

No. 84

12 June 2009

ABAQULUSI MUNICIPALITY

No. 11 of 2009

I, under powers vested in me by section 14(2) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), and after a resolution by Council in a meeting open to the public and public consultation hereby publish a set of by-laws as per schedule attached hereto.

Signed at Vryheid on this 27th day of June 2008.

M.J. MATHENYWA
MUNICIPAL MANAGER

WATER BY-LAWS**SCHEDULE**

Be it enacted by the Council of the Abaqulusi Municipality, in terms of section 156 of the Constitution of the Republic of South Africa Act, 1996 (Act No. 108 of 1996), read with section 11 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), as follows:

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CHAPTER 1

DEFINITIONS

Definitions

1. (1) In these By-laws and the Schedules 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 use by any person;

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

"**Act**" means the Water Services Act No, 1997 (Act No. 108 of 1997);

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

"**approved**" means approved by the Council ;

"**authorised official**" means any official of the Council who has been authorized by it to administer, implement and enforce the provisions of these By-laws;

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

"**backflow preventer**" means any device or means to prevent backflow;

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

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

"**basic water supply**" means the minimum standard of water supply services necessary for supply of water to households to support life and personal hygiene, prescribed in terms of the Act under regulation 3 of Government Notice R509 of 8 June 2001, as amended from time to time, or any substitution for that regulation;

"**best practicable environmental option**" means the option that provides the most benefit or causes the least damage to the environment as a whole, in both the long and 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, 1997 (Act No. 103 of 1977);

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

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

"**commercial effluent**" means effluent emanating from an enterprise having a commercial purpose where the effluent is neither industrial effluent nor standard domestic effluent;

"**commercial purpose**" in relation to the supply of water, means water supplied to premises to be used in the carrying out of a trade or business;

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

"**communal water connection**" means a consumer connection through which water services are supplied to more than one consumer, and "communal water services work" has a corresponding meaning;

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

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

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

"consumer" means-

- (a) any person who occupies premises to whom, and in respect of which premises, the Council-
 - (i) has agreed to provide water services;
 - (ii) is actually providing water services;
 - (iii) has entered into an agreement with the Council for the provision of water services to or on any premises;
- (b) the owner of any premises to which the Council is providing water services;
- (c) where water services are provided through a single connection to a number of accommodation units or consumers or occupiers, means the person to whom the Council agreed to provide such water services; and
- (d) any end-user who receives water services from the Council or other water services institution;

"conventional water meter" means a meter where the account is issued subsequent to the consumption of water;

"Council" means the Abaqulusi Municipal Council;

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

"designated officer" means a person in the employ of the Council, authorized

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

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

"**drainage installation**" means a system situated on any premises 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 other form of waste water on those premises to the connecting point, and includes a drain, a fitting, an appliance, a septic tank, a conservancy tank, a pit latrine and a private pumping installation, forming part of or being ancillary to such system;

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

"**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;

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

"**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;

"**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 111;

"**environmental cost**" means the full cost of all measures necessary to restore the environment to its condition prior to an incident which causes damage to it, 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;

"**fire installation**" means a potable water installation that conveys water intended for fire-fighting purposes only;

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

"flood level" means that level reached by flood waters resulting from a storm designated in terms of recognized engineering criteria as being of a frequency to be expected once in every 50 years;

"flood plain" means the area below the flood level subject to inundation;

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

"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;

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

"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, manufacturing, mining, chemical or other industrial process or in any laboratory, or in the course of research, or agricultural activity, and includes any liquid or effluent emanating from the use of water, other than standard domestic effluent or storm water, and "trade effluent" bears the same meaning;

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

"law" means any law, including the common law;

"main" means a pipe, other than a connection pipe, vesting in the Council 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 Regulation 81(a) Government Notice R 2362 dated 18 November 1977, published in terms of the Trade Metrology Act, 1973 (Act No. 77 of 1973) or any superseding legislation or, in the case of a water meter of a size greater than 100 mm, a device which measures the quantity of water passing through it;

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

"**occupier**" means a person who occupies any premises or part thereof;

"**owner**" includes -

(a) 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;

(b) where the owner of the premises concerned is insolvent, deceased, has assigned his estate for the benefit of his creditors, has been placed under curatorship in terms of an order of court, is a closed corporation being wound up, or is a company being wound up or under judicial management, includes 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;

(c) in any case where the Council is unable to determine the identity of such person, a person who is entitled to the benefit of the use of such premises; and

(d) 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 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 periodical consent or permission of, or the periodical renewal of a licence by the State or any statutory licensing body;

(e) in relation to-

- (i) a piece of land delineated on a sectional plan registered in terms of the Sectional Titles Act, 1986 (Act 95 of 1986), the developer or the body corporate in respect of the common property; and
- (ii) a section as defined in such Act, the person in whose name the relevant unit is registered under a sectional title deed, and includes the lawfully appointed representative of such a person;

"person" means any natural or juristic person, an unincorporated body, and includes a voluntary association or trust, an organ of state as defined in section 239 of the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996);

"pollution" means the introduction of any substance into the water supply system, a water installation or a 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" means any piece of land, with or without improvements, the external surface boundaries of which are delineated on-

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

"prepayment meter" means a meter that can be programmed to limit the flow of water into a water installation to the amount which has been previously purchased;

"**prepayment measuring system**" means a meter and ancillary devices, approved by the Council, designed to measure and allocate to a consumer the quantity of water pre-purchased by himself or herself;

"**prescribed**" means, determined by resolution of the Council from time to time;

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

"**professional engineer**" means a person registered as a professional engineer in terms of the Engineering Profession Act, 2000 (Act No. 46 of 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 therefor;

"**sanitation services**" means the collection, removal and disposal or purification of human excreta, sewage and any other effluent including domestic and industrial effluent resulting from the use of water;

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

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

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

"**sewage disposal system**" means a structure, pipe, valve, pump, meter or other appurtenance used in the conveyance of sewage through the sewer reticulation

system, and the treatment thereof at a sewage treatment plant under the control of the Council and which may be used by it in connection with the disposal of sewage;

"**sewer**" means any pipe or conduit which is the property of or is vested in the Council and which may be used or is intended for the conveyance of sewage from the connecting sewer but does not include a drain as defined; and "municipal sewer" has a corresponding inclusive meaning;

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

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

"**terminal water fitting**" means a water fitting at an outlet of a water installation that controls the discharge of water;

"**trade premises**" means premises upon which any form of industrial effluent is produced;

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

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

"**water services**" means water supply services and sanitation services, as defined in these By-laws and includes the collection and disposal of industrial effluent;

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

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

"**water supply services**" means the abstraction, conveyance, treatment and distribution by the Council, of water for domestic, industrial and commercial purposes;

"**water supply system**" means a structure, aqueduct, pipe, valve, pump, meter or other apparatus relating thereto which is vested in the Council, and is used or intended to be used in connection with the supply of water;

"**wet industry**" means an industry which discharges industrial effluent;

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

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

PART 1

APPLICATION FOR WATER SERVICES

Application for water service

2. (1) No person, other than a consumer on Service Level 1, may consume, abstract or be supplied with water from the water supply system, or utilize the sewage disposal system or any other sanitation services, unless he or she has applied to the Council on the prescribed form for such services, and such application has been agreed to.

