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Vol: 29

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14 October 2022
14 Oktober 2022

No: 3449

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DEPARTMENT OF HEALTH

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Closing times for **ORDINARY WEEKLY** 2022 MPUMALANGA PROVINCIAL GAZETTE

*The closing time is **15:00** sharp on the following days:*

- **31 December 2021**, Friday for the issue of Friday **07 January 2022**
- **07 January**, Friday for the issue of Friday **14 January 2022**
- **14 January**, Friday for the issue of Friday **21 January 2022**
- **21 January**, Friday for the issue of Friday **28 January 2022**
- **28 January**, Friday for the issue of Friday **04 February 2022**
- **04 February**, Friday for the issue of Friday **11 February 2022**
- **11 February**, Friday for the issue of Friday **18 February 2022**
- **18 February**, Friday for the issue of Friday **25 February 2022**
- **25 February**, Friday for the issue of Friday **04 March 2022**
- **04 March**, Friday for the issue of Friday **11 March 2022**
- **11 March**, Friday for the issue of Friday **18 March 2022**
- **17 March**, Thursday for the issue of Friday **25 March 2022**
- **25 March**, Friday for the issue of Friday **01 April 2022**
- **01 April**, Friday for the issue of Friday **08 April 2022**
- **07 April**, Thursday for the issue of Friday **15 April 2022**
- **13 April**, Wednesday for the issue of Friday **22 April 2022**
- **21 April**, Thursday for the issue of Friday **29 April 2022**
- **28 April**, Thursday for the issue of Friday **06 May 2022**
- **06 May**, Friday for the issue of Friday **13 May 2022**
- **13 May**, Friday for the issue of Friday **20 May 2022**
- **20 May**, Friday for the issue of Friday **27 May 2022**
- **27 May**, Friday for the issue of Friday **03 June 2022**
- **03 June**, Friday for the issue of Friday **10 June 2022**
- **09 June**, Thursday for the issue of Friday **17 June 2022**
- **17 June**, Friday for the issue of Friday **24 June 2022**
- **24 June**, Friday for the issue of Friday **01 July 2022**
- **01 July**, Friday for the issue of Friday **08 July 2022**
- **08 July**, Friday for the issue of Friday **15 July 2022**
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- **04 November**, Friday for the issue of Friday **11 November 2022**
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- **08 December**, Thursday for the issue of Friday **16 December 2022**
- **15 December**, Thursday for the issue of Friday **23 December 2022**
- **22 December**, Thursday for the issue of Friday **30 December 2022**

GENERAL NOTICES • ALGEMENE KENNISGEWINGS
GENERAL NOTICE 205 OF 2022

LOCAL GOVERNMENT: MUNICIPAL STRUCTURES ACT, 1998

DETERMINATION OF DATE FOR BY-ELECTIONS

I, Mandla Padney Ndlovu, Member of the Executive Council responsible for Co-operative Governance and Traditional Affairs in the Mpumalanga Province, hereby give notice in terms of section 25(3)(d) of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998), that I have determined **23 November 2022** as the date on which the by-elections as indicated in the Schedule should be held.

Given under my hand at Mbombela on 28 September 2022



MR. MP NDLOVU (MPL)
MEC: CO-OPERATIVE GOVERNANCE
AND TRADITIONAL AFFAIRS

SCHEDULE

- | | | |
|-------------------|---|---------------------------------------|
| (a) MP 303 | - | Mkhondo Local Municipality |
| Ward | - | 83003015 |
| (b) MP 307 | - | Govan Mbeki Local Municipality |
| Ward | - | 83007025 |
| (c) MP 325 | - | Nkomazi Local Municipality |
| Ward | - | 83204004 |

OFFICIAL NOTICES • OFFISIONELE KENNISGEWINGS

OFFICIAL NOTICE 2 OF 2022

OPEN SEASON: ORDINARY GAME

I, B.P. SHIBA, Mpumalanga Member of the Executive Council for Agriculture, Rural Development, Land and Environmental Affairs hereby, under section 7(1)(a) of the Mpumalanga Nature Conservation Act, 1998 (Act No. 10 of 1998), declare –

- (a) the periods mentioned in the first column of Schedule I to be open seasons during which time the category of persons referred to in that Schedule may, subject to the provisions of the said Act, hunt the species and sex of ordinary game referred to opposite each period in the second column of that Schedule, in the area defined opposite it in the third column of that Schedule;
- (b) the periods mentioned in the second column of Schedule II to be open seasons during which time the category of persons referred to in that Schedule may, subject to the provisions of the said Act, hunt the species of ordinary game referred to opposite each period in the first column of that Schedule, in the area defined opposite it in the second column of that Schedule; and
- (c) all Magisterial districts in the Mpumalanga Province not mentioned in this Notice as being a closed area/season for hunting.

GIVEN UNDER MY HAND AT Mbombela ON THIS 05 DAY OF OCTOBER TWO THOUSAND AND TWENTY-TWO.



MS. B.P. SHIBA MPL
MEMBER OF THE EXECUTIVE COUNCIL FOR AGRICULTURE,
RURAL DEVELOPMENT, LAND AND ENVIRONMENTAL AFFAIRS

SCHEDULE I

PERSONS WHO HUNT ON LAND OF WHICH THEY ARE THE OWNERS		
Period	Species and sex of ordinary game	Area (Magisterial District)
1. 1 May 2023 to 30 April 2024	Rock pigeon	In all Magisterial districts
2. 1 May 2023 to 31 July 2024	Red-knobbed coot, yellow-billed duck, Egyptian goose, red-billed teal and spur-winged goose	In all Magisterial districts: excluding all Magisterial districts in the Mpumalanga Province not mentioned in this Notice as a closed season for hunting.
3.(a) 1 May 2023 to 30 April 2024	Blesbok and springbok	Dr Pixley Ka Isaka Seme (Amersfoort)

(b) 1 May 2023 to 31 July 2023	Guinea fowl and Swaison's, Natal and Red-necked Spurfowl, Crested, Coqui, and Shelley's Francolin, Orange River Francolin	
(c) 1 June 2023 to 31 August 2023	Redwing and Greywing Francolin	
4.(a) 1 May 2023 to 30 April 2024	Blesbok and springbok	Dipaleseng (Balfour)
(b) 1 May 2023 to 31 July 2023	Guineafowl and Swaison's, Natal and Red-necked Spurfowl, Crested, Coqui, Shelley's and Orange River Francolin	
(c) 1 June 2023 to 31 August 2023	Redwing and Greywing Francolin	
5.(a) 1 May 2023 to 31 July 2023	Bushbuck and impala	Umjindi (Barberton) Excluding the Township Marloth Park being Portion 49 of Portion 2 of the farm Tenbosch 162 JU and the area to the west and the south of the western boundaries of the farms Esperado Annex 222 JU, Louisville 325 JU, Louw's Creek 271 JU and Waaiheuwel JU
(b) 1 May 2023 to 31 July 2023	Grey Duiker	
(c) 1 May 2023 to 31 July 2023	Kudu	Only on the following farms: Ammanxala 436 JU, Avonstond 427 JU, Biltong 434 JU, Castillhopolis 425 JU, Cooper's Dal 423 JU; Good Luck 418 JU; The Harp 422 JU, The Hippo's 192 JU, Inyoni 420 JU, Johan Theron 430 JU, Lang Piet 435 JU, Lebombo 186 JU, Leeubos 429 JU, Meribeeck 424 JU, Nico's Kamp 421 JU, Nil Desperandum 419 JU, Quagga 432 JU, Seeikoeigat 417 JU and Squamans 416 JU
(d) 1 May 2023 to 31 July 2023	Guinea fowl and Swaison's, Natal and Red-necked Spurfowl, Crested, Coqui, Shelley's and Orange River Francolin	Excluding the area mentioned in paragraphs 3.(a) and 4.(a) of Schedule II
(e) 1 June 2023 to 31 August 2023	Redwing and Greywing Francolin	
6.(a) 1 May 2023 to 30 April 2024	Blesbok	Emakhazeni (Belfast)
(b) 1 May 2023 to 31 July 2023	Grey duiker	
(c) 1 May 2023 to 31 July 2023	Guinea fowl and Swaison's, Natal and Red-necked Spurfowl, Crested, Coqui, Shelley's and Orange River Francolin	
(d) 1 June 2023 to 31 August 2023	Redwing and Greywing Francolin	
7.(a) 1 May 2023 to 30 April 2024	Blesbok	Govan Mbeki (Bethal)
(b) 1 May 2023 to 31 July 2023	Guinea fowl and Swaison's, Natal and Red-necked Spurfowl, Crested, Coqui, Shelley's and Orange River Francolin	
(c) 1 June 2023 to 31 August 2023	Redwing and Greywing Francolin	
8.(a) 1 May 2023 to 30 April 2024	Blesbok	Chief Albert Luthuli (Carolina)

(b) 1 May 2023 to 31 July 2023	Guinea fowl and Swaison's, Natal and Red-necked Spur fowl, Crested, Coqui, Shelley's and Orange River Francolin	
(c) 1 June 2023 to 31 August 2023	Redwing and Greywing Francolin	
9.(a) 1 May 2023 to 30 April 2024	Blesbok	Victor Khanye (Delmas)
(b) 1 May 2023 to 31 July 2023	Guinea fowl and Swaison's, Natal and Red-necked Spur fowl, Crested, Coqui, Shelley's and Orange River Francolin	
(c) 1 June 2023 to 31 August 2023	Redwing and Greywing Francolin	
10.(a) 1 May 2023 to 30 April 2024	Blesbok, and springbok	Msukaligwa (Ermelo)
(b) 1 May 2023 to 31 July 2023	Grey duiker	
(c) 1 May 2023 to 31 July 2023	Guinea fowl and Swaison's, Natal and Red-necked Spur fowl, Crested, Coqui, Shelley's and Orange River Francolin	
(d) 1 June 2023 to 31 August 2023	Redwing and Greywing Francolin	
11.(a) 1 May 2023 to 30 April 2024	Blesbok and Springbok	Lekwa (Greylingstad)
(b) 1 May 2023 to 31 July 2023	Guinea fowl and Swaison's, Natal and Red-necked Spur fowl, Crested, Coqui, Shelley's and Orange River Francolin	
(c) 1 June 2023 to 31 August 2023	Redwing and Greywing Francolin	
12.(a) 1 May 2023 to 30 April 2024	Blesbok	Govan Mbeki (Highveld Ridge)
(b) 1 May 2023 to 31 July 2023	Guinea fowl and Swaison's, Natal and Red-necked Spur fowl, Crested, Coqui, Shelley's and Orange River Francolin	
(c) 1 June 2023 to 31 August 2023	Redwing and Greywing Francolin	
13.(a) 1 May 2023 to 31 July 2023	Grey duiker	Thaba Chweu (Lydenburg) Excluding the following farms: Kalmoesfontein 267 JT; Krugerspost 550KT; Lydenburg 28 JT and Uitkyk 264 JT.
(b) 1 May 2023 to 30 April 2024	Blesbok	Excluding the farms mentioned in paragraph (a) of Schedule II
(c) 1 May 2023 to 31 July 2023	Guinea fowl and Swaison's, Natal and Red-necked Spur fowl, Crested, Coqui, Shelley's and Orange River Francolin	Excluding the farms mentioned in paragraph (a) of Schedule II
(d) 1 June 2023 to 31 August 2023	Redwing and Greywing Francolin	
14.(a) 1 May 2023 to	Blesbok	Steve Tshwete (Middelburg)

30 April 2024		
(b) 1 May 2023 to 31 July 2023	Grey duiker	
(c) 1 May 2023 to 31 July 2023	Guinea fowl and Swaison's, Natal and Red-necked Spurrowl, Crested, Coqui, Shelley's and Orange River Francolin	
(d) 1 June 2023 to 31 August 2023	Redwing and Greywing Francolin	
15.(a) 1 May 2023 to 30 April 2024	Blesbok and impala	Mkhondo (Piet Retief)
(b) 1 May 2023 to 31 July 2023	Grey duiker	
(c) 1 May 2023 to 31 July 2023	Guinea fowl and Swaison's, Natal and Red-necked Spurrowl, Crested, Coqui, Shelley's and Orange River Francolin	
(d) 1 June 2023 to 31 August 2023	Redwing and Greywing Francolin	
16.(a) 1 May 2023 to 30 April 2024	Blesbok and springbok	Lekwa (Standerton)
(b) 1 May 2023 to 31 July 2023	Guinea fowl and Swaison's, Natal and Red-necked Spurrowl, Crested, Coqui, Shelley's and Orange River Francolin	
(c) 1 June 2023 to 31 August 2023	Redwing and Greywing Francolin	
17.(a) 1 May 2023 to 30 April 2023	Blesbok and springbok	Dr Pixley Ka Isaka Seme (Volksrust)
(b) 1 May 2023 to 31 July 2023	Guinea fowl and Swaison's, Natal and Red-necked Spurrowl, Crested, Coqui, Shelley's and Orange River Francolin	
(c) 1 June 2023 to 31 August 2023	Redwing and Greywing Francolin	
18.(a) 1 May 2023 to 31 July 2023	Grey duiker	Dr Pixley Ka Isaka Seme (Wakkerstroom)
(b) 1 May 2023 to 30 April 2024	Blesbok and springbok	
(c) 1 May 2023 to 31 July 2023	Guinea fowl and Swaison's, Natal and Red-necked Spurrowl, Crested, Coqui, Shelley's and Orange River Francolin	
(d) 1 June 2023 to 31 August 2023	Redwing and Greywing Francolin	
19.(a) 1 May 2023 to 30 April 2024	Blesbok	Emakahazeni (Waterval-Boven)
(b) 1 May 2023 to 31 July 2023	Grey duiker	

(c) 1 May 2023 to 31 July 2023	Guinea fowl and Swaison's, Natal and Red-necked Spurrow, Crested, Coqui, Shelley's and Orange River Francolin	
(d) 1 June 2023 to 31 August 2023	Redwing and Greywing Francolin	
20. (a) 1 May 2023 to 30 April 2024	Blesbok	Emalahleni (Witbank)
(b) 1 May 2023 to 31 July 2023	Guinea fowl and Swaison's, Natal and Red-necked Spurrow, Crested, Coqui, Shelley's and Orange River Francolin	
(c) 1 June 2023 to 31 August 2023	Redwing and Greywing Francolin	

SCHEDULE II

PERSONS WHO ARE NOT OWNERS OF LAND ON WHICH THEY HUNT	
Species of ordinary game	Period and area
1. Rock pigeon	1 May 2023 to 30 April 2024 in all Magisterial districts.
2. Red-knobbed coot, yellow billed duck, Egyptian goose, red-billed teal and spur-winged goose.	1 May 2023 to 31 July 2023 in all Magisterial districts: excluding all Magisterial districts in the Mpumalanga Province not mentioned in this Notice as a closed season for hunting.
3. i) Guinea fowl and Swaison's, Natal and Red-necked Spurfowl, Crested, Coqui, Shelley's and Orange River Francolin ii) Redwing and Greywing Francolin	(a) During the period referred to in Schedule I declared to be an open season during which the owner of the land may hunt these species of ordinary game: Provided that i) shall not be hunted prior to 1 May 2023 and not later than 31 July 2023, ii) shall not be hunted prior to 1 May 2023 and not later than 31 September 2023, iii) shall not be hunted prior to 1 April 2023 and not later than 31 July 2023; and (b) in the area where the owner of land may hunt these species of ordinary game as defined in Schedule I.
4. Blesbok, blue wildebeest, Burchell's zebra, bushbuck, grey duiker, kudu, impala, springbok, gemsbok, red hartebeest and hares.	(a) During the period referred to in Schedule I declared to be an open season during which the owner of the land may hunt these species of ordinary game: Provided that these species shall not be hunted prior to 1 May 2023 and not later than 31 July 2023; and (b) in the area where the owner of land may hunt these species of ordinary game as defined in Schedule I.

