CHRIS HANI
DISTRICT MUNICIPALITY
SUSTAINING GROWTH
THROUGH OUR PEOPLE

DRAFT WATER AND SANITATION BYLAW

2022

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BLACK - NO CHANGES (TAKEN FROM 2006 BY-LAWS)

BLUE - NEW

CHAPTER 1: INTRODUCTION, PRINCIPLES, OBJECTIVE AND LEGAL FRAMEWORK OF BYLAW

1. Introduction

1.1. The Municipality, in this by-law, strives to –

1.1.1. Provide for the rights of access to basic water supply and basic sanitation within its area of jurisdiction, as contemplated in section 27(1)(b) of the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996), and regulations 2 and 3 of Regulation 22355.

1.1.2. Provide for the establishment of a regulatory framework within which to deliver water services.

1.1.3. Provide for the setting of terms and conditions to ensure compliance with the legislation relating to the water sector.

1.1.4. Provide for the monitoring of water services within its area of jurisdiction, and being the Water Services Authority and Water Services Provider, contemplated in terms of the Act, within its area of jurisdiction, where necessary, to provide for –
(a) The gathering of information within its area of jurisdiction.
(b) The collation thereof to a central data base.
(c) The distribution of information to all stakeholders and role-players.

1.1.5. Provide for matters related to the supply of water services within its area of jurisdiction.

2. Definitions

2.1. In these by-laws, unless the context otherwise indicates -

2.1.1. "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.

2.1.2. "account" means an account rendered for municipal services provided.

2.1.3. "Act" means the Water Services Act, 1997 (Act No. 108 of1997), as amended from time to time.

2.1.4. "agreement" means the contractual relationship between the Municipality and a customer, whether written or deemed as provided for in the Municipality's bylaws relating to credit control and debt collection.

2.1.5. "approved" means approved by the Municipality in writing.

2.1.6. "area of supply" means any area within or partly within the area of jurisdiction of the Municipality to which water services are provided.

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2.1.7.

2.1.8. "authorised agent" means -

(a) Any person authorised by the Municipality to perform any act, function, or duty in terms of, or exercise any power under these bylaws.

(b) Any person to whom the Municipality has delegated the performance of certain rights, duties, and obligations in respect of providing water supply services.

(c) Any person appointed by the Municipality in terms of a written contract as a service provider to provide water services to customers on its behalf, to the extent authorised in such contract.

2.1.9. "average consumption" means the average consumption of a customer of a municipal service during a specific period, which consumption is calculated by dividing the total measured consumption of that municipal service by that of the customer over the preceding three months by three.

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

2.1.11. "borehole" means a hole sunk into the earth for the purpose of locating, abstracting, or using subterranean water and includes a spring.

2.1.12. "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) as amended.

2.1.13. "charges" means the rate, charge, tariff, flat rate, or subsidy determined by the municipal council.

2.1.14. "combined installation" means a water installation used for firefighting .and domestic, commercial, or industrial purposes.

2.1.15. "commercial customer" means any customer other than domestic consumer and indigent customers, including, without limitation, business, industrial, government and institutional customers as contemplated by the relevant Tariff Policy.

2.1.16. "connecting point" means the point at which the drainage installation joins the connecting sewer.

2.1.17. "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 premise to a sewer beyond the boundary of those premises or within a servitude area or within an area covered by a wayleave or by agreement.

2.1.18. "connection" means the point at which a customer gains access to water services.

2.1.19. "connection pipe" means a pipe, 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.

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

2.1.21. “consumer” means a person with whom the Municipality has concluded an agreement for the provision of a municipal service as provided for in the Municipality's by-laws relating to credit control and debt collection and customer shall have the same meaning.

2.1.22. "customer" means a person with whom the Municipality has concluded an agreement for the provision of a municipal service as provided for in the Municipality's by-laws relating to credit control and debt collection and consumer shall have the same meaning.

2.1.23. "delivery system" means a water delivery mechanism, which delivers a predetermined quantity of water to a customer on agreed terms.

2.1.24. "determined" means determined by the Municipality from time to time.

2.1.25. "domestic consumer" means a customer using water for domestic purposes or to whom a domestic tariff is applied.

2.1.26. "domestic purposes" in relation to the supply of water means water supplied for drinking, ablution and culinary purposes to premises used predominantly for residential purposes.

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

2.1.28. "drainage installation" means a system situated on any premises and which 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.

2.1.29. "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.

2.1.30. "duly qualified sampler” means a person who is authorized to take samples for analysis from the sewage disposal system, and stormwater disposal system, from public waters, bulk water supply sources, water treatment works, water reticulation systems and natural water sources and who has been certified to do so by an authorised agent.

2.1.31. "dwelling unit" means an interconnected suite of rooms, including a kitchen or scullery, designed for occupation by a single family, irrespective of whether the dwelling unit is a single building or forms part of a building containing two or more dwelling units.

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

2.1.33. "emergency” means any unforeseeable and unavoidable situation that poses a risk or potential risk to life, health, the environment, or property.

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2.1.34. “engineer” means the engineer of the Municipality, or any other person authorised to act on his or her behalf.

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

2.1.36. "estimated consumption" means the deemed consumption by a customer whose consumption is not measured during a specific period, which estimated consumption is rationally determined taking into account at least the consumption of water supply services for a specific level of service during a specific period in the area of supply of the Municipality.

2.1.37. "fire hydrant" means a potable water installation that conveys water for firefighting purposes only.

2.1.38. "fire installation" means a potable water installation that conveys water for fire-fighting purposes only.

2.1.39. "fixed charge" means the fixed cost associated with providing water services in a continuous, effective, and efficient manner.

2.1.40. "fixed quantity water delivery system" means a water installation, which delivers a fixed quantity of water to a client in any single day.

2.1.41. "flood level (1 in 50 years)" means that level reached by flood waters of a frequency of 1 in 50 years.

2.1.42. "flood level area (1 in 50 years)" means the area subject to inundation by flood waters, of a frequency of 1 in 50 years.

2.1.43. "French drain" means a soil soak pit for the disposal of sewage and effluent from a septic tank.

2.1.44. "high strength sewage" means industrial sewage with a strength or quality greater than standard domestic effluent in respect of which a specific charge as calculated in accordance with this By-law.

2.1.45. "household" means a traditional family unit, as determined by the Municipality from time to time considering the number of persons comprising a household, the relationship between the members of a household, the age of the persons who are members of the household and any other relevant factor.

2.1.46. "illegal connection" means a connection to any system through which water services are provided that is not authorised or approved by the Municipality.

2.1.47. "industrial effluent" means effluent emanating from the use of water for industrial purposes and includes for purposes of these bylaws any effluent other than standard domestic effluent or stormwater.

2.1.48. "industrial purposes" in relation to the supply of water means water supplied to any premises which constitutes a factory as defined in the General Administrative Regulations, published in terms of the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993).

2.1.49. "installation work" means any work done in respect of a water installation, including the construction, rehabilitation, improvement, and maintenance thereof.

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2.1.50. "JASWIC" means the Joint Acceptance Scheme for Water Installation Components.

2.1.51. "Local Municipality" means a local Municipality within the area of the Chris Hani District Municipality.

2.1.52. "manhole" means any access chamber to the interior of the sewer provided for the purpose of maintenance and internal cleaning.

2.1.53. "main" and "mains" means a pipe, other than a connection pipe, of which the ownership vests in the Municipality and which is used by it for the purpose of conveying water to customer.

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

2.1.55. "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, including a pre-paid water meter.

2.1.56. "Municipality" means the Chris Hani Municipal Council and include the municipal manager of the Municipality in respect of the performance of any action or exercise of any right, duty, obligation or function in terms of these bylaws and a duly authorised agent of the Municipality.

2.1.57. "municipal manager" means the person appointed as the municipal manager of the Municipality by the Municipality in terms of section 82 of the Local Government Municipal Structures Act, 1998 (Act No. 117 of 1998) and includes any person -
(a) acting in such position; and
(b) to whom the municipal manager has delegated a power, function, or duty in respect of such a delegated power, function, or duty.

2.1.58. "municipal services" means for purposes of these By-laws, the supply of water and sanitation services provided by the Municipality, including and rates or any one of the above.

2.1.59. "occupier" includes any person occupying land or premises without regard to the title under which he or she occupies and, in the case of premises sub-divided and let to lodgers or various tenants, shall include the person receiving the rent payable by the lodgers or tenants whether for his, her or its own account or as an agent for any person entitled thereto or interested therein.

2.1.60. "on-site sanitation services" means any sanitation services other than water borne sewerage disposal through a sewerage disposal system.

2.1.61. "owner" means:
(a) The person in whose name the ownership of the premises is registered from time to time.
(b) In a case where the person in whom the ownership of the premises is vested is insolvent or deceased, or who 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.

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(c) Where the Municipality is unable to determine the identity of such a person, a person who has a legal right in or 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; 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 such Act, the person in whose name such section is registered under a sectional title deed and includes the lawfully appointed agent of such a person.
(e) A person occupying land under a register held by a tribal authority or in accordance with a sworn affidavit made by a tribal authority.

2.1.62. "person" means any person, whether natural or juristic and includes, but is not limited to any local government body, a company or close corporation incorporated under any law, a body of persons whether incorporated or not, a statutory body, public utility body, voluntary association or trust.

2.1.63. "plumber" means a person who has passed a qualifying Trade Test in Plumbing or has been issued with a certificate of proficiency in terms of the Manpower Training Act, 1981 (Act No. 56 of 1981) or such other qualification as may be required under national legislation.

2.1.64. "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 environment or impair its quality for the use for which it is normally intended.

2.1.65. "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).
(b) A sectional plan registered in terms of the Sectional Tides Act, 1986 (Act No. 95 of 1986); or
(c) A register held by a tribal authority or in accordance with a sworn affidavit made by a tribal authority.

2.1.66. "prescribed tariff' means a charge prescribed by the Municipality; "professional Engineer" means a person registered in terms of the Engineering Profession Act, 2000 (Act No. 46 of 2000) as a professional engineer.

2.1.67. "public notice" means publication in appropriate media that may include one or more of the following:
(a) Publication of a notice, in the official languages determined by the municipal council -
  i) In any local newspaper or newspapers circulating in the area of supply of the Municipality.
  ii) In the newspaper or newspapers circulating in the area of supply of the Municipality determined by the municipal council as a newspaper of record.
  iii) By means of radio broadcasts covering the area of supply of the Municipality.
(b) Displaying a notice at appropriate offices and pay-points of the Municipality.
(c) Communication with customers through public meetings and ward committee meetings.
(d) Any other communication or media as prescribed by the Municipal Communication Policy.

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

2.1.69. “sanitation services" has the same meaning assigned to it in terms of the Act and includes for purposes of these by-laws the disposal of industrial effluent.

2.1.70. "sanitation 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.

2.1.71. "septic tank" means a water-tight tank designed to receive sewage and to affect the adequate decomposition of organic matter in sewage by bacterial action.

2.1.72. "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.

2.1.73. "sewage" means wastewater, industrial effluent, standard domestic effluent, and other liquid waste, either separately or in combination, but shall not include stormwater.

2.1.74. "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 or its authorized agent and which may be used by it in connection with the disposal of sewage.

2.1.75. "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.

2.1.76. "shared consumption" means the consumption of a customer of a municipal service during a specific period, which consumption is calculated by dividing the total metered consumption of that municipal service within the supply zone within which a customer's premises is situated for the same period by the number of customers within that supply zone, during the same period.

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

2.1.78. "standard domestic effluent" means domestic effluent with prescribed strength characteristics as determined by the Municipality in respect of chemical oxygen demand and settable solids as being appropriate to sewage discharges from domestic premises within the jurisdiction of the Municipality, but shall not include industrial effluent.

2.1.79. "stormwater" means water resulting from natural precipitation or accumulation and includes rainwater, subsoil water or spring water.

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

2.1.81. "trade premises" means premises upon which industrial effluent is produced.

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

2.1.83. "unauthorised services" means receipt, use or consumption of any water services which is not in terms of an agreement, or authorised or approved by the Municipality.

2.1.84. "wastewater" means wastewater resulting from the supply of water to a household, offices, shops or any other premises other than industrial premises.

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

2.1.86. “water inspector” means a person who is employed by the Municipality to monitor the implementation of and to enforce compliance with the provisions of this by-law.

2.1.87. "water installation" means the pipes and water fittings which are situated on any premises and ownership thereof vests 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.

2.1.88. "water services" means water supply services and sanitation services;

2.1.89. "water services intermediaries" has the same meaning assigned to it in terms of the Act.

2.1.90. “water services authority” has the same meaning assigned to it in terms of section 1 of the Water Services Act.

2.1.91. “water services intermediary” has the same meaning assigned to it in terms of section 1 of the Water Services Act.

2.1.92. “water services provider” has the same meaning assigned to it in terms of section 1 of the Water Services Act, and includes –

a) An entity established or appointed by the Municipality as its authorised agent to operate and maintain a water supply scheme in accordance with this by-law and in accordance with the Water Services Act.
b) The Municipality where it has not appointed an agent to act as water services provider on its behalf and fulfils this duty itself.

2.1.93. "water supply services" has the same meaning assigned to it in terms of the Act and includes for purposes of these bylaws water for industrial purposes and fire extinguishing services.

2.1.94. “water supply system" means the structures, aqueducts, pipes, valves, pumps, meters, or other apparatus relating thereto of which the ownership vests in the Municipality and which are used or intended to be used by it in connection with the supply of water and includes any part of the system.

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

2.2. Unless the context indicates otherwise, any word or expression used in these By-laws to which a meaning has been assigned in the Act will bear that meaning; and where applicable, the National Building Regulations and Building Standards Act will bear that meaning.

3. Principles and objectives

3.1. The Municipality adopts the following principles and objectives:

3.1.1. The Municipality recognizes that all customers have the right of access to basic water supply and basic sanitation in the area of jurisdiction of the Municipality within an environment not harmful to health or wellbeing in line with the goals of the National Government.

3.1.2. The Municipality acknowledges that it has the authority to administer water supply services and sanitation services and arising there from a concomitant duty to ensure the supply of water and sanitation services of an acceptable quality within its area of jurisdiction in an efficient, affordable, economical and sustainable manner for subsistence and sustainable economic activity.

3.1.3. The Municipality recognizes that, in striving to provide water and sanitation services it, together with all role-players in the sector and spheres of government, must observe and adhere to the principle of co-operative governance.

3.1.4. The Municipality acknowledges the requirement to draft and promulgate by-laws to govern the provision of water services to its customers and to govern the relationship between it and its customers within its area of jurisdiction.

3.1.5. The Municipality recognizes that, in the supply of water and sanitation services, the interests of the customers and the broader goals of public policy must be promoted.

3.1.6. The Municipality acknowledges that there is a duty upon it to prepare and adopt a water services development plan for its area of jurisdiction after thorough consultation with all stakeholders and thereafter to update, manage and report thereon on an annual basis.

3.1.7. The Municipality recognises that the provision of water supply services and sanitation services, although an activity distinct from the overall management of water resources, must be undertaken in a manner consistent with the broader goals of water resource management.

3.1.8. The Municipality confirms its duty to provide access to water services in an orderly manner to the benefit of the nation's water resources, and therefore, the Municipality, in these By-laws strives to –

(a) Provide for the rights of access to basic water supply and sanitation within its area of jurisdiction, as contemplated in section 27(1)(b) of the Constitution of the Republic of South Africa; provide for the establishment of a regulatory framework within which to deliver water services.

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(b) Provide for the setting of terms and conditions to ensure compliance with the statutes, legislation, and regulations applicable to the water sector; provide for the monitoring of water services within its area of jurisdiction, and intervention by it, being the Water Services Authority and Provider as provided for in terms of the Water Services Act, 1997 within its area of jurisdiction, where necessary, to provide for -

i) The gathering of information within its area of jurisdiction.
ii) The collation thereof to a central data base.
iii) The distribution of information to all stakeholders and role-players.
iv) Provide for matters related to the supply of water services within its area of jurisdiction.

4. Legislative framework

4.1. These by-laws fall within the legislative framework constituted by the -
4.1.1. Constitution of the Republic of South Africa, 1996 (Act 108 of 1996).
4.1.2. Criminal Procedure Act, 1977 (Act 51 of 1977).
4.1.3. Deeds Registries Act, 1937 (Act 47 of 1937).
4.1.4. Engineering Profession Act, 2000 (Act 46 of 2000).
4.1.5. Land Survey Act, 1927 (Act 9 of 1927) [*Note that the Act was significantly amended in 1997*.]
4.1.6. Local Government: Municipal Structures Act, 1998 (Act 117 of 1998).
4.1.7. Local Government: Municipal Systems Act, 2000 (Act 32 of 2000).
4.1.8. Manpower Training Act, 1981 (Act 56 of 1981).
4.1.9. National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977) and its Regulations 22355 of 8 June 2001.
4.1.10. National Water Act, 1998 (Act 36 of 1998).
4.1.11. Occupational, Health and Safety Act, 1993 (Act 85 of 1993).
4.1.12. Promotion of Administrative Justice Act, 2000 (Act 3 of 2000).
4.1.13. Protection of Personal Information Act, 2013 (Act 4 of 2013).
4.1.14. Sectional Titles Act, 1986 (Act 95 of 1986).
4.1.15. Trade Metrology Act, 1973 (Act 77 of 1973) *[Note that Act was significantly amended in 1994].*
4.1.16. Water Services Act, 1997 (Act 108 of 1997).
4.1.17. Reference is also made to SANS 252, SANS 254, SANS 241 standards and SANS 0400-1990.
4.1.18. Any relevant Policies and By-laws adopted by the Municipality.

CHAPTER 2: WATER AND SANITATION SERVICES APPLICATION, AGREEMENT, PAYMENT AND TERMINATION

PART 1: APPLICATION

5. Application for water services and infrastructure

5.1. No person shall be provided with access to water services unless application has been made to, and approved by, the Municipality on the form prescribed by the Municipality for such purpose.

5.2. Water services rendered to a consumer by the Municipality are subject to the Municipality's Revenue By-laws, this By-law and the conditions contained in the relevant service contract.

5.3. If, at the commencement of these by-laws or at any other time, water services are provided and received and no written agreement exists in respect of such services, it shall, until the consumer enters into an

agreement in terms of section 7, be deemed that: -

5.3.1. An agreement as envisaged by section 7 exists; and

5.3.2. The level of services rendered to that consumer is at a level of services elected by him.

5.4. The Municipality, when an application for the provision of water services has been made to it, must inform the applicant of the levels of services that are available and the applicable tariffs or charges then current, and, if it be known, the future tariffs or charges, associated with each level of service.

