

Drakenstein, South Africa

## Water Services

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## Water Services

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# Drakenstein South Africa

## Water Services By-law, 2014

Published in Western Cape Provincial Gazette 7291 on 25 July 2014

**Commenced on 25 July 2014**

*[This is the version of this document from 25 July 2014 and includes any amendments published up to 12 April 2024.]*

*[Repealed by Water and Sanitation Services on 28 July 2023]*

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

Be it enacted by the Municipal Council of the Drakenstein Municipality, in terms of Section 156(2) of the National Constitution read with Section 11(3)(m) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000), as follows:-

### Chapter 1 Interpretation

#### 1. Definitions

In this By-law and the Schedules thereto unless the context otherwise indicates -

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

"**Act**" means the Water Services Act, 1997 (Act 108 of 1997) and regulations promulgated in terms of it;

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

"**approved**" means approved by the Municipality in writing unless otherwise stated;

"**authorised official**" means a person in the employ of the Municipality, authorised by the Municipality to implement and enforce the provisions of this By-law, or if the Municipality has appointed a service provider, an employee of such service provider, authorised by it as an authorised official in terms of this By-law and acting within the scope of the powers, functions and duties assigned to that service provider by the Municipality in terms of section 81(2) of the Systems Act or another applicable law;

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

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

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

"**basic sanitation**" means the minimum standard of safe and hygienic sanitation services and sewage disposal rendered to households, prescribed in terms of the Act, under regulation 2 of Government Notice R.509 of 8 June 2001, as amended from time to time, or any substitution for that regulation;

"**basic water supply**" means the minimum standard of water supply services necessary for the reliable supply of water to households to support life and personal hygiene, prescribed in terms of the act

under regulation 3 of Government Notice R.509 of 8 June 2001, as amended from time to time, or any substitution for that regulation;

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

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

- (a) Locating, intercepting, collecting or storing water in or removing water from an aquifer;
- (b) Observing and collecting data and information on water in an aquifer; or
- (c) Recharging an aquifer; and it also includes a spring;

**"Building Regulations"** means the National Building Regulations made in terms of the National Building Regulations and Building Standards Act, 1997 ([Act 103 of 1977](#)) as amended;

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

**"capacity"** in relation to a storage tank means the volume of the tank between the operating water level of the water contained in such tank and the invert of the outlet from the tank;

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

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

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

**"communal water services work"** 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 can include water supply and drainage systems;

**"compliance notice"** means any notice issued by an authorised official under this By-law which instructs the person to whom it is issued to comply with the terms of the notice;

**"connection"** means the point at which a consumer legally connects to;

**"connection pipe"** means a pipe, including the water meter and stop valve, the ownership of which is vested in the Municipality and installed by it for the purpose of conveying water from a main to a water installation, and includes a "communication pipe" referred to in SANS 10125;

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

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

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



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

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

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

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

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

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

**"dwelling unit"** means an interconnected suite of rooms designed for residential purposes and occupation by a single household, regardless of how many persons comprise the household and irrespective of whether the dwelling unit is a single building or forms part of a building containing two or more dwelling units;

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

**"ECSA"** means the Engineering Council of South Africa;

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

**"effluent standards"** means the standards for effluent prescribed in government notice no. 9225 of 18 May 1984.

**"EIA"** means an environmental impact assessment as contemplated in NEMA and/or the ECA and further in accordance with the EIA Regulations as published in Government Notice R 1183 on 5 September 1997 or the EIA Regulations as published in Government Notice R.543 on 18 June 2010, as amended from time to time.

**"engineer"** means a qualified engineer, technologist or technician that is a full time employee of the Municipality with delegated powers to act in respect of the applicable function;

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

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

**"fire hydrant"** means a water installation that conveys water intended for fire-fighting purposes only and which shall be in accordance with SANS 10400-W;

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

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

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

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

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

**"grey water"** means wastewater resulting from use of water for domestic purposes including bath, shower, bathroom sink and washing machine water and specifically excluding:

- (a) kitchen water due to its fat content; and
- (b) water containing human excreta;

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

**"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 and/or paid for as calculated by the Municipality;

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

**"industrial purposes"** means water supplied to any premises which constitutes a factory as defined in the General Administrative Regulations, published in terms of the Occupational Health and Safety Act, 1993 (Act 85 of 1993) including the use of water for purposes of mining, manufacturing, retailing and service industries, generating electricity, land-based transport, construction or any related purpose;

**"installation work"** means any work done in respect of a water services 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 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 Customer Care, Credit Control and Debt Collection By-law of the Municipality;

**"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 any number of consumers;

**"manhole"** means an access chamber of such depth and dimensions that allows a person access to the interior of the sewer for the purposes of maintenance and internal cleaning thereof;

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

**"meter"** means a water meter as defined by Regulation 81(a) Government Notice R. 2362 dated 18 November 1977, published in terms of the Trade Metrology Act, 1973 ([Act 77 of 1973](#)) or any superseding legislation or, in the case of a water meter of a size greater than 100 mm, a device which measures the quantity of water passing through it, or a measuring device including a pre-payment meter, any of which must be approved by the SABS;

**"Municipality"** means -

- (a) the Drakenstein Local Municipality established in terms of section 12 of the Structures Act, Provincial Notice No. 488 dated 22 September 2000 or its successors in title, and includes a structure or person exercising a delegated power or carrying out an instruction in terms of this By-law and legislation applicable to local government; or
- (b) a service provider fulfilling a responsibility under this By-law, assigned to it in terms of section 81(2) of the Systems Act or any other law, as the case may be;

**"Municipal Council"** means the municipal council of the Municipality as provided for in section 157 of the National [Constitution](#) and section 18 of the Structures Act;

**"Municipal service"** means the municipal service relating to the provision of water services by the Municipality or a service provider on behalf of the Municipality, in accordance with this By-law;

**"National Water Act"** means the National Water Act, 1998, ([Act 36 of 1998](#));

**"NEMA"** means the National Environmental Management Act, 1998 ([Act 107 of 1998](#));

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

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

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

**"on-site sanitation services"** means a conservancy tank, septic tank, chemical toilet, urine diversion system, "VIP" or related systems other than water borne sewerage disposal through a sewerage disposal system;

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

**"owner"** includes -

- (a) the person in whom is vested the legal title to premises, including, but not limited to, the registered owner according to the title deed;
- (b) where the person in whom the legal title to the premises is vested is insolvent or dead, or is under any form of legal disability whatsoever, 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) in any case where the Municipality is unable to determine the identity of such person, a person who is entitled to the benefit of the use of such premises or a building or buildings thereon; and
- (d) in the case of premises for which a lease agreement of ten years or longer has been entered into and registered in the Deeds Office, the lessee thereof;
- (e) in relation to
  - (i) a piece of land delineated on a sectional plan registered in terms of the Sectional Titles Act, 1986 ([Act 95 of 1986](#)), the developer or the body corporate in respect of the common property; or
  - (ii) a section as defined in such Act, the person in whose name the relevant unit is registered under a sectional title deed, and includes the lawfully appointed representative of such person;
- (f) the person who has purchased immovable property from the Municipality, in terms of a scheme that allows for the purchase price to be paid in instalments and who has not received transfer from the Municipality;
- (g) any person who acquires any right to land by virtue of the provisions of any law applicable in the Province of the Western Cape;

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

**"permit holder"** means a person who has obtained the written permission of the Engineer to discharge or cause or permit to discharge industrial effluent into the sewage disposal system;

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

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

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

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

- (a) a general plan or diagram registered in terms of the Land Survey Act, 1927 ([Act 9 of 1927](#)), or in terms of the Deeds Registries Act, 1937 ([Act 47 of 1937](#)); or
- (b) a sectional plan registered in terms of the Sectional Titles Act, 1986 ([Act 95 of 1986](#)); or
- (c) which is situated within the area of jurisdiction of the Municipality;

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

**"prescribed"** means, determined by the Municipal Council or another authority as is relevant to the context;

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

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

**"professional person"** means a person registered in terms of the engineering profession act, 2000 (Act 46 of 2000) for the appropriate field of expertise and registered with ECSA;

**"public notice"** means notice to the public in a manner determined by the Municipality in accordance with applicable legislation;

**"public water"** means any river, watercourse, bay, estuary, the sea and any other water to which the public has the right of use or to which the public has the right of access;

**"qualified plumber"** means a person who has passed the relevant National Certificate II and the plumber trade test and such other qualification as may be required under national legislation;

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

**"registered plumber"** means a qualified plumber registered with the Plumbing Industry Registration Board or included in the Municipal Register of Approved Plumbers;

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

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

**"SANS 241"** (including any amendments thereto) means the standards prescribed for the quality of drinking water;

**"sanitation services"** means the collection, removal and disposal or purification of human excreta, standard domestic effluent, wastewater, sewage and effluent resulting from the use of water for commercial purposes and, for the purposes of this By-law, also includes the disposal of industrial effluent;

**"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 and includes a french drain;

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

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

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

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

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

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

**"stop-valve"** means a valve for the connection or disconnection of water supply; the stop-valve between the municipal main and the water meter is known as the municipal stop-valve, for exclusive control over and use by the municipality; the consumer's stop-valve is situated downstream of the water meter and is for exclusive use by the consumer except when the municipality has to do maintenance on the water installation.

**"storm water"** means water resulting from natural precipitation or accumulation and includes rainwater, subsoil water or spring water but excludes swimming pool backwash and sewage;

**"Structures Act"** means the Local Government: Municipal Structures Act, 1998 ([Act 117 of 1998](#));

**"Systems Act"** means the Local Government: Municipal Systems Act, 2000 ([Act 32 of 2000](#));

**"tariff"** means the annually revised user charge for the provision of the municipal service, determined and promulgated by the Municipality through its Tariff By-law in terms of the Systems Act;

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

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

**"waste grinder"** means any mechanically operated device which grinds and flushes matter into the wastewater system or removes from vegetables or other foodstuffs, peels, skins, scales or other matter for discharge directly or indirectly into the wastewater system, and includes effluent from a food waste grinder;

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

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

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

**"water supply services"** means the abstraction, conveyance, treatment and distribution of potable water, water intended to be converted to potable water or water for commercial use and includes for the purpose of this By-law water for industrial purposes and fire fighting services;

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

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

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

**"working hours"** means normal working hours as approved by the Municipal Council which may be amended from time to time;

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

## 2. Meaning of words

- (1) Any word or expression used in this By-law to which a meaning has been assigned in-
  - (a) the Act will bear that meaning; and
  - (b) the Building Regulations and Building Standards Act 1977 ([Act 103 of 1977](#)), and Chapter III of the Building Regulations there under, will bear that meaning, unless the context indicates otherwise.
- (2) Any reference in this By-law to water services or services must be interpreted as referring to water supply services or sanitation services depending on the services to which it is applicable.
- (3) In this By-law and the Schedules thereto, words used in the masculine gender include the feminine, the singular includes the plural and vice versa and in the event of a conflict between the English and Afrikaans versions of this By-law, the English version shall be decisive.

## Chapter 2 Access to water services

### Part 1 – Levels of service

## 3. Levels of service

- (1) The Municipal Council may in accordance with national policy but subject to principles of affordability and sustainability, by public notice, determine the levels of service it is able to provide to consumers.
- (2) The Municipal Council may, in determining these levels of service, differentiate between types of consumers and geographical areas.
- (3) Subject to subsection 1, the following levels of service shall be provided by the Municipality:
  - (a) Service Level 1  
which shall satisfy the minimum standard for basic water services as required in terms of the Act and its applicable regulations, and consists of-
    - (i) a water supply from communal water points; and
    - (ii) a ventilated improved pit latrine located on each site; and
  - (b) Service Level 2  
which shall consist of-
    - (i) a metered water connection to each stand with an individual yard standpipe;
    - (ii) a water borne connection connected to either a municipal sewer or a shallow communal sewer system; and
    - (iii) a pour flush toilet which must not be directly connected to the water installation; which service will be provided to consumers at the prescribed fees provided that -
      - (aa) the average water consumption per stand through the metered water connection for the zone or group of consumers in the zone does not exceed 10kl over any 30 day period;
      - (bb) the water standpipe is not connected to any other terminal water fittings on the premises;



- (cc) in the case of a communal sewer having been installed, a collective agreement has been signed by the group of consumers accepting responsibility for the maintenance and repair of the communal sewer; and
  - (dd) the Municipality may adopt any measures considered necessary to restrict the water flow to Service Level 2 consumers to 10kl per month.
- (c) Service Level 3
  - which shall consist of-
  - (i) a full pressure metered water connection to each stand; and
    - (ii) a conventional water borne drainage installation connected to the Municipality's sewer provided that-
      - (aa) installation is against payment of the prescribed connection fees;
      - (bb) provision is against payment of prescribed fees; and
      - (cc) the water and drainage installations are maintained by the consumer.
- (4) If a consumer receiving Service Level 2 contravenes subparagraph (aa) or (bb) to subsection (3)(b)-
  - (a) the Municipality may immediately install a pre-payment meter in the service pipe on the premises; and
  - (b) the fees for water services must be applied.

## Part 2 – Application

### 4. Application for water services

- (1) No person, other than a consumer on Service Level 1, may gain access to water services from the water supply system, sewage disposal system or through any other sanitation services, unless he has applied to the Municipality on the prescribed form for such services for a specific purpose, and such application has subject to the Municipality's Customer Care, Credit Control and Debt Collection By-law been agreed to.
- (2) An application for the use of water services approved by the Municipality constitutes an agreement between the Municipality and the applicant, and such agreement takes effect on the date referred to in the agreement.
- (3) The person referred to in subsection (2) will be liable for all the prescribed fees in respect of water services rendered to him until the agreement has been terminated in accordance with this By-law or until such time as any arrears including interest have been paid.
- (4) If the applicant is not the owner, the Municipality shall require any owner to be bound jointly and severally as surety and co-principal debtor with the consumer, for the payment of any prescribed fees payable to the Municipality in terms of this By-law.
- (5) In preparing an application form for water services the Municipality will ensure that the document and the process of interaction with the person making application are understood by that person. In the case of illiterate or similarly disadvantaged persons, the Municipality will take reasonable steps to ensure that the person is aware of and understands the contents of the application form.
- (6) The application form must at least contain the following information
  - (a) certification by the applicant that he is aware of and understands the contents of the form;



- (b) acceptance by the consumer of the provisions of this By-law and acceptance of liability for the cost of water services rendered and all water consumed until the agreement is terminated or until such time as any arrears have been paid;
  - (c) name of consumer, and his identity or registration number, where applicable;
  - (d) address or stand number of premises at which water is to be supplied or on which a communal water services work operates;
  - (e) address to which accounts will be sent;
  - (f) name and address of the applicant's employer, where appropriate;
  - (g) the purpose for which water is to be used;
  - (h) the agreed date on which the water service shall be provided.
- (7) The municipality must on application for the provision of water services by a consumer inform that consumer of the different levels of services available and the prescribed fees associated with each level of services.
- (8) A consumer must elect the available level of services to be provided to him and the Municipality will in its discretion decide upon the size of the connection and the use of pressure- and flow control but no sub-meter will be provided or installed on a private residential property.
- (9) A consumer may at any time apply to alter the level of services elected in terms of the agreement entered into, provided such services are available and that any costs and expenditure associated with altering the level of services will be payable by the consumer.
- (10) The applicant must be informed if the Municipality refuses an application for the provision of water services or is unable to render such water services on the date requested for provision of services to commence or is unable to render the water services and the Municipality must furnish the applicant with the reasons therefore and, if applicable, the date when the Municipality will be able to provide such water services.
- (11) The consumer shall be responsible for the registration of a servitude at his own cost if his water service has to be installed from the connection point over or across the property of another private owner to reach his own property and such servitude must be registered prior to the installation of his water service.
- (12) Where premises or consumers are provided with water supply services or are connected to the sewage disposal system or water services are available to the premises or consumers and it is reasonably possible for the premises or consumers to connect to the water services, it shall be deemed that an agreement in terms of subsection (2) exists.
- (13) Water services rendered to a consumer are subject to the provisions of this By-law, where applicable the Municipality's Customer Care, Credit Control and Debt Collection By-law and policy and the conditions contained in the relevant agreement.