PROCLAMATIONS • PROKLAMASIES**PROCLAMATION 149 OF 2022****MSUKALIGWA LOCAL MUNICIPALITY****NOTICE OF APPROVAL OF MSUKALIGWA LOCAL MUNICIPALITY LAND USE SCHEME, 2021****AMENDMENT SCHEME No. 43-2021**

Notice in terms of the provisions of Section 66(5) of the Msukaligwa Spatial Planning and Land Use Management By-law, 2016, that Msukaligwa Local Municipality Land Use Scheme, 2021, Amendment Scheme No. 43-2021, has been approved in terms of Section 114(a) of the SPLUM By-law, 2016, by the rezoning of the Remaining Extent of Erf 339 Ermelo from "Residential 1" to "Residential 3" for a Dwelling house and Dwelling units. This amendment is known as Msukaligwa Local Municipality Land Use Scheme, 2021, Amendment Scheme No. 43-2021 and shall come into operation on date of publication of this notice.

Particulars of the application will lie for inspection during normal hours at the office of the Director of Planning and Economic Development, 2nd Floor, Civic Centre, Taute Street, Ermelo for the period of 30 days from 14 October 2022.

H.S. POTGIETER, REED & PARTNERS, 100 Joubert Street, ERMELO, 2351

E-mail: rperm@megaweb.co.za Tel. No.: 017-811-2348/58

Publication date: Provincial Gazette of Mpumalanga: 14 October 2022

PROCLAMATION 150 OF 2022**PROCLAMATION 17/2022-23****THABA CHWEU LOCAL MUNICIPALITY****NOTICE OF APPROVAL OF LYDENBURG AMENDMENT SCHEME 368/1995.**

The Local Municipality of Thaba Chweu declares hereby in terms of the provisions of Section 66 (5) of Thaba Chweu Spatial Planning and Land Use Management By-Law, 2016, has approved an amendment scheme, being an amendment of the Thaba Chweu Land Use Management Scheme, 2018, by the rezoning of Erf 1075, Lydenburg Extension 1, Lydenburg from "Residential 1" to "Business 2" for offices, shops, residential unit and residential units, dwelling house office. The approval also includes the removal of Condition G and I of Certificate of Consolidated Title T 9747/2013.

The relevant diagrams, maps and the scheme clauses of the amendment scheme are filed with the Town Planner Office, Room 30, Thaba Chweu Local Municipality and are open for inspection at all reasonable times. This amendment is known as Lydenburg Amendment Scheme 368/1995 and shall come into operation on date of application of this notice.

Ms S S Matsi.
Municipal Manager
Municipal Offices (Civic Centre)
Cnr Viljoen & Sentraal Streets
P O Box 61
Thaba Chweu
1120

PROVINCIAL NOTICES • PROVINSIALE KENNISGEWINGS

PROVINCIAL NOTICE 209 OF 2022

INTENTION TO WITHDRAW THE DECLARATION OF A NATURE RESERVE IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT: PROTECTED AREAS ACT, 2003 (Act No. 57 of 2003) (AS AMENDED) AND IN TERMS OF THE MPUMALANGA NATURE CONSERVATION ACT (Act No. 10 of 1998)

Notice is hereby given by the Member of the Executive Council (MEC) for the Department of Agriculture, Rural Development, Land and Environmental Affairs in Mpumalanga Province, Ms. Busisiwe Paulina Shiba, in terms of section 33 (1) (a) of the National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003) (as amended) (the "Act") of the intention, in terms of section 24 of the Act and in terms of Section 85 (a) of the Mpumalanga Nature Conservation Act (Act No. 10 of 1998), to withdraw the declaration of the **Vischspruit Private Nature Reserve**, located in the Mbombela Local Municipality, on the properties, the boundaries of which are as recorded in Addendum 1 hereto.

The Vischspruit Private Nature Reserve was proclaimed in Transvaal Provincial Gazette No. 2812 of 27th January 1960, Notice No. 17 and in Gazette No. 2985 of 29th August 1962, Notice No. 229 over an area of 1219 morgen and 1008 morgen respectively (total 2227 morgen), which equates to 1 908 hectares.

The reason for the intent to withdraw the nature reserve is as follows:-

- Landowners have formally requested withdrawal of the nature reserve
- The primary land use is agriculture and forestry.
- The nature reserve does not meet the purposes for which an area could be declared a nature reserve in terms of the "Act".

Members of the public are hereby invited to submit written representation on or objection to the notice to the proposed withdrawal of the declaration of the Vischspruit Private Nature Reserve, within 60 days of its publication. Submissions must be lodged with Ms. Busisiwe Paulina Shiba, MEC, Department of Agriculture, Rural Development, Land and Environmental Affairs in Mpumalanga Province, Private Bag X 11338, Nelspruit, 1200.

For further information contact Brian Morris on 084 579 7979 or (013) 759 5388; email: brian.morris@mtpa.co.za

Addendum 1: Description of the Vischspruit Private Nature Reserve

Portion 2 of the farm Alkmaar; No. 286; Registration Division JT; Province of Mpumalanga
Portion 4 of the farm Alkmaar; No. 286; Registration Division JT; Province of Mpumalanga
Portion 8 of the farm Alkmaar; No. 286; Registration Division JT; Province of Mpumalanga
Portion 9 of the farm Alkmaar; No. 286; Registration Division JT; Province of Mpumalanga
Portion 12 of the farm Alkmaar; No. 286; Registration Division JT; Province of Mpumalanga
Portion 65 of the farm Alkmaar; No. 286; Registration Division JT; Province of Mpumalanga
Portion 66 of the farm Alkmaar; No. 286; Registration Division JT; Province of Mpumalanga
Portion 67 of the farm Alkmaar; No. 286; Registration Division JT; Province of Mpumalanga
Portion 77 of the farm Alkmaar; No. 286; Registration Division JT; Province of Mpumalanga
Portion 114 of the farm Alkmaar; No. 286; Registration Division JT; Province of Mpumalanga
Portion 117 of the farm Alkmaar; No. 286; Registration Division JT; Province of Mpumalanga
Portion 121 of the farm Alkmaar; No. 286; Registration Division JT; Province of Mpumalanga
Portion 124 of the farm Alkmaar; No. 286; Registration Division JT; Province of Mpumalanga
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The Remainder of the farm Alkmaar; No. 286; Registration Division JT; Province of Mpumalanga
Portion 6 of the farm Richmond; No. 287; Registration Division JT; Province of Mpumalanga

PROVINCIAL NOTICE 210 OF 2022

**WITHDRAWAL OF THE DECLARATION OF A NATURE RESERVE IN TERMS OF THE
NATIONAL ENVIRONMENTAL MANAGEMENT: PROTECTED AREAS ACT, 2003 (Act No.
57 of 2003) (AS AMENDED) AND IN TERMS OF THE MPUMALANGA NATURE
CONSERVATION ACT (Act No. 10 of 1998)**

Notice is hereby given by the Member of the Executive Council (MEC) for the Department of Agriculture, Rural Development, Land and Environmental Affairs in Mpumalanga Province, Ms. Busisiwe Paulina Shiba, in terms of Section 24 of the National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003) (as amended) (the "Act") and in terms of Section 85 (a) of the Mpumalanga Nature Conservation Act (Act No. 10 of 1998), of the withdrawal of the declaration of the **Burnside Private Nature Reserve**, located in the Steve Tshwete Local Municipality, on the properties, the boundaries of which are as recorded in Addendum 1 hereto.

The reason for the withdrawal of the Burnside Private Nature Reserve is as follows:-

- The nature reserve no longer meets a purpose for which an area could be declared as a nature reserve in terms of the National Environmental Management: Protected Areas Act.
- The area is highly transformed.

Addendum 1: Description of the properties withdrawn as the Burnside Private Nature Reserve

Portion 43 (Remaining Extent) of the farm Goedeheop; No. 315; Registration Division JS; Province of Mpumalanga; measuring 471,6421 (Four hundred and seventy one comma six four two one) hectares; held by Deed of Transfer No. T000013744/2015.

Portion 44 of the farm Goedeheop; No. 315; Registration Division JS; Province of Mpumalanga; measuring 553,4540 (Five hundred and fifty three comma four five four zero) hectares; held by Deed of Transfer No. T000013745/2015

Portion 45 of the farm Goedeheop; No. 315; Registration Division JS; Province of Mpumalanga; measuring 71,5031 (Seventy one comma five zero three one) hectares; held by Deed of Transfer No. T00004844/2017.

Portion 46 of the farm Goedeheop; No. 315; Registration Division JS; Province of Mpumalanga; measuring 109,9247 (One hundred and nine comma nine two four seven) hectares; held by Deed of Transfer No. T000012140/2017.

PROVINCIAL NOTICE 211 OF 2022

**WITHDRAWAL OF PART OF A PROTECTED ENVIRONMENT AND DECLARATION OF A
NATURE RESERVE IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT:
PROTECTED AREAS ACT, 2003 (ACT NO. 57 OF 2003) (AS AMENDED)**

Notice is hereby given by the Member of the Executive Council (MEC) for the Department of Agriculture, Rural Development, Land and Environmental Affairs in Mpumalanga Province, Ms. Busisiwe Paulina Shiba, in terms of section 23 (1) (a) (i) and (b) of the National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003) (as amended) of the declaration of the **Middelpunt Nature Reserve**, located in the Emakhazeni Local Municipality on the properties, the boundaries of which are described in Addendum 1 hereto and to withdraw the same properties as defined in Addendum 1 as part of the Greater Lakenvlei Protected Environment, in terms of Section 29 (a) of the National Environmental Management: Protected Areas Act (2003)

The purpose of the declaration of the **Middelpunt Nature Reserve** is as follows:

- ‘to protect the area if the area has significant natural features or biodiversity’ (S.23 (2) (b) (i)); and
- ‘is in need of long-term protection for the maintenance of its biodiversity or for the provision of environmental goods and services’ (S23 (2) (b) (iii)).

The properties defined in Addendum 1 were declared as part of the Greater Lakenvlei Protected Environment (Mpumalanga Provincial Gazette No. 2800, Notice 30 of 2017) on the 7th April 2017.

Addendum 1: Description of the Middelpunt Nature Reserve

<i>Property Description</i>
Remaining extent of Portion 9 of the farm Middelpunt, No. 320; situated in the Emakhazeni Local Municipality; Division JT; Mpumalanga Province; measuring 326,6070 (Three two six comma six zero seven zero) hectares; held by Deed of Transfer No. T107617/2002
Portion 11 (Portion of Portion 1) of the farm Elandsfontein; No. 322; situated in the Emakhazeni Local Municipality; Division JT, Mpumalanga Province; measuring 200,0000 (Two zero zero comma zero zero zero zero) hectares; held by Deed of Transfer No. T 54455/2000

LOCAL AUTHORITY NOTICES • PLAASLIKE OWERHEIDS KENNISGEWINGS

LOCAL AUTHORITY NOTICE 241 OF 2022

BUSHBUCKRIDGE LOCAL MUNICIPALITY



WATER SERVICES BY-LAWS

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CHAPTER 1 GENERAL PROVISIONS

Part 1: Definitions

(1) In these By-laws, unless the context otherwise indicates-

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

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

“affected person” means a person who has been served with a designated notice;

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

“approved” means approved by the Municipality;

“Authorised representative” means a person authorised by the Municipality to perform any act, function or duty in terms of, or exercise any power under, these By-laws;

“backflow” means the flow in any pipe or fitting in a direction opposite to the normal direction of the flow;

“backflow preventer” means any device that prevents backflow;

“backflow siphonage” means backflow created by pressures lower than atmospheric pressure in the water installation;

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

“basic water” means the prescribed minimum standard of water supply services necessary for the reliable supply of a sufficient quantity and quality of water to households, including informal households, to support life and personal hygiene;

“business unit” means (in relation to any premises) any building or part thereof occupied or used, or intended to be used for purposes other than residential occupation;

“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 Act, 1977 (Act No. 103 of 1977);

“combined installation” in relation to water supply means an installation used for fire-fighting, domestic, commercial or industrial purposes;

“commercial effluent” means effluent emanating from premises having a commercial purpose where the effluent is neither industrial effluent nor standard domestic effluent;

“communal sewer” means a sewer main and connecting sewer and respect of which a group of consumers and or owner has constituted itself as a person willing to assume responsibility for, and has signed an agreement accepting responsibility, for the maintenance and repair of the communal sewer,

“communal water services work” means a consumer connection through which water services are supplied to more than one person, and “communal water connection” has a similar meaning;

“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 premise to a sewer beyond the boundary of those premises or within a servitude area or within an area covered by a way-leave document or by agreement;

“connection pipe” means a pipe, owned by a 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 SABS 0252 part 1;

“consumer” means-

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

(b) The person that obtains access to water services that are provided through communal water services worker

“conventional water meter” means a water meter where account is rendered subsequent to consumption of the water

“day” means a 24-hour period commencing and ending at 24:00;

“Designated officer” means a person in the employ of the Municipality, authorised as a designated officer in terms of section 76 of the Local Government System Act, 2000 (Act no 32 of 2000) or if the municipality has, for purposes of these By-laws, appointed a service provider which is still operative, an employee of such service provider, authorised by it as designated officer in terms of these By-laws and acting within the scope, functions and powers assigned to the service provider by the Municipality;

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

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

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

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

“Dwelling unit” means an interconnected suite of rooms designed for residential purposes and occupation by a single household regardless of how many persons comprise the household;

“duly qualified sampler” means a person who takes sample for analysis from the sewage disposal and storm water disposal systems and from public waters and who has been certified to do so by Municipality or its authorised representative

“ECA” means the Environment Conservation Act, 1989 (Act no 73 of 1989) and any regulations made in terms thereof and any superseding legislation;

“EIA” mean as an environment impact assessment in terms of NEMWA and/ or the ECA;

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

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

“enforcement notice” means any enforcement notice issued by a designated officer under these By-laws, instructing the person whom it is directed to comply with the terms of the notice, and includes a notice in terms of section 12(1);

“environmental cost” means the full cost of all measures necessary to restore the environment to its condition prior to the damaging incident

“fire hydrant” means the potable water installation that conveys water for firefighting purposes only; and “fire installation” shall have a similar meaning;

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

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

“flood level (1 of 100)” means that level reached by flood waters resulting from a storm of a frequency of 1 in 100 years;

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

“flood plain (1 of 100)” means the area subject to inundation by flood waters from a storm frequency of 1 in 100 years;

“general installation” means water installation that conveys water for a combination of household, commercial and industrial purposes;

“high strength sewage” means sewage with a strength or quality greater than standard domestic effluent;

“household” means the family unity of persons, or individuals in occupation of building or part of a building, designed for residential purposes by that family unity or individuals;

“indigent household” means a domestic customer who is qualified to be, and who is registered with the municipality as, an indigent in accordance with the municipalities Debt Collection and Credit Control By-laws;

“industrial effluent” means any effluent emanating from industrial use of water, includes for purposes of these by-laws, any effluent other than standard domestic effluent or storm water; and “trade effluent” has a similar meaning;

“industrial purposes” in relation to water supply means water supplied to any premises which constitutes a factory as defined in the General Administrative

Regulations , Published in Government Notice R.2206 of 5 October, 1984 or any superseding legislation or for purposes of manufacturing, mining, retailing and service industries, generating electricity, land based transport, construction or any related purpose

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

“law” means any law including the common law;

“main” means a pipe, other than a connection pipe, vesting in the Municipality and used by it for the purpose of conveying water in a network of pipes;

“measuring device” means any method, procedure, process device, apparatus or installation that enables the quantity and/ or quality of water services provided by Municipality to be quantified and/ or evaluated;

“meter” means a water meter as defined by regulation 81 (a) Government notice 2362 dated 18 November, 1977 published in terms of the trade metrology Act,1973 (Act No. 77 of 1973), or, in the case of water meters of size greater than 100mm, a device which measures the quantity of water passing through it.

