

UMHLATHUZE LOCAL MUNICIPALITY

WATER SERVICES BYLAWS

THE uMhlathuze Local Municipality hereby publishes the following Water Services Bylaws, in terms of bylaw 156(2) of the Constitution of the Republic of South Africa, read with bylaws 11 – 13 of the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000).and the Water Services Act, 2007 (Act No 30 of 2007)

UMHLATHUZE LOCAL MUNICIPALITY WATER SERVICES BYLAWS 2010

ARRANGEMENT OF BYLAWS

CHAPTER 1

GENERAL PROVISIONS

1.	Definitions	<u>52</u>
2.	Terminology and Conflict Of Law	<u>162</u>
3.	Levels Of Service	<u>162</u>
4.	Compliance Notices and Certificates	<u>172</u>
5.	Interference with Water Services	<u>192</u>
6.	Obstruction Of Access To Water Supply System Or Sanitation Service	<u>192</u>
7.	Power Of Entry And Inspection	<u>192</u>
8.	Fees And Surcharges For Services	<u>202</u>
9.	Deposit.....	<u>202</u>
10.	Payment For Water Services	<u>202</u>
11.	Payment In Respect Of Prepayment Meters.....	<u>212</u>
12.	Accounts	<u>222</u>
13.	Termination Of Agreements	<u>222</u>
14.	Duty Of Care And Requirement To Remediate.....	<u>222</u>
15.	Prohibition Of Access To Water Services Other Than Through The Municipality	<u>232</u>
16.	Water Services Intermediaries	<u>232</u>
17.	Responsibility For Compliance With These Bylaws And Other Laws.....	<u>242</u>
18.	Unauthorised Use Of Water Services	<u>242</u>

CHAPTER 2

WATER SUPPLY SERVICES

Part 1: Application for Service

19.	Application For Supply Of Water	<u>252</u>
20.	Agreements For Supply Of Water	<u>262</u>
21.	Change In Purpose Of Supply.....	<u>262</u>
22.	General Conditions Of Water Supply	<u>262</u>

Part 2: Connection of water supply

23.	Provision Of Connection Pipe	<u>272</u>
24.	Location Of Connection Pipes	<u>282</u>
25.	Interconnection Between Premises.....	<u>282</u>
26.	Provision Of Single Water Connection For Supply To Several Consumers On Same Premises	<u>282</u>
27.	Restriction Or Cutting-Off Of Supply	<u>292</u>
28.	Disconnection Of Water Supply	<u>302</u>
29.	Water Supplied From A Fire Installation	<u>312</u>

Part 3: Measuring water supplied

30.	Metering Requirements	<u>312</u>
31.	Quantification Of Water Supplied	<u>332</u>
32.	Defective Meters.....	<u>332</u>
33.	Adjustment Of Quantity Of Water Supplied Through Defective Meter	<u>342</u>
34.	Special Meter Reading At Request Of Consumer	<u>352</u>
35.	Special Measurement by Municipality	<u>352</u>

Part 4: Payment and accounts

36.	Payment For Water Supplied	<u>352</u>
37.	Water Accounts	<u>352</u>
38.	Charges Other Than For Water Supplied	<u>352</u>

Part 5: Municipal approval for work and use of pipes and fittings

39.	Approval Of Installation Work.....	<u>362</u>
40.	Persons Permitted To Do Installation Work	<u>362</u>
41.	Provision And Maintenance Of Water Installation.....	<u>372</u>
42.	Technical Requirements For Water Installation	<u>372</u>
43.	Requirements For Use Of Pipes And Fittings.	<u>382</u>
44.	Labeling Of Terminal Water Fittings And Appliances	<u>382</u>
45.	Unlawful Water Installation.....	<u>392</u>
46.	Pipe In Street Or Public Place	<u>392</u>
47.	Special Provision For Fire Services	<u>392</u>
48.	Dual And Combined Installations	<u>392</u>
49.	Connection Pipe For Fire Extinguishing Services	<u>402</u>
50.	Valves In Connection Pipe	<u>402</u>
51.	Inspection And Approval Of Fire Installation	<u>402</u>
52.	Connection At The Pleasure Of The Municipality	<u>412</u>
53.	Meter In Fire Installation.....	<u>412</u>
54.	Sprinkler Extinguishing Installation.....	<u>412</u>
55.	Header Tank Or Double Supply From Main.....	<u>412</u>
56.	Sealing Of Private Fire Hydrant.....	<u>412</u>

Part 6: Water conservation and prevention of pollution

57.	Waste Of Water	<u>422</u>
-----	----------------------	------------

58.	Vehicle Washing Facilities	432
59.	Grey Water Practices	432
60.	Equipment Specification To Facilitate Water Conservation	432
61.	Water Demand Management	442
62.	Water Restrictions	442
63.	Consumer To Prevent Pollution Of Potable Water	452
64.	Protection Of Water Supply System And Installation	452

Part 7: Water supply services: Miscellaneous

65.	Use Of Water From Source Other Than Water Supply System	472
66.	Boreholes.....	472
67.	Sampling Of Water	482
68.	Supply Of Non-Potable Water By The Municipality	482
69.	Testing Of Pressure In System	482
70.	Warning Notices	482
71.	Water Audit	492

CHAPTER 3

SANITATION SERVICES

Part 1: Disposal of sewage

72.	Discharge To Sewage Disposal System	492
73.	Objectionable Discharges.....	492
74.	Application For Use Of Sewage Disposal System	512
75.	Special Agreements For Disposal Of Sewage	512
76.	Application For Infrastructure	512
77.	Septic Tank, Treatment Plant And French Drain	522
78.	Conservancy Tank.....	522
79.	Ventilated Improved Pit Latrine	522
80.	Services Associated With On-Site Sanitation Services	522
81.	Provision Of A Connecting Sewer.....	532
82.	Construction Of Drainage Installation	532
83.	Use Of Pipes And Fittings In Drainage Installation To Be Authorised.....	532
84.	Approval Of Drainage Work	532
85.	Interconnection Between Premises.....	542
86.	Acceptance Of Sewage Delivered By Road Haulage	542
87.	Measurement Of Quantity Of Standard Domestic Effluent Discharged.....	552

Part 2: Industrial effluent

88.	Discharge Of Industrial Effluent.....	552
89.	Relaxation Of Standards	562
90.	Test Samples.....	562
91.	Duties Of Permit Holder.....	572
92.	Withdrawal Of Written Permission For Disposal Of Industrial Effluent	582
93.	Measurement Of Quantity Of Industrial Effluent Discharged.....	582
94.	Damage To Sewage Disposal System Or The Environment.....	592

95.	Provision Applicable To Sea Outfall Pipeline	<u>592</u>
96.	Maintenance Of Delivery Pipeline	<u>602</u>
97.	Periodic Review	<u>602</u>
98.	Change In Process Of Manufacture Of Materials	<u>602</u>

Part 3: Sanitation: Miscellaneous

99.	Damage To Sewage Disposal System.....	<u>602</u>
100.	Consequential Maintenance Of Sewers.....	<u>612</u>
101.	Work By Private Persons.....	<u>612</u>

CHAPTER 4

ENFORCEMENT OF BYLAWS AND LEGAL MATTERS

102.	Authorisation Of An Authorised Official.....	<u>702</u>
103.	Functions Of An Authorised Official	<u>702</u>
104.	Additional Powers Of An Authorised Official	<u>702</u>
105.	Procedure To Execute Work Or Conduct An Inspection: Entry With A Written Authorisation <u>712</u>	
106.	Procedure To Execute Work Or Conduct An Inspection: Entry Without A Written Authorisation	<u>722</u>
107.	Using Force To Enter	<u>742</u>
108.	Authorised Official May Be Accompanied	<u>742</u>
109.	Duty To Produce Document	<u>742</u>
110.	Compliance Notice	<u>742</u>
111.	Complaints Against Persons Other Than The Municipality	<u>752</u>
112.	Official Address.....	<u>752</u>
113.	Recovery Of Costs And Fees.....	<u>752</u>
114.	Legal Compliance Warranty	<u>762</u>
115.	False Statement Or Information	<u>762</u>
116.	Exceptions To Application Of These Bylaws.....	<u>762</u>
117.	Exemptions	<u>762</u>
118.	Offences	<u>772</u>
119.	Penalties	<u>782</u>
120.	Application Of This Chapter	<u>782</u>
121.	Repeal Of Bylaws	<u>802</u>
122.	Short Title	<u>802</u>

Schedule A – Discharge of Sewage, Industrial effluent and other substances

Schedule B – Acceptance of effluent for Discharge into the sewage disposal system

Schedule C – Acceptance of trade effluent for discharge into sea outfalls

Schedule D – Repealed Bylaws

CHAPTER 1

GENERAL PROVISIONS

1. Definitions

- (1) In these Bylaws and the Schedules thereto, unless the context otherwise indicates -

"accommodation unit" means in relation to any premises, a building or section of a building occupied or used or intended for residential occupation or use by any person; but excludes a "dwelling unit", an "additional dwelling unit" and a "duet", as defined in the Municipality's town planning scheme;

"Act" means the Water Services Act No, 1997 (Act No.108 of 1997);

"additional dwelling unit" means a free standing or coupled building, comprising a self-contained dwelling unit and as further defined in the Municipality's town planning scheme;

"agreement" means the contractual relationship between the Municipality or its appointed agent and a consumer, whether written, deemed or tacit, as provided for in the Municipality's Bylaws relating to water and services, credit control or debt collection;

"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;

"appointed agent" means a service provider appointed by the Municipality in terms of sections 78 and 81(2) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) and **"service provider"** has the corresponding meaning;

"approved" means approved by the Municipality in writing, whether by resolution of the Council or by an authorised official and **"approval"** has a corresponding meaning;

"Authorisation Committee" means the municipal body responsible for compiling the schedule of approved pipes and fittings, which schedule must at least be compatible with a closed system, as prescribed by the building control officer and comply with any applicable SABS or JASWIC standards;

"authorised official" means any person –

- (a) who is a municipal employee and authorised to perform any act, function or duty in terms of, or to exercise any power under, these Bylaws; or
- (b) authorised by the municipality in a written contract as a service provider for the provision of water services to customers on its behalf, or
- (c) an authorised employee of that service provider, to the extent authorised in the contract.

"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 the 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 and regulated 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 and regulated 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 the long and the short term, at a cost acceptable to society;

"borehole" means a hole sunk into the earth and/or rock for the purpose of locating, abstracting, storing or using subterranean water, and includes a spring, an excavation or any artificially constructed or improved underground cavity;

"boundary" means the verge, border or property line which defines a portion of land.

"building control officer" means any person appointed or deemed to be appointed as a building control officer by the Municipality in terms of section 5 of the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977);

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

"charges" means the rate, charge, tariff, flat rate or subsidy, determined by the Municipal Council and applicable to the service in question;

"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 as well as domestic, commercial or industrial purposes;

"commercial 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;

"communal sewer" means a sewer main and connecting sewers, the maintenance and repair of which, a group of users and/or owners have undertaken in writing to be the person or persons responsible;

"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;

"compliance notice" means a notice which is issued to any person in order to note a contravention of an agreement or permit and must contain details such as the nature and extent of the non-compliance, any steps that must be taken, the time period for compliance and the penalty for non-compliance;

"compliance certificate" means any certificate issued by the Municipality or its appointed agent to any person after a noted contravention has been rectified or resolved and which indicates the Municipality's approval of such rectification;

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

"connecting sewer" means a pipe owned by the Municipality and installed by it or its appointed agent 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 or its appointed agent for the purpose of conveying water or treated effluent from a water main to a water installation, and includes a "communication pipe" referred to in SANS 10252-1: 2004 Water Supply and drainage for building;

"conservancy tank" means a covered tank used for the reception and temporary retention of sewerage and which requires emptying at intervals;

"consumer" means -

- (a) any person who occupies premises to whom, and in respect of which premises, the Municipality or its appointed agent :
 - (i) has agreed to provide water supply services;
 - (ii) is providing water supply services; or
 - (iii) has entered into an agreement with the Municipality or its appointed agent for the provision of water supply services to or on any premises;
- (b) the owner of any premises to which the Municipality or its appointed agent is providing water supply services;
- (c) where water supply services are provided through a single connection to a number of accommodation units or consumers or occupiers, the person to whom the Municipality or its appointed agent agreed to provide such water and/or treated effluent supply services; and
- (d) any end-user who receives water supply services from the Municipality or its appointed agent or other water supply services institution.

"council" means the council of the municipality of uMhlathuze and includes any structure, councillor, or official of the council exercising powers or performing duties or functions under this bylaw, which have been delegated to such structure, councillor or official by the council;

"disposal of industrial effluent" means the collection, removal, disposal or treatment of effluent emanating from industrial use of water;

"domestic effluent" means effluent with prescribed strength characteristics in respect of chemical oxygen demand and settle-able solids, determined by the Municipality as being appropriate to sewage discharges from domestic premises within its jurisdiction, but does not include industrial effluent;

"domestic purposes" in relation to the supply of water means the general use of water supplied for 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 or from those premises to a connecting sewer;

"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 on such premises up to the connecting point, and includes drains, fittings, appliances, septic tanks, conservancy tanks, pit latrines and private pumping installations forming part of, or being ancillary, to such system;

"drainage work" includes any drain, sanitary fitting, water or treated affluent 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;

"duet" means an additional dwelling unit as approved by way of a special consent use by the Municipality in terms of the Municipality's town planning scheme;

"duly qualified sampler" means a person who takes samples for analysis from the sewage disposal and stormwater disposal systems or from any water resource in the municipal area and who has been certified to do so by an authorised official;

"dwelling unit" means a self-contained, interconnected suite of rooms designed for residential purposes and occupation by a single household, as further defined in the Municipality's town planning scheme, but excludes an "accommodation unit";

"effluent" means any liquid whether or not containing matter in solution or suspension,

"environmental authorisation" means an authorisation granted issued in terms of section 24(2) of NEMA. or in any succeeding legislation;

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

"environmental cost" means the full cost of all measures necessary to restore the environment to its condition prior to the damaging incident and, in the event that this is not 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;

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

"general installation" means a water installation which conveys water for domestic, commercial or industrial purposes;

"grey water" means waste water resulting from the use of water for domestic purposes, but does not include human excreta;

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

"household" means 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 industrial trade, manufacturing, mining or chemical process or any laboratory, research or agricultural activity, and includes for the purposes of these Bylaws, any effluent other than domestic effluent or storm water, and **"trade effluent"** bears the same meaning.

