Cederberg, South Africa

Water Supply, Sanitation Services and Industrial Effluent By-law, 2004

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Cederberg
South Africa

Water Supply, Sanitation Services and Industrial Effluent By-law, 2004

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Chapter I
General Provisions

Part 1 – Definitions

1. Definitions

(1) In this by-law, words used in the masculine gender include the feminine, the singular includes the plural and vice versa, the Afrikaans text prevails in the event of an inconsistency between the different texts and 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;

"**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, this by-law;

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

"**borehole**" includes a well, excavation or any artificially constructed or improved underground cavity which can be used for the purpose of—

(a) intercepting, collecting or storing water in or removing water from an aquifer;

(b) observing and collecting data and information on water in an aquifer; or

(c) recharging an aquifer;

"**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);

"**communal water services work**" means a consumer connection through which water services are supplied to more than one person;

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

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

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

"**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) a person that obtains access to water services provided through a communal water services work;

"**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;

"**duly qualified sampler**" means a person or accredited company 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 an authorised agent;

"**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;

"**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 an installation that conveys water for fire fighting purposes only;

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

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

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

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

"**high strength sewage**" means sewage with a strength or quality greater than standard domestic effluent;

"**industrial effluent**" means effluent emanating from industrial use of water, includes for purposes of this by-law, any effluent other than standard domestic effluent or storm water;

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

"**main**" means a pipe, other than a connection pipe, vesting in the municipality and used by it for the purpose of conveying water to a consumer;

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

"**meter**" means a water meter as defined by the Regulations published in terms of the Trade Metology Act, 1973 (Act No. 100 of 1973), or, in the case of water meters of size greater than 77mm, a device which measures the quantity of water passing through it;

"**municipality**" means the Municipality of Cederberg established in terms of Section 12 of the Municipal Structures Act, 117 of 1998, Provincial Notice 482 dated 22 September 2000 and includes any political structure, political office-bearer, councillor, duly authorised agent thereof or any employee thereof acting in connection with this by-law by virtue of a power vested in the municipality and delegated or subdelegated to such political structure, political office-bearer, councillor, agent or employee;

"**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 dea, 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;

"**prescribed tariff or charge**" means a charge prescribed by the municipality;

"**public notice**" means notice to the public in a manner determined by the council;

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

"**sanitation 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;

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

"**sewage**" means waste water, industrial effluent, standard domestic effluent and other liquid waste, either separately or in combination, but shall 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 and settable solids as being appropriate to sewage discharges from domestic premises within the jurisdiction of the municipality, but shall not include industrial effluent;

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

"**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 purified sewage, water for industrial purposes and the disposal 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; and

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

(2) 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.

(3) 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 it is applicable.

Part 2 – Application for water services

2. Application for water services

(1) No person shall gain access to water services from the water supply system, sewage disposal system or through any other sanitation services unless he or she has applied to the municipality on the prescribed form for such services for a specific purpose and to which such application has been agreed.

(2) The municipality may refuse to provide a water connection.

(3) Where a premises or consumer are provided with water services, it shall be deemed that an agreement in terms of subsection (1) exists.

(4) The municipality must on application for the provision of water services by a consumer inform that consumer of the different levels of services available and the tariffs and/or charges associated with each level of services.

(5) A consumer must elect the available level of services to be provided to him or her or it.

(6) A consumer may at any time apply to alter the level of services elected in terms of the agreement entered into, provided that such services are available or that the municipality's water supply service allows for such alteration and that any costs and expenditure associated with altering the level of services will be payable by the consumer.

(7) 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.

(8) 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.

(9) In preparing an application form for water services the municipality will ensure that the document and the process of interaction with the owner, consumer or any other person making application are understood by that owner, consumer or other person. 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.

(10) 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.

(11) Water services rendered to a consumer are subject to the provisions of this by-law and the conditions contained in the relevant agreement.

(12) If a municipality refuses an application for the provision of water services, 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 therefor and, if applicable, when the municipality will be able to provide such water services.

3. 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 such application has been approved by the municipality having jurisdiction in the area in which the premises is situated.

Part 3 – Tariffs and charges

4. 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 or interest in respect of failure to pay such tariffs or charges on the specified date will be set by the municipality by a resolution passed by the Council in accordance with:

(i) its tariff policy;

(ii) any by-law in respect thereof; and

(iii) any regulations in terms of section 10 of the Act.