- (2) An application for the use of water services approved by the Council constitutes an agreement between the Council and the applicant, and takes effect on the date referred to in the application.
- (3) The person referred to in subsection (2) will be liable for all the prescribed fees in respect of water services rendered to him or her until the agreement has been terminated in accordance with these By-laws, and is the consumer for all purposes during the currency of the agreement;
- (4) The Council, may, if it deems it necessary, require a third party to be bound jointly and severally as surety and co-principal debtor with the consumer, for the payment of any prescribed fees under these By-laws.
- (5) An application form must contain at least the following minimum information -
 - (a) a statement by the applicant that he or she is aware of and understands the contents of the form;
 - (b) acceptance by the applicant of the provisions of these By-laws, and acceptance of liability for the cost of water services rendered until the agreement is terminated;
 - (c) the name of the proposed consumer, and his or her identity or registration number, where applicable;
 - (d) the address or stand number of the premises to or on which, water services are to be rendered, or a communal water connection operates;
 - (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 owners agent, stating the date of occupation.

- (6) Water services rendered to a consumer are subject to the provisions of these By-laws and the conditions contained in the relevant agreement.
- (7) The applicant must be informed if the Council 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 Council must furnish the applicant with the reasons therefore and, if applicable, the date when the Council will be able to provide such water services.

Special agreements for water services

- 3. The Council may enter into a special agreement for the provision of water services to-
 - (a) inside its area of jurisdiction, if the service applied for necessitates the imposition of conditions not contained in the prescribed form or in these By-laws; and
 - (b) outside its area of jurisdiction, if such application has been approved by the Council having jurisdiction in the area in which the premises to be supplied are situated.

PART 2

TARIFFS AND CHARGES

Prescribed tariffs and charges for water services

- 4. All tariffs and or charges 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 connection charges, fixed fees or any additional charges or interest in respect of failure to pay such tariffs or charges on the specified date will be set by the municipality-
 - (a) by a resolution passed by the Council ;
 - (b) in accordance with-
 - (i) its tariffs policy
 - (ii) any by-laws in respect thereof; and
 - (iii) any regulations in terms of Section 10 of the Act.

Fixed charges for water services

5. (1) The municipality may, in addition to the tariffs or charges prescribed for water services actually provided, levy a monthly charge, annual fixed charge or once off fixed charge in respect of the provisions of water services in accordance with-
- (a) its tariff policy;
 - (b) any by-laws in respect thereof ; and
 - (c) any regulation in terms of section 10 of the Act.
- (2) Where a fixed charge in terms of sub-section (1), it shall be payable, by every owner or consumer in respect of water services provided by the municipality or its authorised agent to him, her or it, where or not water services are used by him, her or it.

PART 3

QUERIES AND COMPLAINTS IN RESPECT OF ACCOUNT

Queries or complaints

6. (1) A consumer may lodge a query or complaint in respect of the accuracy of the amount due and payable in terms of an account rendered to him, her or it.
- (2) A query or complaint must be lodged with the Council before or on the due date for payment of the account, or as soon as reasonably possible thereafter.
- (3) Where a query or complaint is lodged after the due date of the account queried or complained about, such query or complaint must be accompanied by the payment of at least an amount equal to the average amount that was due and payable during the preceding three months.
- (4) The Council must register the query or complaint and provide the consumer with a reference number.
- (5) The Municipality or its authorised agents shall-

- (a) investigate or cause the query or complaint to be investigated within 14 days, or as soon as possible after the query or complaint was registered ; and
- (b) must inform the consumer, in writing, of its finding as soon as possible thereafter,

Appeals against finding of municipality or its authorised agents in respect of queries or complains

7. (1) A consumer may in writing, appeal against the findings of the municipality or authorised agent in section 6.
- (2) An appeal and request in terms of sub-section(1) must be made in writing and lodged with the municipality or authorised agent within 21 days after the consumer became aware of the finding referred to in section 6 and must-
- (a) set out the reasons for the appeal; and
 - (b) be accompanied by the deposit for testing a measuring devise which shall be st by the Municipality or its agents.
- (3) An appeal must be decided by the municipality or its authorised agent within 21 days after an appeal was lodged and the consumer must be advised of te outcome of the appeal in writing, as soon as possible .
- (4) The municipality or its authorised agents shall condone the late filing of an appeal or other procedural irregularities.

Measuring devices

8. (1) If it is alleged in a query, complaint or appeal that a measuring device is inaccurate, the device must be subjected to a standard industry test to establish its accuracy. The consumer must be informed of the possible costs implications including the estimated amount of such test, as set out in sub-section (2) (a) below, prior to such test being undertaken.

- (2) If the outcome of any test shows that measuring device is-
- (a) within a prescribe range of accuracy, the consumer will be liable for the costs of such test and any other amount outstanding. Such costs will be debited against the consumer's account;
 - (b) is outside the accuracy prescribe range of accuracy, the municipality or 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, she or it is entitled..
- (3) A measuring device shall be deemed to be defective if, when tested in accordance with the standard industry test or if the measuring device is a mater subject to te regulations published under section 9 of the Act, it dos not meet generally accepted specifications of the specifications as set out in the regulations.
- (4) In addition to subsection (3) above, the municipality or its authorised agents must if the measuring device is found to be defective-
- (a) repair the measuring device or install another device which is in good working order, without charge to the consumer, unless the costs thereof are recoverable from to a contravention of section 33 (6) of the Act; and
 - (b) determine the quantify of water services for which the consumer will be charged in lieu of the quantity measured by the defective measuring device by talking as basis for such determination, and as the municipality or its authorised agent may decide-
 - (i) the quantity representing the average monthly consumption of the consumer during the three month in respect of which the measurement is disputed and adjusting such quantity in accordance with the degree of error found in the reading of the defective water meter;

- (ii) the average consumption of the consumer during the succeeding three periods after the defective water meter has been repaired or replaced; or
- (iii) the consumption of water on the premises recorded for the corresponding period in the previous year.

