

Swartland, South Africa

## Water Services

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# Swartland South Africa

## Water Services By-law, 2014

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**Commenced on 11 July 2014**

*[This is the version of this document from 1 October 2019 and includes any amendments published up to 12 April 2024.]*

*[Amended by [Water Services: Amendment](#) on 1 October 2019]*

Under the provisions of section 156 of the [Constitution](#) of the Republic of South Africa, 1996 the Swartland municipality, enacts as follows:—

### Chapter I General Provisions

#### Part 1 – Definitions

##### 1. Definitions

- (1) For the purpose of this by-law, any word or expressions to which a meaning has been assigned in the Water Services Act, 1997 (Act No 108. of 1997), the Local Government: Municipal Systems Act, 2000 ([Act No 32 of 2000](#)) or the National Building Regulations and Building Standards Act, 1977. ([Act No 103 of 1977](#)) shall bear the same meaning in this by-law and unless the context indicates otherwise a word in any one gender shall be read as referring also to the other gender, the singular includes the plural and vice versa, the English text prevails in the event of an inconsistency between the different text:—

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

"**account**" means an account rendered for municipal services provided;

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

"**agreement**" means the contractual relationship between the municipality and a consumer;

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

"**area of supply**" means any area within or partly within the area of jurisdiction of the municipality to which a water service is provided;

"**authorised agent**" means—

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

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

"**best practicable environmental option**" means the option that provides the most benefit or causes the least damage to the environment as a whole, at a cost acceptable to society, in the long term as well as in the short term;

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

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

"**business unit**" means any premises or building or section thereof occupied or used for commercial or business purposes;

"**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;

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

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

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

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

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

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

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

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

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

"**consumer**" means—

- (a) any owner or occupier of premises to which or on which the municipality has agreed to provide water services or is actually providing water services, or if there be no occupier, then any person who has entered into an agreement with the municipality for the provision of water services to or on such premises, provided that where water services is provided through a single connection to a number of occupiers, it shall mean the occupier, or person, to whom the municipality has agreed to provide water services; or
- (b) a person that obtains access to water services provided through a communal water services work;

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

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

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

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

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

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

"**municipality**" means the Swartland municipality or any other person authorised to act on its behalf;

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

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

"**estimated consumption**" means the deemed consumption where consumption has not been measured during a specific period, which is estimated by taking into account relevant factors which may include water consumption by the total number of consumers within the area where the service is rendered, at the appropriate level of service, for a specific period;

"**fire hydrant**" means a potable water installation that conveys water 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 years)**" means that level reached by flood water resulting from a storm of a frequency of 1 in 50 years;

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

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

"**grey water**" means waste water resulting from the use of water for domestic purposes but does not include human excreta;

"**high strength sewage**" means industrial sewage with a strength or quality greater than standard domestic effluent in respect of which a specific charge as calculated in accordance with the municipality's Tariff Policy may be charged;

"**household**" means a family unit, as determined by the municipality by taking into account the number of persons comprising a household, the relationship between the members of a household, the age of the persons who are members of it and any other factor that the municipality considers to be relevant;

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

"**industrial effluent**" means any effluent produced from the use of water for industrial purposes, and for the purposes of this by-law includes any effluent except standard domestic effluent or storm water;

"**industrial purposes**" in relation to the supply of water means premises used for manufacturing, retailing and service industries, generating electricity, land-based transport, construction or any related purpose;

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

"**interest**" means a levy with the same legal property as service fees and calculated in terms of this by-law or 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 Policy;

"**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;

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

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

"**meter**" means a water meter as defined by the regulations published in terms of the Trade Metrology Act, 1973 ([Act No 77 of 1973](#)) or, in the case of water meters of a size greater than 100mm, a device that measures the quantity of water passing through it, including a pre-paid water meter;

"**municipality**" means the Swartland municipality established in terms of section 12 of the Municipal Structures Act, 1998. ([Act 117 of 1998](#));

"**municipal council**" means a municipal council of Swartland municipality;

"**municipal manager**" means the person appointed by the municipal council in terms of section 54A of the Municipal Systems Act, 2000 ([Act 32 of 2000](#)) and includes any person to whom the municipal manager has delegated his or her powers;

"**municipal services**" means, for purposes of this by-law, services provided by the municipality, including refuse removal, water supply, sanitation, electricity services and rates or any one of the above;

"**nuisance**" means any condition, 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;

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

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

"**owner**" means—

- (a) the person in whose name the ownership of the premises is registered from time to time or his agent;
- (b) where the registered owner of the premises is insolvent or dead, or for any reason lacks legal capacity, or is under any form of legal disability, that has the effect of preventing him from being able to perform a legal act on his own behalf, the person in whom the administration and control of such premises is vested as curator, trustee, executor, administrator, judicial manager, liquidator or other legal representative;

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

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

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

**"pollution"** means the direct or indirect alteration of the physical, chemical or biological properties of a water resource so as to make it—

- (a) less fit for any beneficial purpose for which it may reasonably be expected to be used;
- (b) harmful or potentially harmful—
  - (i) to the welfare, health or safety of human beings;
  - (ii) to any aquatic or non-aquatic organisms;
  - (iv) to the resource quality; or
  - (v) to property;

**"premises"** means any piece of land, with or without improvements, which is situated within the area of jurisdiction of the municipality and where the external surface boundaries 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
- (c) a register held by a tribal authority or in accordance with a sworn affidavit made by a tribal authority;

**"prescribed fee"** means a fee including a tariff or charge determined by the municipality by resolution;

"**professional engineer**" means a person registered in terms of the Engineering Profession Act, 2000 ([Act No 46 of 2000](#)) as a professional engineer or technologist;

"**public notice**" means publication in the media including one or more of the following—

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

"**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;

"**SANS 10241**" means the standards prescribed for the quality of drinking water by the South African National Standards;

"**sanitation services**" has the same meaning assigned to it in terms of the Act and includes for purposes of this by-law the disposal of industrial effluent;

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

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

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

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

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

"**sewage disposal system**" means the structures, pipes, valves, pumps, meters or other appurtenances used in the conveyance through the sewer reticulation system and treatment at the sewage treatment plant under the control of the municipality;

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

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

"**standard domestic effluent**" means domestic effluent with prescribed strength characteristics in respect of chemical oxygen demand and settleable solids as being appropriate to sewage discharges from domestic premises within the jurisdiction of the municipality;

"**stop-valve**" means a valve for the connection or disconnection of water supply;

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

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

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

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

"**unauthorised connection**" means, but is not limited to—

- (a) a connection which has not been approved;
- (b) a connection which was made by an unauthorised person;
- (c) a connection which have been made with unapproved fittings; and
- (d) a connection which is providing services for an unapproved use;

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

"**water demand management mechanism**" means any instrument or device which may be installed to control or manage the flow of water to a consumer and may be controlled mechanically or electronically;

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

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

"**water services**" means water supply services and sanitation services;

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

"**water supply services**" has the same meaning assigned to it in terms of the Act and includes for purposes of this by-law water for industrial purposes and fire extinguishing services;

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

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

"**working day**" means a day other than a Saturday, Sunday or public holiday.

- (2) Any reference in Chapter I of this by-law to water services or services must be interpreted as referring to water supply services or sanitation services depending on the services to which it is applicable.

## Part 2 – Application For Water Services

### 2. Application for water services

No person may gain access to water services from the water supply system, sewage disposal system or through any other sanitation services without approval in terms of the municipality's Credit Control and Debt Collection Policy.

### 3. Special agreements for water services

The municipality may enter into a special agreement with a consumer for the provision of water services in terms of its Credit Control and Debt Collection Policy including the installation of water demand management systems

### 4. Change in purpose for which water services are used

Where the purpose for, or extent to which, any municipal service is changed, the consumer must promptly advise the municipality of the change.

## Part 3 – Tariffs And Charges

### 5. Prescribed charges for water services

All tariffs and or charges payable in respect of water services rendered by the municipality in terms of this by-law shall be determined in terms of its Tariff Policy as well as any regulations in terms of national or provincial legislation.

### 6. Availability charges for water services

The municipality may levy availability charges in terms of its Tariff Policy.

## Part 4 – Payment

### 7. Payment of deposit

Every consumer must on application for the provision of water services and before such water services will be provided by the municipality, pay a deposit in terms of the municipality's Tariff Policy.

### 8. Payment for water services provided

Water services provided by the municipality to a consumer shall be paid for at the tariff determined in terms of the municipality's Tariff Policy.

## Part 5 – Accounts

### 9. Accounts

- (1) Monthly accounts for water consumption must be delivered to consumers in accordance with the municipality's Credit Control and Debt Collection Policy
- (2) If a meter is found to be defective, the municipality must adjust the account rendered in terms of section 55.

- (3) 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 prove 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 Policy.

## **Part 6 – Termination, Limitation And Discontinuation Of Water Services**

### **10. Termination of agreement for the provision of water services**

- (1) A consumer may terminate an agreement for the provision of water services in accordance with the municipality's policy relating to credit control and debt collection by giving to the municipality notice in writing of his or her intention to do so in which case the municipality shall be entitled to recover from the consumer the applicable tariff for removal of the measuring device.
- (2) The municipality may, by notice in writing of not less than thirty working days, advise a consumer of the termination of his, her or its agreement for the provision of water services if—
  - (a) he, she or it has not used the water services during the preceding six months and has not made arrangements for the continuation of the agreement;
  - (b) he, she or it has failed to comply with the provisions of this by-law and has failed to rectify such failure to comply on notice in terms of [section 19](#); or
  - (c) an arrangement has been concluded with another water services institution to provide water services to the consumer.
- (3) The municipality may, after having given reasonable notice, terminate an agreement for services if a consumer has vacated the premises to which such agreement relates.

### **11. Limitation or discontinuation of water services provided**

The municipality may restrict or discontinue water services provided in terms of this by-law—

- (a) on failure to pay the prescribed tariffs or charges on the date specified, in accordance with and after the procedure set out in the municipality's by-laws relating to credit control and debt collection has been applied;
- (b) at the written request of a consumer;
- (c) if the agreement for the provision of services in accordance with the municipality's by-laws relating to credit control and debt collection has been terminated in terms of [section 10](#) and it has not received an application for subsequent services to the premises within a period of 90 (ninety) days of such termination;
- (d) the building on the premises to which services were provided has been demolished; it is the responsibility of the owner to give notice of any building that is going to be demolished;
- (e) if the consumer has interfered with a restricted or discontinued service;
- (f) in an emergency; or emergency situation declared in terms of the municipality's by-laws relating to credit control and debt collection;
- (g) if the consumer has interfered, tampered or damaged or caused or permitted interference, tampering or damage to the water supply system of the municipality for the purposes of gaining access to water supply services after notice by the municipality; or
- (h) on failure to comply with any other provisions of this by-law, after notice in terms of [section 19](#) was given.

## Part 7 – General Provisions

### 12. Responsibility for compliance with this by-law

The owner of premises is responsible for ensuring compliance with this by-law in respect of all or any matters relating to any installation.

### 13. Exemption

- (1) The municipality may, in writing exempt an owner, consumer, any other person or category of owners, consumers, or other persons from complying with a provision of this by-law, subject to any conditions it may impose, if he or she is of the opinion that the application or operation of that provision would be unreasonable, provided that exemption shall not be granted from any section of this by-law that may result in—
  - (a) the wastage or excessive consumption of water;
  - (b) the evasion or avoidance of water restrictions;
  - (c) significant negative effects on public health, safety or the environment;
  - (d) the non-payment for services;
  - (e) the installation of pipes and fittings which are not approved in terms of this by-law and
  - (f) the Act, or any regulations made in terms of it, not being complied with.
- (2) The municipality may at any time after giving written notice of at least thirty days, withdraw any exemption given in terms of subsection (1) .

### 14. Unauthorised use of water services

- (1) No person may gain access to water services from the water supply system, sewage disposal system or any other sanitation services without approval of the municipality.
- (2) The municipality may, irrespective of any other action it may take in terms of this by-law, by written notice order a person who has gained access to water services from the water supply system, sewage disposal system or any other sanitation services without approval—
  - (a) to apply for such services in terms of sections 2 or 3; and
  - (b) to undertake such work as may be necessary to ensure that the consumer installation through which access was gained complies with the provisions of this by-law.
- (3) The provisions of sections 18 and 19 shall apply to a notice in terms of subsection (2) above.

### 15. Interference with water supply system or any sanitation services

- (1) No person shall manage, operate or maintain the water supply system or any sanitation system unless authorised by this by-law or an authorised agent.
- (2) No person may without approval effect a connection to the water supply system or sewage disposal system of the municipality.

### 16. Interference with infrastructure

- (1) No person may unlawfully interfere with infrastructure through which the municipality provides municipal services.

- (2) If a person contravenes subsection (1), the municipality may—
  - (a) by written notice require such person to stop or rectify the interference at his own expense within a specified period; or
  - (b) in an emergency, without prior notice, prevent or rectify the interference and recover the cost from such person.
- (3) The municipality may recover any costs associated with damage caused as a result of the contravention of subsections (1) and (2).

## **17. Obstruction of access to water supply system or any sanitation services**

- (1) No person may prevent or restrict physical access of the municipality to infrastructure through which water, sanitation and sewage services are provided.
- (2) If a person contravenes subsection (1), the municipality may—
  - (a) by written notice require such person to restore access at his or her own expense within a specified period; or
  - (b) in an emergency, without prior notice restore access and recover the cost from such person.
- (3) The cost recoverable by the municipality is the full costs associated with restoring access and includes, but is not restricted to, any exploratory investigation, surveys, plans, specifications, schedules of quantities, supervision, administration charge, the use of tools, the expenditure of labour involved in disturbing or rehabilitation of any part of a street or ground affected by the repairs and the environmental cost.

