Drakenstein, South Africa

Water and Sanitation Services By-law, 2023

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Drakenstein
South Africa

Water and Sanitation Services By-law, 2023

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Assented to on 27 July 2023

Commenced on 28 July 2023

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To regulate the provision of water and sanitation services in the area of jurisdiction of the Drakenstein Municipality and to provide for matters connected therewith.

In terms of Section 156(2) of the Constitution of the Republic of South Africa, 1996, Drakenstein Municipality hereby enacts as follows—

Chapter 1
Interpretation

1. Definitions

In this by-law, unless the context otherwise indicates—

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

"**Act**" means the Water Services Act, 1997 (Act 108 of 1997) and regulations promulgated in terms of it;

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

"**alternative water**" means water sourced from a supply other than municipal water, including;—

(a) grey water,

(b) rainwater,

(c) treated effluent;

(d) surface water; and

(e) water from a borehole, well, well-point or spring;

"**approved**" means approved by the municipality in writing unless otherwise stated;

"**authorised official**" means an employee of the municipality or any other person who is appointed or authorised thereto by the municipality to perform any act, function or duty related to the provisions of this by-law, or exercise any power in terms of this by-law;

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

"**backflow preventer**" means a reduced pressure zone (RPZ) device, which is a type of backflow prevention device used to prevent backflow and to protect water supplies from contamination;

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

"**basic sanitation**" means the minimum standard of safe and hygienic sanitation services and sewage disposal rendered to households, prescribed in terms of the Act, under regulation 7.2 of Government Notice No R982 of 8 September 2017;

"**basic water supply**" means the minimum standard of water supply services necessary for the reliable supply of water to households to support life and personal hygiene, prescribed in terms of the Act, under regulation 5.2.2 of Government Notice R982 of 8 September 2017;

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

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

(a) locating, 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, 1997 (Act 103 of 1977) as amended;

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

"**capacity**" in relation to a storage tank means the volume of the tank between the full operating water level below overflow level of the tank and the invert of the outlet pipe from the tank;

"**cleaning eye**" means any access opening to the interior of a discharge pipe or trap provided for the purposes of internal cleaning;

"**combined installation**" means a water installation used for fire-fighting and domestic, commercial or industrial purposes;

"**communal sewer**" means a sewer main and connecting sewers in respect of which a group of consumers or owners constituted themselves as a body prepared to assume responsibility, and has signed an agreement accepting responsibility, for the operation, maintenance and repair of a communal sewer; also known as a private combined sewer system;

"**communal water services work**" means a consumer water connection, also known as a private combined consumer water connection, through which water services are supplied to more than one person in respect of which a group of consumers or owners constituted themselves as a body prepared to assume responsibility, and has signed an agreement accepting responsibility, for the operation, maintenance and repair of the communal water services.

"**competent person**" means a person who is qualified by virtue of his education, training, experience and contextual knowledge to make a determination regarding the installation of fire fighting services and equipment;

"**compliance notice**" means any notice issued by an authorised official under this by-law which instructs the person to whom it is issued to comply with the terms of the notice;

"**connection**" means the point at which a consumer may legally connect to water services supplied by the municipality;

"**connection manhole (sewer)**" means the access structure, constructed of brickwork, concrete or fibre cement sections, which provides access for inspection or maintenance by the municipality or owner; the

connection manhole must be located at the end of the municipal connection and beginning of the private or private combined sewer system and is normally located one metre inside the property involved;

"**connection pipe**" means a pipe, including the water meter and municipal stop valve, 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 SANS 10252;

"**connecting point**" means the connecting manhole or a similar installation point approved by the municipality at which a drainage installation joins the connecting sewer;

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

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

"**consumer**" means—

(a) any owner or occupier of premises to whom, and in respect of which premises, the municipality—

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

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

(iii) has entered into an agreement with the municipality for the provision of water or sanitation services to or on such premises.

(b) where water supply or sanitation services are provided through a single connection to a number of accommodation units or consumers or occupiers, means the person to whom the municipality agreed to provide such water services;

(c) any end-user who receives water supply or sanitation services from the municipality or another water supply or sanitation services institution; or

(d) a person that obtains access to water supply or sanitation services provided through a communal water services work;

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

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

"**drainage installation**" means a system situated on any premises the ownership of which is vested in the owner of such premises up stream of the connection point at the municipal main sewer, including the connecting manhole, which is used for or intended to be used for or in connection with the reception, storage, treatment or conveyance of sewage or other form of wastewater on such premises to the connecting point, and includes a drain, a fitting, an appliance, a septic tank, a conservancy tank, a pit latrine and a private pumping installation forming part of or being ancillary to such system;

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

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

"**dwelling unit**" means an interconnected suite of rooms designed for residential purposes and occupation by a single household, regardless of how many persons comprise the household and irrespective of whether the dwelling unit is a single building or forms part of a building containing two or more dwelling units;

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

"**ECSA**" means the Engineering Council of South Africa;

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

"**effluent standards**" means the standards for effluent prescribed in Government Notice No. 982 of 8 September 2017 or any superseding legislation;

"**EIA**" means an environmental impact assessment as contemplated in NEMA or the ECA and further in accordance with the EIA Regulations as published in Government Notice R982 of 4 December 2014

"**engineer**" - means a qualified engineer, technologist or technician that is a full-time employee of the municipality with delegated powers to act in respect of the applicable function;

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

"**environmental restoration cost**" means the total cost of all measures necessary to restore the environment to the condition it had been in prior to an incident that resulted in it having been damaged and in the event of this not being possible the value of the cost benefit that was lost through the damage to or destruction of the environment;

"**fire hydrant**" means a water installation that conveys water intended for fire-fighting purposes only and which shall be in accordance with SANS 10400-W;

"**fixed quantity water delivery system**" means a water installation, which delivers a fixed quantity of water to a consumer in any single day by means of an orifice plate or flow measuring device;

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

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

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

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

"**grey water**" means wastewater resulting from use of water for domestic purposes including bath, shower, bathroom sink and washing machine water and specifically excluding:

(a) kitchen water due to its fat content; and

(b) water containing human excreta;

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

"**illegal connection**" means a connection to any system, by means of which water services are provided that is not authorised or approved by the municipality or paid for as calculated by the municipality;

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

"**industrial purposes**" means water supplied to any premises which constitutes a factory as defined in the General Administrative Regulations, published in terms of the Occupational Health and Safety Act, 1993

(Act 85 of 1993) including the use of water for purposes of mining, manufacturing, retailing and service industries, generating electricity, land-based transport, construction or any related purpose;

"**installation work**" means any work done in respect of a water services installation including construction, rehabilitation, improvement and maintenance;

"**interest**" means a levy with the same legal property as service fees and calculated in terms of this by-law on all amounts in arrears in respect of prescribed fees for water services at a standard rate equal to an interest rate as determined by the Customer Care, Credit Control, Debt Collection by-law and Indigent Support by-law of the Municipality; (Credit Control by-law and Policy)

"**main**" means a pipe, other than a connection pipe, of which the ownership vests in the municipality and which is used by it for the purpose of conveying water to any number of consumers;

"**manhole**" means an access chamber of such depth and dimensions that allows a person access to the interior of the sewer for the purposes of maintenance and internal cleaning thereof;

"**measuring device**" means a water meter, any method, procedure, process, device, apparatus, or installation that enables the quantity and/or quality of water services provided to be quantified or evaluated including an estimation or assumption;

"**meter**" means a water meter as defined in the Legal Metrology Regulations promulgated in terms of the Legal Metrology Act, 9 of 2014, or, in the case of a water meter of a size greater than 100 mm, a device which measures the quantity of water passing through it, or a measuring device including a pre-payment meter or borehole meter, any of which must be approved by the SABS;

"**municipality**" means—

(a) the Drakenstein Municipality established in terms of sections 12 and 14 of the Local Government Municipal Structures Act, 1998 (Act. No 117 of 1998), Provincial Notice No. 488 dated 22 September 2000 or its successors in title, and includes any structure or person exercising a delegated power or carrying out an instruction in terms of this by-law and legislation applicable to Local Government; or

(b) a service provider appointed or approved by the Municipality fulfilling a responsibility under this by-law, assigned to it in terms of section 81(2) and 82(1)(c) of the Local Government Municipal Systems Act 2000, (Act 32 of 2000) or any other law, as the case may be;

"**municipal service**" means the municipal service relating to the provision of water services by the municipality or a service provider on behalf of the municipality, in accordance with this by-law;

"**National Water Act**" means the National Water Act, 1998, (Act 36 of 1998);

"**NEMA**" means the National Environmental Management Act, 1998 (Act 107 of 1998);

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

"**occupier**" means a person who occupies any premises or part thereof, without regard to the title under which he so occupies the premises and includes—

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

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

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

(d) any person having the charge of or management of those premises, and includes the agent of any such person when the person is absent from the Republic of South Africa or his whereabouts are unknown; or

(e) the owner of those premises;

"**on-site sanitation services**" means a conservancy tank, septic tank, chemical toilet, urine diversion system, "VIP" or related systems other than water borne sewerage disposal through a sewerage disposal system;

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

"**owner**" includes—

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

(b) where the person in whom the legal title to the property is vested is insolvent or dead, or is under any form of legal disability whatsoever, the person in whom the administration and control of such property 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 such property or a building or buildings thereon; and

(d) in the case of properties for which a lease agreement of ten years or longer has been entered into and registered in the Deeds Office, 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 95 of 1986), the developer or the body corporate in respect of the common property; or

(ii) a section as defined in such Act, the person in whose name the relevant unit is registered under a sectional title deed, and includes the lawfully appointed representative of such person;

(f) the person who has purchased immovable property from the municipality, in terms of a scheme that allows for the purchase price to be paid in instalments and who has not received transfer from the municipality;

(g) any person who acquires any right to land by virtue of the provisions of any law applicable in the Province of the Western Cape;

"**owner's water installation**" means all the pipe work, consumers' stop-valve and water fittings installed by the consumer for connecting into the water installation of the municipality;

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

"**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 public water, (e.g. river, stream or dam) a storm water system, 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 its normally intended use or 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;

(iii) to the natural environment, (e.g. ground water, vegetation or land);

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

(a) a general plan or diagram registered in terms of the Land Survey Act, 1927 (Act 9 of 1927), or in terms of the Deeds Registries Act, 1937 (Act 47 of 1937); or

(b) a sectional plan registered in terms of the Sectional Titles Act, 1986 (Act 95 of 1986); and

(c) which is situated within the area of jurisdiction of the municipality;

"**pre-payment measuring device**" means a meter that can be programmed to provide water flow or to limit the flow of water into a water installation to the amount which has been previously purchased;

"**prescribed**" means, determined by the municipality or another authority as is relevant to the context;

"**prescribed fee**" means a fee including a rate, charge, tariff, flat rate, subsidy or any other cost determined by the municipality by resolution;

"**private combined water service**" means a private consumer connection and water services system, serving more than one consumer or property; the service is operated and maintained by all the consumers thereof collectively, and may include water supply, foul sewer and septic tank or any other related systems;

"**professional person**" means a person registered in terms of—

(a) the Engineering Profession Act, 2000 (Act 46 of 2000) for the appropriate field of expertise and registered with ECSA; or

(b) the Natural Scientific Profession Act, 27 of 2003.

"**public notice**" means notice to the public in a manner determined by the municipality in accordance with applicable legislation;

"**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, excluding any water sources which the municipality abstracts water from or use for the storage of water;

"**qualified plumber**" means a plumber who is qualified and accredited in terms of the National Qualifications Framework Act, 2008 (Act No. 67 of 2008);

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

"**SABS**" means the South African Bureau of Standards;

"**SANS**" means the South African National Standards as prescribed by the SABS;

"**SANS 0241**" (including any amendments thereto) means the standards prescribed for the quality of drinking water in South Africa;

"**sanitation services**" means the collection, removal and disposal or purification of human excreta, standard domestic effluent, wastewater, sewage and effluent resulting from the use of water for commercial purposes and, for the purposes of this by-law, also includes the disposal of industrial effluent;

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

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

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

"**sewage disposal system**" means the structures, valves, pipes, pumps, meters or other equipment and infrastructure used in the conveyance through the sewer reticulation system and treatment at the sewage treatment works under 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;

"**standpipe**" means a connection through which water supply services are supplied to more than one person;

"**stop-valve**" means a valve for the connection or disconnection of water supply; the stop-valve between the municipal main and the water meter is known as the municipal stop-valve, for exclusive control over and use by the municipality; the consumer's stop-valve, if provided and installed by the municipality, must be situated downstream of the water meter and is for exclusive use by the consumer except when the municipality has to do maintenance on the water installation.

"**storm water**" means water resulting from natural precipitation or accumulation and includes rainwater, subsoil water or spring water but excludes swimming pool backwash and sewage;

"**Structures Act**" means the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998);

"**Systems Act**" means the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000);

"**tamper**" includes to alter, cut, disturb, interfere with, interrupt, manipulate, obstruct, remove or bypass by any means, method or device;

"**tariff**" means the annually revised user charge for the provision of the municipal service, determined and promulgated by the municipality through its Tariff by-law in terms of the Systems Act;

"**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, including but not limited to restaurants, take-aways, home industries, accommodation establishments, etc.

