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LOCAL AUTHORITY NOTICE

LOCAL AUTHORITY NOTICE 249

MOSES KOTANE LOCAL MUNICIPALITY

WATER AND SANITATION BY-LAWS

The Municipal Manager of the Moses Kotane Local Municipality hereby in terms of section 13(a) of the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000), publishes the Water and Sanitation By-laws for the Moses Kotane Local Municipality, as approved by its Municipal Council, as set out hereunder.

MOSES KOTANE LOCAL MUNICIPALITY

WATER AND SANITATION BY-LAWS

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CHAPTER 1

GENERAL PROVISIONS

Definitions

1. (1) In these By-laws and the Schedules thereto, unless the context otherwise indicates -

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

"Act" means the Water Services Act No, 1997 (Act No.1 08 of 1997);

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

"approved" means approved by the Municipality;

"Authorisation Committee" means the body authorised to compile the schedule of approved pipes and fittings;

"authorised official" means any employee of the Municipality who has been authorized by it to administer, implement and enforce the provisions of these By-laws;

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

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

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

"basic sanitation" means the minimum standard of safe and hygienic sanitation services and; sewage disposal rendered to households, prescribed in terms of the Act, under regulation 2 of Government Notice R509 of 8 June 2001, as amended from time to time, or any substitution for that regulation;

"basic water supply" means the minimum standard of water supply services necessary for the reliable supply of water to households to support life and personal hygiene, prescribed in terms of the Act under regulation 3 of Government Notice R509 of 8 June 2001, as amended from time to time, or any substitution for that regulation;

"best practicable environmental option" means the option that provides the most benefit or causes the least damage to the environment as a whole, in both the long and the short term;

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

"building regulations" means the National Building Regulations made in terms of the National Building Regulations and Building Standards Act, 1997 (Act No. 103 of 1977);

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

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

"combined installation" in relation to water supply means a water installation used for fire-fighting and domestic, commercial or industrial purposes;

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

"communal water connection" means a consumer connection through which water services are supplied to more than one consumer, and "communal water services work" has a corresponding meaning

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

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

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

"consumer" means-

(a) any person who occupies premises to whom, and in respect of which premises, the Municipality-

(i) has agreed to provide water supply and/or sanitation services;

(ii) is actually providing water supply and/or sanitation services;

(iii) has entered into an agreement with the Municipality for the provision of water and/or sanitation services to or on any premises;

(b) the owner of any premises to which the Municipality is providing water supply and/or sanitation services;

- (c) where water supply and/or sanitation services are provided through a single connection to a number of accommodation units or consumers or occupiers, means the person to whom the Municipality agreed to provide such water services; and
- (d) any end-user who receives water supply and /or sanitation services from the Municipality or other water supply and/or sanitation services institution.

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

"authorised official" means a person in the employ of the Municipality, authorized as an authorised official by the Municipality for the purposes of these By-laws, or if the Municipality has appointed a service provider, an employee of such service provider, authorized by it as an authorised official in terms of Section 99 of these By-laws and acting within the scope of the powers, functions and duties assigned to that service provider by the Municipality.

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

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

"drainage installation" means a system situated on any premises and vested in the owner thereof that is used for or intended to be used for or in connection with the reception, storage, treatment or conveyance of sewage or other form of waste water on those premises to the connecting point, and includes a drain, a fitting, an appliance, a septic tank, a conservancy tank, a pit latrine and a private pumping installation, forming part of or being ancillary to such system;

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

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

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

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

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

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

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

"enforcement notice" means any notice issued by an authorised official under these By-laws, which instructs the person to whom it is issued to comply with the terms of the notice, and includes a compliance notice contemplated in section 107;

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

"fire installation" means a water installation that conveys water intended for fire-fighting purposes only;

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

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

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

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

"industrial purposes" in relation to the supply of water means water supplied to any premises which constitutes a factory as defined in the General Administrative Regulations, published in Government Notice R2206 of 5 October 1984 or any superseding legislation, including the use of water for purposes of mining, manufacturing, retailing and service industries, generating electricity, land-based transport, construction or any related purpose;

"installation work" means 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 to any number of consumers;

“manhole” means a chamber of a depth greater than 750mm and of such dimension that allows an entry of a person into such a chamber for the purposes of providing access to a drain;

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

“meter” means a water meter as defined by Regulation 81(a) Government Notice R 2362 dated 18 November 1977, published in terms of the Trade Metrology Act, 1973 (Act No. 77 of 1973) or any superseding legislation or, in the case of a water meter of a size greater than 100 mm, a device which measures the quantity of water passing through it, or a measuring device;

“Municipality” means -

- (a) the Moses Kotane Local Municipality established in terms of relevant legislation and its successors in title, and includes a structure or person exercising a delegated power or carrying out an instruction in terms of these By-laws and legislation applicable to Local Government; or
- (b) a service provider fulfilling a responsibility under these by-laws, assigned to it in terms of section 81(2) of the Local Government: Municipal Systems Act 2000, or any other law,

as the case may be

“National Water Act” means the National Water Act, 1998 , (Act No. 36 of 1998);

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

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

“occupier” means a person who occupies any premises or part thereof;

“official” means an employee of the Municipality or any other person who is authorised by it to perform any act, function or duty in terms of, or exercise any power under these By-laws;

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

“owner” includes -

- (a) the person in whom from time to time is vested the legal title to premises, including, but not limited to, the registered owner according to the title deed;

- (b) where the owner of the premises concerned is insolvent, deceased, has assigned his estate for the benefit of his creditors, has been placed under curatorship in terms of an order of court, is a closed corporation being wound up, or is a company being wound up or under judicial management, includes the person in whom the administration of such premises is vested as executor, trustee, assignee, curator, liquidator or judicial manager as the case may be;
- (c) in any case where the Municipality is unable to determine the identity of such person, a person who is entitled to the benefit of the use of such premises; and
- (d) the lessee under any registered lease of land which is entered into for a period of not less than ten years or for the natural life of the lessee or any other person mentioned in such lease, or which is renewable from time to time at the will of the lessee indefinitely or for periods which together with the first period of such lease amount in all to not less than ten years, whether or not such renewal is dependent on the periodical consent or permission of, or the periodical renewal of a licence by the State or any statutory licensing body;
- (e) in relation to
 - (i) a piece of land delineated on a sectional plan registered in terms of the Sectional Titles Act, 1986 (Act 95 of 1986), the developer or the body corporate in respect of the common property; and
 - (ii) a section as defined in such Act, the person in whose name the relevant unit is registered under a sectional title deed, and includes the lawfully appointed representative of such person;
- (g) any person who requires any right to land by virtue of the provisions of any law applicable in the Province of KwaZulu Natal;

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

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

"person" means any natural or juristic person, an unincorporated body, and includes a voluntary association or trust, an organ of state as defined in section 239 of the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996), and the Minister of Water Affairs and Forestry;

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

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

- (a) a general plan or diagram registered in terms of the Land Survey Act, 1927 (Act 9 of 1927), or in terms of the Deeds Registries Act, 1937 (Act No.4 7 of 1937); or
- (b) a sectional plan registered in terms of the Sectional Titles Act, 1986 (Act No. 95 of 1986); or
- (c) a township plan in terms of any law of the area previously described as KwaZulu; or
- (d) a permission-to-occupy certificate in terms of the customary law;

"prepayment meter" means a meter that can be programmed to limit the flow of water into a water installation to the amount which has been previously purchased;

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

"prescribed fee" means a fee determined by the Municipality by resolution;

"prescribed tariff" means a schedule of prescribed fees

"public notice" means at least two notices, each notice being in one of the official languages in general use in the area, but in a different official language to the other notice and published in at least one newspaper in general use within the area in question, preferably a newspaper published predominantly in the same language as the notice;

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

"registered contractor" means a company/person registered by the SAQCC for the Water Supply Industry;

"registered plumber" means a person registered by the SAQCC for the Water Supply Industry;

"SABS" means South African Bureau of Standards;

"sanitation services" means the collection, removal and disposal or purification of human excreta, sewage and any other effluent including domestic and industrial effluent resulting from the use of water;

"SAQCC for the Water Supply Industry" means the South African Qualification and Certification Committee constituted in terms of Act No. 58 of 1995;

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

“sewage” means wastewater, industrial effluent, standard domestic effluent and other liquid waste, either separately or in combination, but shall not include stormwater;

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

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

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

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

“water services” means water supply services and sanitation services;

“water supply system” means a structure, aquaduct, pipe, valve, pump, meter or other apparatus relating thereto which is vested in the Municipality, and is used or intended to be used in connection with the supply of water;

“working day” means a day other than a Saturday, Sunday and public holiday;

“working month” means a calendar month excluding any Saturday, Sunday and public holiday;

- (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 Act, 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, an employee of the service provider authorised by it.

Meaning of certain words the same as in Acts

2. Any word or expression 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 1977 (Act No.103 of 1977), and Chapter III of the Building Regulations thereunder, will bear that meaning;

unless the context indicates otherwise.

Levels of Service

3. (1) The Municipality may provide the various levels of service set out in subsection (2) to consumers at fees set out in the schedule of fees, determined by the Municipality.

