right to the immovable property;

"owner's water installation" means all the pipe work and water fittings installed by the consumer for connection to the water installation of the Municipality;

"permit holder" means a person who has obtained the written **[permission]** consent of an authorised official to discharge or cause or permit to discharge industrial effluent into the sewage disposal system;

"person" means any natural person, **[local government body or like authority, a company incorporated under any law, a body of persons whether incorporated or not, a statutory body, public utility body, voluntary association or trust]** juristic person or an organ of state;

"pollution" means the introduction of any substance into public water, (e.g. river, stream, lagoon, estuary or dam) a storm water system, the potable water supply system, a water installation or a water resource **[that]** which may directly or indirectly alter the physical, chemical or biological properties of the water **[found therein]** so as to make it –

- (a) less fit for any beneficial purpose for which it may reasonably be expected to be used; or
- (b) harmful or potentially harmful –
 - (i) to the welfare, health or safety of human beings;
 - (ii) to any aquatic or non-aquatic organism;
 - (iii) to the natural environment (e.g. ground water, vegetation or land).

"premises" means any **[piece]** portion 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 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); **[or]** and
- (c) which is situated within the area of jurisdiction of the Municipality.

"pre-payment meter" means a meter that can be programmed to limit the flow of water into a water installation to the amount which has been previously purchased;

"prescribed" means, determined by resolution of the Municipal Council **[from time to time]** or any other applicable legislation;

"prescribed fee" means a fee including a **[tariff or charge]** rate, charge, tariff, flat rate, subsidy or any other cost determined by the Municipality by resolution;

"prescribed tariff" means a schedule of prescribed fees as entailed in the Municipality's Tariff By-laws;

"private combined water service" means a private consumer connection and water services system, serving more than one consumer or property. The service is operated and maintained by all the consumers thereof collectively, and may include water supply, foul sewer and septic tank or any other related systems;

"public notice" means notice to the public in a manner determined by the **[Council]** Municipality;

"public water" means any river, watercourse, bay, estuary, lagoon, the sea and any other water which the public has a right to use or to which the public has the right of access excluding any water sources which the Municipality abstracts water from or use for the storage of water;

"qualified plumber" means a person who is qualified and accredited in terms of the National Qualifications Framework Act, 2008 (Act No. 67 of 2008)

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

"registered contractor" means a company or person registered by the SAQCC for the Water Supply Industry;

["registered plumber" means a person registered by the SAQCC for the Water Supply Industry;]

"SABS" means the South African Bureau of Standards;

"SANS" means the South African National Standards as prescribed by the SABS;

"SANS 0241" (including any amendments thereto) means the standards prescribed for the quality of drinking water in South Africa;

"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;

"septic tank" means a watertight chamber through which domestic wastewater flows for basic treatment before disposal to the environment.

["SAQCC for the Water Supply Industry" means the South African Qualification and Certification Committee constituted in terms of Act No. 58 of 1995;]

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

"sewage" means wastewater, industrial effluent, standard domestic effluent and other liquid waste, either

separately or in combination, but shall not include storm water;

“sewage disposal system” means the structures, valves, pipes, pumps, meters or other **[appurtenances] equipment and infrastructure** used in the conveyance through the sewer reticulation system and treatment at the sewage treatment works under control of the Municipality and which may be used by it in connection with the disposal of sewage;

“sewer” means any pipe or conduit which is the property of or is vested in the Municipality and which may be used for the conveyance of sewage from the connecting sewer **[and] but** shall not include a drain as defined;

“standard domestic effluent” means domestic effluent with prescribed strength characteristics in respect of chemical oxygen demand and settleable solids as being appropriate to sewage discharged from domestic premises within the jurisdiction of the Municipality, but shall not include industrial effluent;

“standpipe” means a connection through which water supply services are supplied to more than one person;

“stop-valve” means a valve for the connection or disconnection of water supply; the stop-valve between the municipal main and the water meter **[is known] referred to** as the municipal stop-valve, for exclusive control over and use by the Municipality; the consumer’s stop-valve is situated downstream of the water meter **[and]** is for exclusive use by the consumer except when the Municipality **[has to] must** do maintenance on the water installation.

“storm water” means water resulting from natural precipitation or accumulation and includes rainwater, sub soil water or spring water but excludes swimming pool backwash and sewage;

“Structures Act” means the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998);

“Systems Act” means the Local Government: Municipal Systems 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 from a water installation;

“trade premises” means premises upon which industrial effluent is or may be produced;

“treated effluent” means the final effluent discharged to the environment after being treated to the prescribed standards of the relevant authority;

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

“water fitting” means a component of a water installation, other than a pipe, through which pipes and other components are connected, and through which water passes **[or in which it is stored];**

“water installation” means the pipes and water fittings 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 installed with the **[permission] consent** of the

Municipality;

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

“water services intermediary” means any person who provides water services to another, where the obligation to provide water is incidental to the main object of the contract between them;

“water supply services” means the abstraction, conveyance, treatment and distribution of potable water, water intended to be converted to potable water, or water for commercial use **[but excluding water for] and** industrial use;

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

“wet industry” means an operation which discharges industrial effluent and/or which annually uses an average of more than 100 kilolitres of water on its premises per day;

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

“working month” means a calendar month excluding any Saturday, Sunday and public holiday.

Meaning of words

2. (1) Any word or expression used in this By-law to which a meaning has been assigned in-
 - (a) the Act will bear that meaning; and
 - (b) 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.
- (2) Any reference in this By-law to water services or services must be interpreted as referring to water supply services or sanitation services depending on the service to which it is applicable.

Levels of Service and the municipality’s right to provide services

3. (1) The Municipality may **[provide the various levels of service set out in subsection (2) to consumers at the prescribed fees determined by the Municipality]** in accordance with national policy, but subject to principles of affordability and sustainability, by public notice, determine the levels of service it is able to provide to consumers.
- (2) The municipality may, in determining these levels of service, differentiate between types of consumers and geographical areas.
- (3) Subject to subsection 1, the following levels of service shall be provided by the Municipality:
 - [(2)] [the levels of service shall comprise-]**
 - (a) **Service Level 1**
which **[must]** shall satisfy the minimum standard for basic water services as required in terms

of the Act and its applicable regulations, and **[must]** consists of-

- (i) a water supply from metered communal water points; and
- (ii) a ventilated improved pit latrine located on each site or a communal toilet system in accordance with relevant legislation; and

(b) **Service Level 2**

which **[must]** shall consist of-

- (i) **[an unmetered]** a metered water connection to each stand with an individual yard standpipe; or
- (ii) a water borne connection connected to either a municipal sewer or a **[shallow]** communal sewer system or a conservancy tank; and
- [(iii)]** **[a pour flush toilet which must not be directly connected to the water installation; which service must be provided to consumers at the prescribed fees determined by the Municipality, provided that-**
 - (aa)** the average water consumption per stand through the unmetered water connection for the zone or group of consumers in the zone does not exceed 6kl over any 30 day period;
 - (bb)** the water standpipe is not connected to any other terminal water fittings on the premises;
 - (cc)** in the case of a communal sewer having been installed, a collective agreement has been signed by the group of consumers accepting responsibility for the maintenance and repair of the communal sewer; and
 - (dd)** the Municipality may adopt any measures considered necessary to restrict the water flow to Service Level 2 consumers to 6kl per month.]

which service must be provided to consumers at the prescribed fees, provided that the Municipality may adopt measures considered necessary to restrict the water flow to Service Level 2 consumers as required.

(c) **Service Level 3**

which **[must]** shall consist of-

- (i) a metered **[full pressure]** water connection to each stand; and
- (ii) a conventional water borne drainage installation connected to the Municipality's sewer or a private conservancy tank system, to be serviced by the municipality.

- [(3)]** **[If a consumer receiving Service Level 2 contravenes subparagraph (aa) or (bb) to subsection (2)(b)-]**
[(a)] **[the Municipality may install a pre-payment meter in the service pipe on the premises; and]**
[(b)] **[the fees for water services must be applied.]**

- (4) The municipality has the right to do anything reasonably necessary for, or incidental to the effective performance of its functions and the exercise of its powers in terms of this By-law which includes the right to construct, erect and lay water and sanitation services on, across, through, over or under any street or immovable property not owned by the municipality.

CHAPTER 2
WATER SUPPLY SERVICES
Part 1
Application for Services

Application for water services

4. (1) No person, other than a consumer on Service Level 1, may gain access to water services from the water supply system, sewage disposal system or through any other sanitation services, **[unless he or she has applied to the Municipality on the prescribed form for such services for a specific purpose, and such application has subject to the Municipality’s Credit Control and Debt Collection By-law been agreed to]** without the approval of the Municipality in terms of its Customer Care, Credit Control and Debt Collection Policy (hereafter referred to as the Credit Control Policy).
- (2) An approved application for the use of water services **[approved by the Municipality]** constitutes an agreement between the Municipality and the applicant, and such agreement takes effect on the date referred to in the agreement.
- (3) The person referred to in subsection (2) **[will]** shall be liable for all the prescribed fees in respect of water services rendered to him **[or her]** until the agreement is terminated in **[accordance with]** terms of this By-law or [until such a time as any arrears including interest have been paid] the Credit Control Policy or in terms of the agreement.
- (4) The Municipality may **[if deemed necessary]** require a third party to be bound jointly and severally as surety and co-principal debtor in solidum with the consumer, (where one pays, the other to be exempted) for the payment of any prescribed fee.
- (5) In preparing an application form for water services the Municipality **[will]** must ensure that the document and the process of interaction with the person making application are understood by that person. In the case of an illiterate or **[similarly]** otherwise disadvantaged person[s], the Municipality **[will]** must take reasonable steps to ensure that the person is aware of and understands the contents of the application form and must ensure that when the document is “signed” by means of a fingerprint it shall be the right-hand thumbprint with the words “right thumb print” written next to it in black ink.
- (6) The application form must at least contain the **[following]** information as required in terms of the Credit Control Policy.
- [(a)] [certification by the applicant that he/she is aware of and understands the contents of the form;]**
- [(b)] [acceptance by the consumer of the provisions of this By-law and acceptance of liability for the cost of water services rendered and all water consumed until the agreement is**

terminated or until such time as any arrears have been paid;]

[(c)] [name of consumer, and his or her identity or registration number, where applicable]

[(d)] [address or stand number of premises at which water is to be supplied, or on which a communal water connection operates;]

[(e)] [address to which accounts must be sent;]

[(f)] [name and address of the applicant's employer, where appropriate;]

[(g)] [the purpose for which water is to be used;]

[(h)] [the agreed date on which the water service shall be provided.]

- (7) The Municipality must on application for the provision of water services, **[by a consumer]** inform **[that]** the consumer of the different levels of service[s] available and the prescribed fees associated with each level of service[s].
- (8) A consumer must elect the available level of service to be provided to him or [,] her **[or it]**, e.g. the size of the water connection, to a maximum of 20mm for household use [;], provided that the Municipality **[will in its discretion]** may decide upon the size of the connection and the use of pressure- and flow control **[where necessary on a water connection upon a written request received by the Municipality in this regard]**.
- (9) A consumer may at any time apply to alter the level of services elected in terms of the agreement **[entered into]**, provided such services are available and that any costs and expenditure associated with altering the level of services shall be payable by the consumer.
- (10) **[The applicant must be informed]** If the Municipality refuses an application for the provision of water services, or is unable to render such water services on the date requested for provision of services to commence, or is unable to render the water services, **[and the Municipality]** it must furnish the applicant with the reasons therefore and, if applicable, the date when the Municipality will be able to provide such water services.
- (11) The consumer shall be responsible for the registration of a servitude at his or her own cost if his or her water service **[has to]** must be installed from the connection point over or across the property of another private owner **[to reach his or her own property]**.
- (12) Where premises or consumers are provided with water services, it shall be deemed that an agreement in terms of subsection (2) exists.
- (13) Water services rendered to a consumer are subject to the provisions of this By-law, where applicable the Credit Control and Debt Collection By-law[s] **[and policy]**, any other applicable legislation, and the conditions contained in the relevant agreement.

Special agreements for supply of water

5. (1) The Municipality may enter into a special agreement for the supply of water to an applicant -
- (a) inside its area of jurisdiction, if the services applied for necessitates the imposition of

- conditions not contained in the prescribed application form; and
- (b) outside its area of jurisdiction, if such application has been approved by the Municipality having jurisdiction in the area in which the premises is situated.
- (2) If the Municipality provides **[a supply of]** water services to an applicant outside its area of jurisdiction in terms of a special agreement, it may permit him or her to sell such water to other persons outside its area of jurisdiction, **[only if provision has been made therefore in the special agreement, or the written permission of the Municipality to do so has been obtained]** subject to the conditions determined by the Municipality.

Purpose of supply

6. Where the purpose for which water is used changes, the consumer **[shall]** must inform the municipality and he or she must enter into a new agreement as prescribed in Sections 4 and 5.

General conditions of water supply

7. (1) Subject to the provisions of the Act, the supply of water by the Municipality shall not constitute an undertaking by it to maintain at any time or at any point in its water supply system -
- (a) an uninterrupted supply;
- (b) a specific pressure or rate of flow in such supply; or
- (c) a specific standard of quality of the water, **[provided that, if the water supply is interrupted for more than 24 hours, then the Municipality undertakes to provide an alternative supply of water to meet basic needs.]**

provided that-

- (i) the water supplied must comply with the National Standards for Domestic Water and Sanitation Services as determined in in GN R982 of 2017; and
- (ii) if the water supply is interrupted for more than 48 hours, the Municipality undertakes to provide an alternative supply of water to meet basic needs.
- (2) The Municipality may, subject to the provisions of subsection (1)(b), specify the maximum height in a building, or the maximum height above ground level or [mean] sea level, to which water will be supplied from the water supply system. [Where a consumer requires water to be supplied at a greater height or pressure, the consumer will be responsible therefore. No booster pump may be connected directly or indirectly to the municipal main pipe or connection point or pipe. The consumer will be responsible for the supply and installation of a booster pump system with a storage tank or reservoir as well as the protection and maintenance thereof.]
- (3) Where a consumer requires water to be supplied at a greater height or pressure, the consumer must at own cost install or upgrade the infrastructure to provide such greater height or pressure as

provided for in sub section (5).

- (4) No booster pump may be connected directly to the municipal main pipe or connection point or pipe.
- (5) The consumer shall be responsible for the supply and installation of a booster pump system with a storage tank or reservoir as well as the protection and maintenance thereof at his or her cost.
- [(3)] (6) If a consumer requires that any of the standards referred to in subsection (1) be maintained on his or her premises, he or she **[shall make provision in the water installation for such maintenance]** must take the necessary steps, at own cost, to ensure the water installation is able to meet such standards.
- [(4)] (7) The Municipality may, in an emergency, or where water losses occur, interrupt the supply of water to any premises without prior notice.
- [(5)] (8) If **[in the opinion of the Municipality]** the consumption of water by a consumer adversely affects the supply of water to another consumer or consumers, **[it]** the Municipality may apply [such] restrictions [as it may deem fit] to the supply of water to the first-mentioned consumer to ensure a reasonable supply of water to the other consumer or consumers and [will] must inform that consumer of such restrictions.
- [(6)] (9) The Municipality **[will]** shall not be liable for any damage to property caused by water flowing from private fittings left open on the premises when the water supply is re-instated, following an interruption in supply for any reason.
- [(7)] (10) For **[E]**every steam boiler and any premises that require **[for the purposes of the work undertaken on the premises,]** a continuous supply of water for the purposes of the work undertaken on the premises, [must have a cistern fitted and] the owner must at own cost provide a cistern which must be in working order and [holding] be able to hold a water supply deemed adequate by the occupier of the premises.
- [(8)] **[No consumer may resell water supplied to him by the Municipality, except with the written permission of the Municipality, which may stipulate the maximum price at which the water may be resold, and may impose such other conditions as the Municipality may deem necessary.]**

Part 2

Connection, Quantity and Quality of Water Supply

Provision of connection pipe

8. (1) If an agreement for the supply of water in respect of premises has been concluded and no connection pipe exists in respect of the premises, the owner **[shall]** must apply on the prescribed form and pay the prescribed fee for the installation of such a pipe prior to the installation thereof.
- (2) If **[an application is made for a supply of water to] premises [which]** are of such an extent or so

situated that it is necessary to extend, modify or upgrade the water supply system **[in order]** to supply water to the premises, the Municipality may agree **[to the extension, modification or upgrading]** thereto at the cost of the applicant, and subject to such conditions **[as it may impose]** imposed by the Municipality.

- (3) No person may commence development on premises before the installation of a metered connection pipe by the municipality and the approval of such connection by the municipality.
- (4) The provision of a connection pipe by the municipality may be subject to conditions pertaining to water demand management and water conservation activities.

Location of connection pipes

- 9. (1) **[A connection]** Connection pipes provided and installed by the Municipality **[must]**
 - [(a)]** **[be located in a position not further than one metre inside the erf boundary, or on the erf boundary where a boundary wall exists, or at the beginning of a servitude where applicable as agreed to between the owner and the Municipality. The connection pipe will be of a suitable size, to a maximum of 20mm for household use, as determined by the Municipality; and]**
 - may not be located further than one meter on the inside of the erf boundary; or
 - (a) where inaccessible, on the outside of the erf, within one meter from the erf boundary; or
 - (b) where requested by the owner, one meter outside the erf boundary; or
 - (c) where applicable, at the commencement point of the servitude as agreed to between the owner and the Municipality.
- (2) New connection pipes must be of suitable dimensions, with the dimensions of water meters being a maximum of 20mm diameter for household use, or otherwise as approved by the Municipality, and must
 - [(b)]** terminate at-
 - [(i)]** (a) the boundary of the land owned by or vested in the Municipality, or over which it has a servitude or other right; or,
 - [(ii)]** (b) **[at]** the outlet of the water meter if the meter is **[situated]** located on the premises being supplied[; or].
 - [(iii)]** **[at a point before the isolating valve of the consumer if it is situated on the premises].**
- [(2)]** (3) In reaching agreement with an owner concerning the location of a connection pipe, the Municipality **[shall]** must ensure that the owner is aware of -
 - (a) practical restrictions which may exist regarding the location of a connection pipe;
 - (b) the cost implications **[of]** regarding the various possible locations of the connection pipe;
 - (c) **[whether or not the Municipality requires the owner to fix the location of the connection**

pipe by providing a portion of his or her water 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 Municipality to connect to such installation;]

that the municipality may require the owner to provide a portion of his or her water installation at any agreed location inside or outside of his or her premises where the connection is required.

- (d) his or her responsibility for the protection of the measuring equipment and associated installations and **[thus]** therefore for any damage to or loss of the measuring equipment and associated installations.

[(3)] (4) [A] The Municipality may, [at the request of any person] upon application by an owner, 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]** supply of water **[supply]** to the premises, provided that the applicant shall **[be responsible for]** bear the **[full]** costs of any extension of the water installation to the connecting point designated by the Municipality, **[and for]** including the obtaining **[at his or her cost]** and registration of any [such] servitudes as may be necessary over other premises **[as may be necessary]**.