"industrial purposes" in relation to the supply of water and/or treated effluent means water and/or treated effluent 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 succeeding legislation, including the use of water and/or treated effluent for purposes of mining, manufacturing, retailing and service industries, generating electricity, land-based transport, construction or any related purpose;

"installation work" means any work done by the municipality or any of its contractors in respect of water and/or treated effluent services installation, including construction, rehabilitation, improvement and maintenance;

"interest" interest will be charged at an interest rate as determined by Council, or in the absence of any such determination, as prescribed by law

"JASWIC" means Joint Acceptance Scheme for Water Services Installation Components;

"main" means a pipe, other than a connection pipe of which the ownership vests in the Municipality and which is used by it or its appointed agent for the purpose of providing water services to a consumer;

"manhole" means a chamber of a depth greater than 750mm and of such dimension that allows the entry of a person into such a chamber for the purposes of providing access to a sewer or drainage installation for maintenance or internal cleaning;

"measuring device" means any method, procedure, process, device, apparatus or installation that enables the consumption of water services provided to any consumer to be determined or quantified and includes any method, procedure or process whereby the consumption is estimated;

"medical waste" means human and animal anatomical waste, infectious human and anatomical waste, sharps, chemical waste, pharmaceutical waste and radioactive waste generated by healthcare professionals, healthcare facilities and other non-healthcare professionals such as barbers, taxidermists and tattooists, or as defined in SANS 10248: Management of Healthcare Risk Waste and **"healthcare risk waste"** shall have a corresponding meaning;

"meter" means a water meter as defined by Government Notice R 2362 dated 18 November 1977, published in terms of the Trade Metrology Act, 1973 (Act No. 70 of 1973) or any succeeding legislation or, in the case of a water meter of a size greater than 100 mm, a device which measures the quantity of water or treated effluent passing through it, including a pre-paid meter;

"Municipality" means -

- (a) the uMhlathuze Local Municipality established in terms of the Local Government: Municipal Structures Act, No. 117 of 1998 and its successors in title, and includes a structure or person exercising a delegated power or carrying out an instruction in terms of these Bylaws and legislation applicable to Local Government; or
- (b) a service provider fulfilling a responsibility under these Bylaws, assigned to it in terms of section 81(2) of the Local Government: Municipal Systems Act 2000, or any other applicable 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);

"nominated service provider" means Mhlathuze Water Board and/or appointed agent, or any succeeding nominated service provider;

"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;

"notice" means "public notice", a "compliance notice", or other written communication between the Municipality and any person of individual written notice for information purposes;

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

"operating water 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 close corporation being wound up, or is a company being wound up or under judicial management, 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;
- (f) the lessee of any Municipal owned immovable property for the duration of the lease;
- (g) any person who acquires 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 owner for connecting into the water installation installed by the Municipality or its appointed agent;

"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 or 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;

"pollution" means the introduction of any substance (including gases, odorous compounds, liquids, solids and micro-organisms), whether directly or indirectly, into the water supply system, a water installation or a water resource, which alters the physical, chemical or biological properties of the water so as to make it -

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

“pollutant” means a substance which causes pollution, and **“contaminant”** has a corresponding meaning;

"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.47 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 customary law;

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

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

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

"prescribed form" means the form determined by the Municipality to be the applicable form in the circumstances;

"prescribed tariff" means a tariff according to any schedule of prescribed fees;

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

"public notice" means a notice that complies with the provisions of section 21(1) of the Local Government: Municipal Systems Act, No 32 of 2000 and notwithstanding the generality thereof, shall include at least two notices, each notice being in one of the official languages in general use in the municipal area, but in a different official language to the other notice and published in at least one newspaper in general use within the municipal area, preferably a newspaper published predominantly in the same language as the notice;

"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 the South African Bureau of Standards;

"SANS" means South African National 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;

"schedule of approved pipes and fittings" means the list of approved pipes and fittings compiled by the Authorisation Committee;

"sea outfall pipeline" means any pipeline and related works which are the property of the Mhlathuze Water Board and which are used, or meant to be used, for the discharge of sewage into the sea;

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

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

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

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

"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";

"soil water" means liquid containing excreta;

"standpipe" means a connection through which water supply services are supplied as a common facility to more than one person, or more than one family or household occupying more than one accommodation unit or dwelling unit;

"storm water" means water resulting from natural precipitation or accumulation and includes rain water, subsoil water or spring water;

"surcharge" means the charge referred to in section 74(2)(f) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000);

"tariff" means the tariff of charges in respect of the Municipality's water services, as determined by the Municipality from time to time;

"Tariff of Charges" means the Tariff Bylaw promulgated by the Council in terms of section 75 of the Local Government: Municipal Systems Act, No. 32 of 2000, or in terms of bylaw 75A of that Act to levy and recover fees, charges or tariffs;

"terminal water fitting" means a water fitting at an outlet of a water installation which controls the discharge of water or treated effluent from a water installation;

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

"treated effluent" means wastewater which has been treated;

"treated effluent installation" means the pipes and fittings which are situated on any premises and vested in the owner thereof and used or intended to be used in connection with the use of treated effluent on such premises, and includes a pipe and a fitting situated outside the boundary of the premises, which either connects to the communication pipe relating to such premises or is otherwise laid with the permission of the Municipality;

"treated effluent tracer" means any dye or chemical approved by the Municipality or its appointed agent to clearly colour the treated effluent;

"water services facility" means any land on which there is infrastructure installed or used by the Municipality or a catchment area in connection with the supply of treated effluent;

"well point" means a small diameter pipe jetted into unconsolidated sandy or gravelly formations, with a pump situated at ground level to lift and distribute the water.

"user" means -

- (a) any person who occupies premises to whom, and in respect of which premises, the Municipality or its appointed agent -
 - (i) has agreed to provide water services;
 - (ii) is providing water services; or
 - (iii) has entered into an agreement with the Municipality or its appointed agent for the provision of water services to or on any premises;
- (b) the owner of any premises to which the Municipality or its appointed agent is providing water services;
- (c) where water services are provided through a single connection to a number of accommodation units or users or occupiers, means the person to whom the Municipality or its appointed agent agreed to provide such water services; and

- (d) any end-user who receives water services from the Municipality or its appointed agent or other water services institution.

"waste water" means used water not contaminated by soil water or industrial effluent and does not include storm water;

"water efficient device" means any product that reduces the excessive use of water and/or treated effluent;

"water fitting" means a component of a water installation, other than a pipe, through which water or treated effluent passes or in which it is stored;

"water installation" means the pipes, water or treated effluent fittings and meter which are situated on any premises, ownership of which installation vests in the owner of the premises and used or intended to be used in connection with the use of water or treated effluent or water services on such premises, and includes a pipe and water fitting situated outside the boundary of such premises, which either connects to the connection pipe relating to such premises or is otherwise laid with the permission of the Municipality;

"water services" means water and treated effluent supply services and sanitation services.

"water services authority" means any municipality, including a district or rural council as defined in the Local Government Transition Act, 1993 (Act 209 of 1993), responsible for ensuring access to water services;

"water services intermediary" means any person who is obliged to provide water services to another in terms of a contract where the obligation to provide water services is incidental to the main object of that contract;

"water services institution" means a water services authority, a water services provider, a water board and a water services committee;

"water services provider" means any person who provides water services to consumers or to the Municipality, but does not include a water services intermediary ;

"water supply" means the supply of treated potable water and treated effluent by the Municipality or its appointed agent;

"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 and/or treated effluent and includes any part thereof;

"working day" means a day other than a Saturday, Sunday or Public Holiday;

"zone" means the local area of land of which the premises occupied by the consumer and/or user is a part and which is zoned in terms of a town planning scheme or an integrated development plan for homogeneous usage.

- (2) If any provision in these Bylaws 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 duly authorised by it.

2. Terminology and Conflict Of Law

- (1) Any word or expression used in these Bylaws to which a meaning has been assigned in -
 - (a) the Act or Regulations made thereunder, will bear that meaning; and
 - (b) the National Building Regulations and Building Standards Act 1977 (Act No.103 of 1977), and the National Building Regulations 2000 made thereunder, will bear that meaning;unless the context indicates otherwise.
- (2) If there is any conflict between these Bylaws and any other bylaws of the Municipality these bylaws will prevail in relation to any matter or thing required to be done or not to be done in connection with the supply of water and/or treated effluent and the provision of sanitation services.

3. Levels Of Service

- (1) The Municipality may, from time to time, and in accordance with national policy, but subject to the principles of sustainability and affordability, by public notice determine the service levels it is able to provide to consumers and/or users, where applicable, at fees set out in the Tariff of Charges.
- (2) the levels of service shall include -
 - (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 which are not more than 200 metres from a household; and
 - (ii) a ventilated improved pit latrine located on each site; and
 - (iii) appropriate health and hygiene education or appropriate education in respect of effective water use at the basic services level; and
 - (b) Service Level 2, which must consist of -
 - (i) a water connection whether metered or unmetered to each stand with an individual yard standpipe; and
 - (ii) a metered water connection and where the toilet is connected to either a municipal sewer or a shallow communal sewer system; or
 - (iii) a pour flush toilet which must not be directly connected to the water installation; or

- (iv) a ventilated improved pit latrine which service must be provided to consumers and/or users at the fees set out in the Tariff of Charges determined by the Municipality, provided that -
 - (aa) the average water consumption per unmetered stand through the 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 users 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 per consumer.
- (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 contravenes subparagraph (aa) or (bb) to subbylaw (2)(b) -
 - (a) the Municipality may install a pre-payment meter or restrictor in the service pipe on the premises; and
 - (b) the fees and surcharges for water services must be applied in accordance with bylaw 8.

4. Compliance Notices and Certificates

- (1) Notices relating to a breach of these Bylaws on premises shall be served:
 - (a) on the owner of the premises where matters relating to the water services installation are involved; and
 - (b) on the consumer and/or user where matters relating to the use of a water installation are concerned;
- (2) A notice or document issued by the Municipality in terms of these Bylaws shall be deemed to be duly issued if it is signed by an authorised official.
- (3) Any notice served on a person in terms of these Bylaws, is regarded as having been served -

- (a) when it has been delivered to that person personally;
 - (b) when it has been left at the person's place of residence or business in the Republic with a person apparently over the age of sixteen years;
 - (c) when it has been posted by registered or certified mail to that person's last known residential or business address in the Republic and an acknowledgement of the posting thereof from the postal service is obtained;
 - (d) if that person's address in the Republic is unknown, when it has been served on that person's agent or representative in the Republic in the manner provided by paragraphs (a), (b) or (c); or
 - (e) if that person's address and agent or representative in the Republic is unknown, when it has been posted in a conspicuous place on the premises, if any, to which it relates.
- (4) When a provision of these Bylaws has not been complied with, notices, termed "compliance notices", may be issued by an authorised official to the owner or person apparently in control of the relevant premises.
 - (5) 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.
 - (6) A compliance notice remains in force until an authorised official has issued a compliance certificate in respect of that notice.
 - (7) 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 Bylaws in the event of non-compliance with these steps.
 - (8) 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 service of such notice, as contemplated in sub-bylaw (3).
 - (9) A compliance notice must consider environmental factors, according to the relevant principles contained in section 2 of NEMA.
 - (10) If a person fails to comply with a written notice compliance served on that person by the Municipality in terms of these Bylaws 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.

5. Interference with Water Services

- (1) No person may -
 - (a) operate or maintain any part of the water supply system;
 - (b) operate any sewage disposal system;
 - (C) Operate any treated effluent system;
 - (c) effect a connection or reconnection to the water supply system or sewage disposal system; or
 - (d) render any other water supply or sanitation service,unless authorised to do so by the Municipality in writing.
- (2) No person may tamper or interfere with, or willfully or negligently damage, or permit damage to or interference with any part of the water supply system, treated effluent system or sewage disposal system belonging to the Municipality.
- (3) Non-compliance with sub-bylaws (1) and (2) above, is an offence. The Municipality, in its sole discretion, may issue a warning notice prior to the prosecution of the offence and where it is necessary, give effect to the right to procedurally fair administrative action.

6. Obstruction Of Access To Water Supply System Or Sanitation Service

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.

7. Power Of Entry And Inspection

- (1) An authorised official may for any purpose connected with the implementation or enforcement of these Bylaws or for the upgrading, functioning or maintenance of the water services, 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 that official may deem necessary, and for those purposes operate any water fitting of the water installation or sewage disposal system.
- (2) If the Municipality considers it necessary that work be performed to enable an authorised official to perform a function referred to in sub-bylaw (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 sub-bylaw (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, the Municipality shall bear the expense connected therewith together with that of restoring the premises to its former condition.

- (4) If an authorised official requires the presence of -
- (a) an owner at an inspection of his or her water installation or sewage disposal system; or
 - (b) a registered plumber doing installation work at an inspection of such work;

that official may give such person written notice of not less than 5 (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.

8. Fees And Surcharges For Services

- (1) Fees and surcharges for services payable in respect of water services rendered by the Municipality or by a water services provider duly authorised thereto by the Municipality, through a regulatory or service delivery agreement in terms of these Bylaws, 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 substantial compliance with any norms and standards for tariffs that have been set in terms of section 10 of the Act and the regulations made thereunder.
- (2) All fees and surcharges determined by the Municipality for the use of its sewers, or those of its water service provider for discharge into the sewage disposal system or otherwise in connection with such system are payable in accordance with the Tariff of Charges in Schedule A of these Bylaws by the owner of the premises.
- (3) If any piece of land, whether or not there are any improvements thereon, is, or in the opinion of the Municipality could be, connected to a water supply system or a sewer, the owner of that land must pay to the Municipality the fees determined by the Municipality.

9. Deposit

- (1) Every consumer must on application for the provision of water services and before such water services are provided by the Municipality, deposit with the Municipality a sum of money as determined in the Municipality's Credit Management Bylaws.
- (2) 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.
- (3) No interest will be paid by the Municipality on the amount of a deposit held by it in terms of this bylaw.

10. Payment For Water Services

- (1) Water services provided by the Municipality or its appointed agent must be paid for by the consumer and/or user, where applicable, at the prescribed fees for the particular category of water services provided and in the case of a surcharge, by the water service provider.

- (2) A consumer and/or user 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 or its appointed agent 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 (one hundred and eighty) days apart, and may render an account to the consumer and/or user for the services so estimated, which estimate must, for the purposes of these Bylaws, be regarded as an accurate measurement until the contrary is proved.
- (4) If a consumer and/or user uses water services for a category of use other than that for which it is provided by the Municipality or its appointed agent 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 or its appointed agent may make an adjustment of the amount charged in accordance with the rate which should have been charged and recover from the consumer and/or user the fees payable in accordance with such adjustment, and may also review the amount of the deposit held, in accordance with the provisions of the Credit Management Bylaws.
- (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 24 (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 or its appointed agent to comply with the period of 180 (one hundred and eighty) days referred to in sub-bylaw (3) will not disentitle the Municipality or its appointed agent from recovering any monies due to it by a consumer and/or user.
- (7) If a consumer and/or user is dissatisfied with an account rendered for water services supplied to him or her by the Municipality or its appointed agent he or she may, prior to the due date stipulated therein, object in writing, or be assisted by the Municipality or its appointed agent 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 consumer and/or user to defer payment except with the written consent of the Municipality or its appointed agent.

