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<p data-bbox="196 804 747 856" style="text-align: center;">COOPERATIVE GOVERNANCE, TRADITIONAL AFFAIRS & HUMAN SETTLEMENTS NOTICES</p> <p data-bbox="147 947 792 974">Moqhaka 2</p> <p data-bbox="435 1318 513 1346" style="text-align: center;"><u>NOTICE</u></p> <p data-bbox="160 1377 782 1470" style="text-align: center;"><u>PLEASE TAKE NOTE: THAT THE LAST PUBLICATION OF THE PROVINCIAL GAZETTE FOR THE YEAR 2009 WILL BE ON 11 DECEMBER 2009.</u></p> <p data-bbox="147 1503 792 1564">THE NEXT PUBLICATION WILL BE ON <u>08 JANUARY</u> <u>2010</u> 65</p>			

COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS NOTICES

PUBLICATION OF DRAFT BY LAWS FOR COMMENT: ELECTRICITY SUPPLY BY-LAWS

Notice is hereby given in accordance with the stipulations of section 12(3) of Local Government Municipal Systems Act, 2000 (Act No. 32 of 2000) that draft Electricity Supply By-Laws, have been approved by the Moqhaka Local Municipality and is hereby published for community participation and comment.

The draft By-Laws will be available during office hours until 13 November 2009 at the following places:

Libraries: Steynsrus, Matlwangtlwang, Viljoenskroon, Rammulotsi, Kroonstad (Steyns Street), Kroonstad (North Road/Du Toit Street), Maokeng, Brentpark.

Offices: Steynsrus, Matlwangtlwang, Viljoenskroon, Rammulotsi, Kroonstad (Hill Street), Mokeng, Brentpark.

Copies of the By-Laws may also be obtained from the following offices: • **Kroonstad**, 1st Floor, Municipal Offices, Hill Street, (Mr R. Odendaal tel.: 056 – 2169106), • **Viljoenskroon**, Municipal Offices, Deneysen Street, (Mr T Leie Tel.: 056 – 3439424), • **Steynsrus**; Municipal Offices van Riebeeck Street, (Mr F. Brits tel. 056 – 4710006), **Maokeng**, Municipal Offices, Manki Street, (Mr E. Molefe tel. 056 – 2169502)

Members of the community are invited to comment on the proposed draft By-Laws. Written comments must be handed in at the office of Municipal Manager, Municipal Officer, Hill Street, Kroonstad or posted to P.O. Box 302, Kroonstad; 9500. Persons who are not able to read or write and who wish to comment on the draft By-Laws will be assisted by the Deputy Manager: Electrical Engineering during office hours at the Offices of the Electrical Department, Station Street, Kroonstad. Please contact Mr M. Leleka (Tel.: 056 2169272) to make an appointment in this regard.

Comments must reach the Municipal Manager by not later than 13 November 2009.

Public participation meetings for members of the community on the draft By-Laws will be held as follows:

TOWN	VENUE	DATE	TIME
Steynsrus	Matlwangtlwang	3 November 2009	17:00
Viljoenskroon	Tshepahalalo Hall	4 November 2009	17:00
Kroonstad	Allen Rautenbach Hall	10 November 2009	15:00
Maokeng	Constantia Hall	10 November 2009	17:00

MV DUMA MUNICIPAL MANAGER
NOTICE NO. 40 / 2009

ELECTRICITY SUPPLY BY-LAW

Purpose of By-law

- To provide for the supply of electricity to the residents within the Municipality's area of jurisdiction.
- To provide for procedures, methods and practices to regulate such provision of electricity.

CONTENTS

Chapter 1

General

1. Definitions
2. Other terms
3. Headings and titles

Chapter 2

General Conditions of Supply

4. Provision of electricity services
5. Supply by agreement
6. Service of notice
7. Compliance with notice
8. Application for supply
9. Processing of requests for supply
10. Wayleaves
11. Statutory servitude
12. Right of admittance to inspect, test and/or do maintenance work
13. Refusal or failure to give information
14. Refusal of admittance
15. Improper use
16. Electricity tariffs and fees
17. Deposits
18. Payment of charges
19. Interest on overdue accounts
20. Principles for the resale of electricity
21. Right to disconnect supply
22. Non-liability of municipality
23. Leakage of electricity
24. Failure to supply
25. Seals of the municipality
26. Tampering with service connection or supply mains
27. Protection of municipality's mains
28. Prevention of tampering with service connection or supply mains
29. Unauthorised connections
30. Unauthorised re-connections
31. Temporary disconnection and reconnection
32. Temporary supply
33. Temporary work
34. Load reduction
35. Medium and low voltage switchgear and equipment
36. Substation accommodation
37. Wiring diagram and specification
38. Standby supply
39. Consumer's electricity generation equipment
40. Technical Standards

Chapter 3

Responsibilities of Consumers

- 41. Consumer to erect and maintain electrical installation
- 42. Fault in electrical installation
- 43. Discontinuance of use of supply
- 44. Change of occupier
- 45. Service apparatus

Chapter 4

Specific Conditions of Supply

- 46. Service connection
- 47. Metering accommodation

Chapter 5

Systems of Supply

- 48. Load requirements
- 49. Load limitations
- 50. Interference with other persons' electrical equipment
- 51. Supplies to motors
- 52. Power factor
- 53. Protection

Chapter 6

Measurement of Electricity

- 54. Metering
- 55. Accuracy of metering
- 56. Reading of credit meters
- 57. Prepayment metering

Chapter 7

Electrical Contractors

- 58. Electrical contractors' responsibilities
- 59. Work done by electrical contractors

Chapter 8

Cost of Work

- 60. Repair of damage

Chapter 9

Penalties

Chapter 10

Repeal of By-Laws

CHAPTER 1

GENERAL

Definitions

- 1. In this by-law, words used in the masculine gender include the feminine; the singular includes the plural and vice versa, and, unless the context otherwise indicates:-

"accredited person" means a person registered in terms of the Regulations as an electrical tester for single phase, an installation electrician or a master installation electrician, as the case may be;

"applicable standard specification" means the standard specifications as listed in Annexure 1 attached to this by-law;

"certificate of compliance" means a certificate issued in terms of the Regulations in respect of an electrical installation or part of an electrical installation by an accredited person;

"consumer" in relation to premises means:

- (i) any occupier thereof or any other person with whom the Municipality has contracted to supply or is actually supplying electricity thereat; or
- (ii) if such premises are not occupied, any person who has a valid existing agreement with the Municipality for the supply of electricity to such premises; or
- (iii) if there is no such person or occupier, the owner of the premises;

"electrical contractor" means an electrical contractor as defined in the Regulations;

"electrical installation" means an electrical installation as defined in the Regulations;

"high voltage" means the set of nominal voltage levels that are used in power systems for bulk transmission of electricity in the range of 44kV<Un - 220 kV. [SABS 1019];

"low voltage" means the set of nominal voltage levels that are used for the distribution of electricity and whose upper limit is generally accepted to be an a.c. voltage of 1000V (or a d.c. voltage of 1500 V). [SABS 1019];

"medium voltage" means the set of nominal voltage levels that lie above low voltage and below high voltage in the range of 1 kV U_n - 44 kV. [SABS 1019];

"meter" means a device which records the demand and/or the electrical energy consumed and includes conventional and prepayment meters;

"motor load, total connected" means the sum total of the kW input ratings of all the individual motors connected to an installation;

"motor rating" means the maximum continuous kW output of a motor as stated on the maker's rating plate;

"motor starting current" in relation to alternating current motors means the root mean square value of the symmetrical current taken by a motor when energised at its rated voltage with its starter in the starting position and the rotor locked;

"Municipality" means the Municipality of Moqhaka established in terms of Section 12 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998), and includes any political structure, political office-bearer, councillor, duly authorised agent thereof or any employee thereof acting in connection with this by-law by virtue of a power vested in the Municipality and delegated or sub-delegated to such political structure, political office-bearer, councillor, agent or employee;

"occupier" in relation to any premises means-

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

"owner" in relation to premises means the person in whom is vested the legal title thereto; provided that-

- (a) in the case of immovable property:
 - (i) leased for a period of not less than 50 years, whether the lease is registered or not, the lessee thereof, or
 - (ii) beneficially occupied under a servitude or right analogous thereto, the occupier thereof;
- (b) if the owner as hereinbefore defined-
 - (i) is deceased or insolvent, has assigned his estate for the benefit of his creditors, has been placed under curatorship by order of court or is a company being wound up or under judicial management, the person in whom the administration of such property is vested as executor, administrator, trustee, assignee, curator, liquidator or judicial manager, as the case may be, or
 - (ii) is absent from the Republic of South Africa, or if his address is unknown to the Municipality, any person who as agent or otherwise receives or is entitled to receive the rent in respect of such property, and
 - (iii) if the Municipality is unable to determine who such person is, the person who is entitled to the beneficial use of such property, shall be deemed to be the owner thereof to the exclusion of the person in whom is vested the legal title thereto;

"point of consumption" means a point of consumption as defined in the Regulations;

"point of metering" means the point at which the consumer's consumption of electricity is metered and which may be at the point of supply or at any other point on the distribution system of the Municipality or the electrical installation of the consumer, as specified by the Municipality; provided that it shall meter all of, and only, the consumer's consumption of electricity;

"point of supply" means the point determined by the Municipality at which electricity is supplied to any premises by the Municipality;

"premises" means any land or any building or structure above or below ground level and includes any vehicle, aircraft or vessel;

"prepayment meter" means a meter that can be programmed to allow the flow of pre-purchased amounts of energy in an electrical circuit;

"Regulations" means Regulations made in terms of the Occupational Health and Safety Act, 1993 (Act 85 of 1993), as amended;

"retail wheeling" means the process of moving third party electricity from a point of generation across the distribution systems of the Municipality and selling it to a customer;

"safety standard" means the Code of Practice for the Wiring of Premises SABS 0142 incorporated in the Regulations;

"service connection" means all cables and equipment required to connect the supply mains to the electrical installation of the consumer at the point of supply;

"service protective device" means any fuse or circuit breaker installed for the purpose of protecting the Municipality's equipment from overloads or faults occurring on the installation or on the internal service connection;

"standby supply" means an alternative electricity supply not normally used by the consumer;

"supply mains" means any part of the Municipality's electricity network;

"tariff" means the Municipality's tariff of charges for the supply of electricity and sundry fees as approved by the Municipality;

"temporary supply" means an electricity supply required by a consumer for a period normally less than one year;

"the law" means any applicable law, proclamation, ordinance, act of parliament or enactment having force of law;

"token" means the essential element of a prepayment metering system used to transfer information from a point of sale for electricity credit to a prepayment meter and vice versa;

"voltage" means the root-mean-square value of electrical potential between two conductors.

Other terms

2. All other terms used in this by-law shall, unless the context otherwise indicates, have the meaning assigned thereto in the Electricity Regulation Act, 2006 (Act 4 of 2006), as amended, or the Occupational Health and Safety Act, 1993 (Act 85 of 1993), as amended.

Headings and titles

3. The headings and titles in this by-law shall not affect the construction thereof.

**CHAPTER 2
GENERAL CONDITIONS OF SUPPLY****Provision of electricity services**

4. (1) Only the Municipality shall supply or contract for the supply of electricity within its area of jurisdiction with the exception of those areas where electricity is supplied by Eskom.
(2) The Municipality may permit the retail wheeling of electricity through its network by another electricity supplier that is licensed for the trading of electricity in terms of the Electricity Regulation Act to the customers of the Municipality.

Supply by agreement

5. A person shall not use or be entitled to use an electricity supply from the Municipality unless or until such person shall have entered into an agreement in writing with the Municipality for such supply, and such agreement together with the provisions of this by-law shall in all respects govern such supply. If a person uses an electricity supply without entering into an agreement he shall be liable for the cost of electricity used as stated in section 44 of this by-law.

Service of notice

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

Compliance with notices

7. Any person on whom a notice duly issued or given under this by-law is served shall, within the time specified in such notice, comply with its terms.

Application for supply

8. (1) Application for the supply of electricity shall be made in writing by the prospective consumer on the prescribed form obtainable at the office of the Municipality, and the estimated load, in kVA, of the installation, shall be stated therein. Such application shall be made as early as possible before the supply of electricity is required in order to facilitate the work of the Municipality.
(2) Applicants for the supply of electricity shall submit the following documents with their application:
(a) An identity document or passport, and, in the case of a business, a letter of resolution delegating the authority to the applicant.
(b) A valid lease agreement, in the case of a tenant, or, in the case of an owner, a Deed of Sale or other proof of ownership of the premises for which a supply of electricity is required.
(3) An application for a new temporary supply of electricity shall be considered at the discretion of the Municipality or any duly authorised official of the Municipality, which may specify any special conditions to be satisfied in such case.

Processing of requests for supply

9. Applications for the supply of electricity will be processed and the supply made available within the periods stipulated in NRS 047.

Way leaves

10. (1) The Municipality may refuse to lay or erect a service connection above or below ground on any thoroughfare or land not vested in the Municipality or on any private property, unless and until the prospective consumer shall have obtained and deposited with the Municipality written permission granted by the owner of the said private property or by the person in whom is vested the legal title to the land or thoroughfare as aforesaid exists, as the case may be, authorising the laying or erection of a service connection thereon.
- (2) If such permission is withdrawn at any time or if the aforesaid private property or thoroughfare changes ownership and the new owner refuses to grant or continue such permission, the cost of any alteration required to be made to a service connection in order that the supply of electricity may be continued, and of any removal thereof which may become necessary in the circumstances, shall be borne by the consumer to whose premises the supply of electricity is required to be continued.

Statutory servitude

11. (1) Subject to the provisions of subsection (3) the Municipality may within its municipal area-
- (a) provide, establish and maintain electricity services;
 - (b) acquire, construct, lay, extend, enlarge, divert, maintain, repair, discontinue the use of, close up and destroy electricity supply mains;
 - (c) construct, erect or lay any electricity supply main on, across, through, over or under any street or immovable property and the ownership of any such main shall vest in the Municipality;
 - (d) do any other thing necessary or desirable for or incidental, supplementary or ancillary to any matter contemplated by paragraphs (a) to (c).
- (2) If the Municipality constructs, erects or lays any electricity supply main on, across, through, over or under any street or immovable property not owned by the Municipality or under the control of or management of the Municipality it shall pay to the owner of such street or property compensation in an amount agreed upon by such owner and the Municipality or, in the absence of agreement, be determined either by arbitration or a court of law.
- (3) The Municipality shall, before commencing any work other than repairs or maintenance on or in connection with any electricity supply main on immovable property not owned by the Municipality or under the control or management of the Municipality, give the owner or occupier of such property reasonable notice of the proposed work and the date on which it proposes to commence such work.

Right of admittance to inspect, test and/or do maintenance work

12. (1) The Municipality shall, through its employees, contractors and their assistants and advisers, have access to or over any property for the purposes of-
- (a) doing anything authorised or required to be done by the Municipality under this by-law or any other law;
 - (b) inspecting and examining any service mains and anything connected therewith;
 - (c) enquiring into and investigating any possible source of electricity supply or the suitability of immovable property for any work, scheme or undertaking of the Municipality and making any necessary survey in connection therewith;
 - (d) ascertaining whether there is or has been a contravention of the provisions of this by-law or any other law, and
 - (e) enforcing compliance with the provisions of this by-law or any other law,
- (2) The Municipality shall pay to any person suffering damage as a result of the exercise of the right of access contemplated by subsection (1), except where the Municipality is authorised to execute on the property concerned any work at the cost of such person or some other person or to execute on such property any work and recover the cost thereof from such person or some other person, compensation in such amount as may be agreed upon by the Municipality and such person or, in the absence of agreement, as may be determined by a court of law.
- (3) The Municipality may, by notice in writing served on the owner or occupier of any property, require such owner or occupier to provide, on the day and at the hour specified in such notice, to allow access to such property to a person and for a purpose referred to in subsection (1).
- (4) The Municipality may gain access to or over any property without notice and may take whatever action as may, in its opinion, be necessary or desirable in consequence of the existence of a state of war or the occurrence of any calamity, emergency, disaster or power failure.

Refusal or failure to give information

13. (1) A person shall not refuse or fail to give such information as may be reasonably required of him by the Municipality or render any false information to any such official regarding any electrical installation work completed or contemplated.
- (2) The Municipality shall not make any information available concerning the supply or account details for any premises to any third party without the express written permission from the consumer who signed the supply agreement for the supply to the premises concerned except to the owner of a property upon written request to the Municipality.

Refusal of admittance

14. A person shall not wilfully hinder, obstruct, interfere with or refuse admittance to any duly authorised official of the Municipality in the performance of his duty under this by-law or of any duty connected therewith or relating thereto.

Improper use

15. If the consumer uses the electricity for any purpose or deals with the electricity in any manner which the Municipality has reasonable grounds for believing interferes in an improper or unsafe manner or is calculated to interfere in an improper or unsafe manner with the efficient supply of electricity to any other consumer, the Municipality may, with or without notice, disconnect the electricity supply but the supply shall be restored as soon as the cause for the disconnection has been permanently remedied or removed. The fee as prescribed by the Municipality for the disconnection and reconnection shall be paid by the consumer before the electricity supply is restored, unless it can be shown that the consumer does not use or deal with the electricity in an improper or unsafe manner.

Electricity tariffs and fees

16. Copies of charges and fees may be obtained free of charge at the offices of the Municipality.

Deposits

17. The Municipality in terms of its approved tariff policy reserves the right to require the consumer to deposit a sum of money as security in payment of any charges which are due or may become due to the Municipality. The amount of the deposit in respect of each electricity installation shall be determined by the Municipality, and each such deposit may be increased if the Municipality deems the deposit held to be inadequate or as a result of non-payment, or as a result of tampering, or as a result of unauthorised connections or re-connections. Such deposit shall not be regarded as being in payment or part payment of any accounts due for the supply of electricity for the purpose of obtaining any discount provided for in the electricity tariff referred to in this by-law. On cessation of the supply of electricity, the amount of deposit, free of any interest, less any payments due to the Municipality shall be refunded to the consumer.

Payment of charges

18. (1) The consumer shall be liable for all charges listed in the prescribed tariff for the electricity service as approved by the Municipality. The consumer may also be required to pay all charges of other services supplied by the Municipality to ensure a continued supply of electricity.
- (2) All accounts shall be deemed to be payable when issued by the Municipality and each account shall, on its face, reflect the due date and a warning indicating that the supply of electricity may be disconnected should the charges in respect of such supply remain unpaid after the due date.
- (3) An error or omission in any account or failure to render an account shall not relieve the consumer of his obligation to pay the correct amount due for electricity supplied to the premises and the onus shall be on the consumer to satisfy himself that the account rendered is in accordance with the prescribed tariff of charges in respect of electricity supplied to the premises.
- (4) Where a duly authorised official of the Municipality has visited the premises for the purpose of disconnecting the supply of electricity in terms of subsection (2) and he is obstructed or prevented from effecting such disconnection, the prescribed fee shall become payable for each visit necessary for the purpose of such disconnection.
- (5) After disconnection for non-payment of an account, the prescribed fees and any amounts due for electricity consumed shall be paid before the electricity supply is re-connected.
- (6) Notwithstanding the fact that an occupier has an agreement for the supply of electricity, should the owner of immovable property apply for a clearance certificate, in terms of section 118, of the Local Government: Municipal Systems Act, 32 of 2000, then such owner will be liable for all charges due to the Municipality, in respect of the said property, in order to obtain such certificate.

Interest on overdue accounts

19. The Municipality may charge interest on accounts which are not paid by the due date appearing on the account, in terms of an approved Credit and Debt Collection Policy and any related indigent support.

Principles for the resale of electricity

20. (1) Resellers shall comply with the licensing and registration requirements set out in the Electricity Regulation Act and regulations issued under this act.
- (2) Unless otherwise authorised by the Municipality, A person shall not sell or supply electricity, supplied to his premises under an agreement with the Municipality, to any other person or persons for use on any other premises, or permit or suffer such resale or supply to take place. If electricity is resold for use upon the same premises, such resale shall be subject to the conditions laid down in the Electricity Regulations, 2006 (Act 4 of 2006), provided that the reseller shall be permitted to recover his actual electricity cost, provided further that he must substantiate these costs if called upon to do so.
- (3) The tariff, rates and charges at which and the conditions of sale under which electricity is thus resold shall not be less favourable to the purchaser than those that would have been payable and applicable had the purchaser been supplied directly with electricity by the Municipality Every reseller shall furnish the purchaser with monthly accounts that are at least as detailed as the relevant billing information details provided by the Municipality to its electricity consumers.

Right to disconnect supply

21. (1) The Municipality shall have the right to disconnect the supply of electricity to any premises without notice under the following circumstances:
- (a) where the person liable to pay for such supply fails to pay any charge due to the Municipality in connection with any supply of electricity which he/she may at any time have received from the Municipality in respect of such premises; or
- (b) where the Municipality disconnect the supply of electricity where there are outstanding municipal service fees, surcharges on fees, property rates and other municipal taxes, levies and duties; or
- (c) where any of the provisions of this by-law and/or the Regulations are being contravened; or
- (d) where in the opinion of the Municipality there is a case of grave risk to person or property; or
- (e) where tampering with the service connection or supply mains has occurred; or
- (f) where the Municipality has disconnect the supply of electricity for reasons of community safety.
- (2) Where any of the provisions of this by-law and/or the Regulations are being contravened, the Municipality should give the person 7 (seven) days notice to remedy his/her default prior to disconnection.
- (3) After disconnection the fee as prescribed by the Municipality shall be paid.
- (4) In the case where an installation has been illegally reconnected on a consumer's premises after having been previously legally disconnected by the Municipality, or in the case where the Municipality's electrical equipment has been tampered with to prevent the full registration of consumption by the meter, the electricity supply may be physically removed from those premises.