“Municipality” means-Bushbuckridge local municipality as described in the section 2 of the local Government: Municipal systems act (Act No of 32 of 2000), and its area as determined from time to time in terms of the Local Government: Municipal Demarcation Act (Act No 27 of 1998)

“National Water Act” means the national water act no. 36 of 1998;

“NEMA” means the National Management Act, 1998 (Act No.107 of 1998);

“Occupier” means a person who occupies any premises or part thereof, without regard to the title under which he or she occupies;

“owner” means-

(a) The person in whom from time to time is vested the legal title to premises;

(b) In a case where the person in whom the legal title to premises is vested is insolvent or dead, or is under any form of legal disability whatsoever, the person in whom in administration and control of such premises is vested as curator, trustee, executor, administrator, judicial manager, liquidator or other legal representative;

(c) any case where the municipality is unable to determine the identity of such person, a person who is entitled to the benefit of the use of such premises or a building or buildings thereon.

- (d) In the case of premises for which a lease agreement of 30 years or longer has been entered into, the lessee thereof;
- (e) In relation to —
 - i) A piece of land delineated on a sectional plan registered in terms of the Sectional Tittles 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 Tittles Act ,1986(Act No.95 of 1986), the person in whose name such section is registered under a sectional tittle deed and includes the lawfully appointed **representative** of such a person;

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

“Pollution” means the introduction of any substance into the water supply system, a water installation or a water resource that may directly or indirectly alter the physical, chemical or biological properties of the water found therein so as to make it—

- (a) Less fit for any beneficial purpose for which it may reasonably be expected to be used;
or
- (b) Harm or potentially harmful –
 - (i) to the welfare, health or safety of human beings;
 - (ii) to any aquatic or non-aquatic organisms;

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

- (a) a general plan or diagram registered in terms of the Land Survey Act ,1927(Act N0.9 of 1927), or in terms of the Deeds Registries Act 1937(Act No.47 of 1937) or
- (b) a sectional plan registered in terms of the Sectional Tittle Act 1986 (Act No.95 of 1986);
- (c) a register held by a tribal authority

“Prepayment meter” means a meter that can be programmed to limit the flow of water into a water installation to the amount that has previously purchased;

“Prepayment measuring system” means a meter and ancillary devices, approved by the municipality, designed to measure and allocate to the consumer the quality of water pre-purchased;

“Prescribed” means determined by resolution of the Municipality from time to time;

“Prescribed tariff or charge” means a charge prescribed by the Municipality

“Professional engineer” means a person registered a professional engineer in terms of the Engineering Professional Act, 2000(Act No.46 of 2000)

“Public notice” means a notice in a newspaper in at least two of the official languages in general use within the jurisdictional area of municipal, and, where possible, the notice shall be published in a newspaper appearing predominantly in the language utilised in the publication of the notice;

“Qualified plumber” means a person who has passed the plumbing trade test of the department of Labour and who has received a certificate attesting to the fact that he/she has passed.

“SABS” means the South African Bureau of Standards;

“SANS” means South African National Standards,

“Sanitation services” has the same meaning assigned to it in terms of the Act and include for purposes of these By-laws for industrial purposes and the disposal of industrial effluent;

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

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

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

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

“Standard domestic effluent” means domestic effluent with prescribed strength characteristics in respect of chemical oxygen demand, total nitrogen, total phosphates and settleable solids as being appropriate to sewage discharges from domestic premises within the jurisdiction of the Municipality, but does not include industrial effluent;

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

“Systems Acts” means the Local Government Municipal Systems Acts, 2000(Acts No.32 of 2000) as amended;

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

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

“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 vested in the owner thereof and used or intended to be used in connection with the use of water on such premises, and includes a pipe and water fitting situated outside the

boundary of the premises, which either connects to the connection pipe relating to such premises or is otherwise laid with the permission of the Municipality;

“Water 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 the disposal of industrial effluent;

“Water services work” means a reservoir, dam, well pump-house, bore-hole, pumping installation, purification works, sewage treatment plant, access road, electricity transmission line, pipeline, meter, fitting or apparatus built, installed or used by a water services institution

- (i) to provide water services
- (ii) to provide water for industrial use; or
- (iii) to dispose of industrial effluent;

“Water supply services” has the same meaning assigned to it in terms of the Acts and includes for purposes of these By-laws water for industrial purposes and the disposal of industrial effluent;

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

“Wet industry” means an industry which discharges industrial effluent;

“Working day” means a day other than a Saturday, Sunday or public holidays.

(2) If any provision in these By-laws vests or imposes any power, function or duty of the Municipality in or on an employee of the Municipality, and such power, function or duty has in terms of section 81 (2) of the Local Government : Municipal Systems Acts, 2000 (Act No.32 of 2000) or any other law been assigned to a service provider, the reference to such employee must be read as a reference to the service provider or where applicable, to an employee of the service provider duly authorised by it.

3. Meaning of certain words the same as in Acts- Any word or expressions used in these By-laws to which a meaning has been assigned in-

- a) the Act will bear that meaning; and
- b) the National Building Regulations and Building Standards Act, 1997 (Act No.103 of 1997) the building Regulations will in respect of chapter III bear that meaning unless the context indicates otherwise.
- c) Any reference in Chapter I of these By-laws to water services or services must be interpreted as referring to water supply services or sanitation services depending on the services to which is applicable.

Part 2 : Application for water services

- 1) No person shall gain access to water services from the water supply system, or gain access to the sewage disposal system or any other sanitation services unless he or she has applied to the Municipality on the prescribed form for such services and the application has been approved.
- 2) The Municipality reserves the right to determine different levels of services to different consumers or consumers residing in different areas.
- 3) An application approved by the Municipality shall constitute an agreement between the Municipality and the applicant, and such agreement shall take effect on the date referred to or stipulated in such agreement.
- 4) A consumer shall be liable for all the prescribed tariffs and /or charges in respect of water services rendered to him or her until the agreement has been terminated in accordance with these by-laws or until such time as any arrears have been paid.
- 5) In preparing an application form for water services the Municipality will ensure that the owner, consumer or other person making application, understands the document and the process of interaction. In the case of illiterate or similarly disadvantaged persons, the Municipality will take reasonable steps to ensure that the person is aware of and understands the contents of the application form.
- 6) The Municipality may, at any time it deems it necessary, require a third party to be bound jointly and severally as security and co-principal debtor with the consumer for the due payment of any fees under these By-laws.
- 7) An application form (see Annexures) will require at least the following minimum information-
 - a) Certification by an authorised representative that the applicant is aware of and understands the contents of the form;
 - b) acceptance by the consumer of the provisions of the By-laws and acceptable 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 preamble
 - i) the agreed date on which the provision of water services will commence.
- 8) Water services rendered to a consumer are subject to the provisions of these By-laws, the conditions contained in the relevant agreement and the Water Services Act
- 9) If the Municipality disapproves 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 and /or inability, the reasons therefore and if applicable, when the Municipality will be able to provide such water services.
- 10) Upon submission of application form to the Municipality, the latter is obliged to give the applicant a response within a period of 14- 21 working days.

- a. Where a premises or consumer are provided with water services, it shall be deemed that an agreement in terms of subsection (3) exists.

11) Special agreements for water services. The Municipality, may enter into a special agreement for the provision of water services to:

- a) An applicant within 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 Municipality having jurisdiction in the area in which the premises is situated.
- c) An applicant within the Municipality's area of jurisdiction applies for services outside the Municipality's water supply system, such supply must be approved by the Municipality

Part 3: Tariffs and charges

5. Prescribed tariffs and charges for water services. _

All tariffs and or charges payable in respect of water services rendered by the Municipality in terms of these By-laws, including but not limited to the payment of connection charges, fixed charges or any additional charges (as determined by the Municipality from time to time) or interest in respect of failure to pay such tariffs or charges on the specified date will be set by the Municipality in terms of a resolution passed in terms of section 75 (A) of the Systems Act by Council, in accordance with_

- (a) its tariff policy;
- (b) any By-laws in respect thereof; and
- (c) any regulations in terms of section (10) of the Act.

6. Fixed charges for water services. _

- (1) The Municipality may, in addition to the tariffs or charges prescribed for water services actually provided, levy a monthly fixed charge, annual fixed charge or one-off fixed charge in respect of the provision of water services in accordance with_
- (a) By-laws in respect thereof; and
- (b) Its tariff policy;
- (c) Any regulations in terms of section (10) of the Acts.

Part 4: Payment

7. Payment of deposit

- 1) Every consumer must, upon approval of application for the provision of water service and before the Municipality will provide such water services, deposit with the Municipality such an amount of money as determined by the Municipality for the particular area except in the case of a pre-payment measuring device being used by the Municipality.
- 2) The Municipality reserves the right to determine different levels of services to different consumers or consumers residing in different areas.
- 3) The Municipality may from time to time review the sum of money deposited by a consumer in terms of subsection (1) and, in accordance with such review-
 - 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 Municipality in excess of the reviewed deposit.
- 4) Subject to subsection (5), an amount deposited with the Municipality in terms of subsections (1) or (2) shall not be regarded as being in payment or part payment of an account due for water services rendered.
- 5) If, upon the termination of the agreement for the provision of the water services, an amount remains due to the Municipality in respect of water services rendered to the consumer, the Municipality may apply the deposit in payment or part payment of the outstanding amount and refund any balance to the consumer.
- 6) No interest shall be payable by the Municipality 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 Municipality if it has not been claimed within twelve months of the termination of the agreement.

8. Payment for water services provided. -

- (1) Water services provided by the Municipality to a consumer shall be paid for by the consumer at the prescribed tariff or charge set by Municipality from time to time.
- (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 Municipality 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. (3 months estimation)
- (4) If a consumer uses water supply services for a category of use other than for which it is provided by the Municipality in terms of an agreement and as a consequence is charged at a rate lower than the rate which should have been charged, the Municipality may make an adjustment of the amount consumer the tariffs and charges payable in accordance with such adjustment and may also review the amount held as deposit in terms of subsection 7.A penalty will be instituted for unauthorised deviation of water use from lower category of usage higher category of usage.
- (5) A consumer must pay his or her or its, account only to designated pay points of the Municipality.

Part 5 Accounts

9. Accounts-

- (1) Monthly accounts will be rendered to consumers for the amount due and payable for water services, at the address last recorded with the Municipality.
- (2) An account rendered by the Municipality for water services provided to a consumer shall be paid not later than the last date for payment specified on such an account, which date will be at least twenty-one days after the date of the account.
- (3) Failure by the Municipality to render an account does not relieve a consumer of the obligation to pay any amount due and payable.
- (4) If payment of an account is received after the date referred to in subsection (2) a late payment charge or interest as may be prescribed must be paid by the consumer to the Municipality.
- (5) Accounts must-
 - (a) Show the following-
 - (i) The consumption or the estimated consumption or the assumed consumption as determined by the measuring device and/or the 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 Municipality;
 - (vi) The amount in arrears, if any; and the applicable debt age analysis
 - (vii) The interest payable on any arrears, if any;
 - (viii) The final date for payment;
 - (ix) The methods, places and designated pay points where payment may be made; and
 - (b) state that –
 - (i) the consumer may conclude an agreement with the Municipality for payment of the arrears amount in instalments, at the Municipality's offices 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 Municipality will restrict the water services after sending a final demand notice to the consumer;
 - (iii) legal action may be instituted against any consumer for the recovery of any amount 60 (sixty) days in arrears in accordance with Municipality's Credit Control and Debt Collection By-laws;
 - (iv) the defaulting consumer's name may be listed with a credit bureau or any other equivalent 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 Municipality's indigent policy must be handed in before the final date for payment; and
 - (vii) an indigent consumer is only entitled to basic water services plus the indigent entitlement.

10. Queries or complaints in respect of account.

- (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 to him, her or it.
- (2) A query or complaint must be lodged with the Municipality before the due date for payment of the account or as soon as reasonably possible thereafter.
- (3) Where a query or complaint is lodge after the due date of the account queried or compliant 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 Municipality will register the query or complaint and provide the consumer with a reference number.
- (5) The Municipality shall –
 - a) investigate the query or complaint within 14 (fourteen) working days after the query or complaint was register; and
 - b) must inform the consumer, in writing, of his or her finding as soon after subsection 5(a).

