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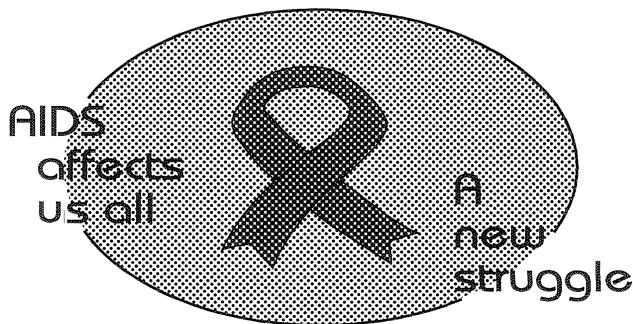
26 KHUBVUMEDZI 2014

No. 2422

Buitengewoon

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LOCAL AUTHORITY NOTICE

LOCAL AUTHORITY NOTICE 149



VHEMBE DISTRICT MUNICIPALITY WATER & SANITATION BY-LAWS

WATER AND SANITATION SERVICES BY-LAWS

(ADOPTED BY RESOLUTION NO 18.30.05.2014 OF THE MUNICIPAL COUNCIL OF VHEMBE DISTRICT MUNICIPALITY)

The Municipal Manager of Vhembe District Municipality hereby, in terms of Section 13(a) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) read together with section 162 & section 156(2) of the Constitution of the Republic of South Africa, publishes the Water and Sanitation By-law for Vhembe District Municipality, as approved by its Council, as set out hereunder.

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CHAPTER 1: DEFINITIONS

1. Definitions

For the purpose of these by-laws, any word or expressions to which a meaning has been assigned in the Water Services Act, 1996 (Act No 108 of 1996), the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000) or the National Building Regulations made in terms of the National Building Regulations and Building Standards Act, 1977 (Act No 103 of 1977) shall bear the same meaning in these by-laws and unless the context indicates otherwise and a word in any one gender shall be read as referring also, to the other two genders—

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

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

“Act” means the Water Services Act, 1997 (Act No 108 of 1997), as amended from time to time;

“agreement” means the contractual relationship between the municipality and a customer, whether written or deemed as provided for in the municipality’s by-laws relating to credit control and debt collection;

“approved” means approved by the municipality in writing;

“area of supply” means any area within or partly within the area of jurisdiction of the municipality to which a water service is are provided;

“authorised agent” means—

- (a) any person authorised by the municipality to perform any act, function or duty in terms of, or to exercise any power under, these by-laws;
- (b) any person to whom the municipality has delegated the performance of certain rights, duties and obligations in respect of providing water supply services; or
- (c) any person appointed by the municipality in a written contract as a service provider for the provision of water services to 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, and is calculated by dividing the total measured consumption of that municipal service by that customer over the preceding three months by three;

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

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

“Building Regulations” means the National Building Regulations made in terms of the National Building Regulations and Building Standards, 1977 (Act No 103 of 1977) as amended;

“charges” means the rate, charge, tariff, flat rate or subsidy determined by the municipal council;

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

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

“commercial customer” means any customer other than domestic consumer and indigent customers, including, without limitation, business, industrial, government and institutional 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 by it for the purpose of conveying sewage from a drainage installation on a premises to a sewer beyond the boundary of those premises or within a servitude area or within an area covered by a way-leave or by agreement;

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

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

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

“customer” means a person with whom the municipality has concluded an agreement for the provision a municipal service as provided for in the municipality’s by-laws relating to credit control and debt collection;

“determined” means determined by the municipality or by any person who makes a

determination in terms of these laws;

“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 the 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 systems;

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

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

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

“engineer” means the engineer of the municipality, or any other person authorised to act on his behalf;

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

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

“estimated consumption” means the 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 are considered relevant by the municipality 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 potable 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 as constituting a traditional 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 for purposes of these by-laws any effluent other than standard domestic effluent or stormwater;

“industrial purposes” in relation to the supply of water means water supplied to any premises which constitutes a factory as defined in the General Administrative Regulations, published in terms of the Occupational Health and Safety Act, 1993 (Act No 85 of 1993);

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

“interest” means interests as may be prescribed by the Minister of Justice in terms of section 1 of the Prescribed Rate of Interest Act, 1975 (Act No 55 of 1975);

“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, of which the ownership vests in the municipality and which is used by it 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 water meter as defined by the regulations published in terms of the Trade Metrology Act, 1973 (Act No 77 of 1973) or, in the case of water meters of a size greater than 100 mm, a device that measures the quantity of water passing through it,

including a pre-paid water meter;

“municipality” means—

- (a) the ... municipality, a local / district municipality established in terms of section 12 of the Structures Act and its successors-in-title; or
- (b) subject to the provisions of any other law and only if expressly or impliedly required or permitted by these by-law the municipal manager in respect of the performance of any function, or the exercise of any duty, obligation, or right in terms of these by-laws or any other law; or
- (c) an authorised agent of the ... municipality;

“municipal council” means a municipal council as referred to in section 157(1) of the Constitution of the Republic of South Africa, 1996;

“municipal manager” means the person appointed by the by the municipal council as the municipal manager of the municipality in terms of section 82 of the Local Government Municipal Structures Act, 1998 (Act No 117 of 1998) and includes any person to whom the municipal manager has delegated a power, function or duty but only in respect of that delegated power, function or duty;

“municipal services” means, for purposes of these by-laws, services provided by a municipality, including refuse removal, water supply, sanitation, electricity services and rates or any one of the above;

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

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

“owner” means—

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

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

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

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

“pollution” means the 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 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, 1927 (Act No 9 of 1927), or in terms of the Deeds Registries Act, 1937 (Act No 47 of 1937);
- (b) a sectional plan registered in terms of the Sectional Titles Act, 1986 (Act No 95 of

1986); or

- (c) a register held by a tribal authority or in accordance with a sworn affidavit made by a tribal authority;

“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;
 - (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” has the same meaning assigned to it in terms of the Act and includes for purposes of these by-laws the disposal of industrial effluent;

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

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

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

“shared consumption” means the consumption by a customer of a municipal service

during a specific period, that is calculated by dividing the total metered consumption of that municipal 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 shall not include stormwater;

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

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

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

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

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

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

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

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

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

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

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

“water supply services” has the same meaning assigned to it in terms of the Act and includes for purposes of these by-laws water for industrial purposes and fire extinguishing services;

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

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

Part 1: Application for water services

2. (1) No person shall gain access to water services from the water supply system, sewage disposal system or through any other sanitation services unless an application to the Water Service Authority, on the prescribed form for such services for a specific purpose has been approved.
- (2) Where a premises or consumer is provided with water services before the existence of these bylaws, it shall be deemed that an agreement in terms of sub-section (1) exists.
- (3) A Water Service Authority must on application for the provision of water services by an applicant provide that applicant with an application form which complies with these by-laws which also sets out the different user sectors of services available and the tariffs and/or charges associated with each category of services.
- (4) An applicant must elect the available user sector and level of services to be determined by the WSA.

-
- (5) A consumer may at any time apply to alter the user sector or level of services elected in terms of the agreement entered into, provided that such services are available and that any costs and expenditure associated with altering the level of services will be payable by the consumer.
- (6) An application agreed to by the Water Service Provider shall constitute an agreement between the Water Service Provider and the applicant, and such agreement shall take effect on the date referred to or stipulated in such agreement.
- (7) A consumer shall be liable for all the prescribed tariffs and / or charges in respect of water services rendered until the agreement has been terminated in accordance with this bylaw or until such time as any arrears have been paid.
- (8) (a) The owner, consumer or any other person making application must ensure that the document and the process of interaction is understood
- (b) In the case of illiterate or similarly disadvantaged persons, the Water Service Authority will take reasonable steps to ensure that the applicant is aware of and understands the contents of the application form.
- (9) An application form will require at least the following minimum information:
- (a) certification by an authorised official that the applicant is aware of and understands the contents of the form;
- (b) acceptance by the consumer of the provisions of this bylaw and acceptance of liability for the cost of water services rendered until the agreement is terminated or until such time as any arrears have been paid;

- (c) Name of consumer;
 - (d) Address or stand number of premises to or on which water services are to be rendered or the communal water services work where water services will be used;
 - (e) Address where accounts will be sent;
 - (f) source of income of the applicant;
 - (g) name and address of the applicant's employer, where appropriate;
 - (h) if water will be supplied, the purpose for which the water is to be used; and
 - (i) the turnaround duration on which the provision of water services will commence.
- (10) Water services rendered to a consumer are subject to the provisions of this bylaw and the conditions contained in the relevant agreement.
- (11) If a Water Service Authority refuses an application for the provision of water services, or is unable to render such water services on the date requested for such provision of water services to commence or is unable to render the water services, the Water Service Authority will inform the consumer of such refusal and/or inability, the reasons and if applicable, when the WSA will be able to provide such water services.

Special agreements for water services

3. The Water Service Authority may enter into a special agreement for water services to

- (a) an applicant inside its area of jurisdiction, if the services applied for necessitates the imposition of conditions not contained in the prescribed form; and

- (b) an applicant outside its area of jurisdiction, if such application has been approved by the Water Service Authority having jurisdiction in the area in which the premises is situated.

Part 2: Tariffs and charges

Prescribed tariffs and charges for water services

4. All tariffs and charges payable in respect of water services rendered by the Water Service Authority in terms of this By-law, including but not limited to the payment of connection charges, fixed charges or any additional charges or interest in respect of failure to pay such tariffs or charges on the specified date will be set by the Vhembe District Municipality, by a resolution passed by the Council in accordance with
- (i) the tariff policy contemplated in section 74 of the Systems Act;
 - (ii) By laws in respect thereof; and
 - (iii) regulations in terms of Section 10 of the Act.

Fixed charges for water services

5. (1) The Vhembe District Municipality may, in addition to the tariffs or charges prescribed for water services actually provided, levy a monthly fixed charge, annual fixed charge or once-off fixed charge in respect of the provision of water services in accordance with –
- (a) the tariff policy;
 - (b) bylaws in respect thereof; and
 - (c) regulations in terms of Section 10 of the Act.
- (2) Where a fixed charge is levied for a supply zone in terms of sub-section (1), it shall be payable by every owner or consumer in respect of water services made available by the Water Service Authority whether or not water services are used.

(3) No person shall –

- (a) Sell any water supplied by the Water Service Authority except as agreed upon in a special agreement provided for in Section 3 (Part 2); or
 - (b) Take away or cause or permit water to be taken away from his premises except as agreed upon in a special agreement provided for in Section 3 (Part 2).
- Part 4: Payment

Payment of deposit

6. (1) Every consumer must on application for the provision of water services and before such water services will be provided by the Water Service Authority deposit a sum of money as determined annually in the schedule of tariffs, with the proviso that the sum of money deposited by a consumer in terms of this subsection can be reviewed and, in accordance with such review an authorised agent / representative may –

- (a) require that an additional amount be deposited by the consumer; or
- (b) refund to the consumer such amount as may be held by the Water Service Authority in excess of the reviewed deposit.

(2) Payment of a deposit is not required in the case of a pre-payment measuring device being used by the Water Service Authority.

(3) The Water Service Authority may require a consumer to whom services are provided and who was not previously required to pay a deposit, for whatever reason, to pay a deposit on request, within a specified period.

(4) Subject to sub-section (5), an amount deposited with the Water Service Authority in terms of sub-sections (1) or (2) shall not be regarded as being payment or part payment of an account due for water services rendered.

- (5) If, upon the termination of the agreement for the provision of water services, an amount remains due to the Water Service Authority in respect of water services rendered to the consumer, the Water Service Authority may apply the deposit as payment or part payment of the outstanding amount and refund any balance to the consumer.
- (6) No interest shall be payable by the Water Service Authority on the amount of a deposit held by it in terms of this section.
- (7) An agreement for the provision of water services may contain a condition that a deposit shall be forfeited to the Water Service Authority if it has not been claimed within twelve months of the termination of the agreement.
- (8) The (Water Service Authority) WSA retains the right to increase the deposit on default of payment as determined annually in the schedule of tariffs.

Payment for water services provided

7. (1) Water services provided by the Water Service Authority to a consumer shall be paid for by the consumer at the prescribed tariff or charge set in accordance with Sections (4) and (5), for the particular category of user sector and water services provided.
- (2) A consumer shall be responsible for payment for all water services provided to the consumer from the date of an agreement until the date of termination thereof.
- (3) The Water Service Authority may estimate the quantity of water services provided in respect of a period or periods within the interval between successive

measurements and may render an account to a consumer for the services so estimated.

(4) If a consumer uses water supply services for a category of use other than that for which it is provided by the Water Service Authority in terms of an agreement and as a consequence is charged at a rate lower than the rate which should have been charged, the Water Service Authority may make an adjustment of the amount charged in accordance with the rate which should have been charged and recover from the consumer the tariffs and charges payable in accordance with such adjustment.

(5) If amendments to the prescribed tariffs or charges for water services provided become operative on a date between measurements for the purpose of rendering an account in respect of the tariffs or charges –

- (a) it shall be deemed that the same quantity of water was provided in each period of twenty-four hours during the interval between the measurements; and
- (b) any fixed charge shall be calculated on a pro rata basis in accordance with the charge that applied immediately before such amendment and such amended charge.

(6) A consumer must pay the account at an approved agent of the Water Service Authority. A consumer shall remain liable for the payment of an account not paid with the Water Service Authority or approved agent.

(7) A Water Service Authority must inform a consumer as to whom the approved agents for payment of accounts are.

Part 3: Accounts

Accounts

8. (1) Monthly accounts will be rendered to consumers for the amount due and payable, at the address last recorded with the Water Service Authority.
- (2) Failure by the Water Service Authority to render an account does not relieve a consumer of the obligation to pay any amount due and payable.
- (3) An account rendered by the Water Service Authority for water services provided to a consumer shall be paid not later than the last date for payment specified in such account, which date will be at least twenty one days after the date of the account.
- (4) If payment of an account is received after the date referred to in Sub-section (3), a charge or interest as may be prescribed must be paid by the consumer to the Water Service Authority.
- (5) Accounts must –
- (a) contain the following information –
 - (i) the consumption or estimated consumption or assumed consumption as determined for the measuring and/or consumption period;
 - (ii) the measuring or consumption period;
 - (iii) the applicable tariff;
 - (iv) the amount due in terms of the consumption;
 - (v) the amount due and payable for any other service rendered by the WSA;
 - (vi) the amount in arrears, if any;
 - (vii) the interest payable on arrears, if any;
 - (viii) the final date for payment;

(ix) the methods, places and approved agents where payment may be made; and

(a) state that –

- (i) the consumer may conclude an agreement with the Water Service Authority for payment of the arrears amount in instalments before the final date for payment, if a consumer is unable to pay the full amount due and payable;
- (ii) if no such agreement is entered into the Water Service Authority will limit the water services after sending a final demand notice to the consumer or cut off any other service/s rendered to the consumer by any other agent/s like ESKOM that is in contractual agreement with the WSA. All the payments to restore such cut off service/s shall be payable to such other agent/s;
- (iii) legal action may be instituted against any consumer for the recovery of any amount 60 (sixty) days or more in arrears;
- (iv) the defaulting consumer's name may be listed with a credit bureau or body as a defaulter;
- (v) the account may be handed over to a debt collector for collection;
- (vi) proof of registration, as an indigent consumer, in terms of the Vhembe District Municipality Indigent policy must be handed in before the final date for payment; and
- (vii) an Indigent consumer is only entitled to basic water services. An Indigent consumer will be liable for payment in respect of water services used in excess of the quantity of basic services.

