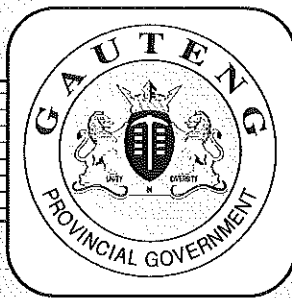


**THE PROVINCE OF
GAUTENG**



**DIE PROVINSIE
GAUTENG**

Provincial Gazette Extraordinary Buitengewone Provinsiale Koerant

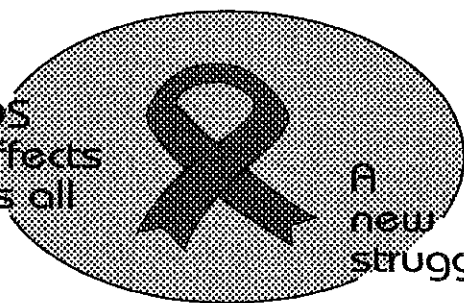
Vol. 19

**PRETORIA, 10 JUNE 2013
JUNIE**

No. 156

We all have the power to prevent AIDS

**AIDS
affects
us all**



**A
new
struggle**

Prevention is the cure

**AIDS
HELPLINE**

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DEPARTMENT OF HEALTH

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LOCAL AUTHORITY NOTICE

LOCAL AUTHORITY NOTICE 754

Mogale City Local Municipality

Water Services By-laws

The Municipal Manager of Mogale City Local Municipality hereby publishes Water Services By-Laws for Mogale City Local Municipality in terms of Section 13 of the Local Government: Municipal Systems Act 32 (2000) as set out hereunder.

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Mogale City Local Municipality**Water Services By-laws****MOGALE CITY LOCAL MUNICIPALITY****WATER AND SANITATION SERVICES BY-LAWS****CHAPTER 1: GENERAL PROVISIONS****1 DEFINITIONS AND INTERPRETATION**

In these By-laws and the Annexures thereto, 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 or any other use by any person;
Act:	means the Water Services Act 108 (1997), as amended from time to time and includes the Water Services Provider Contract Regulations of 19 July 2002;
affected person:	means a person who has been served with an enforcement notice;
agent:	means a person to whom the Municipality has delegated or assigned powers to perform any act, function or duty under or for the purposes of these By-laws or the Act, and includes any person acting under the control, direction or sub-delegation of the first-mentioned authorised agent;
agreement:	means the contractual relationship between the Municipality or an authorised agent and a customer, whether reduced to writing or deemed to be reduced to writing;
applicant:	means a person who has applied in the prescribed manner to the Municipality or its authorised agent, for water services;
approved:	means approved by the Municipality;
authorised agent:	means a person or organization authorised by the Municipality to perform any act, function or duty in terms of, or to exercise any designated power under, these By-laws;
authorised officer:	means a person authorised by the Municipality or its authorised agent to perform one or more act, function or duty in terms of, or to exercise any designated power under, these By-laws;
basic sanitation:	means the prescribed minimum standard of services necessary for the safe, hygienic and adequate collection, removal and disposal of human excreta, and sewage from households, including informal households;
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;
basic water supply service:	means basic sanitation and basic water supply;
best practicable environmental option:	means the option that provides the most benefit or causes the least damage to the environment as a whole, at a cost acceptable to society, in the long term as well as in the short term;
borehole:	means a hole sunk into the earth for the purpose of locating, abstracting or using subterranean water and includes a spring;
building regulations:	means the National Building Regulations made in terms of the National Building Regulations and Building Standards Act 103 (1997);
business unit:	in relation to any premises means a building or section of a building occupied or used or intended for offices, retail, wholesale, trade or manufacturing or similar purposes;
By-laws	means the Mogale City Water Services By-laws contained in this

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Water Services By-laws

	document;
charge:	means the prescribed fees and/or the prescribed tariff determined by the Municipality or its authorised agent from time to time;
combined installation:	in relation to water supply means a water installation used for fire extinguishing and domestic, commercial, trade or industrial purposes;
commercial effluent:	means effluent emanating from an enterprise having a commercial purpose where the effluent is neither trade/industrial effluent nor standard domestic sewage;
commercial purpose:	in relation to the supply of water means water supplied to premises to be used in the carrying out of a trade, commerce or business;
communal sewer:	means a sewer and connecting sewers through which sanitation services are supplied to more than one consumer;
communal water:	means a consumer connection through which water services are supplied to more than one consumer;
connecting point:	means the point at which a connection pipe joins a water installation as well as the point at which a drainage installation joins a connecting sewer;
connecting sewer:	means a pipe owned by the Municipality and installed by it or its authorised agent for the purpose of conveying sewage and/or effluent from a drainage installation on any premises to a sewer beyond the boundary of those premises or within a servitude area or within an area covered by a way-leave document or other type of agreement;
connection pipe:	means a pipe, the ownership of which is vested in the Municipality or its authorised agent 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 (Installation of Water Services : Part I);
conservancy tank:	means a covered tank used for the reception and temporary retention of sewage and which requires emptying at intervals;
consumer:	means: <ol style="list-style-type: none"> a) any person who occupies premises to whom, and in respect of which premises, the Municipality or its authorised agent: <ol style="list-style-type: none"> (1) agreed to provide water services; (2) is actually providing water services; or (3) has entered into an agreement with the Municipality or its authorised agent for the provision of water services to or on any premises; b) the owner of any premises to which the Municipality or its authorised agent is providing water services; c) any person to whom the Municipality or its authorised agent agreed to provide such water services where water services are provided through a single connection to a number of accommodation units or consumers or occupiers; d) a person who obtains access to water services provided through a communal water services work; or e) any end-user who receives water services from the Municipality or its authorised agent or other water services institution;
conventional water meter:	means a water meter where the account is issued in accordance with the consumption of water;
Council:	means the council of the Mogale City Local Municipality as

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	referred to in Section 18 of the Local Government: Municipal Structures Act 117 (1998);
day:	means a 24-hour period commencing and ending at 24h00;
designated officer:	means a person in the employ of the Municipality or its authorised agent authorised as a designated officer in terms of Section 22 of the Gauteng Rationalisation of Local Government Affairs Act 10 (1998), or if the Municipality or its authorised agent has for the purpose of these By-laws, appointed a service provider which is still operative, an employee of such service provider, authorised by it as a designated officer in terms of Section 120 of these By-laws and acting within the scope of the powers, functions and duties assigned to that service provider by the Municipality or its authorised agent;
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 or effluent within any premises;
drainage installation:	means a system situated on any premises and vested in the owner thereof that is used for or intended to be used for or in connection with the reception, storage, treatment or conveyance of sewage or effluent on that premises to the connecting point and includes drains, fittings, appliances, septic tanks, conservancy tanks, pit latrines and private pumping installations forming part of or being ancillary to such systems;
drainage work:	includes any drain, sanitary fitting, water supplying apparatus, waste or other pipe or any work connected with the discharge of liquid or solid matter into any drain or sewer or otherwise connected with the drainage of any premises;
dwelling unit:	means an interconnected suite of rooms designed for residential purposes and occupation by a single household regardless of how many persons comprise the household;
duly qualified sampler:	means a person who takes samples for analysis from constructed, natural water, water supply and/or wastewater disposal systems and who has been certified as qualified to do so by the Municipality or its authorised agent;
ECA:	means the Environment Conservation Act 73 (1989) and any regulations made in terms thereof, or any superseding legislation;
effluent:	means any liquid other than sewage, whether or not containing matter in solution or suspension, which is discharged from any premises into a drainage work but does not include stormwater;
EIA:	means an environmental impact assessment as contemplated in the NEMA, and/or the ECA;
EIA Regulations:	means the regulations as promulgated under the ECA, section 26 of Part VI (Regulations regarding environmental impact reports), and published in Government Newsletter 1183 on 5 September 1997, as amended from time to time, or any regulations made in substitution thereof under the ECA or any superseding legislation;
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;
end of pipe:	means a designated position at which the regulating authority measures the final effluent from a wastewater treatment works for the purposes of determining the final effluent's compliance with

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	the flow and/or quality requirements contained in any permit, license or authorisation issued by the regulating authority for the discharge of final effluent as treated wastewater to the water resource or for direct use;
enforcement notice:	means any notice issued by a designated officer under these By-laws which instructs the person to whom it is issued to comply with the terms of the notice, and includes a compliance notice contemplated in Section 130 ;
enforcement officer:	means any person duly appointed by the Municipality or its authorised agent as an enforcement officer to carry out enforcement functions under these By-laws;
environmental cost:	means the full cost of all measures necessary to restore the environment to its condition prior to the damaging incident and in the event of this not being possible the value of the cost benefit that has been lost through the damage to or destruction of the environment;
final effluent:	means liquid whether or not containing matter in solution or suspension that flows from the final treatment unit of a wastewater treatment works to the end of pipe;
fire installation:	means a water installation that conveys water for fire extinguishing purposes only;
fixed quantity water delivery system:	means a water installation, which delivers a fixed quantity of water to a consumer in any single day;
flood level:	means that level reached by flood waters resulting from a storm designated as being of a frequency of 1 in 50 years;
flood plain:	means the area subject to inundation by the flood level;
general installation:	means a water supply system and/or sewer, vesting in the Municipality, which conveys water or wastewater for a combination of domestic, commercial, trade and industrial purposes;
high strength sewage:	means sewage with a strength or quality greater than standard domestic sewage;
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, including informal structures;
industrial premises:	means premises upon which trade/industrial effluent is produced as a result of activities other than trade;
industrial purposes:	in relation to the supply of water 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 or any superseding legislation; or the use of water for purposes of mining, manufacturing, generating electricity, land-based transport, construction, irrigation or any related purpose;
influent:	means wastewater that has passed through the inlet of a wastewater treatment works;
inlet:	means the first structure through which wastewater from an outfall sewer or a pumping main flows when entering a wastewater treatment works;
installation work:	means work in respect of the construction of, or carried out on, a water and/or sanitation installation;
kℓ:	means a kilolitre or one thousand litres or one cubic metre;
kPa:	means kilopascal or 0.1 metres of water head;
latrine pit:	means a pit into which is discharged human urine and faeces as a result of the use of a ventilated improved pit latrine or other dry

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	sanitation system approved by the Municipality or its authorised agent;
law:	means any law, including the common law;
m:	means metre;
main:	means a pipe, other than a connection pipe, vesting in the Municipality or its authorised agent and used by it for the purpose of conveying water to any number of consumers;
measuring device:	means any method, procedure, process, device, apparatus, or installation that enables the quantity and/or quality of water services provided to be quantified or evaluated;
meter:	means a water meter as defined by the Regulations published in terms of the Trade Metrology Act 77 (1973) or any superseding legislation or, in the case of a water meter of size greater than 100 mm, a device which measures the quantity of water passing through it;
mg/l	means milligrams per litre;
mm:	means millimetre or one-thousandth of a metre;
MSA:	means the Local Government : Municipal Systems Act 32 (2000) as amended from time to time;
Municipality:	means Mogale City Local Municipality, established in terms of section 12(1), read with Section 14(2) and Section 90(2) of the Local Government: Municipal Structures Act 117 (1998);
NWA:	means the National Water Act 36 (1998) as amended from time to time;
NEMA:	means the National Environmental Management Act 107 (1998) as amended from time to time;
occupier:	means a person who occupies any premises or part thereof;
outfall sewer:	means pipe, drain, tunnel or any other conduit into which wastewater or sewage is discharged from a wastewater reticulation system and through which the wastewater or sewage is conveyed to the inlet of a wastewater treatment works;
owner:	means: <ol style="list-style-type: none"> the person in whom from time to time is vested the legal title to premises, including, but not limited to, the registered owner according to the title deed; where the owner of the premises concerned is insolvent, deceased, or has assigned his estate for the benefit of his creditors, has been placed under curatorship in terms of an order of court, is a close corporation being wound up, or is a company being wound up or under judicial management, the person in whom the administration of such premises is vested as executor, administrator, trustee, assignee, curator, liquidator or judicial manager as the case may be; in any case where the Municipality or its authorised agent is unable to determine the identity of such person, a person who is entitled to the benefit of the use of such premises; the lessee under any registered lease of land which is entered into for a period of not less than ten years or for the natural life of the lessee or any other person mentioned in such lease or which is renewable from time to time at the will of the lessee indefinitely or for a period which together with the first period of such lease amount in all to not less than ten years, whether or not such renewal is dependent on the periodic consent or permission of, or the periodic renewal of a license by the State or any statutory licensing body; or

Mogale City Local Municipality

Water Services By-laws

	<p>e) in relation to -</p> <p>(1) a piece of land delineated on a sectional plan registered in terms of the Sectional Titles Act 95 (1986) as amended in the Sectional Titles Amendment Act, 2003 (Act 29 of 14 November 2003), the developer or the body corporate in respect of the common property; or</p> <p>(2) a section as defined in the Sectional Titles Act and its amendments, the person in whose name such section is registered under a sectional title deed and includes the lawfully appointed representative of such a person;</p>
person:	means any natural or juristic person, an unincorporated body, and includes a voluntary association or trust, an organ of state and the Minister of Water Affairs and Forestry or his successor in function as Minister of Water Affairs;
pH:	means a measurement of acidity or alkaline level of a solution;
pollutant:	<p>means the direct or indirect alteration of the physical, chemical, or biological properties of a water supply system, a water installation or a water resource so as to make it -</p> <p>a) less fit for any beneficial purpose for which it may be reasonably expected to be used; or</p> <p>b) harmful or potentially harmful-</p> <p>(1) to the welfare, health or safety of human beings and animals; or</p> <p>(2) to any aquatic or non-aquatic organisms; or</p> <p>(3) to the resource quality; or</p> <p>(4) to the environment; or</p> <p>(5) to property;</p>
pollution:	means the introduction of any substance into the water supply system, a water installation, stormwater drainage system, wastewater disposal system or water resource, that may make the water harmful to health or the environment or impair its quality for the use for which it is intended;
premises:	<p>means any piece of land, with or without improvements, the external surface boundaries of which are delineated on:-</p> <p>a) a general plan or diagram registered in terms of the Land Survey Act 8 (1997) as amended by the Land Affairs General Amendment Act 61 (1998), or in terms of the Deeds Registries Act 47 (1937) as amended by inclusion of Section 29 of Act 88 (1984) and amended by Section 1 of Act 75 (1987), Section 9 of Act 14 (1993), by Section 1 of Act 132 (1993), Section 2 of Act 11 (1996) and Section 12 of Act 120 (1998); or</p> <p>b) a sectional plan registered in terms of the Sectional Titles Act 95 (1986);</p>
prepayment meter:	means a meter that can be programmed to limit the flow of water into a water installation to the amount that has been previously purchased (pre-purchased);
prepayment measuring system:	means a meter and ancillary devices, approved by the Municipality or its authorised agent, designed to measure and allocate to a consumer the quantity of water pre-purchased by the consumer;
prescribed:	means determined by the Municipality or resolved by the Council from time to time;
prescribed charge:	means the prescribed fee and/or the prescribed tariff;

Mogale City Local Municipality**Water Services By-laws**

prescribed fee:	means a fee determined by the Municipality by resolution of the Council where necessary in terms of section 10G(7)(a)(ii) of the Local Government Transition Act 209 (1993) or any other applicable legislation including the MSA;
prescribed form:	means a form determined by the Municipality from time to time and approved where necessary by a resolution of the Council;
prescribed tariff:	means a tariff determined in a manner similar to that for a prescribed fee;
professional engineer:	means a person registered as a professional engineer in terms of the Engineering Profession Act 46 (2000);
public notice:	means at least two notices, each notice being in one of the official languages in general use in the area, but in a different official language to the other notice and published in at least one newspaper in general use within the area in question, preferably a newspaper published predominantly in the same language as the notice;
qualified plumber:	means a person who has passed the plumbing trade test of the Department of Labour, and received a certificate in this regard;
regulations:	means the Water Services Provider Contract Regulations of 19 July 2002;
SABS:	means the South African Bureau of Standards;
sampler:	means a person who takes samples for analysis from the water supply system and/or wastewater disposal system and/or natural water resources and who has been certified as qualified to do so by the Municipality or its authorised agent;
sampling device:	means a collecting device for composite or individual sample taking, directly connected to a water supply system and/or wastewater disposal system and/or a natural water resource;
sanitation installation:	in relation to the disposal of human excreta, effluent or sewage means the pipes, fittings, chambers, French drains, conservancy tanks, septic tanks, VIP latrines and all works situated on any premises and vested in the owner thereof and required for on site disposal or for conveyance to the wastewater disposal system;
sanitation services:	means the collection, removal and disposal or purification of human excreta, sewage and any other effluent resulting from the use of water;
SANS:	means a standard (South African National Standard) published by the South African Bureau of Standards now referred to as Standards South Africa (STANSA);
septic tank:	means a tank designed to receive sewage to effect the adequate decomposition of organic matter in sewage by bacterial action;
service pipe:	means a pipe which is part of a water installation and/or sanitation 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 and/or sanitation installation on the premises;
sewage:	means the liquid conveying the waste, human excreta and grey water from accommodation units and from those activities on trade/industrial premises that produce a similar liquid that is not trade/industrial effluent;
sewer:	means any pipe or conduit which is the property of or is vested in the Municipality or its authorised agent and which may be used or is intended for the conveyance of wastewater or sewage from a premises; and "municipal sewer" has a corresponding inclusive meaning;

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standard domestic sewage:	means domestic sewage with prescribed strength characteristics in respect of chemical oxygen demand, total nitrogen, total phosphates and settleable solids as being appropriate to sewage discharges from premises containing households, but does not include trade/industrial effluent;
stormwater:	means water resulting from natural precipitation or accumulation and includes rainwater, subsoil water or spring water;
terminal water fitting:	means a water fitting at an outlet of a water installation that controls the discharge of water;
trade effluent:	means the same as "trade/industrial effluent";
trade/industrial effluent:	means any liquid, whether or not containing matter in solution or suspension, which is given off in the course of or as a result of any trade or commercial undertaking; manufacturing, mining, chemical or other industrial process; or in any laboratory; or in the course of research or agricultural activity, and includes any liquid emanating from the use of water, other than sewage or stormwater;
trade premises:	means premises upon which any form of trade/industrial effluent is produced as a result of activities other than industrial;
trade purposes:	in relation to the supply of water means water supplied to a premises to be used in the carrying out of a trade;
treated wastewater:	means any liquid that is discharged downstream of the end of pipe to rivers, streams, watercourses or is drawn-off for direct use after having passed through a wastewater treatment works;
VIP latrine:	means a ventilated improved pit latrine;
vulnerable consumer:	means a consumer occupying land legally and with the consent of the owner, but to which the consumer does not have title or over which the consumer does not hold a lease providing security of tenure;
wastewater:	means any trade/industrial effluent discharged from a premises to the wastewater disposal system or a mixture of trade/industrial effluent and sewage discharged from one or more premises to the wastewater disposal system;
wastewater disposal system:	means the sewers, structures, pumps, pipes, valves, measuring devices or other appurtenances used in the conveyance of wastewater or sewage through the wastewater reticulation system and outfall sewers and treatment thereof at a wastewater treatment works under the control of the Municipality or its authorised agent and which may be used by the Municipality or its authorised agent in connection with the disposal of wastewater or sewage or effluent delivered by road haulage;
wastewater reticulation system:	means the sewers, structures, pumps, pipes, valves, measuring devices or other appurtenances used in the conveyance of wastewater or sewage from one or more premises to one or more outfall sewers;
wastewater treatment works:	means any installation owned by the Municipality or its authorised agent containing one or more processes of improving the quality of wastewater to an acceptable standard to be released as treated wastewater to rivers, streams, watercourses or the place where water is drawn-off for re-use, and for the sludge resulting from the process or processes to be disposed of in an environmentally appropriate manner;
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:	in relation to the supply of water means the pipes and water

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	fittings which are situated on any premises and vested in the owner thereof and used or intended to be used in connection with the use of water on such premises, and includes a pipe and water fitting situated outside the boundary of the premises, which either connects to the connection pipe relating to such premises or is otherwise laid with the permission of the Municipality or its authorised agent;
water services:	means water supply services and/or sanitation services, as defined in these By-laws;
water services authority:	means any municipality, including a district or rural council as defined in the Local Government Transition Act, 1993 (Act No 209 of 1993) responsible for ensuring access to water services;
water services institution:	means a water service authority, a water services provider, a water board and a water services committee;
water services intermediary:	means any person who is obliged to provide water services to another in terms of a contract where the obligation to provide water service is incidental to the main object of the contract;
water services provider:	means any person who provides water services to consumers or to another water services institution but does not include a water services intermediary;
water services work:	means a reservoir, dam, well, pump-house, borehole, pumping installation, purification works, wastewater treatment works, access road, electricity transmission line, pipeline, meter, measuring device, fitting or apparatus built, installed or used by a water services institution to provide water services;
water supply services:	means the abstraction, conveyance, treatment and distribution by the Municipality or its authorised agent of water for domestic, trade, industrial and commercial purposes;
water supply system:	means the structures, aqueducts, pipes, valves, pumps, meters or other apparatus relating thereto which are vested in the Municipality or its authorised agent and are used or intended to be used in connection with the supply of water;
wet industry:	means an industry which discharges trade/industrial effluent from an industrial premises;
working day:	means a day other than a Saturday, Sunday or public holiday as defined in the Public Holidays Act 36 (1994); and
working month:	means a calendar month excluding any Saturday, Sunday, public holiday as defined in the Public Holidays Act 36 (1994).