5. 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 once-off fixed charge in respect of the provision of water services 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.

(2) Where a fixed charge is levied in terms of subsection (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

6. Payment of deposit

(1) Every consumer must on application for the provision of water services and before such water services will be provided by the municipality, deposit with the municipality a sum of money as determined by the municipality from time to time 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) No interest shall be payable by the municipality on the amount of a deposit held by it in terms of this section.

(4) 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.

7. 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 in accordance with sections 4 and 5, for the particular category of water services provided.

(2) A consumer shall be responsible for payment for all water services provided to the consumer from the date of an agreement until the date of termination thereof.

(3) The 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.

Part 5 – Accounts

8. Accounts

(1) Monthly accounts will be rendered to consumers for the amount due and payable, 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.

Part 6 – Termination, limitation and discontinuation of water services

9. Termination of agreement for the provision of water services

(1) A consumer may terminate an agreement for the provision of water services by giving to the municipality 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 this bylaw and has failed to rectify such failure to comply on notice in terms of section 17;

(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 reasonable notice, terminate an agreement for services if a consumer has vacated the premises to which such agreement relates.

10. Limitation and/or discontinuation of water services provided

(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 in the municipality's by-law relating to credit control;

(b) on failure to comply with any other provisions of this by-law, after notice in terms of section 17 was given;

(c) at the written request of a consumer;

(d) if the agreement for the provision of services has been terminated in terms of section 9 and it has not received an application for subsequen t services to the premises within a period of 90 (ninety) days of such termination;

(e) the building on the premises to which services were provided has been demolished;

(f) if the consumer has interfered with a limited or discontinued service; or

(g) in an emergency.

(2) The 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 subsection (1).

Part 7 – General provisions

11. Responsibility for compliance with this by-law

(1) The owner of premises is responsible for ensuring compliance with this by-law 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.

12. 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 this by-law 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 subsection (1).

13. Unauthorised use of water services

(1) No person may gain access to water services from the water supply system, sewage disposal system or any other sanitation services unless an agreement has been entered into with the municipality for the rendering of those services.

(2) 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 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.

(3) The provisions of section 17 shall apply to a notice in terms of subsection (2) above.

14. 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.

15. 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.

16. 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 subsection (1), the municipality may—

(a) by written notice require such person to restore access at his or her own expense within a specified period; or

(b) if it is of the opinion that the situation is a matter of urgency, without prior notice restore access and recover the cost from such person.

17. 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 subsections (a) to (f), by affixing it to a principal door of entry to the premises concerned.

(3) In the case where compliance with a notice is required within a specified number of working days, such period shall be deemed to commence on the date of delivery or sending of such notice.

18. 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 provision s of this by-law or of any condition imposed thereunder to remedy such breach within a period specified in the notice.

(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 subsection (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 of 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 subsection (3)(e)(i) and recover the costs from such person.

(5) The costs recoverable by the municipality in terms of subsections (3) and (4) is the full cost associated with that work and includes, but is not limited to, any exploratory investigation, surveys, plans, specifications, schedules of quantities, supervision, administration charge, the 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.

19. Power of entry and inspection

(1) A municipality may enter and inspect any premises—

(a) for the purposes set out in and in accordance with the provisions of section 80 of the Act;

(b) for any purpose connected with the implementation or enforcement of this by-law, at all reasonable times, after having given reasonable written notice of the intention to do so, unless it is an emergency situation.

20. 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.

21. Offences

(1) No person may—

(a) unlawfully and intentionally or negligently interfere with any water services works of the municipality;

(b) refuse or neglect to provide information or provide false information reasonably requested by the municipality;

(c) refuse to give access required by a municipality in terms of section 19;

(d) obstruct or hinder a municipality in the exercise of his or her powers or performance of his or her functions or duties under this by-law;

(e) contravene or fail to comply with a provision of this by-law;

(f) contravene or fail to comply with a condition or prohibition imposed in terms of this by-law;

(g) contravene or fail to comply with any conditions imposed upon the granting of any application, consent, approval, concession, exemption or authority in terms of this by-law; or

(h) fail to comply with the terms of a notice served upon him or her in terms of this by-law.

