

MASILONYANA LOCAL MUNICIPALITY

BY-LAWS OF THE MASILONYANA LOCAL MUNICIPALITY

BY-LAW NO 1 of 2007

WATER SERVICES BY-LAWS

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The Municipality of Masilonyana hereby publishes the Water Services By-Laws set out in the Schedule attached hereto. These By-Laws have been adopted by the Municipal Council on 31 May 2007 and are promulgated by the municipality in terms of section 156(2) of the Constitution of the Republic of South Africa, 1996 and in accordance with section 13(a) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000).

WATER SERVICES BY-LAW

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CHAPTER I

GENERAL PROVISIONS

Part 1

Definitions

1. Definitions

- (1) In this by-law, unless the context otherwise indicates -

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

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

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

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

“**approved**” means approved by the Municipality;

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

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

“**backflow preventer**” means any device that prevents backflow;

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

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

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

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

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

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

“commercial purposes” in relation to water services means water supplied to premises to be used in the carrying out of a trade or a business;

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

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

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

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

“connecting sewer” means a pipe owned by the Municipality and installed by it for the purpose of conveying sewage from a drainage installation on a 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 by agreement;

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

“consumer” means -

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

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

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

“designated officer” means a person in the employ of the Municipality, authorised as a designated officer in terms of Section 76 of the Local Government: Municipal Systems Act 2000 (Act No. 32 of 2000) or if the Municipality has, for purposes of this By-law, appointed a Service Provider which is still operative, an employee of such service provider, authorised by it as a designated officer in terms of this By-law and acting within the scope, functions and powers assigned to the service provider by the Municipality;

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

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

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

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

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

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

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

“EIA” means an environmental impact assessment in terms of NEM A and/or the ECA;

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

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

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

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

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

“fixed quantity water delivery system” means a water installation, which delivers a

fixed quantity of water to a consumer in any single day;

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

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

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

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

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

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

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

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

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

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

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

“law” means any law including the common law;

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

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

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

“Municipality” means -

- (a) the Masilonyana Local Municipality as established by the Provincial Notice No 183 of 2000 exercising its legislative function through its Municipal Council;
- (b) its successor in title;
- (c) a structure or person exercising a delegated power;

and includes the meaning of a ‘Water Services Authority’ as defined in the Act;

“National Water Act” means the National Water Act No 36 of 1998;

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

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

“owner” means -

- (a) the person in whom from time to time is vested the legal title to premises;
- (b) in a case where the person in whom the legal title to premises is vested is insolvent or dead, or is under any form of legal disability whatsoever, the person in whom the administration and control of such premises is vested as curator, trustee, executor, administrator, judicial manager, liquidator or other legal representative;
- (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 or a building or buildings thereon;
- (d) in the case of premises for which a lease agreement of 30 years or longer has been entered into, the lessee thereof;
- (e) in relation to -
 - (i) a piece of land delineated on a sectional plan registered in terms of the Sectional Titles Act, 1986 (Act No. 95 of 1986), the developer or the body corporate in respect of the common property, or
 - (ii) a section as defined in the Sectional Titles Act, 1986 (Act No. 95 of 1986), the person in whose name such section is registered under a sectional title deed and includes the lawfully appointed agent of such a person;

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

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

- (a) less fit for any beneficial purpose for which it may reasonably be expected to be used; or

- (b) harmful or potentially harmful -
 - (i) to the welfare, health or safety of human beings;
 - (ii) to any aquatic or non-aquatic organism;

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

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

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

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

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

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

“professional engineer” means a person registered a professional engineer in terms of the Engineering Profession Act 2000 (Act 46 of 2000)

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

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

“SABS” means the South African Bureau of Standards; means the South African National Standard;

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

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

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

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

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

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

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

“Systems Act” means the Local Government: Municipal Systems Act 2000 (Act 32 of 2000) as amended;

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

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

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

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

“water services” has the same meaning assigned to it in terms of the Act and includes for purposes of this By-law water for industrial purposes and the disposal of industrial effluent;

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

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

“water supply services” has the same meaning assigned to it in terms of the Act and includes for purposes of this By-law water for industrial purposes and the disposal of industrial effluent;

“water supply system” means the structures, aqueducts, pipes, valves, pumps, meters or

other apparatus relating thereto which are vested in the Municipality and are used or intended to be used by it in connection with the supply of water, and includes any part of the system;

“**wet industry**” means an industry which discharges industrial effluent;

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

- (2) If any provision in this by-law 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 (Act 32 of 2000), or any other law been assigned to a service provider, the reference to such employee must be read as a reference to the service provider or where applicable, to an employee of the service provider duly authorised by it.

2. Meaning of certain words the same as in Acts

Any word or expression used in this By-law to which a meaning has been assigned in -

- (a) the Act will bear that meaning; and
- (b) the National Building Regulations and Building Standards Act, 1997 (Act No. 103 of 1977), the Building Regulations will in respect of Chapter III bear that meaning, unless the context indicates otherwise.
- (c) Any reference in Chapter I of this By-law to water services or services must be interpreted as referring to water supply services or sanitation services depending on the services to which is applicable.

Part 2

Application for water services

3. Application for water services

- (1) No person, shall gain access to water services from the water supply system, or gain access to the sewage disposal system or any other sanitation services unless he or she has applied to the Municipality on the prescribed form for such services and the application has been approved.
- (2) The Municipality reserves the right to determine different levels of services to different consumers or consumers residing in different areas as may be established in terms of the policies of the Municipality and subject to the conditions as determined by the Municipality.
- (3) An application agreed to by the Municipality shall constitute an agreement between the Municipality and the applicant, and such agreement shall take effect on the date referred to or stipulated in such agreement.
- (4) A consumer shall be liable for all the prescribed tariffs and / or charges in respect of water services rendered to him or her until the agreement has been terminated in accordance with this By-law or until such time as any arrears have been paid.
- (5) In preparing an application form for water services the Municipality will ensure that the owner, consumer or other person making application, understands the document and the

process of interaction. In the case of illiterate or similarly disadvantaged persons, the Municipality will take reasonable steps to ensure that the person is aware of and understands the contents of the application form.

- (6) The Municipality may, at any time it deems it necessary, require a third party to be bound jointly and severally as security and co-principal debtor with the consumer for the due payment of any fees under this By-law;
- (7) An application form will require at least the following minimum information -
 - (a) certification by an authorised agent that the applicant is aware of and understands the contents of the form;
 - (b) acceptance by the consumer of the provisions of the By-law and acceptance of liability for the cost of water services rendered until the agreement is terminated or until such time as any arrears have been paid;
 - (c) name of consumer;
 - (d) address or stand number of premises to or on which water services are to be rendered or the communal water services work where water services will be used;
 - (e) address where accounts will be sent;
 - (f) source of income of the applicant;
 - (g) name and address of the applicant's employer, where appropriate;
 - (h) if water will be supplied, the purpose for which the water is to be used; and
 - (i) the agreed date on which the provision of water services will commence.
- (8) Water services rendered to a consumer are subject to the provisions of this By-law and the conditions contained in the relevant agreement.
- (9) If the Municipality refuses an application for the provision of water services, or is unable to render such water services on the date requested for such provision of water services to commence or is unable to render the water services, the Municipality will inform the consumer of such refusal and / or inability, the reasons therefore and, if applicable, when the Municipality will be able to provide such water services.

4. Special agreements for water services

The Municipality may enter into a special agreement for the provision of water services to -

- (a) an applicant inside its area of jurisdiction, if the services applied for necessitates the imposition of conditions not contained in the prescribed form; and
- (b) an applicant outside its area of jurisdiction, if the Municipality having jurisdiction in the area in which the premises is situated has approved such application.