2 MEANING OF CERTAIN WORDS IN THE SAME ACTS

2.1 Any word or expression used in these By-laws to which a meaning has been assigned in:

- a) the Act, will bear that meaning; and
- b) the National Building Regulations and Building Standards Act 103 (1997) and Chapter III of the Building Regulations thereunder, will bear that meaning unless the context indicates otherwise.

2.2 Any reference in these By-laws to the male or female gender includes a reference to the other gender and, where appropriate, to the neuter gender.

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- 3.1 The Municipality or its authorised agent must ensure that there is compliance with the By-laws and shall comply with the By-laws.
- 3.2 The Municipality or its authorised agent must take reasonable measures to provide basic water supply services required by the Act to everyone inside the defined limits of the Municipality's area of jurisdiction, subject to the limitations contained in the Act and the Municipality's resources.
- 3.3 Notwithstanding this basic right, every person who is the head of a household or in charge of a business enterprise or a commercial, trade or industrial undertaking and who or which desires water services must make application to the Municipality or its authorised agent to acquire such services.
- 3.4 If the Municipality or its authorised agent is unable to meet the general requirements of all its consumers, it must give preference to providing basic water supply services to all its consumers.
- 3.5 The Municipality or its authorised agent must prepare policies and procedures to give effect to these By-laws and to amend the policies and procedures from time to time as the need arises.
- 3.6 The Municipality or its authorised agent must monitor compliance with the By-laws and must report to the Council and the regulatory authority at intervals determined by and in the format required by the Council and the regulatory authority.
- 3.7 The Municipality or its authorised agent shall not be obliged to provide water services:
- a) to areas or consumers outside the defined limits of the Municipality's area of jurisdiction;
 - b) where, due to the nature of the topography, water services cannot be provided economically and/or cost effectively; or
 - c) where the necessary bulk infrastructure does not exist or is inadequate to service additional consumers, in which event the Municipality or its authorised agent should permit the owner of a premises to propose methods by which water services can be provided at the owner's expense, but the Municipality or its authorised agent shall not be obliged to accept the owner's proposal.

4 PROHIBITION OF ACCESS TO WATER SERVICES OTHER THAN THROUGH THE MUNICIPALITY

- 4.1 No person is permitted to have access to water services from a source other than from the Municipality or its authorised agent, without the approval of the Municipality or its authorised agent.
- 4.2 Despite the provision of Clause 4.1, a person who, at the commencement of these By-laws, was using water from another source may continue to do so –
- a) for a period of 60 (sixty) days after he or she has been requested by the Municipality or its authorised agent to apply for approval; and
 - b) thereafter until the application for approval is granted if it has not been granted within that period; or
 - c) for a reasonable period thereafter within the discretion of the Municipality or its authorised agent, if the application for approval is refused.

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- 4.3 In granting approval, the Municipality or its authorised agent may require the person seeking approval to supply such services as may be specified in the approval to others on reasonable terms, which may be specified by the Municipality or its authorised agent.

5 LEVELS OF SERVICE

- 5.1 The Municipality is empowered by the Act and the MSA to provide water services to consumers at various levels of service.
- 5.2 The Municipality or its authorised agent may provide the various levels of service set out in **Clause 5.3** to consumers at the prescribed charges determined by the Municipality from time to time in accordance with **Annexure A: General Rules Regarding Charges** and applied in accordance with **Section 9** of these By-laws.

5.3 The levels of service shall comprise:

Service Level 1, which:	must satisfy the minimum standard for basic water supply and basic sanitation as required in terms of the Act and its applicable regulations, and must consist of: a) a water supply service from communal water points; and b) a ventilated improved pit latrine located on each premises.
Service Level 2, which:	must consist of: a) a metered or unmetered water connection pipe to each premises with an individual yard standpipe; b) a connecting sewer from each premises; and c) a pour flush toilet or other toilet approved by the Municipality or its authorised agent, which must not be directly connected to the water installation provided that: d) the meter may consist of a prepayment measuring system; e) the average water consumption per premises through the water connection pipe for the zone or group of premises in the zone does not exceed the quantity over any 30 (thirty) day period set out in the Municipality's policy on free basic services as amended from time to time; f) the water standpipe is not connected to any other terminal water fitting on the premises; g) in the case of a communal sewer forming part or the whole of a sanitation installation, a collective agreement has been signed by the group of consumers accepting responsibility for the operation, maintenance and repair of the communal sewer; and h) in the event of payment default by a consumer, the Municipality or its authorised agent may adopt any measures necessary to: (1) limit the water flow to the premises to the quantity per day or over any 30 (thirty) day period set out in the Municipality's policy on free basic services as amended from time to time in respect of a premises used for domestic purposes; and (2) limit or discontinue the supply of water in respect of premises used for commercial, trade or industrial purposes.
Service Level 3, which:	must consist of: a) a metered full pressure water connection to each premises; and b) a conventional waterborne drainage installation connected to the municipal sewer

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	<p>provided that:</p> <p>c) the meter may consist of a prepayment measuring system;</p> <p>d) in the event of payment default by a consumer, the Municipality or its authorised agent may adopt any measures necessary to:</p> <p>(1) limit the water flow to the premises to the quantity per day or over any 30 (thirty) day period set out in the Municipality's policy on free basic services as amended from time to time in respect of premises used for domestic purposes; and</p> <p>(2) limit or discontinue the supply of water in respect of premises used for commercial, trade or industrial purposes.</p>
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- 5.4 Notwithstanding the requirements of **Clause 5.3**, where the Municipality or its authorised agent agrees to provide water services at the expense of the Municipality or its authorised agent to more than one occupier of a premises, including to vulnerable consumers, the Municipality or its authorised agent is entitled to provide a communal water supply from communal water points, prepayment meters and communal latrines of the nature and at the number of consumers per latrine that the Municipality or its authorised agent deems fit. Such an arrangement can be an interim measure or a permanent measure where the measure is not in contravention of the Act, regulations published in terms of the Act or any other law or regulation.

6 AGREEMENT FOR WATER SERVICES

- 6.1 No person may consume, abstract or be supplied with water from the water supply system, or utilise the wastewater disposal system or any other sanitation services unless he or she has applied to the Municipality or its authorised agent on the prescribed form for such services and such application has been agreed to by the Municipality or its authorised agent.
- 6.2 Where a premises or consumer is provided with water services, it shall be deemed that an agreement in terms of **Clause 6.1** exists.
- 6.3 An application for the use of water services approved by the Municipality or its authorised agent constitutes an agreement between the Municipality or its authorised agent and the applicant and takes effect on the date referred to in the application.
- 6.4 The applicant will be liable for all the prescribed charges in respect of water services rendered to him or her until the agreement has been terminated in accordance with these By-laws, and is deemed to be the consumer.
- 6.5 The Municipality or its authorised agent may, if it deems it expedient, require any other person to bind himself or herself jointly and severally with the consumer, for the payment of any charges to become payable under these By-laws.
- 6.6 An application form must contain at least the following minimum information:
- a declaration by the applicant that he or she is aware of and understands the contents of the form;
 - a declaration by the applicant that he or she is aware of and understands these By-Laws and acknowledges that they are binding on him or her by virtue of the fact that the Municipality will provide the required services;
 - the name of the proposed consumer and his or her identity or registration number, as applicable;

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- d) the address, stand number or property description on the title deeds of the premises to or on which water services are to be rendered or the communal water services work where water services will be used;
 - e) the address to which accounts must be sent;
 - f) if water is to be supplied, the purpose for which the water is to be used;
 - g) the agreed date on which the provision of water services will commence; and
 - h) a copy of any applicable lease agreement or written confirmation from the owner or the owner's agent, stating the date of occupation.
- 6.7 Water services rendered to a consumer are subject to the provisions of these By-laws, the Act as well as the conditions of the agreement.
- 6.8 The applicant must be informed if the Municipality or its authorised agent refuses an application for the provision of water services, or is unable to render such water services on the date requested for such provision of water services to commence or is unable to render the water services, and the Municipality or its authorised agent, must furnish the applicant with the reasons therefore and, if applicable, when the Municipality or its authorised agent will be able to provide such water services.
- 6.9 Despite anything else stated in these By-laws, the agreement referred to in **Clause 6.1** is an agreement between the consumer on the one part and the Municipality and the authorised agent approving the application, and the terms and conditions of that agreement are enforceable jointly and severally by the Municipality and/or such agent.

7 SPECIAL AGREEMENTS FOR WATER SERVICES

- 7.1 The Municipality may enter into a special agreement for the Municipality or its authorised agent to provide water services to or receive water services from another municipality under terms to be agreed between the Municipality and the other municipality and subject to any law or regulation governing the relationship between the Municipality and the other municipality.
- 7.2 Subject to any law or regulation governing the relationship between municipalities, where another municipality or a water services institution has a water services work within the area of jurisdiction of the Municipality, the Municipality may enter into an agreement with the other municipality or water services institution setting out conditions, including environmental protection measures.
- 7.3 The Municipality or its authorised agent may enter into a special agreement for the provision of water services to an applicant:
- 7.3.1 inside its area of jurisdiction, if the service applied for necessitates the imposition of conditions not contained in the prescribed application form or in these By-laws; and
 - 7.3.2 outside its area of jurisdiction, if such application has been approved by the municipality or its authorised agent having jurisdiction in the area in which the premises to be supplied is situated.

Mogale City Local Municipality**Water Services By-laws****8 TERMINATION OF AGREEMENTS****8.1 Subject to the provisions of Clauses 13.1, 13.2, 13.3, and 13.4 :**

- a) a consumer may terminate an agreement for the provision of water services by giving to the Municipality or its authorised agent not less than 7 (seven) working days' notice in writing of his or her intention to do so; and
- b) the Municipality or its authorised agent may, by notice in writing of not less than 30 (thirty) working days, advise a consumer of the termination of his or her agreement for the provision of water services -
 - (1) if the consumer has not used the water services during the preceding 6 (six) months and has not made arrangements to the satisfaction of the Municipality or its authorised agent for the continuation of the agreement;
 - (2) if the consumer has failed to comply with the provisions of these By-laws and has failed to rectify such failure to comply following the issue of an enforcement notice or has failed to pay any tariffs or charges due and payable, provided that the procedure set out in the Act, the Customer Charter or any other applicable law must be followed before the agreement is terminated; or
 - (3) in terms of an arrangement made by the Municipality or its authorised agent with another water services institution to provide water services to the consumer.

8.2 The Municipality or its authorised agent may, after having given notice, terminate an agreement for water services if a consumer has vacated the premises to which such agreement relates.**9 PRESCRIBED FEES FOR WATER SERVICES**

- 9.1 All prescribed fees payable in respect of water services rendered by the Municipality or its authorised agent in terms of these By-laws, including but not limited to the payment of connection fees, fixed fees, charge for water supplied or any additional fees or interest in respect of failure to pay such fees on the specified date shall be in accordance with the Municipality's tariff policy and must be determined by the Municipality by a resolution passed by the Council.
- 9.2 All fees determined by the Municipality for the use of the sewers or for discharge into the wastewater disposal system or otherwise in connection with the sanitation services are payable in accordance with the rules in **Annexure A** of these By-laws by the owner of the premises, or the consumer, whichever is applicable, in respect of which the fees are raised.
- 9.3 If any premises, whether or not there are any improvements thereon, is, or in the opinion of the Municipality or its authorised agent could be, connected to the sewer, the owner of that premises must pay to the Municipality or its authorised agent the fee determined by the Municipality or its authorised agent.
- 9.4 The policies concerning free basic water services with regard to townhouses, flats, backyard dwellings, sub-divisions, informal settlements and registered food projects shall be in accordance with the Municipality's tariff policy and/or the Municipality's indigent policy.

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- 10.1 Every consumer must on application for the provision of water services and before such water services will be provided by the Municipality or its authorised agent, deposit with the Municipality or its authorised agent a sum of money equal to the estimated charge for 2 (two) average month's water services as determined by the Municipality or its authorised agent. The deposit in respect of the water supply services may differ in the light of the measuring device used to measure the quantity of water used on the premises.
- 10.2 The Municipality or its authorised agent may require a consumer to whom services are provided and who was not previously required to pay a deposit, for whatever reason, to pay a deposit on request, within a specified period.
- 10.3 The Municipality or its authorised agent may from time to time review the sum of money deposited by a consumer in terms of **Clause 10.1** and, in accordance with such review -
- a) require that an additional amount be deposited by the consumer; or
 - b) refund to the consumer such amount as may be held by the Municipality or its authorised agent in excess of the revised deposit.
- 10.4 Subject to the provisions of **Clauses 10.5**, and **10.8**, an amount deposited with the Municipality or its authorised agent in terms of **Clauses 10.1** and **10.2** may not be regarded as being in payment or part payment of an account due for water services rendered.
- 10.5 If, upon the termination of the agreement for the provision of water services, an amount remains due to the Municipality or its authorised agent in respect of water services rendered to the consumer, the Municipality or its authorised agent may apply the deposit in payment or part payment of the outstanding amount and refund any balance to the consumer, if the address of the consumer is known.
- 10.6 No interest will be payable by the Municipality or its authorised agent on the amount of a deposit held by it in terms of this section.
- 10.7 An agreement for the provision of water services may contain a condition that a deposit will be forfeited to the Municipality or its authorised agent if it has not been claimed within 12 (twelve) months of the date of termination of the agreement.
- 10.8 In the case of disconnection of a water supply for an unpaid account, the deposit will be allocated to the unpaid account, and a new deposit must be paid before the water supply is reconnected.

11 PAYMENT FOR WATER SERVICES

- 11.1 Water services provided by the Municipality or its authorised agent to a consumer must be paid for by the consumer at the prescribed fee, for the particular level of service provided.
- 11.2 A consumer is responsible for payment for all water services provided to him or her from the date of commencement of the services until the date of termination thereof.
- 11.3 The Municipality or its authorised agent may estimate the quantity of water services provided in respect of a period or periods within the interval between successive

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measurements which may not be more than 180 (one hundred and eighty) days apart and may render an account to a consumer for the services so estimated. Such an estimate shall, for the purposes of these By-laws, be regarded as an accurate measurement until the contrary is proved.

- 11.4 If a consumer uses water supply services for a level of service other than that for which it is provided by the Municipality or its authorised agent in terms of an agreement and as a consequence is charged at a rate lower than the rate which should have been charged, the Municipality or its authorised agent may make an adjustment of the amount charged in accordance with the rate which should have been charged and recover from the consumer the amount payable in accordance with such adjustment, and may also review the amount of the deposit held in accordance with **Clause 10.1**.
- 11.5 If amendments to the prescribed fees for water services provided become operative on a date between measurements for the purpose of rendering an account in respect of such fees:
 - a) the same quantity of water services must be regarded as having been provided in each period of twenty-four hours during the interval between the measurements; and
 - b) any prescribed fee must be calculated on a *pro rata* basis in accordance with the prescribed fee that applied immediately before such amendment and with such amended charge.
- 11.6 Failure by the Municipality or its authorised agent to comply with the period of 180 (one hundred and eighty) days referred to in **Clause 11.3** will not disentitle the Municipality or its authorised agent from recovering any monies due to it by the consumer.

12 PAYMENT IN RESPECT OF PREPAYMENT METERS

- 12.1 All amounts due for water consumption shall be made in advance by the purchasing of relevant water credits/tokens from the Municipality and/or its designated agent(s) appropriate to the prepayment meter installed on the property.
- 12.2 When a consumer is supplied with water through a prepayment meter, in addition to the requirements of **Sections 10 and 11**:
 - a) no refund of the amount tendered for the purchase of water credit shall be given at the point of sale after initiation of the process by which the prepayment meter token is produced;
 - b) when a consumer vacates any premises where a prepayment meter is installed, no refund for the credit remaining in the meter shall be made to the consumer; and
 - c) the Municipality or its authorised agent shall not be liable for the reinstatement of credit in a prepayment meter lost due to tampering with, or the incorrect use or abuse of, a prepayment meter and/or token.

13 ACCOUNTS

Mogale City Local Municipality**Water Services By-laws****13.1 General**

- 13.1.1 Accounts must be rendered and administered in accordance with the requirements of the Municipality or its authorised agent.
- 13.1.2 If it is established that a meter is defective, the Municipality or its authorised agent must, in accordance with **Section 38**:
 - a) in the case of a conventional meter, adjust the account rendered;
 - b) in the case of a prepayment meter
 - (1) render an account where the meter has been under-registering; or
 - (2) issue an applicable credit where the meter has been over-registering.
- 13.1.3 The sections relating to credit control measures in these By-laws shall lapse upon the promulgation of relevant credit control by-laws by the Municipality or its authorised agent which replace the measures set out herein.

13.2 Transitional Measures

- 13.2.1 Monthly accounts will be rendered to consumers for the amount due and payable, at the addresses last recorded with the Municipality.
- 13.2.2 Failure by the Municipality or its authorised agent to render an account does not relieve a consumer of the obligation to pay any amount due and payable.
- 13.2.3 An account rendered by the Municipality or its authorised agent for water services provided to a consumer must be paid not later than the final date for payment specified in such an account, which date must be at least 14 (fourteen) days after the date of the account.
- 13.2.4 If payment of an account is received after the date referred to in **Sub-clause 13.2.3**, a late payment fee or interest as may be prescribed, must be paid by the consumer to the Municipality.
- 13.2.5 Accounts must show the following:
 - a) the consumption or estimated consumption or assumed consumption as determined for the measuring and/or consumption period;
 - b) the measuring or consumption period;
 - c) the applicable tariff;
 - d) the amount due in terms of the consumption;
 - e) the amount due and payable for any other service rendered in terms of these By-laws by the Municipality;
 - f) the amount in arrears, if any;
 - g) the interest payable on arrears, if any;
 - h) the final date for payment; and
 - i) the methods, places and approved agents where payment may be made.
- 13.2.6 Accounts must state that:
 - a) the consumer may conclude an agreement with the Municipality for payment of the arrears amount in installments, at the Municipality's offices before the final date for payment, if a consumer is unable to pay the full amount due and payable;
 - b) if no such agreement is entered into, the Municipality may discontinue or limit the water services after sending a final demand notice to the consumer;
 - c) legal action may be instituted against any consumer for the recovery of any amount 30 (thirty) days or more in arrears;
 - d) the defaulting consumer's name may be made public, and may be listed with a credit bureau or any other equivalent body as a defaulter;
 - e) the account may be handed over to a debt collector or attorney for collection;
 - f) proof of registration as an indigent consumer in terms of the Municipality's indigent policy must be handed in before the final date for payment; and
 - g) an indigent consumer is only entitled to basic water supply services and that an indigent consumer will be liable for payment in respect of water

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services used in excess of the quantity for basic water supply and basic sanitation.

13.3 Queries or complaints in respect of account

- 13.3.1 A consumer may lodge a query or complaint in respect of the accuracy of the amount due and payable in terms of an account rendered to him, her or it.
- 13.3.2 A query or complaint must be lodged with the Municipality before or on the final date for payment of the account, or as soon as reasonably possible thereafter.
- 13.3.3 Where a query or complaint is lodged after the final date for payment of the account queried or complained about, such query or complaint must be accompanied by the payment of at least an amount equal to the average amount that was due and payable during the preceding 3 (three) months.
- 13.3.4 The Municipality must register the query or complaint and provide the consumer with a reference number.
- 13.3.5 The Municipality must:
 - a) investigate or cause the query or complaint to be investigated within 14 (fourteen) days, or as soon as possible after the query or complaint is registered; and
 - b) inform the consumer, in writing, of its finding as soon as possible thereafter, whereupon any arrears found to be due and payable must be paid within 7 (seven) days from the date on which the consumer is notified of the amount due and payable.