(2) Any person who contravenes any of the provisions of subsection (1) shall be guilty of an offence and liable on conviction to:

(a) a fine or imprisonment, or either such fine or such imprisonment or both such fine and such imprisonment;

(b) in the case of a continuing offence, an additional fine or an additional period of imprisonment or either such additional fine or such additional imprisonment or both such additional fine and imprisonment for each day on which such offence is continued, and

(c) a further amount equal to any costs and expenses found by the court to have been incurred by the municipality as result of such contravention.

Chapter II
Water supply services

Part 1 – Connection to water supply system

22. 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 and pay the prescribed charge for the installation of such a pipe.

(2) If an application is made for water supply services which are of such an extent or so situated that it is necessary to extend, modify or upgrade the water supply system in order to supply water to the premises, the municipality may agree to the extension subject to such conditions as it may impose.

23. Location of connection pipe

(1) A connection pipe provided and installed by the municipality shall—

(a) be located in a position agreed to between the owner and the municipality and be of a suitable size as determined by the municipality;

(b) terminate at—

(i) the boundary of the land owned by or vested in the municipality, or over which it has a servitude or other right; or

(ii) the outlet of the water meter if it is situated on the premises; or

(iii) the isolating valve if it is situated on the premises.

(2) In reaching agreement with an owner concerning the location of a connection pipe, the 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;

(c) whether or not the municipality requires the owner to indicate the location of the connection pipe by providing a portion of his or her water installation at or outside the boundary of his or her premises, or such agreed position inside or outside his or her premises where the connection is required, for the municipality to connect to such installation.

(3) A municipality may at the request of any person agree, subject to such conditions as he or she may impose, to a connection to a main other than that which is most readily available for the provision of water supply to the premises; provided that the applicant shall be responsible for any extension

of the water installation to the connecting point designated by the municipality 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.

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

(1) Notwithstanding the provisions of section 22 only one connection pipe to the water supply system may be provided for the supply of water to any premises, irrespective of the number of accommodation units, business units or consumers located on such premises.

(2) Where the owner, or the person having the charge or management of any premises on which several accommodation units are situated, requires the supply of water to such premises for the purpose of supply to the different accommodation units, the municipality may, in its discretion, provide and install either—

(a) a single measuring device in respect of the premises as a whole or any number of such accommodation units; or

(b) a separate measuring device for each accommodation unit or any number thereof.

(3) Where the municipality has installed a single measuring device as contemplated in subsection (2) (a), the owner or the person having the charge or management of the premises, as the case may be —

(a) must, if the municipality so requires, install and maintain on each branch pipe extending from the connection pipe to the different accommodation units—

(i) a separate measuring device; and

(ii) an isolating valve; and

(b) 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.

(4) Notwithstanding subsection (1), the municipality may authorise that more than one connection pipe be provided on the water supply system for the supply of water to any premises comprising sectional title units if, in the opinion of the municipality, undue hardship or inconvenience would be caused to any consumer on such premises by the provision of only one connection pipe.

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

25. 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.

26. 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 9 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

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

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

Part 3 – Temporary supply

28. 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) Aperson who desires a temporary supply of water referred to in subsection (1) must apply for such water services in terms of section 2.

(3) The supply of water in terms of subsection (1) must be measured.

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

Part 4 – Standards and general conditions of supply

29. Quantity, quality and pressure

Water supply services provided by the municipality will comply with the minimum standards set for the provision of water supply services in terms of section 9 of the Act.

30. 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 will be responsible therefor.

(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

31. Measuring of quantity of water supplied

(1) The municipality will measure the quantity of water supplied at regular intervals.

(2) Any measuring device through which water is supplied to a consumer by the municipality 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 subsection (3), it may install a section of pipe and associated fittings between the end of its connection pipe and the meter, and such section shall be deemed to form part of the water supply system.

(5) If the municipality installs a measuring device together with its associated apparatus on a service pipe in terms of subsection (3) , the owner shall—

(a) provide a place satisfactory to the municipality in which to install it;

(b) ensure that unrestricted access is available to it at all times;

(c) be responsible for its protection and be liable for the costs arising from damage thereto, excluding damage arising from normal fair wear and tear;

(d) ensure that no connection is made to the pipe in which the measuring device is installed, between the measuring device and the connection pipe serving the installation; and

(e) make provision for the drainage of water which may be discharged, from the pipe in which the measuring device is installed, in the course of work done by the 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, in the event of the measuring device being a meter, 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 use in determining quantity of water supplied to each such unit; provided that where fixed quantity water delivery systems are used, a single measuring device may be used to supply more than one unit.