## **18. Signing of notices and documents**

A notice or document issued by the municipality in terms of this by-law and signed by a staff member of the municipality is considered to have been duly issued and may on its mere production be accepted by a court as prima facie evidence of that fact.

## **19. Service of notices**

- (1) Any notice or other document that is served on a person in terms of this Act in terms of any other legislation is regarded as having been served—
  - (a) when it has been delivered to that person personally;
  - (b) when it has been left at that person's place of residence or business in the Republic with a person apparently over the age of sixteen years;
  - (c) when it has been posted by registered or certified mail to that person's last known residential or business address in the Republic and an acknowledgement of the posting thereof from the postal service is obtained;
  - (d) if that person's address in the Republic is unknown, when it has been served on that person's agent or representative in the Republic in the manner provided by paragraphs (a), (b) or (c); or
  - (e) if that person's address and agent or representative in the Republic is unknown, when it has been posted in a conspicuous place on the property or premises, if any, to which it relates.
- (2) When any notice or other document must be authorised or served on the owner, occupier or holder of any property or right in any property, it is sufficient if that person is described in the notice or other document as the owner, occupier or holder of the property or right in question, and it is not necessary to name that person.

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

## 20. Authentication of documents

Every order, notice or other document requiring authentication by the municipality shall be sufficiently authenticated, if it is signed by the municipal manager or by a duly authorised person.

## 21. Prima facie evidence

In legal proceedings by or on behalf of the municipality, a certificate reflecting an amount of money as being due and payable to the municipality, shall, if it is made under the hand of the municipal manager, or an authorised person, shall upon its mere production constitute prima facie evidence of the debt.

## 22. Power to serve and compliance with notices

- (1) The municipality may, by written notice, order an owner, consumer or any other person who fails to comply with the provisions of this by-law or of any condition imposed there under to remedy such breach within a period specified in the notice.
- (2) If a person fails to comply with a written notice within the specified period, the municipality may take such action that is necessary to ensure compliance, including—
  - (a) undertaking the work necessary itself and recovering the cost of such action or work from that owner, consumer or other person;
  - (b) limiting or discontinuing the provision of services; and
  - (c) instituting legal proceedings.
- (3) A notice in terms of subsection (1) must—
  - (a) give details of the provision of the by-law not complied with;
  - (b) give the owner, consumer or other person a reasonable opportunity to make representations and state his or her case, in writing, to the municipality within a specified period, unless opportunity therefor was given before the notice was issued;
  - (c) specify the steps necessary to rectify the failure to comply;
  - (d) specify the period within which the steps specified must be taken; and
  - (e) indicate that the municipality—
    - (i) may undertake such work necessary to rectify the non-compliance and that any costs associated with such work may be recovered from the owner, consumer or other person; and
    - (ii) may take any other action necessary to ensure compliance.
- (4) In the event of an emergency the municipality may without prior notice undertake the work required by subsection (3)(e)(i) and recover the costs from such person.
- (5) The costs recoverable by the municipality in terms of subsections (3) and (4) is the full cost associated with that work and includes, but is not limited to, any exploratory investigation, surveys, plans, specifications, schedules of quantities, supervision, administration charge, the use of tools, the expenditure of labour involved in disturbing or rehabilitation of any part of a street or ground affected by the work and the environmental cost.

### 23. Power of entry and inspection

- (1) The municipality may enter and inspect any premises for any purpose connected with the implementation or enforcement of this by-law, at all reasonable times, after having given reasonable written notice to the occupier of the premises.
- (2) Any entry and inspection must be conducted in conformity with the requirements of the [Constitution of South Africa, 1996](#).
- (3) A municipal official may be accompanied by an interpreter and any other person reasonably required to assist him or her in conducting the inspection.
- (4) A person representing the municipality must, on request, provide his identification.

### 24. Provision of information

An owner, occupier, consumer or person within the area of supply of the municipality must provide the municipality with accurate information that is reasonably required by the municipality for the implementation or enforcement of this by-law.

### 25. False statements or information

No person shall make a false statement or furnish false information to the municipality or falsify a document issued in terms of this by-law.

### 26. Indemnification from liability

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

### 27. Conflict of law

If there is any conflict between this by-law and any other by-laws of the municipality, this by-law will prevail.

### 28. Transitional arrangements

- (1) Installation work authorised by the municipality prior to the commencement date of this by-law or authorised installation work in progress on that date is considered to have been authorised in terms of this by-law; and the municipality may, for a period of 90 (ninety) days after the commencement of this by-law, authorise installation work in accordance with the by-laws that regulated that work immediately prior to the promulgation of this by-law.
- (2) Any approval, consent or exemption granted under the by-laws repealed by [section 29](#) shall remain valid.
- (3) No consumer shall be required to comply with this by-law by altering a water installation or part of it which was installed in conformity with any by-laws applicable immediately prior to the commencement of this by-law; provided that if, in the opinion of the municipality, the installation, or part, is so defective or in a condition or position that could cause waste or undue consumption of water, pollution of the water supply or a health hazard, the municipality may by notice require the consumer to comply with the provisions of this by-law.

## 29. Repeal of existing municipal water services by-laws

The provisions of any by-laws previously promulgated by the municipality or by any of the disestablished municipalities now incorporated in the municipality, are hereby repealed as far as they relate to matters provided for in this by-law.

## 30. Short title and commencement

This by-law shall be known as the Water Services By-laws of the Swartland municipality.

## 31. Appeals against decisions of the municipality

A person whose rights are affected by a decision delegated by the municipality may appeal against that decision by giving written notice of the appeal and the reasons therefor in terms of section 62 of the Local Government: Municipal Systems Act ([Act 32 of 2000](#)) to the municipal manager within 21 days of the date of the notification of the decision.

## 32. Waste of water

- (1) No consumer may permit—
  - (a) the purposeless or wasteful discharge of water;
  - (b) 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 inefficient use of water to persist.
- (2) An owner must repair or replace any part of his or her water and sanitation installation which is in such a state of disrepair that it is 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, by written notice in terms of [section 22](#), require the owner to comply with the provisions of subsection (1).
- (4) A consumer must ensure that any equipment or plant connected to his or her water installation uses water in an efficient manner.
- (5) The municipality may, by written notice, prohibit the use by a consumer of any equipment in a water or sanitation installation if his or her use of water is inefficient. Such equipment shall not be returned to use until its efficiency has been restored and a written application to do so has been approved by the municipality.

## 33. Unauthorised and illegal discharges

- (1) No person may discharge or cause or permit any sewage to be discharged directly or indirectly into a storm water drain, river, stream or other watercourse, whether natural or artificial.
- (2) The owner or occupier of any premises on which steam or any liquid other than potable water, is stored, processed or generated shall provide all facilities necessary to prevent any discharge or leakage of such liquid to any street, storm water drain or watercourse, whether natural or artificial, except where, in the case of steam, the municipality has approved such discharge.
- (3) Where the hosing down or flushing by rainwater of an open area on any premises is likely to cause the discharge of objectionable matter into any street, storm water drain, river, stream or other watercourse, whether natural or artificial, or to cause or contribute towards the pollution of any

such watercourse, the municipality may, by notice, require the owner of the premises to take reasonable measures to prevent or minimise such discharge or pollution.

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

- (cc) adversely affect any of the processes whereby sewage is treated or any re-use of sewage effluent.
- (5) No person may cause or permit the accumulation of grease, oil, fat or solid matter in any drainage installation that will adversely affect its effective functioning.
- (6) The municipality may, notwithstanding any other actions that may be taken in terms of this by-law, recover from any person who discharges industrial effluent or any substance which is unauthorised or illegal, all costs incurred by the municipality as a result of such discharges.

### **34. Illegal re-connection**

A consumer whose access to water supply services have been restricted or disconnected, who intentionally re-connects to services or who interferes with infrastructure through which water supply services are provided, shall be disconnected.

### **35. Pipes in streets or public places**

- (1) No person may, for the purpose of conveying water or sewage derived from whatever source, lay or construct a pipe or associated component on, in or under a street, public place or other land owned by or under the control of the municipality, unless written permission has been obtained .
- (2) No other service (Telkom, Electricity, etc.) may be installed closer than one meter from an existing municipal water services pipe, and under no circumstances on top of such water pipe.

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

- (1) No person may use or permit the use of water for domestic, commercial or industrial purposes, obtained from a source other than the water supply system without approval of the municipality
- (2) The provisions of sub section (1) do not apply to rain water tanks which are not connected to the water installation.
- (3) An applicant in terms of subsection (1) must provide proof that the water quality complies, whether as a result of treatment or otherwise, with the requirements of SANS 10241: Drinking Water, or that the use of such water does not or will not constitute a danger to health.
- (4) Any consent given in terms of subsection (1) may be withdrawn if—
  - (a) a condition imposed in terms of subsection (1) is breached; or
  - (b) the water quality no longer complies with the requirements referred to in subsection (3).
- (5) The municipality may take samples of such water to be tested for compliance with the requirements referred to in subsection (3).
- (6) The municipality may determine fees for the taking and testing of the samples referred to in subsection (5).
- (7) If water obtained from a borehole or other source of supply on any premises is used for a purpose which gives rise to the discharge of such water or a portion thereof into the municipality's sewerage system, the municipality may install a meter in the pipe leading from such borehole or other source of supply to the point or points where it is so used.

### **37. Service levels**

- (1) The municipality may in accordance with national policy, but subject to principles of sustainability and affordability, by public notice, determine the service levels it is able to provide to consumers.
- (2) The municipality may in determining service levels differentiate between types of consumers, domestic consumers, geographical areas and socio-economic areas.

- (3) The following levels of service may, subject to subsection (1), be provided by the municipality—
- (a) communal water supply services and on-site sanitation services—
    - (i) constituting the minimum level of service provided by the municipality;
    - (ii) consisting of reticulated standpipes or a stationery water tank serviced either through a network pipe or a water tanker located within a reasonable walking distance from any household with a ventilated improved pit latrine located on each premises; and premises in this case mean the lowest order of visibly demarcated area on which some sort of informal dwelling has been erected;
    - (iii) installed free of charge;
    - (iv) provided free of any charge to consumers; and
    - (v) maintained by the municipality.
  - (b) yard connection not connected to any water installation and an individual connection to the municipality's sanitation system—
    - (i) consisting of an un-metered standpipe not connected to any water installation and a pour-flush toilet pan, wash-trough and suitable toilet top structure connected to the municipality's sanitation system;
    - (ii) installed free of charge; and
    - (iii) maintained by the municipality.
  - (c) a metered pressured water connection with an individual connection to the municipality's sanitation system—
    - (i) installed against payment of the relevant connection fee;
    - (ii) provided against payment of prescribed fee; and
    - (iii) with the water and drainage installations maintained by the consumer.

## Chapter 2 Water Services Intermediaries

### 38. Registration

The municipality may by public notice require water services intermediaries or classes of water services intermediaries to register in a manner specified in the public notice.

### 39. Provision of water services

- (1) A water services intermediary must ensure that water services, including basic services as determined by the municipality, are provided where he or she is obliged to provide water services.
- (2) The quality, quantity and sustainability of water services provided by a water services intermediary must meet any minimum standards prescribed in terms of the Act and must at least be of the same quality as provided by the municipality to consumers.

### 40. Charges for water services provided

- (1) A water services intermediary may not charge for water services at a price which does not comply with the norms and standards prescribed under the Act and any additional norms and standards as may be set by the municipality.

- (2) A water services intermediary must provide subsidised water services, as determined by the municipality in terms of its Tariff Policy.

#### **41. Water services intermediaries and people living on farms**

- (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) Farm owners are regarded as employers and as such responsible for housing and related services to their employees living on the farms. Farm owners are therefore water services intermediaries in terms of the Water Services Act and the Strategic Framework for Water Services (Clause 3.5.2) and are responsible for the provision of at least basic water services to people living on the farm.
- (3) The standard and tariff for water supplied by intermediaries must comply with sections 9 and 10 of the Water Services Act and any associated regulations and water quality must comply with the standards for human consumption as specified in SANS 10241.

### **Chapter 3 Water Supply Services**

#### **Part 8 – Connection To Water Supply System**

#### **42. Provision of connection pipe**

- (1) If an agreement for water supply services has been concluded and no connection pipe exists in respect of the premises, the owner must apply on the prescribed form and pay the determined fee for the installation of such a pipe.
- (2) If an application is made for water supply services which are of such an extent or so situated that it is necessary to extend, modify or upgrade the water supply system in order to supply water to the premises, the municipality may agree to the extension provided that the owner must pay for the cost of the extension.
- (3) Only the municipality may install a connection pipe, but the owner or consumer may connect the water installation to the connection pipe.
- (4) No person may commence any development on any premises unless the municipality has installed a connection pipe and meter. A connection point will be provided by the municipality within 15 working days after a successful agreement for water supply services in respect of premises has been concluded.

#### **43. Location of connection pipe**

- (1) A connection pipe provided and installed by the municipality must—
  - (a) be located in a position determined by the municipality and be of a suitable size;
  - (b) terminate at—
    - (i) the boundary of the land owned by or vested in the municipality or over which it has a servitude or other right;
    - (ii) at the outlet of the water meter or isolating valve if it is situated on the premises; or
    - (iii) a position determined by the municipality.
- (2) The municipality may at the request of any person agree to a connection to a main other than that which is most readily available for the provision of water supply to the premises; provided that the applicant shall be responsible for any extension of the water installation to the connecting

point designated by the municipality and for obtaining a servitude over other premises that may be necessary.