## 5. Special agreements for water services

- (1) Municipality may enter into a special agreement for the provision of water services to an applicant-
- (a) inside its area of jurisdiction, if the water services applied for necessitates the imposition of conditions not contained in the prescribed application form; and
  - (b) outside its area of jurisdiction, if such application has been approved by the municipality having jurisdiction in the area in which the premises is situated.
- (2) If the Municipality provides water services to an applicant outside its area of jurisdiction in terms of a special agreement, it may permit him to sell such water to other persons outside its area of

jurisdiction or accept sewage for eventual disposal by the Municipality from other persons outside the Municipality's area of jurisdiction, subject to such conditions as the Municipality deems fit.

## 6. Purpose of supply

Where the purpose for or the extent to which water services is used changes, the consumer must promptly advise the Municipality of the change and shall enter into a new agreement with the Municipality as prescribed in Sections [4](#) and [5](#).

## Part 3 – Deposits, payments and accounts

## 7. Deposits

- (1) A consumer must on application for the provision of water services and before such water services will be provided by the Municipality, deposit with the Municipality a sum of money as determined in terms of the Municipality's Customer Care, Credit Control and Debt Collection By-law and policy except in the case of a pre-payment measuring device being used by the Municipality.
- (2) The Municipality may require a consumer to whom services are provided and who was not previously required to pay a deposit, for whatever reason, to pay a deposit on request within a specified period.
- (3) The Municipality may from time to time review the deposit paid by a consumer in terms of subsection (1) and, in accordance with such review require that an additional amount be deposited by the consumer if in the opinion of the Municipality the consumption is considerably higher than calculated or declared initially, or if the consumer is in default of payment for water services.
- (4) An amount deposited with the Municipality in terms of subsections (1), (2) and (3), must not be regarded as being in payment or part payment of an account due for water services rendered.
- (5) If, upon the termination of the Agreement for the provision of water services, an amount remains due to the Municipality in respect of water services rendered to the consumer, the Municipality may apply the deposit in payment or part payment of the outstanding amount and refund any balance to the consumer, if the address of the consumer is known.
- (6) Notwithstanding the provision in subsection (5) an agreement for the provision of water services may contain a condition that a deposit shall be forfeited to the Municipality if it has not been claimed within twelve months of the termination of the agreement.
- (7) No interest will be paid by the Municipality on the amount of a deposit held by it in terms of this section.
- (8) When a water supply is disconnected due to an unpaid account, the deposit will be allocated to the unpaid account and a new deposit must be paid before the water supply is reconnected.

## 8. Fees for services

- (1) All fees payable in respect of water services rendered by the Municipality in terms of this By-law, including but not limited to the payment of connection fees, fixed fees or any additional fees or interest in respect of failure to pay such fees on the specified date, shall be prescribed by resolution of the Municipal Council and shall be in terms of section 10 of the Act and the regulations made thereunder. The applicable prescribed fees are in accordance with the Municipality's Customer Care, Credit Control and Debt Collection By-law and policy and appear in the Tariff By-law, as amended annually by the Municipal Council in terms of [section 11\(3\)\(i\)](#) read with section 21 of the Systems Act.
- (2) The Municipality may impose different fees in respect of different—
  - (a) categories of consumers such as businesses, schools and churches;

- (b) users of services and types and levels of services including subdivided units and erven;
  - (c) quantities of services;
  - (d) infrastructural requirements including material, labour and transport; and
  - (e) geographic areas
- as the Municipality may determine.
- (3) Where a fixed fee as contemplated in subsection (1) is levied on an annual, monthly or once-off basis it shall be payable by every owner or consumer in respect of water services provided by the Municipality to him, irrespective of whether such services are made use of.
  - (4) The prescribed connection fee for water services is payable irrespective of whether the required connecting pipe and/or connecting sewer already exists or have to be installed by the Municipality.
  - (5) If any portion of land, whether or not there is any improvement thereon, is, or in the opinion of the Municipality could be connected to the water services system of the Municipality, the owner of that land must pay to the Municipality the prescribed fees.
  - (6) The consumer and the owner of the premises are jointly and severally liable to pay the fees determined by the Municipality, in respect of any fire fighting installation or appliance used or installed upon such premises.

## 9. Accounts

- (1) Monthly accounts will be rendered to consumers for the amount due and payable at the address last recorded with the Municipality and further administered in accordance with the Municipality's Customer Care, Credit Control and Debt Collection By-law and policy.
- (2) The Municipality shall show on each water account rendered to a consumer the actual or estimated meter readings in kilolitres or cubic metres, together with the dates of the readings and the total amount due in Rands. If the readings are estimated, this shall be clearly indicated on the account.
- (3) If it is established that a meter is defective, the Municipality will, in accordance with clause 27, adjust the account rendered.
- (4) A domestic consumer with a single residential connection shall not be entitled to a reduction of the amount payable for water wasted in a water installation or water losses unless he can render proof of the reparation of a leakage on his premises within 5 working days from the date on which notice thereof to the Municipality was recorded by the Municipality and compliance with such other requirements as prescribed in the Municipality's Customer Care, Credit Control and Debt Collection By-law and policy documents.
- (5) Failure by the Municipality to render an account does not relieve a consumer of the obligation to pay any amount due and payable. It is the consumer's responsibility to enquire from the Municipality should an account not be received in order to make timely payment.

## 10. Payment for water services

- (1) Water services provided by the Municipality must be paid for by the consumer at the prescribed fees for the particular category of water services provided.
- (2) A consumer is responsible for the payment of all water services provided to him from the date of installation of the service in respect of a new installation or from the date of conclusion of the agreement in the event of an existing connection, until termination of the agreement between the Municipality and the consumer.
- (3) The Municipality may estimate the quantity of water services provided in respect of a period or periods within the interval between successive measurements which may not be more than 90 days apart, and may render an account to the consumer for the services so estimated, which estimate

will, for the purposes of this By-law, be regarded as an accurate measurement until the contrary is proved.

- (4) Failure by the Municipality to comply with the period of 90 days referred to in subsection (3) will not affect the Municipality's right to recover any monies due to it by a consumer.
- (5) If a consumer uses water supply services other than the category of service which is provided for in terms of an agreement with the Municipality and as a consequence is charged at a rate lower than the rate that should have been charged, the Municipality may make an adjustment of the amount charged in accordance with the rate which should have been charged and recover from the consumer the fees payable in accordance with such adjustment, and may also review the amount of the deposit held, in accordance with [section 7\(3\)](#).
- (6) If amendments to the prescribed fees for water services provided become operative on a date between measurements for the purposes of rendering an account in respect of such fees -
  - (a) the same quantity of water services must be regarded as having been provided in each period of twenty four hours during the interval between the measurements; and
  - (b) any prescribed fee must be calculated on a *pro rata* basis in accordance with the prescribed fee which applied immediately before such amendments.
- (7) If a consumer is dissatisfied with an account rendered for water supplied to him by Municipality he may, prior to the due date stipulated therein, object in writing, or be assisted by Municipality to object in writing to the account, setting out his reasons for such dissatisfaction; provided that the lodging of an objection shall not entitle a consumer to defer payment except with the written consent of Municipality.
- (8) The Municipality will register the query or complaint and provide the consumer with reference number.
- (9) The Municipality shall
  - (a) investigate or cause the query or complaint to be investigated within 14 days after the query or complaint was registered; and
  - (b) must inform the consumer, in writing, of his finding as soon as possible thereafter.

## **11. Appeals against finding of municipality in respect of queries or complaints**

- (1) A consumer may in writing appeal against a finding reached by the Municipality in terms of [Section 10\(9\)](#).
- (2) An appeal and request in terms of subsection (1) must be made in writing and lodged with the Municipality by the consumer within 21 days after being informed of the finding referred to in [Section 10\(9\)](#) and must
  - (a) set out the reasons for the appeal; and
  - (b) be accompanied by the prescribed fee determined for the testing of a measuring device, if applicable.
- (3) The consumer is liable for all prescribed fees, other than that appealed against, falling due and payable during the adjudication of the appeal.
- (4) An appeal must be decided by the Municipality within 21 days after an appeal was lodged and registered and the consumer will be informed of the outcome in writing, as soon as possible thereafter.
- (5) The decision of the Municipality is final and, if so determined, the consumer must pay any amounts due and payable by him in terms of the decision within 14 days of being informed of the outcome of the appeal.

- (6) The Municipality may condone the late lodging of appeals or other procedural irregularities.
- (7) If it is alleged in an appeal that a measuring device is inaccurate, the device must be subjected to a standard industry test to establish its accuracy in accordance with [Section 26](#) of this By-law.

## 12. Payment in respect of pre-payment meters

When a consumer is supplied with water through a pre-payment meter, in addition to the requirements of [section 4](#):

- (a) no refund of the amount tendered for the purchase of water credit shall be given at the point of sale after initiation of the process by which the pre-payment meter token is produced;
- (b) when a consumer vacates any premises where a pre-payment meter is installed, no refund for the credit remaining in the meter shall be made to the consumer; and
- (c) the Municipality shall not be liable for the reinstatement of credit in a pre-payment meter lost due to tampering with, or the incorrect use or abuse of a pre-payment meter and/or token.

## Chapter 3 Water supply services

### Part 1 – Conditions

## 13. Specific conditions of water supply

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

provided that, if the water supply of the Municipality is interrupted for more than 24 hours in urban areas and 48 hours in rural areas, then the Municipality undertakes to provide an alternative supply of water to meet basic human needs.

- (2) Municipality may, subject to the provisions of subsection (1)(b), specify the maximum height in a building, or the maximum height above ground level or mean sea level, to which water will be supplied from the water supply system. Where a consumer requires water to be supplied at a greater height or pressure, the consumer will be responsible therefor. No booster pump may be connected directly or indirectly to the municipal main pipe or connection point or pipe. The consumer will be responsible for the supply and installation of a booster pump system with a storage tank or reservoir as well as the protection and maintenance thereof.
- (3) If a consumer requires that any of the standards referred to in subsection (1) be maintained on his premises, he shall take the necessary steps to ensure the water installation is able to meet such standards.
- (4) Municipality may in an emergency or where water losses occur, interrupt the supply of water to any premises without prior notice.
- (5) If in the opinion of Municipality the consumption of water by a consumer adversely affects the supply of water to another consumer or consumers, it may apply such restrictions as it may deem fit to the supply of water to the first-mentioned consumer in order to ensure a reasonable supply of water to the other consumer or consumers and will inform that consumer of such restrictions.

- (6) The Municipality will not be liable for any damage to property caused by water flowing from fittings left open when the water supply is re-instated, following an interruption in supply for any reason.
- (7) Any premises that require for the purposes of the work undertaken on the premises, a continuous supply of water, shall have a storage tank in working order that must comply with the specification for water storage tanks as stipulated in SANS 10125, with a capacity of not less than 24 hours water supply in urban areas and not less than 48 hours water supply in rural areas or as deemed adequate by the occupier of the premises to provide for the average daily consumption when the supply is disrupted.

## **Part 2 – Connection, quantity and quality of water supply**

### **14. Provision of connection pipe**

- (1) If an agreement for the supply of water in respect of premises has been concluded and no connection pipe exists in respect of the premises, the owner shall make application on the prescribed form and pay the prescribed fee or calculated amount for the installation of such a pipe prior to the installation thereof.
- (2) If an application is made for a supply of water to premises which are of such an extent or so situated that it is necessary to extend, modify or upgrade the water supply system in order to supply water to the premises, the Municipality may agree to the extension, modification or upgrading subject to such conditions as it may impose regarding, amongst others, the material, labour and transport cost involved in the extension.
- (3) No person may commence any development on any premises before the installation of a metered connection pipe by the Municipality.
- (4) The provision of a connection pipe by the Municipality may be subject to conditions pertaining to water demand management and water conservation activities.

### **15. Location of connection pipes**

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

- (d) his responsibility for the protection of the measuring equipment and associated installations and thus for any damage to or loss or theft of the measuring equipment and associated installations.
- (3) In case of losses or damages, e.g. through theft or vandalism, the Municipality will replace the equipment and associated installations within a reasonable time and at the cost of the owner or consumer.
- (4) The Municipality may at the request of any person agree, subject to such conditions as it may impose, to a connection to a main other than that which is most readily available for the provision of water supply to the premises; provided that the applicant shall be responsible for the full cost of any extension of the water installation to the connecting point designated by the Municipality and for obtaining at his cost, such servitudes over other premises as may be necessary.
- (5) An owner must pay the prescribed connection fee or, in case of subsection (3), the re-connection fee and any other costs in advance.