Queries or complaints in respect of accounts

9. (1) A consumer may lodge a query or complaint in respect of the accuracy of the amount due and payable in terms of an account rendered.
- (2) A query or complaint must be lodged with the Water Service Authority before or on the due date for payment of the account or as soon as reasonably possible there after.
- (3) Where a query or complaint is lodged after the due date of the account queried or complained about, such query or complaint must be accompanied by the payment of at least an amount equal to the average amount that was due and payable during the preceding three months.
- (4) The Water Service Authority will register the query or complaint and provide the consumer with a reference number.

The Water Service Authority shall –

- (a) investigate or cause the query or complaint to be investigated within 14 (fourteen) days after the query or complaint was registered; and
- (b) inform the consumer, in writing, of the finding as soon as possible thereafter.

Appeals against finding of Water Service Provider in respect of queries or complaints

10. (1) A consumer may in writing appeal against a finding of the Water Service Authority as contemplated in Section 9.
- (2) An appeal and request in terms of Sub-section (1) must be made in writing and lodged with the Water Service Authority within 21 (twenty-one) days after the consumer became aware of the finding referred to in Section 9 and must –

- (a) set out the reasons for the appeal;
 - (b) be accompanied by any deposit determined for the testing of a measuring device, if applicable.
- (3) The Water Service Authority may on appeal by a consumer request to pay the full amount due and payable in terms of the account appealed against.
- (4) The consumer is liable for the payment of all other amounts, falling due and payable during the adjudication of the appeal.
- (5) An appeal must be decided by the Water Service Authority within 21 (twenty-one) days after an appeal was lodged and the consumer must be informed of the outcome in writing, as soon as possible thereafter.
- (6) The decision of the Water Service Authority is final and the consumer must pay any amounts due and payable in terms of the decision within 14 (fourteen) days after being informed of the outcome of the appeal.
- (7) The Water Service Authority may condone the late lodging of appeals or other procedural irregularities.
- (8) If it is alleged in an appeal that a measuring device is inaccurate, the device must be subjected to a standard industry test to establish its accuracy. The consumer must be informed of the possible cost implications including the estimated amount of such test, as set out in sub-section (9)(a) below, prior to such test being undertaken.
- (9) If the outcome of any test shows that a measuring device is –
 - (a) within a prescribed range of accuracy, the consumer will be liable

for the costs of such test and any other amounts outstanding. Such costs will be debited against the consumer's account;

- (b) outside a prescribed range of accuracy, the Water Service Authority will be liable for the costs of such test and the consumer must be informed of the amount of any credit entitled to.

(10) The prescribed charge referred to in Sub-Section (2)(b) if applicable may be:

- (a) retained by the Water Service Authority if the measuring device is found not to be defective; or
- (b) be refunded to the applicant if the measuring device is found in terms of those sub-sections to be defective.

(11) A measuring device shall be deemed to be defective if, when tested in accordance with a standard industry test or if the measuring device is a meter, the regulations published under Section 9 of the Act, it does not meet generally accepted specifications or the specifications as set out in the regulations.

(12) In addition to Sub-section (10) the Water Service Authority must if the measuring device is found defective –

- (a) repair the measuring device or install another device which is in good working order, without charge to the consumer, unless the costs thereof are recoverable from the consumer due to a contravention of section 37(6); and
- (c) determine the quantity of water services for which the consumer will be charged in lieu of the quantity measured by the defective measuring device.

- (d) the quantity representing the average monthly consumption of the consumer during the three months preceding the month in respect of which the measurement is disputed and adjusting such quantity in accordance with the degree of error found in the reading of the defective water meter;

Arrears

- 11. (1) If a consumer fails to pay the amounts due and payable on or before the final date for payment, the unpaid amount is in arrears and a final demand notice may be hand delivered or sent per registered mail, to the most recent recorded address of the consumer as soon as possible but not later than 20 (twenty) working days after the final date for payment.
- (2) Failure to deliver or send a final demand notice within 20 (twenty) working days does not relieve a consumer from paying such arrears.
- (3) The final demand notice must contain the following statements –
 - (a) the amount in arrears and any interest payable which must be paid within 14 (fourteen) days from the date of the notice;
 - (b) that the consumer may conclude an agreement with the Water Service Authority for payment of the arrears amount in instalments within 14 (fourteen) days of the date of the final demand notice;
 - (c) that if no such agreement is entered into within the stated period that the water services will be limited and that legal action may be instituted against any consumer for the recovery of any amounts 60 (sixty) days or more in arrears or cut off any other service/s rendered to the consumer by any other agent/s like ESKOM that is in contractual agreement with the WSA. All the payments to restore such cut off service/s shall be payable to such other agent/s;

- (d) that the defaulting consumer's name may be listed with a credit bureau or any other equivalent body as a defaulter;
 - (e) that the account may be handed over to a debt collector for collection;
 - (f) proof of registration, as an Indigent consumer, in terms of the Vhembe District Municipality Indigent policy must be handed in before the final date of the final demand notice;
 - (g) that an Indigent consumer is only entitled to basic water services and will be liable for payment in respect of water services used in excess of the quantity of basic services.
- (4) Interest may be levied by the Water Service Authority on all arrears at a rate prescribed by the Vhembe District Municipality.
- (5) The amount due and payable by a consumer constitutes a consolidated debt, payment made by a consumer of an amount less than the total amount due, will be allocated in reduction of the consolidated debt in the following order :
- (a) Towards payment of the current account;
 - (b) towards payment of arrears; and
 - (c) towards payment of interest.
- (6) The Water Service Authority will, as soon as possible after the expiry of the 14 (fourteen) day period allowed for payment in terms of the final demand notice –
- (a) limit the provision of water services to the defaulter or cut off any other service/s rendered to the consumer by any other agent/s like ESKOM that is in contractual agreement with the WSA and
 - (b) hand deliver or send, per registered mail, to the last recorded

address of the consumer a discontinuation notice informing that the provision of water services will be disconnected within 14 (fourteen) days of the date of the discontinuation notice if –

- (i) no payment was received within the allowed period;
- (ii) no agreement was entered into for the payment of arrears in instalments;
- (iii) no proof of registration as Indigent was handed in within the 14 (fourteen) day period allowed; or
- (iv) no payment was received in accordance with an agreement for payment of the arrears.

(7) A discontinuation notice must contain:

- (a) the amount in arrears and any interest payable;
- (b) a statement that the consumer may conclude an agreement with the Water Service Authority for payment of the arrears amount in instalments, within 14 (fourteen) days of the date of the discontinuation notice;
- (c) that if no such agreement is entered into within the stated period, the Water Service Provider may discontinue the provision of water services with immediate effect, notwithstanding any legal action instituted or in the process of being instituted against the consumer for the recovery of the arrear amounts; and
- (d) proof of registration, as an Indigent consumer, in terms of the Vhembe District Municipality's Indigent policy must be handed in within 14 (fourteen) days of the date of the discontinuation notice.

- (8) The Water Service Authority may, after the expiry of the 14 (fourteen) day period allowed for payment in terms of the discontinuation notice, discontinue water services to the defaulting consumer, if –
- (a) no payment was received within the allowed period;
 - (b) no agreement was entered into for the payment of arrears in instalments;
 - (c) no proof of registration as Indigent was furnished within the 14 (fourteen) day period allowed; or
 - (d) no payment was received in accordance with an agreement for payment of arrears.
- (9) Where an account rendered to a consumer remains outstanding for more than 60 (sixty) days –
- (a) the defaulting consumers name may be listed with a credit bureau or any other equivalent body as a defaulter, provided that the agreement for the provision of water services provided therefore; and
 - (b) may be handed over to a debt collector or an attorney for collection.
- (10) A consumer will be liable for any administration fees, costs incurred in taking action for the recovery of arrears and any penalties, including the payment of a higher deposit.
- (11) Where a body corporate is responsible for the payment of any arrears amount to the Water Service Authority in respect of a sectional title development the liability of the body corporate shall be extended to the members thereof, jointly and severally.
- (12) No action taken in terms of this section due to non-payment will be suspended or withdrawn, unless the arrears, any interest thereon, administration fees,

additional charges, costs incurred in taking relevant action and any penalties, including the payment of a higher deposit payable, are paid in full.

(13) The Water Service Authority will not be liable for any loss or damage suffered by a consumer due to the water services being disconnected.

(14) An agreement for payment of the arrears amount in instalments, entered into after the water services was discontinued, will not result in the water services being restored until the arrears, any interest thereon, administration fees, costs incurred in taking relevant action and any penalties, including payment of a higher deposit, are paid in

Agreement for the payment of arrears in instalments

12. (1) Only a consumer with positive proof of identity or a person authorised, in writing, by that consumer, will be allowed to enter into an agreement for the payment of arrears in instalments.

(2) The amount due and payable by a consumer constitutes a consolidated debt, and any payment made by a consumer of an amount less than the total amount due, will be allocated in reduction of the consolidated debt in the following order –

(a) towards payment of the current account;

(b) towards payment of arrears;

(c) towards payment of interest; and.

(d) towards costs incurred in taking relevant action to collect amounts due and payable.

(3) A consumer may be required to complete a debit order for the payment of arrears.

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- (4) No agreement for the payment of arrears will be longer than twenty-four months, unless the circumstances referred to in Sub-section (5) prevail.
- (5) The Water Service Authority may, on an individual basis, allow a longer period than twenty-four months for the payment of arrears if special circumstances prevail that in the opinion of the Water Service Authority warrants such an extension and which the consumer reasonably could not prevent or avoid. Documentary proof of any special circumstances must be furnished by the consumer on request by the Water Service Authority.
- (6) The Water Service Authority may, in exercising discretion under Sub-section (5) have regard to a consumer's-
- (a) credit record;
 - (b) consumption;
 - (c) level of service;
 - (d) previous breaches of agreements for the payment of arrears in instalments; and
 - (e) any other relevant factors.
- (7) A copy of the agreement will, on request, be made available to the consumer.
- (8) If a consumer fails to comply with an agreement for the payment of arrears in instalments, the total of all outstanding amounts, including the arrears, any interest thereon, administration fees, costs incurred in taking relevant action, and penalties, including payment of a higher deposit, will be immediately due and payable, without further notice or correspondence.
- (9) If a consumer fails to comply with an agreement for the payment of arrears in instalments entered into after receipt of a discontinuation notice, access to services may be discontinued without further notice or correspondence in

addition to any other actions taken against or that may be taken against such a consumer.

- (10) No consumer will be allowed to enter into an agreement for the payment of arrears in instalments where that consumer failed to honour a previous agreement for the payment of arrears in instalments, entered into after the receipt of a discontinuation notice.

Part 4: Termination, limitation and discontinuation of water services

Termination of agreement for the provision of water services

13. (1) A consumer may terminate an agreement for the provision of water services by giving to the Water Service Authority not less than thirty days' notice in writing of the intention to do so.
- (2) The Water Service Authority may, by notice in writing of not less than thirty days, advise a consumer of the termination of the agreement for the provision of water services if –
- (a) no water services was used during the preceding six months and no arrangements were made to the satisfaction of the Water Service Authority for the continuation of the agreement;
 - (b) the consumer failed to comply with the provisions of this bylaw and has failed to rectify such failure to comply on notice in terms of Section (23) or to pay any tariffs or charges due and payable after the procedure set out in Section 11 (1) was applied;
 - (c) in terms of an arrangement made by it with another water services institution to provide water services to the consumer .

- (3) The Water Service Authority may, after having given notice, terminate an agreement for services if a customer has vacated the premises to which such agreement relates.

Limitation and or discontinuation of water services provided

14. (1) The Water Service Authority may, subject to section 4[3] of the Water Services Act, 1997, limit or discontinue water services provided in terms of these bylaws

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- (a) on failure to pay the prescribed tariffs or charges on the date specified, after the provisions of Section (11) were applied;
 - (b) on failure to comply with any other provisions of this bylaw, after notice in terms of Section (23) was given;
 - (c) at the written request of a consumer;
 - (d) if the agreement for the provision of services has been terminated in terms of Section (13) and it has not received an application for subsequent services to the premises within a period of 90 (ninety) days of such termination;
 - (e) the building on the premises to which services were provided has been demolished;
 - (f) if the consumer has interfered with a limited or discontinued service; or
 - (g) in an emergency.
- (2) The Water Service Authority will not be liable for any damages or claims that may arise from the limitation or discontinuation of water services provided in terms of Sub-section (1).

Restoration of water services

15. When a consumer enters into an agreement for the payment of the arrears amount in instalments after the receipt of a final demand notice or a discontinuation notice the water services will be restored to the type of service the consumer elected in terms of the agreement for the provision of water services, within 7 (seven) working days.

Part 5: General provisions

Responsibility for compliance with these bylaws

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

Exemption

17. (1) The Water Service Authority may, in writing exempt an owner, consumer, any other person or category of owners, consumers or other persons from complying with a provision of these bylaws, subject to any conditions it may impose, if it is of the opinion that the application or operation of that provision would be unreasonable, provided that the Water Service Authority shall not grant exemption from any section of these bylaws that may result in –
- (a) the wastage or excessive consumption of water;
 - (b) the evasion or avoidance of water restrictions;
 - (c) significant negative effects on public health, safety or the environment;
 - (d) the non-payment for services;

- (e) the installation of pipes and fittings which are not approved in terms of these bylaws; and
 - (f) the Act, or any regulations made in terms thereof, is not complied with.
- (2) The Water Service Authority may at any time after giving written notice of at least thirty days, withdraw any exemption given in terms of sub-section (1).

Unauthorised use of water services

18. (1) No person may gain access to water services from the water supply system, sewage disposal system or any other sanitation services unless an agreement has been entered into with the Water Service Authority for the rendering of those services.
- (2) The Water Service Authority may, irrespective of any other action it may take against such person in terms of this bylaws, by written notice order a person who has gained access to water services from the water supply system, sewage disposal system or any other sanitation services without an agreement with the Water Service Provider for the rendering of those services,
- a) to apply for such services in terms of Sections 2 or 3; and
 - b) to undertake such work as may be necessary to ensure that the consumer installation through which access was gained complies with the provisions of this bylaw.
- (3) The provisions of Section 23 shall apply to a notice in terms of Sub-section (2) above.
- (4) (a) Where the Water Service Authority is the provider of water for domestic use, no person shall be allowed to construct any works or make use of any source

of water supply, from or to any premises, other than the water services provided by the Water Service Authority, except as agreed upon in a special agreement provided for in Section 3 (Part 2).

- (b) In all cases where the Water Service Authority is unable to provide sufficient supply of water to any premises, permission shall be granted, and a special agreement entered into as provided in Section 3 (Part 2), subject to the provisions of this by-law and any other regulations applicable to the provision of water.

Change in purpose for which water services are used

19. Where the purpose for which water services are used, charges, the consumer must enter into a new agreement with the Water Service Authority

Interference with water supply system or any sanitation services

20. (1) No person other than the Water Service Authority shall manage, operate or maintain the water supply system or any sanitation system unless authorised by these bylaws
- (2) No person other than the Water Service Authority shall effect a connection to the water supply system or sewage disposal system or render any other sanitation services. An appropriate charge (to be determined by WSA tariffs) shall be laid to the culprit if found guilty.

Obstruction of access to water supply system or any sanitation services

21. (1) No person shall prevent or restrict physical access to the water supply system or sewage disposal system.

