Drakenstein, South Africa

Electricity Supply By-law, 2014

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Drakenstein
South Africa

Electricity Supply By-law, 2014

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To provide for the distribution of electricity in the area of the Drakenstein municipality, to regulate activities which may have a detrimental effect on the distribution of electricity and to provide for matters incidental thereto.

Under the provisions of section 156 of the Constitution of the Republic of South Africa, 1996 the Drakenstein municipality, enacts as follows:—

1. Definitions

(1) In this by-law, unless inconsistent with the context—

"**accredited person**" means a person registered in terms of the Regulationsas an electrical tester for single phase, an installation electrician or a master installation electrician, as the case may be;

"**Act**" means the Electricity Regulation Act, 2006 (Act 4 of 2006);

"**applicable standard specification**" means—

SANS 1019 Standard voltage-, currents and insulation levels for electricity supply

SANS 1607 Electromechanical watt-hour meters,

SANS 1524 Parts 0,1 & 2—Electricity dispensing systems,

SANS IEC 60211 Maximum demand indicators, Class1.0,

SANS IEC 60521 Alternating current electromechanical watt-hour meter(Classes 0.5, 1 & 2),

SANS 0142 Code of practice for the wiring of premises;

NRS 047 National Rationalized Specification for the Electricity Supply—Quality of Service

NRS 048 National Rationalized Specification for the Electricity Supply—Quality of Supply, and

NRS 057 Electricity Metering: Minimum Requirements;

"**backyard dwelling**" means an informal structure erected for residential purposes on premisesin addition to an existing dwelling unit;

"**certificate of compliance**" means a certificate issued in terms of the Regulationsin respect of an electrical installationor part of an electrical installationby an accredited person;

"**customer**" in relation to premisesmeans:

(a) any occupierthereof or any other person with whom the municipalityhas contracted to supply or generate, or is actually supplying or generating electricity thereat; or

(b) if such premisesare not occupied, any person who has a valid existing agreement with the municipalityfor the supply or generation of electricity to such premises; or

(c) if there is no such person or occupier, the ownerof the premises;

"**credit meter**" means a meterwhere an account is issued subsequent to the consumption of electricity;

"**electrical contractor**" means an electrical contractor as defined in the Regulations;

"**electrical installation**" means an electrical installation as defined in the Regulations;

"**ERA**" Electricity Regulation Act, 2006 (Act 4 of 2006);

"**high voltage**" means the set of nominal voltagelevels that are used in power systems for bulk transmission of electricity in the range of 44kV<Un ⩽ 220 kV. [SANS 1019];

"**low voltage**" means the set of nominal voltagelevels that are used for the distribution of electricity and whose upper limit is generally accepted to be an a.c. voltageof 1000V (or a d.c. voltageof 1500 V). [SANS 1019]

"**medium voltage**" means the set of nominal voltagelevels that lie above low voltageand below high voltagein the range of 1 kV < Un ⩽ 44 kV. [SANS 1019];

"**meter**" means a device which records the demand or the electrical energy consumed or purchased and includes conventional, prepayment meters, smart meters and net meters;

"**motor load, total connected**" means the sum total of the kW input ratings of all the individual motors connected to an installation;

"**motor rating**" means the maximum continuous kW output of a motor as stated on the maker's rating plate;

"**motor starting current**" in relation to alternating current motors means the root mean square value of the symmetrical current taken by a motor when energized at its rated voltagewith its starter in the starting position and the rotor locked;

"**municipality**" means the municipality of Drakenstein, established in terms of Section 12 of the Municipal Structures Act, 117 of 1998, and includes any political structure, political office bearer, councillor, duly authorised agent or any employee acting in connection with this by-law by virtue of a power vested in the municipality and delegated or sub-delegated to such political structure, political office bearer, councillor, agent or employee;

"**net metering**" means measuring the difference between the electricity supplied by the municipalityand the electricity generated by a customerover the applicable billing period;

"**occupier**" in relation to any premisesmeans—

(a) any person in actual occupation of such premises;

(b) any person legally entitled to occupy such premises;

(c) in the case of such premisesbeing subdivided and let to lodgers or various tenants, the person receiving the rent payable by such lodgers or tenants, whether on his own account or as agent for any person entitled thereto or interested therein, or

(d) any person in control of such premisesor responsible for the management thereof, and includes the agent of any such person when he or she is absent from the Republic of South Africa or his or her whereabouts are unknown;

"**owner**" in respect of immovable property means—

(a) the person in whom ownership vests;

(b) in the event of the person in whom the ownership vests being insolvent or deceased, or subject to any legal disqualification, the person under whose control and administration such immovable property vest in his or her capacity as curator, trustee, executor, administrator, judicial manager, liquidator or any other lawful representative;

(c) in any event where the council is unable to determine the identity of such a person, the person who is entitled to the beneficial use of such immovable property;

(d) in the event of immovable property in respect of which a lease agreement of 30 years or longer had been concluded, the lessee thereof;

(e) in respect of—

(i) a portion of land demarcated on a sectional title plan and registered in accordance with the Sectional Titles Act, 1986 (Act No 59 of 1986), the developer or the governing body in respect of the joint property;

(ii) a portion of land as defined in this Act, the person in whose name that portion is registered in accordance with a title deed, including the lawfully appointed representative of such person;

(iii) any person, including but not limited to—

(aa) a company registered in accordance with the Companies'Act, 2008 (Act No 71 of 2008), a trust inter vivos, a trust mortis causa, a close corporation registered in accordance with the Close Corporations Act, 1984 (Act No 69 of 1984), and a voluntary association;

(bb) any government department;

(cc) any council or governing body established in accordance with any legislation in force in the Republic of South Africa; and

(dd) any embassy or other foreign entity;

"**point of consumption**" means a point of consumption as defined in the Regulations;

"**point of metering**" means the point at which the customer's consumption of electricity is metered and which may be at the point of supplyor at any other point on the distribution system of the municipalityor the electrical installationof the customer, as specified by the municipality; provided that it shall meterall of, and only, the customer's consumption of electricity;

"**point of supply**" means the point determined by the municipalityat which electricity is supplied to any premises;

"**premises**" means any portion of land, situated within the area of jurisdiction of the municipality, and of which the outer boundaries are demarcated on—

(a) a general plan or diagram registered in accordance with the Land Survey Act, 1927 (Act No 9 of 1927) or the Deeds Registries Act, 1937 (Act No 47 of 1937); or

(b) a sectional title plan registered in accordance with the Sectional Titles Act, 1986 (Act No 95 of 1986); and includes any vehicle, aircraft or vessel.

