

NGWATHE LOCAL MUNICIPALITY

BY-LAW RELATING TO WATER SUPPLY, SANITATION SERVICES AND INDUSTRIAL EFFLUENT

In terms of the provisions of section 156 of the Constitution of the Republic of South Africa, 1996, the Ngwathe Local Municipality hereby enacts as follows:

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1. Definitions

In this by-law, words used in the masculine gender include the feminine, the singular includes the plural and vice versa, the English text shall prevail in the event of an inconsistency between the different texts, and, unless the context otherwise indicates:-

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

"Act" means the Water Services Act, 1997 (Act No. 108 of 1997), as amended from time to time;

"approved" means approved by the municipality;

"authorised agent" means a person authorised by the municipality to perform any act, function or duty in terms of, or exercise any power under, this by-law;

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

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

- (a) intercepting, collecting or storing water in or removing water from an aquifer;
- (b) observing and collecting data and information on water in an aquifer; or
- (c) recharging an aquifer;

"Building Regulations" means the National Building Regulations made in terms of the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977);

"communal water services work" means a consumer connection through which water services are supplied to more than one person; the service is operated and maintained jointly by the users thereof and can include water supply and drainage systems.

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

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

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

"consumer" means –

(a) any occupier of any premises to which or on which the municipality has agreed to provide water services or is actually providing water services, or if there be no occupier, then any person who has entered into a current agreement with the municipality for the provision of water services to or on such premises, or, if there be no such person, then the owner of the premises; provided that where water services is provided through a single connection to a number of occupiers, it shall mean the occupier, or person, to whom the municipality has agreed to provide water services; or

(b) a person that obtains access to water services provided through a communal water services work;

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

"drainage installation" means a system, located on any premises and vested in the owner thereof, upstream of the connection point at the municipal main sewer, including the connecting manhole, and is used for or intended to be used for or in connection with the reception, storage, treatment or conveyance of sewage on that premises to the connecting point and includes drains, fittings, appliances, septic tanks, conservancy tanks, pit latrines and private pumping installations forming part of or ancillary to such systems;

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

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

"effluent" means any liquid whether or not containing matter in solution or suspension;

"emergency" means any situation that poses a risk or potential risk to life, health, the environment or property;

"environmental cost" means the full cost of all measures necessary to restore the environment to its condition prior to the damaging incident;

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

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

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

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

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

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

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

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

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

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

"municipality" means the Ngwathe Local Municipality established in terms of Section 12 of the Local Government: Municipal Structures Act, 117 of 1998, Provincial Notice 484 dated 22 September 2000 and includes any political structure, political office bearer, councillor, duly authorised agent thereof or any employee thereof acting in connection with this by-law by virtue of a power vested in the municipality and delegated or sub-delegated to such political structure, political office bearer, councillor, agent or employee;

"occupier" means a person who occupies any premises or part thereof, without regard to the title under which he occupies;

"on-site sanitation service" means a bucket system, septic tank, chemical toilet, urine diversion system, "VIP" or related systems;

"owner" means –

- (a) the person in whom from time to time is vested the legal title to premises;
- (b) in a case where the person in whom the legal title to premises is vested is insolvent or dead, or is under any form of legal disability whatsoever, the person in whom the administration and control of such premises is vested as curator, trustee, executor, administrator, judicial manager, liquidator or other legal representative;
- (c) in any case where the municipality is unable to determine the identity of such person, a person who is entitled to the benefit of the use of such premises or a building or buildings thereon;
- (d) in the case of premises for which a lease agreement of 30 years or longer has been entered into, the lessee thereof;
- (e) in relation to –
 - (i) a piece of land delineated on a sectional plan registered in terms of the Sectional Titles Act, 1986 (Act No. 95 of 1986), the developer or the body corporate in respect of the common property, or
 - (ii) a section as defined in the Sectional Titles Act, 1986 (Act No. 95 of 1986), the person in whose name such section is registered under a sectional title deed and includes the lawfully appointed agent of such a person;

"person" means any natural person, local government body or like authority, a company incorporated under any law, a body of persons whether incorporated or not, a statutory body, public utility body, voluntary association or trust;

"pollution" means the introduction of any substance into public water, (eg river, stream or dam) a storm water system, the water supply system, a water installation or a water resource that may directly or indirectly alter the physical, chemical or biological properties of the water found therein so as to make it –

- (a) less fit for any beneficial purpose for which it may reasonably be expected to be used; or
- (b) harmful or potentially harmful –
 - (i) to the welfare, health or safety of human beings;
 - (ii) to any aquatic or non-aquatic organism;
 - (iii) to the natural environment. (eg ground water, vegetation or land);

"premises" means any piece of land, the external surface boundaries of which are delineated on –

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

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

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

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

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

"sanitation services" has the same meaning assigned to it in terms of the Act and includes for purposes of this by-law water for industrial purposes and the disposal of industrial effluent;

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

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

"sewage disposal system" means the structures, pipes, valves, pumps, meters or other appurtenances used in the conveyance through the sewer reticulation system and treatment at the sewage treatment plant under the control of the municipality and which may be used by it in connection with the disposal of sewage.

"sewer" means any pipe or conduit which is the property of or is vested in the municipality and which may be used for the conveyance of sewage from the connecting sewer and shall not include a drain as defined;

"standard domestic effluent" means domestic effluent with prescribed strength characteristics in respect of chemical oxygen demand and settleable solids as being appropriate to sewage discharges from domestic premises within the jurisdiction of the municipality, but shall not include industrial effluent;

"stop-valve" valve for the connection or disconnection of water supply; the stop-valve between the municipal main and the water meter is known as the municipal stop-valve, for exclusive control over and use by the

municipality; the consumer's stop-valve is situated downstream of the water meter and is for exclusive use by the consumer except when the municipality has to do maintenance on the water installation;

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

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

"trade premises" means premises upon which industrial effluent is produced;

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

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

"water services" has the same meaning assigned to it in terms of the Act and includes for purposes of this by-law water for industrial purposes and the disposal of industrial effluent;

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

"water supply services" has the same meaning assigned to it in terms of the Act and includes for purposes of this by-law water for industrial purposes and the disposal of industrial effluent;

"water supply system" means the structures, aqueducts, pipes, valves, pumps, meters or other apparatus relating thereto which are vested in the municipality and are used or intended to be used by it in connection with the supply of water, and includes any part of the system;

"wet industry" means an operation which discharges industrial effluent and/or which annually uses an average of more than 100 kilolitres of water on its premises per day;

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

CHAPTER I: GENERAL PROVISIONS

2. Application for water services

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

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

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

(4) A consumer must elect the available level of services to be provided to him or it, e.g. the size of the water connection, to a maximum of 25mm(nominal) for household use; provided that the municipality will in its discretion decide upon the size of the connection and the use of pressure- and flow control where necessary on a water connection.