## **16. Interconnection between premises**

An owner of premises shall ensure that-

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

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

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

- (1) Only one connection pipe to the water supply system may be provided for the supply of water to any newly zoned single residential premises, irrespective of the number of accommodation units, business units or consumers located on such premises. The Municipality will at its discretion, and depending on the capacity of the water supply system in the specific area, determine whether additional connections will be allowed in any other type of zoning.
- (2) Where the owner, or the person having the charge or management of any premises on which several accommodation units or consumers are situated, requires the supply of water to such premises for the purpose of separate supply to the different units or consumers, the Municipality may, in its discretion, require the following-
  - (a) installation of a single measuring device (bulk meter) by the Municipality at the owners' cost in respect of the premises as a whole or any number of such accommodation units or consumers; or
  - (b) a separate measuring device (sub-meter) installed by the owner, who remains responsible for the said meter, including meter readings, for each accommodation unit or consumer or any number thereof;
  - (c) that the owners or consumers take joint liability for the maintenance of the water supply system downstream of the bulk meter as well as the account for water supplied through the bulk meter at the applicable rate levied by the Municipality;
  - (d) that the water supply system downstream of the bulk meter be regarded as a private combined water supply system;
  - (e) that any materials used must comply with the standards specified by the Municipality.



- (3) Where the Municipality has installed a single measuring device as contemplated in subsection 2(a), the owner or the person having the charge or management of the premises, as the case may be-
  - (a) must, if the Municipality so requires, install and maintain on each branch pipe extending from the connection pipe to the different accommodation units or consumers-
    - (i) a separate measuring device (sub-meter); and
    - (ii) an isolating valve;
  - (b) is liable to the Municipality for the prescribed fees for all water supplied to the premises through such single measuring device (bulk meter), irrespective of the different quantities consumed by the different consumers (sub-meters) served by such measuring device; and
  - (c) will be responsible for the protection, maintenance and operation of the sub-meters.
- (4) Where the premises are historically supplied with water 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 at the owner's expense or the owner could request the Municipality in writing to reduce the number of connection pipes at the owner's cost.

## 18. Restriction or cutting-off of supply

- (1) Without prejudice to any other right it may have, the Municipality may, if a consumer has-
  - (a) failed to pay a sum due to it in terms of this By-law; or
  - (b) committed a breach of this By-law and has failed to rectify such breach within the period specified in a written notice served on him requiring him to do so;act against such a person in terms of this By-law, the Municipality's Customer Care, Credit Control and Debt Collection By-law, or other applicable legislation.
- (2) If, in the opinion of Municipality, action is necessary as a matter of urgency to prevent waste of water, damage to property, danger to life or pollution of water, it may, notwithstanding anything to the contrary in this By-law-
  - (a) without prior notice, cut off the supply of water to any premises; and
  - (b) enter upon such premises and do such emergency work, at the owner's expense, as it may deem necessary, and in addition by written notice require the owner to do such further work as it may deem necessary within a specified period.
- (3) Tampering
  - (a) Where in the opinion of the Municipality a water supply has been tampered with or the measuring device bypassed, the Municipality may, notwithstanding anything to the contrary in this By-law, disconnect the relevant supply immediately and without any prior notice whatsoever, and in such a way that no further water supply at those premises is possible. The consumer will be charged the prescribed tampering fee.
  - (b) Transgressors will be dealt with in the following manner:
    - (i) First Tampering Offence:
      - (aa) Supply will be isolated at point of supply.
      - (bb) Written notification will be given to the consumer informing him of isolation, as well as the prescribed fees due in respect of the tampering as a first offence, the re-connection fee and the amount for the water used as calculated in terms of sections 25(3) and (4).
      - (cc) Municipality will only re-instate services after the required amounts mentioned in the notification have been paid.



- (ii) Second Tampering Offence:
  - (aa) In instances of a second tampering offence, the Municipality may immediately disconnect the service supply and remove the pipes and the meter.
  - (bb) A written notification will be sent to the consumer informing him of the removal of the services and of any outstanding fees, including tampering fees and calculated amounts due. If the money due has not been paid by a specific date and time to be mentioned in the notice, the matter will further be dealt with in accordance with the Municipality's Customer Care, Credit Control and Debt Collection By-law and policy.
  - (cc) A written notification will also be sent to the owner of the property to the effect that the service supply has been removed and that a new supply will only be installed after the following conditions have been met:
    - i. A written application for reconnection of the supply, including a motivation, has been received and approved by Municipality.
    - ii. The prescribed fee for a new connection, including the pipe cost, as well as all calculated amounts and all other outstanding required amounts, including all prescribed fees, have been paid.

## 19. Interruption of supply at owner's request

- (1) Municipality may, at the written request of an owner-
  - (a) cut off the supply of water to his premises; and
  - (b) restore the supply;on the dates requested by him.
- (2) The owner shall, prior to the restoration of his water supply in terms of this section, pay the prescribed fees for the cutting-off of his supply of water, and for its restoration.

## 20. Disconnection of water supply

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

## 21. Water supplied from a hydrant

- (1) The Municipality may authorise a temporary water supply to be taken from one or more fire hydrants specified by it subject to such conditions, period and prescribed fees imposed by the Municipality.
- (2) A person who desires a temporary water supply referred to in subsection (1) must apply for it in the manner prescribed in sections 4 and 5.
- (3) The water supply in terms of subsection (1) must be measured.
- (4) The Municipality shall for purposes of measuring provide a portable water meter and all other fittings and apparatus necessary for the connection of a portable meter to a fire hydrant which water meter, fittings and apparatus shall remain the property of the Municipality and must be returned to the Municipality on termination of the temporary water supply service.
- (5) Failure to return the water meter, fittings and apparatus referred to in subsection (4) in a working condition or damage or loss thereof including damage to the fire hydrants used will result in the forfeiture of the consumer deposit and/or the imposition of penalties as determined by the Municipality against the consumer.

## 22. Communal water services works

- (1) The Municipality may install a communal water services work for the provision of water services to several consumers at a location it deems appropriate, provided that
  - (a) the consumers to whom water services will be provided through that water services work have been consulted in respect of the level of service, the prescribed fee that will be payable and the location of the water services works.

## 23. 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 and the applicable regulations.
- (2) The Municipality shall implement a suitable water quality sampling programme specifying the sampling points, frequency of testing and substances for which the water will be tested, thereby ensuring that water quality complies with standards prescribed in SANS 241.
- (3) As stated in [section 13](#), the Municipality does not undertake to maintain a specific pressure or rate of flow in its water supply to consumers.

# Part 3 – Measuring water supplied

## 24. Measuring the quantity of water supplied

- (1) All water supplied to a consumer by the Municipality shall pass through a measuring device for the purpose of measuring the quantity of water supplied at regular intervals.
- (2) A measuring device referred to in subsection (1) and its associated apparatus shall be provided and installed by the Municipality, shall remain its property, and may be changed and maintained by the Municipality whenever it deems necessary.
- (3)
  - (a) The Municipality may install the measuring device, and its associated apparatus, serving a water installation at any point in the installation.
  - (b) If the Municipality installs a measuring device in a water installation in terms of subsection (a), it may install a section of pipe and associated fittings between the end of its connection

pipe and the measuring device, and such section shall be deemed to form part of the water installation.

- (4) If the Municipality installs a measuring device together with its associated apparatus in a water installation in terms of subsection (3), the owner shall-
- (a) provide a place in the boundary wall or on the premises satisfactory to the Municipality in which to install it;
  - (b) ensure that unrestricted access to the measuring device is available 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 measuring device is installed, between the measuring device and the connection pipe serving the installation;
  - (e) make provision for the drainage of water which may be discharged from the pipe, in which the measuring device is installed, in the course of work done by the Municipality on the measuring device; and
  - (f) not use or permit to be used on any water installation, any fitting, machine or appliance which causes damage or which, in the opinion of the Engineer, is likely to cause damage to any measuring device.
- (5) No person other than an authorised official shall-
- (a) disconnect a measuring device and its associated apparatus from the pipe in which they are installed;
  - (b) break a seal which the Municipality has placed on a measuring device; or
  - (c) in any other way interfere with a measuring device and its associated apparatus.
- (6) If the Municipality considers that the size of a measuring device is unsuitable due to the quantity of water supplied to premises, it may install a measuring device of such size as it may deem necessary, and may recover from the owner of the premises concerned the prescribed fee for the installation of the measuring device.
- (7) The Municipality may require the installation, at the owner's expense, of a measuring device to each dwelling unit, in separate occupancy, on any premises, for use in determining the quantity of water supplied to each such unit; provided that where fixed quantity water delivery systems are used a single measuring device may be used for more than one dwelling unit.
- (8) All water meters shall, as Class C meters for meter sizes up to 25mm in diameter, comply with the Trade Metrology Act, ([Act No 77 of 1973](#)), as amended from time to time and must be SABS approved.

## 25. 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 measuring device installed by the Municipality over a specific period, it shall be deemed, unless the contrary is proved, that-
- (a) in the case of a measuring device providing an uncontrolled volume of water, the quantity is represented by the difference between readings of the measuring device taken at the beginning and end of such period;
  - (b) in the case of a measuring device providing a controlled volume of water, the quantity is the volume dispensed by the measuring device;
  - (c) the measuring device was registering correctly during such period; and
  - (d) the entries in the records of Municipality were correctly made.

- (2) If water is supplied to, or taken by, a consumer without it having passed through a measuring device, the Municipality's estimate of the quantity of such water shall be assumed to be correct unless the contrary is proved.
- (3) If a measuring device is by-passed as contemplated in [section 18\(3\)\(a\)](#) or a contravention of [section 24\(5\)](#) occurred, the Municipality shall 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 which will be from the date of the last reading of the measuring device until the date it is discovered that water is so taken by the consumer and which account will include the replacement cost of the measuring device, labour, materials, transport and administrative costs.
- (4) For the purposes of subsection (3), an estimate of the quantity of water supplied to a consumer shall, as the Municipality may decide, be based on the average monthly consumption of water on the premises registered-
  - (a) over 3 succeeding measuring periods after the date on which the irregularity referred to in subsection (3) was discovered and rectified, or
  - (b) over any 3 consecutive measuring periods during the 12 month period preceding the date referred to in subsection (3).
- (5) Until such time as a measuring device has been installed in respect of water supplied to a consumer, the estimated or assumed consumption of that consumer must be based on the average consumption of water supplied to the specific zone within which the consumer's premises are situated, during a specific period.
- (6) Where in the opinion of the Municipality it is not reasonably possible or cost effective to measure water supplied to each consumer within a particular zone, the Municipality may determine the fees to be paid by each consumer within that zone irrespective of actual consumption.
- (7) Fees determined in terms of subsection (6) will be based on the estimated average consumption of water supplied to that zone.
- (8) For purposes of subsections (6) and (7), a zone is that local area of land, of which the premises occupied by the consumer is a part, which is zoned in terms of a town planning scheme or a spatial development framework for homogeneous usage.
- (9) Where water supply services are provided through a communal water services work, the amount due and payable by consumers gaining access to water supply services through the communal water services work, will be based on the estimated average consumption of water supplied to that water services work, and the decision of the Municipality in arriving at that amount is final and binding on each consumer affected thereby, unless legally set aside.
- (10) 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 to a consumer for the quantity of water so estimated.
- (11) A domestic single residential water connection may, subject to the conditions stipulated in [section 9\(4\)](#), be entitled to a water leakage discount provided an application is made by the consumer or owner in terms of this By-law and all requirements as set out in the Municipality's Customer Care, Credit Control and Debit Collection By-law and policy are met.
- (12) For the purpose of subsection (11), the quantity of water to be credited to the consumer will be calculated as the difference between the consumption for the leak period (which is the period between the recorded reporting and repairing of the leak) and the highest consumption recorded over the preceding 12 months.

- (13) 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.

## 26. Defective measurement

- (1) If a consumer has reason to believe that a measuring device, used for measuring water, which was supplied to him by the Municipality, is defective, he may, against payment of the prescribed fee, make application in writing for the measuring device to be tested.
- (2) The prescribed fee referred to in subsection (1) shall be-
- (a) retained by the Municipality if the measuring device is found in terms of subsection (3) or (4) not to be defective; or
  - (b) refunded to the applicant if the measuring device 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 1529 (as amended from time to time), it is found to have a percentage error in over-registration or under-registration greater than that permitted for a meter in use in terms of that specification.
- (4) A measuring device to which the regulations referred to in subsection (3) are not applicable shall be deemed to be defective if it is found to have a percentage error in over-registration or under-registration greater than that allowed in the relevant parts of SANS 1529 (as amended from time to time).
- (5) A consumer is entitled, on giving the Municipality reasonable notice of his intention, to be present at the testing of any measuring device in which the consumer has an interest at his own cost.
- (6) Any measuring device removed by the Municipality for testing must be retained intact and must be available for a period of three months after testing. The dismantling of the meter may only be done with the written consent of the consumer and without prejudicing the Municipality's rights.

## 27. Adjustment of quantity of water supplied through defective measuring device

- (1) If the measuring device is found to be defective in terms of [section 26](#), the Municipality must-
- (a) repair the measuring device or install another measuring device which is in good working order, without charging the consumer for the measuring device, unless the costs thereof are recoverable from the consumer where [section 24\(5\)](#) has been contravened; and
  - (b) determine the quantity of water services for which the consumer will be charged on the basis set out in [section 25\(4\)\(a\)](#).

## 28. Special reading at request of consumer

The Municipality must, on receipt from the consumer of written notice of not less than 5 working days and subject to payment of the prescribed fee, read a measuring device at a time or on a day other than that upon which it would normally be read.

## 29. Special measurement

- (1) If the Municipality wishes, for purposes other than charging for water consumed, to ascertain the quantity of water which is used in a part of the water installation, it may by written notice advise the owner concerned of its intention to install a measuring device at such point in the water installation as it may specify.

- (2) The installation of a measuring device referred to in subsection (1), its removal, and the restoration of the water installation after such removal shall be carried out at the expense of the Municipality. In case of a connection without a measuring device, the consumer shall be held liable for the cost of installation of a measuring device.
- (3) The provisions of sections 24(3)(a) and 24(4)(b) shall apply insofar as they may be applicable in respect of a measuring device installed in terms of subsection (1).

## **Part 4 – Installation work and use of pipes and fittings**

### **30. Approval of installation work**

- (1) If an owner wishes to have installation work done, he shall first obtain the Municipality's written approval; provided that approval shall not be required in the case of:
  - (a) water installations in dwelling units; or
  - (b) installations where no fire installation is required in terms of any part of SANS 10400; or
  - (c) in terms of any other municipal by-laws; or
  - (d) for the repair or replacement of an existing pipe or water fitting other than a fixed water heater and its associated protective devices.
- (2) If any of the installation work is governed by the EIA Regulations, then the owner must ensure compliance and obtain the relevant authorisation in respect thereof.
- (3) Application for the approval referred to in subsection (1) shall be made on the prescribed form and shall be accompanied by-
  - (a) the prescribed fees, if applicable; and
  - (b) copies of the drawings as prescribed by the Municipality, giving information in the form required by SANS Code 10125; and/or
  - (c) a certificate from a person approved by the Municipality certifying that the installation has been designed in accordance with SANS 10125 or has been designed on a rational basis.
- (4) The provisions of subsections (1), (2) and (3) shall not apply to a qualified plumber who replaces a fixed water heater or its associated protective devices.
- (5) Authority given in terms of subsection (1) shall lapse at the expiry of a period of 24 months after the first day of the month succeeding the month in which the authority is given.
- (6) Where permission is required in terms of subsection (1), a complete set of approved drawings of installation work must be available at the site of the work at all times until such work has been completed..
- (7) If installation work has been done in contravention of subsections (1), (2) or (3), the Municipality may, by written notice, require the owner of the premises concerned to-
  - (a) comply with that regulation within a specified period;
  - (b) if work is in progress, to cease the work; and
  - (c) to remove all such work which does not comply with this By-law.