Non-liability of the Municipality

22. The Municipality shall not be liable for any loss or damage, direct or consequential, suffered or sustained by a consumer as a result of or arising from the cessation, interruption or any other abnormality of the supply of electricity, unless caused by negligence on the part of the Municipality.

Leakage of electricity

23. Under no circumstances shall any rebate be allowed on the account for electricity supplied and metered in respect of electricity wasted owing to leakage or any other fault in the electrical installation.

Failure of supply

24. The Municipality does not undertake to attend to a failure of supply of electricity due to a fault in the electrical installation of the consumer, except when such failure is due to the operation of the service protective device of the Municipality. When any failure of supply of electricity is found to be due to a fault in the electrical installation of the consumer or to the faulty operation of apparatus used in connection therewith, the Municipality shall have the right to charge the consumer the fee as prescribed by the Municipality for each restoration of the supply of electricity in addition to the cost of making good or repairing any damage which may have been done to the service main and meter by such fault or faulty operation as aforesaid.

Seals of the Municipality

25. The meter, service protective devices and all apparatus belonging to the Municipality shall be sealed or locked by the Municipality, and no person who is not an authorised official of the Municipality shall in any manner or for any reason whatsoever remove, break, deface, or tamper or interfere with such seals or locks.

Tampering with service connection or supply mains

26. (1) A person shall not in any manner or for any reason whatsoever tamper or interfere with any meter, metering equipment, service connection, service protective device, supply mains, load control equipment or any other electrical equipment of the Municipality.
- (2) Where prima facie evidence exists of a consumer and/or any person having contravened subsection (1), the Municipality shall have the right to disconnect the supply of electricity immediately and without prior notice to the consumer. The person shall be liable for all fees and charges levied by the Municipality for such disconnection.
- (3) Where interference or damage is caused by any individual, having contravened sub-section (1), legal action may be instituted against such individual.
- (4) Where a consumer and/or any person has contravened subsection (1) and such contravention has resulted in the meter recording less than the true consumption, the Municipality shall have the right to recover from the consumer the full cost of his estimated consumption.

Protection of Municipality's supply mains

27. (1) A person shall not, except with the consent of the Municipality and subject to such conditions as may be imposed-
- (a) construct, erect or lay, or permit the construction, erection or laying of any building, structure or other object, or plant trees or vegetation over or in such a position or in such a manner as to interfere with or endanger the supply mains;
 - (b) excavate, open up or remove the ground above, next to, under or near any part of the supply mains;
 - (c) damage, endanger, remove or destroy, or do any act likely to damage, endanger or destroy any part of the supply mains;
 - (d) make any unauthorised connection to any part of the supply mains or divert or cause to be diverted any electricity there from. Any such unauthorised connection or diversion shall be removed by the Municipality and the costs thereof be recovered from the owner or occupier of the premises on which the unauthorised connection was made or from which electricity was diverted;
 - (e) The owner or occupier shall limit the height of trees or length of projecting branches in the proximity of overhead lines or provide a means of protection which in the opinion of the Municipality will adequately prevent the tree from interfering with the conductors should the tree or branch fall or be cut down. Should the owner fail to observe this provision the Municipality shall have the right, after prior written notification, or at any time in an emergency, to cut or trim the trees or other vegetation in such a manner as to comply with this provision and shall be entitled to enter the property for this purpose and to recover the costs for work done from the owner.
- (2) The Municipality may, subject to written notice of at least 14 days, demolish, alter or other wise deal with any building, structure or other object constructed, erected or laid in contravention with this by-law.
- (3) The Municipality may in the case of a power failure, emergency or disaster remove anything damaging, obstructing or endangering or likely to damage, obstruct, endanger or destroy any part of the electrical distribution system.

Prevention of tampering with service connection or supply mains

28. If the Municipality decides that it is necessary or desirable to take special precautions in order to prevent tampering with any portion of the supply mains, service connection or service protective device or meter or metering equipment, the consumer shall either supply and install the necessary protection or pay the costs involved where such protection is supplied by the Municipality.

Unauthorised connections

29. A person other than a person specifically authorised thereto by the Municipality in writing shall not directly or indirectly connect, attempt to connect or cause or permit to be connected any electrical installation or part thereof to the supply mains or service connection.

Unauthorised reconnections

30. (1) A person other than a person specifically authorised thereto by the Municipality in writing shall not reconnect, attempt to reconnect or cause or permit to be reconnected to the supply mains or service connection any electrical installation or installations which has or have been disconnected by the Municipality.

- (2) Where the supply of electricity that has previously been disconnected is found to have been reconnected, the consumer using the supply of electricity shall be liable for all charges for electricity consumed between the date of disconnection and the date the electricity supply was found to be reconnected and any other charges raised in this regard. Furthermore, the Municipality reserves the right to remove part or all of the supply equipment until such time as payment has been received in full. In addition, the consumer will be responsible for all the costs associated with the reinstatement of such supply equipment.

Temporary disconnection and reconnection

31. (1) The Municipality shall, at the request of the consumer, temporarily disconnect and reconnect the supply of electricity to the consumer's electrical installation upon payment of the fee as prescribed by the Municipality for each such disconnection and subsequent reconnection.
- (2) In the event of the necessity arising for the Municipality to effect a temporary disconnection and reconnection of the supply of electricity to a consumer's electrical installation and the consumer is in no way responsible for bringing about this necessity, the Municipality shall waive payment of the fee hereinbefore referred to.
- (3) The Municipality may only under exceptional circumstances temporarily disconnect the supply of electricity to any premises without notice, for the purpose of effecting repairs or carrying out tests or for any other legitimate purpose. In all other instances adequate notice shall be given.

Temporary supply

32. It shall be a condition of the giving of any temporary supply of electricity, as defined in this by-law, that, if such supply is found to interfere with the efficient and economical supply of electricity to other consumers, the Municipality shall have the right, with notice, or under exceptional circumstances without notice, to terminate such temporary supply at any time and, the Municipality shall not be liable for any loss or damage occasioned by the consumer by such termination.

Temporary work

33. Electrical installations requiring a temporary supply of electricity shall not be connected directly or indirectly to the supply mains except with the special permission in writing of the Municipality. Full information as to the reasons for and nature of such temporary work shall accompany the application for the aforesaid permission, and the Municipality may refuse such permission or may grant the same upon such terms and conditions as it may appear desirable and necessary.

Load reduction

34. (1) At times of peak load, or in an emergency, or when, in the opinion of the Municipality, it is necessary for any reason to reduce the load on the electricity supply system of the Municipality, the Municipality may without notice interrupt and, for such period as the Municipality may deem necessary, discontinue the electricity supply to any consumer's electrically operated thermal storage water heater or any specific appliance or the whole installation. The Municipality shall not be liable for any loss or damage directly or consequentially due to or arising from such interruption and discontinuance of the electricity supply.
- (2) The Municipality may install upon the premises of the consumer such apparatus and equipment as may be necessary to give effect to the provisions of subsection (1), and the Municipality may at any reasonable time enter any premises for the purpose of installing, inspecting, testing adjusting and/or changing such apparatus and equipment.
- (3) Notwithstanding the provisions of subsection (2), the consumer or the owner, as the case may be, shall, when installing an electrically operated water storage heater, provide such necessary accommodation and wiring as the Municipality may decide to facilitate the later installation of the apparatus and equipment referred to in subsection (2).

Medium and low voltage switchgear and equipment

35. (1) In cases where a supply of electricity is given at either medium or low voltage, the supply and installation of the switchgear, cables and equipment forming part of the service connection shall, unless otherwise approved by the Municipality, be paid for by the consumer.
- (2) In the case of a medium voltage supply of electricity, all such equipment shall be approved and installed by Municipality.
- (3) A person shall not operate medium voltage switchgear without the written authority of the Municipality.
- (4) All earthing and testing of medium voltage equipment linked to the Municipality's network shall be conducted by or under the supervision of Municipality.
- (5) In the case of a low voltage supply of electricity, the consumer shall provide and install a low voltage main switch and/or any other equipment required by the Municipality.

Substation accommodation

36. The Municipality may, on such conditions as it may be deemed fit, require the owner to provide and maintain accommodation which shall constitute a substation and which shall consist of a separate room or rooms to be used exclusively for the purpose of housing medium voltage cables and switchgear, transformers, low voltage cables and switchgear and other equipment necessary for the supply of electricity requested by the applicant. The accommodation shall be situated at a point to which free, adequate and unrestricted access is available at all times for purposes connected with the operation and maintenance of the equipment.

The Municipality reserves the right to supply its own networks from its own equipment installed in such accommodation, and if additional accommodation is required by the Municipality, such additional accommodation shall be provided by the applicant at the cost of the Municipality.

Wiring diagram and specification

37. (1) When more than one electrical installation or electricity supply from a common main or more than one distribution board or meter is required for any building or block of buildings, the wiring diagram of the circuits starting from the main switch and a specification shall on request be supplied to the Municipality in duplicate for approval before the work commences.
- (2) Where an electrical installation is to be supplied from a substation on the same premises on which the current is transformed from high voltage, or from one of the substations of the Municipality through mains separate from the general distribution system, a complete specification and drawings for the plant to be installed by the consumer shall, if so required, be forwarded to the Municipality for approval before any material in connection therewith is ordered.

Standby supply

38. A person shall not be entitled to a standby supply of electricity from the Municipality for any premises having a separate source of electricity supply except with the written consent of the Municipality and subject to such terms and conditions as may be laid down by the Municipality.

Consumer's electricity generation equipment

39. (1) No electricity generation equipment provided by a consumer in terms of any Regulations or for his own operational requirements shall be connected to any installation without the prior written approval of the Municipality. Application for such approval shall be made in writing and shall include a full specification of the equipment and a wiring diagram. The electricity generation equipment shall be so designed and installed that it is impossible for the Municipality's supply mains to be energized by means of a back-feed from such equipment. The consumer shall be responsible for providing and installing all such protective equipment.
- (2) Where by special agreement with the Municipality, the consumer's electricity generation equipment is permitted to be electrically coupled to, and run in parallel with the Municipality's supply mains, the consumer shall be responsible for providing, installing and maintaining all the necessary synchronizing and protective equipment required for such safe parallel operation, to the satisfaction of the Municipality. Under normal operating conditions, any export of surplus energy from the consumer to the Municipality's network shall be subject to special agreement with the Municipality. In the event of a general power failure on the Municipality's network protection equipment shall be installed by the consumer, subject to the Municipality's approval, so as to ensure that the consumer's installation is isolated from the Municipality's network until normal operating conditions are restored. The cost of any specialized metering equipment will be for the consumer's account.

Technical Standards

40. The Municipality may from time to time issue Technical Standards detailing the requirements regarding matters not specifically covered in the Regulations or this by-law but which are necessary for the safe, efficient operation and management of the supply of electricity.

CHAPTER 3 RESPONSIBILITIES OF CONSUMERS

Consumer to erect and maintain electrical installation

41. Any electrical installation connected or to be connected to the supply mains, and any additions or alterations thereto which may be made from time to time, shall be provided and erected and maintained and kept in good order by the consumer at his own expense and in accordance with this by-law and the Regulations.

Fault in electrical installation

42. (1) If any fault develops in the electrical installation, which constitutes a hazard to persons, livestock or property, the consumer shall immediately disconnect the electricity supply. The consumer shall without delay give notice thereof to the Municipality and shall immediately take steps to remedy the fault.

- (2) The Municipality may require the consumer to reimburse it for any expense to which it may be put in connection with a fault in the electrical installation.

Discontinuance of use of supply

43. In the event of a consumer desiring to discontinue using the electricity supply, he shall give at least two full working days' notice in writing of such intended discontinuance to the Municipality, failing which he shall remain liable for all payments due in terms of the tariff for the supply of electricity until the expiration of two full working days after such notice has been given.

Change of occupier

44. (1) A consumer vacating any premises shall give the Municipality not less than two full working days' notice in writing of his intention to discontinue using the electricity supply, failing which he shall remain liable for such supply.
- (2) If the person taking over occupation of the premises desires to continue using the electricity supply, he shall make application in accordance with the provisions of section 5 of this by-law, and if he fails to make application for an electricity supply within ten working days of taking occupation of the premises, the supply of electricity shall be disconnected, and he shall be liable to the Municipality for the electricity supply from the date of occupation till such time as the supply is so disconnected.
- (3) Where premises are fitted with pre-payment meters any person occupying the premises at that time shall be deemed to be the consumer. Until such time as an application is made by this person for a supply of electricity, in terms of section 5 of this by-law, he shall be liable for all charges and fees owed to the Municipality for that metering point as well as any outstanding charges and fees whether accrued by that person or not.

Service apparatus

45. (1) The consumer shall be liable for all costs to the Municipality arising from damage to or loss of any metering equipment, service protective device, service connection or other apparatus on the premises, unless such damage or loss is shown to have been occasioned by an act of God or an act or omission of an employee of the Municipality or caused by an abnormality in the supply of electricity to the premises.
- (2) If, during a period of disconnection of an installation from the supply mains, the service main, metering equipment or any other service apparatus, being the property of the Municipality and having been previously used, have been removed without its permission or have been damaged so as to render reconnection dangerous, the owner or occupier of the premises, as the case may be, during such period shall bear the cost of overhauling and/or replacing such equipment.
- (3) Where there is a common metering position, the liability detailed in subsection (1) shall devolve on the owner of the premises.
- (4) The amount due in terms of subsection (1) shall be evidenced by a certificate from the Municipality which shall be final and binding.

CHAPTER 4 SPECIFIC CONDITIONS OF SUPPLY

Service connection

46. (1) The consumer shall bear the cost of the service connection, as approved by the Municipality.
- (2) Notwithstanding the fact that the consumer bears the cost of the service connection, ownership of the service connection laid or erected by the Municipality shall vest in the Municipality, and the Municipality shall be responsible for the maintenance of such service connection up to the point of supply. The consumer shall not be entitled to any compensation from the Municipality in respect of such service connection.
- (3) The work to be carried out by the Municipality at the cost of the consumer for a service connection to the consumer's premises shall be determined by the Municipality.
- (4) The consumer shall provide, fix and/or maintain on his premises such ducts, wireways, trenches, fastenings and clearance to overhead supply mains as may be required by the Municipality for the installation of the service connection.
- (5) Unless otherwise approved by a duly authorized official of the Municipality, each registered erf shall only be provided with one service connection. Where two or more premises belonging to one owner are situated on adjacent erven and the owner operates the properties in a consolidated manner, for safety considerations, only a single bulk supply of electricity shall be made available to such erven.
- (6) Any covers of a wireway carrying the supply circuit from the point of supply to the metering equipment shall be made to accept the seals of the Municipality.
- (7) Within the meter box, the service conductor or cable, as the case may be, shall terminate in an unobscured position and the conductors shall be visible throughout their length when cover plates, if present, are removed.
- (8) In the case of blocks of buildings occupied by a number of individual consumers, separate wireways and conductors or cables shall be laid from the common metering room or rooms to each individual consumer in the blocks of buildings. Alternatively, if trunking is used, the conductors of the individual circuits shall be clearly identified (tied together every 1,5m) throughout their length.

Metering accommodation

47. (1) The consumer shall, if required by the Municipality, provide accommodation in an approved position, the meter board and adequate conductors for the Municipality's metering equipment, service apparatus and protective devices. Such accommodation and protection shall be provided and maintained, to the satisfaction of the Municipality, at the cost of the consumer or the owner, as the circumstances may demand, and shall be situated, in the case of conventional meters, at a point to which free and unrestricted access shall be had at all reasonable hours for the reading of meters but at all times for purposes connected with the operation and maintenance of the service equipment. Access at all reasonable hours shall be afforded for the inspection of prepayment meters.
- (2) Where sub metering equipment is installed, accommodation separate from the Municipality's metering equipment shall be provided.
- (3) The consumer or, in the case of a common meter position, the owner of the premises shall provide adequate electric lighting in the space set aside for accommodating the metering equipment and service apparatus.
- (4) Where in the opinion of the Municipality the position of the meter, service connection, protective devices or main distribution board is no longer readily accessible or becomes a course of danger to life or property or in any way becomes unsuitable, the consumer shall remove it to a new position, and the cost of such removal, which shall be carried out with reasonable dispatch, shall be borne by the consumer.
- (5) The accommodation for the Municipality's metering equipment and protective devices may, if approved, include the consumer's main switch and main protective devices. No apparatus other than that used in connection with the supply of electricity and use of electricity shall be installed or stored in such accommodation unless approved.

**CHAPTER 5
SYSTEMS OF SUPPLY**

Load requirements

48. Alternating current supplies shall be given as prescribed by the Electricity Regulations, 2006 (Act 4 of 2006), and in the absence of a quality of supply agreement, as set out in applicable standard specification.

Load limitations

49. (1) Where the estimated load, calculated in terms of the safety standard, does not exceed 15 kVA, the electrical installation shall be arranged for a two-wire single-phase supply of electricity, unless otherwise approved by the Municipality.
- (2) Where a three-phase four-wire supply of electricity is provided, the load shall be approximately balanced over the three phases but the maximum out-of-balance load shall not exceed 15kVA, unless otherwise approved by the Municipality.
- (3) No current-consuming appliance, inherently single phase in character, with a rating which exceeds 15kVA shall be connected to the electrical installation without the prior approval of the Municipality.

Interference with other persons' electrical equipment

50. (1) A person shall not operate electrical equipment having load characteristics which, singly or collectively, give rise to voltage variations, harmonic currents or voltages, or unbalanced phase currents which fall outside the applicable standard specification.
- (2) The assessment of interference with other persons' electrical equipment shall be carried out by means of measurements taken at the point of common coupling.
- (3) Should it be established that undue interference is in fact occurring, the consumer shall, at his own cost, install the necessary equipment to filter out the interference and prevent it reaching the supply mains.

Supplies to motors

51. Unless otherwise approved by the Municipality the rating of motors shall be limited as follows:
- (1) Limited size for low voltage motors-
The rating of a low voltage single-phase motor shall be limited to 2kW and/or the starting current shall not exceed 70A. All motors exceeding these limits shall be wound for three phases at low voltage or such higher voltage as may be required.
- (2) Maximum starting and accelerating currents of three-phase alternating current motors-
The starting current of three-phase low voltage motors permitted shall be related to the capacity of the consumer's service connection, as follows:

Insulated service cable, size in mm ² , copper equivalent mm ²	Maximum permissible starting current A	Maximum motor rating in kW		
		Direct on line (6 x full-load current) kW	Star/Delta (2,5 x full-load current) kW	Other means (1,5 x full-load current) kW
		kW	kW	kW
16	72	6	13,5	23
25	95	7,5	18	30
35	115	9	22	36,5
50	135	10	25	45
70	165	13	31	55
95	200	16	38	67
120	230	18	46	77
150	260	20	52	87

- (3) Consumers supplied at medium voltage-
 In an installation supplied at medium voltage the starting current of a low voltage motor shall be limited to 1,5 times the rated full-load current of the transformer supplying such a motor. The starting arrangement for medium voltage motors shall be subject to the approval of the Municipality.

Power factor

52. (1) If required by the Municipality, the power factor of any load shall be maintained within the limits 0,85 lagging and 0,9 leading.
 (2) Where, for the purpose of complying with subsection (1), it is necessary to install power factor corrective devices, such corrective devices shall be connected to the individual appliance terminals unless the correction of the power factor is automatically controlled.
 (3) The consumer shall, at his own cost, install such corrective devices.

Protection

53. Electrical protective devices for motors shall be of such a design as effectively to prevent sustained over current and single phasing, where applicable.

**CHAPTER 6
 MEASUREMENT OF ELECTRICITY**

Metering

54. (1) The Municipality shall, at the consumer's cost in the form of a direct charge or prescribed fee, provide, install and maintain appropriately rated metering equipment at the point of metering for measuring the electricity supplied.
 (2) Except in the case of prepayment meters, the electricity used by a consumer during any metering period shall be ascertained by the reading of the appropriate meter or meters supplied and installed by the Municipality and read at the end of such period except where the metering equipment is found to be defective, or the Municipality invokes the provisions of section 58(2) of this by-law, in which case the consumption for the period shall be estimated.
 (3) Where the electricity used by a consumer is charged at different tariff rates, the consumption shall be metered separately for each rate.
 (4) The Municipality reserves the right to meter the supply to blocks of shops and flats, tenement-houses and similar buildings for the buildings as a whole, or for individual units, or for groups of units.
 (5) No alterations, repairs or additions or electrical connections of any description shall be made on the supply side of the point of metering unless specifically approved in writing by the Municipality.