"**prepayment meter**" means a meterthat can be programmed to allow the flow of pre-purchased amounts of energy in an electrical circuit;

"**Regulations**" means Regulations made in terms of the Occupational Health and Safety Act, 1993 (Act 85 of 1993), as amended;

"**retail wheeling**" means the process of moving third party electricity from a point of generation across the distribution systems of the municipalityand selling it to a customer;

"**safety standard**" means the Code of Practice for the Wiring of Premises SANS 10142-1 incorporated in the Regulations;

"**service connection**" means all cables and equipment required to connect the supply mainsto the electrical installationof the customerat the point of supply;

"**service protective device**" means any fuse or circuit breaker installed for the purpose of protecting the municipality's equipment from overloads or faults occurring on the installation or on the internal service connection;

"**smart meter**" means an electricity meterthat allows for—

(a) measurement of energy consumed on a time interval basis;

(b) real-time or near-time registration of electricity use;

(c) two-way communication between the customer/end-user and the municipality;

(d) storage of time interval data and transfer thereof remotely to the municipality;

(e) remote limitation of the throughput through the meter(switching off of non-essential equipment or in the extreme case cutting of the electricity to the customer);

(f) interconnection to premise-based networks and devices (e.g., local generation such as Photo Voltaic Cells and Wind Generation);

(g) ability to measure electricity consumed and electricity supplied on separate registers;

(h) ability to read other, on-premise or nearby commodity meters (e.g., gas, water); and

(i) ability to detect theft of electricity or tampering to the meteritself.

"**standby supply**" means an alternative electricity supply not normally used by the customer;

"**supply mains**" means any part of the municipality's electricity network;

"**tariff**" means the municipality's tariff for the supply of electricity and sundry fees applicable;

"**temporary supply**" means an electricity supply required by a customerfor a period and in terms of conditions negotiated within a temporary supply agreement;

"**token**" means the essential element of a prepayment metering system used to transfer information from a point of sale for electricity credit to a prepayment meterand vice versa;

"**voltage**" means the root-mean-square value of electrical potential between two conductors.

(2) All other terms used in this by-law shall, unless the context otherwise requires, have the meaning assigned thereto in the Electricity Regulation Act, 2006 (Act 4 of 2006), as amended, or the Occupational Health and Safety Act, 1993 (Act 85 of 1993), as amended.

Chapter 1
General conditions of supply

2. Provision of electricity services

(1) Only the municipality may supply or contract for the supply of bulk electricity within its jurisdictional area.

(2) The municipality may permit the bulk supply or retail wheeling of electricity through its network by another electricity supplier which is licensed to supply electricity in terms of the Act.

(3) Permission in terms of subsection (2) shall be governed by a service delivery agreement as required by section 80 of the Municipal Systems Act, 32/2000.

(4) The municipality may permit the co-generation of electricity its customers subject to—

(a) a generation agreement being entered into;

(b) compliance with the relevant requirements of the ERA pertaining to the generation of electricity and the safety thereof;

(c) registration at the municipality of all fixed installations where electricity is generated; and

(d) compliance with the municipality's safety and quality requirements.

(5) The surplus generation of electricity may be prohibited and the municipality may determine conditions for such surplus generation pertaining to timing and quantity.

3. Supply by agreement

(1) No person may use or be entitled to use an electricity supply from the municipality unless or until such person has entered into an agreement in writing with the municipality for such supply, and such agreement together with the provisions of this by-law shall in all respects govern such supply.

(2) If a person uses an electricity supply without entering into an agreement he or she shall be liable for the cost of electricity used as stated in section 44 of this by-law.

(3) No person may generate electricity by way of a fixed installation and into a municipal network unless an agreement has been concluded with the municipality, and such agreement together with the provisions of this by-law, as well as any other legislation governing the licensing of generators, shall govern such generation of electricity.

4. Service of notice

(1) Any notice or other document that is served on any person in terms of this by-law is regarded as having been served—

(a) when it has been delivered to that person personally;

(b) when it has been left at that person's place of residence or business in the Republic with a person apparently over the age of sixteen years;

(c) when it has been posted by registered or certified mail to that person's last known residential or business address in the Republic and an acknowledgement of the posting thereof from the postal service is obtained;

(d) if that person's address in the Republic is unknown, when it has been served on that person's agent or representative in the Republic in the manner provided by paragraphs (a), (b) or (c); or

(e) if that person's address and agent or representative in the Republic is unknown, when it has been posted in a conspicuous place on the property or premises, if any, to which it relates.

(2) When any notice or other document must be authorised or served on the owner, occupier or holder of any property or right in any property, it is sufficient if that person is described in the notice or other document as the owner, occupier or holder of the property or right in question, and it is not necessary to name that person.

(3) Any legal process is effectively and sufficiently served on the municipality when it is delivered to the municipal manager or a person in attendance at the municipal manager's office.

5. Compliance with notices

Any person on whom a notice duly issued or given under this by-law is served must within the time specified in such notice, comply with its terms.

6. Application for supply or generation

(1) Application for the supply or generation of electricity must be made in writing by the prospective customer on the prescribed form obtainable at the office of the municipality, and the estimated load, in kVA, of the installation, must be stated therein. Such application must be made as early as possible but not less than the time allowed by NRS 047-1, paragraph 4.2.3 before the supply of electricity is required in order to facilitate the work of the municipality.

(2) Applicants for the supply or generation of electricity must submit the following documents with their application—

(a) an identity document or passport, and, in the case of a business, a letter of resolution delegating the authority to the applicant.

(b) a valid lease agreement, in the case of a tenant, or, in the case of an owner, a title deed or other proof of ownership of the premises for which a supply or generation of electricity is required.