(2) the levels of service shall comprise-

(a) Service Level 1,

which must satisfy the minimum standard for basic water services as required in terms of the Act and its applicable regulations, and must consist of-

- (i) a water supply from communal water points; and
 - (ii) a ventilated improved pit latrine located on each site;
- and

(b) Service Level (2),

which must consist of-

- (i) an unmetered water connection to each stand with an individual yard standpipe;
- (ii) a water borne connection connected to either a municipal sewer or a shallow communal sewer system; and
- (iii) a pour flush toilet which must not be directly connected to the water installation;

which service must be provided to consumers at the fees set out in the schedule of fees determined by the Municipality, provided that-

- (aa) the average water consumption per stand through the unmetered water connection for the zone or group of consumers in the zone does not exceed 6kl over any 30 day period;
- (bb) the water standpipe is not connected to any other terminal water fittings on the premises;
- (cc) in the case of a communal sewer having been installed, a collective agreement has been signed by the group of consumers accepting responsibility for the maintenance and repair of the communal sewer; and

(dd) the Municipality may adopt any measures considered necessary to restrict the water flow to Service Level 2 consumers to 6kl per month.

(c) Service Level 3

Which must consist of-

- (i) a metered full pressure water connection to each stand; and
- (ii) a conventional water borne drainage installation connected to the Municipality's sewer.

(3) If a consumer receiving Service Level 2 contravene subparagraph (aa) or (bb) to subsection (2)(b)-

(a) the Municipality may install a pre-payment meter in the service pipe on the premises; and

(b) the fees for water services must be applied in accordance with section

Notices and Documents

4. (1) Notices relating to a breach of these By-laws on premises shall be served:
- (a) on the owner of the premises where matters relating to the water installation are involved; and
 - (b) on the customer where matters relating to the use of a water installation are concerned;
- (2) A notice or document issued by Municipality in terms of these By-laws shall be deemed to be duly issued if it is signed by an official.
- (3) If a notice or document is to be served on a person in terms of these By-laws such service shall be effected by delivering it to him or her personally or to his or her duly authorised agent.
- (4) If a notice or document is to be served on a person in terms of these By-laws such service shall be effected by delivering it to him or her personally or to his or her duly authorised agent.
- (4) 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 receipt of such notice, such notice having been sent by registered mail.
- (5) Municipality may, in the notice, order a person who by act or omission commits a breach of these By-laws or of any condition imposed thereunder to remedy such breach within a period specified in the notice.

- (6) If a person fails to comply with a written notice served on him or her by Municipality in terms of these By-laws within the specified period, it may take such action or do such work as in its opinion is necessary to ensure compliance, and recover the cost of such action or work from such person.

Interference with water services

5. (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.

Obstruction of access to water supply system or sanitation service

6. No person may prevent or restrict physical access to the water supply system or sewage disposal system by any employee or duly authorised agent of the Municipality.

Power of entry and inspection

7. (1) An official may for any purpose connected with the implementation or enforcement of these By-laws, 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 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 these bylaws has been committed and no such contravention is established, 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.

Fees for Services

- 8. (1) All fees 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 fees, fixed fees or any additional fees or interest in respect of failure to pay such prescribed fees on the specified date, shall be prescribed by resolution of the Municipality and must be in terms of section 10 of the Act and the regulations made thereunder.
- (2) All fees determined by the Municipality for the use of its sewers, or for discharge into the sewage disposal system or otherwise in connection with such system are payable in accordance with the rules in Schedule A of these By-laws by the owner of the premises, or the consumer, whichever is applicable, in respect of which the fees are raised.
- (4) If any piece of land, whether or not there are any improvement thereon, is, or in the opinion of the Municipality could be connected to a sewer, the owner of that land must pay to the Municipality the fees determined by the Municipality.

Deposit

- 9. (1) Every consumer must on application for the provision of water services and before such water services will be provided by the Municipality, deposit with the Municipality a sum of money equal to the estimated fees for two average months water services as determined by the Municipality.
- (2) The Municipality may require a consumer to whom services are provided and who was not previously required to pay a deposit, for whatever reason, to pay a deposit on request within a specifies period.

- (3) The Municipality may from time to time review the deposit paid by a consumer in terms of subsection (1) and, in accordance with such review -
 - (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 revised deposit.
- (5) Subject to the provisions of subsections (5) and (8), an amount deposited with the Municipality in terms of subsections (1) or (2) must not be regarded as being in payment or part payment of an account due for water services rendered.
- (6) If, upon the termination of the Agreement for the provision of water services, an amount remains due to the Municipality in respect of water services rendered to the consumer, the Municipality may apply the deposit in payment or part payment of the outstanding amount and refund any balance to the consumer, if the address of the consumer is known.
- (7) No interest will be paid by the Municipality on the amount of a deposit held by it in terms of this section.
- (8) In the case of disconnection of water supply due to an unpaid account, the deposit will be allocated to the unpaid account and a new deposit must be paid before the water supply is reconnected.

Payment for water services

10. (1) Water services provided by the Municipality must be paid for by the consumer at the prescribed fees for the particular category of water services provided.
- (2) A consumer is responsible for the payment of all water services provided to him or her from the date of commencement of the service to 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 which may not be more than 180 days apart, and may render an account to the consumer for the services so estimated, which estimate must, for the purposes of these By-laws, be regarded as an accurate measurement until the contrary is proved.
- (4) If a consumer uses water supply services for a category of use other than that 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 that should have been charged, the Municipality may make an adjustment of the amount charged in accordance with the rate which should have been charged and recover from the consumer the fees payable in accordance with such adjustment, and may also review the amount of the deposit held, in accordance with section 9(3).

- (5) If amendments to the prescribed fees for water services provided become operative on a date between measurements for the purposes of rendering an account in respect of such fees -
- (a) the same quantity of water services must be regarded as having been provided in each period of twenty four hours during the interval between the measurements; and
 - (b) any prescribed fee must be calculated on a pro rata basis in accordance with the prescribed fee which applied immediately before such amendments.
- (6) Failure by the Municipality to comply with the period of 180 days referred to in subsection (3) will not disentitle the Municipality from recovering any monies due to it by a consumer.
- (7) If a customer is dissatisfied with an account rendered for water supplied to him or her by Municipality he or she may, prior to the due date stipulated therein, object in writing, or be assisted by Municipality to object in writing, to the account, setting out his or her reasons for such dissatisfaction; provided that the lodging of an objection shall not entitle a customer to defer payment except with the written consent of Municipality.

Payment in respect of prepayment meters

11. When a consumer is supplied with water through a prepayment meter, in addition to the requirements of sections 9 and 10:

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

Accounts

12. (1) Accounts must be rendered and administered in accordance with the requirements and policies of the Municipality and subject to Credit Control By-laws passed by the Municipality.
- (2) If it is established that a meter is defective, the Municipality must, in accordance with section 34, adjust the account rendered.

Termination of Agreements

13. (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, these By-laws 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 body 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.
 - (c) 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.

Prohibition of access to water services other than through the Municipality

14. (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 these By-laws, 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.

Water services intermediaries

15. (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 and must in all respects comply with the relevant provisions of these By-laws.
- (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 these By-laws or 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 these By-laws and any contractual arrangements between the parties are adhered to.

General responsibility for compliance with these By-laws and other laws

16. (1) The owner of premises is ultimately responsible for ensuring compliance with these By-laws 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 these By-laws in respect of matters relating to the use of any water services.
- (3) No approval given under these By-laws relieves any owner or consumer from complying with any other law relating to the abstraction and use of water, or the disposal of effluent.

Unauthorised use of water services

17. No person shall take water from the water supply system -
 - (a) until an agreement referred to in section 17 or 18(1) has been concluded;
 - (b) except through a connection pipe as provided in terms of section .. or from a hydrant in terms of section...

CHAPTER 2

WATER SUPPLY SERVICES

Part 1

Application for Service

Application for supply of water

18. (1) No person, other than a consumer on Service Level 1, may consume, abstract or be supplied with water, unless he or she has applied to the Municipality on the prescribed form for such service, and such application has been agreed to.
- (2) An application for the use of water services approved by the Municipality constitutes an agreement between the Municipality and the applicant, and takes effect on the date referred to in the application.
- (3) The person referred to in subsection (2) will be liable for all the prescribed fees in respect of water services rendered to him or her until the agreement has been terminated in accordance with these By-laws, and is the consumer for all purposes during the currency of this agreement.
- (4) The Municipality may, if it deems necessary, require a third party to be bound jointly and severally as surety and co-principal debtor with the consumer, for the payment of any prescribed

- (5) The application form must at least contain the following information -
- (a) acceptance by the customer of the provisions of the water bylaws and acceptance of liability for the cost of all water consumed until the agreement is terminated;
 - (b) name of customer, and his or her identity or registration number, where applicable
 - (c) address or stand number of premises at which water is to be supplied, or on which a communal water connection operates;
 - (d) address to which accounts must be sent;
 - (e) the purpose for which water is to be used;
 - (f) the agreed date on which the water service shall be provided.
- (5) The applicant must be informed if the Municipality refuses an application for the provision of water services, or is unable to render such water services on the date requested for provision of services to commence, or is unable to render the water services, and the Municipality must furnish the applicant with the reasons therefore and, if applicable, the date when the Municipality will be able to provide such water services.

Special agreements for supply of water

19. (1) Municipality may enter into a special agreement for the supply of water to an applicant -
- (a) inside its area of jurisdiction, if the supply necessitates the imposition of conditions not contained in the prescribed form; and
 - (b) outside its area of jurisdiction, if such application has been approved by the municipality in which the applicant resides.
- (2) If Municipality provides a supply of water to an applicant outside its area of jurisdiction in terms of a special agreement, it may permit him or her to sell such water to other persons outside its area of jurisdiction, only if provision has been made therefore in the special agreement, or the written permission of the Municipality to do so has been obtained.