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

"**waste grinder**" means any mechanically operated device which grinds and flushes matter into the wastewater system or removes from vegetables or other foodstuffs, peels, skins, scales or other matter for discharge directly or indirectly into the wastewater system, and includes effluent from a food waste grinder;

"**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 the ownership of which is vested in the owner of the premises 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 installed with the permission of the municipality;

"**water services**" means water supply services and sanitation services;

"**water services intermediary**" means any person who provides water services, to another, where the obligation to provide water services is incidental to the main object of the contract between them;

"**water supply services**" means the abstraction, conveyance, treatment and distribution of potable water, water intended to be converted to potable water or water for commercial use and includes for the purpose of this by-law water for industrial purposes and fire fighting services;

"**water supply system**" means the structures, aqueducts, pipes, valves, pumps, meters or other apparatus relating thereto which is 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;

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

"**wet industry**" means an operation which discharges industrial effluent or which annually uses an average of more than 100 kilolitres of water on its premises per day or otherwise determined by the municipality;

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

"**working hours**" means normal working hours as approved by the municipality which may be amended from time to time:

"**working month**" means a calendar month excluding any Saturday, Sunday and public holiday.

2. Meaning of words

(1) 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 Building Regulations and Building Standards Act 1977 (Act 103 of 1977), and Chapter III of the Building Regulations there under, will bear that meaning, unless the context indicates otherwise.

(2) Any reference in 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.

(3) In this by-law, words used in the masculine gender include the feminine, the singular includes the plural and *vice versa* and in the event of a conflict between the English and Afrikaans versions of this by-law, the English version shall be decisive.

Chapter 2
Access to water services

Part 1: Levels of service

3. Levels of service

(1) The municipality may in accordance with national policy, but subject to principles of affordability and sustainability, by public notice, determine the levels of service it is able to provide to consumers.

(2) The municipality may, in determining levels of service, differentiate between types of consumers and geographical areas.

(3) Subject to subsection 1, the following levels of service shall be provided by the municipality:

(a) **Service Level 1**

which shall satisfy the minimum standard for basic water services as required in terms of the Act and its applicable regulations, and consists of—

(i) a water supply from communal water points; and

(ii) a ventilated improved pit latrine located on each site or a communal toilet system in accordance with relevant legislation;

(b) **Service Level 2**

which shall consist of—

(i) a metered water connection to each stand with an individual yard standpipe;

(ii) a water borne connection connected to either a municipal sewer or a communal sewer system or a conservancy tank; or

(iii) a pour flush toilet not directly connected to the water installation; which service will be provided to consumers at the prescribed fees provided that—

(aa) the average water consumption per stand through the metered water connection for the zone or group of consumers in the zone does not exceed a volume over a calendar month as determined by the municipality;

(bb) the water standpipe is not connected to any other terminal water fittings on the premises;

(cc) in the case of a communal sewer having been installed, a collective agreement has been signed by the group of consumers accepting responsibility for the maintenance and repair of the communal sewer; and

(dd) the municipality may adopt measures considered necessary to restrict the water flow to Service Level 2 consumers to a volume over a calendar month as determined by the municipality.

(c) **Service Level 3**

which shall consist of—

(i) a full pressure metered water connection to each stand; and

(ii) a conventional water borne drainage installation connected to the municipality's sewer provided that—

(aa) installation is against payment of the prescribed connection fees;

(bb) provision is against payment of prescribed fees; and

(cc) the water and drainage installations are maintained by the consumer.

(4) If a consumer receiving Service Level 2 contravenes subparagraph (aa) or (bb) to subsection (3)(b)—

(a) the municipality may install a pre-payment meter or flow management device in the service pipe on the premises; and

(b) apply the fees for water services.

(5) The municipality has the right to do anything reasonably necessary for, or incidental to the effective performance of its functions and the exercise of its powers in terms of this by-law which includes the right to construct, erect and lay water and sanitation services on, across, through, over or under any street or immovable property not owned by the municipality.

Part 2: Application

4. Application for water services

(1) No person, other than a consumer on Service Level 1, may gain access to water services from the water supply system, sewage disposal system or through any other sanitation services, unless he has applied to the municipality on the prescribed form for such services for a specific purpose, and such application has been agreed to in terms of the municipality's Customer Care, Credit Control, Debt Collection and Indigent Support by-law and Policy (Credit Control by-law and Policy).

(2) An application for the use of water services approved by the municipality constitutes an agreement between the municipality and the applicant, and such agreement takes effect on the date referred to in the agreement, provided that payment of monthly basic charges on the installation will commence from the date of installation.

(3) The applicant referred to in subsection (2) shall be liable for all the prescribed fees in respect of water services rendered to him until the agreement has been terminated in accordance with the municipality's Credit Control by-law and Policy.

(4) A consumer may at any time apply to alter the level of services elected in terms of the agreement entered into, provided such services are available and that any costs and expenditure associated with altering the level of services will be payable by the consumer.

(5) If the municipality refuses an application for the provision of water services, or is unable to render such water services on the date requested for provision of services to commence, or is unable to render the water services, it must inform the applicant of the reasons for the decision, and if applicable, inform the applicant when the municipality will be able to provide such water services.

(6) An owner must, prior to the installation of his water service, register a servitude at his own cost if his water service has to be installed from the connection point over or across the property of another owner and the municipality must, where otherwise applicable, require the registration of a servitude. An approved servitude diagram showing the servitude must be submitted to the municipality prior to entering into an agreement to provide the required water services.

(7) Where premises or a consumer is provided with water services, it shall be deemed that an agreement in terms of subsection (2) exists.

(8) Water services rendered to a consumer are subject to the provisions of this by-law, where applicable the municipality's Credit Control by-law and Policy, any other applicable legislation and the conditions contained in the relevant agreement.

5. Special agreements for water services

(1) The municipality may enter into a special agreement for the provision of water services to an applicant—

(a) inside its area of jurisdiction, if the municipality cannot provide water supply because of operational or financial considerations; or

(b) 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.

(2) If the municipality provides water services to an applicant outside its area of jurisdiction in terms of a special agreement, it may permit him or her to sell such water to other persons outside its area of jurisdiction or accept sewage for disposal by the municipality from other persons outside the municipality's area of jurisdiction, subject to such conditions as the municipality may consider.

6. Purpose of use

Where the purpose for, or the extent to which water services is used, changes, the consumer must advise the municipality of the change and must enter into a new agreement with the municipality as prescribed.

Part 3: Deposits, payments and accounts

7. Deposits

An owner must on application for the provision of water services and before such water services will be provided, deposit with the municipality a sum of money as determined in terms of its Credit Control by-law and Policy except where circumstances require such deposit to be determined otherwise.

8. Fees for services

All fees or tariffs payable in respect of water services rendered by the municipality in terms of this by-law shall be determined annually during the budget process, except where circumstances require tariffs or costs to be determined otherwise.

9. Accounts

Accounts will be rendered to consumers in accordance with the municipality's Credit Control by-law and Policy.

10. Payment for water services

Water services provided by the municipality must be paid for by the consumer in accordance with the municipality's Credit Control by-law and Policy.

11. Appeal against finding of municipality in respect of queries or complaints

A consumer who feels aggrieved by a finding of the municipality in respect of a query or complaint, may appeal against such finding in accordance with the municipality's Credit Control by-law and Policy.

12. Payment in respect of pre-payment meters or flow management devices

Consumers supplied with pre-payment meters or flow management devices shall be dealt with in accordance with the municipality's Credit Control by-law and Policy.

Chapter 3
Water supply services

Part 1: Conditions

13. Specific conditions of water supply

(1) Subject to the provisions of the Act, the supply of water by the municipality shall not constitute an undertaking by it to maintain at any time or at any point in its water supply system—

(a) an uninterrupted supply;

(b) a specific pressure or rate of flow in such supply; or

(c) a specific standard of quality of the water

provided that, if the water supply of the municipality is interrupted for more than 24 hours in urban areas and 48 hours in rural areas, the municipality shall provide an alternative supply of water to meet basic human needs.

(2) The municipality may, subject to the provisions of subsection (1)(b), specify the maximum height in a building, or the maximum height above ground level, to which water will be supplied from the water supply system.

(3) Where a consumer requires water to be supplied at a greater height or pressure, he shall be responsible for the supply and installation of a booster pump system with a storage tank or reservoir as well as the protection and maintenance thereof, provided that no booster pump may be connected directly or indirectly to the municipal main pipe or connection point or pipe.

(4) If a consumer requires that any of the standards referred to in subsection (1) be maintained on his premises, he shall take the necessary steps to ensure the water installation is able to meet such standards.

(5) The municipality may—

(a) in an emergency

(b) where water losses occur;

(c) where emergency repair to the system is required; or

(d) where the municipality is unable to stabilise the level in a service reservoir,

interrupt the supply of water to any premises without prior notice.

(6) If the consumption of water by a consumer adversely affects the supply of water to another consumer or consumers, the municipality may restrict the supply of water to the first-mentioned consumer in order to ensure a reasonable supply of water to the other consumer or consumers and will inform that consumer of such restrictions.

(7) The municipality shall not be liable for any damage to property caused by water flowing from fittings left open on the premises when the water supply is re-instated, following an interruption in supply for any reason.

(8) An owner that requires a continuous supply of water for the purposes of the work undertaken on premises, must provide a storage tank that must comply with the specification for water storage tanks as stipulated in SANS 10125, with a capacity of not less than 24 hours water supply in urban areas and not less than 48 hours water supply in rural areas or as deemed adequate by the owner of the premises to provide for the average daily consumption when the supply is disrupted.

Part 2: Connection, quantity and quality of water supply

14. Provision of connection pipe

(1) If an agreement for the supply of water in respect of premises has been concluded and no connection pipe exists in respect of the premises, the owner must make application on the prescribed form and pay the prescribed fee or calculated amount for the installation of such a pipe prior to the installation thereof.

(2) If an application is made for a supply of water to premises 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, modification or upgrading subject on such conditions as it may impose.

(3) If an application for a connection pipe is received where no water main is available at the premises, the municipality may construct a water main across, through, over or under the property not owned by the municipality to enable the provision of a connecting pipe as applied for.

(4) The municipality and the owner of the property contemplated in subsection (3) may agree on compensation to be paid for using such property to construct the water main, provided that the water main shall remain the property of the municipality.

(5) A consumer may register a servitude over an adjacent property for the purposes contemplated in subsection (3) subject to an agreement regarding compensation. The water main shall remain the property of the owner registering the servitude.

(6) No person may commence development on premises before the installation of a metered connection pipe by the municipality and the connection has been approved by the municipality.

(7) The provision of a connection pipe by the municipality may be subject to conditions pertaining to water demand management and water conservation activities.

(8) The municipality may enter into an agreement with a developer of an approved development, home owner's association or master home owner's association to provide a metered water connection.

15. Location of connection pipes

(1) A connection pipe provided and installed by the municipality must be located in a position—

(a) not further than 1 metre inside the erf boundary;

(b) at least one metre from a mid-block municipal water main;

(c) on the erf boundary where a boundary wall exists; or

(d) at the beginning of a servitude where applicable,

as agreed to between the owner and the municipality or as determined by the municipality.

(2) The connection pipes must be of a suitable size, to a maximum of 20mm (inside diameter) for household use in urban areas and 15 mm (inside diameter) for household use in rural areas or otherwise as determined by the municipality and terminate at—

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

(b) at the outlet of the water meter or at a point before the isolating valve or stop-valve of the consumer if the meter is situated on the premises being supplied.

(3) In reaching agreement with an owner concerning the location of a connection pipe, the municipality must ensure that the owner is aware of—

(a) practical restrictions which may exist regarding the location of a connection pipe;

(b) the cost implications of the various possible locations of the connection pipe, if applicable;

(c) that the municipality may require the owner to provide a portion of his or her water installation at any agreed location inside or outside of his or her premises where the connection is required.

(d) his or her responsibility for the protection of the measuring equipment and associated installations and thus for any damage to or loss or theft of the measuring equipment and associated installations.

(4) In case of losses or damages, the municipality must replace the equipment and associated installations within a reasonable time and at the cost of the owner or consumer.

(5) The municipality may, at the request of an owner, agree to a connection to a main other than that which is most readily available, provided that the owner shall be responsible for the cost of any extension of the water installation to the connecting point designated by the municipality and for obtaining such servitudes over other premises as may be necessary.

(6) An owner must pay the prescribed connection fee or calculated fee in advance and in case of subsection (4), the re-connection fee and any other costs.

16. Interconnection between premises

An owner of premises shall ensure that—

(a) no interconnection exists between the water installation on his premises and the water installation on other premises; or

(b) where several accommodation units are situated on the same premises, no interconnection exists between water installations of the accommodation units;

unless he has obtained the written consent of municipality and complies with any conditions imposed.

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

(1) Only one connection pipe to the water supply system may be provided for the supply of water to any residential, business or industrial premises, irrespective of the number of accommodation units, business units or consumers located on such premises.

(2) The municipality may where practical, and if considered necessary to do so, provide separate connections to accommodation-, business- or industrial units on such premises.

(3) The municipality may, depending on the capacity of the water supply system in the specific area, determine whether additional connections will be allowed in any other type of zoning.

(4) Where the owner of premises on which several accommodation units, business units or consumers are situated, requires the supply of water to such premises for the purpose of separate supply to the different units or consumers, the municipality may require the following—

(a) installation of a single measuring device (bulk meter) by the municipality at the owners' cost in respect of the premises as a whole or any number of such accommodation units, business units or consumers; or

(b) a separate measuring device (sub-meter) installed by the owner, who remains responsible for the said meter, including meter readings, for each accommodation unit or consumer or any number thereof;

(c) that the owner take liability for the maintenance of the water supply system downstream of the bulk meter as well as for payment of the account for water supplied through the bulk meter at the applicable rate levied by the municipality;

(d) that the water supply system downstream of the bulk meter be regarded as a private combined water supply system; and

(e) that any materials used must comply with the standards specified by the municipality.