- (2) If a person contravenes Sub-section (1), the Water Service Authority may –
- (a) by written notice require such person to restore access at his or her own expense within a specified period; or
 - (b) if it is of the opinion that the situation is a matter of urgency, without prior notice restore access and recover the cost from such person.

Notices and documents

22. (1) A notice or document issued by the Water Service Authority in terms of this bylaw must be deemed to be duly authorised if the authorised agent signs it.

(2) If a notice or document is to be served on an owner, consumer or any other person in terms of this by-law such service shall be effected by –

- (a) delivering it to him or her personally or to his or her duly authorised agent;
- (b) delivering it at his or her residence, village or place of business or employment to a person not less than sixteen years of age and apparently residing or employed there;
- (c) if he or she has nominated an address for legal purposes, delivering it to such an address;
- (d) if he or she has not nominated an address for legal purposes, delivering it to the address given by him or her in his or her application for the provision of water services, for the reception of an account for the provision of water services;
- (e) sending by pre-paid registered or certified post addressed to his or her last known address;
- (f) in the case of a legal person, by delivering it at the registered office or business premises of such legal person; or

- (g) a service cannot be effected in terms of Sub-sections (a) to (f), by affixing it to a principal door of entry to the premises concerned.
- (3) In the case where compliance with a notice is required within a specified number of working days, such period shall be deemed to commence on the date of delivery or sending of such notice.

Power to serve and compliance with notices

23. (1) The Water Service Authority may by written notice, order an owner, consumer or any other person who fails, by act or omission, to comply with the provisions of this by-law or of any condition imposed there under to remedy such breach within a period specified in the notice, which period shall not be less than thirty days.
- (2) If a person fails to comply with a written notice served on him or her by the Water Service Authority in terms of this by-law within the specified period, it may take such action that in its opinion is necessary to ensure compliance, including:
- (a) Undertaking the work necessary itself and recovering the cost of such action or work from that owner, consumer or other person;
 - (b) Limiting or discontinuing the provision of services; and
 - (c) Instituting legal proceedings.
- (3) A notice in terms of Sub-section (1) will –
- (a) Give details of the provision of the by-law not complied with;
 - (b) Give the owner, consumer or other person a reasonable opportunity to make representations and state his or her case, in writing, to the Water

Service Provider within a specified period, unless the owner, consumer or other person was given such 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 the Water Service Authority–
 - (i) May undertake such work necessary to rectify the failure to comply if the notice is not complied with and that any costs associated with such work may be recovered from the owner, consumer or other person, and
 - (ii) May take any other action if deems necessary to ensure compliance.
- (4) In the event of any emergency the Water Service Authority may without prior notice undertake the work required by Sub-section (3)(e)(i) and recover the costs from such person.
- (5) The costs recoverable by the Water Service Authority in terms of Sub-section (3) and (4) is the full cost associated with that work and includes, but is not limited to, any exploratory investigation, surveys, plans, specifications, schedules of quantities, supervision, administration charge, the use of tools, the expenditure of labour involved in disturbing or rehabilitation of any part of a street or ground affected by the work and the environmental cost.

Power of entry and inspection

24. (1) In terms of section 101 of the Local Government: Municipal Systems Act No. 32 of 2000, an authorised representation of a Water Service Authority may enter and inspect any –premises –

- (a) for the purposes set out in and in accordance with the provisions of section 80 of the Act;
- (b) for any purpose connected with the implementation or enforcement of this bylaw, at all reasonable times, after having given reasonable written notice of the intention to do so, unless it is an emergency situation.

False statements or information

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

Offences

26. (1) A person who –

- (a) unlawfully and intentionally or negligently interfere with any water services works of the Vhembe District Municipality;
- (b) fails to provide information or provide false information reasonably requested by the Water Service Authority;
- (c) fails or refuses to give access required by a Water Service Authority in terms of Section 24;
- (d) obstructs or hinders a Water Service Authority in the exercise of his or her powers or performance of his or her functions or duties under this by-law;
- (e) contravenes or fails to comply with a provision of this by-law;

- (f) contravenes or fails to comply with a condition or prohibition imposed in terms of this by-law;
- (g) contravenes or fails to comply with any conditions imposed upon the granting of any application, consent, approval, concession, exemption or authority in terms of this bylaw; or
- (h) fails to comply with the terms of a notice served upon him or her in terms of this by-law;

shall be guilty of an offence and liable on conviction to a fine not exceeding R2 000, 00 or in default on payment, to imprisonment for a period not exceeding 4 months and in the event of a continued offence to a further fine not exceeding R1 000, 00 for every day during the continuance of such offence after a written notice from the Water Service Authority has been issued, and in the event of a second offence to a fine not exceeding R4 000, 00 or, in default on payment to imprisonment for a period not exceeding 8 months.

Availability of bylaw

27. (1) A copy of this by-law shall be available for inspection at the Vhembe District Municipal offices and at the offices of the Local Municipalities at all reasonable times or website www.vhembe.gov.za

(2) A copy of the bylaws may be obtained against payment of the amount determined by the VDM, Local municipalities for the making available of such copies.

CHAPTER II: Water supply services

Part 1: Connection to Water Supply System

Provision of connection pipe

28. (1) If an agreement for water supply services in respect of premises has been concluded and no connection pipe exists in respect of the premises, the owner shall make application on the prescribed form and pay the prescribed 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, the Water Service Authority may agree to the extension of the supply services subject to such conditions as it may impose.

Location of connection pipe

29. (1) A connection pipe provided and installed by the Water Service Authority shall
- (a) be located in a position agreed to between the owner and the Water Service Authority and be of a suitable size as determined by the Water Service Authority;
 - (b) terminate at –
 - (i) the boundary of the land owned by or vested in the Local Municipality , or over which it has a servitude or other right; or
 - (ii) at the outlet of the, water meter if it is situated on the premises; or
 - (iii) the isolating valve if it is situated on the premises.

- (2) In reaching agreement with an owner concerning the location of a connection pipe, the Water Service Authority shall ensure that the owner is aware of
- (a) practical restrictions that may exist regarding the location of a connection pipe;
 - (b) the cost implications of the various possible locations of the connection pipe;
 - (c) whether or not the Water Service Authority requires the owner to indicate the location of the connection pipe by providing a portion of the water installation at or outside the boundary of the premises, or such agreed position inside or outside the premises where the connection is required, for the Water Service Authority to connect to such installation.
- (3) A Water Service Authority may at the request of any person agree, subject to such conditions as he or she 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 any extension of the water installation to the connecting point designated by the Water Service Authority and for obtaining at his or her cost, such servitudes over other premises as may be necessary .
- (4) An owner must pay the prescribed connection charge.

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

30. (1) Notwithstanding the provisions of section 29 only one connection pipe to the water supply system may be provided for the supply of water to more than one premises, irrespective of the number of accommodation units, business units or consumers located on such premises and it will be categorised as a supply zone.

- (2) Where the owner, or the person in charge of the management of the supply zone, requires the supply of water to such premises for the supply to different accommodation units, the Water Service Authority may, in its discretion provide and install either –
- (a) a single measuring device in respect of the premises as a whole or any number of such accommodation units; or
 - (b) a separate measuring device for each accommodation unit or any number thereof.
- (3) Where the Water Service Authority has installed a single measuring device as contemplated in Subsection (2)(a), the owner or the person in charge of the management of the supply zone, as the case may be,
- (a) must, if the Water Service Authority so requires, install and maintain on each branch pipe extending from the connection pipe to the different accommodation units –
 - (i) a separate measuring device; and
 - (iii) an isolating valve; and
 - (b) will be liable to the Water Service Authority for the tariffs and charges for all water supplied to the supply zone through such a single measuring device, irrespective of the different quantities consumed by the different consumers served by such measuring device.
- (4) Notwithstanding Sub-section (1), the Water Service Authority may authorises that more than one connection pipe be provided on the water supply system for the supply of water to any premises comprising of sectional title units if, in the opinion of the Water Service Authority, undue hardship or inconvenience would be caused to any consumer on such premises by the provision of only one connection pipe.

- (5) Where the provision of more than one connection pipe is authorised by the Water Service Authority under sub-section (4), the tariffs and charges for the provision of a connection pipe is payable in respect of each water connection so provided.

Interconnection between premises or water installations

31. An owner of premises shall ensure that no interconnection exists between –

- (a) the water installation on the premises and the water installation on
- (b) other premises; or
- (c) where several accommodation units are situated on the same premises, the water installations of the accommodation units;

unless prior written consent has been obtained from the Water services Authority and complies with any conditions that may have been imposed.

Disconnection of water installation from connection pipe

32. The Water Service Authority may disconnect a water installation from the connection pipe and remove the connection pipe if –

- (a) the agreement for supply has been terminated in terms of Section 13 and it has not received an application for a subsequent supply of water to the premises served by the pipe within a period of 90 days of such termination; or
- (b) the building on the premises concerned has been demolished.

Part 2: Communal water services works

Provision of water services to several consumers

33. A Water Service Authority may install a communal water services work for the provision of water services to several consumers at a location it deems appropriate, provided that the consumers to whom water services will be provided through that water services work have been consulted in respect of:

- (a) the level of service;
- (b) tariff that will be payable;
- (c) and location of the work.

Part 3: Temporary supply

Water supplied from a hydrant

34. (1) The Water Service Authority may authorise a temporary supply of water to be taken from one or more fire hydrants specified by it, subject to such conditions and period as may be prescribed by it.
- (2) A person who desires a temporary supply of water referred to in subsection (1) must apply for such water services in terms of Section (2).
- (3) The supply of water in terms of Sub-Section (1) must be measured.
- (4) The Water Service Authority may for purposes of measuring provide a portable water meter to be returned to the Water Service Authority on termination of the temporary supply, which portable meter and all other fittings and apparatus used for the connection of the portable water meter to a hydrant, shall remain the property of the Water Service Authority and will be provided subject any conditions imposed by the municipality or its authorised agent.

Part 4: Standards and general conditions of supply

Quantity, quality and pressure

35. Water supply services provided by the Water Service Authority will comply with the minimum standards set for the provision of water supply services in terms of Section 9 of the Act.

General conditions of supply

36. (1) The Water Service Authority may specify the maximum height to which water will be supplied from the water supply system. Where a consumer requires water to be supplied at a greater height or pressure the consumer will be responsible therefore.

(2) The Water Service Authority may, in an emergency, interrupt the supply of water to any premises without prior notice.

(3) If in the opinion of the Water Service Authority the consumption of water by a consumer adversely affects the supply of water to another consumer, it may apply such restrictions as it may deem fit to the supply of water to the first mentioned consumer in order to ensure a reasonable supply of water to the other consumer and will inform that consumer of such restrictions.

Part 5: Measurement of water supply services

Measuring of quantity of water supplied

37. (1) The Water Service Authority will measure the quantity of water supplied at regular intervals.

- (2) Any measuring device/ apparatus through which water is supplied to a consumer by the Water Service Authority shall be provided and installed by it and shall remain its property, and may be changed and maintained by the Water Service Authority when deemed necessary .
- (3) The Water Service Authority may install a measuring device, and its associated apparatus, on premises at any point on the service pipe.
- (4) If the Water Service Authority installs a measuring device on a service pipe in terms of Sub-section (3), it may be installed between the end of its connection pipe and the meter, and such section shall be deemed to form part of the water supply system.
- (5) If the Water Service Authority installs a measuring device together with its associated apparatus on a service pipe in terms of sub- section (3), the owner shall
- (a) provide a place satisfactory to the Water Service Authority in which to install it;
 - (b) ensure that unrestricted access is available to it at all times;
 - (c) be responsible for its protection and be liable for the costs arising from damage thereto, excluding damage arising from normal fair wear and tear;
 - (d) ensure that no connection is made to the pipe in which the measuring device is installed, between the measuring device and the connection pipe serving the installation; and
 - (e) make provision for the drainage of water which may be discharged from the pipe in which the measuring device is installed, in the course of work done by the Water Service Authority on the measuring device.
- (6) No unauthorised person shall –

- (a) disconnect a measuring device and its associated apparatus from the pipe in which they are installed;
 - (b) break a seal which the Water Service Authority has placed on a meter; or
 - (c) in any other way interfere with a measuring device and its associated apparatus.
- (7) If the Water Service Authority considers that, in the event of the measuring device being a meter of unsuitable size by reason of the quantity of water supplied to the premises, it may install a meter of such size as it may deem necessary, and may recover from the owner of the premises concerned the prescribed charge for the installation of the meter.
- (8) The Water Service Authority may require the installation at the owner's expense, of a measuring device to each dwelling unit, in separate occupancy, on any premises, for use in determining quantity of water supplied to each such unit; provided that where fixed quantity water delivery systems are used, a single measuring device may be used to supply more than one unit.

Quantity of water supplied to consumer

38. (1) For purposes of assessing the quantity of water measured by a measuring device installed by the Water Service Authority on the premises of a consumer or, where applicable, estimated or determined by the Water Service Authority in terms of any provision of this by-law, it will, for the purposes of this by-law be deemed, unless the contrary can be proved, that:
- (a) the quantity is represented by the difference between measurements taken at the beginning and end of such period;
 - (b) the measuring device was accurate during such period;

- (c) the entries in the records of the Water Service Authority were correctly made; and
 - (d) provided that if water is supplied to, or taken by, a consumer without its passing through a measuring device, the estimate by the Water Service Authority of the quantity of such water shall be deemed to be correct.
- (2) Where water supplied by the Water Service Authority to any premises is in any way taken by the consumer without such water passing through any measuring device provided by the Water Service Authority may for the purpose of rendering an account estimate, in accordance with Sub-section (3), the quantity of water supplied to the consumer during the period from the last previous reading of the water meter until the date it is discovered that water is so taken by the consumer.
- (3) For the purposes of Sub-section (2), an estimate of the quantity of water supplied to a consumer shall be based on, as the Water Service Authority may decide –
 - (a) the average monthly consumption of water on the premises during any three consecutive measuring periods during the 12 (twelve) months period prior to the date on which the taking of water in the manner mentioned in sub-section (2) was discovered; or
 - (b) the average monthly consumption on the premises registered over 3 (three) succeeding measuring periods after the date referred to in sub-section (3)(a).
- (4) Nothing in these regulations shall be construed as imposing on the Water Service Authority an obligation to cause any measuring device installed by the Water Service Authority on any premises to be measured at the end of every month or any other fixed period, and the Water Service Authority may estimate the

quantity of water supplied over any period during the interval between successive measurements of the measuring device and render an account to a consumer for the quantity of water so estimated.

- (5) The Water Service Authority must, on receipt from the consumer of written notice of not less than 7 (seven) days and subject to payment of the prescribed charge, measure the quantity of water supplied to the consumer at a time or on a day other than that upon which it would normally be measured.
- (6) If a contravention of Sub-section 37(6) occurs, the consumer shall pay to the Water Service Authority the cost of such quantity of water as determined in terms of the provisions of this bylaw.
- (7) Until such time a measuring device has been installed in respect of water supplied to a consumer the estimated or assumed consumption of that consumer must be based on the average consumption of water supplied to the specific supply zone within which the consumer's premises is situated, during a specific period.
- (8) Where in the opinion of the Water Service Authority it is not reasonably possible or cost effective to measure water supplied to each consumer within a determined supply zone, the Water Service Authority may determine a basic tariff or charge to be paid by each consumer within that supply zone irrespective of *actual* consumption.
- (9) A tariff or charge determined in terms of sub-section (8) will be based on the estimated consumption of water supplied to that zone.