(3) An application for a new temporary supply of electricity shall be considered at the discretion of the municipality which may specify any special conditions to be satisfied in such case.

7. Processing of requests for supply or generation

Applications for the supply or generation of electricity will be processed and the supply made available within the periods stipulated in NRS 047.

8. Way leaves

(1) The municipality may refuse to lay or erect a service connection above or below ground on any thoroughfare or land not vested in the municipality or on any private property, unless and until the prospective customer has obtained written permission granted by the owner of the said private property or by the person in whom is vested the legal title to the land or thoroughfare, authorising the laying or erection of a service connection thereon.

(2) If such permission is withdrawn at any time or if the aforesaid private property or thoroughfare changes ownership and the new owner refuses to grant or continue such permission, the cost of any alteration required to be made to a service connection in order that the supply of electricity may be continued, and of any removal thereof, shall be borne by the customer to whose premises the supply of electricity is required to be continued.

(3) A way leave granted in terms of subsection (1) shall be binding on the owner of the property who granted the way leave and his or her successors in title for as long as the electricity connection is operative and may not be withdrawn without permission of the municipality.

9. Statutory servitude

(1) Subject to the provisions of section 10(1) and subsection (3) below, the municipality may within its municipal area:

(a) control, provide, establish and maintain electricity services;

(b) acquire, construct, lay, extend, enlarge, divert, maintain, repair, discontinue the use of, close up and destroy electricity supply mains;

(c) construct, erect or lay any electricity supply main on, across, through, over or under any street or immovable property and the ownership of any such main shall vest in the municipality;

(d) do any other thing necessary or desirable for or incidental, supplementary or ancillary to any matter contemplated in subsections (a) to (c).

(2) If the municipality constructs, erects or lays any electricity supply main on, across, through, over or under any street or immovable property not owned by the municipality or under the control of or management of the municipality, it shall pay to the owner of such street or property compensation in an amount agreed upon or, in the absence of agreement, as determined either by arbitration or a court of law.

(3) The municipality must, before commencing any work other than repairs or maintenance on or in connection with any electricity supply main on immovable property not owned by the municipality or under the control or management of the municipality, give the owner or occupier of such property reasonable notice of the proposed work and the date on which it proposes to commence such work.

10. Right of admittance to inspect, test or do maintenance work

(1) The municipality has access to or over any property for the purposes of—

(a) doing anything authorised or required to be done by the municipality under this by-law or any other law;

(b) inspecting and examining any service mains and anything connected therewith;

(c) enquiring into and investigating any possible source of electricity supply or the suitability of immovable property for any work, scheme or undertaking of the municipality and making any necessary survey in connection therewith;

(d) ascertaining whether there is or has been a contravention of the provisions of this by-law or any other law, and

(e) enforcing compliance with the provisions of this by-law or any other law.

(2) The municipality shall pay compensation, as agreed upon, to any person suffering damage as a result of the exercise of the right of access contemplated by subsection (1).

(3) Subsection (2) does not apply where the municipality is authorised to execute work at the cost of such person or some other person.

(4) In the absence of agreement compensation may be determined by arbitration or a court of law.

(5) An employee of the municipality may, by notice in writing require such owner or occupier to provide access to such property for a purpose referred to in subsection (1).

(6) In case of emergency the municipality may enter any premises or property without notice and may take whatever action is necessary or desirable to protect life or property.

(7) A person representing the municipality, who wishes to enter private property must, on request, provide his or her identification.

11. Refusal or failure to give information

(1) No person may refuse or fail to give such information as may be reasonably required of him or her by any authorised official of the municipality or render any false information to any such official regarding any electrical installation work completed or contemplated.

(2) The municipality shall not, subject to the provisions of any other law, or its Customer Care Policy, make any information available concerning the supply or account details for any premises to any third party without the written permission of the customer who signed the supply agreement for the supply to the premises or generation there from concerned except to the owner of a property upon written request to the municipality.

12. Refusal of admittance

No person may wilfully hinder, obstruct, interfere with or refuse admittance to any authorised official of the municipality in the performance of his duty under this by-law or any other relevant legislation or of any duty connected therewith or relating thereto.

13. Improper use

(1) If a customer uses electricity for any purpose or deals with electricity in any manner which the municipality has reasonable grounds for believing interferes in an improper or unsafe manner or is calculated to interfere in an improper or unsafe manner with the efficient supply of electricity to any other customer, the municipality may, with or without notice, disconnect the electricity supply provided that such supply shall be restored as soon as the cause for the disconnection has been permanently remedied or removed and the relevant fees have been paid.

(2) The fee as prescribed by the municipality for the disconnection and reconnection must be paid by the customer before the electricity supply is restored, unless it can be shown that the customer did not use or deal with the electricity in an improper or unsafe manner.

14. Electricity tariffs

Copies of tariffs may be obtained at the offices of the municipality.

15. Deposits

(1) The municipality may in terms of its Customer Care, Credit Control and Debt Collection By-law require the customer to deposit a sum of money as security in payment of any tariff which is due or may become due to the municipality.

(2) The amount of the deposit in respect of each electricity installation shall be determined annually by the municipality in terms of its Tariff Policy.

16. Payment of tariffs

The customer shall be liable for all tariffs listed in the prescribed tariff for the electricity service as approved by the municipality in terms of its Tariff Policy and all amounts due in terms thereof shall be recovered in terms of the municipality's Credit Control and Debt Collection By-law.

17. Interest on overdue accounts

The municipality may charge interest on arrear accounts in terms of its Credit Control—and Debt collection Policy.

18. Principles for the resale of electricity

(1) Unless authorised by the municipality, no person may sell or supply electricity supplied to his or her premises or generated by him or her under an agreement with the municipality, to any other person or persons for use on any other premises, or permit or allow such resale or supply to take place.

(2) A reseller must comply with the licensing and registration requirements set out in the ERA.

(3) If electricity is resold for use upon the same premises, the electricity resold must be measured by a sub meter of a type which has been approved by South African Bureau of Standards and supplied, installed and programmed in accordance with the standards of the municipality.