(5) Where the municipality has installed a single measuring device as contemplated in subsection 4(a), the owner or the person in charge or manager of the premises—

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

(i) a separate measuring device (sub-meter); and

(ii) an isolating valve;

(b) shall be liable to the municipality for the payment of the prescribed fees for all water supplied to the premises through such single measuring device (bulk meter), irrespective of the different quantities consumed by the different consumers (sub-meters); and

(c) shall be liable for usage of water measured through a metering device not yet registered on the municipal financial system and water consumed or used by the consumer or developer; and

(d) shall be responsible for the protection, maintenance and operation of the sub-meters.

(6) Where the premises are historically supplied with water by a number of connection pipes, the municipality may require the owner to reduce the number of connection points and alter his water installation accordingly at his expense or the owner could request the municipality in writing to reduce the number of connection pipes at his cost.

(7) Where premises are supplied with water by means of multiple connection pipes, the municipality may require the owner to install non-return valves to municipal standards on all such connection pipes.

18. Restriction or disconnection of supply

(1) Without prejudice of rights, the municipality may, if a consumer—

(a) failed to pay an amount due to it in terms of this by-law;

(b) committed a breach of this by-law and has failed to rectify such breach within the period specified in a written notice; or

(c) unlawfully tampered with a water meter or connection in any way,

institute proceedings against such a person in terms of this by-law, or the Municipality's Credit Control by-law and Policy, or other applicable legislation.

(2) Should action, as a matter of urgency be necessary to prevent waste of water, damage to property, danger to life or pollution of water, the municipality may, notwithstanding anything to the contrary in this by-law—

(a) without prior notice, disconnect the supply of water to any premises; and

(b) enter upon such premises and do such emergency work, at the owner's expense, as may be necessary, and in addition, by written notice require the owner to do such further work as may be necessary within a specified period.

(3) Where a water supply has been tampered with or the meter by-passed, the matter shall be dealt with in terms of the municipality's Credit Control by-law and Policy.

19. Interruption of supply at owner's request

(1) The municipality may, at the written request of an owner—

(a) disconnect the supply of water to his premises; and

(b) re-connect the supply;

on the dates requested by him.

(2) The owner shall, prior to the disconnection or re-connection of his water supply in terms of subsection (1), pay the prescribed fees for the disconnection or re-connection.

(3) A request as contemplated in subsection (1) shall not be considered where such disconnection may affect the right to basic services of any person residing on such premises.

20. Disconnection of water supply

(1) The municipality may disconnect a water installation from the connection pipe and remove the connection pipe if—

(a) the agreement or instruction for supply has been terminated in terms of section 103 (normal termination) and it has not received an application for a subsequent supply of water to the premises within a period of 30 days of such termination;

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

(c) requested to do so by the owner in writing and upon payment of the prescribed fee;

(d) services in respect of the said premises are not paid for and the disconnection is required in terms of the Credit Control by-law and Policy of the municipality;

(e) a connection or measuring device has been tampered with or being removed; or

(f) if the consumer has interfered with a restricted or discontinued service.

(2) The municipality shall not be liable for any damages or claims that may arise from the disconnection of water services provided for in subsection (1).

21. Water supplied from a fire hydrant

(1) The municipality may authorise a temporary water supply from one or more designated fire hydrants, subject to such conditions, period and prescribed fees, including a consumer deposit, imposed by the municipality.

(2) The municipality shall for purposes of measuring such temporary supply, provide a portable water meter and all other fittings and apparatus necessary for the connection to a fire hydrant provided that the meter and equipment must be returned to the municipality on termination of the temporary water supply service.

(3) If water meter, fittings and apparatus referred to in subsection (2) are damaged or lost, including damage to the fire hydrants used the consumer deposit shall be forfeited and the municipality may calculate the volume of water used through the fire hydrant and levy the approved tariff for such usage.

(4) Temporary water supply from a fire hydrant is only allowed where an authorised metered municipal standpipe is supplied by the municipality.

22. Communal water services works

The municipality may install communal water services works 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 such water services works have been consulted in respect of—

(a) the level of service;

(b) the prescribed fees that will be payable;

(c) the location of the water services works; and

(d) and that the connection to the communal water services works is metered.

23. Quantity, quality and pressure

(1) Water supply services provided by the municipality must comply with the minimum standards set in terms of section 9 of the Act and the applicable regulations.

(2) The municipality must implement a suitable water quality sampling programme specifying the sampling points, frequency of testing and substances for which the water will be tested, to ensure compliance with the standards prescribed in SANS 0241.

(3) The municipality does not undertake to maintain a specific pressure or rate of flow in its water supply to such consumers.

(4) Where the municipality sells untreated water to a consumer for human consumption, the consumer must ensure compliance with the minimum standards set in terms of section 9 of the Act and the applicable regulations.

(5) The municipality shall not be liable for water quality non-compliance in instances where the private water installation is not utilized on a regular basis, or where additional treatment systems or appliances have been installed on such private water installation.

Part 3: Measuring water supplied

24. Measuring the quantity of water supplied

(1) All water supplied to a consumer by the municipality must pass through a measuring device for the purpose of measuring the quantity of water supplied at regular intervals.

(2) A measuring device referred to in subsection (1) and its associated apparatus shall be provided and installed by the municipality, which shall remain the municipality's property, and may be changed and maintained by the municipality whenever considered necessary.

(3) (a) The municipality may install the measuring device, and its associated apparatus, serving a water installation at any point in the installation;

(b) If the municipality installs a measuring device in a water installation in terms of subsection (a), it may install a section of pipe and associated fittings between the end of its connection pipe and the measuring device, and such section shall be deemed to form part of the water installation.

(4) If the municipality installs a measuring device together with its associated apparatus in a water installation in terms of subsection (3), the owner shall—

(a) provide a place on the boundary wall or on the premises considered suitable by the municipality in which to install it;

(b) ensure that unrestricted access to the measuring device is available at all times;

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

(d) ensure that no other or additional connection is made to the pipe between the measuring device and the connection pipe serving the installation;

(e) make provision for the drainage of water which may be discharged from the pipe, in which the measuring device is installed, in the course of work done by the municipality on the measuring device;

(5) No fitting, machine or appliance may be used which causes damage or which is likely to cause damage to the measuring device on any water installation.

(6) Only the municipality may replace and install a water meter, a flow measuring device or a flow management device after the loss, damage or theft thereof and only after payment of the applicable tariffs or calculated cost.

(7) No person other than an authorised official may—

(a) disconnect a measuring device and its associated apparatus, including the removal of flow restrictors, from the pipe in which they have been installed;

(b) break a seal which the municipality has placed on a measuring device; or

(c) in any other way interfere with a measuring device and its associated apparatus.

(8) If the municipality considers the size of a measuring device unsuitable due to the quantity of water supplied to premises, it may install a measuring device of such size as it may consider necessary, and may recover from the owner of the premises concerned the prescribed fee and calculated deposit for the installation of the measuring device.

(9) 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, to determine the quantity of water supplied to each such unit; provided that where fixed quantity water delivery systems are used, a single measuring device may be used for more than one dwelling unit.

(10) All water meters shall be minimum Class C meters for meter sizes up to 25mm in diameter, must comply with the Legal Metrology Act, (Act No 9 of 2014), as amended from time to time and must be SABS approved.

25. Quantity of water supplied to consumer

(1) For the purpose of assessing the quantity of water supplied to a consumer during any period and measured through a measuring device installed by the municipality over a specific period, it shall be deemed, unless the contrary is proved, that—

(a) in the case of a measuring device providing an uncontrolled volume of water, the quantity is represented by the difference between readings of the measuring device taken at the beginning and end of such period;

(b) in the case of a measuring device providing a controlled volume of water, the quantity is the volume dispensed by the measuring device;

(c) the measuring device was registering correctly during such period; and

(d) the entries in the records of municipality were made correctly.

(2) If water is supplied to, or taken by, a consumer without it having passed through a measuring device, the municipality's estimate of the quantity of such water shall be assumed to be correct unless the contrary is proved.

(3) If a measuring device is by-passed or tampered with, or a contravention of section 24(5) occurred, the municipality may make an estimate of the quantity of water supplied to the consumer in terms of the municipality's Credit Control by-law and Policy.

(4) Where water supply services are provided through communal water services works, the amount due and payable by consumers thereof, must be based on the estimated average consumption of water supplied to those water services works.

(5) The decision of the municipality in arriving at that amount shall be final and binding on each consumer affected thereby which shall be payable by the consumer prior to re-connection of the service.

(6) Nothing in this by-law shall be construed as imposing on the municipality an obligation to cause any measuring device installed by the municipality on any premises to be measured at the end of every month or any other fixed period.

(7) The municipality may estimate the quantity of water supplied over any period during the interval between successive measurements and render an account to a consumer for the quantity of water so estimated.

26. Defective measurement

(1) If a consumer has reason to believe that a measuring device is defective, he may request verification of meter readings in terms of the Credit Control by-law and Policy.

(2) A meter to which the regulations relating to water meters, published under the Legal Metrology Act, 2014 (Act No 9 of 2014) are applicable, shall be deemed to be defective if, when tested in accordance with SANS 1529 (as amended from time to time), it is found to have a percentage error in over-registration or under-registration greater than that permitted for a meter in use in terms of that specification.

(3) A measuring device to which the regulations referred to in subsection (2) are not applicable shall be deemed to be defective if it is found to have a percentage error in over-registration or under-registration greater than that allowed in the relevant parts of SANS 1529 (as amended from time to time).

(4) A consumer is entitled, on giving the municipality reasonable notice of his intention, to be present at the testing of any measuring device in which the consumer has an interest at his own cost.

(5) A measuring device removed by the municipality for testing must be retained intact and must be available for a period of three months after testing. The dismantling of the meter may only be done with the written consent of the consumer and without prejudicing the municipality's rights.

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

Any adjustment of an account through a defective measuring device shall be done in terms of the Credit Control Bylaw and Policy. A consumer will not be held responsible for any additional water charges if a measuring device was found under-registering at any of the prescribed flow rates.

28. Special reading at request of consumer

A consumer may, upon written notice of not less than 5 working days, and upon payment of the prescribed fee, request the municipality to read a measuring device at a time or on a day other than that upon which it would normally be read.

29. Special measurement

(1) If the municipality wishes, for purposes other than charging for water consumed, to ascertain the quantity or water which is used in a part of the water installation, it may by written notice advise the owner concerned of its intention to install a measuring device in the water installation at a point considered necessary.

(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. In case of a connection without a measuring device, the consumer shall be held liable for the cost of installation of a measuring device.

(3) The provisions of sections 24(3)(a) and 24(4)(b) shall apply insofar as they may be applicable in respect of a measuring device installed in terms of subsection (1).

Part 4: Installation work and use of pipes and fittings

30. Approval of installation work

(1) An owner who wishes to have installation work done, must obtain the municipality's written approval, provided that approval shall not be required in the case of:

(a) water installations inside dwelling units;

(b) installations where no fire installation is required in terms of any part of SANS 10400; or

(c) the repair or replacement of an existing pipe or water fitting other than a fixed water heater and its associated protective devices.

(2) If any of the installation work is governed by the EIA Regulations, the owner must ensure compliance and obtain the relevant authorisation in respect thereof.

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

(a) the prescribed fees, if applicable;

(b) copies of the drawings as prescribed by the municipality, giving information in the form required by SANS Code 10252 and

(c) a certificate from a person approved by the municipality certifying that the installation has been designed in accordance with SANS 10252 or has been designed on a rational basis.

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

(5) Approval given in terms of subsection (1) shall lapse at the expiry of a period of 24 months from the date of approval.

(6) A complete set of approved drawings of installation work must always be available at the site of the work until such work has been completed,

(7) If installation work has been done in contravention of subsections (1), (2) or (3), the municipality may, by written notice, require the owner of the premises concerned to—

(a) comply with that regulation within a specified period;

(b) if work is in progress, to cease the work; and

(c) to remove all work which does not comply with this by-law.

31. Persons permitted to do installation work

(1) Only a qualified plumber, a person working under the control of a qualified plumber, or another person authorised in writing by the municipality, shall be permitted to—

(a) do installation work other than the replacement or repair of an existing pipe or water fitting;

(b) replace a fixed water geyser or its associated protective devices;

(c) inspect, disinfect and test a water installation, fire installation or storage tank;

(d) service, repair or replace a back flow preventer; or

(e) install, maintain or replace a sub-meter provided by an owner in a private water installation.

(2) No person may require or engage a person who is not a qualified plumber to do the work referred to in subsection (1).

(3) Notwithstanding the provisions of subsection (1) the municipality may permit a person who is not a qualified plumber to do installation work on his own behalf on premises owned and occupied by himself and his immediate household, provided that such work may be inspected and approved by a qualified plumber at the discretion of the municipality.

(4) The Municipality accepts no responsibility for any damages or costs incurred by an owner or consumer due to faulty installation work and shall hold the person liable for any damages or costs incurred by the Municipality as result of the faulty installation work.

32. Provision and maintenance of water installation

(1) An owner must provide and maintain a water installation at his own cost and must ensure that the installation is situated within the boundary of his premises, except—

(a) in the case of a connection to a connection pipe; or

(b) where installation is permitted elsewhere in terms of this by-law.

(2) Before doing work in connection with the maintenance of a portion of his water installation which is situated outside the boundary of his premises, an owner shall obtain the written consent of the municipality or the owner of the land on which such portion is situated, as the case may be.

33. Technical requirements for water installation

(1) Notwithstanding the requirement that a certificate be issued in terms of section 30(3)(c), all water installations must comply with SANS 10252 and all fixed electric storage water heaters must comply with SANS 10254.