[(4)] (5) An owner must pay the prescribed connection fee in advance.

Interconnection between premises

10. An owner of premises **[shall]** must ensure that-

- (1) no interconnection exists between the water installation on his or her premises and the water installation on other premises; or
- (2) where several accommodation units are situated on the same premises, no interconnection exists between water installations of the accommodation units;

unless he or she has obtained prior written consent of the Municipality and complies with any conditions **[that it may have]** imposed.

Provision of single water connection for supply to several consumers on same premises

- 11.** (1) Only one connection pipe to the water supply system may be provided for the supply of water to any newly zoned single residential premises, irrespective of the number of accommodation units or consumers located on such premises. The Municipality **[will at its discretion, and]** may, depending on the capacity of the water supply system in the specific area, determine whether additional connections will be allowed in any other type of zoning.
- (2) Where the owner, or the person **[having the charge or management]** in charge of any premises on

which several accommodation 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 Municipality **[may, in its discretion,] shall** require the following: -

- (a) the installation of a single measuring device (bulk meter) by the Municipality at the owners' cost in respect of the premises as a whole or any number of such accommodation units or consumers; or
 - (b) a separate measuring device (sub-meter) installed by the owner, who remains responsible for the said meter, including meter readings, for each accommodation unit or consumer or any **[number thereof]** additional unit or consumers;
 - (c) that the owners or consumers take joint liability for the maintenance of the water supply system downstream of the bulk meter as well as for payment of the account for water supplied through the bulk meter at the applicable rate levied by the Municipality;
 - (d) that the water supply system **[down stream]** downstream of the bulk meter be regarded as a private combined water supply system.
- (3) Where the Municipality has installed a single measuring device as contemplated in subsection 2(a), the owner or the person **[having the charge of management]** in charge of the premises, as the case may be -
- (a) must **[if the Municipality so requires]** install and maintain on each branch pipe extending from the connection pipe to the different accommodation units or consumers -
 - (i) a separate measuring device (sub-meter); and
 - (ii) an isolating valve; and
 - (b) **[is]** shall be liable to the Municipality for payment of the prescribed fees for all water supplied to the premises through such single measuring device (bulk meter), irrespective of the different quantities that may be consumed by the different consumers (sub-meters) served by such measuring device; and
 - (c) shall be responsible for the protection, maintenance and operation of the sub-meters.
- (4) Notwithstanding the provisions of subsection (1), the Municipality 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 if, in the opinion of the Municipality, undue hardship or inconvenience would be caused to any consumer on such premises by the provision of only one connection pipe.
- (5) Where the provision of more than one connection pipe is authorised by the Municipality in terms of subsection (4), the prescribed fees for the provision of a connection pipe **[are]** shall be payable by the owner in respect of each water connection so provided.
- (6) Where the premises are supplied with water by several connection pipes, the Municipality may require

the owner to reduce the number of connection points and alter his or her water installation accordingly at the owner's expense.

- (7) Where the premises are supplied with water by means of multiple connection pipes, the Municipality may require the owner to install non-return valves on all such connection pipes.

Restriction or [cutting-off] disconnection of supply

12. (1) Without prejudice to any other right it may have, the Municipality may, if a consumer -
- (a) failed to pay **[a sum]** an amount due to it in terms of this By-law; or
 - (b) committed a breach of this By-law and **[has]** failed to rectify such breach within the period specified in a written notice served on him or her requiring him or her to do so;
- [act]** institute proceedings against such a person in terms of this By-law, the **[Municipality's]** Credit Control **[and Debt Collection Bylaws]** Policy, or other applicable legislation.
- (2) **[If, in the opinion of Municipality, action is necessary]** Should action, as a matter of urgency be necessary to prevent waste of water, damage to property, danger to life or pollution of water, **[it]** the Municipality may, notwithstanding anything to the contrary in this By-law,-
- (a) without prior notice, **[cut off]** temporarily discontinue the supply of water to any premises; and
 - (b) enter upon such premises **[and do]** to carry out such emergency work, at the owner's expense, as it may deem necessary, and in addition by written notice require the owner to do such further work as it may deem necessary within a specified period.
- [(3)] [Tampering]**
- [(a)] [Where a water supply has been tampered with or the meter bypassed, the Municipality may, notwithstanding anything to the contrary in this By-law, disconnect the relevant supply immediately and without any prior notice whatsoever, and in such a way that no further water supply at those premises is possible. The consumer will be charged the applicable tampering fee.]**
 - [(b)] [Transgressors will be dealt with in the following manner:**
 - (i) First Tampering Offence:**
 - (aa) Supply will be isolated at point of supply.**
 - (bb) Written notification will be given to the consumer informing him or her of isolation, as well as the fees due in respect of the tampering fee for a first offence, and the calculated amounts.**
 - (cc) Municipality will only re-instate services after the required amounts mentioned in the notification have been paid.**
 - (ii) Second Tampering Offence:**
 - (aa) In instances of a second tampering offence, the Municipality may immediately disconnect the service supply and remove the pipes and the meter.**
 - (bb) A written notification will be sent to the consumer informing him or her of the removal of the services and of any outstanding fees, including tampering fees and calculated amounts due. If the money due has not been**

paid by a specific date and time to be mentioned in the notice, the matter will further be dealt with in accordance with the Municipality's Customer Care, Credit Control and Debt Collection By-law and policy.

- (cc) A written notification will also be sent to the owner of the property to the effect that the service supply has been removed and that a new supply will only be installed after the following conditions have been met :
- i. A written application for reconnection of the supply, including a motivation, has been received and approved by Municipality.
 - ii. The fee for a new connection, including the pipe cost, as well as all calculated amounts and all other outstanding required amounts, including all prescribed fees, have been paid.]

- (3) Where a water supply has been tampered with or the meter bypassed, the matter shall be dealt with in terms of the Credit Control and Tariff Policies.

Interruption of supply at consumer's request

13. (1) The Municipality may, at the written request of a consumer -
- (a) **[cut off] disconnect** the supply of water to his or her premises; and
 - (b) **[restore] re-connect** the supply;
- on the dates requested by him or her.
- (2) The consumer shall, prior to the **[restoration] disconnection or re-connection** of his or her water supply in terms of **[this section] subsection (1)**, pay the prescribed fees for the **[cutting-off of his or her supply of water, and for its restoration] disconnection or re-connection.**

Disconnection of water supply

14. (1) The Municipality 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 **[106] 107** (normal termination) and it has not received an application for a subsequent supply of water to the premises **[served by the pipe]** within a period of 30 days of such termination; or
 - (b) the building on the premises concerned has been demolished; or
 - (c) requested to do so by the owner and upon payment of the prescribed fee; or
 - (d) services in respect of the said premises are not paid for and the disconnection is required in terms of the Credit Control **[and Debt Collection]** By-law and Policy of the municipality; or
 - (e) **[where]** a connection or measuring device has been tampered with; **[and] or**
 - (f) if the consumer has interfered with a restricted or discontinued service.
- (2) The Municipality **[will] shall** not be liable for any damages or claims that may arise from the disconnection of water services provided for in subsection (1).

Water supplied from a hydrant

15. (1) The Municipality may, upon application, permit a temporary supply of water to be taken from one or more fire hydrants specified by it.
- [(2)] **[A person who desires a temporary supply of water referred to in subsection (1) shall make application in the manner prescribed in sections 4 and 5 and subject to such conditions and period as may be prescribed by the Municipality on the prescribed form.]**
- [(3)] (2) The supply of water in terms of subsection (1) must be measured.
- [(4)] **[The person referred to in subsection (2) shall supply his or her own standpipe and meter and the Municipality will read the meter.]**
- (3) The applicant shall make use of a metered standpipe supplied by the municipality at the applicable fee. If no metered municipal standpipe is available, the applicant must supply his or her own metered standpipe, to be inspected and approved by the municipality. The Municipality will read the meter periodically and at the end of the rental period.
- [(5)] **[The consumer will be responsible for any damage to fire hydrants used.]**
- (4) The applicant shall be responsible for-
- (a) making the metered standpipe available to the municipality for reading of the meter;
 - (b) any damage caused to fire hydrants and metered standpipes used; or
 - (c) the estimated cost of unmetered water usage if there is evidence of malfunctioning or bypassing of the meter. Such cost estimate shall be made by the municipality, based on the available information.

Communal Water Services Works

16. **[A]** The Municipality may install a communal water services work for the provision of water services to several consumers at a location it deems appropriate, provided that –
- (a) the consumers to whom water services will be provided through **[that]** such water services work have been consulted in respect of the level of service, the prescribed fee **[that will be payable]** to be paid and the location of the work~~[.]~~; and
 - (b) the connection to the communal water services work is metered.

Quantity, quality and pressure of water

17. (1) Water **[supply]** services provided by the Municipality must comply with the minimum standards set for the provision of water **[supply]** services in terms of section 9 of the Act and the applicable regulations.
- (2) The Municipality **[shall]** must implement a suitable water quality sampling programme specifying the sampling points, frequency of testing and substances for which the water will be tested, thereby

ensuring that water quality complies with the standards as prescribed in SANS 0241.

(3) The municipality shall not be liable for water quality non-compliance in instances where the private water installation is not utilized on a regular basis, or where additional treatment systems and or appliances have been installed on such private water installation.

[(3)] (4) [As stated in section 7,] [t]The municipality does not undertake to maintain a specific pressure or rate of flow in its water supply to consumers as mentioned in sub-section (3).

Part 3

Measuring Water Supplied

Measuring the quantity of water supplied

18. (1) All water supplied to a consumer by the Municipality shall pass through a meter or other measuring device for the purpose of measuring the quantity of water supplied at regular intervals.
- (2) A meter referred to in subsection (1) and its associated apparatus shall be provided and installed by the Municipality, shall remain its property, and may be changed and maintained by the Municipality **[whenever it deems]** when necessary.
- (3) (a) The Municipality may install the meter, and its associated apparatus, serving a water installation at any point in the installation;
- (b) If the Municipality installs a meter in a water installation in terms of subsection (a), it may install a section of pipe and associated fittings between the end of its connection pipe and the meter, and such section shall be deemed to form part of the water installation;
- (c) The Municipality may require **[from]** a consumer to make provision for the installation of the meter **[in]** within the boundary **[wall]** or property line of his, her or its premises.
- (4) If the Municipality installs a meter together with its associated apparatus in a water installation in terms of subsection (3), the owner **[shall]** must-
- (a) provide a place **[satisfactory]** considered suitable **[to]** by the Municipality in which to install it;
- (b) ensure that unrestricted access is available to it at all times;
- (c) be responsible for its protection and be liable for the costs arising from damage thereto or loss thereof, excluding damage arising from normal and fair wear and tear;
- (d) ensure that no other or additional connection is made to the pipe in which the meter is installed, between the meter and the connection pipe serving the installation; and
- (e) make provision for the drainage of water which may be discharged[,] from the pipe in which the meter is installed, in the course of work done by the Municipality on the meter.

- (5) No person other than an authorised official **[shall] may** -
 - (a) disconnect a meter and its associated apparatus, including the removal of flow restrictors, from the pipe in which they **[are] have been** installed;
 - (b) break a seal which the Municipality has placed on a meter; or
 - (c) in any other way interfere with a meter and its associated apparatus.
- (6) If from a volumetric measurement perspective, the Municipality considers **[that]** the **[size] capacity** of a meter **[is]** unsuitable due to the quantity of water supplied to a premises in terms of section 9(1)(a), it may install a meter of **[such size as it may deem necessary] appropriate capacity**, and may recover from the owner of the premises concerned the prescribed fee for the installation thereof.
- (7) The Municipality **[may] shall** require the installation, at the developer or owner's expense, of a meter to each **[dwelling] unit[,]** in separate occupancy[,] on any premises, **[for use in determining] to determine the** quantity of water supplied to each such unit[;] **provided that where fixed quantity water delivery systems are used a single meter may be used to supply more than one unit** downstream of the municipal bulk meter or as otherwise prescribed by the municipality.
- (8) All water meters **[shall] must** comply with the **[Trade Metrology Act, (Act No 77 of 1973), as amended from time to time]** Legal Metrology Regulations, 2017, promulgated in terms of the Legal Metrology Act, 9 of 2014 and must be SABS approved.

Quantity of water supplied to consumer

19. (1) For the purpose of assessing the quantity of water supplied to a consumer during any period and measured through a meter installed by the Municipality over a specific period, it shall be deemed, unless the contrary **[can be] is** proved, that -
 - (a) the quantity is represented by the difference between readings of the meter taken at the beginning and end of such period;
 - (b) the meter **[was registering] registered** correctly during such period; and
 - (c) the entries in the records of the Municipality were correctly made.
 - (2) If water is supplied to, or taken by[,] a consumer without its passing through a meter, the estimate by the Municipality of the quantity of such water shall be deemed correct.
 - (3) If a meter is by-passed **[and a] in** contravention of section 18(5) **[occurs]**, the Municipality may **[for the purposes of rendering an account, make an estimate, in accordance with subsection (4), of] estimate** the quantity of water supplied to the **[consumer during the period that water was so taken by the consumer]** premises in terms of the Credit Control Policy and the matter shall be finalised in terms of the said Policy.
- [(4)] [For the purposes of subsection (3), an estimate of the quantity of water supplied to a consumer**

must be based on, as the Municipality may decide -]

[(a)] [the average monthly consumption of water on the premises registered over three consecutive measuring periods over not more than 90 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 12 months.]

[(5)] (4) Until such time as a meter has been installed in respect of water supplied to a consumer, the estimated **[or assumed]** consumption **[of that consumer]** must 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.

[(6)] [Where in the opinion of the Municipality it is not reasonably possible or cost effective to measure water supplied to each consumer within a particular zone, the Municipality may determine the fees to be paid by each consumer within that zone irrespective of actual consumption.]

[(7)] [Fees determined in terms of subsection (6) will be based on the estimated average consumption of water supplied to that zone.]

[(8)] (5) For purposes of subsection[s] **[(5) and (6)] (4)**, a zone is **[that local] an** area of land, of which the premises occupied by the consumer **[is a] forms** part[, **which is zoned in terms of a town planning scheme or a spatial development framework for homogenous usage] of, and of which the water usage is similar.**

[(9)] [If a contravention of section 18(5) occurs, the consumer shall pay to the municipality the cost of such quantity of water as in the municipality's opinion was supplied to him or her as well as the replacement cost of the measuring device, including labour, transport, materials and administrative costs.]

[(10)] (6) Where water supply services are provided through a communal water services work, the amount due and payable by consumers gaining access to such water supply services **[through the communal water services work, will], must** be based on the estimated average consumption of water supplied to that water services work, and the decision of the Municipality in arriving at that amount **[is] shall be** final and binding on each consumer affected thereby, unless legally set aside.

[(11)] (7) Nothing in this by-law shall be construed as imposing on the Municipality an obligation to cause a measuring device installed by the Municipality on any premises to be measured at the end of every month or any other fixed period, and the Municipality may estimate the quantity of water supplied over any period during the interval between successive measurements **[of the measuring device]** and render an account to a consumer for the quantity of water so estimated.

[(12)] [A person may be entitled to a water leakage discount provided an application is made in terms of the Municipality's Credit Control and Debit Collection By-laws and policy and all requirements as set out in the latter are met.]

Defective meters

20. (1) If a consumer has reason to believe that a water meter **[,used for measuring water, which was supplied to him or her by the Municipality,]** is defective, he or she may **[,against payment of the prescribed fee, make application]** apply in writing to the Municipality to have [for] the meter [to be] tested free of charge.
- [(2)] [The prescribed fee referred to in subsection (1) shall be -]**
- [(a)] [retained by the Municipality if the meter is found in terms of subsection (3) or (4) not to be defective; or]**
- [(b)] [refunded to the applicant if the meter is found in terms of those subsections to be defective.]**
- (2) If, after having been tested, it is found that the meter is not defective, the consumer shall pay a prescribed fee for the testing of the meter as well as for the removal and re-installation thereof.
- (3) A meter to which the regulations **[relating to water meters]** published under the **[the Trade Metrology Act, 1973 (Act No 77 of 1973) Legal Metrology Act, 2014 (Act No 9 of 2014)]** are applicable, shall be deemed to be defective if it, when tested in accordance with SANS 1529 Part I, is found to have a percentage error in over-registration or under-registration **[greater] more** than that permitted for a meter in use in terms of that specification.
- (4) A meter to which the regulations referred to in subsection (3) are not applicable shall be deemed to be defective if it is found to have a percentage error in over-registration or under-registration **[greater] more** than that allowed in **[SABS] SANS 1529:1999 Part 4 and SANS 1525:1999 [Part 1, or its amendments]**.
- (5) A consumer is entitled, on giving the Municipality reasonable notice of his or her intention, to be present at the testing of any meter in which the consumer has an interest at his or her own cost.
- (6) Any meter removed by the Municipality for testing must be retained intact and must be available for a period of three months after testing.

Adjustment of quantity of water supplied through defective meter

21. **[(1)] [If the meter is found to be defective in terms of section 20, the Municipality must-]**
- [(a)] [repair the meter or install another meter which is in good working order, without charging the consumer for the meter, unless the costs thereof are recoverable from the consumer where section 18(5) has been contravened.]**
- [(b)] [determine the quantity of water services for which the consumer will be charged on the basis set out in section 19(4)(a).]**

Any adjustment of an account through a defective measuring device shall be done in terms of the Credit Control Policy.

Special meter reading at request of consumer

22. **[The Municipality must, on receipt from the]** A consumer **[of]** may, upon written notice of not less than 5 (five) working days, and **[subject to]** upon payment of the prescribed fee, request the municipality to read a **[meter]** measuring device at a time or on a day other than that upon which it would normally be read.

Special measurement

23. (1) If the Municipality **[wishes]** intends, for purposes other than charging for water consumed, to ascertain the quantity of water which is used in a part of the water installation, it may by written notice advise the owner concerned of its intention to install a meter **[at such point]** in the water installation **[as it may specify]** at a point considered necessary.
- (2) The installation of a meter 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 Municipality. In case of a connection without a meter, the consumer shall be held liable for the cost of installation of a measuring device.
- (3) The provisions of sections 18(5) and 18(6) shall apply insofar as they may be applicable in respect of a meter installed in terms of subsection (1).