- (10) Where water supply services are provided through a communal water services work the amount due and payable by consumers gaining access to water supply services through that communal water services work must be based on the estimated average consumption of water supplied to that water services work.

Defective measurement

39. (1) If a consumer has reason to believe that a measuring device, used for measuring water, which was supplied to him or her by the Water Service Authority is defective he or she may, against payment of the prescribed charge, make application in writing for the measuring device to be tested.

- (2) The provisions of Sections 10(8) to 10(12) will apply to such an application.

Special measurement

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

- (2) The installation of a measuring device referred to in Sub-section (1), the removal, and the restoration of the water installation after such removal shall be carried out at the expense of the Water Service Authority.

- (3) The provisions of sections 37(5) and 37(6) shall apply insofar as they may be applicable in respect of a measuring device installed in terms of Sub-section (1).

No reduction of amount payable *for* water wasted

41. A consumer shall not be entitled to a reduction of the amount payable for water wasted or water losses in a water installation.

Adjustment of quantity of water supplied through defective measuring device

42. (1) If a measuring device is found to be defective in terms of Section 10(11), the Water Service Authority may estimate the quantity of water supplied to the consumer concerned during the period in which, in its opinion, such measuring device was defective, on the basis of the average daily quantity of water supplied to him or her over

- (a) a period between two successive measurements subsequent to the replacement of the measuring device; or
- (b) a period in the previous year corresponding to the period in which the measuring device was defective; or
- (c) the period between three successive measurements prior to the measuring device becoming defective;

whichever it considers the most appropriate.

(2) If the quantity of water supplied to a consumer, during the period when the measuring device was defective, cannot be estimated in terms of sub-section (1), the Water Service Authority may estimate the quantity on any basis that is available to it.

Part 6: Installation work

Approval of installation work

43. (1) If an owner wishes to have installation work done, he or she must first obtain the Water Service Authority written approval; provided that approval shall not be required in the case of water installations in dwelling units or installations where no fire installation is required in terms of the prescribed Code or for the repair or replacement of an existing pipe or water fitting other than a fixed water heater and its associated protective devices.
- (2) Application for the approval referred to in Sub-section (1) shall be made on the prescribed form and shall be accompanied by –
- (a) the prescribed charge, if applicable;
 - (b) copies of the drawings as prescribed by the Water Service Authority, and
 - (c) a certificate certifying that the installation has been designed in accordance with the prescribed design on a national basis.
- (3) The provisions of Sub-sections (1) and (2) shall not apply to a qualified plumber who replaces a fixed water heater or its associated protective devices.
- (4) Authority given in terms of sub-section (1) shall lapse at the expiry of a period of twelve months after the first day of the month succeeding the month in which the authority is given.
- (5) A complete set of approved drawings of installation work shall be available at the site of the work at all times until such work has been completed, where approval was required in terms of Sub-section 1.

- (6) If installation work has been done in contravention of Sub-section (1) or (2), the Water Service Authority may by written notice require the owner of the premises concerned to –
- (a) comply with that regulation within a specified period;
 - (b) if work is in progress, to cease the work; and
 - (c) to remove all such work which does not comply with these bylaws.

Persons permitted to do installation and other work

44. Only persons qualified as competent persons to do installation work, and persons registered with the Water Services Authority in which area he/she operates as contemplated in section 24 of the Water Services Act, 1997 may undertake installation or reparation work. The WSA shall keep a register of all the registered persons or businesses operating in its area of jurisdiction.

Provision and maintenance of water installations

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

Use of pipes and water fittings to be authorised

46. (1) No person shall, without the prior written approval of the Water Service Authority, install or use a pipe or water fitting in a water installation within the

area of jurisdiction unless it is included in the Schedule of Approved Pipes and Fittings as compiled.

- (2) Application for the inclusion of a pipe or water fitting in the Schedule referred to in sub-section (1) must be made on the form prescribed by the Water Service Authority and be accompanied by the prescribed charge.
- (3) A pipe or water fitting may be included in the Schedule referred to in sub-section (1) if,
 - (a) it bears the standardisation mark of the South African Bureau of Standards in respect of the relevant specification issued by the Bureau;
 - or
 - (b) it bears a certification mark issued by the SABS to certify that the pipe or water fitting complies with the specification or a provisional specification issued by the SABS, provided that no certification marks shall be issued for a period exceeding two years.
- (4) The Water Service Authority may, in respect of any pipe or water fitting included in the Schedule, impose such additional conditions, as it may deem necessary in respect of the use or method of installation thereof.
- (5) A pipe or water fitting shall be removed from the Schedule if it –
 - (a) no longer complies with the standard upon which its inclusion was based; or
 - (b) is no longer suitable for the purpose for which its use was accepted.
- (6) The current schedule shall be available for inspection at the office of the Water Service Provider at any time during working hours.

- (7) The Water Service Authority may sell copies of the current schedule at the prescribed charge.

Labelling of terminal water fittings and appliances

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

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

Part 7: Water pollution, restriction and wasteful use of water

Owner to prevent pollution of water

48. An owner shall provide and maintain approved measures to prevent the entry of a substance, which may be a danger to health or adversely affect the potability of water or affect the use thereof, into –

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

Water restrictions

49. (1) The Water Service Authority may, by public notice, to prevent the wasteful use of water in terms of Section (51) or in the event of a water shortage, drought or flood –

(a) prohibit or restrict the consumption of water in the whole or part of its area of jurisdiction in general or for –

- (i) specified purposes;
- (ii) during specified hours of the day or on specified days; and
- (iii) in a specified manner; and

(b) determine and impose –

- (i) limits on the quantity of water that may be consumed over a specified period;
- (ii) additional charges to those prescribed in respect of the supply of water in excess of a limit contemplated in Sub-Section (1)(b)(i); and
- (iii) a general surcharge on the prescribed charges in respect of the supply of water; and

(c) impose restrictions or prohibitions on the use or manner of use or disposition of an appliance by means of which water is used or consumed, or on the connection of such appliances to the water installation.

(2) The Water Service Authority may limit the application of the provisions of such public notice contemplated by Sub-section (1) to specified areas and categories of consumers, premises and activities, and may permit deviations and exemptions from, and the relaxation of any of the provisions on reasonable grounds.

(3) The Water Service Authority may –

- (a) take measures, or by written notice require a consumer at his or her own expense to take such measures, including the installation of measurement devices and devices for restricting the flow of water, as may in its opinion be necessary to ensure compliance with a notice published in terms of Sub-section (1); or
 - (b) discontinue or limit the supply of water, for such period as it may deem fit, to any premises in the event of a contravention on such premises or failure to comply with the terms of a notice published in terms of Sub-section (1), subject to notice in terms of Section (23); and
 - (c) where the supply has been discontinued only be restored when the prescribed charge for discontinuation and reconnecting the supply has been paid.
- (4) The provisions of this section shall also apply in respect of water supplied directly by the Water Service Authority to consumers outside its area of jurisdiction, notwithstanding anything to the contrary in the conditions governing such supply, unless otherwise specified in the notice published in terms of Sub-section (1).

Waste of water unlawful

50. (1) No consumer shall permit –

- (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;
- (d) an overflow of water to persist; or
- (e) an inefficient use of water to persist.

- (2) An owner shall repair or replace any part of his or her water installation which is in such a state of disrepair that it is either causing or is likely to cause an occurrence listed in sub-section (1).
- (3) If an owner fails to take measures as contemplated in Subsection (2), the owner will be required to comply with the provisions of Section 23.
- (4) A consumer shall ensure that any equipment or plant connected to his or her water installation uses water in an efficient manner.
- (5) The Water Service Authority may, by written notice, prohibit the use by a consumer of any equipment in a water installation if, in its opinion, its use of water is inefficient. Such equipment shall not be returned to use until its efficiency has been restored and a written application to do so has been approved.

Part 8: Water Audit

Water audit

- 51. (1) Water users using more than 3 650 KI per annum, excluding those comprising multiple dwelling units, must within one month after the end of each financial year of the Water Service Authority undertake an annual water audit at their own cost.
- (2) A copy of the audit must be available for inspection by officials from the Department of Water Affairs and the Vhembe District Municipality and any other interested party.
- (3) The audit must contain details in respect of –

- (a) the amount of water used during the financial year;
- (b) the amount paid for water for the financial year;
- (c) the number of people living on the stand or premises;
- (d) the number of people permanently working on the stand or premises;
- (e) the seasonal variation in demand through monthly consumption figures;
- (f) the water pollution monitoring methods;
- (g) the current initiatives to manage demand for water;
- (h) the plans to manage their demand for water;
- (i) a comparison of the above factors with those reported in each of the previous three years (where available);
- (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.

Part 9: General provisions

Notification of boreholes

52. (1) The Water Service Authority may, by public notice, require –

- (a) The owner of any premises within the area of jurisdiction of the Water Service Authority upon which a borehole exists or, if the owner is not in occupation of such premises, the occupier thereof, to notify it on the prescribed form of the existence of a borehole on such premises, and provide it with such information in respect thereof as it may require; and
- (b) The owner or occupier of any premises who intends to sink a borehole on such premises to notify it on the prescribed form of such intention prior to the commencement thereof.

- (2) The Water Service Authority may require the owner or occupier of any premises who intends to sink a borehole to undertake an environmental impact assessment for such intended borehole, before the borehole is sunk.
- (3) Boreholes are subject to any requirements of the National Water Act, 1998 (Act No.136 of, 1998).
- (4) The Water Service Authority may by notice to an owner or occupier or by public notice require owners and occupiers who has existing boreholes used for water services to –
 - (a) Obtain approval from it for the use of a borehole for water services in accordance with sections 6,7 and 22 of the Act;
 - (b) Impose conditions in respect of the use of a borehole for water services; and
 - (c) Impose a fixed charge in respect of use of such a borehole.

Sampling of water

53. (1) The Water Service Authority may take samples of water obtained from a source, authorised in terms of Sections 6 or 7 of the Act, other than the water supply system for domestic purposes and cause the samples to be tested for compliance with any national standards as prescribed In terms of Section 9 of the Act.
- (2) The prescribed charges for the taking and testing of the samples referred to in Sub-section (1) shall be paid by the person to whom approval to use the water for potable water was granted in terms of Section 6(1) of the Act.

Supply of non-potable water by the Water Service Authority

54. (1) The Water Service Authority may on application in terms of subsection (3) agree to supply non-potable water to a consumer, subject to such terms and conditions as the Water Service Authority may impose.
- (2) Any supply of water agreed to in terms of Sub-section (1) shall not be used for domestic or any other purposes, which may give rise to a health risk.
- (3) No warranty, expressed or implied, shall apply to the purity of any non-potable water supplied by the Water Service Authority or its suitability for the purpose for which the supply was granted.
- (4) The supply of non-potable water shall, both as to condition and use, be entirely at the risk of the consumer, who shall be liable for any consequential damage or loss arising to himself, herself or others arising directly or indirectly there from, including the consequences of any bona fide fault of the Water Service Provider or the malfunction of a treatment plant.

Testing of pressure in water supply systems

55. The Water Service Authority may, on application by an owner and on payment of the prescribed charge, determine and furnish the owner with the value of the pressure in the water supply system relating to the premises, over such period as the owner may request.

Pipes in streets or public places

56. No person shall for the purpose of conveying water derived from whatever source lay or construct a pipe or associated component on, in or under a street, public place or other land owned by, vested in, or under the control of the Local Municipality,

except with the prior written permission of that authority and the WSA and subject to such conditions as they may impose.

Connection to be at the pleasure of the Water Services Authority

57. Services Authority is entitled, in its absolute discretion, to withdraw any approved connection of any kind of water installation to its main reticulation works If in its opinion an installation which has been allowed to its main is not being kept in proper working order or is otherwise not being properly maintained, or is being used in contravention of these bylaws. It is therefore entitled either to require the installation to be disconnected from the main, or itself to carry out the work of disconnecting it at the expense of the owner or consumer, as the case may be.

CHAPTER III: Sanitation services

Scope of Sanitation Services

These bylaws, the Standard Building Regulations and the standards prescribed in the Act shall apply to every drainage installation, in particular to the design and construction of any installation, in a new building or existing building or to any installation required by the Water Services Authority to be constructed or to an alteration or addition to an existing drainage installation.

Every drainage installation shall during construction and on completion be subject to inspection, approval, tests and control as the Water Services Authority deems fit or require.

Part 1: Standards and general provisions

58 (1) Sanitation services provided by a Water Service Authority will comply with the minimum standards set for the provision of sanitation services in terms of section 9 of the Act.

(2) Different standards can be set for different geographical areas and different types of sanitation services.

Objectionable discharge to sewage disposal system

59. (1) No person shall discharge, or permit the discharge or entry into the sewage disposal system of any sewage, industrial effluent, liquid or other substance –

(a) which does not Comply with the standards and criteria prescribed in this bylaw and approved by the Water Services Authority;

(b) which contains any substance in such concentration as will produce or be likely to produce in the effluent products for discharge at any sewage treatment plant or in any public water any offensive or otherwise undesirable taste, colour, odour, temperature or / and foam, even after treatment or chlorination;

(c) which may prejudice the re-use of treated sewage to adversely affect any of the processes whereby sewage is purified for re-use, or treated to produce *sludge* for disposal;

(d) which contains any substance or thing of whatsoever nature which is not amenable to treatment to a satisfactory degree at a sewage treatment plant or which causes or is likely to cause a breakdown or inhibition of the processes in use at such plant;

(e) which contains any substance or thing of whatsoever nature which is of such strength, or which is amenable to treatment only to a degree as will result in effluent

from the sewage treatment plant not complying with standards prescribed under the National Water Act, 1998 (Act No.36 of 1998);

(f) which may cause danger to the health or safety of any person or may be injurious to the structure or materials of the sewage disposal system or may prejudice the use of any ground used by the Water Service Authority for the sewage disposal system, other than in compliance with the permissions issued in terms of these bylaws;

(g) which may inhibit the unrestricted conveyance of sewage through the sewage disposal system, harm or damage the sewer, mechanical appliance, plant or equipment;

(h) which may adversely affect any water into which treated sewage effluent is discharged, or any land or crop irrigated with the sewage effluent, and

(l) which contains any substance of whatsoever nature likely to produce or give off explosive, flammable, poisonous or offensive gases or vapours in any sewer.;

(2) No person shall cause or permit any storm water to enter the sewage disposal system.

(3) The Water Service Authority may, by written notice, order the owner or occupier to conduct, at his or her cost, periodic expert inspections of the premises in order to identify precautionary measures which would ensure compliance with these bylaws and to report such findings .

If any person contravenes, or becomes aware of any contravention of any provision of sub-section (1) or sub-section (2) must within twelve hours, or earlier if possible, advise the Water Service Authority of the details of the contravention and the reasons for it.

No person may cause or permit any solid, liquid or gaseous substance, other than storm water to enter –

- any storm water drain, storm water sewer or excavated or constructed water course;
- (b) any river, stream, or natural water course or any public water, whether ordinarily dry or otherwise, except in accordance with the provisions of the National Water Act; or
- (c) any street or premises.

Disposal of sludge, compost and manure

60. (1) Except when prohibited by any law, the Water Service Authority may sell or dispose of sewage sludge, compost or animal manure resulting from the operation of any sewage treatment plant operated by the Water Services Authority or sewage farm associated therewith, on such conditions regarding the loading and conveyance thereof, the place to which it is conveyed and the manner in which it is to be used, applied or processed, as the Water Services Authority may impose or as may be required in terms of any law;

(2) Except in the case of long-term contracts entered into for the purpose of the removal thereof, such sludge, compost or manure must be sold or disposed of at a price determined from time to time by the WSA.