Part 3

Tariffs and charges

5. Prescribed tariffs and charges for water services

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

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

6. Fixed charges for water services

- (1) The Municipality may, in addition to the tariffs or charges prescribed for water services actually provided, levy a monthly fixed charge, annual fixed charge or one-off fixed charge in respect of the provision of water services in accordance with By-laws in respect thereof; and its tariff policy; any regulations in terms of Section (10) of the Act.
- (2) Where a fixed charge is levied in terms of Sub-Section (1), it shall be payable by every owner or consumer in respect of water services provided by the Municipality to him, her or it, whether or not water services are used by him, her or it.

Part 4

Payment

7. Payment of deposit

- (1) Every consumer must on application for the provision of water services and before the Municipality will provide such water services, deposit with the Municipality a sum of money as determined by the Municipality for the particular area except in the case of a pre-payment measuring device being used by the Municipality.
- (2) The Municipality may require a consumer to whom services are provided and who was not previously required to pay a deposit, for whatever reason, to pay a deposit on request, within a specified period.
- (3) The Municipality may from time to time review the sum of money deposited by a consumer in terms of Sub-Section (1) and, in accordance with such review -
 - (a) require that an additional amount be deposited by the consumer; or
 - (b) refund to the consumer such amount as may be held by the Municipality in excess of the reviewed deposit.
- (4) Subject to Sub-Section (5), an amount deposited with the Municipality in terms of Sub-Sections (1) or (2) shall not be regarded as being in payment or part payment of an account due for water services rendered.
- (5) If, upon the termination of the agreement for the provision of water services, an amount remains due to the Municipality in respect of water services rendered to the consumer,

the Municipality may apply the deposit in payment or part payment of the outstanding amount and refund any balance to the consumer.

- (6) No interest shall be payable by the Municipality on the amount of a deposit held by it in terms of this Section.
- (7) An agreement for the provision of water services may contain a condition that a deposit shall be forfeited to the Municipality if it has not been claimed within twelve months of the termination of the agreement.

8. Payment for water services provided

- (1) Water services provided by the Municipality to a consumer shall be paid for by the consumer at the prescribed tariff or charge set by the Municipality from time to time.
- (2) A consumer shall be responsible for payment for all water services provided to the consumer from the date of an agreement until the date of termination thereof.
- (3) The Municipality may estimate the quantity of water services provided in respect of a period or periods within the interval between successive measurements and may render an account to a consumer for the services so estimated.
- (4) If a consumer uses water supply services for a category of use other than that for which it is provided by the Municipality in terms of an agreement and as a consequence is charged at a rate lower than the rate which should have been charged, the Municipality may make an adjustment of the amount charged in accordance with the rate which should have been charged and recover from the consumer the tariffs and charges payable in accordance with such adjustment and may also review the amount held as deposit in terms of subsection 7.
- (5) A consumer must pay his or her or its account at an approved agent of the Municipality. A consumer shall remain liable for the payment of an account not paid with the Municipality, its authorised agent or approved agent.
- (6) The Municipality must inform a consumer as to whom the approved agents for payment of accounts are.

Part 5

Accounts

9. Accounts

- (1) Monthly accounts will be rendered to consumers for the amount due and payable for water services, at the address last recorded with the Municipality.
- (2) Failure by the Municipality to render an account does not relieve a consumer of the obligation to pay any amount due and payable.
- (3) An account rendered by the Municipality for water services provided to a consumer shall be paid not later than the last date for payment specified in such account, which date will be at least twenty one days after the date of the account.
- (4) If payment of an account is received after the date referred to in Sub-Section (3) a late payment charge or interest as may be prescribed must be paid by the consumer to the

Municipality.

(5) Accounts must -

(a) show the following -

- i. the consumption or estimated consumption or assumed consumption as determined for the measuring and / or consumption period;
- ii. the measuring or consumption period;
- iii. the applicable tariff;
- iv. the amount due in terms of the consumption;
- v. the amount due and payable for any other service rendered by the Municipality;
- vi. the amount in arrears, if any;
- vii. the interest payable on any arrears, if any;
- viii. the final date for payment;
- ix. the methods, places and approved agents where payment may be made; and

(b) state that -

- i. the consumer may conclude an agreement with the Municipality for payment of the arrears amount in instalments, at the Municipality 's offices before the final date for payment, if a consumer is unable to pay the full amount due and payable;
- ii. if no such agreement is entered into the Municipality will limit the water services after sending a final demand notice to the consumer;
- iii. legal action may be instituted against any consumer for the recovery of any amount 60 (sixty) days in arrears in accordance with the Municipality's Credit Control & Debt Collection By-law;
- iv. the defaulting consumer's name may be listed with a credit bureau or any other equivalent body as a defaulter;
- v. the account may be handed over to a debt collector for collection;
- vi. proof of registration, as an indigent consumer, in terms of the Municipality's indigent policy must be handed in before the final date for payment; and
- vii. an indigent consumer is only entitled to basic water services plus the indigent entitlement.

10. Queries or complaints in respect of account

- (1) A consumer may lodge a query or complaint in respect of the accuracy of the amount due and payable in terms of an account rendered to him, her or it.

- (2) A query or complaint must be lodged with the Municipality before or on the due date for payment of the account or as soon as reasonably possible thereafter.
- (3) Where a query or complaint is lodged after the due date of the account queried or complained about, such query or complaint must be accompanied by the payment of at least an amount equal to the average amount that was due and payable during the preceding three months.
- (4) The Municipality will register the query or complaint and provide the consumer with a reference number.
- (5) The Municipality shall -
 - (a) investigate or cause the query or complaint to be investigated within 14 (fourteen) days after the query or complaint was registered; and
 - (b) must inform the consumer, in writing, of his or her finding as soon as possible thereafter.

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

- (1) A consumer may in writing appeal against a finding of the tin *[sic]* Section 10.
- (2) An appeal in terms of Sub-Section (1) must be made in writing and lodged with the Municipality within 14 (fourteen) days after the consumer became aware of the finding referred to in Section 10 and must -

set out the reasons for the appeal;

lodge the appeal with the Municipality within 14 (fourteen) days after the receipt of the account in question; and

be accompanied by any deposit determined for the testing of a measuring device, if applicable.
- (3) The Municipality may on appeal by a consumer request him, her or it to pay the full amount due and payable in terms of the account appealed against.
- (4) The consumer is liable for all other amounts, other than that appealed against, falling due and payable during the adjudication of the appeal.
- (5) The Municipality must decide an appeal within 21 (twenty-one) days after such an appeal was lodged and the consumer must be informed of the outcome in writing, as soon as possible thereafter.
- (6) The decision of the Municipality is final and the consumer must pay any amounts due and payable in terms of the decision within 14 (fourteen) days of him, her or it being informed of the outcome of the appeal.
- (7) The Municipality may condone the late lodging of appeals or other procedural irregularities.
- (8) If it is alleged in an appeal that a measuring device is inaccurate, the device must be subjected to a standard industry test to establish its accuracy. The consumer must be

informed of the possible cost implications including the estimated amount of such test, as set out in Sub-Section (9)(a) below, prior to such test being undertaken.

- (9) If the outcome of any test shows that a measuring device is -
- (a) within a prescribed range of accuracy, the consumer will be liable for the costs of such test and any other amounts outstanding. Such costs will be debited against the consumer's account;
 - (b) outside a prescribed range of accuracy, the Municipality will be liable for the costs of such test and the consumer must be informed of the amount of any credit to which he, she or it is entitled.
- (10) The prescribed deposit referred to in Sub-Section (2)(c) if applicable may be retained by the Municipality if the measuring device is found not to be defective; or refunded to the applicant if the measuring device is found in terms of those Sub-Sections to be defective.
- (11) A measuring device shall be deemed to be defective if, when tested in accordance with a standard industry test or if the measuring device is a meter, the regulations published under Section 9 of the Act, it does not meet generally accepted specifications or the specifications as set out in the regulations.
- (12) In addition to Sub-Section (10) the Municipality must if the measuring device is found defective -
- (a) repair the measuring device or install another device which is in good working order, without charge to the consumer, unless the costs thereof are recoverable from the consumer due to a contravention of Section 41(6); and
 - (b) determine the quantity of water services for which the consumer will be charged in lieu of the quantity measured by the defective measuring device by taking as basis for such determination, and as the Municipality may decide
 - i. the quantity representing the average monthly consumption of the consumer during the three months preceding the month in respect of which the measurement is disputed and adjusting such quantity in accordance with the degree of error found in the reading of the defective water meter;
 - ii. the average consumption of the consumer during the succeeding three metered periods after the defective water meter has been repaired or replaced; or
 - iii. the consumption of water on the premises recorded for the corresponding period in the previous year.