### 31. Persons permitted to do installation work

- (1) No owner or consumer may engage the services of a person other than a qualified plumber or a person working under the control of a registered plumber to
  - (a) do installation work other than the replacement or repair of an existing pipe or water fitting;
  - (b) replace a fixed water heater or its associated protective devices;
  - (c) inspect, disinfect and test a water installation, fire installation or storage tank;
  - (d) service, repair or replace a back flow preventer; or
  - (e) install, maintain or replace a meter provided by an owner in a water installation.
- (2) Should an owner or consumer fail to engage a person as stipulated in subsection (1) such installation work will be done at own risk and the Municipality may insist on an inspection of the work by a qualified plumber at the cost of the owner or consumer.
- (3) The Municipality accepts no responsibility for any damages or costs having to be incurred by a person due to faulty installation work and shall hold the person liable for any damages and costs the Municipality may have to incur in respect of the Municipality's water supply system.

### 32. Provision and maintenance of water installation

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

### 33. Technical requirements for water installation

- (1) Notwithstanding the requirement that a certificate be issued in terms of [section 30\(3\)\(c\)](#), all water installations shall comply with SANS 10125 and all fixed electric storage water heaters shall comply with SANS 10254.
- (2) In addition to any requirement of SANS 10125, the consumer must at his own expense, or the Municipality may in its discretion and at the consumer's expense, and for the consumer's exclusive use, provide and install a stop-cock at a suitable point inside the boundary of the premises on the consumer's side of the measuring device leading to the water installation.

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

- (1) No person shall, without the prior written authority of the Municipality, install or use a pipe or water fitting in a water or drainage installation within the Municipality's area of jurisdiction unless it-
  - (a) bears the standardisation mark of the SABS in respect of the relevant SANS specification issued by the SABS; or
  - (b) bears a certification mark issued by the SABS to certify that the pipe or water fitting complies with a SANS mark specification or a provisional specification issued by the SABS, provided that no certification marks shall be issued for a period exceeding two years; and



- (c) is included in the schedule of Approved Pipes and Fittings as compiled by the Municipality; or is acceptable to the Municipality as indicated in writing by an authorised official.
- (2) The Municipality may, in respect of any pipe or water fitting, impose such additional conditions as it may deem necessary in respect of the use or method of installation thereof.
- (3) The schedule of Approved Municipal Standards and Specifications including the schedule of Approved Pipes and Fittings (as amended from time to time) shall be available from the municipal offices during working hours.

### **35. 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 rates, in litres per minute, related to the design pressure range; provided that this information shall be given for at least the following water pressures:
  - (i) 20 kPa
  - (ii) 100 kPa
  - (iii) 400 kPa

### **36. 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.

### **37. Pipe in street or public place**

- (1) No person may, for the purpose of conveying water derived from whatever source, lay or construct a pipe or associated component on, in or under a street, public place or other land owned by, vested in, or under the control of the Municipality, except with the prior written permission of the Municipality, and subject to such conditions as it may impose on granting permission including the approval of a building plan by the Municipality.
- (2) No other parallel service (Telkom, electricity, etc.) may be installed closer than 500mm from an existing municipal water services pipe as measured from the outside of the pipe, and under no circumstances on top of such water pipe.

## **Part 5 – Installations for fire fighting purposes**

### **38. Connection to be approved by the municipality**

- (1) The Municipality is entitled, in its absolute discretion, to grant or refuse an application for the connection of a fire fighting installation to its main.
- (2) If in its opinion a fire fighting installation which it has allowed to be connected to its main is not being kept in proper working order or is otherwise not being properly maintained, or is being used in contravention of section 42(3) or 42(4), the Municipality is entitled to require the installation to be disconnected from the main, or itself carry out the work of disconnecting it at the expense of the owner or consumer, as the case may be.



### 39. Special provision for fire fighting services

Any water installation for the provision of water for fire fighting purposes, must comply with the provisions of the relevant parts of SANS 10125 or any revision or substitution thereof and, as applicable, SANS 10400-W and SANS 10400-T or other relevant parts of SANS 10400 or other national standards as may be applicable.

### 40. Inspection and approval of fire fighting installation

- (1) No water may be supplied to any fire fighting installation unless it is metered which metering will be at the cost of the consumer or owner and until-
  - (a) it has been inspected and tested by the Municipality;
  - (b) the Municipality has certified in writing that such water installation is complete and complies with the requirements of this By-law; and
  - (c) the fees required by the Municipality for such inspection and testing have been paid.
- (2) The Engineer shall determine the maximum nominal size of the take-off from the municipal main and the maximum size of the water meter.

### 41. Dual and combined installations

- (1) Any new building erected after the commencement of this By-law must comply with the following requirements in relation to the provision of fire fighting services:
  - (a) Combined installations, in which the same pipes and fittings are used for fire fighting and general domestic purposes, are only permitted where no booster pumping connection is provided on the water installation.
  - (b) Combined installations where a booster pumping connection is provided shall only be permitted when designed and certified by a professional person and approved by the Engineer.
  - (c) No booster pump system may be connected directly to a metered connection.
  - (d) In the circumstances contemplated in paragraph (a), a fire hydrant must be provided by the Municipality, at the consumer's expense, within 120 metres of the property to provide a source of water for the use of the crew of any fire engine sent to extinguish a fire.
  - (e) All pipes and fittings must be capable of handling pressures in excess of 1800 kPa, which could be expected when boosting takes place and must be designed to maintain their integrity when exposed to fire conditions.

### 42. Connection pipe for fire fighting services

- (1) A single connection to the water supply system to serve as a connection pipe for a fire fighting installation (excluding a sprinkler system) and potable water supply services may be provided by the Municipality.
- (2) The Municipality shall provide and install at the owner's cost a meter on the connection pipe referred to in subsection (1).
- (3) Where there is an existing connection pipe for the sole purpose of fire fighting services, such a connection pipe may only be used for that purpose and must be metered at the consumer's cost.
- (4) No take-off of any kind from any connection pipe referred to in subsection (3) may be made, nor may any water from it be used except in connection with an automatic sprinkler and drencher, a fire hydrant connection or a hose-reel connection, or for any pressure tank connection therewith, and such tank must be controlled by an approved fitting.

- (5) A separate connection pipe must be laid and used for every fire sprinkler extinguishing system and metered at the consumer's cost, unless otherwise approved by the Municipality.

#### **43. Valves and meters in connection pipeline**

Every connection pipe to a fire fighting installation must be fitted with a proper gate valve, a strainer, a measuring device and an applicable non-return valve as approved by the Municipality, which shall be supplied by the Municipality at the expense of the consumer or the consumer may supply it but it will be installed by the Municipality.

#### **44. Sprinkler extinguishing installation**

The Municipality is not bound to guarantee any specified pressure and/or flow to a sprinkler installation.

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

- (1) Unless a sprinkler installation is provided with a duplicate or reserve supply from a separate main, the consumer must install a header tank on or in the building or structure at such elevation as will compensate for any failure or reduction of pressure in the Municipality's main.
- (2) Non-return valves as specified by the Municipality must be provided where more than two connections are provided to a premise.

#### **46. Sealing of private fire hydrant**

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

### **Part 6 – Water conservation and prevention of pollution**

#### **47. Waste of water**

- (1) No consumer shall permit-
  - (a) the purposeless or wasteful discharge of water from any terminal water fitting;
  - (b) any pipes or water fittings to leak;
  - (c) the use of maladjusted or defective water fittings;
  - (d) an overflow of water to persist;
  - (e) an inefficient use of water to persist; or
  - (f) the irrigation of a garden or lawn or park between 10:00 and 16:00 on any day.

- (2) An owner shall without delay repair or replace any part of his water installation which is in such a state of disrepair that it is either causing or is likely to cause an occurrence listed in subsection (1).
- (3) If an owner fails to take measures as contemplated in subsection (2), the Municipality shall by written notice in terms of [section 109](#), require the owner to comply with the provisions of subsection (1).
- (4) A consumer shall ensure that any equipment or plant connected to his 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 installation if, in its opinion, its 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.
- (6) If an owner fails to comply with a notice referred to in subsection (3) or (5), the Municipality shall take such measures as it may deem fit without prior notice and recover the cost of doing so from the owner.

#### **48. Car washing facilities**

- (1) The Municipality may require that all commercial vehicle washing facilities shall be constructed and operated in such a manner that 50 percent of the water used by the facility is recycled for reuse in the facility.
- (2) The design of the vehicle washing facility system must be undertaken by a professional person and the plans therefor submitted to and approved in advance by the Engineer.

#### **49. "Grey water" practices**

- (1) An owner may install a grey water use system on his premises provided proper control is exercised in respect thereof and any result thereof such as bad odours, does not cause a nuisance.
- (2) The Municipality may inspect the use of grey water on any premises and, if deemed necessary, may impose limitations on or prescribe conditions for the use of grey water if it suspects that the use thereof has a negative impact on the health of persons occupying such premises or the environment.

#### **50. Equipment specification to facilitate water conservation**

- (1) No cistern that exceeds a capacity of 9 litres and its related pan shall be installed.
- (2) Only flushing urinals that are user activated may be installed and preferably these should have a dual flush functionality.
- (3) The maximum flow rate from any tap installed on a wash hand basin must not exceed 6 litres per minute.
- (4) A water installation where the dynamic water pressure is more than 200kPa 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, the maximum flow rate of the shower head may not exceed 10 litres per minute.

#### **51. Water demand management**

- (1) No person shall, without prior written authority from the Municipality, water a sports field, park or other grassed or horticultural area between the hours of 10:00 and 16:00 on any day irrespective of the source of the water used.

- (2) Any person who contravenes or fails to comply with subsection (1) shall be guilty of an offence and liable to penalties as prescribed in the National Water Act, or other applicable legislation.

## 52. Water restrictions

- (1) The Municipality may, subject to other applicable legislation, by public notice prevent the wasteful use of water or in the event of a water shortage, drought or flood -
- (a) prohibit or restrict the consumption of water in the whole or part of its area of jurisdiction in general or-
    - (i) for specified purposes;
    - (ii) during specified hours of the day or on specified days; and
    - (iii) in a specified manner; and
  - (b) determine and impose-
    - (i) limits on the quantity of water which may be consumed over a specified period;
    - (ii) fees additional to those prescribed in respect of the supply of water in excess of a limit contemplated in subsection 1(b)(i); and
    - (iii) a general surcharge on the prescribed fees in respect of the supply of water; and
  - (c) impose restrictions or prohibitions on the use or manner of use or disposition of an appliance by means of which water is used or consumed, or on the connection of such appliances to the water installation.
- (2) The Municipality may limit the application of the provisions of a notice contemplated by subsection (1) to specified areas and categories of consumers, premises and activities, and may permit deviations and exemptions from, and the relaxation of, any of the provisions on such reasonable grounds as it may deem fit.
- (3) The Municipality-
- (a) may take, or by written notice require a consumer at his expense to take, such measures, including the installation of measurement devices and devices for restricting the flow of water, as may in its opinion be necessary to ensure compliance with a notice published in terms of subsection (1); or
  - (b) may, subject to notice, cut off or, for such period as it may deem fit, restrict the supply of water to any premises in the event of a contravention on such premises or failure to comply with the terms of a notice published in terms of subsection (1), and where the supply has been cut off, it shall only be restored when the prescribed fees for cutting off and reconnecting the supply have been paid.
- (4) The provisions of this section shall also apply in respect of water supplied directly by the Municipality to consumers outside its area of jurisdiction, notwithstanding anything to the contrary in the conditions governing such supply, unless otherwise specified in the notice published in terms of subsection (1).

## 53. Owner to prevent pollution of water

- (1) An owner shall provide and maintain measures approved by the Municipality to prevent the entry of a substance, which may be a danger to health or the environment or adversely affect the potability of water or affect its quality and fitness for use, into-
- (a) the water supply system;
  - (b) any part of the water installation on his premises;

- (c) any storm water system;
  - (d) any sewage disposal system; and
  - (e) the environment.
- (2) If a person contravenes subsection (1), the Municipality may-
- (a) by written notice require such person to take remedial steps to prevent pollution of the water in the water supply system or water installation on his premises within a specified period; or
  - (b) if it is of the opinion that the situation is a matter of urgency, without prior notice undertake the work required by subsection 2(a) and recover the costs from such person.
- (3) Swimming pool backwash may not be deposited into any storm water system or natural stream. It must be deposited into the sewage disposal system.

#### **54. Protection of water supply system and installation**

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

- (b) the passing of water through-
  - (i) a reduced pressure backflow preventer; or
  - (ii) a double check backflow preventer; or
- (c) any other measures approved by the Municipality which will achieve the same purpose.
- (3) The owner of any premises must prevent the back siphonage into his water installation of a substance which is likely to cause a danger to health and the environment or affect the potability of water, in the case of-
  - (a) a terminal water fitting which is so designed that a hose or other flexible pipe is or can be attached to it, which shall include a hose bibcock, a laboratory tap, and a movable shower unit;
  - (b) a fire hose-reel in a combined installation;
  - (c) an underground irrigation system; or
  - (d) any other fitting which may provide contact between polluted water and the water installation.

## **Part 7 – Water supply services: miscellaneous**

### **55. Use of water from source other than water supply system**

- (1) No person shall use or permit the use of water obtained from a source other than the water supply system, excluding rain water tanks which are not connected to the water installation, except with the prior consent of Municipality and in accordance with such conditions as it may impose, for domestic, commercial or industrial purposes.
- (2) Any person desiring the consent referred to in subsection (1) shall provide Municipality with satisfactory evidence to the effect that the water referred to in that subsection complies, whether as a result of treatment or otherwise, with the requirements of SANS 241 or that the use of such water does not or will not constitute a danger to health.
- (3) Any consent given in terms of subsection (1) may be withdrawn if, in the opinion of Municipality-
  - (a) a condition imposed in terms of subsection (1) is breached; or
  - (b) the water no longer conforms to the requirements referred to in subsection (2).
- (4) No person shall use treated effluent for any purpose without first obtaining the Municipality's written approval; which approval will be subject to submission of national and/or provincial statutory approvals as may be applicable and which could be refused or made subject to such further conditions as the Municipality deems necessary.