Part 2: On-site sanitation services and associated services

Application for infrastructure

61. (1) If an agreement for on site sanitation and associated services in accordance with Section (2) has been concluded and no infrastructure in connection therewith exists on the premises, the owner must immediately make application on the approved form and –

pay the prescribed charge for the installation of necessary infrastructure; or

with the approval of the Water Service Authority and at the request of the owner install the connecting sewer or on site sanitation services in accordance with the specifications of the Vhembe District Municipality.

(2) A Water Service Authority may specify the type of on site sanitation services to be installed. It may also set conditions to inactivate/demolish/remove such system when, to the opinion of the Water Services Authority, such installation becomes redundant or inappropriate.

Septic tank and treatment plant

62. (1) No person may construct, install, maintain or operate any septic tank or other plant for the treatment, disposal or storage of sewage, without the prior written permission of the Water Service Authority.

The permission referred to in subsection (1) is subject to the provisions of these By-laws, any other relevant policy or law.

French drain and soakage pit

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

Conservancy tank and ancillary appliances

64 The Water Service Authority may at its discretion permit the owner of any premises to construct a conservancy tank and ancillary appliances for the retention of soil water, or such other sewage or effluent as it may decide, and such tank and appliances must be of such capacity, constructed of such material, and located in such position and at such level as it may prescribe.

Ventilated improved pit latrine

65 The Water Service Authority may at its discretion and on such conditions as it may prescribe, having regard to the following factors :

- (a) the nature and permeability of the soil;
 - (b) the depth of the water table;
 - (c) any other factors which may have the potential to cause harm to the environment if approval is granted;
 - (d) the size of and access to the site, and
 - (e) the availability of a piped water supply,
- permit the disposal of human excrement by means of a ventilated improved pit latrine (VIP) constructed in accordance with the specifications and located in a position indicated by the Water Services Authority.

Services associated with on-site sanitation services

66. (1) The removal or collection of conservancy or septic tank contents, night soil or the emptying of pits will be undertaken by the Water Service Authority in accordance with a removal and collection schedule determined by the Water Service Authority.

(2) Copies of the collection and removal schedule will be available on request, whilst the program will be made known by general notice.

Charges in respect of services associated with on-site sanitation services

67. (1) Charges approved by the Water Services Authority (WSA) in respect of the removal or collection of conservancy tank contents, night soil or the emptying of pits will cover all the operating and maintenance costs in the removal of the pit contents, transportation to a disposal site, the treatment of the contents to achieve a sanitary condition and the final disposal of any solid residues.

(2) Charges in respect of the removal or collection of conservancy tank contents, night soil or the emptying of pits will be based on the volume removed by vacuum tank or otherwise including a minimum tariff.

(3) If the volume of conservancy tank contents, night soil or the emptying of pits removed or collected cannot be quantified the Water Service Authority may charge a fixed charge as prescribed.

Charges may be in the form of a monthly contribution or it may be levied as a single payment per service rendered paid in cash or debited to the account of the person entered into agreement with the Water Services Authority.

The Water Services Authority may enforce a tariff for the availability of the sanitation service in regard to undeveloped properties and developed properties not connected to the system.

Part 3: Sewage disposal

Provision of a connecting sewer

68. (1) If an agreement for the use of a sewage disposal system has been concluded, the Water Service Authority may, subject to the provisions of subsection (2) and as soon as practicable after being notified by the owner that the drainage installation on his premises is ready for connection to the sewage disposal system connect the drainage installation to the sewage disposal system.

- (2) Any connection required by the owner subsequent to the initial connection provided by the Water Services Authority is subject to the approval of such W S A and must be installed at the owner's expense.
- (3) The discharge of any substance whatsoever other than clean water for testing purposes may not be permitted to enter any drainage installation until the drainage installation has been connected to the sewage disposal system.
- (4) If an application is made for the connection of the sewage disposal system to premises which are so situated that it is necessary to extend the sewer in order to connect the sewage disposal system to the premises, the Water Services Authority may agree to the extension subject to such conditions, including costs, as it may impose.
- (5) Where a sewer is available for the drainage of any premises in or on which sewage is produced, the owner shall, within a prescribed period of receiving written notice from the Water Services Authority requiring him to do so, construct an appropriate drainage installation on the premises and shall pay all charges in respect thereof
- (6) If the owner fails to comply within the period mentioned above, or any extended period, he shall be liable for the payment of an increased charge of three times the normal tariff applicable for the pail or conservancy tank service until the drainage installation is connected to the main installation.
- (7) If the owner persist not to comply with the notice served upon him in regard to the construction, repair, replacement or maintenance of the sanitation installation, the Water Service Authority may, without prejudice to its rights to proceed against him for

the contravention of these bylaws, proceed to carry out the required work and recover by process of law of civil debt the entire cost.

(8) The owner, as aforesaid, shall give written notice to the Water Services Authority when any pail (bucket) or conservancy tank service rendered to the property is no longer required, and shall remain liable for all charges until another agreement comes into effect.

(9) Every contractor or person employing workers for the construction of buildings or any other structure or work on any premises to which a sewer is available shall provide a temporary water closet connected to the sewer for such workers.

Location of connecting sewer

69. (1) A connecting sewer provided and installed by *the* Water Service Authority or owner in terms of section (68) shall – be located in a position agreed to between the owner and the Water Service Authority and be of a size determined by an authorised officer;

rodding eyes will be installed in positions as specified;

terminate at a connecting point, approximately 1 meter from the boundary of the land owned by / or vested in the Local Municipality or over which a servitude is registered or when sub-section (3) applies, inside the premises at the connecting point designated in terms of that subsection;

(2) In reaching agreement with an owner concerning the location of the connecting sewer, the Water Service Authority shall ensure that the owner is aware of practical restrictions that may exist regarding the location of a connecting sewer pipe; the cost implications of the various possible locations of the connecting sewer; whether or not the Water Service Authority requires the owner to fix the location of the connecting sewer by providing a position at or outside the boundary of the premises, or

such agreed position inside or outside the premises where the connection is required, for the Water Service Authority to connect to such installation.

(3) A Water Service Authority may, at the request of any person, agree, subject to such conditions as may be imposed, to the connection of a sewer other than that which is most readily available for the drainage of the premises. Provided that the applicant shall be responsible for any extension of the drainage installation to the connecting point designated by an authorised officer and for obtaining at cost, such servitudes over other premises as may be necessary.

(4) An owner must pay the prescribed connection charge.

(5) Where any part of a building or premises is at such a level in relation to the sewer that a drainage serving that part cannot discharge into the sewer by gravitation the owner can be required to provide a sewage lift as provided for in the Building Regulations. The rate and time of discharge into the sewer shall be subject to the approval of the Water Service Authority.

Provision of one connecting sewer for several consumers on same premises

70. (1) Notwithstanding the provisions of Section (68) only one connecting sewer to the sewage disposal system may be provided for the disposal of sewage from any premises, irrespective of the number of accommodation units of consumers located on such premises.

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

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

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

(3) Where the Water Service Authority has installed a single connecting sewer as contemplated in Sub-section (2)(a), the owner or the person having charge or management of the premises, as the case may be,

must if the Water Service Authority so requires, install and maintain on each branch pipe extending from the connecting sewer to the different accommodation units –

a separate connecting sewer; and

an isolating valve; and

will be liable to the Water Service Authority for the tariffs and charges for all sewage disposed from the premises through such a single connecting sewer, irrespective of the different quantities disposed by the different consumers served by such connecting sewer.

(4) Notwithstanding Sub-section (1), the Water Service Authority may authorise that more than one connecting sewer be provided on the sewage disposal system for the disposal of sewage from any premises, comprising sectional title units, or if undue hardship or inconvenience would be caused to any consumer on such premises by the provision of only one connecting sewer.

(5) Where the provision of more than one connecting sewer is authorised by the Water Service Authority under Sub-section (4), the tariffs and charges for the provision of a connecting sewer is payable in respect of each sewage connection so provided.

Interconnection between premises

71. An owner of premises shall ensure that no interconnection exists between the drainage installation on the premises and the drainage installation on other premises, unless prior written consent has been obtained from the Water Service Authority and complies with any conditions imposed.

The Water Service Authority may, at its discretion, permit the drainage installation on any two or more premises, whether or not in

Disconnection of draining installation from connecting sewer

72. The Water Service Authority may disconnect a drainage installation permanent or temporary from the connecting sewer and remove the connecting sewer if –
the agreement for the provision has been terminated and no application for a subsequent provision of a service to the premises, within a period of 90 days of such termination, has been received ;
the building on the premises concerned has been demolished; or
for the purpose of maintenance or repair.

Part 4: Sewage delivered by road haulage to treatment plants

Acceptance of sewage delivered by road haulage

73. (1) The Water Service Authority may, at its discretion, and subject to such conditions as it may specify, accept sewage for disposal delivered at the sewage treatment plants by road haulage.

Written permission for delivery of sewage by road haulage

74. (1) No person shall discharge sewage into the sewage treatment plants by road haulage except with the written permission of the Water Service Authority and subject to such period and conditions that may be imposed in terms of the written permission.

(2) The charges for any sewage delivered for disposal to the sewage treatment plants shall be assessed by the Water Service Authority in accordance with the prescribed tariffs of charges.

Conditions for delivery of sewage by road haulage

75. When sewage is delivered by road haulage–
the time of delivery shall be arranged with the Water Service Authority; and
the nature and composition of the sewage shall be established to the satisfaction of the
Water Service Authority prior to the discharge thereof and no person shall deliver
sewage that does not comply with the standards laid down in terms of this by-law.

Withdrawal of permission for delivery of sewage by road haulage

76. (1) The Water Service Authority may withdraw any permission, after giving at
least 14 (fourteen) days written notice of its intention to a person permitted to discharge
sewage by road haul if the person –
fails to ensure that the sewage so delivered conforms to the standards prescribed in the
Schedules attached, or in the written permission; or
fails or refuses to comply with any notice lawfully served in terms of these bylaws or
contravenes any provisions of these bylaws or any condition imposed in terms of any
permission granted; and
fails to pay the assessed charges in respect of any sewage delivered.

Part 5: Disposal of industrial effluent and trade premises

Application for disposal of industrial effluent

77. (1) A person must apply for permission to discharge industrial effluent into
the sewage disposal system of the Water Service Authority, who may request a sample to
be tested to determine the quality thereof, at the cost of the applicant.
- (2) The Water Service Authority may, if in its opinion the capacity of a sewage
disposal 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 it may
impose, grant written permission to discharge industrial effluent.

(3) The provisions of Chapter 1 will *mutatis mutandis* apply to any permission to discharge industrial effluent.

(4) Any person who wishes to construct or cause to be constructed a building which shall be used as a trade premises, shall at the time of lodging a building plan in terms of the National Building Regulations and Building Standards Act, 1977 (Act No.103 of 1977), also lodge applications for the provision of sanitation services and for permission to discharge industrial effluent in terms of Sub-section (1).

(5) The Water Service Authority may impose the installation of grease traps of types, size and capacity in the event of effluent containing, grease, oil, fat or inorganic solid matter which may in the opinion of such WSA effect the normal operation of the system. The owner(s) or person(s) in charge of the premises will be individually or jointly responsible for the uninterrupted operation of the sewage system at all times.

(7) Any person to whom permission has been granted in terms of subsection (2) must, before doing or causing or permitting to be done anything that results in a change in the quantity of discharge or nature of effluent permitted, notify the Water Services Authority in writing of the date on which it is proposed that such change is intended to take place and of the nature of the proposed change.

(8) Any person to whom permission has been granted in terms of subsection (2) must, before doing or causing or permitting to be done anything that results in a change in the quantity of discharge or nature of effluent permitted, notify the Water Service Authority in writing of the date on which such change is intended to take place and of the nature of the proposed change. Subject to the provisions of the Promotion of Administrative Justice Act, 2000, such W S A may from time to time or at any time as a result of a change in the method of sewage treatment, or the introduction of new or revised or stricter or other standards by such Water Services Authority or in terms of the National Water Act, or as a result of any amendment to these By-laws or for any other

reason, review, amend, modify or revoke any permission given or any conditions attached to such permission, and / or impose new conditions, either generally or specifically, for the acceptance of any industrial effluent into the sewer, or prohibit the discharge of any or all of such effluent to the sewer, on giving adequate written notice in advance of its intention to do so, and on the expiration of such period of notice, the previous permission or conditions, as the case may be, must be regarded as having fallen away and the new or amended conditions, if any, as the case may be, forthwith apply.

Unauthorised discharge of industrial effluent

78. (1) No person shall discharge or cause or permit to be discharged into the sewage disposal system any industrial effluent except with and in terms of the written permission of the Water Service Authority and in accordance with the provisions of this part. Any person contravening this shall be guilty of an offence and in addition liable for the payment of any charges, as may be assessed for the conveyance and treatment of effluent unlawfully discharged, and for any damage caused as a result of such action.

(2) A person to whom such permission is granted shall pay to the Water Service Authority any prescribed charges.

(3) No person shall allow the discharge or spillage of industrial effluent on any property in another manner than in an approved sewage system.

(4) When a person has reason to believe that a blockage has occurred in the main drainage installation, he shall forthwith report such situation to the Water Services Authority.

(5) When a blockage occurs in the drainage installation on the premises any work to rectify the situation shall be done by or under the supervision of a plumber or drain layer registered with such W S A.

(6) Apart from the powers and rights of the Water Services Authority in terms of subsection (1), they shall be entitled to recover from any person who discharges to a drain or sewer, any industrial effluent or any substance which is prohibited or restricted in terms of Section 58 read with the Schedule, or who has been the subject of any action taken by such W S A for any loss, damages, costs, expenses and fees incurred by that W S A as a result of any or all of the following:

(a) the death of or injury to any person, or damage to, or blockage or breakdown whether partial or complete, or contamination by, fats, oil or grease of –

(i) the sewer;

(ii) any sewage treatment plant ;

(iii) any mechanical appliance; and

(iv) any other property whatsoever whether or not under the control of such WSA, and

(b) any costs, including fines and damages, which may be incurred by or awarded against the Water Services Authority or any expense incurred by them as a result of a prosecution in terms of the National Water Act or any other law, or any action against it, consequent on any partial or complete breakdown of any sewage treatment plant or mechanical appliance, caused directly or indirectly by the said discharge.

(7) Any person who discharges or causes or permits to be discharged any industrial effluent in any manner whatsoever that is not authorised in terms of these By-laws is guilty of an offence.

Quality standards for disposal of industrial effluent

79. (1) A person to whom permission has been granted in terms of Section 71 must ensure that no industrial effluent is discharged into the sewage disposal system unless it complies with the standards and criteria set out in the attached Schedules.

(2) The Water Service Authority may relax or vary the standards in the attached Schedule; provided that the Water Service Authority is satisfied that any such relaxation represents the next practicable environmental option.

(3) In determining whether the relaxing or varying of the standards in the attached Schedule represents the next practicable environmental option a Water Service Authority will consider –

Whether the applicant's undertaking is operated and maintained at optimal levels.

Whether technology used by the applicant represents the best available option to the applicant's industry and, if not, whether the installation of such technology would entail unreasonable cost to the applicant;

Whether the applicant is implementing a program of waste minimisation which complies with national and local waste minimisation standards to the satisfaction of the Water Service Authority;

the cost to the Water Service Authority of granting the relaxation or variation; and

the environmental impact or potential impact of such a relaxation or variation.