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

(6) An application agreed to by the municipality shall constitute an agreement between the municipality and the applicant, and such agreement shall take effect on the date referred to or stipulated in such agreement.

(7) A consumer shall be liable for all the prescribed tariffs and/or charges in respect of water services rendered to him or her until the agreement has been terminated in accordance with this by-law or until such time as any arrears have been paid.

(8) In preparing an application form for water services the municipality will ensure that the document and the process of interaction with the owner, consumer or any other person making application are understood by that owner, consumer or other person. In the case of illiterate or similarly disadvantaged persons, the municipality will take reasonable steps to ensure that the person is aware of and understands the contents of the application form.

(9) An application form will require at least the following minimum information –

(a) certification by an authorised agent that the applicant is aware of and understands the contents of the form;

(b) acceptance by the consumer of the provisions of the by-law and acceptance of liability for the cost of water services rendered until the agreement is terminated or until such time as any arrears have been paid;

- (c) Name of consumer;
 - (d) address or stand number of premises to or on which water services are to be rendered or the communal water services work where water services will be used;
 - (e) address where accounts will be sent;
 - (f) name and address of the applicant's employer, where appropriate;
 - (g) if water will be supplied, the purpose for which the water is to be used; and
 - (h) the agreed date on which the provision of water services will commence.
- (10) Water services rendered to a consumer are subject to the provisions of this by-law and the conditions contained in the relevant agreement.
- (11) If the municipality refuses an application for the provision of water services, is unable to render such water services on the date requested for such provision of water services to commence or is unable to render the water services, the municipality will inform the consumer of such refusal and/or inability, the reasons therefor and, if applicable, when the municipality will be able to provide such water services.
- (12) The consumer shall be responsible for the registration of a servitude if his water service has to be installed from the connection point over or across the property of another private owner to reach his own property.

3. Special agreements for water services

The municipality may enter into a special agreement for the provision of water services to –

- (a) an applicant inside its area of jurisdiction, if the services applied for necessitates the imposition of conditions not contained in the prescribed form; and
- (b) an applicant outside its area of jurisdiction, if such application has been approved by the municipality having jurisdiction in the area in which the premises are situated.

4. Service levels

- (1) The Municipality may in accordance with national policy, but subject to principles of sustainability and affordability determine the service levels it is able to provide to consumers and must make these known by public notice.
- (2) The Municipality may, in determining service levels, differentiate between types of consumers, geographical areas and socio-economic areas.
- (3) The following levels of service may, subject to subsection (1), be provided by the Municipality:
 - (a) Communal water supply services and on-site sanitation services –
 - (i) constituting the minimum level of service provided by the Municipality;
 - (ii) consisting of reticulated standpipes or a stationery water tank serviced either through a network pipe or a water tanker located within a reasonable walking distance from any household with a Ventilated Improved Pit latrine located on each premises, with premises meaning the lowest order of visibly demarcated area on which some sort of informal dwelling has been erected;
 - (iii) installed free of charge;
 - (iv) provided free of any charge to consumers; and
 - (v) maintained by the Municipality;
 - (b) a yard connection not connected to any water installation and an individual connection to the Municipality's sanitation system –
 - (i) consisting of an un-metered standpipe on a premises not connected to any water installation and a pour-flush toilet pan, wash-trough and suitable toilet top structure connected to the Municipality's sanitation system;
 - (ii) installed free of charge;
 - (iii) provided free of any charge to consumers; and
 - (iv) maintained by the Municipality; and
 - (c) a metered pressured water connection with an individual connection to the Municipality's sanitation system –
 - (i) installed against payment of the relevant connection charges;
 - (ii) provided against payment of the prescribed tariff; and
 - (iii) with the water and drainage installations maintained by the consumer.

4. Prescribed tariffs and charges for water services

All tariffs and or charges payable in respect of water services rendered by the municipality in terms of this by-law, including but not limited to the payment of connection charges, fixed charges or any additional charges or interest in respect of failure to pay such tariffs or charges on the specified date will be set by the municipality by a resolution passed by the Council in accordance with:

- (i) its tariff policy;
- (ii) any by-law in respect thereof; and
- (iii) any regulations in terms of section 10 of the Act.

5. Fixed charges for water services

(1) The municipality may, in addition to the tariffs or charges prescribed for water services actually provided, levy a monthly fixed charge, annual fixed charge or once-off fixed charge in respect of the provision of water services in accordance with –

- (a) its tariff policy;
- (b) any by-law in respect thereof; and
- (c) any regulations in terms of Section (10) of the Act.

(2) Where a fixed charge is levied in terms of Subsection (1), it shall be payable by every owner or consumer in respect of water services provided by the municipality to him, her or it, whether or not water services are used by him, her or it.

6. Payment of deposit

(1) Every consumer must on application for the provision of water services and before such water services will be provided by the municipality, deposit with the municipality a sum of money as determined in terms of the municipality's credit control policy except in the case of a pre-payment measuring device being used by the municipality.

(2) The municipality may require a consumer to whom services are provided and who was not previously required to pay a deposit, for whatever reason, to pay a deposit on request, within a specified period.

(3) No interest shall be payable by the municipality on the amount of a deposit held by it in terms of this section.

(4) An agreement for the provision of water services may contain a condition that a deposit shall be forfeited to the municipality if it has not been claimed within twelve months of the termination of the agreement.

7. Payment for water services provided

(1) Water services provided by the municipality to a consumer shall be paid for by the consumer at the prescribed tariff or charge set in accordance with sections 4 and 5, for the particular category of water services provided.

(2) A consumer shall be responsible for payment for all water services provided to the consumer from the date of installation of the service in the event of a new installation, or from the date of conclusion of the agreement in the event of an existing connection, until termination of the agreement between him or her and the municipality.