Purpose of supply

20. Where the purpose for which water is used changes, the customer shall enter into a new agreement as prescribed in Sections 17 and 18.

General conditions of supply

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

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

- (2) Municipality may, subject to the provisions of subsection (1)(b), specify the maximum height in a building, or the maximum height above ground level or mean sea level, to which water will be supplied from the water supply system.
- (3) If an owner requires that any of the standards referred to in subsection (1) be maintained on his or her premises, he or she shall make provision in the water installation for such maintenance.
- (4) Municipality may, in an emergency, interrupt the supply of water to any premises without prior notice.
- (5) If in the opinion of Municipality the consumption of water by a consumer adversely affect the supply of water to another consumer or consumers, it may apply such restrictions as it may deem fit to the supply of water to the first-mentioned consumer in order to ensure a reasonable supply of water to the other consumer or consumers
- (6) The Municipality will not be liable for any damage to property caused by water flowing from fittings left open when the water supply is re-instated, following an interruption in supply for any reason.
- (7) Every steam boiler and any premises which require for the purposes of the work undertaken on the premises, a continuous supply of water, must have a cistern fitted and in working order and holding a water supply deemed adequate by the occupier of the premises.
- (9) 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 the water may be resold, and may impose such other conditions as the Municipality may deem necessary.

Part 2

Connection of water supply

Provision of connection pipe

22. (1) If an agreement for a supply of water in respect of premises has been concluded and no connection pipe exists in respect of the premises, the owner shall make application on the prescribed form and pay the prescribed charge for the installation of such a pipe.
- (2) If an application is made for a supply of water to premises which are so situated that it is necessary to extend the water supply system in order to supply water to the premises, Municipality may agree to the extension subject to such conditions as it may impose.

Location of connection pipes

23. (1) A connection pipe provided and installed by Municipality must -
- (a) be located in a position and be of a suitable size determined by the Municipality; and
 - (b) terminate at the boundary of the land owned by or vested in Municipality, or over which it has a servitude or other right, or at the outlet of the water meter if the meter is located on the property being supplied.
- (2) In reaching agreement with an owner concerning the location of a connection pipe, the Municipality shall ensure that the owner is aware of -
- (a) practical restrictions which may exist regarding the location of a connection pipe;
 - (b) the cost implications of the various possible locations of the connection pipe;
 - (c) whether or not the Municipality requires the owner to fix the location of the connection pipe by providing a portion of his or her water installation at or outside the boundary of his or her premises, or such agreed position inside or outside his or her premises where the connection is required, for the Municipality to connect to such installation.

Interconnection between premises

24. An owner of premises shall ensure that no interconnection exists between the water installation on his or her premises and the water installation on other premises, unless he or she has obtained the prior written consent of Municipality and complies with any conditions that it may have imposed.

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

25. (1) Only one connection pipe to the water supply system may be provided for the supply of water to any premises, irrespective of the number of accommodation units, business units or consumers located on such premises.
- (2) Where the owner, or the person having the charge or management of any premises on which several accommodation units, business units, or consumers are situated, requires the supply of water to such premises for the purpose of separate supply to the different units or consumers, the Municipality may, in its discretion, provide and install either -
- (a) a single measuring device in respect of the premises as a whole or a number of such units or consumers; or
 - (b) a separate measuring device for each such unit or consumer or any number thereof.
- (3) Where the Municipality has installed a single measuring device as contemplated in subsection 2(a), the owner or the person having the charge or management of the premises, as the case may be -
- (a) must, if the Municipality so requires, install and maintain on each branch pipe extending from the connection pipe to the different units or consumers -
 - (i) a separate measuring device; and
 - (ii) an isolating valve; and
 - (c) is liable to the Municipality for the prescribed fees for all water supplied to the premises through such single measuring device, irrespective of the different quantities consumed by the different consumers served by such measuring device.
- (4) Notwithstanding the provisions of subsection (1), the Municipality may permit more than one connection pipe to 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 one connection pipe.
- (5) Where the provision of more than one connection pipe is authorised by the Municipality in terms of subsection (4), the prescribed fees for the provision of a connection pipe are payable in respect of each connection so provided.
- (6) Where the premises are supplied with water by a number of connection pipes, the Municipality may require the owner to reduce the number of connection points and alter his or her water installation accordingly at the owner's expense.

Restriction or cutting-off of supply

26. (1) Without prejudice to any other right it may have, Municipality may, if a consumer has -
- (a) failed to pay a sum due to it in terms of these bylaws; or
 - (b) committed a breach of these bylaws 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;

act against such a person in terms of these bylaws, Municipality's Credit Control Policy/Credit Management Bylaws, or other applicable legislation.

- (2) If, in the opinion of Municipality, action is necessary as a matter of urgency to prevent waste of water, damage to property, danger to life or pollution of water, it may -
- (a) without prior notice, cut off the supply of water to any premises; and
 - (b) enter upon such premises and do such emergency work, at the owner's expense, as it may deem necessary, and in addition by written notice require the owner to do such further work as it may deem necessary within a specified period.

(3) Tampering

- (a) Where a water supply has been tampered with or the meter bypassed, 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 customer will be charged the applicable tampering fee.
- (b) Transgressors will be dealt with in the following manner:
 - (i) First Tampering Offence:
 - Supply will be isolated at point of supply.
 - Written notification will be given to the customer informing him or her of isolation, as well as the fees due in respect of the tampering fee for a first offence, and the calculated amounts.
 - Municipality will only re-instate services after the required amounts mentioned in the notification have been paid.
 - (ii) Second Tampering Offence:
 - In instances of a second tampering offence, Municipality may immediately disconnect the service supply and remove the cable or pipes and the meter.

- A written notification will be sent to the customer informing him or her of the removal of the services and of any outstanding fees, including tampering fees and calculated amounts due. If the money due has not been paid by a specific date and time to be mentioned in the notice, the matter will be referred to debt collection specialists.
 - 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 written application for reconnection of the supply, including a motivation, has been received and approved by Municipality.
 - ♦ The fee for a new connection, including the cable or pipe cost, as well as all calculated amounts and all other outstanding required amounts, including property tax, have been paid.
- (c) In addition to the provisions of this section, Municipality may enforce any other rights or exercise any power conferred upon it by the Water Services Act (Act 108 of 1997), Municipality's Water Bylaws and any other applicable legislation.

Interruption of supply at consumer's request

27. (1) Municipality may, at the written request of a customer -
- (a) cut off the supply of water to his or her premises; and
 - (b) restore the supply;
- on the dates requested by him or her.
- (2) The customer shall, prior to the restoration of his or her water supply in terms of this section, pay the actual cost plus 10% for the cutting-off of his or her supply of water, and for its restoration.

Disconnection of water supply

28. 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 15 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.

Water supplied from a hydrant

29. (1) The Municipality may permit a temporary supply of water to be taken from one or more fire hydrants specified by it.
- (2) A person who desires a temporary supply of water referred to in subsection (1) shall make application in the manner prescribed in section 18(1) and subject to such conditions as may be prescribed by the Municipality on the prescribed form.
- (3) The Municipality may, for purposes of supplying water from a hydrant, provide a portable water meter to be returned to the Municipality on termination of the temporary supply, which portable meter and all other apparatus and fittings used for the connection of a portable water meter to a hydrant remains the property of the Municipality and will be provided subject to any conditions imposed by the Municipality.

Quantity, quality and pressure

30. 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.

Part 3 Measuring water supplied

Measuring the quantity of water supplied

31. (1) All water supplied to a consumer by the Municipality shall pass through a meter or other measuring device for the purpose of measuring the quantity of water consumed.
- (2) A meter referred to in subsection (1) and its associated apparatus shall be provided and installed by the Municipality, shall remain its property, and may be changed by the Municipality whenever it deems necessary.
- (3) (a) The Municipality may install the meter, and its associated apparatus, serving a water installation at any point in the installation;
- (b) If the Municipality installs a meter in a water installation in terms of paragraph (a), it may install a section of pipe and associated fittings between the end of its connection pipe and the meter, and such section shall be deemed to form part of the water installation.
- (4) If the Municipality installs a meter together with its associated apparatus in a water installation 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 costs arising from damage thereto, excluding damage arising from normal fair wear and tear;
 - (d) ensure that no connection is made to the pipe in which the meter is installed, between the meter and the connection pipe serving the installation; and
 - (e) make provision for the drainage of water which may be discharged, from the pipe in which the meter is installed, in the course of work done by the Municipality on the meter.
- (5) No person other than an official shall -
- (a) disconnect a meter 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 meter and its associated apparatus.
- (6) 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.
- (7) The Municipality shall require the installation, at the owner's expense, of a meter to each dwelling unit, in separate occupancy, on any premises, for use in determining quantity of water supplied to each such unit; provided that where fixed quantity water delivery systems are used a single meter may be used to supply more than one unit.
- (8) All water meters shall comply with the Trade Metrology Act, (Act No 77 of 1973), as amended from time to time.