Part 4

Approval of installation work and use of pipes and fittings

Approval of installation work

24. (1) If an owner **[wishes]** elects to have installation work done, he or she must **[shall first]** obtain the Municipality's written approval; provided that approval shall not be required in the case of **[water installations in dwelling units or installations where no fire installation is required, or for the repair or replacement of an existing pipe or water fitting other than a fixed water heater and its associated protective devices.]**-
- (a) water installations inside dwelling units;
- (b) installations where no fire installation is required; or
- (c) 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]** Where the installation work is governed by the EIA Regulations, **[then]** the owner must ensure compliance and obtain the relevant authorisation in respect thereof.
- (3) Application for approval referred to in subsection (1) shall be made on the prescribed form and shall be accompanied by -

- (a) the prescribed fees, if applicable; **[and]**
 - (b) copies of the drawings as prescribed by the Municipality, **[giving]** furnishing information in the form required by clause 4.1.1 of SANS Code 10252 : Part I; **[or]** and
 - (c) a certificate from a **[a person approved by the Municipality certifying]** qualified plumber that the installation has been designed in accordance with SANS 10252 : Part I or has been designed on a rational basis.
- (4) The provisions of subsections (1), (2) and (3) shall not apply to a **[registered]** qualified plumber who replaces a fixed water heater or its associated protective devices.
- (5) Authority given in terms of subsection (1) shall lapse at the expiry of a period of 12 months **[after the first day of the month succeeding the month in which the authority is given]** from the date of approval thereof.
- (6) A complete set of approved drawings of installation work must always 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), the Municipality may, by written notice, require the owner of the premises concerned to:
- (a) comply with that regulation within a specified period,
 - (b) if work is in progress, to cease the work, and
 - (c) to remove all such work which does not comply with this By-law.

Persons permitted to do installation work

25. [(1)] [An owner may engage a person who is not registered with the SAQCC for the Water Supply Industry to do installation work or general installations at own risk. The Municipality accepts no responsibility for any damages or costs having to be incurred by an owner due to faulty installation work and shall hold the owner liable for any damages and costs the Municipality may have to incur in respect of the municipality's water supply system.]

- (1) Only a qualified plumber, a person working under the control of a qualified plumber, or another person authorised in writing by the municipality, shall be permitted to-
- (a) do installation work other than the replacement or repair of an existing pipe or water fitting;
 - (b) replace a fixed water geyser or its associated protective devices;
 - (c) inspect, disinfect and test a water installation, fire installation or storage tank;
 - (d) service, repair or replace a back-flow preventer; or
 - (e) install, maintain or replace a sub-meter provided by an owner in a private water installation.

[(2)] [The Municipality may permit a person who is not a registered plumber or a registered contractor to do installation work on its behalf; provided that such work shall be inspected and approved by a

person registered with the SAQCC for the Water Supply Industry, in the category appropriate to the work being undertaken.]

- (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 owner may permit a person who is not a qualified plumber to do installation work on his own behalf provided that such work must be inspected and approved by a qualified plumber.
- (4) The Municipality accepts no responsibility for any damages or costs incurred by an owner or consumer due to faulty installation work and shall hold the person liable for any damages or costs incurred by the Municipality as result of the faulty installation work.

Provision and maintenance of water installation

- 26.** (1) An owner must provide and maintain a water installation at his or her own cost and must ensure that the installation is situated within the boundary of his or her premises, except –
- (a) in the case of a connection to a connection pipe; or
 - (b) where installation is permitted elsewhere in terms of this By-law.
- (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]** must obtain the written consent of the Municipality or the owner of the land on which such portion is situated, as the case may be.

Technical requirements for water installation

- 27.** (1) Notwithstanding the requirement that a certificate be issued in terms of section 24(3)(c), all water installations **[shall]** must comply with SANS Code 10252 Part I and all fixed electric storage water heaters **[shall]** must comply with SANS Code 10254.
- (2) In addition to any requirement of SANS Code 10252 Part 1, the consumer must at his or her own expense, or the Municipality may **[in its discretion and]** at the consumer's expense, and for the consumer's exclusive use, provide and install or replace a **[stop-cock]** stopcock at a suitable point inside the boundary of the premises on the consumer's side of the meter leading to the water installation.

Use of pipes and fittings to be authorised

- 28.** (1) No person **[shall]** may, without the **[prior written authority]** approval of the Municipality, install or use a pipe or water fitting in a water or drainage installation within the Municipality's area of

jurisdiction unless it **[bears]**-

- (a) bears the standardisation mark of the SABS in respect of the relevant SANS specification issued by the Bureau, or of any other standardisation/quality assurance organization accepted by the municipality; and
 - [(b) [a certification mark issued by the SANS to certify that the pipe or water fitting complies with an SANS Mark specification or a provisional specification issued by the SANS, provided that no certification marks shall be issued for a period exceeding two years.]**
 - (b) is included in the Schedule of Approved Pipes and Fittings as compiled by the municipality;
 - (c) or is acceptable to the Municipality as indicated in writing by an authorised official.
- (2) The Municipality may, in respect of any pipe or water fitting, impose such additional conditions as it may deem necessary in respect of the use or method of installation thereof.

Labelling of terminal water fittings and appliances

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

Unlawful water installation

30. Where any installation work has been **[constructed]** done in contravention of this By-law, the owner must on receiving a compliance notice from the Municipality, carry out such corrective alterations to the installation as prescribed in the notice.

Pipe in street or public place

31. (1) No person may, for the purpose of conveying water derived from whatever source, lay or construct a pipe or associated components on, in, or under a street, public place or other land owned by, vested in, or under the control of the Municipality, except with the prior written permission of the Municipality, **[and]** subject to such conditions as it may impose **[on granting permission]** and the prior approval of a building plan by the Municipality.
- (2) No other parallel service (Telkom, electricity, etc.) may be installed closer than 1000mm from an existing municipal water services pipe as measured from the outside of the pipe, unless approved

otherwise by the municipality, and under no circumstances on top of such water pipe.

PART 5

Installations for [fire fighting] fire-fighting purposes

Special provision for fire services

32. Any water installation for the provision of water for [fire fighting] fire-fighting purposes, must comply with the provisions of SANS Code 10252-1:1994 or any revision or substitution thereof.

Dual and combined installations

33. [Any new] A building erected after the [adoption] date of commencement of this By-law must comply with the following requirements in relation to the provision of fire extinguishing services-
- (a) **[If, in the opinion of any official or employee of the Municipality 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 **[must]** may 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 must be provided by the Municipality, at the consumer's expense, within 90 metres of the property to provide a source of water for the use of the crew **[of any fire tender sent]** responsible to extinguish a fire; and
 - (d) all pipes and fittings must be capable of handling pressures **[in excess of]** more than 1015 kPa, which could be expected when boosting takes place and must be designed to maintain their integrity when exposed to fire conditions.

Connection pipe for fire extinguishing services

34. (1) The Municipality may provide a **[A]** single connection to the water supply system, to serve a connection pipe for a fire installation, but excluding a sprinkler system[, **may be provided by the Municipality**].
- (2) The Municipality **[may]** must provide and install at its cost a meter on **[the]** an existing connection pipe referred to in subsection (1)[.], but at the owner's cost for any new installation;

- (3) **[Where there is an] An** existing connection pipe for the sole purpose of fire-fighting [fire extinguishing] services[, such connection pipe] may only be used for that purpose[.], and such connection must be metered.
- (4) No take-off of any kind from any connection pipe referred to in subsection (3) may be made, nor may any water **[there]** from this connection be used except in connection with **[an automatic sprinkler and drencher, a hydrant connection or a hose-reel connection, or for any pressure tank connection therewith, and such tank must be controlled by an approved fitting].-**
- (a) an automatic sprinkler and drencher;
- (b) a hydrant connection or a hose-reel connection; or
- (c) for any pressure vessel in connection therewith which vessel must be controlled by an approved fitting.
- (5) A separate connection pipe must be laid and used for every fire sprinkler extinguishing system, unless otherwise approved by the Municipality.

Valves in connection pipe

35. **[Every] A** connection pipe must be fitted with a proper gate valve, which must be -
- (a) supplied by the Municipality at the expense of the consumer or as otherwise approved by the Municipality;
- (b) installed between the consumer's property and the mains;
- (c) of the same diameter as the connection pipe; and
- (d) installed in **[such] a** position **[as may be]** specified by the Municipality.

Inspection and approval of fire extinguishing installation

36. (1) No water may be supplied to any fire extinguishing installation **[until] unless-**
- (a) it has been inspected and tested by the Municipality;
- (b) the Municipality has certified in writing that such water installation is complete and complies with the requirements of this By-law; and
- (c) the fees required by the Municipality for such inspection and testing have been paid.
- (2) The municipality shall determine the maximum nominal size of the take-off from the municipal main and the maximum size of the water meter.

Connection at the pleasure of the Municipality

37. (1) The Municipality **[is entitled, in its absolute discretion, to] may** grant or refuse an application for the connection of a fire extinguishing installation to its mains.

- (2) If **[in its opinion a fire extinguishing]** an approved fire-fighting installation **[which it has allowed to be]** connected to its mains is not being **[kept in proper working order]** properly maintained, or is **[being]** used in contravention of sections 34(3) or 34(4), the Municipality **[is entitled either to]** may require the installation to be disconnected from the mains, or **[itself to carry out the work of disconnecting]** it may disconnect the installation at the expense of the owner or consumer, as the case may be.

Meter in fire extinguishing pipe

38. The Municipality is entitled to install a water meter in any connection pipe used solely for fire extinguishing purposes, at the cost of the owner of the premises, and the owner of the premises will be liable for the **[whole of the costs if it appears to the Municipality that the water has been drawn from the pipe otherwise than for the purposes of extinguishing a fire]** costs of all water drawn from the pipe.

Sprinkler extinguishing installation

39. A sprinkler installation may be linked directly with the mains through a metered connection, but the Municipality **[is not bound to]** does not guarantee any specified pressure and flow rate at any time.

Header tank or double supply from main

40. (1) **[Unless]** if a sprinkler installation is not provided with a duplicate or reserve supply from a separate main, the consumer must install a header tank on or in the building or structure at such elevation as will compensate for any failure or reduction of pressure and flow rate in the Municipality's mains.
- (2) The mains pipe leading from such header tank to the sprinkler installation may be linked with the mains from which the principal supply of water is drawn, provided that such main pipe must be equipped with a reflux valve which, if the pressure in the mains fails or is reduced for any reason, will shut off the opening to the mains.
- (3) Where a sprinkler installation is provided with a duplicate or reserve supply from a separate main, each supply pipe must be equipped with a reflux valve situated within the premises.

Sealing of private fire hydrant

41. (1) Except in the case of a fire installation supplied through a connection pipe fitted with a meter, a private hydrant and hose-reel must be sealed by the Municipality and such seal may not be broken by any person other than the Municipality **[in the course of]** while servicing and testing, except for the purpose of opening the hydrant in the case of fire.
- (2) **[Every]** An owner or consumer must give the Municipality at least 48 (forty-eight) hour's notice of his or her intention to cause a fire extinguishing installation to be tested.

- (3) The cost of resealing a hydrant and hose-reel referred to in subsection 1[(a)], must be borne by the consumer, except when such seal is broken by the Municipality's employee for testing purposes.
- (4) **[Any water]** Water consumed after the breaking of the seal referred to in subsection [(2)] (1), other than in the course of testing by the Municipality or of fighting a fire, must be paid for by the consumer at the fees determined by the Municipality for domestic purposes.
- (5) The quantity of water consumed as contemplated in subsection [(3)] (4), must be determined by the Municipality.

Part 6

Water conservation and prevention of pollution

Waste of water

42. (1) No consumer **[shall]** may permit -
- (a) the **[purposeless]** fruitless or wasteful discharge of water from any terminal water fitting;
 - (b) any pipes or water fittings to leak;
 - (c) the use of maladjusted or defective water fittings;
 - (d) an overflow of water to persist; **[or]**
 - (e) **[an]** the inefficient **[use]** usage of water to persist[.];
 - (f) the irrigation of a garden or lawn or park between 09h00 and 17h00 on any day with potable water; or
 - (g) the irrigation of a garden, lawn, park or sports field outside the hours as prescribed in a water restriction notice issued in terms of section 47 of this by-law.
- (2) An owner **[shall]** must without delay repair or replace any part of his or her water installation which is in such a state of disrepair that it is either causing or is likely to cause an occurrence listed in subsection (1).
 - (3) If an owner fails to take measures as contemplated in subsection (2), the Municipality **[shall]** may by written notice in terms of section **[110]** 111, require the owner to comply with the provisions of subsection (1).
 - (4) If an owner fails to comply with the notice referred to in subsection (3), the Municipality shall take such measures as it may deem fit without prior notice and recover the cost of doing so from the owner.
 - (5) A consumer shall ensure that any equipment or plant connected to his or her water installation uses water in an efficient manner.
 - (6) The Municipality may, by written notice, prohibit the use **[by a consumer]** of any equipment in a

water installation if[, **in its opinion, its use**] the said usage of water is inefficient. Such equipment **[shall]** may not be **[returned to use]** used until its efficiency has been restored and a written application to do so has been approved by the Municipality.

Car washing facilities

43. **[The Municipality may require that all commercial vehicle washing facilities shall be constructed and operated in such a manner that 50 percent of the water used by such facility is recycled for reuse in the facility.]**

- (1) All commercial vehicle washing facilities erected after the date of commencement of this by-law, must be constructed and operated in such a manner that water is re-used at a percentage as determined by the municipality.
- (2) Commercial car wash industries must comply with industry best practice norms regarding water usage per car washed.
- (3) The design of the vehicle washing facility system must be undertaken by a professional person and the plans therefor submitted to and approved in advance by the municipality.

“Grey water” practices

44. (1) An owner **[may install]** must apply to the municipality for the installation of a grey water use system on his or her premises **[provided proper control is exercised in respect thereof]**.
- (2) The Municipality may **[inspect]** approve the use of grey water on any premises and, if **[deemed]** necessary, may impose limitations on or prescribe conditions for the use of grey water **[if it suspects that the use thereof has a]** to prevent any negative impact on the health of **[persons occupying such premises]** people or the environment.

Equipment specification to facilitate water conservation

45. (1) **[No cistern, and related pan designed to operate with such cistern, shall be installed with a cistern capacity of greater than 10 litres.]** New or replaced water closet cisterns may not exceed 6 litres in capacity.
- (2) Only flushing urinals that are user activated may be installed **[and]** with preferably **[these should have a dual flush functionality]** dual-flush capacity.
- (3) All automatic flushing cisterns fitted to urinals, must be replaced with either manually operated systems or non-manual apparatus which causes the flushing device to operate only after each use of such urinal.
- (4) The maximum flow rate from any tap installed on a hand wash basin must not exceed 6 litres per

minute.

- (5) The maximum flow rate of a showerhead may not exceed 7 litres per minute in a water installation where the dynamic water pressure is more than 200kPa at the shower control valve, and where the plumbing has been designed to balance the water pressure on the hot and cold water supplies to the shower control valve.
- (6) Automatic top-up systems using a float valve fed from a potable water source to supply swimming pools and garden ponds are not allowed.
- (7) Hand wash basins provided in public facilities must be fitted with demand type taps.
- (8) Showers provided at public facilities must be fitted with demand type valves.
- (9) Standpipe draw-off taps must be at a height of at least 450mm, measured above ground level.
- (10) Terminal water fittings installed on the outside of any building other than a residential dwelling must-
 - (a) incorporate a self-closing device; or
 - (b) have a removable handle for operating purposes; or
 - (c) be capable of being locked to prevent unauthorized use; or
 - (d) be of a demand type that limits the quantity of water discharged in each operation.
- (11) Where a hosepipe is used to irrigate a garden, park or sports field a controlling device such as a sprayer or automatic self-closing device must be attached to the hose end.
- (12) A hosepipe used for washing vehicles, boats or caravans must be fitted with an automatic self-closing device.

Water demand management

- 46. [(1)] [No person shall, without prior written authority from the Municipality, water a sports field, park or other grassed or horticultural area between the hours of 9:00 and 17:00 on any day irrespective of the source of the water used.]
- [(20)] [Any person who contravenes or fails to comply with subsection (1) shall be guilty of an offence and liable to penalties as prescribed in the National Water Act, or other applicable legislation.]

The municipality may identify water demand management measures to be implemented where considered necessary, which measures may include the installation of water demand management meters and devices.

Water restrictions

- 47. (1) The Municipality may, subject to other applicable legislation, by notice prohibit the wasteful use of water or in the event of a water shortage, drought or flood-
 - (a) prohibit or restrict the consumption of water in the whole or part of its area of jurisdiction in general or -
 - (i) for specified purposes;

- (ii) during specified hours of the day or on specified days; and
 - (iii) in a specified manner; and
 - (b) determine and impose -
 - (i) limits on the quantity of water which may be consumed over a specified period;
 - (ii) fees additional to those prescribed in respect of the supply of water **[in excess of more than]** a limit contemplated in subsection 1(b)(i); and
 - (iii) a general surcharge on the prescribed fees in respect of the supply of water; and
 - (c) impose restrictions or prohibitions on the use or manner of use or disposition of an appliance by means of which water is used or consumed, or on the connection of such appliances to the water installation;
 - (d) apply increasing levels of water restrictions and tariff surcharges during prolonged or severe drought periods.
- (2) The Municipality may limit the application of the provisions of a notice contemplated by subsection (1) to specified areas and classes of consumers, premises and activities, and may permit deviations and exemptions from, and the relaxation of any of the provisions on such grounds as it may deem fit.
- (3) The Municipality may -
- (a) take, or by written notice require a consumer at his or her own expense to take[,] such measures, including the installation of measurement devices and devices for restricting the flow of water, as may **[in its opinion]** be necessary to ensure compliance with a notice published in terms of subsection (1); or
 - (b) **[cut off or,]** subject to notice, disconnect, or restrict for such period as it may deem fit, **[restrict]** the supply of water to any premises in the event of a contravention on such premises or failure to comply with the terms of a notice published in terms of subsection (1), and where the supply has been **[cut off]** restricted, it shall only be restored when the prescribed fees for **[cutting off and reconnecting]** re-connection of the supply has been paid.
- (4) The provisions of this section shall also apply in respect of water supplied directly by the Municipality to consumers outside its area of jurisdiction, notwithstanding anything to the contrary in the conditions governing such supply, unless otherwise specified in the notice published in terms of subsection (1).
- (5) The municipality may impose water restrictions by issuing a directive in terms of section 54(3)(b) and 55(2) of the Disaster Management Act, 2002 (Act 57 of 2002), where a local disaster has been declared due to a scarcity of water, or to prevent such a disaster from being declared.
- (6) A person who fails to comply with any of the provisions of this section commits an offence.