(3) The municipality may estimate the quantity of water services provided in respect of a period or periods within the interval between successive measurements and may render an account to a consumer for the services so estimated.

(4) A consumer's deposit shall be payable in terms of the municipality's Credit Control or Tariff Policy. The deposit can be increased if in the opinion of the municipality the consumption is considerably higher than calculated or declared initially, or if the consumer is in default of payment for water services.

8. Accounts

(1) Monthly accounts will be rendered to consumers for the amount due and payable, at the address last recorded with the municipality.

(2) Failure by the municipality to render an account does not relieve a consumer of the obligation to pay any amount due and payable.

9. Termination of agreement for the provision of water services

(1) A consumer may terminate an agreement for the provision of water services by giving to the municipality notice in writing of his intention to do so. The municipality shall be entitled to recover from the consumer the applicable tariff for removal of the measuring device.

(2) The municipality may, by giving 24 hours written notice, advise a consumer of the termination of his, her or its agreement for the provision of water services if –

- (a) he, she or it has not used the water services during the preceding six months and has not made arrangements to the satisfaction of the municipality for the continuation of the agreement;
- (b) he, she or it has failed to comply with the provisions of this bylaw and has failed to rectify such failure to comply on notice in terms of section 18.

- (c) In terms of an arrangement made by it with another water services institution to provide water services to the consumer.
- (3) The municipality may, within 24 hours after having given notice, terminate an agreement for services.

10. Limitation and/or discontinuation of water services provided

- (1) The municipality may limit or discontinue water services provided in terms of this by-law –
- (a) on failure to pay the prescribed tariffs or charges on the date specified in the municipality's by-law relating to credit control.
 - (b) on failure to comply with any other provisions of this by-law, after notice in terms of section 18 was given;
 - (c) at the written request of a consumer;
 - (d) if the agreement for the provision of services has been terminated in terms of section 9 and it has not received an application for subsequent services to the premises within a period of 90 (ninety) days of such termination;
 - (e) the building on the premises to which services were provided has been demolished;
 - (f) if the consumer has interfered with a limited or discontinued service; or
 - (g) in an emergency, e.g. emergency maintenance on the municipal reticulation system;
 - (h) where the connecting pipe or measuring device has been tampered with.
- (2) The municipality will not be liable for any damages or claims that may arise from the limitation or discontinuation of water services provided in terms of subsection (1).

11. Responsibility for compliance with this by-law

- (1) The owner of premises is responsible for ensuring compliance with this by-law in respect of all or any matters relating to any installation.
- (2) The consumer is responsible for compliance with this by-law in respect of matters relating to the use of any installation.
- (3) No clearance for transfer shall be issued in respect of new developments or subdivisions unless the water supply, sanitation and storm water installations have been completed to the satisfaction of the municipality and the conditions of approval have been complied with.

12. Exemption

- (1) The municipality may, in writing exempt an owner, consumer, any other person or category of owners, consumers or other persons from complying with a provision of this by-law, subject to any conditions it may impose, if it is of the opinion that the application or operation of that provision would be unreasonable, provided that the municipality shall not grant exemption from any section of this by-law that may result in –
- (a) the wastage or excessive consumption of water;
 - (b) the evasion or avoidance of water restrictions;
 - (c) significant negative effects on public health, safety or the environment;
 - (d) the non-payment for services;
 - (e) the installation of pipes and fittings which are not approved in terms of this by-law;
 - (f) the Act, or any regulations made in terms thereof, is not complied with; and
 - (g) tampering with the connecting pipe or measuring device.
- (2) The municipality may at any time after giving written notice of at least thirty days, withdraw any exemption given in terms of subsection (1).

13. Unauthorised use of water services

- (1) No person may, temporarily or permanently, gain access to water services from the water supply system, sewage disposal system or any other sanitation services unless an agreement has been entered into with the municipality for the rendering of those services.
- (2) The municipality may, irrespective of any other action it may take against such person in terms of this by-law, by written notice order a person who has gained access to water services from the water supply system, sewage disposal system or any other sanitation services without an agreement with the municipality for the rendering of those services,
- (a) to apply for such services in terms of sections 2 or 3; and
 - (b) to undertake such work as may be necessary to ensure that the consumer installation through which access was gained complies with the provisions of this by-law.
 - (c) to pay a penalty as determined by the municipality from time to time.
- (3) The provisions of section 18 shall apply to a notice in terms of subsection (2) above.

14. Change in purpose for which water services are used

Where the purpose or extent for which water services are used is changed, the consumer must enter into a new agreement with the municipality.

15. Interference with water supply system or any sanitation services

- (1) No person other than the municipality shall manage, operate or maintain the water supply system or any sanitation system including the dumping or releasing of any substances into the sewer disposal system unless authorised by this by-law or an authorised agent.
- (2) No person may connect any temporary toilet device to the municipal sewer disposal system by the installation thereof directly on top of a manhole.
- (3) No person other than the municipality shall effect a connection or meter to the water supply system or sewage disposal system or render any other sanitation services. Connections to the sewage disposal system may be undertaken by a developer or owner in exceptional cases, at the discretion of the municipality and subject to any conditions imposed by the municipality in which event an inspection fee shall be payable to the municipality.

16. Obstruction of access and reparation of defects to water supply system or any sanitation services

- (1) No person shall prevent or restrict physical access to the water supply system or sewage disposal system.
- (2) If a person contravenes subsection (1), the municipality may -
 - (a) by written notice require such person to restore access at his own expense within a specified period; or
 - (b) if it is of the opinion that the situation is a matter of urgency, without prior notice restore access and recover the cost from such person, and/or
 - (c) impose a fine as determined by the municipality from time to time.

17. Water services intermediaries and people living on farms

- (1) A water services intermediary must have a contract with the consumer (for example an employment or property lease contract) of which the main purpose is not the provision of water services.
- (2) Farm owners are regarded as employers and as such responsible for housing and related services to their employees living on the farms. Farm owners are therefore water services intermediaries in terms of the Water Services Act and the Strategic Framework for Water Services (Clause 3.5.2) and are responsible for the provision of at least basic water services to people living on the farm.
- (3) The standard and tariff for water supplied by intermediaries must comply with sections 9 and 10 of the Water Services Act and any associated regulations, and water quality must comply with the standards for human consumption as specified in SANS 0241.