Quantity of water supplied to consumer

32. (1) For the purpose of assessing the quantity of water supplied to a consumer during any period and measured through a meter installed by the Municipality over a specific period, it shall be deemed, unless the contrary can be proved, that -
- (a) the quantity is represented by the difference between readings of the meter taken at the beginning and end of such period;

- (b) the meter was registering correctly during such period; and
 - (c) the entries in the records of Municipality were correctly made;
- (2) If water is supplied to, or taken by, a customer without its passing through a meter, the estimate by the Municipality of the quantity of such water shall be deemed to be correct.
- (3) If a meter is by-passed and a contravention of section 30(5) occurs, the Municipality may for the purposes of rendering an account, make an estimate, in accordance with subsection (4), of the quantity of water supplied to the consumer during the period that water was so taken by the consumer.
- (4) For the purposes of subsection (3), an estimate of the quantity of water supplied to a consumer must be based on -
 - (a) the average monthly consumption of water on the premises registered over three succeeding measuring periods over not more than 180 days in total, after the date on which the irregularity referred to in subsection (2) was discovered and rectified, and /or
 - (b) the period preceding the date referred to in subsection (2) but not exceeding 36 months.
- (5) Until such time as a meter has been installed in respect of water supplied to a consumer, the estimated consumption of that consumer must be based on the average consumption of water supplied to the specific zone within which the consumer's premises are situated, during a specific period.
- (6) Where in the opinion of the Municipality it is not reasonably possible or cost effective to measure water supplied to each consumer within a particular zone, the Municipality may determine the fees to be paid by each consumer within that zone irrespective of actual consumption.
- (7) Fees determined in terms of subsection (6) will be based on the estimated average consumption of water supplied to that zone.
- (8) Where water supply services are provided through a communal water services work, the amount due and payable by consumers gaining access to water supply services through the communal water services work, will be based on the estimated average consumption of water supplied to that water services work, and the decision of the Municipality in arriving at that amount is final and binding on each consumer affected thereby, unless legally set aside.

- (9) For purposes of subsections (5) and (6), a zone is that local area of land, of which the premises occupied by the consumer is a part, which is zoned in terms of a town planning scheme or an integrated development plan for homogeneous usage.

Defective meters

33. (1) If a consumer has reason to believe that a meter, 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 fee, make application in writing for the meter to be tested.
- (2) The prescribed fee referred to in subsection (1) shall be -
- (a) retained by the Municipality if the meter is found in terms of subsection (3) or (4) not to be defective; or
 - (b) refunded to the applicant if the meter is found in terms of those subsections to be defective.
- (3) A meter to which the regulations relating to water meters published under the Trade Metrology Act, 1973 (Act No 77 of 1973) are applicable shall be deemed to be defective if, when tested in accordance with SABS 1529 Part I, is found to have a percentage error in over-registration or under-registration greater than that permitted for a meter in use in terms of that specification.
- (4) A meter of size greater than 100mm diameter to which the specification referred to in subsection (3) is not applicable, shall be deemed to be defective if it is found to have a percentage error in over-registration or under-registration greater than 5% at any one of the rates of flow when tested at the following percentages of its designed maximum rate of flow:
- (a) 75% or more of the design maximum flow;
 - (b) between 50% and 55% of the design maximum flow; and
 - (c) between 15% and 20% of the design maximum flow.
- (5) In addition to applying the provisions of subsection (2) if the meter is found to be defective, the Municipality must -
- (a) repair the meter or install another meter which is in good working order, without charging the consumer, unless the costs thereof are recoverable from the consumer where section 30(5) has been contravened.
 - (b) determine the quantity of water services for which the consumer will be charged on the basis set out in section 33.

- (6) A consumer is entitled, on giving the Municipality reasonable notice of his or her intention, to be present at the testing of any meter in which the consumer has an interest.
- (7) Any meter removed by the Municipality for testing must be retained intact and must be available for a period of three months after testing.

Adjustment of quantity of water supplied through defective meter

34. (1) If a meter is found to be defective, the Municipality may estimate the quantity of water supplied to the consumer concerned during the period in which, in its opinion, such meter 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 meter or, if this is not possible;
 - (b) the period in the previous year, corresponding to the period in which the meter was defective or, if this is not possible;
 - (c) the period between three successive measurements prior to the meter becoming defective.
- (2) (a) If the quantity of water supplied to a consumer during the period when his or her meter was defective cannot be estimated in terms of subsection (1), the Municipality may estimate the quantity; and
- (b) the consumer must be informed of the method used by the Municipality to estimate the quantity of water supplied to him or her, as contemplated in subsections (1) and (2), and given the opportunity to make representations to the Municipality before a final estimate is arrived at.

Special meter reading at request of consumer

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

Special measurement

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

- (2) The installation of a meter referred to in subsection (1), its removal, and the restoration of the water installation after such removal shall be carried out at the expense of the Municipality.
- (3) The provisions of sections 30(4) and 30(5) shall apply insofar as they may be applicable in respect of a meter installed in terms of subsection (1).

Part 4 Payment and accounts

Payment for water supplied

- 37. All water supplied by the Municipality must be paid for by the consumer in accordance with section 10 of these By-laws.

Water accounts

- 38. (1) The Municipality shall show on each water account rendered to a consumer the actual or estimated meter readings in kilolitres or cubic metres, together with the dates of the readings and the total amount due in Rands. If the readings are estimated, this shall be clearly indicated on the account.
- (2) When an estimated meter reading is used, the Municipality must be in a position to justify it to the consumer.

No reduction of amount payable for water wasted

- 39. A consumer shall not be entitled to a reduction of the amount payable for water wasted in a water installation.

Charges other than for water supplied

- 40. (1) The Municipality may, in addition to fees authorised elsewhere in these By-laws, prescribe and levy any of the following fees:
 - (a) A fee payable by the customer in respect of each connection pipe or meter provided by the Municipality to serve the premises occupied by him or her, whether or not water has been supplied to him or her, the fee being due from the date of the agreement referred to in sections 17(2) or 18(1), whichever is applicable. Such fee shall not be based on any quantity of water consumed.
 - (b) A monthly fee payable by the owner in respect of premises which, in the opinion of the Municipality, can reasonably be connected to the water supply system but is not so connected.

- (2) The consumer and the owner of the premises are jointly and severally liable to pay the fees determined by the Municipality, in respect of any fire extinguishing installation or appliance used or installed upon such premises.

Part 5

Municipality approval for work and use of pipes and fittings

Approval of installation work

41. (1) If an owner wishes to have installation work done, he or she shall first obtain the Municipality's written approval; provided that approval shall not be required in the case of water installations in dwelling units or installations where no fire installation is required, or for the repair or replacement of an existing pipe or water fitting other than a fixed water heater and its associated protective devices.
- (2) If any of the installation work is governed by the EIA Regulations, then the owner must ensure compliance and obtain the relevant authorisation in respect thereof.
- (3) Application for the approval referred to in subsection (1) shall be made on the prescribed form and shall be accompanied by -
- (a) the prescribed fees, if applicable; and
 - (b) copies of the drawings as prescribed by the Municipality, giving information in the form required by clause 4.1.1 of SABS Code 0252 : Part I; or
 - (c) a certificate from a person approved by the Municipality certifying that the installation has been designed in accordance with SABS 0252 : Part I or has been designed on a rational basis.
- (4) The provisions of subsections (1), (2) and (3) shall not apply to a registered plumber who replaces a fixed water heater or its associated protective devices.
- (5) Authority given in terms of subsection (1) shall lapse at the expiry of a period of 24 months after the first day of the month succeeding the month in which the authority is given.

- (6) A complete set of approved drawings of installation work must be available at the site of the work at all times until such work has been completed, where permission is required in terms of subsection (1).
- (7) If installation work has been done in contravention of subsections (1), (2) or (3), the Municipality may by written notice require the owner of the premises concerned to comply with that regulation within a specified period, and if work is in progress, to cease the work, and may further require the owner to remove all such work which does not comply with these By-laws.

Persons permitted to do installation work

- 42.** (1) No person who is not registered with the SAQCC for the Water Supply Industry, in the category appropriate for the work to be undertaken, shall be permitted to:
- (a) do installation work other than the replacement or repair of an existing pipe or water fitting;
 - (b) replace a fixed water heater or its associated protective devices;
 - (c) inspect, disinfect and test a water installation, fire installation or storage tank;
 - (d) service, repair or replace a backflow preventer; or
 - (e) install, maintain or replace a meter provided by an owner in a water installation.
- (2) No person shall require or engage a person who is not a registered plumber to do the work referred to in subsection (1).
- (3) The provisions of subsection (1) shall not apply to a person acting in the scope of his or her employment with a registered plumber or a registered contractor.
- (4) Notwithstanding the provisions of subsection (1), a person who, in terms of any law in force immediately prior to the commencement of these bylaws, was entitled to do the work described in subsection (1), may continue to do such work for a period not exceeding 12 months after these bylaws became effective.
- (5) Notwithstanding the provisions of subsection (1), the Municipality may permit a person who is not a registered plumber or a registered contractor to do installation work on his or her own behalf on premises owned and occupied solely by himself or herself and his or her immediate household; provided that such work may be inspected and approved by a person registered with the SAQCC for the Water Supply Industry, in the category appropriate to the work being undertaken, at the direction of Municipality.

Provision and maintenance of water installation

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

Technical requirements for water installation

44. (1) Notwithstanding the requirement that a certificate be issued in terms of section 40(3)(c), all water installations shall comply with SABS Code 0252 Part I and all fixed electric storage water heaters shall comply with SABS Code 0254.
- (2) In addition to any requirement of SABS Code 0252 Part 1, the consumer must at his or her own expense, or the Municipality may in its discretion and at the consumer's expense, and for the consumer's exclusive use, provide and install a stop-cock at a suitable point inside the boundary of the premises on the consumer's side of the meter leading to the water installation.