Owner to prevent pollution of water

48. (1) An owner **[shall]** must provide and maintain measures approved by the Municipality to prevent **[the entry a]** substances, which may be a danger to health or the environment or adversely affect **[the potability of water or affect]** its quality and fitness for use, **[into]** from entering or gaining access to-
- (a) the water supply system; **[and]**
 - (b) any part of the water installation on his or her premises;
 - (c) any storm water system;
 - (d) any sewage disposal system; or **[and]**
 - (e) the environment.
- (2) If a person contravenes subsection (1), the Municipality may:
- (a) by written notice require such person to take remedial steps to prevent pollution of the water in the water supply system or water installation on his or her premises within a specified period; or
 - (b) if **[it is of the opinion that]** the situation is a matter of urgency, without prior notice undertake the work required by subsection 2(a) and recover the costs from such person.
- (3) Swimming pool backwash water **[may]** must be deposited into **[any]** the sewerage system where a conventional sewer network exists, and in a storm water system [or natural stream] where no conventional sewer network is available, or as otherwise prescribed by the municipality. [It must not be deposited into the sewage disposal system.]
- (4) Where a property is supplied with potable water from alternative sources, the owner must ensure that-
- (a) no interconnection is done between the installations; and
 - (b) the pipe work is correctly colour coded, as per SANS 10140-3:2003 and that the appropriate signage, as per SANS 1186-1:2008 is displayed.

Protection of water supply system and installation

49. (1) **[The]** An owner must take any of the measures referred to in subsection (2) 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]** or
 - (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) **laundry 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 Municipality is likely to cause a danger to health and the environment or affect the potability of water in the event of a substance resulting from such activity entering the water supply system; and]

on any premises on which an activity is carried out which in the opinion of the Municipality is likely to cause a danger to health and the environment, or affect the potability of water in the event of a substance resulting from such activity entering the water supply system; and

[(d)] (c) a general installation on any premises after [a compliance notice] having been notified by the Municipality to do so.

(2) The measures required in terms of subsection (1) are-

- (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] reducing valve; or
 - (ii) a double check [backflow preventer] non-return valve; or
- (c) any other measures approved by the Municipality which will achieve the same purpose.

(3) The owner of any premises must prevent the back siphonage into his or her water installation of a substance from an external source which is likely to cause a danger to health and the environment or affect the potability of water, in the case of-

- (a) a terminal water fitting which is so designed that a hose or other flexible pipe is or can be attached to it[, **which shall include a hose bibcock, a laboratory tap, and a movable shower unit**];
- (b) a fire hose-reel in a combined installation;
- (c) an underground irrigation system; or
- (d) any other fitting which may provide contact between polluted water and the water installation.

Part 7

Water Supply Services: Miscellaneous

Use of water from source other than water supply system

50. (1) No person **[shall]** may use or permit the use of water for domestic, commercial or industrial purposes, obtained from a source other than the water supply system, **[excluding rain water tanks which are not connected to the water installation, except with the prior consent]** without approval of the municipality [and in accordance with such conditions as it may impose for domestic, commercial or industrial purposes].
- [(2)]** **[Any person desiring the consent referred to in subsection (1) shall provide Municipality with satisfactory evidence to the effect that the water referred to in that subsection complies, whether as a result of treatment or otherwise, with the requirements of SANS Specification 0241-1984: Water for Domestic Supplies, published in the Government Gazette under General Notice 2828 dated 20 December 1985 (as amended from time to time), or that the use of such water does not or will not constitute a danger to health.]**
- (2) No person may connect a water supply obtained from any source other than the water supply system of the Municipality to any water supply system without the approval of the Municipality.
- (3) The provisions of sub section (1) do not apply to rainwater tanks which are not connected to the water installation.
- (4) The municipality shall not be liable for any loss or damage due to health-related incidents, if other water sources are used for any purpose.
- (5) An applicant, for purposes of sub section (1), must provide proof that the water quality complies, whether because of treatment or otherwise, with the requirements of SANS 0241: Drinking Water, or that the use of such water does not or will not constitute a danger to health; all intended water uses from other sources must comply with all the requirements of the National Water Act and any other relevant legislation, which may include authorisation by the relevant national department.
- [(3)] (6) [Any consent]** Consent given in terms of subsection (1) may be withdrawn if **[in the opinion of Municipality]-**
- (a) a condition imposed in terms of subsection (1) is breached; or
- (b) the water quality no longer **[conforms to]** complies with the requirements referred to in subsection **[(2)] (5)**.
- [(4)] (7)** If water obtained from **[a borehole or other]** another source of supply on any premises is used for a purpose which gives rise to the discharge of such water or a portion thereof into the municipality's **[sewerage]** sewage disposal system, the municipality may install a meter in the pipe leading from

such **[borehole or]** other source of supply to the point or points where it is so used and may impose minimum standards in respect of the quality of effluent discharged into the sewage disposal system.

[(5)] (8) The provisions of section 18 shall apply insofar as they may be applicable in respect of the meter referred to in subsection **[(4)] (7)**.

[(6)] (9) No person **[shall]** may use treated effluent for any purpose without **[first obtaining]** the **[Municipality's written]** approval of the Municipality; which approval **[could]** may be refused or **[made]** granted subject to specific conditions **[as the Municipality deems necessary]**.

[Notification] Use of boreholes including well points

51. (1) The Municipality **[shall by public notice,]** may require [-]
- [(a)]** **[the owner of any premises within the area of jurisdiction of the Municipality upon which a borehole exists or, if the owner is not in occupation of such premises, the occupier thereof, to notify it on a prescribed form of the existence of a borehole on such premises, and provide it with such information in respect thereof as it may require; and]**
 - [(b)]** **[the owner or occupier of any premises who intends to sink a borehole on such premises to notify it on a prescribed form of such intention before work in connection therewith is commenced.]**
- the owner or occupier of premises upon which a borehole or well point exists, to notify it on the prescribed form of the existence of a borehole or well point on such premises, and provide it with such information as may be required; and
- [(2)]** **[The Municipality may require the owner or occupier of any premises who intends to sink a borehole to undertake an environmental impact assessment for such intended borehole, to the satisfaction of the Municipality, before sinking the borehole.]**
- (2) The owner or occupier of any premises who intends to sink a borehole or well point on such premises must notify the Municipality on the prescribed form of such intention before work in connection therewith is commenced.
- (3) The information required as part of a notification of an existing borehole under (1) must state the aquifer into which the borehole is drilled, and provide the final depth drilled, and ideally the driller's log or comments.
- [(4)]** **[The Municipality may by notice to an owner or occupier or by public notice require owners and occupiers who have existing boreholes used for water services to-]**
- [(a)]** **[obtain approval from it for the use of a borehole for water services in accordance with sections 6, 7 and 22 of the Act;]**
 - [(b)]** **[adhere to conditions imposed by it in respect of the use of a borehole for water services; and]**
 - [(c)]** **[pay a fixed charge imposed by it in respect of the use of such a borehole.]**

- (4) If the water is sourced from boreholes within the Peninsula or Skurweberg aquifers, any person desiring the consent referred to in subsection (1) must provide the Municipality with:
- (a) an estimate of the anticipated volume of water usage;
 - (b) satisfactory evidence to the effect that the usage of the water is to be metered;
 - (c) any other instrumentation and data as may be required by the Municipality.
- (5) A person given the consent for abstraction from a borehole in the Peninsula or Skurweberg aquifers, referred to in subsection (4), must provide the Municipality monthly with a reading from the metering device as described under subsection (4)(b), stating the time (hh:mm) and date (yyy/mm/dd) of a reading, and units of flow reading.
- (6) If water obtained from a borehole on any premises is used for a purpose which gives rise to the discharge of such water or a portion thereof into the Municipality's sewage disposal system, the Municipality may install a meter in the pipe leading from such borehole to the point or points where it is so used, and the Municipality may impose minimum standards in respect of the quality of effluent so discharged.
- (7) Prior to sinking a borehole or well point, the Municipality may require the owner or occupier of premises to undertake an environmental impact assessment for such intended borehole or well point to the satisfaction of the Municipality and the relevant government department.
- [(3)]** (8) Boreholes are subject to **[any applicable]** the requirements of the National Water Act, 1998 (Act No. 36 of 1998).
- [(5)]** (9) Water supply from a borehole or well point may under no circumstances be connected to a water installation which is connected to the water supply system of the Municipality.
- [(6)]** (10) The owner of premises on which water supply from a borehole or well point is used for human consumption must ensure that the water quality complies with SANS 0241 standards **[at all times]**.
- (11) The municipality shall not be liable for any loss or damage due to health-related incidents, where boreholes or well points are used.

Sampling and monitoring of water

52. **[(1)] [Municipality may take samples of water obtained from a source, authorised in terms of sections 6 or 7 of the Act, other than the water supply system of the Municipality, for domestic purposes and cause the samples to be tested for compliance with the requirements referred to in sections 50(2) and 51(6).]**
- (1) The owner or occupier of premises where water from any other source is used, must provide the Municipality with water sample analyses undertaken and determined by an accredited laboratory as prescribed by SANS0241 or by the municipality, at his or her own cost.

[(2)] [The prescribed charge for the taking and testing of the samples referred to in section (1) shall be paid by the person to whom consent to use the water was granted in terms of section 6(1) of the Act.]

(2) In the event of non-compliance or suspected health or environmental risks, the Municipality may take samples of water obtained from such source, used for domestic or any other purposes, and have the samples tested for compliance with applicable standards.

(3) The municipality may charge a fee for the taking and testing of the samples referred to in section (2).

(4) The Municipality may at any point, with due notice to the landowner, visit a borehole or well point or other source of water, to measure groundwater levels, to take ad hoc water samples for laboratory analysis, or otherwise for purposes of standard hydro chemical field measurements.

(5) Laboratories used for analyses must use accredited methods applicable to the specific type of analysis.

Supply of non-potable water by the Municipality

53. (1) The Municipality may on application [**in terms of section 5**] agree to supply non-potable water to a non-residential consumer **[(excluding residential properties)]**, subject to such terms and conditions as the Municipality may impose.

(2) Any supply of water agreed to in terms of subsection (1) shall not be used for domestic or any other purposes which[, **in the opinion of Municipality**] may give rise to a health or environmental risk.

(3) No warranty, expressed or implied, shall apply to the quality, quantity, and purity of any non-potable water supplied by the Municipality or its suitability for the purpose for which the supply was granted.

(4) The supply of non-potable water shall, both as to [**condition and use**] quality and usage, be entirely at the risk of the consumer beyond the point of supply, who shall be liable for any direct or consequential damage or loss to himself[, **herself**] or others arising directly or indirectly [**there from, including the consequences of any bona fide fault of the Municipality or the malfunction of a treatment plant**] from the use thereof.

(5) Non-potable water supply may [**under no circumstances**] not be connected to a water installation which is connected to the potable water supply system of the Municipality.

Testing of pressure in system

54. The Municipality may, on application by an owner and on payment of the prescribed fee, 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.

Warning notices

55. (1) **[On premises on which]** Where non-potable water is used, the owner **[shall]** must ensure that **[every]** terminal water fittings and **[every]** appliances which **[supplies]** supply or use[s] **[the]** water **[is]** are clearly marked with a weatherproof notice indicating that the water **[there from]** is unsuitable for domestic purposes.
- (2) **[In the area where]** Where treated sewage effluent is used, the owner **[shall]** must erect weatherproof notices in prominent positions warning that such effluent is not suitable for domestic purposes.
- (3) **[Every]** A warning notice prescribed in terms of subsections (1) and (2) shall be in more than one official language and **[shall]** must include the symbolic sign for non-potable water, sign PV5 as described in SANS 11186.

Water audit

56. (1) The municipality may require major **[Major]** water users (those using more than 3 650 kilolitres per annum or any other volume determined by the municipality), excluding those comprising multiple dwelling units, **[shall]** to undertake **[as and when required by the municipality,]** a water audit as and when required by the municipality.
- (2) The audit **[shall]** must detail the following:-
- (a) **[Amount]** quantity of water used during the financial year;
 - (b) amount paid for water for the financial year;
 - (c) number of people living on the stand or premises;
 - (d) number of people permanently **[working]** employed on the stand or premises;
 - (e) comparison of the above factors with those reported in each of the previous three years (where available);
 - (f) seasonal variation in demand (monthly consumption figures);
 - (g) details of water **[pollution]** leakage monitoring methods;
 - (h) details of current initiatives and future plans and implementation thereof to manage the demand for water;
 - (i) comparison of the above factors with those reported in each of the previous three years (where available); and
 - (j) **[estimate of]** estimated consumption by various components of use.
- (3) A copy of the audit must be available for inspection by officials from the Department of Water and **[Environmental Affairs]** Sanitation or its agent and the Municipality.

CHAPTER 3
SANITATION SERVICES
Part 1
Disposal of sewage

Standards for sanitation services

57. (1) Sanitation services provided by the Municipality **[will comply]** must as far as reasonably **[possible]** practicable comply with the minimum standards set for the provision of sanitation services in terms of section 9 of the Act and its regulations.
- (2) Subject to the provisions of section 62(1), no new bucket sewer system or a septic tank system shall be allowed within the municipal area.

Objectionable discharge to sewage disposal system

58. (1) No person **[shall]** may, except where authorised by the municipality, cause or permit any sewage whether as a solid, contaminated liquid or gaseous substance, to enter-
- (a) any storm water drain, storm water sewer or excavated or constructed watercourse unless otherwise permitted in terms of this By-law;
 - (b) any river, stream or natural watercourse or any public water system, whether ordinarily dry or otherwise, except in accordance with the provisions of the Water Act, or
 - (c) any street or premises.
- (2) No person **[shall]** may, other than in compliance with permission issued in terms of this By-law, discharge, or permit the discharge or entry into the sewage disposal system of any sewage or other solid, contaminated liquid or gaseous substance which-
- (a) does not comply with the standards and criteria prescribed in this By-law or other applicable legislation;
 - (b) contains any substance in such concentration as will produce or is likely to produce any offensive or otherwise undesirable taste, colour, odour, temperature or any foam in the final treated effluent at any treatment works or sea outfall discharge point or in any public water~~],~~ **any offensive or otherwise undesirable taste, colour, odour, temperature or any foam**];
 - (c) may prejudice the re-use of treated sewage for industrial or similar purposes or adversely affect any of the processes whereby sewage is purified for re-use or treated to produce sludge for disposal;
 - (d) contains any substance or thing **[of whatsoever nature]** which is not amenable to treatment at treatment works to a satisfactory degree or which causes or is likely to cause a breakdown

- or inhibition of the processes in use at such works;
- (e) contains any substance or thing **[of whatsoever nature]** which is of such strength, or which is amenable to treatment only to a degree as will result in effluent from the sewage treatment plant not complying with standards prescribed under the National Water Act, 1998 (Act No. 36 of 1998);
- (f) **[may cause danger to the health or safety of any person or may be injurious to the structure or materials of the sewage disposal system or may prejudice the use of any ground used by the municipality or its authorised agent for the sewage disposal system, other than in compliance with the permissions issued in terms of this bylaw; and] is likely to-**
- (i) cause danger to the health or safety of any person;
 - (ii) be injurious to the structure or materials of the sewage disposal system;
 - (iii) prejudice the use of any ground used by the Municipality or its authorised agent for the sewage disposal system; or
 - (iv) inhibit the unrestricted conveyance of sewage through the sewage disposal system and which has a temperature of more than 30 degrees Celsius when discharged.
- (3) No person **[shall] may** cause or permit any storm water or rainwater to enter the sewage disposal system.
- (4) The inception of nuisances, e.g. odours, pollution or visual offensiveness due to a defective drainage installation shall not be allowed. The Municipality **[shall] must** give the owner or occupier of such premises **[24 hours] reasonable** notice to remove such nuisance, failing which the Municipality **[shall] may** remove **[such nuisance or cause it to be done] it** at the expense of such owner or occupier. In addition the matter **[shall] may** be pursued by the Municipality as an offence in terms of this by-law.
- (5) An authorised official may by written notice order the owner or occupier to conduct, at his or her cost, periodic expert inspections of the premises **[in order]** to identify precautionary measures such as grease traps, sand traps or oil separators, or treatment systems which would ensure compliance with **[these by-laws,] this by-law** and to report such findings to an authorised official.
- (6) If any person becomes aware of any contravention of **[these By-laws] this by-law**, he or she **[shall immediately but not later than within 12 hours] must as soon as possible** advise the Municipality of the details of such contravention and, if known, the reasons for it **[and may qualify for a reward]**.

Application for use of sewage disposal system

59. (1) **[Any]** A person **[wishing] who wishes** to utilise the sewage disposal system must **[make application to an authorised official in the prescribed form,] obtain the Municipality's approval and an**

application therefor must be accompanied by [such] the information as set out in section 4(6) and any additional information that the Municipality may require [from time to time].

- (2) The approval of an application referred to in subsection (1) shall constitute an agreement between the Municipality and **[that person] the applicant.**
- (3) After approval of the application the applicant **[referred to in subsection (1)]** shall be liable for all the prescribed fees in respect of the use of the sewage disposal system until **[the agreement referred to in subsection (2) has been terminated] termination of the agreement.**
- (4) Where premises **[have been] are** connected to the sewage disposal system or are reasonably capable of being so connected, it shall be deemed that an agreement in terms of subsection (2) exists.
- [(5) [If the applicant is not the owner, the Municipality may if it deems it expedient, require any owner to bind him or herself jointly and severally with the applicant for the payment of any prescribed fees payable to the Municipality in terms of this By-law.]**

Special agreements for disposal of sewage

60. (1) The Municipality may enter into a special agreement for the disposal of sewage with-
- (a) a person **[/]** or entity within the Municipality's area of jurisdiction, if the disposal necessitates the imposition of conditions not contained in this By-law.
 - (b) a person **[/]** or entity outside the Municipality's area of jurisdiction.
- (2) If the Municipality, in terms of a special agreement contemplated in subsection (1), provides a means of disposal of sewage to a person or entity outside the Municipality's area of jurisdiction, it may permit him **[/]** or her to accept sewage for **[eventual]** disposal by the Municipality from other persons outside the Municipality's area of jurisdiction, subject to such conditions as the Municipality **[deems fit] may impose.**

Application for infrastructure

61. (1) If an agreement for on-site sanitation and associated services in accordance with section 59 has been concluded, and no infrastructure in connection therewith exists on the premises, the owner must immediately make application for the installation thereof on the prescribed form and –
- (a) pay the prescribed fees for the installation of the necessary infrastructure; or
 - (b) with the approval of the Municipality install on-site sanitation services in accordance with the specifications of the Municipality.
- (2) In approving an application for the installation of infrastructure, the Municipality may require evidence that the sanitation facility is not likely to be a nuisance or have a detrimental impact on health and the environment and may specify the type of on-site sanitation services to be installed.
- (3) The municipality may at any time investigate whether a sanitation facility has a detrimental impact

on health and the environment and if so, the municipality may withdraw its permission and the person to whom the permission was given shall be liable for the costs associated with the said investigation.