Accuracy of metering

55. (1) A meter shall be conclusively presumed to be registering accurately if its error, when tested in the manner prescribed in subsection (5) hereof, is found to be within the limits of error as provided for in the applicable standard specifications.
- (2) The Municipality shall have the right to test its metering equipment. If it is established by test or otherwise that such metering equipment is defective, the Municipality shall -
- (i) in the case of a conventional meter, adjust the account rendered;
 - (ii) in the case of prepayment meters, (a) render an account where the meter has been under-registering, or (b) issue a free token where the meter has been over-registering; in accordance with the provisions of subsection (6).
- (3) The consumer shall be entitled to have the metering equipment tested by the Municipality on payment of the prescribed fee. If the metering equipment is found not to comply with the system accuracy requirements as provided for in the applicable standard specifications, an adjustment in accordance with the provisions of subsections (2) and (6) shall be made and the aforesaid fee shall be refunded.
- (4) In case of a dispute, the consumer shall have the right at his own cost to have the metering equipment under dispute tested by an approved independent testing authority, and the result of such test shall be final and binding on both parties.
- (5) Meters shall be tested in the manner as provided for in the applicable standard specifications.
- (6) When an adjustment is made to the electricity consumption registered on a meter in terms of subsection (2) or (3), such adjustment shall either be based on the percentage error of the meter as determined by the test referred to in subsection (5) or upon a calculation by the Municipality from consumption data in its possession. Where applicable, due allowance shall be made, where possible, for seasonal or other variations which may affect the consumption of electricity.
- (7) When an adjustment is made as contemplated in subsection (6), the adjustment may not exceed a period of three years preceding the date on which the metering equipment was found to be inaccurate. The application of this section does not bar a consumer from claiming back overpayment for any longer period where the consumer is able to prove the claim in the normal legal process.
- (8) Where the actual load of a consumer differs from the initial estimated load provided for under section 8(1) to the extent that the Municipality deems it necessary to alter or replace its metering equipment to match the load, the costs of such alteration or replacement shall be borne by the consumer.
- (9) (a) Prior to the Municipality making any upward adjustment to an account in terms of subsection (6), the Municipality shall-
- (i) notify the consumer in writing of the monetary value of the adjustment to be made and the reasons therefore;
 - (ii) in such notification provide sufficient particulars to enable the consumer to submit representations thereon; and
 - (iii) call upon the consumer in such notice to provide it with reasons in writing, if any, within 21 days or such longer period as the Municipality may permit why his account should not be adjusted as notified.
- (b) Should the consumer fail to make any representations during the period referred to in subsection 9(a)(iii) the Municipality shall be entitled to adjust the account as notified in subsection 9(a)(i).
- (c) The Municipality shall consider any reasons provided by the consumer in terms of subsection (9)(a) and shall, if satisfied that a case has been made out therefore, adjust the account appropriately.
- (d) If the Municipality decides after having considered the representation made by the consumer that such representations do not establish a case warranting an amendment to the monetary value established in terms of subsection (6), the Municipality shall be entitled to adjust the account as notified in terms of subsection 9(a)(i), subject to the consumer's right to appeal the decision of the Municipality in terms of section 62 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000).

Reading of credit meters

56. (1) Unless otherwise prescribed, credit meters shall normally be read at intervals of one month.
- (2) If for any reason the credit meter cannot be read, the Municipality render an estimated account. The electrical energy consumed shall be adjusted in a subsequent account in accordance with the electrical energy actually consumed.
- (3) When a consumer vacates a property and a final reading of the meter is not possible, an estimation of the consumption may be made and the final account rendered accordingly.
- (4) If a special reading of the meter is desired by a consumer, this may be obtained upon payment of the prescribed fee.

- (5) If any calculating, reading or metering error is discovered in respect of any account rendered to a consumer, the error shall be corrected in subsequent accounts. Any such correction shall only apply in respect of accounts for a period of 6 months preceding the date on which the error in the accounts was discovered, and shall be based on the actual tariffs applicable during the period. The application of this section does not prevent a consumer from claiming back overpayment for any longer period where the consumer is able to prove the claim in the normal legal process.

Prepayment metering

57. (1) No refund of the amount tendered for the purchase of electricity credit shall be given at the point of sale after initiation of the process by which the prepayment meter token is produced.
- (2) Copies of previously issued tokens for the transfer of credit to the prepayment meter may be issued at the request of the consumer.
- (3) When a consumer vacates any premises where a prepayment meter is installed, no refund for the credit remaining in the meter shall be made to the consumer by the Municipality.
- (4) The Municipality shall not be liable for the reinstatement of credit in a prepayment meter lost due to tampering with, or the incorrect use or the abuse of, prepayment meters and/or tokens.
- (5) Where a consumer is indebted to the Municipality for electricity consumed or to the Municipality for any other service (including rates) or for any charges previously raised against him in connection with any service rendered, the Municipality may deduct a percentage from the amount tendered to offset the amount owing, as set out in the section 5 agreement for the supply of electricity.
- (6) The Municipality may, at its discretion, appoint vendors for the sale of credit for prepayment meters and shall not guarantee the continued operation of any vendor.

CHAPTER 7 ELECTRICAL CONTRACTORS

Electrical contractors' responsibilities

58. In addition to the requirements of the Regulations the following requirements shall apply-
- (1) Where an application for a new or increased supply of electricity has been made to the Municipality, the Municipality may at its discretion accept notification of the completion of any part of an electrical installation, the circuit arrangements of which permit the electrical installation to be divided up into well-defined separate portions, and such part of the electrical installation may, at the discretion of the Municipality, be inspected, tested and connected to the supply mains as though it were a complete installation.
- (2) The examination, test and inspection that may be carried out at the discretion of the Municipality in no way relieves the electrical contractor/accredited person or the user or lessor, as the case may be, from his responsibility for any defect in the installation. Such examination, test and inspection shall not be taken under any circumstances (even where the electrical installation has been connected to the supply mains) as indicating or guaranteeing in any way that the electrical installation has been carried out efficiently with the most suitable materials for the purpose or that it is in accordance with this by-law or the safety standard, and the Municipality shall not be held responsible for any defect or fault in such electrical installation.

Work done by electrical contractors

59. The Municipality shall not be held responsible for the work done by the electrical contractor/accredited person on a consumer's premises and shall not in any way be responsible for any loss or damage which may be occasioned by fire or by any accident arising from the state of the wiring on the premises.

CHAPTER 8 COST OF WORK

Repair of damage

60. The Municipality may repair and make good any damage done in contravention of this by-law or resulting from a contravention of this by-law. The cost of any such work carried out by the Municipality which was necessary due to the contravention of this by-law, shall be to the account of the person who acted in contravention of this by-law.

CHAPTER 9 PENALTIES

61. (1) Any person who contravenes any of the provisions of sections 5, 7, 13, 14, 20, 25, 26, 27, 29 and 30 of this by-law shall be guilty of an offence.
- (2) Any person who continues to commit an offence after notice has been served on him/her to cease committing such offence or after he/she has been convicted of such offence shall be guilty of a continuing offence.
- (3) Any person convicted of an offence under this by-law for which no penalty is expressly provided shall be liable to a fine not exceeding ten thousand Rand or imprisonment for a period not exceed six months or to such imprisonment without the option of a fine or to both such fine and such imprisonment and, in the case of a continuing offence, to an additional fine not exceeding two hundred Rand or additional imprisonment for a period not exceeding ten days 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.
- (4) Every person committing a breach of the provisions of this by-law shall be liable to recompense the Municipality for any loss or damage suffered or sustained by it in consequence of such breach.

CHAPTER 10 REPEAL OF BY-LAWS

62. Any by-laws relating to electricity supply adopted by the Municipality or any municipality now comprising an administrative unit of the Municipality is repealed from the date of promulgation of these by-laws.

SHORT TITLE AND COMMENCEMENT

63. This by-law shall be known as the By-law Relating to Electricity Supply, 2008

ANNEXURE 1

"applicable standard specification" means-

SABS 1607 Electromechanical Watt-hour meters,
 SABS 1524 Parts 0,1 & 2-Electricity dispensing systems,
 SABS IEC 60211 Maximum demand indicators, Class 1.0,
 SABS IEC 60521 Alternating current electromechanical Watt-hour meter (Classes 0.5, 1 & 2),
 SABS 0142 Code of practice for the wiring of premises;
 NRS 047 National Rationalised Specification for the Electricity Supply-Quality of Service,
 NRS 048 National Rationalised Specification for the Electricity Supply-Quality of Supply, and
 NRS 057 Electricity Metering: Minimum Requirements.

PUBLICATION OF DRAFT BY LAWS FOR COMMENT: WATER SERVICES BY-LAWS

Notice is hereby given in accordance with the stipulations of section 12(3) of Local Government Municipal Systems Act, 2000 (Act No. 32 of 2000) that draft Water Services By-Laws, have been approved by the Moqhaka Local Municipality and is hereby published for community participation and comment.

The draft By-Laws will be available during office hours until 13 November 2009 at the following places:

Libraries: Steynsrus, Matlwangtlwang, Viljoenskroon, Rammulotsi, Kroonstad (Steyns Street), Kroonstad (North Road/Du Toit Street), Maokeng, Brentpark.

Offices: Steynsrus, Matlwangtlwang, Viljoenskroon, Rammulotsi, Kroonstad (Hill Street), Mokeng, Brentpark.

Copies of the By-Laws may also be obtained from the following offices: • **Kroonstad**, 1st Floor, Municipal Offices, Hill Street, (Mr R. Odendaal tel.: 056 – 2169106), • **Viljoenskroon**, Municipal Offices, Deneysen Street, (Mr T Leie Tel.: 056 – 3439424), • **Steynsrus**; Municipal Offices van Riebeeck Street, (Mr F. Brits tel. 056 – 4710006), **Maokeng**, Municipal Offices, Manki Street, (Mr E. Molefe tel. 056 – 2169502)

Members of the community are invited to comment on the proposed draft By-Laws. Written comments must be handed in at the office of Municipal Manager, Municipal Officer, Hill Street, Kroonstad or posted to P.O. Box 302, Kroonstad; 9500. Persons who are not able to read or write and who wish to comment on the draft By-Laws will be assisted by the Assistant Manager: Technical Services during office hours at the Offices of the Water Purification Works, Hill Street, Kroonstad. Please contact Mr H. Rautenbach (Tel.: 056 2169255) to make an appointment in this regard.

Comments must reach the Municipal Manager by not later than 13 November 2009.

Public participation meetings for members of the community on the draft By-Laws will be held as follows:

TOWN	VENUE	DATE	TIME
Steynsrus	Matlwangtlwang	3 November 2009	17:00
Viljoenskroon	Tshepahalo Hall	4 November 2009	17:00
Kroonstad	Allen Rautenbach Hall	10 November 2009	15:00
Maokeng	Constantia Hall	10 November 2009	17:00

**MV DUMA MUNICIPAL MANAGER
NOTICE NO. 41 / 2009**

SCHEDULE

**WATER SERVICES BYLAWS
A
RRANGEMENT OF SECTIONS**

CHAPTER 1

DEFINITIONS AND APPLICATION OF BYLAWS

1. Definitions
2. Application of bylaws

CHAPTER 2

APPLICATION, PAYMENT AND TERMINATION

3. Application for water services
4. Special agreements for water services
5. Change in purpose for which water services are used
6. Prescribed charges for water services
7. Termination of agreement for the provision of water services
8. Limitation and/or disconnection of water services provided

CHAPTER 3

SERVICE LEVELS

9. Service levels

CHAPTER 4**CONDITIONS FOR WATER SUPPLY SERVICES**

10. Provision of connection pipe
11. Location of connection pipe
12. Provision of single water connection for supply to several customers on the same premises
13. Disconnection of water installation from the connection pipe
14. Quantity, quality and pressure of water supply services
15. Testing of pressure in water supply systems
16. Pollution of water
17. Water restrictions
18. Specific conditions of supply
19. Measuring of quantity of water supplied
20. Quantity of water supplied to customer
21. Special measurement
22. No reduction of amount payable for water wasted
23. Water audit
24. Approval of installation work
25. Persons permitted to do installation and other work
26. Provision and maintenance of water installations
27. Technical requirements for a water installation
28. Use of pipes and water fittings to be authorised
29. Labelling of terminal water fittings and appliances
30. Water demand management
31. Communal water supply services
32. Water supplied from a hydrant
33. Notification of boreholes
34. Connection to be approved by the municipality
35. Special provisions
36. Dual and combined installations
37. Connection pipes for fire extinguishing services
38. Valves and measuring devices in connection pipes
39. Measuring devices in fire extinguishing connection pipes
40. Sprinkler extinguishing installation
41. Header tank or double supply from main
42. Sealing of private fire hydrants

CHAPTER 5**CONDITIONS FOR SANITATION SERVICES**

43. Obligation to connect to sanitation system
44. Provision of connecting sewer
45. Location of connecting sewer
46. Provision of one connecting sewer for several consumers on same premises
47. Interconnection between premises
48. Disconnection of connecting sewer
49. Standards for sanitation services
50. Basis for determining charges for sanitation services other than on site sanitation services
51. Measurement of quantity of domestic effluent discharged
52. Measurement of quantity and determination of quality of industrial effluent discharged
53. Reduction in the measured quantity of effluent discharged
54. Charges in respect of "on-site" sanitation services
55. Installation of drainage installations
56. Disconnection of drainage installations
57. Maintenance of drainage installations
58. Technical requirements for drainage installations
59. Drains

60. Sewer blockages
61. Grease traps
62. Industrial grease traps
63. Mechanical appliances for lifting sewage and sewage pumps
64. Installation of on-site sanitation services
65. Ventilated improved pit latrines
66. Septic tanks and treatment plants
67. French drains
68. Conservancy tanks
69. Operation and maintenance of on-site sanitation services
70. Disused conservancy and septic tanks
71. Approval to discharge industrial effluent
72. Withdrawal of approval to discharge industrial effluent
73. Quality standards for disposal of industrial effluent
74. Conditions for the discharge of industrial effluent
75. Acceptance of sewage delivered by road haulage
76. Approval for delivery of sewage by road haulage
77. Withdrawal of permission for delivery of sewage by road haulage
78. Conditions for delivery of sewage by road haulage
79. Stables and similar premises
80. Mechanical food-waste or other disposal units
81. Approval of installation work
82. Persons permitted to do installation and other work
83. Use of pipes and fittings to be authorised
84. Testing of drainage installations
85. Water demand management

CHAPTER 6

WATER SERVICES INTERMEDIARIES

86. Registration
87. Provision of water services
88. Charges for water services provided

CHAPTER 7

UNAUTHORISED WATER SERVICES

89. Unauthorised services
90. Unauthorised connection to infrastructure for the provision of water services
91. Obstruction of access to infrastructure for the provision of water services
92. Waste of water
93. Unauthorised and illegal discharges
94. Illegal re-connection
95. Interference with infrastructure
96. Pipes in streets or public places
97. Use of water from sources other than the water supply system
98. Use of on-site sanitation services not connected to the sanitation system

CHAPTER 8

NOTICES AND DOCUMENTATION

99. Power to serve and compliance with notices
100. Signing of notices and documents
101. Service of notices
102. Authentication of documents
103. Prima facie evidence

CHAPTER 9**APPEALS**

104. Appeals against decisions of the municipality

CHAPTER 10**OFFENCES**

105. Offences

CHAPTER 11**GENERAL PROVISIONS**

- 106. Responsibility for compliance with these bylaws
- 107. Provision of information
- 108. Power of entry and inspection
- 109. Indemnification from liability
- 110. Exemption
- 111. Conflict of law
- 112. Transitional arrangements
- 113. Repeal of existing municipal water services by-laws
- 114. Short title and commencement

SCHEDULE A**SCHEDULE B****SCHEDULE C****CHAPTER 1: DEFINITIONS AND APPLICATION OF BYLAWS****1. Definitions**

Any word or expression to which a meaning has been assigned in the Water Services Act 1997 (Act No 108 of 1997), the Local Government: Municipal Systems Act 2000 (Act No 32 of 2000) or the National Building Regulations published under Government Notice No 2074 of 13 September 1985 in terms of the National Building Regulations and Building Standards Act 1977 (Act No 103 of 1977) shall bear the same meaning in these bylaws and unless the context indicates otherwise –

“**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 and includes a dwelling unit;

“**account**” means an account rendered for municipal services provided;

“**Act**” means the Water Services Act 1997 (Act No 108 of 1997);

“**agreement**” means the contractual relationship between the municipality and a customer, whether written or deemed to be written, as provided for in the credit control bylaws;

“**approved**” means approved by the municipality in writing;

“**agent**” means any person appointed by the municipality in terms of a written contract pursuant to the provisions of section 19(1) of the Act as a water service provider for the provision of water services, water supply services or sanitation services to customers on its behalf, to the extent authorised in such contract;

“**average consumption**” means the average consumption of a customer of a municipal service during a specific period calculated in terms of the credit control bylaws;

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

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

“**Building Regulations**” means the National Building Regulations published under Government Notice No 2074 of 13 September 1985 in terms of the National Building Regulations and Building Standards 1977 (Act No 103 of 1977);

“**charges**” means the fee, charge or tariff determined in terms of section 5 by the municipal council read with section 75A of the Local Government: Municipal Systems Act 2000 and the tariff bylaws;

“**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;

“**commercial customer**” means any customer other than domestic customers;

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

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

“connection” means the point at which a customer gains access to water services;

“connection pipe” means a pipe owned by the municipality and installed for the purpose of conveying water from a main to a water installation, and includes a “communication pipe” referred to in SANS 0252 Part I;

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

“councillor” has the meaning attached thereto in terms of the Local Government: Municipal Structures Act 1998 (Act No 117 of 1998);

“credit control bylaws” means the municipality’s bylaws to give effect to its credit control and debt collection policy, its implementation and enforcement adopted in terms of section 98 of the Local Government: Municipal Systems Act 2000;

“customer” means a person with whom the municipality has concluded an agreement for the provision of a municipal service as provided for in the credit control bylaws;

“determined” means determined by the municipality or by any person who makes a determination in terms of these bylaws;

“domestic consumer” means a customer using water for domestic purposes;

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

“drain” means that portion of a drainage installation that conveys sewage within any premises;

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

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

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

“effluent” means any liquid whether or not containing matter in solution or suspension;

“engineer” means the manager directly accountable to the municipal manager to whom the management of water services has been assigned and includes any person acting in her or his stead;

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

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

“estimated consumption” means the consumption that a customer, whose consumption is not measured during a specific period, is deemed to have consumed, that is estimated by taking into account factors that the engineer considers relevant and which may include the consumption of water services by the totality of the users of a service within the area where the service is rendered by the municipality, at the appropriate level of service, for a specific time;

“fire installation” means a water installation that conveys water for fire-fighting purposes only;

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

“high strength sewage” means industrial sewage with a strength or quality greater than standard domestic effluent in respect of which a specific charge as calculated in accordance with Schedule C may be charged;

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

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

“industrial effluent” means effluent emanating from the use of water for industrial purposes and includes any effluent other than domestic effluent and storm water;

“industrial purposes” in relation to the supply of water, means water supplied to any premises which constitutes a factory;

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

“interest” means interest on any overdue amount owing to the municipality determined in terms of the credit control bylaws;

“manhole” means any access chamber to the interior of the sewer provided for the purpose of maintenance and internal cleaning;

“main” means a pipe, other than a connection pipe, owned by the municipality and which is used for the purpose of conveying water to a customer;

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

“**meter**” means a device that measures the quantity of water passing through it, including a pre-paid water meter;

“**municipality**” means Moqhaka Local Municipality, and when referred to as -

- (a) an entity, means Moqhaka Local Municipality as described in section 2 of the Local Government: Municipal Systems Act 2000;
- (b) a geographic area, means the municipal area of the municipality as determined in terms of the Local Government : Municipal Demarcation Act, 1998 (Act No 27 of 1998); and

includes its agent;

“**municipal council**” means the council of the municipality and includes any political structure, political office-bearer and official of the municipality acting in its stead;

“**municipal manager**” means the person appointed by the municipal council as the municipal manager in terms of section 82 of the Local Government: Municipal Structures Act 1998 (Act No 117 of 1998) and includes any person acting in her or his stead;

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

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

“**owner**” has the meaning attached to it in terms of the Local Government: Municipal Property Rates Act 2004 (Act No 6 of 2004);

“**person**” includes a statutory body, public utility body, voluntary association or trust;

“**plumber**” means a person who has passed a qualifying trade test in Plumbing or has been issued with a certificate of proficiency or competency in terms of the Manpower Training Act, 1981 (Act No 56 of 1981) or the Skills Development Act 1998 (Act No 97 of 1998) or such other qualification as may be required in terms of national legislation;

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

“**premises**” means any piece of land, the external surface boundaries of which are delineated on—

- (a) a general plan or diagram registered in terms of the Land Survey Act 1997 (Act No 8 of 1997) or the Deeds Registries Act 1937 (Act No 47 of 1937); or
- (b) a sectional plan registered in terms of the Sectional Titles Act 1986 (Act No 95 of 1986).