13.4 Arrears

- 13.4.1 If a consumer fails to pay the amount due and payable on or before the final date for payment, the unpaid amount is in arrears and a final demand notice may be sent and may be hand delivered or posted, per mail, to the most recent recorded address of the consumer.
- 13.4.2 Failure to deliver or send a final demand notice does not relieve a consumer from paying such arrears.
- 13.4.3 The final demand notice must contain the following:
 - a) the amount in arrears and any interest payable, and the date by which such arrears and interest must be paid;
 - b) that the consumer may conclude an agreement with the Municipality for payment of the arrears amount in installments within 14 (fourteen) days of the date of the final demand notice;
 - c) that if no such agreement is entered into within the stated period that the water services will be discontinued or limited and that legal action may be instituted against the consumer for the recovery of any amounts 30 (thirty) days or more in arrears, without further notice;
 - d) that the consumer's name may be made public, and may be listed with a credit bureau or any other equivalent body as a defaulter;
 - e) that the account may be handed over to a debt collector or attorney for collection;
 - f) proof of registration and written confirmation of indigent status by the Municipality, as an indigent consumer in terms of the Municipality's indigent policy, must be provided on or before the date of payment contemplated in a);
 - g) that an indigent consumer is only entitled to basic water supply services and that an indigent consumer will be liable for payment in respect of water services used in excess of the quantity of basic water supply and basic sanitation; and
 - h) an opportunity for the consumer to make representation in writing, on or before the date of payment contemplated in a);

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- 13.4.4 Interest may be levied on all arrears at a rate prescribed by the Municipality from time to time.
- 13.4.5 The amount due and payable by a consumer constitutes a consolidated debt, and any payment made by the consumer of an amount less than the total amount due will be allocated in reduction of the consolidated debt in the order determined by the Municipality.
- 13.4.6 The Municipality may, after the expiry of the period allowed for payment in terms of the final demand notice, hand deliver or send, per mail, to the last recorded address of the consumer a discontinuation notice informing such a consumer:
- a) that the provision of water services will be or has been discontinued or limited on the date stated on the discontinuation notice; and
 - b) advising the consumer of steps which can be taken to have the service re-connected or reinstated.
- 13.4.7 If representations made by a consumer are unsuccessful either wholly or in part, a final demand notice complying with the provisions of **Sub-clauses 13.4.3 a) to g)** must be given to the consumer in the manner provided for in **Sub-clause 13.4.1**, stipulating that no further representations may be made.
- 13.4.8 Subject to the provisions of Section 4(3) of the Act, and subject to the provisions of the Promotion of Administrative Justice Act 3 (2000), having been observed, save that the Municipality's reasons for its decision to act must be supplied within seven days after a request therefore, the Municipality may limit or discontinue water services to a consumer if:
- a) full payment was not received within the period stated in the final demand notices referred to in **Sub-clauses 13.4.3 and 13.4.7**;
 - b) no agreement was entered into for the payment of arrears in installments;
 - c) no proof of registration as an indigent consumer was furnished within the period provided for in the final demand notice contemplated in **Sub-clauses 13.4.3 and 13.4.7**;
 - d) no payment was received in accordance with an agreement for payment of arrears;
 - e) no representations as contemplated in **Sub-clause 13.4.3 h)** were made within the period provided for in the final demand notice, contemplated in **Sub-clause 13.4.3**; and
 - f) the representations referred to in **Sub-clause 13.4.7** have not been wholly acceded to by the Municipality.
- 13.4.9 Where an account rendered to a consumer remains outstanding for more than 60 (sixty) days:
- a) the defaulting consumer's name may be made public, and may be listed with a credit bureau or any other equivalent body as a defaulter; and
 - b) the outstanding debt may be handed over to a debt collector or an attorney for collection.
- 13.4.10 A consumer will be liable for any administration fees, costs incurred in taking action for the recovery of arrears and any penalties, including the payment of a higher deposit.
- 13.4.11 Where a body corporate is responsible for the payment of any arrears amount to the Municipality in respect of a sectional title development, the liability of the body corporate shall be extended to the members thereof, jointly and in proportion to the participation quota of each sectional title unit.
- 13.4.12 No action taken in terms of this section due to non-payment will be suspended or withdrawn unless the arrears, any interest thereon, administration fees, additional charges, costs incurred in taking legal action and any penalty, including the payment of a higher deposit, which are payable, are paid in full.

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13.4.13 Subject to the provisions of the Act, an agreement for payment of the arrears amount in installments, entered into after the water services were discontinued or limited, will not result in the water services being restored until the arrears, any interest thereon, administration fees, costs incurred in taking legal action and any penalty, including payment of a higher deposit, are paid in full.

14 LIMITATION AND/OR DISCONTINUATION OF WATER SERVICES

14.1 Subject to the provisions of **Sections 8 and 13** of these By-laws and in accordance with Section 4(3) of the Act, the Municipality or its authorised agent may limit or discontinue water services provided in terms of these By-laws -

- a) at the written request of a consumer;
- b) if the agreement for the provision of services has been terminated in terms of **Section 8** and it has not received an application for subsequent services to the premises within a period of 90 (ninety) days of such termination;
- c) if the building on premises to which water services were provided has been demolished;
- d) if the consumer has unlawfully interfered with the water service in any way;
- e) in an emergency;
- f) if there has been material abuse of the water services by the consumer or an occupier of the premises; or
- g) if the use of the water services is creating significant environmental damage or water pollution.

14.2 The Municipality or its authorised agent will not be liable for any damages or claims that may arise from the limitation or discontinuation of water services in terms of **Clause 14.1**.

14.3 The Municipality or its authorised agent will, where a water service has been discontinued, only be obliged to restore it when the prescribed fees for the discontinuation and reconnection of the water service and any applicable deposit have been paid.

15 RESTORATION OF WATER SERVICES

When a consumer enters into an agreement for the payment of the arrears amount in installments after the receipt of a final demand notice or a discontinuation notice the water services will be restored to the type or level of service the consumer elected in terms of the agreement for the provision of water services, within 10 (ten) working days.

16 WATER SERVICES FOR COMMUNAL WATER AND SANITATION INSTALLATIONS

16.1 The Municipality or its authorised agent must provide water services in respect of a communal water installation and/or a communal drainage installation only once the consumers served by that communal water installation and/or communal drainage installation have, by means of an association or other legal entity, concluded an agreement for the maintenance of the communal water installation and/or communal drainage installation with the Municipality or its authorised agent, and such service must be supplied in accordance with the provisions of that agreement, subject otherwise to the provisions of these By-laws.

16.2 The Municipality or its authorised agent may provide sanitation services in respect of communal toilet facilities, including toilet facilities for vulnerable consumers, only once

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the consumers served by the toilet facilities, the owner of the premises and the Municipality or its authorised agent conclude an agreement and such service must be supplied in accordance with the provisions of that agreement, subject otherwise to the provisions of these By-laws.

17 ENVIRONMENTAL IMPACT ASSESSMENTS

- 17.1 If an EIA is required to be carried out before the provision of the water services can be approved or commenced, the applicant for such services shall be responsible for the carrying out of such EIA and for the expenses connected therewith.
- 17.2 After environmental approval has been granted and the provision of water services has been approved by the Municipality or its authorised agent, it is the responsibility of the proposed consumer or any entity established under any law to represent the property interests of any consumer or group of consumers to ensure that all laws and conditions affected by the provisions of water services and relating to environmental management and control are complied with.
- 17.3 Failure to comply with Section 24g of the NEMA may result in a fine and/or imprisonment.
- 17.4 Any developments which may, directly or indirectly, have an influence on the natural water balance and/or water quality in the Cradle of Humankind World Heritage Site, must be approved in writing by the Executive Manager: Infrastructure of the Municipality or his successor in title. Such developments include, but are not limited to, boreholes, French drains, conservancy tanks, septic tanks, VIP latrines, and all works associated with water installations and sanitation installations.

18 GENERAL RESPONSIBILITY FOR COMPLIANCE WITH THESE BY-LAWS, AND OTHER LAWS

- 18.1 The owner of a premises is ultimately responsible for ensuring compliance with these By-laws in respect of all or any matters relating to any water installation or sanitation installation, and if he or she is not the consumer the owner is jointly and severally liable with the consumer in respect of all matters relating to the use of any water installation and sanitation installation including any financial obligation.
- 18.2 The consumer is primarily responsible for compliance with these By-laws in respect of matters relating to the use of any water services.
- 18.3 No approval given under these By-laws relieves any owner or consumer from complying with any other law relating to the abstraction and use of water, or the disposal of effluent and sewage.
- 18.4 If in the process of any water or sanitation related developments, a person discovers any archaeological or palaeontological objects/materials or meteorites, the person must report such findings to the responsible heritage authority or to the Municipality or its authorised agent or museum – in accordance with Section 35(3) of the National Heritage Resources Act 25 (1999).

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19 UNAUTHORISED USE OF WATER SERVICES

- 19.1 No person may gain access to water services from the water supply system, wastewater disposal system or any other sanitation services unless an agreement has been entered into with the Municipality or its authorised agent for the rendering of those services.
- 19.2 A designated officer may issue a compliance notice in terms of **Section 130** to ensure compliance with **Clause 19.1** by, inter-alia, ordering a person making unauthorised use of water services to -
- a) apply for such services in terms of **Section 6** or **Section 7**; and
 - b) undertake and complete, to the reasonable satisfaction of the enforcement officer, such works as may be necessary to ensure that the water installation and sanitation installation through which access was gained complies with the provisions of these By-laws, and to make application in the prescribed manner for such installations.

20 CHANGE IN PURPOSE OF WATER SERVICES

Where the purpose or extent for which water services are used is changed, the consumer is obliged to inform the Municipality or its authorised agent, and must enter into a new agreement with the Municipality or its authorised agent, expressed to be effective from the date on which such change of use took or will take effect.

21 INTERFERENCE WITH WATER SUPPLY SYSTEM OR ANY SANITATION SERVICES

- 21.1 No person may interfere with the operation or undertake maintenance on any part of a water supply system or sanitation services, which may include:
- a) any part of the water supply system;
 - b) sewer reticulation or wastewater treatment works;
 - c) connection to the water supply system or wastewater disposal system; or
 - d) any other sanitation services,
- unless authorised by the Municipality or its authorised agent in writing.
- 21.2 No person may interfere with, or willfully or negligently damage, or permit damage to any part of the water supply system or wastewater disposal system belonging to the Municipality or its authorised agent.

22 OBSTRUCTION OF ACCESS TO WATER SUPPLY SYSTEM OR ANY SANITATION SERVICES

No person may prevent or restrict physical access to the water supply system or wastewater disposal system by any employee of the Municipality or its authorised agent.

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CHAPTER 2: WATER SUPPLY SERVICES**23 PROVISION OF CONNECTION PIPE**

- 23.1 If an agreement for water supply services in respect of a 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 for the installation of such a pipe.
- 23.2 If application is made for water supply services which are of such an extent or so situated that it is necessary to extend, modify or upgrade the water supply system in order to supply water to the premises, the Municipality or its authorised agent may agree to the extension, modification or upgrade provided that the owner must pay for the cost thereof, as determined by the Municipality or its authorised agent.

24 LOCATION OF CONNECTION PIPE

- 24.1 A connection pipe provided and installed by the Municipality or its authorised agent must:
- a) be located in a position determined by the Municipality or its authorised agent after consultation with the owner of the premises served by the connection pipe and be of a suitable size as determined by the Municipality or its authorised agent; and
 - b) terminate:
 - (1) approximately 150 (one hundred and fifty) mm inside the boundary on the side of the Municipality between the land owned by or vested in the Municipality or its authorised agent, or over which either of them has a servitude or other right, and the adjoining land in private or public ownership which is not subject to any such servitude or other right; or
 - (2) at the outlet of the water meter connected to the water installation to be connected to the water main if the water meter is situated on the premises.
- 24.2 If there is land between the boundary of land owned by or vested in the Municipality or its authorised agent and the land of an owner who has made an application referred to in **Clause 23.1**, and the intervening land is not subject to a servitude or other right to carry a connection pipe, such pipe must terminate approximately 150 mm inside the boundary of the land owned by the Municipality or its authorised agent or vested in it. The applicant must be responsible for any extension of the water installation to the connecting point designated and agreed to by the Municipality or its authorised agent and for obtaining at his or her costs, such servitudes over other property as may be necessary.
- 24.3 The Municipality or its authorised agent shall be liable for the maintenance of any meter and associated valve belonging to the Municipality or its authorised agent, which may be situated on a consumer's premises.

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- 24.4 The Municipality or its authorised agent may, at the request of any applicant, agree, subject to such conditions as it may impose, to a connection to a main other than that which is most readily available for the provision of water supply to the premises; provided that the applicant must be responsible for any extension of the water installation to the connecting point designated and agreed to by the Municipality or its authorised agent and for obtaining at his or her cost, such servitudes over other property as may be necessary.
- 24.5 If the Municipality intends to replace a connection pipe, it shall give the owner concerned not less than 10 (ten) working days notice in writing of the date after which the owner shall effect a connection between the owner's water installation and the replacement connection pipe.
- 24.6 The water connection pipe to each premises may only be connected to other plumbing fixtures downstream of the meter where a meter is installed in the connection pipe.

25 ISOLATING VALVES

25.1 An isolating valve shall:

- 25.1.1 be installed in the service pipe of a water installation at a point not more than 1,5 (one comma five) m inside the boundary of the premises concerned; and
- 25.1.2 have ready access to the valve such that it may be readily operated.

25.2 An isolating valve shall be installed in a readily accessible position:

- a) where any pipe enters any building or any portion of a building in separate occupation; and
- b) on a branch pipe from a service pipe.

26 PROVISION OF SINGLE WATER CONNECTION FOR SUPPLY TO SEVERAL CONSUMERS ON SAME PREMISES

- 26.1 Only one connection pipe to the water supply system may be provided for the supply of water to any premises, irrespective of the number of accommodation units, business units or consumers located on such premises.
- 26.2 Where the owner, or the person having the charge or management of any premises on which several accommodation units and/or 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 or its authorised agent may, in its discretion, provide and install either:
- a) a single measuring device in respect of the premises as a whole or any number of such units or consumers; or
 - b) a separate measuring device for each such unit or consumer or any number thereof.
- 26.3 Where the Municipality or its authorised agent has installed a single measuring device as contemplated in **Sub-clause 26.2 a)**, the owner or the person having the charge or management of the premises, as the case may be -
- a) must, if the Municipality or its authorised agent so requires, install and maintain on each branch pipe extending from the connection pipe to the different units or consumers a separate measuring device and an isolating valve; and

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- b) is liable to the Municipality or its authorised agent for the prescribed fees for all water supplied to the premises through such a single measuring device, irrespective of the different quantities consumed by the different consumers served by such measuring device.

- 26.4 Notwithstanding the provisions of **Clause 26.1**, the Municipality or its authorised agent may permit more than one connection pipe to be provided on the water supply system for the supply of water to any premises comprising sectional title units or if, in the opinion of the Municipality or its authorised agent, undue hardship or inconvenience would be caused to any consumer on such premises by the provision of only one connection pipe.
- 26.5 Where the provision of more than one connection pipe is authorised by the Municipality or its authorised agent under **Clause 26.4**, the charge for the provision of a connection pipe is payable in respect of each water connection so provided.
- 26.6 Where a premises is supplied with water by a number of connection pipes, the Municipality or its authorised agent may require the owner to reduce the number of connection points and alter his or her water installation accordingly at the owner's expense.

27 INTERCONNECTION BETWEEN PREMISES OR WATER INSTALLATIONS

An owner of a premises must ensure that:

- a) no interconnection exists between the water installation on his or her premises and the water installation on any other premises; and
- b) where two or more accommodation or business units are situated on the same premises and the water installations of such units are interconnected he or she has obtained the prior written consent of the Municipality or its authorised agent and complies with any conditions that may have been imposed.

28 DISCONNECTION OF WATER INSTALLATION FROM CONNECTION PIPE

The Municipality or its authorised agent may disconnect a water installation from the connection pipe and remove the connection pipe in accordance with the procedure stipulated in Section 4 of the Act if:

- a) the agreement for supply has been terminated in terms of **Section 8** and the Municipality or its authorised agent has not received an application for a subsequent supply of water to the premises served by the pipe within a period of 90 (ninety) days of such termination; or
- b) the building on the premises concerned has been or is in the process of being demolished pursuant to the grant of a permit for such demolition in terms of law.

29 TEMPORARY WATER SUPPLY FROM A HYDRANT

- 29.1 The Municipality or its authorised agent may authorise a temporary supply of water to be taken from one or more fire hydrants specified by it, subject to such conditions and for such period as may be generally prescribed or specifically imposed by it in respect of such supply.
- 29.2 Except in an emergency, a person who requires a temporary supply of water referred to in **Clause 29.1** must apply therefore.
- 29.3 The Municipality or its authorised agent may, for the purpose of supplying water from a hydrant, provide a portable meter to be returned to the Municipality or its authorised

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agent on termination of the temporary supply, which portable meter and all other fittings and apparatus used for the connection of the portable meter to a hydrant, remains the property of the Municipality or its authorised agent and will be provided subject to any conditions or fees imposed by the Municipality or its authorised agent.

- 29.4 Before an applicant is provided with a meter in terms of **Clause 29.3** he/she shall pay:
- a deposit as indicated in the appropriate list of tariffs as an advance against the water to be used; and
 - a deposit in respect of each meter and appurtenant apparatus supplied by the Municipality or its authorised agent as security for their return in proper working order.
- 29.5 The consumer to whom a meter and appurtenant apparatus are supplied in terms of **Clause 29.3** shall:
- be responsible for the safekeeping and proper use thereof;
 - return the meter and/or associated appurtenant apparatus forthwith if it is damaged in any way or becomes defective;
 - make the meter available for reading purposes before the seventh day of each month or at such other intervals as may be prescribed by the Municipality or its authorised agent; and
 - return the meter and associated appurtenant apparatus to the Municipality or its authorised agent on the termination of the agreement for the temporary water supply from the hydrant.
- 29.6 The consumer shall, in addition to paying for the water supplied to him/her by the Municipality and/or its authorised agent, pay the prescribed charge for the use of the meter and associated appurtenant apparatus.
- 29.7 If a consumer fails to comply with the terms outlined under **Sub-clause 29.5 c)**, the Municipality or its authorised agent may render an account to him/her for a quantity of water deemed by the Municipality or its authorised agent to have been supplied since the last reading of the meter concerned. The quantity will be based on the maximum designed flow rate of the meter in continuous use over a period of 8 (eight) hours per day for 5 (five) days per week or on such lesser rate or period as the Municipality or its authorised agent deems appropriate.
- 29.8 The charge referred to under **Clause 29.6** shall continue to be levied until the consumer returns the meter and all associated appurtenant apparatus or notifies the Municipality or its authorised agent in writing that he/she is unable to do so.
- 29.9 Notwithstanding **Clauses 29.7 and 29.8** if a consumer returns the meter in working order and with its seal intact after being charged for water in terms of **Clause 29.7** and/or **Clause 29.8**, the Municipality or its authorised agent shall adjust the amount charged to the prescribed tariff of the water actually supplied to him and to the appropriate charge for the use of the meter and associated appurtenant apparatus.
- 29.10 If a consumer to whom water is supplied in terms of **Section 29**:
- takes water from a hydrant that was not specified by the Municipality or its authorised agent;
 - is found to be taking water, or to have taken water, from a hydrant without its passing through a meter; or
 - fails to comply with any provision of **Clause 29.5**
- the Municipality or its authorised agent may terminate the agreement for the temporary water supply from the hydrant with immediate effect.

Mogale City Local Municipality**Water Services By-laws****30 QUANTITY, QUALITY AND PRESSURE**

Water supply services provided by the Municipality or its authorised agent must comply with the minimum standards set for the provision of water supply services in terms of Section 9 of the Act.

31 GENERAL CONDITIONS OF SUPPLY

- 31.1 Despite the undertaking in **Section 30**, the granting of a supply of water by the Municipality or its authorised agent does not constitute an undertaking by it to maintain at any time or 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 water,
- provided that, if the water supply is interrupted for more than 24 (twenty four) hours, then the Municipality or its authorised agent must provide an alternative supply of water as soon as reasonably practical.
- 31.2 The Municipality or its authorised agent may specify the maximum height above ground level or mean sea level to which water will be supplied from the water supply system.
- 31.3 If an owner requires that any of the standards referred to in **Section 30** be maintained on his or her premises, he or she must make provision in the water installation for such maintenance.
- 31.4 The Municipality or its authorised agent may, in an emergency, interrupt the supply of water to any premises without prior notice.
- 31.5 If, the consumption of water by a consumer adversely affects the supply of water to any other consumer, the Municipality or its authorised agent may apply such restrictions as it may deem fit to the supply of water to the first mentioned consumer in order to ensure a reasonable supply of water to the other consumer or consumers concerned and must inform the aforementioned consumer of such restrictions.
- 31.6 The Municipality or its authorised agent will not be liable for any damage to property caused by water flowing from fittings left open when the water supply is re-instated, following an interruption in supply for any reason.
- 31.7 Every steam boiler and any premises which requires, for the purpose of the work undertaken or services rendered on the premises, a continuous supply of water must be fitted at the expense of the owner or consumer with a cistern or water storage vessel in working order and holding an adequate water supply to continue it's normal functions for a minimum of 24 (twenty four) hours.
- 31.8 No consumer may resell water supplied to him or her by the Municipality or its authorised agent except with the written permission of the Municipality or its authorised agent, which may stipulate the maximum price at which the water may be resold, and may impose such other conditions as the Municipality or its authorised agent may deem fit.

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- 31.9 The Municipality or its authorised agent does not undertake to maintain sufficient pressure in the water supply system to ensure the operation of a user-activated toilet flushing valves or pressure dependent irrigation systems which require a specific minimum pressure.