Septic tank and treatment plant

62. (1) No person may construct, install, maintain or operate any **[septic tank or other]** plant for the treatment, disposal or storage of sewage, without the **[written]** permission of the Municipality.
- (2) The permission referred to in subsection (1) is subject to the provisions of this By-law, any other relevant by-laws of the Municipality, or any other **[law]** applicable legislation.
- (3) Construction or installation of a treatment plant must be in accordance with the requirements of the Municipality.
- (4) If an inspection or testing of an existing septic tank reveals that it is not watertight, the Municipality may require the septic tank to be upgraded or replaced with a conservancy tank at the owner's cost in accordance with the standards prescribed by the Municipality.
- (5) If an existing septic tank is no longer required for the storage or treatment of sewage, or if permission for its use is withdrawn, the owner must take steps to have it either removed or filled with soil or suitable material.
- (6) An application for a privately owned on-site sewage treatment plant may be considered if the hydraulic capacity of the plant will not exceed the maximum capacity as specified by the municipality. Such an application must be accompanied by the following information –
- (a) details of the proposed development;
 - (b) the design and details of the proposed plant and process and the particulars of the professional person responsible;
 - (c) the EIA report for the plant;
 - (d) the license for the plant as obtained from the Department of Water and Sanitation; and
 - (e) the particulars of the party which will be responsible for the operation and maintenance of the plant including the contract between the developer and such party.
- (7) Final approval of the commencement of the operation of the plant shall be subject to compliance with the General Limit Values for the Discharge of Domestic Wastewater as may be determined by the municipality.
- (8) Privately owned, on-site sewage treatment plants will be subject to the reporting and monitoring requirements determined by the municipality and the person to whom the permission for the operation of the plant was given shall be liable for the costs associated with additional monitoring.
- (9) In the case of non-compliance with set conditions the municipality may upon written notice withdraw

its permission and require a shutdown of the plant until such compliance is proven.

- (10) An owner must always ensure that the septic tank or other on-site plant as referred to in subsection (1) is accessible for road tanker transportation through the provision of a safe, suitable and obstacle free means of access.

French drain

63. **[The Municipality may, at its discretion and on such conditions as it may prescribe, having regard to the quantity and the nature of the effluent and the nature and permeability of the soil, permit the disposal of wastewater or other effluent by means of a French drain, soakage pit or other approved work.]**

- (1) The Municipality shall not permit the disposal of wastewater or other effluent by means of a French drain or soakage pit, unless exceptional circumstances prohibit the implementation of an alternative solution.
- (2) If an existing french drain is no longer required for the storage or treatment of sewage, or if permission for its use is withdrawn, the owner must take steps to have it either completely removed or completely filled with soil or suitable material.

Conservancy tank

64. (1) The Municipality may **[at its discretion]** permit the owner of **[any]** premises to construct a conservancy tank and ancillary appliances for the retention of soil water, **[or such other]** sewage or effluent **[as it may decide]**, and such tank and appliances must **[be of such capacity, constructed of such material, and located in such position and at such level as the Municipality may prescribe at the cost of the owner]** comply with the specifications of the municipality.
- (2) **[The Municipality may if it suspects]** If it is suspected that a conservancy tank on any premises is not water tight, the municipality may require the owner of such premises to perform **[such]** tests at **[his or her]** the owner's costs **[as the Municipality deems necessary]** to verify the standard of the construction of the conservancy tank, and **[should]** if necessary, **[the Municipality's suspicions be confirmed,]** the Municipality **[shall]** may require the owner to replace the conservancy tank as specified at the owner's cost and within a prescribed timeframe.
- (3) The owner must always ensure that the conservancy tank as referred to in subsection (1) is accessible for road tanker transportation through the provision of a safe, suitable and obstacle free means of access.
- (4) Any construction or installation of a conservancy tank must be in accordance with the approved building plan and any conditions attached to it. Such a tank may only be used after being inspected

and signed off by the municipality.

Ventilated improved pit latrine (VIP)

65. (1) The Municipality may **[at its discretion and on such conditions as it may prescribe, having regard to the nature and permeability of the soil, the depth of the water table and any other factors which may have the potential to cause harm to the environment if approval is granted, the size of and access to the site and the availability of a piped water supply]**, in exceptional circumstances, permit the disposal of human excrement by means of a ventilated improved pit latrine, constructed in accordance with the specifications and located in a position indicated by the Municipality.
- (2) In considering permission, the Municipality must consider the following factors-
- (a) the nature and permeability of the soil;
 - (b) the level of the water table;
 - (c) the extent of and access to the site and the non-availability of a piped water supply; or
 - (d) any other factors which may have the potential to cause harm to the environment.

Services associated with on-site sanitation services

66. (1) The removal or collection of conservancy tank and septic tank contents **[will shall]** be undertaken by the Municipality **[in accordance with a collection and removal schedule determined from time to time by the Municipality, copies of which will be available on request from the Municipality]** if adequate tanker service capacity exists, unless the service is provided otherwise through an agreement between the owner and a service provider.
- (2) **[Prescribed]** The fees payable in respect of the removal or collection of conservancy tank contents or the emptying of a septic tank **[will cover the operating and maintenance costs based on the quantity removed by the vacuum tank, transportation to a disposal site, the treatment of the contents to achieve a sanitary condition and the final disposal of any solid residues]**, shall be in accordance with the Tariff Policy of the Municipality.
- [(3)] [Prescribed fees will be in accordance with the Tariffs By-laws of the Municipality.]**
- [(4)] (3)** Regular conservancy tank and septic tank removal services rendered in terms of this By-law, **[will]** shall be discontinued on receipt **[by the Municipality]** of not less than 48 hours' notice in writing from the owner or occupier of the property or premises to discontinue the service.

Provision of a connecting sewer

67. (1) If application has been made in accordance with section 59 for use of the sewage disposal system and no connecting sewer exists in respect of the premises, the owner or his or her agent **[shall] must**

[immediately] apply to the Municipality for the installation of such a connecting sewer and pay the prescribed fees.

- (2) **[If an application is made for use of the sewage disposal system to a premise which is so situated that it is necessary to extend the sewer in order to connect the sewage disposal system to the premises, the Municipality may agree to the extension subject to such conditions as it may impose.]**

The Municipality may agree to the extension of a sewer to premises which are so situated that it is necessary to extend the sewer to connect the sewage disposal system to the premises.

- (3) The Municipality may **[at the request of any person]** agree**[, subject to such conditions as it may impose,]** to a connection to a sewer other than that which is most readily available for the drainage of premises; provided that the applicant shall be responsible, at his or her cost, for any extension of the drainage installation to the connecting point designated by the Municipality and for obtaining at his or her cost such servitudes over other premises as may be necessary.

- (4) A **[connecting]** sewer connecting point provided and installed by the Municipality **[shall] must** -

(a) be located in a position **[agreed to between]** determined by the [owner and the] municipality, or as otherwise agreed with the owner in terms of subsection (3) above, at additional costs to the owner where applicable;

(b) terminate at a connection point approximately 1 meter inside the premises from the boundary **[of the land owned by or vested in the Municipality or over which it has a servitude or other right]** of the property to be connected, or when subsection (3) applies, at the connecting point designated in terms of that subsection;

(c) a waterproof connection manhole must be constructed by the owner at his or her cost at the connection point as described in paragraph (b) above; and

[(c)] (d) be of a **[size]** dimension determined by the Municipality.

- (5) In **[reaching agreement with an owner concerning]** determining the location of a connecting sewer, if agreed with the owner as described in subsection (4)(a) above, the Municipality **[shall] must** ensure that the owner is made aware of -

(a) practical restrictions that may exist regarding the location of a connecting sewer pipe;

(b) the cost implications of the various possible locations of the connecting sewer;

[(c)] [whether or not the Municipality required the owner to fix the location of the connecting sewer by providing a portion of his or her water installation at or outside the boundary of his or her premises, or such agreed position inside his or her premises where the connection is required, for the Municipality to connect to such installation;]

[(d)] (c) his or her responsibility to provide a waterproof connecting manhole at own cost at the

connection point; and

[(e)] (d) his or her responsibility to carry the costs for the removal by the Municipality of any obstruction from the connecting sewer, **[excluded]** excluding where such obstruction is the result of wear and tear or deteriorated infrastructure.

(6) **[A]** The connecting sewer **[may]** shall only be installed after approval of a building plan by the Municipality and payment of the prescribed connection fee in advance.

[(7)] **[An owner must pay the prescribed connection fee in advance.]**

[(8)] (7) Where an owner is required to provide a sewage lift as provided for in terms of the Building Regulations, the **[rate and time of]** discharge system into the sewer shall be subject to the approval of the Municipality.

Provision of one connecting sewer for several consumers on same premises

68. (1) Notwithstanding the provisions of section 67, only one connecting sewer to the sewage disposal system, in accordance with the relevant design guidelines, may be provided for the disposal of sewage from any premises, irrespective of the number of accommodation units of consumers located on such premises, provided that capacity exists in the municipal sewerage disposal system.

(2) Where the owner, or the person having the charge or management of any premises on which several accommodation units are situated, requires the disposal of sewage from such premises for the purpose of disposal from the different accommodation units, the Municipality may approve, **[in its discretion,]** provide and install either –

(a) a single connecting sewer in respect of the premises as a whole or any number of such accommodation units; or

(b) a separate connecting sewer for each accommodation unit or any number thereof.

(3) Where the Municipality has installed a single connecting sewer as contemplated in subsection (2)(a), the owners or the persons **[having charge or]** responsible for the management of the premises, as the case may be –

(a) must, if the Municipality so requires, install and maintain on each branch pipe extending from the connecting sewer to the different accommodation units –

(i) a separate connecting sewer; and

(ii) a connecting manhole at the connection point;

(iii) a **[rodding eye]** manhole at all branching points

(b) **[will]** shall be liable to the Municipality for the tariffs and charges for all sewage disposed from the premises through such a single connecting sewer, irrespective of the different quantities disposed by the different consumers served by such connecting sewer.

- (c) **[will]** shall be liable jointly for the maintenance of a private combined sewer system from the connection point on the municipal main sewer **[and]**, including the connecting manhole.
- (4) Notwithstanding subsection (1), the Municipality may authorise **[that]** more than one connecting sewer **[be provided on the sewage disposal system for the disposal of sewage]** from any premises comprising sectional title units or if, **[in the opinion of the municipality,]** undue hardship or inconvenience would be caused to any consumer on such premises by the provision of only one connecting sewer.
- (5) Where the provision of more than one connecting sewer is authorised by the Municipality under subsection (4), the tariffs and charges for the provision of a connecting sewer **[is]** are payable in respect of each sewage connection so provided.

Interconnection between premises

69. An owner of premises must 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 Municipality **[and complies with any conditions that may have been imposed in granting such permission]**. In such a case it becomes a private combined sewer system, subject to the provisions of section 68.

Sewage delivered by road [haulage] transport

70. (1) The Municipality may **[at its discretion and subject to such conditions as it may specify,]** accept sewage for disposal delivered to the Municipality's sewage treatment works by road **[haulage] transport**.
- (2) No person **[shall]** may discharge sewage into the Municipality's sewage treatment works by road **[haulage] transport**, except with **[and in accordance with written]** permission of the Municipality and upon payment of the prescribed fees determined by the Municipality **[in accordance with its tariff structure and subject to such period and conditions that may be imposed in terms of the written permission]**.
- (3) Where use is made of the Municipality's suction tanker truck, the service **[will]** shall be rendered subject to the conditions, policy and prescribed fees determined from time to time.
- (4) When sewage is delivered by road **[haulage] transport**-
- (a) the time of delivery **[shall]** must be arranged with an authorised official; **[and]**
 - (b) the nature and composition of the sewage **[shall]** must be established to the satisfaction of an authorised official prior to the discharge thereof, and no person **[shall]** may deliver sewage which does not comply with the standards determined in terms of this By-law; and

- (c) in the case of disposal of chemical toilet contents, the municipality may impose specified standards and point out specific off-loading points.
- (5) Provided that ten working days written notice is given, the Municipality may withdraw any permission to discharge sewage delivered in terms of this section if the person to whom such permission had been given-
- (a) fails to ensure that the sewage so delivered conforms to the standards prescribed **[in Schedule "A", as applicable,]** or in the written permission; or
- (b) fails or refuses to comply with any notice lawfully served on him or her in terms of this By-law, or contravenes any provision[s] **[of this By-law]** or **[any]** condition imposed on him or her **[in terms of any permission granted to him or her];** or
- (c) fails to pay the **[assessed]** applicable charges in respect of **[any]** sewage delivered.

Measurement of quantity and quality of standard domestic effluent discharged

71. (1) The quantity of standard domestic effluent discharged shall be determined as a percentage of the water supplied to those premises by the Municipality, in accordance with the Tariff Policy and latest tariff structure as approved by Council.
- (2) If the Municipality is of the opinion that the percentage referred to in subsection (1), in respect of specific premises is excessive, having regard to the purposes for which water is consumed on those premises, the Municipality may, in accordance with the Tariff Policy, reduce the percentage applicable to those premises to a figure which, in its opinion and in the light of the available information, reflects the proportion between the likely quantity of sewage discharged from the premises and the quantity of water supplied thereto.
- (3) Where premises are lawfully supplied with water from a source other than or in addition to the Municipality's water supply system, including abstraction from a river or borehole, **[the quantity will be a percentage of the total water used on those premises as may be reasonably estimated by the Municipality, taking into account any representations which may be made by the consumer]** sewerage discharge will be levied in accordance with the Tariff Policy and the latest tariff schedule as approved by the Municipality.

Part 2

Industrial effluent

Application for the disposal of industrial effluent

72. (1) A person must apply for **[the]** permission to discharge industrial effluent into the sewage disposal

system of the Municipality **[in terms of section 4(1)]** in the form prescribed by the Municipality. **[The municipality may require the completion of further documentation, additional to those mentioned in section 4(6) in respect of applications for disposal of effluent.]**

(2) If, **in the opinion of the Municipality,** the capacity of the sewage disposal system is sufficient to permit the conveyance, effective treatment and lawful disposal of the industrial effluent, the Municipality may, for such period and subject to such conditions as it may impose, grant written permission in terms of subsection (1), subject to payment of the prescribed fees.

[(3)] [A person to whom such permission is granted shall pay to the Municipality the prescribed fees.]

[(4)] (3) Any person who wishes to construct or cause to be constructed, a building which shall be used as 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, 1977 (Act No. 103 of 1977), also lodge applications for the provision of sanitation services and for permission to discharge industrial effluent in terms of subsection (1).

[(5)] (4) A sewer plan indicating the position, depth, connection point and connecting manhole must be submitted to the Municipality for approval.

(5) Where an industry is situated in an area where it cannot connect to the municipal sewer system, it must install an on-site treatment system to comply with the relevant prescribed standards and conditions as set by any regulating authority before discharge.

(6) If it is not possible to install an on-site treatment system, the industrial effluent must be transported to the nearest wastewater treatment plant at the cost of the industry, if the effluent complies with the standards as set in this bylaw. If effluent quality is not compliant, the effluent must be transported to a facility which can treat the effluent at the cost of the industry.

(7) In case of transport of sewerage by private road haulage, clause 70(2) of this By-law shall apply.

72A Norms and standards for industrial effluent

(1) The municipality may determine norms, standards and guidelines which describe appropriate measures to be taken to prevent the discharge of substances into the sewage disposal system that-

(a) are dangerous to the health of a person employed for the maintenance or operation of sewage systems;

(b) may be harmful to the sewage disposal system; or

(c) may have a harmful effect on any of the processes normally applied to treat sewage or on the re-use of treated sewage effluent or the disposal of solid substances which emanate from the treatment process.

(2) The norms, standards and guidelines contemplated in sub-section (1) may differentiate between communities, geographical areas and different kinds of premises.

Unauthorised discharge of industrial effluent

73. (1) No person **[shall]** may discharge or cause or permit to be discharged into the sewage disposal system any industrial effluent except with **[and in accordance with the provisions of this By-law and]** the written permission of the Municipality.
- (2) The person to whom permission has been granted in terms of this **[Chapter]** By-law **[shall]** must ensure that **[no]** industrial effluent **[is discharged into the sewage disposal system unless it is in accordance with Section 59(2) and]** complies with the standards **[and criteria set out in Schedule “A” hereto]** determined by the municipality in terms of section 72A.
- (3) Non-compliance with subsection (2) constitutes an offence.
- (4) If the Municipality has reason to believe that a person is discharging industrial effluent which may cause excessive maintenance, odours, discomfort to other users, or damage to the municipal sewage disposal system through a domestic connection, the municipality may seal the domestic sewer connection and require the person to apply for the disposal of industrial effluent in accordance with section 72. Only the municipality may open a sealed sewer connection.

Relaxation of standards

74. (1) The Municipality may **[in writing in the permission concerned]** relax or vary the standards **[prescribed in Schedule “A”]** determined, provided that **[the Municipality is satisfied that]** any such relaxation or variation represents the best practicable environmental option.
- (2) In determining whether relaxing or varying the standards **[in Schedule “A”]** represents the best practicable environmental option, an authorised official **[shall]** must apply a risk-averse and cautious approach and **[give consideration to:]** consider-
- (a) whether the applicant's plant is operated and maintained at optimal levels;
 - (b) whether the technology used by the applicant represents the best available method 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 program of waste minimization which complies with national and local waste minimization standards **[to the satisfaction of the Municipality];**
 - (d) the cost to the Municipality of granting the relaxation or variation, if any; and
 - (e) the environmental impact, or potential impact, if the relaxation or variation is granted.

Test samples

75. (1) 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]** the norms and standards prescribed by the

Municipality **[in a written permission]**.

- (2) The holder of a permission issued in terms of subsection (1) shall provide a sampling point[,] to the satisfaction of an authorised official, in respect of the industrial premises concerned.

Conditions for disposal of industrial effluent

76. (1) The Municipality may **[in the written permission or]** at any time, by written notice, require a person to whom permission had been granted in terms of section 72(2) to -
- (a) subject the industrial effluent to such preliminary treatment as **[in the opinion of the Municipality]** will ensure that the industrial effluent conforms to the standards prescribed **[in Schedule "A"]** before being discharged into the sewage disposal system;
 - (b) install such equalizing tanks, valves, pumps, grease traps, oil separators, appliances, meters and other equipment as **[in the opinion of the Municipality]** will be necessary to control the rate, time and quality of discharge into the sewage disposal system in accordance with the conditions imposed by it and for it to be metered;
 - (c) install for the conveyance of **[his or her]** industrial effluent into the sewage disposal system at a given point, a drainage installation separate from the drainage installation for wastewater and standard domestic effluent and may prohibit such permit holder from disposing of **[his or her]** industrial effluent at any other point and from disposing of **[his or her]** wastewater and standard domestic effluent by means other than into a sewage disposal system;
 - (d) construct on any pipe conveying industrial effluent to any sewer, a manhole **[and/]** or stop-valve in such position and of such dimensions and materials as an authorised official **[shall]** may prescribe;
 - (e) provide all such information as may be required **[or called for by the Municipality]** to enable it to assess the charges due to the Municipality **[in terms of this By-law in accordance with the formula prescribed by it]**;
 - (f) provide adequate facilities such as level or overflow detection devices, standby equipment, overflow catch-pits, or other appropriate means to prevent a discharge into the sewage disposal system **[which is in contravention of this By-law]** or a spillage of industrial effluent;
 - (g) cause any meter, gauge or other device installed in terms of this section to be calibrated by an independent authority at the cost of the permit holder at times required by the Municipality and to submit copies of the calibration **[to be forwarded]** to the Municipality;
 - (h) cause **[his or her]** industrial effluent to be analyzed by a laboratory with applicable accreditation as often and in such manner as may be prescribed by the Municipality and

provide it with the results of tests when completed;

- (2) **[The written permission]** Permission of the Municipality must be obtained for any proposed changes to the composition of industrial effluent discharged into the sewage disposal system;
- (3) In the event of the permit holder discharging into the sewage disposal system any industrial effluent which does not comply with standards **[in Schedule "A"]** determined, or the written permission issued in respect of that process or premises, the permit holder or his or her agent **[shall] must, [within twelve hours of]** immediately after the discharge, notify the Municipality of the incident and the reasons for it.
- (4) In case of industrial effluent not complying, the **[The]** cost of any additional treatment requirements, plant, works or analysis required in terms of subsection (1), shall be borne by the **[person to whom permission had been granted]** owner or entity who discharged such industrial effluent.