11. Payment In Respect Of Prepayment Meters

When a consumer is supplied with water through a prepayment meter, in addition to the requirements of bylaws 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 or its appointed agent shall not be liable for the reinstatement of credit in a prepayment meter that may be lost due to tampering with, or the incorrect use or abuse of a prepayment meter and/or token.

12. Accounts

- (1) Accounts must be rendered and administered in accordance with the debt control guidelines and policies of the Municipality and subject to any Credit Management Bylaws passed by the Municipality.
- (2) If it is established that a meter is defective, the Municipality or its appointed agent must adjust the account for water services rendered in accordance with the provisions of bylaws 32 and 33.

13. Termination Of Agreements

- (1) A consumer and/or user may terminate an agreement for the provision of water services by giving the Municipality or its appointed agent not less than 7 (seven) days' notice in writing of his or her intention to do so.
- (2) The Municipality or its appointed agent may, by notice in writing of not less than 14 (fourteen) days, advise a consumer and/or user of the termination of an agreement for the provision of water services if -
 - (i) he or she has not used the water services during the preceding 6 (six) months and has not made arrangements to the satisfaction of the Municipality or its appointed agent for the continuation of the agreement;
 - (ii) he or she has failed to comply with the provisions of these Bylaws 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;
 - (iii) an arrangement has been made by such consumer and/or user with another water services institution to provide water services to the consumer and/or user;

provided that the consumer and/or user has been informed in such notice of his or her right to make representations to the Municipality or its appointed agent within a specified time.
- (3) the Municipality or its appointed agent may, after having given notice, terminate an agreement for water services if a consumer and/or user has vacated the premises to which such agreement relates but this termination does not absolve the consumer and/or user of any responsibility to pay any outstanding amount for water services already owed to the municipality or its appointed agent.

14. Duty Of Care And Requirement To Remediate

- (1) In the event that a competent authority other than the Municipality, acting in terms of NEMA, the NWA or any other legislation enacted for the protection of the environment

(including the water resource), directs any person to take measures to prevent, minimise or rectify pollution or degradation to the environment, or to control an emergency incident, which measures may require the temporary or permanent suspension of water services, the Municipality or its appointed agent may suspend such services and no person shall have any claim against the Municipality or its appointed agent as a result of such suspension.

- (2) If the person directed in sub-bylaw (1) fails to carry out the measures as directed, the Municipality or its appointed agent may, subject to the provisions of Chapter 4, undertake the measures required itself, and any expenditure thus incurred, including the full environmental cost, may be recovered from the person directed.

15. Prohibition Of Access To Water Services Other Than Through The Municipality

- (1) No person is permitted to have access to water services from a source other than a water services provider nominated by the Municipality, without its written approval.
- (2) Any approval given to water services providers must be for a specified period and may be subject to conditions.
- (3) Despite the provision of sub-bylaw (1) hereof, a person who, at the commencement of these bylaws, was using water services from another source may continue to do so -
- (a) for a period of 60 (sixty) 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.

16. Water Services Intermediaries

- (1) An intermediary for the supply of water and sanitation services must be registered with the Municipality.
- (2) The quality, quantity and sustainability of water services provided by the intermediary must meet the standards prescribed by the Minister and must also comply with the relevant provisions of these Bylaws.
- (3) The Tariff of 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 Bylaws 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, by notice direct the intermediary to rectify its failure. If there is no compliance with such directive within a reasonable, specified period, the Municipality may itself perform the functions after consultation with the intermediary which consultation shall take the form of –
- (i) a reasonable opportunity to make written submissions; and

- (ii) the opportunity to attend a hearing on the matter; and

provided that the requirement for consultation may be dispensed with if there is an emergency and the circumstances justify it.

- (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, including the full environmental cost, as a result of having acted on behalf of the intermediary.
- (6) The Municipality must monitor the performance of intermediaries to ensure that –
 - (a) water services standards and norms and standards for tariffs are complied with; and
 - (b) there is compliance with any conditions set by the Municipality relating to-
 - (i) access to water services through a nominated water services provider; or
 - (ii) obtaining water for industrial use from a source other than through a nominated water services provider, or
 - (iii) obtaining approval to operate as a water services provider.

17. Responsibility For Compliance With These Bylaws And Other Laws

- (1) The owner of premises is responsible for ensuring compliance with these Bylaws in respect of all or any matters relating to any water installation, and if he or she is not the consumer and/or user, the owner is jointly and severally liable with such consumer and/or user in respect of all matters relating to the use of any water services on his or her premises, including any financial obligation.
- (2) The consumer and/or user is primarily responsible for compliance with these Bylaws in respect of matters relating to the use of any water services.
- (3) No approval given under these Bylaws relieves any owner or consumer or user, whichever may be applicable, from complying with any other law relating to the abstraction and use of water and/or treated effluent, or the disposal of effluent.

18. Unauthorised Use Of Water Services

- (1) No person, other than one on Service Level 1, shall take water from the water supply system -
 - (a) until an agreement in terms of bylaws 18 or 19 or 104 has been concluded;
 - (b) except through a connection pipe as provided in terms of bylaw 22 or from a fire installation in terms of bylaw 29.

CHAPTER 2

WATER SUPPLY SERVICES

Part 1: Application for Service

19. Application For Supply Of Water

- (1) No person, other than one on Service Level 1, may consume, abstract or be supplied with water, unless such person has applied to the Municipality on the form prescribed by the Municipality from time to time for such service, and such application has been approved.
- (2) An approved application for the use of water supply services constitutes an agreement between the Municipality and the applicant.
- (3) The applicant is regarded as the consumer for all purposes during the currency of this agreement and is liable for all the prescribed fees in respect of the rendering of water supply services until the agreement has been terminated in accordance with these Bylaws.
- (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 fee.
- (5) The application form must at least contain the following information -
 - (a) acceptance by the consumer of the provisions of these Bylaws and acceptance of liability for the cost of all water consumed until the agreement is terminated;
 - (b) name of consumer, and the consumer's 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; and
 - (g) the conditions applicable to the provision of water services or at least, a reference that these conditions may be found in the Bylaws.
- (6) The applicant must be informed if the Municipality refuses an application for the provision of water supply services, or is unable to render such water supply services on the date requested for provision of services to commence, or is unable to render the water supply 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 supply services.

- (7) The Municipality or its appointed agent may, on written notice, where permissible allocate a consumer to treated effluent supply services without the consumer making the application in terms of bylaw 103: provided that the consumer enters into an agreement with the Municipality or its appointed agent in terms of bylaw 104.

20. Agreements For Supply Of Water

- (1) No person, other than one supplied with water as part of Service Level 1, shall take water from the water supply system unless an agreement to do so in terms of bylaw 18 or 19 has been concluded with the Municipality.
- (2) The 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 covered in the usual application form; and
 - (b) outside its area of jurisdiction, if such application has also been approved by the municipality in which the applicant resides.
- (3) If the 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 for this in the special agreement, or the written permission of the Municipality to do so has been obtained.

21. Change In Purpose Of Supply

Where the purpose for, or extent to which, any municipal water supply service is changed, or required to be changed, the consumer shall advise the Municipality of the change and enter into a new water supply service agreement with the Municipality.

22. General Conditions Of Water Supply

- (1) Subject to the provisions of the Act, the supply of water by the Municipality shall not constitute an undertaking by it to maintain at any time or 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.
- (2) The Municipality may, subject to the provisions of sub-bylaw (I)(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) The municipality may place limits on the supply of water services to specified zonings in the town planning scheme.

- (4) If an owner and/or consumer should require that any uninterrupted supply, specific pressure or rate of flow or specific water quality standard is maintained on his or her premises, the owner and/or consumer shall make his or her own provision in the water installation for such operation and shall undertake regular maintenance thereof.
- (5) The Municipality may, in an emergency, interrupt the supply of water to any premises without prior notice, provided that if there is any interruption of services for longer than 24 hours, the Municipality must ensure alternative access to at least 10 litres of water per day and sufficient sanitation for health purposes.
- (6) Subject to sub-bylaw (4), once the Municipality has been informed of the presence of any leaks by any person, the Municipality shall repair these within 24 hours of becoming aware of them.
- (7) If in the opinion of the Municipality the consumption of water by a consumer adversely affects the supply of water to another consumer/s, 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 consumers.
- (8) If it is not possible to meet the requirements of all existing consumers in full, preference will be given to the supply of basic water supply and sanitation services.
- (9) The Municipality will not be liable for any damage to premises caused by water flowing from fittings left open when the water supply is reinstated, following an interruption in supply for any reason.
- (10) Every steam boiler and any premises with installations which require, for the purposes of the work undertaken on the premises, a continuous supply of water, must have a storage reservoir fitted and maintained in working order and holding a water supply deemed adequate by the owner/consumer of the premises.
- (11) No consumer may sell 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

23. Provision Of Connection Pipe

- (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 apply to the Municipality for this connection 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, the Municipality may agree to the extension subject to such conditions as it may impose.
- (3) The owner may not install his or her own connection pipes or alter any existing water installation in order to receive any water supply.

24. Location Of Connection Pipes

- (1) A connection pipe provided and installed by the 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 the 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 premises being supplied.
- (2) In reaching agreement with an owner concerning the location of a connection pipe, the Municipality shall ensure that the owner is aware of -
 - (a) practical restrictions which may exist regarding the location of a connection pipe;
 - (b) the cost implications of the various possible locations of the connection pipe;
 - (c) whether or not the Municipality requires the owner to fix the location of the connection pipe by providing a portion of the owner's water installation at or outside the boundary of the owner's 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.

25. Interconnection Between Premises

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

26. Provision Of Single Water Connection For Supply To Several Consumers On Same Premises

- (1) Only one connection pipe to the water supply system may be provided for the supply of water to any premises, irrespective of the number of accommodation units, commercial units or consumers located on such premises.
- (2) Where the owner, or the person having charge or management of any premises on which several accommodation units, commercial 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 provided such device is on the street boundary.
- (3) Where the Municipality has installed a single measuring device as contemplated in sub-bylaw (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
 - (b) 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 sub-bylaw (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, duets provided, that such connections are separately metered and provided on the street boundary.
 - (5) Where the provision of more than one connection pipe is authorised by the Municipality in terms of sub-bylaw (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 the owner's water installation accordingly at the owner's expense.

27. Restriction Or Cutting-Off Of Supply

- (1) Without prejudice to any other right it may have, the Municipality may, if a consumer has -
 - (a) failed to pay a sum due to it in terms of these Bylaws; or
 - (b) committed a breach of these Bylaws and has failed to rectify such breach within the period specified in a written compliance notice served on the consumer;

act against such a consumer in terms of these Bylaws, the Municipality's Credit Management Bylaws or other applicable legislation, provided that the Municipality is not absolved from its duty to provide basic water supply services to all within its area.
- (2) If, in the opinion of the Municipality, action is necessary as a matter of urgency to prevent waste of water, damage to premises or water installations, 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, provided that –
 - (i) such action is reasonable in the circumstances, and
 - (ii) if there is any interruption of services for longer than 24 hours, the Municipality shall ensure alternative access to at least 10 litres of water per day.

- (3) (a) The Municipality may cut off a person's water supply immediately and without notice in circumstances where any tampering, (such as where the water supply has been interfered with or the meter bypassed), has occurred and the manner of disconnection may be such that no further water supply at those premises is possible.
- (b) Any person who tampers with the water supply will be dealt with in the following manner:
 - (i) First Tampering Offence:
 - (aa) Supply will be isolated at point of supply.
 - (bb) Written notification will be given to the consumer informing the consumer of isolation, as well as the fees due in respect of the tampering fee for a first offence, and the calculated amounts.
 - (cc) The Municipality will only re-instate services after the required amounts mentioned in the notification have been paid,
 - (ii) Second Tampering Offence:
 - (aa) In instances of a second tampering offence, the Municipality may immediately disconnect the service supply and remove pipes and the meter.
 - (bb) A written notification will be sent to the consumer informing the consumer 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 for debt collection.
 - (cc) A written notification will also be sent to the owner of the premises 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:
 - (dd) A written application for reconnection of the supply, including a motivation, has been received and approved by the Municipality.
 - (ee) The fee for a new connection, including the pipe cost, (as well as any other outstanding water supply related costs) has been paid.
 - (c) In addition to the provisions dealing with tampering in this sub-bylaw the Municipality may enforce any other rights or exercise any power conferred upon it by the Act, these Bylaws and any other applicable legislation.

28. Disconnection Of Water Supply

- (1) The Municipality may, at the written request of a consumer, disconnect the supply of water to the consumer's premises on a date specified by the consumer and reconnection may only take place thereafter if -

- (a) the consumer has requested reconnection from a specified date in writing; and
 - (b) has, prior to the restoration of the water supply, paid the actual cost plus 10% (ten percent) for the cutting-off of the supply of water, and for its restoration.
- (2) The Municipality may of its own accord, 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 bylaw 13 and it has not received an application for a subsequent supply of water to the premises served by the pipe within a period of 90 (ninety) days of such termination; or
 - (b) the building on the premises concerned has been demolished.

29. Water Supplied From A Fire Installation

- (1) The Municipality may permit a temporary supply of water to be taken from one or more fire installations specified by it.
- (2) A person who desires a temporary supply of water from a specified fire installation shall apply on the form and in the manner prescribed in bylaw 18(1) and subject to such additional conditions as may be prescribed by the Municipality.
- (3) The Municipality may, subject to any conditions it deems fit, for purposes of supplying water from a fire installation, provide a portable water meter to be used and 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 fire installation shall remain the property of the Municipality.

Part 3: Measuring water supplied

30. Metering Requirements

- (1) All water supplied to a consumer by the Municipality at Service Level 3 and, if applicable, also at Service Level 2, shall pass through a meter or other suitable water volume measuring device.
- (2) If a dwelling, building or irrigation system is constructed or installed after 8 June 2001 (the date of promulgation of the Regulations relating to Compulsory National Standards and Measures to Conserve Water (GN R509 of 8 June 2001)), a suitable water volume measuring device or volume controlling device must be fitted to separately measure or control the water supply to every-
 - (a) individual dwelling within a new sectional title development, group housing development or apartment building;
 - (b) individual building, having a maximum designed flow rate exceeding 60 litres per minute within any commercial or institutional complex; and
 - (c) irrigation system with a maximum designed flow rate exceeding 60 litres per minute that uses water supplied by a water services institution.