32. 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 can be proved, that—

(a) the quantity is represented by the difference between measurements taken at the beginning and end of such period;

(b) the measuring device was accurate during such period;

(c) the entries in the records of the municipality were correctly made; and

(d) if water was 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 was 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 subsection (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 discovere d that water is so taken by the consumer.

(3) For the purposes of subsection (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 subsection (2) was discovered; or

(b) the average monthly consumption on the premises registered over three succeeding measuring periods after the date referred to in subsection (3)(a).

(4) Nothing in this by-law shall be construed as imposing on the municipality an obligation to cause any measuring device installed by the municipali ty 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 section 31(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 that a measuring device has been installed in respect of water supplied to a consumer, the estimated or assumed consumption of that consumer must be based on the average consumption of water supplied to the specific 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 in terms of its tariff policy determine a basic tariff or charge to be paid by each consumer within that zone irrespective of actual consumption.

33. Defective measurement

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 take the steps as provided for in the municipality's by-law relating to credit control and debt collection.

34. 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 subsection (1), its removal, and the restoration of the water installation after such removal shall be carried out at the expense of the municipality.

(3) The provisions of sections 31(5) and 31(6) shall apply insofar as they may be applicable in respect of a measuring device installed in terms of subsection (1).

35. 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.

Part 6 – Installation work

36. Approval of installation work

(1) If an owner wishes to have installation work done, he or she must first obtain the municipality's written approval; provided that approval shall not be required in the case of water installations in dwelling units or installations where no fire installation is required in terms of SABS Code 0400 or for the repair or replacement of an existing pipe or water fitting other than a fixed water heater and its associated protective devices.

(2) Application for the approval referred to in subsection (1) shall be made on the prescribed form and shall be accompanied by—

(a) the prescribed charge, if applicable;

(b) copies of the drawings as prescribed by the municipality, giving information in the form required by clause 4.1.1 of SABS Code 0252: Part I; and

(c) a certificate certifying that the installation has been designed in accordance with SABS Code 0252: Part I or has been designed on a rational basis.

(3) The provisions of subsections (1) and (2) shall not apply to a qualified plumber who replaces a fixed water heater or its associated protective devices.

(4) Authority given in terms of subsection (1) shall lapse at the expiry of a period of twenty-four months after the first day of the month succeedin g the month in which the authority is given.

(5) A complete set of approved drawings of installation work shall be available at the site of the work at all times until such work has been completed, where approval was required in terms of subsection (1).

(6) If installation work has been done in contravention of subsection (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-law.

37. Provision and maintenance of water installations

(1) An owner must provide and maintain his or her water installation at his or her own cost and, where permitted in terms of subsection (2), must ensure that the installation is situated within the boundary of his or her premises.

(2) Before doing work in connection with the maintenance of a portion of his or her water installation which is situated outside the boundary of his or her premises, an owner shall obtain the written

consent of the municipality or the owner of the land on which such portion is situated, as the case may be.

38. Use of pipes and water fittings to be authorised

(1) 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 included in the Schedule of Approved Pipes and Fittings as compiled by the municipality.

(2) Application for the inclusion of a pipe or water fitting in the Schedule referred to in subsection (1) must be made on the form prescribed by the municipality and be accompanied by the prescribed charge.

(3) A pipe or water fitting may be included in the Schedule referred to in subsection (1) if—

(a) it bears the standardisation mark of the South African Bureau of Standards in respect of the relevant SABS specification issued by the Bureau ; or

(b) it bears a certification mark issued by the SABS to certify that the pipe or water fitting complies with an SABS Mark specification or a provisional specification issued by the SABS, provided that no certification marks shall be issued for a period exceeding two years.

(4) The municipality may, in respect of any pipe or water fitting included in the Schedule, impose such additional conditions, as it may deem necessary in respect of the use or method of installation thereof.

(5) A pipe or water fitting shall be removed from the Schedule if it—

(a) no longer complies with the criteria upon which its inclusion was based; or

(b) is no longer suitable for the purpose for which its use was accepted.

(6) The current schedule shall be available for inspection at the office of the municipality at any time during working hours.

39. Labelling of terminal water fittings and appliances

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

(a) the range of pressure in kPa over which the water fitting or appliance is designed to operate;

(b) the flow rates, in litres per minute, related to the design pressure range, provided that this information shall be given for at least the following water pressures—

(i) 20 kPa

(ii) 100 kPa

(iii) 400 kPa.