PART 4

TERMINATION, LIMITATION AND DISCONTINUATION OF WATER SERVICES

Termination of agreements

9. (a) A consumer may terminate an agreement for the provision of water services by giving to the Council not less than seven days' notice in writing of his or her intention to do so;
- (b) the Council may, by notice in writing of not less than 30 days, advise a consumer of the termination of his or her agreement for the provision of water services if -
- (i) he or she has not used the water services during the preceding six months and has not made arrangements to the satisfaction of the Council for the continuation of the agreement;
 - (ii) he or she has failed to comply with the provisions of these By-laws and has failed to rectify such failure to comply following the issue of a compliance notice contemplated in section III or has failed to pay prescribed fees due and payable: Provided that the provisions of the Act, these By-laws and any other applicable law must be followed before the agreement is terminated; or
 - (iii) an arrangement has been made by such consumer with another water services institution to provide water services to the consumer;

- (2) The Municipality or its authorised agents may, after having given notice, terminate an agreement for services if a consumer has vacated the premises to which such agreement relates.
- (3)
- (a) If it is determined by a body legally empowered to do so, other than the Council that an existing water service on private property, or emanating from private property, is creating environmental damage, or water pollution, or water wastage, and the owner of the property, 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 Council is not 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 termination of the services.
- (b) Should the consumer fail to carry out such measures, the municipality or its authorised agents 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.

Limitation and/or discontinuation of water services

10. (1) The municipality or its authorised agents 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 10 and the Council has not received an application for subsequent services to the premises, within a period of ninety days of such termination;
- (c) if the building on premises to which services were provided has been demolished;

- (d) if the consumer has unlawfully interfered with the water installation or 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.
- (2) The municipality or its authorised agents will not be liable for any damages or claims that may arise from the limitation or discontinuation of water services provided in terms of subsection (1)

PART 5

GENERAL PROVISIONS

Responsibility for compliance with these by-laws

11. (1) The owner of the premises is responsible for ensuring compliance with these by-laws in respect of all or any matter relating to any installation.
- (2) The consumer is responsible for compliance with these by-laws in respect of matters relating to the use of installation.

Unauthorized use of water services

12. (1) No person may gain access to water services from the water supply system, sewage disposal system or any other sanitation services unless an agreement has been entered into with the Council for the rendering of those services.
- (2) A designated officer may issue a compliance notice to ensure compliance with subsection (1) by, inter alia, ordering a person making unauthorized use of water services to -

- (a) apply for such services in terms of section 2; and
- (b) undertake and complete, to the reasonable satisfaction of the designated officer, such plant as may be necessary to ensure that the consumer installation through which access was gained complies with the provisions of these By-laws, and to make application in the prescribed manner for such services.

Purpose of water services

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

Interference with water supply system or any sanitation services

14. (1) No person may -
- (a) operate or maintain any part of the water supply system;
 - (b) operate any sewage disposal system;
 - (c) effect a connection or reconnecting to the water supply system or sewage disposal system; or
 - (d) render any other sanitation services, unless in any such case he or she has been authorised to do so by the Council in writing.
- (2) No person may interfere with, or wilfully or negligently damage, or permit damage to or interference with any part of the water supply system or sewage disposal system belonging to the Council.

Obstruction of access to water supply system or any sanitation service

15. (1) No person may prevent or restrict physical access to the water supply system or sewage disposal system by any employee of the Council.

- (2) If a person contravenes sub-section (1), the municipality or its authorised agents may-
- (a) by written notice require such person to restore access at his or her or it own expense within specified period; or
 - (b) if it is of the opinion that the situation is a matter of urgency, without prior notice resort access and record the cost from such person.

Pipes in the street or public places

16. No person shall for the purpose of conveying water derived from whatever source or the disposal of sewerage or effluent, 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 a street, public place or other land owned by, vested in, or under the control of any municipality or its authorised agent, except with the prior written permission of that municipality or its authorised agent and subject to such conditions as may impose.

Offences

17. (1) A person who-
- (a) unlawfully and intentionally or negligently interfere with any water services works of the municipality or its authorised agent;
 - (b) fails to provide information or provide information or provide false information reasonable requested by the municipality or its authorised agents;
 - (c) obstructs or hinders a municipality or its authorised agent in the exercise of his or her powers or performance of his or her functions of duties under these by-laws
 - (d) contravenes or fails to comply with a provision of these by-laws;
 - (e) contravenes or fails to comply with a condition or prohibition imposed in terms of these by-laws;
 - (f) fails to comply with the terms of a notice served upon him or her in terms of these by-laws.

Shall be guilty of an offence and liable for a conviction to a fine not exceeding R2000-00 and or imprisonment not exceeding 4 months .

CHAPTER 2

WATER SUPPLY SERVICES

Provision of connection pipe

18. (1) If an agreement for water supply services in respect of premises has been concluded and no connection pipe exists in respect of the premises, the owner must make application on the prescribed form and pay the prescribed fees for the installation of such a pipe,
- (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 agents may agree to the extension, subject to such conditions as it may impose.

Location of connection pipe

19. (1) A connection pipe provided and installed by the Council must-
- (a) be located in a position agreed to between the owner and the municipality or its authorised agent and be of a suitable size as determine by the municipality or its authorised agent;
- (b) terminate at the boundary between the land owned by or vested in the Council, or over which either of them has a servitude or other right, and the owner's premises.
- (2) If there is land between the boundary of land owned by or vested in the Council and the land of an owner who has made an application referred to in subsection (1), and the intervening land is not subject to a servitude or other right to carry a connection pipe, such pipe must terminate at the boundary of the land owned by the Council, or vested in it.

- (3) The Council shall be liable for the maintenance of any meter and associated valve which may be situated on the consumer's premises.
- (4) The Council may, at the request of any person, agree, subject to such conditions as it may impose, to a connection to a main other than that which is most readily available for the provision of water supply to the premises if the applicant agrees to be responsible for any extension of the water installation to the connecting point designated and agreed to by the Council and for obtaining at his or her cost, such servitude over other property as may be necessary.