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

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

- (1) Notwithstanding the provisions of [section 42](#), only one connection pipe to the water supply system may be provided for the supply of water to any premises, irrespective of the number of accommodation units, business units or consumers located on such premises.
- (2) Where the owner, or occupier of any premises on which several accommodation units are situated, requires the supply of water to such premises for the purpose of supply to the different accommodation units, the municipality may provide and install—
  - (a) a single measuring device in respect of the premises as a whole or any number of such accommodation units; or
  - (b) a separate measuring device for each accommodation unit or any number thereof.
- (3) Where the municipality has installed a single measuring device as contemplated in subsection (2) (a), the owner or occupier of the premises—
  - (a) must, if the municipality so requires, install and maintain on each branch pipe extending from the connection pipe to the different accommodation units—
    - (i) a separate measuring device; and
    - (ii) an isolating valve; and
  - (b) shall be liable to the municipality for the charges for all water supplied to the premises through such a single measuring device, irrespective of the different quantities consumed by the different consumers.
- (4) Notwithstanding subsection (1), the municipality may authorise that more than one connection pipe be provided on the water supply system for the supply of water to any premises comprising sectional title units if undue hardship or inconvenience would be caused to any consumer on such premises by the provision of only one connection pipe.
- (5) Where the provision of more than one connection pipe is authorised by the municipality under subsection (4), the tariffs and charges for the provision of a connection pipe is payable in respect of each water connection so provided.
- (6) Where premises are supplied by a number of connection pipes, the municipality may require the owner to reduce the number of connection points and alter his water installation accordingly.

#### **45. Interconnection between premises or water installations**

An owner of premises shall ensure that no interconnection exists between the water installation on his or her premises and the water installation on other premises; or where several accommodation units are situated on the same premises, between the water installations of the accommodation units unless he or she has obtained the written consent of the municipality.

#### **46. Disconnection of water installation from the connection pipe**

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 10](#) and it has not received an application for a subsequent supply of water to the premises served by the pipe within a period of 90 days of such termination;
- (b) the building on the premises concerned has been demolished; or
- (c) the provision of water supply services is terminated in accordance with the municipality's Credit Control And Debt Collection Policy.

### **Part 9 – Communal Water Services Works**

#### **47. Provision of a water services work for water supply to several consumers**

- (1) The municipality may install a communal standpipe for the provision of water services to several consumers at a location it considers appropriate, provided that a majority of consumers, to whom water services will be provided by the standpipe, has been consulted and informed of the level of service, the tariffs payable and the location thereof.
- (2) The municipality may provide communal water services through a communal installation designed to provide a controlled volume of water to several consumers.

### **Part 10 – Temporary Water Supply Services**

#### **48. Water supplied from a hydrant**

- (1) The municipality may authorise a temporary supply of water to be taken from one or more fire hydrants subject to such conditions and for any period that may be prescribed by it and payment of the applicable charges, including a deposit.
- (2) A person who wishes to obtain a temporary supply of water referred to in subsection (1) must apply for such a water supply service in terms of [section 2](#) and must pay the required deposit.
- (3) The supply of water in terms of subsection (1) must be measured and the applicant shall provide a portable water meter and all other necessary fittings and apparatus.

### **Part 11 – Standards And General Conditions Of Supply**

#### **49. Quantity, quality and pressure**

- (1) Water supply services provided by the municipality must comply with the minimum standards set for the provision of water supply services in terms of section 9 of the Act.
- (2) The municipality 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 the water quality complies with the standards presented in SANS 241.

#### **50. Testing of pressure in water supply systems**

The municipality may, on application by a consumer and on payment of the determined charge, determine the available pressure in the water supply system relating to his premises over such period as the person may request.

## 51. Specific conditions of supply

- (1) Notwithstanding the undertaking in [section 49](#), the granting of a supply of water by the municipality shall not constitute an undertaking by it to maintain at any time or any point in its water supply system—
  - (a) an uninterrupted supply, subject to the provisions of regulations 4 and 14 of GNR509 promulgated on 8 June 2011; or
  - (b) a specific pressure or rate of flow in such supply other than requires in terms of the said regulations.
- (2) The municipality may, subject to the provisions of subsection (1)(b), specify the maximum pressure to which water will be supplied from the water supply system.
- (3) If an owner or consumer requires—
  - (a) that any of the standards referred to in subsection (1); or
  - (b) a higher standard of service than specified in [section 49](#); be maintained on his premises, he or she shall take the necessary steps to ensure that the proposed water installation is able to meet such standards.
- (4) The municipality may, in an emergency, interrupt the supply of water to any premises without prior notice.
- (5) If the consumption of water by a consumer adversely affects the supply of water to another consumer, the municipality may apply such restrictions as necessary to the supply of water in order to ensure a reasonable supply of water to the other consumer and must inform that consumer about the restrictions.
- (6) The municipality shall not be liable for any damage to property caused by water flowing from any water installation that is left open when the water supply is re-instated after an interruption in supply.
- (7) Every steam boiler, hospital, industry and any premises which requires, a continuous supply of water shall have a storage tank, which must comply with the specification for water storage tanks as stipulated in SANS 10252 Part 1.
- (8) The storage tank must have a capacity of not less than 24 hours water supply calculated as the quantity required to provide the average daily consumption where water can be stored when the continuous supply is disrupted.
- (9) No consumer may resell water supplied to him by the municipality except with the written permission of the municipality.

## Part 12 – Measurement Of Water Supply Services

### 52. Measuring of quantity of water supplied

- (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 and shall remain the municipality's property, and may be changed and maintained by the municipality.
- (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 (3) (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 a consumer install the meter in the boundary wall of his or her premises.
- (4) If the municipality installs a meter in a water installation in terms of subsection (5), the owner must –
- (a) provide a place 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 fair wear and tear;
  - (d) ensure that no connection is made to the pipe in which the meter is installed, between the meter and the connection pipe serving the installation; 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 may—
- (a) disconnect a meter from the pipe in which it is installed;
  - (b) break a seal which the municipality has placed on a meter; or
  - (c) in any other way interfere with a meter and its associated apparatus.
- (6) If the municipality considers that the size of a meter is unsuitable due to the quantity of water supplied to premises, it may replace it and may recover the cost from the consumer.
- (7) The municipality may require the installation, at the owner's expense, of a meter to each dwelling unit, in separate occupancy, on any premises, for use in determining 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.
- (8) All water meters shall comply with the Trade Metrology Act, ([Act No 77 of 1973](#)), as amended from time to time and must be SABS approved.

### 53. Quantity of water supplied to consumer

- (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 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 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) Where water supplied by the municipality to any premises is in taken by the consumer without the water passing through any measuring device the municipality may for the purposes of rendering an account, make an estimate, in accordance with subsection (4), of the quantity of water supplied to the consumer during the period that water was so taken by the consumer.

- (4) For the purposes of subsection (3), an estimate of the quantity of water supplied to a consumer shall be based on—
  - (a) the average monthly consumption of water on the premises registered over three consecutive measuring periods over not more than 90 days in total, after the date on which the irregularity referred to in subsection (3) was discovered and rectified, or
  - (b) the average monthly consumption of water on the premises over any three consecutive measuring periods during the 12 months preceding the date on which the irregularity referred to in subsection (3) was discovered and rectified.
- (5) Until such time as a meter has been installed, the estimated 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 it is not reasonably possible or cost effective to measure water supplied to each consumer within a particular zone, the municipality may in terms of its Tariff Policy 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) For purposes of subsections (5) and (6), a zone is that area of which the consumer's premises is part, which is zoned in terms of a town planning scheme or a spatial development framework for homogeneous usage.
- (9) If a contravention of [section 52\(5\)](#) occurs, the consumer shall pay to the municipality the cost as determined in terms of the municipality's Tariff Policy.
- (10) Where water supply services are provided through a communal water services work, the amount due and payable by consumers gaining access thereto shall 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 final and binding on each consumer affected thereby.
- (11) Nothing in this by-law shall be construed as imposing on the municipality an obligation to cause any measuring device installed by the municipality on any premises to be measured at the end of every month or any other fixed period, and the municipality may estimate the quantity of water supplied over any period during the interval between successive measurements of the measuring device and render an account accordingly.
- (12) A consumer is entitled to a water leakage discount in terms of the municipality's Credit Control and Debt Collection Policy.

#### 54. Defective meters

- (1) If a consumer has reason to believe that a meter is defective, he or she may, against payment of the prescribed fee, make application in writing for the meter to be tested.
- (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.
- (3) A meter to which the regulations relating to water meters published under the Trade Metrology Act, 1973 ([Act No 77 of 1973](#)) are applicable shall be deemed to be defective if, when tested in accordance with SANS 11529 Part I, is found to have a percentage error in over-registration or under-registration greater than that permitted for a meter in use in terms of that specification.

- (4) A meter to which the regulations referred to in subsection (3) are not applicable shall be regarded to be defective if it is found to have a percentage error in over-registration or under-registration greater than that allowed in SABS 11529:1999 Part 4 and SANS 11525:1999 Part I.
- (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.

#### **55. Adjustment of quantity of water supplied through defective meter**

- (1) If, in terms of [section 54](#), the meter is found to be defective, the municipality must—
  - (a) repair the meter or install another meter without charging the consumer for the meter, unless the costs thereof are recoverable from the consumer where [section 52](#) (5) has been contravened; and
  - (b) determine the quantity of water for which the consumer will be charged on the basis set out in [section 53](#) (4).

#### **56. Special meter reading at request of consumer**

The municipality must, on receipt from a consumer of written notice of not less than five working days and subject to payment of the prescribed fee, read a meter at a time or on a day other than that upon which it would normally be read.

#### **57. Special measurement**

- (1) If the municipality wishes to ascertain the quantity of water which is used in a part of the water installation, it may by written notice advise the owner of its intention to install a meter in the water installation.
- (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. The consumer shall however be held liable for the cost of installing a measuring device where a connection is without a required meter.
- (3) The provisions of [sections 52\(4\) and 52\(5\)](#) shall apply if applicable in respect of a meter installed in terms of subsection (1).

#### **58. No reduction of amount payable for water wasted**

A consumer shall not be entitled to a reduction of the amount payable for water wasted or lost in a water installation if not agreed otherwise, unless it can be proved that the municipality was negligent.

### **Part 13 – Audit**

#### **59. Water audit**

- (1) The municipality may require a consumer, within one month after the end of a financial year of the municipality, to undertake a water audit at his or her own cost.
- (2) The audit must at least indicate—
  - (a) the amount of water used during the financial year;
  - (b) the amount paid for water for the financial year;

- (c) the number of people living on the stand or premises;
- (d) the number of people permanently working on the stand or premises;
- (e) the seasonal variation in demand through monthly consumption figures;
- (f) the water pollution monitoring methods;
- (g) the current initiatives for the management of the demand for water;
- (h) the plans to manage their demand for water;
- (i) a comparison of the report with any report that may have been made during the previous three years;
- (j) estimates of consumption by various components of use;
- (k) a comparison of the above factors with those reported in each of the previous three years, where available, and
- (l) any other information the municipality may deem necessary.

## Part 14 – Installation Work

### 60. Approval of installation work

- (1) If an owner wishes to have installation work done, he or she must first obtain the municipality's written approval;
- (2) Approval shall not be required in the case of water installations in dwelling units or installations where no fire installation is required in terms of SANS 10400, or in terms of any municipal by-laws, or for the repair or replacement of an existing pipe or water fitting other than a fixed water geyser and its associated protective devices.
- (3) Application for the approval referred to in subsection (1) shall be made on the prescribed form and shall be accompanied by—
  - (a) the determined charge, if applicable;
  - (b) copies of the drawings as may be required by the municipality, giving information in the form required by Clause 4.1.1 of SANS Code 10252: Part I; and
  - (c) a certificate certifying that the installation has been designed in accordance with SANS Code 10252: Part I by a registered professional engineer or technologist.
- (4) Authority given in terms of subsection (1) shall lapse after twelve months.
- (5) A complete set of approved drawings of installation work must be available at the site of the work at all times until the work has been completed.
- (6) If installation work has been done in contravention of subsection (1) or (2), the municipality may by written notice require the owner of the premises concerned to—
  - (a) rectify the contravention within a specified period;
  - (b) if work is in progress, to cease the work; and
  - (c) to remove all such work which does not comply with this by-law.

### 61. Provision and maintenance of water installations

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

### 62. Persons permitted to do installation and other work

- (1) Only a plumber, a person working under the control of a plumber, or another person authorised in writing by the municipality, shall be permitted to—
  - (a) do installation work other than the replacement or repair of an existing pipe or water fitting;
  - (b) replace a fixed water 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 meter provided by an owner in a water installation.
- (2) No person may require or engage a person who is not a plumber to do the work referred to in subsection (1).
- (3) Notwithstanding the provisions of subsection (1) the municipality may permit a person who is not a plumber to do installation work on his or her own behalf on premises owned and occupied solely by himself or herself and his or her immediate household, provided that such work must be inspected and approved by a plumber at the discretion of the municipality.

### 63. Technical requirements for a water installation

Notwithstanding the requirement that a certificate be issued in terms of [section 60](#), all water installations shall comply with SANS 10252 Part 1 and all fixed electrical storage water heaters shall comply with SANS 10254.