12. Arrears

- (1) If a consumer fails to pay the amount/s due and payable on or before the final date for payment, the unpaid amount is in arrears and a final demand notice may be hand delivered or sent per registered mail, to the most recent recorded address of the consumer.
- (2) Failure to deliver or send a final demand notice does not relieve a consumer from paying such arrears.

- (3) The final demand notice must contain the following statements -
- (a) the amount in arrears and any interest payable;
 - (b) that the consumer may conclude an agreement with the Municipality for payment of the arrears amount in instalments within 14 (fourteen) days of the date of the final demand notice;
 - (c) that if no such agreement is entered into within the stated period that the water services will be limited and that legal action may be instituted against any consumer for the recovery of any amounts 30 (thirty) days or more in arrear, without further notice;
 - (d) that the defaulting consumer's name may be made public in any manner determined by the Municipality and/or listed with a credit bureau or any other equivalent body as a defaulter;
 - (e) that the account may be handed over to a debt collector or attorney for collection;
 - (f) proof of registration as an indigent consumer, in terms of the Municipality's indigent policy, must be handed in before the final date of the final demand notice;
 - (g) that an indigent consumer is only entitled to basic water services and that an indigent consumer will be liable for payment in respect of water services used in excess of the quantity of basic services;
 - (h) that an opportunity exists for the consumer to make representation in writing on or before the date contemplated in (b).
- (4) Interest may be levied on all arrears at a rate prescribed by the Municipality from time to time.
- (5) The amount due and payable by a consumer constitutes a consolidated debt, and any payment made by a consumer of an amount less than the total amount due, will be allocated in reduction of the consolidated debt in the following order towards payment of-
- (a) the current account;
 - (b) arrears; and
 - (c) interest.
- (6) The Municipality may, after expiry of the period allowed for payment of the arrear amount in terms of the final notice, hand deliver or send by mail, to the last recorded address of the consumer;
- (a) A discontinuation notice informing such consumer that the provision of water services has been or will be discontinued within seven (7) days from a date specified in the discontinuation notice, subject to the limitation of FBW as determined by National Policy from time to time;
 - (b) A discontinuation notice must contain information informing the consumer what steps may be taken to have the service reconnected.

- (7) If representations made by a consumer are unsuccessful either wholly or in part, a final demand notice in terms of Subsections 3(a) to (g) must be delivered in the manner stipulated in Subsection 1, informing the consumer that no further representation may be made.
- (8) Subject to the provisions of the Act, and subject to the provisions of the Promotion of Administrative Justice (Act No. 3 of 2000) having been observed, save that the Municipality's reasons for its decision to act must be supplied within seven days if requested, the Municipality may discontinue the supply of water services to a customer (subject to the limitation of FBW as determined by National Policy from time to time) if -
- (a) Full payment was not received within the period stated in the final demand notices stated in subsections (3) and (7);
 - (b) No agreement was concluded for the repayment of arrear amounts in instalments;
 - (c) No proof of registration as an indigent has been made within the periods contained in the final demand notices stated in subsections (3) and (7);
 - (d) No payment was received in terms of an agreement for the repayment of arrears;
 - (e) No representations as contemplated in (h) of subsection 3 were made within the period provided for in the final demand notice contemplated in subsection (3); and
 - (f) The representations made in terms of subsection (3)(h) have not wholly been acceded to by the Municipality.
- (9) Where an account rendered to a consumer remains outstanding for more than 30 (thirty) days -
- (a) the defaulting consumer's name may be made public in a manner determined by The Municipality and/or listed with a credit bureau or any other equivalent body as a defaulter, and
 - (b) may be handed over to a debt collector or an attorney for collection.
- (10) A consumer will be liable for any administration fees, costs incurred in taking action for the recovery of arrears and any penalties, including the payment of a higher deposit.
- (11) Where a body corporate is responsible for the payment of any arrears amount to the Municipality in respect of a sectional title development the liability of the body corporate shall be extended to the members thereof, jointly and severally in proportion to the participation quota of each sectional title unit.
- (12) No action taken in terms of this section due to non-payment will be suspended or withdrawn, unless the arrears, any interest thereon, administration fees, additional charges, costs incurred in taking relevant action and any penalties, including the payment of a higher deposit, which are payable, are paid in full.
- (13) The Municipality will not be liable for any loss or damage suffered by a consumer due to his/her or its water services being disconnected.
- (14) An agreement for payment of the arrears amount in instalments, entered into after the water services was discontinued, will not result in the water services being restored until

the arrears, any interest thereon, administration fees, costs incurred in taking relevant action and any penalties, including payment of a higher deposit, are paid in full.

13. Agreement for the payment of arrears in instalments

- (1) Only a consumer with positive proof of identity or a person authorised, in writing, by that consumer, will be allowed to enter into an agreement for the payment of arrears in instalments.
- (2) The amount due and payable by a consumer constitutes a consolidated debt, and any payment made by a consumer of an amount less than the total amount due, will be allocated in reduction of the consolidated debt in the following order -
 - (a) towards payment of the current account;
 - (b) towards payment of arrears;
 - (c) towards payment of interest; and
 - (d) towards costs incurred in taking relevant action to collect amounts due and payable.
- (3) A consumer may be required to complete a debit order for the payment of arrears.
- (4) No agreement for the payment of arrears will be longer than fifteen months, unless the circumstances referred to in Sub-Section (5) prevail.
- (5) Subject to any shorter period prescribed by Provincial or National legislation, the Municipality may, on an individual basis, allow a longer period than fifteen months for the payment of arrears if special circumstances prevail, that in the opinion of the Municipality warrants such an extension and which the consumer reasonably could not prevent or avoid. The consumer on request by the Municipality must furnish documentary proof of any special circumstances, which will be considered by the Municipality.
- (6) The Municipality must, in exercising his or her discretion under Sub-Section (5) have regard to a consumer's-
 - (a) credit record;
 - (b) consumption;
 - (c) level of service;
 - (d) previous breaches of agreements for the payment of arrears in instalments; and
 - (e) any other relevant factors.
- (7) A copy of the agreement will, on request, be made available to the consumer.
- (8) If a consumer fails to comply with an agreement for the payment of arrears in instalments, the total of all outstanding amounts, including the arrears, any interest thereon; administration fees, costs incurred in taking relevant action, and penalties, including payment of a higher deposit, will be immediately due and payable, without further notice or correspondence.

- (9) If a consumer fails to comply with an agreement for the payment of arrears in instalments entered into after receipt of a discontinuation notice, access to services may be discontinued without further notice or correspondence in addition to any other actions taken against or that may be taken against such a consumer.
- (10) No consumer will be allowed to enter into an agreement for the payment of arrears in instalments where that consumer failed to honour a previous agreement for the payment of arrears in instalments, entered into after the receipt of a discontinuation notice.