- (3) Water services supply institutions other than the Municipality, supplying water to water consumers shall, when required to do so by the Municipality, in respect of each calendar month or, alternatively, for each 30 (thirty) day meeting cycle, report to the Municipality the amount of water provided to such consumer.
- (4) A water services supply institution shall, when required to do so by the Municipality, report to the Municipality the amount of water withdrawn from a water resource, during a calendar month or alternatively during a prescribed 30 (thirty) day period.
- (5) A meter referred to in sub-bylaw (1) must comply with the Trade Metrology Act 1973 (Act 77 of 1973), if it is of a size regulated under that Act.
- (6) Any meter 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.
- (7)
 - (a) The Municipality may install a meter, (together with its associated apparatus), serving a water installation at any point in the installation; and
 - (b) if the Municipality installs a meter in a water installation in terms of paragraph (a), it may install a bylaw of pipe and associated fittings between the end of its connection pipe and the meter, and such bylaw shall be deemed to form part of the water installation.
- (8) If the Municipality installs a meter (together with its associated apparatus) in a water installation in terms of sub-bylaw (7), 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;
 - (e) keep the meter clean, accessible, free from debris and prevent the meter being overgrown by grass or plants; and
 - (f) 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.
- (9) No person other than an authorised 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.

- (10) If the Municipality considers that the size of a meter is unsuitable for 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.

31. Quantification Of Water Supplied

- (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 the Municipality were correctly made.
- (2) If water is supplied to, or taken by, a consumer 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 bylaw 30(5) occurs, the Municipality, may for the purposes of rendering an account, make an estimate, in accordance with sub-bylaw (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 sub-bylaw (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 (one hundred and eighty) days in total, after the date on which the irregularity referred to in sub-bylaw (2) was discovered and rectified; and /or
 - (b) the period preceding the date referred to in sub-bylaw (2) but not exceeding 36 (thirty six) months.

32. Defective Meters

- (1) If a consumer has reason to believe that a meter, used for measuring water, which was supplied to the consumer by the Municipality, is defective, the consumer may, against payment of the prescribed fee, make application in writing for the meter to be tested.
- (2) The prescribed fee referred to in sub-bylaw (1) shall be -
- (a) retained by the Municipality if the meter is found in terms of sub-bylaw (3) or (4) not to be defective; or
 - (b) refunded to the applicant if the meter is found in terms of those sub-bylaws to be defective.

- (3) A meter to which the regulations relating to water meters published under the Trade Metrology Act, 1973 (Act No 77 of 1973) are applicable shall be deemed to be defective if, when tested in accordance with SANS 1529-1: 2003, 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 sub-bylaw (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 % (five percent) when tested between 20% (twenty percent) and 75% (seventy-five percent) of its designed maximum rate of flow.
- (5) In addition to applying the provisions of sub-bylaw (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 bylaw 30(5) has been contravened;
 - (b) determine the quantity of water supply services for which the consumer will be charged on the basis set out in bylaw 33.
- (6) Any meter removed by the Municipality for testing must be retained intact and must be available for a period of 3 (three) months after testing.

33. Adjustment Of Quantity Of Water Supplied Through Defective Meter

- (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 the consumer over -
 - (a) a period between 2 (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 3 (three) successive measurements prior to the meter becoming defective.
- (2) (a) If the quantity of water supplied to a consumer during the period when the consumer's meter was defective cannot be estimated in terms of sub-bylaw (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 the consumer as contemplated in sub-bylaws (1) and (2), and given the opportunity to make representations within 14 (fourteen) days to the Municipality before a final estimate is arrived at.

34. Special Meter Reading At Request Of Consumer

The Municipality must, on receipt from the consumer of a written notice of not less than 7 (seven) days and subject to payment of any fee that may be prescribed for rendering this special service, read a meter at a time or on a day other than that upon which it would normally be read.

35. Special Measurement by Municipality

- (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 sub-bylaw (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 bylaws 30(4) and 30(5) shall apply insofar as they may be applicable in respect of a meter installed in terms of sub-bylaw (1).

Part 4: Payment and accounts

36. Payment For Water Supplied

All water supplied by the Municipality must be paid for by the consumer in accordance with bylaw 10 of these Bylaws.

37. Water Accounts

- (1) The Municipality shall, barring circumstances referred to in bylaw 33, show on each metered water account rendered to a consumer the actual meter readings in kilolitres, together with the dates of the readings and the total amount due in Rands.
- (2) If a water installation on any premises is defective and water is wasted, a consumer shall not be entitled to a reduction of the amount payable for water services from the Municipality

38. Charges Other Than For Water Supplied

- (1) The Municipality may, in addition to fees for the amount of water supplied prescribe and levy any of the following fees:
 - (a) a fee payable by the consumer in respect of each connection pipe or meter provided by the Municipality to serve the premises occupied by the consumer, whether or not water has been supplied to the consumer, the fee being due from the date referred to in the water services application and such fee shall not be based on any quantity of water consumed;
 - (b) a fee prescribed by the Municipality to promote or achieve the conservation of water, provided that such fee is in substantial compliance with any national norms and standards that may be prescribed in that regard;

- (c) a fee prescribed by the Municipality for any fire extinguishing installation or appliance used or installed at any premises, which fee the consumer and the owner of the premises are jointly and severally liable to pay.

Part 5: Municipal approval for work and use of pipes and fittings

39. Approval Of Installation Work

- (1) If an owner wishes to have installation work done, the owner 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 part of an activity that requires environmental authorization in terms of NEMA, the owner must ensure that such authorisation is obtained before the installation work commences.
- (3) Application for the approval referred to in sub-bylaw (1) shall be made on the form prescribed by the Municipality 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 the relevant clause of SANS 10252-1:2004; or
 - (c) a certificate from a person approved by the Municipality certifying that the installation has been designed in accordance with SANS 10252-1: 2004 or has been designed on a basis approved by the Municipality.
- (4) The provisions of sub-bylaws (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 sub-bylaw (1) shall lapse at the expiry of a period of 24 (twenty-four) 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 sub-bylaw (1).
- (7) If installation work has been done in contravention of sub-bylaws (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 Bylaws and to take all other reasonable steps to remediate the receiving environment, while also bearing the full environmental cost thereof.

40. Persons Permitted To Do Installation Work

- (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 sub-bylaw (1).
 - (3) The provisions of sub-bylaw (1) shall not apply to a person acting in the scope of that person's employment with a registered plumber or a registered contractor.
 - (4) Notwithstanding the provisions of sub-bylaw (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 sub-bylaw (1), may continue to do such work for a period not exceeding 12 (twelve) months after these Bylaws became effective.
 - (5) Notwithstanding the provisions of sub-bylaw (1), the Municipality may permit a person who is not a registered plumber or a registered contractor to do installation work on that person's own behalf on domestic premises owned and occupied solely by that person and that person's 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.

41. Provision And Maintenance Of Water Installation

- (1) An owner must provide and maintain a water installation at the owner's own cost and must ensure that the installation is situated within the boundary of the owner's premises, except -
 - (a) in the case of a connection to a connection pipe; or
 - (b) where permitted in terms of bylaw 24(2)(c).
- (2) Before doing work in connection with the maintenance of a portion of the owner's water installation which is situated outside the boundary of the owner's 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.

42. Technical Requirements For Water Installation

- (1) Notwithstanding the requirement that a certificate be issued in terms of bylaw 39(3)(c), all water installations shall comply with SANS 10252-1: 2004 -Water supply and Drainage for Buildings and all fixed electric storage water heaters shall comply with SANS 10254: 2004 -The Installation of Fixed Electric Storage Water Heating Systems, or any similar substituting standard or amendment thereof provided the consumer installation is of a type regulated by either standard;

- (2) In addition to any requirement of SANS 10252-1: 2004, the consumer must at the consumer's own expense, or the Municipality may in its discretion 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.
- (3) Any water reticulation system installed after June 2001 must operate below a maximum pressure of 900 kPa, provided that where water pressure could rise above 900 kPa, the Municipality must install a pressure control device.

43. Requirements For Use Of Pipes And Fittings.

- (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 Municipality's Schedule of Approved Pipes and Fittings.
- (2) A pipe or water fitting may be included in the Schedule referred to in sub-bylaw (1) if -
 - (a) it bears the standardisation mark of the SABS in respect of the relevant SANS specification issued by the SABS; or
 - (b) it bears a certification mark issued by the SABS to certify that the pipe or water fitting complies with a SANS specification or a provisional specification issued by the SABS, provided that no certification marks shall be issued for a period exceeding two years; or
 - (c) it complies with the JASWIC standards.
- (3) The 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 sub-bylaw (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.

44. Labeling Of Terminal Water Fittings And Appliances

- (1) 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 (twenty) kPa
 - (ii) 100 (one hundred) kPa
 - (iii) 400 (four hundred) kPa

45. Unlawful Water Installation

Where any installation work has been undertaken in contravention of the requirements of these Bylaws, the owner and/or consumer must on receiving a compliance notice by the Municipality carry out such alterations to the installation as may be prescribed in the notice.

46. Pipe In Street Or Public Place

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.

47. Special Provision For Fire Services

- (1) Any water installation for the provision of water for fire fighting purposes, must comply with the provisions of SANS 10252-1: 2004 and SANS 10400: 1990 - Part T, Fire-Fighting Systems, or any revision or substitution thereof.
- (2) Notwithstanding the provisions of sub-bylaw (1), the special provisions contained in bylaw 47 to 56 inclusive apply, insofar as they are applicable, to the supply of water for firefighting purposes.

48. Dual And Combined Installations

- (1) Any new building erected after the adoption of these Bylaws must comply with the following requirements in relation to the provision of fire extinguishing services -
 - (a) if, in the opinion of any authorised official 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 (2), a fire hydrant must be provided by the Municipality, at the consumer's expense, within 90 (ninety) metres of the premises 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 (one thousand and fifteen) kPa, which could be expected when boosting takes place and must be designed to maintain their integrity when exposed to fire conditions.

49. Connection Pipe For Fire Extinguishing Services

- (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 must provide and install a meter on the connection pipe referred to in sub-bylaw (1), at the cost of the owner of the premises.
- (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 sub-bylaw (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.

50. Valves In Connection Pipe

- (1) Every connection pipe must be fitted with a proper gate valve, which must be -
 - (a) supplied by the Municipality at the expense of the owner;
 - (b) installed between the owner's premises and the main; and
 - (c) installed in such position as may be specified by the Municipality.

51. Inspection And Approval Of Fire Installation

- (1) No water may be supplied to any fire 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 these Bylaws; and
 - (c) the fees required by the Municipality for such inspection and testing have been paid.

52. Connection At The Pleasure Of The Municipality

- (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 bylaw 49(3) or 49(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.

53. Meter In Fire Installation

The Municipality must 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.

54. Sprinkler Extinguishing Installation

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

55. Header Tank Or Double Supply From Main

- (1) Unless a sprinkler installation is provided with a duplicate or reserve supply from a separate main, the consumer must install a header tank on or in the building or structure at such elevation as will compensate for any failure or reduction of pressure in the Municipality's main.
- (2) 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 backflow preventer 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 backflow preventer situated within the premises.

56. Sealing Of Private Fire Hydrant

- (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 (forty-eight) hours' notice of the owner or consumer's intention to cause a fire extinguishing installation to be tested.

- (2) The cost of resealing a hydrant and hose-reel referred to in sub-bylaw l(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 sub-bylaw (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.
- (4) The quantity of water consumed as contemplated in sub-bylaw (3), must be determined by the Municipality.

Part 6: Water conservation and prevention of pollution

57. Waste Of Water

- (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;
 - (e) an inefficient use of water to persist; or
 - (f) any major, visible leak to remain unreported.
- (2) Unless otherwise authorised (such as where permission from the Municipality has been obtained to store and use the run-off from roofs) any seepage, run-off or water containing waste must be returned to the water resource from which the water was taken.
- (3) An owner shall repair or replace any part of the owner's water installation which is in such a state of disrepair that it is either causing or is likely to cause an occurrence listed in sub-bylaw (1).
- (4) If an owner fails to take measures as contemplated in sub-bylaw (2), the Municipality shall, by written notice, require the owner to comply with the provisions of sub-bylaw (1).
- (5) If an owner fails to comply with the notice referred to in sub-bylaw (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.
- (6)
 - (a) A consumer shall ensure that any equipment or plant connected to the consumer's 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.

58. Vehicle Washing Facilities

- (1) All commercial vehicle washing facilities shall be constructed and operated in such a manner that 50 % (fifty percent) of the water used by such facility is recycled for re-use in the vehicle washing process,
 - (2) All effluent, including re-used effluent must be disposed to the sewer in compliance with the provisions of the National Building Regulations.
 - (3) No vehicle washing facility may commence operations after the promulgation of these Bylaws, without approval from an authorised official of the Municipality.
 - (4) Application for approval to operate a vehicle washing facility must be made in the prescribed manner and on the prescribed form.
- (4) Non-compliance with this bylaw may result in any authorization being revoked and/or the imposition of a fine, as may be determined by the Municipality.

59. Grey Water Practices

- (1) Grey water, excluding grey water that may contain food particles, may be used at the premises where it is generated provided that:
 - (a) such use shall not pose a health risk; and
 - (b) such water may only be discharged after re-use, to the sewer.

60. Equipment Specification To Facilitate Water Conservation

- (1) No cistern, and related pan designed to operate with such cistern, shall be installed with a cistern capacity of greater than 6 (six) 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 (two hundred) 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 (ten) litres per minute shall be installed.
- (4) The maximum flow rate from any tap installed on a wash hand basin shall not exceed 6 (six) litres per minute.
- (5) The prescribed cistern capacity, maximum flow rate of a shower head and the maximum flow rate from a tap on a hand basin in sub-bylaws (1), (3) and (4), shall be adjusted from time to time according to the requirements of the national Building Regulations, as amended.

61. Water Demand Management

- (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, provided that the Municipality may by notice determine a different period of time or part of year within which watering is prohibited, depending upon the demands of water resource management.
- (2) Any person who contravenes or fails to comply with sub-bylaw (1) shall be guilty of an offence and liable in addition to penalties prescribed in the National Water Act, or any other applicable legislation.

62. Water Restrictions

- (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 sub-bylaw (1) to specified areas and classes of consumers, 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 consumer at the consumer's 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 notice published in terms of sub-bylaw (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 sub-bylaw (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 bylaw 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 sub-bylaw (1).

63. Consumer To Prevent Pollution Of Potable Water

- (1) A consumer 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 the consumer's premises.
- (2) If any person contravenes sub-bylaw (1), the Municipality may:
 - (a) by written notice require the consumer to cease the activity and to take specified remedial steps to prevent pollution of the water in the water supply system or water installation on the consumer's 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 sub-bylaw 2(a) and recover the costs, from the consumer.