### 64. Use of pipes and water fittings to be authorised

- (1) No person may, without the written authority of the municipality, install or use a pipe or water fitting in a water installation unless it is included in the Schedule of Approved Pipes and Fittings as compiled by the municipality.
- (2) Application for the inclusion of a pipe or water fitting in the Schedule referred to in subsection (1) must be made on the form prescribed by the municipality and be accompanied by the prescribed charge.
- (3) A pipe or water fitting may be not be included in the Schedule referred to in subsection (1) unless it —
  - (a) bears the standardisation mark of the South African Bureau of Standards in respect of the relevant SANS specification.;

- (b) bears a certification mark issued by the SANS to certify that the pipe or water fitting complies with an SANS mark specification or a provisional specification issued by the SANS, provided that no certification marks shall be issued for a period exceeding two years; or
  - (c) is included in the list of water and sanitation installations approved by the municipality.
- (4) The municipality may, in respect of any pipe or water fitting included in the Schedule, impose such additional conditions, as it may consider necessary in respect of the use or method of installation.
- (5) The Schedule shall be available for inspection at the office of the municipality at any time during working hours and may be purchased at a determined charge.

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

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 rate, in litres per minute, related to the design pressure range, provided that this information shall be given for at least the following water pressures: 20 kPa, 100 kPa and 400 kPa.

#### **66. Unlawful water installation**

Where any installation work has been constructed in contravention of this by-law, the owner must on receiving a compliance notice by the municipality, carry out such alterations to the installation as prescribed in the notice.

#### **67. Water demand management**

- (1) The municipality may insist that water demand management measures be implemented where considered necessary which measures may include the installation of water demand management meters
- (2) In any water installation where the dynamic water pressure is more than 200 kPa at a shower control valve, and where the plumbing has been designed to balance the water pressures on the hot and cold water supplies to the shower control valve, a shower head with a maximum flow rate of more than 10 litres per minute may not be installed.
- (3) The maximum flow rate from any tap installed on a wash hand basin may not exceed 6 litres per minute.

### **Part 15 – Water Pollution, Restriction And Wasteful Use Of Water**

#### **68. Owner to prevent pollution of water**

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

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

## 69. Water restrictions

- (1) The municipality may, by public notice, whenever there is scarcity of water for distribution and supply to consumers, or for any other cause—
  - (a) prohibit or restrict the consumption of water in the whole or part of its area of jurisdiction—
    - (i) in general or for specified purposes;
    - (ii) during specified hours of the day and on specified days; or
    - (iii) in a specified manner;
  - (b) determine and impose limits on the quantity of water that may be consumed over a specified period;
  - (c) impose restrictions or prohibitions on the use or manner of use of an appliance by means of which water is used or consumed, or on the connection of such appliances to the water installation; and
  - (d) invoke special tariffs in respect of Water restrictions, determined in terms of the Tariff By-law.
- (2) The municipality may limit the application of the provisions of a notice issued under subsection (1) to specified areas or categories of consumers, premises and activities, and may permit deviations and exemptions from, and the relaxation of any of such provisions on reasonable grounds, provided that there will be no deviation from the tariffs referred to in subsection (1)(d).
- (3) The municipality may by written notice, order a consumer to take such measures, including the installation of meters and devices for restricting the flow of water, as may be necessary to ensure compliance with a notice published as contemplated in subsection (1), at the cost of such consumer.
- (4) The municipality—
  - (a) may discontinue the supply of water for such period as deemed fit or limit the supply of water to any premises in the event of a failure to comply with the terms of a notice referred to in subsection (1); and
  - (b) may, where the supply has been discontinued in terms of paragraph (a), restore it only when the fee for discontinuation and reconnecting the supply has been paid.
- (5) The provisions of this section also apply in respect of water supplied 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 as contemplated in subsection (1).
- (6) Where a local disaster has been declared due to a scarcity of water or to prevent such a disaster from being declared, the municipality may impose water restrictions by issuing a direction in terms of sections 54(3)(b) and 55(2) of the Disaster Management Act, 2002 ([Act 57 of 2002](#)).
- (7) A person who—
  - (a) contravenes any of the provisions of this section;
  - (b) fails to comply with a notice issued in terms of this section; or
  - (c) fails to comply with water restrictions imposed in terms of this by-law;commits an offence.

*[section 69 substituted by section 1 of the [Amendment By-law, 2019](#)]*

## Part 16 – Fire Services Connections

### 70. Connection to be approved by the municipality

- (1) The municipality may grant or refuse an application for the connection of a fire extinguishing installation to its main supply .
- (2) No water shall be supplied to any fire extinguishing installation without the municipality's approval in terms of [section 60](#).
- (3) If a fire extinguishing installation which is connected to the municipality's main, is not kept in proper working order, or is being used for purposes other than fire fighting, the municipality may require the installation to be disconnected from the main or have it disconnected at the consumer's expense.

### 71. Special provisions

The provisions of SANS 10252-1 shall apply to the supply of water for fire fighting purposes.

### 72. Dual and combined installations

All new buildings erected after the commencement of this by-law, must comply with the following requirements in relation to the provision of fire extinguishing services—

- (a) if boosting of the system is required, a dual pipe system must be used, one for fire extinguishing purposes and the other for general domestic purposes.
- (b) combined installations shall only be permitted where no booster pumping connection is provided on the water installation. In such cases a fire hydrant must be provided by the municipality, at the consumer's expense, within 90 metres of the property.
- (c) Combined installations where a booster pumping connection is provided, shall only be permitted when designed and certified by a professional engineer.
- (d) All pipes and fittings must be capable of handling pressures in excess of 1800 kPa and must be capable of maintaining their integrity when exposed to fire conditions.

### 73. Connection pipes for fire extinguishing services

- (1) After the commencement of this by-law, a single connection pipe for both fire (excluding sprinkler systems) and potable water supply services shall be provided by the municipality.
- (2) The municipality shall provide and install, at the cost of the owner a combination meter on the connection pipe referred to in subsection (1) .
- (3) A separate connection pipe shall be laid and used for every fire sprinkler extinguishing system unless the municipality gives its approval to the contrary.
- (4) A connection pipe must be equipped with a measuring device that will not obstruct the flow of water while the device is operating.

### 74. Valves and meters in connection pipes

Every connection pipe to a fire extinguishing installation must be fitted with valves and a measuring device which shall be—

- (a) supplied by the municipality at the expense of the consumer;
- (b) installed between the consumer's property and the main; and

- (c) installed in such position as may be determined by the municipality.

#### **75. Meters in fire extinguishing connection pipes**

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

#### **76. Sprinkler extinguishing installation**

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

#### **77. Header tank or double supply from main**

- (1) The consumer must install a header tank at such elevation as will compensate for any failure or reduction of pressure in the municipality's main for its sprinkler installation, unless this installation is provided with a duplicate supply from a separate main.
- (2) The main pipe leading from a header tank to the sprinkler installation may be in direct connection with the main, provided that the main pipe must be equipped with a reflux valve which will shut off the supply from the main. if the pressure in the main fails or is reduced.
- (3) Where a sprinkler installation is provided with a duplicate supply from a separate main, each supply pipe must be equipped with a reflux valve situated within the premises.

#### **78. Sealing of private fire hydrants**

- (1) Except where a system is a combined system with a combination meter, all private hydrants and hose-reels must be sealed by the municipality and the seals must not be broken by any person other than by the municipality in the course of servicing and testing, except for the purposes of opening the hydrant or using the hose when there is a fire.
- (2) The consumer must give the municipality at least 48 hours notice prior to a fire extinguishing installation being serviced and tested.
- (3) The cost of resealing hydrants and hose-reels shall be borne by the consumer except when the seals are broken by the municipality's officers for testing purposes.
- (4) Any water consumed through a fire installation or sprinkler system shall be paid for by the consumer at the charges determined by the municipality.

### **Part 17 – General Provisions**

#### **79. Notification of boreholes**

- (1) No person may sink a borehole on premises situated in a dolomite area, and before sinking a borehole a person must determine if the premises on which the borehole is to be sunk are situated within a dolomite area.
- (2) The municipality may by public notice require—
  - (a) the owner or occupier of any premises upon which a borehole exists to notify it of the existence thereof and provide it with such information about the borehole that it may require;
  - (b) the owner or occupier of any premises who intends to sink a borehole on the premises, to notify it on the prescribed form of its intention to do so before any work in connection sinking it is commenced.

- (3) The municipality may require the owner or occupier of any premises who intends to sink a borehole, to undertake an environmental impact assessment before sinking it.
- (4) Boreholes are subject to any requirements of the National Water Act, 1998 ([Act No 36 of 1998](#)).
- (5) The municipality may by notice to an owner or occupier or by public notice, require any person who has an existing borehole that is used for water supply services to—
  - (a) obtain approval from it for the use of a borehole for potable water 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) to pay a fixed charge imposed by it in respect of the use of such a borehole.

## 80. Sampling of water

- (1) In addition to samples taken from water supply for domestic purposes, the municipality may take samples of water obtained from sources authorised in terms of sections 6 or 7 of the Act to be tested for compliance with national standards..
- (2) The prescribed charge for the taking and testing of the samples referred to in subsection (1) shall be paid by the person to whom approval to use the water as potable water was granted in terms of section 6(1) of the Act.

## 81. Supply of non-potable water by municipality

- (1) The municipality may on application in terms of [section 3](#) agree to supply non-potable water to a consumer, subject to such terms and conditions as it may impose.
- (2) Water supplied in terms of subsection (1) may not be used for domestic or any other purposes.
- (3) The municipality does not guarantee the purity of any non-potable water 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, be at the risk of the consumer.

## 82. Testing of pressure in water supply systems

The municipality may, on application by an owner and on payment of the prescribed charge, determine and furnish him or her with the value of the pressure in the water supply system relating to his or her premises over such period as he or she may request.

## 83. Use of grey water

No person may use grey water or permit such water to be used, except with the written permission of the municipality.

## 84. Warning Notices

- (1) Where non-potable water is used, the owner shall ensure that every terminal water fitting and every appliance which supplies or uses the water is clearly marked with a weather-proof notice indicating that the water is unsuitable for domestic purposes.
- (2) Where treated sewage effluent is used, the owner shall erect weather-proof notices in prominent positions warning that such effluent is not suitable for domestic purposes.
- (3) A warning notice in terms of subsections (1) and (2) shall be in more than one official language and shall include the symbolic sign for non-potable water, sign PV5 as described in SANS 11186.

## Chapter 4 Sanitation Services

### Part 18 – Standards And General Provisions

#### 85. Standards for sanitation services

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

#### 86. Objectionable discharge to sewage disposal system

- (1) No person shall cause or permit any 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 this by-law;
  - (b) any river, stream or natural watercourse or any public water, whether ordinarily dry or otherwise, except in accordance with the provision of the Water Act; or
  - (c) any street or premises.
- (2) No person may discharge, or permit the discharge or entry into the sewage disposal system of any sewage or other substance—
  - (a) which does not comply with the standards and criteria prescribed in sections 112 to 116 below;
  - (b) which contains any substance in such concentration as will produce or be likely to produce in the effluent produces for discharge at any sewage treatment plant or sea outfalls discharge point or in any public water any offensive, or otherwise undesirable taste, colour, odour, temperature or any foam;
  - (c) which may prejudice the re-use of treated sewage or adversely affect any of the processes whereby sewage is purified for re-use, or treated to produce sludge for disposal;
  - (d) which contains any substance or thing of whatsoever nature which is not amenable to treatment to a satisfactory degree at a sewage treatment plant or which causes or is likely to cause a breakdown or inhibition of the processes in use at such plant;
  - (e) which 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 or discharge from any sea outfalls not complying with standards prescribed under the National Water Act, 1998 (Act No. 36 of 1998);
  - (f) which 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 for the sewage disposal system; and
  - (g) which may inhibit the unrestricted conveyance of sewage through the sewage disposal system.
- (3) No person may cause or permit storm water or rain water to enter the sewage disposal system.
- (4) The municipality 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 which would ensure compliance with this by-law.
- (5) No person may cause a nuisance through odours, pollution or visual offensiveness due to a defective drainage installation.

- (6) The municipality shall give the owner or occupier of such premises 24 hours notice to remove such nuisance, failing which the municipality may remove it at his or her expense.
- (7) If any person contravenes any provision of subsections (1) to (3) he or she shall within twelve hours, or earlier if possible, advise the municipality of the details of the contravention and the reasons for it.

## **Part 19 – On-Site Sanitation Services And Associated Services**

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

- (1) No person may use or permit the use of on-site sanitation services not connected to the municipality's sanitation system without the approval of the municipality.
- (2) An application in terms of subsection (1) must be accompanied by evidence that the sanitation facility is not likely to have a detrimental effect on health or the environment.
- (3) Consent given in terms of subsection (1) may be withdrawn if—
  - (a) a condition imposed in terms of subsection (1) is breached;
  - (b) the sanitation facility has a detrimental impact on health or the environment; or
  - (c) a municipal service becomes available and a connection can be provided by the municipality.
- (4) The municipality may undertake such investigations as it may deem necessary to determine if a sanitation facility has a detrimental impact on health or the environment.
- (5) The person to whom consent was granted in terms of subsection (1) shall be liable for the costs associated with an investigation undertaken in terms of subsection (4), if the sanitation facility has a detrimental impact on health or the environment.