(2) In addition to any requirement of SANS 10252 an owner must at his own expense, or the municipality may in its discretion and at the owner's expense, and for the owner's exclusive use, provide and install or replace a stop-cock at a suitable point inside the boundary of the premises on the owner's side of the measuring device leading to the water installation.

34. Use of pipes and water fittings to be authorised

(1) No person may, without the permission of the Municipality, install or use a pipe or water fitting in a water or drainage installation within the municipality's area of jurisdiction unless it—

(a) bears the standardisation mark of the SABS or EN specification in respect of the relevant SANS specification issued by the SABS; or

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

(c) is included in the schedule of Approved Pipes and Fittings as compiled by the municipality; or is acceptable to the Municipality as indicated in writing by an authorised official.

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

(3) The schedule of Approved Municipal Standards and Specifications including the schedule of Approved Pipes and Fittings (as amended from time to time) shall be available from the municipal offices during working hours.

35. 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

36. Unlawful water installation

Where any installation work has been constructed in contravention of this by-law, the owner must on receiving a compliance notice by the municipality, carry out such alterations to the installation as prescribed in the notice.

37. Pipes in street or public places

(1) No person may, for the purpose of conveying water derived from whatever source, lay or construct a pipe or associated component on, in or under a street, public place or other land owned by, vested in, or under the control of the municipality, except with the written permission of the municipality and prior approval of a building or civil engineering plan by the municipality.

(2) No other parallel service (Telkom, optic fibre, electricity, etc.) may be installed—

(a) closer than 500mm from an existing 25mm diameter to 200mm diameter municipal water services pipe as measured from the outside of the pipe;

(b) closer than 2 metres from an existing 250mm diameter to 350mm diameter municipal water services pipe as measured from the outside of the pipe;

(c) closer than 4 metres from an existing 355mm or larger diameter municipal water services pipe as measured from the outside of the pipe; or

(d) within a registered water servitude, unless approved by the municipality.

(3) No service as contemplated in subsection (2) may be installed on top of any water pipe.

(4) Where any other service (cable, sleeve, pipe) crosses a municipal water main, a minimum distance of 300mm must be maintained between the services for water pipes with a diameter of 150mm, and 500mm between the service for water pipes with a diameter of 200 mm and larger.

Part 5: Installations for fire fighting purposes

38. Connection to be approved by the municipality

(1) The municipality may grant or refuse an application for the connection of a fire fighting installation to its main supply.

(2) If an approved fire extinguishing installation, connected to the municipality's main supply, is not being properly maintained, or is being used in contravention of sections 42(3) and 42(4), the municipality may require the installation to be disconnected from the main, or have it disconnected at the owner or consumer's expense as the case may be.

39. Special provision for fire fighting services

Any water installation for the provision of water for fire fighting purposes, must comply with the provisions of the relevant parts of SANS 10252 as amended and, where applicable, SANS 10400-W and SANS 10400-T or other relevant parts of SANS 10400 or other national standards as may be applicable.

40. Inspection and approval of fire fighting installation

(1) No water may be supplied to any fire fighting installation unless it is metered at the cost of the owner or consumer until—

(a) it has been inspected and tested by the municipality;

(b) the municipality has certified in writing that such water installation is complete and complies with the requirements of this by-law; and

(c) the fees required by the Municipality for such inspection and testing have been paid.

(2) The municipality shall determine the maximum nominal size of the take-off from the municipal main and the maximum size of the water meter.

41. Dual and combined installations

(1) A building erected after the commencement of this by-law must comply with the following requirements in relation to the provision of fire fighting services—

(a) combined installations, in which the same pipes and fittings are used for fire fighting and general domestic purposes, are only permitted where no booster pump connection is provided on the water installation;

(b) combined installations where a booster pump connection is provided shall only be permitted when designed and certified by a competent person and approved by the municipality;

(c) no booster pump system may be connected directly to a metered connection;

(d) in the circumstances contemplated in paragraph (a), a fire hydrant must be provided by the municipality, at the owner or consumer's expense, within 120 metres of the property to provide a source of water for the use of the crew responsible to extinguish a fire; and

(e) all pipes and fittings must be capable of handling pressures in excess of 1800 kPa, which could be expected when boosting takes place and must be designed to maintain their integrity when exposed to fire conditions; and

(f) a suitable air or vacuum valve approved by the competent person must be installed on the highest point of the water system.

42. Connection pipe for fire fighting services

(1) The municipality may provide a single connection to the water supply system to serve as a connection pipe for a fire fighting installation (excluding a sprinkler system) and potable water supply services.

(2) The municipality must provide and install at the owner's cost a meter on the connection pipe referred to in subsection (1).

(3) An existing connection pipe for the purpose of fire fighting services may only be used for that purpose and must be metered at the owner or consumer's cost.

(4) No take-off of any kind from any connection pipe referred to in subsection (3) may be made, nor may any water from it be used except in connection with an automatic sprinkler and drencher, a fire hydrant connection or a hose-reel connection, or for a pressure tank in connection therewith, and such tank must be controlled by an approved fitting.

(5) A separate connection pipe must be laid and used for every fire sprinkler extinguishing system and metered at the owner's cost, unless otherwise approved by the municipality.

(6) The municipality is not bound to guarantee any specified pressure or flow to a fire fighting installation or connection.

43. Valves and meters in connection pipeline

Every connection pipe to a fire fighting installation must be fitted with a proper gate valve, a strainer, a measuring device and an applicable non-return valve as approved by the municipality, which shall be supplied and installed by the municipality at the expense of the owner.

44. Sprinkler extinguishing installation

The municipality is not bound to guarantee any specified pressure or flow to a sprinkler installation.

45. Header tank or double supply from main

(1) Unless a sprinkler installation is provided with a duplicate or reserve supply from a separate main, the owner must install a header tank on or in the building or structure at such elevation as will compensate for any failure or reduction of pressure and flow rate in the municipality's main.

(2) Dedicated non-return valves as specified by the municipality must be provided where more than two connections are provided to premises.

46. Sealing of private fire hydrant

(1) Except in the case of a fire fighting installation supplied through a metered connection pipe, a private hydrant and hose-reel must be sealed by the municipality and such seal may not be broken by any person other than the municipality in the course of servicing and testing, except for the purpose of opening the hydrant in the case of fire.

(2) The owner must give the municipality at least 48 hours notice of his intention to cause a fire fighting installation to be tested and serviced.

(3) The cost of resealing a fire hydrant and hose-reel referred to in subsection (1), must be borne by the owner, except when such seal is broken by an authorised official for testing purposes.

(4) Water consumed after the breaking of the seal referred to in subsection (1), other than in the course of testing by the municipality or of fighting a fire, must be paid for by the owner at the tariff for domestic or commercial or industrial purposes, depending on the tariff type.

(5) The quantity of water consumed as contemplated in subsection (4), shall be determined by the municipality.

Part 6: Water conservation and prevention of pollution

47. Waste of water

(1) No person may allow—

(a) the fruitless or wasteful discharge of water from any terminal water fitting;

(b) pipes or water fittings to leak;

(c) the use of maladjusted or defective water fittings;

(d) an overflow of water to persist;

(e) an inefficient usage of water to persist;

(f) the irrigation of a garden or lawn or park between 11:00 and 17:00 on any day or as otherwise determined or regulated by a water restriction level; or

(g) the irrigation of a garden, lawn, park or sports field outside the hours as prescribed in a water restriction notice issued in terms of section 52 of this by-law.

(2) An owner must without delay repair or replace any part of his water installation which is in such a state of disrepair that it is 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 may by written notice in terms of section 106, require the owner to comply with the provisions of subsection (1).

(4) A consumer must ensure that any equipment or plant connected to his 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 its use of water is inefficient and such equipment may not be returned to use until its efficiency has been restored and approved by the municipality.

(6) If an owner fails to comply with a notice referred to in subsection (3) or (5), the Municipality shall without prior notice take such measures as it may consider necessary and recover the cost of doing so from the owner.

48. Car washing facilities

(1) All commercial vehicle washing facilities must be constructed and operated in such a manner that 50 percent of the water used by the facility is recycled for reuse in the facility.

(2) Commercial car wash industries must comply with industry best practice norms regarding water usage per car washed.

(3) The design of the vehicle washing facility system must be undertaken by a professional person and the plans therefor submitted to and approved in advance by the municipality.

49. Grey water practices

(1) An owner may install a grey water use system on his premises provided that it does not cause a nuisance to any other person.

(2) The municipality may inspect the use of grey water on premises and, if deemed necessary, may impose limitations on or prescribe conditions if the use thereof has a negative impact on the health of persons occupying such premises or the environment.

(3) A grey water system may not—

(a) be connected to a storm water system;

(b) be allowed to flow into a natural stream or a river; or

(c) be allowed to enter of flow onto a neighbouring property.

50. Equipment specification to facilitate water conservation

(1) New or replaced water closet cisterns may not exceed 6 litres in capacity.

(2) Only flushing urinals that are user activated may be installed with preferably double flush capacity.

(3) All automatic flushing cisterns fitted to urinals, must be replaced with either manually operated systems or non-manual apparatus which causes the flushing device to operate only after each use of such urinal.

(4) The maximum flow rate from any tap installed on a hand wash basin must not exceed 6 litres per minute.

(5) The maximum flow rate of the shower head may not exceed 7 litres per minute in a water installation where the dynamic water pressure is more than 200kPa at a shower control valve, and

where the plumbing has been designed to balance the water pressures on the hot and cold water supplies to the shower control valve.

(6) Automatic top up systems using a float valve fed from a potable water source to supply swimming pools and garden ponds are not allowed.

(7) Wash hand basins provided in public facilities must be fitted with demand type taps.

(8) Showers provided at public facilities must be fitted with demand type valves.

(9) Standpipe draw-off taps must be at a height of at least 450mm, measured above ground level.

(10) Terminal water fittings installed outside any buildings other than a residential dwelling must—

(a) incorporate a self-closing device;

(b) have a removable handle for operating purposes; of

(c) be capable of being locked to prevent unauthorized use; or

(d) be of a demand type that limits the quantity of water discharged in each operation.

(11) Where a hosepipe is used to irrigate a garden, park or sports field a controlling device such as a sprayer or automatic self-closing device must be attached to the hose end.

(12) A hosepipe used for washing vehicles, boats or caravans must be fitted with an automatic self-closing device.

51. Water demand management

The municipality may identify water demand management measures to be implemented where considered necessary, which measures may include the installation of water demand management meters.

52. Water restrictions

(1) The municipality may, subject to other applicable legislation, by public notice prohibit the wasteful use of water 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—

(i) for specified purposes;

(ii) during specified hours or on specified days; and

(iii) in a specified manner; and

(b) determine and impose—

(i) limits on the quantity of water which may be consumed over a specified period;

(ii) fees additional to those prescribed in respect of the supply of water in excess of a limit contemplated in subsection 1(b)(i); and

(iii) a general surcharge on the prescribed fees in respect of the supply of water; and

(c) impose restrictions or prohibitions on the use or manner of use or disposition of an appliance by means of which water is used or consumed, or on the connection of such appliances to the water installation.

(d) apply increasing levels of water restrictions and tariff surcharges during prolonged or severe drought periods.

(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 such reasonable grounds as it may deem fit.

(3) The municipality may—

(a) take, or by written notice require a consumer at his 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) subject to notice, disconnect, or restrict for such period as it may deem fit, the supply of water to any premises in the event of a contravention on such premises or failure to comply with the terms of a notice published in terms of subsection (1), and where the supply has been disconnected, it shall only be restored when the prescribed fees for disconnecting and reconnecting the supply has been paid.

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

(5) The municipality may impose water restrictions by issuing a directive in terms of section 54(3)(b) and 55(2) of the Disaster Management Act. 2002 (Act 57 of 2002), where a local disaster has been declared due to a scarcity of water or to prevent such a disaster from being declared.

(6) A person who fails to comply with any of the provisions of this section commits an offence.

53. Owner to prevent pollution of water

(1) An owner must provide and maintain measures approved by the municipality to prevent the entry of a substance, which may be a danger to health or the environment or adversely affect the potability of water or affect its quality and fitness for use, into—

(a) the water supply system;

(b) any part of the water installation on his premises;

(c) any storm water system;

(d) any sewage disposal system; or

(e) the environment.

(2) If a person contravenes subsection (1), the municipality may—

(a) by written notice require such person to take remedial steps to prevent pollution of the water in the water supply system or water installation on his premises within a specified period; or

(b) if the situation is urgent, without prior notice undertake the work required by subsection 2(a) and recover the costs from such person.

(3) Swimming pool backwash water must be deposited into the sewage disposal system where a conventional sewer network exists, and in a storm water system where no conventional sewer network is available, or as otherwise prescribed by the municipality.

(4) Where a property is supplied with potable and alternative water, the owner must ensure that—

(a) no interconnection is effected between the installations; and

(b) the pipe work is correctly colour coded, as per SANS 10140-3:2003 and that the appropriate signage, as per SANS 1186-1:2008 is displayed.

54. Protection of water supply system and installation

(1) The owner must take any of the measures referred to in subsection (2) to prevent the backflow of water from the water installation to the water supply system in the case of—

(a) a fire or combined installation on premises; and

(b) a general installation serving the following activities—

(i) medical treatment of people or animals;

(ii) medical, pharmaceutical or chemical research and manufacturing;

(iii) agriculture, including dairies and nurseries;

(iv) photographic processing;

(v) laundering and dry-cleaning;

(vi) metal plating;

(vii) treatment of skins and hides; and

(c) a general installation serving—

(i) mortuaries;

(ii) abattoirs;

(iii) sewage purification works;

(iv) refuse processing plants;

(v) oil processing and storage facilities;

(vi) wineries, distillers, breweries, yeast and cold drink factories;

(vii) sports facilities; or

(viii) any other premises on which an activity is carried out which is likely to cause a danger to health and the environment or affect the potability of water in the event of a substance resulting from such activity entering the water supply system; and

(d) a general installation on any premises after a compliance notice by the municipality to do so.