18. Notices and documents

- (1) A notice or document issued by the municipality in terms of this by-law must be deemed to be duly authorised if the authorised agent signs it.
- (2) If a notice or document is to be served on an owner, consumer or any other person in terms of this by-law such service shall be effected by -
 - (a) delivering it to him or her personally or to his duly authorised agent;
 - (b) delivering it at his residence, village or place of business or employment to a person not less than sixteen years of age and apparently residing or employed there;
 - (c) if he has nominated an address for legal purposes, delivering it to such an address;
 - (d) if he has not nominated an address for legal purposes, delivering it to the address given by him or her in his application for the provision of water services, for the reception of an account for the provision of water services;
 - (e) sending by pre-paid registered or certified post addressed to his last known address;
 - (f) in the case of a legal person, by delivering it at the registered office or business premises of such legal person; or
 - (g) if service cannot be effected in terms of subsections (a) to (f), by affixing it to a principal door of entry to the premises concerned.
- (3) In the case where compliance with a notice is required within a specified number of working days, such period shall be deemed to commence on the date of issue of such notice.

19. Power to serve and compliance with notices

(1) The municipality may, by written notice, order an owner, consumer or any other person who fails, by act or omission, to comply with the provisions of this by-law or of any condition imposed there under to remedy such breach within a period specified in the notice.

(2) If a person fails to comply with a written notice served on him or her by the municipality in terms of this by-law within the specified period, it may take such action that in its opinion is necessary to ensure compliance, including –

- (a) undertaking the work necessary itself and recovering the cost of such action or work from that owner, consumer or other person;
- (b) limiting or discontinuing the provision of services; and
- (c) instituting legal proceedings, and/or
- (d) the imposition of a fine.

(3) A notice in terms of subsection (1) will –

- (a) give details of the provision of the by-law not complied with;
- (b) give the owner, consumer or other person a reasonable opportunity to make representations and state his case, in writing, to the municipality within a specified period, unless the owner, consumer or other person was given such an opportunity before the notice was issued;
- (c) specify the steps that the owner, consumer or other person must take to rectify the failure to comply;
- (d) specify the period within which the owner, consumer or other person must take the steps specified to rectify such failure; and
- (e) indicate that the municipality –
 - (i) may undertake or allow to be undertaken such work necessary to rectify the failure to comply if the notice is not complied with and that any costs associated with such work may be recovered from the owner, consumer or other person; and
 - (ii) may take any other action it deems necessary to ensure compliance.

(4) In the event of an emergency the municipality may without prior notice undertake the work required by subsection (3)(e)(i) and recover the costs from such person.

(5) The costs recoverable by the municipality in terms of subsections (3) and (4) is the full cost associated with that work and includes, but is not limited to, any exploratory investigation, surveys, plans, specifications, schedules of quantities, supervision, administration charge, the use of tools, the expenditure of labour involved in disturbing or rehabilitation of any part of a street or ground affected by the work and the environmental cost and/or a fine where applicable.

20. General Powers

(1) The municipality may enter and inspect any premises –

- (a) for the purposes set out in and in accordance with the provisions of section 80 of the Act;
- (b) for any purpose connected with the implementation or enforcement of this by-law, at all reasonable times, after having given reasonable written notice of the intention to do so, unless it is an emergency situation, or
- (c) when a possible offence is suspected.

(2) The municipality has the right to install water and sanitation services across, over, on or through any fixed property and to operate, maintain and remove such installation at its discretion when necessary without compensation to any owner of such immovable property. The municipality shall give at least seven days notice to such property owner of the intention to undertake such work.

21. False statements or information

No person shall make a false statement or furnish false information to the municipality or falsify a document issued in terms of this by-law.

22. Offences

(1) No person may –

- (a) unlawfully and intentionally or negligently interfere or tamper with any water services works of the municipality;
- (b) refuse or neglect to provide information or provide false information reasonably requested by the municipality;
- (c) refuse to give access required by the municipality in terms of Section 20;

- (d) obstruct or hinder the municipality in the exercise of his powers or performance of his functions or duties under this by-law;
 - (e) contravene or fail to comply with a provision of this by-law;
 - (f) contravene or fail to comply with a condition or prohibition imposed in terms of this by-law;
 - (g) ignore any temporary or permanent water restrictions without written exemption or relaxation of such restrictions by the municipality.
 - (h) render, install or change a water service which has been connected without permission of the municipality to the municipal water supply system directly or indirectly.
 - (i) contravene or fail to comply with any conditions imposed upon the granting of any application, consent, approval, concession, exemption or authority in terms of this by-law; or
 - (j) fail to comply with the terms of a notice served upon him or her in terms of this by-law;
- (2) Any person who contravenes any of the provisions of subsection 1 shall be guilty of an offence and liable on conviction to:
- (a) a fine or imprisonment or to such imprisonment without the option of a fine or to both such fine and such imprisonment and,
 - (b) in the case of a continuing offence, to an additional fine or an additional period of imprisonment or to such additional imprisonment without the option of a fine or to both such additional fine and imprisonment for each day on which such offence is continued and,
 - (c) a further amount equal to any costs and expenses found by the court to have been incurred by the municipality result of such contravention or failure.
- (3) In addition to any penalty imposed in terms of sub section 2 (a) to (c) the municipality may terminate the water service to such a person.

CHAPTER II: WATER SUPPLY SERVICES

23. Provision of connection pipe

- (1) If an agreement for water supply services in respect of premises has been concluded and no connection pipe exists in respect of the premises, the owner shall make application on the prescribed form and pay the prescribed charge for the installation of such a pipe.
- (2) If an application is made for water supply services which are of such an extent or so situated that it is necessary to extend, modify or upgrade the water supply system in order to supply water to the premises, the municipality may agree to the extension subject to such conditions as it may impose.