### **88. Application for infrastructure**

If an agreement for on-site sanitation and associated services exists and no infrastructure in connection therewith exists on the premises, the owner must immediately apply on the approved form and—

- (a) pay the prescribed charge for the installation of necessary infrastructure; or
- (b) with the approval of the municipality install the connecting sewer or on site sanitation services.

### **89. Services associated with on-site sanitation services**

- (1) The removal or collection of conservancy tank contents, night soil or the emptying of pits will be undertaken by the municipality in accordance with a removal and collection schedule. .
- (2) Copies of the collection and removal schedule shall be available on request.

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

Charges in respect of the removal or collection of conservancy tank contents, night soil or the emptying of pits shall be determined in terms of the municipality's Tariff Policy.

### **91. Installation of on-site sanitation services**

- (1) If approval for on-site sanitation services has been given, or if it is not reasonably possible or cost effective for the municipality to install a connecting sewer, the owner must install sanitation services specified by the municipality, unless the service is a subsidised service that has been determined by the municipality in terms of its Credit Control and Debt Collection By-law.

- (2) The municipality may undertake, or require investigations to be done at the owner's expense, to determine if a sanitation facility would have a detrimental impact on health or the environment.

## 92. Ventilated improved pit latrines

- (1) The municipality may, on such conditions as it may prescribe, having regard to—
  - (a) the nature and permeability of the soil;
  - (b) the depth of the water table;
  - (c) the size of, and access to, the site; and
  - (d) the availability of a piped water supply, approve the disposal of human excrement by means of a ventilated improved pit (VIP) latrine.
- (2) A ventilated improved pit latrine must have—
  - (a) a pit of 2m<sup>3</sup> capacity;
  - (b) lining as required;
  - (c) a slab designed to support the superimposed loading; and
  - (d) protection preventing children from falling into the pit.
- (3) A ventilated improved pit latrine must conform to the following specifications—
  - (a) the pit must be ventilated by means of a pipe, sealed at the upper end with durable insect proof screening fixed firmly in place;
  - (b) the ventilation pipe must—
    - (i) project not less than 0.5m above the nearest roof,
    - (ii) be of at least 150mm in diameter, and
    - (iii) be installed vertically with no bend;
  - (c) the interior of the closet must be finished so that it can be kept in a clean and hygienic condition and the superstructure must be well-ventilated in order to allow the free flow of air into the pit to be vented through the pipe;
  - (d) the opening through the slab must be of adequate size to prevent fouling and the rim must be raised so that liquids used for washing the floor do not flow into the pit; it shall further be equipped with a lid to prevent the egress of flies and other insects when the toilet is not in use;
  - (e) it must be located in a position that is independent of the dwelling unit;
  - (f) in situations where there is danger of polluting an aquifer due to the permeability of the soil, the pit must be lined with an impermeable material that is durable that will not crack under stress;
  - (g) 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
  - (h) the latrine must have access to water for washing hands.
- (4) Any alternative system must be designed by a registered professional engineer or technologist and approved by the municipality before installation.

### 93. Septic tanks and treatment plants

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

### 94. French drains

- (1) The municipality may, having regard to the quantity and the nature of the effluent and the nature of the soil as determined by the permeability test prescribed by the South African Bureau of Standards, approve the disposal of waste-water or other effluent by means of french drains, soakage pits or other approved works.
- (2) A french drain, soakage pit or other similar work may not—
  - (a) be situated closer than 5m to any dwelling unit or to any boundary of any premises on which it is situated;
  - (b) be located in a position that may cause contamination of any borehole or other source of water which is or may be used for drinking purposes; or
  - (c) cause dampness in any building.
- (3) The dimensions of any french drain, soakage pit or other similar work shall be determined in relation to the absorbent qualities of the soil and the nature and quantity of the effluent.
- (4) French drains serving premises other than a dwelling house must be designed and certified by a professional civil engineer registered as a member of the Engineering Council of South Africa.

### 95. Conservancy tanks

- (1) The municipality may approve the construction of a conservancy tank and ancillary appliances for retention of sewage or effluent.

- (2) No rain water, storm-water, or effluent other than approved by the municipality may be discharged into a conservancy tank.
- (3) No conservancy tank must be used as such unless—
  - (a) the invert of the tank slopes towards the outlet at a gradient of not less than 1 in 10;
  - (b) the tank is gas and water tight;
  - (c) the tank has an outlet pipe, 100mm in internal diameter, made of wrought iron, cast iron or other approved material, and except if otherwise approved by the municipality, terminating at an approved valve and fittings for connection to the municipality's removal vehicles;
  - (d) the valve and fittings referred to in sub section (c) or the outlet end of the pipe, as the case may be, are located in a chamber that has hinged cover approved by the municipality and which is situated in a position required by the municipality; and
  - (e) access to the conservancy tank is provided by means of an approved manhole fitted with a removable cast iron cover placed immediately above the visible spigot of the inlet pipe.
- (4) The municipality may, having regard to the position of a conservancy tank or of the point of connection for a removal vehicle, require the owner or consumer to indemnify the municipality, in writing, against any liability for any damages that may result from rendering the service, as a condition for emptying the tank.
- (5) Where the municipality's removal vehicle has to enter private premises for the emptying of a conservancy tank, the owner shall provide a roadway at least 3.5m wide capable of withstanding a wheel load of 4 metric tons in all weather conditions.
- (6) The owner or occupier of premises on which a conservancy tank is installed shall at all times maintain the tank in good order and condition.

## 96. Operation and maintenance of on-site sanitation services

The operation and maintenance of on-site sanitation services and all costs pertaining to it remains the responsibility of the owner of the premises, unless the on-site sanitation services are subsidised services determined in accordance with the municipality's Credit Control and Debt Collection Policy.

## 97. Disused conservancy and septic tanks

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

## Part 20 – Sewage Disposal

### 98. Obligation to connect to sanitation system

- (1) All premises on which sewage is produced must be connected to the municipality's sanitation system if a connecting sewer is available or if it is reasonably possible or cost effective for the municipality to install a connecting sewer, unless approval for the use of on-site sanitation services has been obtained in terms of [section 37](#).
- (2) The municipality may require the owner of premises not connected to the municipality's sanitation system to connect to the sanitation system.
- (3) An owner of premises, who is required to connect those premises to the municipality's sanitation system in accordance with subsection (1), must inform the municipality in writing of any sanitation

services provided by the municipality on the site, which will no longer be required as a result of the connection to the sanitation system.

- (4) The owner shall be liable for charges payable in respect of sanitation services on the site, until an approval for rendering those services has been terminated in accordance with the municipality's by-laws relating to credit control and debt collection.
- (5) If the owner fails to connect premises to the sanitation system after a notice in terms of subsection (2) the municipality institute legal action, notwithstanding any other action that it may take in terms of this by-law,

#### **99. Provision of connecting sewer**

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

#### **100. Location of connecting sewer**

- (1) A connecting sewer that has been provided by the municipality or owner in terms of section 99 must—
  - (a) be located in a position and be of a suitable size determined by the municipality; and
  - (b) terminate at—
    - (i) the boundary of the premises;
    - (ii) at the connecting point if it is situated on the premises; or
    - (iii) at a position determined by the municipality.
- (2) In reaching an agreement with an owner concerning the location of a connecting sewer, the municipality shall ensure that the owner is 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. and
  - (c) whether or not the municipality requires it, 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 or outside his or her premises where the connection is required.
- (3) The municipality may at the request of the owner of premises, approve, a connection to a connecting sewer other than one that is most readily available for the provision of sanitation services to the premises in which event the owner shall be responsible for any extension of the

drainage installation to the connecting point designated by the municipality and for obtaining, at his own cost, a servitude over other premises that may be necessary.

- (4) Should more than one erf connect to a line and share a service, a service agreement is to be drawn up between the various owners regarding the maintenance and upgrading of the shared service.
- (5) Where an owner is required to provide a sewage lift as provided for in terms of the Building Regulations, or the premises are at a level where the drainage installation cannot discharge into the sewer by gravitation, the rate and time of discharge into the sewer has to be subject to the approval of the municipality.
- (6) The owner of premises must pay the connection charges and tariffs determined by the municipality before a connection to the connecting sewer can be effected.

### **101. Provision of one connecting sewer for several consumers on same premises**

- (1) Notwithstanding the provisions of [section 102](#), only one connecting sewer to the sanitation system may be provided for the disposal of sewage from any premises, irrespective of the number of accommodation units or consumers located on such premises.
- (2) Where the owner or occupier of premises on which several accommodation units are situated, requires the disposal of sewage from such different accommodation units, the municipality may, 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 owner or occupier—
  - (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;
    - (ii) an isolating valve; and
    - (iii) a rodding eye at all branching joints;
  - (b) will 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. .
  - (c) will be liable jointly for the maintenance of a private combined sewer system from the connection point on the municipal main sewer including the connecting manhole.
- (4) Notwithstanding subsection (1), the municipality may authorise the provision of more than one connecting sewer from any premises comprising of sectional title units or if 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 are payable in respect of each sewage connection so provided.

### **102. Interconnection between premises**

- (1) An owner of premises may not without the approval of the municipality install an interconnection between the drainage installation on his premises and the drainage installation on any other premises.

- (2) An agreement that stipulates the combined responsibility for the maintenance or possible upgrade of the shared service between the owners of the shared services must be concluded.

### **103. Disconnection of draining installation from connecting sewer**

The municipality may disconnect a drainage installation from the connecting sewer and remove the connecting sewer if—

- (a) the approval for provision of sewer supply services has been terminated in terms of the municipality's by-laws relating to credit control and debt collection 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.

## **Part 21 – Sewage Delivered By Road Haulage**

### **104. Acceptance of sewage delivered by road haulage**

The municipality may accept sewage for disposal delivered to the municipality's sewage treatment plants by road haulage.

### **105. Permission for delivery of sewage by road haulage**

- (1) No person shall without permission discharge sewage into the municipality's sewage treatment plants by road haulage.
- (2) The charges for any sewage delivered to the municipality's sewage treatment plants shall be assessed by the municipality in accordance with the prescribed tariffs or charges.

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

- (1) When sewage is delivered by road haulage—
  - (a) the time of delivery shall be arranged in consultation with the municipality;
  - (b) the nature and composition of the sewage shall be established to the satisfaction of the municipality prior to the discharge thereof and no person shall deliver sewage that does not comply with the standards laid down in terms of this by-law; and
  - (c) where use is made of the municipality's suction tanker truck, the service will be rendered subject to the conditions, policy and prescribed fees. .

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

- (1) The municipality may withdraw any permission to discharge sewage by road haulage, after giving ten days written notice if the person—
  - (a) fails to ensure that the sewage so delivered conforms to the standards prescribed in Schedule "A" or in the written permission;
  - (b) fails or refuses to comply with any notice lawfully served on him or her in terms of this by-law or contravenes any provisions of this by-law or any condition imposed on him or her in terms of any permission granted to him or her; or
  - (c) fails to pay the charges in respect of any sewage delivered.

## Part 22 – Purified Sewage

### 108. Use of purified sewage

- (1) The municipality may on application in terms of [section 2](#), agree to supply purified sewage to a consumer.
- (2) No warranty shall be supplied by the municipality in respect of the suitability of the purified sewage for the purpose for which the supply was granted.
- (3) The supply of purified sewage shall be at the risk of the consumer, who shall be liable for any consequential damage or loss arising directly or indirectly there from, including the consequences of any bona fide fault of the municipality or the malfunction of a treatment plant.
- (4) Purified sewage pipes must—
  - (a) be clearly marked indicating that it is conveying purified effluent;
  - (b) have a warning notice on the pipe at regular intervals or marked in a different (orange) colour;
  - (c) not be accessible to the general public; and
  - (d) the pipeline must be constructed to the general municipal standards.

## Part 23 – Disposal Of Industrial Effluent And Trade Premises

### 109. Application for disposal of industrial effluent

- (1) a Person must apply in terms of [section 2\(1\)](#), on the prescribed form attached as Schedule B to this by-law, for approval to discharge industrial effluent into the sewage disposal system of the municipality.
- (2) The municipality may, grant permission to discharge industrial effluent if the capacity of a sewage disposal system is sufficient to permit the conveyance and effective treatment and lawful disposal of the industrial effluent.
- (3) The provisions of Chapter I will with the necessary changes apply to any permission to discharge industrial effluent.
- (4) Any person who wishes to construct or cause to be constructed, a building which shall be used as a trade premises, shall at the time of lodging a building plan in terms of section 4 of the National Building Regulations and Building Standards Act, 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) In the cases where industries are situated in an area where they cannot connect to the municipal sewer systems, or where there are no sewerage connections, it must do on site treatments, to an environmental discharge standard.
- (6) If it is not possible to do on site treatment, the industrial effluent must be transported to the nearest waste water treatment plant.
- (7) The necessary permit for the transportation and discharging of the effluent, must be obtained from the municipality against payment of the prescribed charges.

### 110. Unauthorised discharge of industrial effluent

- (1) No person may discharge or cause or permit to be discharged into the sewage disposal system any industrial effluent except with the permission of the municipality.
- (2) A person to whom such permission is granted shall pay the prescribed charges.
- (3) A sewer plan indicating the position, depth, connection point and connecting manhole must be submitted to the municipality for approval.