Withdrawal of written permission for disposal of industrial effluent

77. (1) The Municipality may, by written notice, withdraw **[any]** permission granted in terms of this By-law to discharge industrial effluent into the sewage disposal system **[in terms of this Chapter by written notice of ten working days]** if the person to whom such permission had been granted -
- (a) fails to ensure that the industrial effluent so discharged **[conforms]** complies [to] with the industrial effluent standards **[prescribed in Schedule "A" of this By-law]** determined or in the written permission;
 - (b) fails or refuses to comply with a notice lawfully served on him or her in terms of this By-law or contravenes any provision of this By-law or any condition imposed in terms of **[any]** permission granted to him or her; **[or]**
 - (c) fails to pay the charges due in respect of industrial effluent discharged; or
 - (d) refuses to admit the Municipality to execute its monitoring processes.
- (2) The Municipality may, when withdrawing the permission as contemplated in subsection (1), -
- (a) in addition to any steps prescribed in this By-law, authorise the closing or sealing of the connecting sewer or drain of the said premises to any sewer at the cost of such person; or
 - (b) refuse to accept any further industrial effluent until it is satisfied that the person concerned has taken adequate steps to ensure that the industrial effluent to be discharged **[conforms]** complies with the standards **[prescribed in this By-law]** determined.
- (3) The Municipality may, **[subsequent to]** after a drain or connecting sewer having been closed or sealed in terms of subsection (2), upon **[being satisfied that the effluents to be discharged meets with the standards prescribed by this By-law]** compliance with prescribed standards and **[against]** payment of the prescribed fees, open or authorize the **[reopening]** re-opening of **[the connection or**

seal] a closed or sealed connection.

Measurement of quantity of industrial effluent discharged

78. (1) The Municipality may install, in such position as it determines, in any drainage installation conveying industrial effluent to a sewer, a meter or gauge or other device for the purposes of ascertaining the quantity, flow rate or composition of the industrial effluent and it may recover the installation and maintenance costs from the owner.
- (2) It is an offence for any person to bypass, open, break into, or otherwise interfere with, or to damage any such meter, gauge or other device.
- (3) The Municipality may, after consultation with the person concerned, establish an alternative method of assessing the quantity of the effluent to be discharged.
- (4) Notwithstanding the foregoing provisions **[of this section]**, the Municipality may require **[any]** a person who discharges industrial effluent into its sewers to provide one or more meters in such a position in the water installation as the Municipality may deem necessary to record the water consumption on or in a specific part of the premises.
- (5) The quantity of industrial effluent discharged into the sewage disposal system or to sea outfalls 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 Municipality to that premises.
- (6) The Municipality may determine a rebate **[to apply to the prescribed fees]** if the owner or occupier discharges industrial effluent -
- (a) solely during periods specified by the Municipality; **[and/]** or
- (b) containing constituents which will have a beneficial effect on the effluent discharged from the sewage treatment plant.
- (7) Where a portion of the water supplied to the premises forms part of the end-product of any manufacturing process, or is lost by reaction or evaporation during the manufacturing process or for any other reason, the Municipality may upon application, reduce the assessed quantity of industrial effluent.
- (8) Where premises are supplied with water from a source other than, or in addition to the Municipality's water supply system, including abstraction from a river or a borehole, the quantity of standard industrial effluent will be a percentage of the **[total]** water used on that premises as may be **[reasonably]** estimated by the Municipality.

Damage to sewage disposal system or the environment

79. [If a person is discharging industrial effluent which will, if allowed to continue, seriously damage the sewage disposal system or the environment, the Municipality may immediately authorise the sealing of the sewer connection through which the industrial effluent is being discharged. No person shall permit the opening of that connection until the Municipality is satisfied that the industrial effluent will comply with the prescribed standards.]

(1) If a person discharges industrial effluent which may, if allowed to continue, seriously damage the sewage disposal system or the environment, the Municipality may immediately authorise the sealing of the sewer connection through which the industrial effluent is being discharged.

(2) Only an authorised official of the Municipality may authorise the re-opening of a connection sealed in terms of subsection (1) when he or she is satisfied that the industrial effluent complies with the prescribed standards.

(3) The Municipality may recover the cost incurred for damages to municipal infrastructure from the person responsible therefor.

Periodic review

80. Acceptance of industrial effluent shall be subject to periodic review; provided that such review may be **[made]** conducted at any time if, in the opinion of the Municipality, special circumstances exists to justify such review.

Change in process of manufacture of materials

81. The Municipality **[shall]** must be notified in writing of any proposed change in the process of **[manufacture]** manufacturing or production or in the quantity or nature of the materials used which is likely to affect the nature, composition or quantity of the industrial effluent discharged. **[prior to these changes being effected and its]** The Municipality's permission for the continued discharge of such effluent **[shall]** must be obtained in writing prior to the implementation of any changes.

Discharge into Sea Outfalls

82. An industry that wishes to discharge effluent into a sea outfall, must apply for a Coastal Waters Discharge Permit to the relevant government department and no discharge may take place before authorisation has been granted.

Part 3
Drainage Installations

Construction or installation of drainage installations

- [82] 83.**(1) No person may construct, reconstruct, alter, add to or make any **[permanent]** connection to or disconnection [in or of any] from a drainage installation without **[first having obtained the]** permission of the Municipality in writing. The permission may prescribe the point in the sewer and the depth below the ground at which the drainage installation is to be connected and the route to be followed by the drain to the connecting point.
- (2) A drainage installation constructed or installed must comply with any applicable specifications in terms of the Building Regulations, any standards prescribed in terms of the Act and *SANS Code 10400- Part P, Drainage* and any amendments thereto, or any standards required by the municipality.
- (3) **[A person may only commence with drainage work mentioned in]** After permission has been granted in terms of subsection (1), **[for which permission has been given in terms of this By-law, if]** the applicant must notify the Municipality **[is notified]** in writing one week in advance stating the date and time at which the intended work will **[proceed]** commence, provided that work may only commence after the Municipality's connecting sewer has been laid.
- (4) Before any part of a drainage installation is permanently covered or otherwise rendered practically inaccessible to visual inspection, it must be inspected and approved by the Municipality.
- (5) The owner or occupier of **[any]** premises must maintain the drainage installation and **[any]** sewer connection on such premises.
- (6) No person may, without the **[prior written]** permission of the Municipality install or use a pipe or fitting in a drainage installation within the Municipality's area of jurisdiction, unless it is of a type and standard as approved by the Municipality.
- (7) Only the Municipality may provide and install a sewer connection to a property and servitude.
- (8) No person may permit the entry of any liquid or solid substance whatsoever, except clean water to do testing of the drainage installation, before connection thereof to the sewer.
- [(7)] [(a)] (9)** Where the drainage installation is a pit latrine it must be of the ventilated improved pit latrine type or equivalent having—
- [(i)]** (a) a pit with a minimum capacity of 2m³;
 - [(ii)]** (b) lining **[as]** if required;
 - [(iii)]** (c) a slab designed to support the superimposed loading; and
 - [(iv)]** (d) protection preventing children from falling into the pit;
- [(b)] (10)** The ventilated improved pit latrine must comply with the following specifications –

- [(i)] (a) the pit must be ventilated by means of a pipe, sealed at the upper end with durable insect proof screening fixed firmly in place;
- [(ii)] (b) the ventilation pipe must project not less than 0.5 m above the nearest roof, must be of at least 150 mm in diameter, and must be installed vertically with no bend;
- [(iii)] (c) the interior of the closet must be finished smooth so that it can be kept in a clean and hygienic condition;
 - (d) the superstructure must be well-ventilated in order to allow the free flow of air into the pit to be vented through the pipe;
- [(iv)] (e) the opening through the slab must be of adequate **[size as] dimensions** to prevent fouling. The rim must be raised so that liquids used for washing the floor do not flow into the pit. It **[shall] must** be equipped with a lid to prevent the egress of flies and other insects when the toilet is not in use;
- [(v)] (f) it must be sited in a position that is independent of the residential structure;
- [(vi)] (g) it must be sited in positions that are accessible to road vehicles having a width of **3[.0]** m in order to facilitate the emptying of the pit;
- [(vii)] (h) in situations where there is the danger of polluting an aquifer due to the permeability of the soil, the pit must be lined with an impermeable material approved by the municipality, that is durable and will not crack under stress;
- [(viii)] (i) in situations where the ground in which the pit is to be excavated is unstable, suitable support is to be given to prevent the collapse of the soil; and
- [(ix)] (j) the latrine must have access to water for washing hands.

[(8)] (11) Only chemical toilets may be erected on building sites. Alternatively, water closets for employees may only be erected at the site connection point.

[(9)] (12) A toilet temporary or permanent, may under no circumstances be erected directly on top of a municipal or private manhole.

[(10)] **[Water supply from a borehole may under no circumstances be connected to a water installation which is connected to the water supply system of the Municipality.]**

[(11)] (13) No bucket sewer system shall be allowed within the municipal area.

[(12)] (14) Any chemical toilets erected at any premises for whichever reason must be approved **[of]** by the Municipality.

Construction by the Municipality

[83] 84. The Municipality may agree with the owner of **[any]** premises that any drainage work which such owner desires, or is required to construct in terms of this By-law or the Building Regulations, may be constructed by

the Municipality **[against payment, in advance or on demand, of all costs associated with such construction]**
at the cost of the owner.

Servitudes

[84] 85. A servitude **[shall] must** be registered at the cost of the owner where a drain or rising main pipeline is installed across the property of another party. **[The Municipality may also require the registration of a servitude where necessary.]**

Drains in streets and public places

[85] 86. No person **[shall] 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 other land owned by, vested in, or under the control of the Municipality, except with the **[prior written]** permission of the Municipality **[and subject to such conditions as it may impose]** and only after the **[prior]** approval of a building plan.

Maintenance of drainage installation

[86] 87.(1) The owner or occupier of **[any]** premises must, from the premises concerned to the point of acceptance, maintain **[any] the** drainage installation and any sewer connection on **[such] his or her** premises or in the servitude applicable thereto **[delivery pipeline from the premises concerned to the point of acceptance shall be maintained by the permit holder]**, in a proper condition and free from leaks and spills and obstructive vegetation roots.

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

[(2)] (3) The owners or occupiers are jointly and separately responsible and liable for the **[The]** maintenance of any communal system **[is the responsibility of the owners]** and all materials to be used on a communal or private combined system must be approved by the Municipality.

[(3)] (4) **[Any person who requests the municipality to]** The Municipality may clear a drainage installation where a person is not adhering to subsection (1) within a reasonable time, and such person shall **[will]** be liable to pay the **[prescribed fee] actual costs incurred by the municipality.**

[(4)] **[A municipality may, on the written application of the owner or occupier of any premises, inspect and test the drainage installation of such premises or any section thereof and recover from the owner or occupier the cost of such inspection and test, calculated at the rate specified in the prescribed fees.]**

(5) The Municipality may request the owner or occupier of premises, to have the drainage installation of such premises or any section thereof inspected and tested to the satisfaction of the municipality, and if done by the municipality, recover from the owner or occupier the actual costs incurred.

Disconnection of drainage installation

- [87] **88.**(1) The Municipality may disconnect a drainage installation from the connecting sewer and remove the connecting sewer if –
- (a) the agreement for provision has been terminated in terms of section [106] 107 and it has not received an application for subsequent provision to the premises served by the sewer **[within a period of 90 days of such termination]**; or
 - (b) the building on the premises concerned has been demolished.
- (2) The owner may only disconnect a drainage installation temporarily from the connection point to execute maintenance or repair work.
- (3) If any part of a drainage installation is disconnected from the remainder and no longer to be in use, the part so disconnected must be removed from the premises and disposed of in accordance with applicable by-laws of the municipality.
- (4) Prior to the disconnection of a drainage installation from a sewer, the owner or occupier must notify the municipality and the municipality must seal the opening left by the disconnection at the cost of the owner.

Part 4

Sanitation: Miscellaneous

Reduction in the quantity determined in terms of domestic and industrial effluent

- [88] **89.**(1) **[A person]** An owner shall be entitled to a reduction in the quantity determined in terms of sections 71 and 78 **[in the event that]** if 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 municipality]** can prove that the said water was not discharged into the sewage disposal system.
- (2) The reduction in the quantity shall be based on the **[Municipality's]** Credit Control and **[Debt Collection By-laws and policy]** Tariff policies, including the submission of proof of repair of leaks.
- [(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 3 (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 municipality, 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 is in contravention of this by-law.]**

Damage to sewage disposal system

- [89] 90.**(1) A person may not damage or endanger the sewage disposal system, or cause or permit it to be damaged or endangered.
- (2) Any person who intends performing work on land owned by or vested in the Municipality or over which it has a servitude or other right and which may cause damage to the sewage disposal system, **[shall,] must** prior to commencement of such work, ascertain from the Municipality if any part of the sewage disposal system is situated on the said land.
- (3) If work which is to be performed or is being performed on land referred to in subsection (2), or on land adjacent thereto and which **[in the opinion of the municipality]** could damage or endanger the sewage disposal system **[it may], the Municipality may** by notice in writing, require the person concerned not to commence, or to cease performing[,], the work until such time as he or she has complied with the conditions specified in the notice.

Consequential maintenance of sewers

[90] 91.Whenever a sewer is damaged or becomes obstructed or in need of repair as a result of the act or omission of any person, **[whether by reason of the failure of such person to comply with the requirements of this By-law or otherwise,]** the Municipality shall be entitled to remove the obstruction or perform the maintenance or repairs deemed necessary **[by the authorized official, at the expense of], and recover the actual costs incurred from** such person.

Installation of pre-treatment facility

[91] 92.**[(1)]** The Municipality may require that **[any new]** premises **[must]** be provided with a minimum pre-treatment facility at the cost of the owner, of a type **[specified by it] approved by the municipality**, prior to **[that premises being connected] the connection of such premises** to the sewage disposal system.

[(2)]**[The Municipality may, if deemed necessary, request an owner of any other premises to install a pre-treatment facility at the owner's cost.]**

Protection from ingress of floodwaters

[92] 93.Where **[a]** premises **[is] are** situated **[in] within** the 1 in 50 year flood plain, the top level of service access **[holes] manholes**, inspection chambers and gullies **[is to] must** be above the 1 in 50 years flood level, except **[, in the case of service access holes and inspection chambers,]** where the covers **[is] are** secured and

watertight in a place **[by]** approved **[means]** by the municipality.

Work by private persons

[93] 94. The Municipality **[shall lay]** must construct and install all sewers and connecting sewers unless it elects not to do so, in which case the work shall be executed **[in accordance with]** according to the Municipality's specifications **[applicable to the work]** as well as the following **[provisions]** conditions-

- (a) **[any]** a person performing work in terms of this section **[shall]** must, prior to commencement of such work, **[indemnifying]** indemnify the Municipality in writing **[and to its satisfaction]** against all liability in respect of any accident or injury to persons or loss or damage to property which may occur as the direct or indirect result of the execution of such works;
- (b) where a connection is to be made with any sewer it shall be made at a point indicated by the Municipality;
- (c) whenever the surface of any street or road has been disturbed in the course of such work, the restoration of such surface shall be **[undertaken solely by]** done in accordance with the **[Municipality]** municipality's **[at the expense of the person who performed the work. Prior to the disturbance of the surface of such street or road a deposit shall be made by such person with the Municipality to cover the estimated cost of such restoration to its satisfaction. When the actual cost exceeds or is less than the amount deposited, any excess shall be recoverable from such person and any balance shall be refunded to him or her;]** approval and specifications;
- (d) surface restoration may per agreement be undertaken by the Municipality at the expense of the person who performed the work; and

[(d)] (e) all work shall be performed **[in accordance with]** according to the requirements **[and to the satisfaction]** of the Municipality.

[Non-waterborne disposal of effluent]

[94.] **[(1)]** **[Where no municipal sewer is available for the discharge of wastewater, no person may dispose of wastewater-]**

[(a)] **[unless the Municipality has approved the method of transportation and imposed such conditions as it may deem fit;]**

[(b)] **[by any method of transportation unless written proof of acceptance is provided in every instance by the person in charge of a facility approved by the Municipality where such wastewater or its by-products is disposed of; such proof to be retained and made available for inspection by the person who generated the wastewater or its by-products for at least one year after the date of such disposal.]**

[(2)] **[No person who transports wastewater by any means other than waterborne transportation may-]**

[(a)] **[dispose of such wastewater at or in any place other than at a facility approved by the Municipality; or]**

[(b)] [allow such wastewater to spill, leak or seep from any container.]

[(3)] [The provisions of subsections (1) and (2) also apply to chemical toilets.]

95. Construction of municipal sewer systems

(1) The municipality may install municipal main sewer systems within the building lines on any property, after giving reasonable notice to the owner of such property.

(2) No buildings, structures or vegetation with deep root systems shall be allowed on top of municipal sewer systems, with a minimum one (1) meter off-set from the centre line of the pipeline.

CHAPTER 4

DEPOSITS, PAYMENTS AND ACCOUNTS

Deposits

[95] 96.[(1)] [Every] A consumer must, on application for the provision of water services, and before such water services will be provided by the Municipality, deposit with the Municipality a sum of money as determined in terms of the [Municipality's] Credit Control [and Debt Collection By-law and] Policy, except in the case of a pre-payment measuring device being used by the Municipality.

[(2)] [The Municipality 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 Municipality may from time to time review the deposit paid by a consumer in terms of subsection (1) and, in accordance with such review require that an additional amount be deposited by the consumer if in the opinion of the Municipality the consumption is considerably higher than calculated or declared initially, or if the consumer is in default of payment for water services.]

[(4)] [An amount deposited with the Municipality in terms of subsections (1), (2) and (3), must 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 Municipality in respect of water services rendered to the consumer, the Municipality 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)] [Notwithstanding the provision in subsection (5) an agreement for the provision of water services may contain a condition that a deposit shall be forfeited to the Municipality if it has not been claimed within twelve months of the termination of the agreement.]