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

40. Owner to prevent pollution of water

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

(a) the water supply system; and

(b) any part of the water installation on his or her premises.

41. Water restrictions

(1) The municipality may by public notice to prevent the wasteful use of water in terms of section 42 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 subsection (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 subsection (1) to specified areas and categories of consumers, premises and activities, and may permit deviations and exemptions from, and the relaxation of, any of the provisions on reasonable grounds.

(3) The municipality may—

(a) take, or by written notice require a consumer at his or her own expense to take, such measures, including the installation of measurement devices and devices for restricting the flow of water, as may in its opinion be necessary to ensure compliance with a notice published in terms of subsection (1); or

(b) discontinue or, for such period as it may deem fit, limit the supply of water to any premises in the event of a contravention on such premises or failure to comply with the terms of a notice published in terms of subsection (1), subject to notice in terms of section 18.

(4) The provisions of this section shall also apply in respect of water supplied directly by the municipality to consumers outside its area of jurisdiction, notwithstanding anything to the contrary in the conditions governing such supply, unless otherwise specified in the notice published in terms of subsection (1).

42. 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 subsection (1).

(3) If an owner fails to take measures as contemplated in subsection (2), the municipality shall, by written notice in terms of section 18, require the owner to comply with the provisions of subsection (1).

(4) Aconsumer 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 – General provisions

43. 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. 36 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 use of a borehole for water services in accordance with sections 6, 7 and 22 of the Act;

(b) adhere to conditions imposed by it in respect of the use of a borehole for water services; and

(c) to pay a fixed charge imposed by it in respect of the use of such a borehole.

44. Sampling of water

(1) The municipality may take samples of water obtained from a source, authorised in terms of section 6 or 7 of the Act, other than the water supply system for domestic purposes and cause the samples to be tested for compliance with any national standards prescribed in terms of section 9 of the Act.

(2) The prescribed charge for the taking and testing of the samples referred to in subsection (1) shall be paid by the person to whom approval to use the water for potable water was granted in terms of section 6(1) of the Act.

45. Supply of non-potable water by municipality

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

(2) Any supply of water agreed to in terms of subsection (1) shall not be used for domestic or any other purposes, which, in the opinion of the municipality, may give rise to a health risk.

(3) No warranty, expressed or implied, shall apply to the purity of any non-potable water supplied by the municipality or its suitability for the purpose for which the supply was granted.

(4) The supply of non-potable water shall, both as to condition and use, be entirely at the risk of the consumer, who shall be liable for any consequential damage or loss arising to himself, herself or others arising directly or indirectly therefrom, including the consequences of any bona fide fault of the municipality or the malfunction of a treatment plant.

46. 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.

47. 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 any municipality, except with the prior written permission of that municipality and subject to such conditions as it may impose.

48. Use of grey water

No person shall use grey water or permit such water to be used, 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

49. 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.

50. 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 sections 67 to 70 below;

(b) which contains any substance in such concentration as will produce or be likely to produce in the effluent produces for discharge at any sewage treatment plant or sea outfalls 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 or discharge from any sea outfalls 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 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 which would ensure compliance with this by-law and to report such findings to an authorised agent.

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

Part 2 – On-site sanitation services and associated services

51. 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) A municipality may specify the type of on site sanitation services to be installed.

52. Services associated with on-site sanitation services

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

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

53. 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 shall be payable in terms of the municipalitys's tariff policy when the service is rendered.

Part 3 – Sewage disposal

54. 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 a premises which is so situated that it is necessary to extend the sewer in order to connect the sewage disposal system to the premises, the municipality may agree to the extension subject to such conditions as it may impose.

55. Location of connecting sewer

(1) A connecting sewer provided and installed by the municipality or owner in terms of section 54 shall —

(a) be located in a position agreed to between the owner and the municipality and be of a size determined by an authorised officer;

(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 subsection (3) applies, at the connecting point designated in terms of that subsection;

(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) whether or not the municipality requires the owner to fix the location of the connecting sewer by providing a portion of his or her water installation at or outside the boundary of his or her premises, or such agreed position inside or outside his or her premises where the connection is required, for the municipality to connect to such installation.

(3) A municipality may at the request of any person agree, subject to such conditions as he or she may impose, to a connection to a sewer other than that which is most readily available for the drainage of the premises; provided that the applicant shall be responsible for any extension of the drainage 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.