### 111. Quality standards for disposal of industrial effluent

- (1) A person to whom permission has been granted must ensure that no industrial effluent is discharged into the sewage disposal system unless it complies with the standards and criteria set out in Schedule A hereto.
- (2) The municipality may relax or vary the standards in Schedule A, provided that it represents the best practicable environmental option.
- (3) In determining whether relaxing or varying the standards in Schedule A represents the best practicable environmental option, the municipality must consider—
  - (a) whether the applicant's undertaking is operated and maintained at optimal levels;
  - (b) whether technology used by the applicant represents the best available option for his or her industry and, if not, whether the installation of such technology would entail unreasonable cost to the applicant;
  - (c) whether the applicant is implementing a programme of waste minimisation which complies with national and local waste minimisation standards;
  - (d) the cost to the municipality of granting the relaxation or variation; and
  - (e) the environmental impact or potential impact of such a relaxation or variation.
- (4) Test samples may be taken at any time to ascertain whether the industrial effluent complies with Schedule A or any other standard laid down in a written permission.
- (5) The holder of a permission issued in terms of subsection (1) shall provide a sampling point.

### 112. Conditions for disposal of industrial effluent

- (1) The municipality may issue a permit in the form of Schedule C for the discharge of industrial effluent requiring a person to—
  - (a) subject the industrial effluent to preliminary treatment to ensure that it conforms to the standards prescribed in Schedule A before being discharged into the sewage disposal system;
  - (b) install equalising tanks, valves, pumps, appliances, meters and other equipment necessary to control the rate and time of discharge into the sewage disposal system;
  - (c) install a drainage installation, separate from the drainage installation for other sewage, for the conveyance of the industrial effluent into the sewage disposal system at a given point, and may prohibit a person from disposing of the industrial effluent at any other point;
  - (d) construct on any pipe conveying industrial effluent to any sewer, a service access hole or stop-valve in such position and of such dimensions and materials as the municipality may prescribe;
  - (e) provide all information that may be required to enable it to assess the tariffs or charges due to it;

- (f) provide adequate facilities including, but not limited to, level or overflow detection devices, standby equipment, overflow catch pits, or other appropriate means of preventing a discharge into the sewage disposal system in contravention of this by-law;
  - (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 responsible person as required by the municipality; and
  - (h) cause industrial effluent to be analysed and to submit the results of the tests when completed.
- (2) The cost of any treatment, plant, works or analysis which the person mentioned in subsection (1) may be required to do shall be borne by the said person.
  - (3) The written permission of the municipality must be obtained for any proposed changes to the composition of industrial effluent discharged into the sewage disposal system.
  - (4) Where industrial effluent does not comply with the standards in Schedule A or the written permission issued in respect of that process or premises, the municipality must be informed of the incident and the reasons therefor within twelve hours of such discharge.

### 113. Withdrawal of written permission for disposal of industrial effluent

- (1) The municipality may withdraw an approval to a person who has been authorised to discharge industrial effluent if the person—
  - (a) fails to ensure that the industrial effluent discharged conforms to the industrial effluent standards prescribed in Schedule A of this by-law or the written permission referred to in [section 109](#);
  - (b) fails or refuses to comply with a notice in terms of this by-law or contravenes a provision of this by-law or any condition imposed in terms of permission granted to him or her; or
  - (c) fails to pay the assessed charges in respect of any industrial effluent discharged.
- (2) The municipality may on withdrawal of any written permission—
  - (a) in addition to any steps prescribed in this by-law, authorise the closing or sealing of the connecting sewer of the said premises to any sewer against payment of the prescribed fee; and
  - (b) refuse to accept any industrial effluent until it is satisfied that adequate steps have been taken to ensure that it conforms with the standards prescribed in this by-law.

### 114. Sea outfalls

- (1) The provisions of this part shall apply equally to industrial effluent discharged into any of the municipality's sea outfalls, subject to any additional conditions specific to sea outfalls that may be imposed.
- (2) Where industrial effluent is accepted for discharge into a sea outfall it shall be delivered to the point of acceptance approved by the municipality by means of a pipeline constructed and maintained by the permitted person
- (3) No industrial effluent shall be accepted for discharge into a sea outfall unless—
  - (a) it complies with the standards and criteria set out in Schedule A;
  - (b) it is proved that such effluent—
    - (i) is not toxic to marine fauna or flora;

- (ii) contains no constituents in concentrations which can create a nuisance on the beaches or in the sea, or a health hazard or which may have an adverse effect on bathing or other recreational areas;
  - (iii) contains no floating material;
  - (iv) contains no substance which may be prejudicial or injurious to the municipality's sea outfalls and associated sumps, sewers, plant and equipment or to its employees;
  - (v) contains no materials capable of creating a nuisance by frothing; and
  - (vi) contains no standard domestic effluent;
- (c) it complies with any applicable standards in terms of the National Water Act, 1998 ([Act No. 36 of 1998](#)).
- (4) The municipality may relax or vary the standards and criteria in Schedule A , provided that such relaxation or variation shall not constitute a relaxation or variation of those matters referred to in subsection (3).
- (5) The delivery pipeline from the premises concerned to the point of acceptance shall be maintained in a proper condition and free from any leaks.
- (6) Acceptance of the industrial effluent shall be subject to review at any time.

## **Part 24 – Measurement Of Quantity Of Effluent Discharged To Sewage Disposal System**

### **115. Measurement of quantity of standard domestic effluent discharged**

- (1) The quantity of standard domestic effluent discharged shall be determined by a percentage of water supplied by the municipality; provided that where the municipality is of the opinion that such a percentage in respect of specific premises is excessive, having regard to the purposes for which water is consumed on those premises, the municipality may reduce the percentage to a figure which reflects the proportion between the likely quantity of sewage discharged from the premises and the quantity of water supplied thereto.
- (2) Where a premise is 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 of standard domestic effluent shall be a percentage of the total water used on that premises as may be reasonably estimated by the municipality.

### **116. Measurement of quantity of industrial effluent discharged**

- (1) The quantity of industrial effluent discharged into the sewage disposal system shall be determined –
- (a) where a measuring device is installed, by the quantity of industrial effluent discharged from a premises as measured through that measuring device; or
  - (b) until such time as a measuring device is installed, by a percentage of the water supplied by the municipality to that premises, according to Part II in Schedule B.
- (2) The municipality may require the owner of any premises to incorporate a control meter or gauge or other device of an approved type in a drainage installation conveying industrial effluent to a sewer to ascertain the tempo, volume and composition of the effluent.
- (3) The municipality may install and maintain a meter, gauge or device referred to in subsection (2) at the expense of the owner of the premises.

- (4) Where premises are supplied with water from a source other than or in addition to the municipality's water supply system, including abstraction from a river or borehole, the quantity of standard industrial effluent will be a percentage of the total water used on that premises as estimated by the municipality.
- (5) Where a portion of the water supplied to the premises forms part of the end product of any manufacturing process or is lost by reaction or evaporation during the manufacturing process or for any other reason,  
the municipality may, on application, reduce the assessed quantity of industrial effluent.
- (6) The municipality may enter into an agreement with a person discharging industrial effluent into the sanitation system, whereby an alternative method of assessing the quantity and tempo of effluent so discharged is determined.
- (7) Charges relating to the quality of industrial effluent will be based on the formula for industrial effluent discharges as prescribed in the municipality's Tariff Policy.
- (8) The following conditions apply in respect of the assessment of the quality of industrial effluent discharged—
  - (a) each person must conduct the prescribed tests on a regular schedule as provided for in the approval to discharge industrial effluent, and report the results to the municipality;
  - (b) the municipality may conduct random compliance tests to correlate with those used in subsection (a) and, if discrepancies are found, the values of the municipality shall, except for the purpose of criminal proceedings, be presumed to be correct and further tests may be required by the municipality to determine the values for the formula at the cost of the customer.
  - (c) The average of the values of the different analysis results of 24 hourly composite or snap samples of the effluent, taken during the period of charge, will be used to determine the charges payable;
  - (d) in the absence of a complete set of 24 hourly composite or snap samples, the average of not less than two values of the sampled effluent, taken during the period of charge, shall be used to determine the charges payable;
  - (e) in order to determine the strength (chemical oxygen demand, suspended solids concentration, ammonia concentration, and orthophosphate concentration) in the effluent as well as the concentration of Group 1 and 2 metals, pH value and conductivity, the municipality shall use the tests normally used by municipalities for these respective purposes; details of the appropriate test may be ascertained from the municipality or the SANS and test results from a laboratory, accredited by the municipality, will have precedence over those of the municipality;
  - (f) the formula is calculated on the basis of the different analysis results of individual snap or composite samples and the period of treatment for calculation shall not be less than one full 24-hour period; unless evidence is submitted that a lesser period is applicable or where circumstances justify the taking of a spot sample;
  - (g) the terms of the disincentive formula cannot assume a negative value;
  - (h) the total system values for quality charges shall remain constant for an initial period of one month and may be reviewed or amended after twelve months from the date of commencement thereof, provided that the municipality may in any particular case levy the minimum charges prescribed in the municipality's tariff policy without taking any samples;
  - (i) whenever the municipality takes a sample, one half of it must be made available to the customer;

- (j) for the purpose of calculating the quantity of effluent discharged from each point of discharges of effluent, the total quantity of water consumed on the premises shall be allocated to the several points of discharge as accurately as is reasonably practicable;
- (k) the costs of conveying and treating industrial effluent shall be determined by the municipality and shall apply with effect from a date determined by it; and
- (l) the charges for industrial effluent may be levied as a fixed monthly charge by taking into consideration the effluent strengths, the volume and the economic viability of micro and small industries.

#### **117. Reduction in the quantity determined in terms of sections 115 and 116**

- (1) A person shall be entitled to a reduction in the quantity determined in terms of sections 115 and 116 where 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 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 quantity of water loss through leakage or wastage during the leak period.
- (3) The leak period shall be either the measuring period immediately prior to the date of repair of the leak or the measurement period during which the leak is repaired, whichever results in the greater reduction in the quantity.
- (4) The quantity of water loss shall be calculated as the consumption for the leak period less an average consumption, based on the preceding three months, for the same length of time. In the event of no previous consumption history being available, the average water consumption shall be determined by the municipality.
- (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.

#### **118. Charges in respect of on-site sanitation services**

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

### **Part 25 – Drainage Installations**

#### **119. Construction or installation of drainage installations**

- (1) An owner must provide and maintain his drainage installation at his own expense, unless the installation constitutes a basic sanitation facility as determined by the municipality, and except where otherwise approved by the municipality, must ensure that the installation is situated within the boundary of his premises.
- (2) The municipality may prescribe the point in the sewer, and the depth below the ground, at which any drainage installation is to be connected and the route to be followed by the drain to the connecting point and may require the owner not to commence the construction or connection of the drainage installation until the municipality's connecting sewer has been laid.
- (3) A drainage installation that has been constructed or installed must comply with the applicable specifications in terms of the Building Regulations and any standard prescribed in terms of the Act.

- (4) No person shall permit the entry of any liquid or solid substance other than clean water for testing purposes, to enter any drainage installation before the drainage installation has been connected to the sewer.
- (5) Where premises are situated in the 1 in 50 years flood plain, the top level of all service access holes, inspection chambers and gullies must be above the 1 in 50 years flood level and must be 100% watertight to prevent ingress or egress that can cause pollution of the environment
- (6) After the completion of a drainage installation, or after alteration to a drainage installation is completed, the plumber responsible for the execution of the work must submit to the building inspection section of the municipality a certificate certifying that the work was completed to the standards set out in the building regulations, this by-law and any other relevant law or by-laws.
- (7) No rainwater or storm-water, and no effluent other than an effluent that has been approved by the municipality, may be discharged into a drainage installation.

### **120. Drains**

- (1) Drains passing through ground which is liable to movement, shall be laid on a continuous bed of river sand or similar granular material not less than 100mm thick under the barrel of the pipe and with a surround of similar material and thickness, and the joints of such drains must be flexible joints approved by the municipality.
- (2) A drain or part of it may not be laid within, under or through a building without the approval of the engineer.
- (3) A drain or part of it which it is laid in an inaccessible position under a building may not bent or be laid at a gradient.
- (4) If a drain passes through or under a wall, foundation or other structure, adequate precautions shall be taken to prevent the discharge of any substance to the drain.

### **121. Drains in streets or public places**

No person may lay or construct a drain on, in or under a street, public place or other land owned by or under the control of the municipality, except with the written permission of the municipality.

### **122. Construction by municipality**

The municipality may agree with the owner of premises that 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 of all costs associated with such construction.

### **123. Servitudes**

A servitude shall be registered at the cost of the owner where a drain is installed across the property of another party.

### **124. Maintenance of drainage installation**

- (1) The owner or occupier of any premises must maintain a drainage installation and a sewer connection on such premises at his own cost.
- (2) A person who requests the municipality to clear a drainage installation will be liable to pay the prescribed tariff.
- (3) 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 against payment of the prescribed tariff.

- (4) Where any part of a drainage installation is used by two or more owners or occupiers, they shall be jointly and separately liable for the maintenance of the installation and a written agreement to this effect must be drawn up.
- (5) The owner of any premises must ensure that all manholes and cleaning eyes on the premises are permanently visible and accessible.

### **125. Installation of pre-treatment facility**

The municipality may require that new premises must be provided with a minimum pre-treatment facility prior to it being connected to the sewage disposal system.

### **126. Protection from ingress of floodwaters**

Where a premise is situated in the 1 in 50 year flood plain, the top level of service access holes, inspection chambers and gullies has to be above the 1 in 50 years flood level, except, in the case of service access holes and inspection chambers of which the cover is secured in place by approved means.