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

20. (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.
- (2) Where the owner, or the person having the charge or management of any premises on which several accommodation units, business units, or consumers are situated, requires the supply of water to such premises for the purpose of separate supply to the different units or consumers, the Council may, in its discretion, provide and install either -
 - (a) a single measuring device in respect of the premises as a whole or a number of such units or consumers; or
 - (b) a separate measuring device for each such unit or consumer or any number thereof.
- (3) Where the Council has installed a single measuring device as contemplated in subsection 2 (a), the owner or the person having the charge or management of the premises, as the case may be -
 - (a) must, if the Council so requires, install and maintain on each branch pipe extending from the connection pipe to the different units or consumers-

- (i) a separate measuring device; and
 - (ii) an isolating valve; and
- (b) is liable to the Council for the prescribed fees for all water supplied to the premises through such single measuring device, irrespective of the different quantities consumed by the different consumers served by such measuring device.
- (4) Notwithstanding the provisions of subsection (1), the Council 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 Council, undue hardship or inconvenience would be caused to any consumer on such premises by the provision of only one connection pipe.
- (5) Where the provision of more than one connection pipe is authorised by the Council in terms of subsection (4), the prescribed fees for the provision of a connection pipe are payable in respect of each water connection so provided.
- (6) Where premises are supplied with water by a number of connection pipes, the Council may require the owner to reduce the number of connection points and alter his or her water installation accordingly at the owner's expense.

Interconnection between premises or water installations

21. An owner of premises must ensure that no interconnection exists between -
- (a) the water installation on his or her premises and the water installation on any other premises; or
 - (b) where several dwelling or business units are situated on the same premises, the water installations of such units, unless he or she has obtained the prior written consent of the Council and complies with any conditions that may have been imposed.

Disconnection of water installation from connection pipe

22. The Council may disconnect a water installation from the connection pipe and remove the connection pipe if -
- (a) the agreement for supply has been terminated in terms of section 10 and it has not received an application for a subsequent supply of water to the premises served by the pipe within a period of 90 days of such termination; or
 - (b) the building on the premises concerned has been or is in the process of being demolished.

Water supplied from a hydrant

23. (1) The Council may authorize 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.
- (2) Except in an emergency, a person who requires a temporary supply of water referred to in subsection (1) must apply therefor.
- (3) The Council may, for the purpose of supplying water from a hydrant, provide a portable water meter to be returned to the Council on termination of the temporary supply, which portable meter and all other fittings and apparatus used for the connection of the portable water meter to a hydrant remains the property of the Council and will be provided subject to any conditions imposed by the Council.

PART 1 STANDARDS AND GENERAL CONDITIONS

Quantity, quality and pressure

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

General conditions of supply

25. (1) Subject to the provisions of the Act, the supply of water by the Council 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 to a consumer is interrupted for more than 24 hours, the Council must provide an alternative basic water supply as soon as reasonably practicable.

- (2) The Council may specify the maximum height above ground level or mean sea level to which water is supplied from the water supply system.
- (3) If an owner requires that any of the standards contemplated in section 9 of the Act, be maintained on his or her premises, he or she must make provision in the water installation for such maintenance.
- (4) The Council, may, in an emergency, interrupt the supply of water to any premises without prior notice.
- (5) If the consumption of water by a consumer adversely affects the supply of water to any other consumer, the Council may apply such restrictions as are necessary, 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 first mentioned consumer of such restrictions.
- (6) The Council 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
- (7) Every steam boiler and any premises which require, for the purpose of the work undertaken on the premises, a continuous supply of water, must have a cistern fitted and in working order and holding a water supply deemed adequate by the occupier of the premises.

- (8) No consumer may resell water supplied to him by the Council except with the written permission of the Council, which may stipulate the maximum price at which the water may be resold, and may impose such other conditions as the Council may deem necessary.
- (9) The Council does not undertake to maintain sufficient pressure in the water supply system to ensure the operation of manually actuated toilet flushing valves which require a specified minimum pressure to operate.

Measuring of quantity of water supplied

- 26.(1) The Council must measure the quantity of water supplied at such regular intervals as the Council may determine, but which must not exceed 180 days.
- (2) Any measuring device through which water is supplied to a consumer by the Council, and its associated apparatus, must be provided and installed by the Council, and remains its property, and may be changed and maintained by the Council when deemed necessary by it.
- (3) The Council may install a measuring device, and its associated apparatus, at any point on the service pipe.
- (4) If the Council installs a measuring device on a service pipe in terms of subsection (3), it may install a section of pipe and associated fittings between the end of its connection pipe and the meter, and such section is deemed to form part of the water installation.
- (5) If the Council installs a measuring device together with its associated apparatus on a service pipe in terms of subsection (3), the owner must -
 - (a) provide a place satisfactory to the Council in which to install it;
 - (b) ensure that unrestricted access is available to it at all times;
 - (c) be responsible for its protection and be liable for the costs arising from damage thereto, excluding damage arising from normal fair wear and tear;

- (d) ensure that no connection is made to the pipe in which the measuring device is installed, between the measuring device and the connection pipe or water main serving the installation;
 - (e) make provision for the drainage of water which may be discharged, from the pipe in which the measuring device is installed, in the course of work done by the Council on the measuring device;
 - (f) 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 Council, is likely to cause damage to any meter.
- (6) No person other than an authorised official of the Council may -
- (a) disconnect a measuring device and its associated apparatus from the pipe in or to which they are installed or connected;
 - (b) break a seal which the Council has placed on any meter; or
 - (c) in any other way interfere with a measuring device and its associated apparatus.
- (7) If the Council 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 fees for the installation of the replacement meter.
- (8) The Council may, at the owner's expense, install or require the installation, of a measuring device to each business or dwelling 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 a fixed quantity water delivery system is used, a single measuring device may be used to supply more than one unit.

- (9) Failure by the Council to comply with the period of 180 days referred to in subsection (1), will not disentitle the Council from recovering any monies due to it by a consumer.

Quantity of water supplied to consumer

- 27.(1) For purposes of assessing the quantity of water supplied to a consumer during any period and measured by a measuring device installed by the Council over a specific period, for the purposes of these By-laws it will be deemed that, other than in the case of prepayment 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 Council were correctly made.
- (2) If water is supplied to, or taken by, a consumer without its passing through a measuring device, the estimate by the Council of the quantity of such water will be deemed to be correct.
- (3) Where water supplied by the Council to any premises is in any way taken by the consumer without such water passing through any measuring device provided by the Council, the Council may for the purpose of rendering an account, make an estimate, in accordance with subsection (4), of the quantity of water supplied to the consumer during the period that water is so taken by the consumer.
- (4) For the purposes of subsection (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 three succeeding measuring periods taken over not more than 180 days in total, after the date on which the irregularity referred to in subsection (2) was discovered and rectified, and/or