64. Protection Of Water Supply System And Installation

- (1) The owner must take any of the measures referred to in sub-bylaw (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;
 - (viii) mortuaries;
 - (ix) abattoirs;
 - (x) sewage purification works;
 - (xi) refuse processing plants;
 - (xii) oil processing and storage facilities;
 - (xiii) wineries, distillers, breweries, yeast and cold drink factories;
 - (xiv) sports facilities; or
 - (xv) 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
- (c) a general installation on any premises after a compliance notice by the Municipality to do so.
- (2) The measures required in terms of sub-bylaw (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 a 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 the owner's 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

65. Use Of Water From Source Other Than Water Supply System

- (1) No person shall use or permit the use of water obtained from a source other than the Municipality's water supply system for domestic, commercial or industrial purposes, except water from rain water tanks which are not connected to the water installation, except with the prior consent of the Municipality and in accordance with such conditions as it may impose.
- (2) Any person desiring the consent referred to in sub-bylaw (1) shall provide the Municipality with satisfactory evidence to the effect that the water referred to in that sub-bylaw complies, whether as a result of treatment or otherwise, with the requirements of SANS 241: 2001 - Drinking Water (or any succeeding version of the standard), or that the use of such water does not or will not constitute a danger to health.
- (3) Any consent given in terms of sub-bylaw (1) may be withdrawn if, in the opinion of the Municipality -
 - (a) a condition imposed in terms of sub-bylaw (1) is breached; or
 - (b) the water no longer conforms to the requirements referred to in sub-bylaw (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 the Municipality's sewerage system, the 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 bylaw 30 shall apply insofar as they may be applicable in respect of the meter referred to in sub-bylaw (4).

66. Boreholes

- (1) The owner of any premises within the municipal area upon which a borehole exists or, if the owner is not in occupation of such premises, the occupier thereof, shall notify the Municipality in writing of the existence of a borehole on such premises and provide the Municipality with such information in respect thereof as it may require.
- (2) The sinking of a new borehole or the rehabilitation of an existing borehole with the intention to use it as a borehole, is only allowed above the 50m (fifty metre) mean sea level contour line.
- (3) Notwithstanding sub-bylaw (2) the sinking of boreholes below the 50m (fifty metre) mean sea level contour line may in the Municipality's discretion be authorised on conditions deemed necessary by the Municipality, for research or monitoring purposes. A written application must be submitted to the Municipality for its approval prior to the commencement of any work in connection therewith.

67. Sampling Of Water

- (1) The 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 of the National Water Act.
- (2) The prescribed charge for the taking and testing of the samples referred to in bylaw (1) shall be paid by the person to whom consent to use the water was granted in terms of the National Water Act.

68. Supply Of Non-Potable Water By The Municipality

- (1) The Municipality may on application in terms of bylaw 18, agree to supply non-potable water to a consumer (excluding residential premises) subject to such terms and conditions as the Municipality may impose.
- (2) Any supply of water agreed to in terms of sub-bylaw (1) shall not be used for any purposes which, in the opinion of the 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 the consumer 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.

69. Testing Of Pressure In System

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

70. Warning Notices

- (1) At 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) Where the use of treated sewage effluent has been authorised by the relevant competent authorities, prior to the commencement of such use, 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 sub-bylaws (1) and (2) shall be as provided for in terms of the language requirements of section 21 of the Local Government: Municipal Systems Act 32 of 2000 and shall include the symbolic sign for non-potable water, the sign PV5 as described in SANS 1186-1: 2003, or any succeeding version of the standard.

71. Water Audit

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

CHAPTER 3

SANITATION SERVICES

Part 1: Disposal of sewage

72. Discharge To Sewage Disposal System

No person shall discharge any sewage in any manner into the sewage disposal system unless he or she has made an application to the Municipality to authorise the discharge has been made and the application has been accepted, provided also, that any discharge is subject to any conditions that may have been imposed by the Municipality.

73. Objectionable Discharges

- (1) No person shall cause or permit any solid, liquid or gaseous substance other than uncontaminated storm water to enter: -

- (a) any storm water system or excavated or constructed watercourse; or
 - (b) any watercourse, whether ordinarily dry or otherwise, except in accordance with the provisions of the National Water Act; or
 - (c) any street or premises
- (2) No person shall, other than in compliance with the conditions of any permissions issued in terms of these Bylaws, discharge, or permit the discharge or entry into the sewage disposal system of any sewage or toxic substance -
- (a) which does not as a minimum, comply with the standards and criteria prescribed in the Schedules to these Bylaws 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 water resource, any offensive or otherwise undesirable taste, colour or odour or any foam;
 - (c) which is of such a level of toxicity that it may adversely affect any waste water treatment works or sea outfall pipeline;
 - (d) 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;
 - (e) 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 treatment processes in use at such works;
 - (f) 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) No person shall cause or permit any medical waste to enter the sewage disposal system.
- (5) If any unauthorised entry in terms of sub-bylaws (1), (2), (3) and (4) occurs, an authorised official may, by written notice, demand that certain prescribed steps are taken to cease or contain the illegal discharge.
- (6) An authorised official may, by written notice, order the owner or occupier to conduct, at his or her own cost, periodic expert inspections of the premises and analyses of any effluent discharges, to identify any precautionary measures which should be taken would ensure compliance with these Bylaws and to report such findings to an authorised official.
- (7) If any person becomes aware of any contravention of these Bylaws, such person shall immediately report such contravention to the Municipality.
- (8) In circumstances where a polluting discharge is authorised, and the permitted standards have not been exceeded, every person must nevertheless take all reasonable measures as prescribed by section 28 of NEMA to minimize the level and extent of pollution.

74. Application For Use Of Sewage Disposal System

- (1) Any person who desires to be connected to the sewage disposal system must submit an application to the Municipality on the prescribed form accompanied by such information as set out in bylaw 74(2) and any additional information that the Municipality may require from time to time.
- (2) The application form must at least contain the following information -
 - (a) acceptance by the user of the provisions of these Bylaws and acceptance of liability for the cost of all sanitation services used until the agreement is terminated;
 - (b) name of user, and the user's identity or registration number, where applicable;
 - (c) address or stand number of the premises at which the sanitation service is to be provided, or on which a communal sewer connection is used;
 - (d) address to which accounts must be sent;
 - (e) the agreed date on which the sanitation service shall be provided.
- (3) The approval of an application referred to in sub-bylaw (1) shall constitute an agreement between the Municipality and that person.
- (4) After approval of the application the applicant referred to in sub-bylaw (1) shall be liable for all the prescribed fees in respect of the use of the sewage disposal system in accordance with these Bylaws.
- (5) Where premises have been connected to the sewage disposal system or are reasonably capable of being so connected, the owner shall be liable for compliance with these Bylaws.

75. Special Agreements For Disposal Of Sewage

- (1) The Municipality may enter into a special agreement for the disposal of sewage with -
 - (a) a person within the Municipality's area of jurisdiction, if the disposal necessitates the imposition of conditions not contained in these Bylaws.
 - (b) a person outside the Municipality's area of jurisdiction.
- (2) If the Municipality, in terms of a special agreement contemplated in sub-bylaw (1), provides a means of disposal of sewage to a person outside the Municipality's area of jurisdiction, it may permit that person 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.

76. Application For Infrastructure

- (1) If an agreement for on-site sanitation and associated services in accordance with bylaw 75 has been concluded, and no infrastructure in connection therewith exists on the

premises, the owner must immediately make written application for the installation thereof 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.

77. Septic Tank, Treatment Plant And French Drain

- (1) No person may without the prior written permission of the Municipality construct, install, maintain or operate any septic tank, French drain, soak pit or other plant for the treatment, disposal or storage of sewage, if a sewage disposal system and/or connection to sewer is available.
- (2) The permission referred to in sub-bylaw (1) is subject to the provisions of these Bylaws, any other relevant Bylaws of the Municipality, or any other applicable law.

78. Conservancy Tank

- (1) The Municipality may when no sewage disposal system is available, 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.
- (2) Where there is already a conservancy tank on the premises, the owner must notify the Municipality of its existence.

79. Ventilated Improved Pit Latrine

- (1) The Municipality may at its discretion and on such conditions as it may prescribe, taking into regard the nature and permeability of the soil, the depth of the water table, the size of and access to the site and the availability of a piped water supply and any other factors which may have the potential to cause harm to the environment if approval is granted, 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.
- (2) No person shall cause or permit any disposal of water into a ventilated improved pit latrine.

80. Services Associated With On-Site Sanitation Services

The removal or collection of conservancy tank contents, night soil or the emptying of pits must be undertaken by the owner or an approved service provider and the onus of managing this task rests on the owner.

81. Provision Of A Connecting Sewer

- (1) If application has been made in accordance with bylaw 74 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 the Municipality for the installation of such a connecting sewer and pay the prescribed fee.
- (2) If an application is made for use of the sewage disposal system to 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 including the option of an additional fee.
- (3) An authorised official may at the request of any person agree, subject to such conditions as the authorised official 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 the applicant's 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 (one) 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 sub-bylaw (3) applies, at the connecting point designated in terms of that sub-bylaw; and
 - (c) be of a size determined by an authorised official.

82. Construction Of Drainage Installation

Any drainage installation must comply with SANS 10400: 1990 - Part P: Drainage, or any amendments thereto.

83. Use Of Pipes And Fittings In Drainage Installation To Be Authorised

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 bylaw 43.

84. Approval Of Drainage Work

- (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 sub-bylaw (1) for which permission has been given in terms of these Bylaws, may be commenced until after the expiration of 2 (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.

85. Interconnection Between Premises

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

86. Acceptance Of Sewage Delivered By Road Haulage

- (1) An authorised official may, subject to such conditions as the authorised official may specify, accept sewage for disposal delivered to the Municipality's facilities by road haulage.
- (2) No person shall discharge sewage into the Municipality's facilities by road haulage, unless he or she has made an application to the Municipality to authorize the discharge and the application has been accepted, provided also, that any discharge is subject to any conditions that may have been imposed by the Municipality and in accordance with the written permission of an authorized official.
- (3) If, in the opinion of the authorised official, the capacity of the sewage disposal system is sufficient to permit the conveyance, effective treatment and lawful disposal of the industrial effluent, the authorised official may, for such period and subject to such conditions as the authorised official may impose, grant written permission in terms of sub-bylaw (1).
- (4) A person to whom such permission is granted shall pay to the Municipality any fee (including but not limited to, any administration fee) that may be prescribed. Fees relating to the acceptance of any domestic or industrial effluent shall be calculated in accordance with Schedules B and C, subject to the proviso that such tariff or fees is reasonable in the circumstances.
- (5) The Municipality shall determine the fees for any sewage delivered as contemplated in sub-bylaw (1) for disposal to any of the Municipality's facilities according to the volume of sewage requiring disposal in terms of the prescribed tariff of fees.
- (6) The Municipality may prescribe a higher fee for the acceptance of any COD (Chemical Oxygen Demand) removal and settleable solids taken from any industrial effluent and discharged as contemplated in sub-bylaw (1) and this fee must also be included in the prescribed Tariff of Fees.
- (7) 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

- (c) no person shall off load sewage which does not comply with any standards determined in terms of these Bylaws.
- (8) An authorised official may withdraw any permission to discharge sewage delivered in terms of this bylaw 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 "B" or "C", as applicable, or in the permit; or
 - (b) fails to ensure that the sewage complies with the conditions of any permit; or
 - (c) fails or refuses to comply with any notice lawfully served on the person in terms of these Bylaws or contravenes any provisions of these Bylaws.
 - (d) fails to pay the assessed charges in respect of any sewage delivered provided that 14 (fourteen) days' notice has been given.

87. Measurement Of Quantity Of Domestic Effluent Discharged

The measurement of the quantity of domestic effluent must be determined in accordance with the formula prescribed in Schedule A.

Part 2: Industrial effluent

88. Discharge Of Industrial Effluent

- (1) No person shall discharge or cause or permit to be discharged into the sewage disposal system, unless he or she has made an application to the Municipality to authorise the discharge and the application has been accepted, provided also, that any discharge is subject to any conditions that may have been imposed by the Municipality and in accordance with the written permission of an authorised official..
- (2) If, in the opinion of the authorised official, the capacity of the sewage disposal system is sufficient to permit the conveyance, effective treatment and lawful disposal of the industrial effluent, the authorised official may, for such period and subject to such conditions as the authorised official may impose, grant written permission in terms of sub-bylaw (1).
- (3) A person to whom such permission is granted shall pay to the Municipality any fee (including but not limited to, any administration fee) that may be prescribed. Fees relating to the acceptance of any domestic or industrial effluent shall be calculated in accordance with Schedules B and C, subject to the proviso that such tariff of fees is reasonable in the circumstances.
- (4) 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 "B" and "C", which standards must at least themselves comply with any applicable national standards.

- (5) An authorised official may, (prior to the permission to discharge being granted), require the person discharging the industrial effluent to provide an independent expert analysis of the effluent at such person's own cost.

89. Relaxation Of Standards

- (1) An authorised official may relax or vary the standards prescribed in Schedules "B" or "C" provided that -
 - (a) compliance with any national standards is not affected and
 - (b) 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 "B" or "C" 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.

90. Test Samples

- (1) Test samples may be taken at any time for analysis by a duly qualified expert to ascertain whether the industrial effluent complies with the standards in Schedule B or C or with any other standard contained in any permit.
- (2) Such sampling for analysis may include analysis to determine the toxicity of the industrial effluent.
- (3) The permit holder of a permit issued in terms of sub-bylaw (1) shall provide a sampling point, to the satisfaction of the authorised official, in respect of the industrial premises concerned.
- (4) The sampling referred to in sub-bylaws (1) and (2) shall be at the cost of the owner of the industrial effluent.

91. Duties Of Permit Holder

- (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 bylaw 88(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 "B" and "C" before being discharged into the sewage disposal system;
 - (b) install such equalizing tanks, valves, pumps, appliances, meters and other equipment or technology as in the opinion of an authorised official will be necessary to control the rate and time and quality of discharge into the sewage disposal system in accordance with the conditions imposed by the authorised official;
 - (c) install for the conveyance of industrial effluent into the sewage disposal system at a given point, a drainage installation separate from the drainage installation for waste water and standard domestic effluent and may prohibit such permit holder from disposing of industrial effluent at any other point and from disposing of waste water and standard domestic effluent by means other than into a sewage disposal system;
 - (d) construct on any pipe conveying industrial effluent to any sewer, a 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 the authorised official to assess the charges due to the Municipality in terms of these Bylaws in accordance with the formula prescribed by it;
 - (f) provide adequate facilities such as level or overflow detection devices, standby equipment, overflow catch pits, or other appropriate means to prevent a discharge into the sewage disposal system which is in contravention of these Bylaws;
 - (g) cause any meter, gauge or other device installed in terms of this bylaw 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 the authorised official;
 - (h) cause industrial effluent to be analysed as often and in such manner as may be prescribed by an authorised official and provide the authorised official 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) undertake inspections at specified, regular intervals to facilitate compliance with permit conditions.

- (k) 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 shall, within 12 (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 sub-bylaw (1), shall be borne by the person to whom permission had been granted.