Part 6

Termination, limitation and discontinuation of water services

14. Termination of agreement for the provision of water services

Subject to the provisions set out above dealing with the payment of any amounts due to the Municipality in respect of the provision of water services:

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

15. Limitation and / or discontinuation of water services provided

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

- (1) The Municipality may limit or discontinue water services provided in terms of this By-law -
 - (a) on failure to pay the prescribed tariffs or charges on the date specified, after the provisions of Section (11) were applied;
 - (b) on failure to comply with any other provisions of this By-law, after notice in terms of Section (26) was given;

- (c) at the written request of the consumer to whom the services are to be rendered;
 - (d) if the agreement for the provision of services has been terminated in terms of Section (14) and it has not received an application for subsequent services to the premises within a period of 90 (ninety) days of such termination;
 - (e) the building on the premises to which services were provided has been demolished;
 - (f) if the consumer has interfered with a limited or discontinued service; or
 - (g) in an emergency, including circumstances brought about by weather conditions, but not limited thereto.
- (2) The Municipality will not be liable for any damages or claims that may arise from the limitation or discontinuation of water services provided in terms of Sub-Section (1).

16. Restoration of water services

When a consumer enters into an agreement for the payment of the arrears amount in instalments after the receipt of a final demand notice or a discontinuation notice the water services will be restored to the type of service and level of service the consumer elected in terms of the agreement as soon as reasonably possible.

17. Water Services via, and responsibility for a communal sewer

- (1) The Municipality must provide sanitation services in respect of a communal sewer, only after the community served by that communal sewer has, by means of an association or other legal entity representative of the community, concluded an agreement with the Municipality for the maintenance and repair of the communal sewer.
- (2) Any such services by the Municipality must be rendered in terms of the concluded agreement read with the provisions of this By-law.

18. Obligations

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

- (c) Where the necessary bulk infrastructure does not exist or is inadequate to serve additional customers.

Part 7

General provisions

19. Environmental Impact Assessments

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

20. Responsibility for compliance with these By-laws

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

21. Exemption

- (1) The Municipality may, in writing exempt an owner, consumer, any other person or category of owners, consumers or other persons from complying with a provision of this By-law, subject to any conditions it may impose, if it is of the opinion that the application or operation of that provision would be unreasonable, provided that the Municipality shall not grant exemption from any section of these By-laws that may result in -
 - (a) the wastage or excessive consumption of water;
 - (b) the evasion or avoidance of water restrictions;
 - (c) significant negative effects on public health, safety or the environment;
 - (d) the non-payment for services;
 - (e) the installation of pipes and fittings which are not approved in terms of this By-law ; and
 - (f) the Act, or any regulations made in terms thereof, is not complied with.

- (2) The Municipality may at any time after giving written notice of at least thirty days, withdraw any exemption given in terms of Sub-Section (1).

22. Unauthorised use of water services

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

above.

23. Change in purpose for which water services are used

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

24. Interference with water supply system or any sanitation services

- (1) No person other than the Municipality shall manage, operate or maintain the water supply system or any sanitation system unless authorised by this By-law or an authorised agent.
- (2) No person other than the Municipality shall effect a connection to the water supply system or sewage disposal system or render any other sanitation services.

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

- (1) No person shall prevent or restrict physical access to the water supply system or sewage disposal system.
- (2) If a person contravenes Sub-Section (1), the Municipality may-
 - (a) by written notice require such person to restore access at his or her own expense within a specified period; or
 - (b) if it is of the opinion that the situation is a matter of urgency, without prior notice restore access and recover the cost from such person.

26. Notices and documents

- (1) A notice or document issued by the Municipality in terms of this By-law must be deemed to be duly authorised if the authorised agent signs it.
- (2) If a notice or document is to be served on an owner, consumer or any other person in terms of this By-law such service shall be effected by -
 - (a) delivering it to him or her personally or to his or her duly authorised agent;
 - (b) delivering it at his or her residence, village or place of business or employment to a person not less than sixteen years of age and apparently residing or employed there;
 - (c) if he or she has nominated an address for legal purposes, delivering it to such an address;
 - (d) if he or she has not nominated an address for legal purposes, delivering it to the address given by him or her in his or her application for the provision of water services, for the reception of an account for the provision of water services;
 - (e) sending by pre-paid registered or certified post addressed to his or her last known address;
 - (f) in the case of a legal person, by delivering it at the registered office or business premises of such legal person; or

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

27. Power to serve and compliance with notices

- (1) The Municipality may, by written notice, order an owner, consumer or any other person who fails, by act or omission, to comply with the provisions of this By-law or of any condition imposed there under to remedy such breach within a period specified in the notice, which period shall not be less than thirty days.
- (2) If a person fails to comply with a written notice served on him or her by the Municipality in terms of this By-law within the specified period, it may take such action that in its opinion is necessary to ensure compliance, including-
 - (a) undertaking the work necessary itself and recovering the cost of such action or work from that owner, consumer or other person;
 - (b) limiting or discontinuing the provision of services; and
 - (c) instituting legal proceedings.
- (3) A notice in terms of Sub-Section (1) will -
 - (a) give details of the provision of the By-law not complied with;
 - (b) give the owner, consumer or other person a reasonable opportunity to make representations and state his or her case, in writing, to the Municipality within a specified period, unless the owner, consumer or other person was given such an opportunity before the notice was issued;
 - (c) specify the steps that the owner, consumer or other person must take to rectify the failure to comply;
 - (d) specify the period within which the owner, consumer or other person must take the steps specified to rectify such failure; and
 - (e) indicate that the Municipality -
 - i. may undertake such work necessary to rectify the failure to comply if the notice is not complied with and that any costs associated with such work may be recovered from the owner, consumer or other person; and
 - ii. may take any other action it deems necessary to ensure compliance.
- (4) In the event of an emergency the Municipality may without prior notice undertake the work required by Sub-Section (3)(e)(i) and recover the costs from such person.
- (5) The costs recoverable by the Municipality in terms of Sub-Sections (3) and (4) is the full cost associated with that work and includes, but is not limited to any exploratory investigation, surveys, plans, specifications, schedules of quantities, supervision,

administration charge, the use of tools, the expenditure of labour involved in disturbing or rehabilitation of any part of a street or ground affected by the work and the environmental cost.

28. Power of entry and inspection

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

29. False statements or information

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

30. Offences

- (1) It is an offence for any person to-
- (a) refuse to grant a designated officer access to premises to which that designated officer is duly authorized to have access;
 - (b) obstruct, interfere or hinder a designated officer who is exercising a power in terms of this By-law or
 - (c) carrying out a duty under this By-law;
 - (d) fail or refuse to provide a designated officer with a document or information that the person is required to provide under this By-law;
 - (e) give false or misleading information to a designated officer;
 - (f) unlawfully prevent the owner of any premises, or a person working for that owner, from entering the premises in order to comply with a requirement of this By-law;
 - (g) pretend to be a designated officer;
 - (h) falsely alter an authorization to a designated officer or written authorization,
 - (i) compliance notice or compliance certificate issued in terms of this Chapter;
 - (j) enter any premises without a written authorization in circumstances requiring such authorization;
 - (k) act contrary to a written authorization issued in terms of this Chapter;
 - (l) without authority -
 - i. enter or inspect premises;

- ii. carry out any act mentioned in section 28(1);
 - (m) disclose any information relating to the financial or business affairs of any person which was acquired in the performance of any function or exercise of any power in terms of this By-law, except -
 - i. to a person who requires that information in order to perform a function or
 - ii. exercise a power in terms of this By-law;
 - iii. if the disclosure is ordered by a court of law; or
 - iv. if the disclosure is in compliance with the provisions of any law.
 - (n) contravene or fail to comply with any provisions of this By-law;
 - (o) fail to comply with any notice issued in terms of this By-law;
 - (p) fail to comply with any lawful instruction given in terms of this By-law; or
 - (q) obstruct or hinder any authorized official of the Municipality in the execution of his or her duties under this By-law.
- (2) Any person found guilty of a contravention of this By-law shall be guilty of an offence and liable on conviction to a fine not exceeding R2 000,00 or in default on payment, to imprisonment for a period not exceeding 4 months and in the event of a continued offence to a further fine not exceeding R1 000,00 for every day during the continuance of such offence after a written notice from the municipality has been issued, and in the event of a second offence to a fine not exceeding R4 000,00 or, in default on payment to imprisonment for a period not exceeding 8 months.