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

“**public notice**” means publication in the media including one or more of the following:

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

“**SANS**” means the South African National Standard;

“**sanitation services**” includes the disposal of industrial effluent;

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

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

“**service pipe**” means a pipe which is part of a water installation provided and installed on any premises and which is connected or to be connected to a connection pipe to serve the water installation on the premises;

“**shared consumption**” means the consumption by a customer of a municipal service during a specific period, that is calculated by dividing the total metered consumption of that service in the supply zone where the customer’s premises are situated for the same period by the number of customers within the supply zone, during that period;

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

“**sewer**” means any pipe or conduit owned by or which is vested in the municipality and which may be used for the conveyance of sewage from the connecting sewer but does not include a drain;

“**standpipe**” means a connection, whether installed in a public place, through which water supply services are supplied to more than one person;

“**standard domestic effluent**” means domestic effluent with strength characteristics as determined by the municipality in respect of chemical, oxygen demand and settleable solids as being appropriate to sewage discharges from domestic premises, excluding industrial effluent;

“**storm water**” means water resulting from natural precipitation or accumulation and includes rainwater, subsoil water and spring water;

“**supply area**” means a part or parts of the municipality in which the municipality or an agent provides water services to customers;

“**tariff bylaws**” means the municipality’s bylaws to give effect to the implementation and enforcement of its tariff policy adopted in terms of section 75(1) of the Local Government: Municipal Systems Act 2000;

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

“**trade premises**” means premises upon which industrial effluent is produced;

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

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

“**ward committee**” has the meaning attached thereto in terms of the Local Government: Municipal Structures Act;

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

“**water installation**” means the pipes and water fittings which are situated on any premises and 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 such 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 supply services**” includes, for purposes of these by-laws, water for industrial purposes and fire extinguishing services;

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

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

2. Application of bylaws

- (1) Unless specifically stated to the contrary in a specific section contained in these bylaws, these bylaws apply only in a supply area.
- (2) Any person who, at the commencement of these bylaws, provides water services in any part of the municipality to persons residing on premises that is not within a supply area may continue to do so. Such a person shall be deemed to be a water services intermediary.
- (3) No person contemplated in subsection (2) shall be deemed to be –
 - (a) an external service-delivery mechanism engaged by the municipality in terms of a service-delivery agreement pursuant to section 80 of the Local Government: Municipal Systems Act 2000; or
 - (b) a water services provider engaged in terms of a written contract by the municipality or a joint venture with the municipality in terms of section 19 of the Act or approved in terms of section 22(1) of the Act.
- (4) The provisions of the bylaws shall apply, insofar as they may be applicable and with the changes required by the context, in respect of treated waste-water supplied by the municipality to any premises.

CHAPTER 2: APPLICATION, PAYMENT AND TERMINATION

3. Application for water services

- (1) No person shall be provided with access to water services in a supply area unless application has been made to, and approved by, the chief financial officer.
- (2) An application in terms of subsection (1) shall be made on the form prescribed in terms of the credit control bylaws. An application form signed by or on behalf of the applicant and on behalf of the chief financial officer shall constitute an agreement for the provision of water services between the applicant and the municipality.
- (3) In addition to any conditions stipulated on the application form referred to in subsection (2), the provisions of the credit control by-laws and these bylaws shall be deemed to be part of an agreement in terms of that subsection.
- (4) Where a customer is provided with water services at the commencement of these bylaws, it shall be deemed, subject to subsection (5) that an agreement has been concluded in terms of subsection (1).
- (5) The chief financial officer may at any time require that a customer submit a new application for water services.
- (6) The chief financial officer shall inform the applicant in writing if she or he refuses an application in terms of subsection (1) or (5). Such notification shall fully disclose the reasons for the decision. Whenever the reason for the chief financial officer’s decision relates to the municipality’s inability to render the services applied for, the notification shall disclose when the municipality will be able to provide such services.

4. Special agreements for water services

The chief financial officer may, after consultation with the engineer, enter into a special agreement for the provision of water services with an applicant if the services applied for necessitates the imposition of conditions not contained in the prescribed form.

5. Change in purpose for which water services are used

- (1) Where the purpose for which water services is used, changes the relevant customer must promptly advise the engineer of the change and make a new application in terms of section 3.
- (2) The engineer may, if she or he discovers that the purpose for which water services is used, has changed, demand in writing that the customer makes a new application in terms of section 3(1) within a period stipulated in the demand.
- (3) The engineer may, without further notice, limit the supply of water supply services to the customer concerned if she or he fails or refuses to make a new application in terms of subsection (1) within the period stipulated in the demand.

6. Prescribed charges for water services

- (1) All applicable charges payable in respect of water services shall be determined by the municipal council in accordance with—
 - (a) its tariff policy;
 - (b) its tariff by-laws, subject to sections 50 to 53; and
 - (c) any applicable regulations in terms of national or provincial legislation.
- (2) The charges determined in terms of subsection (1) may include –
 - (a) charges additional to those determined in respect of the supply of water in excess of a restriction contemplated in section 17; and
- (b) in addition to the charges determined for water services that have been actually provided, a monthly fixed charge, an annual fixed charge or a once-off fixed charge where water services are available, whether or not such services are consumed.

7. Termination of agreement for the provision of water services

- (1) A customer may by written notice terminate an agreement for the provision of water services in accordance with the credit control bylaws.
- (2) The chief financial officer may by written notice terminate an agreement for the provision of water services –
 - (a) in accordance with the credit control bylaws;
 - (b) if the municipality is no longer able to provide the agreed services; or
 - (c) for material and persistent breach of the terms and conditions contained or incorporated into such an agreement by the customer.
- (3) A notice to terminate an agreement in terms of subsection (2) shall –
 - (a) fully disclose the reasons for the chief financial officer's decision; and
 - (b) if the reason for the termination is related to the municipality's inability to provide the agreed services, indicate when the municipality expect to be able to resume the provision of the agreed services; or
 - (c) if the reason for the termination is the material and persistent breach by the customer of the terms and conditions contained or incorporated into an agreement, be given only after the period granted to the customer to rectify the breach has expired.

8. Limitation and/or disconnection of water services provided

- (1) The engineer may restrict or discontinue water supply services —
 - (a) on failure to pay the charges levied on the date specified, in accordance with and after the procedure set out in the credit control bylaws has been applied;
 - (b) at the written request of a customer;
 - (c) if the agreement for the provision of services has been terminated in accordance with section 7;
 - (d) if the building on the premises to which services were provided has been demolished or destroyed;
 - (e) if the customer has interfered with a restricted or discontinued service;
 - (f) in an emergency situation;
 - (g) in order to limit or prevent wasteful use of water; or
 - (h) if the customer has interfered, tampered or damaged or caused or permitted interference, tampering or damage to the water supply system for the purposes of gaining access to water supply services.
- (2) The engineer may disconnect sanitation services—
 - (a) at the written request of a customer;
 - (b) if the agreement for the provision of sanitation services has been terminated in accordance with section 7; or
 - (c) if the building on the premises to which services were provided has been demolished or destroyed.
- (3) The municipality shall not be liable for any damages or claims that may arise from the limitation or disconnection of water services in terms of subsections (1), (2) and (3), including damages or claims that may arise due to the limitation or disconnection of water services by the engineer in the *bona fide* belief that the provisions of subsections (1) and (2) applied.

CHAPTER 3: SERVICE LEVELS**9. Service levels**

- (1) The municipal council may, after consulting the local community in terms of section 4(2)(e) of the Local Government: Municipal Systems Act 2000, in accordance with national policy and subject to principles of sustainability and affordability, by public notice, determine the levels of water supply services that is able to provide to customers.
- (2) In determining service levels the municipal council may differentiate between types of customers, domestic customers, geographical areas and socio-economic areas.
- (3) The following levels of service may, subject to subsection (1), be provided by the municipality:
 - (a) Communal water supply services and on-site sanitation services—
 - (i) constituting the minimum level of service provided by the municipality;
 - (ii) consisting of reticulated standpipes or stationary water tank serviced either through a network pipe or a water tanker, located within a reasonable walking distance from any household with a ventilated improved pit latrine located on each premises;
 - (iii) installed free of charge;
 - (iv) provided free of any charge to consumers; and
 - (v) maintained by the municipality.
 - (b) Yard connection not connected to any water installation and an individual connection to the municipality's sanitation system—
 - (i) consisting of an un-metered standpipe on a premises not connected to any water installation and a pour-flush toilet pan, wash-trough and suitable toilet top structure connected to the municipality's sanitation system;
 - (ii) installed free of charge;
 - (iii) maintained by the municipality.
 - (c) a metered pressured water connection with an individual connection to the municipality's sanitation system—
 - (i) installed against payment of the relevant connection charges;
 - (ii) provided against payment of prescribed charges; and
 - (iii) with the water and drainage installations maintained by the customer.
- (4) In this section, "premises" includes the lowest order of visibly demarcated area on which some sort of informal dwelling has been erected.

CHAPTER 4: CONDITIONS FOR WATER SUPPLY SERVICES**10. Provision of connection pipe**

- (1) If an agreement for water supply services in respect of premises has been concluded and no connection pipe exists in respect of the premises, the owner shall make application on the prescribed form for the installation of such pipe. An application for installing a connection pipe shall be accompanied by the determined charge for the installation of such a pipe.
- (2) If an application is made for water supply services which are of such an extent or so situated that it is necessary to extend, modify or upgrade the water supply system in order to supply water to the premises concerned, the engineer may agree to the extension, modification or upgrading. The owner shall pay for the cost as determined by the engineer of such extension, modification or upgrading, prior to the work being executed.
- (3) Only the engineer may install a connection pipe.
- (4) A connection pipe for the supply of treated waste-water to premises shall not be connected to the water installation used for supplying water for consumption by humans or animals.
- (5) The owner shall connect the water installation to the connection pipe.
- (6) Except in a case contemplated in section 9(3)(a), no person may commence any development on any premises unless the engineer has installed a connection pipe and meter.

11. Location of connection pipe

- (1) A connection pipe provided and installed by the engineer shall—
 - (a) be located in a position determined by her or him;
 - (b) be of a suitable size as determined by her or him; and
 - (c) 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 isolating valve if it is situated on the premises.

(2) The engineer may at the request of any person agree, subject to such conditions as she or he 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 –

- (a) any extension of the water installation to the connecting point designated by the engineer; and
- (b) for obtaining at her or his cost, any servitudes over other premises that may be necessary.

12. Provision of single water connection for supply to several customers on the same premises

(1) The engineer –

- (a) may subject to section 19(9) and (11), provide only one connection pipe between the municipality's water supply system and the water installation on any premises, irrespective of the number of accommodation or customers located on such premises; and
- (b) shall provide only one connection pipe for the supply of treated waste-water to any premises.

(2) Where premises are supplied by a number of connection pipes, the engineer may require the owner to reduce the number of connection points and alter the water installation accordingly.

13. Disconnection of water installation from the connection pipe

The engineer may disconnect a water installation from the connection pipe and remove the connection pipe on termination of an agreement for the provision of water supply services in accordance with section 7.

14. Quantity, quality and pressure of water supply services

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.

15. Testing of pressure in water supply systems

The engineer may, on application by an owner and on payment of the determined charge, determine and furnish the owner with the amount of the pressure in the water supply system relating to her or his premises over such period as the owner may request.

16. Pollution of water

An owner must provide and maintain approved measures to prevent the entry of any substance, including treated waste-water supplied to the premises, which might be a danger to health or adversely affect the potability of water or affect its fitness for use, into—

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

17. Water restrictions

(1) The municipal council may for purposes of water conservation or where, in its opinion, a water shortage is imminent, by public notice—

- (a) prohibit or restrict the consumption of water in the whole or a part of the municipality —
 - (i) in general or 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 a restriction on the quantity of water that may be consumed over a specified period; 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 municipal manager shall ensure that a copy of a notice referred to in subsection (1) is supplied to each councillor. A councillor representing a ward in the municipality in respect of which a water restriction applies shall distribute a copy of such notice to every member of the ward committee for that ward.

(3) The municipal council may restrict the application of the provisions of a notice contemplated in subsection (1) to specified areas and categories of customers or users of premises, and activities, and may permit deviations and exemptions from, and the relaxation of, any of its provisions where there is reason to do so.

(4) The engineer —

- (a) may take, or by written notice require a customer at her or his own expense to take, such measures, including the installation of measurement devices and devices for restricting the flow of water, as may in her or his opinion be necessary to ensure compliance with a notice published in terms of subsection (1); or

- (b) may, subject to notice, and for such period as it may consider fit, restrict the supply of water to any premises in the event of a contravention of these bylaws that takes place on or in such premises or a failure to comply with the terms of a notice published in terms of subsection (1); and
 - (c) shall where the supply has been discontinued, restore it only when the determined charge for discontinuing and reconnecting the supply has been paid.
- (5) The mayor may, after considering a written report of the municipal manager regarding the matter, -
- (a) terminate or relax any water restriction imposed in terms of subsection (1) when the circumstances which gave cause for the restriction to be imposed has improved to such an extent that normal service levels may be resumed; or
 - (b) by public notice, impose further restrictions in terms of subsection (1) if the conditions which gave cause for the restriction to be imposed deteriorate or the restriction does not have the desired effect,
- provided that the mayor submit a written report regarding her or his decision to the municipal council at the first council meeting next ensuing.

18. Specific conditions of supply

- (1) Notwithstanding the provisions of section 14, the granting of a supply of water by the municipality shall not constitute an undertaking by it to maintain at any time or any point in its water supply system—
- (a) an uninterrupted supply, subject to the provisions of regulations 4 and 14 of the Regulations relating to Compulsory National Standards and Measures to Conserve Water promulgated in terms of Government Notice No R.509 of 8 June 2001; or
 - (b) a specific pressure or rate of flow in such supply other than requires in terms of regulation 15(2) of the regulations.
- (2) The engineer may, subject to the provisions of subsection (1)(b), specify the maximum pressure to which water shall be supplied from the water supply system.
- (3) If an owner or customer requires—
- (a) that any of the standards referred to in subsection (1); or
 - (b) a higher standard of service than specified in section 14;
- be maintained on her or his premises, she or he shall take the necessary steps to ensure that the proposed water installation is able to meet such standards.
- (4) The engineer may in an emergency, interrupt the supply of water to any premises without prior notice.
- (5) If in the opinion of the engineer the consumption of water by a customer adversely affects the supply of water to another customer she or he may apply such restrictions as she or he may consider fit, to the supply of water to the customer in order to ensure a reasonable supply of water to the other customer and must inform that customer about the restrictions.
- (6) The municipality shall not be liable for any damage to property caused by water flowing from any water installation that is left open when the water supply is reinstated, after an interruption in supply.
- (7) Every steam boiler, hospital, industry and any premises which requires, for the purpose of the work undertaken on the premises, a continuous supply of water shall have a storage tank, which must comply with the specification for water storage tanks as stipulated in SANS 0252 Part 1, with a capacity of not less than 24 hours water supply calculated as the quantity required to provide the average daily consumption, where water can be stored when the continuous supply is disrupted.
- (8) No customer shall resell water supplied to her or him by the municipality except with the written permission of the municipal council, which may –
- (a) stipulate the maximum price at which the water may be resold; and
 - (b) impose such other conditions as the municipality may deem fit.

19. Measuring of quantity of water supplied

- (1) The engineer must provide a measuring device designed to provide either a controlled or an uncontrolled volume of water to a customer.
- (2) The municipality must, at such intervals as may be prescribed in terms of the credit control bylaws, measure the quantity of water supplied through a measuring device designed to provide an uncontrolled volume of water.
- (3) Any measuring device and its associated apparatus through which the municipality supplies water to a customer –
- (a) shall be provided and installed by the engineer;
 - (b) shall remain the municipality's property; and
 - (c) may be changed and shall be maintained by the engineer when she or he considers it necessary to do so.

- (4) The engineer may install a measuring device, and its associated apparatus, at any point on the service pipe.
- (5) If the engineer installs a measuring device on a service pipe, she or he may supply and install a section of pipe and associated fittings between the end of the connection pipe and such device, and that section shall form part of the water installation.
- (6) If the engineer installs a measuring device together with its associated apparatus on a service pipe in terms of subsection (4), the owner shall—
- (a) provide a place satisfactory to the engineer in which to install it;
 - (b) ensure that unrestricted access is available to it at all times;
 - (c) be responsible for its protection;
 - (d) be liable for the costs arising from damage to it, excluding damage arising from normal fair wear and tear;
 - (e) 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;
 - (f) 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 engineer on the measuring device; and
 - (g) 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.
- (7) No person other than the engineer shall:
- (a) disconnect a measuring device and its associated apparatus from the pipe on which they are installed;
 - (b) break a seal which the engineer has placed on a measuring device; or
 - (c) in any other way interfere with a measuring device and its associated apparatus.
- (8) If the engineer considers that the size of a measuring device is unsuitable because of the quantity of water supplied to premises, she or he may install a device of a size that she or he considers adequate, and may recover the charge for the installation thereof from the owner of the premises.
- (9) Where the owner of any premises on which several accommodation units or customers are situated, requires the supply of water to such premises for the purpose of supply to the different accommodation units or customers, the engineer may, in her or his discretion, provide and install a separate measuring device for each accommodation unit or customer or any number thereof.
- (10) Where the engineer has installed a single measuring device for any premises on which several accommodation units or customers are situated, the owner —
- (a) must install and maintain on each branch pipe extending from the connection pipe to the different accommodation or business units or customers —
 - (i) a separate measuring device; and
 - (ii) an isolating valve; and
 - (b) shall be liable to the municipality for the charges for all water supplied to the premises through such a single measuring device, irrespective of the different quantities consumed by the different accommodation units or customers served by such measuring device.
- (11) The engineer may require the installation, at the owner's expense, of a measuring device to each accommodation unit, which is separately occupied, on any premises, for use in ascertaining the quantity of water supplied to each such unit provided that where controlled volume water-delivery systems are used, a single measuring device may otherwise be used for more than one unit.

20. Quantity of water supplied to customer

- (1) For the purposes of ascertaining the quantity of water that has been measured by a measuring device that has been installed by the engineer and that has been supplied to a customer over a specific period, it will, for the purposes of these by-laws, be presumed except in any criminal proceedings, unless the contrary is proved, that—
- (a) the quantity, where the measuring device is designed to provide an uncontrolled volume of water, is the difference between measurements taken at the beginning and end of that period;
 - (b) the quantity, where the measuring device designed to provide a controlled volume of water, is the volume dispensed by the measuring device;
 - (c) the measuring device was accurate during that period;
 - (d) the entries in the records of the municipality were correctly made; and
 - (e) if water is supplied to, or taken by, a customer without it having passed through a measuring device, the estimate by the engineer of the quantity of that water shall be correct.

- (2) Where water supplied by the municipality to any premises is in any way taken by the customer without the water passing through any measuring device provided by the municipality, the engineer may, for the purpose of rendering an account, estimate, in accordance with the credit control bylaws, the quantity of water supplied to the customer during the period that water is so taken by the customer.
- (3) Subject to the credit control bylaws, nothing in these bylaws shall be construed as imposing on the municipality an obligation to cause any measuring device installed by the engineer on any premises to be measured at the end of every month or any other fixed period. The municipality may charge the customer for an average consumption during the interval between successive measurements by the measuring device.
- (4) Until the time as a measuring device has been installed in respect of water supplied to a customer, the estimated or shared consumption of that customer during a specific period shall be based on the average consumption of water supplied to the specific supply zone within which the customer's premises are situated.
- (5) Where in the opinion of the engineer it is not reasonably possible or cost effective to measure water that is supplied to each customer within a determined supply zone, the municipal council may determine a charge based on the estimated or shared consumption of water supplied to that supply zone.
- (6) A customer may at any time request the engineer in writing to measure the quantity of water supplied to her or him at a time, or on a day, other than that upon which it would normally be measured. Such a request must be accompanied by the determine charge.

21. Special measurement

- (1) If the engineer requires, for purposes other than charging for water consumed, to ascertain the quantity of water which is used in a part of a water installation, she or he may, by written notice, advise the owner concerned of her or his intention to install a measuring device at any point in the water installation that she or he 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 a removal shall be carried out at the expense of the municipality.
- (3) The provisions of sections 19(5) and 19(6) shall apply, insofar as they may be applicable, in respect of a measuring device that has been installed in terms of subsection (1).

22. No reduction of amount payable for water wasted

A customer shall not be entitled to a reduction of the amount payable for water wasted or lost in a water installation.

23. Water audit

- (1) The engineer may require a customer to undertake a water audit at her or his own cost, within one month after the end of a financial year of the municipality.
- (2) The audit must at least involve and report—
 - (a) the amount of water used during the financial year;
 - (b) the amount paid for water for the financial year;
 - (c) the number of people living on the premises;
 - (d) the number of people permanently working on the premises;
 - (e) the seasonal variation in demand through monthly consumption figures;
 - (f) the water pollution monitoring methods;
 - (g) the current initiatives for the management of the demand for water;
 - (h) the plans to manage the demand for water;
 - (i) a comparison of the report with any report that may have been made during the previous three years;
 - (j) estimates of consumption by various components of use; and
 - (k) a comparison of the above factors with those reported in each of the previous three years, where available.

24. Approval of installation work

- (1) If an owner wishes to have installation work done, she or he must first obtain the engineer's written approval, provided that such approval shall not be required in the case of –
 - (a) water installations in dwelling units;
 - (b) installations where no fire installation is required in terms of SANS 0400 or in terms of any bylaw; or
 - (c) for the repair or replacement of an existing pipe or water fitting other than a fixed water heater and its associated protective devices.

- (2) Application for the approval referred to in subsection (1) shall be made on the prescribed form and shall be accompanied by—
- (a) the determined charge, if applicable;
 - (b) copies of the drawings as may be determined by the engineer, giving information in the form required by Clause 4.1.1 of SANS Code 0252: Part I; and
 - (c) a certificate issued by a professional engineer certifying that the installation has been designed in accordance with SANS Code 0252: Part I.
- (3) Approval given in terms of subsection (1) shall lapse at the expiry of a period of twenty-four months.
- (4) Where approval was 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 the work has been completed.
- (5) If installation work has been done in contravention of subsection (1) or (2), the engineer may require the owner—
- (a) to rectify the contravention within a specified period;
 - (b) if work is in progress, to cease the work; and
 - (c) to remove all such work which does not comply with these bylaws.