92. Withdrawal Of Written Permission For Disposal Of Industrial Effluent

- (1) Provided that an authorised official shall give 14 (fourteen) days' written notice, the authorised official 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 "B" and "C" of these Bylaws or in the permit;
 - (b) fails or refuses to comply with any notice lawfully served on the person in terms of these Bylaws or contravenes any provision of these Bylaws or any condition imposed upon the person in terms of any permission granted to the person; 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 sub-bylaw (1),
 - (a) and in addition to any steps prescribed in these Bylaws, on 14 (fourteen) days' written notice served on the person concerned, authorise the closing or sealing of the connecting sewer or drain of the said premises to any sewer at the cost of such a person;
 - (b) refuse to accept any further industrial effluent until the authorised official 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 Bylaws.
- (3) An authorised official may, subsequent to a drain or connecting sewer having been closed or sealed in terms of sub-bylaw (2), upon being satisfied that the effluent to be discharged meets with the standards prescribed in these Bylaws and against payment of the prescribed fees, open or authorise the reopening of the connection or seal.

93. Measurement Of Quantity Of Industrial Effluent Discharged

- (1) The Municipality may install, in such position as it determines, in any drainage installation conveying industrial effluent to a sewer, any meter or gauge or other device for the purposes of ascertaining the quantity 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 bylaw, 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 and further more require the owner and/or user of the sewer to submit the readings of such meter or gauge to the Municipality on a monthly basis.
- (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.

94. Damage To Sewage Disposal System Or The Environment

- (1) If a person is discharging industrial effluent which will, if allowed to continue, seriously damage the sewage disposal system or the environment, an authorised official may immediately authorise the sealing of the sewer connection through which the industrial effluent is being discharged.
- (2) The re-opening of that connection may not be permitted until an authorised official is satisfied that the industrial effluent complies with the prescribed standards.

95. Provision Applicable To Sea Outfall Pipeline

- (1) The provisions of this chapter shall apply *mutatis mutandis* to effluent discharged into any sea outfall.
- (2) Where effluent is accepted for discharge into a sea outfall, it shall be delivered to the point of acceptance approved by an authorised official by means of a pipeline constructed and maintained by the person to whom permission to discharge had been granted, at such person's expense.
- (3) No effluent shall be accepted for discharge into a sea outfall unless it complies with the standards and criteria set out in Schedule "C".
- (4) Effluent shall not be accepted for discharge into a sea outfall unless it, whether alone or in combination with other substances, can be demonstrated to the satisfaction of an authorised official, not to:
 - (a) be toxic to marine fauna or flora;

- (b) contain any other constituents in concentrations which can create a nuisance on the beaches or in the sea, or a health hazard or which may have an adverse effect on bathing or other recreational activities;
- (c) contain any floating material;
- (d) contain any substance which may be prejudicial or injurious to the Municipality's sea outfall and associated sumps, sewers, plant and equipment or to the public;
- (e) contain any materials capable of creating a nuisance by frothing; or
- (f) contain any standard domestic effluent.

96. Maintenance Of Delivery Pipeline

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.

97. Periodic Review

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.

98. Change In Process Of Manufacture Of Materials

An authorised 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 the authorised official's permission for the continued discharge of such effluent shall be obtained.

Part 3: Sanitation: Miscellaneous

99. Damage To Sewage Disposal System

- (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 is to be performed or is being performed on land referred to in sub-bylaw (2), or on land adjacent thereto which in the opinion of an authorised official could damage or endanger the sewage disposal system the authorised official may, by notice in writing, require the person concerned not to commence, or to cease performing, the work until such time as the person has complied with the conditions specified in the notice.

100. CONSEQUENTIAL MAINTENANCE OF SEWERS

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 Bylaws 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.

101. WORK BY PRIVATE PERSONS

The Municipality or its agent s 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:

- (1) any person performing work in terms of this bylaw shall, prior to commencement of such work, lodge with an authorised official a written indemnity to the satisfaction of the authorised official 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;
- (2) where a connection is to be made with any sewer it shall be made at a point indicated by an authorised official;
- (3) 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 the person;
- (4) all work shall be performed in accordance with the requirements and to the satisfaction of an authorised official.

CHAPTER 4

TREATED EFFLUENT SUPPLY SERVICES

Part 1: Provisions relating to the supply of treated effluent

102. Unauthorised use of treated effluent

No person may use treated effluent from the water supply system—

- (a) unless an agreement referred to in bylaw 104 has been concluded;
- (b) unless his or her potable water supply has a suitable backflow preventer to the satisfaction of the authorised official installed; or

- (c) except through a metered and backflow prevented treated effluent supply point specifically installed by the Municipality or its appointed agent for the supply of treated effluent.

103. **Application for supply of treated effluent**

- (1) Treated effluent from the water supply system of the Municipality will not be supplied to premises of the consumer unless the consumer has applied to the Municipality or its appointed agent for a supply and such application has been agreed to, subject to such conditions as may be imposed by the Municipality or its appointed agent.
- (2) The Municipality or its appointed agent may take into account the volume of a daily water consumption and quality required by an applicant when considering the Applications.
- (3) The Municipality or its appointed agent may, on written notice, where permissible allocate a consumer to treated effluent supply services without the consumer making the application in terms of bylaw 103: provided that the consumer enters into an agreement with the Municipality or its appointed agent in terms of bylaw 104.
- (4) The consumer is liable for all the fees in respect of the supply of treated effluent, determined in terms of the Tariff of Charges, until the supply has been interrupted at the request of the consumer or the agreement has been terminated in accordance with this bylaw.
- (5) An application must contain at least the following information—
 - (a) a declaration that the applicant is aware of and understands the contents of the agreement;
 - (b) acceptance of liability in terms of this bylaw for the cost of the supply of treated effluent until the agreement is terminated;
 - (c) the name of the applicant and his or her identity number;
 - (d) the address or erf number of the premises to or on which treated effluent is to be supplied;
 - (e) the address where accounts must be sent;
 - (f) the purpose for which the treated effluent is to be used;
 - (g) the agreed date on which the supply of treated effluent will commence;
 - (h) the plumbing layout; and
 - (i) an undertaking by the applicant to inform the Municipality or its appointed agent of any change in regard to the provisions of (a) to (h).
- (6) Where the purpose for, or extent to which, the treated effluent applied for in sub-bylaw (3) (f) is changed, the consumer must promptly in addition to advising the Municipality of the change, enter into a new agreement with the Municipality or its appointed agent.

104. **Agreements**

- (1) All consumers of treated effluent are required to enter into an agreement with the Municipality or its appointed agent subject to the provisions of this bylaw.
- (2) The agreement contemplated in sub-bylaw (1) must include all the information referred to in bylaw 103(5) (a) to (i).

105. **Termination of agreements**

- (1) A consumer may terminate an agreement for the provision of treated effluent by giving the Municipality or its appointed agent not less than thirty (30) days' notice in writing of his or her intention to do so.
- (2) The Municipality or its appointed agent reserves its right to charge a consumer an appropriate amount including any capital costs for early termination of the agreement in circumstances where such termination is prejudicial to the Municipality or its appointed agent.
- (3) The authorised official may, by notice in writing of not less than fourteen (14) days, advise a consumer of the termination of his or her agreement for the supply of treated effluent—
 - (a) where the agreement has expired, that he or she has not made arrangements to the satisfaction of the authorised official for the continuation of the agreement; or
 - (b) where he or she has failed to comply with the provisions of this bylaw or has failed to rectify such failure following the issue of a compliance notice; or
 - (c) where he or she has failed to pay any fees due and payable in terms of the Tariff Bylaw.
- (4) The Municipality or its appointed agent may terminate an agreement for the supply of treated effluent if the premises to which such agreement relates have been vacated.

106. **Interference with the water supply system**

No person other than the Municipality or its appointed agent may effect a connection to the water supply system of the Municipality.

107. **Obstruction of access to the water supply system**

No person may prevent or restrict the access of officials of the Municipality or its appointed agent to the water supply system.

108. **Servitudes**

The consumer is responsible for obtaining at his or her cost, such servitudes over other property as may be necessary for the water supply system.

109. **Provision and position of isolating valves**

- (1) The Municipality or its appointed agent must install an isolating valve between every meter and the main.
- (2) The consumers must, at their own expense, and for their exclusive use, provide and install an isolating valve—

- (a) in the case of a meter installed on the premises, at a suitable point on their side of the meter;
 - (b) in the case of a meter installed outside the premises, at a suitable point immediately inside the boundary of their premises, provided that the authorised official may, on failure of the consumer and at the latter's expense, provide and so install an isolating valve.
- (3) No person may without the approval of the Municipality or its appointed agent tamper with the isolating valve between the meter and the main.

110. Availability and assurance of supply

- (1) The Municipality or its appointed agent ensures the supply of treated effluent but this must be construed as constituting an absolute undertaking 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;
- (2) The Municipality or its appointed agent may, for the purpose of this bylaw, with prior written notice, interrupt the supply of treated effluent.

111. Restriction or cutting-off of supply

- (1) Subject to any other right the Municipality or its appointed agent may have, the authorised official may, if a consumer has failed to pay a sum due in terms of the Tariff of Charges, by written notice inform him or her of the intention to restrict or cut off the supply of treated effluent on a specified date and to restrict or cut off such supply on or after that date.
- (2) Subject to any other right the Municipality or its appointed agent may have, the authorised official may by written notice, if the consumer has contravened this bylaw and has failed to rectify such contravention within the period specified in a written notice served on him or her requiring him or her to do so, inform him or her of the intention to restrict or cut off his supply of treated effluent on a specified date and to restrict or cut off such supply on or after that date.
- (3) The consumer must pay the fees for the cutting-off of supply and restoration of the treated effluent supply in terms of the Tariff of Charges: Provided that all such fees are paid prior to the restoration of the treated effluent supply.
- (4) The consumer whose access to treated effluent has been restricted or disconnected, who unlawfully reconnects it, must be disconnected.

112. Metering of treated effluent supplied

- (1) Treated effluent supplied to premises must pass through a meter, installed in a position determined by the Municipality or its appointed agent.
- (2) A meter and its associated apparatus provided and installed by the Municipality or its appointed agent, remains its property, and may be replaced or removed when deemed necessary by the Municipality or its appointed agent.
- (3) If the Municipality or its appointed agent installs a meter together with its associated apparatus in a treated effluent installation the consumer —
- (a) must provide an installation point approved by the authorised official;

- (b) must ensure that unrestricted access is available to it at all times;
 - (c) is responsible for its protection when situated inside the property and liable for the costs arising from damage thereto excluding damages arising from normal fair wear and tear;
 - (d) must ensure that no connection is made to the pipe in which the meter is installed, between the meter and the main;
 - (e) must make provision for the drainage of treated effluent which may be discharged from the pipe in which the meter is installed, in the course of work done by the Municipality or its appointed agent on the meter; and
 - (f) may not use, nor permit to be used, on any treated effluent installation, any fitting, machine or appliance which causes damage or is likely to cause damage to the water supply system inclusive of the meter.
- (4) Only the Municipality or its appointed agent may—
- (a) disconnect a meter and its associated apparatus from the pipe in which they are installed;
 - (b) break a seal on a meter; or
 - (c) in any other way interfere with a meter and its associated apparatus.
- (5) Any person contravening sub-bylaw (4) must pay the Municipality or its appointed agent the cost of such quantity of treated effluent as was supplied.
- (6) A consumer must, immediately upon detection of a leak in a service pipe or from the body of the meter or its associated fittings, inform the Municipality or its appointed agent.
- (7) If access to a meter is denied for reading purposes, the authorised official may—
- (a) upon written notice to the consumer, inform him or her of the intention to install at the consumer's cost, another meter;
 - (b) render an account for the quantity of treated effluent consumed at such premises as measured on the meter installed.
- (8) The consumer is liable for all costs of the water supply system and apparatus inclusive of the meter where damaged as a result of negligence or installation of incorrect fittings or appliances.

113. **Quantity of treated effluent supplied**

For the purpose of assessing the quantity of treated effluent supplied through a meter over a specific period, it must 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 the Municipality or its appointed agent were correctly made;

provided that if treated effluent is supplied or taken without its passing through a meter where tampering has occurred, the estimate by the authorised official of the quantity of such treated effluent shall be deemed to be correct.

114. Resale of treated effluent

- (1) No person who is supplied with treated effluent in terms of these Bylaws may sell such treated effluent unless—
 - (a) provision has been made thereof in an agreement referred to in bylaw 104; or
 - (b) he or she has obtained the prior written permission of the authorised official.
- (2) If the authorised official grants the permission referred to in sub-bylaw (1) (b), he or she may stipulate the maximum price, determined by Council, at which the treated effluent may be sold and impose such other conditions as he or she may deem fit.
- (3) Permission referred to in sub-bylaw (1) (b) may, due to failure to comply with the conditions imposed by the authorised official, be withdrawn at any time.

115. Estimation of quantity of treated effluent supplied to consumer through defective meter

- (1) If a meter is found to be defective, the authorised official may estimate the quantity of treated effluent supplied to the consumer concerned during the period in which such meter was defective, on the basis of the average daily quantity of treated effluent supplied over—
 - (a) a period between two successive meter readings subsequent to the replacement of the meter; or
 - (b) a period in the previous year corresponding to the period in which the meter was defective; or
 - (c) the period between three successive meter readings prior to the meter becoming defective, whichever the authorised official considers the most appropriate.
- (2) If the quantity of treated effluent supplied to a consumer during the period when the meter was defective cannot be estimated in terms of sub-bylaw (1), the authorised official may estimate the quantity on any basis that is available.
- (3) The consumer must be informed of the method used by the authorised official to estimate the quantity of treated effluent supplied to him or her, as contemplated in sub-bylaws (1) and (2).

116. Special Measurement

- (1) If the authorised official requires, for purposes other than charging for treated effluent consumed, to ascertain the quantity of treated effluent which is used in a part of a treated effluent installation, may, by written notice, advise the consumer concerned of his or her intention to install a measuring device at any point in the treated effluent installation that he or she may specify.
- (2) The installation and removal of a measuring device referred to in sub-bylaw (1) will be carried out at the expense of the Municipality or its appointed agent.
- (3) The provisions of bylaws 112(3)(b) and 113(b) apply, insofar as they may be applicable, in respect of a measuring device that has been installed in terms of sub bylaw (1).

- (4) The Municipality or its appointed agent may on receipt of a written notice from the consumer and subject to arrangement of payment of the relevant prescribed charge for treated effluent meters, read the meter to ascertain the quantity of treated effluent supplied at a time, or on a day, other than upon which the meter would normally be read.

Part 2: General Treated Effluent Installation Requirements

117. Provision and maintenance of treated effluent installations

- (1) A consumer must provide and maintain the treated effluent installation at own cost and, except in the case of a connection to a communication pipe, must ensure that the installation is within the boundary of the premises.
- (2) Before work is commenced in connection with the maintenance of a portion of the treated effluent installation which is situated outside the boundary of the premises, a consumer must obtain the written consent of the authorised official or the owner of the land on which such portion is situated, as the case may be.