31. Availability of By-law

- (1) A copy of this By-law shall be included in the Municipality's Municipal Code as required in terms of Section 15 of the Systems Act, 2000.
- (2) A copy of this By-law shall be available for inspection at the municipal offices or at the offices of its authorised agent at all reasonable times.
- (3) A copy of this By-law may be obtained in accordance with the provisions of Municipality's Manual on the Promotion of Access to Information Act, 2 of 2002.

CHAPTER II

WATER SUPPLY SERVICES

Part 1

Connection to water supply system

32. Provision of connection pipe

- (1) If an agreement for water supply services in respect of premises has been concluded and no connection pipe exists in respect of the premises, the owner shall make application on

the prescribed form. The Municipality shall supply a connection point and water meter at the boundary to the premises after payment by the applicant of the prescribed connection fees.

- (2) If an application is made for water supply services, which are of such an extent or so situated that it is necessary to extend, modify or upgrade the water supply system in order to supply water to the premises, the Municipality may agree to the extension if the applicant pays for the costs involved.

33. Location of connection pipe

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

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

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

provision of only one connection pipe.

- (4) Where the provision of more than one connection pipe is authorised by the Municipality under Sub-Section (4), the tariffs and charges for the provision of a connection pipe is payable in respect of each water connection so provided.

35. Interconnection between premises or water installations

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

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

36. Disconnection of water installation from connection pipe

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

- (a) the agreement for supply has been terminated in terms of Section (14) and it has not received an application for a subsequent supply of water to the premises served by the pipe within a period of 90 days of such termination; or
- (b) the building on the premises concerned has been demolished.

Part 2

Communal water services works

37. Provision of a water services work for water supply to several consumers

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

Part 3

Temporary supply

38. Water supplied from a hydrant

- (1) The Municipality may authorise a temporary supply of water to be taken from one or more fire hydrants specified by it, subject to such conditions and period as may be prescribed by it.
- (2) A person who desires a temporary supply of water referred to in Sub-Section (1) must apply for such water services in terms of Section (2).
- (3) The supply of water in terms of Sub-Section (1) must be measured.

- (4) The Municipality may for purposes of measuring provide a portable water meter to be returned to the Municipality on termination of the temporary supply, which portable meter and all other fittings and apparatus used for the connection of the portable water meter to a hydrant, shall remain the property of the Municipality and will be provided subject any conditions imposed by the Municipality.

Part 4

Standards and general conditions of supply

39. Quantity, quality and pressure

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

40. General conditions of supply

- (1) The Municipality may specify the maximum height to which water will be supplied from the water supply system. Where a consumer requires water to be supplied at a greater height or pressure the consumer must obtain the Municipality's prior written permission, and will be responsible to install such devices necessary to achieve the required height at his or her own cost.
- (2) The Municipality may, in an emergency, interrupt the supply of water to any premises without prior notice.
- (3) If in the opinion of the Municipality the consumption of water by a consumer adversely affects the supply of water to another consumer, it may apply such restrictions as it may deem fit to the supply of water to the first mentioned consumer in order to ensure a reasonable supply of water to the other consumer and will inform that consumer of such restrictions.

Part 5

Measurement of water supply services

41. Measuring of quantity of water supplied

- (1) The Municipality must measure the quantity of water supplied at regular intervals not exceeding 30 (thirty) days or such longer period as may be determined by Council Resolution from time to time.
- (2) Any measuring device through which the Municipality supplies water to a consumer and its associated apparatus shall be provided and installed by the Municipality, shall remain its property, and may be changed and maintained by the Municipality when deemed necessary by it.
- (3) The Municipality may install a measuring device, and its associated apparatus, on premises at any point on the service pipe.
- (4) If the Municipality installs a measuring device on a service pipe in terms of Sub-Section (3), it may install a section of pipe and associated fittings between the end of its connection pipe and the meter, and such section shall be deemed to form part of the water supply system.

- (5) If the Municipality installs a measuring device together with its associated apparatus on a service pipe in terms of Sub-Section (3), the owner shall -
 - (a) provide a place satisfactory to the 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 measuring device is installed, between the measuring device and the connection pipe serving the installation;
 - (e) make provision for the drainage of water, which may be discharged, from the pipe in which the measuring device is installed, in the course of work done by the Municipality on the measuring device.
- (6) No person other than an authorised agent shall -
 - (a) disconnect a measuring device and its associated apparatus from the pipe in which they are installed;
 - (b) break a seal which the Municipality has placed on a meter; or
 - (c) in any other way interfere with a measuring device and its associated apparatus.
- (7) If the Municipality considers that the size of a meter is unsuitable by reason of the quantity of water supplied to premises, it may install a meter of such size as it may deem necessary, and may recover from the owner of the premises concerned the prescribed charge for the installation of the meter.
- (8) The Municipality may require the installation, at the owner's expense, of a measuring device to each dwelling unit in separate occupancy on any premises, for determining the quantity of water supplied to each such unit; provided that where fixed quantity water delivery systems are used, a single measuring device may be used to supply more than one unit.
- (9) Non-compliance with the period of 30 (thirty) days in (1) does not disentitle the Municipality from collecting any money due to it by a consumer.

42. Quantity of water supplied to consumer

- (1) For purposes of assessing the quantity of water measured by a measuring device installed by the Municipality on the premises of a consumer or, where applicable, estimated or determined by the Municipality in terms of any provision of this By-law, it will, for the purposes of this By-law, be deemed, unless the contrary is proved by the consumer, that -
 - (a) the quantity is represented by the difference between measurements taken at the beginning and end of such period;
 - (b) the measuring device was accurate during such period;
 - (c) the entries in the records of the Municipality were correctly made; and

- (d) provided that if water is supplied to, or taken by, a consumer without its passing through a measuring device, the estimate by the Municipality of the quantity of such water shall be deemed to be correct.
- (2) Where water supplied by the Municipality to any premises is in any way taken by the consumer without such water passing through any measuring device provided by the Municipality, the Municipality may for the purpose of rendering an account estimate, in accordance with Sub-Section (3), the quantity of water supplied to the consumer during the period from the last previous reading of the water meter until the date it is discovered that water is so taken by the consumer.
- (3) For the purposes of Sub-Section (2), an estimate of the quantity of water supplied to a consumer shall be based on, as the Municipality may decide -
 - (a) the average monthly consumption of water on the premises during any three consecutive measuring periods during the twelve months' period prior to the date on which the taking of water in the manner mentioned in Sub-Section (2) was discovered; or
 - (b) the average monthly consumption on the premises registered over three succeeding measuring periods after the date referred to in Sub-Section (3)(a).
- (4) Nothing in these regulations shall be construed as imposing on the Municipality an obligation to cause any measuring device installed by the Municipality on any premises to be measured at the end of every month or any other fixed period, and the Municipality may estimate the quantity of water supplied over any period during the interval between successive measurements of the measuring device and render an account to a consumer for the quantity of water so estimated.
- (5) The Municipality must, on receipt from the consumer of written notice of not less than 7 (seven) days and subject to payment of the prescribed charge, measure the quantity of water supplied to consumer at a time or on a day other than that upon which it would normally be measured.
- (6) If a contravention of Sub-Section 41 (6) occurs, the consumer shall pay to the Municipality the cost of such quantity of water as in the Municipality's opinion was supplied to him or her.
- (7) Until such time a measuring device have been installed in respect of water supplied to a consumer the estimated or assumed consumption of that consumer must be based on the average consumption of water supplied to the specific zone within which the consumer's premises is situated, during a specific period.
- (8) Where in the opinion of the Municipality it is not reasonably possible or cost effective to measure water supplied to each consumer within a determined zone, the Municipality may determine a basic tariff or charge to be paid by each consumer within that zone irrespective of actual consumption.
- (9) A tariff or charge determined in terms of Sub-Section (8) will be based on the estimated average consumption of water supplied to that zone.
- (10) Where water supply services are provided through a communal water services work the amount due and payable by consumers gaining access to water supply services through that communal water services work must be based on the estimated average consumption of water supplied to that water services work.