### **56. Notification and use of boreholes**

- (1) The Municipality may by public notice, require-
  - (a) the owner of any premises within the area of jurisdiction of the Municipality upon which a borehole exists or, if the owner is not in occupation of such premises, the occupier thereof, to notify it on a prescribed form of the existence of a borehole on such premises, and provide it with such information in respect thereof as it may require; and
  - (b) the owner or occupier of any premises who intends to sink a borehole on such premises to notify it on a prescribed form of such intention before work in connection therewith is commenced.

- (2) The Municipality may within reason require the owner or occupier of any premises who intends to sink a borehole to undertake an environmental impact assessment for such intended borehole, to the satisfaction of the Municipality, before sinking the borehole.
- (3) Boreholes are subject to any applicable requirements of the National Water Act, 1998 (Act No. 36 of 1998).
- (4) The Municipality may by notice to an owner or occupier or by public notice require owners and occupiers who have existing boreholes used for water services to -
  - (a) obtain approval from it for the use of a borehole for water services in accordance with sections 6, 7 and 22 of the Act;
  - (b) adhere to conditions imposed by it in respect of the use of a borehole for water services; and
  - (c) pay a fixed fee imposed by it in respect of the use of such a borehole.
- (5) Water supply from a borehole may under no circumstances be connected to a water installation which is connected to the water supply system of the Municipality.
- (6) The owner of premises on which water supply from a borehole is used for human consumption must ensure that the water quality complies with SANS 241 standards at all times.

## 57. Sampling of water

- (1) Municipality may, as authorised in terms of sections 6 or 7 of the Act, take samples of water obtained from a source other than the water supply system of the Municipality and cause the samples to be tested for compliance with sections 55(2) and 56(6).
- (2) The prescribed fee for the taking and testing of the samples referred to in subsection (1) shall be paid by the person to whom consent to use the water was granted in terms of sections 6(1) or 7(1) of the Act.

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

- (1) The Municipality may on application in terms of section 5 agree to supply non-potable water to a consumer (excluding residential properties) subject to such terms and conditions as the Municipality may impose.
- (2) Any supply of water agreed to in terms of subsection (1) shall not be used for domestic or any other purposes which, in the opinion of Municipality may give rise to a health risk.
- (3) No warranty, expressed or implied, shall apply to the purity of any non-potable water supplied by the unicipality 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 entirely at the risk of the consumer, who shall be liable for any consequential damage or loss to himself, herself or others arising directly or indirectly therefrom, including the consequences of any *bona fide* fault of the Municipality or the malfunction of a treatment plant.
- (5) Non-potable water supply may under no circumstances be connected to a water installation which is connected to the potable water supply system of the Municipality.

## 59. Testing of pressure in system

The Municipality may, on application by an owner and on payment of the prescribed fee, determine and furnish the owner with the value of the pressure in the water supply system relating to his premises, over such period as the owner may request.

## **60. Warning notices**

- (1) On premises on which non-potable water is used, the owner shall ensure that every terminal water fitting and every appliance which supplies or uses such water is clearly marked with a weatherproof notice indicating that the water therein or therefrom is unsuitable for domestic purposes.
- (2) In an area where treated sewage effluent is used, the owner shall erect weatherproof notices in prominent positions warning that such effluent is not suitable for domestic purposes.
- (3) Every warning notice prescribed 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 as described in SANS 1186 (as amended from time to time).

## **61. Water audit**

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

# **Chapter 4 Sanitation services**

## **Part 1 – Standards**

## **62. Standards for sanitation services**

- (1) Sanitation services provided by the Municipality will comply as far as reasonably possible with the minimum standards set for the provision of sanitation services in terms of section 9 of the Act and its regulations.
- (2) No new bucket sewer system or a septic tank system shall be allowed within the municipal area.



## Part 2 – On-site sanitation and associated services

### 63. Application and conditions for on-site sanitation infrastructure

- (1) If an agreement for on-site sanitation and associated services in accordance with [section 4](#) has been concluded and no infrastructure in connection therewith exists on the premises, the owner must immediately make application for the installation thereof on the prescribed form and
  - (a) pay the prescribed fees for the installation of the necessary infrastructure by the Municipality; or
  - (b) with the approval of the Municipality install on-site sanitation services in accordance with the specifications of the Municipality.
- (2) In considering the application for the installation of infrastructure, the Municipality shall require satisfactory evidence that the sanitation facility is not likely to be a nuisance or have a detrimental impact on health and the environment and may specify the type of on-site sanitation services to be installed. If an application is not accompanied by such satisfactory evidence, the Municipality may refuse the application.
- (3) At any time if deemed necessary by the Municipality, it may undertake an investigation to determine if a sanitation facility has a detrimental impact on health and the environment. If the sanitation facility has, in the opinion of the Municipality such detrimental impact, the Municipality may withdraw its permission and the person to whom the permission was given shall be liable for the costs associated with the said investigation.

### 64. Septic tank and treatment plant

- (1) No person may install, operate or maintain any septic tank or other on-site plant for the treatment, disposal or storage of sewage, without the prior written permission of the Engineer which approval will be subject to the submission of national and/or provincial statutory approvals as may be applicable and the Guidelines for the Use of Septic Tank Systems in the South African Coastal Zone, TT 114/99 (or as amended) of the Water Research Commission.
- (2) The permission referred to in subsection (1) is subject to the provisions of this By-law, any other relevant by-law of the Municipality, any other law and any further conditions as may be prescribed by the Engineer.
- (3) An application for a privately owned, on-site sewage treatment plant will only be considered if the plant will discharge a maximum of 2000 cubic metres per day. Such an application must be accompanied by the following to meet the requirements for municipal consideration-
  - (a) details of the proposed development;
  - (b) the design and details of the proposed plant and process and the particulars of the professional person responsible;
  - (c) the EIA report for the plant;
  - (d) the license/registration for the plant as obtained from the Department of Water Affairs; and
  - (e) the particulars of the party which will be responsible for the operation and maintenance of the plant including the contract between the developer and this party.
- (4) The Engineer will consider the application and approval for the installation of the plant will be approved provided that all municipal requirements and conditions are met and the design capacity of the applicable municipal sewage disposal system is adequate.

- (5) Final approval of the commencement of the operation of the plant will be subject to compliance with the General Limit Values for the Discharge of Domestic Wastewater as may be determined by the municipality.
- (6) Privately owned, on-site sewage treatment plants will be subjected to the reporting and monitoring requirements determined by the municipality or more frequent monitoring by the Municipality should the Municipality at any time suspect non-compliance with set conditions and the person to whom the permission for the operation of the plant was given by the Municipality shall be liable for the costs associated with additional monitoring.
- (7) In the case of non-compliance with set conditions the Municipality may withdraw its permission in accordance with this By-law and require a shutdown of the plant until such compliance is proven.
- (8) The owner or consumer must at all times ensure that the septic tank or other on-site plant as referred to in subsection (1) is accessible for road tanker transport through the provision of a safe, suitable and obstacle free access road.

## **65. French drain**

The Engineer may subject to the Guidelines for the Use of Septic Tank Systems in the South African Coastal Zone, TT 114/99 (or as amended) of the Water Research Commission and further at its discretion and on such conditions as it may prescribe, having regard to the quantity and the nature of the effluent and the nature and permeability of the soil, permit the disposal of wastewater or other effluent by means of a french drain, soakage pit or other approved work.

## **66. Conservancy tank**

- (1) The Engineer may at its discretion permit the owner of any premises to construct a conservancy tank and ancillary appliances for the retention of soil water, or such other sewage or effluent as he may decide, and such tank and appliances must be of such capacity, constructed of such material, and located in such position and at such level as the Engineer may prescribe at the cost of the owner.
- (2) The Engineer may if he suspects that a conservancy tank on any premises is not water tight, require the owner of such premises to perform such tests at the owner's cost as he deems necessary to verify the standard of the construction of the conservancy tank, and should the Engineer's suspicions be confirmed, the Engineer shall require the owner to replace the conservancy tank as specified at the owner's cost and within a prescribed timeframe.
- (3) The owner or consumer must at all times ensure that the conservancy tank as referred to in subsection (1) is accessible for road tanker transport through the provision of a safe, suitable and obstacle free access road.

## **67. Ventilated improved pit latrine**

The Engineer may at its discretion and on such conditions as it may prescribe, having regard to-

- (1) the nature and permeability of the soil;
- (2) the depth of the water table and any other factors which may have the potential to cause harm to the environment if approval is granted;
- (3) the size of and access to the site; and
- (4) the availability of a piped water supply;

permit the disposal of human excrement by means of a ventilated improved pit latrine, constructed in accordance with the specifications and located in a position indicated by the Engineer.

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

- (1) The removal or collection of conservancy tank and septic tank contents can be undertaken by the Municipality or a private service provider.
- (2) The Municipality's prescribed fees in respect of the removal or collection of conservancy tank contents or the emptying of a septic tank will be in accordance with the Tariffs By-law of the Municipality and will cover the operating and maintenance costs based on the quantity removed by the vacuum tanker, transportation to a disposal site, the treatment of the contents to achieve a sanitary condition and the final disposal of any solid residues.

**69. Disused conservancy and septic tanks**

- (1) If an existing conservancy tank or septic tank is no longer required for the storage or treatment of sewage, or if permission for its use is withdrawn, the owner must take steps to have it either completely removed or completely filled with soil or suitable material.
- (2) Upon written request by the owner the Engineer may according to conditions as it will determine including a final inspection thereof, allow the tank to be used for another purpose, e.g. a fish pond.

### **Part 3 – Sewage disposal**

**70. Provision of a connecting sewer**

- (1) If application has been made in accordance with [section 4](#) for use of the sewage disposal system and no connecting sewer exists in respect of the premises, the owner shall immediately apply to Municipality for the installation of such a connecting sewer and pay the prescribed fees or calculated amount.
- (2) If an application is made for use of the sewage disposal system to a premise which is so situated that it is necessary to extend the sewer in order to connect the sewage disposal system to the premises, the Municipality may agree to the extension subject to such conditions as it may impose including that the cost of the extension be carried by the owner.
- (3) The Municipality may refuse an application to connect to its sewage disposal system if the existing municipal sewage disposal network already reached its design capacity anywhere between the applied for connection point and the sewage treatment works and/or the quality of the sewage to be discharged in the municipal sewage disposal system does not comply with the acceptance standards of the Municipality.
- (4) The Municipality may at the request of any person agree, subject to such conditions as it may impose, to a connection to a sewer other than that which is most readily available for the drainage of the premises; provided that the applicant shall be responsible, at his cost, for any extension of the drainage installation to the connecting point designated by the Municipality and for obtaining at his cost such servitudes over other premises as may be necessary.
- (5) A connecting sewer provided and installed by the Municipality shall-
  - (a) be located in a position determined by the Municipality;
  - (b) terminate at a connection point approximately 1 meter inside the premises from the boundary of the land owned by or vested in the Municipality or over which it has a servitude or other right or when subsection (5)(c) applies, at the connecting point designated in terms of that subsection;
  - (c) be of a size determined by the Municipality.

- (6) In determining 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;
  - (c) whether or not the Municipality requires the owner to fix the location of the connecting sewer by providing a portion of his water installation at or outside the boundary of his premises, or such agreed position inside his premises where the connection is required, for the Municipality to connect to such installation;
  - (d) his responsibility to provide a waterproof connecting manhole at own cost at the end of the municipal sewer connection which manhole must be visible, designed to provide easy access for maintenance and/or inspections and which must be accessible at all times;
  - (e) his continued responsibility to carry the costs for the removal by the Municipality of any obstruction from the connecting sewer, excluded where such obstruction is the result of wear and tear or deteriorated infrastructure.
- (7) A connecting sewer may only be installed after approval of a building plan and any servitude as may be needed, by the Municipality and no development may take place until the connecting sewer has been installed.
- (8) An owner or occupier must pay the connection fee as prescribed or as calculated by the Engineer in advance.
- (9) Where an owner needs to provide a sewage lift as provided for in terms of the Building Regulations, the rate and time of discharge into the sewer shall be subject to the approval of the Engineer and, if required by law, a permit or environmental authorisation needs to be obtained by the owner prior to such approval being granted.
- (10) The maintenance and operation of the sewerage installation, including all manholes, rodding eyes, catch pits, grease traps, sand traps, pipe work and related devices including the connecting sewer, is the responsibility of the owner of the premises to the satisfaction of the Municipality.

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

- (1) Notwithstanding the provisions of [section 70](#) only one connecting sewer to the sewage disposal system may be provided for the disposal of sewage from any premises, irrespective of the number of accommodation units of consumers located on such premises.
- (2) Where the Municipality has installed a single connecting sewer as contemplated in subsection (1), the owners or the persons having charge or management of the premises, as the case may be
  - (a) must, if the Engineer so requires, install and maintain on each branch pipe extending from the connecting sewer to the different accommodation units
    - (i) a separate connecting sewer; and
    - (ii) a rodding eye at all branching points;
  - (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 served by such connecting sewer;
  - (c) will be liable jointly for the maintenance of a private combined sewer system from the connection point on the municipal main sewer and including the connecting manhole and sewer.
- (3) Notwithstanding subsection (1), the Municipality may authorise that more than one connecting sewer be provided on the sewage disposal system for the disposal of sewage from any premises

comprising sectional title units or if, in the opinion of the Municipality, undue hardship or inconvenience would be caused to any consumer on such premises by the provision of only one connecting sewer.

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

## **72. Interconnection between premises**

- (1) An interconnection between sewer systems is subject to the Municipality's written approval.
- (2) An owner of premises must ensure that no interconnection exists between the drainage installation on his premises and any drainage installation on other premises, unless he has obtained the prior written permission of the Engineer and complies with any conditions that may have been imposed in granting such permission. In such a case it becomes a private combined sewer system, subject to the provisions of [section 71](#).