- (b) the period preceding the date referred to in subsection (2) but not exceeding 36 months.
- (5) Nothing in these By-laws may be construed as imposing on the Council an obligation to cause any measuring device installed on any premises to be measured at the end of any fixed period, and the Council may estimate the quantity of water supplied over any period during the interval between successive measurements of the measuring device, which may not be more than 180 days apart, and render an account to a consumer for the quantity of water so estimated.
- (6) The Council must, on receipt from the consumer of written notice of not less than seven days and subject to payment of the prescribed fees, measure the quantity of water supplied to such consumer at a time or on a day other than that upon which it would normally be measured.
- (7) If a contravention of section 30(6) occurs, the consumer must pay to the Council the cost of such quantity of water estimated by the Council to have been supplied to the consumer.
- (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 are situated, during a specific period.
- (9) Where in the opinion of the Council it is not reasonably possible or cost effective to measure water supplied to each consumer within a particular zone, the Council may determine the fees to be paid by each consumer within that zone irrespective of actual consumption.
- (10) Fees determined in terms of subsection (9) will be based on the estimated average consumption of water supplied to that zone.
- (11) Where water supply services are provided through a communal water services work, the amount due and payable by consumers gaining access to water supply services through that communal water services work, will be based on the estimated average consumption of water supplied to that water services

work, and the decision of the Council in arriving at that amount is final and binding on each consumer affected thereby, unless legally set aside.

- (12) For the purposes of subsections (8) and (9), 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.
- (13) Failure by the Council to comply with the period of 180 days referred to in subsections (4)(a) and (5), will not disentitle the Council from recovering any monies due to it by a consumer.

No reduction of amount payable for water wasted

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

Adjustment of quantity of water supplied through defective measuring device

29. (1) If a measuring device is found to be defective, the Council may estimate the quantity of water supplied to the consumer concerned during the period in which, in its opinion, such measuring device was defective, on the basis of the average daily quantity of water supplied to him or her over-
- (a) a period between two successive measurements subsequent to the replacement of the measuring device or, if this is not possible;
- (b) the 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 three successive measurements prior to the measuring device becoming defective.

- (2)
- (a) 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 subsection (1), the Council may estimate the quantity; and
 - (b) the consumer must be informed of the method used by the Council to estimate the quantity of water supplied to him or her, as contemplated in subsections (1) and (2), and given an opportunity to make representations to the Council before a final estimate is arrived at

PART 7

INSTALLATION WORK

Approval of installation work

30. (1) If an owner wishes to have installation work done, he or she must first obtain the written permission of the Council: Provided that permission is not required in the case of water installations in dwelling units or installations where no fire installation is required in terms of SABS Code 0400 or in terms of any by-laws, or for the repair or replacement of an existing pipe or water fitting, other than a fixed water heater and its associated protective devices.
- (2) If any of the installation work is governed by the EIA Regulations, then the owner must ensure compliance and obtain the relevant authorization in respect thereof.
- (3) Application for the permission referred to in subsection (1) must be made on the prescribed form and must be accompanied by -
- (a) the prescribed fees ,
 - (b) copies of the drawings as prescribed by the Council, reflecting the information and in the form required by Clause 4.1.1 of SABS Code 0252 : Part I; or

- (c) a certificate from a professional engineer or qualified plumber certifying that the installation has been designed in accordance with SABS Code 0252 : Part I or, has been designed on a rational basis.
- (4) The provisions of subsections (1), (2) and (3) do not apply to a qualified plumber who replaces a fixed water heater or its associated protective devices.
- (5) Any authority given in terms of subsection (1) lapses at the expiry of a period of twenty-four months after the first day of the month succeeding the month in which the authority is given.
- (6) 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 permission is required in terms of subsection (1).
- (7) If installation work has been done in contravention of subsections (1), (2) or (3), a designated officer may, subject to the provisions of Chapter 4, issue a compliance notice requiring the owner of the premises concerned -
 - (a) to comply with the relevant subsection, 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.

Provision and maintenance of water installation

- 31. (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.
- (2) Before doing work in connection with the maintenance of a portion of his or her water installation which is situated outside the boundary of his premises, an owner must obtain the written consent of the Council or the owner of the land on which such portion is situated, as the case may be.

Use of pipes and water fittings to be authorised

32. (1) No person may, without the prior written permission of the Council, install or use a pipe or water fitting in a water installation within the Council'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 Council.
- (2) Application for the inclusion of a type of pipe or water fitting in the schedule referred to in subsection (1), must be made on the form prescribed by the Council and be accompanied by the prescribed fees.
- (3) A type of pipe or water fitting may be included in the schedule referred to in subsection (1) if -
- (a) it bears the standardization mark of the South African Bureau of Standards in respect of the relevant SABS specification issued by the Bureau; or
 - (b) it bears a certification mark issued by the SABS to certify that the type of pipe or water fitting complies with an SABS mark, specification or a provisional specification issued by the SABS: Provided that no certification marks shall be regarded as valid if issued more than two years previously.
- (4) The Council may, in respect of any type of pipe or water fitting included in the schedule, impose such additional conditions as it may deem necessary in respect of the use or method of installation thereof.
- (5) A type of pipe or water fitting may be removed from the schedule if it -
- (a) no longer complies with the criteria upon which its inclusion was based; or
 - (b) is no longer suitable for the purpose for which its use was accepted.
- (6) The current schedule referred to in subsection (1) must be available for inspection at the office of the Council at any time during working hours.

- (7) The municipality or its authorised agent may sell copies of the current schedule at the prescribed charge.

Labeling of terminal water fittings and appliances

- 33.** A terminal water fitting and appliance using or discharging water must be marked, or have included within the packaging of the item, the following information:
- (a) the range of pressure in kPa over which the water fitting or appliance is designed to operate; and
 - (b) the flow rates, in liters per minute, related to the design pressure range, including at least the following water pressures -
 - (i) 20 kPa;
 - (ii) 100 kPa; and
 - (iii) 400 kPa.

PART 8

WATER POLLUTION, RESTRICTION AND WASTEFUL USE OF WATER

Owner to prevent pollution of water

- 34.** An owner must provide and maintain effective measures 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, in -
- (a) the water supply system or plant; and
 - (b) any part of the water installation on his or her premises.

Protection of water installations

35. (1) The owner of any premises must prevent the back siphonage into his or her water installation of a substance which is likely to cause a danger to health or affect the portability 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 Babcock, a laboratory tap, and a movable shower unit;
 - (b) a fire hosereel 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.