Use of pipes and fittings to be authorised

45. (1) No person shall, without the prior written authority of the Municipality, install or use a pipe or water fitting in a water or drainage installation within the Municipality's area of jurisdiction unless it is included in the Schedule of Approved Pipes and Fittings.
- (2) A pipe or water fitting may be included in the Schedule referred to in subsection (1) if -
- (a) it bears the standardisation mark of the South African Bureau of Standards in respect of the relevant SABS specification issued by the Bureau; or
 - (b) it bears a certification mark issued by the SABS to certify that the pipe or water fitting complies with an SABS Mark specification or a provisional specification issued by the SABS, provided that no certification marks shall be issued for a period exceeding two years.
- (3) Municipality may, in respect of any pipe or water fitting included in the Schedule, impose such additional conditions as it may deem necessary in respect of the use or method of installation thereof.

- (4) A type of pipe or water fitting may be removed from the Schedule if it -
 - (a) no longer complies with the criteria upon which its inclusion was based;
or
 - (b) is no longer suitable for the purpose for which its use was accepted.
- (5) The current Schedule referred to in subsection (1) must be available for inspection at the office of the Municipality at any time during working hours.
- (6) The Municipality may sell copies of the current Schedule at the prescribed fee.

Labelling of terminal water fittings and appliances

46. 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

Unlawful water installation

47. Where any installation work has been constructed in contravention of these By-laws, the owner must on receiving a compliance notice by the Municipality carry out such alterations to the installation as prescribed in the notice.

Pipe in street or public place

48. No person may, for the purpose of conveying water derived from whatever source, lay or construct a pipe or associated component on, in or under a street, public place or other land owned by, vested in, or under the control of the Municipality, except with the prior written permission of the Municipality, and subject to such conditions as may be imposed by it on granting permission.

Special provision for fire services

49. (1) Any water installation for the provision of water for fire fighting purposes, must comply with the provisions of SABS Code 0252-1:1994 or any revision or substitution thereof.
- (2) Notwithstanding the provisions of subsection (1), the special provisions contained in section 48 to 57, inclusive apply, insofar as they are applicable, to the supply of water for fire fighting purposes.

Dual and combined installations

50. Any new building erected after the adoption of these By-laws must comply with the following requirements in relation to the provision of fire extinguishing services
- (a) If, in the opinion of any official or employee of the Municipality charged with the approval of plans, boosting of the system is required, either in terms of ensuring adequate pressure or supply of water for the purposes which the system is intended to meet, a dual pipe system must be used, one for fire extinguishing purposes and the other for general domestic purposes;
- (b) Combined installations, in which the same pipes and fittings are used for fire extinguishing and general domestic purposes, are only permitted where no booster pumping connection is provided on the water installation;
- (c) In the circumstances contemplated in paragraph (b), a fire hydrant must be provided by the Municipality, at the consumer's expense, within 90 metres of the property to provide a source of water for the use of the crew of any fire tender sent to extinguish a fire; and
- (d) All pipes and fittings must be capable of handling pressures in excess of 1015 kPa, which could be expected when boosting takes place and must be designed to maintain their integrity when exposed to fire conditions.

Connection pipe for fire extinguishing services

51. (1) A single connection to the water supply system, to serve a connection pipe for a fire installation, excluding a sprinkler system, may be provided by the Municipality.
- (2) The Municipality may provide and install at its cost a meter on the connection pipe referred to in subsection (1).
- (3) Where there is an existing connection pipe for the sole purpose of fire extinguishing services, such connection pipe may only be used for that purpose.
- (4) No take-off of any kind from any connection pipe referred to in subsection (3) may be made, nor may any water therefrom be used except in connection with an automatic sprinkler and drencher, a hydrant connection or a hose-reel

connection, or for any pressure tank connection therewith, and such tank must be controlled by an approved fitting.

- (5) A separate connection pipe must be laid and used for every fire sprinkler extinguishing system, unless otherwise approved.

Valves in connection pipe

52. Every connection pipe must be fitted with a proper gate valve, which must be -

- (a) supplied by the Municipality at the expense of the consumer;
- (b) installed between the consumer's property and the main;
- (c) of the same diameter as the connection pipe; and
- (d) installed in such position as may be specified by the Municipality.

Inspection and approval of fire extinguishing installation

53. No water may be supplied to any fire extinguishing installation until -

- (a) it has been inspected and tested by the Municipality;
- (b) the Municipality has certified in writing that such water installation is complete and complies with the requirements of the By-laws; and
- (c) the fees required by the Municipality for such inspection and testing have been paid.

Connection at the pleasure of the Municipality

- 54. (1) The Municipality is entitled, in its absolute discretion, to grant or refuse an application for the connection of a fire extinguishing installation to its main.
- (2) If in its opinion a fire extinguishing installation which it has allowed to be connected to its main is not being kept in proper working order or is otherwise not being properly maintained, or is being used in contravention of section 51(3) or 51(4), the Municipality is entitled either to require the installation to be disconnected from the main, or itself to carry out the work of disconnecting it at the expense of the owner or consumer, as the case may be.

Meter in fire extinguishing pipe

55. The Municipality is entitled to install a water meter in any connection pipe used solely for fire extinguishing purposes, and the owner of the premises will be liable for the whole of the costs if it appears to the Municipality that water has been drawn from the pipe otherwise than for purposes of extinguishing a fire.

Sprinkler extinguishing installation

56. A sprinkler installation may be linked directly with the main, but the Municipality is not bound to guarantee any specified pressure at any time.

Header tank or double supply from main

57. (1) Unless a sprinkler installation is provided with a duplicate or reserve supply from a separate main, the consumer must install a header tank on or in the building or structure at such elevation as will compensate for any failure or reduction of pressure in the Municipality's main.
- (2) The main pipe leading from such header tank to the sprinkler installation may be linked with the main from which the principal supply of water is drawn, provided that such main pipe must be equipped with a reflux valve which, if the pressure in the main fails or is reduced for any reason, will shut off the opening to the main.
- (3) Where a sprinkler installation is provided with a duplicate or reserve supply from a separate main, each supply pipe must be equipped with a reflux valve situated within the premises.

Sealing of private fire hydrant

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

Part 6
Water conservation and prevention of pollution

Waste of water

- 59.** (1) No consumer shall permit -
- (a) the purposeless or wasteful discharge of water from terminal water fittings;
 - (b) pipes or water fittings to leak;
 - (c) the use of maladjusted or defective water fittings;
 - (d) an overflow of water to persist; or
 - (e) an inefficient use of water to persist.
- (2) An owner shall repair or replace any part of his or her water installation which is in such a state of disrepair that it is either causing or is likely to cause an occurrence listed in subsection (1).
- (3) If an owner fails to take measures as contemplated in subsection (2), the Municipality shall, by written notice, require the owner to comply with the provisions of subsection (1).
- (4) If an owner fails to comply with the notice referred to in subsection (3), the Municipality shall take such measures as it may deem fit without prior notice and recover the cost of doing so from the owner.
- (5) (a) A consumer shall ensure that any equipment or plant connected to his or her water installation uses water in an efficient manner.
- (b) The Municipality may, by written notice, prohibit the use by a consumer of any equipment in a water installation if, in its opinion, its use of water is inefficient. Such equipment shall not be returned to use until its efficiency has been restored and a written application to do so has been approved by the Municipality.

Car washing facilities

- 60.** All commercial vehicle washing facilities shall be constructed and operated in such a manner that 50 percent of the water used by such facility is recycled for reuse in the facility.

“Grey water” practises

61. Any device which entails the recycling or reuse of water shall not make use of water derived from any kitchen, excluding clothes washing machines, or from toilet discharges.

Equipment specification to facilitate water conservation

62. (1) No cistern, and related pan designed to operate with such cistern, shall be installed with a cistern capacity of greater than 6 litres.
- (2) Only flushing urinals that are user activated may be installed.
- (3) In any water installation where the dynamic water pressure is more than 200 kpa at a shower control valve, and where the plumbing has been designed to balance the water pressures on the hot and cold water supplies to the shower control valve, a shower head with a maximum flow rate of no greater than 10 litres per minute shall be installed.
- (4) The Maximum flow rate from any tap installed on a wash hand basin shall not exceed 6 litres per minute

Water demand management

63. (1) No person shall, without prior written authority from the Municipality, water a garden, sports field, park or other grassed or horticultural area between the hours of 11:00 and 15:00, between the months of October and March inclusive, irrespective of the source of the water used.
- (2) Any person who contravenes or fails to comply with subsection (1) shall be guilty of an offence and liable to penalties as prescribed in the National Water Act, or other applicable legislation.

Water restrictions

64. (1) The Municipality may, subject to other applicable legislation, by notice -
- (a) prohibit or restrict the consumption of water -
- (i) for specified purposes or otherwise;
- (ii) during specified hours of the day or on specified days or otherwise than during specified hours of the day or on specified days; and
- (iii) in a specified manner or otherwise than in a specified manner;
- (b) determine and impose -
- (i) limits on the quantity of water which may be consumed over a specified period;

- (ii) fees additional to those prescribed in respect of the supply of water in excess of a limit contemplated in subparagraph (i); and
 - (iii) a general surcharge on the prescribed fees in respect of the supply of water; and
- (c) impose restrictions or prohibitions on the use or manner of use or disposition of an appliance by means of which water is used or consumed, or on the connection of such appliances to the water installation.
- (2) The Municipality may limit the application of the provisions of a notice contemplated by subsection (1) to specified areas and classes of customers, premises and activities, and may permit deviations and exemptions from, and the relaxation of, any of the provisions on such grounds as it may deem fit.
- (3) The Municipality may -
- (a) take, or by written notice require a customer 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) cut off or, for such period as it may deem fit, restrict the supply of water to any premises in the event of a contravention on such premises or failure to comply with the terms of a notice published in terms of subsection (1), and where the supply has been cut off, it shall only be restored when the prescribed charge for cutting off 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).