32 MEASURING OF QUANTITY OF WATER SUPPLIED

- 32.1 The Municipality or its authorised agent must measure the quantity of water supplied at such regular intervals as the Municipality or its authorised agent may determine, but which must not exceed 180 (one hundred and eighty) days.
- 32.2 Any measuring device through which water is supplied to a consumer by the Municipality or its authorised agent, and its associated apparatus, shall be provided and installed by the Municipality or its authorised agent, and remains its property, and may be changed and maintained by the Municipality or its authorised agent when deemed necessary by it.
- 32.3 The Municipality or its authorised agent may install a measuring device, and its associated apparatus, at any point on a connection pipe or a service pipe.
- 32.4 If the Municipality or its authorised agent installs a measuring device on a service pipe in terms of **Clause 32.3**, it may install a section of pipe and associated apparatus between the end of its connection pipe and the meter, and such section is deemed to form part of the water installation.
- 32.5 If the Municipality or its authorised agent installs a measuring device together with its associated apparatus on a service pipe in terms of **Clause 32.3**, the owner must:
- provide a place satisfactory to the Municipality or its authorised agent in which to install it;
 - ensure that unrestricted access is available to it at all times;
 - be responsible for its protection and be liable for the costs arising from damage thereto, excluding damage arising from normal fair wear and tear;
 - ensure that no connection is made to the pipe in which the measuring device is installed, between the measuring device and the connection pipe or water main serving the installation;
 - 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 or its authorised agent on the measuring device or its associated apparatus; and
 - not use nor permit to be used on any water installation, any fitting, machine or appliance which causes damage or, in the opinion of the Municipality or its authorised agent, is likely to cause damage to the measuring device or its associated apparatus.
- 32.6 No person other than an authorised agent of the Municipality may:
- disconnect a measuring device and its associated apparatus from the pipe in or to which they are installed or connected;
 - break a seal which the Municipality or its authorised agent has placed on any meter; or
 - in any other way interfere with a measuring device and its associated apparatus.

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- 32.7 If the Municipality or its authorised agent considers that, in the event of the measuring device being a meter, the size of the meter is unsuitable by reason of the quantity of water supplied to premises, it may install a meter of such size as it may deem necessary, and may recover from the owner of the premises concerned the prescribed charge for the installation of the replacement meter.
- 32.8 The Municipality or its authorised agent may, at the owner's expense, install or require the installation, of a measuring device to each accommodation unit or business unit on any premises, if such units are in separate occupancy, for use in determining the quantity of water supplied to each such unit; provided that where fixed quantity water delivery systems are used, a single measuring device may be used to supply more than one unit.
- 32.9 Failure by the Municipality or its authorised agent to comply with the period of 180 (one hundred and eighty) days referred to in **Clause 32.1**, will not disentitle the Municipality or its authorised agent from recovering any monies due to it by the consumer.

33 QUANTITY OF WATER SUPPLIED TO CONSUMER

- 33.1 For the purposes of assessing the quantity of water supplied to a consumer during any period and measured by a measuring device installed by the Municipality or its authorised agent over a specific period, for the purposes of these By-laws it will be deemed, that, other than in the case of pre-payment meters -
- a) the quantity is represented by the difference between measurements taken at the beginning and end of such period;
 - b) the measuring device was accurate during such period; and
 - c) the entries in the records of the Municipality or its authorised agent were correctly made.
- 33.2 If water is supplied to, or taken by, a consumer without its passing through a measuring device, the estimate by the Municipality or its authorised agent of the quantity of such water will be deemed to be correct.
- 33.3 Where water supplied by the Municipality or its authorised agent to any premises is in any way taken by the consumer without such water passing through any measuring device provided by the Municipality or its authorised agent, the Municipality or its authorised agent may for the purpose of rendering an account, make an estimate, in accordance with **Clause 33.4** of the quantity of water supplied to the consumer during the period that water is so taken by the consumer.
- 33.4 For the purposes of **Clause 33.3**, an estimate of the quantity of water supplied to a consumer must be based on:
- a) the average monthly consumption of water on the premises registered over 3 (three) succeeding measuring periods taken over not more than 180 (one hundred and eighty) days in total, after the date on which the irregularity referred to in **Clause 33.2** was discovered and rectified; and/or
 - b) the period preceding the date referred to in **Clause 33.2** but not exceeding 36 (thirty six) months.
- 33.5 Nothing in these By-laws may be construed as imposing on the Municipality or its authorised agent an obligation to cause any measuring device installed for any premises to be measured at the end of every month or any other fixed period, and the Municipality or its authorised agent may estimate the quantity of water supplied over

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any period during the interval between successive measurements of the measuring device, which may not be more than 180 (one hundred and eighty) days apart, and render an account to a consumer for the quantity of water so estimated.

- 33.6 The Municipality or its authorised agent must, on receipt from a consumer of written notice of not less than 7 (seven) days and subject to payment by the consumer of the prescribed charge, measure the quantity of water supplied to the consumer at a time or on a day other than that upon which it would normally be measured.
- 33.7 If a contravention of **Clause 33.6** occurs, the consumer must pay to the Municipality or its authorised agent the cost of such quantity of water as in the opinion of the Municipality or its authorised agent was supplied to the consumer.
- 33.8 Until such time as a measuring device has been installed in respect of water supplied to a consumer the estimated consumption of that consumer must be based on the average consumption of water supplied to the specific zone within which the consumer's premises is situated, during a specific period.
- 33.9 Where in the opinion of the Municipality or its authorised agent it is not reasonably possible or cost effective to measure water supplied to each consumer within a determined zone, the Municipality or its authorised agent may determine a basic tariff or charge to be paid by each consumer within that zone irrespective of actual consumption.
- 33.10 A charge determined in terms of **Clause 33.9** will be based on the estimated average consumption of water supplied to that zone.
- 33.11 Where water supply services are provided by means of communal water, the amount due and payable by consumers gaining access to water supply services by means of that communal water, will be based on the estimated average consumption of water supplied by means of that communal water, and the decision of the Municipality or its authorised agent in arriving at that amount is final and binding on each consumer affected thereby unless legally set aside.
- 33.12 For the purposes of **Clauses 33.8, 33.9 and 33.10**, a zone is that local area of land, of which the premises occupied by the consumer is a part, which is zoned in terms of a town planning scheme or an integrated development plan for homogeneous usage.
- 33.13 Failure by the Municipality or its authorised agent to comply with the period of 180 (one hundred and eighty) days referred to in **Sub-clause 33.4 a) and Clause 33.5**, will not disentitle the Municipality or its authorised agent from recovering any monies due to it by the consumer.

34 PREPAYMENT METERING

- 34.1 The Municipality has a policy to adopt prepayment measuring systems to measure water use for domestic purposes and, irrespective of the level of service as contained in **Clause 5.3**, reserves the right to install such prepayment measuring systems at any time in existing as well as in new connection pipes as well as where requested to do so by consumers.
- 34.2 Prepayment measuring systems shall comply with the requirements of SANS Code 1529 Part 9 - 2002. The conditions set out in **Sections 32, 33, 35, 36, 37 and 38** in

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respect of conventional meters apply in respect of prepayment meters unless otherwise provided for in these By-laws.

- 34.3 In the case of an application for a new prepayment measuring system, while it is accepted that the Municipality will endeavour to provide the basic water supply services infrastructure at minimal cost, the applicant will have to contribute towards the initial infrastructure installation cost of the services by virtue of one or more of the following:

- a) a co-contribution in cash;
- b) a co-contribution in the form of materials; or
- c) a co-contribution by supplying labour to install the infrastructure.

The co-contribution requirements of the applicant will be determined upon inspection of the property by an official from the Municipality or its authorised agent.

- 34.4 The owner of a premises within which there is a prepayment measuring system belonging to the Municipality or its authorised agent must permit access to the prepayment measuring system for inspection and/or repair from time to time by the Municipality or its authorised agent.
- 34.5 The maintenance and repair of all prepayment measuring systems shall be the sole responsibility of the Municipality or its authorised agent.
- 34.6 Water supplied through a prepayment meter shall be utilised for residential purposes only and must not be used for farming or any other commercial, trade or industrial purposes.
- 34.7 In the event of tampering and/or vandalism of the prepayment measuring system, the supply of water to the premises shall be discontinued or limited. In such circumstances, the Municipality or its authorised agent reserves the right to levy an administration fee and/or to remove the prepayment meter or the prepayment measuring system from the premises.
- 34.8 Notwithstanding **Clause 34.7**, the Municipality or its authorised agent reserves the right to calculate or estimate the amount due for water consumption at the premises in the event of it being discovered that the prepayment measuring system has been tampered with and/or vandalised.
- 34.9 Where it is impractical to provide a prepayment measuring system, the Municipality or its authorised agent reserves the right to charge a flat rate tariff until such time that a prepayment measuring system can be provided.

35 DEFECTIVE MEASUREMENT

- 35.1 If a consumer has reason to believe that a measuring device, used for measuring the quantity of water, which was supplied to him or her or installed by the Municipality or its authorised agent, is defective, he or she may, against payment of the prescribed charge, make application in writing for the measuring device to be tested.
- 35.2 The consumer referred to in **Clause 35.1** must lodge a deposit equal to the cost of the test with the Municipality or its authorised agent, prior to the test being undertaken.

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- 35.3 If it is alleged in an appeal that a measuring device is inaccurate, the measuring device must be subjected to a standard industry test to establish its accuracy.
- 35.4 The consumer referred to in **Clause 35.1**, must be informed of the prescribed range of accuracy applicable to the measuring device and the possible cost implications including the estimated cost of such test, prior to such a test being undertaken.
- 35.5 If the outcome of any test shows that a measuring device is:
- within the prescribed range of accuracy for the measuring device, the consumer will be liable for the costs of such test and any other amounts outstanding; or
 - outside the prescribed range of accuracy for the measuring device, the Municipality or its authorised agent will be liable for the costs of such test and the consumer must be informed of the amount of any credit to which he or she is entitled.
- 35.6 Any deposit lodged by a consumer for the testing of a measuring device:
- may be retained by the Municipality or its authorised agent if the measuring device is found not to be defective; or
 - must be refunded to the applicant if the measuring device is found to be defective and the defect is not due to any act or omission of the consumer.
- 35.7 If the measuring device is:
- a meter to which the regulations relating to water meters published under the Trade Metrology Act 77 (1973) are applicable, it will be deemed to be defective if, when tested in accordance with SANS 1529 Part 1 – 1998 or subsequent amendments thereto, 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;
 - a meter of size greater than 100 (one hundred) mm diameter but not exceeding 450 (four hundred and fifty) mm diameter to which the specification referred to in **Sub-clause 35.7 a)** is not applicable, it will be deemed to be defective, when tested in accordance with SANS 1529 Part 4 – 1998 or subsequent amendments thereto, it is found to have a percentage error in over-registration or under-registration greater than permitted for a meter in terms of that specification; or
 - a prepayment measuring system, this shall be deemed to be defective if, when tested in accordance with SANS 1529 Part 9 - 2003, it is found to have a percentage error in over-registration or under-registration greater than that permitted in terms of that specification.
- 35.8 In addition to applying the provisions of **Clause 35.6**, if the measuring device is found to be defective, the Municipality or its authorised agent must -
- repair the measuring device or install another measuring device which is in good working order, without charge to the consumer, unless the costs thereof are recoverable from the consumer due to a contravention of **Clause 35.6**; and
 - determine the quantity of water services for which the consumer will be charged or receive a credit on the basis set out in **Section 38**.
- 35.9 A consumer is entitled, on giving the Municipality or its authorised agent, as the case may be, reasonable notice of his intention, to be present at the testing of any meter in which he is interested.

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- 35.10 Any meter removed for testing by the Municipality or its authorised agent must be retained intact and be available for inspection for a period of 3 (three) months after testing.

36 SPECIAL MEASUREMENT

- 36.1 If the Municipality or its authorised agent wishes, for purposes other than charging for water consumed, to ascertain the quantity of water which is used in a part of a water installation, it may, by written notice, advise the owner of the premises of its intention to install a measuring device at such point in the water installation as it may specify.
- 36.2 The installation of a measuring device referred to in **Clause 36.1**, its removal, and the restoration of the water installation after such removal must be carried out at the expense of the Municipality or its authorised agent.
- 36.3 The provisions of **Section 35** apply insofar as they may be applicable in respect of a measuring device installed in terms of **Clause 36.1**.

37 NO REDUCTION OF AMOUNT PAYABLE FOR WATER WASTED

A consumer is not entitled to a reduction of the amount payable in respect of water wasted or water losses in a water installation.

38 ADJUSTMENT OF QUANTITY OF WATER SUPPLIED THROUGH DEFECTIVE MEASURING DEVICE

- 38.1 If a measuring device is found to be defective, the Municipality or its authorised agent may estimate the quantity of water supplied to the consumer concerned during the period in which, in its opinion, such measuring device was defective, on the basis of the average daily quantity of water supplied to him or her over:
- a) a period between 2 (two) successive measurements subsequent to the replacement of the measuring device; or, if this is not possible;
 - b) a period in the previous year, corresponding to the period in which the measuring device was defective; or, if this is not possible;
 - c) the period between 3 (three) successive measurements prior to the measuring device becoming defective.
- 38.2
- 38.2.1 If the quantity of water supplied to a consumer during the period when his or her measuring device was defective cannot be estimated in terms of **Clause 38.1**, the Municipality or its authorised agent may estimate the quantity.
- 38.2.2 The consumer must be informed of the method used by the Municipality or its authorised agent to estimate the quantity of water supplied to him or her, as contemplated in **Clause 38.1** and **Sub-clause 38.2.1** and given an opportunity to make representations to the Municipality or its authorised agent before a final estimate is derived.

39 APPROVAL OF INSTALLATION WORK

- 39.1 If an owner wishes to have installation work carried out, he or she must first obtain the written approval of the Municipality or its authorised agent; provided that approval is not required in the case of water installations in accommodation units or installations

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where no fire installation is required in terms of SANS 0400 or in terms of any Municipal by-laws, or for the repair or replacement of an existing pipe or water fitting.

- 39.2 If any of the installation work falls to be governed by the EIA Regulations, then the owner must ensure compliance and obtain the relevant authorisation in respect thereof.
- 39.3 Application for the approval referred to in **Clause 39.1** must be made in writing and include:
- a) the prescribed fees, if applicable;
 - b) copies of the drawings as prescribed by the Municipality or its authorised agent, reflecting the information and in the form required by Clause 4.1.1 of SANS Code 10252 : Part I or subsequent amendments thereto; and
 - c) a certificate from a professional engineer or qualified plumber certifying that the installation has been designed in accordance with SANS Code 10252 : Part I or subsequent amendments thereto or has been designed on another rational basis.
- 39.4 The provisions of **Clauses 39.1, 39.2 and 39.3** do not apply to a qualified plumber who replaces a fixed water heater or its associated protective devices.
- 39.5 Any authority given in terms of **Clause 39.1** lapses at the expiry of a period of 24 (twenty-four) months after the first day of the month succeeding the month in which the authority is given.
- 39.6 A complete set of approved drawings of installation work must be available at the site of the work at all times until such work has been completed, where approval is required in terms of **Clause 39.1**.
- 39.7 If installation work has been done in contravention of **Clauses 39.1, 39.2 and 39.3** a designated officer may, subject to the provisions of **Chapter 4**, issue an enforcement notice requiring the owner of the premises concerned -
- a) to comply with these By-laws within a specified period;
 - b) if the work is still in progress, to cease the work; and
 - c) to remove all such work as does not comply with these By-laws.

40 PERSONS PERMITTED TO DO INSTALLATION AND OTHER WORK

- 40.1 No person who is not a qualified plumber may be permitted to:
- a) do any installation work other than the replacement or repair of an existing pipe or water fitting;
 - b) replace a fixed water heater or its associated protective devices;
 - c) inspect, disinfect or test a water installation, fire installation or storage tank;
 - d) service, repair or replace a back flow preventer; or
 - e) install, maintain or replace a meter provided by an owner in a water installation.
- 40.2 No person may require or engage a person who is not a qualified plumber to do the work referred to in **Clause 40.1**.

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- 40.3 Despite the provisions of **Clause 40.1**, the Municipality or its authorised agent may permit a person who is not a qualified plumber to do installation work on his or her own behalf on premises owned and occupied solely by himself or herself and his or her immediate household, provided that such work may be required to be inspected and approved by a qualified plumber at the direction of the Municipality or its authorised agent.

41 PROVISION AND MAINTENANCE OF A WATER INSTALLATION

- 41.1 An owner must provide and maintain his or her water installation at his or her own cost and except where permitted in terms of these By-laws, must ensure that the installation is situated within the boundary of his or her premises.
- 41.2 Before undertaking work in connection with the maintenance of a portion of his water installation, which is situated outside the boundary of his premises, an owner must obtain the written consent of the Municipality or its authorised agent or the owner of the land on which such portion is situated, as the case may be.

42 TECHNICAL REQUIREMENTS FOR A WATER INSTALLATION

- 42.1 Notwithstanding the requirement that a certificate be issued in terms of **Sub-clause 39.3 c)**, all water installations must comply with SANS 10252 Part 1 and all fixed electrical storage water heaters must comply with SANS 10254 or subsequent amendments thereto.
- 42.2 In addition to any requirement of SANS 10252 Part 1 or subsequent amendments thereto, the consumer must, at his or her own expense, or the Municipality or its authorised agent may in its discretion and at the consumer's expense, and for the consumer's exclusive use, provide and install a stop-cock at a suitable point inside the boundary of the premises on the consumer's side of the meter leading to the water installation.

43 USE OF PIPES AND WATER FITTINGS TO BE AUTHORISED

- 43.1 No person may, without the prior written authority of the Municipality or its authorised agent, install or use a pipe or water fitting in a water installation within the Municipality's or its authorised agent's area of jurisdiction unless it is of a type that is included in the Schedule of Approved Pipes and Fittings as compiled by the Municipality or its authorised agent.
- 43.2 Application for the inclusion of a type of pipe or water fitting in the schedule referred to in **Clause 43.1** must be made on the form prescribed by the Municipality or its authorised agent and be accompanied by the prescribed charge.
- 43.3 A type of pipe or water fitting may be included in the Schedule referred to in **Clause 43.1** if:
- a) it bears the standardisation mark of the South African Bureau of Standards (SABS) or Standards South Africa (STANSA) in respect of the relevant SABS or SANS specification issued by STANSA;
 - b) it bears a certification mark issued by STANSA to certify that the type of pipe or water fitting complies with a SABS or a SANS Mark specification or a provisional

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- specification issued by STANSA, provided that no certification marks shall be regarded as valid if issued more than 2 (two) years previously; or
- c) it has been included in the approved list of water installation components by the Joint Acceptance Scheme for Water Services Installation Components (JASWIC).

43.4 The Municipality or its authorised agent may, in respect of any type of pipe or water fitting included in the schedule referred to in **Clause 43.1**, impose such additional conditions, as it may deem necessary in respect of the use or method of installation thereof.

43.5 A type of pipe or water fitting may be removed from the schedule referred to in **Clause 43.1** if it:

- a) no longer complies with the criteria upon which its inclusion was based; or
- b) is no longer suitable for the purpose for which its use was accepted.

43.6 The current schedule referred to in **Clause 43.1** must be available for inspection at the office of the Municipality or its authorised agent at any time during working hours.

43.7 The Municipality or its authorised agent may sell copies of the current schedule referred to in **Clause 43.1** at the prescribed fee.

44 UNLAWFUL WATER INSTALLATION WORK

Where any water installation has been constructed in contravention of the provisions of these By-laws, the owner must on receiving a compliance notice from the Municipality, carry out such alterations to the water installation as prescribed in the notice.

45 OWNER TO PREVENT POLLUTION OF WATER

45.1 An owner must provide and maintain measures approved by the Municipality or its authorised agent to prevent the entry of any substance or matter, which may be a danger to health or may adversely affect the potability of water or affect its fitness for use, or which will have a significant detrimental effect on the general quality of water supplied by the Municipality or its authorised agent and to be consumed by the owner or others, into

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

45.2 The Municipality may by written notice require an owner to employ a registered contractor at his own cost to:

- a) test his water installation in accordance with the requirements of SANS 241; and/or
- b) disinfect his water installation such that the use of such water does not or will not constitute a danger to health.

46 PROTECTION OF WATER SUPPLY SYSTEM

46.1 The owner must take any of the measures referred to in **Clause 46.2** to prevent the backflow of water from the water installation to the water supply system in the case of:

- a) a fire extinguishing or combined installation on premises;
- b) a general installation serving the following activities-

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- (1) medical treatment of people or animals;
 - (2) medical, pharmaceutical or chemical research and manufacturing;
 - (3) agriculture, including dairies and nurseries;
 - (4) photographic processing;
 - (5) laundering and dry cleaning;
 - (6) metal plating;
 - (7) treatment of skins and hides;
 - c) a general installation serving –
 - (1) mortuaries;
 - (2) abattoirs;
 - (3) trade/industrial effluent treatment plants;
 - (4) refuse processing plants;
 - (5) oil processing and storage facilities;
 - (6) wineries, distillers, breweries, yeast and soft drink factories;
 - (7) sports facilities; or
 - (8) any other premises on which an activity is carried out which in the opinion of the Municipality or its authorised agent is likely to cause a danger to health or affect the potability of water in the event of a substance resulting from such activity entering the water supply system; and
 - d) a general installation on any premises after the owner receives a compliance notice from the Municipality or its authorised agent to do so.
- 46.2 The measures required in terms of **Clause 46.1** 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 –
 - (1) a reduced pressure backflow preventer; or
 - (2) a double check backflow preventer; or
 - c) any other measures approved by the Municipality or its authorised agent which achieve the same purpose.