118. Accepted pipes and treated effluent fittings

- (1) No person may install or use a pipe or treated effluent fitting in a treated effluent installation unless it complies with Schedule 1.
- (2) Notwithstanding the provision of sub-bylaw (1), the authorised official may for a specific use in a specific installation, permit the installation or use of a pipe or treated effluent fitting which is not included in Schedule 1.
- (3) The authorised official may, in respect of any pipe or treated effluent fitting included in Schedule 1, impose such conditions as he or she may deem necessary in respect of the use or method of installation thereof.
- (4) The authorised official may at any time remove a pipe or treated effluent fitting from Schedule 1 if the pipe or treated effluent fitting no longer suitable for the purpose for which its use was accepted or included.

119. Signage

- (1) An owner of premises on which treated effluent water is used, must ensure that every terminal water fitting and every appliance which supplies or uses the water is clearly marked with a weatherproof notice indicating that such water is unsuitable for domestic purposes.
- (2) In an area where treated effluent is used, the consumer shall erect weatherproof notices in prominent positions warning that such water is not suitable for domestic purposes.
- (3) Every warning notice prescribed in terms of sub-bylaws (1) and (2) must be in the three official languages (IsiZulu, English and Afrikaans) used in the Municipality.
- (4) Signage must comply with the minimum standard set in the signage of the Municipality -

- (5) Prominent notices indicating that treated effluent water is being used is to be erected in a position clearly visible from a public thoroughfare, at positions determined by the Municipality or its appointed agent.
- (6) The authorised official may, subject to national legislation or any other law, issue revised or new signage applicable in terms of this bylaw.

120. **Design criteria for treated effluent installations**

- (1) A consumer must ensure that—
 - (a) treated effluent installations comply with SANS 10252: 2004 Part 1, or as it may be amended; and
 - (b) no interconnection between treated effluent and potable water supplies exist.
- (3) If a pipe or treated effluent fitting of a particular type is unsuitable for use in a particular situation or any connection between treated effluent and potable water supplies are made, the authorised official may by written notice to the owner—
 - (a) prohibit the use thereof; or
 - (b) require acceptable protective measures to be applied.
- (4) No person may connect to a treated effluent installation a treated effluent fitting or apparatus which causes or is likely to cause damage to the treated effluent supply system or another water installation as a result of pressure surges.
- (5) Premises that require feeds from both the treated effluent and potable supply schemes must comply with the following minimum standard—
 - (a) Where both treated effluent and potable supply is to feed into a storage tank with separate lines without connection—
 - (i) the feeds should be into the top of such a storage tank and close with manual or float ball valves;
 - (ii) the potable supply pipe must pass over the rim of the tank, not through the sidewall and end at least 100mm above the top of the maximum possible water level in the tank to ensure an air gap is always present and no feedback is possible; and
 - (iii) distribution from the tank can then take place with a pump or other reticulation system.
 - (b) Feed into an irrigation system or other distribution may take place through a switchover chamber that allows only one connection at a time through a flexible hose installation.
 - (c) The flexible hose installation referred to in paragraph (b) shall include the following safety systems—

- (i) the connection of the flexible hose to the discharge or downstream side shall be fixed and unremovable;
 - (ii) a vacuum break air valve shall be installed on the discharge or downstream side; and
 - (iii) the covers to the chamber shall be lockable for controlled access.
- (6) The connection details of the chosen standard as described in sub-bylaw (5) must be submitted to the Municipality or its appointed agent for approval and the approved copy will form part of the signed agreement in bylaw 104.
- (7) Any consumer with both a treated effluent and a potable water supply on the premises, must install a Reduced Pressure Zone Backflow Preventer (RPZ) in accordance with SANS 10252-1: 2004 Part 1 in all the potable water supply points entering the premises, downstream of his or her isolating valve which is situated downstream of the water meter.
- (8) The treated effluent tracer of the Municipality or its appointed agent with text and SABS non-potable sign must be installed—
 - (a) for the full length of all pipelines, including all distribution lines within the property;
 - (b) directly over the pipeline; and
 - (c) at a depth not greater than 500mm below ground level.
- (9) All pipelines must be painted orange and suitably designated.

Part 3: Water Quality

121. Disclaimer in respect of treated effluent quality

- (1) The Municipality or its appointed agent will ensure the quality of treated effluent is at the reasonable acceptable level of a treated effluent. It however does not warrant, expressly or impliedly, the purity of any treated effluent supplied by it or its suitability for the purpose for which the supply was granted beyond the reasonable acceptable level.
- (2) The quality of the treated effluent may vary and the consumer must take this into account.
- (3) The use of treated effluent is entirely at the risk of the consumer and the Municipality or its appointed agent is not liable for any consequential damage or loss arising directly or indirectly therefrom.

Part 4: Disposal of Industrial Effluent

122. Exclusive right

- (1) The Municipality has exclusive right to give permission for disposal of industrial effluent, which must be applied for in terms of bylaw 88 of the Municipality's Water Services Bylaws (2010).
- (2) No person may enter into an agreement the subject of which is the disposal of industrial effluent without first obtaining prior written permission from the Municipality.
- (3) No person may enter an agreement to sell treated effluent without first obtaining prior written permission from the Municipality.
- (4) The Municipality may not unreasonably withhold the permission.

CHAPTER 5

ENFORCEMENT OF BYLAWS AND LEGAL MATTERS

123. Authorisation Of An Authorised Official

A service provider as contemplated in the definition of the 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.

124. Functions Of An Authorised Official

- (1) An authorised official may execute work, conduct an inspection and monitor and enforce compliance with these Bylaws.
- (2) Subject to the provision of any other law, an authorised official must carry out the functions contemplated in this bylaw and the powers set out in bylaw 125, in accordance with the procedure outlined in bylaws 126 and 127.

125. Additional Powers Of An Authorised Official

- (1) An authorised official, in addition to any power conferred upon him or her in terms of these Bylaws, may -
 - (a) execute work on or inspect premises;
 - (b) question a person present on any premises in respect of any matter which may be relevant to the work or inspection;
 - (c) question a person whom the authorised official believes may have information relevant to the work or inspection;
 - (d) inspect any document that a person is required to maintain in terms of any law or that may be relevant to work or inspection;

- (e) copy any document referred to in paragraph (d) or if necessary, remove the document in order to copy it;
 - (f) take samples of any substance that is relevant to the work or inspection;
 - (g) monitor and take readings or make measurements;
 - (h) take photos or make audio-visual recordings of anything or any person, process, action or condition on or regarding any premises; and
 - (i) do what is necessary for the execution of work or the conducting of an inspection that the Municipality is required to undertake in terms of these Bylaws.
- (2) An authorised official who removes anything other than a substance contemplated in sub-bylaw (1)(f) from the premises being worked upon or inspected, must -
- (a) issue a receipt for it to the owner or person in control of the premises; and
 - (b) return it as soon as is practicable after achieving the purpose for which it was removed.

126. Procedure To Execute Work Or Conduct An Inspection: Entry With A Written Authorisation

- (1) An authorised official may subject to section 101 of the Local Government: Municipal Systems Act 2000 (Act 32 of 2000), enter any premises if a justice of peace as contemplated in bylaw 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 that -
 - (a) in the interest of the public, it is necessary to execute work or obtain information that cannot be obtained without entering those premises;
 - (b) there is non-compliance with any provision of these Bylaws in respect of the premises; and
 - (c) 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 Bylaws on such premises;
 - (b) restore access to water supply system or any sanitation service where the owner or such person has restricted access; and

- (c) properly or effectively execute work or inspect premises, as contemplated in sub-bylaw (1).
- (4) If, after the work contemplated in sub bylaw (3) has been performed, it is established that no contravention of these Bylaws 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 sub-bylaw (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 bylaw 125(1).
- (6) A written authorisation issued in terms of sub-bylaw (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; and
 - (d) 3 (three) months have passed since the date of issue.
- (7) A written authorisation issued in terms of sub-bylaw (2) may only be carried out between 07:00 and 19:00, 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.

127. Procedure To Execute Work Or Conduct An Inspection: Entry Without A Written Authorisation

- (1) An authorised official who does not have a written authorisation may, subject to section 101 of the Systems Act, enter and execute work or inspect -

- (a) any premises with the consent of the owner or person apparently in control of the premises; or
 - (b) any premises, except residential premises, on a routine basis
 - (i) no more frequently than 6 (six) times during a 12 (twelve) month period; or
 - (ii) more frequently if permitted by these Bylaws 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/or services;
 - (ii) result in excessive wastage or pollution of water; or
 - (iii) have significant detrimental effects on public or private health and safety;
 - (d) any premises from which there is a discharge or suspected discharge, into any sewer of any storm water, sewage, industrial effluent, or other liquid or substance contemplated in bylaw 73(1), (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 bylaw 6 exists or is suspected.
- (2) Unless the emergency and/or delay in commencing any work or inspection referred to in sub-bylaw (1)(c) was caused by an act or omission of the Municipality or its appointed agent, the cost of any remedial action taken in connection with sub-bylaws (c), (d), (e) and (f) must be paid by the owner of the premises.
- (3) In addition to the entry permitted in terms of sub-bylaw (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 bylaw 131 for the purposes of determining whether that notice has been complied with.
- (4) Before commencing work or inspecting any premises in terms of this bylaw, 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.

128. USING FORCE TO ENTER

- (1) An authorised official carrying out a written authorisation in terms of bylaw 125 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 or its appointed agent 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 bylaw 125 unless in the opinion of the authorised official, an emergency situation that may result in the risk of serious harm to health and safety or serious pollution or detriment to the environment arises.

129. Authorised Official May Be Accompanied

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

130. Duty To Produce Document

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

131. Compliance Notice

- (1) An authorised official who becomes aware that any provision of these Bylaws 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;
- (d) any penalty that may be imposed in terms of these Bylaws in the event of non-compliance with these steps; and
- (e) must include a reference to the right to a hearing and the time period within which this must be held.

132. Complaints Against Persons Other Than The Municipality

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

- (1) is likely to cause or has caused a disruption of the provision of water services without just cause; or
- (2) is likely to act or has acted contrary to the provisions of these Bylaws; in which event the authorised official, unless that authorised official 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 Bylaws.

133. Official Address

- (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 and/or user, as referred to in bylaws 18(5) and 74(2) is deemed to be the official address of the consumer and/or user.
- (2) Where any notice or other document is required by these Bylaws to be served on any person other than for the purpose of criminal proceedings, it must be served on that person, failing which it may be served on any member of that person's household or an employee as the case may be, of the apparent age of 16 (sixteen) 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 sub-bylaw (1), it will constitute prima facie proof of the service of such notice.

134. Recovery Of Costs And Fees

Any costs which the Municipality or its appointed agent is entitled to recover from a consumer and/or user, owner or other person in terms of these Bylaws shall include, where applicable, any prescribed fees, expenses incurred to protect the water supply system, the cost of any exploratory investigation, survey, plan, specification, or the completion of any schedule of quantities, supervision, administration or authorisation charges, including the cost of any ancillary work associated therewith, wear and tear on plant and equipment utilized in any of these activities, the provision of labour and the costs, including environmental costs, involved in the disturbing and making good of any part of any street, ground or water services work.

135. Legal Compliance Warranty

Notwithstanding any provisions to the contrary, any consumer and/or user by making application for water services, warrants that he or she will -

- (1) 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;
- (2) take all reasonable measures to prevent pollution or environmental degradation from occurring, continuing or recurring;
- (3) 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
- (4) bear all costs and expenses incurred in meeting the above obligations and the implementation thereof.

136. False Statement Or Information

No person may make a false statement or furnish false information to the Municipality, an authorised official or an employee of the Municipality or falsify a document that has been issued in terms of these Bylaws.

137. Exceptions To Application Of These Bylaws

- (1) If authority was given before the date of commencement of these Bylaws 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 (ninety) days after the commencement of these Bylaws, the Municipality may give authority for installation work to be done in accordance with any law mentioned in sub-bylaw (1).
- (3) No owner may be required to comply with these Bylaws 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 Bylaws provided that, if in the opinion of the Municipality **or its appointed agent**, the installation or part thereof is so defective, or in such a condition or position to cause waste or undue consumption of water and/or treated effluent, 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 Bylaws within a specified and reasonable period.

138. Exemptions

- (1) The Municipality may by resolution exempt any person from complying with a provision of these Bylaws, subject to conditions, if the provision is considered to be unreasonable, provided that an exemption may not be granted which will result in -
 - (a) unauthorised or avoidable 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 the applicable SANS Codes and in terms of these Bylaws;
 - (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 sub-bylaw (1), provided that it must give the person concerned reasonable notice in writing of its intention to withdraw an exemption previously granted.

139. Offences

- (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 Bylaws;
 - (c) fail or refuse to provide an authorised official with a document or information that the person is required to provide under these Bylaws;
 - (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 Bylaws;
 - (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 these Bylaws;
 - (j) without authority -
 - (i) enter or inspect premises;
 - (ii) carry out any act mentioned in bylaw 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 Bylaws, except -
 - (i) to a person who requires that information in order to perform a function or exercise a power in terms of these Bylaws;
 - (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. (1) contravene or fail to comply with the provisions of these Bylaws; (m) fail to comply with any notice issued in terms of these Bylaws; (n) fail to comply with any lawful instruction given in terms of these Bylaws; (o) obstruct or hinder any authorised official of the Municipality or its appointed agent in the execution of his or her duties under these Bylaws; or
- (p) cause any damage to any water installation or the sewage disposal system which is the property of the Municipality whether such water installation or the sewage disposal system is located outside the boundaries or inside the boundaries of the premises of which such person is the owner or occupier.

140. Penalties

- (1) Any person convicted of an offence contemplated in bylaw 139 is liable on conviction to a fine or in default of payment, to imprisonment for a period not exceeding 6 (six) months, or to both the period of imprisonment and the fine.
- (2) For every day the offence continues after the date on which he or she has been given written notice to perform or discontinue an act, such person is deemed guilty of a continuing offence and liable on conviction to a fine not exceeding R1 000 per day or to imprisonment for a period not exceeding 10 days or to both such fine and such imprisonment.
- (3) In the case of a second or subsequent offence, he or she shall be liable on conviction to a fine or to imprisonment not exceeding 6 (six) months or to both such fine and imprisonment.

141. APPEALS

- (1) Any person aggrieved by a decision of the Municipality or an Authorised Official taken in terms of these bylaws shall be entitled to lodge an appeal against such a decision with the Municipal Manager.
- (2) Such person shall lodge a memorandum of appeal, with the Municipal Manager and a copy thereof with the Director/Manager: Water and Sanitation, within 10 (ten) days of being notified of a decision complained of.
- (3) The right of appeal to the Municipal Manager against a decision complained of lapses if an appellant fails to lodge a memorandum of appeal within 10 (ten) days of being notified of the decision.