24. Location of connection pipe

- (1) A connection pipe provided and installed by the municipality shall –
 - (a) be located in a position not further than one metre inside the erf boundary, or on the erf boundary where a boundary wall exists, or at the beginning of a servitude where applicable as agreed to between the owner and the municipality. The connection pipe shall be of a suitable size, to a maximum of 25mm(nominal) for household use, as determined by the municipality;
 - (b) terminate at –
 - (i) the outlet of the water meter where it is situated on the premises; or
 - (ii) a point before the isolating valve of the consumer if it is situated on the premises.
- (2) In reaching agreement with an owner concerning the location of a connection pipe, the municipality shall ensure that the owner is aware of:
 - (a) practical restrictions that may exist regarding the location of a connection pipe;
 - (b) the cost implications of the various possible locations of the connection pipe;
 - (c) his responsibility for the protection of the measuring equipment and associated installations and thus for any damage to or loss of the measuring equipment and associated installations.
- (3) The municipality may at the request of any person agree, subject to such conditions as he may impose, to a connection to a main other than that which is most readily available for the provision of water supply to the premises; provided that the applicant shall be responsible for the full cost of any extension of the water installation to the connecting point designated by the municipality and for obtaining at his cost, such servitudes over other premises as may be necessary.
- (4) An owner must pay the prescribed connection charge in advance.

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

- (1) Notwithstanding the provisions of section 23 only one connection pipe to the water supply system may be provided for the supply of water to any newly zoned single residential premises, irrespective of the number of accommodation units, business units or consumers located on such premises. The municipality shall at its

discretion, and depending on the capacity of the water supply system in the specific area, determine whether additional connections will be allowed in any other type of zoning.

(2) Where the owner, or the person having the charge or management of any premises on which several accommodation units are situated, requires the supply of water to such premises for the purpose of supply to the different accommodation units, the municipality shall, in its discretion, require the following: –

- (a) installation of a bulk meter by the municipality at the owners cost in respect of the premises as a whole or any number of such accommodation units; or
- (b) a separate measuring device (sub-meter) installed by the owner, who remains responsible for the said meter, including meter readings, for each accommodation unit or any number thereof;
- (c) that the owners or consumers take joint liability for the maintenance of the water supply system down stream of the bulk meter as well as the account for water supplied through the bulk meter at the applicable rate levied by the municipality.
- (d) that the water supply system down stream of the bulk meter be regarded as a private combined water supply system.

(3) Where the municipality has installed a bulk meter 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) shall install and maintain on each branch pipe extending from the connection pipe to the different accommodation units –
 - (i) a separate measuring device (sub-meter); and
 - (ii) an isolating valve; and
- (b) shall be liable to the municipality for the tariffs and charges for all water supplied to the premises through such bulk meter, irrespective of the different quantities consumed by the different consumers (sub-meters) served by such measuring device.
- (c) the owners or consumers shall remain responsible for the protection, maintenance and operation of the sub-meters.

26. Interconnection between premises or water installations

An owner of premises shall ensure that no interconnection exists between the water installation on his premises and the water installation on other premises.

27. Disconnection of water installation from connection pipe

The municipality may disconnect a water installation from the connection pipe and remove the connection pipe if –

- (a) the agreement for supply has been terminated in terms of section 9 and it has not received an application for a subsequent supply of water to the premises served by the pipe within a period of 90 days of such termination; or
- (b) the building on the premises concerned has been demolished.
- (c) requested to do so by the owner and upon payment of the prescribed fee;
- (d) services in respect of the said premises are not paid for and the disconnection is required in terms of the approved Credit Control and Debt Recovery Policy of the municipality.
- (e) the water supply system has unlawfully been interfered with or where a connection or measuring device has been tampered with.

28. Water supplied from a hydrant

(1) The municipality may authorise a temporary supply of water to be taken from one or more fire hydrants specified by it, subject to such conditions and period as may be prescribed by it.

(2) A person who desires a temporary supply of water referred to in subsection (1) must apply for such water services in terms of sections 2 and 3.

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

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

(5) The consumer is responsible for the leased installation for the lease period and thus for any damage or loss in respect thereof and is further responsible for damage to fire hydrants used.

29. Quantity, quality and pressure

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

30. General conditions of supply

- (1) The municipality may specify the maximum height to which water will be supplied from the water supply system. Where a consumer requires water to be supplied at a greater height or pressure, the consumer will be responsible therefore. No booster pump may be connected directly or indirectly to the municipal main pipe or connection point or pipe. The consumer shall be responsible for the supply and installation of a booster pump system with storage tank or reservoir as well as the protection and maintenance thereof.
- (2) The municipality may, in an emergency, or where water losses occur, interrupt the supply of water to any premises without prior notice.
- (3) If in the opinion of the municipality the consumption of water by a consumer adversely affects the supply of water to another consumer, it may apply such restrictions as it may deem fit to the supply of water to the first mentioned consumer in order to ensure a reasonable supply of water to the other consumer and will inform that consumer of such restrictions.

31. Measuring of quantity of water supplied

- (1) The municipality will measure the quantity of water supplied at regular intervals.
- (2) Any measuring device through which water is supplied to a consumer by the municipality and its associated apparatus shall be provided and installed by the municipality, shall remain its property, and may be changed and maintained by the municipality when deemed necessary by it.
- (3) The municipality may install a measuring device, and its associated apparatus, on premises at any point on the service pipe.
- (4) The consumer is responsible for the protection of the measuring device and shall bear the cost of damage thereto or loss thereof.
- (5) The consumer shall at all times ensure reasonable access to the measuring device by municipal staff.
- (6) If the municipality installs a measuring device on a service pipe in terms of subsection (3), it may install a section of pipe and associated fittings between the end of its connection pipe and the meter, and such section shall be deemed to form part of the water supply system.
- (7) If the municipality installs a measuring device together with its associated apparatus on a service pipe in terms of subsection (3), the owner shall –
 - (a) provide a place on the premises satisfactory to the municipality in which to install it;
 - (b) ensure that unrestricted access is available to it at all times;
 - (c) be responsible for its protection and be liable for the costs arising from damage thereto or loss thereof, excluding damage arising from normal fair wear and tear. The owner may at own cost install a metre box.
 - (d) ensure that no connection is made to the pipe in which the measuring device is installed, between the measuring device and the connection pipe serving the installation; and
 - (e) make provision for the drainage of water which may be discharged, from the pipe in which the measuring device is installed, in the course of work done by the municipality on the measuring device.
- (8) No person other than an authorised agent of the municipality shall –
 - (a) disconnect a measuring device and its associated apparatus from the pipe in which they are installed;
 - (b) break a seal which the municipality has placed on a meter; or
 - (c) in any other way interfere with a measuring device and its associated apparatus.
- (9) If the municipality considers that, in the event of the measuring device being a meter, that the size of a meter is unsuitable by reason of the quantity of water supplied to premises, it may install a meter of such size as it may deem necessary, and may recover from the owner of the premises concerned the prescribed charge for the installation of the meter.
- (10) The municipality may require the installation, at the owner's expense, of a measuring device to each dwelling unit, in separate occupancy, on any premises, for use in determining quantity of water supplied to each such unit; provided that where fixed quantity water delivery systems are used, a single measuring device may be used to supply more than one unit.