47 DESIGN AND INSTALLATION OF BACKFLOW PREVENTER

A backflow preventer contemplated in **Section 46** must be designed and installed in accordance with the requirements of SANS 10252 Part 1 or subsequent amendments thereto.

48 INSPECTION AND SERVICING OF BACKFLOW PREVENTER

- 48.1 The owner of premises on which a reduced pressure or double check backflow preventer is installed must, at his own expense, cause the backflow preventer to be:
- a) inspected and serviced not less than once in every 12 (twelve) months to ensure that it is in working order; and
 - b) replaced or completely overhauled once in every 5 (five) years.
- 48.2 The owner shall maintain a record of the inspections and services referred to in **Clause 48.1** in which it shall be recorded:
- a) the name and address of the contractor who carried out the servicing;
 - b) the date on which the work was done; and
 - c) the details of the repairs or replacements that were affected.
- 48.3 The record of inspections shall be kept available for inspection by the Municipality or its authorised agent.

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49 PROTECTION OF WATER INSTALLATIONS

The owner of any premises must prevent back siphonage into his or her water installation of any substance which is likely to cause a danger to health or affect the potability of water, in the case of:

- a) a terminal water fitting which is so designed that a hose or other flexible pipe is or can be attached to it, which shall include a hose bibcock, a laboratory tap, and a movable shower unit;
- b) a fire hose-reel in a combined installation;
- c) an underground irrigation system; or
- d) any other fitting which may provide contact between polluted water and the water installation.

50 WATER RESTRICTIONS

- 50.1 Whenever there is a scarcity of water available for distribution and supply to consumers, the Municipality or its authorised agent may prohibit or restrict the use of water under its control or management, as contemplated in Section 38A of the Local Government Ordinance 17 (1939).
- 50.2 Whenever it acts in terms of **Clause 50.1**, the Municipality or its authorised agent must cause a notice of the resolution taken in terms of section 83A of the Local Government Ordinance 17 (1939), to be published in one or more local newspapers, in two of the official languages.
- 50.3 Notwithstanding the provisions of **Clauses 50.1** and **50.2**, should an emergency arise in relation to the availability of water for distribution and supply to its consumers, and immediate steps are necessary to avert or remedy any actual or potential consequences of such emergency, the municipality or its authorised agent may take steps contemplated in section 83A of the Local Government Ordinance 17 (1939), without taking the resolution contemplated in that section.

51 WASTE OF WATER UNLAWFUL

51.1 No consumer may permit:

- a) the purposeless or wasteful discharge of water from terminal water fittings;
- b) pipes or water fittings forming part of a water installation to leak;
- c) the use of maladjusted or defective water fittings in a water installation;
- d) an overflow of water from a water installation to persist; or
- e) an inefficient use of water to persist.

51.2 An owner must repair or replace any part of his or her water installation which is in such a state of disrepair that it is either causing or is likely to cause an occurrence listed in **Clause 51.1**.

51.3 If an owner fails to take measures to eliminate the purposeless or wasteful discharge of water from terminal water fittings or an inefficient use of water as contemplated in **Clause 51.1** or to repair or replace part of his or her water installation as contemplated in **Clause 51.2**, an enforcement officer may issue an enforcement notice in connection therewith.

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- 51.4 Every consumer must ensure that any equipment or plant connected to his or her water installation uses water in an efficient manner.

52 PROHIBITION OF USE OF CERTAIN EQUIPMENT IN A WATER INSTALLATION

The Municipality or its authorised agent may, by written notice, prohibit the use by a consumer of any equipment in a water installation if, in its opinion, its use of water is inefficient. Such equipment shall not be returned to use until its efficiency has been restored and a written application to do so has been approved by the Municipality or its authorised agent.

53 WATER DEMAND MANAGEMENT

- 53.1 Despite the provisions of **Clause 53.2**, no flushing urinal that is not user-activated may be installed or continue to operate as part of any water installation.
- 53.2 All flushing urinals that are not user-activated installed prior to the commencement of these By-laws must be converted to user-activated urinals within 3 (three) years of the adoption of these By-laws.
- 53.3 Any commercially operated vehicle washing facility or commercial laundry facility constructed after the adoption of these By-laws must be constructed and operated in such a manner that 50% (fifty percent) or more of the water used by such facility is recycled for re-use in the facility.
- 53.4 No cistern designed to operate with a toilet pan, may be installed if it has a capacity greater than 9 (nine) litres.
- 53.5 The maximum flow rate through any tap on a wash hand basin must not exceed 8 (eight) litres per minute.
- 53.6 Any owner or consumer whose duty it is in terms of these By-laws to comply with any of the provisions thereof and who fails to comply is guilty of an offence; provided that no offence is committed if the owner or consumer complies with the requirements of an enforcement notice within the period stipulated in such notice.

54 WATER AUDIT

- 54.1 Consumers using more than 3 650 (three thousand six hundred and fifty) kℓ per annum, excluding those comprising multiple dwelling units, must within 1 (one) month after the end of each financial year of the Municipality or its authorised agent undertake an annual water audit at their own cost.
- 54.2 A copy of the audit must be available for inspection by officials from the Department of Water Affairs and Forestry and Rand Water (or their successors in title) as well as by the Municipality or its authorised agent.
- 54.3 The audit must contain details in respect of:
- a) the amount of water used during the financial year in question;
 - b) the amount paid for water for the financial year in question;
 - c) the number of people living on the premises, if applicable;
 - d) the number of people permanently working on the premises;
 - e) the seasonal variation in demand through monthly consumption figures;

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- f) the water pollution monitoring methods, if any;
- g) the current initiatives to manage demand for water;
- h) the future plans to manage the demand for water on the premises;
- i) estimates of consumption by various components of use;
- j) a comparison of the above factors with those reported in each of the previous 3 (three) years, where available; and be
- k) generally in compliance with the principles as contained in Section 2 of the NEMA and Section 4 of the Act.

55 NOTIFICATION OF BOREHOLES

55.1 The Municipality or its authorised agent may, by public notice, require:

- a) the owner of any premises within the area of jurisdiction of the Municipality upon which a borehole exists or, if the owner is not in occupation of such premises, the occupier thereof, to notify it on the prescribed form of the existence of a borehole on such premises, and provide it with such information in respect thereof as it may require;
- b) the owner or occupier of any premises who intends to sink a borehole on such premises to notify it on the prescribed form of such intention before work in connection therewith is commenced, and to obtain any other authorisations in terms of the EIA Regulations or any other law, if applicable; and
- c) the owner or occupier of any premises who intends to sink a borehole on such premises to undertake an environmental impact assessment for such intended borehole, to the satisfaction of the Municipality or its authorised agent, before being permitted to sink the borehole.

55.2 Every owner or occupier intending to sink or to operate a borehole must indemnify the Municipality and its authorised agent against any damages that may result howsoever arising as a consequence of the sinking or operation of the borehole.

55.3 The Municipality or its authorised agent may by notice to an owner or occupier or by public notice require owners and occupiers who have existing boreholes used for water services to:

- a) obtain approval from it for the use of a borehole for water services in accordance with Sections 6, 7 and 22 of the Act;
- b) comply with any conditions imposed, either generally or specially, in respect of the use of a borehole for water services; and
- c) pay a fixed charge in respect of the use of such a borehole.

56 USE OF WATER FROM SOURCES OTHER THAN THE WATER SUPPLY SYSTEM

56.1 Except with the prior consent of the Municipality or its authorised agent, no person may use or permit the use of water obtained from a source other than the water supply system, other than rain water tanks which are not connected to the water installation, and in accordance with such conditions as the entity concerned may impose, for domestic purposes, commercial purposes or industrial purposes, and except with the approval of any other authority required by any law.

56.2 Any person requiring the consent referred to in **Clause 56.1** must, at his or her own cost, provide the Municipality or its authorised agent with proof to its satisfaction that the water used for human consumption complies or will comply with the requirements of SANS 241: 1999 (Fourth Edition): Drinking Water or any revision or substitution thereof and any other requirement contained in these By-laws or any other law

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applicable to the consumption of water or that the use of such water does not or will not constitute a danger to health or to the environment.

- 56.3 Any consent given in terms of **Clause 56.1** may be withdrawn if, in the opinion of the Municipality or its authorised agent -
- a) a condition imposed in terms of the laws referred to in **Clause 56.2** are breached; or
 - b) the water no longer conforms to the requirements referred to in **Clause 56.2**.
- 56.4 If water obtained from a borehole or other source of supply on any premises is used for a purpose which gives rise to the discharge of such water or a portion thereof into the wastewater disposal system, the Municipality or its authorised agent must install a meter and any necessary monitoring equipment in the pipe leading from such borehole or other source of supply to the point or points where the water is so used.
- 56.5 The provisions of **Section 32** must apply insofar as they may be applicable in respect of any meter referred to in **Clause 56.4**.

57 SAMPLING OF WATER

- 57.1 The Municipality or its authorised agent may take samples of water obtained from a source other than the water supply system and cause the samples to be tested for compliance with the requirements referred to in **Section 30**.
- 57.2 The prescribed charge for the taking and testing of the samples referred to in **Clause 57.1** must be paid by the person to whom approval to use the water for potable water was granted.

58 TESTING OF PRESSURE IN WATER SUPPLY SYSTEMS

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

59 PIPES IN STREETS OR PUBLIC PLACES

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 or its authorised agent, except with the prior written permission of the Municipality or its authorised agent and subject to such conditions as may be imposed by the entity granting permission.

60 SPECIAL PROVISIONS FOR FIRE SERVICES

- 60.1 Any water installation for the provision of water for fire extinguishing purposes, must comply with the provisions of SANS 10252-1:1994 or any revision or substitution thereof.
- 60.2 Notwithstanding the provisions of **Clause 60.1**, the special provisions contained in **Sections 54 to 66** inclusive apply, insofar as they are applicable to the supply of water for fire extinguishing purposes.

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61 PAYMENT FOR FIRE SERVICES

The consumer and the owner of the premises are jointly and severally liable to pay the charges determined by the Municipality or its authorised agent, in respect of any fire installation or appliance used or installed upon such premises.

62 DUAL AND COMBINED INSTALLATIONS

Any new building erected, refurbished or reconstructed after the adoption of these By-laws must comply with the following requirements in relation to the provision of fire extinguishing services:

- a) if, in the opinion of any officer or employee of the Municipality or its authorised agent charged with the approval of plans, boosting of the fire installation is required, either in terms of ensuring adequate pressure or supply of water for the purposes which the fire installation is intended to meet, a dual pipe installation must be used, with one pipe installation for fire extinguishing purposes and the other pipe installation for general domestic purposes or commercial purposes or industrial purposes;
- b) combined installations, in which the same pipes and fittings are used for fire extinguishing and general domestic purposes or commercial purposes or industrial purposes, are only permitted where no booster pumping connection is provided on the water installation;
- c) in the circumstances contemplated in **Sub-clause 62 b)**, a fire hydrant must be provided by the Municipality or its authorised agent, at the consumer's expense, within 90 (ninety) m of the premises to provide a source of water for the use of the crew of any fire tender sent to extinguish a fire; and
- d) all pipes and fittings must be capable of handling pressures in excess of 1000 (one thousand) kPa (100 (one hundred) m), which could be expected when boosting takes place and must be designed to maintain their integrity when exposed to fire conditions.

63 CONNECTION PIPES FOR FIRE EXTINGUISHING SERVICES

- 63.1 The Municipality or its authorised agent may provide a single connection to the water supply system, to serve a connection pipe for a fire installation.
- 63.2 The Municipality or its authorised agent may provide and install at its cost a combination meter on the connection pipe referred to in **Clause 63.1**.
- 63.3 Where, prior to the adoption of these By-laws, connection pipes have been provided for the sole purpose of fire extinguishing services, such connection pipes may only be used for that purpose.
- 63.4 No take-off of any kind from any connection pipe referred to in **Clause 63.3** may be made nor may any water therefrom be used except in connection with automatic sprinklers and drenchers, hydrant connections or hose-reel connections or for any pressure tank connection therewith, and such tank must be controlled by an approved fitting.
- 63.5 A separate connection pipe must be laid and used for every fire sprinkler extinguishing system unless otherwise approved.

64 VALVES IN CONNECTION PIPES

Every connection pipe must be fitted with a proper valve, which must be:

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- a) supplied by the Municipality or its authorised agent at the expense of the consumer;
- b) installed between the consumer's premises and the main;
- c) of the same diameter as the connection pipe; and
- d) installed in such position as may be specified by the Municipality or its authorised agent.

65 COMMISSIONING AND APPROVAL OF FIRE INSTALLATION

No water may be supplied to any fire installation until:

- a) it has been inspected and tested by the Municipality or its authorised agent;
- b) the Municipality or its authorised agent has certified in writing that such water installation is complete and complies with the requirements of these By-laws; and
- c) the fees determined by the Municipality or its authorised agent for such inspection and testing have been paid.

66 REGULAR INSPECTION AND MAINTENANCE OF FIRE INSTALLATION

66.1 The owner of a premises at which a fire installation is installed is required at his, her or its own expense to:

- a) commission an inspection and pressure test not less than once in every 12 (twelve) month period; and
- b) maintain a permanent record of all inspections carried out in which the registered contractor who completed the work shall record -
 - (1) his name, address and registration number;
 - (2) the date on which such work was done; and
 - (3) details of repairs and replacements that were affected.

66.2 The record referred to in **Sub-clause 66.1 b)** shall be available for inspection by the Municipality or its authorised agent.

67 CONNECTION TO BE AT THE PLEASURE OF THE MUNICIPALITY OR ITS AUTHORISED AGENT

67.1 The Municipality or its authorised agent is entitled, in its absolute discretion, to grant or refuse an application for the connection of a fire installation to its main.

67.2 If in its opinion a fire installation which it has allowed to be connected to its main is not being kept in proper working order or is otherwise not being properly maintained, the Municipality or its authorised agent is entitled either to require the installation to be disconnected from the main or itself to carry out the work of disconnecting it at the expense of the owner or consumer, as the case may be.

67.3 If water from a fire installation has been used in contravention of **Clause 63.3** or **Clause 63.4** for any purposes other than fire extinguishing, and associated maintenance, the Municipality or its authorised agent may at its discretion apply a penalty to the offending party as prescribed in the tariffs.

68 METERS IN FIRE INSTALLATION CONNECTION PIPES

The Municipality or its authorised agent, is entitled to install a water meter in any connection pipe used solely for fire extinguishing purposes and the consumer and the owner of the premises will be jointly and severally liable for the whole of the cost of so doing if it appears

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to the Municipality or its authorised agent that water has been drawn from the pipe otherwise than for the purpose of extinguishing a fire.

69 SPRINKLER FIRE INSTALLATION

A sprinkler fire installation may be installed in direct communication with the main, but the Municipality or its authorised agent is not bound to guarantee any specified water pressure or water quantity at any time.

70 HEADER TANK OR DOUBLE SUPPLY FROM MAIN

70.1 Unless a sprinkler fire installation is provided with a duplicate or reserve supply from a separate main, the consumer must install a header tank on or in the building or structure at such elevation as will compensate for any failure or reduction of pressure in the Municipality's main.

70.2 The main pipe leading from such header tank to the sprinkler fire installation may be in direct communication with the main from which the principal supply of water is drawn, provided that such main pipe must be equipped by the consumer with a reflux valve which, if the pressure in the main fails or is reduced for any reason, will shut off the opening to the main.

70.3 Where a sprinkler fire installation is provided with a duplicate or reserve supply from a separate main each supply pipe must be equipped with a reflux valve situated within the premises at the expense of the consumer.

71 SEALING OF PRIVATE FIRE HYDRANTS

71.1 Except in the case of a combined system with a combination meter, all private hydrants and hose-reels must be sealed by the Municipality or its authorised agent and such seals may not be broken by any person other than the Municipality or its authorised agent in the course of servicing and testing, except for the purposes of opening the hydrant or hose-reel in the case of fire.

71.2 Every owner or consumer must give the Municipality or its authorised agent at least 48 (forty eight) hours' notice of his or her intention to cause a fire installation to be serviced and tested.

71.3 The cost of resealing such hydrants and hose-reels must be borne by the consumer except when such seals are broken by the Municipality's or its authorised agent's officers for testing purposes.

71.4 Any water consumed after the breaking of the seal, other than in the course of testing by the Municipality or its authorised agent, or in the course of extinguishing a fire, must be paid for by the consumer at the charges determined by the Municipality or its authorised agent, for domestic purposes.

71.5 The quantity of water consumed as contemplated in **Clause 71.4** must be determined by the Municipality or its authorised agent.

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72.1A storage tank shall be supplied for the following categories of premises:

- a) hospitals, clinics, nursing homes, old-age homes and other buildings from which the occupants cannot readily be removed in the event of an interruption of water supply;
- b) educational institutions;
- c) multiple dwelling units exceeding 3 (three) storeys;
- d) accommodation units including hotels, boarding houses and hostels; and
- e) premises used for commercial purposes, including offices and shops.

72.2 The capacity of storage for the tanks required by Clause 72.1 is as follows:

- a) 500 (five hundred) litres for every bed which the building is designed to accommodate for the premises described in **Sub-clause 72.1 a)**
- b) 10 (ten) litres for every person for whom the building is designed to accommodate for the premises described in **Sub-clause 72.1 b)**;
- c) 300 (three hundred) litres per dwelling unit for the premises described in **Sub-clause 72.1 c)**;
- d) 200 (two hundred) litres for every person whom the building is designed to accommodate for the premises described in **Sub-clauses 72.1 d) and e)**;
- e) 15 (fifteen) litres for every 10 (ten) square metres of gross floor area for the premises described in **Sub-clause 72.1 e)**.

73 STORAGE TANKS HAVING A CAPACITY OF MORE THAN 10 KILOLITRES

73.1 A storage tank having a capacity of more than 10 (ten) kilolitres shall be installed in such a position that its exterior and interior can readily be inspected, cleaned and maintained.

73.2 A tank referred to in **Clause 73.1** shall have no opening to the atmosphere under operating conditions other than the overflow pipe referred to in **Clause 73.5** and suitable protected vent.

73.3 The vertical distance between the discharge point of an inlet pipe to a storage tank, and the top of an overflow pipe from the tank shall be not less than 50 (fifty) mm or twice the internal diameter of the inlet pipe, whichever is the greater: provided that the vertical distance shall not exceed 150 (one hundred and fifty) mm.

73.4 The vertical distance between the bottom of an overflow pipe from a tank and the operating water level in the tank shall be not less than 50 (fifty) mm.

73.5 An overflow pipe from a storage tank shall:

- a) have a discharge capacity of not less than that of the inlet pipe serving the tank without the inlet becoming submerged;
- b) discharge through an air gap of not less than twice the internal diameter of the pipe into a drain pipe; and
- c) be protected against the entry of insects, animals and other sources of pollution.

73.6 An outlet pipe from a storage tank shall be so situated that water cannot be drawn off from such tank below a point less than 50 (fifty) mm above the internal floor thereof.

73.7 A storage tank shall be provided with a scour pipe so situated that all the water in the tank can be drained through the scour pipe.

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- 73.8 The inlet of water to a storage tank shall be controlled by means of a control valve installed outside the tank in the inlet pipe.
- 73.9 A device approved by the Municipality, shall be installed to detect an overflow condition.
- 73.10 Access to the interior of a storage tank shall be through the side of the tank or in a position approved by the Municipality or its authorised agent by means of an opening which shall be:
- a) of a size and shape which may be circumscribed by a circle having a diameter of not less than 600 (six hundred) mm; and
 - b) located below the operating level of the tank, unless otherwise agreed to by the Municipality or its authorised agent.
- 73.11 If provision is made for the storage of water in a building, the storage tank serving the building shall be divided into 2 (two) self contained compartments, each of which shall comply with the relevant provisions of these By-laws except those regarding capacity. The compartments shall be so arranged that each may be shut down for maintenance and cleaning purposes without causing an interruption to the supply of water to the water installation: provided that the storage may take the form of separate tanks, each complying with the provisions of these By-laws.
- 73.12 The Municipality may by written notice require the owner to install a sampling tap in a tank storing water for potable purposes, situated at a point not more than 150 (one hundred and fifty) mm or less than 50 (fifty) mm above the internal floor of the tank.
- 73.13 If a tank serves both a general installation and a fire installation the operation of the tank shall be so designed as to ensure that the portion of the contents of the tank which is reserved for the fire installation cannot become stagnant.