Test samples may be taken at any time by a duly qualified sampler to ascertain whether the industrial effluent complies with the attached Schedule or any other standard laid down in a written permission.

Conditions for disposal of industrial effluent

80. (1) The Water Service Authority may in the written permission or at any time, by written notice, require a person to –

(a) subject the industrial effluent to such preliminary treatment as in the opinion of the Water Service Authority will ensure that the industrial effluent conforms to the standards prescribed in the attached Schedules before being discharged into the sewage disposal system;

(b) install such equalising tanks, valves, pumps, appliances, meters and other equipment as in the opinion of the Water Service Authority will be necessary to control the rate and time of discharge into the sewage disposal system in accordance with the conditions imposed by it;

(c) install for the conveyance of the industrial effluent into the sewage disposal system at a given point, a drainage installation separate from the drainage installation for waste water and standard domestic effluent and may prohibit such person from disposing of the industrial effluent at any other point and from disposing waste water and standard domestic effluent by means other than into a sewage disposal system;

(d) construct on any pipe conveying industrial effluent to any sewer, a service access hole or stop-valve in such position and of such dimensions and materials as the Water Service Authority may prescribe.

(e) provide all such information as may be required by the Water Service Authority to enable it to assess the tariffs or charges due.

(f) provide adequate facilities such as level or overflow detection devices, standby equipment, overflow catch-pits, or other appropriate means to prevent a discharge into the sewage disposal system which is in contravention of this bylaw;

(g) Cause any meter, gauge or other device installed in terms of this section to be calibrated by an independent authority at the cost of that person at such intervals as required by the Water Service Authority and copies of the calibration to be forwarded to it: and

(h) cause the industrial effluent to be accurately sampled and analysed as often and in such manner as may be prescribed by the Water Service Authority and provide it with the results of these tests when completed.

(2) The cost of any treatment, plant, works or analysis which the person, discharging the effluent, may be required to carry out, construct or install in terms of sub-section (1) shall be borne by the person concerned.

(3) The written permission of the Water Service Authority must be obtained for any proposed changes to the composition of industrial effluent discharged into the sewage disposal system.

(4) In the event of industrial effluent that does not comply with the standard in the attached Schedules or the written permission issued in respect of that process or premises, is discharged into the sewage disposal system, the Water Service Authority must be informed of the incident and the reasons therefore within twelve hours of such discharge.

Withdrawal of written permission for disposal of Industrial effluent

81. (1) The Water Service Authority may withdraw any permission, after giving at least 14 (fourteen) days written notice of its intention to a person permitted to discharge industrial effluent into the sewage disposal system if the person –

fails to ensure that the industrial effluent discharged conforms to the industrial effluent standards prescribed in the attached Schedules of these bylaws or the written permission;

fails or refuses to comply with any notice lawfully served in terms of these bylaws or contravenes any provisions of these bylaws or any condition imposed in terms of any permission granted;

fails to pay the assessed charges in respect of any industrial effluent discharged; or

if an unauthorised person interfere with a sewer, connecting sewer, manhole situated on the premises owned or controlled by such WSA.

(2) The Water Service Authority may on withdrawal of any written permission – in addition to any steps prescribed in these bylaws, and on 14 (fourteen) days' written notice authorise the closing or sealing off of the connecting sewer of the said premises to any sewer for such charge as may be prescribed in the tariff of charges. The reopening without approval of the Water Services Authority will be regarded as an offence;

refuse to accept any industrial effluent until it is satisfied that adequate steps to ensure that the industrial effluent to be discharged conforms with the standards prescribed in these bylaws; and

close off the water supply to the industrial process.

Part 6: Measurement of quantity of effluent discharged to sewage disposal system

Measurement of quantity of standard domestic effluent discharged

82. (1) The quantity of standard domestic effluent discharged shall be determined by a percentage of water supplied by the Water Service Authority.

(2) Where the Water Service Authority is of the opinion that such a percentage in respect of specific premises is excessive, having regard to the purposes for which water is consumed on those premises. The Water Service Authority may reduce the percentage applicable to those premises to a figure, which in its opinion and in the light of the available information, reflects the proportion between the likely quantity of sewage discharged from the premises and the quantity of water supplied thereto.

Where a premise is supplied with water from a source other than or in addition to the Water Service Authority water supply system, including abstraction from a river or borehole, the quantity will be a percentage of the total water used on that premises as may be reasonably estimated by a qualified official designated by such WSA.

The Water Service Authority may also levy a flat rate in terms of every waterborne toilet on the premises to recover cost in regard to the discharge of domestic effluent.

In the absence of direct measurement, the standard domestic effluent will be estimated as follows –

(a) 1,0 kilolitre per full-time staff member per working month;

(b) 4,0 kilolitre per resident per working month, not included in paragraph (a); and

(c) for staff canteens: 0,15 kiloliter per meal prepared per working month;

for which purpose a working month will be based on a five day working week, and in cases where the working week deviates from five days, a pro rata adjustment will be made.

Measurement of quantity of industrial effluent discharged

83. (1) The quantity of industrial effluent discharged into the sewage disposal system shall be determined –

where a measuring device is installed by the quantity of industrial effluent discharged from a premises as measured through that measuring device;

until such time as a measuring device is installed by a percentage of the water supplied by the Water Service Authority to that premises, or an alternative method of assessing as agreed upon by the parties.

Where a premises is supplied with water from a source other than or in addition to the Water Service Authority water supply system, including abstraction from a river or borehole, the quantity will be a percentage of the total water used on that premises as may be reasonably estimated.

Notwithstanding the foregoing provisions of this section, the Water Services Authority may require any person who discharges industrial effluent into its sewers to provide one or more meters in such a position in the water installation as such WSA may deem necessary to record the water consumption in a specific part of the premises.

(4) The Water Service Authority may determine a rebate to apply to the fees determined in accordance with the Schedule of Tariffs if the owner or occupier discharges industrial effluent –

(a) solely during periods specified by such WSA, and /or

(b) containing constituents which will have a beneficial effect on the effluent discharged from the sewage treatment plant.

(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 Water Service Authority may on application reduce the assessed quantity of industrial effluent.

Reduction in the quantity determined in terms of Sections (82) and 83 (1) (a)

84. (1) A person shall be entitled to a reduction in the quantity determined in terms of Sections 82 and 83 (1)(a) in the event that the quantity of water on which the percentage is calculated was measured during a period where water was wasted or a leakage was undetected if the consumer demonstrates to the satisfaction of the Water Service Authority that the said water was not discharged into the sewage disposal system.

(2) The reduction in the quantity shall be based on the quantity of water loss or wastage during the leak period.

(3) The leak period shall be either the measuring period immediately prior to the date of repair of the leak or the measurement period during which the leak is repaired, whichever results in the greater reduction in the quantity.

(4) The quantity of water loss shall be calculated as the consumption for the leak period less an average consumption, based on the preceding three (3) months, for the same length of time. In the event of no previous consumption history being available the average water consumption will be determined by the municipality or its authorised agent, after due consideration of all relevant information.

(5) There shall be no reduction in the quantity if the loss of water directly or indirectly resulted from the consumer's failure to comply with or is in contravention of this by-law.

Part 7: Drainage installations

Construction or installation of drainage installations

85. (1) Any drainage installation constructed or installed must comply with the applicable specifications in terms of the Building Regulations and any standards prescribed in terms of the Act.

Use of pipe and fitting in drainage installation to be authorised

86. (1) No person may, without the prior written permission of the Water Service Authority install or use a pipe or fitting in a drainage installation within the Water Service Authority's area of jurisdiction, unless it is of a type approved or provisionally approved by the SABS, ISO or JASWIC.

(2) Application for the installation or use of a type of pipe or fitting other than that referred to in subsection (1) must be made on the form prescribed by the Water Services Authority and be accompanied by the prescribed fees.

(3) The approval of a type of pipe or fitting referred to above may be removed if it –

no longer complies with the criteria upon which its approval was based; or

is no longer suitable for the purpose for which its use was accepted

(4) Information about the current approved pipes or fittings must be available at the office of the Water Services Authority at any time during working hours and such WSA may sell copies of such information at the fees prescribed from time to time.

Approval of drainage work

87. (1) No person may construct, reconstruct, alter, add to or make any permanent disconnection in or of any drainage installation without first having obtained the permission of the Water Services Authority in writing.

(2) No drainage work mentioned in subsection (1) for which permission has been given in terms of these By-laws, may be commenced until after the expiration of two working days after notice in writing has been served on such WSA stating the day on and time at which it is intended to commence the work.

(3) Before any part of a drainage installation is permanently covered or otherwise rendered practically inaccessible to visual inspection, it must be inspected and approved by the relevant WSA.

Unlawful drainage work

88 (1) Where any drainage work has been constructed without complying with the provisions of these By-laws concerning the submission and approval of plans, the owner must on receiving a compliance notice from a designated officer, so to do, comply with the said provisions within the period prescribed in that notice.

(2) Where any drainage installation has been constructed or any drainage work has been carried out which fails in itself in any respect to comply with any of these By-laws other than those referred to in subsection (1), the owner must, on receiving a compliance notice from the Water Services Authority and notwithstanding that he or she may have received approval of the plans in respect of the said installation or work in terms of these By-laws, carry out such alterations to the installation, remove such parts thereof, and carry out such other work as and within the time which the notice may specify.

(3) The Water Services Authority must, where such a notice has not been complied with within the time prescribed therein, proceed itself to carry out any such alteration, removal or other work as it may deem necessary for compliance with these By-laws and recover the cost thereof from the owner.

Drains in streets or public places

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

Construction by Water Service Authority

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

Maintenance of drainage installation

91. (1) The owner or occupier of any premises must maintain any drainage

installation and any sewer connection on such premises.

(2) Any person who requests the Water Service Authority to clear a drainage installation will be liable to pay the prescribed tariff.

(3) A Water Service Authority may, on the written application of the owner or occupier of any premises, inspect and test the drainage installation of such premises or any section thereof and recover from the owner or occupier the cost of such inspection and test, calculated at the rate specified in the prescribed tariff or charges-.

Installation of pre-treatment facility

92. A Water Service Authority may require that any premises must be provided with a minimum pre-treatment facility of a type specified by it prior to that premises being connected to the sewage disposal system.

Protection from ingress of floodwaters

93. (1) Where a premises is situated in the 1 in 100 years flood plain the top level of the service access holes, inspection chambers and gullies is to be above the 1 in 100 years flood level, except, in the case of service access holes and inspection chambers, where the cover is secured in place by approved means.

(2) No part of a drainage installation may at any time be constructed or designed to allow or be capable of allowing water from any source, not being soil water or waste water, both as defined in the national regulations published in Government Notice R2 378 of 12 October 1990, as amended, to enter the drainage installation.

(3) No person may discharge or cause or permit to be discharged any substance other than sewage into a drainage installation.

(4) No pipe, channel or other device used for conducting or capable of being used to conduct rainwater from any roof or other surface may be permitted to discharge into any gully forming part of a drainage installation.

(5) Should the Water Services Authority at any time become aware of any installation which does not comply with the provisions of subsections (1), (2), (3) or (4) above that any provision thereof has or is being contravened it may, subject to the conditions laid down, carry out such alterations to the installation as it may deem necessary to ensure compliance with the provisions and recover from the owner the costs or the prescribed fees as determined by such WSA

CHAPTER 4: Enforcement of the bylaws and legal matters

Part 8 : Offences and Penalties

94. (1) Without prejudice to any provision of these bylaws wherein an offence is expressly specified, any person who contravenes or fails to comply with any provision of these bylaws or who shall be in default in complying therewith, shall be guilty of an offence and shall be liable on first conviction to a fine as imposed by the court or in default of payment to imprisonment for a period as determined by the court.

(2) Any person who fails to comply in any respect with any notice served on him by the Water Service Authority directing him to perform any action or to cease any action shall be guilty of a further offence for every day or part of a day during which non-compliance continues and shall be liable in respect of each offence as aforesaid to a fine as determined by court and in default of payment, to imprisonment for periods determined by the court.

(3) It is an offence for any person to –

- (a) refuse to grant a designated officer access to premises to which that designated officer is duly authorized to have access;
- (b) obstruct, interfere or hinder a designated officer who is exercising a power or carrying out a duty under these By-laws;
- (c) fail or refuse to provide a designated officer with a document or information that the person is required to provide under these By-laws;
- (d) give false or misleading information to a designated officer ;
- (e) unlawfully prevent the owner of any premises, or a person working for that owner, from entering the premises in order to comply with a requirement of these By-laws;
- (f) pretend to be a designated officer ;
- (g) falsely alter an authorization to a designated officer or written authorization, compliance notice or compliance certificate issued in terms of this Chapter;
- (h) enter any premises without a written authorization in circumstances requiring such authorization;
- (i) act contrary to a written authorization issued in terms of this Chapter;
- (j) without authority –
 - (i) enter or inspect premises;
 - (ii) carry out any act mentioned in section 97
- (k) disclose any information relating to the financial or business affairs of any person which was acquired in the performance of any function or exercise of any power in terms of these By-laws, except –
 - (i) to a person who requires that information in order to perform a function or exercise a power in terms of these By-laws;
 - (ii) if the disclosure is ordered by a court of law; or
 - (iii) if the disclosure is in compliance with the provisions of any law.
- (l) contravene or fail to comply with any provisions of these By-laws;
- (m) fail to comply with any notice issued in terms of these By-laws;

(n) fail to comply with any lawful instruction given in terms of these By-laws; or

(o) obstruct or hinder any authorized official of a Water Service Authority in the execution of his or her duties under these By-laws,

(4) Any alleged offence contemplated in subsection (3), except in paragraph (i) thereof, must be referred to the South African Police Services for investigation with a view to possible prosecution of the offender.

(5) Any person convicted of an offence contemplated in subsection (1) is liable on conviction to a fine, or in default of payment, to imprisonment for a period determined by the court, and in the case of a continuing offence, to a further fine determined by court 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 Water Service Authority requiring the discontinuance of such offence, and for a second or subsequent offence he shall be liable on conviction to a fine or in default or payment to imprisonment for a period not exceeding six months.

Part 9: Enforcement of the Bylaws

Authorisation of designated officer

95. A Water Service Authority may authorize any person in its employ to be a designated officer.

Functions of designated officer

96. (1) A designated officer may execute work, conduct an inspection and monitor and enforce compliance with these By-laws.

(2) Subject to the provisions of any other law, a designated officer must carry out the functions contemplated in this section and the powers set out in section 97 in accordance with the procedure outlined in sections 98 and 99.

Powers of designated officer

97. (1) A designated officer who executes work or conducts an inspection may –
- (a) execute work on or inspect premises;
 - (b) question a person present on any premises in respect of any matter which may be relevant to the work or inspection;
 - (c) question a person whom the designated officer believes may have information relevant to the work or inspection;
 - (d) inspect any document that a person is required to maintain in terms of any law or that may be relevant to any work or inspection;
 - (e) copy any document referred to in paragraph (d) or if necessary, remove the document in order to copy it;
 - (f) take samples of any substance that is relevant to the work or inspection;
 - (g) monitor and take readings or make measurements;
 - (h) take photos or make audio-visual recordings of anything or any person, process, action or condition on or regarding any premises; and
 - (i) do what is necessary for the execution of work or the conducting of an inspection that the Water Service Authority is required to undertake in terms of these By-laws.

(2) A designated officer who removes anything other than a substance contemplated in subsection (1)(f) from premises being worked upon or inspected, must –

- (a) issue a receipt for it to the owner or a person in control of the premises; and return it as soon as is practicable after achieving the purpose for which it was removed.