(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.

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

(1) Notwithstanding the provisions of section 55 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 subsection (2) (a), the owner or the person having the charge or management of the premises, as the case may be —

(a) must if the municipality so requires, install and maintain on each branch pipe extending from the connecting sewer to the different accommodation units—

(i) a separate connecting sewer; and

(ii) an isolating valve;

(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 subsection (1), the municipality may authorise that more than one connecting sewer be provided on the sewage disposal system for the disposal of sewage from any premises comprising sectional title units or if, in the opinion of the municipality, undue hardship or inconvenie nce 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 subsection (4), the tariffs and charges for the provision of a connecting sewer is payable in respect of each sewage connection so provided.

57. 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.

58. Disconnection of draining installation from connecting sewer

The municipality may disconnect a drainage installation from the connecting sewer and remove the connecting sewer if—

(a) the agreement for provision has been terminated in terms of section 12 and it has not received an application for subsequent provision to the premises served by the sewer within a period of 90 days of such termination; or

(b) the building on the premises concerned has been demolished.

Part 4 – Sewage delivered by road haulage

59. Acceptance of sewage delivered by road haulage

A 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.

60. Written permission for delivery of sewage by road haulage

(1) No person shall discharge sewage into the municipality's sewage treatment plants by road haulage except with the written permission of the municipality and subject to such period and any conditions that may be imposed terms of the written permission.

(2) The charges for any sewage delivered for disposal to the municipality's sewage treatment plants shall be assessed by the municipality in accordance with the prescribed tariffs or charges.

61. 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.

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

(1) The municipality may withdraw any permission, after giving 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 in Schedule "A"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 – Purified sewage

63. Use of purified sewage

(1) The municipality may on application in terms of section 2, agree to supply purified sewage to a consumer, subject to such terms and conditions as the municipality may impose.

(2) No warranty, expressed or implied, shall be supplied by the municipality in respect of the suitability of the purified sewage for the purpose for which the supply was granted.

(3) The supply of purified sewage shall, both as to condition and use, be entirely at the risk of the consumer, who shall be liable for any consequen tial damage or loss arising to himself, herself or others arising directly or indirectly therefrom, including the consequences of any bona fide fault of the municipality or the malfunction of a treatment plant.

Part 6 – Disposal of industrial effluent and trade premises

64. 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 2 (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 I 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 1977. National Building Regulations and Building Standards Act, (Act No. 103 of 1977), also lodge applications for the provision of sanitation services and for permission to discharge industrial effluent in terms of subsection (1).

65. Unauthorised discharge of industrial effluent

(1) No person shall discharge or cause or permit to be discharged into the sewage disposal system any industrial effluent except with and in terms of the written permission of the municipality and in accordance the provisions of this part.

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

66. Quality standards for disposal of industrial effluent

(1) A person to whom permission has been granted in terms of section 63 must ensure that no industrial effluent is discharged into the sewage disposal system of the municipality unless it complies with the standards and criteria set out in Schedule A hereto.

(2) The municipality may by writing in the permission concerned, relax or vary the standards in Schedule A, provided that the municipality is satisfied that any such relaxation or variation represents the best practicable environmental option.

(3) In determining whether relaxing or varying the standards in Schedule A represents the best practicable environmental option a 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 installati on of such technology would entail unreasonable cost to the applicant;

(c) whether the applicant is implementing a programme 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) Test samples may be taken at any time by a duly qualified sampler to ascertain whether the industrial effluent complies with Schedule A or any other standard laid down in a written permission.

67. 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 in Schedule A before being discharged into the sewage disposal system;

(b) install such equalising tanks, valves, pumps, appliances, meters and other equipment as in the opinion of the municipality will be necessary to control the rate and time of discharge into the sewage disposal system in accordance with 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 catchpits, or other appropriate means to prevent a discharge into the sewage disposal system which is in contravention of these 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 person mentioned in subsection (1) may be required to carry out, construct or install in terms of subsection (1) shall be borne by the said person.

(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 in Schedule A 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.

68. Withdrawal of written permission for disposal of industrial effluent

(1) The municipality may withdraw any permission, after giving 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 in Schedule A of this by-law 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.

(2) The municipality may on withdrawal of any written permission—

(a) in addition to any steps prescribed in these by-law, and on 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 have been taken to ensure that the industrial effluent to be discharged conforms with the standards prescribed in this by-law.