### **127. Disconnection of drainage installations**

- (1) Except for the purpose of carrying out maintenance or repair work, no drainage installation may be disconnected from the connection point.
- (2) Where any part of a drainage installation is disconnected from the remainder because it will no longer be used, the disconnected part must be destroyed or entirely removed unless the municipality approves otherwise.
- (3) When a disconnection has been made in compliance with the Building Regulations the municipality must, upon the request of the owner, issue a certificate certifying that the disconnection has been completed and notify the Director: Financial Services accordingly.
- (4) When a drainage installation is disconnected from a sewer, the engineer must seal the opening caused by the disconnection and may recover the cost of doing so from the owner of the premises.
- (5) Where a drainage system is connected to or disconnected from the sewer system during a month, charges will be calculated as if the connection or disconnection was made on the first day of the month following the month in which the connection or disconnection took place.

### **128. Technical requirements for drainage installations**

All drainage installations shall comply with SANS code 10252 and the Building Regulations.

### **129. Sewer blockages**

- (1) No person may cause or permit an accumulation of grease, oil, fat, solid matter, or any other substance in any trap, tank, or fitting that may cause its blockage or ineffective operation.
- (2) When the owner or occupier of premises has reason to believe that a blockage has occurred in any drainage installation in or on it, he or she shall take immediate steps to have it cleared immediately inform the municipality.
- (3) Where a blockage occurs in a drainage installation, any work necessary for its removal must be done by, or under the supervision of, a plumber.
- (4) Should any drainage installation on any premises overflow as a result of an obstruction in the sewer, and if the municipality is reasonably satisfied that the obstruction was caused by objects emanating from the drainage installation, the owner of the premises shall be liable for the cost of clearing the blockage.

- (5) Where a blockage has been removed from a drain or portion of a drain which serves two or more premises, the owners are jointly and severally liable for the cost of clearing the blockage.
- (6) Where a blockage in a sanitation system has been removed by the municipality and the removal necessitated the disturbance of an owner's paving, lawn or other artificial surface the municipality shall not be obliged to restore them to their previous condition and shall not be responsible for any damage thereto unless caused by the wrongful act or negligence of the municipality.

### 130. Grease traps

- (1) A grease trap of an approved type, size and capacity must be provided in respect of all premises—
  - (a) that discharge sewage to on-site sanitation systems;
  - (b) where the discharge of grease, oil and fat is likely to cause an obstruction to the flow in municipal or other sewers or drains; or
  - (c) that may interfere with the proper operation of any waste-water treatment plant.
- (2) The stipulations as described in [section 125](#) applies to all premises that discharge effluent that contains grease, oil, fat, soap.
- (3) Grease, oil, fat and other inorganic materials that are removed from the grease trap must be disposed of to a suitable waste disposal site as approved by the municipality, and must under no circumstances be discharged back into the sewer or storm water systems in the municipal area.

### 131. Industrial grease traps

- (1) The owner or manufacturer must ensure that industrial effluent which contains or which is likely to contain, grease, oil, fat or inorganic solid matter in suspension shall, before it is allowed to enter any sewer, be passed through one or more tanks or chambers, of a type, size and capacity designed to intercept and retain such grease, oil, fat or solid matter, and that is approved by the municipality.
- (2) The owner or manufacturer must ensure that oil, grease or any other substance which is contained in any industrial effluent or other liquid and which gives off an inflammable or noxious vapour at a temperature of, or exceeding, 20° C be intercepted and retained in a tank or chamber so as to prevent its entry into the sewer.
- (3) A tank or chamber referred to in subsection (2) must comply with the following requirements—
  - (a) it must be of adequate capacity, constructed of hard durable materials and water-tight when completed;
  - (b) the water seal of its discharge pipe may not be less than 300mm in depth; and
  - (c) it must be provided with a sufficient number of manhole covers for the adequate and effective removal of grease, oil fat and solid matter.
- (4) Any person discharging effluent to a tank or chamber must remove grease, oil, fat or solid matter regularly from the tank or chamber and must maintain a register recording—
  - (a) the dates on which the tank or chamber was cleaned;
  - (b) the name of the persons employed by him to clean the tank or chamber or, if he cleaned it himself, that fact that he did so; and
  - (c) a certificate from the person employed to clean it certifying that the tank or chamber has been cleaned and stating the manner in which the contents of the tank or chamber were disposed of, or, if he or she cleaned it himself, his or her own certificate to that effect.

### 132. Mechanical appliances for lifting sewage

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

## Part 26 – Other Sanitation Services

### 133. Stables and similar premises

The municipality may approve the connection of a drainage installation to stables, cowsheds, dairies, kennels, other premises for the accommodation of animals, and tanneries, subject to the payment of all applicable charges and the fulfilment of any condition that the municipality may impose.

### 134. Mechanical food-waste or other disposal units

The municipality may approve the connection or incorporation of a mechanical food-waste disposal unit or other disposal unit or garbage grinder, into a drainage installation that has a capacity in excess of 500W, subject to the payment of all applicable charges and to any condition that the municipality may impose.

### 135. Building over sewerage system

- (1) No structure may be erected over a municipal service, and no large vegetation or trees may be established over municipal services.
- (2) A municipal service must remain accessible at all times.
- (3) The owner or occupier is responsible to report all faults and defects to the municipality.

## Part 27 – Installation Work

### 136. Approval of installation work

- (1) If an owner wishes to have installation work done, he must first obtain the municipality's written approval.
- (2) Application for the approval referred to in subsection (1) must be made on the prescribed form and shall be accompanied by—
  - (a) a charge determined by the municipality where applicable;
  - (b) copies of all drawings that may be required by the municipality; and
  - (c) a certificate by a professional engineer certifying that the installation has been designed in accordance with any applicable SANS Codes.
- (3) Approval given in terms of subsection (1) shall lapse after 24 (twenty-four) months.
- (4) When approval has been given in terms of subsection (1), a complete set of the drawings that have been required and approved by the municipality must be available for inspection at the site at all reasonable times until the work has been completed.
- (5) If installation work has been done in contravention of subsections (1) or (2), the municipality may require the owner—
  - (a) to rectify the contravention within a specified time;
  - (b) if work is in progress, to cease the work; and
  - (c) to remove all work that does not comply with this by-law.

### 137. Persons permitted to do installation and other work

- (1) No person who is not a plumber, or working under the control of a plumber, shall be permitted to—
  - (a) do installation work other than the replacement or repair of an existing pipe or sanitation fitting;
  - (b) inspect, disinfect and test a drainage installation, fire installation or storage tank;
  - (c) service, repair or replace a back flow preventer; or
  - (d) install, maintain or replace a meter provided by an owner in a drainage installation.
- (2) No person shall employ or engage a person who is not a plumber to do the work referred to in subsection (1).

- (3) Notwithstanding the provisions of subsections (1) and (2), the municipality may permit a person, who is not a plumber, to do installation work at his own premises if they are occupied by himself or his own household, but if permission is given, the work must be inspected and approved by a plumber under the direction of or who has been nominated by the municipality.

### 138. Testing of drainage installations

- (1) No drainage installation, or any part thereof, shall be connected to on-site sanitation services nor shall the municipality's sanitation system be connected to an existing approved installation, unless any one or more of the following tests have been applied in the presence of the engineer before the draining installation is enclosed—
  - (a) the interior of every pipe or series of pipes between two points of access shall be inspected throughout its length by means of a mirror and a source of light, and during the inspection, a full circle of light must appear to the observer, and the pipe or series of pipes must be unobstructed;
  - (b) a smooth ball having a diameter 12mm less than the nominal diameter of the pipe shall, when inserted at the higher end of the pipe, roll down without assistance or interruption to the lower end;
  - (c) after all openings to the pipe or series of pipes have been plugged or sealed and after all traps associated with them have been filled with water, air shall be pumped into the pipe or pipes until a manometric pressure of 38mm of water is indicated, after which the pressure must remain greater than 25mm of water for a period of at least 3 (three) minutes without further pumping; and
  - (d) all parts of the installation must be subjected to and required to withstand an internally applied hydraulic test pressure of not less than a 3m head of water for a period of not less than 10 minutes.
- (2) If the municipality has reason to believe that any drainage installation or any part of it has become defective, it may require the owner of any premises to conduct any or all of the tests prescribed in subsection (1) and, if the installation fails to pass any test, or all the tests the municipality may by notice require the owner to take all reasonable measures to enable the installation to satisfy any or all of them.

### 139. Water demand management

- (1) Notwithstanding the provisions of [section 32](#), no flushing urinal that is not user-activated shall be installed or continued to operate in any water installation.
- (2) All flushing urinals that are not user-activated installed prior to the commencement of this by-law must be converted to user-activated urinals within two years of the commencement of this by-law.
- (3) No cistern, and related pan designed to operate with such cistern, shall be installed with a cistern capacity of greater than 9 litres and all cisterns not intended for public use shall be fitted with flushing devices allowing interruptible or multiple flushes, provided that such flushing device shall not be required in cisterns with a capacity of 4,5 litres or less.

## Chapter 5 Offences

### 140. Offences

- (1) Any person who—
  - (a) obstructs or hinders the municipality in the exercising of the powers or performance of functions or duties under this by-law;
  - (b) uses, tampers or interferes with municipal equipment;
  - (c) uses, tampers or interferes with the water supply system, sanitation system and reticulation network;
  - (d) contravenes or fails to comply with a provision of this by-law;
  - (e) fails to comply with the terms of a notice served upon him in terms of this by-law; commits an offence and shall on conviction be liable to—
    - (i) a fine or imprisonment, or either such fine or imprisonment or to both such fine and such imprisonment; of,
    - (ii) in the case of a continuing 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
  - (f) a further amount equal to any costs and expenses found by the court to have been incurred by the municipality as result of such contravention or failure.

### SCHEDULE A

#### LIMITS OF CONCENTRATIONS OF SUBSTANCES THAT MAY BE DISCHARGED INTO THE SWARTLAND MUNICIPALITY'S SANITATION SYSTEM

1. No person shall discharge effluent into the sewerage system which has—

Parameter	Allowed Specifications	Units
a temperature at the point of entry in excess of;	430°	C
a pH greater than 10,0 or less than 6,0;	6,0–10,0	
Chemical oxygen demand (COD) greater than	4 000	mg/ℓ
Electrical conductivity— not greater than	250	m S/m at 25 °C
Caustic alkalinity (expressed as CaCO <sub>3</sub> )	2000	mg/ℓ
Substance not in solution (including fat, oil, grease waxes and like substances )	2000	mg/ℓ
Substances soluble in petroleum ether	500	mg/ℓ
Sulphides, hydro-sulphides and polysulphides (expressed as S)	50	mg/ℓ
Substances from which hydrogen cyanide can be liberated in the drainage installation, sewer or sewage treatment works (expressed as HCN)	20	mg/ℓ
Formaldehyde (expressed as HCHO)	50	mg/ℓ
Non-organic solids in suspension	100	mg/ℓ
All sugars and/or starch (expressed as glucose)	1500	mg/ℓ

Available chlorine (expressed as Cl)	100	mg/l
Sulphates (expressed as SO <sub>4</sub> )	1800	mg/l
Fluorine— containing compounds (expressed as F)	5	mg/l
Anionic surface active agents	500	mg/l

2. No person shall discharge effluent into the sewerage system which contains a substance, either alone or in combination with other substances, having a concentration in excess of those listed below.

<b>(a) Chemical Substances other than metals</b>		
<b>Parameter</b>	<b>Allowed specifications</b>	<b>Units</b>
Fats, vegetable oil and like substances	400	mg/ℓ
Sulphides, or substances from which hydrogen sulphide can be liberated (expressed as S)	5	mg/ℓ
Cyanides or substances from which hydrogen cyanide can be liberated (expressed as HCN)	20	mg/ℓ
Sulphates (expressed as SO <sub>4</sub> )	500	mg/ℓ
Suspended solids	1 000	mg/ℓ
Tar products and distillates	50	mg/ℓ
Chloride (expressed as Cl)	1 000	mg/ℓ
<b>(b) Metals</b>		
<b>Group 1</b>		
Chromium (hexavalent)	0	mg/ℓ
Chromium (trivalent)(expressed as CrO <sub>3</sub> )	10	mg/ℓ
Copper (expressed as Cu)	10	mg/ℓ
Manganese	20	mg/ℓ
Nickel (expressed as Ni)	5	mg/ℓ
Zinc (expressed as Zn)	20	mg/ℓ
Iron (expressed as Fe)	20	mg/ℓ

Silver	5	mg/l
Cobalt	5	mg/l
Tungsten	5	mg/l
Titanium	5	mg/l
Cadmium	5	mg/l
Total collective concentration of all metals in Group 1	50	mg/l
<b>Group 2</b>		
Arsenic (expressed as As)	5	mg/l
Boron (expressed as B)	5	mg/l
Lead (expressed as Pb)	5	mg/l
Selenium (expressed as Se)	5	mg/l
Mercury (expressed as Hg)	5	mg/l
Cadmium (expressed as Cd)	5	mg/l
Total collective concentration of all metals in Group 2	10	mg/l
<b>(c) Radio-active wastes</b>		
Any radio-active waste or isotopes: such concentration as may be laid down by the Atomic Energy Corporation or any State Department.		