32. Quantity of water supplied to consumer

- (1) For purposes of assessing the quantity of water measured by a measuring device installed by the municipality on the premises of a consumer or, where applicable, estimated or determined by the municipality in terms of any provision of this by-law, it will, for the purposes of this by-law, be deemed, unless the contrary can be proved, that –
 - (a) the quantity is represented by the difference between measurements taken at the beginning and end of such period;

- (b) the measuring device was accurate during such period;
 - (c) the entries in the records of the municipality were correctly made; and
 - (d) if water was supplied to, or taken by a consumer without the measuring device being read at the end of the period, the estimate by the municipality of the quantity of such water was correct.
- (2) Where water supplied by the municipality to any premises is in any way taken by the consumer without such water passing through any measuring device provided by the municipality, the municipality may for the purpose of rendering an account estimate, in accordance with subsection (3), the quantity of water supplied to the consumer during the period from the last previous positive reading of the water meter until the date it is discovered that water is so taken by the consumer.
- (3) For the purposes of subsection (2), an estimate of the quantity of water supplied to a consumer shall be based on, as the municipality may decide -
- (a) the average monthly consumption of water on the premises during any three consecutive measuring periods during the twelve months' period prior to the date on which the taking of water in the manner mentioned in subsection (2) was discovered; or
 - (b) the average monthly consumption on the premises registered over three succeeding measuring periods after the date referred to in subsection (3)(a).
- (4) Nothing in this by-law shall be construed as imposing on the municipality an obligation to cause any measuring device installed by the municipality on any premises to be measured at the end of every month or any other fixed period, and the municipality may estimate the quantity of water supplied over any period during the interval between successive measurements of the measuring device and render an account to a consumer for the quantity of water so estimated.
- (5) The municipality must, on receipt from the consumer of written notice of not less than 7 (seven) days and subject to payment of the prescribed charge, measure the quantity of water supplied to consumer at a time or on a day other than that upon which it would normally be measured.
- (6) If a contravention of section 31(8) occurs, the consumer shall pay to the municipality the cost of such quantity of water as in the municipality's opinion was supplied to him or her as well as the replacement cost of the measuring device, including labour, transport and materials.
- (7) Until such time that a measuring device has been installed in respect of water supplied to a consumer, the estimated or assumed consumption of that consumer must be based on the average consumption of water supplied to the specific zone within which the consumer's premises is situated, during a specific period.
- (8) Where in the opinion of the municipality it is not reasonably possible or cost effective to measure water supplied to each consumer within a determined zone, the municipality may in terms of its tariff policy determine a basic tariff or charge to be paid by each consumer within that zone irrespective of actual consumption.

33. Defective measurement

If a consumer has reason to believe that a measuring device, used for measuring water, which was supplied to him or her by the municipality is defective he may take steps to have the measuring device tested. Upon payment in advance of the testing fee, the consumer applies to have the measuring device tested. The device shall be tested on an SANS approved testing bench to determine deviations in respect of the prescribed tolerance in the Trade Metrology and Standards Act, 1973. If the tolerance is more than 2%, the testing fee will be refunded and the consumer's account adjusted in terms of policy with regard thereto.

34. Special measurement

- (1) If the municipality wishes, for purposes other than charging for water consumed, to ascertain the quantity of water which is used in a part of a water installation, it may by written notice advise the owner concerned of its intention to install a measuring device at such point in the water installation as it may specify.
- (2) The installation of a measuring device referred to in subsection (1), its removal, and the restoration of the water installation after such removal shall be carried out at the expense of the municipality. In case of a connection without a meter, the consumer shall be held liable for the cost of installation of a measuring device.
- (3) The provisions of sections 32(5) and 32(6) shall apply insofar as they may be applicable in respect of a measuring device installed in terms of subsection (1).

35. No reduction of amount payable for water wasted

A consumer shall not be entitled to a reduction of the amount payable for water wasted or water losses in a water installation unless he can render proof of the reparation of a leakage on his premises during such period, after which his account can be adjusted in terms of policy with regard thereto. If the latter is not possible, the owner must at own cost register a servitude.

36. Approval of installation work

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

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

- (a) the prescribed charge, if applicable;
- (b) copies of the drawings as prescribed by the municipality, giving information in the form required by clause 4.1.1 of SANS Code 0252 : Part I; and
- (c) a certificate certifying that the installation has been designed in accordance with SANS Code 0252 : Part I or has been designed on a rational basis.

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

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

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

(6) If installation work has been done in contravention of subsection (1) or (2), the municipality may by written notice require the owner of the premises concerned to -

- (a) comply with that regulation within a specified period;
- (b) if work is in progress, to cease the work; and
- (c) to remove all such work which does not comply with this by-law.

37. Provision and maintenance of water installations

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

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

38. Owner to prevent pollution of water

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

- (a) the water supply system;
- (b) any part of the water services installation on his premises;
- (c) any storm water system;
- (d) any sewage disposal system; and
- (e) the environment.

(2) Swimming pool backwash may not be deposited in to any storm water system or natural stream. It must be deposited into the sewage disposal system.

39. Water restrictions

(1) The municipality may by public notice to prevent the wasteful use of water in terms of section 41 or in the event of a water shortage, drought or flood -

- (a) prohibit or restrict the consumption of water in the whole or part of its area of jurisdiction in general or for -
 - (i) specified purposes;
 - (ii) during specified hours of the day or on specified days; and
 - (iii) in a specified manner; and
- (b) determine and impose -
 - (i) limits on the quantity of water that may be consumed over a specified period;
 - (ii) charges additional to those prescribed in respect of the supply of water in excess of a limit contemplated in subsection (1)(b)(i); and
 - (iii) a general surcharge on the prescribed charges in respect of the supply of water; and
- (c) impose restrictions or prohibitions on the use or manner of use or disposition of an appliance by means of which water is used or consumed, or on the connection of such appliances to the water installation.