Water restrictions

36. (1) Whenever there is a scarcity of water available for distribution and supply to consumers, the Council may prohibit or restrict the use of water under its control or management, as contemplated in section 83A of the Local Government Ordinance, No. 17 of 1939.
- (2) Whenever it acts in terms of subsection (1), the Council must cause a notice of the resolution taken in terms of section 83A(1) of the Local Government Ordinance, 1939, to be published in one or more local newspapers, in two of the official languages.
- (3) Notwithstanding the provisions of subsections (1) and (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 Council may take any steps contemplated in section 83A of the Local Government Ordinance, 1939, without taking the resolution contemplated in that section.

Waste of water unlawful

37. (1) No consumer shall 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) a wasteful use of water to persist.
- (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 event referred to in subsection (1).
- (3) If an owner fails to take measures as contemplated in subsection (2), a designated officer may issue an enforcement notice in connection therewith.
- (4) Every consumer must ensure that any equipment or plant connected to his or her water installation uses water in an efficient manner.

Prohibition of use of certain equipment in a water installation

38. A designated officer may, by compliance notice, prohibit the use by a consumer of any equipment in a water installation if, in his or her opinion, its use of water is wasteful, and such equipment must not be returned to use until its efficiency has been restored, and a written application to do so has been approved by the Council.

Sampling of water

39. (1) The Council 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 50(2).

- (2) The prescribed fees for the taking and testing of the samples referred to in subsection (1) must be paid by the person to whom approval to use the water for potable water was granted in terms of that section.

Testing of pressure in water supply system

40. The Council must, on application by an owner and on payment of the prescribed fees, 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.

Pipe in street or public place

41. 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 Council, except with the prior written permission of the Council, and subject to such conditions as may be imposed by it on granting permission.

Use of water from source other than the water supply system

42. (1) Except with the prior permission of the Council, 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 Council may impose, for domestic, commercial or industrial purposes, and except with the approval of any other authority required by any law.
- (21) Any person requiring the permission referred to in subsection (1) must, at his or her own cost, provide the Council with proof to its satisfaction that the water referred to in that section complies or will comply with the requirements of SABS Code 241:1999 (Fourth Edition): Drinking Water, and any other requirement contained in these By-laws or any other law applicable to the consumption of water, or that the use of such water does not, or will not, constitute a danger to health.
- (3) Any permission given in terms of subsection (1) may be withdrawn if, in the opinion of the Council -

- (a) a condition imposed in terms of that subsection is breached; or
 - (b) the water no longer conforms to the requirements referred to in subsection (2).
- (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 sewage disposal system, the Council 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 it is so used.
- (5) The provisions of section 30 must apply insofar as they may be applicable in respect of any meter referred to in subsection (4).

Special provisions for fire services

43. (1) Any water installation for the provision of water for fire fighting purposes, must comply with the provisions of SABS Code 0252-1:1994 or any revision or substitution thereof.
- (2) Notwithstanding the provisions of subsection (1), the special provisions contained in sections 51 to 61 inclusive apply, insofar as they are applicable, to the supply of water for fire fighting purposes.

Payment for fire services

44. The consumer and the owner of the premises are jointly and severally liable to pay the fees determined by the Council, in respect of any fire extinguishing installation or appliance used or installed upon such premises.

Dual and combined installations

45. Any new building erected 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 Council charged with the approval of plans, boosting of the system is required, either in terms of

ensuring adequate pressure or supply of water for the purposes which the system is intended to meet, a dual pipe system must be used, one for fire extinguishing purposes and the other for general domestic purposes;

- (b) Combined installations, in which the same pipes and fittings are used for fire extinguishing and general domestic purposes, are only permitted where no booster pumping connection is provided on the water installation;
- (c) In the circumstances contemplated in paragraph (b), a fire hydrant must be provided by the Council, at the consumer's expense, within 90 meters of the property 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 1015 kPa, which could be expected when boosting takes place and must be designed to maintain their integrity when exposed to fire conditions.

Connection pipes for fire extinguishing services

46. (1) A single connection to the water supply system, to serve a connection pipe for a fire installation, excluding a sprinkler system, may be provided by the Council
- (2) The Council may provide and install at its cost a meter on the connection pipe referred to in subsection (1).
 - (3) Where, there is an existing connection pipe for the sole purpose of fire extinguishing services, such connection pipe may only be used for that purpose.
 - (4) No take-off of any kind from any connection pipe referred to in subsection (3) may be made, nor may any water therefrom be used except in connection with an automatic sprinkler and drenched, a hydrant connection or a hose-reel connection, or for any pressure tank connection therewith, and such tank must be controlled by an approved fitting.

- (5) A separate connection pipe must be laid and used for every fire sprinkler extinguishing system, unless otherwise approved.

Valves in connection pipe

47. Every connection pipe must be fitted with a proper gate valve, which must be -

- (a) supplied by the Council at the expense of the consumer;
- (b) installed between the consumer's property and the main;
- (c) of the same diameter as the connection pipe; and
- (d) installed in such position as may be specified by the Council.

Inspection and approval of fire extinguishing installation

48. No water may be supplied to any fire extinguishing installation until -

- (a) it has been inspected and tested by the Council;
- (b) the Council 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 Council for such inspection and testing have been paid.

Connection to be at the pleasure of the Council

49. (1) The Council, is entitled, in its absolute discretion, to grant or refuse an application for the connection of a fire extinguishing installation to its main.

- (2) If in its opinion a fire extinguishing 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, or is being used in contravention of sections, 54(3) or 54(4), the Council 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.

Meter in fire extinguishing connection pipe

50. The Council is entitled to install a water meter in any connection pipe used solely for fire extinguishing purposes, and the owner of the premises will be liable for the whole of the cost of so doing if it appears to the Council that water has been drawn from the pipe otherwise than for the purpose of extinguishing a fire.

Sealing of private fire hydrants

51. (1)

- (a) Except in the case of a fire installation supplied through a connection pipe fitted with a meter, a private hydrant and hose-reel must be sealed by the Council and such seal may not be broken by any person other than the Council in the course of servicing and testing, except for the purpose of opening the hydrant in the case of fire.
 - (b) Every owner or consumer must give the Council at least 48hours' notice of his or her intention to cause a fire extinguishing installation to be serviced and tested.
- (2) The cost of resealing a hydrant and hose-reel referred to in subsection (1)(a), must be borne by the consumer except when such seal is broken by the Council 's employee for testing purposes.
- (3) Any water consumed after the breaking of the seal referred to in subsection (2), other than in the course of testing by the Council or in the course of fighting a fire, must be paid for by the consumer at the fees determined by the Council for domestic purposes.
- (4) The quantity of water consumed as contemplated in subsection (3), must be determined by the Council.