(4) The tariff at which and the conditions of sale under which electricity is thus resold shall not be less favorable to the purchaser than those that would have been payable and applicable had the purchaser been supplied directly with electricity by the municipality.

(5) Every reseller must furnish the purchaser with monthly accounts that are at least as detailed as the relevant billing information details provided by the municipality to its electricity customers.

(6) The municipality may request audited reports from resellers to prove that the above resale conditions are met. The cost to obtain audited reports will be borne by the reseller.

19. Right to disconnect or remove supply

(1) The municipality has the right to disconnect the supply of electricity to any premises—

(a) without notice where—

(i) there is grave risk to person or property if the supply is not disconnected; or

(ii) there is evidence of tampering as contemplated in section 24; or

[subparagraph (ii) corrected by the Amendment By-law, undefined]

(b) with reasonable written notice where—

(i) a customer fails to pay any amounts due to the municipality in connection with electricity supply; or

(ii) any provision of this by-law has been contravened and the customer has failed to remedy the default after proper notice has been given;

(iii) access to inspect metering equipment has been denied; or

(2) In the case of a contravention of section 18(1) of this by-law, the municipality has the right to limit the supply of electricity to the premises from which electricity is supplied or sold.

(3) After disconnection for non-payment of accounts or the improper or unsafe use of electricity, the tariff as prescribed by the municipality shall be paid for re-connection of such supply.

(4) In the case where an installation has been illegally re-connected on a customer's premises after having been legally disconnected by the municipality, or in the case where the municipality's electrical equipment has been tampered with to prevent the full registration of consumption by the meter, the municipality may remove the electricity supply from those premises.

20. Non-liability of the municipality

The municipality shall not be liable for any loss or damage, direct or consequential, suffered or sustained by a customer as a result of or arising from the cessation, interruption or any other abnormality of the supply of electricity, unless caused by negligence on the part of the municipality.

21. Leakage of electricity

No rebate shall be allowed on the account for electricity supplied and metered in respect of electricity wasted owing to leakage or any other fault in the electrical installation.

22. Failure of supply

(1) The municipality does not undertake to attend to a failure of supply of electricity due to a fault in the electrical installation of the customer, except when such failure is due to the operation of the service protective device or any other devices of the municipality.

(2) When any failure of supply of electricity is found to be due to a fault in the electrical installation of the customer or to the faulty operation of apparatus used in connection therewith, the municipality may charge the customer the tariff as prescribed by the municipality for each restoration of the supply of electricity in addition to the cost of making good or repairing any damage which may have been done to the service main and meter by such fault or faulty operation.

23. Seals of the municipality

(1) The meter, load control devices or service protective devices and all apparatus belonging to the municipality shall be sealed or locked by an authorised official of the municipality, and no unauthorised person may in any manner or for any reason whatsoever remove, break, deface, or tamper or interfere with such seals or locks.

(2) The municipality may charge the fees determined in its Tariff Policy should a seal be broken or removed by a customer.

24. Tampering with service connection or supply mains

(1) No person may in any manner—

(a) tamper or interfere with, any meter or metering equipment or service connection or service protective device or supply mains or any other equipment of the municipality;

(b) vandalise, fix advertising medium to or deface it; or

(c) illegally connect into the electricity wiring of any other customer.

(2) Where *prima facie* evidence exists of a customer or any person having contravened subsection (1), the municipality may disconnect the supply of electricity immediately in terms of section 19 of this bylaw.

(3) Where a customer or any person has contravened subsection (1) and such contravention has resulted in the meter recording less than the true consumption, the municipality shall have the right to recover from the customer the full cost of his estimated consumption as well as the cost of damages caused to equipment.

25. Protection of municipality's supply mains

(1) No person may, except with the consent of the municipality and subject to such conditions as may be imposed—

(a) construct, erect or lay, or permit the construction, erection or laying of any building, structure or other object, or plant trees or vegetation over or in such a position or in such a manner as to interfere with or endanger the supply mains.

(b) excavate, open up or remove the ground above, next to, under or near any part of the supply mains.

(c) damage, endanger, remove or destroy, or do any act likely to damage, endanger or destroy any part of the supply mains; or

(d) make any unauthorised connection to any part of the supply mains or divert or cause to be diverted any electricity there from.

(2) The owner or occupier must limit the height of trees or length of projecting branches in the proximity of overhead lines or provide a means of protection which in the opinion of the municipality will adequately prevent trees from interfering with the conductors should a tree or branch fall or be cut down.

(3) Should the owner fail to observe this provision the municipality may, after prior written notification, or at any time in an emergency, order the owner to cut or trim the trees or other vegetation in such a manner as to comply with this provision.

(3) The municipality may, subject to obtaining an order of court, demolish, alter or otherwise deal with any building, structure or other object constructed, erected or laid in contravention with this by-law.

(4) The municipality may in the case of an emergency or disaster remove anything damaging, obstructing or endangering or likely to damage, obstruct, endanger or destroy any part of the electrical distribution system.

26. Prevention of tampering with service connection or supply mains

If the municipality finds it necessary or desirable to take special precautions in order to prevent tampering with any portion of the supply mains, service connection or service protective device or meter or metering equipment, the municipality may require the customer to either supply and install the necessary protection or pay the costs involved where such protection is supplied by the municipality.

27. Unauthorised connections

No person may directly or indirectly connect, attempt to connect or cause or permit to be connected any electrical installation or part thereof to the supply mains or service connection.

28. Unauthorised re-connections

(1) No unauthorised person may re-connect, attempt to re-connect or cause or permit to be re-connected to the supply mains or service connection any electrical installation or installations which has or have been disconnected by the municipality.

(2) Where the supply of electricity that has been disconnected is found to have been re-connected, the customer using the supply of electricity shall be liable for all tariffs for electricity consumed between the date of disconnection and the date the electricity supply was found to be re-connected and any other cost occurred in this regard.

(3) The municipality has the right to remove part of or all of the supply equipment until such time as payment has been received in full in which case the customer will be responsible for all the costs associated with the re-instatement of such supply equipment.