- (4) A memorandum of appeal must –
 - (a) provide the essential facts of the matter;
 - (b) state the grounds of appeal and the relief sought;
 - (c) raise any issues, which the appellant wants the Municipal Manager to consider in making his or her decision.
- (5) The Municipal Manager –
 - (a) must determine the procedure to deal with such appeals which may include the holding of an appeal hearing where he or she deems such a hearing necessary,
 - (b) determines the procedure of the appeal hearing, where applicable; and
 - (c) decides on all matters of law, arising during the appeal, including whether a matter is a question of fact or of law.
- (6) The Municipal Manager must reach a decision on the outcome of an appeal heard by him or her within 14 (fourteen) days of receiving the memorandum of appeal or where an appeal hearing was held, within 14 (fourteen) days of such a hearing, or within such extended period as agreed to by the appellant.
- (7) The Municipal Manager may –
 - (a) uphold and confirm the decision of the Authorised Official against which the appeal is brought;
 - (b) alter the decision of the Authorised Official;
 - (c) set the decision of the Authorised Official, and
 - (i) replace the decision of the Authorised Official with his or her own decision; or
 - (ii) remit the matter to the Authorised Official for reconsideration in the event that a procedural defect occurred, provided that the Municipal Manager shall provide reasons for such decision within 14 (fourteen) days from the date of his or her decision, and provided further that the Municipal Manager shall be entitled to make and order.
- (8) The Municipal Manager may make any order in terms of which a party in any appeal proceedings is ordered to pay the costs of any other party in those proceedings in prosecuting or opposing an appeal.
- (9) The Municipal Manager shall be entitled to appoint any other person to hear and decide any appeal lodged in terms of these provisions, in which case these provisions shall apply mutatis mutandis to such person, provided that no person responsible for taking the decision against which the appeal has been lodged, shall be entitled to hear such appeal, and provided further that the Municipal Manager and the Authorised Official shall be bound by any decision taken by such other person.
- (10) These bylaws shall not detract from any other appeal provision provided for in any other applicable law, provided that an appellant who has lodged an appeal against a decision taken in terms of these bylaws, shall not be entitled to also lodge and pursue an appeal against the same decision provided for in such other applicable law.
- (11) The Municipality shall be entitled to levy and determine a charge or tariff in respect of any appeal lodged pursuant to these bylaws.

142. Application Of This Chapter

The provisions of this Chapter apply to all persons or bodies, including organs of State.

143. Repeal Of Bylaws

The Bylaws listed in Schedule D are hereby repealed.

144. Short Title

These Bylaws are called the Water Services Bylaws, 2010.

SCHEDULE A

TARIFFS OF CHARGES:

DISCHARGE OF SEWAGE, INDUSTRIAL EFFLUENT, AND OTHER SUBSTANCES

The Drainage Bylaws (Tariffs) published on 31 October 1974 under Municipal Notice 525 and amended in Municipal Notice 272 on 12 October 1989 are hereby further amended by the substitution of Bylaws A and B for the following:

A:1 GENERAL

- (1) Every premises upon which a building has been erected or if it is undeveloped, or is large enough in the opinion of Council to be utilised, provided it is connected, or in the opinion of the Council could be connected to Council's sewage disposal system, is subject to a levy/tariff.
- (2) The following formula shall be applied in order to determine the monthly charges per erf or connection point, in respect of the usage of the sewage disposal system:

(a) Developed Erven:

$$C = \frac{b (V + B + S) T}{360 (eb_v - eb_B - eb_s)}$$

(b) Undeveloped Erven:

$$C = \frac{b (V + S) T}{360 (eb_v - eb_s)}$$

C	Monthly charges per erf or connection point
b	Calculated, measured or as agreed upon monthly discharge per connection point of the sewage, industrial effluent and other substances
eb _v	Estimated daily capacity of the sewage disposal system
eb _B	Estimated daily discharge in the sewage disposal system determined by the authorised officer from time to time
eb _s	Daily capacity purchased in the sea (outfall)
V	Annual estimated capital cost of the sewage disposal system
B	Annual estimated operating cost of the sewage disposal system
S	Annual estimated cost of the sea (outfall)
T	A surcharge determined by the council

- (3) The monthly discharge is calculated, measured or as agreed upon per month and in accordance with the table in paragraph B. The discharge figures in the respective tables are for Primary Uses in accordance with the proposed City of uMhlathuze Land Use Scheme in course of preparation.
- (4) After approval of a consent use, the erf will be reclassified to the applicable use zone.
- (5) Should the registered owner or occupier disagree with the determined discharge, the onus rests with the owner or user of developed erven to deliver proof of the monthly discharge, to the satisfaction of the authorised official.

B. DISCHARGE FIGURES

(1) MONTHLY DISCHARGE FIGURES FOR UNDEVELOPED ERVEN

The discharge shall be a minimum of 20 cubic metres or as determined below provided that the maximum erf size shall be 10 000 square metres.

(a) Residential 1,2,3	20 cubic m
(b) Residential 4,5	20 cubic m
ft) Residential 6, 7	0,090 cubic m./m ²
(d) Residential 8 & 9	0,090 cubic m./m ²
(e) Residential Estate and Small Holdings	0,090 cubic m./m ²
(f) Hotel & Resort	0,120 cubic m./m ²
(8) Public Garage	112,5 cubic m.
(h) Service Industrial	0,240 cubic m./m ²
(i) Low, medium & high impact industrial	0,075 cubic m./m ²
(j) Institutional	0.045 cubic m./m ²
(k) Worship	0.045 cubic m./m ²
d) Educational, Health and Welfare:	
Creche and Pre-Primary	0.045 cubic m./m ²
Primary School	0.045 cubic m./m ²
High School	0.045 cubic m./m ²
(m) Limited Commercial] & 2	0,056 cubic m./m ²
Special Commercial 1 & 2	
(n) General Commercial	0,225 cubic m./m ²
(o) Active Open Space, Passive Open Space, Agricultural! & 2, Special uses and other Per Agreement	
(P) Municipal & Government 1 & 2	0,056 cubic m./m ²
(1) Core mixed use 1 & 2	0,240 cubic m./m ²
(r) Mixed use medium & low	0,056 cubic m./m ²
(s) Multi use retail and office	0,056 cubic m./m ²
(t) Quarrying and mining	Per Agreement
(u) Airport	Per Agreement
(v) Harbour & Harbour Resort	Per Agreement
(w) Railways, Bus & Taxi Rank	Per Agreement

(2) MONTHLY DISCHARGE FIGURES FOR DEVELOPED ERVEN

The discharge shall be a minimum of 20 cubic metres or as determined below:

(a)	Residential 1,2 & 3	Number of Units @ 20 cubic m.
(b)	Residential 4 & 5	Number of Units @ 20 cubic m.
(c)	Residential 6&7	Number of dwellings x 20 cubic m.
(d)	Residential 8 & 9	Number of dwellings x 20 cubic m.
(e)	Residential Estate and Small Holdings	Number of dwellings x 20 cubic m. or per agreement
(f)	Hotel & Resort	100% of water consumption or per agreement
(g)	Public Garage	100% of water consumption or per agreement
(h)	Service Industrial	100% of water consumption or per agreement
(i)	Low, medium & high impact industrial	100% of water consumption or per agreement
(j)	Institutional	100% of water consumption or per agreement
(k)	Worship	100% of water consumption or per agreement
(l)	Educational, Health and Welfare:Creche and Pre-Primary	100% of water consumption or per agreement
	Primary School	100% of water consumption or per agreement
	High School	100% of water consumption or per agreement
(m)	Limited Commercial 1 & 2, Special Commercial 1 & 2, Light Commercial	100% of water consumption or per agreement
(n)	General Commercial	100% of water consumption or per agreement
(o)	Active Open Space, Passive Open Space, Agricultural 1 &2, special uses and other	Per agreement
(p)	Municipal & Government 1 &2	100% of water consumption or per agreement
(q)	Core mixed use 1 & 2	100% of water consumption or per agreement
(r)	Mixed use medium & low	100% of water consumption or per agreement
(s)	Multi use retail and office	100% of water consumption or per agreement
(t)	Quarrying and mining	100% of water consumption or per agreement
(u)	Airport	100% of water consumption or per agreement
(v)	Harbour & Harbour Resort	100% of water consumption or per agreement
(w)	Railways, Bus & Taxi Rank	100% of water consumption or per agreement

SCHEDULE B

ACCEPTANCE OF EFFLUENT FOR DISCHARGE INTO THE SEWAGE DISPOSAL SYSTEM

No industrial effluent shall be accepted for discharge into the sewage disposal system unless it complies with the following conditions. The effluent shall not contain concentrations of substances in excess of those stated below: Large Works = A sewage works of greater than 25 MI/d capacity. Small Works = A sewage works with less than 25 MI/d capacity

Special Limitations

1. No calcium carbide, radioactive waste or isotopes
2. No yeast & yeast wastes, molasses spent or unspent
3. No cyanides or related compounds capable of liberating HCN gas or cyanogen
4. No degreasing solvents, petroleum spirit, volatile flammable solvents or any substance which yields a flammable vapour above 20°C

General Quality Limits	Large Works > 25 MI/d	Small Works < 25 MI/d	Units
1. Temperature (°C)	<44°C	<44°C	Degrees Celsius
2. pH	6 < pH < 10	6,5<pH< 10	pH units
3. Oils, greases, waxes of mineral origin	50	50	mg/1
4. Vegetable Oils, greases, waxes	250	250	mg/1
5. Total sugar and starch (as glucose)	1000	500	mg/1
6. Sulphates in solution (as so4)	250	250	mg/1
7. Sulphides, hydrosulphides and polysulphides (as s)	1	1	mg/1
8. Chlorides (as C')	1 000	500	mg/1
9. Flouride (as F ¹)	5	5	mg/1
10. Phenols (as phenol)	10	5	mg/1
11. Cyanides (as CN)	20	10	mg/1
12. Settle-able Solids	Charge	Charge	ml/m
13. Suspended Solids	2 000	1 000	mg/1
14. Toatal dissolved solids	1 000	500	mg/1
15. Electrical Conductivity	-	400	mS/m
16. Anionic Surfactants	-	500	mg/1
17. C.O.D.	Charge	Charge	mg/1
Heavy Metal Limits			
18. Copper (as Cu)	50	5	mg/1

19. Nickel (N)	50	5	mg/1
20. Zinc (Zn)	50	5	mg/1
21. Iron(Fe)	50	5	mg/1
22. Boron (B)	50	5	mg/1
23. Selenium (Se)	50	5	mg/1
24. Manganese (Mn)§	50	5	mg/1
25. Lead(Pb)	20	5	mg/1
26. Cadmium (Cd)	20	5	mg/1
27. Mercury (Hg)	1	1	mg/1
28. Total Chrome (Cr)	20	5	mg/1
29. Arsenic (As)	20	5	mg/1
30. Titanium (Ti)	20	5	mg/1
31. Cobalt (Co)	20	5	mg/1
Total Metals	100	20	mg/1

SCHEDULE C

ACCEPTANCE OF TRADE EFFLUENT FOR DISCHARGE INTO SEA OUTFALLS

No trade effluent shall be accepted for discharge into the sea outfall unless it complies with the following conditions. The effluent shall not contain concentrations of substances in excess of those stated below:

Sea Outfall Quality Limited		Units
1 . Temperature (°C)	44°C	Degrees Celsius
2. pH	5,5 < pH < 9,5	
3. Settle-able Solids	2	mg/1
4. Oils, greases, waxes of mineral origin	50	mg/1
5. Arsenic (expressed as As)	5	mg/1
6. Cadmium (expressed as Cd)	1,5	mg/1
7. Total chromium (expressed as Cr)	3	mg/1
8. Copper (expressed as Cu)	3	mg/1
9. Lead (expressed as Pb)	5	mg/1
10. Mercury (expressed as Hg)	0,05	mg/1
11. Cyanides (expressed as CN)	10	mg/1
12. Nickel (expressed as Ni)	10	ml/m
13. Zinc (expressed as S)	20	mg/1
14. Sulphide (expressed as S))	1	mg/1
15. Sulphates in solution (as SO4)	250	mg/1

SCHEDULE D

TARIFFS OF CHARGES: TREATED EFFLUENT

1. The tariff model is based on a derived tariff approach which has three components, namely: volumetric charge, distribution charge and availability charge
 2. The volumetric charge and distribution charge are derived based on a cost-recovery approach
 3. The following formulas for each components shall be applied in order to determine the monthly charges in respect of the usage of the treated effluent:
- (a) Affordability charge: (Capex Costs, excluding distribution Infrastructure, life cycle and financing costs, and Target Equity Return and DSCR)

$$T_1 = \frac{(K_c + K_t + L + F)}{V}$$

T_1 – availability charge

K_c = Capital costs of effluent collection infrastructure

K_t = Capital costs of treatment works

L – life cycle costs

F = Functioning costs (cost of debt + the target equity return)

V = the average estimated demand requirements of the off Taker in megalitres

(b) Volumetric charge: (Operational costs on a R/Kl basis, which raises by by inflation annually, in line with the operational costs increases).

$$T_2 = \frac{(O_c + O_t + O_d)}{V}$$

T_2 – volumetric charge.

O_c = the annual operating costs associated with the bulk collection of effluent

O_t = the annual operating costs associated with the treatment of the effluent.

O_d = the annual operating costs associated with the distribution of the reuse water and

V = the average estimated demand requirements of the off taker in megalitres

(c) Distribution charge: (Capital costs of distribution infrastructure allocate to each off taker, Based on utilization of each specific pipeline on a volume basis, Distribution charge (R/KL) calculated for each of taker, Distribution charge is fixed for operations period

$$T_3 = \frac{K_d}{(V \times N)}$$

T_3 – distribution charge

K_d = capital costs of distribution infrastructure

V = the average estimated demands requirements of the off taker in megalitres

N – operation period of the project

SCHEDULE [ED](#)

REPEALED BYLAWS

Number and Year	Name of Bylaws	Extent of Repeal
Municipal Notice 11 dated 26 April 2001	uMhlathuze Municipality (KZ 282) Water Bylaws from KZ 282 District	Whole
Administrator's Notice 297 dated 8 June 1967	Borough of Empangeni: Sanitation Bylaws	Whole
Municipal Notice 105 dated 10 May 1990	Borough of Richards Bay: Bylaws Relating to the Discharge of Sewage, Industrial Effluents and other Substances	Whole
Municipal Notice 272 dated 12 October 1989	Borough of Richards Bay: Tariffs of Charges: Discharge of Sewage, Industrial Effluents and other Substances	Whole
Municipal Notice 10/2022 Provincial Gazette 6096 dated 11 April 2002	uMhlathuze Municipality Water & Sanitation Bylaws	Whole