69. Sea outfalls

(1) The provisions of this part shall apply equally to industrial effluent discharged into any of the municipality or its authorised agent's sea outfalls, subject to any additional conditions specific to sea outfalls that may be imposed.

(2) Where industrial effluent is accepted for discharge into a sea outfall it shall be delivered to the point of acceptance approved by the municipal ity or its authorised agent by means of a pipeline constructed and maintained by the permitted person at his or her expense.

(3) No industrial effluent shall be accepted for discharge into a sea outfall unless—

(a) it complies with the standards and criteria set out in Schedule B; and

(b) it is proved to the satisfaction of the municipality or its authorised agent, that such effluent —

(i) is not toxic to marine fauna or flora;

(ii) contains no constituents in concentrations which can create a nuisance on the beaches or in the sea, or a health hazard or which may have an adverse effect on bathing or other recreational areas;

(iii) contains no floating material;

(iv) contains no substance which may be prejudicial or injurious to the municipality or its authorised agent's sea outfalls and associated sumps, sewers, plant and equipment or to its employees;

(v) contains no materials capable of creating a nuisance by frothing;

(vi) contain no standard domestic effluent; and

(c) it complies with any applicable standards in terms of the National Water Act, 1998 (Act No. 36 of 1998).

(4) The municipality or its authorised agent may relax or vary the standards and criteria in Schedule B, provided that such relaxation or variation shall not constitute a relaxation or variation of those matters referred to in subsection (3).

(5) The delivery pipeline from the premises concerned to the point of acceptance shall be maintained in a proper condition and free from all leaks.

(6) Acceptance of the industrial effluent shall be subject to review at any time.

Part 7 – Measurement of quantity of effluent discharged to sewage disposal system

70. Measurement of quantity of standard domestic effluent discharged

(1) The quantity of standard domestic effluent discharged shall be determined by a percentage of water supplied by the municipality; provided that where the municipality is of the opinion that such a percentage in respect of specific premises is excessive, having regard to the purposes for which water is consumed on those premises, the municipality may reduce the percentage applicable to those premises to a figure which, in its opinion and in the light of the available information, reflects the proportion between the likely quantity of sewage discharged from the premises and the quantity of water supplied thereto.

(2) Where a premises is supplied with water from a source other than or in addition to the municipality's water supply system, including abstraction from a river or borehole, the quantity of standard domestic effluent will be a percentage of the total water used on that premises as may be reasonably estimated by the municipality.

71. Measurement of quantity of industrial effluent discharged

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

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

(b) until such time as a measuring device is installed by a percentage of the water supplied by the municipality to that premises.

(2) Where a premises is supplied with water from a source other than or in addition to the municipality's water supply system, including abstraction from a river or borehole, the quantity of standard industrial effluent will be a percentage of the total water used on that premises as may be reasonably estimated by the municipality.

(3) Where a portion of the water supplied to the premises forms part of the end product of any manufacturing process or is lost by reaction or evaporation during the manufacturing process or for any other reason, the municipality may on application reduce the assessed quantity of industrial effluent.

72. Reduction in the quantity determined in terms of sections 69 and 70

(1) A person shall be entitled to a reduction in the quantity determined in terms of sections 68 and 69 in the event that the quantity of water on which the percentage is calculated was measured during a period were water was wasted or a leakage was undetected if the consumer demonstrates to the satisfaction of the municipality that the said water was not discharged into the sewage disposal system.

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

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

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

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

Part 8 – Drainage installations

73. Construction or installation of drainage installations

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

(2) (a) Where the draining installation is a pit latrine it must be of the ventilated improved pit latrine type or equivalent having—

(i) a pit of 2 m^3 capacity;

(ii) lining as required;

(iii) a slab designed to support the superimposed loading; and

(iv) protection preventing children from falling into the pit.