43. Defective measurement

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

44. Special measurement

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

45. No reduction of amount payable for water wasted

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

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

- (1) If a measuring device is found to be defective in terms of Section 10 or 11, the Municipality may estimate the quantity of water supplied to the consumer concerned during the period in which, in its opinion, such measuring device was defective, on the basis of the average daily quantity of water supplied to him or her over
 - (a) a period between two successive measurements subsequent to the replacement of the measuring device; or
 - (b) a period in the previous year corresponding to the period in which the measuring device was defective; or
 - (c) the period between three successive measurements prior to the measuring device becoming defective; whichever it considers the most appropriate.
- (2) If the quantity of water supplied to a consumer during the period when his or her measuring device was defective cannot be estimated in terms of Sub-Section (1), the Municipality may estimate the quantity on any basis that is available to it.

Part 6**Installation work in respect of water supply****47. Approval of installation work**

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

48. Persons permitted to do installation and other work

- (1) No person who is not a qualified plumber may-
 - (a) be permitted to do any installation work other than the replacement or repair of an existing pipe or water fitting,
 - (b) replace a fixed water heater or its protective devices;
 - (c) inspect, disinfect or test a water installation, fire installation or storage tank;
 - (d) service, repair or replace a back-flow preventer, or
 - (e) install, maintain, or replace a meter provided by an owner in a water installation.
- (2) No person may require or engage a person who is not a qualified plumber, to do the work in (1).
- (3) Notwithstanding the provisions of Subsection (1), the Municipality may permit a person who is not a qualified plumber, to do the installation work on his or her own behalf, on premises occupied solely by him or herself, and his or her own household, provided that such work may be required to be inspected and approved by a qualified plumber at the

direction of the Municipality.

49. Provision and maintenance of water installations

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

50. Use of pipes and water fittings to be authorised

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

51. Unlawful water installation work

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

52. Labelling of terminal water fittings and appliances

All terminal water fittings and appliances using or discharging water shall be marked, or have included within the packaging of the item, the following information: the range of pressure in kPa over which the water fitting or appliance is designed to operate; the flow rates, in litres per minute, related to the design pressure range, provided that this information shall be given for at least the following water pressures -

- i. 20 kPa
- ii. 100 kPa
- iii. 400 kPa

Part 7

Water pollution, restriction and wasteful use of water

53. Owner to prevent pollution of water

An owner shall provide and maintain approved measures to prevent the entry of any substance, which may be a danger to health or adversely affect the potability of water or affect its fitness for use, into -

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

54. Water restrictions

- (1) The Municipality may, by public notice to prevent the wasteful use of water in terms of Section (54) or in the event of a water shortage, drought or flood -
 - (a) prohibit or restrict the consumption of water in the whole or part of its area of jurisdiction in general or for -

- i. specified purposes;
 - ii. during specified hours of the day or on specified days; and
 - iii. in a specified manner; and
 - (b) determine and impose -
 - i. limits on the quantity of water that may be consumed over a specified period;
 - ii. charges additional to those prescribed in respect of the supply of water in excess of a limit contemplated in Sub-Section (1)(b)(i); and
 - iii. a general surcharge on the prescribed charges in respect of the supply of water; and
 - (c) impose restrictions or prohibitions on the use or manner of use or disposition of an appliance by means of which water is used or consumed, or on the connection of such appliances to the water installation.
- (2) The Municipality may limit the application of the provisions of a notice contemplated by Sub-Section (1) to specified areas and categories of consumers, premises and activities, and may permit deviations and exemptions from, and the relaxation of, any of the provisions on reasonable grounds.
- (3) The Municipality may -
 - (a) take, or by written notice require a consumer at his or her own expense to take, such measures, including the installation of measurement devices and devices for restricting the flow of water, as may in its opinion be necessary to ensure compliance with a notice published in terms of Sub-Section (1); or
 - (b) discontinue or, for such period as it may deem fit, limit the supply of water to any premises in the event of a contravention on such premises or failure to comply with the terms of a notice published in terms of Sub-Section (1), subject to notice in terms of Section (26); and
 - (c) where the supply has been discontinued, it shall only be restored when the prescribed charge for discontinuation and reconnecting the supply has been paid.
- (4) The provisions of this section shall also apply in respect of water supplied directly by the Municipality to consumers outside its area of jurisdiction, notwithstanding anything to the contrary in the conditions governing such supply, unless otherwise specified in the notice published in terms of Sub-Section (1).

55. Waste of water unlawful

- (1) No consumer shall permit -
 - (a) the purposeless or wasteful discharge of water from terminal water fittings;
 - (b) pipes or water fittings to leak;
 - (c) the use of maladjusted or defective water fittings;

- (d) an overflow of water to persist; or
 - (e) an inefficient use of water to persist.
- (2) An owner shall repair or replace any part of his or her water installation which is in such a state of disrepair that it is either causing or is likely to cause an occurrence listed in Sub-Section (1).
 - (3) If an owner fails to take measures as contemplated in Sub-Section (2), the Municipality shall, by written notice in terms of Section (26), require the owner to comply with the provisions of Sub-Section (1).
 - (4) A consumer shall ensure that any equipment or plant connected to his or her water installation uses water in an efficient manner.
 - (5) The 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.

Part 8

Water Audit

56. Water audit

- (1) Water users using more than 3 650 Kl per annum, excluding those comprising multiple dwelling units, must within one month after the end of each financial year of the Municipality undertake an annual water audit at their own cost.
- (2) A copy of the audit must be available for inspection by officials from the Department of Water Affairs and Forestry, the water board, if applicable, and the Municipality.
- (3) The audit must contain details in respect of -
 - (a) the amount of water used during the financial year;
 - (b) the amount paid for water for the financial year;
 - (c) the number of people living on the stand or premises;
 - (d) the number of people permanently working on the stand or premises;
 - (e) the seasonal variation in demand through monthly consumption figures;
 - (f) the water pollution monitoring methods;
 - (g) the current initiatives to manage demand for water;
 - (h) the plans to manage their demand for water;
 - (i) a comparison of the above factors with those reported in each of the previous three years (where available);

- (j) estimates of consumption by various components of use; and
- (k) a comparison of the above factors with those reported in each of the previous three years, where available.

Part 9

General provisions

57. Notification of boreholes

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

58. Sampling of water

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

59. Supply of non-potable water by the Municipality

- (1) The Municipality may on application in terms of Section (3) agree to supply non-potable water to a consumer, subject to such terms and conditions as the Municipality may

impose.