74 INSPECTION AND MAINTENANCE OF STORAGE TANKS AND INLET CONTROL VALVES

- 74.1 The owner of premises on which the storage tank having a capacity of more than 2 (two) kilolitres is installed shall, not less than once in every 5 (five) years, cause such tank to be drained, inspected, repaired or replaced and disinfected by a registered contractor.
- 74.2 Notwithstanding the provisions of **Clause 74.1**:
- a) the Municipality or its authorised agent may, if it deems that the water in a storage tank or in the water installation served by the storage tank is unsuitable for use, by written notice require the owner or consumer to cause the tank to be drained forthwith and inspected; and
 - b) if a tank becomes submerged, or in any way subjected to a condition which could cause the contents thereof to become polluted, the owner or consumer shall forthwith cause the tank to be drained and inspected.
- 74.3 Before the tank referred to in **Clause 74.2** is returned to use it shall be cleaned and the water installation served by it disinfected.
- 74.4 The inlet control valve referred to in **Clause 73.8** and overflow device referred to in **Clause 73.9** shall be inspected and serviced not less than once in every 12 (twelve) months.

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- 74.5 The owner or consumer shall maintain a permanent record of all inspections carried out in which the registered contractor who completed the work shall record:
- a) his name, address and registration number;
 - b) the date on which such work was done; and
 - c) details of repairs and replacements that were affected.

- 74.6 The record referred to on **Clause 74.5** shall be available for inspection by the Municipality or its authorised agent.

75 STORAGE TANKS HAVING A CAPACITY OF 2 KILOLITRES OR LESS

- 75.1 A storage tank having a capacity of 2 (two) kilolitres or less shall be installed in such a position that:
- a) its exterior and interior can be readily inspected; and
 - b) it can be cleaned internally.
- 75.2 The provisions of **Clauses 73.3, 73.4 and 73.6** shall apply in respect of the positions of the inlet, overflow and outlet pipes serving a storage tank.
- 75.3 An overflow pipe from a storage tank shall:
- a) have a discharge capacity of not less than that of the inlet pipe serving the tank without the inlet becoming submerged;
 - b) slope downwards towards its outlet and discharge in a position where discharge of water through it can be readily seen; and
 - c) be protected against the entry of insects, animals and other sources of pollution.
- 75.4 Access to the interior of a storage tank shall be achieved in such a manner that it is not possible to refill and return the tank to use until the access has been closed.

76 PUMPING OF WATER

- 76.1 Except water for fire extinguishing purposes taken through a pumping connection, if water is to be pumped from the water supply system, it shall be pumped from a storage tank which is fed by gravity from the main.
- 76.2 The owner or consumer shall provide pumping facilities, with at least 2 (two) pumpsets of such size that any one of them is capable of delivering the required flow of water.
- 76.3 The owner or consumer shall ensure that each pumpset referred to in **Clause 76.2** can be selected for duty at any time.
- 76.4 Each pumpset referred to in **Clause 76.2** shall include:
- a) protection against low water pressure in its suction pipe;
 - b) an isolating valve, installed on each side of the pump; and
 - c) a non-return valve installed in the outlet pipe from the pump and situated between the pump and the isolating valve referred to in **Sub-clause 76.4 b)**.

77 PUMPING CONNECTIONS

The pipe which serves a hydrant and hose-reel installation shall be provided with a twin pumping connection.

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78 EMERGENCY SUPPLY CONNECTIONS TO INSTALLATIONS SERVING ACCOMMODATION UNITS

- 78.1 A pumping connection fitted with a coupling of a size and type specified by the Municipality or its authorised agent shall be provided in the pipe serving the storage tank in an accommodation unit, such as a hospital, clinic, nursing home, old-age home and other building from which the occupants cannot readily be removed, for use in the event of an interruption of water supply.
- 78.2 A non-return valve shall be installed immediately upstream of the connection referred to in **Clause 78.1**.
- 78.3 The connection referred to in **Clause 78.1** shall be situated in a readily accessible position outside the building at a height of not more than 1 (one) metre above finished ground level.

79 PREVENTION OF PRESSURE SURGES

No person shall connect to a water installation, a water fitting or apparatus, which causes or is likely to cause damage to the water supply system or another water installation, as a result of pressure surges.

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CHAPTER 3: SANITATION SERVICES

80 STANDARDS FOR SANITATION SERVICES

Sanitation services provided by the Municipality or its authorised agent must comply with the minimum standards set for the provision of sanitation services in terms of Section 9 of the Act.

81 OBJECTIONABLE DISCHARGE TO WASTEWATER DISPOSAL SYSTEM

- 81.1 No person may discharge, or cause or permit the discharge or entry into any sewer of any sewage, trade/industrial effluent or other liquid or substance which:
- a) in the opinion of the Municipality or its authorised agent may be offensive to or may cause a nuisance to the public;
 - b) is in the form of steam or vapour or has a temperature exceeding 44 (forty four) degrees Celsius at the point where it enters the sewer;
 - c) has a pH value less than 6.0 (six) or greater than 10.0 (ten);
 - d) contains any substance of whatsoever nature likely to produce or give off explosive, flammable, poisonous or offensive gases or vapours in any sewer;
 - e) contains any substance having an open flashpoint of less than 93 (ninety three) degrees Celsius or which gives off a poisonous vapour at a temperature below 93 (ninety three) degrees Celsius;
 - f) contains any material of whatsoever nature, including oil, grease, fat or detergents capable of causing an obstruction to the flow in sewers, to drains or interference with the proper operation of a wastewater disposal system or wastewater treatment works;
 - g) shows any visible signs of tar or associated products or distillates, bitumen or asphalt;
 - h) may inhibit the unrestricted conveyance of sewage or wastewater through the wastewater disposal system;
 - i) contains any substance in such concentration that, in the opinion of the Municipality or its authorised agent, is likely to produce an undesirable taste after chlorination or an undesirable odour or colour, or produce excessive foam in the final effluent from any wastewater treatment works;
 - j) exceeds any of the limits or concentrations of substances as listed in **Annexure B** to these By-laws; provided that the Municipality or its authorised agent may approve such greater limits of concentrations for such periods or on such conditions as it may specify after consideration of the effect of dilution in the sewer and of the effect of such substance on the sewer or any sewage or wastewater treatment process if the Municipality or its authorised agent is satisfied in the circumstances the discharge of such substance may not:
 - (1) harm or damage any sewer, mechanical appliance, wastewater treatment works or equipment; or
 - (2) prejudice the use of sewage or effluent for re-use; or
 - (3) adversely affect any waters into which treated wastewater is discharged, or any land or crops irrigated with the final effluent or treated wastewater;
 - k) will or, in the opinion of the Municipality or its authorised agent may, otherwise cause damage or harm to the health or safety of any person or damage or harm to the environment; provided that in cases where the Municipality or its authorised agent is satisfied that adequate protective measures can be taken, a higher maximum limit may be permitted; and/or
 - l) contains any substance of whatsoever nature which in the opinion of the Municipality or its authorised agent:

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- (1) is not amenable to treatment at the wastewater treatment works, or which causes or may cause a breakdown or inhibition of the normal wastewater treatment processes; or
- (2) is of such nature as is or may be amenable to treatment only to such degree as to result in the final effluent from the wastewater treatment works not complying in all respects with any requirements imposed in terms of the NWA; or
- (3) whether listed in **Annexure B** of these By-laws or not, either alone or in combination with other matters may -
 - generate or constitute a toxic substance dangerous to the health of persons employed at the wastewater treatment works or entering the Municipality's sewers or manholes in the course of their duties; or
 - adversely affect the mechanical equipment of the wastewater treatment works or the land used for the disposal of final effluent or treated wastewater or sludge emanating from a wastewater treatment works; or
 - adversely affect any of the processes whereby wastewater is treated or wherein any use of final effluent or treated wastewater or sludge emanating from wastewater treatment works is permitted.

81.2 No person may cause or permit any solid, liquid or gaseous substance, other than stormwater to enter –

- a) any stormwater drain, stormwater conduit or excavated or constructed watercourse;
- b) any river, stream, or natural watercourse or any public water, whether ordinarily dry or otherwise, except in accordance with the provisions of the NWA; or
- c) any street or premises.

81.3 Any person receiving from an enforcement officer an enforcement notice instructing him or her to stop the discharge to the sewer of any substance referred to in **Clause 81.1** must forthwith stop or procure the stopping of such discharge. Should the owner or occupier fail to comply with the terms of a compliance notice issued in terms of **Section 130**, the Municipality or its authorised agent may forthwith proceed in terms of **Section 99**.

81.4 An enforcement officer may issue an enforcement notice requiring the owner or occupier to conduct, at his or her cost, periodic expert inspections of the premises in order to identify precautionary measures, which would ensure compliance with these By-laws, and to report such findings to an authorised agent.

81.5 If any person contravenes any provision of **Clause 81.1**, he or she must within 12 (twelve) hours, or earlier if possible, notify the Municipality or its authorised agent of the details of the contravention and the reason for it.

82 APPLICATION FOR INFRASTRUCTURE

82.1 If an agreement for on-site sanitation and associated services has been concluded in accordance with **Section 6** and no infrastructure in connection therewith exists on the premises, the applicant must immediately make application for the installation thereof on the prescribed form and -

- a) pay the prescribed charge for the installation of the necessary infrastructure; or

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- b) with the approval of the Municipality or its authorised agent install on-site sanitation services in accordance with the specifications of the Municipality or its authorised agent at the applicant's or the owner's own cost.

- 82.2 In approving an application for the installation of infrastructure, the Municipality or its authorised agent may specify the type of on-site sanitation services to be installed.

83 SEPTIC TANKS AND TREATMENT PLANTS

- 83.1 No person may construct, install, maintain or operate any septic tank or other plant for the treatment, disposal or storage of sewage or effluent without the prior written consent of the Municipality or its authorised agent. Such consent may be subject to any of the provisions of these By-laws, any other relevant by-laws of the Municipality, or any other law.

- 83.2 The requirements for the removal and handling of any sewage sludge will be in accordance with **Clauses 85.3, 85.4, 85.5 and 85.6** and shall be in accordance with the relevant health by-laws and laws at the owners own costs.

84 FRENCH DRAINS

The Municipality or its authorised agent may, at its discretion and on such conditions as it may prescribe, having regard to the quantity and nature of the sewage or effluent and the nature of the geology and permeability of the soil, permit the disposal of sewage or effluent by means of French drains, soakage pits or other approved works.

85 CONSERVANCY TANKS

- 85.1 The Municipality or its authorised agent may at its discretion permit the owner of any premises to construct a conservancy tank and ancillary appliances for the retention of such sewage or effluent as it may decide and such tank and appliances must be of such capacity, constructed of such materials and located in such position and at such level as the Municipality or its authorised agent may prescribe.
- 85.2 No rainwater, soilwater or stormwater, and no sewage or effluent other than that which the Municipality shall have permitted in terms of **Clause 81.1**, shall be discharged into a conservancy tank.
- 85.3 The Municipality or its authorised agent may at its discretion, having regard to the position of a conservancy tank in respect of the point of connection for a removal vehicle, make it a condition of emptying the tank that the owner or user thereof shall indemnify the Municipality or its authorised agent, in writing, against any sum which it may become liable to pay to any person as a direct or indirect result of the rendering of such service.
- 85.4 The Municipality or its authorised agent shall be entitled to empty or to draw off part of the contents of any conservancy tank at any reasonable time, on any day of the week and in such manner as it may decide, having regard to the general requirements of the service and in particular to the necessity of avoiding separate or unnecessary journeys by the Municipality's, its authorised agent's or others' removal vehicles.

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- 85.5 Where the Municipality's, its authorised agent's or others' removal vehicles have to traverse private premises for the emptying of a conservancy tank on a premises, the owner or occupier of the premises shall provide or arrange to be provided at the owner's or occupier's expense a roadway for such purpose of at least 3,5 (three comma five) m wide, so hardened as to be capable of withstanding a wheel load of 4 (four) metric tons in all weather, and shall ensure that no gateway through which a removal vehicle is required to pass to reach the tank, shall be less than 3,5 (three comma five) m wide.
- 85.6 The owner or occupier of premises on which a conservancy tank is installed shall at all times maintain such tank in good working order and condition, to the satisfaction of the Municipality or its authorised agent.

86 VENTILATED IMPROVED PIT LATRINE

The Municipality or its authorised agent may at its discretion and on such conditions as it may prescribe, having regard to the nature of the geology and permeability of the soil, the depth of the water table, any other factors which may have the potential to cause harm to the environment if approval is granted, the size of and access to the site and the availability of a piped water supply, permit the disposal of human excreta by means of a ventilated improved pit (VIP) latrine constructed in accordance with the specifications and located in a position approved by the Municipality or its authorised agent.

87 SERVICES ASSOCIATED WITH ON-SITE SANITATION SERVICES

The removal or collection of conservancy tank contents, night soil, chemical toilet contents or the emptying of pits or septic tanks will be undertaken by the Municipality or its authorised agent in accordance with a removal and collection schedule determined from time to time by the Municipality or its authorised agent.

88 CHARGES IN RESPECT OF SERVICES ASSOCIATED WITH ON-SITE SANITATION SERVICES

- 88.1 Charges in respect of the removal or collection of conservancy tank and chemical toilet contents, night soil or the emptying of pits or septic tanks will be based on the volume removed by vacuum tank or on the number of pails, in the case of a night soil removal service. The rules regarding charges will be in accordance with **Annexure A** of these By-laws.
- 88.2 Regular night soil as well as conservancy tank, chemical toilet, septic tank and pit content removal services rendered in terms of these By-laws and the associated rules for charges in **Annexure A** will be discontinued on receipt by the Municipality or its authorised agent of not less than 48 (forty eight) hours' notice in writing from the owner or occupier of a premises to discontinue the service in respect of that premises. The charge for these services will continue to be payable until the Municipality or its authorised agent has received such notice and until the period of notice has expired; provided that where notice to discontinue the service is received by the Municipality or its authorised agent after the date when the services were to have been discontinued, the charge will cease as from the date and time of receipt by the Municipality or its authorised agent of the written notice.

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If an existing conservancy tank or septic tank or latrine pit is no longer required for the storage or treatment of sewage or effluent, or if permission for such use is withdrawn, the owner must either cause it to be completely removed or demolished or to be completely filled with earth or other suitable material, and the land involved to be rehabilitated; provided that the Municipality or its authorised agent may require such tank or pit to be otherwise dealt with or it may permit it to be used for some other purpose, subject to such conditions as may be considered necessary, regard being had to all the circumstances of the case.

90 PROVISION OF A CONNECTING SEWER

- 90.1 No part of any drainage installation shall extend beyond the boundary of a premises on which a building or the part thereof served by the drainage installation is erected provided that, where it considers it necessary or expedient to do so, the Municipality may permit the owner to lay a drain, at his or her own expense, through an adjoining piece of land on proof of registration of the appropriate servitude or of a notarial deed of joint drainage as the Municipality may require.
- 90.2 If an agreement for the use of a wastewater disposal system in accordance with **Section 6** has been concluded, the Municipality or its authorised agent may, subject to the provisions of **Clause 90.3** and as soon as practicable after being notified by the owner that the drainage installation on his premises is ready for connection to the wastewater disposal system, at the Municipality's or its authorised agent's own expense, connect the drainage installation to the wastewater disposal system.
- 90.3 Any connection required by the owner subsequent to the initial connection to the wastewater disposal system provided by the Municipality or its authorised agent is subject to the approval of the Municipality or its authorised agent and must be installed at the owner's expense.
- 90.4 The discharge of any substance whatsoever other than clean water for testing purposes may not be permitted to enter any drainage installation until the drainage installation has been connected to the wastewater disposal system.
- 90.5 If an application is made for the connection of the wastewater disposal system to the drainage installation on premises which are so situated that it is necessary to extend the sewer in order to connect the wastewater disposal system to the premises, the Municipality or its authorised agent may agree to the extension subject to such conditions as it may impose at the owner's expense.
- 90.6 After completion of every drainage installation or after any alteration to any drainage installation is completed, the plumber responsible for the execution of the work must submit to the building inspection section of the Municipality a certificate certifying that the work was completed to the standards as set out in the building regulations, these By-laws and any other relevant laws or by-laws.

91 LOCATION OF A CONNECTING SEWER

- 91.1 A connecting sewer provided and installed by the Municipality or its authorised agent in terms of **Section 90** shall be located in a position agreed to between the owner of the premises served by the connecting sewer and the Municipality or its authorised agent and be of a size determined by an authorised officer.

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- 91.2 The Municipality or its authorised agent may at the request of any applicant agree, subject to such conditions as it may impose, to a connection to a sewer other than that which is most readily available for the drainage of the premises; provided that the applicant is responsible for any extension of the drainage installation to the connecting point so agreed and for obtaining at his or her cost, such servitudes over other premises as may be necessary.

92 INTERCONNECTION BETWEEN PREMISES

Every owner of premises must ensure that no interconnection exists between the drainage installation on his or her premises and any drainage installation on other premises, unless he or she has obtained the prior written consent of the Municipality or its authorised agent and complies with any conditions that may have been imposed in granting such consent.

93 DISCONNECTION OF DRAINAGE INSTALLATION FROM CONNECTING SEWER

The Municipality or its authorised agent may disconnect a drainage installation from the connecting sewer and seal the opening to the sewer so made and recover from the owner of the drainage installation the charge determined by the Municipality or its authorised agent, if:

- a) notified in writing by the owner when a drainage installation is to be disconnected from a connecting sewer; or
- b) the building on the premises concerned has been demolished.

94 ACCEPTANCE OF SEWAGE OR EFFLUENT DELIVERED BY ROAD HAULAGE

The Municipality or its authorised agent may, at its discretion, and subject to such conditions as it may specify, accept sewage or effluent for disposal delivered to the Municipality's wastewater treatment works, or another position approved by the Municipality or its authorised agent, by road haulage.

95 WRITTEN PERMISSION FOR DELIVERY OF SEWAGE OR EFFLUENT BY ROAD HAULAGE

- 95.1 No person may discharge sewage or effluent into the wastewater disposal system by road haulage except with the written permission of the Municipality or its authorised agent and subject to such terms and conditions as may be imposed in terms of the written permission, which conditions must contain the place at which and time during which sewage or effluent may be discharged by the road hauler to the wastewater disposal system.

- 95.2 The charge for any sewage or effluent delivered by road haulage to the wastewater disposal system will be determined by the Municipality or its authorised agent in accordance with the prescribed charge.

96 CONDITIONS FOR DELIVERY OF SEWAGE OR EFFLUENT BY ROAD HAULAGE

When sewage or effluent is delivered by road haulage to the wastewater disposal system:

- a) the time and place of delivery must be arranged with the Municipality or its authorised agent;
- b) the nature and composition of the sewage or effluent must be established to the satisfaction of the Municipality or its authorised agent prior to the

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- discharge thereof from the containers in which it is delivered and no person may deliver sewage or effluent that does not comply with the standards laid down in or in terms of these By-laws; and
- c) other requirements in terms of SANS 0231 and 0232 and any applicable law must be complied with.

97 WITHDRAWAL OF PERMISSION FOR DELIVERY OF SEWAGE OR EFFLUENT BY ROAD HAULAGE

The Municipality or its authorised agent may withdraw any permission, after giving at least 14 (fourteen) days' written notice if its intention to do so to any person who has been granted permission to deliver sewage or effluent by road haulage if that person -

- a) fails on more than 2 (two) occasions to ensure that the sewage or effluent so delivered does not contain objectionable discharges as set out in **Section 81** and conforms to the standards prescribed in **Annexure B**, as applicable, or in the written permission; or
- b) fails or refuses to comply with any notice lawfully served on him or her in terms of these By-laws or contravenes any provisions of these By-laws or any condition imposed on him or her in terms of any permission granted to him or her; or
- c) fails to pay the assessed charges in respect of any sewage or effluent delivered within the period of grace, if any, allowed for payment.

98 APPLICATION FOR DISPOSAL OF TRADE/INDUSTRIAL EFFLUENT

- 98.1 Every person must apply in writing on the prescribed form for a permit for permission to discharge trade/industrial effluent into the wastewater disposal system of the Municipality and must thereafter provide such additional information and submit such samples as the Municipality or its authorised agent may require.
- 98.2 The Municipality or its authorised agent may, if in its opinion the capacity of the relevant wastewater disposal system is sufficient to permit the conveyance and effective treatment and lawful disposal of such trade/industrial effluent for such period and subject to such conditions it may determine and impose, grant an application made in terms of **Clause 98.1**.
- 98.3 The provisions of **Chapter 1** will apply, insofar as they are applicable and subject to such adjustments as may be necessary, to any permission granted in terms of **Clause 98.2**.
- 98.4 Any person to whom permission has been granted in terms of **Clause 98.2** must, before doing or causing or permitting to be done anything that results in a change in the quantity of discharge or nature of effluent permitted, notify the Municipality or its authorised agent in writing of the date on which it is proposed that such change is intended to take place and of the nature of the proposed change. Upon receipt of such notification, the Municipality or its authorised agent may grant permission for such change, and in so doing may amend the conditions applicable to the discharge permit of the party concerned, or it may refuse permission for the change.
- 98.5 Any person who wishes to construct or cause to be constructed a building which is to be used as trade premises or industrial premises must, at the time of lodging his or her building plan in terms of Section 4 of the National Building Regulations and Building Standards Act, also lodge applications for the provision of sanitation

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services and for permission to discharge trade/industrial effluent in terms of **Clause 98.1**.