29. Temporary disconnection and re-connection

(1) The municipality must, at the request of the customer, temporarily disconnect and re-connect the supply of electricity to the customer's electrical installation upon payment of the prescribed tariff for each such disconnection and subsequent re-connection.

(2) The municipality may only under exceptional circumstances temporarily disconnect the supply of electricity to any premises without notice, for the purpose of effecting repairs or carrying out tests or for any other purpose.

30. Temporary supplies

(1) If any temporary supply of electricity supply is found to interfere with the efficient and economical supply of electricity to other customers, the municipality may, with notice, or under exceptional circumstances without notice, terminate such temporary supply and the municipality shall not be liable for any loss or damage suffered by the customer because of such termination.

(2) A temporary supply shall be valid for 12 months after which a new application must be submitted for continued use.

(3) The municipality may disconnect a temporary supply if conditions pertaining thereto are not complied with.

31. Temporary work

(1) Electrical installations requiring a temporary supply of electricity may not be connected directly or indirectly to the supply mains except with the permission of the municipality.

(2) Full information as to the reasons for and nature of such temporary work must accompany the application for such permission, and the municipality may refuse or grant permission.

(3) Where permission is refused, the applicant must be informed of the reasons for the decision.

32. Load reduction

(1) At times of peak load or in an emergency, or when it is necessary to reduce the load on the electricity supply system of the municipality, it may without notice interrupt and, for such period as it may deem necessary, discontinue the electricity supply to any customer's electrically operated thermal storage water heater or any other specific appliance or the whole installation.

(2) Except at times of peak load or in cases of emergency, the municipality shall where possible and practically viable not interrupt the electricity supply system to a customer without reasonable notice.

(3) The municipality may install upon the premises of the customer such apparatus and equipment as may be necessary to give effect to the provisions of subsection (1), and any authorised official of the municipality may at any reasonable time enter any premises for the purpose of installing, inspecting, testing adjusting or changing such apparatus and equipment.

(4) Notwithstanding the provisions of subsection (3), the customer or the owner, must, when installing an electrically operated water storage heater, provide such necessary accommodation and wiring as may be necessary to facilitate the later installation of the apparatus and equipment.

33. High, medium and low voltage switchgear and equipment

(1) In cases where a supply of electricity is given at either high, medium or low voltage, the supply and installation of the switchgear, cables and equipment forming part of the service connection must, unless otherwise approved by the municipality, be paid for by the customer.

(2) All such equipment installed on the customer's premises must comply with the municipality's electrical performance standards.

(3) No person may open, close, isolate, link or earth high or medium voltage switchgear or equipment without giving reasonable prior notice to the municipality's System Control Centre.

(4) In the case of a high or medium voltage supply, where the customer has high or medium voltage switchgear installed, the municipality must be advised of the competent person appointed by the customer in terms of the Regulations, and of any changes made to such appointments.

(5) In the case of a low voltage supply of electricity, the customer must provide and install a low voltage main switch or any other equipment required by the municipality.

(6) In the case where fixed generators of any kind are installed on the customer's premises, he or she must ensure that the necessary safety isolation equipment as prescribed by the municipality's safety standards is installed to prevent any back feed of electricity after the municipal network has been isolated,

34. Substation accommodation

(1) The municipality may require the owner to provide and maintain accommodation which shall constitute a substation and which must consist of a separate room or rooms to be used exclusively for the purpose of housing medium voltage cables and switchgear, transformers, low voltage cables and switchgear and other equipment necessary for the supply of electricity requested by the applicant.

(2) The accommodation must be situated at a point to which free, adequate and unrestricted access is available at all times for purposes connected with the operation and maintenance of the equipment.

(2) The municipality reserves the right to supply its own networks from its own equipment installed in such accommodation, and if additional accommodation is required by the municipality, such additional accommodation must be provided by the applicant at the cost of the municipality.

35. Wiring diagram and specification

(1) When more than one electrical installation or electricity supply from a common main or more than one distribution board or meter is required for any building or block of buildings, the wiring diagram of the circuits starting from the main switch and a specification shall on request be supplied to the municipality for approval before the work commences.

(2) Where an electrical installation is to be supplied from a substation on the same premises on which the current is transformed from high voltage, or from one of the substations of the municipality through mains separate from the general distribution system, a complete specification and drawings for the plant to be installed by the customer must, if so required, be forwarded to the municipality for approval before any material in connection therewith is ordered.

36. Standby supply

(1) Standby supply of electricity for any premises having a separate source of electricity supply may only be supplied with the written consent of the municipality.

(2) Upon interruption of the electricity supply the municipality may supply standby electricity in any manner as necessary.

37. Customers alternate electricity supply equipment and generation

(1) No alternate electricity supply equipment provided by a customer in terms of any Regulations or for his own operational requirements or generation may be connected to any installation without the permission of the municipality.

(2) Application for such approval must be made in writing and must include a full specification of the equipment and a wiring diagram.

(3) The equipment must be so designed and installed that it is impossible for the municipality's supply mains to be energised by means of a back feed from such equipment when the municipality's supply has been de-energised.

(4) The customer shall be responsible for providing and installing all such protective equipment.

(5) Where, by special agreement with the municipality, the customer's alternate supply equipment is permitted to be electrically coupled to, and run in parallel with the municipality's supply mains, the customer shall be responsible for providing, installing and maintaining all the necessary synchronising and protective equipment.

38. Circular letters

The municipality may issue circulars detailing its requirements and standards regarding matters not specifically covered in the Regulations or this by-law but which are necessary for the safe and efficient operation and management of the supply of electricity.

Chapter 2
Responsibilities of customers

39. Customer to erect and maintain electrical installation

Any electrical installation connected or to be connected to the supply mains, and any additions or alterations thereto must be provided and maintained by the customer at his or her own expense and in accordance with this by-law and the Regulations.

40. Fault in electrical installation

(1) If any fault develops in the electrical installation, which constitutes a hazard to persons, livestock or property, the customer must immediately disconnect the electricity supply and without delay give notice thereof to the municipality and where possible, take steps to remedy the fault.

(2) The municipality may recover from the customer the costs for any expense to which it may be put in connection with a fault in the electrical installation.