3. No person shall discharge effluent into the sewerage system which—
- (a) whether or not it is listed in the Effluent standards or which either alone or in combination with other matter, may—
    - (i) generate or constitute a toxic substance dangerous to the health of persons employed in the maintenance or operation of the sewerage system;
    - (ii) be harmful to the sewerage system, or

- (iii) adversely affect any of the processes whereby sewage is normally treated or the re-use of purified sewage effluent or the disposal of solids arising from the treatment process;
- (b) is in the form of steam at the point of entry into the sewerage system;
- (c) contains any substance likely to produce or give off explosive, inflammable, poisonous or offensive gases in such sewerage system;
- (d) shows any visible signs of oil, tar or associated products or distillates, bitumen's or asphalts or their emulsions, or emulsions of oil or grease or fats
- (e) contains any solids which may have an effect on the sewerage system;
- (f) contains any solvent immiscible in water;
- (g) contains dye or dye residues;
- (h) contains any substances in such concentration as may interfere with the sewerage system or adversely affect the quality of reclaimed water;
- (i) contains any non-biodegradable substance (e.g. blood); or
- (j) contains storm water or ground water.

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

## SCHEDULE B

### APPLICATION FORM FOR THE DISCHARGE OF INDUSTRIAL EFFLUENT INTO THE SWARTLAND MUNICIPALITY'S SANITATION SYSTEM



#### **SWARTLAND MUNICIPALITY DEPARTMENT OF CIVIL ENGINEER SERVICES**

#### **PERMIT APPLICATION TO DISCHARGE A TRADE OR INDUSTRIAL EFFLUENT INTO THE SEWERAGE SYSTEM**

#### **ISSUED IN TERMS OF THE SWARTLAND MUNICIPALITY WATER SERVICES BY-LAWS**

(Please complete application in block letters)

I (name): .....

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

## Part 1 – Nature Of The Business Or Industry Concern

### 1. Business

REGISTERED NAME OF THE BUSINESS			
STREET NAME	POSTAL ADDRESS	ERF NO.	ALLOTMENT AREA
AUTHORISED PROCESSES FOR THE PREMISES			

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

.....

### 3. IS THIS A NEW OR ESTABLISHED BUSINESS?

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

.....  
 .....

### 5. INFORMATION RELATING TO EMPLOYEES:

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

## Part 2 – Information Relating To Water Consumption

### 1. Average number of kilolitres per month of water purchased from the municipality the past six months

WATER CONSUMPTION	TOTAL
WATER PURCHASED FROM THE MUNICIPALITY	
WATER FROM BOREHOLE OR OTHER SOURCES	
WATER ENTERING WITH RAW MATERIALS	
<b>TOTAL A</b>	

2. Effluent Discharge rate

EFFLUENT DISCHARGE RATE			
CONNECTION POSITION	MAXIMUM RATE IN kl		
	PER MONTH	PER DAY	PER HOUR

3. Effluent Discharge factor

EFFLUENT DISCHARGE FACTOR	
FRACTION OF METERED WATER NOT DISCHARGED TO SEWER	
FRACTION OF METERED WATER TO SEWER	

In the event that no effluent meter is installed on the premises, the estimated volume of un-metered effluent discharge will be calculated as follows—

90% of Total A, except if otherwise agreed with the municipality

### Part 3 – Information Regarding The Composition Of The Industrial Effluent

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

Parameter	Discharge characteristics	Units
Temperature at the point of entry in excess of;		°C
pH		
Chemical oxygen demand (COD)		mg/ℓ
Electrical conductivity		mS/m at 25 °C
Caustic alkalinity (expressed as CaCO <sub>3</sub> )		mg/ℓ
Substance not in solution (including fat, oil, grease waxes and like substances)		mg/ℓ
Substances soluble in petroleum ether		mg/ℓ
Sulphides, hydro-sulphides and polysulphides (expressed as S)		mg/ℓ
Substances from which hydrogen cyanide can be liberated in the drainage installation, sewer or sewage treatment works (expressed as HCN)		mg/ℓ
Formaldehyde (expressed as HCHO)		mg/ℓ
Non-organic solids in suspension		mg/ℓ
All sugars and/or starch (expressed as glucose)		mg/ℓ
Available chlorine (expressed as Cl)		mg/ℓ
Sulphates (expressed as SO <sub>4</sub> )		mg/ℓ

Fluorine—containing compounds (expressed as F)		mg/ℓ
Anionic surface active agents		mg/ℓ
Arsenic (expressed as As)		mg/ℓ
Boron (expressed as B)		mg/ℓ
Lead (expressed as Pb)		mg/ℓ
Selenium (expressed as Se)		mg/ℓ
Mercury (expressed as Hg)		mg/ℓ
Cadmium (expressed as Cd)		mg/ℓ
Total collective concentration of all metals in Group 2		mg/ℓ
<b>Radio-active wastes</b>		

#### **Part 4 – Conditions Relating To The Acceptance Of Industrial Effluent**

1. The applicant shall attach descriptions and a statement of the dimensions of grease and oil traps, screens, dilution and neutralising tanks and any other provision made for the treatment of the effluent prior to discharge to the sanitation.
2. The applicant shall submit to the municipality, if requested, plans showing the reticulation systems on his premises for water and industrial effluent.
3. The applicant shall, in addition to complying with the provisions of this by-law aimed at the protection of its employees, sewers and treatment plant from damage, comply with any directive/instructive/guideline concerned with such protection given by the engineer verbally or in writing for the purpose of ensuring the applicant's compliance with the said by-law.
4. The applicant shall notify the municipality, as soon as possible after he becomes aware thereof, or at least 14 days before anything is done to cause material alteration in the nature or quantity of the industrial effluent specified in this application or in any of the facts stated by him.
5. The applicant shall, within 30 days from the date of signature of this application, procure an accurately representative sample of not less than 5 litre of the industrial effluent to be discharged into the sewer, which sample shall be free of domestic sewage, and shall submit one half thereof to the municipality for analysis and also submit to the engineer a report on the sample made by an analyst appointed by him: Provided that in the case of a newly established industry the period specified may be extended by the municipality for a period not exceeding six months or such further extended periods as the municipality may approve.
6. The applicant hereby declares and warrants that the information given by him in this form, is to the best of his knowledge and belief, correct in all respects.

7. The applicant agrees that the said information shall form the basis on which this application is granted by the municipality.

Thus done at ..... on ..... day of .....20 .....

.....

Signature and capacity of the applicant

**SCHEDULE C**

**PERMIT ISSUED TO ALLOW THE DISCHARGE OF TRADE OR INDUSTRIAL EFFLUENT INTO THE SEWERAGE**

DATE/DATUM		PERMIT NO./NR.

SWARTLAND MUNICIPALITY

DEPARTMENT OF CIVIL ENGINEERING SERVICES

**PERMIT**

**TO DISCHARGE A TRADE OR INDUSTRIAL EFFLUENT INTO THE SEWERAGE SYSTEM**

*Valid for three years after issue*

**ISSUED IN TERMS OF THE SWARTLAND MUNICIPALITY WATER SERVICES BY-LAWS**

**PERMIT TO DISCHARGE INDUSTRIAL EFFLUENT INTO THE SEWERAGE SYSTEM**

DATE/DATUM		PERMIT NO./NR.

**Nature of the Business or Industry Concern**

REGISTERED NAME OF THE BUSINESS			
STREET NAME	POSTAL ADDRESS	ERF NO.	ALLOTMENT AREA
AUTHORISED PROCESSES FOR THE PREMISES			

**Effluent Discharge rate**

EFFLUENT DISCHARGE RATE			
CONNECTION POSITION	MAXIMUM RATE IN kl		
	PER MONTH	PER DAY	PER HOUR

**Effluent Discharge factor**

EFFLUENT DISCHARGE FACTOR	
FRACTION OF METERED WATER NOT DISCHARGED TO SEWER	
FRACTION OF METERED WATER TO SEWER	

<b>PRE-TREATMENT REQUIRED BEFORE ACCEPTANCE</b>
! Removal of settleable solids
! Fat, oil and grease removal
! Any further treatment as may be deemed necessary when more information on the composition of the effluent being discharged is available after sampling and analysis
! Special steps should be taken to ensure that no sea water can enter the municipal sewerage system.

<b>PHYSICAL AND CHEMICAL CONDITIONS REQUIRED BEFORE EFFLUENT ACCEPTANCE</b>		
<b>SUBSTANCES ACCEPTABLE IN LIMITED CONCENTRATIONS ONLY</b>		
No person shall discharge effluent into the sewerage system which has—		
<b>Parameter</b>	<b>Allowed Specifications</b>	<b>Units</b>
a temperature at the point of entry in excess of;	43°	C
a pH greater than 10,0 or less than 6,0;	6,0-10,0	
Chemical oxygen demand (COD) greater than	4 000	mg/ℓ
Electrical conductivity— not greater than	250	m S/m at 25 °C
Caustic alkalinity (expressed as CaCO <sub>3</sub> )	2 000	mg/ℓ
Substance not in solution (including fat, oil, grease waxes and like substances)	2 000	mg/ℓ
Substances soluble in petroleum ether	500	mg/ℓ
Sulphides, hydro-sulphides and polysulphides (expressed as S)	50	mg/ℓ
Substances from which hydrogen cyanide can be liberated in the drainage installation, sewer or sewage treatment works (expressed as HCN)	20	mg/ℓ
Formaldehyde (expressed as HCHO)	50	mg/ℓ
Non-organic solids in suspension	100	mg/ℓ

All sugars and/or starch (expressed as glucose)	1 500	mg/ℓ
Available chlorine (expressed as Cl)	100	mg/ℓ
Sulphates (expressed as SO <sub>4</sub> )	1 800	mg/ℓ
Fluorine-containing compounds (expressed as F)	5	mg/ℓ
Anionic surface active agents	500	mg/ℓ
No person shall discharge effluent into the sewerage system which contains a substance, either alone or in combination with other substances, having a concentration in excess of those listed below.		
<b>(a) Chemical Substances other than metals</b>		
<b>Parameter</b>	<b>Allowed specifications</b>	<b>Units</b>
Fats, vegetable oil and like substances	400	mg/ℓ
Sulphides, or substances from which hydrogen sulphide can be liberated (expressed as S)	5	mg/ℓ
Cyanides or substances from which hydrogen cyanide can be liberated (expressed as HCN)	20	mg/ℓ
Sulphates (expressed as SO <sub>4</sub> )	500	mg/ℓ
Suspended solids	1 000	mg/ℓ
Tar products and distillates	50	mg/ℓ
Chloride (expressed as C)	1 000	mg/ℓ
<b>(b) Metals</b>		
Group 1		

Chromium (hexavalent)	0	mg/l
Chromium (trivalent) (expressed as CrO <sub>3</sub> )	10	mg/l
Copper (expressed as Cu)	10	mg/l
Manganese	20	mg/l
Nickel (expressed as Ni)	5	mg/l
Zinc (expressed as Zn)	20	mg/l
Iron (expressed as Fe)	20	mg/l
Silver	5	mg/l
Cobalt	5	mg/l
Tungsten	5	mg/l
Titanium	5	mg/l
Cadmium	5	mg/l
Total collective concentration of all metals in Group 1	50	mg/l
<b>Parameter</b>	<b>Allowed specifications</b>	<b>Units</b>
Group 2		
Arsenic (expressed as As)	5	mg/l
Boron (expressed as B)	5	mg/l
Lead (expressed as Pb)	5	mg/l
Selenium (expressed as Se)	5	mg/l
Mercury (expressed as Hg)	5	mg/l

Cadmium (expressed as Cd)	5	mg/ℓ
Total collective concentration of all metals in Group 2	10	mg/ℓ
<b>(c) Radio-active wastes</b>		
Any radio-active waste or isotopes: such concentration as may be laid down by the Atomic Energy Corporation or any State Department.		

**PROHIBITED EFFLUENTS**

No person shall discharge effluent into the sewerage system which

- (a) whether or not it is listed in the effluent standards or which either alone or in combination with other matter, may -
  - (i) generate or constitute a toxic substance dangerous to the health of persons employed in the maintenance or operation of the sewerage system;
  - (ii) be harmful to the sewerage system; or
  - (iii) adversely affect any of the processes whereby sewage is normally treated or the re-use of purified sewage effluent or the disposal of solids arising from the treatment process;
- (b) is in the form of steam at the point of entry into the sewerage system;
- (c) contains any substance of whatever nature likely to produce or give off explosive, inflammable, poisonous or offensive gases in such sewerage system;
- (d) shows any visible signs of oil, tar or associated products or distillates, bitumen's or asphalts or their emulsions, or emulsions of oil or grease or fats
- (e) contains any solids which may in the opinion of the local authority have an effect on the sewerage system;
- (f) contains any solvent immiscible in water;
- (g) contains dye or dye residues;
- (h) contains any substances in such concentration as may in the opinion of the local authority interfere with the sewerage system or adversely affect the quality of reclaimed water,
- (i) contains any non-biodegradable substance (e.g. blood) or
- (j) Contains stormwater or ground water.

**SPECIAL CONDITIONS FOR THIS PERMIT**

The permit holder shall install and maintain at his or her own cost a suitable flow measuring device, on all lines discharging industrial effluent to the municipality's sewer system, to measure the volumes. The proposed flow measuring device shall be to the satisfaction and approval of the Senior Manager: Civil Engineer services.

**INDEMNIFICATION OF THE LOCAL AUTHORITY**

A permit holder shall indemnify the local authority against all claims which may be brought or instituted against it for damage to property or injury or death of persons as a result of the discharge of effluent.

**CONDITIONS OF ISSUE**

This permit is issued in terms of the Swartland municipality's Water services By-Laws and is subject to the conditions stated therein.

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**DATE**

**SENIOR MANAGER: CIVIL ENGINEERING  
SERVICES**