(b) The ventilated improved pit latrine must conform with the following specifications—

(i) the pit must be ventilated by means of a pipe, sealed at the upper end with durable insect proof screening fixed firmly in place;

(ii) the ventilation pipe must project not less than 0,5 m above the nearest roof, must be of at least 150 mm in diameter, and must be installed vertically with no bend;

(iii) the interior of the closet must be finished smooth so that it can be kept in a clean and hygienic condition. The superstructure must be well-ventilated in order to allow the free flow of air into the pit to be vented through the pipe;

(iv) the opening through the slab must be of adequate size as to prevent fouling. The rim must be raised so that liquids used for washing the floor do not flow into the pit. It shall be equipped with a lid to prevent the egress of flies and other insects when the toilet is not in use;

(v) must be sited in a position that is independent of the residential structure;

(vi) must be sited in positions that are accessible to road vehicles having a width of 3,0 m in order to facilitate the emptying of the pit;

(vii) in situations where there is the danger of polluting an aquifer due to the permeability of the soil, the pit must be lined with an impermeable material that is durable and will not crack under stress;

(viii) in situations where the ground in which the pit is to be excavated is unstable, suitable support is to be given to prevent the collapse of the soil;

(ix) the latrine must have access to water for washing hands.

74. 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.

75. 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 this by-law or the Building Regulations, will be constructed by the municipality against payment, in advance or on demand, of all costs associated with such construction.

76. Maintenance of drainage installation

(1) The owner or occupier of any premises must maintain any drainage installation and any sewer connection on such premises.

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

(3) A municipality may, on the written application of the owner or 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.

77. Installation of pre-treatment facility

A 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.

78. Protection from ingress of floodwaters

Where a premises is situated in the 1 in 50 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, except, in the case of service access holes and inspection chambers, where the cover is secured in place by approved means.

Part 9 – Quality standards

Schedule A

Acceptance of industrial effluent for discharge into the sewage disposal system

No person shall discharge or cause or permit to be discharged directly or indirectly into any sewer any effluent which—

(i) has a temperature exceeding 40 deg. C;

(ii) has a pH value of less than 6,0 or more than 10,0 at 25 deg. C;

(iii) contains calcium carbide;

(iv) contains any substance which gives off or produces or is liable to give off or produce explosive, inflammable, poisonous or offensive gases or vapours;

(v) contains any substance which has an open flash point of less than 95 deg. C;

(vi) contains any volatile inflammable solvents or organic solvents immiscible with water;

(vii) contains any radio-active waste or isotopes of such nature or in such concentration as do not meet the requirements laid down in the Nuclear Energy Act, Act 46 of 1999;

(viii) contains any of the following substances in concentrations exceeding the amount, in milligrams per litre, shown opposite such substances:

(a) Settleable solids..... 50 ml/l

(b) Suspended solids..... 500 mg/l

(c) Total dissolved solids at 105 deg. C..... 1 000 mg/l

(d) Inorganic dissolved solids at 600 deg. C..... 500 mg/l

(e) Chloride as Cl..... 150 mg/l

(f) Total sulphates as SO4..... 500 mg/l

(g) Total cyanides as CN..... 20 mg/l

(h) Total sulphides as S..... 50 mg/l

(i) Total phenols as C6H5OH..... 50 mg/l

(j) Substances soluble in toluene..... 50 mg/l

(k) Substances soluble in petroleum 40/60 deg. C..... 50 mg/l

(l) Total of "j" and "k"..... 80 mg/l

(m) Sodium as Na..... 500 mg/l

(n) Anionic surfactive compounds..... 500 mg/l

(o) Sugars and/or starch (expressed as glucose). 1 000 mg/l

(p) Metals:

Iron as Fe..... 25 mg/l

Arsenic as As..... 5 mg/l

Boron as B..... 5 mg/l

Cadmium as Cd..... 5 mg/l

Chromium as Cr..... 10 mg/l

Cobalt as Co..... 5 mg/l

Copper as Cu..... 10 mg/l

Lead as Pb..... 5 mg/l

Mercury as Hg..... 5 mg/l

Nickel as Ni..... 5 mg/l

Selenium as Se..... 5 mg/l

Titanium as Ti..... 5 mg/l

Zinc as Zn.....20 mg/l

Permissible total concentration of all heavy metals..... 50 mg/l

(ix) has an electrical conductivity exceeding 220 mS/m at 25 deg. C, or

(x) contains any substance which may, in the opinion of the municipality, of itself or in combination with any other substance—

(a) cause a nuisance to the public or any section thereof;

(b) endanger the health of or injure any person, whether employed by the municipality or not;

(c) have a harmful effect on any sewer or any works or land connected with any sewer or with the conveyance, treatment, purification, disposal or re-use of the effluent, or

(d) in any way prejudice the disposal or re-use of sewage effluent after treatment or purification or lead to an effluent which does not meet any requirement laid down in terms of the National Water Act, 1998 (Act 36 of 1998), as amended.