[(7)] [No interest will be paid by the Municipality on the amount of a deposit held by it in terms of this section.]

[(8)] [When a water supply is disconnected due to an unpaid account, the deposit will be allocated to the unpaid account and a new deposit must be paid before the water supply is reconnected.]

Fees for Services

- [96] **97.**(1) All fees or tariffs payable in respect of water services rendered by the Municipality in terms of this By-law, **[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 prescribed by resolution of the Municipality and must be in terms of section 10 of the Act and the regulations made there under. The applicable fees are in accordance with the Municipality's Credit Control and Debt Collection By-laws and policy and appear in the Tariff By-laws, as amended annually by the Municipal Council in terms of section 11(3)(i) read with section 21 of the Municipal Systems Act (Act No. 32 of 2000)]** shall be determined in terms of the Municipality's Tariff Policy as well as other applicable legislation and payment and recovery thereof shall be dealt with in terms of the Credit Control Policy.
- (2) **[Where a fixed fee as contemplated in subsection (1) is levied on an annual, monthly or once-off basis it shall be payable by every owner or consumer in respect of water services provided by the Municipality to him or her or it, irrespective of whether such services are made use of.]**
If any portion of land, with or without improvements, is, or could be connected to the water services system of the Municipality, the owner thereof must pay the fees determined by the Municipality.
- [(3) [If any portion of land, whether or not there is any improvement thereon, is, or in the opinion of the Municipality could be connected to the water services system of the Municipality, the owner of that land must pay to the Municipality the fees determined by the Municipality.]**
- [(4) [The consumer and the owner of the premises are jointly and severally liable to pay the fees determined by the Municipality, in respect of any fire extinguishing installation or appliance used or installed upon such premises.]**

Accounts

- [97] **98.**[(1)] Monthly accounts **[will] must** be rendered to consumers for the amount due **[and payable]** at the address last recorded with the Municipality and further administered in accordance with the **[Municipality's] Credit Control [and Debt Collection By-laws and] Policy.**
- [(2) [The Municipality shall show on each water account rendered to a consumer the actual or estimated meter readings in kilolitres or cubic metres, together with the dates of the readings and the total amount due in Rands. If the readings are estimated, this shall be clearly indicated on the account.]**
- [(3) [If it is established that a meter is defective, the Municipality will, in accordance with clause 21 adjust the account rendered.]**
- [(4) [A consumer shall not be entitled to a reduction of the amount payable for water wasted in a water**

installation or water losses unless he or she can render proof of the reparation of a leakage on his or her premises during such period and comply with such further requirements as prescribed in the Municipality's Credit Control and Debt Collection By-laws and policy.]

- [(5)] [Failure by the Municipality to render an account does not relieve a consumer of the obligation to pay any amount due and payable. It is the consumer's responsibility to enquire from the Municipality should an account not be received in order to make timely payment.]

Payment for water services

- [98] 99. [(1)] Water services provided by the Municipality must be paid for by the consumer [at the prescribed fees for the particular category of water services provided] in accordance with the Credit Control Policy.
- [(2)] [A consumer is responsible for the payment of all water services provided to him or her from the date of installation of the service in respect of a new installation or from the date of conclusion of the agreement in the event of an existing connection, until termination of the agreement between the Municipality and the consumer.]
- [(3)] [The Municipality 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 90 days apart, and may render an account to the consumer for the services so estimated, which estimate will, for the purposes of this By-law, 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 the services which is provided for in terms of an agreement with the Municipality and as a consequence is charged at a rate lower than the rate that should have been charged, the Municipality may make an adjustment of the amount charged in accordance with the rate which should have been charged and recover from the consumer the fees payable in accordance with such adjustment, and may also review the amount of the deposit held, in accordance with section 95(3).]
- [(5)] [If amendments to the prescribed fees for water services provided become operative on a date between measurements for the purposes of rendering an account in respect of such fees -]
- [(a)] [the same quantity of water services must be regarded as having been provided in each period of twenty four hours during the interval between the measurements; and]
- [(b)] [any prescribed fee must be calculated on a pro rata basis in accordance with the prescribed fee which applied immediately before such amendments.]
- [(6)] [Failure by the Municipality to comply with the period of 90 days referred to in subsection (3) will not affect the Municipality's right to recover any monies due to it by a consumer.]
- [(7)] [If a consumer is dissatisfied with an account rendered for water supplied to him or her by Municipality he or she may, prior to the due date stipulated therein, object in writing, or be assisted by Municipality to object in writing to the account, setting out his or her reasons for such dissatisfaction; provided that the lodging of an objection shall not entitle a consumer to defer payment except with the written consent of Municipality.]
- [(8)] [The Municipality will register the query or complaint and provide the consumer with reference number.]

- [(9)] [The Municipality shall –]
 - [(a)] [investigate or cause the query or complaint to be investigated within 14 days after the query or complaint was registered; and]
 - [(b)] [must inform the consumer, in writing, of his or her finding as soon as possible thereafter.]

[Appeals against] Review of a finding of the Municipality in respect of queries or complaints

- [99] [(1)] [A consumer may in writing appeal against a finding of the municipality in Section 98(9).]
- [(2)] [An appeal and request in terms of subsection (1) must be made in writing and lodged with the Municipality by the consumer within 21 days after being informed of the finding referred to in Section 98(9) and must –]
 - [(a)] set out the reasons for the appeal; and
 - [(b)] be accompanied by any deposit determined for the testing of a measuring device, if applicable.
- [(3)] [The consumer is liable for all prescribed fees, other than that appealed against, falling due and payable during the adjudication of the appeal.]
- [(4)] [An appeal must be decided by the Municipality within 21 days after an appeal was lodged and registered and the consumer will be informed of the outcome in writing, as soon as possible thereafter.]
- [(5)] [The decision of the Municipality is final and the consumer must pay any amounts due and payable in terms of the decision within 14 days of him or her or it being informed of the outcome of the appeal.]
- [(6)] [The Municipality may condone the late lodging of appeals or other procedural irregularities.]
- [(7)] [If it is alleged in an appeal that a measuring device is inaccurate, the device must be subjected to a standard industry test to establish its accuracy in accordance with Section 20 of this By-law.]

100. A consumer who feels aggrieved by a finding of the municipality in respect of a query or complaint regarding an account or payment for services, may request a review of such finding in accordance with the municipality’s Credit Control Policy.

Payment in respect of prepayment meters

- [100] 101. The following provisions shall apply to a [When a] consumer who is supplied with water through a prepayment meter[, in addition to the requirements of section 4:]
 - (a) no refund of the amount tendered for the purchase of water credit shall be given at the point of sale after initiation of the process by which the prepayment meter token is produced;
 - (b) when a consumer vacates any premises where a prepayment meter is installed, no refund for the credit remaining in the meter shall be made to the consumer; and
 - (c) the Municipality shall not be liable for the reinstatement of credit in a prepayment meter lost due to

tampering with, or the incorrect use or abuse of a prepayment meter **[and/]** or token.

CHAPTER 5

GENERAL PROVISIONS

Part 1

Unlawful actions and termination

General responsibility for compliance with this By-law and other laws

- [101] 102.** (1) The owner of premises is responsible for ensuring compliance with this By-law 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 in solidum (where the one pays, the other to be exempted) liable with such consumer in respect of all matters relating to the use of water services on his or her property **[, including any financial obligation]**.
- (2) The owner or consumer is primarily responsible for compliance with this By-law in respect of matters relating to the use of any water services including the usage thereof.
- (3) No approval given under this By-law relieves any owner or consumer from complying with any other **[law]** legislation relating to the abstraction and use of water, or the disposal of effluent.
- (4) **[No]** A clearance certificate for purposes of registration of transfer shall not be issued in respect of new developments or subdivisions unless the water supply, sanitation services and **[storm water]** any other required services installations have been completed **[to the satisfaction of the Municipality]** and the conditions of approval have been complied with.

Interference with water supply system or sanitation services

- [102] 103.** (1) Unless authorised to do so by the municipality, no **[No]** person may -
- (a) manage, operate or maintain any part of the water supply system;
 - (b) manage, operate or maintain any part of the sewerage disposal system;
 - (c) effect a connection or reconnection or a meter to the water supply system or sewage disposal system;
 - (d) dump or release any substances into the **[sewer]** sewage disposal system; or
 - (e) render any other sanitation services[;].
- [unless authorised to do so by this By-law or the Municipality in writing and subject to such conditions as imposed by the Municipality.]**
- (2) No person may interfere with, or obstruct any water service or water service connection or wilfully or negligently damage, or permit damage to or interference with any part of the water supply system or

[sewerage] sewage disposal system **[belonging to]** of the Municipality.

- (3) No person may, without approval of the municipality, connect **[any]** a temporary toilet device to the municipal sewer system by the installation thereof directly on top of a manhole.
- (4) The Municipality may permit connections **[Connections]** to the sewage disposal system **[may]** to be undertaken by a developer or owner in exceptional cases **[at the discretion of the Municipality and]** subject to **[any conditions imposed by the Municipality in which event]** an inspection fee **[shall be payable to]** as determined by the Municipality.

Obstruction of access to water supply system or sanitation services

- [103] 104.** (1) No person **[shall]** may prevent or restrict physical access to the water supply system or sewage disposal system by any employee or duly authorised official or agent of the Municipality.
- (2) If a person contravenes subsection (1), the Municipality may-
 - (a) by written notice require such person to restore access at his or her own **[expense]** cost within a specified period; **[or]**
 - (b) if **[the Municipality is of the opinion that the situation]** it is a matter of urgency, without prior notice restore access and recover the cost from such person; **[and/]** or
 - (c) **[impose a fine as determined by the Municipality from time to time]** institute criminal proceedings against such person.

Prohibition of access to water services other than through the Municipality

- [104] 105.** (1) No person **[is permitted to]** may have access to water services from a source other than the Municipality, without its written approval.
- (2) Despite the provisions of subsection (1) **[hereof]** , a person who, at the commencement of this By-law, was using water from another source may continue to do so -
 - [(a)] [for a period of 60 days after he or she has been requested to apply for approval; and]**
 - [(b)] (a) [thereafter]** until the application for approval is granted; or
 - [(c)] (b)** for a reasonable period **[thereafter, within the discretion of the Municipality, if]** should the application **[for approval is]** be refused.
 - (3) In granting approval, the Municipality may require the **[person seeking approval]** applicant to supply such services **[as may be specified in the approval]** to other**[s]** consumers as well on reasonable terms **[, which must]** as may be specified **[by the Municipality]** in the approval.

Unauthorised use of water services

- [105] 106.** (1) No person may temporarily or permanently, gain access to water services from the water supply

[System] system, the sewage disposal system or any other sanitation services unless an agreement referred to in section 4 or 5 has been concluded with the Municipality.

- (2) The Municipality may, irrespective of any other action it may take against a person referred to in subsection (1) **[in terms of this By-law]**, by written notice order the person to-
 - (a) apply for such services in terms of sections 4 or 5; and
 - (b) undertake such work as may be necessary to ensure that the consumer's installation **[through]** by means of which access was gained complies with the provisions of this By-law.
- (3) The provisions of section 110 shall apply to a notice in terms of subsection (2) above.

Re-sale of water

- 106(A)** (1) No person who is supplied with water in terms of this By-law may sell such water unless—
- (a) provision has been made therefor in a special agreement referred to in section 5; or
 - (b) he or she has obtained the prior written permission of the municipality.
- (2) If the municipality grants the permission referred to in subsection (1)(b), it may stipulate the maximum price at which the water may be sold and impose such other conditions as may be deemed necessary.
- (3) Permission referred to in subsection (1)(b) may be withdrawn at any time, provided prior written notice is given.
- (4) Re-sale of water includes the supply of water—
- (a) in cases where the municipality cannot gain direct access to a property;
 - (b) where the expansion of the Municipality's network to serve a property cannot be undertaken immediately; or
 - (c) where a bulk main passes a property which cannot be served by another water service authority.
- (5) The supply of water by a landlord to a tenant does not constitute a resale of water under this By-law.
- (6) Any cost for water levied by the landlord must be in line with and may not exceed the prevailing tariff of the Municipality.

Termination of Agreements

- [106] 107.** (1) A consumer may terminate an agreement for the provision of water services by giving the Municipality not less than **[five working days']** 5 day's written notice of his or her intention to do so. The Municipality shall be entitled to recover from the consumer the applicable fees for removal of the measuring device.
- (2) The Municipality may, by giving written **[notification]** notice of not less than 30 days, terminate a consumer's agreement for the provision of water services **[by the Municipality]**, if-
- (a) he **[or she]** has not used the water services during the preceding 6 months and has not made

- any arrangements **[to the satisfaction of the Municipality]** for the continuation of the agreement; or
- (b) an arrangement has been made by such consumer with another water services **[institution to provide water services to the consumer]** provider.
- (3) The Municipality may by giving **[1 working day's]** written notice, terminate **[a consumer's]** an agreement for the provision of water services if he, she or **[it]** the institution has failed to comply with the provisions of this By-law and has failed to rectify such failure to comply following the issue of a compliance notice and has failed to pay prescribed fees due and payable.
- (4) The Municipality may **[, after having given notice,]** terminate an agreement for services if a consumer has vacated the premises to which such agreement relates.
- (5) (a) If it is determined **[by a person legally entitled to do so, other than the Municipality,]** that **[an existing]** water services on **[private property, or emanating from private property,]** premises is creating environmental damage or water pollution, or water wastage, **[and the owner of the property or consumer, whichever is applicable, is directed]** the Municipality may instruct the owner to carry out measures **[as are required under any Act or law]** to rectify the situation, and the Municipality **[is]** shall not be 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 Municipality may **[subject to the provisions of Chapter 4,]** undertake the remedial measures required, and **[any expenditure incurred may be recovered]** recover the costs from the owner **[of the premises or the consumer as the case may be]**.

Water services intermediaries

- [107] 108.** (1) A water services intermediary must have a contract with the consumer (for example an employment or property lease contract) of which the main purpose is not the provision of water services.
- (2) The Municipality may by public notice, require a water services intermediary **[for the supply of water and sanitation services]** to register with the Municipality **[and to provide it with such details in respect of the delivery of water services on its premises as may be required by the Municipality to fulfil its own legal obligations]** in a manner specified in the notice.
- (3) Farm owners are regarded as **[employers and as such are responsible for housing and related services to their employees living on the farm. Farm owners are therefore]** water services intermediaries in terms of the Act and are responsible for the provision of at least basic water services to people living on the farm.

- (4) The quality, quantity, affordability and sustainability of water services provided by a water services intermediary must **[meet the minimum norms and standards prescribed in terms of sections 9 and 10 and applicable regulations of the Act and any]** at least be of the same standard as provided by the municipality to consumers and the quality of potable water [quality] must comply with the standards for human consumption as specified in SANS 0241.
- (5) The Municipality may require a water services intermediary to allow the taking of water and effluent samples on its premises **[as and when the Municipality regards it as necessary to comply with its legal mandate to ensure water quality standards are met within the area of its jurisdiction]** to ensure compliance with this By-law and the Act.
- (6) A water services intermediary may not charge for water services at a price which does not comply with the norms and standards as may be set by the Act or the municipality.
- (7) The municipality bears no responsibility, financial or otherwise, for the use of water not taken from the municipality's water supply.
- (8) The municipality may, in terms of section 5 of this By-law, enter into a special agreement with a water services intermediary, which agreement must be renewed bi-annually.
- (9) An agreement contemplated in subsection 8 may, upon prior written notice, be cancelled by the municipality where conditions are not complied with.
- (10) Test results of samples of the finally treated water must be submitted to the municipality at intervals determined by the municipality.
- (11) A full SANS 0241 sample test result of tests undertaken by a SANAS approved laboratory, which must include testing for *Gardia Lambia parasite, Cryptosporidium parasite and Legionella bacteria*, must be submitted to the municipality at intervals determined by the municipality.
- (12) A water services intermediary shall be responsible for-
- (a) the safe operation and maintenance of the treatment facility used; and
 - (b) payment of any tariffs and fees payable to the municipality.
- [(6)] (13)** In the event of a failure by the intermediary to perform its functions effectively, the Municipality may, subject to the provisions of section 26 of the Act, direct the intermediary to rectify its failure **[, and if the direction is not complied with, the Municipality may itself take over such functions].**
- [(7)]** **[When the water services intermediary is capable of resuming its functions effectively, the Municipality must stop exercising such functions on behalf of the intermediary and may recover from the water services intermediary all expenses incurred and losses suffered due to having acted on behalf of the water services intermediary.]**
- [(8)] (14)** The Municipality **[will]** may as contemplated in section 27 of the Act monitor the performance of water services intermediaries to ensure that norms and standards for fees, any conditions set by the

Municipality and the relevant provisions of this By-law are adhered to.

- [(9)] (15)** Water services intermediaries must ensure that good health and hygiene practices are exercised in respect of the water services rendered by itself and the usage thereof by its consumers. **[The Municipality will upon a written request assist to facilitate the implementation of such health and hygiene practices but any costs related thereto would be for the account of the water services intermediary.]**

Part 2

Enforcement of By-Laws and Other Legal Matters

Authorisation of authorised official

[108] 109. The Municipality and a service provider as contemplated in the definition of the Municipality and in section 76 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), may authorise any person or entity in its employ to be an authorised official for compliance monitoring and enforcement of this By-law.

Functions of authorised official

- [109] 110.** (1) An authorised official may execute work, conduct an inspection, and monitor and enforce compliance with this By-law.
- (2) Subject to the provision of any other law, an authorised official must carry out the functions contemplated in this section and the powers set out herein.

Notices and documents

- [110] 111.** (1) A notice or document issued by the Municipality in terms of this By-law **[must]** shall be deemed to be duly authorised **[if]** when signed by an authorised official **[signed it]**.
- (2) If a notice or document is to be served on an owner, consumer or any other person in terms of this By-law it shall be done in accordance with section 115 of the Systems Act. **[and such services shall be effected by-]**
- [(a)]** **[delivering it to him or her personally or to his or her duly authorised agent;]**
- [(b)]** **[delivering it at his or her residence, village or place of business or employment to a person not less than sixteen years of age and apparently residing or employed there;]**
- [(c)]** **[if he or she has nominated an address for legal purposes, delivering it to such an address;]**
- [(d)]** **[if he or she has not nominated an address for legal purposes, delivering it to the address given by him or her in his or her application for the provision of water services, for the reception of an**

account for the provision of water services;]

- [(e)] [sending it by pre-paid registered or certified post addressed to his or her last known address for which an acknowledgement of the posting thereof will be obtained from the postal service;]
 - [(f)] [in the case of a legal person, by delivering it at the registered office or business premises of such legal person; or]
 - [(g)] [if service cannot be effected in terms of subsections (a) to (f), by affixing it to a conspicuous place on the premises concerned.]
- (3) In the case where compliance with a notice is required within a specified number of working days, such period shall be deemed to commence on the date of issue of such notice.
- (4) A notice or document issued in terms of subsection (2) is valid until one of the following events occurs-
- (a) it is carried out;
 - (b) it is cancelled by the authorised official who issued it or, in that person's absence, by a person with similar authority;
 - (c) the purpose for which it was issued, has lapsed; or
 - (d) three months have passed since the date of issue unless the notice specifically stipulates that it would be valid until a date exceeding 3 months, still to be determined by the Municipality.
- [(5)] [An authorised official 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.]