(2) The measures required in terms of subsection (1) are—

(a) the discharge of water from the service pipe into a storage tank through an air gap; or

(b) the passing of water through—

(i) a reduced pressure zone (RPZ) backflow preventer;

(ii) a double check backflow preventer; or

(c) any other measures approved by the municipality which will serve the same purpose.

(3) The owner of premises must prevent the back siphonage into his water installation of a substance from an external source which is likely to cause a danger to health and the environment or affect the potability of water, in the case of—

(a) a terminal water fitting which is so designed that a hose or other flexible pipe is or can be attached to it, which shall include a hose bibcock, a laboratory tap, and a movable shower unit;

(b) a fire hose-reel in a combined installation;

(c) an underground irrigation system; or

(d) any other fitting which may provide contact between polluted water and the water installation.

Part 7: Water supply services: Miscellaneous

55. Use of water from source other than water supply system

(1) No person may use or permit the use of water for domestic, commercial and industrial purposes, obtained from a source other than the water supply system, without the approval of the municipality.

(2) The provision of sub section (1) do not apply to rainwater tanks which are not connected to the water installation for potable water.

(3) The municipality shall not be liable for any loss or damage due to health-related incidents, if other water sources are used for any purpose.

(4) A person applying for permission referred to in subsection (1) must provide the municipality with evidence to the effect that the water complies with the requirements of SANS 0241, and that the use of such water does not or will not constitute a danger to health. All water uses from other sources must comply will all the requirements of the Act and any other relevant legislation, which may include authorisation by the relevant national department.

(5) An owner of premises on which an alternative water source is located or on which alternative water is used must within fourteen days of being notified provide the municipality with the information required regarding the alternative water source.

(6) Consent given in terms of subsection (1) may be withdrawn if—

(a) a condition imposed in terms of subsection (1) is breached; or

(b) the water no longer conforms to the requirements referred to in subsection (4).

(7) If water obtained from another source of supply is used for a purpose which allows the discharge of such water or a portion thereof into the municipality's sewage disposal system, the municipality may—

(a) install a meter in the pipe leading from such other source of supply to the point or points where it is so used and

(b) impose minimum standards in respect of the quality of effluent discharged into the sewage disposal system.

(8) The provisions of section 24 apply insofar as they may be applicable in respect of the meter referred to in subsection (7).

(9) No person may use treated effluent for any purpose without the approval of the municipality, which approval shall be subject to submission of national or provincial statutory approvals as may be applicable.

56. Use of alternative water

(1) The municipality shall by public notice, require owners of premises making use of alternative water to notify it on a prescribed form of the existence thereof on such premises, and provide it with such information as may be required.

(2) The submission of a notification contemplated in subsection (1) does not constitute approval by the municipality for the usage of such alternative water.

(3) Boreholes are subject to any applicable requirements of the National Water Act, 1998 (Act No. 36 of 1998) and NEMA.

(4) Owners of premises or consumers on premises which supplement their water supply with boreholes shall be regarded as partially or completely of the municpality's water grid and therefore be subject to a basic charge per dwelling unit or building, based on the meter size connected to the water supply system of the municipality.

(5) Water supply from an alternative water source may under no circumstances be connected to a water installation for potable water which is connected to the water supply system of the municipality.

(6) The owner of premises on which an alternative water source is used for human consumption must ensure that the water quality always complies with SANS 0241 standards.

(7) An owner of premises must ensure that any alternative water source located on his premises—

(a) is adequately safeguarded from creating a health nuisance;

(b) is not filled in a way or with material that may cause an adjacent borehole, well or underground source of water to become polluted or contaminated;

(c) is registered on the database of the municipality and a sign provided by the municipality is prominently displayed on the premises; and

(d) where water is being used from an alternative water source, it shall be used sparingly and efficiently and where used for irrigation purposes, it must be used in line with the municipality's watering times set in this by-law.

(8) Each borehole must be fitted with a measuring device and measurements must be taken at the beginning of each month. Record of such measurements must be made available to the municipality.

57. Sampling of water

(1) If water from an alternative water source is used, the owner or occupier of premises must at own cost provide the municipality with water sample analyses undertaken and determined by an accredited laboratory as prescribed by SANS 0241 or a laboratory designated by the municipality.

(2) The frequency of the testing of water samples will be determined by the municipality or otherwise in terms of SANS 0241 standards.

(3) In the event of non-compliance with section 55 and 56 of this by-law, or if a healthor environmental risk is suspected, the municipality may take samples of water obtained from a source other than the water supply system of the municipality and have the samples tested for compliance.

(4) The municipality may, with due notice to the owner, inspect a borehole or well point or an alternative source of water, in order to—

(a) measure groundwater levels;

(b) to take *ad hoc* water samples for laboratory analysis; or

(c) for purposes of standard hydro chemical field measurements.

(5) A laboratory used for analyses must use accredited methods applicable to the specific type of analysis.

58. Supply of non-potable water by the municipality

(1) The municipality may, on application in terms of section 5, supply non-potable water to a consumer excluding residential properties subject to any other law and on such terms and conditions as the municipality may impose.

(2) Water supply agreed to in terms of subsection (1) shall not be used for domestic or any other purposes which may give rise to a health or environmental risk.

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

(4) The municipality shall not be liable for any damages arising from the use of the non-potable water supplied to the consumer.

(5) Non-potable water supply may under no circumstances be connected to a water installation which is connected to the potable water supply system of the municipality.

59. Testing of pressure in system

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

60. Warning notices

(1) Where non-potable water is used, the owner must ensure that all terminal water fittings and appliances which supplies or uses the water are clearly marked with a weather-proof notice indicating that the water is unsuitable for domestic purposes.

(2) Where treated sewage effluent is used, the owner must erect weather-proof notices in prominent positions warning that such effluent is not suitable for domestic purposes.

(3) A warning notice in terms of subsections (1) and (2) must be in more than one official language and must include the symbolic sign for non-potable water, sign PV5 as described in SANS 11186.

61. Water audit

(1) The municipality may require major water users, (those using more than 3 650 kilolitres per annum or any other volume determined by the municipality), excluding those comprising multiple dwelling units, to undertake a water audit as and when required by the municipality.

(2) The audit shall contain the following information—

(a) amount of water used during the financial year;

(b) amount paid for water for the financial year;

(c) number of people living on the stand or premises;

(d) number of people permanently working on the stand or premises;

(e) comparison of the above factors with those reported in each of the previous three years (where available);

(f) seasonal variation in demand (monthly consumption figures);

(g) details of water pollution monitoring methods;

(h) details of current initiatives to manage their demand for water;

(i) details of future plans to manage their demand for water;

(j) comparison of the above factors with those reported in each of the previous three years (where available); and

(k) estimate of consumption by various components of use.

(3) A copy of the audit must be available for inspection by officials from the Department of Water and Sanitation and the municipality.

Chapter 4
Sanitation services

Part 1: Standards

62. Standards for sanitation services

(1) Sanitation services provided by the municipality must comply as far as reasonably possible with the minimum standards set for the provision of sanitation services in terms of section 9 of the Act and its regulations.

(2) Subject to the provisions of section 64(1), no new bucket sewer system shall be allowed within the municipal area.

Part 2: On-site sanitation and associated services

63. Application and conditions for on-site sanitation infrastructure

(1) If an agreement for on-site sanitation and associated services in accordance with section 4 has been concluded and no infrastructure in connection therewith exists on the premises, the owner must immediately make application for the installation thereof on the prescribed form and—

(a) pay the prescribed fees for the installation of the necessary infrastructure by the municipality; and

(b) with the approval of the municipality install on-site sanitation services in accordance with the specifications of the municipality.

(2) In considering the application for the installation of infrastructure, the municipality may require evidence that the sanitation facility is not likely to be a nuisance or have a detrimental impact on health and the environment and may specify the type of on-site sanitation services to be installed.

(3) The municipality may at any time investigate whether a sanitation facility has a detrimental impact on health and the environment and if so, the municipality may withdraw its permission and the person to whom the permission was given shall be liable for the costs associated with the said investigation, such as plant performance assessments, laboratory analysis, etc.

64. Treatment plants and package plants

(1) No person may construct, install, operate or maintain any on-site plant for the treatment, disposal or storage of sewage, without permission of the municipality, which approval must be subject to the submission of national or provincial statutory approvals as may be applicable.

(2) Construction or installation of a treatment plant must be in accordance with the requirements of the municipality.

(3) An application for a privately owned, on-site sewage treatment plant, also known as a "Sewage Package Plant," may only be considered if the hydraulic capacity of the plant will not exceed the maximum capacity as specified by the municipality. Such an application must be accompanied by the following information—

(a) details of the proposed development;

(b) the design and details of the proposed plant and process and the particulars of the professional person responsible;

(c) the EIA report for the plant;

(d) the license, or general authorisation for the plant as obtained from the Department of Water and Sanitation; and

(e) the particulars of the party which will be responsible for the operation and maintenance of the plant including the contract between the developer and such party.

(4) Final approval of the commencement of the operation of the plant shall be subject to compliance with the General Limit Values for the Discharge of Domestic Wastewater as may be determined by the license or general authorisation..

(5) Privately owned, on-site sewage treatment plants will be subject to the reporting and monitoring requirements determined by the municipality and the person to whom the permission for the operation of the plant was given by the municipality shall be liable for the costs associated with additional monitoring.

(6) No swimming pool backwash nor overflow water may be discharged into the sewer disposal system as this will have a detrimental effect on the biology of the sewage package plant.

(7) In the case of non-compliance with set conditions the municipality may upon written notice withdraw its permission and require a shutdown of the plant until such compliance is proven.

(8) The owner must always ensure that the on-site plant as referred to in subsection (1) is accessible for road tanker transportation through the provision of a safe, suitable and obstacle free access road.

65. Septic tanks and french drains

(1) The disposal of wastewater or other effluent by means of a french drain or septic tank shall not be permitted, unless exceptional circumstances prohibit the implementation of an alternative solution.

(2) Exisiting septic tanks must comply with the Guidelines for the use of Septic Tanks in the South African Coastal Zone (TT 114/99).

(3) If an existing french drain or septic tank is no longer required for the storage or treatment of sewage, or if permission for its use is withdrawn, the owner must take steps to have it either completely removed or completely filled with soil or suitable material.

66. Conservancy tank

(1) The municipality may permit the owner of premises to construct a conservancy tank and ancillary appliances for the retention of soil water, sewage, or effluent, and such tank and appliances must comply with the specifications of the municipality.

(2) If it is suspected that a conservancy tank on any premises is not watertight, the municipality may require the owner of such premises to perform tests at the owner's cost to verify the standard of the construction of the conservancy tank, and if necessary, the municipality may require the owner to replace the conservancy tank as specified at the owner's cost and within a prescribed timeframe.

(3) The owner must always ensure that the conservancy tank as referred to in subsection (1) is accessible for road tanker transportation through the provision of a safe, suitable and obstacle free access road.

(4) The construction or installation of a conservancy tank must be in accordance with the approved building plan. Such a tank may only be used after being inspected and approved by the municipality.

(5) A conservancy tank may only be constructed if no sewage network is available in the immediate area, or if it is impossible to connect to an existing sewage network.

67. Ventilated improved pit latrine

(1) The municipality may, in exceptional circumstances, permit the disposal of human excrement by means of a ventilated improved pit latrine, constructed in accordance with the specifications requirements of the municipality.

(2) In considering permission, the Municipality must consider the following factors—

(a) the nature and permeability of the soil;

(b) the level of the water table;

(c) the size of and access to the site;

(d) the availability of a piped water supply; and

(e) any other factors which may have the potential to cause harm to the environment.

68. Services associated with on-site sanitation services

(1) The removal or collection of conservancy tank and septic tank contents may be undertaken by the municipality or another service provider; provided that the service provider is registered on the municipal database.

(2) The fees payable in respect of the removal or collection of conservancy tank contents or the emptying of a septic tank, shall be in accordance with the Tariffs by-law.

69. Disused conservancy tanks

(1) If a conservancy tank is no longer required for the storage or treatment of sewage, or if permission for its use is withdrawn, the owner must take steps to have it either completely removed or completely filled with soil or suitable material.

(2) Upon written request by the owner, the municipality may allow the tank to be used for another purpose.

Part 3: Sewage disposal

70. Provision of a connecting sewer

(1) Where application has been made in accordance with section 4 for use of the sewage disposal system and no connecting sewer exists on the premises, the owner must apply to municipality for the installation of such a connecting sewer and pay the prescribed fees.

(2) If an application is made for sanitation services which are of such an extent or so situated that it will become necessary to extend, modify or upgrade the sanitation system, the municipality may agree to the extension only if the owner pays or undertakes to pay the prescribed costs.

(3) The municipality may refuse an application to connect to its sewage disposal system if the existing municipal sewage disposal network already reached its design capacity anywhere between the connection point applied for and the sewage treatment works or if the quality of the sewage to be discharged in the municipal sewage disposal system does not comply with the standards of the municipality.

(4) The municipality may allow a connection to a sewer other than that which is most readily available for the drainage of premises, provided that the applicant shall bear the cost for extension of the

drainage installation to the connecting point designated by the municipality and registration of a servitude if necessary.

(5) A connecting sewer provided and installed by the municipality shall—

(a) be located in a position and of a size determined by the municipality; and

(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.