25. Persons permitted to do installation and other work

- (1) Only a plumber, a person working under the control of a plumber, or another person authorised in writing by the engineer, shall be permitted to:
- (a) perform 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; and
 - (e) install, maintain or replace a meter provided by an owner in a water installation.
- (2) No person shall allow, require or engage a person who is not a plumber to do the work referred to in subsection (1).
- (3) Notwithstanding the provisions of subsection (1) the owner of premises may permit a person who is not a plumber to do installation work on her or his behalf on premises owned and occupied solely by her- or himself and her or his immediate household, provided that such work must be inspected and approved by a plumber at the direction of the engineer.

26. Provision and maintenance of water installations

- (1) An owner must provide and maintain her or his water installation at her or his own cost and, except where permitted in terms of section 11(2), must ensure that the installation is situated within the boundary of her or his premises.
- (2) An owner must install an isolating valve at a suitable point on the service pipe immediately inside the boundary of the premises in the case of a measuring device installed outside the boundary, and in the case of a measuring device installed on the premises at a suitable point on her or his service pipe.
- (3) Before doing work in connection with the maintenance of a portion of her or his water installation, which is situated outside the boundary of her or his premises, an owner shall obtain the written consent of –
- (a) the engineer if the portion to be maintained is on property of the municipality; or
 - (b) the owner of the land in any other case.

27. Technical requirements for a water installation

Notwithstanding the requirement that a certificate be issued in terms of section 24 –

- (a) all water installations shall comply with SANS 0252: Part 1; and
- (b) all fixed electrical storage water heaters shall comply with SANS 0254.

28. Use of pipes and water fittings to be authorized

No person shall, without the prior written approval of the engineer, install or use a pipe or water fitting in a water installation within the municipality unless it bears a certification mark issued by a standard setting body accepted by the engineer.

29. Labelling of terminal water fittings and appliances

All terminal water fittings and appliances using or discharging water shall be marked, or have included within its packaging, the following information:

- (a) the range of pressure in kPa over which the water fitting or appliance is designed to operate; and
- (b) the flow rate, in litres per minute, related to the design pressure range, provided that this information shall be given for at least the following pressures:
 - (i) 20 kPa;
 - (ii) 100 kPa; and
 - (iii) 400 kPa.

30. Water demand management

- (1) In any water installation where the dynamic water pressure is more than 200 kPa at a shower control valve and where the plumbing has been designed to balance the water pressures on the hot and cold water supplies to the shower control valve, a shower head with a maximum flow rate of greater than 10 litres per minute shall not be installed.
- (2) The maximum flow rate from any tap installed on a wash hand basin shall not exceed 6 litres per minute.

31. Communal water supply services

- (1) The engineer may, after consultation with –
 - (a) the majority of the customers likely to be affected by it; and
 - (b) the ward committee for the ward in which installation of a communal standpipe for the provision of water supply services to several consumers is envisaged install such stand pipe.
- (2) Any consultation referred to in subsection (1) –
 - (a) must attempt to reach consensus;
 - (b) must include discussion –
 - (i) of the location where the stand pipe should be installed;
 - (ii) whether the stand pipe must be designed to provide a controlled volume of water to several consumers; and
 - (iii) of the costs involved in providing water supply services at higher standard than a communal water supply; and
 - (b) involve the ward committee of the ward within which the stand pipe is to be installed;

32. Water supplied from a hydrant

- (1) The engineer may authorise a temporary supply of water to be taken from one or more fire hydrants specified by her or him, subject to –
 - (a) such conditions and for any period that she or he may prescribe; and
 - (b) payment of such charges, including a deposit, as may be determined by the municipal council from time to time.
- (2) A person who wishes to obtain a temporary supply of water referred to in subsection (1) must apply for such a water supply service. Such an application must be accompanied by the deposit determined by the municipal council.
- (3) The engineer shall provide a portable measurement device and all other fittings and apparatus necessary for the temporary supply of water from a hydrant.

33. Notification of boreholes

- (1) No person may sink a borehole on premises situated in a dolomite area. Before sinking a borehole a person must determine at her or his own cost if the premises on which the borehole is to be sunk are situated within a dolomite area.
- (2) The municipality may, by public notice, require—

- (a) the owner of any premises upon which a borehole exists or, if the owner is not in occupation of such premises, the occupier to notify it of the existence of a borehole on such premises and provide it with such information about the borehole that it may require; and
 - (b) the owner or occupier of any premises who intends to sink a borehole on the premises, to notify it on the prescribed form of its intention to do so before any work in connection with sinking it commences.
- (3) The engineer may require the owner or occupier of any premises who intends to sink a borehole, to undertake an environmental impact assessment of the intended borehole at her or his own cost, to the satisfaction of the municipality, before sinking it.
- (4) The engineer may by notice to an owner or occupier or by public notice, require an owner or occupier who has an existing borehole that is used for water supply services to—
- (a) obtain approval from it for the use of a borehole for water supply services; and
 - (b) impose conditions in respect of the use of a borehole for potable water supply services.

34. Connection to be approved by the municipality

- (1) The engineer shall be entitled in her or his absolute discretion to grant or refuse an application for the connection of a fire extinguishing installation to the municipality's main.
- (2) No water shall be supplied to any fire extinguishing installation until a certificate that approval in terms of section 24 has been obtained and that the installation complies with the requirements of these and any other bylaws, has been submitted.
- (3) If in the engineer's opinion a fire extinguishing installation is not being kept in proper working order, or is otherwise not being properly maintained, or is being used for purposes other than fire fighting, she or he shall be entitled –
- (a) to require that the installation be disconnected from the main; or
 - (b) to disconnect the installation from the main at the customer's expense.

35. Special provisions

The provisions of SANS 0252-1 shall apply to the supply of water for fire fighting purposes.

36. Dual and combined installations

All new buildings erected after the commencement of these bylaws, must comply with the following requirements in relation to the provision of fire extinguishing services:

- (a) If boosting of the system is required, a dual pipe system must be used, one for fire extinguishing purposes and the other for general domestic purposes.
- (b) Combined installations shall only be permitted where no booster pumping connection is provided on the water installation. In such cases a fire hydrant must be provided by the municipality, at the customer's expense, within 90 metres of the premises to provide a source of water for the fire tender to use in extinguishing a fire.
- (c) Combined installations where a booster pumping connection is provided shall only be permitted when designed and certified by a professional engineer.
- (d) All pipes and fittings must be capable of –
 - (i) handling pressures in excess of 1,800 kPa, if that pressure could be expected when boosting takes place; and
 - (ii) maintaining their integrity when exposed to fire conditions.

37. Connection pipes for fire extinguishing services

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

38. Valves and measuring devices in connection pipes

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

- (a) supplied by the engineer at the expense of the customer;
- (b) installed between the customer's property and the main; and
- (c) installed in such position as may be determined by the engineer.

39. Measuring devices in fire extinguishing connection pipes

- (1) The engineer may install a measuring device in any connection pipe used solely for fire extinguishing purposes.
- (2) The owner of the premises shall be liable for all consumption measured by such device.

40. Sprinkler extinguishing installation

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

41. Header tank or double supply from main

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

42. Sealing of private fire hydrants

- (1) Except where a system is a combined system with a combination measuring device, the engineer shall seal all private hydrants and hose-reels. No seal may be broken except for the purposes of opening the hydrant or using the hose when there is a fire, by any person other than an official of the municipality in the course of servicing and testing.
- (2) The engineer must give the customer on whose premises a fire extinguishing installation is situated at least 48 hours written notice prior to it being serviced and tested.
- (3) The cost of resealing hydrants and hose-reels shall be borne by the customer except when the seals are broken by the municipality's officials for servicing and testing purposes.
- (4) Any water consumed through a fire installation or sprinkler system shall be paid for by the customer at the charges determined by the municipal council.

CHAPTER 5: CONDITIONS FOR SANITATION SERVICES**43. Obligation to connect to sanitation system**

- (1) All premises within a supply area on which sewage is produced must be connected to the municipality's sanitation system if a connecting sewer is available or if it is reasonably possible or cost effective for the municipality to install a connecting sewer, unless approval for the use of on-site sanitation services was obtained.
- (2) The engineer may, by written notice, require the owner of premises not connected to the municipality's sanitation system to connect to the sanitation system.
- (3) An owner of premises, who is required to connect those premises to the municipality's sanitation system in accordance with subsection (2), must inform the engineer in writing of any sanitation services, provided by the municipality on the site, which will no longer be required as a result of the connection to the sanitation system.
- (4) The owner will be liable for any charge payable in respect of sanitation services on the site, until an agreement for rendering those services has been terminated in accordance with the credit control bylaws.
- (5) If the owner fails to connect premises to the sanitation system after receiving a notice in terms of subsection (2) the engineer may make such connection at the expense of the owner.

44. Provision of connecting sewer

- (1) If an agreement for sanitation services in respect of premises has been concluded in accordance with the credit control bylaws and no connecting sewer exists in respect of the premises, the owner shall make application on the prescribed form and pay the charges for the installation of a connecting sewer.
- (2) If an application is made for sanitation services which are of such an extent or so situated that it will become necessary to extend, modify or upgrade the sanitation system in order to provide sanitation services to any premises, the engineer may agree to the extension, modification or upgrading only if the owner pays or undertakes to pay for the cost, as determined by the engineer, of the extension, modification or upgrading of the services.
- (3) Only the engineer may install or approve an installed connecting sewer.
- (4) The owner or customer shall connect the sanitation installation to the connection pipe.
- (5) No person may commence any development on any premises unless the engineer has installed a connecting sewer.

45. Location of connecting sewer

- (1) A connecting sewer that has been provided and installed by the engineer must—
 - (a) be located in a position determined by the engineer;
 - (b) be of a suitable size determined by the engineer; and
 - (c) terminate at—
 - (i) the boundary of the premises; or
 - (ii) at the connecting point if it is situated on the premises.
- (2) The engineer may at the request of the owner of premises, approve, subject to such conditions that she or he may impose, a connection to a connecting sewer other than one that is most readily available for the provision of sanitation services to the premises in which event the owner shall be responsible –
 - (a) for any extension of the drainage installation to the connecting point designated by the engineer; and
 - (b) for obtaining, at her or his own cost, any servitude over other premises that may be necessary.
- (3) Where an owner is required to provide a sewage lift as provided for in the Building Regulations, or the premises are at a level where the drainage installation cannot discharge into the sewer by gravitation, the rate and time of discharge into the sewer is subject to the approval of the engineer.
- (4) The owner of premises must pay the connection charges determined by the municipal council before a connection to the connecting sewer shall be effected.

46. Provision of one connecting sewer for several consumers on same premises

- (1) Only one connecting sewer to the sanitation system may be provided for the disposal of sewage from any premises, irrespective of the number of accommodation units or consumers located on such premises.
- (2) Notwithstanding subsection (1), the engineer may authorise that more than one connecting sewer be provided in the sanitation system for the disposal of sewage from any premises comprising sectional title units if, in the opinion of the engineer, any consumer on such premises may suffer undue hardship or inconvenience by the provision of only one connecting sewer.
- (3) Where the provision of more than one connecting sewer is authorised in terms of subsection (2), the charges for the provision of a connecting sewer are payable in respect of each sewage connection so provided.

47. Interconnection between premises

An owner of premises must ensure, unless she or he obtained the prior approval of the municipality and complies with any conditions that it may have imposed, that no interconnection exists between the drainage installation on her or his premises and the drainage installation on any other premises.

48. Disconnection of connecting sewer

The engineer may disconnect a drainage installation from the connection pipe and remove the connection pipe upon termination of an agreement for the provision of water supply services in accordance with the credit control bylaws.

49. Standards for sanitation services

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

50. Basis for determining charges for sanitation services other than on site sanitation services

- (1) With effect from the commencement of these bylaws, the municipal council shall, subject to subsection (2) determine the basis on which charges for domestic sanitation services other than on site sanitation services shall be calculated, provided that in determining charges, the municipality shall strive to ensure that revenue accruing from such services is adequate to cover the operating and reasonable capital cost of rendering such services.
- (2) The basis for determining charges for domestic sanitation services other than on site sanitation services shall be either –
 - (a) by multiplying the tariff for domestic water supply services supplied to premises by the quantity of domestic effluent discharged determined in accordance with section 51 or 52, as the case may be; or
 - (b) any other reasonable basis.

51. Measurement of quantity of domestic effluent discharged

- (1) The quantity of domestic effluent discharged shall be determined as a percentage of water supplied by the municipality to the premises: provided that where the municipal council is of the opinion that such a percentage in respect of specific premises is excessive, having regard to the purposes for which water is consumed on those premises, it 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 effluent discharged from the premises and the quantity of water supplied.
- (2) Where premises are supplied with water from a source other than, or in addition to, the municipality's water supply system, including abstraction from a river or borehole, the quantity must be a percentage of the total water used on those premises that is reasonably estimated by the municipality.

52. Measurement of quantity and determination of quality of industrial effluent discharged

- (1) The quantity of industrial effluent discharged into the sanitation system must be determined—
 - (a) where a measuring device is installed, by the quantity of industrial effluent discharged from the premises as measured by that measuring device; or
 - (b) until the time that a measuring device is installed, by a percentage, determined by the municipal council, of the water supplied by the municipality to those premises.
- (2) The municipality may require the owner of any premises to incorporate in any drainage installation conveying industrial effluent to a sewer, any suitable device or set of devices of an approved type and in the control of the municipality for the purpose of ascertaining to the satisfaction of the engineer, the tempo, volume and composition of the effluent.
- (3) The municipality may supply, install and maintain any device or set of devices referred to in subsection (2) at the expense of the owner of the premises on which it is installed.
- (4) Where premises are supplied with water from a source other than, or in addition to, the municipality's water supply system, including abstraction from a river or borehole, the quantity must be a percentage of the total water used on those premises reasonably estimated by the municipality.
- (5) Where a portion of the water supplied to the premises forms part of the end product of any manufacturing process or is lost by reaction or evaporation during the manufacturing process or for any other reason, the municipal council may on written application by the owner reduce the assessed quantity of industrial effluent.
- (6) The municipality may at its discretion enter into an agreement with any person discharging industrial effluent into the sanitation system, establishing an alternative method of assessing the quantity and tempo of effluent so discharged.
- (7) Charges relating to the quality of industrial effluent will be based on the formula for industrial effluent discharges as prescribed in Schedule C.

- (8) The following conditions apply in respect of the assessment of the quality of industrial effluent discharged:
- (a) each customer must conduct the prescribed tests, on a regular schedule as provided for in the approval to discharge industrial effluent, and report the results to the engineer;
 - (b) the engineer may conduct random compliance tests to correlate with those used in paragraph (a) and, if discrepancies are found, the values of the municipality shall, except for the purpose of criminal proceedings, be presumed to be correct and the engineer may require further tests to determine, at the cost of the customer, the values for the formula;
 - (c) the average of the values of the different analysis results of 24 hourly composite or snap samples of the effluent, taken during the period of charge, will be used to determine the quality charges payable;
 - (d) in the absence of a complete daily set of 24 hourly composite or snap samples, the average of not less than two values of the sampled effluent, taken during the period of charge, will be used to determine the charges payable;
 - (e) in order to determine the strength (chemical oxygen demand, suspended solids concentration, ammonia concentration, and ortho-phosphate concentration) in the effluent as well as the concentration of Group 1 and Group 2 metals, pH value and conductivity, the engineer shall use the tests normally used by municipalities for these respective purposes. Test results from a laboratory, accredited by the municipality, will have precedence over those of the engineer;
 - (f) the formula is calculated on the basis of the different analysis results of individual snap or composite samples and the period of treatment for calculation shall not be less than one full 24-hour period unless evidence is submitted to the engineer that a lesser period is actually applicable;
 - (g) the terms of the disincentive formula cannot assume a negative value;
 - (h) the total system values for quality charges shall remain constant for an initial period of one month, but in any case not longer than twelve months from the date of commencement of these charges, after the expiry of which time they may be amended or revised from time to time depending on such changes in the analysis results or further samples, as may be determined from time to time: provided that the municipality in its discretion in any particular case, may levy the minimum charges prescribed in subsection (7) without taking any samples;
 - (i) whenever the engineer takes a sample or causes a sample to be taken, one half of it must be made available to the customer;
 - (j) for the purpose of calculating the quantity of effluent discharged from each point of discharge of effluent, the total quantity of water consumed on the premises shall be allocated to the several points of discharge as accurately as is reasonably practicable;
 - (k) the costs of conveying and treating industrial effluent shall be determined by the municipal council and shall apply with effect from a date determined by the municipal council; and
 - (l) in the discretion of the municipal council, the charges for industrial effluent may be changed to a fixed monthly charge determined by taking into consideration the effluent strengths, the volume and the economic viability of micro and small industries.

53. Reduction in the measured quantity of effluent discharged

- (1) A person shall be entitled to a reduction in the quantity of effluent discharged, as determined in terms of sections 51 and 52, where the quantity of water on which a percentage is calculated, was measured during a period where water was wasted or a leakage went undetected, if the consumer demonstrates to the satisfaction of the engineer that the water was not discharged into the sanitation system.
- (2) The reduction in the quantity shall be based on the quantity of water lost through leakage or wastage during the leak period.
- (3) The leak period shall be either the measuring period immediately prior to the date of repair of the leak, or the measurement period during which the leak is repaired, whichever results in the greater reduction in the quantity.
- (4) The quantity of water lost shall be calculated as the consumption for the leak period less the average consumption, based on the preceding three months, for the same length of time. In the event of no previous history of consumption being available, the average water consumption will be determined by the engineer, after taking into account all the information she or he considers relevant.
- (5) There shall be no reduction in the quantity if a loss of water, directly or indirectly, resulted from a consumer's failure to comply with these or other bylaws.

54. Charges in respect of "on-site" sanitation services

- (1) The owner shall be liable for payment of all charges in respect of the removal or collection of conservancy tank contents, night soil or the emptying of pits.
- (2) Charges for the removal or collection of conservancy tank contents, night soil or the emptying of pits shall cover all the –

- (a) operating and maintenance costs arising from the removal of the tank or pit contents;
- (b) its transportation to a disposal site;
- (c) the treatment of the contents to achieve a sanitary condition; and
- (d) final disposal of any solid residues.

55. Installation of drainage installations

- (1) An owner must provide and maintain her or his drainage installation at her or his own expense, unless the installation constitutes a basic sanitation facility as determined by the municipality and, except where otherwise approved by the engineer, must ensure that the installation is situated within the boundary of her or his premises.
- (2) The engineer may prescribe the point in the sewer, and the depth below the ground, at which any drainage installation is to be connected and the route to be followed by the drain to the connecting point and may require the owner not to commence with construction or connection of the drainage installation until the municipality's connecting sewer has been laid.
- (3) Any drainage installation that has been constructed or installed must comply with any applicable specifications in terms of the Building Regulations and any standard prescribed in terms of the Act.
- (4) No person shall permit the entry of any liquid or solid substance whatsoever, other than clean water for testing purposes, to enter any drainage installation before it has been connected to the sewer.
- (5) Where premises are situated in the 1 in 50 years flood plain, the top level of all service access holes, inspection chambers and gullies must be above the 1 in 50 years flood level.
- (6) After the completion of any drainage installation or after any alteration to any drainage installation is completed, the plumber responsible for the execution of the work must submit to the building control officer and the owner a certificate certifying that the work was completed to the standards and specifications contemplated in subsection (3).
- (7) No rainwater or storm-water, and no effluent other than effluent that has been approved by the municipality, may be discharged into a drainage installation.

56. Disconnection of drainage installations

- (1) Except for the purpose of carrying out maintenance or repair work, no drainage installation may be disconnected from the connection point.
- (2) Where any part of a drainage installation is disconnected from the remainder because it will no longer be used, the disconnected part must be destroyed or entirely removed from the premises on which it was used, unless the engineer approves otherwise.
- (3) When a disconnection has been made after all the requirements of the Building Regulations in regard to disconnection have been complied with, the engineer must upon the request of the owner, issue a certificate certifying that the disconnection has been completed in terms of the Building Regulations and that any charges raised in respect of the disconnected portion of the drainage installation shall cease to be levied from the end of the month preceding the first day of the month following the issue of such certificate.
- (4) When a drainage installation is disconnected from a sewer, the engineer must –
 - (a) seal the opening in the sewer caused by the disconnection; and
 - (b) recover the cost of doing so from the owner of the premises on which the installation is disconnected.
- (5) Where a drainage system is connected to or disconnected from the sewer system during a month, charges will be calculated as if the connection or disconnection were made on the first day of the month following the month in which the connection or disconnection took place.

57. Maintenance of drainage installations

- (1) An owner must maintain drainage installation on her or his premises in proper working order at her or his own cost.
- (2) Where any part of a drainage installation is used by two or more owners or occupiers, they shall be jointly and separately liable for its maintenance.
- (3) The owner of premises must ensure that all manholes and cleaning eyes on the premises are permanently visible and accessible.

58. Technical requirements for drainage installations

All drainage installations shall comply with SANS code 0252 and the Building Regulations.