11. Appeals against finding of Municipality in respect of queries or complaints

- (1) A consumer may in writing appeal against a finding of the Municipality in section 10.
- (2) An appeal in terms of subsection (1) must be made in writing and lodged with the Municipality within 14 (fourteen) days after the consumer became aware of the finding referred to in section 10 and must-
 - a) set out the reasons for the appeal;
 - b) lodge the appeal with the Municipality within 14 (fourteen) days after the receipt of the account in question; and
 - c) be accompanied by any deposit determined for the testing of a measuring device, if applicable.
- (3) The Municipality may, on appeal by a consumer, request full amount due and payable in terms of the account appealed against.
- (4) The consumer is liable for all other amounts, other than that appealed against, falling due and payable during the adjudication of the appeal.
- (5) The Municipality must decide an appeal with 21 (twenty-one) working days after such 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 Municipality is final and the consumer must pay any amounts due and payable in terms of the decision within 14 (fourteen) working days of him, her or it being informed of the outcome of the appeal.
- (7) The Municipality 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 out in subsection (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 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 Municipality will be liable for the costs of such test and the consumer must be informed of the amount of any credit to which he, she or it is entitled.
- (10) The prescribed deposit referred to in subsection (2) (c) if applicable may be-
- a) retained by the Municipality if the measuring device is found not to be defective; or
 - b) refunded to the applicant if the measuring device is found in terms of those subsections to be defective.
- (11) Any measuring device shall be deemed to be defective if, when tested in accordance with a standard industry test or if the measure 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 subsection (10) the Municipality 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 41(6); and
 - b) determine the quantity of water services for which the consumer will be charged in lieu of the quantity measured by the defective measuring device by taking as basis for such determination, and as the Municipality may decide-
 - (i) the quantity representing the average monthly consumption of the consumer during the three months preceding the month in respect of which the measurements are disputed and adjusting such quantity in accordance with the degree of error found in the reading of the defective water meter.
 - (ii) the average consumption of the consumer during the succeeding three metered periods after the defective water meter has been repair or replaced; or
 - (iii) the consumption of water on the premises recorded for the corresponding period in the previous year.

12. Arrears

- 1) If a consumer fails to pay the amount/s 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 send, per registered mail or applicable electronic means, to the most recent recorded address of the consumer.
- 2) Failure to deliver or send a final demand notice 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;
 - b) that the consumer may conclude an agreement with the Municipality for payment of the arrears amount in instalments within 14 (fourteen) working 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 restricted and that legal action may be instituted against

- any consumer for the recovery of any amounts within 30 (thirty) working days or more in arrear, without further notice;
- d) the defaulting consumer's name may be made public in any manner determined by Municipality and / or 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 or attorney for collection;
 - f) proof of registration as an indigent consumer, in circumstances where non-payment is attributed to a consumer's indigent status, in terms of the Municipality's 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 that an indigent consumer will be liable for payment in respect of water services respect of water services used in excess of the quantity of basic services;
 - h) that an opportunity exists for the consumer to make representation in writing on or before the date contemplated in (b).
- 4) Interest may be levied on all arrears at a rate prescribed by the Municipality from time to time.
 - 5) 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 towards payment of:
 - a) the current account;
 - b) arrears; and
 - c) interest.
 - 6) The Municipality may, after expiry of the period allowed for payment of the arrear amount in terms of the final notice, hand deliver or send by mail or electronic means as applicable, to the last recorded address of the consumer-
 - a) a discontinuation notice informing such consumer that the provision of water services will be discontinued within seven (7) days from a date specified in the discontinuation notice, subject to the limitation of FBW as determined by National Policy from time to time.
 - b) A discontinuation notice must contain information informing the consumer what steps may be taken to have the service reconnected
 - 7) If representations made by a consumer are unsuccessful either wholly or in part, a final demand notice in terms of subsections 3 (a) to (g) must be delivered in the manner stipulated in subsection 1, informing the consumer that no further representations may be made.
 - 8) Subject to the provisions of the Act, and subject to the provisions of the Promotion of Administrative Justice (Act No. 3 of 2000) having been observed, save for the Municipality's reason for its decision to act must be supplied within seven days if requested, Municipality may discontinue the supply of water services to a customer (subject to the limitations of FBW as determined by National Policy from time to time) if-
 - a) full payment was not received within the period stated in the final demand notice stated in subsections (3) and (7)

- b) no agreement was concluded for the repayment of arrear amounts in the instalments
 - c) no proof of registration as an indigent has been made within the periods contained in the final demand notice stated in subsection (3) and (7)
 - d) no payment was received in terms of an agreement for the repayment of arrears;
 - e) no representations as contemplated in (h) of subsection 3 were made within the period provided for in the final demand notice contemplated in subsection 3(h); and
 - f) the representations made in terms of subsection (3) (h) have not wholly been acceded to by Municipality.
- 9) Where an account rendered to a consumer remains outstanding for more than 30 (thirty) days-
- a) the defaulting consumer's name may be public in a manner determined by Municipality and / or listed with a credit bureau or any other equivalent body as a defaulter; 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 Municipality in respect of a sectional title development the liability of the body corporate shall be extended to the members thereof, jointly and severally in proportion to the participation quota of each sectional title unit.
- 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, which are payable, are paid in full.
- 13) The Municipality will not be liable for any loss or damage suffered by a consumer due to his / her or its 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 full.

13. Agreement for the payment of arrears in instalments. -

- 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 payments 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.
- 4) No agreement for the payment of arrears will be longer than fifteen months, unless the circumstances referred to in subsection (5) prevail.
- 5) Subject to any shorter period prescribed by Provincial or National legislation, the Municipality may, on an individual basis, allow a longer period than fifteen months for the payment of arrears if special circumstances prevail, that in the opinion of the Municipality warrants such an extension and which the consumer reasonably could not prevent or avoid. The consumer on request by the Municipality must furnish documentary proof of any special circumstances which will be considered by Municipality.
- 6) The Municipality must, in exercising his or her discretion under subsection (5) have regard to a consumer's-
 - e) credit record;
 - f) consumption;
 - g) level of services;
 - h) previous breaches of agreements for the payment of arrears in instalments; and
 - i) 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 6 Termination, limitation and discontinuation of water services

14. Termination of agreement for the provision of water services

Subject to the provisions set out above dealing with the payment of any amount due to the Municipality in respect of water services;

- (1) A consumer may terminate an agreement for provision of water services by giving to the Municipality not **less** than thirty working days' notice in writing of his or her intention to do so.
- (2) The Municipality may, by notice in writing of not less than thirty working days, advise a consumer of the termination of his, her or its agreement for the provisions of water services if-
 - (a) he, she or it has not used the water services during the preceding six months and has not made arrangements to the satisfaction of the Municipality for the continuation of the agreement;
 - (b) he, she or it **has** failed to comply with the provisions of these By-laws and has failed to rectify such failure to comply on notice in terms of section 26 or to pay any tariffs or charges due and payable after the procedure set out in section 11 was applied;
 - (c) in terms an arrangement made by it with another water services institution to provide water services to the consumer.
- (3) The Municipality may, after having given notice, terminate an agreement for services if a consumer has vacated the premises to which such agreement relates.

15. Restrictions and / or discontinuation of water services provided-

Subject to the provisions of this By-Laws dealing with the payment of any amount due to Municipality for the provision of water services and maintaining the status as an indigent consumer or household, (where applicable)-

- (1) The Municipality may restrict or discontinue water services provided in terms of this By-Laws-
 - (a) On failure to pay the prescribed tariffs or charges of the dates specified, after the provision of section 11 were applied;
 - (b) On failure to comply with any provision of these By-Laws, after notice in terms of section 27 given;
 - (c) At the written request of the consumer whom the services are to be rendered;
 - (d) If the agreement for the provision of services has been terminated in terms of section 14 and it has not received an application for subsequent services to be connected to the premises within a period of 90 (ninety) days of such termination;
 - (e) If the consumer has interfered with restricted or discontinued services; or
 - (f) In an emergency, including circumstances brought about by weather condition, but not limited thereto.

- (2) The Municipality will not be liable for any damages or claims that may arise from the restriction or discontinuation water services provided in terms of section (1).

16. Restoration of water services

Restoration of water services shall be done subject to sections 13(12)

17. Obligations.

- 1) The Municipality must take reasonable measures to realise the rights of every person to basic water supply and sanitation services as defined in the Act, subject to the limitations in the Act.
- 2) Notwithstanding this basic right, every head of a household, or a person in charge of a business enterprise or industrial undertaking or the representative of such a person, must make application to the Municipality for the provision of such water and sanitation services.
- 3) If the Municipality is unable to meet the general requirements of all its consumers, it shall give preference to the provision of basic water services to all its consumers.
- 4) The Municipality shall not be obliged to provide water services-
 - a) To consumers outside the Municipality's area of jurisdiction;
 - b) Where, due to the topography but not limited thereto, water services cannot be provided economically and or cost effectively; or
 - c) Where the necessary bulk infrastructure does not exist or is inadequate to serve additional customers.

Part 7 General Provisions

19. Environmental Impact Assessments

- 1) If an environmental impact assessment (EIA) is required to be carried out before the provision of water services can be approved or commence, the applicant for the services shall be responsible for the commission of a suitable person/s to carry out the EIA and shall be responsible for the costs thereof.
- 2) Once the application for water services has been approved, it will be the responsibility of the applicant, or applicant's representative to ensure that there is full compliance with the applicable legislation and the environmental management procedures as indicated by the EIA.

20. Responsibility for compliance with these By-laws.

- 1) The owner of premises is responsible for ensuring compliance with these By-laws in respect of all or any matters relating to any installation.
- 2) The consumer is responsible for compliance with By-laws in respect of matters relating to the use of any installation.
- 3) The Municipality may at any time and before a Clearance Certificate in respect of rates and taxes payable on premises is issued, and in its sole discretion, require from the owner of premises to supply it with a certificate by a qualified plumber that the water and sanitation installations and any improvements on the premises comply fully with the provisions of these By-laws.

21. Exemption.

- 1) The Municipality may, in writing exempt an owner, consumer, any other person or category of owners, consumers or other persons from complying with a provision of 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, provided that the Municipality shall not grant exemption from any section of these By-laws 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 By-laws; and
 - f) the Act, or any regulations made in terms thereof, is not complied with.
- 2) The Municipality may at any time after giving written notice of at least thirty days, withdraw any exemption given in term of subsection (1).

22. Unauthorised use of water services.

- 1) No person may gain access to water services from a source other than Municipality without the permission of Municipality, except than rainwater tanks that are not connected to the water installation.
- 2) Notwithstanding the provisions of subsection (1), a person who, at the commencement of these By-laws, has been using water services from another source, may continue to do so-
 - a) for a period of sixty days after he, she or it has been given written notice that application must be made for approval;
 - b) thereafter until the approval is granted if it is not granted within the period;
 - c) for a reasonable period thereafter within the discretion of Municipality, if the application for approval is refused.
- 3) In granting the approval, the Municipality may require the applicant to-
 - a) Supply such services as may be specified in the approval, to others on reasonable terms, such terms to be specified by the Municipality;
 - b) provide Municipality with proof, to its satisfaction, at his or her own cost, that the water referred to in (1) complies or will comply to the requirement of SABS Code 241:1999 (fourth Edition): - Drinking Water, or any other requirement in these By-laws or contained in the Act, or that the water does not or will not constitute any danger to health.
- 4) Any permission granted I terms (1) may be withdrawn if, in the opinion of Municipality-
 - a) a condition given in terms of these ByOlaws has been breached; or
 - b) the water no longer conforms to the requirements set out in (3)(b).
- 5) The provisions of the section 41 shall apply to any meter or monitoring device installed in terms of (5).
- 6) The Municipality may, irrespective of any other action it may take against such person in terms of these By-laws, 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 provided by Municipality, without agreement with the Municipality 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 these By-laws.
- 7) The provisions of the section 26 shall, apply to a notice in term of subsection (2) and (4) above.

23. Change in purpose for which water supply system or any sanitation services.

Where the purpose or extent for which water services are used is changed, the consumer must enter into a new agreement with the Municipality.

24. Interference with water supply system or any sanitation services.

- 1) No person other than the Municipality shall manage, operate or maintain the water supply system or any sanitation system unless authorised by these By-laws or an authorised representative.
- 2) No person other than the Municipality shall effect a connection to the water supply system or sewage disposal system or rendered any other sanitation services.

25. Obstruction of access to water supply system or any sanitation services.

- 1) No person shall present or restrict physical access to the water supply system or sewage disposal system.
- 2) If a person contravenes subsection (1), the Municipality may-
 - a) by written notice require such person to restore access at his or her own expense within a specified period; or
 - b) 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.

26. Notices and documents.

- 1) A notice or document issued by the Municipality in terms of these By-laws must be deemed legal when a duly authorised representative has signed it.
- 2) If a notice or document is to be served on an owner, consumer or any other in terms of these By-laws such service shall be effected by-
 - a) delivering it to him or her personally or to his or her duly authorised representative;
 - 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 resident 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 prepaid 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) if service cannot be effected in terms of subsections (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.

27. Power to serve and compliance with notices.

- (1) The Municipality may, by written notice, order an owner, consumer or any other person who fails, by act or omission, to comply with the provisions of these By-laws 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 Municipality in terms of these By-laws within the specified period, it may 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 subsection (1) will-
 - (a) Give details of the provision of the By-laws not complied with;
 - (b) Give the owner, consumer or other person a reasonable opportunity to make representations and state his or her case, in writing, to the Municipality within a specified period, unless the owner, consumer or other person was given such an opportunity before the notice was issued;
 - (c) Specify the steps that the owner, consumer or the other person must take to rectify the failure to comply;
 - (d) Specify the period within the owner, consumer or other person must take the steps specified such failure; and
 - (e) Indicate that Municipality
 - i. may undertake such work necessary 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 it deems necessary to ensure compliance.
- (4) In the event of an emergency, the Municipality may without prior notice undertake the work required by subsection (3) (e) (i) and recover the costs from such person.
- (5) The costs recoverable by the Municipality in terms of subsections (3) and (4) is the full cost associated with that work and includes, but is not limited to, any exploratory investigation, surveys, plans, specifications, schedules of quantities, supervision, administration charge, the 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.

28. Power of entry and inspection.

- 1) A Municipality official may enter and inspect any premises-
 - (a) For the purposes set out in accordance with the provisions of section 79 of the Act;
 - (b) For any purpose connected with the implementation or enforcement of these By-laws, at all reasonable times, after having given reasonable written notice of the intention to do so, unless it is an emergency situation.

29. False statements or information.

No person shall make a false statement or furnish false information to the Municipality or falsify a document issued in terms of these By-laws.