(6) In determining the location of a connecting sewer, the municipality must 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 do so, to place the location of the connecting sewer by making available a portion of his sewer installation at or outside the boundary of his premises, or such agreed position inside his premises where the connection is required, to allow the Municipality to connect to such installation;

(d) his responsibility to provide a waterproof connecting manhole at own cost at the end of the municipal sewer connection, which manhole must be visible, designed to provide easy access for maintenance or inspections and which must be accessible at all times;

(e) his continued responsibility to carry the costs for the removal by the municipality of any obstruction from the connecting sewer, except where such obstruction is the result of wear and tear or deteriorated infrastructure.

(7) A connecting sewer may only be installed after approval of a building plan and any servitude as may be necessary, and no development may take place until the connecting sewer has been installed.

(8) An owner must pay the connection fee as prescribed by the municipality in advance.

(9) Where an owner needs 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 and, if required by law, a permit or environmental authorisation must be obtained by the owner prior to such approval being granted.

(10) The owner shall be responsible for the maintenance and operation of the sewerage installation, including all manholes, rodding eyes, catch pits, grease traps, sand traps, pipe work and related devices including the connecting sewer.

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

(1) Notwithstanding the provisions of section 70, only one connecting sewer to the sewage disposal system, in accordance with the relevant design guidelines, may be provided for the disposal of sewage from any premises, irrespective of the number of accommodation units or consumers located on such premises, provided that capacity exists in the municipal sewerage disposal system.

(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 different accommodation units, the municipality may approve 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 (1), the owner—

(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) a rodding eye at all branching points;

(b) shall be liable 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; and

(c) shall be jointly liable with other consumers on the premises for the maintenance of a private combined sewer system from the connection point on the municipal main sewer, including the connecting manhole and sewer.

(4) Notwithstanding subsection (1), the municipality may authorise more than one connecting sewer from premises comprising sectional title units or if undue hardship or inconvenience would be caused to any consumer on such premises by the provision of only one connecting sewer.

(5) Where the provision of more than one connecting sewer is authorised by the municipality in terms of subsection (4), the tariffs and charges for the provision of a connecting sewer are payable in respect of each sewage connection so provided.

72. Interconnection between premises

(1) An interconnection between sewer systems is subject to the municipality's written approval.

(2) An owner of premises must ensure that no interconnection exists between the drainage installation on his premises and any drainage installation on other premises, unless he has obtained permission from the municipality. In such a case it becomes a private combined sewer system, subject to the provisions of section 71.

73. Sewage delivered by road transport

(1) No person may discharge sewage into the municipality's sewage treatment works by road haulage, without permission of the municipality and upon payment of the prescribed fees determined by the municipality.

(2) Where use is made of the municipality's suction tanker truck, the service will be rendered subject to the conditions, policy and prescribed fees determined from time to time.

(3) When sewage is delivered by road transport—

(a) the time of delivery must be arranged with an authorised official;

(b) the nature and composition of the sewage must be established by an authorised official prior to the discharge thereof; and

(c) in the case of disposal of chemical toilet contents, the municipality may impose specified standards and designate specific off-loading points.

(4) The municipality may upon written notice withdraw any permission to discharge sewage delivered in terms of this section if the person to whom such permission had been given—

(a) fails to ensure that the sewage conforms to the standards or conditions prescribed;

(b) fails or refuses to comply with any notice served on him in terms of this by-law; or contravenes any provision or condition imposed on him; or

(c) fails to pay the prescribed fees in respect of sewage delivered.

74. Measurement of the quantity of standard domestic effluent discharged

(1) The quantity of standard domestic effluent discharged shall be determined as a percentage of the volume of water supplied to those premises by the municipality or in accordance with the number of facilities such as toilets and urinals per premise.

(2) If the percentage referred to in subsection (1) in respect of specific premises appears to be excessive, and considering the purposes for which water is consumed on such premises, the municipality may reduce the percentage applicable to such premises to a figure which reflects the proportion between the likely quantity of sewage discharged from the premises and the quantity of water supplied thereto.

(3) Where premises are lawfully supplied with water from a source other than or in addition to the municipality's water supply system, including abstraction from a river or borehole, the quantity shall be regarded as a percentage of the total volume water used on those premises as may be reasonably estimated by the municipality, taking into account any representations which may be made by the consumer.

Part 4: Industrial effluent

75. Application for the disposal of industrial effluent

(1) The owner of trade premises must apply, in the format prescribed by the municipality, for permission to discharge industrial effluent into the sewage disposal system of the municipality.

(2) In addition to the information required in terms of subsection (1), the municipality may require—

(a) a sewer plan indicating the position, depth, connection point and connecting manhole; which plan must be approved prior to construction of the sewer;

(b) a best practices management plan;

(c) a cleaner production management plan;

(d) a storm water management plan;

(e) an industrial waste management plan;

(f) an emergency incident management plan;

(g) a water balance if flow metering is done on the premises; and

(h) payment of the prescribed application fees

(3) If the capacity of the sewage disposal system is sufficient to permit the conveyance, effective treatment and disposal of the industrial effluent, the municipality may grant written permission in terms of subsection (1), subject to payment of the prescribed fees.

(4) A person who wishes to construct a building which shall be used as trade premises, must at the time of lodging a building plan in terms of the Building Regulations and Building Standards Act, 1977 (Act 103 of 1977), also lodge applications for the provision of sanitation services and for permission to discharge industrial effluent in terms of subsection (1).

(5) Where trade premises cannot connect to the municipal sewer system, it must install an on-site treatment system to comply with the relevant prescribed standards and conditions as contemplated in section 78 of this by-law.

(6) If it is not possible to install an on-site treatment system, the industrial effluent must be transported to the nearest wastewater treatment plant at the cost of the industry, provided that the effluent complies with the standards as set in this bylaw. If effluent quality is not compliant, the

effluent must be transported to a facility which is capable of treating the effluent at the cost of the industry.

(7) In case of transport of effluent by road transport, clause 73(1) of this by-law shall apply.

76. Unauthorised discharge of industrial effluent

(1) If the municipality has reason to believe that a person is discharging industrial effluent which may cause excessive maintenance, odours, discomfort to other users or damage to the municipal sewage disposal system through a domestic connection, the municipality may seal the sewer connection and require the person to apply for the disposal of industrial effluent in accordance with section 75.

(2) Only the municipality may open a sealed sewer connection.

(3) No person may without approval of the municipality discharge or permit to be discharged industrial effluent into the sewage disposal system.

(4) Industrial effluent that is discharged into the sewage disposal system must comply with the standards as contemplated in section 78 of this by-law and any non-compliance with such standards shall constitute an offence.

77. Test samples

(1) Test samples, including split samples if required by the industry, may be taken at any time by a duly qualified person authorised by the municipality to ascertain whether the industrial effluent complies with section 78(1)(a) or any other standard prescribed by the municipality in a written permission.

(2) The holder of permission issued in terms of section 75(1) must provide a sampling point suited to take a representative sample of the industrial effluent to be discharged into the sewage disposal system.

78. Norms, standards and conditions for disposal of industrial effluent

(1) The Municipality may—

(a) determine and publish norms, standards and conditions for the disposal of industrial effluent.

(b) require a person to whom permission had been granted in terms of section 75(1) to—

(i) subject the industrial effluent to preliminary treatment to ensure that it conforms to the standards prescribed in sub section (1)(a) before being discharged into the sewage disposal system;

(ii) install such equalizing tanks, valves, pumps, grease traps, oil separators, appliances, measuring devices, telemetric/remote logging and other equipment necessary to control the rate, metering, time and quality of discharge into the sewage disposal system in accordance with the conditions imposed by it;

(iii) install a drainage installation, separate from the drainage installation for wastewater and standard domestic effluent at a given point, for the conveyance of industrial effluent into the sewage disposal system,;

(iv) construct on any pipe conveying industrial effluent to any sewer, a manhole or stop-valve in such position, of such dimensions and using such materials as an authorised official may prescribe;

(v) provide all such information required by the municipality to enable it to assess the fees due in terms of this by-law;

(vi) provide adequate facilities such as level or overflow detection devices, standby equipment, overflow catch-pits, or other appropriate means to prevent a discharge into the sewage disposal system in contravention of this by-law;

(vii) cause any meter, gauge or other device installed in terms of this section to be calibrated by an independent authority at the cost of the permit holder at intervals required by the municipality and copies of the calibration certificate to be forwarded to the municipality; and

(viii) cause industrial effluent to be analyzed by a laboratory with applicable accreditation 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 permit holder must, within twelve hours of the discharge, notify the municipality of any discharge into the sewage disposal system which does not comply with the standards in sub section (1)(a) or the written permission issued in respect of that process or premises.

(3) The cost of any treatment, plant, works or analysis required in terms of subsection (1) or as a result of an incident as referred to in subsection (2), shall be borne by the person to whom permission had been granted.

79. Withdrawal of written permission for disposal of industrial effluent

(1) The municipality may, by written notice, withdraw permission granted to discharge industrial effluent into the sewage disposal system if the person to whom such permission had been granted—

(a) fails to ensure compliance with the industrial effluent standards prescribed in section 78(1)(a) of this by-law or in the written permission;

(b) fails or refuses to comply with any notice lawfully served on him in terms of this by-law or contravenes any provision of this by-law or any condition imposed in terms of any permission granted to him;

(c) fails to pay the fees due in respect of any industrial effluent discharged; or

(d) refuses to admit the municipality to execute its monitoring processes.

(2) The municipality may, when withdrawing the permission as contemplated in subsection (1), in addition to any steps prescribed in this by-law—

(a) authorise the closing or sealing of the connecting sewer or drain of the said premises at the cost of such person; or

(b) refuse to accept any further industrial effluent until it is satisfied that the person concerned has taken adequate steps to ensure that the industrial effluent to be discharged complies with the standards prescribed in this by-law.

(3) The municipality may, upon compliance with the prescribed standards and against payment of the prescribed fees, open or authorize the re-opening of the closed or sealed connection.

80. Measurement of quantity of industrial effluent discharged

(1) The municipality may install, in such position as it determines, in any drainage installation conveying industrial effluent, a meter or gauge or other device for the purposes of ascertaining the quantity, tempo and composition of the industrial effluent and it may recover the installation and maintenance costs from the owner.

(2) It is an offence for any person to bypass, open, break into or otherwise interfere with or to damage any such meter, gauge or other device.

(3) Notwithstanding the foregoing provisions of this section, the municipality may require a person who discharges industrial effluent into its sewers to provide at such person's cost, one or more

meters in such positions in the water installation as the municipality may consider necessary to record the water consumption in a specific part of the premises.

(4) 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 premises as measured through that measuring device; or

(b) until such time as a measuring device is installed, through a water balance and based on a percentage of the water supplied by the municipality to that premises.

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

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

(7) The municipality may determine a rebate to apply to the prescribed fees if the owner or occupier discharges industrial effluent—

(a) during periods specified by the municipality; or

(b) contains constituents which will have a beneficial effect on the effluent discharged to the sewage treatment plant.

(8) The municipality may after consultation with the person who discharges industrial effluent into its sewers, establish an alternative method of assessing the quantity and tempo of the effluent to be discharged.

81. Damage to sewage disposal system or the environment

(1) If a person is discharging industrial effluent which may seriously damage the sewage disposal system or the environment, the municipality may immediately authorise the sealing of the sewer connection through which the industrial effluent is being discharged.

(2) Only an authorised official of the municipality may authorise the re-opening of a connection sealed in terms of subsection (1).

(3) The municipality may recover the cost incurred for damages to the applicable municipal infrastructure from the person responsible therefor.

81A. Objectionable discharge into a storm water system

(1) No person may—

(a) discharge, place or permit to enter into the storm water system—

(i) anything other than storm water;

(ii) anything likely to damage the storm water system or interfere with the operation thereof; or

(iii) anything likely to pollute the water in the storm water system;

(b) discharge from any place, or place onto any surface, any substance other than storm water, where that substance could reasonably be expected to find its way into the storm water system;

(2) The municipality may recover, from the owner of premises, the cost for the inspection of his or her premises to determine compliance with subsection (1).

82. Periodic review

Acceptance of industrial effluent shall be subject to periodic review, provided that such review may be conducted at any time if special circumstances exists to justify such review.

83. Change in process of manufacture of materials

The municipality must be notified in writing of any proposed change in the process of manufacturing or production or in the flow, quantity or nature of the materials used which is likely to affect the nature, composition or quantity of the industrial effluent discharged prior to these changes being implemented and its permission for the continued discharge of such effluent shall be obtained prior to the implementation of any changes.

Part 5: Drainage installations

84. Construction or installation of drainage installations

(1) No person may construct, reconstruct, alter, add to or make any permanent disconnection in or of any drainage installation without permission of the municipality, which permission may prescribe the point in the sewer and the depth below the ground at which the drainage installation is to be connected and the route to be followed by the drain to the connecting point.

(2) Any drainage installation constructed or installed must comply with any applicable specifications in terms of the Building Regulations and standards prescribed in terms of the Act and SANS 10400-P.

(3) After permission has been granted in terms of subsection (1), the owner must notify the municipality in writing one week in advance of the commencement of the intended work, provided that work may only commence after the municipality's connecting sewer has been laid.

(4) Only the municipality may provide and install a sewer connection to a property and servitude.

(5) Before any part of a drainage installation is permanently covered or otherwise rendered practically inaccessible to visual inspection, it must be inspected and approved by the municipality.

(6) Upon completion of the construction, reconstruction or alteration of a drainage installation, the owner must submit a certificate of compliance issued by a Building Inspector to the municipality.

(7) No person shall permit the entry of any liquid or solid substance whatsoever, except clean water to do testing of the drainage installation, before connection thereof to the sewer.