5.5. The Municipality is obliged only to provide a level of service specifically requested by the applicant if the service is currently being provided and if the Municipality has the resources and capacity to provide that level of service.

5.6. A consumer may at any time apply for an alteration to the level of services that was elected in terms of an agreement, and, if the consumer does so, the Municipality may approve the application if it has the capacity and the resources to provide the requested level of service altering the level of services subject to the condition that the consumer shall be liable, for the cost of effecting the alteration and, if it be feasible to calculate the cost, to pay it before the alteration commences.

5.7. The Municipality must take reasonable steps to attempt to ensure that an illiterate person who wishes to complete an Application form understand the document as well as the consequences of entering into the agreement and must also advise him of the possibility of registering as an indigent consumer.

6. Types of applicants

6.1. For purposes of this By-law, different arrangements apply for consumers, being domestic and/or commercial, who are not indigents and those who qualify as indigents.

6.2. A domestic consumer qualifies as an indigent person as contemplated by the relevant Municipal Indigent Policy.

6.3. The provisions for the registration and management of indigents are fully addressed in the relevant Municipal Revenue By-laws and Policies and apply *mutatis mutandis* to this By-law.

PART 2: AGREEMENTS

7. Service contract for water services

7.1. An application for services that has been submitted by a consumer and approved by the Municipality shall constitute a written agreement between the Municipality and the consumer, and such agreement shall take effect on the date referred to or stipulated in the agreement.

7.2. The agreement for the provision of water services with an applicant must adhere to the Municipality's Revenue By-laws.

8. Change in purpose for which water services are used

8.1. Where the purpose for, or extent to which, any water service is changed, the customer must promptly advise the Municipality of the change and enter into a new service contract with the Municipality.

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9. Special arrangements for water services

9.1. The Municipality may enter into a special agreement with an applicant for the provision of water services to:

9.1.1. An applicant inside its area of jurisdiction, if the nature of the services applied for necessitates the imposition of conditions not contained in the prescribed form.

9.1.2. An applicant outside its area of jurisdiction, if such application has been approved by the water services authority having jurisdiction or supplying water services in the area which the water is sourced.

PART 3: CHARGES

10. Applicable/prescribed charges for water services

10.1. All applicable charges payable in respect of water services, including but not restricted to the payment of connection charges, fixed charges or any additional charges or interest shall be set by the Council in accordance with –

10.1.1. Any policies for rates, tariffs, credit control and debt collection.

10.1.2. Any by-laws in respect thereof.

10.1.3. Any regulations in terms of national or provincial legislation.

10.2. Differences between categories of consumers, users of services, types and levels of services, quantities of services, infrastructural requirements, and geographic areas, may be used as the basis for the imposition of differential charges.

11. Availability charges for water services

11.1. The Municipality may, in addition to the charges determined for water services that have been actually provided, levy a monthly fixed charge, an annual fixed charge or only one fixed charge where water services are available, whether or not such services are consumed.

12. Additional use of fire-hydrant charges

12.1. A customer must pay the additional charges as prescribed for the use of each fire hydrant that is connected to the waterworks system for the non-municipal purposes of that customer, which is inclusive of any form of illegal tampering of the Municipal infrastructure or for the application of private watercarts and which was not pre-approved by the Municipality.

12.2. The Municipality will annually set pre-determined fees in its tariff policy as prescribed.

13. Connection charges

13.1. Connection charges are payable in advance and may be revised and calculated annually to reflect the actual average cost of the connection, inclusive of increases in labour and material costs for the current year.

14. Re-connection charges

14.1. The consumer must pay the standard re-connection fee, as determined by the Municipality from time to time, prior to the re-connection of water services by the Municipality, unless differently agreed.

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PART 4: PAYMENT

15. Payment for water services rendered

15.1. The owner, occupier and consumer shall be jointly and severally liable and responsible for payment of all water services charges and water services consumed by a consumer, in accordance with the Municipality's Revenue By-laws or Revenue Policy's.

16. Payment of deposit

16.1. The Municipality may require a consumer to pay a deposit that has been determined by it and may determine that different deposits be paid by different categories of consumers, users of services and debtors as well as for different services and standards of service.

16.2. A deposit may not exceed 3 (three) times the monthly monetary value of any service for which a consumer has applied.

16.3. A deposit determined by the Municipality must be paid by a consumer when he applies for a water service and no service will be rendered until it has been paid.

16.4. A deposit, or any part of a deposit, is neither a payment, nor a part payment, of an account but if an account is in arrears, the deposit will be used in payment, or part payment, of the arrears.

16.5. No interest shall be payable by the Municipality on any deposit, or part of a deposit, held by it.

16.6. On termination of the agreement, a deposit may be refunded to the consumer, subject to the deduction of any amounts that may be due to the Municipality for services rendered.

16.7. A deposit shall be forfeited to the Municipality if it has not been claimed by the consumer within 12 (twelve) months of the termination of the agreement.

17. Methods for determining amounts due and payable

17.1. A Municipality may, determine amounts due and payable for water services rendered by: -

17.1.1. Calculating the actual consumption that the consumer has used.

17.1.2. Calculating the shared consumption.

17.1.3. Means of an estimated consumption.

17.2. If a measuring device cannot be read because of financial and human resource constraints, or circumstances beyond the control of the Municipality, and the consumer is charged for an average consumption, the account following a reading of the metered consumption must state the difference between the actual consumption and the average consumption and reflect the resultant credit or debit adjustment.

17.3. Where in the opinion of the Municipality it is not reasonably possible or cost effective to install a measuring device to all consumer connections, or to read all metered consumer connections, within a determined area, the Municipality may determine the amount due and payable by a consumer for water services in the manner set out in subsection (1).

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17.4. Where water supply services are provided by a communal water-services work, the amount that consumers must pay for gaining access to, and utilizing, water from the communal water services work, will be based on the shared or estimated consumption of water supplied to that water services works.

17.5. The Municipality must inform consumers about the method used in determining what is due and payable in respect of water services in their consumption or supply zones.

18. Pay-points and approved agents

18.1. A consumer must pay his account at pay- points specified by the Municipality or by an approved agent of the Municipality.

18.2. The Municipality must inform a consumer of the location of specified pay-points and about who is an approved agent for receiving the payment of accounts.

19. Accounts

19.1. Accounts will be submitted in the format and reflect the details as prescribed in the Municipality's Revenue By-laws or Revenue Policy's.

PART 5: TERMINATION, LIMITATION AND DISCONNECTION

20. Termination of agreements for water services

20.1. A consumer may terminate a service contract, provided this is done in the manner prescribed by the Municipality.

20.2. Subject to the conditions of the Municipality's Revenue By-laws or Revenue Policies, if a consumer fails to comply with an agreement for water services or related payment arrangements, the Municipality may: -

20.2.1. Limit or disconnect the water services.
20.2.2. Institute legal action.
20.2.3. Hand the consumer's account over to a debt collector or an attorney for collection.

21. Limitation or disconnection of water services provided

21.1. The Municipality may limit or discontinue water services provided in terms of this by-law -
21.1.1. At the written request of a consumer.
21.1.2. If the service contract for the provision of water services has been terminated and the Municipality has not received an application for subsequent water services to the premises, within a period of ninety days of such termination.
21.1.3. If the building on the premises to which water services were provided has been demolished.
21.1.4. If the consumer has unlawfully interfered with the water installation or water services in any way.
21.1.5. In an emergency.
21.1.6. If there has been material abuse of the water services by the owner, occupier, or consumer in respect of the premises.
21.1.7. If the use of the water services is creating significant environmental damage or water pollution.

21.2. The Municipality will, where water services have been discontinued in terms of sub-section (1), only be obliged to restore such water services when the prescribed fees for the discontinuation and reconnection of the water services and any applicable deposit have been paid.

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21.3. The Municipality shall not be liable for any damages or claims that may arise from the limitation or disconnection of water services provided in terms of sub-section (1), including damages or claims that may arise due to the limitation or disconnection of water services by the Municipality in the bona fide belief that the provisions of sub-section (1) were applicable at the time.

21.4. If a consumer fails to pay the amount due and payable on or before the final date for payment, then the unpaid amount is in arrears and a final demand notice may be sent and may be hand delivered or posted, per mail, to the most recent recorded address of the consumer.

21.5. Failure to deliver or send a final demand notice does not relieve a consumer from paying such arrears.

21.6. The final demand notice must contain the following -

21.6.1. The amount in arrears and any interest payable, and the date by which such arrears and interest must be paid.

21.6.2. That the consumer may conclude an agreement with the Municipality for payment of the arrears amount in instalments within 14 days of the date of final demand notice.

21.6.3. That, if no such agreement is entered into within the stated period, then the water services will be discontinued or limited and legal action may be instituted against the consumer for the recovery of any amount that is 30 days or more in arrears, without further notice.

21.6.4. That the consumer's name may be made public and may be listed with a credit bureau or any other equivalent body as a defaulter.

21.6.5. That the account may be handed over to a debt collector or attorney for collection.

21.6.6. That proof of registration as an indigent consumer, in terms of the Municipality's Revenue By-laws or Revenue Policy's, must be handed in to the Municipality on or before the date for payment contemplated in sub-section (a), above.

21.6.7. That an indigent consumer is only entitled to basic water services and that an indigent consumer will be liable for payment in respect of water services used more than the quantity of basic services.

21.6.8. An opportunity for the consumer to make representation in writing, on or before the date of payment.

21.7. Interest may be levied on all arrears at a rate prescribed by the Municipality from time to time.

21.8. The amount due and payable by a consumer constitutes a consolidated debt, and any payment made by a consumer of an amount less than the total amount due will be allocated in reduction of the consolidated debt in the order determined by the Municipality.

21.9. The Municipality may, after expiry of the period allowed for payment in terms of the final demand notice, deliver by hand or send, per mail, to the last recorded address of the consumer –

21.10. A discontinuation notice, informing such consumer that the provision of water services will be, or has been, discontinued on the date stated on the discontinuation notice.

21.11. A discontinuation notice must contain information advising the consumer of steps which can be taken to have the service re-connected.

21.12. If representations made by a consumer are unsuccessful either wholly or in part, then a final demand

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21.13. notice complying with the provisions of this By-law must be given to the consumer in the manner prescribed stipulating that no further representations may be made.

21.14. Subject to the provisions of the By-law, and subject to the provisions of the Promotion of Administrative Justice Act, 2000 (Act 3 of 2000), having been observed, save that the Municipality's reasons for its decision to act must be supplied within seven days after a request therefor, the Municipality may discontinue water services to a consumer if -

21.14.1. Full payment was not received within the period stated in the final demand notices.
21.14.2. No agreement was entered into for the payment of arrears in instalments.
21.14.3. No proof of registration as an indigent was furnished within the period provided for in the final demand notices.
21.14.4. No payment was received in accordance with an agreement for payment of arrears.
21.14.5. No representations were made within the period provided for in the final demand notice.
21.14.6. The representations made have not been wholly accepted by the Municipality.

21.15. Where an account rendered to a consumer remains outstanding for more than 60 days -

21.15.1. The defaulting consumer's name may be made public and may be listed with a credit bureau or any other equivalent body as a defaulter.
21.15.2. May be handed over to a debt collector or an attorney for collection.

21.16. A consumer will be liable for any administration fees or costs incurred in taking action for the recovery of arrears and any penalties, including the payment of a higher deposit.

21.17. Where a body corporate is responsible for the payment of any arrears amount to the Municipality in respect of a sectional title development, the liability of the body corporate shall be extended to the members thereof, jointly, but in proportion to the participation quota of each sectional title unit.

21.18. No action taken in terms of this section, as a result of non-payment, may be suspended or withdrawn unless the arrears, any interest thereon, administration fees, additional charges, costs incurred in taking legal action and any penalty, including the payment of a higher deposit, which are payable, are paid in full.

21.19. The formation of an agreement for payment of the arrears amount in instalments, entered into after the water services were discontinued, will not result in the restoration of water services until the arrears, any interest thereon, administration fees, costs incurred in taking legal action and any penalty, including payment of a higher deposit, are paid in full.

CHAPTER 3: SERVICE LEVELS, DEMAND AUDIT, CONSERVATION AND RESTRICTIONS

22. Service levels

22.1. The municipal council may, from time to time, and in accordance with national policy, but subject to principles of sustainability and affordability, by public notice, determine the service levels it is able to provide to customers.

22.2. The municipal council may in determining service levels differentiate between types of customers, domestic customers, geographical areas, and socio-economic areas.

22.3. The following levels of service may be provided by the Municipality on the promulgation of these by-laws:

22.3.1. **Basic service level:** Communal water supply services and on-site sanitation services—
(a) Constituting the minimum level of service provided by the Municipality.
(b) Consisting of reticulated standpipes or 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.
(c) Installed free of charge.
(d) Provided free of any charge to consumers.
(e) Maintained by the Municipality.

22.3.2. **Intermediate service level:** Yard connection not connected to any water installation and an individual connection to the Municipality's sanitation system -
(a) Consisting of an un-metered standpipe on a premise 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.
(b) Installed free of charge.
(c) Maintained by the Municipality.

22.3.3. **Full-service level:** A metered pressured water connection with an individual connection to the Municipality's sanitation system—
(a) Installed against payment of the relevant connection charges.
(b) Provided against payment of prescribed charges.
(c) With the water and drainage installations maintained by the customer.

23. Water demand audit

23.1. The Municipality may, within one (1) month of the end of each financial year (30 June) request all major water users using more than 3,650 kilolitres per annum, excluding multiple dwelling units, to undertake an annual water audit of their consumption.

23.2. The audit report shall be carried our not later than four (4) weeks after the end of the financial year and be made available to the Municipality for inspection.

23.3. The audit shall contain information in respect of -
23.3.1. The total volume of water used during the financial year.
23.3.2. The number of people staying on the premises.
23.3.3. The number of people working on the premises.
23.3.4. The seasonal variation in demand by monthly consumption.
23.3.5. The plans and initiative to improve water consumption efficiency.
23.3.6. The industry norms for water consumption per unit of product or service produced.
23.3.7. The current water consumption per unit of product or service produced.
23.3.8. A comparison of the above factors with those reported in each of the previous three (3) years, where available.

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24. Water conservation

24.1. No consumer shall permit -

24.1.1. The purposed or wasteful discharge of water form terminal fittings.

24.1.2. Pipes or water fitting to leak.

24.1.3. The use of maladjusted or defective water fittings.

24.1.4. An overflow of water to persist.

24.1.5. An inefficient use of water to persist.

24.2. In any water installation where the dynamic water pressure is more than 200 kPa at a shower control valve, and where the plumbing has been designed to balance the water pressures on the hot and cold water supplies to the shower control valve, a shower head with a maximum flow rate of greater than 10 litres per minute must not be installed.

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

24.4. No flushing urinal that is not user-activated shall be installed or continue to operate in any water installation. All flushing urinals that are not user-activated installed prior to the commencement of these by-laws must be converted to user-activated urinals within two years of the commencement of these by-laws.

24.5. No cistern, and related pan designed to operate with such cistern, shall be installed with a cistern capacity of greater than 9 litres and all cisterns not intended for public use shall be fitted with flushing devices allowing interruptible or multiple flushes, provided that such flushing device shall not be required in cisterns with a capacity of 4,5 litres or less.

24.6. The point of discharge on all fittings for water installations that potentially discharge waste must not be less than 0.50m above the ground and must be visible to the owner or occupier of the premises and to authorised officers.

24.7. No tap, stopcock or pipe shall be fixed in such a position as to permit the wastage of water, or cause inconvenience to the user.

24.8. The watering of gardens shall, without prior written permission, be confined to off-peak hours and, wherever possible, not be carried out between 11h00 and 15h00, irrespective of the sources of water.

24.9. The watering of sports fields and other grassed surfaces shall, without prior written permission, be -

24.9.1. Separately metered from any building that may abut such location.

24.9.2. Managed and supervised to provide the minimum of water consistent with adequate field and surface conditions suitable for its intended use.

24.9.3. Carried out, wherever possible, not during peak hours of demand, and not between 11h00 and 15h00, irrespective of the source of water.

24.10. Every commercial and industrial supply pipe and separate fire connections shall be fitted with an approved device upstream of the meter for the purpose of preventing backflow of water from the internal water installation of the premises to the water main.

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24.11. Only water derived from wash hand basins in commercial, industrial or institutional premises may be used to flush multi-stall urinals or to fill the cisterns of flush toilets, to which no potable water connection has been made from a water installation connected to a Municipal water main.

24.12. Every owner of premises who wishes to utilise grey water, for any purposes whatsoever, must apply in writing to the Municipality for permission to do so, subject to the following conditions:

24.12.1. The application must set out the reasons for the request and satisfy the conditions imposed by this By-law.

24.12.2. Where permission is granted, the owner or consumers shall not be absolved from non-compliance with this By-law.

24.12.3. If the Municipality needs to reverse its decision at any time and for any reason whatsoever, then the Municipality shall not be liable for any cost, expenses or losses incurred by the owner or consumer.

24.12.4. Permission granted under this section shall not take precedence over the right of the Municipality to require compulsory connection of the owner's premises to its water services and the collection of rates, taxes, levies, charges and fees in terms of its tariffs.

24.12.5. No consideration shall be given to reduction of such charges for the utilisation of grey water by an owner or consumer.

24.13. An owner shall 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 likely to cause an occurrence of grey water.

24.14. An owner shall ensure that any equipment or plant connected to his or her water installation uses water in an efficient manner and:

24.14.1. The Municipality shall by written notice, prohibit the use by an owner or consumer or any equipment in a water installation if, in its reasonable opinion, its use of water is inefficient.

24.14.2. Such equipment shall not be returned to use until its efficiency has been restored and a written application to do so has be approved by the Municipality.

25. Water restrictions

25.1. The Municipality may for the purposes of water conservation or where, in its opinion, drought conditions prevail, are imminent or to prevent the wasteful use of water or, in the event of a water shortage, drought or flood, by public notice:

25.1.1. Prohibit or restrict the consumption of water in the whole or part of its area of jurisdiction in general or for:

(a) Specified purposes.
(b) During specified hours of the day or on specified days.
(c) In a specified manner.

25.1.2. Determine and impose:

(a) Limits on the quantity of water that may be consumed over a specified period.
(b) Charges additional to those determined in respect of the supply of water more than a pre-determined limit.
(c) A general surcharge on the determined charges in respect of the supply of water.

25.1.3. 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.

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25.2. Except in the event of a flood or other disaster necessitating the immediate restriction or prohibition of the consumption of water, a public notice shall set out the date and time when such restrictions shall become effective, being not less than 3 (three) days after the date of publication of the public notice.