59. Drains

(1) Drains passing through ground which in the opinion of the engineer is liable to movement, shall be laid on a continuous bed of river sand or similar granular material not less than 100 mm thick

under the barrel of the pipe and with a surround of similar material and thickness, and the joints of such drains must be flexible joints approved by the engineer.

(2) A drain or part of it may only be laid within, or either passes under or through a building, with the approval of the engineer.

(3) A drain or part of it which it is laid in an inaccessible position under a building may not bend or be laid at a gradient.

(4) If a drain passes through or under a wall, foundation or other structure, adequate precautions shall be taken to prevent the discharge of any substance to the drain.

60. Sewer blockages

(1) No person may cause or permit an accumulation of feathers, grease, oil, fat, solid matter or any other substance, including the roots of any plant, in any trap, tank or fitting that may cause its blockage or ineffective operation.

(2) When the owner or occupier of premises has reason to believe that a blockage has occurred in any drainage installation in or on it, she or he shall take immediate steps to have it cleared.

(3) When the owner or occupier of premises has reason to believe that a blockage has occurred in the sewer system, she or he shall immediately inform the municipality.

(4) Where a blockage occurs in a drainage installation, any work necessary for its removal must be done by, or under the supervision of, a plumber.

(5) Should any drainage installation on any premises overflow as a result of an obstruction in the sewer, and if the engineer is reasonably satisfied that the obstruction was caused by objects emanating from the drainage installation, the owner of the premises served by the drainage installation shall be liable for the cost of clearing the blockage.

(6) Where a blockage has been removed from a drain or portion of a drain which serves two or more premises, the owners are jointly and severally liable for the cost of clearing the blockage.

(7) Where a blockage in a sanitation system has been removed by the engineer and the removal necessitated the disturbance of an owner's paving, lawn or other artificial surface neither the engineer nor the municipality shall be required to restore them to their previous condition and shall not be responsible for any damage to them unless caused by the wrongful act or negligence of the engineer.

61. Grease traps

A grease trap of an approved type, size and capacity must be provided in respect of all premises –

(a) that discharge sewage to on-site sanitation systems; or

(b) where, in the opinion of the engineer –

(i) the discharge of grease, oil and fat is likely to cause an obstruction to the flow in sewers or drains; or

(ii) the discharge is likely to interfere with the proper operation of any waste-water treatment plant.

62. Industrial grease traps

(1) The owner or manufacturer must ensure that industrial effluent which contains, or which, in the opinion of the municipality is likely to contain, grease, oil, fat or inorganic solid matter in suspension shall, before it is allowed to enter any sewer, be passed through one or more tanks or chambers, of a type, size and capacity designed to intercept and retain such grease, oil, fat or solid matter, that is approved by the engineer.

(2) The owner or manufacturer must ensure that oil, grease or any other substance which is contained in any industrial effluent or other liquid and which gives off an inflammable or noxious vapour at a temperature of, or exceeding, 20° C must be intercepted and retained in a tank or chamber so as to prevent its entry into the sewer.

(3) A tank or chamber as referred to in subsection (2) must –

- (a) be of adequate capacity, constructed of hard durable materials and water-tight when completed;
- (b) have a water-seal in its discharge pipe which shall be not less than 300 mm in depth; and
- (c) be provided with a sufficient number of manhole covers for the adequate and effective removal of grease, oil fat and solid matter.

(4) Any person discharging effluent to a tank or chamber must remove grease, oil, fat or solid matter regularly from the tank or chamber and must maintain a register recording —

- (a) the dates on which the tank or chamber was cleaned;
- (b) the name of any the persons employed or otherwise engaged by her or him to clean the tank or chamber or, if she or he cleaned it her- or himself, the fact that she or he did so; and
- (c) a certificate from the person employed or otherwise engaged to clean it certifying that the tank or chamber has been cleaned and stating the manner in which the contents of the tank or chamber were disposed of, or, if she or he cleaned it her- or himself, her or his own certificate to that effect.

63. Mechanical appliances for lifting sewage and sewage pumps

(1) The owner of any premises must obtain the approval of the engineer before installing any mechanical appliance or pump for raising or transferring sewage in terms of the Building Regulations.

(2) An application in terms of subsection (1) shall be submitted by a professional engineer and must be accompanied by drawings prepared in accordance with the relevant provisions of the Building Regulations which must show details of —

- (a) the compartment containing the appliance or pump;
- (b) the sewage storage tank;
- (c) the stilling chamber and their position; and
- (d) the position of the drains, ventilation pipes, rising main and the sewer connection.

(3) Notwithstanding any approval given in terms of subsection (1), the municipality shall not be liable for any injury, loss of, or damage to life or property caused by the use, malfunctioning or any other condition arising from the installation or operation of a mechanical appliance or pump for the raising or transfer of sewage unless the injury or damage be caused by the wrongful intentional or negligent act or negligence of an employee of the municipality.

(4) Every mechanical appliance or pump installed for the raising or transfer of sewage shall be specifically designed for the purpose and shall be fitted with a discharge pipe, sluice valves and non-return valves located in positions approved by the engineer.

(5) Unless otherwise permitted by the engineer, such mechanical appliances or pumps shall be installed in duplicate and each such appliance or pump shall be so controlled that either will immediately begin to function automatically in the event of failure of the other.

(6) Every mechanical appliance or pump forming part of a drainage installation shall be located and operated so as to not cause any nuisance through noise or smell or otherwise, and every compartment containing any such appliance must be effectively ventilated.

(7) The maximum discharge rate from any mechanical appliance or pump, and the times between which the discharge may take place, shall be as determined by the engineer who may, at any time, require the owner to install such fitting and regulating devices as may, in the engineer's opinion, be necessary to ensure that the determined maximum discharge rate shall not be exceeded.

(8) Except where sewage storage space is incorporated as an integral part of a mechanical appliance or pump, a sewage storage tank must be provided in conjunction with such appliance.

(9) Every sewage storage tank required in terms of subsection (8) must—

- (a) be constructed of hard, durable materials and must be watertight and the internal surfaces of the walls and floor must be smooth and impermeable;
- (b) have a storage capacity below the level of the inlet equal to the quantity of sewage discharged there into it in 24 hours or 900 litres, whichever is the greater quantity; and
- (c) be so designed that the maximum of its sewage content shall be emptied at each discharge cycle of the mechanical appliance or pump.

(10) Every storage tank and stilling chamber shall be provided with a ventilation pipe in accordance with the engineer's specifications.

64. Installation of on-site sanitation services

If an agreement for on-site sanitation services in respect of premises has been concluded, or if it is not reasonably possible or cost effective for the municipality to install a connecting sewer, the owner must install sanitation services specified by the municipality on the site, unless the service is a subsidised service that has been determined by the municipality in accordance with the credit control bylaws.

65. Ventilated improved pit latrines

- (1) The municipality may, on such conditions as it may prescribe, having regard to the nature and permeability of the soil, the depth of the water table, the size of, and access to, the site and the availability of a piped water supply, approve the disposal of human excrement by means of a ventilated improved pit latrine.
- (2) A ventilated improved pit latrine must have—
 - (a) a pit of 2 m³ capacity;
 - (b) lining as prescribed by the engineer;
 - (c) a slab designed to support the superimposed loading; and
 - (d) protection preventing children from falling into the pit;
- (3) A ventilated improved pit latrine must conform to the following specifications:
 - (a) the pit must be ventilated by means of a pipe, sealed at the upper end with durable insect proof screening fixed firmly in place;
 - (b) the ventilation pipe must –
 - (i) project not less than 0.5 m above the nearest roof;
 - (ii) be at least 150 mm in diameter; and
 - (iii) be installed vertically with no bend;
 - (c) 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;
 - (d) 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;
 - (e) must be sited in a position that is independent of the dwelling unit in respect of which it is supplied;
 - (f) must be sited in a position that is accessible to road vehicles having a width of 3 m in order to facilitate emptying of the pit;
 - (g) 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; and
 - (h) in situations where the ground in which the pit is to be excavated is unstable, suitable support must be given to prevent the collapse of the soil.

66. Septic tanks and treatment plants

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

67. French drains

- (1) The engineer may, on such conditions as she or he may prescribe having regard to the quantity and the nature of the effluent and the nature of the soil as determined by the permeability test prescribed by the South African Bureau of Standards, approve the disposal of waste-water or other effluent by means of french drains, soakage pits or other approved works.
- (2) A french drain, soakage pit or other similar work shall not be situated closer than 5 m to any dwelling unit or to any boundary of any premises on which it is situated, nor in any such position that will, in the opinion of the engineer, cause contamination of any borehole or other source of water which is, or may be, used for drinking purposes, or cause dampness in any building.
- (3) The dimensions of any french drain, soakage pit or other similar work shall be determined in relation to the absorbent qualities of the soil and the nature and quantity of the effluent.
- (4) French drains serving premises other than a dwelling house must be designed and certified by a professional engineer.

68. Conservancy tanks

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

69. Operation and maintenance of on-site sanitation services

The operation and maintenance of on-site sanitation services and all costs pertaining to it remains the responsibility of the owner of the premises, unless the on-site sanitation services are subsidised services determined in accordance with the credit control bylaws.

70. Disused conservancy and septic tanks

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 either cause it to be completely removed or to be completely filled with earth or other suitable material, provided that the engineer may require a tank to be dealt with in another way, or approve its use for other purposes, subject to any conditions specified by her or him.

71. Approval to discharge industrial effluent

- (1) No person shall discharge or cause or permit industrial effluent to be discharged into the sanitation system except with the approval of the engineer.
- (2) A person must apply for approval to discharge industrial effluent into the sanitation system of the municipality on the prescribed form attached as Schedule B to these by-laws.

- (3) The engineer may, if in her or his opinion the capacity of the sanitation system is sufficient to permit the conveyance and effective treatment and lawful disposal of the industrial effluent, for such period and subject to such conditions she or he may impose, approve the discharge of industrial effluent into the sanitation system.
- (4) Any person who wishes to construct or cause to be constructed, a building which shall be used as a trade premises, must at the time of lodging a building plan in terms of section 4 of the National Building Regulations and Building Standards Act (Act No 103 of 1977), also lodge applications for the provision of sanitation services and for approval to discharge industrial effluent.

72. Withdrawal of approval to discharge industrial effluent

- (1) The engineer may withdraw any approval granted to a commercial customer, who has been authorised to discharge industrial effluent into the sanitation system, upon giving 14 days written notice, if the customer—
 - (a) fails to ensure that the industrial effluent discharged conforms to the industrial effluent standards prescribed in Schedule A or the written permission referred to in section 71;
 - (b) fails or refuses to comply with any notice lawfully served on her or him in terms of these bylaws, or contravenes any provisions of these bylaws or any condition imposed in terms of any permission granted to her or him; or
 - (c) fails to pay the charges in respect of any industrial effluent discharged.
- (2) The engineer may on withdrawal of any approval—
 - (a) in addition to any steps required or permitted by in these bylaws, and on 14 days written notice, authorise the closing or sealing of the connecting sewer of the premises concerned; and
 - (b) refuse to receive any industrial effluent until she or he is satisfied that adequate steps to ensure that the industrial effluent that will be discharged conforms to the standards required by these bylaws.

73. Quality standards for disposal of industrial effluent

- (1) A commercial customer to whom approval has been granted to discharge industrial effluent into the municipality's sanitation system must ensure that no industrial effluent is so discharged unless it complies with the standards and criteria set out in Schedule A.
- (2) The engineer may, in giving its approval, relax or vary the standards in Schedule A, provided that she or he is satisfied that any relaxation represents the best practicable environmental option.
- (3) In determining whether relaxing or varying the standards in Schedule A represents the best practicable environmental option the engineer must consider—
 - (a) whether the customer's undertaking is operated and maintained at optimal levels;
 - (b) whether technology used by the customer represents the best available to the customer's industry and, if not, whether the installation of the best technology would cause the customer unreasonable expense;
 - (c) whether the customer is implementing a programme of waste minimisation that complies with national waste minimisation standards set in accordance with national legislation;
 - (d) the cost to the municipality of granting the relaxation or variation; and
 - (e) the environmental impact or potential impact of the relaxation or variation.
- (4) Test samples may be taken at any time by a qualified sampler to ascertain whether the industrial effluent complies with Schedule A or any other standard determined for granting an approval.

74. Conditions for the discharge of industrial effluent

- (1) The engineer may on granting approval for the discharge of industrial effluent, or at any time that it considers appropriate, by written notice, require a customer to—
 - (a) subject the industrial effluent to such preliminary treatment as in her or his opinion will ensure that the effluent conforms to the standards prescribed in Schedule A before being discharged into the sanitation system;
 - (b) install equalising tanks, valves, pumps, appliances, meters and other equipment which, in her or his opinion, will be necessary to control the rate and time of discharge into the sanitation system in accordance with the conditions she or he imposed;

- (c) install for the conveyance of the effluent into the sanitation system at a given point, a drainage installation separate from the drainage installation for other sewage and may prohibit the customer concerned from disposing of her or his effluent at any other point;
 - (d) construct on any pipe conveying the customer's effluent to any sewer, a service access hole or stop-valve in such position and of such dimensions and materials as she or he may prescribe;
 - (e) provide all information that she or he may require to enable him or her to assess the tariffs or charges due to the municipality;
 - (f) provide adequate facilities including, but not limited to, level or overflow detection devices, standby equipment, overflow catch-pits or other appropriate means of preventing a discharge into the sanitation system in contravention of these bylaws;
 - (g) cause any meter, gauge or other device installed in terms of this section to be calibrated by an independent authority at the cost of the customer at such intervals as she or he may require and to supply copies of the calibration to her or him; and
 - (h) cause industrial effluent to be analyzed as often, and in whatever manner, she or he may determine and provide her or him with the results of these tests when they are completed.
- (2) The cost of any treatment, plant, work or analysis, which a person may be required to carry out, construct or install in terms of subsection (1), shall be borne by the customer concerned.
- (3) The customer must, within twelve hours of the discharge, inform the engineer in writing, setting out the reasons for it, if industrial effluent that neither complies with the standards in Schedule A nor has been approved by the engineer, is discharged into the sanitation system.

75. Acceptance of sewage delivered by road haulage

The engineer may, in her or his discretion, and subject to such conditions as she or he may specify, accept sewage for disposal that is delivered to the municipality's sewage treatment plants by road haulage.

76. Approval for delivery of sewage by road haulage

- (1) No person shall deliver sewage by road haulage in order to discharge it into the municipality's sewage treatment plants except with the approval of the engineer and subject to any conditions, and any times, that she or he may on reasonable grounds impose.
- (2) The engineer shall assess the charges for any sewage delivered for disposal to the municipality's sewage treatment plants in accordance with the prescribed tariffs.

77. Withdrawal of permission for delivery of sewage by road haulage

The engineer may withdraw any approval, given in terms of section 75, after giving at least 14 days written notice of her or his intention to do so, if a person who has been allowed to discharge sewerage by road haulage—

- (a) fails to ensure that the sewage conforms to the standards prescribed either in Schedule A or as a condition of approval; or
- (b) fails or refuses to comply with any notice served on her or him in terms of these bylaws; or
- (c) contravenes any provision of these bylaws or any condition has been imposed on her or him as a condition of approval; and
- (d) fails to pay all the charges applicable to the delivery of sewage.

78. Conditions for delivery of sewage by road haulage

When sewage is to be delivered by road haulage—

- (a) the time and place when delivery is to be made shall be arranged in consultation with the engineer; and
- (b) the engineer must be satisfied before a delivery can take place, that the sewerage is of a nature suitable for road haulage and that the delivery would comply with the provisions of these bylaws.

79. Stables and similar premises

The engineer may approve the connection of a drainage installation to stables, cowsheds, dairies, kennels, other premises for the accommodation of animals, and tanneries, subject to the payment of all applicable charges and the fulfilment of any condition that she or he may impose; but approval may be given only if—

- (a) the floor of the premises is paved by impervious materials that are approved by the engineer 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.

80. Mechanical food-waste or other disposal units

The engineer may approve the connection or incorporation of a mechanical waste food disposal which and any disposal unit or garbage grinder, into a drainage installation that has a capacity in excess of 500W, subject to the payment of all applicable charges and to any condition that she or he may impose, but approval will be given only if—

- (a) she or he installs a water measurement;
- (b) she or he is satisfied that the municipality's sewage treatment system will not be adversely affected; and
- (c) the installation or incorporation is installed in conformity with the municipality's bylaws relating to electricity.

81. Approval of installation work

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

82. Persons permitted to do installation and other work

- (1) No person who is not a plumber, or working under the control of a plumber, shall be permitted to—
 - (a) do installation work other than the replacement or repair of an existing pipe or sanitation fitting;
 - (b) inspect, disinfect and test a drainage installation, fire installation or storage tank;
 - (c) service, repair or replace a back flow preventer; or
 - (d) install, maintain or replace a meter provided by an owner in a drainage installation.
- (2) No person shall require, permit or engage a person who is not a plumber to do the work referred to in subsection (1).
- (3) Notwithstanding the provisions of subsections (1) and (2), the engineer may permit a person, who is not a plumber, to do installation work at her or his own premises if they are occupied by her- or himself or her or his own household, provided that the work must be inspected and approved by a plumber under the direction of, or who has been nominated by, the engineer.

83. Use of pipes and fittings to be authorized

No person shall, without the prior written approval of the engineer, install or use a pipe or fitting in a sewage installation within the municipality unless it bears a certification mark issued by a standard setting body accepted by the engineer.

84. Testing of drainage installations

- (1) No drainage installation, or any part of one, shall be connected to on-site sanitation services nor shall the municipality's sanitation system be connected to an existing approved installation, unless any one or more of the following tests have been applied in the presence, and to the satisfaction, of the engineer before the draining installation has been enclosed:

- (a) the interior of every pipe or series of pipes between two points of access shall be inspected throughout its length by means of a mirror and a source of light and during the inspection, a full circle of light must appear to the observer and the pipe or series of pipes must be seen to be unobstructed;
 - (b) a smooth ball having a diameter 12mm less than the nominal diameter of the pipe shall, when inserted at the higher end of the pipe, roll down without assistance or interruption to the lower end;
 - (c) after all openings to the pipe or series of pipes to be tested, after having been plugged or sealed and after all traps associated with them have been filled with water, air shall be pumped into the pipe or pipes until a manometric pressure of 38mm of water is indicated, after which the pressure must remain greater than 25mm of water for a period of at least 3 (three) minutes without further pumping; and
 - (d) all parts of the installation are subjected to and required to withstand an internally applied hydraulic test pressure of not less than a 3m head of water for a period of not less than 10 minutes.
- (2) If the engineer has reason to believe that any drainage installation or any part of it has become defective, she or he may require the owner of the premises to conduct any or all of the tests prescribed in subsection (1) and, if the installation fails to pass any test, or all the tests, to the satisfaction of the engineer, she or he may by notice require the owner to take all reasonable measures that may be necessary to enable the installation to satisfy any or all of them.

85. Water demand management

- (1) Notwithstanding the provisions of sections 92 and 113, no flushing urinal that is not user-activated shall be installed or continue to operate in any water installation. All flushing urinals that are not user-activated installed prior to the commencement of these bylaws must be converted to user-activated urinals within two years of the commencement of these bylaws.
- (2) No cistern and related pan designed to operate with such cistern, shall be installed with a cistern capacity of greater than 9 litres and all cisterns not intended for public use shall be fitted with flushing devices allowing interruptible or multiple flushes, provided that such flushing device shall not be required in cisterns with a capacity of 4,5 litres or less.

CHAPTER 6: WATER SERVICES INTERMEDIARIES

86. Registration

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

87. Provision of water services

- (1) Water services intermediaries must ensure that water services, including basic services as determined by the municipal council, are provided to such persons it is obliged to provide with water services.
- (2) The quality, quantity and sustainability of water services provided by a water services intermediary must meet any minimum standards prescribed in terms of the Act and must at least be of the same standards as provided by the municipality to customers.

88. Charges for water services provided

- (1) A water services intermediary may not charge for water services at a price which does not comply with any norms and standards prescribed under the Act and any additional norms and standards as may be set by the municipal council.
- (2) A water services intermediary must provide subsidised water services, as determined by the municipal council in terms of the credit control by-laws from time to time, and provided by the municipality to customers at a price that is the same or less than the charges at which the municipality provides such services.

CHAPTER 7: UNAUTHORISED WATER SERVICES

89. Unauthorised services

- (1) No person may gain access to water services except in terms of an agreement entered into with the municipality for the rendering of those services.
- (2) The engineer may, irrespective of any other action it may take against such person in terms of these bylaws, by written notice order a person who is using unauthorised services to—

- (a) apply for such services in terms of section 3; and
- (b) undertake such work as may be necessary to ensure that the customer installation through which access was gained complies with the provisions of these and any other relevant bylaws.

90. Unauthorised connection to infrastructure for the provision of water services

- (1) No person other than the engineer shall –
 - (a) manage, operate or maintain infrastructure through which water services are provided; and
 - (b) effect a connection to infrastructure through which water services are provided.
- (3) The engineer shall recover any costs associated with repairing damage caused as a result of a contravention of subsection (1). The costs recoverable by the municipality is the full cost associated with repairing the damage and includes, but is not restricted to, any exploratory investigation, surveys, plans, specifications, schedules of quantities, supervision, administration charge, the use of tools, the expenditure of labour involved in disturbing or rehabilitation of any part of a street or ground affected by the repairs and the environmental cost.