Procedure to execute work or conduct an inspection: entry with a written authorization

98. (1) A designated officer may subject to section 101 of the Systems Act, enter any premises if a justice of the peace as contemplated in section 3 and 4 of the Justices of

the Peace and Commissioners of Oaths Act, 1963 (Act No. 16 of 1963), has issued a written authorization to enter and execute work or inspect the premises, and the written authorization is still valid.

(2) A justice of the peace may issue a written authorization to enter and execute work or inspect any premises if, from information on oath, there are reasonable grounds to believe

(a) that, in the interest of the public, it is necessary to execute work or obtain information that cannot be obtained without entering those premises;

(b) that there is non-compliance with any provision of these By-laws in respect of the premises; or

that significant environmental degradation or water pollution has taken, or is likely to take place, or is suspected.

(3) A justice of the peace may issue a written instruction to the owner or person in control of the premises to do work, at the expense of such owner or person, which is necessary to enable a designated officer to –

(a) determine whether or not there has been a contravention of the By-laws

(b) restore access to the water supply system or any sanitation service where the owner or such person has restricted such access; and

properly and effectively execute work or inspect premises, as contemplated in subsection (1).

If, after the work contemplated in subsection (3) has been performed, it is established that no contravention of the By-laws has taken place, the expenses incurred in performing the work and restoring the premises to their former condition, shall be paid by the Water Services Authority.

(5) A written authorization in terms of subsection (2) may be issued at any time and must specifically –

(a) identify the premises that may be entered and worked on or inspected ; and

(b) authorize the designated officer to enter and execute work or inspect the premises and to do anything listed in section 97.

(6) A written authorization issued in terms of subsection (2) is valid until one of the following events occur :

- (a) It is carried out;
- (b) it is cancelled by the person who issued it or, in that person's absence, by a person with similar authority;
- (c) the purpose for which it was issued has lapsed; or
- (d) three months have passed since the date of issue.

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

(8) Before commencing any work or inspection, a designated officer who carries out a written authorization must either –

- (a) if the owner of or a person apparently in control of the premises is present –
 - (i) identify him or herself and explain his or her authority to that person or furnish proof of such authority, and
 - (ii) hand a copy of the written authorization to that person;
- (b) if the owner or person apparently in control of the premises is absent or refuses to accept a copy, attach a copy of the written authorization to the premises in a prominent and visible place.

Observing fundamental rights

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

Using force to enter

100 (1) A designated officer carrying out a written authorization in terms of section 98 may overcome any resistance to entry, execution of work or inspection by using as much force as is reasonably required, including breaking a lock, door or window of the premises to be entered.

(2) Before resorting to force, the person carrying out the written authorization must audibly demand admission and must announce his or her purpose, unless he or she reasonably believes that doing so may induce someone to destroy, dispose of, or tamper with, an article or document that is the object of the work or inspection.

(3) The Water Service must Authority compensate anyone who suffers damage because of forced entry during the execution of any work or any inspection when no one responsible for the premises was present.

(4) Force may not be used to affect an entry to execute work or conduct an inspection unless an emergency arises.

Designated officer may be accompanied

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

Duty to produce document

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

Duty to answer question and assist designated officer

103 (1) Any person who is questioned by a designated officer in terms of this Chapter must answer truthfully and to the best of his or her ability;

(2) An answer or explanation given to a designated officer may not be used or admitted in criminal proceedings against the person who provides it, except in proceedings against that person on a charge related to

(a) the making a false statement; or

(b) the failure to answer a lawful question fully and satisfactorily.

(3) An owner or occupier of any premises must provide any facility and assistance that is reasonably required by a designated officer to perform his or her functions effectively.

Compliance notice

104 (1) A designated officer who becomes aware that any provision of these By-laws has not been complied with, may issue a compliance notice to the owner or person apparently in control of the relevant premises.

(2) A designated officer who is satisfied that the owner or person apparently in control of any premises has satisfied the terms of a compliance notice may issue a compliance certificate to that effect.

(3) A compliance notice remains in force until a designated officer has issued a compliance certificate in respect of that notice.

(4) A compliance notice must set out –

(a) the provision that has not been complied with;

(b) details of the nature and extent of non-compliance;

(c) any steps that are required to be taken and the period with which those steps must be taken; and any penalty that may be imposed in terms of these By-laws in the event of non-compliance with these steps.

Complaints against persons other than the Water Service Authority

105 Any one may lodge a complaint with a designated officer, either directly or through any other channel established by the Water Services Authority that another person –

(a) is likely to cause or has caused a disruption of the provision of water and sanitation services without just cause; or

(b) is likely to act or has acted contrary to any provisions of these By-laws;

in which event the designated officer, unless he or she has reasonable grounds to believe that the complaint is frivolous, must investigate the complaint and, take any necessary action which is competent in terms of these By-laws.

Official address

106 (1) For the purpose of the service of any notice, order or other document relating to legal proceedings –

the address of the owner of the premises on which domestic water is consumed or

(b) the address provided by the applicant in regard to any water or sanitation services is deemed to be the official address, of the consumer.

(3) Where any notice or other document is required by these By-laws to be served on any person other than for the purpose of criminal proceedings, it must be served on him or her personally, failing which it may be served on any member of his or her household or any employee as the case may be, of the apparent age of 16 years or older, at the place of residence or business of that person, or if sent by registered post, to the official address contemplated in subsection (1), it will constitute prima facie proof of the service of such notice.

Recovery of costs and fees

107. Any costs which the Water Services Authority has entitled to recover from a consumer, owner or other person in terms of these By-laws include, where applicable, any prescribed fees, expenses incurred in any exploratory investigation, survey, plan, specification, or schedule of quantities compilation, supervision, administration or authorization charges, including the cost of any ancillary work associated therewith, wear and tear on plant and equipment utilized in any of these activities, the provision of

labour and the costs, including environmental costs, involved in the disturbing and making good of any part of any street, ground or water services work.

Legal compliance warranty

108. Notwithstanding any provision to the contrary, any consumer by making application for water services, warrants that he or she will –

(a) in his or her activities, application and use of the water services, processes, and operations, comply with all relevant laws, regulation, and standards governing the environment, health and safety;

(b) take all reasonable measures to prevent pollution or environmental degradation from occurring, continuing or recurring;

insofar as such harm to the environment is authorized by law, or cannot reasonably be avoided or stopped, minimize and rectify such pollution or degradation of the environment; and bear all costs and expenses incurred in meeting the above obligations and the implementation thereof.

False statement or information

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

Part 10 :Exceptions to application of these By-laws

110 (1) If authority was given before the date of commencement of these By-laws for installation work to be done, or if authorized work is in progress on such date, such work must comply with any applicable laws which were in force in the relevant portion of the area of jurisdiction of the Water Services Authority immediately prior to such date.

(2) For a period of 90 days after the commencement of these By-laws, the Water Services Authority may give authority for installation work to be done in accordance with any law mentioned in subsection (3) No owner may be required to comply with these By-laws by altering a water installation or part thereof which was installed in conformity

with any law applicable immediately before the date of commencement of these By-laws: Provided that if in the opinion of the Water Services Authority the installation or a part thereof is so defective, or in such a condition or position as to cause waste or undue consumption of water, pollution of the water supply, or a health, safety or environmental hazard, it may by notice in writing require the owner to comply with the provisions of these By-laws within a specified and reasonable period.

Exemptions

111. (1) The Water Services Authority may by resolution exempt any person from complying with a provision of these By-laws, subject to any conditions it may impose, if it is of the opinion that the application or operation of that provision would be unreasonable in the circumstances, provided that such WSA may not grant an exemption from any section of this section that may result in –

- (a) the wastage or excessive consumption of water;
- (b) the evasion or avoidance of water restrictions;
- (c) significant negative effects on public health, safety or the environment;
- (d) non-payment for services;
- (e) the installation of pipes and fittings which are not approved in terms of these By-laws; or
- (f) non-compliance with the Act or any regulations made in terms thereof.

(2) Subject to the provisions of the Promotion of Administrative Justice Act, 2000, the Water Service Authority may at any time after giving written notice of at least thirty days, withdraw any exemption given in terms of subsection (1), and may compel the owner or consumer, as the case may be, to comply with the relevant section or sections within a period to be stated in the notice of withdrawal: Provided that it may withdraw such an exemption without such notice if, in the opinion of the designated officer there is a present or imminent danger to public health or the environment, or of the wastage or excessive consumption of water, or of the evasion of water restrictions or the obligation to pay for the consumption of water supplied.

Part 11 :Application of this Chapter

112 (1) The provisions of the Chapter apply to all persons or bodies, including the State.

(2) A provision of this Chapter conferring a power or imposing a duty applies in respect of-

- (a) all premises;

- (b) any person or thing on or in any premises;

- (c) the owner or occupier of all premises; and

any matter relating to premises, a person, or thing.

(3) For the purposes of this Chapter, the head of a national or provincial department or the municipal manager of the Local Councils are deemed to be the owner and occupier of all premises that the department or municipality occupies or uses to the exclusion of any other person

Repeal of Bylaws

113 .The Bylaws referred to in the second column of Schedule E is hereby repealed while the extent of the repeal is indicated in the next column of the schedule.

Short title and Commencement

114. These By-laws are called the Vhembe District Municipality Water Services By-laws, 2014

SCHEDULE A: Quality standards

Acceptance of industrial effluent for discharge into the sewage disposal system

No industrial effluent shall be accepted for discharge into the sewage disposal system unless it complies with the following conditions.

The effluent shall not contain concentrations of substances in excess of those stated below:–

Large Works general quality limits are applicable when an industry's effluent discharges in a catchment leading to sewage works of greater than 25 M/d capacity. Small Works quality limits apply for catchments leading to sewage works with less than 25 M/d capacity .

GENERAL QUALITY LIMITS	LARGE WORKS > 25 M/d	SMALL WORKS > 25 M/d	UNITS
1. Temperature (C)	<44 C	<44 C	Degrees Celcius
2. pH	6 < pH < 10	6,5 < pH < 10	pH units
3. Oils, greases, waxes of mineral origin	50	50	mg/
4. Vegetable, oils, greases, waxes	250	250	mg/
5. Total sugar & starch (as glucose)	1 000	500	mg/
6. Sulphates in solution (as SO=4)	250	250	mg/
7. Sulphides, hydrosulphides (as S=) and polysulphides	1	1	mg/
8. Chlorides (as C)	1 000	500	mg/
9. Fluoride (as F)	5	5	mg/
10. Phenols (as phenol)	10	5	mg/
11. Cyanides (as CN)	20	10	mg/
12. Settle able solids	Charge	Charge	m/
13. Suspended solids	2 000	1 000	mg/
14. Total dissolved solids	1 000	500	mg/
15. Electrical conductivity	–	400	MS/m
16. Anionic surfactants	–	500	mg/

17. C.O.D.	Charge	Charge	mg/
Heavy Metal Limits			
18. Copper (as Cu)	50	5	mg/
19. Nickel (Ni)	50	5	mg/
20. Zinc (Zn)	50	5	mg/
21. Iron (Fe)	50	5	mg/
22. Boron (B)	50	5	mg/
23. Selenium (Se)	50	5	mg/
24. Manganese (Mn)	50	5	mg/
25. Lead (Pb)	20	5	mg/
26. Cadmium (Cd)	20	5	mg/
27. Mercury (Hg)	1	1	mg/
28. Total Chrome (Cr)	20	5	mg/
29. Arsenic (As)	20	5	mg/
30. Titanium (Ti)	20	5	mg/
31. Cobalt (Co)	20	5	mg/
TOTAL METALS	100	20	mg/

Special limitations

- 1 No calcium carbide, radio- active waste or isotopes
- 2 No yeast and yeast wastes, molasses spent or unspent
- 3 No cyanides or related compounds capable of liberating HCN gas or cyanogens
- 4 No degreasing solvents, petroleum spirit, volatile flammable solvents or any substance which yields a flammable vapour at 21 C .
- 5 No motor oil, diesel or motor parts or similar material may be dumped in the sewage system

SCHEDULE B

GENERAL RULES REGARDING TARIFFS

In this Schedule, unless the context otherwise indicates –

"half year" means the period of six months commencing on 1 JULY and 1 JANUARY in each year, as the case may be;

"quarter" means the period of three months commencing on 1 JULY, 1 OCTOBER, 1 JANUARY and 1 APRIL in each year, as the case may be;

"three monthly period" means the period of three months in the meter reading cycle ending on the date of the last meter reading preceding the end of the quarter.

PART 1

GENERAL RULES REGARDING TARIFFS FOR THE USE OF THE
WSP'S SEWERS AND SEWAGE PURIFICATION PLANT

1. The fees determined by the Water Services Authority accruing in respect of each –
 - (a) half-year, becomes due and payable in advance on 1 July and 1 January of each year: Provided that the fees payable in respect of industrial effluent is payable half-yearly in arrears;
 - (b) quarter, becomes due on the first day of such quarter and payable within six weeks after the first day of such quarter.
2. If any fees determined by the WSA in respect of any type of premises is based on the number of inmates, patients, servants, students, staff or other persons resident or occupying such premises, the WSA may require a certificate specifying the number of persons occupying or accommodated on such premises during any particular period to be furnished to it by the person in charge of such premises.

3. If any person who is required to furnish a return in terms of these By-laws, or this Schedule or to provide such other information as may be necessary to enable the WSA to assess the amount payable in terms of a fee determined by the WSA, fails to do so within 30 days after having been called upon to do so by notice in writing, he or she is liable to pay such fees as the WSA may then assess on the best information available to it, subject to the WSA entitlement to levy any additional fees which may be applicable when further information becomes available.
4. In all cases of dispute as to the date from which a fee becomes applicable, the decision of the WSA. In the case of premises not connected to the municipal sewer the fees determined by the WSA and contemplated shall become payable with effect from the date on which the WSA requires that a connection be made or with effect from the date when the premises are in fact connected, whichever is the earlier.
5. The fees determined by the WSA for domestic sewage, industrial effluents, swimming pools, fountains and reservoirs, remain effective in the case of buildings wholly unoccupied or in the course of demolition until the date on which the WSA is requested to seal the openings to the municipal sewer.
7. If any change is made in the nature of the occupation or the use of any premises which requires the application of a different fee determined by the WSA, no claim for any adjustment of an account rendered or any refund of monies paid in terms of these By-laws will be entertained by the WSA unless notice in writing of the change is given to the WSA within 30 days of the date of its occurrence.
8. (a) The WSA must designate the category of domestic sewage into which premises connected to the municipal sewer fall, for purposes of assessment of the amount payable in accordance with the fees determined by the WSA ; and
- (b) for the purpose of the designation referred to in this rule the WSA may require the owner or occupier of any premises to furnish it with information to its satisfaction reflecting the number of dwelling-units on the premises.