25.3. The Municipality may limit the application of the provisions of a notice contemplated by subsection (1) above of this by-law 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.

25.4. The Municipality may:

25.4.1. Take, or by written notice require a consumer at own expense to take such measures, including the installation of measurement devices and devices for restricting the flow of water, as may in its opinion be necessary to ensure compliance with a notice published.

25.4.2. For such period as it may deem fit, limit 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.

25.4.3. Where the supply has been limited, it shall only be restored when the prescribed charge for reconnecting the supply has been paid.

25.5. 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.

CHAPTER 4: CONDITIONS FOR WATER SUPPLY SERVICES

PART 1: CONNECTION TO WATER SUPPLY SYSTEM

26. Conditions of supply

26.1. The Municipality may specify the maximum pressure to which water will be supplied from the water supply system but where a consumer requires water to be supplied at a greater pressure, and this is technically feasible, the consumer will be responsible for the costs.

26.2. The Municipality may, in an emergency, interrupt the supply of water to any premises without prior notice.

26.3. If the consumption of water by a consumer adversely affects the supply of water to another consumer, then the Municipality –

26.3.1. May apply restrictions to the supply of water to the first mentioned consumer to ensure a reasonable supply of water to the other consumer.

26.3.2. Must in writing inform the first mentioned consumer of the restrictions.

26.4. The granting of a supply of water by the Municipality does not constitute an undertaking by it to maintain at all times or at all points in its water supply system –

26.4.1. An uninterrupted supply, subject to the provisions of regulations 4 and 14 of Regulation 22355.

26.4.2. A specific pressure or rate of flow in such supply other than required in terms of regulation 15(2) of Regulation 22355.

26.5. The Municipality may specify the maximum pressure to which water will be supplied from the water supply system.

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26.6. An owner or customer shall take the necessary steps to ensure that the proposed water installation is able to meet the prescribed standards if such owner or customer requires a higher standard of service.

26.7. If, in the reasonable opinion of the Municipality, the consumption of water by a consumer adversely affects the supply of water to another consumer, then the engineer may apply such restrictions, as he or she considers fit, to the supply of water to the consumer to ensure a reasonable supply of water to such other consumer and must inform the consumer about the restrictions.

26.8. The Municipality is not liable for any damage to property caused by water flowing from any water installation left open when the water supply is re-instated, following an interruption in supply.

26.9. Every steam boiler, hospital, industry, and any premises which requires, for the purpose of the work undertaken on the premises, a continuous supply of water must have a storage tank where water can be stored when the continuous supply is disrupted, and the storage tank –

26.9.1. Must comply with the specification for water storage tanks as stipulated in SANS 0252 Part 1.

26.9.2. Must have a capacity of not less than 24 hours; water supply calculated as the quantity required to provide the average daily consumption.

26.10. No consumer shall resell water supplied to him or her by the Municipality except with the written permission of the Municipality, which may stipulate the maximum price at which the water may be resold and may impose such other conditions as the Municipality may deem fit.

27. Provision of connection pipe

27.1. If a service contract for water services in respect of premises has been concluded and no connection pipe exists in respect of the premises, then the owner must apply on the prescribed form, and pay the prescribed tariff, for the installation of such a pipe.

27.2. If an application is made for a water service which is of such an extent or so situated that it is necessary to extend, modify or upgrade the water supply system to supply water to the premises, then the Municipality may agree to the extension subject to such conditions as it may impose.

27.3. Only the Municipality may install a connection pipe, but the owner or consumer may connect the water installation to the connection pipe.

27.4. A person may not commence any development on any premises unless the Municipality has installed a connection pipe and meter.

27.5. The owner, customer or developer may, on receipt of written consent of the Municipality and subject to the Municipality's requirements install their own link mains.

28. Location of connection pipe

28.1. A connection pipe provided and installed by the Municipality must –

28.1.1. Be located in a position agreed to by the owner and the Municipality and be of the size determined by the Municipality.

28.1.2. Terminate at either –

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(a) The boundary of the land owned by or vested in the Municipality, or over which the Municipality has a servitude or other right.
(b) The outlet of the water meter if it is situated on the premises.
(c) The isolating valve if it is situated on the premises.

28.2. The Municipality may, on application by 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 services to the premises, but the applicant is responsible for any extension of the water installation to the connection point designated by the Municipality and for obtaining, at his or her cost, such servitudes over other premises as may be necessary.

28.3. An owner must pay the prescribed connection charge in advance before a water connection can be affected.

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

29.1. Except where authorised, 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 customers located on such premises.

29.2. 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 may, in its discretion, provide and install either -

29.2.1. A single measuring device in respect of the premises as a whole or any number of such accommodation units.

29.2.2. A separate measuring device for each accommodation unit or any number thereof.

29.3. Where the Municipality has installed a single measuring device, the owner or the person having the charge or management of the premises, as the case may be -

29.3.1. Must, if the Municipality so requires, install, and maintain on each branch pipe extending from the connection pipe to the different accommodation units -
(a) A separate measuring device.
(b) An isolating valve.

29.3.2. Is liable to the Municipality for the tariffs and charge for all water supplied to the premises through such a single measuring device, irrespective of the different quantities consumed by the different customers served by such measuring device.

29.4. The Municipality may however authorise that more than one connection pipe be provided on the water supply system for the supply of water to any premises -

29.4.1. Comprising sectional title units.

29.4.2. If undue hardship or inconvenience would be caused to any consumer on such premises by the provision of only one connection pipe.

29.5. Where the provision of more than one connection pipe is authorised by the Municipality, the tariffs, and charges for the provision of a connection pipe is payable in respect of each water connection so provided.

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29.6. Where a premise is supplied by several connection pipes, the Municipality may require the owner to reduce the number of connection points and alter his or her water installation accordingly.

30. Interconnection between premises or water installations

30.1. An owner of premises must ensure that no interconnection exists between –
30.1.1. The water installation on his or her premises and the water installation on other premises.
30.1.2. The water installations of the accommodation units, where several accommodation units are situated on the same premises.

30.2. Interconnection may exist only if the owner -
30.2.1. Has obtained the prior written consent of the Municipality.
30.2.2. Complies with any conditions that it may have imposed.

31. Disconnection of water installation from the connection pipe

31.1. The Municipality and/or its engineer may disconnect a water installation from the connection pipe and remove the connection pipe if -
31.1.1. The agreement for supply has been terminated 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.
31.1.2. The building on the premises concerned has been demolished.
31.1.3. The agreement for the provision of water supply services has been terminated in accordance with the Municipality's by-laws relating to credit control and debt collection.

32. Provision of water supply to several consumers

32.1. Except for the provision of free basic services, the Municipality may install a communal water services work for the provision of water services to several customers at a location that the Municipality deems appropriate, provided that the customers to whom water services will be provided through that water services work have been consulted in respect of -
32.1.1. The level of service.
32.1.2. The tariff that will be payable.
32.1.3. The location of the work.

33. Temporary supply and water supplied from a water supply system

33.1. The Municipality may authorise a temporary supply of water to be taken from one or more water supply systems specified by it, subject to such conditions and period as it may prescribe.

33.2. A person who desires a temporary supply of water or the use of a portable water meter in terms of or both a supply and a meter, must apply to the District Council for such service.

33.3. Supply of water must be measured.

33.4. The Municipality may for purposes of measuring provide a portable water meter to be returned to the Municipality on termination of the temporary supply, and the portable meter and all other fittings and apparatus used for the connection of the portable water meter to the system -
33.4.1. Remain the property of the Municipality.
33.4.2. May be provided subject to any conditions imposed by the Municipality.

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33.5. The Municipality may agree to provide a temporary supply of water in one or more mobile tankers for use at sporting or other special occasions, or where a temporary water supply is required to cater for an emergency, subject to the applicant paying such fee as the Municipality may determine, based at least on:

33.5.1. The cost of the water required, to fill each mobile tanker.

33.5.2. The cost in fuel and wear and tear of running each mobile tanker from the point of loading the supply of water to the point where the water is used.

33.5.3. The cost of the Municipality's staff for providing such temporary water supply.

PART 2: STANDARDS

34. Quantities, quality, and pressure

34.1. Water supply service provided by the Municipality must comply with the minimum standards set for the provision of water supply service in terms of section 9 of the Water Services Act read with regulations 3, 5 and 15 of Regulation 22355.

35. Testing of pressure in water supply systems

35.1. The Municipality may, on application by an owner and on payment of the determined charge, 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 he or she may request.

36. Pollution of water

36.1. No person may, without specific authorisation in writing by the Municipality on application and if the water is used by it in connection with the water supply, in any manner pollute:

36.1.1. Water in a reservoir or other place -

(a) Which is either in whole or in part vested in the District Council.

(b) Which the Municipality owns or controls, either in whole or in part.

36.1.2. Water or the environment in the jurisdiction of the Municipality, including but not restricted to all water sources such as streams, rivers, and dams.

36.2. No person may deposit or discharge rubbish, nightsoil, industrial waste, or other matter which may cause pollution of any nature on a portion of a catchment area, which has been designated by notice boards as an area where such acts are prohibited, relating to the Municipality's water supply.

36.3. A person may deposit or discharge rubbish, nightsoil, industrial waste, or other matter at places designated by notice boards or in receptacles as are provided by the Municipality.

36.4. If a person contravenes any subsection, the Municipality may:

36.4.1. By written notice require the person immediately to stop the prohibited act and to take specified action within the specified period.

36.4.2. If the situation is a matter of urgency, without prior notice take such action as the Municipality may deem necessary and recover the cost from the person.

36.5. An owner must provide and maintain approved measures to prevent the entry of a substance, which may be a danger to health or adversely affect the quality of water or affect its fitness for use, into –

36.5.1. The water supply system.

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36.5.2. Any part of the water installation on his or her premises.

36.6. If an owner fails to comply and pollution occurs, then the Municipality may serve a notice, contemplated in Chapter 9 on the owner.

PART 3: MEASUREMENT

37. Measuring of quantity of water supplied

37.1. The Municipality will provide a measuring device designed to provide either a controlled volume of water or an uncontrolled volume of water.

37.2. The Municipality must measure the quantity of water supplied through a measuring device designed to provide an uncontrolled volume of water, at regular intervals.

37.3. Any measuring device (and its associated apparatus) through which water is supplied to a customer by the Municipality -

37.3.1. Shall be provided and installed by the Municipality.

37.3.2. Remains the property of the Municipality.

37.3.3. May be changed and maintained by the Municipality when deemed necessary by it.

37.4. The Municipality may install a measuring device, and its associated apparatus, on premises at any point on the service pipe.

37.5. If the Municipality installs a measuring device on a service pipe, 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 supply system.

37.6. If the Municipality installs a measuring device together with its associated apparatus on a service pipe, the owner -

37.6.1. Must provide a suitable place in which to install it.

37.6.2. Must ensure that unrestricted access is available at all times.

37.6.3. Is responsible for its protection and is liable for the costs arising from damage thereto, excluding damage arising from normal fair wear and tear.

37.6.4. Must 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.

37.6.5. Must provide 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.

37.6.6. May not use or permit to be used on any water installation, any fitting, machine, or appliance which causes damage or is likely to cause damage to any meter.

37.7. No person other than the Municipality may -

37.7.1. Disconnect a measuring device and its associated apparatus from the pipe in which they are installed.

37.7.2. Break a seal which the Municipality has placed on a meter.

37.7.3. In any other way interfere with a measuring device and its associated apparatus.

37.8. If the measuring device is a meter and its size is unsuitable by reason of the quantity of water supplied to premises, the Municipality may -

37.8.1. Install a meter of such size as it may deem necessary.

37.8.2. Recover from the owner of the premises concerned the prescribed charge for the installation of the meter.

37.9. The Municipality may require that the owner, at his or her expense, install a measuring device to each dwelling unit, in separate occupancy on any premises, for use to determine the quantity of water supplied to each unit, however, where fixed quantity water delivery systems are used, a single measuring device may be used to supply more than one unit.

38. Quantity of water supplied to consumer

38.1. For purposes of assessing the quantity of water measured by a measuring device installed by the Municipality and supplied to a customer over a specific period, it will, for the purposes of these By-laws, be deemed, unless the contrary can be proved, that -

38.1.1. The quantity, for a measuring device designed to provide an uncontrolled volume of water, is represented by the difference between measurements taken at the beginning and end of such period.

38.1.2. The quantity, for a measuring device designed to provide a controlled volume of water, is represented by the volume dispensed by the measuring device.

38.1.3. The measuring device was accurate during such period.

38.1.4. The entries in the records of the Municipality were correctly made, however if water is supplied to, or taken by, a customer without it passing through a measuring device, the estimate by the Municipality of the quantity of such water shall be deemed to be correct.

38.2. Where water supplied by the Municipality to any premises is in any way taken by the customer without such water passing through any measuring device provided by the Municipality, the Municipality, for the purpose of rendering an account, may estimate, the quantity of water supplied to the customer during the period that water is so taken by the customer.

38.3. An estimate of the quantity of water supplied to a customer is based on, as the Municipality may decide -

38.3.1. The average monthly consumption of water on the premises registered over three succeeding measuring periods after the date on which the irregularity was discovered and rectified.

38.3.2. The average monthly consumption of water on the premises during any three consecutive measuring periods during the twelve months' period before the date on which it was discovered that the water was taken.

38.4. Nothing in these bylaws 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 charge the customer an average consumption during the interval between successive measurements of the measuring device.

38.5. Until such time as a measuring device has been installed in respect of water supplied to a customer, the estimated or shared consumption of that customer must be based on the average consumption, during a specific period, of water supplied to the specific supply zone within which the customer's premises is situated.

38.6. Where it is not reasonably possible or cost effective to measure water supplied to each customer within a determined supply zone, the Municipality may determine a tariff or charge based on the estimated or shared consumption of water supplied to that supply zone.

38.7. The Municipality will, within 7 days -
38.7.1. On receipt of a written notice from the customer.
38.7.2. Subject to payment of the determined charge, measure the quantity of water supplied to the customer at a time or on a day other than that upon which it would normally be measured.

39. Special measurement

39.1. If the Municipality requires, 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.

39.2. The installation of a measuring device, its removal, and the restoration of the water installation after such removal shall be carried out at the expense of Municipality.

40. No reduction of amount payable for water wasted

40.1. A customer is not entitled to a reduction of the amount payable for water wasted or water losses in a water installation.

PART 4: BOREHOLES

41. Notification of boreholes

41.1. No person may sink a borehole on premises situated in a dolomite area, and a person must, before he or she sinks a borehole, determines if the premises on which the borehole is to be sunk is situated within a dolomite area.

41.2. 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 before sinking the borehole.

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

41.4. The Municipality may, by public notice, require -
41.4.1. 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.
41.4.2. The owner or occupier of any premises who intends to sink a borehole on premises to notify it on the prescribed form of such intention before work in connection therewith is commenced.

41.5. The Municipality may by public notice require owners or occupiers who have existing boreholes used for water services, to obtain approval from it for the use of a borehole for potable water supply services in accordance with sections 6, 7 and 22 of the Act.

41.6. The Municipality may, in the notices -

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41.6.1. Impose conditions in respect of the use of a borehole for potable water services.
41.6.2. Impose a fixed charge in respect of the use of a borehole.
41.6.3. Impose a bulk meter installation for each borehole.

PART 5: FIRE SERVICES CONNECTIONS

42. Fire services connection, standards, and special conditions

42.1. The Municipality is entitled in its absolute discretion to grant or refuse an application for the connection of a fire extinguishing installation to the Municipality's main.

42.2. No water may be supplied to any fire extinguishing installation until a prescribed form has been submitted to and approved by the Municipality and until the installation complies with the requirements of these By-laws and any other by-laws of the Municipality or Local Municipality.

42.3. If a fire extinguishing installation which the Municipality has allowed to be connected to the Municipality's main is not being kept in proper working order or is otherwise not being properly maintained, or is being used for purpose other than firefighting, then the Municipality 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 customer's expense.

42.4. The Municipality is entitled, if it has allowed a fire extinguishing installation to be connected to its main, either to require the installation to be disconnected from the main or itself to carry out the work of disconnecting it at the customer's expense, if the fire extinguishing installation is -
42.4.1. Not being kept in proper working order.
42.4.2. Otherwise not being properly maintained.
42.4.3. Is being used for purpose other than firefighting.

43. Dual and combined installations

43.1. All new buildings erected after these By-laws commence, must comply with the following requirements in relation to the provision of fire extinguishing services:
43.1.1. If boosting of the system is required, a dual pipe system must be used, one for fire extinguishing purposes and the other for general domestic purposes.
43.1.2. Combined installations are only permitted where no booster pumping connection is provided on the water installation, and in such case the Municipality must provide a fire hydrant, at the customer's expenses, within 90 m of the property to provide a source of water for the fire tender to extinguish the fire.
43.1.3. Combined installations where a booster pumping connection is provided are only permitted when designed and certified by the Municipality.
43.1.4. All pipes and fittings -
(a) Must be capable of handling pressures in excess of 1800 kPa, which could be expected when boosting takes place.
(b) Must maintain their integrity when exposed to fire conditions.

44. Connection pipes for fire extinguishing services

44.1. After these By-laws commence, the Municipality, must provide a single connection pipe for both fire extinguishing services (excluding sprinkler systems) and potable water supply services.

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44.2. The Municipality must provide and install at the cost of the owner a combination meter on the connection pipe.

44.3. A separate connection pipe must be laid and used for every fire sprinkler extinguishing system unless otherwise approved.

44.4. A connection pipe must be equipped with a measuring device that will not obstruct the flow of water while operating.

45. Valves and meters in connection pipes

45.1. Every connection pipe to a fire extinguishing installation must be fitted with valves and a measuring device which is -

45.1.1. Supplied by the Municipality at the expense of the customer.

45.1.2. Installed between the customer's property and the main.

45.1.3. Installed in such position as may be determined by the District Council.

46. Meters in fire extinguishing connection pipes

46.1. If it appears to the Municipality that water has been drawn from a connection pipe which is used solely for fire extinguishing purposes for purposes other than for the purpose of extinguishing a fire, the Municipality is entitled to install a water meter in the pipe, and the owner of the premises is liable for all costs in so doing.

47. Sprinkler extinguishing installation

47.1. A customer may install a sprinkler installation in direct communication with the main, but the Municipality may not be deemed to guarantee any specified pressure at any time.

48. Header tank or double supply from main

48.1. The customer must, unless the installation is provided with a duplicate supply from a separate main, install a header tank for its sprinkler installation at such elevation as will compensate for any failure or reduction of pressure in the Municipality's main.