41. Discontinuance of use of supply

In the event of a customer desiring to discontinue using the electricity supply, he or she must give at least two full working days' notice in writing of such intended discontinuance to the municipality, failing which he or she shall remain liable for all payments due until the expiration of two working days after such notice has been given.

42. Change of occupier

(1) A customer vacating any premises must give the municipality not less than two full working days' notice in writing of his intention to discontinue using the electricity supply, failing which he or she shall remain liable for such supply.

(2) If the person taking over occupation of the premises desires to continue using the electricity supply, he or she must apply in terms of section 3 of this by-law, and if he or she fails to apply for an electricity supply within ten working days of taking occupation of the premises, the supply of electricity may be disconnected.

(3) The said person shall be liable for the electricity consumption from the date of occupation till such time as the supply is so disconnected.

(4) Where premises are fitted with pre-payment meters any person occupying the premises at that time shall be regarded to be the customer.

(5) Until such time as an application is made in terms of section 3, he or she shall be liable for consumption at that metering point as well as any outstanding amounts whether accrued by that person or not.

(6) The municipality may impose conditions, which may include the withholding of electricity supply to premises where the previous customer's account is in arrears.

(7) In the event of change of ownership a new certificate of compliance for the premises shall be issued by an accredited electrician, unless the existing certificate was issued within the preceding 24 month period and no subsequent alteration of the electrical installation was effected.

43. Service apparatus

(1) The customer shall be liable for all costs arising from damage to or loss of any metering equipment, service protective device, service connection or other apparatus on the premises, unless such damage or loss is shown to have been caused by an occurrence of natural forces or an act or

omission of an employee of the municipality or caused by an abnormality in the supply of electricity to the premises.

(2) If, during a period of disconnection of an installation from the supply mains, the service main, metering equipment or any other service apparatus, being the property of the municipality and having been previously used or removed without its permission, or has been damaged so as to render re-connection dangerous, the owner or occupier of the premises during such period shall bear the cost of overhauling or replacing such equipment.

(3) Where there is a common metering position, the liability detailed in subsection (1) shall rest upon the owner of the premises.

(4) The amount due in terms of subsection (1) shall be evidenced by a certificate from the municipality which shall be final and binding.

Chapter 3
Specific conditions of supply

44. Service connection

(1) The customer shall bear the cost of the service connection, as approved by the municipality.

(2) Notwithstanding the fact that the customer bears the cost of the service connection, ownership of the service connection, laid or erected by the municipality, shall vest in the municipality and the municipality shall be responsible for the maintenance of such service connection up to the point of supply.

(3) The customer shall not be entitled to any compensation from the municipality in respect of such service connection.

(4) The work to be carried out by the municipality at the cost of the customer for a service connection to his or her premises shall be determined by the municipality.

(5) A service connection shall be laid underground, whether the supply mains are laid underground or erected overhead, unless an overhead service connection is specifically required by the municipality.

(6) The municipality may require a customer to replace an overhead connection with an underground service connection when overhead services are damaged or where it poses a threat to the installation.

(7) The customer must provide, fix or maintain on his premises such ducts, wire ways, trenches, fastenings and clearance to overhead supply mains as may be required by the municipality for the installation of the service connection.

(8) The conductor used for the service connection must have a cross-sectional area according to the size of the electrical supply but may not be less than $10mm^2$ (copper or copper equivalent), and all conductors must have the same cross-sectional area, unless otherwise approved by the municipality.

(9) Unless otherwise approved, the municipality shall only provide one service connection to each registered erf.

(10) Where two or more premises belonging to one owner are situated on adjacent erven and the properties are operated in a consolidated manner, only a single bulk supply of electricity may be made available, provided that the municipality may require the customer to consolidate the erven or to have them tied notarially.

(11) Any covers of a wire way carrying the supply circuit from the point of supply to the metering equipment must be made to accept the seals of the municipality.

(12) The service conductor or cable within the meter box must terminate in an unobscured position and the conductors must be visible throughout their length when cover plates, if present, are removed.

(13) In the case of blocks of buildings occupied by a number of individual customers, separate wire ways and conductors or cables must be laid from the common metering room or rooms to each individual customer in the block of buildings; alternatively, if trunking is used, the conductors of the individual circuits must be clearly identified (tied together every 1,5m) throughout their length.

45. Metering accommodation

(1) The customer must, if required by the municipality, provide accommodation in an approved position, the meter board and adequate conductors for the municipality's metering equipment, service apparatus and protective devices.

(2) Such accommodation and protection must be provided and maintained at the cost of the customer or the owner and must be situated, in the case of credit meters, at a point to which free and unrestricted access must be available for the reading of meters but at all times for purposes connected with the operation and maintenance of the service equipment.

(3) Where sub metering equipment is installed, accommodation separate from the municipality's metering equipment must be provided.

(4) The customer or, in the case of a common meter position, the owner of the premises must provide adequate electric lighting in the space set aside for accommodating the metering equipment and service apparatus.

(5) Where the position of the meter, service connection, protective devices or main distribution board is no longer readily accessible or becomes a course of danger to life or property or in any way becomes unsuitable, the customer must remove it to a new position, and the cost of such removal must be borne by the customer.

(6) The accommodation for the municipality's metering equipment and protective devices may, if approved, include the customer's main switch and main protective devices and no apparatus other than that used in connection with the supply of electricity and use of electricity may be installed or stored in such accommodation unless approved.

Chapter 4
Systems of supply

46. Load requirements

Alternating current supplies shall be given as prescribed by the NRS 048 and in the absence of a quality of supply agreement, supplies as set out in applicable standard specification shall be given.

47. Load limitations

(1) Where the estimated load, calculated in terms of the safety standard, does not exceed 15 kVA, the electrical installation shall be arranged for a two-wire single-phase supply of electricity, unless otherwise approved by the municipality.

(2) Where a three-phase four-wire supply of electricity is provided, the load shall be approximately balanced over the three phases but the maximum out-of-balance load shall not exceed 15kVA, unless otherwise approved by the municipality.

(3) No current-consuming appliance, inherently single phase in character, with a rating which exceeds 15kVA may be connected to the electrical installation without the prior approval of the municipality.