(8) No person may, without the permission of the municipality install or use a pipe or fitting in a drainage installation unless it is of a type and standard as approved by the municipality.

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

(a) a pit with a minimum capacity of $2m^3$;

(b) lining as required;

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

(d) protection preventing children from falling into the pit;

(10) A ventilated improved pit latrine must comply with the following specifications—

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

(b) 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;

(c) 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;

(d) 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 and must be equipped with a lid to prevent the egress of flies and other insects when the toilet is not in use;

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

(f) 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;

(g) 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 approved by the municipality, that is durable and will not crack under stress;

(h) 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; and

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

(11) Chemical toilets erected at any premises for whichever reason must be approved of by the municipality and only chemical toilets may be erected on building sites. Alternatively, water closets for employees may only be erected at the site connection point.

(12) A toilet, whether temporary or permanent, may under no circumstances be erected directly on top of a municipal or private manhole.

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

(14) No bucket sewer system shall be allowed within the municipal area.

85. Construction by the municipality

The municipality may agree with the owner of premises that drainage work which such owner desires, or is required to construct in terms of this by-law or the Building Regulations, may be constructed by the municipality at the cost of the owner.

86. Servitudes

A servitude shall be registered at the cost of the owner prior to a drain being installed across the property of another party and the municipality may, where otherwise applicable, also require the registration of a servitude. A diagram indicating the servitude must be submitted to the municipality prior to entering into any agreement for installation of the required service.

87. Drains in streets and public places

No person may 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 permission of the municipality and work may only commence after the approval of a building or service plan and way leaves for all services whether these be municipal, private, state or semi-state provided.

88. Maintenance of drainage installation

(1) The owner of premises must maintain at own cost any drainage installation and any sewer connection on such premises or in the servitude area applicable thereto.

(2) A delivery pipeline from the premises concerned to the point of acceptance must be maintained by the owner in a proper condition and be kept free from leaks and obstructive vegetation roots.

(3) The owners or occupiers are jointly and separately responsible and liable for the maintenance of any communal system and all materials to be used on a communal or private combined system must be approved by the municipality.

(4) The owner of premises must ensure that all manholes and cleaning eyes on the premises are permanently visible and accessible.

(5) The owner shall be liable to pay to the municipality the prescribed fee for the clearance of a drainage installation.

(6) The municipality may, at the expense of the owner, clear a drainage installation where he or she is not adhering to subsections (1) and (2).,

(7) The municipality may, on the written application of the owner, inspect and test the drainage installation of such premises or any section thereof against payment of the prescribed fees. The municipality may however also request the owner or occupier of premises, to have the drainage installation of such premises or any section thereof inspected and tested at his or her cost.

89. Disconnection of drainage installation

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

(a) the agreement for provision of water services has been terminated in terms of section 103 and it has not received an application for subsequent provision to the premises served by the sewer within a period of 30 days of such termination;

(b) the building on the premises concerned has been demolished; and

(c) the prescribed fee as applicable has been paid.

(2) The owner may only disconnect a drainage installation from the connection point to execute maintenance or repair work.

(3) If any part of a drainage installation is disconnected from the remainder and no longer to be in use, the part so disconnected must be removed from the premises and disposed of in accordance with applicable by-laws of the municipality.

(4) Prior to the disconnection of a drainage installation from a sewer, the owner or occupier must notify the municipality and the municipality must seal the opening left by the disconnection at the cost of the owner.

Part 6: Sanitation: Miscellaneous

90. Reduction in the quantity determined in terms of domestic effluent

(1) An owner shall be entitled to a reduction in the quantity effluent determined in terms of section 74 if the quantity of water was measured during a period in terms of which the municipality granted a water leakage discount and if the owner can prove that the wasted water was not discharged into the sewage disposal system.

(2) The reduction in quantity shall be determined in terms of the Credit Control by-law and Policy, including the submission of proof or repair of leaks.

91. Objectionable discharge to sewage disposal system

(1) No person may, discharge, or cause or permit the discharge or entry into the sewage disposal system of any effluent or other solid, contaminated liquid, or gaseous substance which—

(a) does not comply with the standards and criteria prescribed in this by-law or other applicable legislation;

(b) contains any substance in such concentration that it will produce or is likely to produce an offensive or otherwise undesirable taste, colour, odour, temperature or foam in the final treated effluent at any treatment works or discharge point or in any public water;

(c) may prejudice the re-use of treated sewage for industrial or similar purposes or adversely affect any of the processes whereby sewage is purified for re-use or treated to produce sludge for disposal;

(d) contains any substance or thing of whatsoever nature which is not amenable to treatment at treatment works to a satisfactory degree or which causes or is likely to cause a breakdown or inhibition of the processes in use at such works;

(e) contains any substance or thing of whatsoever nature which is of such strength, or which is amenable to treatment only to a degree as will result in effluent from the sewage treatment plant not complying with standards prescribed under the National Water Act, 1998 (Act No. 36 of 1998);

(f) is likely to—

(i) cause danger to the health or safety of any person;

(ii) be injurious to the structure or materials of the sewage disposal system;

(iii) prejudice the use of any ground used by the municipality for the sewage disposal system; or

(iv) inhibit the unrestricted conveyance of sewage through the sewage disposal system and which has a temperature of more than 30 degrees Celsius when discharged.

(2) No person may cause or permit any storm water or rainwater to enter the sewage disposal system.

(3) The inception of nuisances, e.g. odours, pollution or visual offensiveness due to a defective drainage installation shall not be allowed and the municipality may serve the owner with a notice to remove such nuisance, failing which the municipality may take steps to remove such nuisance at the expense of such owner.

(4) An authorised official may by written notice order an owner to conduct, at his cost, periodic expert inspections of the premises in order to identify precautionary measures such as grease traps, sand traps or oil separators, or treatment systems which would ensure compliance with this by-law and to report such findings to an authorised official.

(5) A person who becomes aware of any contravention of this by-law, must as soon as possible advise the municipality of the details of such contravention and, if known, the reasons therefor.

92. Damage to sewage disposal system

(1) A person may not damage or endanger the sewage disposal system, or cause or permit it to be endangered or damaged.

(2) If work is to be performed or being performed on land referred to in subsection (2), or on land adjacent thereto which could damage or endanger the sewage disposal system, the municipality

may, by notice in writing, require the person concerned not to commence, or to cease the work and to comply with instructions given in the notice.

93. Consequential maintenance of sewers

Whenever a sewer is damaged or becomes obstructed or in need of repair as a result of an act or omission of any person, the municipality may remove the obstruction or perform the maintenance or repairs deemed necessary by the authorised official, and recover the costs incurred from such person.

94. Installation of pre-treatment facility

(1) The municipality may—

(a) require that trade or industrial premises be provided with a pre-treatment facility of a type specified by it prior to such premises being connected to the sewage disposal system;

(b) where necessary, request an owner of any other premises to install a pre-treatment facility at the owner's cost.

(c) before trade or industrial premises are linked to the municipality's sewer disposal system, at the cost of the owner, require the installation of samplers and monitoring equipment for effluent water quality and volume, which samplers and monitoring equipment must be linked to the municipality's telemetry system.

(2) The owner must also obtain the approval of the Department of Water and Sanitation prior to the installation of a pre-treatment facility.

95. Protection from ingress of floodwaters

(1) Where premises are situated in the 1 in 50 years flood plain, the top level of service access manholes, inspection chambers and gullies must be above the 1 in 50 years flood level, except in the case of service access manholes and inspection chambers, where the covers are secured and watertight by approved means.

(2) No person may allow any stormwater or flow from downpipes to enter the sewer system of the municipality.

96. Work by private persons

(1) The municipality shall construct and install all sewers and connecting sewers unless it elects not to do so, in which case the work must be executed by a private person in accordance with the municipality's specifications on the following conditions—

(a) the person performing such work must, prior to commencement of such work, indemnify the municipality in writing against liability in respect of an accident or injury to persons or loss or damage to property which may occur as the direct or indirect result of the execution of such works;

(b) where a connection is to be made with any sewer it shall be made at a point indicated by the municipality;

(c) whenever the surface of any street or road has been disturbed in the course of such work, the restoration of such surface shall be undertaken by the municipality at the expense of the person who performed the work;

(d) prior to the disturbance of the surface of such street or road the municipality may require that a deposit be made to cover the estimated cost of such restoration.

97. Non-waterborne disposal of effluent

(1) Where no municipal sewer is available for the discharge of wastewater, no person may dispose of wastewater unless—

(a) an authorised official has approved the method of transportation;

(b) the waste generator takes the necessary precautions and measures to prevent the spillage, leakage or seepage from any container of such wastewater or its byproducts during transportation; and

(c) such wastewater is disposed of in a waste treatment or disposal facility that is approved by the municipality.

(2) The person in charge of an approved waste disposal facility as contemplated in subsection (1), must provide written proof of acceptance for the disposal of wastewater and the by-products thereof to the relevant waste generator and to the municipality.

(3) The waste generator must, for at least one year after the date of such disposal of such wastewater and its by-products—

(a) retain the written proof of acceptance to dispose wastewater and its by-products; and

(b) upon request, make available for inspection by an authorised official such written proof of acceptance.

98. Other sanitation services

(1) The municipality may upon receiving an application in terms of section 4, approve of the connection of a drainage installation to stables, cowsheds, dairies, kennels and other premises used for the accommodation of animals subject to such conditions that the municipality may impose.

(2) The following conditions shall apply—

(a) the floor of the premises must be paved by impervious materials approved by the municipality and graded to a silt trap, grease trap or gully of adequate capacity;

(b) every part of the floor of the premises must be covered by a roof, or another protective device, in a way that prevents the entry of rain or storm water into the drainage installation;

(c) fat or grease traps, sludge catches or sand traps as specified by the municipality must be installed; and

(d) any other standards or specifications as the municipality considers necessary, be adhered to.

Chapter 5
General provisions

Part 1: Unlawful actions and termination

99. General responsibility for compliance with this by-law and other laws

(1) The owner of premise is responsible for ensuring compliance with this by-law in respect of all matters relating to any water- or sanitation installation including the usage thereof on his or her premises.

(2) An approval given under this by-law does not exempt an owner from complying with any other legislation relating to the abstraction and use of water, or the disposal of effluent.

(3) No clearance certificate for purposes of registration of transfer of ownership shall be issued in respect of new developments or subdivisions unless the water supply, sanitation services and any other required services or installations, including the defects, have been completed, inspected and approved by the municipality.

99A. Transfer of ownership

The seller must before transfer of a property, obtain a certificate of compliance from a qualified plumber, or engineer, certifying that the installations in respect of water supply and sanitation conforms to the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977) and this by-law or any other legislation applicable at the time of certification,

100. Interference with water services or sanitation system

(1) Unless authorised to do so by the municipality, no person may—

(a) manage, operate or maintain any part of the water supply system;

(b) manage, operate or maintain any part of the sewerage disposal system;

(c) effect a connection or reconnection or a measuring device to the water supply system or sewerage disposal system;

(d) dump or release any unauthorised substances into the sewer disposal system; or

(e) render any other sanitation or water supply services.

(2) No person may interfere with, or obstruct any service or service connection or wilfully or negligently damage, or permit damage to or interference with any part of the water services or sanitation system belonging to—

(a) the municipality;

(b) any private combined water- or sanitation system; or

(c) any private water service connected to the municipal water supply system.

(3) Connections to the sewage disposal system may be undertaken by a developer or owner in exceptional cases subject to approval by the municipality and payment of the prescribed fees.

(4) No person may erect any structure or plant any scrubs or trees directly next to or on top of any part of the water services or sanitation system belonging to the municipality, or within a registered services servitude.

101. Obstruction of access to water supply system or sanitation services

(1) No person may prevent or restrict physical access to the water supply system or sewage disposal system by any employee or duly authorised official or agent of the municipality.

(2) If a person contravenes subsection (1), the municipality may—

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

(b) if it is a matter of urgency, without notice restore access and recover the full cost from such person; or

(c) institute criminal proceedings against such person.

102. Prohibition of access to water services other than through the municipality

(1) No person, except a water services intermediary, may without permission of the municipality, access water services for domestic, commercial or industrial purposes from a source other than that of the municipality.

(2) The municipality may determine the maximum size or diameter of the service connection and may require the person seeking approval to supply such services as may be specified in the approval to other consumers specified by the municipality.

102A. Resale of water

(1) No person who is supplied with water in terms of this by-law may sell such water unless—

(a) provision has been made therefor in a special agreement referred to in section 5; or

(b) he or she has obtained the prior written permission of the municipality.

(2) If the municipality grants the permission referred to in subsection (1)(b), it may stipulate the maximum price at which the water may be sold and impose such other conditions as may be necessary.

(3) Permission referred to in subsection (1)(b) may be withdrawn at any time, provided prior written notice is given.

(4) Resale of water includes the supply of water—

(a) in cases where the municipality cannot gain direct access to a property;

(b) where the expansion of the municipality's network to serve a property cannot be undertaken immediately; or

(c) where a bulk main passes a property which cannot be served by another water service authority.

(5) The supply of water by a landlord to a tenant does not constitute a resale of water under this by-law.

(6) Any cost for water levied by the landlord must be in line with, and may not exceed the prevailing tariff of the municipality.

103. Termination of agreements

(1) An owner may terminate an agreement for the provision of water services by giving the municipality not less than five working days' written notice of his intention to do so and the municipality shall be entitled to recover from the owner the applicable fees for removal of the measuring device.

(2) The municipality may by giving written notification of not less than 30 days, terminate an owner's agreement for the provision of water services if—

(a) he has not used the water services during the preceding 6 months and has not made arrangements for the continuation of the agreement; or

(b) an arrangement has been made by such owner with another water services provider.