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

48.3. Where a sprinkler installation is provided with a duplicate supply from a separate main, each supply pipe must be equipped with a reflux valve situated within the premises.

49. Sealing of private fire hydrants

49.1. Except in the case of a combined system with a combination meter, all for the purposes of opening the hydrant in the case of fire; or in the course of servicing and testing.

49.2. The customer must give the Municipality at least 48-hours' notice prior to a fire extinguishing installation being serviced and tested.

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49.3. The customer must bear the cost of resealing such a hydrant and hose-reel except when such seals are broken by the Municipality's officers for testing purposes.

49.4. The customer must pay for any water consumed through a fire installation or sprinkler system at the charges determined by the Municipality.

CHAPTER 5: CONDITIONS FOR SANITATION SERVICES

PART 1: CONNECTION TO SANITATION SYSTEM

50. Obligation to connect to sanitation system

50.1. Unless written consent for the use of on-site sanitation services was obtained from the Municipality, a premise on which sewage is produced must be connected to the Municipality's sanitation system if -

50.1.1. A connecting sewer is available.

50.1.2. It is reasonably possible or cost effective for the Municipality to install a connecting sewer.

50.2. The Municipality may, by serving a written notice, require the owner of premises which is not connected to the Municipality's sanitation system, to connect to the sanitation system.

50.3. The owner of premises required to connect to the Municipality's sanitation system in accordance with sub-section (2), must inform the Municipality in writing of any on-site sanitation services provided by the Municipality but no longer required as a result of the connection to the sanitation system, and the owner remains liable for any charges payable in respect of on-site sanitation services until the agreement for such services has been terminated.

50.4. If the owner fails to connect to the sanitation system in accordance with the notice contemplated in sub-section (2), then the Municipality may, despite any other actions it may take in terms of this by-law, impose penalties as determined by it.

51. Location of connecting sewer

51.1. A connecting sewer provided and installed by the District Council or owner must -

51.1.1. Be located in a position agreed to between the owner and the Municipality and be of a size determined by the Municipality.

51.1.2. Terminate at a connection point approximately 1 meter inside the premises from the boundary of the land owned by or vested in the Municipality or Local Municipality, as the case maybe, or over which the Municipality or Local Municipality, as the case may be, has a servitude or other right or when subsection 52.3 applies, at the connecting point designated in terms of that subsection.

51.2. In reaching agreement with an owner concerning the location of a connecting sewer, the Municipality must determine -

51.2.1. Practical restrictions that may exist regarding the location of a connecting sewer pipe.

51.2.2. The cost implications of the various possible locations of the connecting sewer.

51.2.3. Whether or not the Municipality requires the owner to fix the location of the connecting sewer by providing a portion of his or her water installation at or outside the boundary of his or her premises for the Municipality to connect to such installation.

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51.3. The Municipality may -

51.3.1. At the request of a person.

51.3.2. Subject to such conditions as it may impose, agree to a connection to a sewer other than that which is most readily available for the drainage of the premises, however the person is responsible for -

(a) Any extension of the drainage installation to the connecting point designated by an authorised officer.

(b) Obtaining at his or her cost, such servitudes over other premises as may be necessary.

51.4. An owner must pay the prescribed connection charge before a connection to the connection sewer can be affected.

51.5. Where an owner is required to provide a sewage lift as provided for in terms of the Building Regulations, the Municipality must approve the rate and time of discharge into the sewer.

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

52.1. Only one connecting sewer to the sewage disposal system may be provided for the disposal of sewage from any premises, irrespective of the number of accommodation units of customers located on such premises.

52.2. Where the owner, or the person having the charge or management of any premises on which several accommodation units are situated, requires the disposal of sewage from several accommodation units, the Municipality may, in its discretion, provide and install either -

52.2.1. A single connecting sewer in respect of the premises as a whole or any number of such accommodation units.

52.2.2. A separate connecting sewer for each accommodation unit or any number thereof.

52.3. Where the Municipality has installed a single connecting sewer, the owner or the person having the charge or management of the premises, as the case may be -

52.3.1. Must, if the Municipality so requires, install, and maintain on each branch pipe extending from the connecting sewer to the different accommodation units, a separate connecting sewer, and an isolating valve.

52.3.2. Is liable to the Municipality for the tariffs and charges for all sewage disposed from the premises through such a single connecting sewer, irrespective of the fact that by such connecting sewer, different quantities of sewage are disposed by the different customers served.

52.4. Notwithstanding the provisions in this section, the Municipality may authorise that more than one connecting sewer be provided on the sewage disposal system for the disposal of sewage from any premises comprising sectional title units or, if undue hardship or inconvenience would be caused to any customer on such premises, by the provision of only one connecting sewer.

52.5. Where the provision of more than one connecting sewer is authorised by the Municipality, the tariffs and charges for the provision of a connecting sewer must be paid in respect of each sewage connection so provided.

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53. Inter-connection between premises

53.1. An owner of one or more premises must ensure that no interconnection exists between the drainage installation on his or her premises and the drainage installation on other premises.

53.2. Interconnection may exist only if the owner -

53.2.1. Has obtained the prior written consent of the Municipality.

53.2.2. Complies with any conditions that it may have imposed.

54. Dis-connection of connecting sewer

54.1. The Municipality may disconnect a drainage installation from the connecting sewer and remove the connecting sewer if -

54.1.1. The agreement for provision has been terminated 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.

54.1.2. The building on the premises concerned has been demolished.

PART 2: STANDARDS

55. Standards and levels for sanitation services

55.1. Sanitation services must comply with the minimum standards set for the provision of sanitation services in terms of section 9 and section 73 (1) (j) of the Water Services Act.

PART 3: DRAINAGE

56. Installation of drains including drains in streets or public places

56.1. The owner must provide and maintain his or her drainage installation at his or her own cost, except where otherwise approved, must ensure that the installation is situated within the boundary of his or her premises.

56.2. The Municipality may prescribe to what point in the sewer and at what depth below the ground any drainage installation is to be connected and the route to be followed by the drain to the connecting point and may require the owner not to commence with the construction or connection of the drainage installation until the Municipality's connecting sewer has been laid.

56.3. 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 relevant prescripts.

56.4. No person shall permit the entry of any liquid or solid substance whatsoever, other than clean water for testing purposes, to enter any drainage installation before the drainage installation has been connected to the sewer.

56.5. Where a premise is situated in the 1 (one) in 50 (fifty) years flood plain, the top level of all service access holes, inspection chambers and gullies is to be above the 1 in 50 years flood level.

56.6. The plumber responsible for executing the work must, after the completion of any drainage installation or after any alteration to any drainage installation is completed, submit to the building inspection section of the Municipality a certificate certifying that the work was completed to the standards as set out in the Building Regulations, and this by-law.

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56.7. No rainwater or stormwater, and no effluent other than an effluent that has been approved by the Municipality, may be discharged into a drainage installation.

56.8. Drains passing through ground which are liable to movement, must be laid on a continuous bed of river sand or similar granular material not less than 100 mm thick under the barrel of the pipe with a surround of similar material and thickness, and the joints of such drains must be approved flexible joints.

56.9. A drain or part thereof may only be laid within, pass under or through a building with the approval of the Municipality.

56.10. A drain or part thereof which is laid in an inaccessible position under a building may not bend or be laid at a gradient.

56.11. If a drain passes through or under a wall, foundation or other structure, adequate precautions must be taken to prevent the discharge of any substance into such a drain.

57. Disconnection of drainage

57.1. Except for the purpose of carrying out maintenance or repair work, no drainage installation may be disconnected from the connection point.

57.2. Where any part of a drainage installation is disconnected from the remainder thereof because it will no longer be used, the disconnected part must, unless the Municipality approves otherwise–

57.2.1. Be destroyed.

57.2.2. Entirely removed from the premises on which it was used.

57.3. The Municipality must issue a certificate to certify that the disconnection has been completed in terms of the Building Regulations–

57.3.1. After all the requirements of the Building Regulations in after all the requirements of the Building Regulations regarding disconnection have been complied with.

57.3.2. On request of the owner.

57.4. Any charges raised in respect of the disconnected portion of the drainage installation must cease to be levied with effect from the first day of the month following the issue of such certificate.

57.5. When a drainage installation is disconnected from a sewer, the Municipality –

57.5.1. Must seal the opening so caused.

57.5.2. May recover the cost of such work from the owner of the premises on which the installation is disconnected.

57.6. Where a drainage system is connected to or disconnected from the sewer system during a month, charges must be calculated as if such connection was made on the first day of the month following the month in which such connection or disconnection was affected.

58. Drains in streets or public places

58.1. A person may not, except with the prior written permission of the Municipality and subject to such conditions as it may impose, 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.

59. Sewer blockages

59.1. No person may cause or permit such an accumulation of grease, oil, fat, solid matter or any other substance in any trap, tank, or fitting as will cause its blockage or ineffective operation.

59.2. When the owner or occupier of premises has reason to believe that a blockage has occurred in any drainage installation thereon, he or she must immediately take steps to have it cleared.

59.3. When the owner or occupier of premises has reason to believe that a blockage has occurred in the sewer system, he or she must immediately inform the Municipality.

59.4. Where a blockage occurs in a drainage installation, any work necessary for its removal must be done by or under the supervision of a plumber.

59.5. Should a drainage installation on a premises overflow as a result of an obstruction in the sewer, and the 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.

59.6. Where a blockage has been removed from a drain or portion of a drain which serves two or more premises the owners are jointly and severally liable for cost of clearing the blockage.

59.7. Where a blockage in the sanitation system has been removed by the Municipality and such removal necessitated the disturbance of an owner's paving, lawn or other artificial surface, the Municipality is not responsible for reinstating such.

60. Grease traps

60.1. A grease trap of approved type, size and capacity must be provided -

60.1.1. In respect of each premises that discharges sewage into on-site sanitation systems.

60.1.2. Where the discharge of grease, oil and fat is likely to -

(a) Cause an obstruction to the flow in sewers or drains.

(b) Interfere with the proper operation of any waste-water treatment plant.

61. Industrial grease traps

61.1. Industrial effluent which contains, or is likely to contain grease, oil, fat of inorganic solid matter in suspense must, before it is allowed to enter any sewer, be passed through one or more tanks or chambers of approved type, size and capacity designed to intercept and retain such grease, oil, fat or solid matter.

61.2. Oil, grease, or any other substance which is contained in any industrial effluent or other liquid and which gives off an inflammable or noxious vapour at a temperature of or exceeding 20° C, must be intercepted and retained in a tank or chamber so as to prevent entry thereof into the sewer.

61.3. A tank or chamber which is referred to in subsection (2) must comply with the following requirements:

61.3.1. It must be of adequate capacity, constructed of hard durable materials, and water-tight when completed.

61.3.2. The water-seal of its discharge pipe may be not less than 300 mm in depth.

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61.3.3. It must be provided with such number of manholes covers as may be adequate for the effective removal of grease, oil fat and solid matter.

61.4. Any person who discharges effluent to a tank or chamber must:
61.4.1. Regularly remove grease, oil, fat or solid matter from the tank or chamber.
61.4.2. Maintain a register in which the following is recorded: the dates on which the tank or chamber was cleaned; the name of the company which was employed to clean the tank or chamber; and a certificate from the cleaning company -
(a) Certifying that the tank or chamber was cleaned.
(b) Stating the way, the contents of the tank or chamber were disposed of.

62. Mechanical appliances for lifting sewage

62.1. The owner of any premise must apply for the approval and obtain the approval of the Municipality before he or she installs any mechanical appliance for the raising or transfer of sewage in terms of the Building Regulations.

62.2. A Professional Engineer must apply for approval, and the application must -
62.2.1. Be accompanied by drawings prepared in accordance with the relevant provisions of the Building Regulations.
62.2.2. Show details of -
(a) The compartment containing the appliance.
(b) The sewage storage tank.
(c) The stilling chamber and the position thereof.
(d) The position of the drains, ventilation pipes, rising main and the sewer connection.

62.3. Notwithstanding any approval given in terms of subsection (1), the Municipality is not be liable for any injury or damage to life or property caused by the use, malfunctioning or any other condition arising from the installation or operation of a mechanical appliance for the raising or transfer of sewage.

62.4. Every mechanical appliance installed for the raising or transfer of sewage must be -
62.4.1. Specifically designed for the purpose.
62.4.2. Fitted with a discharge pipe, sluice valves and non-return valves located in approved positions.

62.5. Unless otherwise permitted by the Municipality, such mechanical appliances must be installed in duplicate and each appliance must be so controlled that either will immediately begin to function automatically in the event of failure of the other.

62.6. Every mechanical appliance forming part of a drainage installation must be so located and operated as to not cause any nuisance through noise or smell or otherwise, and every compartment containing any such appliance must be effectively ventilated.

62.7. The maximum discharge rate from any mechanical appliance and the times between which the discharge may take place shall be as prescribed by the Municipality which may, at any time, require the owner to install such fittings and regulating devices as may be necessary to ensure that the prescribed maximum discharge rate is not exceeded.

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62.8. A sewage storage tank must be provided in conjunction with a mechanical appliance, except where sewage storage space is incorporated as an integral part of the appliance.

62.9. Every sewage storage tank required in terms hereof must -
62.9.1. Be constructed of hard, durable materials and must be watertight and the internal surfaces of the walls and floor must be rendered smooth and impermeable.
62.9.2. Have a storage capacity below the level of the inlet equal to the quantity of sewage discharged there into in 24 hours, or 900 litres, whichever is the greater quantity.
62.9.3. Be so designed that the maximum proportion of its sewage content shall be emptied at each discharge cycle of the mechanical appliance.

62.10. Every storage tank and stilling chamber must be provided with a ventilation pipe in accordance with the Municipality's specifications.

PART 4: ON-SITE SANITATION SERVICES

63. Application for on-site sanitation infrastructure

63.1. If a services agreement for on-site sanitation and associated services has been concluded or if it is not reasonably possible or cost effective for the Municipality to install a connecting sewer or no infrastructure in connection therewith exists on the premises, then the owner must immediately make application for on-site sanitation services on the prescribed form and -
63.1.1. Pay the prescribed charge for the installation of necessary infrastructure.
63.1.2. With the approval of the Municipality, install the connection sewer or on- site sanitation services in accordance with the specifications of the Municipality.

63.2. The Municipality may specify in the approval the type of on-site sanitation services to be installed.

64. Installation of on-site sanitation services

64.1. If an agreement for on-site sanitation services in respect of premises has been concluded, or if it is not reasonably possible or cost effective for the Municipality to install a connecting sewer, the owner must install sanitation services specified by the Municipality, on the site unless the service is a subsidised service that has been determined by the Municipality in accordance with the Municipality's Credit Control and Debt Collection Bylaw.

65. Use of on-site sanitation services not connected to sanitation system

65.1. A person may not use or permit the use, for domestic, commercial or industrial purposes, of on-site sanitation services which are not connected to the Municipality's sanitation system, except with the consent of the Municipality first having been obtained, and in accordance with such conditions as it may impose.

65.2. A person desiring the consent referred to in sub-section (1) must provide the Municipality with evidence that the sanitation facility is not likely to have a detrimental effect on health or the environment.

65.3. The Municipality may withdraw consent if -
65.3.1. A condition imposed is breached.
65.3.2. The sanitation facility has a detrimental impact on health or the environment.

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65.4. The Municipality may undertake investigations to determine if a sanitation facility has a detrimental impact on health or the environment.

65.5. The person to whom consent was granted in terms of sub-section (1) is liable for the costs associated with an investigation undertaken in terms of sub-section (4) if the result of the investigation indicates that the sanitation facility has a detrimental impact on health or the environment.

66. Services associated with on-site sanitation services

66.1. The Municipality may undertake in specified areas to -

66.1.1. Remove or collect conservancy tank contents.

66.1.2. Remove or collect night soil.

66.2. Copies of the schedule are available at the municipal offices on request.

67. Septic tanks and (on-site) treatment plants

67.1. The Municipality may, on such conditions as it may specify, approve the disposal of sewage or other effluent by means of septic tanks or other on-site sewage treatment plants.

67.2. A septic tank or other on-site sewage treatment plant may not be situated nearer than three metres to any dwelling unit or to any boundary of the premises on which it is situated.

67.3. Effluent from a septic tank or other on-site sewage treatment plant must be disposed of to the satisfaction of the Municipality.

67.4. A septic tank must be watertight, securely covered and provided with gas-tight means of access to its interior, adequate to permit the inspection of the inlet and outlet pipes and adequate for the purpose of removing sludge.

67.5. A septic tank serving a dwelling unit must -

67.5.1. Have a capacity below the level of the invert of the outlet pipe of not less than 500 litres per bedroom, subject to a minimum capacity below such invert level of 2500 litres.

67.5.2. Have an internal width of not less than one metre measured at right angles to the direction of the flow.

67.5.3. Have an internal depth between the cover and the bottom of the tank of not less than 1,7 m.

67.5.4. Retain liquid to a depth of not less than 1,4 m.

67.6. Septic tanks serving premises other than a dwelling unit must be designed and certified by a professional engineer.

67.7. No rainwater, stormwater, or effluent other than that approved by the Municipality may be discharged into a septic tank.

68. French drains

68.1. The Municipality may approve the disposal of wastewater or other effluent by means of French drains, soakage pits or other approved works on such conditions as it may specify, having regard to the quantity and the nature of the effluent and the nature of the soil, as determined by the permeability test prescribed by the SANS.

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68.2. A French drain, soakage pit or other similar work may not -
68.2.1. Be situated closer than five metres to any dwelling unit or to any boundary of any premises on which it is situated.
68.2.2. Be in any position as will cause contamination of any borehole or other source of water which is or may be used for drinking purposes.
68.2.3. Cause dampness in any building.

68.3. The dimensions of any French drain, soakage pit or other similar work must be determined in relation to the absorbent qualities of the soil and the nature and quantity of the effluent.

68.4. The design of French drains serving premises other than a dwelling house must be approved and certified by the Municipality.

69. Conservancy tanks

69.1. The Municipality may, on such conditions as it may specify, approve the construction of a conservancy tank and ancillary appliances for the retention sewage or effluent.

69.2. No rainwater, stormwater or effluent other than that approved by the Municipality may be discharged into a conservancy tank.

69.3. No conservancy tank may be used as such unless:
69.3.1. The invert of the tank slopes towards the outlet at a gradient of not less than 1 in 10.
69.3.2. The tank is gas and watertight.
69.3.3. The tank has an outlet pipe, 100 mm in internal diameter, made of wrought iron, cast iron or other approved material and, except if otherwise approved by the Municipality, an approved valve, and fittings for connection to removal vehicles.
69.3.4. The valve and or the outlet end of the pipe, as the case may be, are located in a chamber having an approved hinged cover and situated in such position as required by the Municipality.
69.3.5. Access to the conservancy tank is provided by means of an approved manhole fitted with a removable cast iron cover placed immediately above the visible spigot of the inlet pipe.