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

60. Testing of pressure in water supply systems

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

61. Pipes in streets or public places

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

CHAPTER III

Sanitation Services

Part 1

Standards and general provisions

62. Standards for sanitation services

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

63. Objectionable discharge to sewage disposal system

- (1) No person shall discharge, or permit the discharge or entry into the sewage disposal system of any sewage or other substance -
 - (a) which does not comply with the standards and criteria prescribed in section (79), (80), (81) below;
 - (b) which contains any substance in such concentration as will produce or be likely to produce in the effluent produced for discharge at any sewage treatment plant discharge point or in any public water any offensive, or otherwise undesirable taste, colour, odour, temperature or any foam;

- (c) which may prejudice the re-use of treated sewage or adversely affect any of the processes whereby sewage is purified for re-use, or treated to produce sludge for disposal;
 - (d) which contains any substance or thing of whatsoever nature which is not amenable to treatment to a satisfactory degree at a sewage treatment plant or which causes or is likely to cause a breakdown or inhibition of the processes in use at such plant;
 - (e) which contains any substance or thing of whatsoever nature which is of such strength, or which is amenable to treatment only to a degree as will result in effluent from the sewage treatment plant not complying with standards prescribed under the National Water Act, 1998 (Act No. 36 of 1998);
 - (f) which may cause danger to the health or safety of any person or may be injurious to the structure or materials of the sewage disposal system or may prejudice the use of any ground used by the Municipality for the sewage disposal system, other than in compliance with the permissions issued in terms of this By-law; and
 - (g) which may inhibit the unrestricted conveyance of sewage through the sewage disposal system.
- (2) No person shall cause or permit any storm water, or rain water to enter the sewage disposal system.
 - (3) The Municipality may, by written notice, order the owner or occupier to conduct, at his or her cost, periodic expert inspections of the premises in order to identify precautionary measures that would ensure compliance with this By-law and to report such findings to the Municipality or its authorised agent.
 - (4) If any person contravenes any provision of Sub-Section (1) or Sub-Section (2) he or she shall within twelve hours, or earlier if possible, advise the Municipality of the details of the contravention and the reasons for it.

Part 2

On-site sanitation services and associated services

64. Application for infrastructure

- (1) If an agreement for on-site sanitation and associated services in accordance with Section (2) exists and no infrastructure in connection therewith exists on the premises, the owner must immediately make application on the approved form and -
 - (a) pay the prescribed charge for the installation of necessary infrastructure; or
 - (b) with the approval by the Municipality and at the request of the owner, install the connecting sewer or on site sanitation services in accordance with the specifications of the Municipality.
- (2) The Municipality may specify the type of on-site sanitation services to be installed.

65. Services associated with on-site sanitation services

- (1) The removal or collection of conservancy tank contents, night soil or the emptying of pits will be undertaken by the Municipality in accordance with a removal and collection

schedule determined by the Municipality.

- (2) Copies of the collection and removal schedules will be available on request.

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

- (1) Charges in respect of the removal or collection of conservancy tank contents, night soil or the emptying of pits will cover all the operating and maintenance costs in the removal of the pit contents, transportation to a disposal site, the treatment of the contents to achieve a sanitary condition and the final disposal of any solid residues.
- (2) Charges in respect of the removal or collection of conservancy tank contents, night soil or the emptying of pits will be based on the volume removed by vacuum tank or otherwise.
- (3) If the volume of conservancy tank contents, night soil or the emptying of pits removed or collected cannot be quantified the Municipality may charge a fixed charge as prescribed.
- (4) Charges may be in the form of a monthly contribution or it may be levied as a single payment when the service is rendered.

Part 3

Sewage disposal

67. Provision of a connecting sewer

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

68. Location of connecting sewer

- (1) A connecting sewer provided by the Municipality or owner in terms of section (68) shall -
 - (a) be installed subject to such conditions regarding its size and other technical specifications as the Municipality, or its authorised officer may deem fit and be located in a position agreed to between the owner and the Municipality;
 - (b) terminate at a connection point approximately 1 meter inside the premises from the boundary of the land owned by or vested in the Municipality or over which it has a servitude or other right or when Sub-Section (3) applies, at the connecting point designated in terms of that Sub-Section;

- (2) In reaching agreement with an owner concerning the location of a connecting sewer, the Municipality shall ensure that the owner is aware of
 - (a) practical restrictions that may exist regarding the location of a connecting sewer pipe;
 - (b) the cost implications of the various possible locations of the connecting sewer;
 - (c) any other practical or technical requirement that the Municipality may deem necessary for the effectiveness of the connecting sewer.
- (3) The Municipality may at the request of any person agree, subject to such conditions as The Municipality may impose, to a connection to a sewer other than that which is most readily available for the drainage of the premises; provided that the applicant shall be responsible for any extension of the drainage installation to the connecting point designated by an authorised officer and for obtaining at his or her cost, such servitudes over other premises as may be necessary.
- (4) An owner must pay the prescribed connection charge.
- (5) Where an owner is required to provide a sewage lift as provided for in terms of the Building Regulations the rate and time of discharge into the sewer shall be subject to the approval of the Municipality.

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

- (1) Notwithstanding the provisions of Section 69 only one connecting sewer to the sewage disposal system may be provided for the disposal of sewage from any premises, irrespective of the number of accommodation units of consumers located on such premises.
- (2) Where the owner, or the person having the charge or management of any premises on which several accommodation units are situated, requires the disposal of sewage from such premises for the purpose of disposal from the different accommodation units, the Municipality may, in its discretion, provide and install either-
 - (a) a single connecting sewer in respect of the premises as a whole or any number of such accommodation units; or
 - (b) a separate connecting sewer for each accommodation unit or any number thereof.
- (3) Where the Municipality has installed a single connecting sewer as contemplated in Sub-Section (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 connecting sewer to the different accommodation units a separate connecting sewer; and
 - (b) will be liable to the Municipality for the tariffs and charges for all sewage disposed from the premises through such a single connecting sewer, irrespective of the different quantities disposed by the different consumers served by such connecting sewer.
- (4) Notwithstanding Sub-Section (1), the Municipality may authorise that more than one

connecting sewer be provided on the sewage disposal system for the disposal of sewage from any premises comprising sectional title units or if, in the opinion of the Municipality, undue hardship or inconvenience would be caused to any consumer on such premises by the provision of only one connecting sewer.

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

70. Interconnection between premises

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

71. Disconnection of draining installation from connecting sewer

The Municipality may disconnect a drainage installation from the connecting sewer and remove the connecting sewer if the agreement for provision has been terminated in terms of Section (13) and it has not received an application for subsequent provision to the premises served by the sewer within a period of 90 days of such termination; or the building on the premises concerned has been demolished.

Part 4

Sewage delivered by road haulage

72. Acceptance of sewage delivered by road haulage

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

73. Written permission for delivery of sewage by road haulage

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

74. Conditions for delivery of sewage by road haulage

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

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

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

Part 5

Disposal of industrial effluent and trade premises

76. Application for disposal of industrial effluent

- (1) A person must apply for the permission to discharge industrial effluent into the sewage disposal system of the Municipality in terms of Section (1).
- (2) The Municipality may, if in its opinion the capacity of a sewage disposal system is sufficient to permit the conveyance and effective treatment and lawful disposal of the industrial effluent, for such period and subject to such conditions it may impose, grant written permission to discharge industrial effluent.
- (3) The provisions of Chapter 1 will *mutatis mutandis* apply to any permission to discharge industrial effluent.
- (4) Any person who wishes to construct or cause to be constructed, a building which shall be used as a trade premises, shall at the time of lodging a building plan in terms of Section (4) of the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977), also lodge applications for the provision of sanitation services and for permission to discharge industrial effluent in terms of Sub-Section (1).

77. Unauthorised discharge of industrial effluent

- (1) Any person who discharges or causes or permits to be discharged any industrial effluent into the sewer without first having obtained permission to do so in terms of section 77(2) shall be guilty of an offence and liable, in addition to the penalties provided for in this By-law, to pay such fees as the Municipality may assess for the conveyance and treatment of effluent so discharged and for any damage or loss, whether pecuniary or otherwise, caused as a result of such unauthorised discharge.
- (2) Apart from the powers and rights of the Municipality in terms of subsection (1) and Section 79 the Municipality shall be entitled to recover from any person who discharges to a drain or sewer, any industrial effluent or any substance which is prohibited or restricted in terms of this By-law including any of its Schedules or who has been the subject of any action taken by the Municipality in terms of Section 80(2) all loss, damages costs, expenses and fees incurred by the Municipality as a result of any loss or all of the following:
 - (a) the death of or injury to any person, or damage to, or blockage or breakdown

whether partial or complete, or contamination by, fats, oil or grease of-

- i. the sewer;
 - ii. any sewage treatment plant;
 - iii. any mechanical appliance;
 - iv. any other property whatsoever whether or not under the control of the Municipality and
- (b) any costs, including fines and damages, which may be incurred by or awarded against the Municipality, or any expense incurred by the Municipality as a result of a prosecution in terms of the National Water Act or any other law, or any action against it, consequent on any partial or complete breakdown of any sewage treatment plant or mechanical appliance, caused directly or indirectly by the said discharge.
- (3) Any person who discharges or causes or permits to be discharged any industrial effluent in any manner whatsoever that is not authorised in terms of this By-law is guilty of an offence.