91. Obstruction of access to infrastructure for the provision of water services

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

92. Waste of water

- (1) No customer shall permit or cause —
 - (a) the purposeless or wasteful discharge of water from terminal water fittings;
 - (b) pipes or water fittings to leak;
 - (c) the use of maladjusted or defective water fittings; or
 - (d) an overflow of water to persist.
- (2) An owner shall repair or replace any part of her or his water and sanitation 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 engineer shall, by written notice, require the owner to comply with the provisions of subsection (1).
- (4) The engineer may, by written notice, prohibit the use by a customer of any equipment in a water or sanitation installation if, in her or his opinion, its use of water is inefficient. Such equipment shall not be returned to use until its efficiency has been restored and the engineer has approved a written application to do so.

93. Unauthorised and illegal discharges

- (1) No person may discharge or cause or permit any sewage to be discharged directly or indirectly into a storm water drain, river, stream or other watercourse, whether natural or artificial.
- (2) The owner or occupier of any premises on which steam or any liquid other than potable water, is stored, processed or generated shall provide all facilities necessary to prevent any discharge or leakage of such liquid to any street, storm water drain or watercourse, whether natural or artificial, except where, in the case of steam, the engineer has approved such discharge.

- (3) Where the hosing down or flushing by rainwater of an open area on any premises is in the opinion of the engineer likely to cause the discharge of objectionable matter into any street, storm water drain, river, stream or other watercourse, whether natural or artificial, or to cause or contribute towards the pollution of any such watercourse, she or he may, by notice, require the owner of the premises to take reasonable measures to prevent or minimise such discharge or pollution.
- (4) No person may discharge or cause or permit the discharge of—
- (a) any substance, including storm water, other than sewage, into a drainage installation;
 - (b) water from any swimming pool directly or indirectly over any road or into a gutter, storm water drain, watercourse, open ground or private premises other than the premises of the owner of such swimming pool;
 - (c) water from artificial fountains, reservoirs or swimming pools situated on premises into a drainage installation, without the approval of the engineer and subject to the payment of relevant charges and such conditions as the engineer may impose;
 - (d) any sewage, industrial effluent or other liquid or substance which—
 - (i) in the opinion of the engineer may be offensive to or may cause a nuisance to the public;
 - (ii) is in the form of steam or vapour or has a temperature exceeding 44° C at the point where it enters the sewer;
 - (iii) has a pH value less than 6.0;
 - (iv) contains any substance of whatsoever nature likely to produce or release explosive, flammable, poisonous or offensive gases or vapours in any sewer;
 - (v) contains any substance having an open flashpoint of less than 93°C or which releases a poisonous vapour at a temperature below 93° C;
 - (vi) contains any material of whatsoever nature, including feathers, skin and other offal, oil, grease, fat or detergents capable of causing obstruction to the flow in sewers or drains or interference with the proper operation of a sewage treatment works;
 - (vii) shows any visible signs of tar or associated products or distillates, bitumen or asphalts;
 - (viii) contains any substance in such concentration to produce an undesirable taste after chlorination or an undesirable odour or colour, or excessive foam;
 - (ix) has either a greater PV or chemical oxygen demand value, a lower pH value, or a higher caustic alkalinity or electrical conductivity than specified in Schedule A, without the prior approval of the engineer and subject to the payment of relevant charges and such conditions as the engineer may impose;
 - (x) contains any substance which in the opinion of the engineer—
 - (aa) cannot be treated at the sewage treatment work to which it could be discharged; or
 - (bb) will negatively affect the treatment processes at the sewage treatment work to which it could be discharged; or
 - (cc) will negatively impact on the ability of the sewage treatment work to produce discharges that meet the waste water discharge standards set in terms of the National Water Act 1998 (Act No 36 of 1998); or
 - (xi) either alone or in combination with other substances may—
 - (aa) generate or constitute a toxic substance dangerous to the health of persons employed at the sewage treatment works or entering the municipality's sewers or manholes in the course of their duties; or
 - (bb) be harmful to sewers, treatment plant or land used for the disposal of treated waste water; or
 - (cc) adversely affect any of the processes whereby sewage is treated or any re-use of sewage effluent.
- (5) No person shall cause or permit the accumulation of grease, oil, fat or solid matter in any drainage installation that will adversely affect its effective functioning
- (6) The engineer shall, notwithstanding any other actions that may be taken in terms of these bylaws, recover from any person who discharges industrial effluent or any substance which is unauthorised or illegal all costs incurred by the municipality as a result of such discharges, including costs that result from—
- (a) injury to persons;
 - (b) damage to the sanitation system; or
 - (c) prosecution in terms of the National Water Act 1998 (Act No 36 of 1998).

94. Illegal re-connection

A customer whose access to water supply services have been restricted or disconnected, shall on written notice be disconnected if she or he –

- (a) reconnects or causes or permits reconnection to such services; or
- (b) interferes or permits or causes interference with infrastructure through which water supply services are provided.

95. Interference with infrastructure

- (1) No person may interfere with infrastructure through which the municipality provides water services.
- (2) If a person contravenes subsection (1), the engineer may—
 - (a) by written notice require such person to cease or rectify the interference at her or his own expense within a specified period; or
 - (b) if she or he is of the opinion that the situation is a matter of urgency, without prior notice prevent or rectify the interference and recover the cost from such person.

96. Pipes in streets or public places

No person shall for the purpose of conveying water or sewage derived from whatever source, lay or construct a pipe or associated component on, in or under a street, public place or other land owned by or under the control of any municipality, except with the prior written permission of the engineer and subject to such conditions as she or he may impose.

97. Use of water from sources other than the water supply system

- (1) No person shall use or permit the use of water obtained from a source other than the water supply system or rain water tanks which are not connected to the water installation, for domestic, commercial or industrial purposes except with the prior approval of the engineer and in accordance with such conditions as she or he may impose.
- (2) Any person desiring the consent referred to in subsection (1) shall provide the engineer with evidence satisfactory to her or him that the water referred to in subsection (1) complies, whether as a result of treatment or otherwise, with the requirements of SANS 241: Drinking Water, 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 the engineer —
 - (a) a condition imposed in terms of subsection (1) is breached; or
 - (b) the water quality no longer conforms to the requirements referred to in subsection (2).
- (4) The engineer may take samples of water obtained from a source, other than the water supply system and cause the samples to be tested for compliance with the requirements referred to in subsection (2).
- (5) The person to whom consent was granted in terms of subsection (1) shall paid the determined charge for the taking and testing of the samples referred to in subsection (4).
- (6) If water obtained from a source of supply other than the municipality's water supply system on any premises is used for a purpose which gives rise to the discharge of such water or a portion thereof into the municipality's sewage system, the engineer may install a measuring device in the pipe leading from such borehole or other source of supply to the point or points where it is so used.
- (7) The provisions of section 20 shall apply insofar as they may be applicable, in respect of the measuring device referred to in subsection (6).

98. Use of on-site sanitation services not connected to the sanitation system

- (1) No person shall use or permit the use of on-site sanitation services not connected to the municipality's sanitation system for domestic, commercial or industrial purposes except with the prior approval of the engineer and in accordance with such conditions as she or he may impose.
- (2) Any person desiring the consent referred to in subsection (1) shall provide the engineer with evidence satisfactory to her or him that the sanitation facility is not likely to have a detrimental effect on health or the environment.
- (3) Any consent given in terms of subsection (1) may be withdrawn if, in the opinion of the engineer—

- (a) a condition imposed in terms of subsection (1) is breached; or
 - (b) the sanitation facility has a detrimental impact on health or the environment.
- (4) The engineer may undertake such investigations as she or he may deem necessary to determine if a sanitation facility has a detrimental impact on health or the environment.
- (5) The person to whom consent was granted in terms of subsection (1) shall be liable for the costs associated with an investigation undertaken in terms of subsection (4).

CHAPTER 8: NOTICES AND DOCUMENTATION

99. Power to serve and compliance with notices

- (1) The engineer may, by written notice, order an owner, customer or any other person who fails, by act or omission, to comply with the provisions of these bylaws, or to fulfil any condition imposed in it, to rectify her or his failure within a period specified in the notice.
- (2) Unless a different period has been prescribed in a particular section, the period specified in a notice shall not be less than thirty days except where a notice is issued in terms of section 18, when the period shall not be less than seven days.
- (3) A notice in terms of subsection (1) must—
- (a) give details of any provision of the bylaws that has not been complied with;
 - (b) give the owner, consumer or other person a reasonable opportunity to make representations and state her or his case, in writing, to the engineer within a specified period, unless the owner, consumer or other person was given such an opportunity before the notice was issued;
 - (c) specify the steps that the owner, consumer or other person must take to rectify the failure to comply;
 - (d) specify the period within which the owner, consumer or other person must take the steps specified to rectify such failure; and
 - (e) indicate that—
 - (i) the municipality may undertake any work that is necessary to rectify a failure to comply with a notice;
 - (ii) the cost to the municipality of rectification may be recovered from the owner, consumer or other person who has failed to comply with it; and
 - (iii) the municipality may take any other action that it considers necessary for ensuring compliance.
- (4) If a person fails to comply with a written notice served on her or him in terms of these bylaws within the specified period, the engineer may take such action that in her or his opinion is necessary to ensure compliance, including—
- (a) undertaking the work necessary and recovering the cost of such action or work from that owner, consumer or other person;
 - (b) restricting or discontinuing the provision of services; and
 - (c) instituting legal proceedings.
- (5) In the event of an emergency the engineer may, without prior notice to anyone, undertake the work required by subsection (3)(e)(i) and recover the costs from a person who, but for the emergency, would have to be notified in terms of subsection (1).
- (6) The costs recoverable by the municipality in terms of subsections (4) and (5) are the full costs associated with that work and includes, but are not restricted to, any exploratory investigation, surveys, plans, specifications, schedules of quantities, supervision, administration charge, the use of tools, the expenditure of labour involved in disturbing or rehabilitation of any part of a street or ground affected by the work and the environmental cost.

100. Signing of notices and documents

A notice or document issued in terms of these bylaws and signed by a staff member of the municipality shall be deemed to have been duly issued and must on its mere production be accepted by a court as prima facie evidence of that fact.

101. Service of notices

- (1) Any notice, order or other document that is served on any person in terms of these bylaws shall if it is served consistent with the provisions of section 115 of the Local Government: Municipal Systems Act be deemed to be properly served.
- (2) Where compliance with a notice is required within a specified number of working days, the period that is required shall commence on the date when the notice is served or when it has first been given in any other way contemplated in these bylaws.

102. Authentication of documents

Every order, notice or other document requiring authentication by the municipality shall be sufficiently authenticated, if it is signed by a staff member of the municipality.

103. Prima facie evidence

In legal proceedings by or on behalf of the municipality, a certificate reflecting an amount of money as being due and payable to the municipality, shall, if it is made under signature of a staff member of the municipality, upon its mere production constitute prima facie evidence of the indebtedness.

CHAPTER 9: APPEALS**104. Appeals against decisions of the municipality**

- (1) A customer may appeal in writing against a decision of, or a notice issued by, the engineer or the municipality in terms of these bylaws in accordance with section 62 of the Local Government: Municipal Systems Act.

CHAPTER 10: OFFENCES**105. Offences**

- (1) Subject to subsection (2), any person who—
- (a) obstructs or hinders the municipality or any official of the municipality in the exercising of her or his powers or performance of her or his functions or the discharge of her or his duties under these bylaws;
 - (b) uses, tampers or interferes with municipal equipment, the water supply system, sanitation system and reticulation network or consumption of services rendered;
 - (c) contravenes or fails to comply with a provision of these bylaws other than a provision relating to payment for municipal services;
 - (d) fails to comply with the terms of a notice served upon her or him in terms of these bylaws; or
 - (e) fails to comply with a restriction imposed in terms of section 17

is guilty of an offence and liable on conviction to a fine or in default of payment to imprisonment for a period not exceeding 6 months and in the case of any continued offence, to a further fine not exceeding R200, or in default of payment, to imprisonment not exceeding one day for every day during the continuance of such offence, after a written notice has been issued by the municipality or the engineer and served on the person concerned requiring the discontinuance of such an offence.

- (2) A peace officer employed by the municipality may issue notice in terms of section 56 of the Criminal Procedure Act 1977 to any person who fails to comply with a restriction imposed in terms of section 17.
- (3) No person shall be liable to imprisonment if she or he is unable to afford to pay a fine, and shall instead be liable to a period of community service.
- (4) Any person committing a breach of the provisions of these bylaws shall be liable to recompense the municipality for any loss or damage suffered or sustained by it in consequence of the breach.

CHAPTER 11: GENERAL PROVISIONS**106. Responsibility for compliance with these bylaws**

- (1) The owner of premises is responsible for ensuring compliance with these bylaws in respect of all or any matters relating to water and the installation and maintenance of sanitation.
- (2) The customer is responsible for compliance with these bylaws in respect of matters relating to the use of any water and the installation and maintenance of sanitation.

107. Provision of information

An owner, occupier, customer or person must provide the municipality with accurate information requested by it and that is reasonably required for the implementation or enforcement of these bylaws.

108. Power of entry and inspection

- (1) Subject to the provisions of section 101 of the Local Government: Municipal Systems Act the authorised officials of the municipality may enter and inspect any premises for any purpose connected with the implementation or enforcement of these bylaws, at all reasonable times, after having given reasonable written notice to the occupier of the premises of the intention to do so.
- (2) Any entry and inspection must be conducted in conformity with the requirements of the Constitution of South Africa 1996 and any other applicable law and, in particular, with strict regard to decency and order, respect for a person's dignity, freedom and security, and personal privacy.
- (3) The person conducting an inspection may be accompanied by an interpreter and any other person reasonably required to assist her or him in conducting such inspection.
- (4) A person representing the municipality must, on request, identify her or him to any person on the premises she or he wishes to enter.

109. Indemnification from liability

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

110. Exemption

- (1) The engineer may, after consultation with the municipal manager, in writing exempt an owner, customer, any other person or category of owners, customers, or other persons from complying with a provision of these bylaws for a specified period, subject to any conditions she or he may impose, if she or he is of the opinion that the application or operation of that provision would be unreasonable, provided that the engineer shall not grant exemption from any section of these bylaws that may result in—
 - (a) the wastage or excessive consumption of water supply services;
 - (b) significant adverse effects to public health, safety or the environment;
 - (c) the non-payment for services;
 - (d) the Act, or any regulations made in terms of it, not being complied with.
- (2) The municipality may at any time after giving written notice of at least thirty days, withdraw any exemption given in terms of subsection (1).

111. Conflict of law

If there is any conflict between these bylaws and any other bylaws of the municipality, these bylaws shall prevail.

112. Transitional arrangements

- (1) Installation work authorised by the municipality prior to the commencement date of these bylaws or authorised installation work in progress on that date shall be deemed to have been authorised in terms of these bylaws and the municipality may, for a period of 90 days after the commencement of these bylaws, authorise installation work in accordance with the bylaws that regulated that work immediately prior to the promulgation of these bylaws.
- (2) Any reference in these bylaws to a charge determined by the municipal council shall be deemed to be a reference to a charge determined by the municipal council under the laws repealed by section 113, until the effective date of any applicable charges that may be determined by the municipal council in terms of these bylaws, the credit control bylaws or the tariff bylaws and any reference to a provision in the laws repealed by section 113 shall be deemed to be a reference to a corresponding provision in these bylaws.
- (3) Any approval, consent or exemption granted under the laws repealed by section 114 shall, save for the provisions of section 110(2), remain valid.
- (4) Except where specifically required in terms of these bylaws, no customer shall be required to comply with these bylaws by altering a water installation or part of it which was installed in conformity with any laws applicable immediately prior to the commencement of these bylaws: provided that if, in the opinion of the engineer, the installation, or part of it, is so defective or in a condition or position that could cause waste or undue consumption of water, pollution of the water supply or a health hazard, the engineer may by notice require the customer to comply with the provisions of these bylaws.

113. Repeal of existing municipal water services by-laws

The provisions of any bylaws relating to water supply and sanitation services by the municipality are hereby repealed insofar as they relate to matters provided for in these bylaws.

114. Short title and commencement

- (1) These by-laws are called the Water Services Bylaws.
- (2) The municipality may, by notice in the *Provincial Gazette*, determine that provisions of these bylaws, listed in the notice, do not apply in certain parts of the municipality from a date specified in the notice.
- (3) Until any notice contemplated in subsection (2) is issued, these bylaws are binding.

SCHEDULE A

LIMITS OF CONCENTRATION OF SUBSTANCES THAT MAY BE DISCHARGED TO THE MUNICIPALITY'S SANITATION SYSTEM

Parameter	Allowed Specification
PV-not exceed	1400 ml/l
Ph within range	6,0 – 10,0
Electrical conductivity— not greater than	500 m S / m at 20 °C
Caustic alkalinity (expressed as CaCO ₃)	2 000 mg / l
Substance not in solution (including fat, oil, grease waxes and like substances)	2 000 mg / l
Substances soluble in petroleum ether	500 mg / l
Sulphides, hydro-sulphides and polysulphides (expressed as S)	50 mg / l
Substances from which hydrogen cyanide can be liberated in the drainage installation, sewer or sewage treatment works (expressed as HCN)	20 mg / l
Formaldehyde (expressed as HCHO)	50 mg / l
Non— organic solids in suspension	100 mg / l
Chemical oxygen demand (CO)	5 000 mg / l
All sugars and / or starch (expressed as glucose)	1 500 mg / l
Available chlorine (expressed as Cl)	100 mg / l
Sulphates (expressed as SO ₄)	1 800 mg / l
Fluorine— containing compounds (expressed as F)	5 mg / l
Anionic surface active agents	500 mg

METALS

Group 1:

Metal	Expressed as
Manganese	Mn
Chromium	Cr
Copper	Cu
Nickel	Ni
Zinc	Zn
Iron	Fe
Silver	Ag
Cobalt	Co
Tungsten	W
Titanium	Ti
Cadmium	Cd

Group 2:

Metal	Expressed as
Lead	Pb
Selenium	Se
Mercury	Hg

OTHER ELEMENTS

Element	Expressed as
Arsenic	As
Boron	B

The total collective concentration of all elements (expressed as indicated above) in any sample of the effluent shall not exceed 20 mg / l.

RADIO-ACTIVE WASTES OR ISOTOPES

Such concentration as may be laid down by the Atomic Energy Board or any National Department: Provided that, notwithstanding the requirements set out in this Part, the municipality reserves the right to limit the total mass of any substance or impurity discharged per 24 hours into the sanitation system from any premises.

METHOD OF TESTING

The method of testing in order to ascertain the concentration of any substance in this Schedule shall be the test normally used by the municipality for these purposes. Any person discharging any substance referred to in this Schedule shall ascertain the details of the appropriate test from the municipality.

SCHEDULE B

APPLICATION FORM FOR THE DISCHARGE OF INDUSTRIAL EFFLUENT TO THE MUNICIPALITY'S SANITATION SYSTEM

(Please complete application in block capitals)

I (name): _____
 the undersigned, duly authorised to set on behalf of _____

(hereinafter referred to as the applicant) hereby apply in terms of the Water Services By-laws of the municipality for approval to discharge industrial effluent into the municipality's sanitation system in accordance with the information provided herein.

PART I

1. Nature of the business or industry concerned:

2. Name or style under which the business or industry is conducted:

3. Postal address of the business or industry:

4. Physical street address:

5. Erf no or Farm: _____ Township or farm: _____

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

7. Is this a new or established business: _____

8. Description of industrial or trade process by which the effluent will be produced:

9. Information relating to employees:

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

PART II

INFORMATION RELATING TO THE CONSUMPTION OF WATER

1. Total number of litres of water consumed in six months:

	Meter No	Meter No	Total
Water purchased from the municipality			
Water from borehole or other source			
Water entering with raw materials			
Section of plant served by meter			
Total A			

2. Water consumption

(1) Industrial kl/Month

- (i) Quantity of water in product
- (ii) Quantity of water lost by evaporation
- (iii) Quantity of water used as boiler make-up
- (iv) Quantity of water for other uses (e.g. cooling, gardens, etc)

TOTAL B _____

(2) Domestic use kl/Month

- (i) Total number of employees (Allow 1 kilolitre/person/month)
- (ii) Total number of employees permanently resident on the premises e.g. hostels (Allow 1 kilolitre/person/month)

TOTAL C _____

3. Effluent discharge into sanitation system

- (1) Metered volume (if known)kl/ Month
- (2) Estimated un-metered volume (see below*)kl/ Month
- (3) Estimated rate of discharge

(4) Period of maximum discharge (e.g. 07:00 to 08:00)

* In the event that no effluent meter is installed on the premises, the estimated volume of un-metered effluent discharge to sewer is calculated as follows:

A – (B + C) =Kilolitre /Month

**PART III
INFORMATION REGARDING THE COMPOSITION OF INDUSTRIAL EFFLUENT**

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

(1) Maximum temperature of effluent	°C
(2) pH value	Ph
(3) Nature and amount of settleable solids	
(4) Organic content (Expressed as chemical oxygen demand)	
(5) Maximum total daily discharge (kilolitres)	kl
(6) Maximum rate of discharge (kilolitres / hr)	kl/h
(7) Periods of maximum discharge, (e.g. 07:00 to 14:00)	

(8) If any of the substances or their salts, specified in the table below, are formed on the premises, a cross must be placed in the space in which the substance appears, and, if possible, the average concentration of this substance likely to be present in any effluent must also be stated.