Owner to prevent pollution of water

65. (1) An owner shall provide and maintain approved measures to prevent the entry of a substance, which may be a danger to health or adversely affect the potability of water or affect 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 in 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 person.

Protection of water supply system and installation

- 66.** (1) The owner must take any of the measures referred to I subsection (2) to prevent the backflow of water from the water installation to the water supply system in the case of-
- (a) a fire or combined installation on premises; and
 - (b) a general installation serving the following activities-
 - (i) medical treatment of people or animals;
 - (ii) medical, pharmaceutical or chemical research and manufacturing;
 - (iii) agriculture, including dairies and nurseries;
 - (iv) photographic processing;
 - (v) laundering and dry-cleaning;
 - (vi) metal plating;
 - (vii) treatment of skins and hides; and
 - (c) a general installation serving-
 - (i) mortuaries;
 - (ii) abattoirs;
 - (iii) sewage purification works;
 - (iv) refuse processing plants;
 - (v) oil processing and storage facilities;
 - (vi) wineries, distillers, breweries, yeast and cold drink factories;
 - (vii) sports facilities; or
 - (viii) any other premises on which an activity is carried out which in the opinion of the Municipality is likely to cause a danger to health 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 water and the water installation.

Part 7

Water supply services: Miscellaneous

Use of water from source other than water supply system

67. (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 SABS Specification 241-1984: Water for Domestic Supplies, published in the Government Gazette under General Notice 2828 dated 20 December 1985, or that the use of such water does not or will not constitute a danger to health.
- (3) Any consent given in terms of subsection (1) may be withdrawn if, in the opinion of Municipality -
- (a) a condition imposed in terms of subsection (1) is breached; or

- (b) the water no longer conforms to the requirements referred to in subsection (2).
- (4) 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 points where it is so used.
- (5) The provisions of section 30 shall apply insofar as they may be applicable in respect of the meter referred to in subsection (4).

Notification of boreholes

- 68.** (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 on the prescribed form of such intention before work in connection therewith is commenced.
- (2) The owner or occupier of any premises who intends to sink a borehole shall undertake an environmental impact assessment for such intended borehole, to the satisfaction of the Municipality, before sinking the borehole.

Sampling of water

- 69.** (1) Municipality may take samples of water obtained from a source other than the water supply system and cause the samples to be tested for compliance with the requirements referred to in section 55(2).
- (2) The prescribed charge for the taking and testing of the samples referred to in section (1) shall be paid by the person to whom consent to use the water was granted in terms of section 55(1).

Supply of non-potable water by Municipality

- 70.** (1) The Municipality may on application in terms of section 17 agree to supply non-potable water to a customer (excluding residential properties) subject to such terms and conditions as the Municipality may impose.
- (2) Any supply of water agreed to in terms of subsection (1) shall not be used for domestic or any other purposes which, in the opinion of Municipality may give rise to a health hazard.

- (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 to himself, herself or others arising directly or indirectly therefrom, including the consequences of any bona fide fault of the Municipality or the malfunction of a treatment plant.

Testing of pressure in system

- 71. 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.

Warning notices

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

Water audit

- 73. (1) Major water users (those more than 3 650 kilolitres per annum), excluding those comprising multiple dwelling units, shall undertake as and when required by the Municipality, a water audit.
- (2) The audit shall detail the following:-
 - (a) Amount of water used during the financial year;
 - (b) amount paid for water for the financial year;
 - (c) number of people living on the stand or premises;
 - (d) number of people permanently working on the stand or premises;
 - (e) comparison of the above factors with those reported in each of the previous three years (where available);

- (f) seasonal variation in demand (monthly consumption figures);
- (g) details of water pollution monitoring methods;
- (h) details of current initiatives to manage their demand for water;
- (i) details of plans to manage their demand for water;
- (j) comparison of the above factors with those reported in each of the previous three years (where available); and
- (k) estimate of consumption by various components of use.

CHAPTER 3

SANITATION SERVICES

Part 1

Disposal of sewage

Objectionable discharge to sewage disposal system

74. (1) No person shall cause or permit any solid, liquid or gaseous substance other than storm water to enter: -
- (a) any storm water drain, storm water sewer or excavated or constructed watercourse;
 - (b) any river, stream or natural watercourse or any public water, whether ordinarily dry or otherwise, except in accordance with the provisions of the Water Act, or
 - (c) any street or premises.
- (2) No person shall, other than in compliance with the permissions issued in terms of these By-laws, discharge, or permit the discharge or entry into the sewage disposal system of any sewage or other substance -
- (a) which does not comply with the standards and criteria prescribed in these By-laws or other applicable legislation;
 - (b) which contains any substance in such concentration as will produce or is likely to produce in the final treated effluent at any treatment works or sea outfall discharge point or in any public water, any offensive or otherwise undesirable taste, colour or odour or any foam;

- (c) which may prejudice the re-use of treated sewage or adversely affect any of the processes whereby sewage is purified for re-use or treated to produce sludge for disposal;
 - (d) which contains any substance or thing of whatever nature which is not amenable to treatment at treatment works to a satisfactory degree or which causes or is likely to cause a breakdown or inhibition of the processes in use at such works;
 - (g) which may inhibit the unrestricted conveyance of sewage through the sewage disposal system.
- (3) No person shall cause or permit any storm water to enter the sewage disposal system.
 - (4) An authorised official may, by written notice, order the owner or occupier to conduct, at his or her cost, periodic expert inspections of the premises in order to identify precautionary measures, which would ensure compliance with these by-laws, and to report such findings to an authorised official.
 - (5) If any person becomes aware of any contravention of these By-laws, he or she shall immediately advise the authorized official of the details of such contravention.

Application for use of sewage disposal system

75. (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 17(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 the application the applicant 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 these by-laws.

Special agreements for disposal of sewage

76. (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 these by-laws.
 - (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 of 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.

Application for infrastructure

77. (1) If an agreement for on-site sanitation and associated services in accordance with section 75 has been concluded, and no infrastructure in connection therewith exists on the premises, the owner must immediately make application for the installation thereof on the prescribed form and –
- (a) pay the prescribed fees for the installation of the necessary infrastructure; or
 - (b) with the approval of the Municipality install on-site sanitation services in accordance with the specifications of the Municipality.
- (2) In approving an application for the installation of infrastructure, the Municipality may specify the type of on-site sanitation services to be installed.

Septic tank and treatment plant

78. (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 subject to the provisions of these By-laws, any other relevant by-laws of the Municipality, or any other law.

French drain

79. 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 wastewater or other effluent by means of a French drain, soakage pit or other approved work.

Conservancy tank

80. 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.

Ventilated improved pit latrine

81. 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 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.

Services associated with on-site sanitation services

82. (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 collection and removal schedule determined from time to time by the Municipality.
- (2) Prescribed fees in respect of the removal or collection of conservancy tank contents, night soil or the emptying of a pit or septic tank will be based on the quantity removed by vacuum tank or on the number of pails, in the case of a night soil removal service, and must be in accordance with Schedule “ “ of these By-laws.
- (3) Regular night soil, conservancy tank and pit content removal services rendered in terms of these By-laws, will be discontinued on receipt by the Municipality of not less than 48 hours notice in writing from the owner or occupier of the property or premises to discontinue the service.

Provision of a connecting sewer

83. (1) If application has been made in accordance with section 75 for use of the sewage disposal system and no connecting sewer exists in respect of the premises, the owner or his or her agent shall immediately apply to Municipality for the installation of such a connecting sewer and pay the prescribed charge.
- (2) If an application is made for use of the sewage disposal system to a premises which is so situated that it is necessary to extend the sewer in order to connect the sewage disposal system to the premises, an authorised official may agree to the extension subject to such conditions as he or she may impose.
- (3) An authorised official may at the request of any person agree, subject to such conditions as he or she may impose, to a connection to a sewer other than that

which is most readily available for the drainage of the premises; provided that the applicant shall be responsible, at his or her cost, for any extension of the drainage installation to the connecting point designated by an authorised official and for obtaining such servitudes over other premises as may be necessary.

- (4) A connecting sewer provided and installed by the Municipality shall -
- (a) be located in a position determined by an authorised official;
 - (b) terminate at a connection point approximately 1 metre 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;
 - (c) be of a size determined by an authorised official.

Construction of drainage installation

84. Any drainage installation must comply with *SABS Code 0400-1990 Part P, Drainage* and any amendments thereto.

Use of pipes and fittings in drainage installation to be authorised

85. No person may, without the prior written permission of the Municipality install or use a pipe or fitting in a drainage installation within the Municipality's area of jurisdiction, unless it is of a type included in the schedule referred to in section 45.

Approval of drainage work

- 86.**
- (1) No person may construct, reconstruct, alter, add to or make any permanent disconnection in or of any drainage installation without first having obtained the permission of the Municipality in writing.
 - (2) No drainage work mentioned in subsection (1) for which permission has been given in terms of these By-laws, may be commenced until after the expiration of two clear days notice after notice in writing has been served on the Municipality stating the day on and time at which it is intended to commence the work.
 - (3) Before any part of a drainage installation is permanently covered or otherwise rendered practically inaccessible to visual inspection, it must be inspected and approved by the Municipality.
 - (4) The owner or occupier of any premises must maintain any drainage installation and any sewer connection on such premises.