30. Offences.

- 1) No person other than the municipality may manage, maintain or operate the water and sanitation infrastructure through which municipal services are provided.
- 2) No person other than the municipality may affect a connection to the water and sanitation infrastructure through which municipal services are provided.
- 3) No person may prevent or restrict physical access to the infrastructure through which municipal services are provided.
- 4) If a person contravenes subsection 1, 2 and 3 of section 119, the municipality may –
 - a) By written notice require such person to restore access at his or her own expense within a specified period; or
 - b) If it is of the opinion that it is a matter of urgency, without prior notice, restore access and recover from such person the cost of restoring the access.
- 5) If any person uses unauthorised services, the municipality may, irrespective of any other action it may take against the person in terms of this by-law, order the person by written notice to; -
 - a) Apply for the water supply services; and
 - b) Undertake such work as may be necessary to ensure that the installation through which unauthorised services was gained complies with the provisions of this or any other by-law of the municipality.
- 6) The municipality may, without compensation, confiscate the property or other instruments through which unauthorised services were accessed.
- 7) 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 authorised to have access;
 - b) obstruct, interfere or hinder a designated officer who is exercising a power in terms of these By-laws; or

- c) carrying out a duty under these By-laws;
 - d) fail or refuse to provide a designated officer with a document or information that the person is required to provide under these By-laws;
 - e) give false or misleading information to a designated officer;
 - f) 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;
 - g) pretend to be a designated officer;
 - h) falsely alter an authorisation to a designated officer or written authorisation,
 - i) compliance notice or compliance certificate issued in terms of this Chapter;
 - j) enter any premises without a written authorisation in circumstances requiring such authorisation;
 - k) act contrary to a written authorisation issued in terms of this Chapter;
 - l) without authority-
 - i. enter or inspect premises;
 - ii. carry out any information in section 28 (1);
 - m) disclose any information relating to the financial or business affairs of any person which was acquired in the performance of any function or exercise of any power in terms of these By-laws, except-
 - i. to a person who requires that information in order to perform a function; or
 - ii. exercise a power in terms of these By-laws;
 - iii. if the disclosure is ordered by a court of law; or
 - iv. if the disclosure is in compliance with provisions of any law;
 - n) contravene or fail to comply with any provisions of these By-laws;
 - o) fail to comply with any notice issued in terms of these By-laws;
 - p) fail to comply with any lawful instruction given in terms of these By-laws; or
 - q) obstruct or hinder any authorised official of the Municipality in the execution of his or her duties under these By-laws.
- 8) Any person found guilty of a contravention of these By-laws shall be guilty of an offence and liable on conviction to a fine not exceeding R 2000.00 or in default on payment, to imprisonment for a period not exceeding 4 months and in the event of 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 municipality 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.

31. Availability of By-Laws.

- (1) A copy of these By-laws shall be included in Municipal Code as required in terms of section 15 of the Systems Act, 2000.
- (2) A copy of the By-laws shall be available for inspection at the municipal offices or at the offices of its authorised representative at all reasonable times.
- (3) A copy of the By-laws may be obtained in accordance with the provisions of Municipality's Manual on the Promotion of Access to Information Act, No. 2 of 2002.

CHAPTER II WATER SUPPLY SERVICES**Part 1 :Connection to water supply system.****32. Provision of connection pipe**

- (1) If an agreement for water supply services in respect of premises has been concluded and no connection pipe exists in premises, the owner shall make application on the prescribed form. Municipality shall supply a connection point and water meter at the boundary to the premises after payment by the applicant of the prescribed connection fees.
- (2) If an applications is made for water supply services which are of such an extent or so situated that it is necessary to extend, modify or upgrade the water supply system in order to supply water to the premises, the Municipality may agree to the extension if the applicant pays for the costs involved.

33. Location of connection pipe.

- (1) A connection pipe provided and installed by the Municipality shall-
 - a) be located in a position as decided by Municipality or in such other position as agreed to between the owner and the Municipality subject to cost and the other considerations in the sole discretion of the Municipality;
 - b) terminate at the boundary of the land owned by or vested in the Municipality, or over which it has a servitude or other right; or the outlet of the water meter if it is situated on the premises.
- (2) In reaching agreement with an owner concerning the location of a connection pipe, the Municipality shall ensure that the owner is aware of-
 - a) practical restrictions that may exist regarding the location of a connection pipe;
 - b) the cost implications of the various possible locations of the connection pipe.
- (3) The Municipality shall be liable for the maintenance of any meter and associated valve which may be situated on the consumer's premises.
- (4) The Municipality may at the request of any person agree, subject to such conditions as it may impose, to a connection to a main other that is most readily available for the provision of water supply to the premises; provided that the applicant shall be

responsible for any extension of the water installation to the connecting point designated by the Municipality and for obtaining at his or her cost, such servitudes over other premises as may be necessary.

- (5) An owner must pay the prescribed connection charge.

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

- (1) Only a single connection pipe to the water supply system may be provided for the supply of water to any premises, irrespective of the number of accommodation units, business units or consumers located on such premises.
- (2) The person having the charge or management of the premises, as the case may be, will be liable to the Municipality for the tariffs and charges for all water supplied to the premises through such a single measuring device, irrespective of the different quantities consumed by the different consumers served by such measuring device.
- (3) Notwithstanding subsection (1), the Municipality may authorise that more than one connection pipe be provided on the water supply system for the supply of water to any premises comprising sectional title units or if, in the opinion of the Municipality, undue hardship or inconvenience would be caused to any consumer on such premises by the provision of only connection pipe.
- (4) Where the provision of more than one connection pipe is authorised by the Municipality under subsection (4), the tariffs and charges for the provision of a connection pipe is payable in respect of each water connection so provided.

35. Interconnection between premises or water installations.

An owner of premises shall ensure that no interconnection exists between-

- (a) The water installation on his or her premises and the water installation on other premises; or
- (b) Where several accommodation units are situated on the same premises, the water installations of the accommodation units; unless he or she has obtained the prior written consent of the Municipality, and complies with any conditions that it may have imposed.

36. Disconnection of water installation from connection pipe.

The Municipality may disconnect a water installation from the connection pipe and remove the connection pipe if-

- (a) The agreement for supply has been terminated in terms of section 14 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.

37. Restriction or cutting-off supply

- 1) Without prejudice to any other right it may have, the Municipality may, if a consumer has-
 - (a) failed to pay a sum due to it in terms of this By-law; or
 - (b) committed a breach of this By-law and has failed to rectify such breach within the period specified in a written notice served on him or her requiring him or her to do so;

the Municipality may act against such a person in terms of this By-law, Municipality's Credit Control Policy/ Credit Management By-laws, or other applicable legislation.

- 2) If, in the opinion of the Municipality, action is necessary as a matter of urgency to prevent waste of water, damage to property, danger to life or pollution of water, it may-
 - (a) without prior notice, cut off supply to any premises; and
 - (b) enter upon such premises and do such emergency work, at the owner's expense as it may deem necessary, and in addition by written notice require the owner to do such further work as it may deem necessary within a specified period.
- 3) Tampering
 - (a) where water supply has been tampered with or the meter bypassed, the Municipality may disconnect the relevant supply immediately and without any notice whatsoever, and in such a way that no further water supply at those premises is possible. The consumer will be charged the applicable tampering fee.
 - (b) Transgressors will be dealt with in the following manner;
 - (i) Tampering Offence:
 - i. In instances of second tampering offence, the Municipality may immediately disconnect the service supply and remove the cable or pipes and the meter.
 - ii. A written notification will be sent to the consumer informing him or her of the removal of services and any outstanding fees, including tampering fees and calculated amounts due. If the money due has not been paid by specific date and time to be mentioned in the notice, the matter will be referred to debt collection services.
 - iii. A written notification will also be sent to the owner of the property to the effect that the service supply has been removed and that a new supply will only be installed after the following conditions have been met:
 - (a) A written application for reconnection of the supply, including motivation, has been received and approved by the Municipality.
 - (b) The fee for a new connection, including cable or pipe cost, as well as all calculated amounts and all other outstanding required amounts, including property tax, have been paid.

Part 2: Communal water services work

38. Provisional of a water services work for water supply to several consumers.

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

Part 3: Temporary supply

39. Water supplied from a hydrant.

- 1) The Municipality 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 subsection (1) must be measured.
- 4) The Municipality may for purposes of measuring provide a portable water meter to be returned to the Municipality 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 Municipality and will be provided subject any conditions imposed by the Municipality.

Part 4: Standards and general conditions of supply

40. Quantity, quality and pressure.

Water supply services provided by the Municipality must comply with the minimum standards set for the provision of water supply services in terms of section (9) of the Act.

41. General conditions of supply.

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

provided that if the water supply is interrupted for more than 24 hours, then the Municipality undertakes to provide an alternative supply of water to meet basic needs.

- (2) The Municipality may, subject to provisions of subsection (1)(b), specify the maximum height to which water will be supplied from the water supply system.
- (3) Where a consumer requires water to be supplied at a greater height or pressure the consumer must obtain Municipality's prior written permission, and will be responsible to install such devices necessary to achieve the required height at his or her own cost.
- (4) The Municipality may, in an emergency, interrupt the supply of water to any premises without prior notice.

- (5) If in the of the Municipality 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.
- (6) The Municipality will not be liable for any damage to property caused by water flowing from fittings left open when water supply is re-instated, following an interruption in supply for any reason.
- (7) No consumer may resell water supplied to him by the Municipality, except with the written permission of the Municipality, which may stipulate the maximum price at which water may be resold, and may impose such other conditions as the Municipality may deem necessary.

Part 5 :Measurement of water supply services

42. Measuring of quantity of water supplied

- (1) The Municipality reserves the right to install conventional, prepaid or smart meters for use to measure usage by consumers.
- (2) The Municipality must measure the quantity of water supplied at regular intervals not exceeding 30 (thirty) days or such longer period as may be determined by Municipality Resolution from time to time.
- (3) Any measure device through which the Municipality supplies water to a consumer and its associated apparatus shall be provided and installed by the Municipality, shall remain its property, and may be changed and maintained by the Municipality when deemed necessary by it.
- (4) The Municipality may install a measuring device, and its associated apparatus, on premises at any point on the service pipe.
- (5) If the Municipality installs a measuring device on a service pipe in terms of subsection (3), it may install a section of pipe and associated fittings between the end of its connection pipe and the meter, and such section shall be deemed to form part of the water supply system.
- (6) If the Municipality installs a measuring device together with its associated apparatus on a service pipe in terms of subsection (3), the owner shall-
 - a) provide a place satisfactory to the Municipality in which to install it;
 - b) ensure that unrestricted access is available to it at all times;
 - c) be responsible for its protection and be liable for the cost 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;
 - e) make provision for the drainage of water which may be discharged, from the pipe in which the measuring device is installed, in the course of work done by the Municipality on the measuring device.
- (7) No person other than an authorised representative shall-
 - a) disconnect a measuring device and its associated apparatus from the pipe in which they are installed;
 - b) break a seal which the Municipality has placed on a meter; or

- c) in any other way interfere with a measuring device and its associated apparatus.
- (8) If the Municipality considers that the size of a meter is unsuitable by reason of the quantity of water supplied to 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.
- (9) The Municipality may require the installation, at the owner's expense, of a measuring device to each dwelling unit in separate occupancy on any premises, for determining the quantity of water supplied to each such unit; provided that where fixed quantity water delivery systems are used, a single measuring device may be used to supply more than one unit.
- (10) Non-compliance with the period of 30 (thirty) days in (1) does not disentitle the Municipality from collecting any money due to it by a consumer.

43. Quantity of water supplied to consumer. -

- (1) For purposes of assessing the quality of water measured by a measuring device installed by determined by the Municipality in terms of any provision of these By-laws, it will, for the purposes of these By-laws, be deemed, unless the contrary is proved by the consumer, that-
 - (a) the quantity is represented by the difference between measurements taken at the beginning and end of such period;
 - (b) the measuring the device was accurate during such period;
 - (c) the entries in the records of the Municipality 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 Municipality of the quantity of such water shall be deemed to correct.
- (2) where water supplied by the Municipality to any premises is in any way taken by the consumer without such water passing through any measuring device provided by the Municipality, the Municipality, the Municipality may for the purpose of rendering an account estimate, in accordance with subsection (3), the quality 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 purpose of Subsection (2), an estimate of the quality of water supplied to a consumer shall be based on, as the Municipality may decide-
 - (a) the average monthly consumer of water on the premises during any three consecutive measuring periods during the twelve months' period prior to the date on which the taking of water in the manner mentioned in subsection (2) was discovered; or
 - (b) the average monthly consumption on the premises registered over three succeeding measuring periods after the date referred to in subsection (3) (a).
- (4) Nothing in these regulations shall be construed as imposing on the Municipality an obligation to cause any measuring device installed by the Municipality on any premises to be measured at the end of every month or other fixed period, and the municipality may estimate the quality 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 Municipality 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 consumer at a time or on a day other than upon which it would normally be measured.

- (6) If a contravention of subsection 41 (6) occurs, the consumer shall pay to the Municipality the cost of such quantity of water as in the Municipality's opinion was supplied to him or her.
- (7) Until such time a measuring device have been installed in respect of water supplied to a consumer the estimated or assumed consumption of that consumer must be based on the average consumption of water supplied to the specific zone within which the consumer's premises is situated, during a specific period.
- (8) Where in the Municipality it is not reasonably possible or cost effective to measure water supplied to each consumer within a determined zone, the Municipality may determine a basic tariff or charge to be paid by each consumer within that zone irrespective of actual consumption.
- (9) A tariff or charge determined in terms of subsection (8) will be on the estimated average 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 to water supply services through that communal water services work must be based on the estimated average consumption of water supplied to that water service work.

44. Defective measurement.

- (1) If a consumer has reason to believe that the measuring device, used for measuring water, which was supplied to him or her by the Municipality is defective he or she may, against payment of the prescribed charge, make application in writing for the measuring device to be tested.
- (2) The provision of section 11 (8) to 11 (12) will apply to such an application.

45. Special measurement.

- (1) If the Municipality wishes, for purposes other than charging for water consumed, to ascertain the quantity of water which is used in a part of water installation, it may by written notice advise the owner concerned of its intention to install a measuring device at such a point in the water installation as it may specify.
- (2) The installation of a measuring device referred to in subsection (1), its removal, and the restoration of the water installation after such removal shall be carried out at the expense of the Municipality.
- (3) The provision of sections 41 (5) and 41 (6) shall apply in so far as they may be applicable in respect of a measuring device installed in terms of subsection (1).

46. No reduction of amount payable for water wasted.

A consumer shall not be entitled to a reduction for water wasted or water losses in a water installation.

47. Adjustment of quantity of water supplied through defective measuring device.

- (1) If a measuring device is found to be defective in terms of section 10 or 11, the Municipality may estimate the quantity of the 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 when his or her measuring device was defective cannot be estimated in terms of subsection (1), the Municipality may estimate the quantity on any basis that is available to it.