69.4. A conservancy tank which, subject to the necessary evacuation facilities being available, is of a design and construction that –
69.4.1. Seals it from entry by flies, insects, and other creatures likely to spread contamination and disease.
69.4.2. Seals it from contaminating the environment, including surface and underground water.
69.4.3. Facilitates easy access for the evacuation of contents; (dd) is of sufficient size to hold effluent for a period not less than one month.
69.4.4. Permits the use of a soakaway for the disposal of grey water, on condition that such soakaway remains within the boundary of the property and does not negatively impact any adjacent area.

69.5. The Municipality may, having regard to the position of a conservancy tank or the point of connection for a removal vehicle, make it a condition of its emptying the tank that the owner or consumer must indemnify the Municipality, in writing, against any liability for any damages that may result from rendering that service.

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69.6. Where the removal vehicle must traverse private premises for the emptying of a conservancy tank, the owner must -

69.6.1. Provide a roadway at least 3,5 m wide, so hardened as to be capable of withstanding a wheel load of four metric tons in all weather.

69.6.2. Ensure that no gateway through which the vehicle is required to pass to reach the tank, is less than 3,5 m wide.

69.7. The owner or occupier of premises on which a conservancy tank is installed must always maintain the tank in good order and condition.

70. Operation and maintenance of on-site sanitation services

70.1. The operation and maintenance of on-site sanitation services and all costs pertaining thereto remain the responsibility of the owner of the premises, unless the on-site sanitation services are subsidised services determined in accordance with the Revenue By-laws.

71. Disused conservancy and septic tanks

71.1. 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, then the owner must -

71.1.1. Cause it to be completely removed.

71.1.2. Cause it to be completely filled with earth or other suitable material.

71.2. The Municipality may -

71.2.1. Require the tank to be reasonably dealt with in another way.

71.2.2. Approve the use of the tank for other purpose subject to such conditions as it may specify.

72. Protection of ingress of flood waters

72.1. Where a premise 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 if, in the case of service access holes and inspection chambers, the cover is secured in place by approved means approved by the Municipality.

73. Ventilated improved pit latrines

73.1. A pit latrine, must be of the ventilated improved pit latrine type or equivalent having -

73.1.1. A pit of 2 cubic meters capacity.

73.1.2. Lining as required.

73.1.3. A slab designed to support the superimposed loading.

73.1.4. Protection preventing children from falling into the pit.

73.2. A pit latrine must conform with the following specifications:

73.2.1. The pit must be ventilated by means of a pipe, sealed at the upper end with durable insect proof screening fixed firmly in place.

73.2.2. The ventilation pipe -

(a) May not project less than 0.5 m above the nearest roof.

(b) Must be of at least 110 mm in diameter.

(c) Must be installed vertically with no bend.

73.2.3. The interior of the closet must be finished smooth so that it can be kept in a clean and hygienic condition.

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73.2.4. The superstructure must be well-ventilated to allow the free flow of air into the pit to be vented through the pipe.
73.2.5. The opening through the slab must be of adequate size as to prevent fouling, and the rim must be raised so that liquids used for washing the floor do not flow into the pit.
73.2.6. The opening through the slab must be equipped with a lid to prevent the egress of flies and other insects when the toilet is not in use.

73.3. A pit latrine must -
(a) Be sited in a position that is independent of the residential structure.
(b) Be sited in a position that is accessible to a road vehicle having a width of 3.0 m to facilitate the emptying of the pit.

73.4. In situations where -
73.4.1. There is the danger of polluting an aquifer due to the permeability of the soil, the pit of a pit latrine must be lined with an impermeable material that is durable and will not crack under stress.
73.4.2. The ground in which the pit of the pit latrine is to be excavated is unstable, suitable support is to be given to prevent the collapse of the soil.

73.5. A pit latrine should not usually be used by more than one household. In the case of more than one household, then provision for sanitizing material must be made to prevent the transfer of any infectious pathogens between households.

73.6. A pit latrine must have access to water for hand washing.

73.7. The Municipality may levy a charge that covers all the operating and maintenance costs in the -
73.7.1. Removal of the pit contents.
73.7.2. Transportation to a disposal site.
73.7.3. Treatment of the contents to achieve a sanitary condition.
73.7.4. Final disposal of any solid residues, and the charge may be in the form of a monthly contribution, or it may be levied as a single payment when the service is rendered.

PART 5: SEWAGE DELIVERED BY ROAD HAULAGE

74. Acceptance of sewage delivered by road haulage

74.1. 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.

75. Approval for delivery of sewage by road haulage

75.1. No person may discharge sewage into the Municipality's sewage treatment plants by road haulage, except with the approval of the Municipality and subject to such period and any conditions that the Municipality may impose.

75.2. The charges for any sewage delivered for disposal to the District Council's sewage treatment plants shall be assessed by the Municipality in accordance with the prescribed tariffs or charges.

76. Conditions for delivery of sewage by road haulage

76.1. When sewage is delivered by road haulage -

76.1.1. The time and place of delivery must be arranged with the Municipality.

76.1.2. The nature and composition of the sewage must be established prior to the discharge thereof and no person may deliver sewage that does not comply with the standards laid down in terms of these By-laws.

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

77.1. The Municipality may withdraw any permission, after giving at least 14 days written notice of its intention to a person permitted to discharge sewage by road haulage if the person -

77.1.1. Fails to ensure that the sewage so delivered conforms to the standards prescribed in Schedule A, as applicable, or in the approval.

77.1.2. Fails or refuses to comply with any notice served on him or her in terms of these By-laws.

77.1.3. Contravenes any provisions of these By-laws or any condition imposed on him or her in terms of any approval.

77.1.4. Fails to pay the relevant assessed in respect of any sewage delivered.

PART 6: OTHER SANITATION SERVICES

78. Stables and similar premises

78.1.1. The Municipality may approve the connection of stables, cowsheds, dairies, kennels and other premises or the accommodation of animals and tanneries to a drainage installation subject to the payment of relevant charges and such conditions as the Municipality may impose, provided that -

78.1.1.1. The floor of the premises must be paved with approved impervious materials and graded to a silt trap, grease trap or gully of adequate capacity.

78.1.1.2. Every part of the floor of the premises must be covered by a roof and otherwise effectively protected to prevent the entry of rain or storm water into the drainage installation.

79. Mechanical food-waste or other disposal units

79.1. The Municipality may approve the connection or incorporation of a mechanical waste food, other disposal unit or garbage grinder into a drainage installation which has a capacity in excess of 500W, subject to the payment of relevant charges and such conditions as the Municipality may impose, provided that -

79.1.1. A water meter is installed by the Municipality.

79.1.2. The Municipality is satisfied that the sewerage and sewage treatment system shall not negatively be affected.

79.1.3. The installation or incorporation is installed in conformity with the Municipality's by-laws relating to electricity.

CHAPTER 6: EFFLUENT MANAGEMENT

80. Approval to discharge industrial effluent

80.1. No person may, except with the approval of the Municipality, discharge or cause or permit industrial effluent to be discharged into the sanitation system.

80.2. A person must apply for approval to the Municipality on the prescribed form attached as Schedule B to these By-laws.

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80.3. The Municipality, if in its opinion the capacity of the sanitation system is sufficient to permit the conveyance and effective treatment and lawful disposal of the industrial effluent, for such period and subject to such conditions it may impose, approve the discharge industrial effluent to the sanitation system.

80.4. A person who wishes to construct or cause to be constructed, a building which is to be used as a trade premises, must at the time of lodging a building plan in terms of section 4 of the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977), also lodge applications for the provision of sanitation services and for approval to discharge industrial effluent.

81. Procedure on approval

81.1. In the event of the Municipality granting such approval it must issue to the applicant a letter of approval which contains such conditions as the Municipality may deem appropriate, which conditions are binding on the applicant.

82. Quality standards

82.1. A person to whom permission has been granted for disposal of industrial effluent must ensure that no industrial effluent is discharged into the sewage disposal system of the Municipality unless the industrial effluent complies with the standards and criteria set out in Schedules A and B hereto.

82.2. The Municipality may by writing in the permission concerned, relax, or vary the standards in Schedules A or B, provided that any such relaxation represents the best practicable environmental option.

82.3. In determining whether relaxing or varying the standards in Schedules A or B represents the best practicable environmental option, a Municipality must consider -

82.3.1. Whether the applicant's undertaking is operated and maintained at optimal levels.

82.3.2. Whether technology used by the applicant represents the best available option to the applicant's industry and, if not, whether the installation of such technology would entail unreasonable cost to the applicant.

82.3.3. Whether the applicant is implementing a program of waste minimisation which complies with national and local waste minimisation standards.

82.3.4. The cost to the Municipality of granting the relaxation or variation.

82.3.5. The environmental impact or potential impact of such a relaxation or variation.

82.4. A duly qualified sampler may take test samples at any time to ascertain whether the industrial effluent complies with Schedule A and B or any other standard laid down in a written permission.

83. Conditions

83.1. The Municipality may, in the written permission or at any time, by written notice, require a person to -

83.1.1. Subject the industrial effluent to such preliminary treatment to ensure that the industrial effluent conforms to the standards prescribed in Schedules A and B before being discharged into the sewage disposal system.

83.1.2. Install such equalizing tanks, valves, pumps, appliances, meters, and other equipment as is necessary to control the rate and time of discharge into the sewage disposal system in accordance with the conditions imposed by it.

83.1.3. Install, for the conveyance of his or her industrial effluent into the sewage disposal system at a given point, a drainage installation separate from the drainage installation for wastewater and standard domestic effluent and the Municipality may prohibit the person from disposing of his or her industrial effluent at any other point and from disposing of his or her wastewater and standard domestic effluent by means other than into a sewage disposal system.

83.1.4. Construct on a pipe conveying his or her industrial effluent to any sewer, a service access hole or stop-valve in such position and of such dimensions and materials as the Municipality may prescribe.

83.1.5. Provide all such information as may be required by the Municipality to enable it to assess the tariffs or charges due to the Municipality.

83.1.6. Provide adequate facilities such as level or overflow detection devices, standby equipment, overflow catch-pits or other appropriate means to prevent a discharge into the sewage disposal system which contravenes of these By-laws.

83.1.7. Cause any meter, gauge or other device installed in terms of this section to be calibrated by an independent authority at the cost of the person at such intervals as required by the Municipality and copies of the calibration to be forwarded to it.

83.1.8. Cause his or her industrial effluent to be analysed as often and in such manner as may be prescribed by the Municipality and provide the Municipality with the results of these tests when completed.

83.2. The commercial customer concerned must bear the cost of any treatment, plant, works or analysis which he or she may be required to carry out, construct or install.

83.3. The commercial customer concerned must obtain the written permission of the Municipality for any proposed changes to the composition of industrial effluent discharged into the sewage disposal system.

83.4. In the event that industrial effluent that does not comply with the standards in Schedules A or B or the written permission issued in respect of that process or premises, is discharged into the sewage disposal system, the commercial customer must, within 12 hours of such discharge, inform the Municipality of the incident and the reasons therefore

84. Withdrawal of approval

84.1. The Municipality may withdraw any approval, after giving at least 14 days written notice of its intention, to a commercial customer authorised to discharge industrial effluent into the sanitation system if the customer -

84.1.1. Fails to ensure that the industrial effluent discharged confirms to the industrial effluent standards prescribed in Schedule A of these By-laws or the written permission.

84.1.2. Fails or refuses to comply with any notice lawfully served on him or her in terms of these By-laws or contravenes any provisions of these By-laws or any condition imposed in terms of any permission granted to him or her.

84.1.3. Fails to pay the assessed charges in respect of any industrial effluent discharged.

84.2. The Municipality may, on withdrawal of any approval -

84.2.1. In addition to any steps prescribed in these bylaws, and on 14 days written notice, authorise the closing or sealing of the connecting sewer of the premises.

84.2.2. Refuse to accept any industrial effluent until adequate steps have been taken to ensure that the industrial effluent to be discharged conforms to the standards prescribed in these by-laws.

85. Measurement of Quantity and Determination of Quality of Industrial Effluent discharged

85.1. The quantity of industrial effluent discharged into the sanitation system must be determined -

85.1.1. Where a measuring device is installed, by the quantity of industrial effluent discharged from a premise as measured through that measuring device.

85.1.2. Until such time as a measuring device is installed, by a percentage of the water supplied by the Municipality to that premises.

85.2. The Municipality may require the owner of any premises to incorporate in any drainage installation which convey industrial effluent to a sewer, a control meter or gauge or other device of an approved type and in the control of the Municipality for the purpose of ascertaining the tempo, volume or composition of the effluent.

85.3. The Municipality may install and maintain any such meter, gauge, or device at the expense of the owner of the premises on which it is installed.

85.4. Where a premise is supplied with water from a source other than or in addition to the Municipality's water supply system, including abstraction from a river or borehole, the quantity will be a percentage of the total water used on that premises as may be reasonably estimated by the Municipality.

85.5. The Municipality may on application reduce the assessed quantity of industrial effluent where a portion of the water supplied to the premises -

85.5.1. Forms part of the end product of any manufacturing process.

85.5.2. Is lost by reaction or evaporation during the manufacturing process or for any other reason.

85.6. The Municipality may enter into an agreement with any person who discharges industrial effluent into the sanitation system, to establish an alternative method of assessing the quantity and tempo of effluent so discharged.

85.7. Charges relating to the quality of industrial effluent are based on the formula for industrial effluent discharged as prescribed in the Schedules hereto.

85.8. The following conditions apply in respect of the assessment of the quality of industrial effluent discharged:

85.8.1. Each customer must conduct the prescribed tests, on a regular schedule as provided for in the approval to discharge industrial effluent and report the results to the Municipality.

85.8.2. The Municipality may conduct random compliance tests to correlate those of the industry, and if discrepancies are found, the values of the Municipality is to be taken as correct; and further tests may be requested by the Municipality to determine the values for the formula, at the cost of the customer.

85.8.3. The average of the values of the different analysis results of 24-hourly composite or snap samples of the effluent, taken during the period of charge, will be used to determine the quality charges payable.

85.8.4. In the absence of a complete daily set of 24-hourly composite or snap samples, the average of not less than two values of the sampled effluent, taken during the period of charge, will be used to determine the charges payable.

85.8.5. The Municipality must use the tests normally used by municipalities for these respective purposes,' and test results from an accredited laboratory will have precedence over those of the Municipality to determine -

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(a) The strength (chemical oxygen demand, suspended solids concentration, Ammonia concentration, ortho-phosphate concentration) in the effluent.
(b) The concentration of Group 1 and 2 metals.
(c) The pH value and conductivity.

85.8.6. The formula is calculated on the basis of the different analysis results of individual snap or composite samples, and the period treatment of calculation may not be less than one full 24-hour period, unless strong evidence is submitted to the Municipality that a lesser period is actually applicable.

85.8.7. The terms of the disincentive formula cannot assume a negative value.

85.8.8. The total system values for quality charges must remain constant initially for a period of one month, but in any case not longer than 12 months from the date of commencement of these charges, after expiry whereof they may be amended or revised from time to time depending on such changes in the analysis results or further samples as may be determined from time to time, however the Municipality, in any particular case, may levy the minimum charges prescribed in subsection (7) without taking any samples.

85.8.9. Whenever the Municipality takes a sample, one half thereof must be made available to the customer.

85.8.10. To calculate the quantity of effluent discharged from each point of discharge of effluent, the total quantity of water consumed on the premises must be allocated among the several points of discharge as accurately as is reasonably practicable.

85.8.11. The costs of conveying and treating of industrial effluent must be determined by the Municipality and apply with effect from such date as may be determined by the Municipality.

85.8.12. In the discretion of the Municipality the charges for industrial effluent may be changed to a fixed monthly charge, and the minimum charge is to be determined taking into consideration the effluent strengths, the volume and the economic viability of micro and small industries.

86. Measurement of quantity of domestic effluent discharged

86.1. The quantity of standard domestic effluent discharged will be regarded as a percentage of water supplied by the Municipality, but where such a percentage in respect of specific premises is excessive, having regard to the purposes for which water is consumed on those premises, the Municipality may reduce the percentage applicable to those premises to a figure which, in the light of the available information, reflects the proportion between the likely quantity of sewage discharged from the premises and the quantity of water supplied thereto.

86.2. Where premises are supplied with water from a source other than or in addition to the Municipality's water supply system, including abstraction from a river or borehole, the quantity will be regarded to be a percentage of the total water used on those premises as may be reasonably estimated by the Municipality.

87. Reduction in measured quantity of effluent discharged

87.1. A person, if he or she can demonstrate so, is entitled to a reduction in the quantity of effluent discharged into the sanitation system as determined in terms of sections 67 and 68, where the quantity of water on which the percentage is calculated was measured during a period where water was wasted, or a leakage went undetected.

87.2. The reduction in the quantity is based on the quantity of water loss through leakage or wastage during the leak period.

87.3. The leak period is either -

87.3.1. The measuring period immediately before the date of repair of the leak.
87.3.2. The measurement period during which the leak is repaired, which ever results in the greater reduction in the quantity.

87.4. The quantity of water loss shall be calculated as the consumption for the leak period less an average consumption, based on the preceding 3 months, for the same length of time, and if no previous consumption history is available, the average water consumption must be determined by the Municipality after due consideration of all information.

87.5. There shall be no reduction in the quantity if the loss of water, directly or indirectly, resulted from the customer's failure to comply with or is in contravention of these or other by-laws.

CHAPTER 7: INSTALLATION, INFRASTRUCTURE AND CONSTRUCTION

PART 1: PERMISSION TO CONDUCT INSTALLATION WORK

88. Approval of installation work (design & drawings)

88.1. If an owner wishes to have installation work done, then he or she shall first obtain the written approval of the Municipality.

88.2. Approval shall not be required in the case of a water installation in dwelling units or installations where no fire extinguishing installation is required, or for repair or replacement of an existing pipe or water fitting other than a fixed water heater and its associated protective devices.

88.3. Application for approval in terms of sub-section (1) above shall be made on the prescribed form and be accompanied by -
88.3.1. The prescribed charge.
88.3.2. Copies of the drawings as prescribed by the Municipality, giving information in the form stipulated by SANS.
88.3.3. A certificate from a registered person certifying that the installation has been designed in accordance with SANS requirements.