Power to serve notices and compliance

- [111] 112. (1) [The Municipality] An authorised official may, by written notice, order an owner, consumer or any other person who, by an act or omission, fails to comply with:
- (a) a provision of this By-law; or
 - (b) any condition imposed by this By-law
- to remedy such failure within a period specified within the compliance notice.
- (2) If an owner or consumer or any other person fails [to], within the specified period, to comply with a written notice served on him [or her by the Municipality] in terms of [this By-law] subsection (1), the Municipality may take such action as in its opinion is necessary to ensure compliance, including-
- (a) undertaking the actions [and/] or work necessary and recovering the cost [of such actions and/or work] thereof from the owner, consumer or other person [, as the case may be]; [or]
 - (b) restricting or discontinuing the provision of services to the owner, consumer or other person [, as the case may be]; and

(c) instituting legal proceedings against the owner, consumer, or other person. **[, as the case may be in terms of section 112 of the Systems Act; and/or]**

[(d)] [The imposition of a fine.]

(3) A notice in terms of subsection (1) **[will]** must-

- (a) provide details of the provision of the By-law or legislation that has not been complied with;
- (b) provide the owner, consumer, or other party a reasonable opportunity to make representations and state his or her case in writing to the Municipality within a specified period, unless the owner, consumer or other person was given such an opportunity before the notice was served;
- (c) specify the steps that the owner, consumer or other person must take to rectify or remedy the failure;
- (d) specify the period within which the owner, consumer or other person must take these steps to rectify the failure; and
- (e) indicate that the Municipality may;-
 - (i) if the notice is not complied with, undertake or allow the work that is necessary to rectify the failure to be undertaken and recover from the owner, consumer or other person the actual cost of such work; and
 - (ii) take any other action it deems necessary to ensure compliance.

(4) In the event of an emergency, notwithstanding any other provisions of this By-law, the Municipality may without prior notice undertake the work contemplated in subsection (3) and recover such costs from the owner, consumer or other person **[as the case may be]**.

(5) The actual costs recoverable by the Municipality in terms of subsections (3) and (4) shall be the full direct and indirect costs associated with such work. **[and include, but is not limited to;-]**

[(a)] [the costs of any exploratory investigation, plan, specification, schedule of quantities, supervision, administrative charge, the use of tools, and the labour involved in disturbing or rehabilitating any part of a street or ground affected by the work; and]

[(b)] [the environmental costs of such work].

Power of entry and inspection

[112] 113. (1) An authorised official may for any purpose in accordance with the provisions of section 80 of the Act **[and/]** or the implementation or enforcement of this By-law, at all reasonable times, after having given **[at least 5 working days']** reasonable notice of the intention to do so, or in an emergency at any time, enter premises, request information and carry out such inspection and examination as he or she may deem necessary, and for those purposes operate any water fitting of the water

installation or sewage disposal system.

- (2) If the Municipality considers it necessary that work be **[performed to enable an]** done to ensure the effective performance of a function by the authorised official **[to perform a function referred to in subsection (1) properly and effectively]**, it may -
 - (a) by **[written]** reasonable notice **[of at least 5 working days]** require the owner or occupier of the premises at his or her own expense to do specified work within the specified period; or
 - (b) **[if in its opinion the situation is a matter of urgency]** in an emergency, without prior notice do such work or cause it to be done at the expense of the owner.
- (3) The work contemplated in subsection (2) may include the installation of water services across, over, on or through any **[fixed]** property and the operation, maintenance and removal thereof at the Municipality's discretion without compensation to the owner or occupier of such **[immovable]** property.
- (4) If the work referred to in subsection (2) is carried out for the sole purpose of establishing whether a contravention of this By-law has been committed and no such contravention is established, the Municipality shall bear the expense connected therewith **[together with that]** as well as the cost of restoring the premises to its former condition.
- (5) If an authorised official requires the presence of -
 - (a) an owner at an inspection of his or her water installation;
 - (b) a contractor at an inspection of work carried out by the contractor;
 - (c) a **[registered]** qualified plumber doing installation work at an inspection of such work, he or she may give such person **[written]** reasonable notice **[of not less than 5 working days]** to that effect, indicating the date and time when and the place where he or she proposes to carry out the inspection.

Additional powers of authorised official

- [113] 114.** (1) An authorised official, in addition to any other powers conferred upon him or her in terms of this By-law, 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 authorised official 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 the 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
 - (i) do what is necessary for the execution of work or the conducting of an inspection that the Municipality is required to undertake in terms of these By-laws.
- (2) An authorised official who removes anything other than a substance contemplated in subsection (1) (f) from the premises being worked upon or inspected, must -
- (a) issue a receipt for it to the owner or person in control of the premises; and
 - (a) return it as soon as is practicable after achieving the purpose for which it was removed.

[Procedure to execute work or conduct an inspection: entry with a written authorisation]

- [114.] [(1)] [An authorised official may subject to section 101 of the Systems Act, enter any premises if a justice of peace as contemplated in section 3 and 4 of the Justices of the Peace and Commissioners of Oaths Act, 1963 (Act No. 16 of 1963) has issued a written authorisation to enter and execute work or inspect the premises, and the written authorisation is still valid.]**
- [(2)] [A justice of peace may issue a written authorisation to enter and execute work or inspect any premises if, from information on oath, there are reasonable grounds to believe -]**
- [(a)] [that, in the interest of the public, it is necessary to execute work or obtain information that cannot be obtained without entering those premises;]**
 - [(b)] [that there is non-compliance with any provision of this By-law in respect of the premises;]**
 - [(c)] [that significant environmental degradation or water pollution has taken, or is likely to take place, or is suspected.]**
- [(3)] [A justice of peace may issue a written instruction to the owner or person in control of the premises to do work, at the expense of such owner or person, which is necessary to enable an authorised official to -]**
- [(a)] [determine whether or not there has been a contravention of these By-laws on such premises;]**
 - [(b)] [restore access to water supply system or any sanitation service where the owner or such person has restricted access;]**
 - [(c)] [properly or effectively execute work or inspect premises, as contemplated in subsection (1).]**
- [(4)] [If, after the work contemplated in subsection (3) has been performed, it is established that no contravention of this By-law has taken place, the expenses incurred in performing the work and restoring the premises to its former condition, shall be paid by the Municipality.]**
- [(5)] [A written authorisation in terms of subsection (2) may be issued at any time and must specifically-]**
- [(a)] [identify the premises that may be worked on or inspected; and]**
 - [(b)] [authorise the authorised official to enter and execute work or inspect the premises and do**

anything listed in section 112.]

- [(6)] [A written authorisation issued in terms of subsection (2) is valid until one of the following events occur:]**
 - [(a)] [it is carried out;]**
 - [(b)] [it is cancelled by the person who issued it or, in that person's absence, by a person with similar authority;]**
 - [(c)] [the purpose for which it was issued, has lapsed;]**
 - [(d)] [three months have passed since the date of issue.]**

- [(7)] [A written authorisation issued in terms of subsection (2) may only be carried out between 07h00 and 19h00, unless the justice of peace who issues it states in writing that it may be carried out at a different time reasonable in the circumstances.]**

- [(8)] [Before commencing any work or inspection, an authorised official who carries out a written authorisation must either -]**
 - [(a)] [if the owner of or a person apparently in control of the premises is present -]**
 - [(i)] [identify him or herself and explain his or her authority to that person or furnish proof of such authority, and]**
 - [(ii)] [hand a copy of the written authorisation to that person;]**
 - [(b)] [if the owner or person apparently in control of the premises is absent or refuses to accept a copy, attach a copy of the written authorisation to the premises in a prominent and visible place.]**

[Procedure to execute work or conduct an inspection: entry without a written authorisation]

- [115]. [(1)] [An authorised official who does not have a written authorisation may subject to section 101 of the Systems Act, enter and execute work or inspect –]**
 - [(a)] [any premises with the consent of the owner or person apparently in control of the premises; or]**
 - [(b)] [any premises, except residential premises, on a routine basis]**
 - [(i)] [no more frequently than six times during a twelve month period; or]**
 - [(ii)] [more frequently if permitted by this By-law for the purposes of any work or inspection;]**
 - [(c)] [any premises, if there are reasonable grounds to suspect that there is an emergency, and/or that any delay in commencing any work or inspection may -]**
 - [(i)] [disrupt or adversely affect the provision of water and sanitation services;]**
 - [(ii)] [result in excessive wastage or pollution of water; or]**
 - [(iii)] [have significant detrimental effects on public or private health and safety;]**
 - [(d)] [any premises from which there is a discharge or suspected discharge, into any sewer of any storm water, sewage, industrial effluent, or other liquid or substance contemplated in section 72(1), (2) and (3);]**
 - [(e)] [any premises on which a nuisance is caused by, or related to, or emanates from a drainage installation; and]**
 - [(f)] [any premises on which a contravention exists or is suspected.]**

- [(2)] [Unless the emergency and/or delay in commencing any work or inspection referred to in subsection (1)(c) was caused by an act or omission of the Municipality, the cost of any remedial action taken in connection with subsections (c), (d), (e) and (f) must be paid by the owner of the premises.]**

- [(3)] [In addition to the entry permitted in terms of subsection (1), an authorised official may enter any premises without a written authorisation in respect of which there is an outstanding compliance notice, issued in terms of section 110 for the purposes of determining whether that notice has been complied with.]**
- [(4)] [Before commencing work or inspecting any premises in terms of this section, an authorised official must identify himself 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.]**
- [(5)] [Any entry and execution of work or inspection without a written authorisation must be carried out at a reasonable time in the circumstances.]**

Using force to enter

- [116] 115.** (1) Force may not be used to **[affect]** gain entry to execute work or conduct an inspection on any premises in terms of section 112, unless in an emergency **[arises]**.
- (2) An authorised official carrying out a written authorisation in terms of section 114 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.
- (3) Before resorting to force, the authorised official carrying out the written authorisation must audibly demand admission and must 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 inspection.

Authorised official may be accompanied

- [117] 116.** During the execution of any work or an inspection, an authorised official may be accompanied by a member of the South African Police Services or municipal law enforcement official or by any other person reasonably required to assist in executing the work or conducting the inspection.

Duty to produce document

- [118] 117.** Any person who holds any document relevant to the execution of any work or inspection contemplated in this **[Chapter]** By-law must produce it at the request of an authorised official.

Complaints against persons other than the Municipality

- [119] 118. [Anyone]** Any person may lodge a complaint with an authorised official, either directly or through any other channel established by the Municipality, 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 the provisions of this By-law;

in which event the authorised official, **[unless he or she has reasonable grounds to believe that the complaint is frivolous]**, must investigate the complaint, and[,] take any necessary action which is **[competent] required** in terms of this By-law.

Official address

[120] 119. [(1)] For the purposes of the serving 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 sections 4(5) and 59(1) is deemed to be the official address of the consumer.

[(2)] [Where any notice or other document is required by this By-law to be served on any person other than for the purpose of criminal proceedings, it must be served on him or her personally, failing which it may be served on any member of his or her household or an 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 serving of such notice.]

Recovery of costs and fees

[121] 120. [Any costs which the Municipality is entitled to recover from a consumer, owner or other person in terms of this By-law include, where applicable, any prescribed fees, expenses incurred in any exploratory investigation, survey, plan, specification, or schedule of quantities compilation, supervision, administration or authorisation charges, including the cost of any ancillary work associated therewith, wear and tear on plant and equipment utilised in any of these activities, the provision of labour and the costs, including environmental costs, involved in the disturbing and making good of any part of any street, ground or water and sanitation services work.]

The costs which the Municipality is entitled to recover from a consumer, owner or other person in terms of this By-law include-

- (a) any prescribed fees or expenses incurred in any exploratory investigation, survey, plan, specification, or schedule of quantities compilation;
- (b) supervision, administration or authorisation charges, including the cost of any ancillary work associated therewith;
- (c) wear and tear on plant and equipment utilised in any of these activities; and
- (d) 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 and sanitation services work.

Liabilities and compensation

[122] **121.** The Municipality **[will]** shall not be liable for damages or compensation arising from **[anything done]** any bona fide action taken by it in [terms] accordance with the conditions of this By-law, except where negligence on the part of the Municipality is proved.

Legal compliance warranty

[123] **122.** Notwithstanding any provisions to the contrary, a 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, comply with all relevant laws, regulations 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) in so far as such harm to the environment is authorised by law, or cannot reasonably be avoided or stopped, minimise and rectify such pollution or degradation of the environment; and
- (d) bear all costs and expenses incurred in meeting the above obligations and the implementation thereof.

False statement or information

[124] **123.** No person may make a false statement or furnish false information to the Municipality, an authorised official or an employee of the Municipality, or falsify a document issued in terms of this By-law.

Exceptions and transitional arrangements

- [125] **124.** (1) If approval for installation work to be done was given before the date of commencement of this By-law **[for installation work to be done]**, or if authorised work is in progress on such a date, such work must comply with any applicable **[laws]** legislation which **[were]** was in force in the area of jurisdiction of the Municipality, immediately prior to such date.
- (2) For a period of **[90]** 30 days after the commencement of this By-law, the Municipality may give approval for installation work to be done in accordance with any **[law]** legislation mentioned in subsection (1).
- (3) No owner may be required to comply with this By-law by altering a water installation or part thereof which was installed in **[conformity with any law]** terms of legislation applicable immediately before the date of commencement of this By-law; provided that if **[in the opinion of the Municipality,]** the installation or part thereof is **[so]** defective, or in such a condition or position 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 this By-law within a specified and reasonable period.

- (4) The municipality may reasonably amend the conditions of any approval or authorization issued before commencement of this By-law to be aligned with the conditions of this By-law as amended from time to time.

Exemptions

- [126] 125. (1) The Municipality may **[by resolution]** exempt any person from complying with a provision of this By-law subject to conditions**[, if the provision is considered to be unreasonable]** provided that an exemption may not be granted which will result in -
- (a) wastage or excessive water consumption;
 - (b) evasion or avoidance of water restrictions;
 - (c) a danger to 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 this By-law; or
 - (f) non-compliance with the Act and regulations made in terms thereof.
- (2) The Municipality may at any time withdraw an exemption given in terms of subsection (1), provided that it must give the person concerned reasonable notice in writing of its intention to withdraw an exemption previously granted.

Appeals

- [126] 127. An appeal **[to]** against a decision of the Municipality taken in terms of **[this By-law]** delegated powers must be **[made]** submitted to the municipal manager in terms of section 62 of the **[Local Government: Municipal]** Systems Act **[Act 32 of 2000]** by giving written notice of the appeal and the reasons therefor within 21 days of the date of notification of the decision **[to the Municipal Manager]**.

Offences

- [128] 127. (1) It is an offence for any person to -
- (a) manage, operate or maintain the water services system through which municipal services are provided without being authorised thereto by the Municipality;
 - (b) render, install or change a water service which has been connected without permission of the Municipality to the municipal water services system directly or indirectly;
 - (c) refuse to grant an authorised official access to premises **[to which that authorised official is**

duly authorised to have access];

- (d) obstruct, interfere or hinder an authorised official who is exercising a power or carrying out a duty under this By-law;
 - (e) fail or refuse to provide an authorised official with a document or information that the person is required to provide under this By-law;
 - (f) give false or misleading information to an authorised official;
 - (g) 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 this By-law;
 - (h) **[pretend to be]** impersonating an authorised official;
 - (i) falsely alter an authorisation to an authorised official or written authorisation, compliance notice or compliance certificate issued in terms of this **[Chapter]** By-law
 - (j) enter any premises without a written notification in circumstances requiring such notification;
 - (k) act contrary to a written notice or document issued in terms of this **[Chapter]** By-law
 - (l) without authority –
 - (i) enter or inspect premises;
 - (ii) carry out any act mentioned in section 113 ;
 - (m) 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 this By-law, except –
 - (i) to a person who requires that information in order to perform a function or exercise a power in terms of this By-law;
 - (ii) if the disclosure is ordered by a court of law; or
 - (iii) if the disclosure is in compliance with the provisions of any law.
 - (n) contravene or fail to comply with the provisions of this By-law;
 - (o) fail to comply with any notice issued in terms of this By-law;
 - (p) fail to comply with any lawful instruction given in terms of this By-law;
 - (q) unlawfully and intentionally or negligently interfere or tamper with any water services works of the Municipality;
 - (r) ignore any temporary or permanent water restrictions without written exemption or relaxation of such restrictions by the Municipality; or
 - (s) contravene or fail to comply with any conditions imposed upon the granting of any application consent approval, concession, exemption or authority in terms of this By-law.
- (2) A person who causes or incites another person to commit an offence referred to in subsection (1), or

who, being in a position of authority over another person, permits or allows him or her to commit an offence, will also be guilty of that offence.

Penalties

- [129] **128.** (1) Any person who contravenes any of the provisions of section [128] **127** shall be guilty of an offence and liable on conviction to-
- (a) a fine or imprisonment or to such imprisonment without the option of a fine or to both such fine and such imprisonment and,
 - (b) in the case of a continuing or repeated offence, to an additional fine or an additional period of imprisonment or to such additional imprisonment without the option of a fine or to both such additional fine and imprisonment for each day on which such offence is continued and,
 - (c) a further amount equal to any costs and expenses found by the court to have been incurred by the Municipality as a result of such contravention or failure.
- (2) In addition to any penalty imposed in terms of sub section [(2)] **(1)** the Municipality may terminate the water service to such a person.
- (3) The Municipality may without compensation confiscate the property or other instruments through which services were accessed without authorisation.

Application of this By-Law

[130] **129.** This by-law applies to all persons or bodies, including organs of State, situated within the area of jurisdiction of the Municipality.

Repeal of By-laws

[131] **130.** [The by-laws listed in Schedule "C " are hereby repealed.] The Water Services By-law of Overstrand Municipality promulgated in Provincial Gazette No. 6683 dated 11 December 2009 is hereby repealed.

Short title and Commencement

[132] **131.** This By-law is called the Overstrand Municipality Water Supply and Sanitation Services By-law [, No. of **2009**] 2022, and shall commence[s] on the date of publication thereof in the Provincial Gazette.

[SCHEDULE A]

[Acceptance of industrial effluent for discharge into the sewage disposal system]

[SCHEDULE B]

[FORM OF APPLICATION FOR PERMISSION TO DISCHARGE INDUSTRIAL EFFLUENT INTO THE MUNICIPALITY'S SEWER]

[SCHEDULE C]

[The following By-laws are hereby repealed in terms of section 131 of this By-law:]