48. Interference with other persons' electrical equipment

(1) No person may operate electrical equipment having load characteristics which, singly or collectively, give rise to voltage variations, harmonic currents or voltages, or unbalanced phase currents which fall outside the applicable standard specification.

(2) The assessment of interference with other persons' electrical equipment shall be carried out by means of measurements taken at the point of common coupling.

(3) Should it be established that undue interference is in fact occurring, the customer must, at his or her own cost, install the necessary equipment to filter out the interference and prevent it reaching the supply mains.

49. Supplies to motors

Unless otherwise approved by the municipality the rating of motors shall be limited as follows:

(1) Limited size for low voltage motors—

The rating of a low voltage single-phase motor shall be limited to 2kW or the starting current may not exceed 70A. All motors exceeding these limits shall be wound for three phases at low voltage or such higher voltage as may be required.

(2) Maximum starting and accelerating currents of three-phase alternating current motors.—

The starting current of three-phase low voltage motors permitted shall be related to the capacity of the customer's service connection, as follows:

Insulated service cable, size in mm², copper equivalent	**Maximum permissible starting current**	**Maximum motor rating in kW**					
		Direct on line (6 full-loaded current)	**Star/Delta (2,5 × Full-load current)**	**Other means (1,5 × full load current)**			
mm²	A	kW	kW	kW			
16	72	6	13,5	23			
25	95	7.5	18	30			
35	115	9	22	36,5			
50	135	10	25	45			
70	165	13	31	55			
95	200	16	38	67			
120	230	18	46	77			
150	260	20	52	87			

(3) Consumers supplied at medium voltage—

In an installation supplied at medium voltage the starting current of a low voltage motor shall be limited to 1, 5 times the rated full-load current of the transformer supplying such a motor. The starting arrangement for medium voltage motors shall be subject to the approval of the municipality.

50. Power factor

(1) If required by the municipality, the power factor of any load must be maintained within the limits 0, 85 lagging and 0, 9 leading.

(2) Where, for the purpose of complying with subsection (1), it is necessary to install power factor corrective devices, such corrective devices must be connected to the individual appliance terminals unless the correction of the power factor is automatically controlled.

(3) The customer must, at his or her own cost, install such corrective devices.

51. Protection

Electrical protective devices for motors must be of such a design as effectively to prevent sustained over current and single phasing, where applicable.

Chapter 5
Measurement of electricity

52. Metering

(1) The municipality shall, at the customer's cost in the form of a direct charge or prescribed tariff, provide, install and maintain appropriately rated metering equipment at the point of metering for measuring the electricity supplied.

(2) Except in the case of prepayment meters, the electricity used by a customer during any metering period shall be ascertained by the reading of the appropriate meter or meters supplied and installed by the municipality and read at the end of such period except where the metering equipment is found to be defective, or the municipality invokes the provisions of section 54(2) of this by-law, in which case the consumption for the period shall be estimated.

(3) Where the electricity used by a customer is charged at different tariff rates, the consumption shall be metered separately for each rate.

(4) The municipality reserves the right to meter the supply to blocks of shops and flats, tenement-houses and similar buildings for the buildings as a whole, or for individual units, or for groups of units.

(5) No alterations, repairs or additions or electrical connections of any description may be made on the supply side of the point of metering unless specifically approved in writing by the municipality.

53. Accuracy of metering

(1) A meter shall be presumed to be registering accurately if its error, when tested in the manner prescribed in subsection (5) hereof, is found to be within the limits of error as provided for in the applicable standard specifications.

(2) The municipality has the right to test its metering equipment. If it is established by test or otherwise that such metering equipment is defective, the municipality must in accordance with the provisions of subsection (6)—

(a) in the case of a credit meter, adjust the account rendered;

(b) in the case of prepayment meters—

(i) render an account where the meter has been under-registering; or

(ii) issue a free token where the meter has been over-registering;

(3) The customer shall be entitled to have the metering equipment tested by the municipality on payment of the prescribed tariff and if the metering equipment is found not to comply with the system accuracy requirements as provided for in the applicable standard specifications, an adjustment in accordance with the provisions of subsections (2) and (6) must be made.

(4) In case of a dispute, the customer shall have the right at his own cost to have the metering equipment under dispute tested by an approved independent testing authority, and the result of such test shall be final and binding on both parties.

(5) Meters shall be tested in the manner as provided for in the applicable standard specifications.

(6) When an adjustment is made in terms of subsection (2) or (3), such adjustment shall either be based on the percentage error of the meter as determined by the test referred to in subsection (5), or upon a calculation by the municipality from consumption data in its possession; where applicable, due allowance shall be made, where possible, for seasonal or other variations which may affect the consumption of electricity.

(7) When an adjustment is made as contemplated in subsection (6), the adjustment may not exceed a period of six months preceding the date on which the metering equipment was found to be inaccurate. The application of this section does not prohibit a customer from claiming back overpayment for any longer period.

(8) Where the actual load of a customer differs from the initial estimated load provided for under section 47(1) to the extent that the municipality deems it necessary to alter or replace its metering equipment to match the load, the costs of such alteration or replacement shall be borne by the customer.

(9) Prior to the municipality making any upward adjustment to an account in terms of subsection (6), the municipality must—

(a) notify the customer in writing of the monetary value of the adjustment to be made and the reasons therefor;

(b) in such notification provide sufficient particulars to enable the customer to submit representations thereon, and

(c) call upon the customer in such notice to provide it with reasons in writing, if any, within 21 days or such longer period as the municipality may permit why his or her account should not be adjusted as notified.

(10) Should the customer fail to make any representations during the period referred to in subsection 9(c), the municipality shall be entitled to adjust the account as notified in subsection 9(a).

(11) The municipality shall consider any reasons provided by the customer in terms of subsection (9)(c) and shall, if satisfied that a case has been made out therefor, adjust the account appropriately.

(12) If the representation made by the customer is rejected, the municipality shall be entitled to adjust the account as notified in terms of subsection 9(a), subject to the customer's right to appeal the decision of the official in terms of section 62 of this by-law.