Interconnection between premises

87. Every owner of premises must ensure that no interconnection exists between the drainage installation on his or her premises and any drainage installation on other premises, unless he or she has obtained the prior written permission of the Municipality and complies with any conditions that may have been imposed in granting such permission.

Acceptance of sewage delivered by road haulage

88. (1) An authorised official may, subject to such conditions as he or she may specify, accept sewage for disposal delivered to Municipality facilities by road haulage.
- (2) No person shall discharge sewage into Municipality facilities by road haulage, except with and in accordance with the written permission of an authorised official. An authorised official shall determine the fees for any sewage delivered as contemplated in subsection (1) for disposal to any Municipality facilities in accordance with the prescribed tariff of charges.
- (3) When delivery is by road haulage-
- (a) the time of delivery shall be arranged with an authorised official; and
 - (b) the nature and composition of the sewage shall be established to the satisfaction of an authorised official prior to the discharge thereof, and no person shall deliver sewage which does not comply with the standards determined in terms of these By-laws.
- (4) Provided that fourteen days written notice is given, an authorised official may withdraw any permission to discharge sewage delivered in terms of this section if the person to whom such permission had been given:
- (a) fails to ensure that the sewage so delivered conforms to the standards prescribed in Schedule "A" or "B", as applicable, or in the permit; or
 - (b) fails or refuses to comply with any notice lawfully served on him or her in terms of these by-laws or contravenes any provisions of these by-laws or any condition imposed on him or her in terms of any permission granted to him or her;
 - (c) fails to pay the assessed charges in respect of any sewage delivered.

Measurement of quantity of standard domestic effluent discharged

89. (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 Municipality is of the opinion that the percentage referred to in subsection (1), in respect of specific premises is excessive, having regard to the purposes for which water is consumed on those premises, the Municipality may reduce

- the percentage applicable to those premises to a figure which, in its opinion and in the light of the available information, reflects the proportion between the likely quantity of sewage discharged from the premises and the quantity of water supplied thereto.
- (3) In the absence of direct measurement, the standard domestic effluent will be estimated as follows -
- (a) 1,0 kilolitre per full-time staff member per working month;
 - (b) 4,0 per resident per working month, not included in paragraph (a); and
 - (c) for staff canteens: 0,15 kilolitre per meal prepared per working month;
- for which purpose a working month will be based on a five day working week, and in cases where the working week deviates from five days, a pro rata adjustment will be made.
- (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.

Part 2 Industrial effluent

Discharge of industrial effluent

90. (1) No person shall discharge or cause or permit to be discharged into the sewage disposal system any industrial effluent except with and in accordance with the provisions of these By-laws and the written permission of an authorised official.
- (2) If, in the opinion of an authorised official, the capacity of a sewage disposal system is sufficient to permit the conveyance, effective treatment and lawful disposal of the industrial effluent he or she may, for such period and subject to such conditions as he or she may impose, grant written permission in terms of subsection (1).
- (3) A person to whom such permission is granted shall pay to the Municipality the prescribed fees.
- (4) Application for permission to discharge industrial effluent shall be made in accordance with section 75 above.
- (5) The person to whom permission has been granted in terms of this Chapter shall ensure that no industrial effluent is discharged into the sewage disposal

system unless it complies with the standards and criteria set out in Schedules "A" and "B" hereto.

- (6) No person shall, without the written permission of the authorized official, discharge into or cause or allow to enter any sewer, any sewage or industrial effluent which:
- (a) has a temperature exceeding 45 deg. Celsius or 10 deg. Celsius above ambient temperature, whichever is higher at the point of entry to the sewer;
 - (b) has a pH value of less than 6,0 or greater than 9,5;
 - (c) contains the following :
 - (i) calcium carbide or radioactive waste or isotope;
 - (ii) yeast, yeast wastes, molasses spent or unspent, in excess of an amount permitted by the authorized official;
 - (iii) cyanogen compounds capable of liberating hydrogen cyanide on acidification;
 - (iv) degreasing solvents, petroleum spirit, volatile inflammable solvents or any substance which may, or is likely to give off an inflammable or poisonous vapour at a temperature above 20 degrees Celsius.
 - (d) contains any matter in such concentration as will, in the opinion of the authorized official, produce or is likely to produce in the final treated effluent at any sewage works or in any public water, any offensive or otherwise undesirable taste, colour or odour or any foam;
 - (e) may prejudice the reuse of treated sewage effluent for industrial or similar purposes or adversely affect any of the processes whereby sewage is treated to purify such effluent for reuse, or to produce sludge for disposal; and
 - (f) contains any substance or material of whatever nature which is not amenable to treatment to a satisfactory degree at a sewage treatment works or which causes or is likely to cause breakdown or inhibition of the processes in use at such works.
 - (g) which contains any substance or thing of whatever nature which is of such strength, or which is amenable to treatment only to such a degree as will result in effluent from the treatment works or discharge from the sea outfall being unable to comply satisfactorily with any requirements of the Water Act;

- (h) which may cause danger to the health or safety of any person or may be injurious to the sewage disposal system or may prejudice the use of any ground used by the Municipality for the sewage disposal system;

Relaxation of standards

91. (1) An authorized official may relax or vary the standards prescribed in Schedules "A" or "B" provided that the authorised official is satisfied that any such relaxation represents the best practicable environmental option.
- (2) In determining whether relaxing or varying the standards in Schedules "A" or "B" represents the best practicable environmental option an authorised official shall apply a risk-averse and cautious approach and give consideration to:
- (a) whether the applicant's plant is operated and maintained at optimal levels;
 - (b) whether technology used by the applicant represents the best available 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 minimization which complies with national and local waste minimization standards to the satisfaction of the authorised official;
 - (d) the cost to the Municipality of granting the relaxation or variation; and
 - (e) the environmental impact, or potential impact, if the relaxation or variation is granted.

Test samples

92. (1) Test samples may be taken at any time by a duly qualified sampler to ascertain whether the industrial effluent complies with Schedule "A" and "B" or any other standard prescribed by Municipality permit.
- (2) The permit holder of a permit issued in terms of subsection (1) shall provide a sampling point, to the satisfaction of the authorised official, in respect of the industrial premises concerned.

Duties of permit holder

93. (1) An authorised official may in the permit or at any time, by written notice, require a person to whom permission had been granted in terms of section 90(1) to -
- (a) subject the industrial effluent to such preliminary treatment as in the opinion of an authorised official will ensure that the industrial effluent

conforms to the standards prescribed in Schedules "A" and "B" before being discharged into the sewage disposal system;

- (b) install such equalizing tanks, valves, pumps, appliances, meters and other equipment as in the opinion of an authorised official will be necessary to control the rate and time of discharge into the sewage disposal system in accordance with the conditions imposed by him or her;
- (c) install for the conveyance of his or her industrial effluent into the sewage disposal system at a given point, a drainage installation separate from the drainage installation for waste water and standard domestic effluent and may prohibit such permit holder 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 manhole and/or stop-valve in such position and of such dimensions and materials as an authorised official shall prescribe;
- (e) provide all such information as may be required or called for by an authorised official to enable him or her to assess the charges due to the Municipality in terms of these by-laws in accordance with the formula prescribed by them;
- (f) provide adequate facilities such as level or overflow detection devices, standby equipment, overflow catchpits, or other appropriate means to prevent a discharge into the sewage disposal system which is in contravention 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 the permit holder at times laid down by an authorised official and copies of the calibration to be forwarded to him or her;
- (h) cause his or her industrial effluent to be analyzed as often and in such manner as may be prescribed by an authorised official and provide him or her with results of these tests when completed;
- (i) obtain the written permission of an authorised official for any proposed changes to the composition of industrial effluent discharged into the sewage disposal system;
- (j) in the event of the permit holder discharging into the sewage disposal system any industrial effluent which does not comply with the permit issued in respect of that process or premises, the permit holder or his or her agent shall, within twelve hours of the discharge, notify an authorised official of the incident and the reasons for it.

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

Withdrawal of written permission for disposal of industrial effluent

94. (1) Provided that an authorised official shall give fourteen days written notice, he or she may withdraw any permission to discharge industrial effluent into the sewage disposal system granted in terms of this Chapter if the person to whom such permission had been granted -
- (a) fails to ensure that the industrial effluent so discharged conforms to the industrial effluent standards prescribed in Schedules "A" and "B" of these by-laws or in the permit;
 - (b) fails or refuses to comply with any notice lawfully served on him or her in terms of these by-laws or contravenes any provision of these by-laws or any condition imposed upon him or her in terms of any permission granted to him or her; or
 - (c) fails to pay the charges due in respect of any industrial effluent discharged.
- (2) The authorised official may, when withdrawing the permission as contemplated in subsection (1), -
- (a) and in addition to any steps prescribed in these by-laws, on fourteen days' written notice served on the person concerned, authorize the closing or sealing of the connecting sewer or drain of the said premises to any sewer at the cost of such person;
 - (b) refuse to accept any further industrial effluent until he or she is satisfied that the person concerned has taken adequate steps to ensure that the industrial effluent to be discharged conforms with the standards prescribed in these By-laws.
- (3) An authorised official may, subsequent to a drain or connecting sewer having been closed or sealed in terms of subsection (2), upon being satisfied that the effluent to be discharged meets with the standards prescribed in these By-laws and against payment of the prescribed fees, open or authorize the reopening of the connection or seal.

Measurement of quantity of industrial effluent discharged

95. (1) The Municipality may install, in such position as it determines, in any drainage installation conveying industrial effluent to a sewer, any meter or gauge or other device for the purposes of ascertaining the quantity or composition of the

industrial effluent and it may recover the installation and maintenance costs from the owner.