88.4. The approval given shall lapse at the expiry of a period of twenty-four (24) months after the first day of the month succeeding the month in which the approval is given.

88.5. These provisions do not apply when a geyser, or its protective devices, is replaced by a plumber registered with the Municipality.

88.6. A complete set of approval drawings of the proposed water installation work or major dedication therefore shall always be available on the site of the work.

88.7. When such work has been completed and certified to be in compliance with this By-law, the certificate, accompanied by the approved as build drawings, must be submitted to the Municipality for final approval and record, where approval is.

88.8. Unless written permission is obtained from the Municipality, drawings required as prescribed shall be on sheets of a sizes not smaller than A4 and shall indicate –
88.8.1. The title deed description of the premises.

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88.8.2. The name of every street on which the premises abut.
88.8.3. The scales of the drawing and the North Point.
88.8.4. The position and size of the existing or proposed connection pipe serving or to serve the premises.
88.8.5. A schematic layout of the water installation.
88.8.6. The location of every storage tank and its capacity.
88.8.7. The location of every pump.
88.8.8. Details of the proposed location of the Municipality water meter if it is to be installed on the premises.
88.8.9. The position of all overflows and warning pipes.
88.8.10. Equipment or plant which uses water as a heat exchange medium for cooling or heating purposes and which is, or may be, connected to a water installation.
88.8.11. Any other information that the Municipality may require.

88.9. If the details of the water installation on more than one floor of a building are identical, then such details may be drawn for one floor only.

88.10. If more than one water installation is to be installed in a building, then such installations may be shown on the same drawing, provided they are clearly differentiated.

88.11. Where required by the Municipality, a schedule shall be provided with each set of drawings, including the number of each type of terminal water fitting and its nominal size.

89. Persons permitted to do installation and other work

89.1. Only a registered plumber or person working under the control of a plumber, shall be permitted to –
89.1.1. Do installation work other that the replacement or repair of an existing pipe or water fitting.
89.1.2. Replace a geyser of its associated protective devices.
89.1.3. Inspect, disinfect, and test a water installation, the extinguishing installation or storage tank.
89.1.4. Service, repair or replace a back-flow preventer.
89.1.5. Install, maintain, or replace a meter in a water installation.
89.2. No person shall require or engage a person who is not a plumber to do the work if not registered as prescribed.

89.3. Notwithstanding the provisions of sub-section (91), the Municipality may permit a person who is not a registered plumber to perform installation work on his or her own behalf on premises owned and occupied solely by him or herself and his or her immediate household, provided that -
89.3.1. Such person shall make application in writing for permission and pay the prescribed fee.
89.3.2. The work shall, on completion, be subject to inspection and testing by a registered plumber and shall not be put into use until it has passed the test and the certificate or compliance has been issued.
89.3.3. A person who, in terms of any law in force immediately prior to the commencement of the By-law, was entitled to do work described in sub-section (91), may continue to do so work for a period not exceeding twelve (12) months after the commencement of this By-law, as determined by the Municipality by public notice.

90. Registration of contractors

90.1. Application for registration with the Municipality as an approved contractor shall be made on the prescribed form and be accompanied by the prescribed charge.

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90.2. An applicant for registration shall –
90.2.1. Be a person who is registered in terms of section 79 as a responsible plumber, or employs a person so registered on a full-time basis and conducts his or her business from premises considered satisfactory by the Municipality.
90.2.2. Nominate a domicilium citandi for the purposes of serving of notice in terms of this By-law.

90.3. Registration of every contractor shall expire annually and application for the renewal thereof shall, accompanied by the prescribed charge, be lodged with the Municipality before expiration.

90.4. If a change takes place in the particulars reflected in an application, then the contractor shall, within fourteen (14) days of the change, notify the Municipality thereof in writing.

91. Registration of responsible plumbers

91.1. Application for registration with the Municipality as a responsible plumber shall be made on the prescribed form and be accompanied by the prescribed charge.

91.2. An applicant for registration shall either -
91.2.1. Be qualified as an artisan in the plumbing trade in terms of the having completed the requisite training, and have had sufficient practical experience, since qualifying as an artisan and may be determined by the Municipality.
91.2.2. Hold other equivalent qualification(s) acceptable to the Municipality.
91.2.3. Be licensed or registered by the Municipality as a plumber at the date of commencement of this By-law or be licensed by another Municipality.

91.3. Registration of every responsible plumber shall expire on the 31st of December in each year and application for renewal thereof shall, accompanied by the prescribed charge, be lodged with the Municipality before the 1st of December; provided that, if registration takes place on or after 1st of November on any year, then it shall expire on the 31st of December of the succeeding year.

92. Registration certificates

92.1. The Municipality shall issue a registration certificate to a contractor or responsible plumber registered with it in terms of the provisions of this By-law.

92.2. A registration certificate shall state the name of the registered contractor or responsible plumber and the date of its issue.

92.3. No person shall make any alteration to a registration certificate.

92.4. A registration certificate shall -
92.4.1. Be issued without alteration.
92.4.2. At the requested of an authorised officer, be produced to him or her by the holder within three (3) working days.

93. Replacement of certificates

93.1. A person whose registration certificate is lost, destroyed, or damaged shall forthwith apply to the Municipality on the prescribed form the replacement of the certificate.

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93.2. An application shall be accompanied by an affidavit as to circumstance in which it was lost, destroyed, or damaged, and the prescribed charge.

94. Register of contractors and responsible plumbers

94.1. The Municipality shall maintain a register of approved contractors and responsible plumbers.

94.2. The register shall be available for inspection at the office of the Municipality or an authorised officer during normal working hours.

95. Cancellation or registration

95.1. The Municipality may, by written notice, cancel the registration of a contractor or plumber if he or she -

95.1.1. Has given false information on an application.

95.1.2. Has submitted, to the Municipality, a certificate which is incorrect or false.

95.1.3. Contravenes any provisions of this By-law.

95.1.4. Fails to comply with the requirements of registration.

95.1.5. Allows his or her registration certificate to be used in a fraudulent manner.

95.2. A registered contractor or plumber shall, within five (5) days of being notified in writing of the cancellation of his or her registration, surrender his or her registration certificate to the Municipality.

95.3. If the Municipality cancels the registration of a contractor or responsible plumber, then it shall not consider an application for registration from such person until a period of twelve (12) months has elapsed after the date of cancellation.

96. Responsibilities of registered contractor

96.1. A registered contractor shall -

96.1.1. Unless he or she is a registered plumber, always have at least one registered plumber in his or her full-time employment.

96.1.2. Ensure that work undertaken by him or her is carried out under the control of a registered plumber who shall be in his or her full-time employment, and who has been nominated, or has acknowledged acceptance of the nomination by signing the form or notice; provided that, if a registered contractor is a registered plumber, then he or she may nominate him or herself.

96.1.3. Notify the Municipality on the prescribed form of his or her intention to commence work, not less than three (3) working days prior to commencement.

96.1.4. Within five (5) working days of the completion of the work submit to the Municipality a certificate of compliance.

96.2. A registered contractor, within five (5) working days of a charge of registered plumber or any subsequent registered plumber nominated in terms of this subsection, shall, by written notice to the Municipality nominate another registered plumber who shall signify his or her acceptance in writing of such nomination.

97. Responsibilities of a registered plumber

97.1. A registered responsible plumber shall -

97.1.1. Ensure that installation work done by him or her and any person under his or her control complies with this By-law.

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97.1.2. Certify on the prescribed form that such work complies with this By-law.

98. Work by non-registered persons

98.1. Where installation work is being done in contravention of this Part, the Municipality shall, by written notice, require the owner of the premises concerned to stop such work until he or she has employed a registered contractor or plumber to do such work, to rectify all non-compliant work, and to -

98.1.1. Inspect such work and rectify any or all parts of it which do not comply with this By-law.

98.1.2. Test and disinfect the work.

98.1.3. Submit to the Municipality a certificate of compliance, stating that the installation work complies with this By-law.

99. Works by private persons

99.1. The Municipality must lay all sewers and connecting sewers, unless it elects not to do so in which case the work must be executed in accordance with the Municipality's conditions of contract applicable to the work and the following provisions apply:

99.1.1. Any person carrying out such work must, before he or she commences the work, lodge with an authorised officer a written indemnity in which he or she indemnifies the Municipality against all liability in respect of any accident or injury to a person or loss or damage to property which may occur as the direct result of the execution of such works.

99.1.2. Where the surface of any street or road has been disturbed in the course of such work, only the Municipality may, at the expense of the person carrying out such work, restore the surface.

99.1.3. Before the surface of a street or road is disturbed, the person must deposit with the Municipality a sum of money which is sufficient to cover the estimated cost of such restoration.

99.1.4. When the actual cost is greater, an excess is recoverable from the person, and when the actual cost is less, any balance must be refunded to the person.

99.1.5. All work must be carried out in accordance with the requirements specified by an authorised officer.

PART 2: WATER SERVICES MAINTENANCE AND INSTALLATION WORK

100. Owner to maintain water installation

100.1. An owner must provide and maintain his or her water installation at his or her own cost and, except where permitted in terms of this by-law, must ensure that the installation is situated within the boundary of his or her premises.

100.2. 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 permission of the Municipality or the owner of the land on which such portion is situated, as the case may be.

100.3. An owner must install an isolating valve:

100.3.1. In the case of a meter installed outside the boundary, at a suitable point on a service pipe immediately inside the boundary of the property.

100.3.2. In the case of a meter installed on the premises, at a suitable point on his or her service pipe.

100.4. In accordance with regulation 12 of Regulation 22355, the Municipality must repair any major, visible, or reported leak in its water services system within 48 hours of becoming aware thereof.

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101. Owner to prevent use of inefficient equipment

101.1. The Municipality shall, by written notice, prohibit the use by an owner or consumer or any equipment in a water installation if, in its reasonable opinion, its use of water is inefficient.

101.2. 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.

102. Provision and maintenance of water installations

102.1. The maintenance of all water pipes and installations shall be the responsibility of-

102.1.1. The Municipality, if the leak or damage is in a water meter provided by the Municipality or is located on the side of the connection for which the Municipality is usually responsible.

102.1.2. The owner of the premises if the leak or damage is on the side of the connection for which the owner is usually responsible.

102.2. If the Municipality becomes aware of any leakage or damage on the consumer's side of the connection, then the Municipality may –

102.2.1. Give the owner or consumer not less than three days' notice to repair such leakage or damage.

102.2.2. If the owner or consumer fails to affect such repairs within the period of notice given, then an authorized officer may enter upon the premises and repair such leakage or damage, and the owner or consumer shall be responsible for payment of the Municipality cost incurred, including any legal costs that the Municipality may incur in the recovery of any such repair costs.

102.2.3. In the case of indigent consumers or consumers restricted by the supply of the free basic water, in accordance with the Municipality's policy arrange for an authorised officer to enter upon the premises and effect such repairs at the consumer's expense or as reasonable determined by the Municipality.

103. Technical requirements for a water installation

103.1. Subject to regulation 14 of Regulation 22355, application for approval must be accompanied by a certificate and drawings in terms of SANS 0252, and all water installations must comply with SANS 0252 Part 1, and all fixed electrical storage water heaters must comply with SANS 0254.

103.2. No persons shall, without the prior written permission of the Municipality, install or use a pipe or fitting in a water installation within the Municipality's area of jurisdiction unless it is included in the schedule of approved pipes and fittings or compiles with JASWIC requirements.

103.3. A pipe or fitting may be included in the schedule if -

103.3.1. It bears the standardisation mark of SANS in respect of the relevant SANS specification used by SANS.

103.3.2. It bears a certification mark issued by SANS to certify that the pipe or fitting complies with a SANS mark specification or a provisional specification issued by SANS.

103.4. No certification marks shall be accepted for a period exceeding 2 (two) years.

103.5. The Municipality may, in respect of any pipe or fitting included in the schedule, impose such additional conditions as it may deem necessary in respect of the use or method of installation thereof.

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103.6. A pipe or water fitting shall be removed from the schedule of accepted pipes and fittings if it -
103.6.1. No longer complies with the criteria upon which its inclusion was based.
103.6.2. Is no longer suitable for the purpose for which its use was accepted.

103.7. The current schedule shall be available for inspection at the offices of the Engineer or an authorised officer at any reasonable time during working hours.

103.8. The Municipality may sell copies of the current schedule at a prescribed charge.

103.9. Notwithstanding the provisions above, the Municipality may for a specific use in a specific installation, permit the installation or the use of a pipe or water fitting which is not included in the schedule.

103.10. All terminal water fittings and appliances using or discharging water shall be marked, or have included within the packaging of the item, the following information -
103.10.1. The range of pressure in KPa over which the water fitting or appliance is designed to operate.
103.10.2. The flow rates, in litres per minute, related to the design pressure range.

104. Labelling of terminal water fittings and appliances

104.1. All terminal water fittings and appliances using or discharging water must be marked, or must have included within the packaging of the item, the following information -
104.1.1. The range of pressure in kPa over which the water fitting or appliance is designed to operate.
104.1.2. The flow rates, in litres per minute, related to the design pressure range, and this information must be given for at least the following water pressures: 20 kPa, 100 kPa, and 400 kPa.

105. Consequential maintenance of the water supply system

105.1. Whenever the water supply system is damaged or becomes obstructed or in need of repair as a result of the act or omission of any person, whether by reason of the failure of such person to comply with the requirements of these by-laws or otherwise, the Municipality shall be entitled to carry out such work of maintenance or repair as an authorised officer considers necessary or to remove the obstruction at the expense of such person and to recover from him or her the full cost of doing so.

PART 3: SANITATION MAINTENANCE AND INSTALLATION WORK

106. Construction and Installation of drainage installations

106.1. The owner must provide and maintain his or her drainage installation at his or her own cost and must ensure that the installation is situated within the boundary of his or her premises, except where otherwise approved.

106.2. The Municipality may prescribe -
106.2.1. To what point in the sewer a drainage installation is to be connected.
106.2.2. At what depth below the ground a drainage installation is to be connected.
106.2.3. The route to be followed by the drain to the connecting point.
106.2.4. Require the owner not to commence with the construction or connection of the drainage installation until the Municipality's connecting sewer has been laid.

106.3. A drainage installation constructed or installed must comply with -

106.3.1. Any applicable specifications in terms of the Building Regulations.
106.3.2. Any standards prescribed in terms of the Act.

106.4. No person may permit the entry of any liquid or solid substance whatsoever, other than clean water for testing purposes, to enter any drainage installation before the drainage installation has been connected to the sewer.

106.5. Where premises is situated in the 1 in 50 years flood plain, the top level of all service access holes, inspection chambers and gullies is to be above the 1 in 50 years flood level.

106.6. The plumber responsible for the execution of the work must after the completion of any drainage installation; or after any alteration to any drainage installation is completed, submit to the building inspection section of the Municipality a certificate certifying that the work was completed to the standards as set out in the Building Regulations, these By-laws and any other relevant law or by-laws.

107. Construction by Municipality/agent

107.1. The Municipality may agree with the owner of any premises that any drainage work which the owner desires or is required to construct in terms of these By-laws or in terms of Part P of SANS 0400-1990 of the Building Regulations, will be constructed by the Municipality or its authorised agent, against payment, in advance or on demand, of all costs associated with the construction.

108. Disconnection of drainage installations

108.1. Except for the purpose of carrying out maintenance or repair work, no drainage installation may be disconnected from the connection point.

108.2. Where any part of a drainage installation is disconnected from the remainder thereof because it will no longer be used, the disconnected part must, unless the Municipality approves otherwise -
108.2.1. Be destroyed.
108.2.2. Be entirely removed from the premises on which it was used.

108.3. The Municipality must after all the requirements of the Building Regulations regarding the disconnection have been complied with and on request of the owner, issue a certificate to certify that the disconnection has been completed in terms of the Building Regulations and any charges raised in respect of the disconnected portion of the drainage installation must cease to be levied with effect from the first day of the month following the issue of such certificate.

108.4. When a drainage installation is disconnected from a sewer, the District Council -
108.4.1. Must seal the opening so caused.
108.4.2. May recover the cost of such work from the owner of the premises on which the installation is disconnected.

108.5. Where a drainage system is connected to or disconnected from the sewer system during a month, charges shall be calculated as if such connection was made on the first day of the month following the month in which such connection or disconnection was affected.

109. Technical requirements for drainage installations

109.1. All drainage installations must comply with SABS 0252 and the Building Regulations.

110. Installation of pre-treatment facility

110.1. A 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.

111. Testing of drainage systems

111.1. Unless any one or more of the tests stipulated in this section have been applied in the presence of the Municipality, prior to the draining installation being enclosed, no drainage installation, or any part thereof, may be connected to -

111.1.1. On-site sanitation services.

111.1.2. The Municipality's sanitation system.

111.1.3. An existing approved installation,

111.2. The following tests may be required:

111.2.1. The interior of every pipe or series of pipes between two points of access must be inspected throughout its length by means of a mirror and a source of light, and during the inspection a full circle of light must appear to the observer, and the pipe or series of pipes must be seen to be unobstructed.

111.2.2. A smooth ball having a diameter of 12 mm less than the nominal diameter of the pipe must, when inserted at the higher end of the pipe, roll down without assistance or interruption to the lower end.

111.2.3. All openings of the pipe or series of pipes to be tested having been plugged or sealed and all traps associated therewith filled with water and air must be pumped into the pipe or pipes until a manometric pressure of 38 mm of water is indicated, after which without further pumping the pressure must remain greater than 25 mm of water for a period of at least three minutes.

111.2.4. All parts of the installation is subjected to and withstand an internally applied hydraulic test pressure of not less than 3 m head of water for a period of not less than 10 minutes.

111.3. Where the Municipality has reason to believe that any drainage installation or any part thereof has become defective, it may require the owner thereof to conduct any or all of the tests prescribed in subsection (1) and if the installation fails to withstand any such tests, the Municipality may by notice require the owner to take reasonable measures necessary to enable the installation to withstand any or all of the tests.

112. Consequential maintenance of sewers

112.1. Whenever a sewer is damaged or becomes obstructed or in need of repair as a result of the act or omission of any person, whether by reason of the failure of such person to comply with the requirements of these By-laws or otherwise, the Municipality is entitled to -

112.1.1. Carry out such work of maintenance or repair as is necessary.

112.1.2. Remove the obstruction at the expense of such person and to recover from him or her the full cost of doing so.

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CHAPTER 8: WATER SERVICES PROVIDERS

PART 1: WATER SERVICES PROVIDERS

113. Consideration

113.1. Subject to compliance with the provisions of section 78 of the Local Government: Municipal Systems Act, 2000, the Municipality may elect to perform the function of a water services provider itself or it may enter into a written contract with a water services provider as authorised agent or form a joint venture with another water services institution to provide water services within its area of jurisdiction.