(3) The municipality may, by giving written notice terminate an agreement for the provision of water services if the owner has failed to comply with the provisions of this by-law and has failed to rectify such failure to comply.

(4) The municipality may, after having given notice, terminate an agreement for services if an owner has vacated the premises to which such agreement relates.

(5) Where it is determined that water services on premises is creating environmental damage, water pollution or water wastage, the municipality may instruct the owner to carry out measures to rectify the situation and the municipality shall not be liable for any damages arising as a result of a permanent or temporary termination of the services.

(6) Should the owner fail to carry out such measures, the municipality may undertake the measures required, and recover the cost incurred from such owner.

Part 2: Water services intermediaries

104. Water services intermediaries

(1) The municipality must by public notice, require a water services intermediary to register with the municipality in a manner specified in the notice.

(2) The quantity, affordability and sustainability of water services provided by a water services intermediary must at least be of the same standard as provided by the municipality to consumers and the quality of any potable water provided by a water services intermediary must comply with SANS 0241.

(3) The municipality may require a water services intermediary to allow the taking of water and effluent samples on its premises to ensure compliance with any conditions imposed by the municipality, the applicable provisions of this by-law and the Act.

(4) The municipality may, where necessary, monitor the performance of a water services intermediary to ensure compliance with any conditions set by the municipality, the relevant provisions of this by-law and the Act at the expense of the water services intermediary.

(5) A water services intermediary may not charge for water services at a price which does not comply with the norms, standards and tariff scale as determined by the municipality.

(6) A water services intermediary must ensure that good health and hygiene practices are exercised in respect of the water services rendered by itself and the usage thereof by its consumers.

(7) The municipality bears no responsibility, financial or otherwise, for the use of water not taken from the municipality's water supply.

(8) The municipality must, in terms of section 5 of this by-law, enter into a special agreement with a water services intermediary which agreement must be renewed bi-annually.

(9) An agreement contemplated in subsection 8 may, upon prior written notice, be cancelled by the municipality where conditions are not complied with.

(10) Test results of samples of the treated water must be submitted to the municipality at intervals determined by the municipality and relevant reporting standards in SANS 0241

(11) A full SANS 0241 certificate of analysis of samples taken by a SANAS accredited laboratory, which must include testing for *Gardia Lambia parasite*, *Crytosporidium parasite* and *Legionella bacteria*, must be submitted to the municipality at intervals determined by the municipality.

(12) A water services intermediary shall be responsible for—

(a) the safe operation and maintenance of the treatment facility used; and

(b) payment of any tariffs and monthly fees payable to the municipality.

(13) A water services intermediary shall at own cost be responsible for the registering and obtaining of the necessary license or approval from government departments such as Department of Water and Sanitation or the Department of Environmental Affairs.

(14) Water used by the water services intermediary must be metered, recorded and submitted to the municipality or relevant government department on a monthly basis.

(15) No inter-connection between the municipal water supply system and the water services intermediary's supply system shall be allowed, except where an approved rpz (reduced pressure zone-valve) had been provided and installed by the water services intermediary.

(16) No individual municipal water connection shall be provided for any consumer within a water services intermediary's supply system.

(17) Tariffs and monthly fees to partly off-grid water users shall apply where the water services intermediary is supplied with potable water from municipal water supply system.

(18) Reasonable access for inspection by an authorised official must be provided at any time to any part of the water services intermediary's water infrastructure.

Part 3: Enforcement of by-law and legal matters

105. Notices and documents

(1) A notice or document issued by the municipality in terms of this by-law shall be deemed to be duly authorised when signed by an authorised official.

(2) If a notice or document is to be served on an owner, consumer or any other person in terms of this by-law it shall be deemed to be effectively and sufficiently served on such a person—

(a) when it has been delivered to him personally or to his duly authorised agent;

(b) when it has been left at his residence or place of business or employment to a person apparently not less than sixteen years of age and residing or employed there;

(c) if he has nominated an address for legal purposes, having been delivered to such an address;

(d) if he has not nominated an address for legal purposes, delivering it to the address given by him in his application for the provision of water services, for the reception of an account for the provision of water services;

(e) when it has been sent by pre-paid registered or certified post addressed to his last known address for which an acknowledgement of the posting thereof will be obtained from the postal service;

(f) if, in the case of a legal person, it has been delivered 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 conspicuous place on the premises concerned.

106. Compliance notices

(1) The municipality may by written notice, order an owner or any other person who, by an act or omission, fails to comply with—

(a) a provision of this by-law; or

(b) any condition imposed by this by-law;

to remedy such failure within a period specified within the compliance notice.

(2) 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 issue of such notice.

(3) A notice in terms of subsection (1) must—

(a) provide details of the provision of the by-law that has not been complied with as well as the nature of the alleged offence;

(b) provide the owner, occupier, or other party a reasonable opportunity to make representations and state his case in writing to the Municipality within a specified period, unless the owner, occupier or other person was given such an opportunity before the notice was served;

(c) specify the steps that the owner, occupier or other person must take to rectify or remedy the failure;

(d) specify the period within which the owner, occupier or other person must take these steps to rectify the failure; and

(e) indicate that the municipality may—

(i) if the notice is not complied with, undertake or allow the work that is necessary to rectify the failure to be undertaken and recover from the owner, occupier or other person the actual cost of such work; and

(ii) take any other action it deems necessary to ensure compliance.

(4) If a person fails to comply with a written notice served on him by the municipality in terms of this bylaw, the municipality may take the necessary steps to ensure compliance, including—

(a) undertaking the actions or work necessary and recovering the cost of such actions or work from the owner, occupier or other person, as the case may be;

(b) restricting or discontinuing the provision of water services to the owner, consumer or other person as the case may be; and

(c) instituting legal proceedings in terms of the Criminal Procedure Act, 1977 (Act 51 of 1977).

(5) In the event of an emergency, notwithstanding any other provisions of this by-law, the municipality may without prior notice undertake the work contemplated in subsection (4) and recover such costs from the owner, occupier or other person, as the case may be.

(6) The costs recoverable by the municipality in terms of subsections (4) and (5) shall be the full costs associated with such work including but not limited to—

(a) the costs of the costs of any exploratory investigation, plan, specification, schedule of quantities, supervision, administrative charge, the use of tools, and the labour involved in disturbing or rehabilitating any part of a street or ground affected by the work; and

(b) the environmental restoration costs of such work.

(7) A notice or document issued in terms of this section valid until one of the following events occurs—

(a) the notice or document is complied with;

(b) it is cancelled by the authorised official who issued it or, in that person's absence, by a person with similar authority;

(c) the purpose for which it was issued, has lapsed.

107. Power of entry and inspection

(1) An authorised official may in the implementation or enforcement of this by-law, at all reasonable times, or in an emergency at any time, enter premises, request information and carry out such inspection and examination as he may deem necessary, and for those purposes operate any water fitting of the water installation or sewage disposal system.

(2) If the municipality considers it necessary that work be performed to enable an authorised official to perform a function referred to in subsection (1) properly and effectively, it may—

(a) by written notice require the owner of the premises at his own expense to do specified work within the specified period; or

(b) in an emergency, without prior notice do such work or cause it to be done at the expense of the owner.

108. Powers of an authorised official

(1) An authorised official, in addition to any other powers conferred upon him in terms of this by-law, may—

(a) execute work on or inspect premises;

(b) question a person present on any premises in respect of any matter which may be relevant to the work or inspection;

(c) question a person whom the authorised official believes may have information relevant to the work or inspection;

(d) inspect any document that a person is required to maintain in terms of any law or that may be relevant to work or inspection;

(e) copy any document referred to in paragraph (d) or if necessary, remove the document in order to copy it;

(f) take samples of any substance that is relevant to the work or inspection;

(g) monitor and take readings or make measurements;

(h) take photos or make audio-visual recordings of anything or any person, process, action or condition on or regarding any premises; and

(i) do what is necessary for the execution of work or the conducting of an inspection that the municipality is required to undertake in terms of this by-law.

(2) An authorised official who removes anything other than a substance contemplated in subsection (1)(f) from the premises being worked upon or inspected, must—

(a) issue a receipt for it to the owner or person in control of the premises; and

(b) return it as soon as is practicable after achieving the purpose for which it was removed.

109. Using force to enter

(1) An authorised official carrying out a written authorisation or entering premises due to an emergency being suspected, may overcome any resistance to entry, execution of work or inspection by using as much force as is reasonably required, including breaking a lock, fence, gate, door or window of the premises to be entered.

(2) Before resorting to force to gain entrance to the premises, the authorised official carrying out the written authorisation must audibly demand entry and must announce his purpose, unless he reasonably believes that doing so may induce a person to destroy, dispose of, or tamper with, an article or document that is the object of the inspection.

110. Authorised official may be accompanied

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

111. Identification of authorised official

An authorised official, who enters premises in the execution of his official duties must, on demand, produce written authority or an appointment certificate or identification card issued by the municipality.

112. Liabilities and compensation

The municipality shall not be liable for damages or compensation arising from any *bona fide* action taken by it in accordance this by-law, except where negligence on the part of the municipality is proved.

113. Transitional arrangements

(1) Anything done under or in terms of any provision repealed by this by-law shall be deemed to have been done under the corresponding provisions of this by-law and the repeal in section 118 shall not affect the validity of anything done under the by-law so repealed.

(2) Anything done prior to promulgation of this by-law, which was not done in terms of a provision repealed in this by-law and was unlawful, shall in the event of such act or sign still not complying with the provisions of this by-law, be unlawful and the municipality in such a case may take the necessary action in terms of this by-law.

114. Exemptions

(1) The municipality may exempt any person from complying with a provision of this Bylaw subject to conditions provided that an exemption may not be granted which will result in—.

(a) wastage or excessive water consumption;

(b) evasion or avoidance of water restrictions;

(c) a danger to public health, safety or the environment;

(d) non-payment for services;

(e) the installation of pipes and fittings which are not approved in terms of this by-law; or

(f) non-compliance with the Act and regulations made in terms thereof.

(2) The municipality may at any time withdraw an exemption given in terms of subsection (1), provided that it must give the person concerned reasonable notice in writing of its intention to withdraw an exemption previously granted.

115. Appeal

An appeal against a decision of the municipality taken in terms of delegated powers must be submitted to the city manager in terms of section 62 of the Systems Act by giving written notice of the appeal and the reasons therefor within 21 days of the date of notification of the decision.

116. Offences and penalties

(1) It is an offence for any person to—

(a) manage, operate or maintain the water services system through which municipal services are provided without being authorised thereto by the municipality;

(b) render, install or change a water service which has been connected without permission of the municipality to the municipal water services system directly or indirectly;

(c) refuse to grant an authorised official access to premises to which that authorised official is duly authorised to have access;

(d) obstruct, interfere or hinder an authorised official who is exercising a power or carrying out a duty under this by-law;

(e) fail or refuse to provide an authorised official with a document or information that the person is required to provide under this by-law;

(f) give false or misleading information to an authorised official in respect of any provision of this by-law;

(g) unlawfully prevent the owner of any premises, or a person working for that owner, from entering the premises in order to comply with a requirement of this by-law;

(h) impersonating an authorised official;

(i) falsely alter an authorisation to an authorised official or written authorisation, compliance notice or compliance certificate issued in terms of this by-law;

(j) enter any premises without a written notification in circumstances requiring such notification;

(k) act contrary to a written notice or document issued in terms of this by-law;

(l) without authority enter or inspect premises;

(m) disclose any information relating to the financial or business affairs of any person which was acquired in the performance of any function or exercise of any power in terms of this by-law, except—

(i) to a person who requires that information in order to perform a function or exercise a power in terms of this by-law;

(ii) if the disclosure is ordered by a court of law; or

(iii) if the disclosure is in compliance of the provisions of any law.

(n) fail to comply with any notice issued in terms of this by-law;

(o) fail to comply with any lawful instruction given in terms of this by-law;

(p) unlawfully and intentionally or negligently interfere or tamper with or gain access to any water services works of the municipality;

(q) ignore or fail to comply with any temporary or permanent water restrictions without written exemption or relaxation of such restrictions by the municipality;

(r) 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

(s) contravene or fail to comply with the provisions of this by-law.

(2) Failure to comply with a notice, direction or condition referred to in this by-law constitutes a continuing offence.

(3) A person who contravenes or fails to comply with any of the provisions of section 116(1) and the provisions of sections 4, 14, 24, 30, 31, 32, 34, 35, 36, 37, 38, 47, 48, 49, 50, 52, 53, 54, 55, 56, 57, 63, 64, 65, 70, 72, 73, 75, 76, 78, 80, 81, (81(A), 83, 87, 91, 92, 95, 97, 99A, 100, 101, 102 and 102A shall be guilty of an offence and liable on conviction to—

(a) a fine or imprisonment or to such imprisonment without the option of a fine or to both such fine and such imprisonment;

(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 result of such contravention or failure.

(4) In addition to any penalty imposed in terms of sub section (3) the Municipality may terminate the water service to such a person.

(5) The municipality may without compensation confiscate the property or other instruments through which unauthorised services were accessed.

117. Application of this by-law

This by-law applies to all persons or bodies, including organs of State, situated within the area of jurisdiction of the Municipality.

118. Repeal of by-laws

The Drakenstein Municipality: Water Services by-law published in *Provincial Gazette* Extraordinary No 7291 dated 25 July 2014 is hereby repealed as a whole.

119. Short title and commencement

This by-law shall be known as the Drakenstein Municipality: Water and Sanitation Services by-law, 2021, and commences on the date of publication in the *Provincial Gazette*.