## **73. Sewage delivered by road haulage**

- (1) The Municipality may, at its discretion and subject to such conditions as it may specify, accept sewage for disposal delivered to the Municipality's sewage treatment works by road haulage.
- (2) No person shall discharge sewage into the Municipality's sewage treatment works by road haulage, except with and in accordance with the written permission of the Engineer and upon payment of the prescribed fees determined by the Municipality in accordance with its tariff structure and subject to such period and conditions that may be imposed in terms of the written permission.
- (3) Where use is made of the Municipality's suction tanker truck, the service will be rendered subject to the conditions, policy and prescribed fees determined from time to time.
- (4) When sewage is delivered by road haulage -
  - (a) the time of delivery shall be arranged with an authorised official; and
  - (b) the nature and composition of the sewage shall be established to the satisfaction of an authorised official prior to the discharge thereof, and no person shall be allowed to deliver sewage which does not comply with the standards determined in terms of this By-law or any other national and/or provincial legislation and thus having the potential to damage the municipal sewage system.
- (5) Provided that ten working days written notice is given, the Engineer may withdraw any permission to discharge sewage delivered in terms of this section if the person to whom such permission had been given-
  - (a) fails to ensure that the sewage so delivered conforms to the standards prescribed in Schedule "A", as applicable, or in the written permission; or
  - (b) fails or refuses to comply with any notice lawfully served on him in terms of this By-law or contravenes any provisions of this By-law or any condition imposed on him in terms of any permission granted to him;
  - (c) fails to pay the assessed charges in respect of any sewage delivered; or
  - (d) causes discomfort to other users.

## **74. Measurement of the quantity of standard domestic effluent discharged**

- (1) The quantity of standard domestic effluent discharged shall be determined as a percentage of the volume of water supplied to those premises by the Municipality or in accordance with the number of facilities per premise.

- (2) If the Municipality is of the opinion that the percentage referred to in subsection (1), in respect of specific premises is excessive, having regard to the purposes for which water is consumed on those premises, the Municipality may reduce the percentage applicable to those premises to a figure which, in its opinion and in the light of the available information, reflects the proportion between the likely quantity of sewage discharged from the premises and the quantity of water supplied thereto.
- (3) Where premises are lawfully supplied with water from a source other than or in addition to the Municipality's water supply system, including abstraction from a river or borehole, the quantity will be a percentage of the total water used on those premises as may be reasonably estimated by the Municipality, taking into account any representations which may be made by the consumer.

## Part 4 – Industrial effluent

### 75. Application for the disposal of industrial effluent

- (1) A person must apply for the permission to discharge industrial effluent into the sewage disposal system of the Municipality in terms of [section 4](#)(1). The Municipality shall require the completion of a detailed application form as prescribed in addition to the information needed in terms of [section 4](#)(6) and compliance with the standards and criteria determined by the municipality in terms of [section 78](#) (1)(a).
- (2) In addition to the information required in terms of subsection (1), the Municipality shall also require-
  - (a) a sewer plan indicating the position, depth, connection point and connecting manhole; which plan must be approved by the Municipality prior to construction of the sewer;
  - (b) a best practices management plan;
  - (c) a cleaner production management plan;
  - (d) a storm water management plan;
  - (e) an industrial waste management plan;
  - (f) an emergency incident management plan; and
  - (g) a water balance if flow metering is done on the premises.
- (3) If, in the opinion of the Engineer, the capacity of a sewage disposal system is sufficient and the quality of the industrial effluent of an acceptable standard to permit the conveyance, effective treatment and lawful disposal of the industrial effluent the Municipality may, for such period and subject to such conditions as it may impose, grant written permission in terms of subsection (1).
- (4) A person to whom such permission is granted shall pay to the Municipality the prescribed fees.
- (5) 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 the Building Regulations and Building Standards Act, 1977 ([Act 103 of 1977](#)), also lodge applications for the provision of sanitation services and for permission to discharge industrial effluent in terms of subsection (1).

### 76. Unauthorised discharge of industrial effluent

If the Municipality has reason to suspect a person is discharging industrial effluent which may cause excessive maintenance, odours, discomfort to other users or damage to the municipal sewage disposal system through a domestic connection, the Municipality shall seal the domestic sewer connection and require the person to apply for the disposal of industrial effluent in accordance with [section 75](#). No person other than the Municipality shall permit the opening of the domestic connection and only when

the Engineer is satisfied that commercial or industrial effluent is no longer disposed of through the connection and any prescribed fees had been paid.

## 77. Test samples

- (1) Test samples, including split samples if so required by the industry, may be taken at any time by a duly qualified person delegated by the Engineer and using municipal approved sampling equipment to ascertain whether the industrial effluent complies with [section 78\(1\)\(a\)](#) or any other standard prescribed by the Municipality in a written permission.
- (2) The holder of a permission issued in terms of [section 75\(1\)](#) shall provide a sampling point suited to take a representative sample of the industrial effluent to be discharged into the sewage disposal system and to the satisfaction of an authorised official in respect of the industrial premises concerned.

## 78. Norms, standards and conditions for disposal of industrial effluent

- (1) The Municipality may-
  - (a) determine and publish norms, standards and conditions for the disposal of industrial effluent.
  - (b) require a person to whom permission had been granted in terms of [section 75\(1\)](#) to-
    - (i) subject the industrial effluent to such preliminary treatment as in the opinion of the Engineer will ensure that the industrial effluent conforms to the standards prescribed in sub section (1) (a) before being discharged into the sewage disposal system;
    - (ii) install such equalizing tanks, valves, pumps, grease traps, appliances, measuring devices, telemetric/remote logging and other equipment as in the opinion of the Engineer are necessary to control the rate, time and quality of discharge into the sewage disposal system in accordance with the conditions imposed by it and for it to be metered;
    - (iii) install for the conveyance of industrial effluent into the sewage disposal system at a given point, a drainage installation separate from the drainage installation for wastewater and standard domestic effluent;
    - (iv) construct on any pipe conveying industrial effluent to any sewer, a manhole and/or stop-valve in such position, of such dimensions and using such materials as an authorised official may prescribe;
    - (v) provide all such information as may be required or called for by the Municipality to enable it to assess the fees due to the Municipality in terms of this By-law in accordance with the formula prescribed by it;
    - (vi) provide adequate facilities such as level or overflow detection devices, standby equipment, overflow catch-pits, or other appropriate means to prevent a discharge into the sewage disposal system which is in contravention of this By-law;
    - (vii) cause any meter, gauge or other device installed in terms of this section to be calibrated by an independent authority at the cost of the permit holder at intervals required by the Municipality and copies of the calibration certificate to be forwarded to the Municipality; and
    - (viii) cause industrial effluent to be analyzed by a laboratory with applicable accreditation as often and in such manner as may be prescribed by the Municipality and provide it with the results of these tests when completed.
- (2) In the event of the permit holder discharging into the sewage disposal system any industrial effluent which does not comply with standards in sub section (1)(a) or the written permission issued



in respect of that process or premises, the permit holder or his agent shall, within twelve hours of the discharge, notify the Municipality of the incident and the reasons for it.

- (3) The cost of any treatment, plant, works or analysis required in terms of subsection (1) or as a result of an incident as referred to in subsection (2), shall be borne by the person to whom permission had been granted.

## **79. Withdrawal of written permission for disposal of industrial effluent**

- (1) The Municipality may withdraw any permission to discharge industrial effluent into the sewage disposal system granted in terms of this Chapter by written notice of 10 working days if the person to whom such permission had been granted-
  - (a) fails to ensure that the industrial effluent so discharged conforms to the industrial effluent standards prescribed in [section 78\(1\)\(a\)](#) of this By-law or in the written permission;
  - (b) fails or refuses to comply with any notice lawfully served on him in terms of this By-law or contravenes any provision of this By-law or any condition imposed in terms of any permission granted to him;
  - (c) fails to pay the fees due in respect of any industrial effluent discharged; or
  - (d) refuses to admit the Municipality to execute its monitoring processes.
- (2) The Municipality may, when withdrawing the permission as contemplated in subsection (1), in addition to any steps prescribed in this By-law-
  - (a) authorize the closing or sealing of the connecting sewer or drain of the said premises to any sewer at the cost of such person;
  - (b) refuse to accept any further industrial effluent until it is satisfied that the person concerned has taken adequate steps to ensure that the industrial effluent to be discharged conforms with the standards prescribed in this By-law.
- (3) The Municipality may, subsequent to a drain or connecting sewer having been closed or sealed in terms of subsection (2), upon being satisfied that the effluent to be discharged meets with the standards prescribed in this By-law and against payment of the prescribed fees, open or authorize the reopening of the connection or seal.

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

- (1) The Municipality may install, in such position as it determines, in any drainage installation conveying industrial effluent to a sewer, any meter or gauge or other device for the purposes of ascertaining the quantity, tempo and composition of the industrial effluent and it may recover the installation and maintenance costs from the owner.
- (2) It is an offence for any person to bypass, open, break into or otherwise interfere with or to damage any such meter, gauge or other device.
- (3) Notwithstanding the foregoing provisions of this section, the Municipality may require any person who discharges industrial effluent into its sewers to provide at the person's cost, one or more meters in such positions in the water installation as the Municipality may deem necessary to record the water consumption in a specific part of the premises.
- (4) 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 through a water balance and based on a percentage of the water supplied by the Municipality to that premises.



- (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 upon application, reduce the assessed quantity of industrial effluent.
- (6) 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 a borehole, the quantity of standard industrial effluent will be a percentage of the total water used on that premise as may be reasonably estimated by the Municipality.
- (7) The Municipality may at its discretion determine a rebate to apply to the prescribed fees if the owner or occupier discharges industrial effluent -
  - (a) solely during periods specified by the Municipality; and/or
  - (b) containing constituents which will have a beneficial effect on the effluent discharged from the sewage treatment plant.
- (8) The Municipality may at its discretion and after consultation with the person who discharges industrial effluent into its sewers, establish an alternative method of assessing the quantity and tempo of the effluent to be discharged.

#### **81. Damage to sewage disposal system or the environment**

- (1) If a person is discharging industrial effluent which will, if allowed to continue, seriously damage the sewage disposal system or the environment, the Municipality may immediately authorise the sealing of the sewer connection through which the industrial effluent is being discharged. No person shall permit the opening of that connection until the Engineer is satisfied that the industrial effluent will comply with the prescribed standards.
- (2) The Municipality may hold a person to whom permission had been granted to discharge industrial effluent into the sewage disposal system of the Municipality responsible for damage to the applicable municipal infrastructure.

#### **82. Periodic review**

Acceptance of the industrial effluent shall be subject to periodic review; provided that such review may be executed at any time if, in the opinion of the Engineer, special circumstances exist to justify such review.

#### **83. Change in process**

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

### **Part 5 – Drainage installations**

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

- (1) No person may construct, reconstruct, alter, add to or make any permanent disconnection in or of any drainage installation without first having obtained the permission of the Municipality in writing; which permission may prescribe the point in the sewer and the depth below the ground at which the drainage installation is to be connected and the route to follow by the drain to the connecting point.

- (2) Any drainage installation constructed or installed must comply with any applicable specifications in terms of the Building Regulations, any standards prescribed in terms of the Act and SANS 10400-P (as amended from time to time) in respect of Drainage and any further amendments or editions thereof.
- (3) A person may only commence with drainage work mentioned in subsection (1) for which permission has been given in terms of this By-law, if the Municipality is notified in writing one week in advance stating the day on and time at which the intended work will proceed. The Municipality shall require the owner not to commence with the construction or connection of the drainage installation until the Municipality's connecting sewer has been laid.
- (4) Only the Municipality may provide and install a sewer connection to a property and servitude.
- (5) Before any part of a drainage installation is permanently covered or otherwise rendered practically inaccessible to visual inspection, it must be inspected and approved by the Municipality.
- (6) Upon completion of the construction, reconstruction or alteration of a drainage installation, the owner must submit a certificate of compliance to the building section of the Municipality.
- (7) No person shall permit the entry of any liquid or solid substance whatsoever, except clean water to do testing of the drainage installation before connection thereof to the sewer.
- (8) No person may, without the prior written permission of the Municipality install or use a pipe or fitting in a drainage installation within the Municipality's area of jurisdiction, unless it is of a type approved by the Municipality.
- (9)
  - (a) Where the draining installation is a pit latrine it must be of the ventilated improved pit latrine type or equivalent having-
    - (i) a pit with a minimum capacity of 2m<sup>3</sup>;
    - (ii) lining as required;
    - (iii) a slab designed to support the superimposed loading; and
    - (iii) protection preventing children from falling into the pit;
  - (b) The ventilated improved pit latrine must conform to the following specifications
    - (i) the pit must be ventilated by means of a pipe, sealed at the upper end with durable insect proof screening fixed firmly in place;
    - (ii) the ventilation pipe must project not less than 0.5 m above the nearest roof, must be of at least 150 mm in diameter, and must be installed vertically with no bend;
    - (iii) the interior of the closet must be finished smooth so that it can be kept in a clean and hygienic condition. The superstructure must be well-ventilated in order to allow the free flow of air into the pit to be vented through the pipe;
    - (iv) the opening through the slab must be of adequate size as to prevent fouling. The rim must be raised so that liquids used for washing the floor do not flow into the pit. It shall be equipped with a lid to prevent the egress of flies and other insects when the toilet is not in use;
    - (v) must be sited in a position that is independent of the residential structure;
    - (vi) must be sited in positions that are accessible to road vehicles having a width of 3.0 m in order to facilitate the emptying of the pit;
    - (vii) in situations where there is the danger of polluting an aquifer due to the permeability of the soil, the pit must be lined with an impermeable material that is durable and will not crack under stress;

- (viii) 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;
  - (ix) the latrine must have access to water for washing hands.
- (10) Any chemical toilets erected at any premises for whichever reason must be approved of by the Municipality and only chemical toilets may be erected on building sites. Alternatively, water closets for employees may only be erected at the site connection point.
- (11) A toilet, whether temporary or permanent, may under no circumstances be erected directly on top of a municipal or private manhole.
- (12) No new bucket sewer system or a septic tank system shall be allowed within the municipal area.

## **85. Construction by the municipality**

The Municipality may agree with the owner of any premises that any drainage work which such owner desires, or is required to construct in terms of this By-law or the Building Regulations, will be constructed by the Municipality against payment, in advance or on demand, of all costs associated with such construction.

## **86. Servitudes**

A servitude shall be registered at the cost of the owner prior to a drain being installed across the property of another party. The Municipality may also require the registration of a servitude where necessary.

## **87. Drains in streets and public places**

No person shall for the purpose of conveying sewage derived from whatever source, lay or construct a drain on, in or under a street, public place or other land owned by, vested in, or under the control of the Municipality, except with the prior written permission of the Engineer and subject to such conditions as it may impose and work may only commence after the approval of a building or service plan and way leaves for all services whether these be municipal, private, state or semi-state provided.