113.2. When performing the function of a water services provider, the Municipality must manage and account separately for those functions.

113.3. When the Municipality appoints a water services provider to provide water services on its behalf, the said water services provider shall be designated as the authorised agent of the Municipality and thereby shall be enabled as water services provider to fulfil the said function as water services provider on behalf of the Municipality in terms of the contract entered into between the Municipality and water services provider.

113.4. When the Municipality, in the event it decides not to perform the function of a water services provider for any local Municipality within its jurisdiction, may appoint the said local Municipality as its water services provider and shall then and thereafter enter into a written contract with the said local Municipality to provide water services within the local Municipality's area of jurisdiction, in line and in accordance with this by-law.

113.5. If, after carrying out an assessment in terms of section 78 of the Local Government : Municipal Systems Act, 2000, it is decided by the Municipality not to act as the water services provider in respect of such area of jurisdiction or of a specific water scheme and the said Municipality decides not to appoint a local Municipality or a state or parastatal entity as its water services provider, then it may, in respect of any water scheme established or to be established in its area of jurisdiction as contemplated in section 19(1)(a) of the Act, by public notice, call for proposals from suitable persons or institutions to seek the approval of the Municipality to be the water services provider, as authorised agent, in respect of such water scheme, as contemplated in sub-section 22 (1), read with sub-section 19(1)(b), of the Act.

114. Application, assessment, and appointment of water services provider

114.1. The public notice referred to in the previous section shall be delivered to every public sector water services provider, known to the Municipality, and shall also be published in a newspaper or newspapers circulating in the area where the water scheme is situated, which notice shall be published in the predominant language of such newspaper and of the majority of people to be served by such water scheme.

114.2. The Municipality shall give prior consideration to any proposals submitted by any public sector water services provider, as contemplated in sub-section 19(2) of the Act before considering any proposals submitted by any private sector water services provider.

114.3. The Municipality shall, in respect of every water scheme for which it intends to approve a water services provider -

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114.3.1. Prepare a full and detailed description of the water scheme or scheme which will be operated by the water services provider, and which shall provide that the Municipality complies with the criteria set out in sub-section 11 of the Act, this by-law and the water services development plan adopted by the Municipality in terms of section 15 of the Act, which description shall include, but not be limited to -

(a) The name(s) of the water scheme(s).
(b) An indication of the nature of the water services to be provided by the water services provider.
(c) Detailed plans or drawings, with co-ordinates and scales, and specifications depicting the physical installation associated with the water scheme or schemes, including all the structures, aqueducts, pipes, valves, pumps, meters or other apparatus relating thereto used or intended to be used by it in connection with the provision of water services, as contemplated in the proposal.
(d) A detailed description, including numbers and locality, of the clients or potential clients that will be supplied with water by the water services provider.
(e) Details of the source, the quality and quantity of water that will be supplied to clients or potential clients and what arrangements are in place to ensure that such quality and quantity is consistently maintained.
(f) A certificate indicating who the legal owner or owners of the water scheme or schemes is or are.
(g) Certified copies of all documents and deeds reflecting the legal status of the water scheme or schemes, including deeds of servitude where appropriate.

114.3.2. Make such information available to all persons or institutions who wish to submit a proposal in response to the public notice published in terms of the previous section.

114.4. Any proposal submitted in response to the public notice contemplated herein shall include the following -

114.4.1. A certified copy of the identity document of the applicant, or a certified copy of the founding document or constitution of the applicant, if the applicant is a legal person.

114.4.2. A certified resolution adopted by the management body of the applicant, if the applicant is a legal person, resolving to apply for approval as a water services provider.

114.4.3. A certified list of the names and addresses of all persons occupying a leadership and decision-making power in the applicant.

114.4.4. A detailed statement, supported by adequate proof of authenticity, setting out the applicant's qualifications, capacity to undertake the work associated with the provision of water services in the circumstances reflected in the application, and the experience, skills, and financial resources available to it to undertake the provision of water services.

114.4.5. A business plan setting out how the water scheme or water schemes will be operated and maintained during the period the water services provider, will undertake the supply of water services as contemplated in the proposal, and what arrangements have been adopted to deal with any emergency, including natural disasters and drought.

114.4.6. A budget describing the financial administration of the water scheme or water schemes, the source of any capital or revenue requirements, and an indication of the sustainability of the water scheme or water schemes.

114.4.7. Details of tariffs and charges that the applicant will levy for all clients and potential clients, the method of calculations of such tariffs and charges, the process whereby increases or decreases in such tariffs and charges will be dealt with, and the manner in which such tariffs and charges comply with the national norm set by the Minister of Water Affairs in terms of section 10 of the Act.

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114.4.8. Full details of the conditions that will be imposed in terms of section 4 of the Act and full details required in terms of sub-section 19(4) of the Act.

114.5. Any person or institution seeking approval from the Municipality in terms of sub-sections 6(1) or 22(1) of the Act under circumstances other than in response to a notice published in terms of this Chapter, or the renewal of an existing approval, shall do so in accordance with the provisions of this by-law and at its own expense, provided that -

114.5.1. No application for approval in terms of sub-section 6(1) of the Act shall be granted in respect of any water scheme where the clients or potential clients exceed fifty (50) persons or where the population density exceeds one person per hectare.

114.5.2. Any application for an approval in terms of sub-section 30(2)(d) of the Act shall be made under the provisions of sub-section 22(1) of the Act.

114.5.3. An application for such approval, or the renewal of such approval, shall be made to the Municipality in writing.

114.5.4. Immediately on receipt of an application made in terms of sub-section 22(1) of the Act, if the applicant is a private sector water services provider, then the Municipality shall, in terms of sub-section 19(2) of the Act, notify all public sector water services providers known to it and –

114.5.4.1. Request such public sector water services providers to notify the Municipality within a period of 30 days from the date of the receipt by the public sector water services provider of such notice whether it is willing and able to perform the functions contained in the application, and if it is, then to provide the Municipality, with the documents and particulars referred to in this Chapter.

114.5.4.2. On receipt of such documentation and particulars, the Municipality shall consider such application and decide whether to approve a public sector water services provider or a private sector water services provider, in respect of the water scheme concerned.

114.5.5. Any application for approval, or the renewal of any approval granted by the Municipality, shall be accompanied by at least the following documents or particulars, provided that, in the case of a renewal of an approval, the Municipality may, in its discretion, dispense with some of the documents or particulars to avoid unnecessary duplication -

114.5.5.1. A certified copy of the identity document of the applicant, if a natural person, or a certified copy of the founding document or constitution of the applicant, if the applicant is a legal person.

114.5.5.2. A certified resolution adopted by the management body of the applicant, if the applicant is a legal person, resolving to apply for approval as a water services provider, as authorised agent.

114.5.5.3. A certified list of the names and addresses of all persons occupying a leadership and decision-making power in the applicant.

114.5.5.4. A detailed statement, supported by adequate proof of authenticity, setting out the applicant's qualifications, capacity to undertake the work associated with the provision of water services in the circumstances reflected in the application, and the experience, skills and financial resources available to it to undertake the provision of water services.

114.5.5.5. A full and detailed description of the water scheme or schemes which will be operated by the applicant, containing sufficient information to enable the Municipality to determine whether the water scheme or schemes complies with the criteria set in section 11 of the Act, this by-law and the water services development plan adopted by the Municipality in terms of section 15 of the Act, which description shall include, but not be limited to -

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(a) The name or names of the water scheme or schemes.
(b) An indication of the nature of the water services to be provided by the applicant.
(c) Detailed plans or drawings, with co-ordinates and scales, and specifications depicting the physical installation associated with the water scheme or schemes, including all the structures, aqueducts, pipes, valves, pumps, meters, or other apparatus relating thereto used or intended to be used by it in connection with the provision of water services, as contemplated in the application.
(d) A detailed description, including numbers and locality, of the clients or potential clients that will be supplied with water by the applicant.
(e) Details of source, the quality and quantity of water that will be supplied to clients or potential clients and what arrangements are in place to ensure that such quality and quantity is consistently maintained.
(f) A business plan setting out how the water scheme or water schemes will be operated and maintained during the period the applicant undertakes the supply of water services, as contemplated in the application, and what arrangements have been adopted to deal with any emergency, including natural disasters and drought.
(g) A budget describing the financial administration of the water scheme or water schemes, the source of any capital or revenue requirements, and an indication of the sustainability of the water scheme or water schemes.
(h) Details of tariffs and charges that the applicant will levy on all clients and potential clients, the method of calculating such tariffs and charges, the process whereby increases or decreases in such tariffs and charges will be dealt with, and the manner in which such tariffs and charges comply with the national norm set by the Minister of Water Affairs in terms of section 10 of the Act.
(i) A certificate indicating who the legal owner or owners of the water scheme or schemes is or are.
(j) Certified copies of all documents and deeds reflecting the legal status of the water scheme or schemes, including deeds of servitude where appropriate.
(k) Full details of the conditions that will be imposed in terms of section 4 of the Act and full details required in terms of sub-section 19(4) of the Act.

115. Additional information to make decision

115.1. The Municipality may call for any additional information or documents reasonably required to enable it to determine whether the proposer or applicant, including a public sector water services provider, or the water scheme or schemes will comply with the Act, this by-law, and the water services development plan of the Municipality, and whether the obligations of the Municipality, imposed on it by the Act, will be met.

115.2. Prior to making a final decision, the Municipality may meet with the proposer or applicant, as the case may be, and any organization reasonably representative of the clients or potential clients of the water scheme or schemes, in order to hear representations made by the applicant and such representative organizations in support of, or against, the applications, and it shall take such representations into account in arriving at its final decision.

116. Procedure and approval

116.1. In the event of the Municipality's granting such approval it shall -

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116.1.1. In the case of an application for approval in terms of sub-section 7(1) of the Act, issue a letter of approval to the applicant containing such conditions as the Municipality may deem appropriate, which conditions shall be binding on the applicant, and which may contain an obligation to comply with any provision of this by-law as though such person or institution was an approved water services provider.

116.1.2. In the case of an application for approval in terms of sub-section 22(1) of the Act –

(a) If the applicant is a private sector water services provider, cause a notice to be published in a newspaper or newspapers circulating in the area where the water scheme, to which the application relates, is situated, publicly disclosing its intention to approve such application.

(b) Enter into a contract with the applicant, as contemplated in sub-section 19(1)(b)(i) of the Act, provided that, in the case of a private sector water services provider, such contract shall not commence until a period of thirty days has elapsed after the date of publication of the notice contemplated in section 19(3) of the Act and after the Municipality has taken into account any representations made by any person or institution in response to the said notice.

(c) Enter into a joint venture agreement with the water services provider, as contemplated in sub-section 19(1)(b)(ii) of the Act, upon such terms and conditions as may be negotiated by such parties, provided that, in the case of a private sector water services provider, such agreement shall not commence until a period of thirty days has elapsed after the Municipality has taken into account any representations made by any person or institution in response to the said notice.

116.1.3. Any notice contemplated in sub-section 19(3) of the Act shall be published in a newspaper or newspapers, and in the predominant language of such newspaper, which is or are most likely to be read by a majority of the clients or potential clients of the water scheme and by the public generally in the area of jurisdiction of the Municipality.

116.1.4. The by-laws in this section shall apply in all cases where the Municipality has granted its approval to a person or institution in terms of sub-section 22(1) of the Act, read with the provisions of this by-law.

116.1.5. The Municipality shall designate each water scheme in its area of jurisdiction into one or other category defined in the succeeding section of this by-law.

117. Water scheme categories

117.1. The categories of water scheme contemplated in this Chapter shall be –

117.1.1. **"Category A"** being a range of water schemes from either elementary or rudimentary water schemes, providing water supply services by drawing water from a hand pump or protected spring, or the provision of sanitation services to a rural community, to more advanced water schemes, providing water supply services by way of an abstraction system which is more sophisticated, which has a metered connection to a bulk main, and the capacity to supply both communal stand-pipes and private connection provision, or sanitation services to a rural or semi-urban community.

117.1.2. **"Category B"** being a range of water schemes from either water schemes where the abstraction and reticulation provides water to be laid out on clearly identified sites, or sanitation services to small towns, including un-proclaimed towns, to water schemes providing water supply services or sanitation services to a township, proclaimed, or approved under any law relating to the

establishment of townships, or water supply services for industrial use, or for the disposal of industrial effluent.

117.2. The Municipality may, from time to time and in appropriate circumstances, change the category to which any water scheme has been allocated.

117.3. The Municipality shall give written notice to the appropriate and approved water services provider of its intention to change the category to which any water scheme is allocated to such water services provider, and the change in allocation shall take effect from the date upon which such notice is delivered to the relevant water services provider.

117.4. The decision of the Municipality to allocate a category to a water scheme shall be final, provided that any person or institution which has an interest in a particular water scheme and who is aggrieved by such allocation, on the grounds that he or she is materially prejudiced by such allocation, shall be entitled to appeal to the Municipality against such allocation in accordance with the following provisions –

117.4.1. An appeal shall be noted in writing and shall be delivered to a recognized main office of the Municipality or be sent by pre-paid post, addressed to the recognized postal address of the Municipality.

117.4.2. The document evidencing the appeal shall state the grounds upon which the appellant considers that he or she is prejudiced by the allocation appealed against.

117.4.3. The appeal shall be considered and disposed of by the Municipality within 45 days of the receipt by it of the document evidencing the appeal.

117.4.4. The decision of the Municipality shall be final but does not preclude the appellant from approaching and utilizing the courts of law.

117.5. Subject to the provisions of this by law, the Municipality may, at its discretion, suspend any provision of this by-law in respect of a water scheme falling into Category “A”.

117.6. Any such suspension shall be reviewed by the Municipality on a quarterly basis, taking into consideration any motivated submission as to why the suspension should remain in place, provided that no provision of this by-law shall be suspended if the consequences of such suspension shall constitute a contravention of the Act.

118. Water service provider categories

118.1. Every approved water services provider, shall be designated as a Category 1 or a Category 2 provider in accordance with the following criteria –

118.1.1. A Category 1 provider shall be a person or institution which, in the reasonable opinion of the Municipality, has the capacity, without external assistance, to manage and administer the water scheme in respect of which approval has been granted in terms of sub-section 22(1) of the Act and to maintain and operate the water scheme efficiently and effectively.

118.1.2. A Category 2 provider shall be a person or institution which, in the reasonable opinion of the Municipality, does not have the capacity, without external assistance, to manage and administer the water scheme in respect of which approval has been granted in terms of sub-section 22 (1) of the Act and maintain and operate the water scheme efficiently and effectively.

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118.2. The decision of the Municipality to allocate a category to an approved water services provider shall be final, provided that any person or institution which has an interest in a particular provider and who is aggrieved by such allocation on the grounds that he or she is materially prejudiced by such allocation, shall be entitled to appeal to the Municipality against such allocation in accordance with the following provisions:

118.2.1. An appeal shall be noted in writing and shall be delivered to a recognized main office of the Municipality or be sent by pre-paid post, addressed to the recognized postal address of the Municipality.

118.2.2. The document evidencing the appeal shall state the grounds upon which the appellant considers that he or she is prejudiced by the allocation appealed against.

118.2.3. The appeal shall be considered and disposed of by the Municipality within 45 days of the receipt by it of the document evidencing the appeal.

118.2.4. The decision of the Municipality shall be final.

118.2.5. The Municipality may, in its discretion, require a Category 2 water services provider, as a condition of approval in terms of sub-section 22(1) of the Act, to enter into a contract with a support services agent who shall, in the reasonable opinion of the Municipality, have the capacity to provide resources and assistance to the water services provider, as may be required to enable the water services provider, as authorised agent, to comply with the provisions of the Act, this by-law and any contract or joint venture agreement contemplated in section 19(1)(b)(i) or (ii) of the Act.

118.2.6. A certified copy of the agreement shall be lodged with the Municipality and such copy shall at all times reflect the true agreement between the parties to it.

118.2.7. Any contract entered into, shall be approved by the Municipality and may not be amended by the water services provider, as authorised agent, and the support services agent without the prior written consent of the Municipality.

119. Monthly report

119.1. An approved water services provider, shall submit a monthly report to the Municipality, providing at least the following information –

119.1.1. Such information as the Municipality may reasonably require to enable it to monitor and evaluate the operation of the water scheme concerned and to satisfy itself that the said scheme is being operated in such a manner so as to fulfil the requirements of the Act, the applicable water services development plan, this by-law and the contract or joint venture contemplated in sub-section 19(1)(b)(i) or (ii) of the Act; and

119.1.2. Such information pertaining to the quality of water so that the Municipality may monitor and evaluate the quality of water being delivered to the community within the area of jurisdiction of the water services provider.

119.1.3. In the case of sanitation services, it will be required of the water service provider to measure specifically for the presence of identified communicable diseases, such as SARS-CoV-2 RNA, on a weekly basis at the inlet of its wastewater treatment works. These measurements must be included with the compliance analyses as per water use license of the particular facility.

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119.2. Failure to submit the said report shall constitute grounds upon which the Municipality shall be entitled to review the approval granted by it, in terms of sub-section 22(1) of the Water Services Act, to the water services provider.

120. Quarterly report

120.1. An approved water services provider, shall submit a quarterly report to the Municipality, providing the following information -

120.1.1. The names and addresses of all clients.

120.1.2. The quantity of water consumed by each client.

120.1.3. The record of payments made by each client.

120.1.4. Arrears owing by clients to the approved water services provider and the steps being taken to recover such arrears.

120.1.5. Arrears written off as irrecoverable and reasons why they are deemed to be irrecoverable.

120.1.6. Circumstances where water services are limited or discontinued and the reasons why such services are so limited or discontinued.

120.2. Failure to submit the said report shall constitute grounds upon which the Municipality shall be entitled to review the approval granted by it, in terms of sub-section 22(1) of the Act, to the water services provider concerned.

121. Disputes

121.1. Any dispute or conflict arising between the Municipality and an approved water services provider shall be resolved by mediation and arbitration and every agreement made and entered into under the provisions of this by-law shall contain appropriate provisions to that effect.

PART 2: WATER SERVICES INTERMEDIARIES

122. Registration, additional information, and approval

122.1. A person or institution seeking registration with the Municipality as a Water Services Intermediary in terms of section 24 of the Water Services Act, must do so in accordance with the provisions of these By-laws and at his or its own expenses.

122.2. An application for such registration must be made to the Municipality in writing.

122.3. An application for approval must be accompanied by, at least, the following documents or particulars:

122.3.1. If a natural person, a certified copy of the identity document of the applicant.

122.3.2. If a legal person -

(a) A certified copy of the founding document or constitution of the applicant.