- (2) It is an offence for any person to bypass, open break into or otherwise interfere with or to damage any such meter, gauge or other device.
- (3) The Municipality may, after consultation with the person concerned, establish an alternative method of assessing the quantity of the effluent to be discharged.
- (4) Notwithstanding the foregoing provisions of this section, the Municipality may require any person who discharges industrial effluent into its sewers to provide one or more meters in such a position in the water installation as the Municipality may deem necessary to record the water consumption in a specific part of the premises.
- (5) The Municipality may determine a rebate to apply to the prescribed fees if the owner or occupier discharges industrial effluent -
 - (a) solely during periods specified by the Municipality; and/or
 - (b) containing constituents which will have a beneficial effect on the effluent discharged from the sewage treatment plant.
- (6) Where a portion of the water supplied to the premises forms part of the end product of any manufacturing process or is lost by reaction or evaporation during the manufacturing process or for any other reason, the Municipality may, upon application, reduce the assessed quantity of industrial effluent.

Damage to sewage disposal system or the environment

96. If a person is discharging industrial effluent which will, if allowed to continue, seriously damage the sewage disposal system or the environment, the authorised official may immediately authorise the sealing of the sewer connection through which the industrial effluent is being discharged. No person shall permit the opening of that connection until an authorised official is satisfied that the industrial effluent will comply with the prescribed standards.

Maintenance of delivery pipeline

97. The delivery pipeline from the premises concerned to the point of acceptance shall be maintained by the permit holder in a proper condition and free from leaks.

Periodic review

98. Acceptance of the industrial effluent shall be subject to periodic review; provided that such review may be made at any time if, in the opinion of an authorised official, special circumstances such as pollution of the sea or beaches, the killing of fish or other incidents arise as a result of the acceptance thereof into a sea outfall.

Change in process of manufacture of materials

99. An authorized official shall be notified of any proposed change in the process of manufacture or in the quantity or nature of the materials used which is likely to affect the nature, composition or quantity of the industrial effluent discharged and his or her permission for the continued discharge of such effluent shall be obtained.

Part 3
Sanitation: Miscellaneous

Damage to sewage disposal system

100. (1) A person may not damage or endanger the sewage disposal system, or cause or permit it to be damaged or endangered.
- (2) Any person who intends performing work on land owned by or vested in the Municipality or over which it has a servitude or other right and which may cause damage to the sewage disposal system shall, prior to commencement of such work, ascertain from an authorised official if any part of the sewage disposal system is situated on the said land.
- (3) If work which is to be performed or is being performed on land referred to in subsection (2), or on land adjacent thereto and which in the opinion of an authorised official could damage or endanger the sewage disposal system he or she may, by notice in writing, require the person concerned not to commence, or to cease performing, the work until such time as he or she has complied with the conditions specified in the notice.

Consequential maintenance of sewers

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

Work by private persons

102. The Municipality or its agents shall lay all sewers and connecting sewers unless it elects not to do so, in which case the work shall be executed in accordance with the Municipality's specifications applicable to the work, as well as the following provisions:

- (a) any person performing work in terms of this section shall, prior to commencement of such work, lodge with an authorised official a written indemnity to his or her satisfaction indemnifying the Municipality against all liability in respect of any accident or injury to persons or loss or damage to property which may occur as the direct or indirect result of the execution of such works;
- (b) where a connection is to be made with any sewer it shall be made at a point indicated by an authorised official;
- (c) whenever the surface of any street or road has been disturbed in the course of such work, the restoration of such surface shall be undertaken solely by the Municipality at the expense of the person performing the work. Prior to the disturbance of the surface of such street or road a deposit shall be made by such person with the Municipality which in the opinion of an authorised official is sufficient to cover the estimated cost of such restoration. When the actual cost exceeds or is less than the amount deposited, any excess shall be recoverable from such person and any balance shall be refunded to him or her;
- (d) all work shall be performed in accordance with the requirements and to the satisfaction of an authorised official.

CHAPTER 4

ENFORCEMENT OF BY-LAWS AND LEGAL MATTERS

Authorisation of authorised official

103. 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.

Functions of authorised official

- 104.** (1) An authorised official may execute work, conduct an inspection and monitor and enforce compliance with these By-laws.
- (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 101, in accordance with the procedure outlined in sections 106 and 107.

Additional powers of authorised official

105. (1) An authorised official, in addition to any power conferred upon him or her in terms of these By-laws, 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 By-laws.
- (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
 - (c) return it as soon as is practicable after achieving the purpose for which it was removed.

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

106. (1) An authorised official may subject to section n 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 these By-laws 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 the By-laws 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.

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

107. (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 these By-laws 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 stormwater, 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 of section 6 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 108 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.

Using force to enter

- 108. (1) An authorised official carrying out a written authorisation in terms of section 102 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 was present.
- (4) Force may not be used to affect an entry or execute work or conduct an inspection in terms of section 103, unless an emergency arises.

Authorised official may be accompanied

- 109. 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.

Duty to produce document

110. 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.

Compliance notice

111. (1) An authorised official who becomes aware that any provision of these By-laws has not been complied with, may issue a compliance notice to the owner or person apparently in control of the relevant premises.
- (2) 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 these By-laws in the event of non-compliance with these steps.

Complaints against persons other than the Municipality

112. Anyone may lodge a complaint with an authorised official, either directly or through any other channel established by the Municipality, that another person -
- (a) is likely to cause or has caused a disruption of the provision of water and sanitation services without just cause; or
 - (b) is likely to act or has acted contrary to the provisions of these By-laws;

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 these By-laws.

Official address

113. (1) For the purposes of the service 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 18(5) and 75(1) is deemed to be the official address of the consumer.
- (2) Where any notice or other document is required by these By-laws to be served on any person other than for the purpose of criminal proceedings, it must be served on him or her personally, failing which it may be served on any member of his or her household or 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 service of such notice.

Recovery of costs and fees

114. Any costs which the Municipality is entitled to recover from a consumer, owner or other person in terms of these By-laws include, where applicable, any prescribed fees, expenses incurred in any exploratory investigation, survey, plan, specification, or schedule of quantities compilation, supervision, administration or 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.

Legal compliance warranty

115. 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.

False statement or information

116. No person may make a false statement or furnish false information to the Municipality, an authorised official, an authorised official or an employee of the Municipality or falsify a document issued in terms of these By-laws.

Exceptions to application of these By-laws

117. (1) If authority was given before the date of commencement of these By-laws for installation work to be done, or if authorised work is in progress on such a date, such work must comply with any applicable laws which were in force in the area of jurisdiction of the Municipality, immediately prior to such date.
- (2) For a period of 90 days after the commencement of these By-laws, the Municipality may give authority for installation work to be done in accordance with any law mentioned in subsection (1).
- (3) No owner may be required to comply with these By-laws by altering a water installation or part thereof which was installed in conformity with any law applicable immediately before the date of commencement of these By-laws: Provided that if in the opinion of the 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 these By-laws within a specified and reasonable period.

Exemptions

118. (1) The Municipality may by resolution exempt any person from complying with a provision of these By-laws, 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 these By-laws;
 - (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.

Offences

119. (1) It is an offence for any person to -

- (a) refuse to grant an authorised official access to premises to which that authorised official is duly authorised to have access;
 - (b) obstruct, interfere or hinder an authorised official who is exercising a power or carrying out a duty under these By-laws;
 - (c) fail or refuse to provide an authorised official with a document or information that the person is required to provide under these By-laws;
 - (d) give false or misleading information to an authorised official;
 - (e) unlawfully prevent the owner of any premises, or a person working for that owner, from entering the premises in order to comply with a requirement of these By-laws;
 - (f) pretend to be an authorised official;
 - (g) falsely alter an authorisation to an authorised official or written authorisation, compliance notice or compliance certificate issued in terms of this Chapter;
 - (h) enter any premises without a written authorisation in circumstances requiring such authorisation;
 - (i) act contrary to a written authorisation issued in terms of this Chapter;
 - (j) without authority -
 - (i) enter or inspect premises;
 - (ii) carry out any act mentioned in section 101(1);
 - (k) disclose any information relating to the financial or business affairs of any person which was acquired in the performance of any function or exercise of any power in terms of these By-laws, except -
 - (i) to a person who requires that information in order to perform a function or exercise a power in terms of these By-laws;
 - (ii) if the disclosure is ordered by a court of law; or
 - (iii) if the disclosure is in compliance of the provisions of any law.
 - (l) contravene or fail to comply with the provisions of these By-laws;
 - (m) fail to comply with any notice issued in terms of these By-laws;
 - (n) fail to comply with any lawful instruction given in terms of these By-laws; or
 - (o) obstruct or hinder any authorised official of the Municipality in the execution of his or her duties under these By-laws.
- (2) Any person convicted of an offence contemplated in subsection (1) is liable on conviction to a fine, or in default of payment, to imprisonment for a period not

exceeding six months, and in the case of a continuing offence, to a further fine not exceeding R50, or in default of payment to imprisonment not exceeding one day, for every day during the continuance of such offence after a written notice has been issued by the Municipality requiring the discontinuance of such offence, and for a second or subsequent offence he shall be liable on conviction to a fine or in default of payment to imprisonment for a period not exceeding six months.

Application of this Chapter

120. The provisions of this Chapter apply to all persons or bodies.

Short title

121. These By-laws are called the Water and Sanitation By-laws, 2008.