- 98.6 The Municipality or its authorised agent may from time to time or at any time as a result of a change in the method of wastewater treatment or the introduction of new or revised or stricter or other standards by the Municipality or its authorised agent or in terms of the NWA, or as a result of any amendment to these By-laws or for any other reason, review, amend, modify or revoke any permission given or any conditions attached to such permission and/or impose new conditions (either generally or specifically) for the acceptance of any trade/industrial effluent into the sewer or prohibit the discharge of any or all of such effluent to the sewer on giving adequate written notice in advance of its intention to do so, and on the expiration of such period of notice the previous permission or conditions, as the case may be, shall be regarded as having fallen away and the new or amended conditions, if any, as the case may be, shall forthwith apply.

99 UNAUTHORISED DISCHARGE OF TRADE/INDUSTRIAL EFFLUENT

- 99.1 Any person who discharges or causes or permits to be discharged any trade/industrial effluent into the sewer without having first obtained permission to do so in terms of **Section 98** shall be guilty of an offence and liable, in addition to the penalties provided for in **Section 140**, to such charge as the Municipality or its authorised agent may assess for the conveyance and treatment of effluent so discharged and for any damage or loss, whether pecuniary or otherwise, caused as a result of such unauthorised discharge.
- 99.2 Apart from the powers and rights of the Municipality or its authorised agent in terms of **Clause 99.1** and **Section 102**, the Municipality or its authorised agent shall be entitled to recover from any person who discharges to a drain or sewer any trade/industrial effluent or any substance which is prohibited or restricted in terms of **Section 81** and **Annexure B**, or which has been the subject of an order issued in terms of **Section 102**, all costs, expenses or charges incurred by the Municipality or its authorised agent as a result of any or all of the following:
- a) death of or injury to any person, or damage to, or blockage or breakdown whether partial or complete, or contamination by, fats, oil or grease or corrosive substances of -
 - (1) the sewer;
 - (2) any wastewater treatment works;
 - (3) any mechanical appliance; or
 - (4) any other property whatsoever whether or not under the control of the Municipality or its authorised agent; or
 - b) any costs, including fines and damages, which may be imposed on or awarded against the Municipality or its authorised agent or any expense incurred by the Municipality or its authorised agent as a result of prosecution in terms of the NWA or the NEMA, as amended, or any action against it consequent on any partial or complete breakdown of any wastewater treatment works or mechanical appliance caused directly or indirectly by the said discharge or otherwise in terms of any applicable law.
- 99.3 Any person who discharges or causes or permits to be discharged any trade/industrial effluent in any manner whatsoever that is not authorised in terms of these By-laws is guilty of an offence.

Mogale City Local Municipality**Water Services By-laws****100 QUALITY STANDARDS FOR DISPOSAL OF TRADE/INDUSTRIAL EFFLUENT**

- 100.1 Every person to whom permission has been granted in terms of **Section 98** must ensure that no trade/industrial effluent is discharged into the wastewater disposal system of the Municipality or its authorised agent unless it complies with the standards and criteria set out in **Annexure B** and does not contain objectionable discharges as set out in **Section 81**.
- 100.2
- 100.2.1 The Municipality or its authorised agent may by endorsement on the permission concerned, relax or vary the standards or the criteria referred to in **Clause 100.1**, if the Municipality or its authorised agent is satisfied that any such relaxation represents the best practicable environmental option.
- 100.2.2 In determining whether relaxing or varying the standards or the criteria represents the best practicable environmental option, a Municipality or its authorised agent must consider -
- whether the applicant's undertaking is operated and maintained at optimal levels;
 - whether technology used by the applicant represents the best available option for the applicant's industry and, if not, whether the installation of such technology would entail unreasonable cost to the applicant;
 - whether the applicant is implementing a programme of waste minimisation which complies with national and local waste minimisation standards to the satisfaction of the Municipality or its authorised agent;
 - the cost to the Municipality or its authorised agent of granting the relaxation or variation; and
 - the environmental impact or potential impact of such a relaxation or variation.
- 100.3 Test samples may be taken at any time by a duly qualified sampler to ascertain whether any trade/industrial effluent complies with the standards and criteria mentioned in **Clause 100.1** or any other standard laid down in a written permission issued in terms of **Section 98**.

101 CONDITIONS FOR DISPOSAL OF TRADE/INDUSTRIAL EFFLUENT

- 101.1 An enforcement officer may issue an enforcement notice requiring the person in charge of any enterprise that generates trade/industrial effluent to:
- subject the trade/industrial effluent to such preliminary treatment as in the opinion of the enforcement officer will ensure that it conforms to the standards and criteria prescribed in **Section 100** before being discharged into the wastewater disposal system;
 - install such equalising tanks, valves, pumps, appliances, flow meters and control systems and other equipment as in the opinion of the enforcement officer will be necessary to control the rate and time of discharge into the wastewater disposal system in accordance with the conditions imposed in terms of **Section 100**;
 - install a separate drainage installation for the conveyance of trade/industrial effluent and to discharge the same into the wastewater disposal system through a separate connection as directed by the enforcement officer, and such notice

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may prohibit the discharge of the trade/industrial effluent through any drainage installation intended or used for the conveyance of standard domestic sewage or prohibit the discharge of any standard domestic sewage through the separate drainage installation for trade/industrial effluent;

- d) construct on any pipe conveying his or her trade/industrial effluent to any sewer, a manhole or stop-valve in such position and of such dimensions and materials as the enforcement officer may prescribe;
- e) provide all such information as may be required by the enforcement officer to enable the Municipality or its authorised agent to assess the tariffs or charges due to the Municipality or its authorised agent;
- f) provide adequate facilities such as level or overflow detection devices, standby equipment, overflow catch-pits, or other appropriate means to prevent a discharge into the wastewater disposal system which is in contravention of these By-laws;
- g) cause any meter, measuring device, gauge or other device installed in terms of this section to be calibrated by an independent authority at the cost of the person in charge of the enterprise that generates trade/industrial effluent at such intervals as are stated in the notice and to forward copies of the calibration certificates to the Municipality or its authorised agent;
- h) cause the trade/industrial effluent to be sampled and analysed as often and in such manner as may be prescribed by the enforcement officer and provide the Municipality or its authorised agent with the results of these tests when completed; and
- i) manage the trade/industrial effluent in such a manner that at all times the samples taken thereof are an accurate representation of the general strength and composition of the trade/industrial effluent.

101.2 The cost of any treatment, plant, works or analysis which the person discharging trade/industrial effluent may be required to carry out, construct or install in terms of **Clause 101.1**, including the installation of an automatic sampling device if requested by the Municipality, shall be borne by the person discharging the trade/industrial effluent.

101.3 In the event that any trade/industrial effluent that does not comply with the standards and criteria prescribed or permitted in terms of **Section 100** is discharged into the wastewater disposal system, the Municipality or its authorised agent must be informed of the incident and the reason thereof within 12 (twelve) hours of such discharge.

102 WITHDRAWAL OF WRITTEN PERMISSION FOR DISPOSAL OF TRADE/INDUSTRIAL EFFLUENT

102.1 The Municipality or its authorised agent may withdraw any permission, after giving at least 14 (fourteen) days' written notice of its intention to a person permitted to discharge industrial effluent into the wastewater disposal system, if that person or any employee, contractor or consultant of that person -

- a) fails to ensure that the trade/industrial effluent discharged conforms to the trade/industrial effluent standards and criteria prescribed or permitted in terms of **Section 100**;
- b) fails or refuses to comply with any notice lawfully served on him or her in terms of these By-laws or contravenes any provisions of these By-laws or any condition imposed in terms of any permission granted; or
- c) fails to pay the assessed charges in respect of any trade/industrial effluent discharged into the wastewater disposal system.

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- 102.2 The Municipality or its authorised agent may, on withdrawal of any written permission and after notifying the owner or occupier of its intention to do so -
- a) in addition to any other steps prescribed in these By-laws, forthwith authorise the closing and sealing of the connecting sewer of the said premises conveying such trade/industrial effluent to the sewer;
 - b) refuse to accept any trade/industrial effluent from that source until it is satisfied that adequate steps have been taken to ensure that the trade/industrial effluent to be discharged will conform with the standards and criteria prescribed in these By-laws; and
 - c) forthwith close off the water supply to the trade or industrial process.
- 102.3 The Municipality or its authorised agent is not liable for any damage occasioned by or any claim arising out of any action taken in terms of **Clause 102.2**.
- 102.4 No person may, without the written permission of the Municipality or its authorised agent, open or break the seal of a connecting sewer closed and sealed off in terms of **Clause 102.2** or cause or permit this to be done.
- 102.5 In the event of the Municipality or its authorised agent acting in terms of **Clause 102.2**, the owner or occupier of the premises must forthwith furnish written proof to the authorised officer that the industrial effluent emanating from the premises will be discharged to an alternative disposal site approved by the authorised officer.
- 103 MEASUREMENT OF QUANTITY OF STANDARD DOMESTIC SEWAGE DISCHARGED**
- 103.1 The quantity of standard domestic sewage discharged shall be determined as a percentage of the water supplied to premises by the Municipality or its authorised agent; provided that where the Municipality or its authorised agent is of the opinion that such a percentage in respect of specific premises is excessive, having regard to the purposes for which water is consumed on those premises, the Municipality or its authorised agent may reduce the percentage applicable to those premises to a figure which, in its opinion and in the light of the available information, reflects the proportion between the likely quantity of sewage discharged from the premises and the quantity of water supplied thereto. In the absence of direct measurement, the standard domestic sewage may be estimated as follows:
- a) 1,0 (one) kilolitre per full-time staff member per month;
 - b) 4,0 (four) kilolitres per resident per month (not included in **Sub-clause 103.1 a**); and
 - c) for staff canteens:
 - (1) 0,15 (zero comma one five) kilolitre per meal prepared per month, for which purpose the working month will be based on a 5 (five)-day working week and in cases where the working week deviates from 5 (five) days, a *pro-rata* adjustment will be made.
- 103.2 Where premises are lawfully supplied with water from a source other than or in addition to the Municipality's or its authorised agent's water supply system, including abstraction from a river or borehole, the quantity will be a reasonable percentage of the total water used on those premises as may be estimated by the Municipality or its authorised agent.

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104 MEASUREMENT OF QUANTITY OF TRADE/INDUSTRIAL EFFLUENT DISCHARGED

- 104.1 The Municipality or its authorised agent may install, in such position as it determines, in any drainage installation conveying trade/industrial effluent to a sewer, any meter or gauge or other measuring device for the purpose of ascertaining the volume or composition of the trade/industrial effluent, and 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 measuring device; provided that the Municipality or its authorised agent may, after consultation with the person concerned, establish an alternative method of assessing the quantity of the trade/industrial effluent to be discharged.
- 104.2 The Municipality or its authorised agent is entitled to install and maintain any such meter, gauge or measuring device as aforesaid at the expense of the owner of the premises on which it is installed.
- 104.3 Notwithstanding the foregoing provisions of this section, the Municipality or its authorised agent may require any person who discharges trade/industrial effluent into its sewers to provide one or more meters in such position or positions in the water installation as the Municipality or its authorised agent may deem necessary to record the water consumption in a specific part of the premises.
- 104.4 The Municipality or its authorised agent may determine a rebate to apply to the charges determined in accordance with **Annexure A** if the owner or occupier discharges industrial effluent -
- a) solely during periods specified by the Municipality or its authorised agent; and/or
 - b) containing constituents which will have a beneficial effect on the final effluent discharged from the wastewater treatment works.
- 104.5 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 or its authorised agent may, on application, reduce the assessed quantity of industrial effluent.
- 104.6 Upon payment of the charge determined by the Municipality or its authorised agent for the installation of any meter, the Municipality or its authorised agent may install on any premises, a separate meter to record the consumption of water:
- a) obtained from any source other than the Municipality's or its authorised agent's water supply; or
 - b) which, after use, will not reach a drainage installation.

105 REDUCTION IN THE QUANTITY DETERMINED IN TERMS OF SECTIONS 103 AND 104

- 105.1 A consumer is entitled to a reduction in the quantity determined in terms of **Sections 103 and 104** in the event that the quantity of water on which the percentage is calculated was measured during a period when a meter, gauge or other measuring device was defective or where water was wasted or a leakage on the water installation was undetected, if the consumer satisfies the Municipality or its authorised agent that the said water was not discharged into the wastewater disposal system.

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- 105.2 The reduction in the quantity referred to in **Clause 105.1** shall be based on the assessed quantity of water that was over-recorded or that was lost through leakage or wastage during the leak period.
- 105.3 The measuring or leak period is either the measuring period immediately prior to the date of repair of the meter, gauge or measuring device or the leak or the measuring period immediately after which the meter, gauge or measuring device or leak is repaired, whichever results in the greater reduction in the quantity of water supplied.
- 105.4 The quantity of water over-recorded or lost will be calculated as the consumption for the period of the over-recording or leak less an average consumption, based on the three months after the repair of the leak, for the same length of time as the over-recording or leak period. In the event of no previous consumption history being available, the average water consumption will be determined by the Municipality or its authorised agent, after due consideration of all relevant information.
- 105.5 There will be no reduction in the quantity determined in terms of **Sections 103 and 104** if the loss of water directly or indirectly resulted from the consumer's failure to comply with or as a result of a contravention of these By-laws.

106 CONSTRUCTION OR INSTALLATION OF DRAINAGE INSTALLATIONS

All drainage installations must comply with SABS 0400-1990 Part P, Drainage and any amendments thereto.

107 USE OF PIPES AND FITTINGS TO BE AUTHORISED

- 107.1 No person may, without the prior written authority of the Municipality or its authorised agent, install or use a pipe or fitting in a drainage installation within the Municipality's area of jurisdiction, unless it is of a type included in a Schedule of Approved Pipes and Fittings as compiled by the Municipality or its authorised agent.
- 107.2 Application for the inclusion of a type of pipe or fitting in the schedule referred to in **Clause 107.1** must be made on the form prescribed by the Municipality or its authorised agent and be accompanied by the prescribed charge.
- 107.3 A type of pipe or fitting may be included in the schedule referred to in **Clause 107.1** if:
- a) it bears the standardisation mark of the SABS (now STANSA) in respect of the relevant SABS or SANS specification issued by STANSA;
 - b) it bears a certification mark issued by STANSA to certify that the type of pipe or fitting complies with an SABS or a SANS Mark specification or a provisional specification issued by STANSA, provided that no certification marks are valid for this purpose beyond a period exceeding 2 (two) years from the date of issue; or
 - c) it has been included in the approved list of sanitation installation components by the Joint Acceptance Scheme for Water Services Installation Components (JASWIC).
- 107.4 The Municipality or its authorised agent may, in respect of any type of pipe or fitting included in the schedule referred to in **Clause 107.1** impose such additional conditions, as it may deem necessary in respect of the use or method of installation thereof.

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- 107.5 A type of pipe or fitting may be removed from the schedule referred to in **Clause 107.1** if it:
- a) no longer complies with the criteria upon which its inclusion was based; or
 - b) is no longer suitable for the purpose for which its use was accepted.

- 107.6 The current schedule referred to in **Clause 107.1** must be available for inspection at the office of the Municipality or its authorised agent at any time during working hours.

- 107.7 The Municipality or its authorised agent may sell copies of the current schedule referred to in **Clause 107.1** at the charge prescribed from time to time.

108 APPROVAL OF DRAINAGE WORK

- 108.1 No person may construct, reconstruct, alter, add to or make any permanent disconnection in or of any drainage installation without first having obtained the approval of the Municipality or its authorised agent in writing.

- 108.2 No drainage work mentioned in **Clause 108.1** for which approval has been given in terms of these By-laws, may be commenced until after the expiration of 2 (two) clear days after notice in writing has been served on the Municipality or its authorised agent stating the day on and time at which it is intended to commence the work.

- 108.3 Before any part of a drainage installation is permanently covered or otherwise rendered practically inaccessible to visual inspection, it must be inspected and approved by the Municipality or its authorised agent. A contravention of this paragraph is an offence in terms of these By-laws.

109 UNLAWFUL DRAINAGE WORK

- 109.1 Where any drainage work has been constructed without complying with the provisions of the building regulations or these By-laws concerning the submission and approval of plans, the owner must on receiving written notice by the Municipality or its authorised agent or an enforcement officer, so to do, comply with the said provisions within the period prescribed in that notice.

- 109.2 Where any drainage installation has been constructed or any drainage work has been carried out which fails in itself in any respect to comply with any of these By-laws other than those referred to in **Clause 115 a)**, the owner must, on receiving written notice from the Municipality or its authorised agent, and notwithstanding that he or she may have received approval of the plans in respect of the said installation or work in terms of these By-laws, carry out such alterations to the installation, remove such parts thereof and carry out such other work as and within the time which the notice may specify.

- 109.3 The Municipality or its authorised agent may, where such a notice has not been complied with within the time prescribed therein, proceed itself to carry out any such alteration, removal or other work as it may deem necessary for compliance with these By-laws and may recover the cost thereof from the owner.

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- 110.1 No part of a drainage installation may at any time be constructed or designed to allow or be capable of allowing water from any source including swimming pool water, not being sewage or effluent, to enter the drainage installation.
- 110.2 No person may discharge or cause or permit to be discharged any substance other than sewage or effluent into a drainage installation.
- 110.3 No pipe, channel or other device used for conducting or capable of being used to conduct rainwater from any roof or other surface may be permitted to discharge into any gully or pipe forming part of a drainage installation.
- 110.4 Should the Municipality or its authorised agent at any time become aware of any drainage installation which does not comply with the provisions of **Clauses 110.1, 110.2 and 110.3** or that any provision thereof has or is being contravened it may, subject to the provisions of **Section 115**, forthwith and without notice carry out such alterations to the installation as it may deem necessary to ensure compliance with the provisions of these By-laws and recover from the owner the costs or appropriate charges as determined by the Municipality or its authorised agent.

111 EMISSION OF GAS

When in the opinion of the Municipality or its authorised agent a nuisance exists or could exist, owing to the emission of gas from any trap or sanitary fitting or any other part of a drainage installation, the Municipality or its authorised agent may require the owner, at his or her own expense, to take such action as may be necessary to prevent such nuisance.

112 GREASE TRAPS

A grease trap of approved type, size and capacity shall be provided instead of a gully to take the discharge from a sink or other fittings in –

- a) every building the sewage from which is disposed of in a French drain or other similar works; and
- b) any place where, in the opinion of the Municipality or its authorised agent, the discharge of grease, oil and fat is likely to cause an obstruction to the flow in sewers or drains, or interference with the proper operation of any wastewater treatment works.

113 INDUSTRIAL GREASE TRAPS

- 113.1 Trade/industrial effluent which contains or, in the opinion of the Municipality or its authorised agent, is likely to contain, grease, oil, fat or inorganic solid matter in suspension must, before it is allowed to enter any sewer, be passed through one or more tanks or chambers of approved type, size and capacity designed to intercept and retain such grease, oil, fat or solid matter.
- 113.2 Grease, oil or any other substance which is contained in any trade/industrial effluent or other liquid which gives off a flammable or noxious vapour at a temperature of or exceeding 20 (twenty) degrees Celsius, must be intercepted and retained in a tank or chamber so as to prevent the entry thereof into the sewer.

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- 113.3 A tank or chamber as referred to in **Clause 113.2** shall comply with the following requirements:
- a) it shall be of adequate capacity, constructed of hard durable materials and water tight when completed;
 - b) the water seal of its discharge pipe shall be not less than 300 (three hundred) mm in depth; and
 - c) it shall be provided with such number of manhole covers as may be adequate for the effective removal of grease, oil, fat, solid material and liquid and to enable sampling of outflow.

- 113.4 The tank or chamber must be regularly cleaned of such grease, oil, fat, solid matter or liquid and the person discharging effluent to the tank or chamber must maintain a register in which it shall be recorded:
- a) the dates on which the tank or chamber was cleaned;
 - b) the name address and telephone number of the company employed to clean the tank or chamber; and
 - c) a certificate from the cleaning company, certifying the tank or chamber was cleaned and stating the manner in which the contents of the tank or chamber were disposed.

114 MECHANICAL APPLIANCES FOR LIFTING SEWAGE OR EFFLUENT

- 114.1 Where any part of a building or premises is at such a level in relation to the sewer that a drainage installation serving that part cannot discharge into the sewer by gravitation, the Municipality or its authorised agent may, subject to **Clauses 114.2** and **114.4** and to any other conditions it may deem necessary, permit the sewage or effluent from such part to be raised by a mechanical appliance to discharge at such point and such level as it may determine.
- 114.2 Before installing any mechanical appliance for the raising or transfer of sewage or effluent, the owner must apply in writing to the Municipality or its authorised agent for permission to do so on the prescribed form and must thereafter furnish such additional information as the Municipality or its authorised agent may require.
- 114.3 The form prescribed in **Clause 114.2** must be completed by a professional engineer and the undertaking annexed to such form must be signed by the owner of the premises and must be accompanied by drawings and specifications of the proposed installation.
- 114.4 The maximum discharge rate from any mechanical appliance and the times between which the discharge may take place must be as prescribed by the Municipality or its authorised agent who may, at any time, require the owner to install such fittings and regulating devices as may be necessary to ensure that the said prescribed maximum discharge rate will not be exceeded and the prescribed periods of discharge will be adhered to.