(2) The municipality may limit the application of the provisions of a notice contemplated by subsection (1) to specified areas and categories of consumers, premises and activities, and may permit deviations and exemptions from, and the relaxation of, any of the provisions on reasonable grounds.

(3) The municipality may -

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

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

(c) impose a fine for non-compliance with a notice in terms of subsection (1).

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

40. Waste of water unlawful

(1) No consumer shall permit -

(a) the purposeless or wasteful discharge of water from terminal water fittings;

(b) pipes or water fittings to leak;

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

(d) an overflow of water to persist; or

(e) an inefficient use of water to persist;

(2) An owner shall without delay repair or replace any part of his water installation which is in such a state of disrepair that it is either causing or is likely to cause an occurrence listed in subsection (1).

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

(4) A consumer shall ensure that any equipment or plant connected to his water installation uses water in an efficient manner.

(5) The municipality may, by written notice, prohibit the use by a consumer of any equipment in a water installation if, 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.

(6) Should the consumer fail to give effect to the stipulations of a notice issued in terms of subsection (5), the municipality may replace or repair the equipment and recover the full cost from the consumer.

(7) If a condition contemplated in subsection (1) occurs and the situation is a matter of urgency, the municipality may without prior notice, take the steps necessary to gain access and to remedy the defect and recover the cost from the consumer.

41. Notification of boreholes

(1) The municipality may, by public notice, require -

(a) the owner of any premises within the area of jurisdiction of the municipality upon which a borehole exists or, if the owner is not in occupation of such premises, the occupier thereof, to notify it on the prescribed form of the existence of a borehole on such premises, and provide it with such information in respect thereof as it may require; and

(b) the owner or occupier of any premises who intends to sink a borehole on such premises to notify it on the prescribed form of such intention before work in connection therewith is commenced.

(2) The municipality may require the owner or occupier of any premises who intends to sink a borehole to undertake an environmental impact assessment for such intended borehole, to the satisfaction of the municipality, before sinking the borehole.

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

(4) The municipality may by notice to an owner or occupier or by public notice require owners and occupiers who have existing boreholes used for water services to -

(a) obtain approval from it for the use of a borehole for water services in accordance with sections 6, 7 and 22 of the Act; and

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

(5) Water supply from a borehole may under no circumstances be connected to a water installation which is connected to the water supply system of the municipality.

(6) The owner of premises on which water supply from a borehole is used for human consumption, must ensure that the water quality complies with SANS0241 standards at all times.

treatment plant not complying with standards prescribed under the National Water Act, 1998 (Act No. 36 of 1998);

(f) which may cause danger to the health or safety of any person or may be injurious to the structure or materials of the sewage disposal system or may prejudice the use of any ground used by the municipality for the sewage disposal system, other than in compliance with the permissions issued in terms of this by-law;

(g) which may inhibit the unrestricted conveyance of sewage through the sewage disposal system; and

(h) a temperature of more than 30°C when discharged.

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

(3) The inception of nuisances, e.g. odours, pollution or visual offensiveness, as a result of a defective drainage installation shall not be allowed. The municipality shall give the owner or occupier of such premises 24 hours notice to remove such nuisance, failing which the municipality shall remove such nuisance or cause it to be done at the expense of such owner or occupier. In addition the matter shall be pursued by the municipality as an offence in terms of this by-law.

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

(5) If any person contravenes any provision of subsection (1) or subsection (2) he shall within twelve hours, or earlier if required to do so, advise the municipality of the details of the contravention and the reasons for it.

49. Application for infrastructure

(1) If an agreement for on-site sanitation and associated services in accordance with section 2 exists and no infrastructure in connection therewith exists on the premises, the owner must immediately make application on the approved form and with the approval by the municipality install the connecting sewer or on-site sanitation services in accordance with the specifications of the municipality.

(2) The municipality may specify the type of on-site sanitation services to be installed.

50. Services associated with on-site sanitation services

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

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

51. Charges in respect of services associated with on-site sanitation services

(1) Charges in respect of the removal or collection of conservancy tank contents, night soil or the emptying of pits will cover all the operating and maintenance costs in the removal of the pit contents, transportation to a disposal site, the treatment of the contents to achieve a sanitary condition and the final disposal of any solid residues.

(2) Charges shall be payable in terms of the municipality's tariff policy when the service is rendered.

52. Provision of a connecting sewer

(1) If an agreement for the use of the sewage disposal system in accordance with section 2 exists and no connecting sewer exists in respect of the premises, the owner must immediately make application on the approved form and –

(a) pay the prescribed charge for the installation of such a connecting sewer; or

(b) with the approval by the municipality, install the connecting sewer in accordance with any specifications of the municipality.

(2) If an application is made for use of the sewage disposal system to a premises which is so situated that it is necessary to extend the sewer in order to connect the sewage disposal system to the premises, the municipality may agree to the extension subject to such conditions as it may impose and at cost of the owner.

(3) The maintenance and operation of the sewerage installation, including all manholes, rodding eyes, catch pits, grease traps, sand traps, pipe work and related devices, is the responsibility of the owner of the premises.

53. Location of connecting sewer

(1) A connecting sewer provided and installed by the municipality or owner in terms of section 52 shall –

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

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

57. Acceptance of sewage delivered by road haulage

The municipality may, at its discretion, and subject to such conditions as it may specify, accept sewage for disposal delivered to the municipality's sewage treatment plants by road haulage.

58. Written permission for delivery of sewage by road haulage

- (1) No person shall discharge sewage into the municipality's sewage treatment plants by road haulage except with the written permission of the municipality and upon payment of the prescribed charges and subject to such period and any conditions that may be imposed terms of the written permission.
- (2) The charges for any sewage delivered for disposal to the municipality's sewage treatment plants shall be assessed by the municipality in accordance with the prescribed tariffs or charges.
- (3) Where use is made of the municipality's suction tanker truck, the service shall be rendered subject to the conditions, policy and charges determined from time to time.