Elements	Compounds	Other substances			
Arsenic	mg/l	Ammonium	mg/l	Grease and/or oil	mg/l
Boron	mg/l	Nitrate	mg/l	Starch and/or sugars	mg/l
Cadmium	mg/l	Sulphide	mg/l	Synthetic detergents	mg/l
Chromium	mg/l	Sulphate	mg/l	Tar and/or tar oils	mg/l
Cobalt	mg/l	Others (Specify)	mg/l	Volatile solvents	mg/l
Copper	mg/l			Others (Specify)	mg/l
Cyanide	mg/l				
Iron	mg/l				
Lead	mg/l				
Manganese	mg/l				
Mercury	mg/l				
Nickel	mg/l				
Selenium	mg/l				
Tungsten	mg/l				
Titanium	mg/l				
Zinc	mg/l				
Other (Specify)	mg/l				

- (9) Any further information as to kind or character, chemical compositions, concentrations or other properties of or peculiar to the industrial effluent must be furnished on a separate sheet and attached hereto.

PART IV

CONDITIONS RELATING TO THE ACCEPTANCE OF INDUSTRIAL EFFLUENT

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

Thus done at by the applicant this day of20

.....
Signature and capacity of the applicant

SCHEDULE C

FORMULA FOR THE CALCULATION OF EFFLUENT DISCHARGE CHARGES

1. The additional charge for industrial effluent for the disposal of high strength sewage to a waste water treatment plant shall be determined in accordance with the following formula:

Where Tc = Extraordinary treatment cost to consumer
 Qc = Waste water volume discharged by consumer in kl
 t = Unit treatment cost of waste water in R/kl
 CODc = Total COD of waste water discharged by consumer in milligrams/litre and is inclusive of both the biodegradable and non-biodegradable portion of the COD

- CODd = Total COD of domestic waste water in milligrams per litre
 Pc = Ortho-phosphate concentration of waste water discharged by consumer in milligrams phosphorus per litre
 Pd = Ortho-phosphate concentration of domestic waste water in milligrams phosphorus per litre
 Nc = Ammonia concentration of waste water discharged by consumer in milligrams of nitrogen per litre
 Nd = Ammonia concentration of domestic waste water in milligrams of nitrogen per litre
 a = Portion of the costs directly related to COD
 b = Portion of the costs directly related to the removal of phosphates
 c = Portion of the costs directly related to the removal of nitrates

Different terms	Value
T	R0.82/kl
CODd	600 mg/l
	10 mg/l
Nd	25 mg/l
A	0.6
B	0.25
C	0.15

PUBLICATION OF DRAFT BY LAWS FOR COMMENT: STREET TRADING BY-LAWS

Notice is hereby given in accordance with the stipulations of section 12(3) of Local Government Municipal Systems Act, 2000 (Act No. 32 of 2000) that draft Street Trading By-Laws, have been approved by the Moqhaka Local Municipality and is hereby published for community participation and comment.

The draft By-Laws will be available during office hours until 13 November 2009 at the following places:

Libraries: Steynsrus, Matlwangtlwang, Viljoenskroon, Rammulotsi, Kroonstad (Steyns Street), Kroonstad (North Road/Du Toit Street), Maokeng, Brentpark.

Offices: Steynsrus, Matlwangtlwang, Viljoenskroon, Rammulotsi, Kroonstad (Hill Street), Mokeng, Brentpark.

Copies of the By-Laws may also be obtained from the following offices: • **Kroonstad**, 1st Floor, Municipal Offices, Hill Street, (Mr R. Odendaal tel.: 056 – 2169106), • **Viljoenskroon**, Municipal Offices, Deneysen Street, (Mr T Leie Tel.: 056 – 3439424), • **Steynsrus**; Municipal Offices van Riebeeck Street, (Mr F. Brits tel. 056 – 4710006), **Maokeng**, Municipal Offices, Manki Street, (Mr E. Molefe tel. 056 – 2169502)

Members of the community are invited to comment on the proposed draft By-Laws. Written comments must be handed in at the office of Municipal Manager, Municipal Officer, Hill Street, Kroonstad or posted to P.O. Box 302, Kroonstad; 9500. Persons who are not able to read or write and who wish to comment on the draft By-Laws will be assisted by the Deputy Manager: Corporate Services during office hours at the Municipal Offices Hill Street, Kroonstad. Please contact Mr R. Odendaal (Tel.: 056 2169186) to make an appointment in this regard.

Comments must reach the Municipal Manager by not later than 13 November 2009.

Public participation meetings for members of the community on the draft By-Laws will be held as follows:

TOWN	VENUE	DATE	TIME
Steynsrus	Matlwangtlwang	3 November 2009	17:00
Viljoenskroon	Tshepahalo Hall	4 November 2009	17:00
Kroonstad	Allen Rautenbach Hall	10 November 2009	15:00
Maokeng	Constantia Hall	10 November 2009	17:00

**MV DUMA MUNICIPAL MANAGER
NOTICE NO. 42 / 2009**

DRAFT STREET TRADING BY-LAWS

TABLE OF CONTENTS

1. Definitions
2. Exclusions
3. Single act constitutes street trading
4. Reference to legislation includes regulations made thereunder
5. Street Trading, Site, Identity Card and Structure
6. Prohibited conduct
7. Restricted conduct
8. Prohibited goods
9. Cleanliness
10. Signs indicating street trading, sites, restricted and prohibited areas
11. Removal and impoundment
12. Vicarious responsibility of persons carrying on business
13. Short title-

Definitions

1. In these by-laws, unless the context otherwise indicates-
"approval" means approval by the Council and "approved" has a corresponding meaning; "authorized official" means any official of the Council who has been authorised by it to administer, implement and enforce the provisions of these By-laws; "Council" means –
 - (a) The Municipal Council of the Moqhaka Local Municipality in which the executive and legislation authority of the municipality is vested, and which is the decision making body of the municipality, and its delegates;
 - (b) its successor in title; or
 - (c) a structure or person exercising a delegated power or carrying out an instruction, where any power in these by-laws has been delegated or sub-delegated, or an instruction given, as contemplated in section 59 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000);

"Council services" means any system conducted by or on behalf of the municipality, for the collection, conveyance,; treatment or disposal of refuse, sewage, or storm water, or for the generation, impounding, storage or purification, or supply of water, gas or electricity, or municipal services;

"Council service works" means all property or works of whatever nature necessary for or incidental to any Council services;

"foodstuff" means foodstuff as defined in section 1 of the Foodstuff Cosmetics and Disinfectants Act, 1972 (Act No. 5] 1972); and which includes any foodstuff which are prepared elsewhere or at the street trading site and which is sold as meals or snacks but excludes all fresh fruits and vegetables;

"garden or park" means a garden or park; to which the public has a right of access;

"goods" means any movable property and includes a living thing;

"intersection" means an intersection as defined in the regulations promulgated in terms of the National Road Traffic Act, 1996 (Act No. 93 of 1996);

"litter"- includes any receptacle, container or other matter, which has been discarded, abandoned or left behind by a street trader or by his or her customers;

"motor vehicle" means a motor vehicle as defined in section 1 of the National Road Traffic Act, 1996;

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

"property", in relation to a street trader, means any article, container, vehicle or structure used or intended to be used in connection with such business, and includes goods in which he or she trades

"public building" means a building belonging to or occupied solely by the State or the Council "public monument" means any one of the "public monuments and memorials" as defined in the National Heritage Resources Act, 1999 (Act No. 25 of 1999);

"public place" includes any public road, sanitary passage, square or open space shown on a general plan of a township or settlement, filed in any deeds registry or surveyor-general's office, and all land (other than erven shown on the general plan) the control whereof is vested, to the entire exclusion of the owner, in the municipality or to which the owners of erven in the township have a common right, and all property belonging to an organ of state;

"public road" means any road, street, sidewalk, thoroughfare or any other place (whether a thoroughfare or not) which is commonly used by the public or a section thereof or to which the public or any section thereof has a right of access and includes -

- (i) the sidewalk of any such road, street or thoroughfare;
- (ii) any bridge, ferry or drift traversed by any such road, street or thoroughfare, and
- (iii) any other work or object forming part of or connected with or belong to such road, street or thoroughfare;

"sell" includes -

- (a) barter, exchange or hire out;
- (b) display, expose, offer or prepare for sale;
- (c) store on a public road or public place with a view to sell; or
- (d) provide a service for reward; and
- (e) "sale" or "selling" has a corresponding meaning;

"sidewalk" means that portion of a public road intended for the use of pedestrians;

"street furniture" means any furniture installed by the Council on the street for public use which includes facilities pertaining to any sport or for physical exercise and playground equipment;

"street trader" means any person carrying on business, whether as principal, employee or agent, by selling, supplying or offering any goods or the supplying or offering to supply any service for reward, in or from a public road or public place in the municipality;

"street trading" means conducting of the business of a street trader;

"street trading-identity card" means a card; issued by the Council to a street trader, identifying him and the street trading site from where he may conduct street trading including a street trading

identity card in respect of a person assisting the street trader in respect of the site;

"street trading site" means a site in a public (place, determined and approved by the Council, from where street trading may be conducted;

"verge" means a verge as defined in section 1 of the National Road Traffic Act, 1996;

Exclusions

2. These By-laws are not applicable to persons who conduct the businesses of providing access to cell phone from a container provided that the business and site where the container has been placed, has been approved by Council, and car washing on streets.

Single act constitutes street trading

3. For the purpose of these By-laws a single act of selling or offering or rendering of services in a public road or public place shall constitute street trading.

Reference to legislation includes regulations made thereunder

4. For the purpose of these By-Laws a reference to any legislation shall be a reference to that legislation and the regulations promulgated thereunder.

Street-Trading, Site, Identity Card and Structures

5. (a) No person may conduct the business of a street trader without being in possession of a valid street trading identity card issued by the Council which card shall be valid for one year only.
- (b) A person who wants to do street trading, must apply to the Council on a prescribed form for the allocation of a street trading site to him or her.
- (c) On allocation of such a site to the applicant, a street trading identity card will be issued to him or her, after payments of the prescribed fees, as determined by the Council from time to time.
- (d) Such street trading identity card issued by the Council must on demand be provided to an officer or an employee of the municipality.
- (e) Not more than two street trading identity cards may be issued in respect of a site to not more than two assistants of the street trader.
- (f) The Council may reduce, extend and or disestablish any street trading site. At least 30 days written notice will be given to a street trader to vacate a site that will be disestablished.
- (g) The Council may withdraw and cancel a street trading identity card if:
 - (i) a street trader fails to pay any prescribed fees as determined in these by-laws to the Municipality; and
 - (ii) a street trader is found guilty of a contravention of any of these .by-laws,
- (h) The Council may erect structures on street trading sites in the business area, which structures may be leased, to the street trader to whom the site have been allocated in terms of, this section.
A street trader shall on demand, produce a proof of payment of the lease for the structure to an officer or an employee of the municipality,
- (i) The municipality may exempt any person, organization, group or committee from obtaining a street trading identity card for a public event or function and for a specific period. Such exemption must be in writing, and must on demand be provided to an officer or employee of the municipality,
- (j) Street traders who conduct business from an approved and roadworthy food chart may do business from a parking -space only after paying the fees as determined by the Council.

Prohibited conduct

6. (1) Street trading may only be conducted from a street trading site allocated in terms of Section 5 and it is prohibited to sell from any site:
 - (a) in a garden or a park to which the public has a right of access;
 - (b) on a verge contiguous to-
 - (i) a building belonging to, or occupied solely by, the State or the Council;
 - (ii) a church or other place of worship;
 - (iii) a building declared to be a Public monument;
 - (iv) an auto teller bank machine;
 - (c) at a place where it causes an obstruction in front of-
 - (i) a fire hydrant;
 - (ii) an entrance to or exit from a building;
 - (d) at a place where it could obstruct vehicular traffic;
 - (e) at a place where it could substantially obstruct a pedestrian in his or her use of the sidewalk;
 - (f) on that half of a public road contiguous to a building used for residential purposes, if the owner or person in control, or any occupier of that building objects thereto and such objection is made known to the street trader by an authorized official;
 - (g) on a stand, or in any area demarcated by Council in terms of this regulations, if he or she is not in possession of a street trading identity card;
 - (h) within 5 (five) metres of any intersection as defined in Regulation 322 of the National Road Traffic Regulations, Regulation R225 of 17 March 2000; and
 - (i) on a sidewalk contiguous to a building in which business is being carried on, by any person who sells goods of the same or of a similar nature to the goods being sold on such sidewalk by the street trader.
- (2) A person who has rented a stand from, or been allocated a stand by the Council in terms of Section 5(h), may not trade in contravention of the terms and conditions of such lease or allocation.

Restricted conduct

7. A person carrying on the business of a street trade -
 - (a) may not sleep overnight at the place of such business;
 - (b) may not erect any structure for the purpose of providing shelter, other than a device approved by the Council;
 - (c) must ensure that his or her property or area of activity does not cover an area which is greater in extent than six square metres (with a maximum length of three metres) or unless otherwise approved by the Council, and which on any sidewalk leaves an unobstructed space for pedestrian traffic, the length of the property or area of activity, and not less than 1,5 metres wide, measured space, the length of the property or area of activity, and not less than 0,5 metres wide, measured from the kerb of the roadway unless j within a clearly demarcated street trading site

- (d) may not trade on a sidewalk where the width of such sidewalk is less than four metres unless within a clearly demarcated street trading site;
- (e) may not place or stack his or her property in such a manner that it constitutes a danger to any person or property, or is likely to injure any person or cause damage to any person or property;
- (f) may not display his or her goods or other property on or in a building, without the consent of the owner, lawful occupier, or person in control of such building or property
- (g) must on a request by an authorized official of the Council, or supplier of telecommunication or electricity or other Council services, move his or her property so as to permit the carrying out of any work in relation to their service and or Council services;
- (h) may not attach any of his or her property by any means to any building, structure, pavement, tree, parking meter, lamp, pole, electricity pole, telephone booth, post box, traffic sign, bench or any other street furniture;
- (i) may not carry on such business in such a manner as to –
 - (i) create a nuisance;
 - (ii) damage or deface the surface of any public road or public place, or any public or private property; or
 - (iii) create a traffic and/or health hazard, or health risk, or both,
- (j) may not make an open fire on a public road or public place;
- (k) may not interfere with the ability of a person using a sidewalk to view the goods displayed behind a shop display window, or obscure such goods from view;
- (l) may not obstruct access to a pedestrian crossing, a parking or loading bay or other facility for vehicular or pedestrian traffic unless within a street trading site;
- (m) may not obstruct access to, or the use of, street furniture and any other facility designed for the use of the general public;
- (n) may not obscure any road traffic sign displayed in terms of the National Road Traffic Act, 1996, or any parking, notice or sign displayed or made in terms of these Bylaws;
- (o) may not carry on business, or take up a position, or place his or her property, in contravention of a notice or sign erected or displayed by the Council of the purposes of these By-laws;
- (p) may not, other than in a refuse receptacle approved or supplied by the Council, accumulate dump, store or deposit, or cause or permit to be accumulated dumped stored or deposited, any litter on any land premises or any public road or public place or on any public property
- (q) may not place on a public road or public place or within a street trading site, his or her property that is not capable of being easily removed to a storage place away from such public road or public place, at the end of the day's business;
- (r) must on concluding business for the day remove his or her property, except any structure permitted by the Council, to a place which is not part of a public road or public place;
- (s) may not store his or her property in a manhole a storm water drain, public toilet, bus shelter or in a tree, or any other place as determined by Council from time to time.

Prohibited Goods

8. The following goods may not be sold by street traders:-
- (a) live-stock, pets, reptiles, birds, rabbits, wild animals and or poultry except with the prior written approval of the Council;
 - (b) raw meat or raw fish;
 - (c) milk;
 - (d) any form of alcohol or alcohol drinks;
 - (e) vehicles, trailers or caravans;
 - (f) any noxious or smelly substance or article that may cause a nuisance;
 - (g) pesticides, insecticides, poisonous and, or hazardous substance;
 - (h) any counterfeit goods or articles and any goods prohibited by legislation;

Cleanliness

9. A street trader must -
- (a) Keep the area or site occupied by him or her for the purposes of such business in a clean and sanitary condition;
 - (b) Keep his or her property in a clean, sanitary and well maintained condition;
 - (c) Dispose of litter generated by his or her business in whatever receptacle is provided by the Council for the public or at a dumping site of the Council;
 - (d) Not dispose of litter in a manhole, storm water drain or other place not intended for the disposal of litter; -
 - (e) Ensure that on completion of business for the day, the area or site occupied by him or her for the purposes of trade is free of litter;
 - (f) Take such precautions in the course of conducting his or her business as may be necessary to prevent the spilling onto a public road, or public place, or into a storm water drain, of any fat, oil or grease;
 - (g) Ensure that no smoke, fumes or other substance, odours, or noise emanating from his or her activities causes pollution of any kind;
 - (h) On request by an authorized official of the Council, move his or her property so as to permit the cleansing of the space of the area or site where he or she is trading, or the effecting of Council services.

Signs indicating street trading site, and restricted and prohibited areas

10. (a) The Council may, by resolution declare any place in its area of jurisdiction to be a street trading site, and to enable compliance therewith may prescribe or make signs, markings or other devices indicating:-
- (i) specified places, goods or services in respect of which street trading is restricted or prohibited;
 - (ii) the locations of boundaries of restricted or prohibited areas; and
 - (iii) any restriction or prohibition against street trading in terms of these By-laws;
- (b) The Council may display any such sign, marking or device in such a position and manner as will indicate any restriction or prohibition and or the location or boundaries of the area or stand concerned;
- (c) Any sign erected in terms of these By-laws or any other law, shall serve as sufficient notice to a street trader of the prohibition or restriction of the area concerned;
- (d) Any sign may be amended from time to time and displayed by the Council for the purpose of these By-laws.
- (e) Road signs defined in terms of the National Road Traffic Act, 1996 may be used by Council and such sign has the same meaning/instruction as determined in said National Road Traffic Act.

Removal and impoundment

11. (1) An authorized official may remove and impound any property of a street trader-
- (a) which he or she reasonably suspects is being used or which intended to be used or has been used in or in connection with street trading; and
 - (b) which he or she finds at a place where street trading is restricted or prohibited and which, constitutes an infringement of any such restriction or prohibition
- whether or not such property is in possession or under the control of any person at the time of such removal or impoundment.
- (2). Any authorized official acting in terms of subsection 1 above must, except where goods have been left or abandoned, issue to the person carrying on the business of a street trader, a receipt for any property so removed and impounded, which receipt must -
- (i) itemize the property to be removed and impounded;
 - (ii) provide the address where the impounded property will be kept, and the period thereof;
 - (iii) state the conditions of the release of the impounded property;
 - (iv) state the terms and conditions relating to the sale of unclaimed property by public auction; and
 - (v) provide the name and address of a Council officials to whom any representations regarding the impoundment may be made, and the date and time by which this must be done.
- (3) If any property about to be impounded, is attached to any immovable property or a structure, and such property is under the apparent control of a person present thereat, any authorized official of the Council may order such person to remove the property, and if such person refuses or fails to comply, he or she shall be guilty of an offence.
- (4) When any person fails to comply with an order to remove the property referred to in subsection (3), any authorized official of the Council may take such steps as may be necessary to remove such property.

Vicarious responsibility of persons carrying on business

12. (1) When a person who assists a street trader contravenes a provision of these By-laws the street trader shall be deemed to have committed such contravention him or herself unless such employee satisfies the court that -
- (a) he or she neither connived at nor permitted such contravention; and
 - (b) he or she took reasonable steps to prevent such contravention.
- (2) The fact that the employer, issued instructions prohibiting such contravention, shall not in itself constitute sufficient proof of such reasonable steps.

Short title

13. These By-laws are called the Street Trading By-laws, 2007.

STREET TRADER APPLICATION

Note: This form must be duly completed and handed in at the office of the Chief Traffic Officer, Municipal Offices, Maokeng.

PARTICULARS OF APPLICANT

Full names :

Surname :

Marital status (Mark the applicable box with X)

Single []

Married []

Divorced []

Widowed []

ID Number (if RSA Citizen): (Copy must be attached)
 If not RSA Citizen: A copy of the work permit must be attached
 Place of residence :
 Postal address
 Telephone Number :
 (home)
 (work)
 (cell)
 Number of dependants:
 Income per month:
 General allowances; R.....
 Other : R.....
 Are you the owner of the place of residence? Yes No
 Are you currently employed? Yes No
 If yes, where?
 If unemployed, since when? | Was never employed

PARTICULARS OF SITE AND BUSINESS

Note: This application must be in respect of a site identified by the Council where street trading may take place.

Site for which this application is for:

What goods/products/services do you intend to sell or offer:

Particulars of assistants •

Full Names: Sumames:

1.....

2.....

SIGNATURE OF APPLICANT

DATE

NOTICE

PLEASE TAKE NOTE: THAT THE LAST PUBLICATION OF THE PROVINCIAL GAZETTE FOR THE YEAR 2009 WILL BE ON 11 DECEMBER 2009.

THE NEXT PUBLICATION WILL BE ON 08 JANUARY 2010