## **88. Maintenance of drainage installation**

- (1) The owner or occupier of any premises must maintain at own cost any drainage installation and any sewer connection on such premises or in the servitude area applicable thereto.
- (2) A delivery pipeline from the premises concerned to the point of acceptance shall be maintained by the permit holder or beneficiary of the service in a proper condition and free from leaks and obstructive vegetation roots.
- (3) The owners or occupiers are jointly and separately responsible and liable for the maintenance of any communal system and all materials to be used on a communal/private combined system must be approved by the Engineer.
- (4) The owner of premises must ensure that all manholes and cleaning eyes on the premises are permanently visible and accessible.
- (5) The owner or occupier of a premise will be liable to pay to the Municipality the prescribed fee for the clearance of a drainage installation irrespective of who requested the service on behalf of the owner or occupier.
- (6) The Municipality may, on the written application of the owner or occupier of any premises, inspect and test the drainage installation of such premises or any section thereof and recover from the owner or occupier the cost of such inspection and test, calculated at the rate specified in the prescribed fees.

## 89. Disconnection of drainage installation

- (1) The Municipality may disconnect a drainage installation from the connecting sewer and remove the connecting sewer if
  - (a) the agreement for provision of water services has been terminated in terms of [section 104](#) and it has not received an application for subsequent provision to the premises served by the sewer within a period of 30 days of such termination; or
  - (b) the building on the premises concerned has been demolished; and
  - (c) the calculated or prescribed fee as applicable had been paid.
- (2) The owner or occupier may only disconnect a drainage installation from the connection point to execute maintenance or repair work.
- (3) If any part of a drainage installation is disconnected from the remainder and no longer to be in use, the part so disconnected must be removed from the premises and disposed of in accordance with applicable by-laws of the Municipality.
- (4) Prior to the disconnection of a drainage installation from a sewer, the owner or occupier must notify the Municipality and the Municipality must seal the opening left by the disconnection and may recover such costs from the owner of the premises.
- (5) The prescribed fees for connection to or disconnection from a sewer system executed during a month will be calculated as from the first day of the month following the connection or disconnection.

## Part 6 – Sanitation: miscellaneous

### 90. Reduction in the quantity determined in terms of domestic effluent

A person shall be entitled to a reduction in the quantity determined in terms of [section 74](#) if the quantity of water was measured during a period in terms of which the Municipality granted a water leakage discount as per sections 9(4) and 25(11) and the consumer can demonstrate to the satisfaction of the Municipality that the wasted water was not discharged into the sewage disposal system.

### 91. Objectionable discharge to sewage disposal system

- (1) No person shall cause or permit any sewage whether as a solid, contaminated liquid or gaseous substance, to enter-
  - (a) any storm water drain, storm water sewer or excavated or constructed watercourse unless otherwise permitted in this By-law;
  - (b) any river, stream or natural watercourse or any public water, whether ordinarily dry or otherwise, except in accordance with the provisions of the Water Act; or
  - (c) any street or premises;except where the Engineer has approved such discharge.
- (2) No person shall, other than in compliance with the permissions issued in terms of this By-law, discharge, or cause or permit the discharge or entry into the sewage disposal system of any sewage or other solid, contaminated liquid or gaseous substance which -
  - (a) does not comply with the standards and criteria prescribed in this By-law or other applicable legislation;

- (b) contains any substance in such concentration that it will produce or is likely to produce in the final treated effluent at any treatment works or discharge point or in any public water, an offensive or otherwise undesirable taste, colour, odour, temperature or foam;
  - (c) may prejudice the re-use of treated sewage for industrial or similar purposes or adversely affect any of the processes whereby sewage is purified for re-use or treated to produce sludge for disposal;
  - (d) contains any substance or thing of whatsoever nature which is not amenable to treatment at treatment works to a satisfactory degree or which causes or is likely to cause a breakdown or inhibition of the processes in use at such works;
  - (e) contains any substance or thing of whatsoever nature which is of such strength, or which is amenable to treatment only to a degree as will result in effluent from the sewage treatment plant not complying with standards prescribed under the National Water Act, 1998 (Act No. 36 of 1998);
  - (f) may cause danger to the health or safety of any person or may be injurious to the structure or materials of the sewage disposal system or may prejudice the use of any ground used by the Municipality or its authorised agent for the sewage disposal system, other than in compliance with the permissions issued in terms of this By-law;
  - (g) may inhibit the unrestricted conveyance of sewage through the sewage disposal system; and
  - (h) has a temperature of more than 30 degrees Celsius when discharged.
- (3) No person shall cause or permit any storm water or rain water to enter the sewage disposal system.
- (4) The inception of nuisances, e.g. odours, pollution or visual offensiveness due to a defective drainage installation shall not be allowed. The Municipality shall give the owner or occupier of such premises 24 hours' notice to remove such nuisance, failing which the Municipality shall remove such nuisance or cause it to be done at the expense of such owner or occupier. In addition the matter shall be pursued by the Municipality as an offence in terms of this By-law.
- (5) An authorised official may by written notice order an owner or occupier to conduct, at his cost, periodic expert inspections of the premises in order to identify precautionary measures such as grease traps, sand traps or oil separators, which would ensure compliance with this By-law, and to report such findings to an authorised official.

## **92. Damage to sewage disposal system**

- (1) A person may not damage or endanger the sewage disposal system, or cause or permit it to be endangered or damaged, e.g. through vegetation roots.
- (2) Any person who intends performing work on land owned by or vested in the Municipality or over which it has a servitude or other right and which may cause damage to the sewage disposal system shall, prior to commencement of such work, ascertain from the Municipality if any part of the sewage disposal system is situated on the said land.
- (3) If work is to be performed or being performed on land referred to in subsection (2), or on land adjacent thereto which in the opinion of the Municipality could damage or endanger the sewage disposal system it may, by notice in writing, require the person concerned not to commence, or to cease performing, the work until such time as he has complied with the conditions specified in the notice.
- (4) No person may permit or cause polluted water to enter any stream, river or other water course and used water including swimming pool back wash water must be connected to and disposed of in the sewerage system.

### **93. Consequential maintenance of sewers**

Whenever a sewer is damaged or becomes obstructed or in need of repair as a result of an act or omission of any person, whether by reason of the failure of such person to comply with the requirements of this By-law or otherwise, the Municipality shall be entitled to remove the obstruction or perform the maintenance or repairs deemed necessary by the authorised official, at the expense of such person.

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

- (1) The Municipality may reasonably require that any new premises must be provided with a minimum pre-treatment facility of a type specified by it prior to that premises being connected to the sewage disposal system.
- (2) The Municipality may, if deemed necessary and providing such reasons, request an owner of any other premises to install a pre-treatment facility at the owner's cost.
- (3) The Municipality may, at the cost of the owner, require the installation of samplers and monitoring equipment for effluent water quality and volume, which samplers and monitoring equipment must be linked to the Municipality's telemetry system before such premises can be linked to the Municipality's sewer disposal system.

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

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

### **96. Work by private persons**

- (1) The Municipality shall lay all sewers and connecting sewers unless it elects not to do so, in which case the work shall be executed in accordance with the Municipality's specifications applicable to the work, as well as the following provisions:
  - (a) Any person performing work in terms of this section shall, prior to commencement of such work, indemnify the Municipality in writing and to its satisfaction against all liability in respect of any accident or injury to persons or loss or damage to property which may occur as the direct or indirect result of the execution of such works.
  - (b) Where a connection is to be made with any sewer it shall be made at a point indicated by the Municipality.
  - (c) Whenever the surface of any street or road has been disturbed in the course of such work, the restoration of such surface shall be undertaken solely by the Municipality at the expense of the person who performed the work. Prior to the disturbance of the surface of such street or road the Municipality may in its discretion require that a deposit be made by such person with the Municipality to cover the estimated cost of such restoration to its satisfaction. When the actual cost exceeds or is less than the amount deposited, any excess shall be recoverable from such person and any balance shall be refunded to him.
  - (d) All work shall be performed in accordance with the requirements and to the satisfaction of the Engineer.

### **97. Non-waterborne disposal of effluent**

- (1) Where no municipal sewer is available for the discharge of wastewater, no person may dispose of wastewater-
  - (a) unless the Municipality has approved the method of transportation and imposed such conditions as it may deem fit;

- (b) by any method of transportation unless written proof of acceptance is provided in every instance by the person in charge of a facility approved by the Municipality where such wastewater or its by-products is disposed of; such proof to be retained and made available for inspection by the person who generated the wastewater or its by-products for at least one year after the date of such disposal.
- (2) No person who transports wastewater by any means other than waterborne transportation may-
  - (a) dispose of such wastewater at or in any place other than at a facility approved by the Municipality; or
  - (b) allow such wastewater to spill, leak or seep from any container.
- (3) The provisions of subsections (1) and (2) also apply to chemical toilets.

## **98. Other sanitation services**

- (1) The Municipality may upon receiving such an application in terms of [section 4](#), approve of the connection of a drainage installation to stables, cowsheds, dairies, kennels and other premises used for the accommodation of animals and tanneries subject to such conditions that the Municipality may impose.
- (2) Conditions that the Municipality may impose at the cost of the owner include that -
  - (a) the floor of the premises is paved by impervious materials that are approved by the Municipality and graded to a silt trap, grease trap or gully of adequate capacity; and
  - (b) every part of the floor of the premises is covered by a roof, or another protective device, in a way that adequately prevents the entry of rain or storm water into the drainage installation;
  - (c) fat or grease traps, sludge catches and/or sand traps as specified by the Municipality be installed; and
  - (d) any other standards and/or specifications as the Municipality deems necessary be adhered to.

## **Chapter 5 General provisions**

### **Part 1 – Unlawful actions and termination**

## **99. General responsibility for compliance with this by-law and other laws**

- (1) The owner of premises is responsible for ensuring compliance with this By-law in respect of all or any matters relating to any installation, and if he is not the consumer who actually uses the water services, the owner is jointly and severally liable with such consumer in respect of all matters relating to the use of any water services on his property, including any financial obligation.
- (2) The consumer is primarily responsible for compliance with this By-law in respect of matters relating to the use of any water services.
- (3) No approval given under this By-law relieves any owner or consumer from complying with any other law relating to the abstraction and use of water, or the disposal of effluent.
- (4) No clearance for transfer shall be issued in respect of new developments or subdivisions unless the water supply, sanitation services and storm water installations including the defects have been completed, inspected and approved by the Municipality and any other conditions as may be applicable have been complied with.



**100. Interference with water services**

- (1) No person other than the Municipality may-
  - (a) manage, operate or maintain any part of the water supply system;
  - (b) manage, operate or maintain any part of the sewerage disposal system;
  - (c) effect a connection or reconnection or a measuring device to the water supply system or sewerage disposal system;
  - (d) dump or release any substances into the sewer disposal system;
  - (e) render any other sanitation services;unless authorised to do so by this By-law or the Municipality in writing and subject to such conditions as imposed by the Municipality.
- (2) No person may interfere with, or obstruct any service or service connection or wilfully or negligently damage, or permit damage to or interference with any part of the water services system belonging to the Municipality.
- (3) No person may connect any temporary toilet device to the municipal sewer system by the installation thereof directly on top of a manhole.
- (4) Connections to the sewage disposal system may be undertaken by a developer or owner in exceptional cases at the discretion of the Engineer and subject to such written conditions imposed by the Engineer in which event an inspection fee shall be payable to the Municipality.
- (5) No person may erect any structure or plant any scrubs or trees directly next to or on top of any part of the water services system belonging to the Municipality.

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

- (1) No person shall prevent or restrict physical access to the water supply system or sewage disposal system by any employee or duly authorised official of the Municipality including a situation where the loss of water or other service related problem may cause pollution or a nuisance to other owners or consumers.
- (2) If a person contravenes subsection (1), the Municipality may -
  - (a) by written notice require such person to restore access at his own expense within a specified period; or
  - (b) if the Municipality is of the opinion that the situation is a matter of urgency, without prior notice restore access and recover the full cost from such person which cost may include but is not restricted to, any exploratory investigation, surveys, plans, schedules of quantities, supervision, administration charges, the use of tools and labour and transport expenditure; and/or
  - (c) impose a fine as determined by the Municipality from time to time.

**102. Prohibition of access to water services other than through the municipality**

- (1) No person is permitted to have access to water services from a source other than the Municipality, without its prior written approval and in accordance with such conditions as the Engineer may impose for domestic, commercial or industrial purposes.
- (2) Despite the provision of subsection (1) hereof, a person who, at the commencement of this By-law, was using water from another source may continue to do so -
  - (a) for a period of 60 days after he has been requested to apply for approval; and



- (b) thereafter until the application for approval is granted; or
  - (c) for a reasonable period thereafter, within the discretion of the Municipality, if the application for approval is refused.
- (3) If granting approval, the Municipality will determine the maximum size or diameter of the service connection and may require the person seeking approval to supply such services as may be specified in the approval to others on reasonable terms and conditions as also specified by the Municipality.

### 103. Unauthorised use of water services

- (1) No person may temporarily or permanently, gain access to water services from the water supply system, the sewage disposal system or any other sanitation services unless an agreement referred to in section [4](#) or [5](#) has been concluded with the Municipality.
- (2) The Municipality may, irrespective of any other action it may take against a person referred to in subsection (1) in terms of this By-law, by written notice order the person to -
  - (a) apply for such services in terms of sections [4](#) or [5](#); and
  - (b) undertake such work as may be necessary to ensure that the consumer installation through which access was gained complies with the provisions of this and any other relevant by-law.
- (3) The provisions of [section 109](#) shall apply to a notice in terms of subsection (2) above.

### 104. Termination of agreements

- (1) A consumer may terminate an agreement for the provision of water services by giving the Municipality not less than 5 working days' written notice of his intention to do so. The Municipality shall be entitled to recover from the consumer the applicable fees for removal of the measuring device.
- (2) The Municipality may by giving written notification of not less than 30 days, terminate a consumer's agreement for the provision of water services by the Municipality if-
  - (a) he has not used the water services during the preceding 6 months and has not made arrangements to the satisfaction of the Municipality for the continuation of the agreement;
  - (b) an arrangement has been made by such consumer with another water services institution to provide water services to the consumer.
- (3) The Municipality may by giving one working day's written notice terminate a consumer's agreement for the provision of water services if he has failed to comply with the provisions of this By-law and has failed to rectify such failure to comply following the issue of a compliance notice and has failed to pay prescribed fees due and payable.
- (4) The Municipality may, after having given notice, terminate an agreement for services if a consumer has vacated the premises to which such agreement relates.
- (5)
  - (a) If it is determined by a person legally entitled to do so, other than the Municipality, that an existing water service on private property, or emanating from private property, is creating environmental damage or water pollution, or water wastage, and the owner of the property or consumer, whichever is applicable, is directed to carry out measures as are required under any Act or law to rectify the situation, the Municipality is not liable for any damages arising as a result of the measures required to be taken or in respect of damages suffered as a result of a permanent or temporary termination of the services.
  - (b) Should the consumer fail to carry out such measures, the Municipality may subject to the provisions of Chapter 4, undertake the measures required, and any expenditure incurred may be recovered from the owner of the premises or the consumer as the case may be.