Part 6 :Installation work in respect of water supply**48. Approval of installation work**

- (1) If an owner wishes to have installation work done, the owner must ensure that the installation work complies fully with the requirements as set out in the National Building Regulations and or any other By-law adopted by Municipality from time to time.
- (2) If any of the work is governed by the EIA Regulations, the owner must ensure compliance and obtain the relevant authorisation in regard thereto.
- (3) Application for the approval referred to in subsection (1) shall be made on the prescribed form and shall be accompanied by-
 - (a) The prescribed charge, if applicable,
 - (b) Copies of the drawings as prescribed by the Municipality,
 - (c) A certificate certifying that the installation has been designed in accordance with the requirements as set out subsections (1) and (2) above.
- (4) The provisions of subsection (1) and (2) shall not apply to a qualified plumber who replaces a fixed water heater or its associated protective devices.
- (5) Authority give in terms of subsection (1) shall lapse at the expiry of a period of twenty- four months after the first day of the month succeeding the month in which the authority is given.
- (6) If installation work has been done in contravention of subsection (1) or (2), the Municipality may be written a 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 By-laws.

49. Persons permitted to do installation and other work

- (1) No person who is not a qualified plumber may-
 - (a) Be permitted to do any installation work other than the replacement or repair of an existing pipe or water fitting,
 - (b) Replace a fixed water heater or its protective devices,
 - (c) Inspect, disinfect or test a water installation, fire installation or storage tank,
 - (d) Service, repair or replace a back-flow preventer, or

- (e) Install, maintain, or replace a meter provided by an owner in a water installation.
- (2) No person may require or engage a person who is not a qualified plumber, to do work in (1)
- (3) Notwithstanding the provisions of subsection (1), the Municipality may permit a person who is not a qualified plumber, to do the installation work on his or her own behalf, on premises occupied solely by him or herself, and his or her own household, provided that such work may be required to be inspected and approved by a qualified plumber at the direction of the Municipality.

50. Provision and maintenance of water to be authorised.

An owner must provide and maintain his or her water installation at his or her own cost.

51. Use of pipes and water fittings to be authorised.

No person shall, without the prior written authority of the Municipality, install or use a pipe or water fitting in a water installation within the Municipality's area of jurisdiction unless it is approved by the South African Bureau of Standards and bears the SABS/ SANS mark of approval.

52. Unlawful water installation work

Where any installations work has been constructed in contravention of these By-laws, the owner must, on receiving a compliance notice from Municipality, carry out such alterations as instructed in the notice.

53. Labelling of terminal water fittings and appliances

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

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

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

54. Owner to prevent pollution of water

- (1) An owner shall provide and maintain approved measures to prevent any entry of any substance, which may be a danger to health or adversely or affect the portability of water or affect its fitness for use, into-
 - (a) The water supply system, and
 - (b) Any part of the water installation on his or her premises
- (2) If a person contravenes subsection (1), the Municipality may:
 - (a) by written notice require such person to take remedial steps to prevent pollution of the water supply system or water installation on his or her premises within a specified period; or
 - (b) If it is of the opinion that the situation is a matter of urgency, without prior notice undertake the work required by subsection 2(a) and recover the costs from such a person.

55. Protection of water supply system and installation

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

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

56. Use of water from source other than water supply system.

- (1) No person shall use or permit the use of water obtained from a source other than the water supply system, except rain water tanks which are not connected to the water installation, except with the prior consent of Municipality and in accordance with such conditions as it may impose, for domestic, commercial or industrial purposes.
- (2) Any person desiring the consent referred to in subsection (1) shall provide Municipality with satisfactory evidence to the effect that the water referred to in that subsection complies, whether as a result of treatment or otherwise, with the requirements of SANS Specification 241-1984: Water for Domestic Supplies, published in the Government Gazette under General Notice 2828 dated 20 December 1985 (as amended from time to time), or that the use of such water does not or will not constitute a danger to health.
- (3) Any consent given in terms of subsection (1) may be withdrawn if, in the opinion of Municipality-
 - (a) condition imposed in terms of subsection (1) is breached; or
 - (b) the water no longer conforms to the requirements referred to in subsection (2).
- (4) If water obtained from a borehole or other source of supply on any premises is used for a purpose which gives rise to the discharge of such water or a portion thereof into Municipality's sewerage system, Municipality may install a meter in the pipe leading from such borehole or other source of supply to the point or where it is so used.
- (5) The provisions of section 41 shall apply insofar as they may be applicable in respect of the meter referred to in subsection (4).

57. Water restrictions

- (1) The Municipality may, by public notice to prevent the wasteful use of water in terms of section 54 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. Specific purposes,
 - ii. During specific hours of the day or on specific day, and
 - iii. In a specified manner, and
- (b) Determined and impose-
 - i. Limits on the quantity of water that may be consumed over a specified period,
 - ii. Charges additional to those prescribed in respect of the supply of water in excess of a limit contemplated in subsection (1) (b) (i), and
 - iii. A general surcharge on the prescribed charges in respect of the supply of water,
 - iv. And impose restrictions or prohibitions on the use or manner of use or disposition of an appliance by means of which water is used or consumed, or on the connection of such appliances to the water installation.
- (2) the Municipality may limit the application of the provisions of a notice contemplated by subsection (1) to specified areas and categories of consumers, premises and activities, and may permit deviations and exemptions from, and the relaxation of, any of the provisions on the reasonable grounds.
- (3) The Municipality may-
 - (a) take, or by written notice require a consumer at his or her own expense to take, such measures, including the installation of measurement devices and devices for restricting the flow of water, as may in its opinion be necessary to ensure compliance with a notice published in terms of subsection (1), or
 - (b) discontinue or, for such a period as it may deem fit, limit the supply of water to any premises in the event of a contravention on such premises or failure to comply with the terms of a notice published in terms of subsection (1), subject to notice in terms of section 26, and
 - (c) Where the supply has been discontinued, it shall 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 Municipality to consumers outside its area of jurisdiction, notwithstanding anything to the contrary in the conditions governing such supply, unless otherwise specified in the notice published in terms of subsection (1).

58. Waste of water unlawful.

- (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) An overflow of water to persist,
 - (d) The use of maladjustment or defective water fittings ,
 - (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 subsection (10).

- (3) If an owner fails to take measures as contemplated in subsection (2), the Municipality shall, by written notice in terms of section 26, require the owner to comply with the provisions of subsection (1).
- (4) A consumer shall ensure that any equipment or plant connected to his or her water installation uses water in an effective manner.
- (5) The Municipality may, by written notice, prohibit the use by any equipment in a water installation if, in its opinion, its use of water is inefficient. Such equipment shall not be returned to use until its efficiency has been restored and a written application to do so has been approved by the Municipality.

Part 8: Water audit

59. Water audit

- (1) Water users using more than 3 650 Kl per annum excluding those comprising multiple dwelling units must within one month after the end of each financial year of the municipality 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 Forestry, the water board, if applicable and the Municipality.
- (3) The audit must include 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 applicable),
 - (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

60. Notification of borehole

- (1) The Municipality may, by public notice, require-

- (a) The owner of any premises within the area of jurisdiction of the Municipality upon which a borehole exists or, if the owner is not in occupation of such premises, the occupier thereof, to notify it on 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 in the prescribed form of such intention before work in connection therewith is commenced.
- (2) the Municipality may, require the owner or occupier of any premises who intends to sink a borehole to undertake an environmental impact assessment for such intended borehole to the satisfaction of the Municipality, before sinking the borehole.
- (3) Boreholes are subject to any requirements of the National Water Act, 1998 (Act No. 136 of 1998).
- (4) The Municipality may by notice to an owner or occupier or by public notice require owners and occupiers who have existing boreholes used for water services to-
 - (a) Obtain approval from it for the continued use of a borehole for water services in accordance with section 6, 7 and 22 of the use of such a borehole.
 - (b) Impose conditions in respect of the use of a borehole for irrigation purposes, and
 - (c) Impose a fixed charge in respect of the use of such a borehole.

61. Sampling of Water

- (1) The Municipality may take samples of water obtained from a source, authorised in terms of section (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 prescribed in terms of section (9) of the Act.
- (2) The prescribed charge for the taking and testing of the samples referred to in subsection (1) shall be paid by the person to whom approval to use the water for potable water was granted in terms of section 6 (1) of the Act.

62. Supply of non-potable water by Municipality

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

63. Testing of pressure in water supply system

The Municipality 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 his or her premises over such period as the owner may request.

64. Warning Notices

- (1) On premises on which non-potable water is used, the owner shall ensure that every terminal water fitting and every appliance which supplies and or uses the water is clearly marked with a weatherproof notice indicating that the water is unsuitable for domestic purposes.
- (2) In an area where treated effluent is used, the owner shall erect weatherproof notices in prominent positions warning that such effluent is not suitable for domestic purposes.
- (3) Every warning prescribed in terms of subsections (1) and (2) shall be in more than one official language and shall include the symbolic sign for non-potable water, sign PV5 as prescribed by SANS 1186.

65. Pipes in streets or public places

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 ab street, public place or other land owned by, vested in, and subject to such conditions as it may impose.

CHAPTER III SANITATION SERVICES

Part 1 :Standards and general provisions

66. Standards and Sanitation services

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

67. Objectionable discharge to sewage disposal system.

- (1) No person shall cause or permit any solid, liquid or gaseous substance other than stormwater to enter: -
 - (a) any stormwater drains, stormwater sewer or excavated or constructed watercourse;
 - (b) any river, stream or natural watercourse or any public water, where ordinarily dry or otherwise, except in accordance with provisions of the Water Act, or
 - (c) any street or premises.
- (2) No person shall discharge, or permit the discharge or entry into the sewage disposable system of any sewage or other substance-
 - (a) Which does not comply with the standards and criteria prescribed in section 79, 80, 81 below,
 - (b) Which contains any substance in such concentration as will produce or be likely to produce in the effluent produced for discharge at any sewage treatment plant discharge point or in any public water any offensive, or otherwise undesirable taste, colour, odour, temperature or any foam,
 - (c) Which may prejudice the reuse of treated sewage or adversely affect any of the processes whereby sewage is purified for reuse, 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, other than in compliance with the permissions issued in terms of these by-laws; and
 - (g) Which may inhibit the unrestricted conveyance of sewage through the sewage disposal system.
- (3) No person shall cause or permit any storm water, or rain water to enter the sewage disposal system.
- (4) The Municipality may, by written notice, order the owner or occupier to conduct, at his or her cost, periodic expert inspections of the premises in order to identify

precautionary measures that would ensure compliance with these By-laws and to report such findings to the Municipality or its authorised representative.

- (5) If any person contravenes any provision of subsection (1), or subsection (2) he or she shall within twelve hours, or earlier if possible, advise the Municipality of the details of the contravention and the reasons for it.

Part 2 : On-site sanitation services and associated services

68. Application for use sewage disposal system

- (1) Any person wishing to utilise the sewage disposal system must make application to an authorised official in the prescribed form, accompanied by such information as set out in section 4(5) and any additional information that the Municipality may require from time to time.
- (2) The approval of an application referred to in subsection (1) shall constitute an agreement between the Municipality and that person.
- (3) After approval of an application referred to in subsection (1) shall be liable for all the prescribed fees in respect of the use of the sewage disposal system until such time as the agreement referred to in subsection (2) has been terminated.
- (4) Where premises have been connected to the sewage disposal system or are reasonably capable of being so connected, it shall be deemed that an agreement in terms of subsection (2) exists.
- (5) If the applicant is not the owner, the Municipality may, if it deems it expedient, require any owner to bind him or herself jointly and severally with the applicant for the payment of any charges payable to the Municipality in terms of this By-law.

69. Special agreements for disposal of sewage

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

70. Application for infrastructure.

- (1) If an agreement for on-site sanitation and associated services in accordance with section 2 exists, and no infrastructure in connection therewith exists on the premises, the owner must immediately make application on the approved form and-
 - (a) Pay the prescribed charge for the installation of necessary infrastructure, or
 - (b) With approval by the Municipality and at the request of the owner, install the connecting sewer or on-site sanitation services in accordance with the specifications of the Municipality.

- (2) The Municipality may specify the type of on-site sanitation services to be installed.

71. Septic tank and treatment plant

- (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 Municipality.
- (2) The permission referred to in subsection (1) is subsection to the provisions of this By-law, any other relevant by-laws of the Municipality, or any other law.

72. French drain

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

73. Conservancy tank

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

74. Ventilated improved pit latrine.

The Municipality may at its discretion and on such conditions as it may prescribe, having regard to the nature and permeability of the soil, the depth of the water table and any other factors which may have factors which may have the potential to cause harm to the environment if approval is granted, the size of and access to the site and the availability of a piped water supply, permit the disposal of human excrement by means of a ventilated improved pit latrine, constructed in accordance with the specifications and located in a position indicated by the municipality.

75. Services associated with on-site sanitation services

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

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

- (1) Charges in respect of the removal and 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:
- (a) Any other property whatsoever whether or not under the control of the Municipality: and
- (b) any costs, including fines and damages, which may be incurred by or awarded against the Municipality, or any expense incurred by the Municipality 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.

- (2) 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.
- (3) Pit contents, transportation to disposal site, the treatment of the contents to achieve a sanitary condition and the final disposal of any solid residues.
- (4) Charges in respect of 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.
- (5) If the volume of conservancy tanks contents, night soil or the emptying of pits removed or collected cannot be quantified, The Municipality may charge a fixed charged as prescribed.
- (6) Charges may be in a form of monthly contribution or it may be levied as a single payment when the service is rendered.

Part 3: Sewage disposal

77. Provision of a connecting sewer

- (1) If the agreement for the use of sewage disposal system in accordance with section 2 exists and no connecting sewer exists in respect of the premises, the owner must immediately make application on the approved form and-
 - (a) pay the prescribed charge for the installation of such a connecting sewer; or
 - (b) with the approval by the Municipality and at the at the request of the owner; install the connecting sewer in accordance with any specifications of the Municipality.
- (2) If an application is made for use of the sewage disposal system to premises that is so situated that it is necessary to extend the sewer in order to connect the sewage disposal system to the premises, the Municipality may agree to the extension subject to such conditions as it may impose.

78. Location of connecting sewer.

- (1) A connecting sewer provided by the Municipality or owner in terms of section 68 shall-
 - (a) be installed subject to such conditions regarding its size and other technical specifications as Municipality, or its authorised officer may deem fit and be located in a position agreed to between the owner and the Municipality;
 - (b) terminate at the connection point approximately 1 meter inside the premises from the boundary of the land owned by or vested in the Municipality or over which it has a servitude or other right or when subsection (3) applies, at the connecting point designated in terms of that subsection.
- (2) In reaching an agreement with an owner concerning the location of a connecting sewer, the Municipality shall ensure that the owner is aware of-
 - (a) practical restrictions that may exist regarding the location of a connecting sewer pipe;

- (b) the cost implications of the various possible locations of the connecting sewer;
 - (c) any other practical or technical requirement that the Municipality may deem necessary for the effectiveness of the connecting sewer.
- (3) Municipality may at the request of any person agree, subject to such conditions as Municipality may impose, to a connection as Municipality may impose, to a connection to a sewer other than that which is most readily available for the drainage of the premises; provided that the applicant shall be responsible for any extension of the drainage installation to the connecting point designated by an authorised officer 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.
- (5) Where an owner is required to provide a sewage lift as provided for in terms of the Building Regulations the rate and time of discharge into the sewer shall be subject to the approval of the Municipality.