78. Quality standards for disposal of industrial effluent

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

79. Conditions for disposal of industrial effluent

- (1) The Municipality may in the written permission or at any time, by written notice, require a person to -
 - (a) subject the industrial effluent to such preliminary treatment as in the opinion of the Municipality will ensure that the industrial effluent conforms to the standards prescribed by the Municipality from time to time before being discharged into the sewage disposal system;
 - (b) install such equalising tanks, valves, pumps, appliances, meters and other equipment as in the opinion of the Municipality will be necessary to control the rate and time of discharge into the sewage disposal system in accordance with the conditions imposed by it;
 - (c) install for the conveyance of his or her industrial effluent into the sewage disposal system at a given point, a drainage installation separate from the drainage installation for waste water and standard domestic effluent and may prohibit such person from disposing of his or her industrial effluent at any other point and from disposing of his or her waste water and standard domestic effluent by means other than into a sewage disposal system;
 - (d) construct on any pipe conveying his or her industrial effluent to any sewer, a service access hole or stop-valve in such position and of such dimensions and materials as the Municipality may prescribe;
 - (e) provide all such information as may be required by the Municipality to enable it to assess the tariffs or charges due to the Municipality;
 - (f) provide adequate facilities such as level or overflow detection devices, standby equipment, overflow catch-pits, or other appropriate means to prevent a discharge into the sewage disposal system which is in contravention of this By-law;
 - (g) cause any meter, gauge or other device installed in terms of this Section to be calibrated by an independent authority at the cost of that person at such intervals as required by the Municipality and copies of the calibration to be forwarded to it; and
 - (h) cause his or her industrial effluent to be analysed as often and in such manner as may be prescribed by the Municipality and provide it with the results of these tests when completed.
- (2) The cost of any treatment, plant, works or analysis which the permit holder may be required to carry out, construct or install in terms of Sub-Section (1) shall be borne by the permit holder concerned.
- (3) The written permission of the Municipality must be obtained for any proposed changes to the composition of industrial effluent discharged into the sewage disposal system.
- (4) In the event that industrial effluent that does not comply with the standards as determined by the Municipality or the written permission issued in respect of that process or premises, is discharged into the sewage disposal system, the Municipality must be informed of the incident and the reasons therefore within twelve hours of such discharge.

80. Withdrawal of written permission for disposal of industrial effluent

- (1) The Municipality may withdraw any permission, after giving at least 14 (fourteen) days written notice if its intention to a person permitted to discharge industrial effluent into the sewage disposal system if the person -
 - (a) fails to ensure that the industrial effluent discharged conforms to the industrial effluent standards prescribed by the Municipality or the written permission;
 - (b) fails or refuses to comply with any notice lawfully served on him or her in terms of this By-law or contravenes any provisions of this By-law or any condition imposed in terms of any permission granted to him or her; or
 - (c) fails to pay the assessed charges in respect of any industrial effluent discharged as may be determined by the Municipality from time to time.
- (2) The Municipality may on withdrawal of any written permission -
 - (a) in addition to any steps prescribed in this By-law, and on 14 (fourteen) days' written notice authorise the closing or sealing of the connecting sewer of the said premises to any sewer for such charge as may be prescribed in the Municipality's tariff of charges; and
 - (b) refuse to accept any industrial effluent until it is satisfied that adequate steps to ensure that the industrial effluent to be discharged conforms to the standards prescribed in this By-law.

Part 6

Determining charges for volumes of effluent discharged to sewage disposal system

81. Quantity of standard domestic effluent discharged

The volume of standard domestic effluent discharged shall be determined by the size of the specific premises to which the Municipality or its authorised agent supplies water. If the total charges for the discharged effluent for a specific premises are excessive, having regard to the purposes for which water is consumed on those premises, the Municipality or its authorised agent may reduce the percentage applicable to those premises to a figure which, in its opinion and in the light of the available information, reflects the proportion between the likely quantity of sewage discharged from the premises and the quantity of water supplied thereto.

82. Volume of industrial effluent discharged

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

Part 7

Drainage installations

83. Construction or installation of drainage installations

- (1) Any drainage installation constructed or installed must comply with *SABS Code 0900-1990 Part P Drainage* and any other applicable specifications prescribed in terms of the Act.
- (2) From date of publication of this By-law, where a drainage installation is a toilet it shall be a waterborne toilet system or a waterless biological toilet. If the drainage system is a waterless biological toilet, it shall comply with the specifications set out below:

(a) Operation:

The biological toilets shall be capable of treating and stabilising human toilet waste by means of:

- i. Separation of the liquid and solid waste;
- ii. Dehydration and evaporation of the solid and liquid waste respectively;
- iii. Reducing the volume of the solid waste via dehydration;
- iv. Allow for simple removal of the solid waste by means of a rake and collection in a container.

(b) Operational and Functional Requirements:

The biological toilet system shall-

- i. not require continuous dosing of chemicals or enzymes;
- ii. operate as an aerobic reactor;
- iii. not require electricity to operate under normal conditions;
- iv. be odourless under normal operating conditions
- v. not attract flies;
- vi. have a positive extraction ventilation system.

(c) The system features:

The system shall comprise of the following-

- i. A top unit onto which the concrete for the floor slab is casted;
- ii. The top unit shall have a manhole cover for access into and removal of dried waste from the system;
- iii. The manhole cover area shall be raised above ground level and constructed

in such a way to allow for heat build -up within the reactor, in order to create convectional flow of air;

- iv. A ventilation outlet pipe with a wind driven ventilation extraction unit mounted on top of the reactor;
- v. The ventilation unit shall be manufactured in aluminium and shall have a sealed nylon bearing. The extractor shall have a diameter of more than 300mm;
- vi. All plastic components must be supplied in black UV stabilised polyethylene plastic;
- vii. All other components must be supplied in plastic or stainless steel;
- viii. The system shall be supplied with an outlet chute of at least 200 mm in diameter.

84. Drains in streets or public places

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

85. Construction by Municipality

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

86. Maintenance of drainage installation

- (1) The owner or occupier of any premises must maintain any drainage installation and any sewer connection on such premises.
- (2) Any person who requests the Municipality to clear a drainage installation will be liable to pay the prescribed tariff.
- (3) The Municipality may, on the written application of the owner or occupier of any premises, inspect and test the drainage installation of such premises or any section thereof and recover from the owner or occupier the cost of such inspection and test, calculated at the rate specified in the prescribed tariff or charges.

87. Installation of pre-treatment facility

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

88. Protection from ingress of floodwaters

Where a premises is situated in the 1 in 50 years flood-plain, or the 1 in 100 years flood-plain, the top level of service access holes, inspection chambers and gullies is to be above the 1 in 50

years flood level or 1 in 100 years flood-level, respectively, except, in the case of service access holes and inspection chambers, where the cover is secured in place by approved means.

89. Repeal of by-laws and short title

- (1) Any by-laws relating to water services adopted by the municipality or any municipality now comprising an administrative unit of the Municipality is repealed from the date of promulgation of this by-law
- (2) This By-law is called the water services by-law, 2007.

90. Date of commencement

This By-law commence on the date of publication thereof in the *Provincial Gazette*.