## **Part 2 – Water services intermediaries**

### **105. Water services intermediaries**

- (1) A water services intermediary must have a contract with the consumer (for example employment or property lease contract) of which the main purpose is not the provision of water services.
- (2) The Municipality may by public notice, require a water services intermediary for the supply of water and sanitation services to register with the Municipality and to provide it with such details in respect of the delivery of water services on its premises as may be required by the Municipality to fulfil its own legal obligations.
- (3) Farm owners are regarded as employers and as such are responsible for housing and related services to their employees living on the farms. Farm owners are therefore water services intermediaries in terms of the Act and are responsible for the provision of at least basic water services to people living on the farm.
- (4) The quality, quantity, affordability and sustainability of water services provided by a water services intermediary must meet the minimum norms and standards prescribed in terms of sections 9 and 10 of the Act and any potable water quality must comply with the standards for human consumption as specified in SANS 241.
- (5) The Municipality may require a water services intermediary to allow the taking of water and effluent samples on its premises as and when the Municipality regards it as necessary to comply with its legal mandate to ensure water quality standards are met within the area of its jurisdiction.
- (6) The Municipality will as contemplated in the Act monitor the performance of water services intermediaries to ensure that norms and standards for fees, any conditions set by the Municipality and the relevant provisions of this By-law are adhered to.
- (7) Water services intermediaries must ensure that good health and hygiene practices are exercised in respect of the water services rendered by itself and the usage thereof by its consumers. The Municipality will upon a written request assist to facilitate the implementation of such health and hygiene practices but any costs related thereto would be for the account of the water services intermediary.

## **Part 3 – Enforcement of by-laws and other legal matters**

### **106. Authorisation of an official**

The Municipality and a service provider as contemplated in the definition of Municipality and in section 76 of the Systems Act may authorise any person in its employ to become an authorised official in terms of this By-law.

### **107. Functions of an authorised official**

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

### **108. Notices and documents**

- (1) A notice or document issued by the Municipality in terms of this By-law must be deemed to be duly authorised if an authorised official signed it.

- (2) If a notice or document is to be served on an owner, consumer or any other person in terms of this By-law it shall be deemed to be effectively and sufficiently served on such a person-
- (a) when it has been delivered to him personally or to his duly authorised agent;
  - (b) when it has been left at his residence or place of business or employment to a person apparently not less than sixteen years of age and residing or employed there;
  - (c) if he has nominated an address for legal purposes, having been delivered to such an address;
  - (d) if he has not nominated an address for legal purposes, delivering it to the address given by him in his application for the provision of water services, for the reception of an account for the provision of water services;
  - (e) when it has been sent by pre-paid registered or certified post addressed to his last known address for which an acknowledgement of the posting thereof will be obtained from the postal service;
  - (f) if, in the case of a legal person, it has been delivered at the registered office or business premises of such legal person; or
  - (g) if service cannot be effected in terms of subsections (a) to (f), by affixing it to a conspicuous place on the premises concerned.

#### 109. Compliance notices

- (1) The Municipality may by written notice, order an owner, consumer or any other person who, by an act or omission, fails to comply with-
- (a) a provision of this By-law; or
  - (b) any condition imposed by this By-law;
- to remedy such failure within a period specified within the compliance notice.
- (2) In the case where compliance with a notice is required within a specified number of working days, such period shall be deemed to commence on the date of issue of such notice.
- (3) A notice in terms of subsection (1) must -
- (a) provide details of the provision of the By-law that has not been complied with;
  - (b) provide the owner, occupier, or other party a reasonable opportunity to make representations and state his case in writing to the Municipality within a specified period, unless the owner, occupier or other person was given such an opportunity before the notice was served;
  - (c) specify the steps that the owner, occupier or other person must take to rectify or remedy the failure;
  - (d) specify the period within which the owner, occupier or other person must take these steps to rectify the failure; and
  - (e) indicate that the Municipality may -
    - (i) if the notice is not complied with, undertake or allow the work that is necessary to rectify the failure to be undertaken and recover from the owner, occupier or other person the actual cost of such work; and
    - (ii) take any other action it deems necessary to ensure compliance.

- (4) If an owner or occupier or any other person fails to comply with a written notice served on him by the Municipality in terms of this By-law, the Municipality may take such action as in its opinion is necessary to ensure compliance, including -
  - (a) Undertaking the actions and/or work necessary and recovering the cost of such actions and/or work from the owner, occupier or other person, as the case may be; or
  - (b) restricting or discontinuing the provision of water services to the owner, consumer or other person as the case may be; and
  - (c) Instituting legal proceedings against the owner, occupier, or other person, as the case may be in terms of the Criminal Procedure Act, 1977 ([Act 51 of 1977](#)).
- (5) In the event of an emergency, notwithstanding any other provisions of this By-law, the Municipality may without prior notice undertake the work contemplated in subsection (3) and recover such costs from the owner, occupier or other person, as the case may be.
- (6) The actual costs recoverable by the Municipality in terms of subsections (4) and (5) shall be the full costs associated with such work and include but is not limited to -
  - (a) the costs of the costs of any exploratory investigation, plan, specification, schedule of quantities, supervision, administrative charge, the use of tools, and the labour involved in disturbing or rehabilitating any part of a street or ground affected by the work; and
  - (b) the environmental restoration costs of such work.
- (7) A notice or document issued in terms of [section 109](#) is valid until one of the following events occurs -
  - (a) the notice or document is complied with;
  - (b) it is cancelled by the authorised official who issued it or, in that person's absence, by a person with similar authority;
  - (c) the purpose for which it was issued, has lapsed.
- (8) An authorised official who is satisfied that the owner or occupier or person apparently in control of any premises has satisfied the terms of a compliance notice may issue a compliance certificate to that effect.

## 110. Power of entry and inspection

- (1) An authorised official may for any purpose in accordance with the provisions of the Act and/or the implementation or enforcement of this By-law, at all reasonable times or in an emergency at any time, enter premises, request information and carry out such inspection and examination as he may deem necessary, and for those purposes operate any water fitting of any water installation or sewage disposal system.
- (2) If the Municipality considers it necessary that work be performed to enable an authorised official to perform a function referred to in subsection (1) properly and effectively, it may -
  - (a) by written notice of at least 5 working days require the owner or occupier of the premises at his own expense to do specified work within the specified period; or
  - (b) if in its opinion the situation is a matter of urgency, without prior notice do such work or cause it to be done at the expense of the owner depending on the cause of the situation.
- (3) If the work referred to in subsection (2) is carried out for the sole purpose of establishing whether a contravention of this By-law has been committed and no such contravention is established, the Municipality shall bear the expense connected therewith together with that of restoring the premises to its former condition.

- (4) If an authorised official requires the presence of-
  - (a) an owner at an inspection of his water installation;
  - (b) a contractor at an inspection of work carried out by the contractor;
  - (c) a qualified or registered plumber doing installation work at an inspection of such work;he may give such person written notice of not less than 3 working days to that effect, indicating the date and time when and the place where he proposes to carry out the inspection.

### 111. Powers of an authorised official

- (1) An authorised official, in addition to any other powers conferred upon him in terms of this By-law, may
  - (a) execute work on or inspect premises;
  - (b) question a person present on any premises in respect of any matter which may be relevant to the work or inspection;
  - (c) question a person whom the authorised official believes may have information relevant to the work or inspection;
  - (d) inspect any document that a person is required to maintain in terms of any law or that may be relevant to work or inspection;
  - (e) copy any document referred to in paragraph (d) or if necessary, remove the document in order to copy it;
  - (f) take samples of any substance that is relevant to the work or inspection;
  - (g) monitor and take readings or make measurements;
  - (h) take photos or make audio-visual recordings of anything or any person, process, action or condition on or regarding any premises; and
  - (i) do what is necessary for the execution of work or the conducting of an inspection that the Municipality is required to undertake in terms of this By-law.
- (2) An authorised official who removes anything other than a substance contemplated in subsection (1) (f) from the premises being worked upon or inspected, must-
  - (a) issue a receipt for it to the owner or person in control of the premises; and
  - (b) return it as soon as is practicable after achieving the purpose for which it was removed.

### 112. Using force to enter

- (1) Force may not be used to affect entry to execute work or conduct an inspection on any premises unless an emergency arises.
- (2) An authorised official carrying out a written authorisation in terms of [section 109](#) or entering premises due to an emergency being suspected, may overcome any resistance to entry, execution of work or inspection by using as much force as is reasonably required, including breaking a lock, door or window of the premises to be entered.
- (3) Before resorting to force to gain entrance to the premises, the authorised official carrying out the written authorisation must audibly demand admission and must announce his purpose, unless he reasonably believes that doing so may induce a person to destroy, dispose of, or tamper with, an article or document that is the object of the inspection.

**113. Authorised official may be accompanied**

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

**114. Duty to produce document**

Any person who holds any document relevant to the execution of any work or inspection contemplated in this Chapter must produce it at the request of an authorised official.

**115. Complaints against persons other than the municipality**

Anyone may lodge a complaint with an authorised official, either directly or through any other channel established by the Municipality, that another person -

- (a) is likely to cause or has caused a disruption of the provision of water and sanitation services without just cause; or
- (b) is likely to act or has acted contrary to the provisions of this By-law;

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

**116. Recovery of costs and fees**

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

**117. Liabilities and compensation**

The Municipality will not be liable for damages or compensation arising from anything done by it in terms of this By-law.

**118. Legal compliance warranty**

Notwithstanding any provisions to the contrary, any consumer by making application for water services, warrants that he will -

- (a) in his activities, application and use of the water services, comply with all relevant laws, regulations and standards governing the environment, health and safety;
- (b) take all reasonable measures to prevent pollution or environmental degradation from occurring, continuing or recurring;
- (c) in so far as such harm to the environment is authorised by law, or cannot reasonably be avoided or stopped, minimize and rectify such pollution or degradation of the environment; and
- (d) bear all costs and expenses incurred in meeting the above obligations and the implementation thereof.

### 119. False statement or information

No person may make a false statement or furnish false information including the detail on building and engineering plans, to the Municipality, an authorised official or an employee of the Municipality, or falsify a document issued in terms of this By-law.

### 120. Exceptions and transitional arrangements

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

### 121. Exemptions

- (1) The Municipality may by resolution exempt any person from complying with a provision of this By-law subject to conditions, if the provision is considered to be unreasonable, provided that an exemption may not be granted which will result in-
  - (a) wastage or excessive water consumption;
  - (b) evasion or avoidance of water restrictions;
  - (c) a danger to public health, safety or the environment;
  - (d) non-payment for services;
  - (e) the installation of pipes and fittings which are not approved in terms of this By-law;
  - (f) tampering with any municipal water and sewage service including the connecting pipe or measuring device; and
  - (g) non-compliance with the Act and regulations made in terms thereof.
- (2) The Municipality may at any time withdraw an exemption given in terms of subsection (1), provided that it must give the person concerned at least 30 days' notice in writing of its intention to withdraw an exemption previously granted.

### 122. Appeals

An appeal to a decision of the Municipality taken in terms of delegated powers must be made in terms of section 62 of the Systems Act by giving written notice of the appeal and the reasons therefor within 21 days of the date of notification of the decision to the municipal manager.

## 123. Offences

- (1) It is an offence for any person to -
- (a) manage, operate or maintain the water services system through which municipal services are provided without being authorised thereto by the Municipality;
  - (b) render, install or change a water service which has been connected without permission of the Municipality to the municipal water services system directly or indirectly;
  - (c) refuse to grant an authorised official access to premises to which that authorised official is duly authorised to have access;
  - (d) obstruct, interfere or hinder an authorised official who is exercising a power or carrying out a duty under this By-law;
  - (e) fail or refuse to provide an authorised official with a document or information that the person is required to provide under this By-law;
  - (f) give false or misleading information to an authorised official;
  - (g) unlawfully prevent the owner of any premises, or a person working for that owner, from entering the premises in order to comply with a requirement of this By-law;
  - (h) pretend to be an authorised official;
  - (i) falsely alter an authorisation to an authorised official or written authorisation, compliance notice or compliance certificate issued in terms of this Chapter;
  - (j) enter any premises without a written notification in circumstances requiring such notification;
  - (k) act contrary to a written notice or document issued in terms of this Chapter;
  - (l) without authority
    - (i) enter or inspect premises;
    - (ii) carry out any act mentioned in [section 113](#);
  - (m) disclose any information relating to the financial or business affairs of any person which was acquired in the performance of any function or exercise of any power in terms of this By-law, except
    - (i) to a person who requires that information in order to perform a function or exercise a power in terms of this By-law;
    - (ii) if the disclosure is ordered by a court of law; or
    - (iii) if the disclosure is in compliance of the provisions of any law.
  - (n) contravene or fail to comply with any of the provisions of this By-law;
  - (o) fail to comply with any notice issued in terms of this By-law;
  - (p) fail to comply with any lawful instruction given in terms of this By-law;
  - (q) unlawfully and intentionally or negligently interfere or tamper with or gain access to any water services works of the Municipality;
  - (r) ignore any temporary or permanent water restrictions without written exemption or relaxation of such restrictions by the Municipality;
  - (s) contravene or fail to comply with any conditions imposed upon the granting of any application consent approval, concession, exemption or authority in terms of this By-law.



- (2) A person who causes or incites another person to commit an offence referred to in subsection (1), or who, being in a position of authority over another person, permits or allows him to commit an offence, will be guilty of that offence.

#### **124. Penalties**

- (1) Any person who contravenes any of the provisions of [section 123](#) shall be guilty of an offence and liable on conviction to -
- (a) a fine or imprisonment or to such imprisonment without the option of a fine or to both such fine and such imprisonment; and,
  - (b) in the case of a continuing offence, to an additional fine or an additional period of imprisonment or to such additional imprisonment without the option of a fine or to both such additional fine and imprisonment for each day on which such offence is continued; and,
  - (c) a further amount equal to any costs and expenses found by the court to have been incurred by the Municipality result of such contravention or failure.
- (2) In addition to any penalty imposed in terms of sub section (2) the Municipality may terminate the water service to such a person.
- (3) The Municipality may without compensation, confiscate the property or other instruments through which unauthorised services were accessed.

#### **125. Application of this by-law**

This By-law applies to all persons or bodies, including organs of State, situated within the area of jurisdiction of the Municipality.

#### **126. Repeal of 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.

#### **127. Short title and commencement**

This By-law is called the Water Services By-law,2014 and commences on the date of publication in the Provincial Gazette.