115 PROHIBITED CONSTRUCTION AND WORK

Any person who, without the previous consent in writing from the Municipality or its authorised agent:

- a) erects or causes to be erected any building or other structure over any sewer or pipe vested in or constructed under the authority of the Municipality or its authorised agent; or
- b) excavates, opens up, or removes or causes to be excavated, opened up, or removed, under or near to any such sewer or pipe; or

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- c) makes or causes to be made any opening into such sewer or pipe for the purpose of discharging sewage or effluent into the same; or
- d) damages or destroys or causes to be damaged or destroyed any such sewer or pipes or any works or things in connection therewith,

shall be guilty of an offence and the Municipality or its authorised agent may demolish or otherwise deal with any building or structure so erected, fill in and make good any such damage or close any such opening into a sewer or pipe, as it may think fit, and the expenses so incurred shall, together with a fine, be recoverable from the offender in any competent court.

116 CONSTRUCTION BY MUNICIPALITY OR ITS AUTHORISED AGENT

The Municipality or its authorised agent may agree with the owner of any premises that any drainage work which such owner desires or is required to construct in terms of these By-laws or the building regulations, will be constructed by the Municipality or its authorised agent against payment, in advance, of all costs associated with such construction. Such agreement does not absolve the owner from complying with the requirements of any other law in respect of such construction work.

117 MAINTENANCE OF DRAINAGE INSTALLATION

- 117.1 The owner or occupier of any premises must maintain any drainage installation and any sewer connection on such premises.
- 117.2 The Municipality or its authorised agent is entitled, whether or not it has been requested by the owner to do so, at its own discretion to remove a blockage from a drainage installation and may charge the owner thereof in accordance with the charge determined by the Municipality.
- 117.3 Should the clearing by the Municipality or its authorised agent of any blockage in a drainage installation necessitate the removal or disturbance of any paving, lawn or other artificial surfacing on any premises, the Municipality or its authorised agent shall not be liable for the reinstatement thereof.
- 117.4 Should any drainage installation on any premises overflow as a result of an obstruction in the connecting sewer, and the Municipality or its authorised agent be reasonably satisfied that such obstruction was caused by objects emanating from the drainage installation, the owner of the premises served by the drainage installation is liable for the cost of clearing the blockage in accordance with the charge determined by the Municipality.
- 117.5 Where a blockage has been removed from a drain or portion of a drain which serves two or more premises, the charges for clearing such blockage are recoverable in the first place in equal portions from each of the owners of the premises, who are, however, ultimately jointly and severally liable for the whole charge.
- 117.6 The Municipality or its authorised agent may, on the written application of the owner or occupier of any premises, inspect and test the drainage installation of such premises or any section thereof and recover from the owner or occupier the cost of such inspection and test, calculated at the rate specified in the prescribed tariff or charges.

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118 INSTALLATION OF PRE-TREATMENT FACILITY

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

119 PROTECTION FROM INGRESS OF FLOODWATER

Where buildings constructed within, or any portion of a premises lies within, the 1 in 50 years flood plain, the top level of all manholes, inspection chambers and gullies located below the level of such flood plain is to be above the 1 in 50 years flood level, except in the case of manholes and inspection chambers the covers of which are secured in place by approved means.

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CHAPTER 4: ENFORCEMENT OF THE BY-LAWS AND LEGAL MATTERS**120 AUTHORISATION OF DESIGNATED OFFICER**

The Municipality or its authorised agent may authorise any person in its employ to be a designated officer.

121 FUNCTIONS OF DESIGNATED OFFICER

- 121.1 A designated officer may execute work, conduct an inspection and monitor and enforce compliance with these By-laws.
- 121.2 Subject to the provisions of any other law, a designated officer must carry out the functions contemplated in this Section and the powers set out in **Section 122**, in accordance with the procedure outlined in **Sections 123 and 124**.

122 POWERS OF DESIGNATED OFFICER

- 122.1 A designated officer who executes work or conducts an inspection 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 designated officer 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 any work or inspection;
 - e) copy any document referred to in **Sub-clause 122.1 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 or its authorised agent is required to undertake in terms of these By-laws.
- 122.2 Any person who obstructs a designated officer from performing his or her duties in terms of these By-Laws commits an offence.
- 122.3 A designated officer who removes anything other than a substance contemplated in **Sub-clause 122.1 f)** from premises being worked upon or being inspected, must:
- a) issue a receipt for it to the owner or a person in control of the premises; and
 - b) return it as soon as is practicable after achieving the purpose for which it was removed.

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123 PROCEDURE TO EXECUTE WORK OR CONDUCT AN INSPECTION: ENTRY WITH A WRITTEN AUTHORISATION

- 123.1 A designated officer may, subject to the provisions of Section 101 of the Local Government: Municipal Systems Act 32 (2000), enter any premises for the purposes of performance of his or her duties.
- 123.2 A justice of the peace may issue a written authorisation to enter and execute work or inspect any premises if, from information on oath, there are reasonable grounds to believe that:
- a) in the interest of the public, it is necessary to execute work or obtain information that cannot be obtained without entering those premises;
 - b) there is non-compliance with any provision of these By-laws in respect of the premises; or
 - c) significant environmental degradation or water pollution has taken, or is likely to take place, or is suspected.
- 123.3 A justice of the peace may issue a written instruction to the owner or person in control of the premises to do work, at the expense of such owner or person, which is necessary to enable a designated officer to:
- a) determine whether or not there has been contravention of these By-laws on such premises;
 - b) restore access to the water supply system or any sanitation service where the owner or such person has restricted such access; and
 - c) properly and effectively execute work or inspect premises, as contemplated in **Clause 123.1**.
- 123.4 If, after the work contemplated in **Clause 123.3** has been performed, it is established that no contravention of these By-laws has taken place, the expenses incurred in performing the work and restoring the premises to their former condition, shall be paid by the Municipality or its authorised agent.

124 PROCEDURE TO EXECUTE WORK OR CONDUCT AN INSPECTION: ENTRY WITHOUT A WRITTEN AUTHORISATION

- 124.1 In the event of an emergency or delay in commencing any work or inspection a designated officer may enter any premises without written authorisation. Unless the emergency and/or delay in commencing any work or inspection was caused by an act or omission of the Municipality or its authorised agent, the cost of any remedial action taken must be paid by the owner of the premises.
- 124.2 A designated officer may enter any premises without a written authorisation in respect of which there is an outstanding compliance notice, issued in terms of **Section 130** for the purpose of determining whether that notice has been complied with.
- 124.3 Before commencing work or inspecting any premises in terms of **Section 124**, a designated officer must identify him or herself, explain his or her authority and furnish proof of such authority to the person apparently in control of the premises or the person who gives permission to enter.
- 124.4 Any entry and execution of work or inspection without a written authorisation must be carried out at a reasonable time in the circumstances.

Mogale City Local Municipality**Water Services By-laws****125 OBSERVING FUNDAMENTAL RIGHTS**

A designated officer who enters and executes work or inspects any premises in terms of this chapter must do so with strict regard for decency and orderliness and with regard for each person's human rights including the right to dignity, freedom, security and privacy.

126 USING FORCE TO ENTER

- 126.1 A designated officer carrying out a written authorisation in terms of **Section 123** may overcome any resistance to entry, execution of work or inspection by using as much force as is reasonably required, including breaking a lock, gate, fence, door or window of the premises to be entered.
- 126.2 Before resorting to force, the person carrying out the written authorisation must audibly demand admission and must announce his or her purpose, unless he or she reasonably believes that doing so may induce someone to destroy, dispose of, or tamper with, an article or document that is the object of the work or inspection.
- 126.3 The Municipality or its authorised agent must compensate anyone who suffers damage because of forced entry during the execution of any work or any inspection when no one responsible for the premises was present.
- 126.4 Force may not be used to affect an entry to execute work or conduct an inspection, unless an emergency arises.

127 DESIGNATED OFFICER MAY BE ACCOMPANIED

During the execution of any work or an inspection, a designated officer may be accompanied by either a member of the South African Police Services or a member of the Mogale City Local Municipality's Section: Public Safety or its successor in title established under Provincial Notice No. 1893 of 2001, issued in terms of Section 64A(4) of the South African Police Service Act 68 (1995), and by any other person reasonably required to assist in executing the work or conducting the inspection.

128 DUTY TO PRODUCE DOCUMENT

Any person who holds any document relevant to the execution of any work or inspection contemplated in this chapter must produce it at the request of a designated officer.

129 DUTY TO ANSWER QUESTION AND ASSIST DESIGNATED OFFICER

- 129.1 Any person who is questioned by the designated officer in terms of this chapter must answer truly and to the best of his or her ability. An answer or explanation given to a designated officer may not be used or admitted in criminal proceedings against the person who provides it, or the person criminally prosecuted for contravening the provisions of these By-Laws. The designated officer must advise such a person accordingly.
- 129.2 An owner or occupier of any premises must provide any facility and assistance that is reasonably required by a designated officer to perform his or her functions effectively.

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130 COMPLIANCE NOTICE

- 130.1 A designated officer who becomes aware that any provision of these By-laws has not been complied with, may issue a compliance notice to the owner or person apparently in control of the relevant premises.
- 130.2 A designated officer who is satisfied that the owner or person apparently in control of any premises has satisfied the terms of a compliance notice may issue a compliance certificate to that effect.
- 130.3 A compliance notice remains in force until a designated officer has issued a compliance certificate in respect of that notice.
- 130.4 A compliance notice must set out-
- a) the provision that has not been complied with;
 - b) details of the nature and extent of non-compliance;
 - c) any steps that are required to be taken and the period within which those steps must be taken; and
 - d) any penalty that may be imposed in terms of these By-laws in the event of non-compliance with these steps.

131 COMPLAINTS AGAINST PERSONS OTHER THAN THE MUNICIPALITY OR ITS AUTHORISED AGENT

Anyone may lodge a complaint with a designated officer, either directly or through any other channel established by the Municipality or its authorised agent, that another person-

- a) is likely to cause or has caused a disruption of the provision of water and sanitation services without just cause; or
- b) is likely to act or has acted contrary to any provision of these By-laws;

in which event the designated officer, unless he or she has reasonable grounds to believe that the complaint is frivolous, must investigate the complaint and take any necessary action, or arrange for such action to be taken, in terms of these By-laws.

132 OFFICIAL ADDRESS

- 132.1 For the purpose of the service of any notice, order or other document relating to legal proceedings-
- a) the address of the owner of the premises on which water is consumed or sewage or effluent is generated is deemed to be the official address, of such owner; and
 - b) the address of the consumer, as referred to in **Sub-clause 6.6 e)** is deemed to be the official address, of the consumer.
- 132.2 Where any notice or other document is required by these By-laws to be served on any person other than for the purpose of criminal proceedings, it must be served on him or her personally, failing which it may be served on any member of his or her household or any employee as the case may be, of the apparent of 16 (sixteen) years or older, at the place of residence or business of that person, or if sent by registered post, to the official address contemplated in **Clause 132.1**, it will constitute prima facie proof of the service of such notice.

Mogale City Local Municipality**Water Services By-laws****133 RECOVERY OF COSTS AND CHARGES**

Any cost which the Municipality or its authorised agent is entitled to recover from a consumer, owner or other person in terms of these By-laws includes, where applicable, any prescribed charges, expenses incurred in any exploratory investigation, survey, plan, specification, or schedule of quantities compilation, supervision, administration or authorisation charges, including the cost of any ancillary work associated therewith, wear and tear on plant and equipment utilised in any of these activities, the provision of labour and the costs, including environmental costs, involved in the disturbing and making good of any part of any street, ground or water services work.

134 LEGAL COMPLIANCE WARRANTY

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

- a) in his or her activities, application and use of water services, processes, and operations, comply with all relevant laws, regulations, and standards governing the environment, health and safety;
- b) take all reasonable measures to prevent pollution or environmental degradation from occurring, continuing or recurring;
- c) insofar as such harm to the environment is authorised by law, or cannot reasonably be avoided or stopped, minimise and rectify such pollution or degradation of the environment; and
- d) bear all cost and expenses incurred in meeting the above obligations and the implementation thereof.

135 FALSE STATEMENT OR INFORMATION

No person may make a false statement or furnish false information to the Municipality or its authorised agent, an authorised officer, a designated officer or an employee of the Municipality or its authorised agent or falsify a document issued in terms of these By-laws.

136 REMEDIAL ACTION

- 136.1 The Municipality or its authorised agent has the right to enter a premises under the consumer's control, and to assess existing and potential pollution and environmental degradation, and to take any remedial or preventative action which in its sole discretion it deems necessary. Such remedial or preventative action may, however, only be taken once the owner of the premises or the consumer, whichever is applicable, has been given the opportunity to rectify same. The cost of any such action by the Municipality or its authorised agent will be for the consumer's account, failing which for the account of the owner.
- 136.2 If it is determined by a competent authority that an existing water service on a premises, or emanating from a premises, is creating environmental damage or water pollution, and the owner of the premises, or the consumer, whichever is applicable, is directed to carry out such measures as are required under any act or law to rectify the situation, the Municipality or its authorised agent is not, and is not to be held, liable for any damages arising as a result of the measures required to be taken or in respect of damages suffered as a result of a permanent or temporary limitation on the supply of water or the discontinuation of the water services or termination of the agreement.

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- 136.3 Should the owner of the premises or the consumer, whichever is applicable, fail to carry out such measures the Municipality or its authorised agent may undertake the measures required, and any expenditure incurred may be recovered from the owner of the premises or the consumer as the case may be.

137 EXCEPTIONS TO APPLICATION OF THESE BY-LAWS

- 137.1 If authority was given before the date of commencement of these By-laws for installation work to be done, or if authorised work is in progress on such date, such work must comply with any applicable laws which were in force in the relevant portion of the area of jurisdiction of the Mogale City Local Municipality, immediately prior to such date.
- 137.2 For a period of 90 (ninety) days after the commencement of these By-laws, the Municipality or its authorised agent may give authority for installation work to be done in accordance with any law mentioned in **Clause 137.1**.
- 137.3 No owner may be required to comply with these By-laws by altering a water installation or part thereof which was installed in conformity with any law applicable immediately before the date of commencement of these By-laws: provided that if in the opinion of the Municipality or its authorised agent, the installation or a part thereof is so defective, or in such a condition or position to cause waste or undue consumption of water, pollution of the water supply, or a health, safety or environmental hazard, it may by notice in writing require the owner to comply with the provisions of these By-laws within a specified and reasonable period.

138 EXEMPTIONS

- 138.1 The Council may by resolution exempt any person from complying with a provision of these By-laws, subject to any conditions it may impose, if it is of the opinion that the application or operation of that provision would be unreasonable in the circumstances, provided that the Council may not grant an exemption of a provision of these By-laws that may result in-
- a) the wastage or excessive consumption of water;
 - b) the evasion or avoidance of water restrictions;
 - c) significant negative effects on public health, safety or the environment;
 - d) non-payment for services;
 - e) the installation of pipes and fittings which are not approved in terms of these By-laws; or
 - f) non-compliance with the Act or any regulations made in terms thereof.
- 138.2 Subject to the provision of the Promotion of Administrative Justice Act, (2000), the Council may at any time after giving written notice of at least 30 (thirty) days, withdraw any exemption given in terms of **Clause 138.1**, and may compel the owner or consumer, as the case may be, to comply with the relevant section or sections within a period to be stated in the notice of withdrawal: provided that it may withdraw such an exemption without such notice if, in the opinion of the designated officer, there is a present or imminent danger to public health or the environment or the obligation to pay for the consumption of water supplied.

Mogale City Local Municipality**Water Services By-laws****139 EXEMPTION FROM LIABILITY**

Neither the Municipality nor its authorised agent will be liable for damages or compensation of any nature to any person as a consequence of anything done by it or any omission to do anything in terms of or by virtue of the provisions of these By-laws.

140 OFFENCES**140.1** It is an offence for any person to:

- a) refuse to grant a designated officer access to premises to which that designated officer is duly authorised to have access;
- b) obstruct, interfere or hinder a designated officer who is exercising a power or carrying out a duty under these By-laws;
- c) fail or refuse to provide a designated officer with a document or information that the person is required to provide under these By-laws;
- d) give false or misleading information to a designated officer;
- e) unlawfully prevent the owner of any premises, or a person working for that owner, from entering the premises in order to comply with a requirement of these By-laws;
- f) pretend to be a designated officer;
- g) falsely alter an authorisation to a designated officer or written authorisation, compliance notice or compliance certificate issued in terms of this Chapter;
- h) enter any premises without a written authorisation in circumstances requiring such authorisation;
- i) act contrary to a written authorisation issued in terms of this Chapter;
- j) without authority-
 - (1) enter or inspect premises; or
 - (2) carry out any act mentioned in **Clause 122.1**;
- k) disclose to any person any information relating to the financial or business affairs acquired in the performance of any function or in the exercise of a power in terms of these By-laws, except-
 - (1) to a person who requires that information in order to perform a function or exercise a power in terms of these By-laws;
 - (2) if the disclosure is ordered by a court of law; or
 - (3) if the disclosure is in compliance with the provisions of any law;
- l) contravene or fail to comply with any provisions of these By-laws;
- m) fail to comply with any notice issued in terms of these By-laws;
- n) fail to comply with any lawful instructions given in terms of these By-laws; or
- o) obstruct or hinder any authorised or designated officer of the Municipality or its authorised agent in the execution of his or her duties under these By-laws.

140.2 Any alleged offence contemplated in **Clause 140.1** must be referred to the Mogale City Local Municipality's Section: Public Safety or its successor in title referred to in **Section 127** for investigation with a view to possible prosecution of the offender.

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140.3 Any person convicted of an offence contemplated in **Clause 140.1** is liable on conviction to a fine, or in default of payment, to imprisonment for a period not exceeding 6 (six) months, and in the case of continuing offence, to a further fine not exceeding the amount determined by the Municipality or its authorised agent from time to time and ratified by resolution of the Council, or in default of payment to imprisonment not exceeding 1 (one) day, for every day during the continuance of such offence after a written notice has been issued by the Municipality or its authorised agent requiring the discontinuance of such offence, and for a second or subsequent offence he shall be liable on conviction to a fine or in default of payment to imprisonment for a period not exceeding 6 (six) months.

140.4 The Municipality or its authorised agent may issue a spot fine not exceeding the amount determined by the Municipality or its authorised agent from time to time and ratified by resolution of the Council to any person contravening the requirements of any of **Sections** and/or **Clauses 21.2, 22, 31.8, 32.6, 40.1, 43.1, 59, 79, 81.1, 81.2, 83.1, 95.1, 102.4, 107.1, 108, 115 and 122.2**. The spot fine is payable within 21 (twenty one) days at the place indicated by the Municipality or its authorised agent at the time the spot fine is issued. **Clauses 140.2 and 140.3** shall apply in the event of the person failing to pay the spot fine.

140.5 Notwithstanding anything to the contrary in any agreement for the provision of water services, a contravention of the terms and conditions of **Section 119** is an offence, and entitles the Municipality or its authorised agent to cancel such agreement, cease the provision of water supply services and/or sanitation services and claim damages arising from such contravention.

141 APPEALS AGAINST FINDINGS OF A DESIGNATED OFFICER

141.1 A consumer may appeal to the Municipality or its authorised agent against a finding of or action by a designated officer.

141.2 An appeal in terms of **Clause 141.1** must be made in writing and lodged with the Municipality or its authorised agent within 21 (twenty one) days after the consumer becomes aware of the finding or action referred to in **Clause 141.1** and must set out the reasons for the appeal.

141.3 An appeal must be decided by the Municipality or its authorised agent within 21 (twenty one) days after an appeal was lodged and the consumer must be informed of the outcome in writing as soon as possible thereafter.

141.4 The decision of the Municipality or its authorised agent is final.

141.5 The Municipality or its authorised agent may condone the late lodging of appeals or other procedural irregularities.

142 APPLICATION OF THESE BY-LAWS

142.1 The provisions of these By-laws shall apply to all persons or bodies and/or state organs within the jurisdiction of Mogale City Local Municipality.

142.2 A provision of these By-laws conferring a power or imposing a duty applies in respect of-

- a) all premises;

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- b) any person or thing on or in any premises;
- c) the owner or occupier of any premises; and
- d) any matter relating to a premises, a person, or a thing.

142.3 For the purpose of these By-laws, the head of a national or provincial department or the municipal manager of a municipality is deemed to be the owner and occupier of all premises that the department or municipality occupies or uses to the exclusion of any other person.

143 REPEAL OF BY-LAWS

All other previous by-laws relating to water, wastewater, sanitation, sewage and effluent that may be in existence within the jurisdiction of Mogale City Local Municipality are hereby repealed.

144 SHORT TITLE

These By-laws are called the Mogale City Water Services By-laws.