54. Reading of credit meters

(1) Unless otherwise prescribed, credit meters shall normally be read at intervals of one month and the fixed or minimum amount due shall be assessed accordingly.

(2) If for any reason the credit meter cannot be read, the municipality may render an estimated account in terms of its Credit Control and Debt Collection Policy.

(3) When a customer vacates a property and a final reading of the meter is not possible, an estimation of the consumption may be made and the final account rendered accordingly.

(4) If a special reading of the meter is desired by a customer, this may be obtained upon payment of the prescribed tariff and at least two days notice to the municipality.

(5) If any calculating, reading or metering error is discovered in respect of any account rendered to a customer, the error must be corrected in subsequent accounts.

(6) Any such correction shall only apply in respect of accounts for a period of six months preceding the date on which the error in the accounts was discovered, and shall be based on the actual tariff applicable during the period.

(7) The application of this subsection (6) does not prevent a customer from claiming back overpayment for any longer period.

55. Prepayment metering

(1) No refund of the amount tendered for the purchase of electricity credit shall be given at the point of sale after initiation of the process by which the prepayment meter token is produced.

(2) Copies of previously issued tokens for the transfer of credit to the prepayment meter may be issued at the request of the customer.

(3) When a customer vacates any premises where a prepayment meter is installed, no refund for the credit remaining in the meter shall be made to the customer.

(4) The municipality shall not be liable for the re-instatement of credit in a prepayment meter lost due to tampering with, or the incorrect use or the abuse of, prepayment meters or tokens.

(5) The municipality may, at its discretion, appoint vendors for the sale of credit for prepayment meters and shall not guarantee the continued operation of any vendor.

Chapter 6
Electrical contractors

56. Electrical contractors additional requirements

In addition to the requirements of the Regulations the following requirements shall apply—

(a) where an application for a new or increased supply of electricity has been made to the municipality, any authorised official of the municipality may at his or her discretion accept notification of the completion of any part of an electrical installation, the circuit arrangements of which permit the electrical installation to be divided up into well-defined separate portions, and such part of the electrical installation may be inspected, tested and connected to the supply mains as though it were a complete installation.

(b) the examination, test and inspection that may be carried out at the discretion of the municipality in no way relieves the electrical contractor or accredited person or the user or lessor, from his or her responsibility for any defect in the installation.

(c) such examination, test and inspection shall not be taken done in a way (even where the electrical installation has been connected to the supply mains) as to indicate or guarantee in any way that the electrical installation has been carried out according to specifications and safety standards, and the municipality shall not be held responsible for any defect or fault in such electrical installation.

57. Liability for work by contractors

The municipality shall not be held responsible for the work done by the electrical contractor or accredited person on a customer's premises and shall not in any way be responsible for any loss or damage which may be occasioned by fire or by any accident arising from the state of the wiring on the premises.

Chapter 7
Cost of work

58. Cost of work

The municipality may repair and make good any damage done in contravention of this by-law and the cost of any such work shall be to the account of the person who acted in contravention of this by-law.

Chapter 8
Energy saving measures and reduced use of electricity

59. Norms, standards and guidelines

(1) The municipality may determine and publish norms, standards and guidelines which prescribe appropriate measures to save energy or to reduce the use of electricity and such norms standards and guidelines must be kept in the form of an operational manual.

(2) The norms, standards and guidelines contemplated in subsection (1) may differentiate between communities, geographical areas and different kinds of premises.

Chapter 9
Electricity supply to backyard dwellings

60. Application for electricity supply

In recognising the guidelines and principles of the Integrated National Electrification Programme, the municipality shall consider applications for electricity supply to backyard dwellings.

61. Conditions for supply

The municipality may approve an application in terms of section 60 on the following conditions—

(a) that the network capacity is sufficient to carry the additional load; and

(b) if more than one customer on the same premises has to be provided with a separate connection, such customer shall be responsible for upgrading of the network and be responsible for payment of the prescribed tariff for such upgrading.

Chapter 10
General provisions

62. Exemptions

(1) Any person may in writing apply to the municipality for exemption from any provision of this by-law.

(2) The municipality may—

(a) grant an exemption in writing and set and determine the period for which such exemption is granted;

(b) alter or cancel any exemption or condition in an exemption; or

(c) refuse to grant an exemption in which case the applicant must be informed of the reasons for refusal.

(3) An exemption does not take effect before the applicant has undertaken in writing to comply with the conditions imposed by the municipality, however, if an activity is commenced before such undertaking has been submitted to the municipality, the exemption lapses.

(4) If any condition of an exemption is not complied with, the exemption lapses immediately.

63. Liaison forums in community

(1) The municipality may establish one or more liaison forums in a community for the purposes of obtaining community participation with regard to the matters dealt with in this by-law.

(2) A liaison forum may consist of—

(a) a member of members of an interest group, or an affected person;

(b) a designated official or officials of the municipality; and

(c) a councillor.

(3) (a) The municipality may, when considering an application for consent, permit or exemption in terms of this by-law, request the input of a liaison forum.

(b) A liaison forum or any person may on own initiative submit an input to the municipality for consideration.

64. Appeal

A person whose rights are affected by a decision delegated by the municipality may appeal against that decision by giving written notice of the appeal and the reasons therefor in terms of section 62 of the Local Government: Municipal Systems Act, Act 32 of 2000 to the municipal manager within 21 days of the date of the notification of the decision.

65. Offences and penalties

(1) Any person who contravenes any of the provisions of sections 5, 6, 11,12, 13, 18, 23,24, 25, 27, 28, 33,37, 40, 47, 48 and 52 of this by-law shall be guilty of an offence and shall on conviction be liable to—

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

(b) in the case of a continuing offence, to an additional fine or an additional period of imprisonment or to such additional imprisonment without the option of a fine or to 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 or failure.

66. Repeal of by-laws

The provisions of any by-laws previously promulgated by the municipality or by any of the disestablished municipalities now incorporated in the municipality, are hereby repealed as far as they relate to matters provided for in this by-law.

67. Short title and commencement

This by-law shall be known as the Electricity Supply By-law and shall come into operation on the date of publication thereof in the *Provincial Gazette*.