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

- (1) Notwithstanding the provisions of section 69, only one connecting sewer to the sewage disposal system may be provided for the for the disposal of sewage from any premise, irrespective of the number of accommodation units of consumers located on such premises.
- (2) Where the owner, or the person having the charge or management of any premises on which premises for the purpose of disposal from the different accommodation units, the Municipality may, in its discretion, provide and install either-
 - (a) a single connecting sewer in respect of the premises as a whole or any number of such accommodation units; or
 - (b) a separate connecting sewer for each accommodation unit or any number thereof.
- (3) Where the Municipality has installed a single connecting sewer as contemplated in subsection (2) (a), the owner or the person having the charge or management of the premises, as the case may be-
 - (a) must if the Municipality requires, install and maintain on each branch pipe extending from the connecting sewer to the different accommodation units a separate connecting sewer; and
 - (b) will be liable to the Municipality for the tariffs and charges for all sewage disposed from the premises through such a connecting sewer, irrespective of different quantities disposed by the different consumers served by such connecting sewer.
- (4) Notwithstanding subsection (1), the Municipality may authorise that more than one connecting sewer be provided on the sewage disposal system for the disposal of sewage from any premise compromising sectional title units or if, the opinion of the Municipality, undue hardship or inconvenience would be caused to any consumer on such of premises by the provision of only one connecting sewer.
- (5) Where the provision of more than one connecting sewer is authorised by the Municipality under subsection (4), the tariffs and charges for provision of connecting sewer is payable in respect of each sewage connection so provided.

80. Interconnection between premises.

An owner of premises shall ensure that no interconnection exists between the drainage installation on his or her premises and the drainage installation on the

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

81. Disconnection of draining installation from connecting sewer.

The Municipality may disconnect a drainage installation form the connecting sewer and remove the connecting sewer if

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

Part 4: Sewage delivered by road haulage

82. Acceptance of sewage delivered by haulage

- (1) The Municipality may, at its discretion, and subject to such conditions as it may specify, accept sewage for disposal delivered to the Municipality's sewage treatment plants by road haulage.

83. Written permission for delivery of sewage by road haulage.

- (1) No one shall discharge sewage into Municipality's sewage treatment plant or sewer network by road haulage except with prior written permission of the Municipality and subject to such period and any conditions that may be imposed terms of the written permission.
- (2) The Municipality shall assess the charges for any sewage delivered for disposal to the Municipality's sewage treatment plants in accordance with the prescribed tariffs of charges.

84. Conditions for delivery of sewage by road haulage.

- (1) When sewage is delivered by road haulage-
 - (a) the time of delivered shall be arranged with the Municipality; and
 - (b) the nature and composition of the sewage shall be established to the satisfaction of the Municipality prior to the discharge thereof and no person shall deliver sewage that does not comply with the standards laid down in terms of these By-laws.

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

- (1) The Municipality may withdraw any permission, after giving at least 14 (fourteen) days written notice if its intention to a person permitted to discharge sewage by road haul if the person-
 - (a) fails to ensure that the sewage so delivered conforms to the standards prescribed by Municipality, or in the written permission; or
 - (b) fails or refuses to comply with any notice lawfully served on him or her in terms of imposed on him or her in terms of any permission granted to him or her; and
 - (c) fails to pay the assessed charges in respect of any sewage delivered.

Part 5 :Disposal of industrial effluent and trade premises

86. Application for disposal of industrial effluent.

- (1) A person must apply for the permission to discharge industrial effluent into the sewage disposal system of the Municipality in terms of section 1.
- (2) The Municipality 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 a period and subject to such conditions it may impose grant written permission to discharge industrial effluent.
- (3) The provision 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 the lodging a building plan in terms of section (4) of the National Building Regulation and Building Standards Act, 1977 (Act No. 103 of 1977), also lodge applications for the provision of sanitation services and for permission to discharge industrial effluent in terms of subsection (1).

87. Unauthorised discharge of industrial effluent.

- (1) Any person who discharges or causes or permits to be discharged any industrial effluent into the sewer without first having obtained permission to do so in terms of section 77(2) shall be guilty of an offence and liable in addition to the penalties provided for these By-laws, to pay such fees as the Municipality may assess for the conveyance and treatment of effluent so discharged and for any damage or loss, whether pecuniary or otherwise, caused as a result of such unauthorised discharge.
- (2) Apart from the powers and rights of the Municipality, in terms of subsection (1) and section 79 the Municipality shall be entitled to recover from any person who discharged in to a drain or sewer, any industrial effluent or any substance which is prohibited or restricted in terms of these By-laws including any of its Schedules or who has been the subject of any action taken by the Municipality in terms of section 80 (2) all loss, damage costs, expenses and fees incurred by the Municipality as a result of any loss 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
 - iv. Any other property whatsoever whether or not under the control of the Municipality. And
 - (b) Any costs, including fines and damages, which may be incurred by or awarded against the Municipality, or any expense incurred by the Municipality 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 charge.

- (3) 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.

88. Quality standards for disposal of industrial effluent

- (1) A person to whom permission has been granted in terms of section 77 must ensure that no industrial effluent is discharged into the sewage disposal system of the Municipality unless it complies fully with the standards and criteria determined by Municipality from time to time.
- (2) The Municipality may in the written permission concerned, relax or vary the standards provided that the Municipality is satisfied that any such relaxation represents the best practicable environment option.
- (3) In determining whether relaxing or varying standards for industrial effluent represents the best practicable environment option, the Municipality will consider-
- (a) Whether the applicant's undertaking is operated and maintained at optimal levels;
 - (b) Whether technology used by the applicant represents the best available option to the applicant's industry and, if not, whether the installation of such technology would entail unreasonable cost to the applicant;
 - (c) Whether the applicant is implementing a program of waste minimisation which complies with national and local waste minimisation standards to the satisfaction of the Municipality;
 - (d) The cost to the Municipality of granting the relaxation or variation; and
 - (e) The environmental impact or potential impact of such relaxation or variation.
- (4) Municipality may, through a duly authorised take test samples at any time to ascertain whether the industrial effluent complies with any other standard laid down in a written permission.

89. Conditions of disposal of industrial effluent.

- (1) The Municipality 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 Municipality will ensure that the industrial effluent conforms to the standards prescribed in Schedules A 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 Municipality will be

- necessary to control the rate and time of discharge into the sewage disposal system in accordance with conditions imposed by it;
- (c) install for the conveyance of his or her industrial effluent into the sewage disposal system at a given point, a drainage installation for waste water and standard domestic effluent and may prohibit such person from disposing of his or her industrial effluent at any other point and from disposing of his or her waste water and standard domestic effluent by means other than into a sewage disposal system;
 - (d) Construct on any pipe conveying his or her industrial effluent to any sewer; a service access hole or stop-valve in such position and of such dimensions and materials as the Municipality may prescribe;
 - (e) Provide all information as may be required by the Municipality to enable it to assess the tariffs or charges due to the Municipality;
 - (f) Provide adequate facilities such as level or overflow detection devices, standby equipment, overflow catch-tips, or other appropriate means to prevent discharge into the sewage disposal system which is in contraventions of these By-laws;
 - (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 Municipality and copies of the calibration to be forwarded to it; and
 - (h) cause his or her industrial effluent to be analysed as often and in such manner as may be prescribed by the Municipality and provide it with results of these testes when completed;
- (2) The cost of any treatment, plant, works or analysis which the permit holder may be required to carry out, construct or install in terms of subsection (1) shall be borne by the permit holder concerned.
 - (3) The permission of the Municipality must be obtained for any proposed changes to the composition of industrial effluent discharged into sewage disposal system.
 - (4) In the event that industrial effluent that does not comply with the standards as determined by Municipality or written permission issued in respect of that process or premises, is discharged into the sewage disposal system, the Municipality must be informed of the incident and the reasons therefore within twelve hours of such discharge.

90. Withdrawal permission of written for disposal industrial effluent.

- (1) The Municipality may withdraw any permission, after giving at least 14 (fourteen) days written notice if its intention to a person permitted to discharge industrial effluent into the sewage disposal system if the person-
 - (a) fails to ensure that the industrial effluent discharge conforms to the industrial effluent standards prescribed by Municipality or the written permission;
 - (b) fails or refuses to comply with any notice lawfully on him or her in terms of these By-laws or contravenes any provisions of these By-

- laws or any condition imposed in terms of any permission granted to him or her; or
- (c) Fails to pay the assessed charges in respect of any industrial effluent discharged as may be determined by the Municipality from time to time.
- (d)
- (2) The Municipality may on any withdrawal of any written permission-
 - (a) In addition to any steps prescribed in these By-laws, and on 14 (fourteen) days written notice authorise the closing or sealing of the connection sewer of the said premises to any sewer for such charge as may be prescribed from the Municipality's tariff of charges; and
 - (b) Refuse to accept any industrial effluent until it is satisfied that adequate steps to ensure that the industrial effluent to be discharged conforms to the standards prescribed in these By-laws.

Part 6 :Determining charges for volumes of effluent discharges to sewage disposal system

91. Quantity of standard domestic effluent discharged.

- (1) The quantity of standard domestic effluent must be determined as a percentage of the water supplied to those premises by the Municipality.
- (2) If the total charges for the discharged effluent for a specific premise are excessive, having regard to the purposes for which water is consumed on those premises, the Municipality or its authorised representative may reduce the percentage applicable to those premises to a figure which, in its opinion and in the light of the available information, reflects the proportion between the likely quantity of sewage discharged from the premises and the quantity of water supplied thereto.
- (3) In the absence of direct measurement, the standard domestic effluent will be estimated as follows: -
 - (a) 1,0 kilolitre per full-time working member per working month;
 - (b) 4,0 kilolitres per resident per working month, not included in subsection (a); and
 - (c) For staff canteens: 0,15 kilolitre per meal prepared per 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.
- (4) Where premises are lawfully supplied with water from a source other than or in addition to the Municipality's water supply system, including abstraction from a river or borehole, the quantity will be a reasonable percentage of the total water used on those premises as may be estimated by the Municipality, taking into account any representations which may be made by the consumer.

92. Volume of industrial effluent discharged

- (1) The volume of industrial effluent discharge into the sewage disposal system shall be determined by-
 - (a) Where a measuring device is installed- by the volume of industrial effluent discharged from a premise as measured through that measuring device; or
 - (b) Where no measuring device is installed- by application of the formula determined by Municipality from time to time.
- (2) Where a portion of the water supplied to the premises forms part of the end product of any manufacturing process or for any other reason, Municipality or its authorised representative may on application adjust sewerage tariff which is related to the water consumption pertaining to the premises.

Part 7 :Drainage installations**93. Construction or installation of drainage installations.**

- (1) Any drainage installation constructed or installed must comply with SANS 10400 *Part P Drainage* and any other applicable specifications prescribed in terms of the Act.
- (2) From date the publication of these By-laws, where a drainage installation is a toilet it shall be a water borne toilet or a waterless biological toilet. If the drainage system is a waterless biological toilet, it shall comply with the specifications set out below-
 - (a) Operation: The biological toilets shall be capable of treating and stabilising human toilet waste by means of:
 - i. Separation of the liquid and solid waste;
 - ii. Dehydration and evaporation of solid and liquid waste respectively;
 - iii. Reducing the volume of the solid waste via dehydration;
 - iv. Allow for simple removal of the solid waste by means of a rake and collection in a container.
 - (b) Operational and Functional Requirements: The biological toilet system shall-
 - i. Not require continuous dosing of chemicals and enzymes;
 - ii. Operate as an aerobic reactor;
 - iii. Not require electricity to operate under normal conditions;
 - iv. Be odourless under normal operating conditions;
 - v. Not attract flies;
 - vi. Have a positive extraction ventilation system.
 - (c) The system features: The system shall comprise of the following-
 - i. A top unit onto which a concrete for the floor slab is casted;
 - ii. The top unit shall have a manhole cover for access into and removal of dried waste from the system;

- iii. The manhole cover area shall be raised above ground level and constructed in such a way to allow the heat to build-up within the reactor, in order to create convectional flow of air;
- iv. A ventilation outlet pipe with a wind driven ventilation extraction unit mounted on top of the reactor;
- v. The ventilation unit shall be manufactured in aluminium and shall have a sealed nylon bearing. The extractor shall have a diameter of more than 300 mm;
- vi. All plastic components must be supplied in black UV stabilised polyethylene plastic;
- vii. All other components must be supplied in plastic or stainless steel;
- viii. The system shall be supplied with an outlet chute of at least 200 mm in diameter.

94. Drains in streets or public places.

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

95. Construction by Municipality.

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

96. Maintenance of drainage installation.

- (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 Municipality to clear a drainage installation will be liable to pay the prescribed tariff.
- (3) A Municipality may, on the written application of the owner or 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 charges.

97. Installation of pre-treatment facility.

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

98. Protection from ingress of floodwaters.

Where a premises is situated in the 1 in 50 years flood-plain, or the 1 in 100 years flood-plain, the top level service access holes, inspection chambers and gullies is to be above the 1 in 50 years flood level or in 100 years flood-level, respectively, except, in the case of service access holes and inspection chambers, where the chambers, where the cover is secured in place by approved means.

CHAPTER 4

Part 1 :Miscellaneous

99 Power to Serve Notices and Compliance

- (1) The Municipality may, by written notice, order an owner, consumer or any other person who, by an act or omission, fails to comply with:

- (a) a provision of this By-law; or
- (b) any condition imposed by this By-law

to remedy such failure within a period specified within the notice, which period may not be less than 30 days, provided that the period in the case of a notice issued in may not be less than 7 days.

- (2) If an owner or consumer or any other person fails to, within the specified period, comply with a written notice served on him or her by the Municipality in terms of this By-law the Municipality may take such action as in its opinion is necessary to ensure compliance, which action also includes: -

- (a) Undertaking the work necessary and recovering the cost of the work from the owner, consumer or other person, as the case may be; or
- (b) Restricting or continuing the provision of services to the owner, consumer or other person, as the case may be; and
- (c) Instituting legal proceedings against the owner, consumer, or other person, as the case may be.

- (3) A notice in terms of subsection (2) shall: -

- (a) give details of the provision of the by-law that has not been complied with;
- (b) give the owner, consumer, or other party a reasonable opportunity to make representations and state his or her case in writing to the Municipality within a specified period, unless the owner, consumer or other person was given such an opportunity before the notice was served;
- (c) specify the steps that the owner, consumer or other person can take to rectify or remedy the failure;
- (d) specify the period within which the owner, consumer or other person is to take the steps specified to rectify the failure; and

- (e) indicate that the municipality may; -

- i. if the notice is not complied with, undertake the work that is necessary to rectify the failure and recover from the owner, consumer or other person the actual cost of such work; and
- ii. take any other action it deems necessary to ensure compliance.