9. (1) The fees determined by the WSA for premises other than those referred to in rule 2 shall be assessed in advance for each quarter, and shall be based on a quantity equal to the water consumption metered in terms of Chapter 2 of these By-laws, for the meter reading cycle of three months preceding the last meter reading prior to the quarter in question Provided that:

(a) in the case of new premises or if the record of metered consumption on existing premises does not extend over the full meter reading cycle of three months or if, in the opinion of the WSA, the record of metered consumption is not a suitable basis for the assessment of the fees by reason of a change in the occupation, use or ownership of premises, or special contingency, the fees for the coming quarter shall, subject to adjustment when the consumption of water for the three monthly period becomes available, be based on the WSA's estimate of the quantity of water to be consumed and discharged into the sewer on such premises during such coming three monthly period;

(b) in the case of premises where the water consumed is not used solely for domestic purposes and in the absence of any direct measurement, the quantity of water discharged during a quarter shall be assessed by the WSA according to the quantity of water consumed on the premises during that period, and in the assessment of that quantity deductions shall be made for the quantity lost during the process of trade or manufacture or present in the final product;

(c) if the quantity of water obtained from a source other than the WSA's water supply on the premises during that cycle is unknown, the fees shall be based on the estimate of the total water consumption on such premises during the aforesaid meter reading cycle.

(d) Water consumption recorded by a meter installed in terms of –

(i) section 83 shall be paid for on the basis of the fees determined by the WSA for unspecified premises, or the fees determined for industrial effluent, if applicable, but not on the basis of both such fees;

(2) If on any premises the WSA after consideration of its size, the number of water supply points and the complexity of the water reticulation, considers it impractical to

determine the quantity of water discharged into the sewer from records of metered water consumption, it may in its discretion:

- (a) direct that water reticulation system be altered at the cost of the owner, to facilitate separate metering of water discharged into the sewer after use, and other water consumed, but not so discharged; or
- (b) assess the quantity of water discharged into the sewer in any six monthly meter reading period in accordance with the quantity of water used on the premises of a similar nature as determined by the WSA.

PART II

GENERAL RULES REGARDING TARIFFS FOR INDUSTRIAL EFFLUENT

The following rules are applicable in connection with the fees determined by the WSA which are payable for the acceptance, conveyance and treatment of industrial effluent discharged from any premises;

1. The owner or occupier of premises on which any trade or industry is carried on
 - (a) on the quantity of water discharged during the half-year forming the period of the fee; and
 - (b) in accordance with the arithmetic mean of the results of the analyses, specified in item 3, of not less than eight grab samples of effluent taken at any time during a three month assessment period: Provided that the WSA may in its discretion use another method of assessment if in its opinion it will lead to a fairer result.
2. Whenever a sample is taken by the Council in terms of rule 1, one half thereof shall, on the request of the owner, occupier or person in control of the premises, be made available to him or her and like provisions shall apply to any samples taken by the owner, occupier or person in control in favour of the WSA
3. The analyses referred to in rule 1 must be in accordance with the methods of

chemical analysis normally used by the WSA for the purpose and may include –

Chemical Oxygen Demand (COD)

Total Kjeldahl Nitrogen

Nitrate as N

Ammonia as N

Total phosphorus

Orthophosphate as P

pH

Substances listed in Schedule C (Rule 5.9) and D:

4. In the absence of any direct measurement, the quantity of industrial effluent discharged during a half-year must be assessed by the WSA according to the quantity of water consumed on the premises during that period, and in the assessment of that quantity a deduction must be made of the quantity used on the premises for domestic purposes, and the quantity lost to the atmosphere during the process of trade or manufacture, or present in the final product.

5. Unless the WSA in any particular case, agrees otherwise in writing with an owner or occupier, the fees determined by the WSA for industrial effluent will be levied in respect of half-years beginning 1 July and 1 January;

Provided that –

- (i) if the last monthly reading relating to a half yearly charging period is taken before the end of that period, the remaining part of the period will be deemed to belong for charging purposes to the next succeeding half-yearly charging period;
- (ii) if the last monthly meter reading relating to the half-yearly charging period is taken after the end of that period, that part of the succeeding period which has elapsed when the reading is taken will be deemed to form part of the charging period to which the reading relates; and

(iii) if the discharge of effluent to the sewer begins during a half-year as aforesaid the charge made in respect of that half-year must be calculated as from the relevant date.

6. If a meter measuring the quantity of water consumed on premises is proved defective, an appropriate adjustment must be made to the quantity of industrial effluent discharged when calculated as provided by rule 4.

7. (1) If industrial effluent is discharged into the sewer from more points than one, whether on the same floor or on different floors of premises, the WSA may in its discretion for all the purposes of assessing a fee for industrial effluent, including the taking of test samples, treat each such point of discharge as a separate point for the discharge of industrial effluent into the sewer.

(2) For the purpose of calculating, as prescribed in rule 4, the quantity of effluent discharged from each point of discharge as aforesaid, the total water consumed on the premises must be allocated as accurately as is reasonably practicable, after consultation between the WSA and the occupier, among the several points of discharge

8. If a grab sample taken at any time after the three month assessment period should reveal that the total pollutant load is altered in such a way as to place a heavier load on the WSA's sewage treatment plants, and the owner, occupier or person in control has failed to advise the WSA in writing of the change, the owner or occupier will immediately become liable for twice the difference between the assessed fees and the fees that would have been levied had the total pollutant load been correctly assessed.

9. If an inspection should reveal that the owner or occupier or person in control has failed to discharge industrial effluent during periods specified by the WSA the owner or occupier will immediately become liable for the full amount of the industrial effluent fees .

10. (1) (a) The WSA may, during any half yearly period referred to in rule 5, render a provisional account in respect of a part of such period, which part must as nearly as practically possible be a period of 30 days, and the amount of such account must be determined as provided in sub-rule (b) and the WSA must as soon as possible after the end of such period render an account based on the actual measurements and results obtained in terms of rule 1(a) and (b) for such period, giving credit for any sum paid on a provisional account as aforesaid.

(b) The amount of a provisional account referred to in sub-rule (a) must be determined by the WSA by reference to such previous discharge on the same premises as would in its opinion, constitute a reasonable guide to the quantity of effluent discharged over the period covered by the provisional account by reference to such discharge on other similar premises which, in its opinion, affords reasonable guidance.

(2) A provisional account rendered in terms of sub-rule (1) (a) is payable on the date stipulated therein.

An owner's decision to dispute an account shall not entitle him or her to defer payment beyond the due date stipulated in the account.

PART 3

GENERAL RULES REGARDING TARIFFS FOR AN ON-SITE SANITATION SERVICE

The following rules are applicable in connection with the fees determined by the WSA which are payable for the provision of a sanitation service:

1. A commencement fee as determined by the WSA will be payable in respect of the provision of sanitation services before the commencement of such services.
2. Night soil removal services may be provided on a tri-weekly, nightly or other basis at the discretion of the WSP in consultation with the WSA.
3. The fees for night soil removal must be based on the number of pails and, for a vacuum tank removal, on the quantity removed.
4. A tri-weekly night soil removal service may be provided to a bona fide builder during building operations.
5. A mobile convenience may be provided at the discretion of the WSA
6. A vacuum tank removal service may be provided at the discretion of the WSA
7. Any sanitation service provided by the WSA may be subject to an escalating tariff of fees within six months of the introduction of a suitable waterborne system.

SCHEDULE C

FORM OF APPLICATION FOR PERMISSION TO INSTALL APPLIANCES
FOR LIFTING SEWAGE

NOTE: On *premises where it is not possible to drain all sanitary fittings by gravitation to a connecting sewer, the WSA will consider applications for lifting sewage in compliance with the requirements of the National Building Regulations made in terms of the National Building Regulations and Building Standards Act, 1977, and any other applicable law only in respect of those parts of premises which cannot be drained by*

gravitation. In the case of single basements, consideration will be given to the use of sanitary fittings on the ground floor.

In all cases where lifting of sewage is permitted, the WSA will stipulate the rate of discharge, which will be normally limited to a maximum of 240 litres per minute.

INFORMATION TO BE FURNISHED BY OWNER

The owner of the premises must furnish the following information and the relevant literature and characteristic curves, and sign the application and undertaking:

- (a) Make of appliance, name of supplier and purpose for which the appliance is designed;
- (b) kW rating and speed of motor;
- (c) Maximum rate of discharge in litres per minute
- (d) Size of rising main and velocity of discharge;
- (e) Capacity and dimensions of storage tank depth to be given as liquid depth below inlet drain;
- (f) Descriptions of stand-by equipment, automatic controls, warning systems, and other relevant information.

Any matters relating to the electric power connection and switchboard will be referred to the electricity supplier and will be subject to the approval of that supplier.

SCHEDULE D

FORM OF APPLICATION FOR PERMISSION TO DISCHARGE INDUSTRIAL EFFLUENT INTO
THE WSA'S SEWER

1. GENERAL

1.1 I (Name) the undersigned, duly authorised to and on behalf of

.....(hereinafter referred to as the applicant), hereby apply in
terms of the provisions of the Water Services By-laws of the Vhembe District
Municipality for permission to discharge industrial effluent into the municipal sewer on
the basis of the information set out herein.

1.2 Company's present street address, etc,

Street Address .

Postal Address

1.

Contact Person

Designation

Township

Stand No(s)

Landlord

Tel.....

1.3 Name or style under which the business or industry is carried on.

1.4 If the business or industry is carried on by a company, state the name of the secretary and if it is a partnership state the names of the partners and their positions held in the company and their telephone numbers.

1.5 Nature of the business or industry concerned

1.6 Description of industrial or trade process by which effluent is or will be produced.

2. INFORMATION RELATING TO EMPLOYEES

Office/Factory

2.1 Total number of daily employees (not to include 2.3)

2.2 Number of days worked per week

2.3 Number of persons resident on the premises

2.4 Is a canteen provided? YES/NO

If YES, number of meals served per month

3. INFORMATION RELATING TO WATER CONSUMPTION

3.1 Kilolitres / Month

3.2 Approximate quantity of water purchased from the WSP.....kl/m

In case of an established business or industry attach copies of all latest assessment and water accounts.)

3.3 Approximate quantity of water extracted from borehole(s) and/or other sources.

.....

(In terms of the Water Services By-laws a meter measuring the total quantity of water drawn from any natural source and used on the property must be installed.)

Source kl/m Meter No.

- 1
- 2.
- 3.
- 4.
- 5.

3.4 Approximate quantity of water entering with raw materials.

Raw Material kl/m Meter No.

- 1.
- 2.
- 3.
- 4.
- 5.

NOTE: QUANTITIES MUST BE SUB-METERED WHERE POSSIBLE, OR CERTIFIED FROM
PRODUCTION FIGURES

4. WATER LOST FROM MISCELLANEOUS CAUSES (kl/m)

4.1 Quantity of water in end product

4.2 Quantity of water used as cooling make-up

4.3 Quantity of water used as boiler make-up

4.4 Does boiler blowdown enter the sewer? Quantity

4.5 Specify other non-effluent uses, not domestic

In order to qualify for non-effluent deductions sub-meters must be installed wherever practicable. Certified quantities based on formal production records will also be considered. Such records must be available for inspection at all times.

5. EFFLUENT QUALITY

Information required concerning the chemical and physical characteristics of the effluent to be discharged.

5.1 Maximum temperature of effluent ° C

5.2 pH value

5.3 Electrical conductivitymS/m

5.4 Nature and amount of substances not in solution

5.5 Chemical oxygen demand valuemg/l

5.6 Maximum total daily dischargekl...

5.7 Maximum rate of dischargel/s

5.8 Periods of maximum discharge (e.g. 07:00 – 08:00 = 36 kl/h)

5.9 If any of the substances, or their salts, specified in the table below are used or produced on the premises, a cross must be placed in the space in which the substance appears and the maximum concentration of each likely to be present in the effluent, must be stated in mg/l.

Substance	Substance
Iron as Fe	Cyanide as HCN
Chromium as Cr	Fluoride as F
Nickel as Ni	Sulphides as S
Cadmium as Cd	Sulphates as SO ₄
Copper as Cu	Phosphorus as P
Zinc as Zn	Orthophosphate as P
Cobalt as Co	Total Nitrogen as N
Lead as Pb	Ammonia as N
Selenium as Se	Nitrates as N
Mercury as Hg	Starch or sugars
Molybdenum as mo	Tar or tar oil

Arsenic as As	Fats, oils and grease
Boron as B	Synthetic detergents
Other substances	Volatile solvents

5.10 Any further information as to kind or character, chemical composition and concentrations peculiar to the industrial effluent to be furnished on a separate sheet and attached hereto.

CONDITIONS OF ACCEPTANCE OF INDUSTRIAL EFFLUENT

This application will only be granted on the applicant's undertaking, as he or she is by virtue of his or her signature hereto appended deemed to do, to observe the following terms and conditions and any further special conditions which the WSA may think fit to impose in any particular case:

1. The applicant must annex hereto descriptions and a statement of the dimensions of grease and oil traps, screens, dilution and neutralising tanks and any other provisions made by him for the treatment of the industrial effluent before it is discharged to the sewer.
2. The applicant must submit to the WSA, if requested, plans showing the reticulation systems on his or her premises for water and industrial effluent.
3. The applicant must, in addition to complying with the provisions of the Water Services By-laws concerned with the protection of its employees, sewers and treatment plant from injury or damage, comply with any direction concerned with such protection of its employees, sewers and treatment plant from injury or damage, and comply with any direction concerned with such protection given to him by the authorised officer verbally or in writing for the purpose of ensuring the applicant's compliance with the said By-laws.

4. The applicant must provide a separate drainage installation for conveying industrial effluent and for discharging same into the sewer via a separate connection as directed by the WSA
5. The applicant agrees to provide a suitable sample point for his industrial effluent and manage the effluent in such a manner that at all times the samples taken thereof are an accurate representation of the strength and composition of the industrial effluent.
6. The applicant must notify the WSA as soon as possible after he becomes aware of, or at least 14 days before anything is done to cause any material alteration in the nature or quantity of discharge of the industrial effluent specified in this application, or in any of the facts stated by him therein.
7. The applicant hereby declares and warrants that the information given by him on this form or otherwise in connection with this application, is to the best of his knowledge and belief in all respects correct.
8. The applicant agrees that, the said information being warranted in all respects correct, forms the basis on which this application is granted by the Water Service Authority

Thus done at this day of 200.... .

Signature & Capacity of Applicant

SCHEDULE E: Repeal of Bylaws
(See Section 114)

Number and Year of Bylaw	Short Title	Extent of Repeal
Administrator's Notice 2356 dated 19 November 1952	Messina Municipality Water Supply Bylaws	Whole
Administrators Notice 1024 dated 27 July 1977	Louis Trichardt Water Supply Bylaws	Whole
Administrators Notice 665 dated 8 June 1977	Standard Drainage Bylaws	Whole

NOTICE – CHANGE OF TELEPHONE NUMBERS: GOVERNMENT PRINTING WORKS

As the mandated government security printer, providing world class security products and services, Government Printing Works has adopted some of the highly innovative technologies to best serve its customers and stakeholders. In line with this task, Government Printing Works has implemented a new telephony system to ensure most effective communication and accessibility. As a result of this development, our telephone numbers will change with effect from 3 February 2014, starting with the Pretoria offices.

The new numbers are as follows:

- Switchboard : 012 748 6001/6002
- Advertising : 012 748 6205/6206/6207/6208/6209/6210/6211/6212
- Publications Enquiries : 012 748 6052/6053/6058 GeneralEnquiries@gpw.gov.za
Maps : 012 748 6061/6065 BookShop@gpw.gov.za
Debtors : 012 748 6060/6056/6064 PublicationsDebtors@gpw.gov.za
Subscription : 012 748 6054/6055/6057 Subscriptions@gpw.gov.za
- SCM : 012 748 6380/6373/6218
- Debtors : 012 748 6236/6242
- Creditors : 012 748 6246/6274

Please consult our website at www.gpwonline.co.za for more contact details.

The numbers for our provincial offices in Polokwane, East London and Mmabatho will not change at this stage.