CHAPTER 3

SANITATION SERVICES

Objectionable discharge to sewage disposal system

52. (1) No person may discharge, or cause or permit the discharge or entry into any sewer of any sewage, industrial effluent or other liquid or substance-
- (a) which may be offensive to, or may cause a nuisance to the public;
 - (b) which is in the form of steam or vapor or has a temperature exceeding 44 degrees Celsius at the point where it enters the sewer;
 - (c) which has a pH value less than 4.0;
 - (d) which contains any substance of whatsoever nature likely to produce or give off explosive, flammable, poisonous or offensive gases or vapors in any sewer;
 - (e) which contains any substance having an open flashpoint of less than 93 degrees Celsius or which gives off a poisonous vapor at a temperature below 93 degrees Celsius;
 - (f) which contains any material of whatsoever nature, including oil, grease, fat or detergents capable of causing an obstruction to the flow in a sewer, to a drain or interference with the proper operation of a sewage treatment plant;
 - (g) which may inhibit the unrestricted conveyance of sewage through the sewage disposal system;
 - (h) which contains any substance in such concentration as is likely in the final treated effluent from any sewage treatment plant to produce an undesirable taste after chlorination, or an undesirable odor or color, or excessive foam-;

- (i) which contains any substance-
 - (i) in amounts higher than those specified therein;
 - (ii) which may harm or damage any sewer, mechanical appliance, sewage treatment plant or equipment;
 - (iii) which may prejudice the use of sewage effluent for re-use; or
 - (iv) which may adversely affect any water into which treated sewage effluent is discharged, or any land or crop irrigated with the sewage effluent;

- (j) which contains any substance of whatsoever nature which-
 - (i) which is not amenable to treatment at the sewage treatment plant, or

 - (ii) causes or may cause a breakdown or inhibition of the normal sewage treatment processes; or

 - (iii) is of such nature as is or may be amenable to treatment only to such degree as to result in the final treated effluent from the sewage treatment plant not complying in all respects with any requirements imposed in terms of the National Water Act; and

- (k) whether listed in Schedule D of these By-laws or not, either alone or in combination with other matter may -
 - (i) generate or constitute a toxic substance dangerous to the health of a person employed at the sewage treatment plant, or entering a Council sewer or manhole in the course of his or her duty; or

 - (ii) adversely affect the equipment of the sewage treatment plant or the land used for the disposal of treated sewage effluent; or

 - (iii) adversely affect any process whereby sewage is treated or wherein any re-use of sewage effluent is permitted.

- (2) No person may cause or permit any solid, liquid or gaseous substance, other than storm water to enter -
- (a) any storm water drain, storm water sewer or excavated or constructed water course;
 - (b) any river, stream, or natural water course or any public water, whether ordinarily dry or otherwise, except in accordance with the provisions of the National Water Act; or
 - (c) any street or premises.
- (3) An authorized official may require any owner of premises from which there is a discharge of any sewage, industrial effluent, or any substance referred to in subsection (1), 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 report such findings to the Council.
- (4) If any contravention of any provision of subsection (1) takes place on any premises, or elsewhere, the owner of such premises, or any person aware of the contravention must as soon as possible notify the Council of the details of the contravention and the reason for it.

Disposal of sludge, compost and manure

53. (1) Except when prohibited by any law, the Council may sell or dispose of sewage sludge, compost or animal manure resulting from the operation of any sewage treatment plant operated by the Council or sewage farm associated therewith, on such conditions regarding the loading and conveyance thereof, the place to which it is conveyed and the manner in which it is to be used, applied or processed, as the Council may impose or as may be required in terms of any law.
- (2) Except in the case of long-term contracts entered into for the purpose of the removal thereof, such sludge, compost or manure must be sold or disposed of at a price determined from time to time by the Council.

Application for infrastructure

54. (1) If an agreement for on-site sanitation and associated services in accordance with section 4 has been concluded, and no infrastructure in connection therewith exists on the premises, the owner must immediately make application for the installation thereof on the prescribed form and -
- (a) pay the prescribed fees for the installation of the necessary infrastructure; or
 - (b) with the approval of the Council install on-site sanitation services in accordance with the specifications of the Council.
- (2) In approving an application for the installation of infrastructure, the Council may specify the type of on-site sanitation services to be installed.

Septic tank and treatment plant

55. (1) No person may construct, install, maintain or operate any septic tank or other plant for the treatment, disposal or storage of sewage, without the prior written permission of the Council.
- (2) The permission referred to in subsection (1) is subject to the provisions of these By-laws, any other relevant by-laws of the Council, or any other law.

French drain

56. The Council may, at its discretion and on such conditions as it may prescribe, having regard to the quantity and nature of the effluent and the nature and permeability of the soil, permit the disposal of wastewater or other effluent by means of a french drain, soakage pit or other approved work.

Services associated with on-site sanitation services

57. The removal or collection of conservancy tank contents, night soil or the emptying of pits will be undertaken by the Council in accordance with a removal and collection schedule determined from time to time by the Council.

Fees in respect of services associated with on-site sanitation services

58. (1) Prescribed fees in respect of the removal or collection of conservancy tank contents, night soil or the emptying of a pit or septic tank will be based on the quantity removed by vacuum tank or on the number of pails, in the case of a night soil removal service, and must be in accordance with Schedule A of these By-laws.
- (2) Regular night soil, conservancy tank and pit content removal services rendered in terms of these By-laws, will be discontinued on receipt by the Council of not less than 48 hours notice in writing from the owner or occupier of the property or premises to discontinue the service.
- (3) The fees for the services contemplated in subsection (1) will continue to be payable until the Council has received such notice and until the notice has expired;
- (4) Where notice to discontinue the service referred to in subsection (1) is received by the Council after the date when the services were to have been discontinued, the fee must cease as from the date and time of receipt of the written notice.

Disused conservancy and septic tanks

59. (1) If an existing conservancy tank or septic tank is no longer required for the storage or treatment of sewage, or if permission for such use is withdrawn, the owner must either cause it to be completely recovered, or to be completely filled with earth or other suitable material, and the land involved to be rehabilitated;

- (2) The Council may require the tank referred to in subsection (1) 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.

Provision of a connecting sewer

60. (1) If an agreement for the use of a sewage disposal system in accordance with section 4 has been concluded, the Council may, subject to the provisions of subsection (2) and as soon as practicable after being notified by the owner that the drainage installation on his premises is ready for connection to the sewage disposal system, at the Council's own expense, connect the drainage installation to the sewage disposal system.
 - (2) Any connection required by the owner subsequent to the initial connection provided by the Council is subject to the approval of the Council and must be installed at the owner's expense.
 - (3) 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 sewage disposal system.
 - (4) If an application is made for the connection of the sewage disposal system to premises which are so situated that it is necessary to extend the sewer in order to connect the sewage disposal system to the premises, the Council may agree to the extension subject to such conditions as it may impose.