- (4) In the event of an emergency, the municipality may without prior notice undertake the work contemplated in subsection 3 and recover such costs from the owner, consumer or other person, as the case may be.
- (5) The actual costs recoverable by the municipality in terms of subsections (3) and (4) shall be the full costs associated with such work and include, but is not limited to; -
 - (a) the costs of any exploratory investigation, plan, specification, schedule of quantities, supervision, administrative charge, the use of tools, and the labour involved in disturbing or rehabilitating any part of a street or ground affected by the work; and
 - (b) the environmental costs of such work.

100. Interference with water services

- (1) No person may -
 - (a) operate or maintain any part of the water supply system;
 - (b) operate any sewerage disposal system;
 - (c) effect a connection or reconnection to the water supply system or sewerage disposal system; or
 - (d) render any other sanitation services,unless authorised to do so by the Municipality in writing.
- (2) No person may interfere with, or wilfully or negligently damage, or permit damage to or interference with any part of the water supply system or sewerage disposal system belonging to the Municipality.

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

No person shall prevent or restrict physical access to the water supply system or sewerage disposal system by any employee or duly authorised representative of the Municipality.

102. Power of entry and inspection

- (1) An official may for any purpose connected with the implementation or enforcement of this By-law, at all reasonable times, after having given notice of the intention to do so, or in an emergency at any time, enter premises, request information and carry out such inspection and examination as he or she may deem necessary, and for those purposes operate any water fitting of the water installation or sewerage disposal system.
- (2) If the Municipality considers it necessary that work be performed to enable an official to perform a function referred to in subsection (1) properly and effectively, it may -

- (a) by written notice require the owner or occupier of the premises at his or her own expense to do specified work within a specified period; or
 - (b) if in its opinion the situation is a matter of urgency, without prior notice do such work or cause it to be done at the expense of the owner.
- (3) If the work referred to in subsection (2) is carried out for the sole purpose of establishing whether a contravention of this By-law has been committed and no such contravention is established, the Municipality shall bear the expense connected therewith together with that of restoring the premises to its former condition.
- (4) If an official requires the presence of -
 - (a) an owner at an inspection of his or her water installation; or
 - (b) a registered plumber doing installation work at an inspection of such work; he or she may give such person written notice of not less than five working days to that effect, indicating the date and time when and the place where he or she proposes to carry out the inspection.

103. Termination of Agreements

- (1) Subject to the provisions of subsection (9) –
 - (a) a consumer may terminate an agreement for the provision of water services by giving to the Municipality not less than seven days' notice in writing of his or her intention to do so;
 - (b) the Municipality may, by notice in writing of not less than 30 days, advise a consumer of the termination of his or her agreement for the provision of water services if –
 - i. he or she has not used the water services during the preceding six months and has not made arrangements to the satisfaction of the Municipality for the continuation of the agreement;
 - ii. he or she has failed to comply with the provisions of these By-laws and has failed to rectify such failure to comply following the issue of a compliance notice or has failed to pay prescribed fees due and payable; Provided that the provisions of the Act, this By-law and any other applicable law must be followed before the agreement is terminated; or
 - iii. an arrangement has been made by such consumer with another water services institution to provide water services to the consumer.
- (2) the Municipality may, after having given notice, terminate an agreement for services if a consumer has vacated the premises to which such agreement relates.

(3)

- (a) If it is determined by a person legally entitled to do so, other than the Municipality, that an existing water service on private property, or emanating from private property, is creating environmental damage or water pollution, or water wastage, and the owner of the property or consumer, whichever is applicable, is directed to carry out measures as are required under any Act or law to rectify the situation, the Municipality is not liable for any damages arising as a result of the measures required to be taken or in respect of damages suffered as a result of a permanent or temporary termination of the services.
- (b) Should the consumer fail to carry out such measures, the Municipality may, subject to the provisions of Chapter 4, undertake the measures required, and any expenditure incurred may be recovered from the owner of the premises or the consumer as the case may be.

104. Prohibition of access to water services other than through the Municipality

- (1) No person is permitted to have access to water services from a source other than the Municipality, without its written approval.
- (2) Despite the provision of subsection (1) hereof, a person who, at the commencement of this By-law, was using water from another source may continue to do so -
 - (a) for a period of 60 days after he or she has been requested to apply for approval;
 - (b) thereafter until the application for approval is granted, if it has not been granted within that period; or
 - (c) for a reasonable period thereafter, within the discretion of the Municipality, if the application for approval is refused.
- (3) In granting approval, the Municipality may require the person seeking approval to supply such services as may be specified in the approval to others on reasonable terms, which must be specified by the Municipality.

105. Water services intermediaries

- (1) An intermediary for the supply of water and sanitation services must be registered with the Municipality.
- (2) The quality, quantity and sustainability of water services provided by the intermediary must meet the minimum standards prescribed by the Minister of Water Affairs and Forestry as and must in all respects comply with the relevant provisions of this By-law.
- (3) Fees charged by an intermediary must comply with the norms and standards prescribed under the Act and any additional norms and standards required by this By-law or otherwise set by the Municipality.
- (4) In the event of a failure by the intermediary to perform its functions effectively, the Municipality may, subject to the provisions of section 26 of the Act, direct the intermediary to rectify its failure, and if the direction is not complied with, the Municipality may itself take over such functions.
- (5) When the intermediary is capable of resuming its functions effectively, the Municipality must stop exercising such functions on behalf of the intermediary and may recover from the intermediary all expenses incurred and losses suffered as a result of having acted on behalf of the intermediary.
- (6) The Municipality must monitor the performance of intermediaries to ensure that norms and standards for fees, any conditions set by the Municipality, the provisions of this By-law and any contractual arrangements between the parties are adhered to.

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

- (1) The owner of premises is ultimately responsible for ensuring compliance with this By-law in respect of all or any matters relating to any installation, and if he or she is not the consumer who actually uses the water services, the owner is jointly and severally liable with such consumer in respect of all matters relating to the use of any water services on his or her property, including any financial obligation.
- (2) The consumer is primarily responsible for compliance with this By-law in respect of matters relating to the use of any water services.
- (3) No approval given under this By-law relieves any owner or consumer from complying with any other law relating to the abstraction and use of water, or the disposal of effluent.

107. Unauthorised use of water services

No person shall take water from the water supply system until an agreement referred to in section 4(2) or 5(1) has been concluded;

Part 2 :Enforcement of By-Laws and Other Legal Matters**108. Authorisation of authorised official**

A service provider as contemplated in the definition of Municipality and in section 76 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), may authorise any person in its employ to be an authorised official.

109. Functions of authorised official

- (1) An authorised official may execute work, conduct an inspection and monitor and enforce compliance with this By-law.
- (2) Subject to the provision of any other law, an authorised official must carry out the functions contemplated in this section and the powers set out in section 105, in accordance with the procedure outlined in sections 106 and 107.

110. Additional powers of authorised official

- (1) An authorised official, in addition to any power conferred upon him or her in terms of this By-law, may –
 - (a) execute work on or inspect premises;
 - (b) question a person present on any premises in respect of any matter which may be relevant to the work or inspection;
 - (c) question a person whom the authorised official believes may have information relevant to the work or inspection;
 - (d) inspect any document that a person is required to maintain in terms of any law or that may be relevant to work or inspection;
 - (e) copy any document referred to in paragraph (d) or if necessary, remove the document in order to copy it;
 - (f) take samples of any substance that is relevant to the work or inspection;
 - (g) monitor and take readings or make measurements;
 - (h) take photos or make audio-visual recordings of anything or any person, process, action or condition on or regarding any premises; and
 - (i) do what is necessary for the execution of work or the conducting of an inspection that the Municipality is required to undertake in terms of these Bylaws.

- (2) An authorised official who removes anything other than a substance contemplated in subsection (1) (f) from the premises being worked upon or inspected, must -
 - (a) issue a receipt for it to the owner or person in control of the premises; and
 - (b) return it as soon as is practicable after achieving the purpose for which it was removed.

111. Procedure to execute work or conduct an inspection: entry with a written authorisation

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

- (b) authorise the authorised official to enter and execute work or inspect the premises and do anything listed in section 101(1).
- (6) A written authorisation issued in terms of subsection (2) is valid until one of the following events occur:
 - (a) It is carried out;
 - (b) is cancelled by the person who issued it or, in that person's absence, by a person with similar authority;
 - (c) the purpose for which it was issued, has lapsed;
 - (d) three months have passed since the date of issue.
- (7) A written authorisation issued in terms of subsection (2) may only be carried out between 07h00 and 19h00, unless the justice of peace who issues it states in writing that it may be carried out at a different time reasonable in the circumstances.
- (8) Before commencing any work or inspection, an authorised official who carries out a written authorisation must either -
 - (a) if the owner of or a person apparently in control of the premises is present -
 - i. identify him or herself and explain his or her authority to that person or furnish proof of such authority, and
 - ii. hand a copy of the written authorisation to that person;
 - (b) if the owner or person apparently in control of the premises is absent or refuses to accept a copy, attach a copy of the written authorisation to the premises in a prominent and visible place.

112. Procedure to execute work or conduct an inspection: entry without a written authorisation

- (1) An authorised official who does not have a written authorisation may subject to section 101 of the Systems Act, enter and execute work or inspect –
 - (a) any premises with the consent of the owner or person apparently in control of the premises; or
 - (b) any premises, except residential premises, on a routine basis
 - i. no more frequently than six times during a twelve-month period; or
 - ii. more frequently if permitted by this By-law for the purposes of any work or inspection;
 - (c) any premises, if there are reasonable grounds to suspect that there is an emergency, and/or that any delay in commencing any work or inspection may -
 - i. disrupt or adversely affect the provision of water and sanitation services;

- ii. result in excessive wastage or pollution of water; or
 - iii. have significant detrimental effects on public or private health and safety;
 - (d) any premises from which there is a discharge or suspected discharge, into any sewer of any storm water, sewage, industrial effluent, or other liquid or substance contemplated in section 73(10, (2) and (3);
 - (e) any premises on which a nuisance is caused by, or related to, or emanates from a drainage installation; and
 - (f) any premises on which a contravention exists or is suspected.
- (2) Unless the emergency and/or delay in commencing any work or inspection referred to in subsection (1)(c) was caused by an act or omission of the Municipality, the cost of any remedial action taken in connection with subsections (c), (d), (e) and (f) must be paid by the owner of the premises.
- (3) In addition to the entry permitted in terms of subsection (1), an authorised official may enter any premises without a written authorisation in respect of which there is an outstanding compliance notice, issued in terms of section 106 for the purposes of determining whether that notice has been complied with.
- (4) Before commencing work or inspecting any premises in terms of this section, an authorised official must identify himself or herself and explain his or her authority or furnish proof of such authority to the person apparently in control of the premises or the person who gave permission to enter.
- (5) Any entry and execution of work or inspection without a written authorisation must be carried out at a reasonable time in the circumstances.

113. Using force to enter

- (1) An authorised official carrying out a written authorisation in terms of section 106 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 authorisation must audibly demand admission and must announce his or her purpose, unless he or she reasonably believes that doing so may induce someone to destroy, dispose of, or tamper with, an article or document that is the object of the inspection.
- (3) The Municipality must 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 were present.
- (4) Force may not be used to affect an entry or execute work or conduct an inspection in terms of section 107, unless an emergency arises.

114. Authorised official may be accompanied

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

115. Duty to produce document

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

116. Compliance notice

- (1) An authorised official who becomes aware that any provision of this By-law has not been complied with, may issue a compliance notice to the owner or person apparently in control of the relevant premises.
- (2) An authorised official who is satisfied that the owner or person apparently in control of any premises has satisfied the terms of a compliance notice may issue a *compliance certificate* to that effect.
- (3) A compliance notice remains in force until an authorised official 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 within which those steps must be taken; and
 - (d) any penalty that may be imposed in terms of this By-law in the event of noncompliance with these steps.

117. Complaints against persons other than the Municipality

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

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

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

118. Official address

- (1) For the purposes of the serving of any notice, order or other document relating to legal proceedings –
 - (a) the address of the owner of the premises on which domestic water is consumed or generated is deemed to be the official address of such owner; and
 - (b) the address of the consumer, as referred to in sections 4(5) and 57(1) is deemed to be the official address of the consumer.
- (2) Where any notice or other document is required by this By-law to be served on any person other than for the purpose of criminal proceedings, it must be served on him or her personally, failing which it may be served on any member of his or her household or an employee as the case may be, of the apparent age of 16 years or older, at the place of residence or business of that person, or if sent by registered post, to the official address contemplated in subsection (1), it will constitute prima facie proof of the serving of such notice.

119. Recovery of costs and fees

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

120. Legal compliance warranty

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

121. False statement or information

- (1) No person may make a false statement or furnish false information to the Municipality, an authorised official, or an employee of the Municipality or falsify a document issued in terms of this By-law.

122. Exceptions to application of this By-law

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

123. Exemptions

- (1) The Municipality may by resolution exempt any person from complying with a provision of this By-law, subject to conditions, if the provision is considered to be unreasonable, provided that an exemption may not be granted which will result in -
 - (a) wastage or excessive water consumption;
 - (b) evasion or avoidance of water restrictions;
 - (c) a danger for public health, safety or the environment;
 - (d) non-payment for services;
 - (e) the installation of pipes and fittings which are not approved in terms of this Bylaw;
 - (f) non-compliance with the Act and regulations made in terms thereof.

- (2) The Municipality may at any time withdraw an exemption given in terms of subsection 1 provided that it must give the person concerned reasonable notice in writing of its intention to withdraw an exemption previously granted.

124. Repeal of existing By-laws.

All previous By-laws are hereby repealed, provided that such repeal shall not affect the continued validity of any charges determined by the Municipality under those By-laws.

125. Short title.

These By-laws shall be called the Water Services By-laws, and shall come in to effect upon promulgation.

LOCAL AUTHORITY NOTICE 242 OF 2022**CITY OF MBOMBELA****AMENDMENT SCHEME 2254**

It is hereby notified in terms of Section 58 of the Mbombela By-Law on Spatial Planning and Land Use Management, 2019, that the City of Mbombela has approved an amendment of the City of Mbombela Land Use Scheme, 2019, by the rezoning of the Remaining Extent of Portion 11 and the Remaining Extent of Portion 112 of the farm Maggiesdal 456-JT from "Undetermined" to "Industrial" for the purposes of Warehouse and Packaging.

Copies of the amendment scheme are filed with Municipal Manager, Civic Centre, Nel Street, Nelspruit, and are open for inspection at all reasonable times. This amendment scheme shall come into operation on the date of publication hereof.

WJ KHUMALO
MUNICIPAL MANAGER
City of Mbombela Local Municipality
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Nel Street, Nelspruit, 1200. Tel. (01311) 5-2133.