59. Conditions for delivery of sewage by road haulage

- (1) When sewage is delivered by road haulage-
 - (a) the time of delivery shall be arranged with the municipality; and
 - (b) the nature and composition of the sewage shall be established to the satisfaction of the municipality prior to the discharge thereof and no person shall deliver sewage that does not comply with the standards laid down in terms of this by-law.

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

The municipality may withdraw any permission, after giving written notice if its intention to a person permitted to discharge sewage by road haul if the person –

- (a) fails to ensure that the sewage so delivered conforms to the standards prescribed in Schedule "A" or in the written permission; or
- (b) fails or refuses to comply with any notice lawfully served on him or her in terms of this by-law or contravenes any provisions of this by-law or any condition imposed on him or her in terms of any permission granted to him or her; and
- (c) fails to pay the assessed charges in respect of any sewage delivered.

CHAPTER IV: DISPOSAL OF INDUSTRIAL EFFLUENT

61. Application for disposal of industrial effluent

- (1) A person must apply, in the format prescribed by the municipality, for permission to discharge industrial effluent into the sewage disposal system of the municipality.
- (2) The municipality shall not be obliged to receive any industrial effluent into its sewage disposal system, in which case the reasons for refusal to accept such effluent must be conveyed to the applicant.
- (3) Upon approval of an application contemplated in subsection (1), the applicant must enter into a written agreement, to be furnished by the municipality, and the subsequent discharge of industrial effluent shall be subject to the conditions stipulated in the agreement.

62. Norms and standards for industrial effluent

- (1) The municipality may determine and publish norms, standards and guidelines which describe appropriate measures that can be taken to prevent the discharge of substances into the sewage disposal system that-
 - (a) are dangerous to the health of a person employed for the maintenance or operation of sewage systems;
 - (b) may be harmful to the sewage disposal system; or
 - (c) may have a harmful effect on any of the processes normally applied to treat sewage or on the re-use of treated sewage effluent or the disposal of solid substances which emanate from the treatment process.
- (2) The norms, standards and guidelines contemplated in sub-section (1) may differentiate between communities, geographical areas and different kinds of premises.

(3) A person to whom approval has been granted in terms of section 61(3) must ensure that industrial effluent discharged into the municipality's sewage disposal system by him or her complies with the norms and standards contemplated in subsection (1).

CHAPTER V: CONSTRUCTION OR INSTALLATION OF DRAINAGE INSTALLATIONS

63. Construction or installation of drainage installations

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

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

- (i) a pit with a minimum capacity of 2 m³;
- (ii) lining as required;
- (iii) a slab designed to support the superimposed loading; and
- (iv) protection preventing children from falling into the pit;

(b) The ventilated improved pit latrine must conform to the following specifications –

- (i) the pit must be ventilated by means of a pipe, sealed at the upper end with durable insect proof screening fixed firmly in place.
- (ii) the ventilation pipe must project not less than 0.5 m above the nearest roof, must be of at least 150 mm in diameter, and must be installed vertically with no bend;
- (iii) the interior of the closet must be finished smooth so that it can be kept in a clean and hygienic condition. The superstructure must be well-ventilated in order to allow the free flow of air into the pit to be vented through the pipe;
- (iv) the opening through the slab must be of adequate size as to prevent fouling. The rim must be raised so that liquids used for washing the floor do not flow into the pit. It shall be equipped with a lid to prevent the egress of flies and other insects when the toilet is not in use;
- (v) must be sited in a position that is independent of the residential structure;
- (vi) must be sited in positions that are accessible to road vehicles having a width of 3.0 m in order to facilitate the emptying of the pit;
- (vii) in situations where there is the danger of polluting an aquifer due to the permeability of the soil, the pit must be lined with an impermeable material that is durable and will not crack under stress;
- (viii) in situations where the ground in which the pit is to be excavated is unstable, suitable support is to be given to prevent the collapse of the soil;

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

(3) Only chemical toilets may be erected on building sites. Alternatively, water closets for employees may only be erected at the site connection point.

(4) No toilet, temporary or permanent, may be erected directly on top of a municipal or private manhole.

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

64. Drains in streets or public places

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

65. Servitudes

A servitude shall be registered at the cost of the owner where a drain is installed across the property of another party. The municipality may also require the registration of a servitude where necessary.

66. Construction by municipality

The municipality may agree with the owner of any premises that any drainage work which such owner desires, or is required to construct in terms of this by-law or the Building Regulations, will be constructed by the municipality against payment, in advance or on demand, of all costs associated with such construction. The maintenance of any communal system is the responsibility of the owners.

67. Maintenance of drainage installation

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

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

(3) The municipality may, on the written application of the owner or occupier of any premises, inspect and test the drainage installation of such premises or any section thereof and recover from the owner or occupier the cost of such inspection and test, calculated at the rate specified in the prescribed tariff or charges.

68. Installation of pre-treatment facility

The municipality may require that any new premises must be provided with a minimum pre-treatment facility of a type specified by it prior to that premises being connected to the sewage disposal system. In addition the municipality may, at the cost of the owner, require the installation of samplers and monitoring equipment for effluent water quality and volume which samplers and monitoring equipment must be linked to the municipality's telemetry system, before such premises can be connected to a municipal sewer disposal system.

69. Protection from ingress of floodwaters

Where a premises is situated in the 1 in 50 years flood plain the top level of service access holes, inspection chambers and gullies must be above the 1 in 50 years flood level, except, in the case of service access holes and inspection chambers, where the cover is secured in place by approved means.

CHAPTER VI: REPEAL, PENALTIES AND COMMENCEMENT OF BY-LAWS

70. Offences and penalties

A person who contravenes the provisions of section this by-law is guilty of an offence and is liable to a fine as approved by the Chief Magistrate of the District in a fine schedule or to imprisonment for a period not exceeding three years and in addition, the payment of a further amount which, in the opinion of the court, is equal to the expenditure incurred by the municipality as a result of such contravention.

71. Repeal of by-laws

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

72. Short title and commencement

This by-law shall be known as the By-law Relating to Water Supply, Sanitation and Industrial Effluent and shall come into operation on the date of publication thereof in the Provincial Gazette.