Location of connecting sewer

61. (1) A connecting sewer provided and installed shall be located in a position either agreed to between the owner and the Council, or if no agreement can be reached, determined by the Council, and be of a size determined by an authorised official.

- (2) The Council may at the request of any person 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.
- (3) 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 servitude over other premises as may be necessary.

Interconnection between premises

62. 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 permission of the Council and complies with any conditions that may have been imposed in granting such permission.

Disconnection of drainage installation from connecting sewer

63. The Council may disconnect a drainage installation from the connecting sewer and seal the opening to the sewer so made and recover from the owner the fees determined by the Council, 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.

Acceptance of sewage delivered by road haulage

64. The Council may, at its discretion, and subject to such conditions as it may specify, accept sewage for disposal delivered to the any sewage treatment plant by road haulage.

Written permission for delivery of sewage by road haulage

65. (1) No person may discharge sewage into any Council sewage treatment plant by road haulage except with the written permission of the Council, and subject to such terms and conditions as may be imposed in terms of the written permission

- (2) The fees for any sewage delivered for disposal to a Council sewage treatment plant must be assessed by the Council in accordance with the prescribed fees applicable.

Conditions for delivery of sewage by road haulage

66. When sewage is delivered by road haulage -

- (a) the time of delivery must be arranged with the Council;
- (b) the nature and composition of the sewage must be established to the satisfaction of the Council prior to the discharge thereof from the container in which it is delivered, and no person may deliver sewage that does not comply with the standards laid down in or in terms of these By-laws; and
- (c) all other requirements in terms of SABS Codes 0231 and 0232 and any other applicable law must be complied with.

Withdrawal of permission for delivery of sewage by road haulage

67. (1) The Council may subject to the provisions of the Promotion of Administrative Justice Act, 2000, withdraw any permission, after giving at least 14 days written notice of its intention to do so, to any person who has been granted permission to discharge sewage by road haulage if that person -

- (a) fails on more than two occasions to ensure that the sewage so delivered conforms to the standards prescribed in these by-laws ;
- (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; and
- (c) fails to pay the assessed fees in respect of any sewage delivered within the period allowed for payment.

Application for disposal of industrial effluent

68. (1) Every person desiring to dispose of industrial effluent must apply in writing and in duplicate on the form prescribed in Schedule C for that purpose, for written permission to discharge industrial effluent into the sewage disposal system of the Council, and must thereafter provide such additional information and submit such sample as the Council may require.
- (2) The Council may, if in its opinion the capacity of the relevant sewage disposal system is sufficient to permit the conveyance and effective treatment and lawful disposal of such industrial effluent for such period and subject to such conditions it may determine and impose, grant an application
- (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 subsection (2).
- (4) Any person to whom permission has been granted in terms of subsection (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 Council 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.
- (5) Upon receipt of the notification referred to in subsection (4), the Council 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.
- (6) Any person who wishes to construct or cause to be constructed a building which is to be used as trade 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 1977, also lodge applications for the provision of sanitation services and for permission to discharge industrial effluent in terms of subsection (1).
- (7) Subject to the provisions of the Promotion of Administrative Justice Act, 2000, the Council may from time to time or at any time as a result of a change in the method of sewage treatment, or the introduction of new or revised or stricter or

other standards by the Council, or in terms of the National Water Act, 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 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, must be regarded as having fallen away and the new or amended conditions, if any, as the case may be, forthwith apply.

Unauthorized discharge of industrial effluent

69. (1) Any person who discharges or causes or permits to be discharged any industrial effluent into the sewer without having first obtained permission in terms of these by-laws, shall be guilty of an offence and liable,

Construction or installation of drainage installation

70. Any drainage installation must comply with SABS Code 0400-1990 Part P, Drainage and any amendments thereto.

Drain in street or public place

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

Construction by Council of drainage work

72. The Council 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 Council against payment, in advance, of all costs associated with such construction, and such agreement does not absolve the owner from complying with the requirements of any other law in respect of such construction work.

Maintenance of drainage installation

73. (1) The owner or occupier of any premises must maintain any drainage installation and any sewer connection on such premise
- (2) The Council itself 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 therefor in accordance with the prescribed fees determined by the Council.
- (3) Should the clearing by the Council of any blockage in a drainage installation necessitate the removal or disturbance of any paving, lawn or other artificial surfacing on any premises, the Council shall not be liable for the reinstatement thereof.
- (4) Should any drainage installation on any premises overflow as a result of an obstruction in the connecting sewer, and the Council 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 prescribed fee determined by the Council.
- (5) Where a blockage has been removed from a drain or portion of a drain which serves two or more pieces of land, the charges for clearing of such blockage are recoverable in the first place in equal portions from each of the owners thereof, who are, however, ultimately jointly and severally liable for the whole charge.
- (6) The Council 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 of charges.

CHAPTER 4**ENFORCEMENT OF THE BY-LAWS AND LEGAL MATTERS****Recovery of costs and fees**

74. Any costs which the Council is entitled to recover from a consumer, owner or other person in terms of these By-laws include, where applicable, any prescribed fees, expenses incurred in any exploratory investigation, survey, plan, specification, or schedule of quantities compilation, supervision, administration or authorization charges, including the cost of any ancillary work associated therewith, wear and tear on plant and equipment utilized 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.

Offences

75. (1) It is an offence for any person to -
- (a) refuse to grant a designated officer access to premises to which that designated officer is duly authorized to have access;
 - (b) obstruct, interfere or hinder a designated officer who is exercising a power 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 authorization to a designated officer or written authorization, compliance notice or compliance certificate issued in terms of this Chapter;
- (h) enter any premises without a written authorization in circumstances requiring such authorization;
- (i) act contrary to a written authorization issued in terms of this Chapter;
- (j) without authority -
 - (i) enter or inspect premises;
 - (ii) carry out any act mentioned in section 103(1);
- (k) disclose any information relating to the financial or business affairs of any person which was acquired in the performance of any function or exercise of any power in terms of these By-laws, except -
 - (i) to a person who requires that information in order to perform a function or exercise a power in terms of these By-laws;
 - (ii) if the disclosure is ordered by a court of law; or
 - (iii) 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 instruction given in terms of these By-laws; or

Repeal of existing By-laws

76. The Council's existing Water by-laws are hereby repealed.

Short title and commencement

77. These by-laws shall be called the Water By-laws, 2009, and shall come into operation on 12 June 2009.