(b) A certified resolution adopted by the management body of the applicant, resolving to apply as a Municipality.

(c) A certified list of the names and addresses of all persons occupying a leadership and decision-making power in the applicant.

122.3.3. A detailed statement supported by adequate proof of authenticity, which sets out -

(a) The applicant's qualifications.

(b) The applicant's capacity to undertake the work associated with the provision of water services in the circumstances reflected in the application.

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(c) The applicant's experience and skills.
(d) The financial resources available to the applicant to undertake the provision of water services to be provided by the applicant.

122.3.4. A full and detailed description of the water scheme or schemes which will be operated by the applicant containing sufficient information to enable the Municipality to determine whether the water scheme or schemes comply with the criteria set in section 11 of the Act, these By-laws, and the water development plan adopted by the Municipality in terms of section 15 of the Act, which description must include but is not be limited to -

(a) The name or names of the water scheme or schemes.
(b) An indication of the nature of the water services to be provided by the applicant.
(c) Detailed plans or drawings, with co-ordinates and scales and specifications depicting the physical installation associated with the water scheme or schemes, including all structures, aqueducts, pipes, valves, pumps, meters or other apparatus relating thereto used or intended to be used by it in connection with the provision of water services contemplated in the application.
(d) A detailed description, including numbers and locality, of the customers or potential customers that will be supplied with water by the applicant.
(e) Details of the source, the quality of water that will be supplied to customers.
(f) Potential customers and what arrangements are in place to ensure that such quality and quantity is consistently maintained.
(g) A business plan setting out how the water scheme or water schemes will be operated and maintained during the period the applicant undertakes the supply of water services as contemplated in the application, and what arrangements have been adopted to deal with any emergency, including natural disasters and drought.
(h) A budget describing the financial administration of the water scheme or water schemes, the source of any capital or revenue requirements, and an indication of the sustainability of the water scheme or water schemes.
(i) Details of tariffs and charges that the applicant will levy on all customers and whereby increases or decreases in such tariffs and charges will be dealt with, and the potential customers, the method of calculating such tariffs and charges, the process manner in which such tariffs and charges comply with the national norm set by the Minister of Water Sanitation in terms of section 10 of the Act.

122.3.5. A certificate indicating who the legal owner or owners of the water scheme or schemes is or are.

122.3.6. Certified copies of all documents and deeds reflecting the legal status of the water scheme or schemes, including deeds of servitude where appropriate.

122.3.7. Full details of the conditions that will be imposed in terms of section 4 of the Act and full details required in terms of section 19(4) of the Act.

123. Additional information to make decision

123.1. The Municipality may call for any additional information or documents reasonably required to enable it to determine whether -

123.1.1. The proposer or applicant, including a public sector provider, or the water scheme or schemes will comply with the Act, these By-laws, and the water development plan of the Municipality.

123.1.2. The obligations of the Municipality, imposed on it by the Act, will be met.

123.2. The Municipality, when hearing representations made by the applicant and such representative organisations in support of, or against, the applications shall, before it makes a final decision, if it initially decides to refuse an application made, including an application made by a public sector water provider, meet with the applicant, as the case may be, and any organisation reasonably representative of the customers or potential customers of the water scheme or schemes, and it must take such representations into account in arriving at its final decision.

124. Approval of application

124.1. The Municipality may approve or refuse the application, provided that -

124.1.1. If it approves the application, it may make such registration subject to such reasonable and relevant conditions as it deems necessary.

124.1.2. If it refuses the application, it must advise the applicant of the reasons for such refusal.

124.1.3. In the event of the Municipality granting such registration it must deliver a written notification thereof to the applicant and in such notice, it must draw the applicant's attention to all relevant prescripts.

125. Provision of water services

125.1. A Water Services Intermediary must ensure that water services, including such basic services as determined by the Municipality, are provided to such persons it is obliged to provide with water services.

125.2. The quality, quantity and sustainability of water services provided by a Water Services Intermediary must meet any minimum standards prescribed in terms of the Act and must at least be of the same standards as provided by the Municipality to customers.

126. Charges for water services provided

126.1. A Water Services Intermediary may not charge for water services at a price which does not comply with any norms and standards prescribed under the Act and any additional norms and standards as may be set by the Municipality.

126.2. A Water Services Intermediary must provide subsidised water services, as determined by the Municipality in terms of the Municipality's by-laws relating to credit control and debt collection from time to time and provided by the Municipality to a customer at a price that is the same or less than the charges at which the Municipality provides such services.

CHAPTER 9: ENFORCEMENT OF THE BY-LAW

PART 1: UNAUTHORISED SERVICES AND CONDUCT

127. Unauthorised services

127.1. No person may gain access to water services unless it is in terms of an agreement entered into with the Municipality for the rendering of those services.

127.2. The Municipality may, irrespective of any other action it may take against such person in terms of these by-laws, by written notice order a person who is using unauthorized services to:

127.2.1. Apply for such services.

127.2.2. Undertake such work, as may be necessary to ensure that the consumer installation through which access was gained complies with the provisions of these or any other relevant by- laws.

127.3. A person who gains access to water services in a manner other than in terms of an agreement entered into with the Municipality for the rendering of those services shall be liable to pay for any services that he, may have utilised or consumed in breach of these by-laws, notwithstanding any other actions that may be taken against such a person. Consumption and use will be estimated based on the average consumption of services to the specific area within which the unauthorised connection was made.

128. Damage to the water services systems

128.1. No person shall damage, endanger, or destroy the water services system, or cause or permit it to be damaged, endangered, or destroyed.

128.2. Any person who intends performing work that may cause damage to the water services system on land owned by or vested in the Municipality or over which it has a servitude or other right, shall prior to commencement of such work, ascertain from an authorised officer if any part of the water supply system is situated on the land.

128.3. If work that in the opinion of an authorised officer could damage or endanger the water services system is to be performed or is being performed on land, or on land adjacent thereto, he or she may by notice in writing require the person concerned not to commence, or to cease performing the work until such time as he or she has complied with the conditions specified in the notice.

129. Trespassing, obstruction, and interference to water services

129.1. Except with the prior authority of an authorised officer:

129.1.1. No person shall interfere or tamper with or obstruct the water services system.

129.1.2. No person shall make a connection to the water services system save as duly authorised.

129.1.3. No person shall construct a building or raise or lower the ground level within an area that is subject to a water servitude.

129.2. No person may prevent or restrict physical access to the water services system.

129.3. If a person contravenes this section, the Municipality may -

129.3.1. By written notice require the person to restore access at his or her own expense within a specified period.

129.3.2. If the situation is a matter of urgency, without prior notice restore access and recover the cost from the person.

129.4. The costs recoverable by the Municipality is the full cost associated with restoring access and includes, but is not restricted 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 restoring access and the environmental cost.

130. Illegal connection and re-connection of water

130.1. Where a customer's access to water supply services has been restricted or disconnected, and he or she -

130.1.1. Intentionally unlawfully reconnects to services.

130.1.2. Intentionally or negligently interferes with infrastructure through which water supply services are provided, then his or her water supply shall on written notice be disconnected.

131. Unauthorised and illegal discharges

131.1. No person may discharge or cause or permit any sewage to be discharged directly or indirectly into a storm water drain, street, river, stream, or other watercourse, whether natural or artificial.

131.2. The owner or occupier of any premises on which steam or any liquid, other than potable water, is stored, processed or generated must provide all facilities necessary to prevent any discharge or leakage of such liquid to any street, storm water drain or watercourse, whether natural or artificial, except where, in the case of steam, the Municipality has approved such discharge.

131.3. Where the hosing down or flushing by rainwater of an open area on any premises is likely to cause the discharge of objectionable matter into any street, stormwater drain, river, stream, or other watercourse, whether natural or artificial, or to cause or contribute towards the pollution of any such watercourse, the Municipality may, by notice, require the owner of the premises to take reasonable measures to prevent or minimise such discharge or pollution.

131.4. No person may discharge or cause or permit the discharge of –

131.4.1. Any substance, including storm water, other than sewage to be discharged into a drainage installation.

131.4.2. Water from any swimming pool directly or indirectly over any road or into a gutter, storm water drain, watercourse, open ground, or private premises other than the premises of the owner of such swimming pool.

131.4.3. Water from artificial fountains, reservoirs or swimming pools situated on the premises into a drainage installation, without the approval of the Municipality and subject to the payment of relevant charges and such conditions as the Municipality may impose.

131.4.4. Any sewage, industrial effluent or other liquid or substance which may be offensive to or may cause a nuisance to the public.

131.4.5. Is in the form of steam or vapour or has a temperature exceeding 44° C at the point where it enters the sewer.

131.4.6. Has a pH value less than 6.0.

131.4.7. Contains any substance of whatsoever nature likely to produce or release explosive, flammable, poisonous or offensive gases or vapours in any sewer.

131.4.8. Contains any substance having an open flashpoint of less than 93°C or which releases a poisonous vapour at a temperature below 93° C.

131.4.9. Contains any material of whatsoever nature, including oil, grease, fat, or detergents capable of causing obstruction to the flow in sewers or drains or interference with the proper operation of a sewerage treatment works.

131.4.10. Shows any visible signs of tar or associated products or distillates, bitumen's, or asphalts.

131.4.11. Contains any substance in such concentration to produce an undesirable taste after chlorination or an undesirable odour or colour, or excessive foam.

131.4.12. Has either a greater PV (Permanganate Value) or COD (Chemical Oxygen Demand) value, a lower pH value, or a higher caustic alkalinity or electrical conductivity than specified in Schedule A, without the prior approval and subject to the payment of relevant charges and such conditions as the Municipality may impose.

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131.4.13. Contains any substance which -

(a) Cannot be treated at the sewage treatment work to which it could be discharged.

(b) Will negatively affect the treatment processes at the sewage treatment work to which it could be discharged.

(c) Will negatively impact on the ability of the sewage treatment work to produce discharges that meet the wastewater discharge standards set in terms of the National Water Act, 1998.

(d) Either alone or in combination with other substance may –

(aa) Generate or constitute a toxic substance dangerous to the health of persons employed at the sewage treatment works or entering the Municipality's sewers or manholes in the course of their duties.

(bb) Be harmful to sewers, treatment plant or land used for the disposal of treated wastewater.

(cc) Hereby sewage is treated or any re-use of sewage effluent.

131.5. No person may cause or permit the accumulation of grease, oil, fat, or solid matter in any drainage installation that will adversely affect its effective functioning.

131.6. The Municipality may, notwithstanding any other actions that may be taken in terms of these By-laws, recover from any person who discharges industrial effluent or any substance which is unauthorised or illegal all costs incurred, by the Municipality as a result of such discharges, including costs that result from:

131.6.1. Injury to persons, damage to the sanitation system.

131.6.2. A prosecution in terms of the National Water Act, 1998.

132. Pipes in streets and other public places

132.1. No person shall, for the purposes of conveying water or sewage or other like matter form whatever source, lay or construct a pipe conduit or other associated component on, in, or under a street public place or other land owned by, vested in, or under the control of the Municipality, expect with the prior written permission of the Municipality and subject to such conditions as it may impose.

133. Use of water from sources other than the water supply system

133.1. No person may use or permit the use of water obtained from a source other than the water supply system, other than rainwater tanks which are not connected to the water installation, except with the prior approval of the Municipality, and in accordance with such conditions as it may impose, for domestic, commercial, or industrial purposes.

133.2. Any person desiring the approval must provide the Municipality with evidence to the effect that -

133.2.1. The water referred to complies, whether because of treatment or otherwise, with the requirements of SANS 241: Drinking Water.

133.2.2. The use of such water does not or will not constitute a danger to health.

133.3. An approval given may be withdrawn if -

133.3.1. A condition imposed is breached.

133.3.2. The water quality no longer conforms to the requirements stipulated.

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133.4. The Municipality 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 stipulated.

133.5. The determined charge for the taking and testing of the samples must be paid by the person to whom approval was granted.

133.6. 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 Municipality's sewerage system, the Municipality may install a meter in the pipe leading from such borehole or other source of supply to the point or points where it is so used, and the provisions of section 38 apply insofar as they may be applicable in respect of the meter.

PART 2: OFFENCES

134. Offences and penalties

134.1. A person commits an offence if he or she -

134.1.1. Obstructs or hinders the Municipality in the exercising of the powers or performance of functions or duties under these By-laws.

134.1.2. Uses, tampers, or interferes with the Municipality's equipment, the water supply system, sanitation system and reticulation network or consumption of services rendered.

134.1.3. Contravenes or fails to comply with a provision of these By-laws other than a provision relating to payment for municipal services

134.1.4. Fails to comply with the terms of a notice served upon him or her in terms of these bylaws; and is liable upon conviction to a fine of R4000,00 or to a period of imprisonment or community service not exceeding 4 months, or in the event of a continued offence to a further fine of R2000,00 for every day during the continuance of such offence.

134.1.5. Is guilty of an offence and liable on conviction to a fine or in default of payment to imprisonment for a period not exceeding 6 months and in the case of any continued offence, to a further fine not exceeding R5000 for domestic consumers and R 500 000 for industrial consumers , or in default of payment, to imprisonment not exceeding one day for every day during the continuance of such offence, after a written notice has been issued by the Municipality and served on the person concerned requiring the discontinuance of such an offence.

134.2. No person shall be liable to imprisonment if he is unable to afford to pay a fine and shall instead be liable to a period of community service.

134.3. Any person committing a breach of the provisions of these by-laws shall be liable to recompense the Municipality for any loss or damage suffered or sustained by it in consequence of the breach.

PART 3: NOTICES

135. Power to serve and compliance with notices

135.1. 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 these by-laws, or to fulfil any condition imposed in it, to

rectify his failure within a period specified in the notice, which period shall not be less than thirty (30) days.

135.2. If a person fails to comply with a written notice served on him by the Municipality in terms of these by-laws within the specified period, it may take such action that in its opinion is necessary to ensure compliance, including:

135.2.1. Undertaking the work necessary itself and recovering the cost of such action or work from that owner, consumer, or other person.

135.2.2. Restricting or discontinuing the provision of services.

135.2.3. Instituting legal proceedings.

135.3. A notice must -

135.3.1. Give details of any provision of the by-laws that has not been complied with.

135.3.2. 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.

135.3.3. Specify the steps that the owner, consumer, or other person must take to rectify the failure to comply.

135.3.4. Specify the period within which the owner, consumer or other person must take the steps specified to rectify such failure.

135.3.5. Indicate that the Municipality:

(a) May undertake any work that is necessary to rectify a failure to comply with a notice and the cost to the Municipality of rectification may be recovered from the owner, consumer or other person who has failed to comply with it.

(b) May take any other action that it considers necessary for ensuring compliance.

135.4. In the event of an emergency the Municipality may, without prior notice to anyone, undertake the work required and recover the costs from a person who, but for the emergency, would have to be notified as prescribed.

135.5. The costs recoverable by the Municipality are the full costs associated with that work and includes, but are not restricted 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.

136. Service of notices

136.1. The Municipality may, by a notice of compliance, which must be in writing, order an owner, customer or any other person who fails, by act or omission, to comply with the provisions of these By-laws or to any condition imposed thereunder to remedy such breach within a period specified in the notice, and the notice must specify -

136.1.1. The name and residential and postal address, if either or both be known, of the affected person.

136.1.2. The provision which has not been complied with in terms of these By-laws.

136.1.3. In sufficient detail to enable compliance with the notice, the measures required to remedy the situation.

136.1.4. That the person must within a specified period take the measures to comply with the notice, to diligently continue with the measures, and to complete the measures before a specified date.

136.1.5. That failure to comply with the requirements of the notice within the prescribed period is an offence.
136.1.6. That written representations, may within the period stipulated, be made to the Municipality at a specified place.

136.2. The Municipality, when considering any measure or period envisaged above must have regard to -
136.2.1. The principles and objectives of these By-laws.
136.2.2. The nature of the non-compliance.
136.2.3. Any other relevant factors.

136.3. A person may, within the period make representations, in the form of a sworn statement or affirmation to the Municipality at the place specified in the notice.

136.4. Representations not lodged within the period will not be considered, except where the person has shown good cause and the Municipality condones the late lodging of the representations.

136.5. The Municipality must consider the representations and any response thereto by an authorized official or any other person if there be such a response.

136.6. The Municipality may, on its own volition, conduct any further investigations to verify the facts if necessary, and the results of the investigation must be made available to the person, who must be given an opportunity of making a further response if he or she so wishes, and the Municipality must also consider the further response.

136.7. The Municipality must, after consideration of the representations and response, if there be such a response, make an order in writing and serve a copy of it on the person.

136.8. The order must -
136.8.1. Set out the findings of the Municipality.
136.8.2. Confirm, alter, or set aside in whole or in part, the notice of compliance.
136.8.3. Specify a period within which the person must comply with the order made by the Municipality.

136.9. If the notice of compliance is confirmed, in whole or in part, or is altered but not set aside, the Municipality will inform the person that he or she -
136.9.1. Must discharge the obligations set out in the notice.
136.9.2. May elect to be tried in court.

136.10. If the person elects to be tried in court he or she must, within seven calendar days, notify the Municipality of his or her intention to be so tried.

136.11. If the person does not elect to be tried in court, he or she must, within the prescribed manner and time discharge his or her obligations under the order.

136.12. Where there has been no compliance with the requirements of a notice, the person commits an offence, and the Municipality may take such steps as it deems necessary to remedy the situation and the costs thereof must be paid to the Council as prescribed.

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137. Costs

137.1. Should an owner or customer fail to take the measures required by notice, the Municipality may recover all costs incurred because of it acting against that person from such person.

137.2. The costs claimed must be reasonable and may include, without being limited to, costs relating to labour, electricity, water, equipment, administrative and overhead costs.

137.3. If more than one person is liable for costs incurred, the liability must be apportioned among the persons concerned according to the degree to which each was responsible for the situation existing.

137.4. Costs that are incurred by the Municipality when it does alterations or other works may be recovered from the person on whom the notice was served, or if a deposit has been paid, the costs may be deducted from the deposit.

PART 4: ENFORCEMENT

138. Responsibility for compliance with by-law and offences

138.1. The owner of premises is responsible for ensuring compliance with this By-law in respect of all or any matters relating to any water and sanitation installation, and should an owner contravene a provision with which he or she must comply, he or she commits an offence.

138.2. The owner, occupier or consumer is responsible for compliance with this By-law in respect of matters relating to the use of any water installation, and if an owner, occupier, or consumer contravenes a provision which he or she must comply, then he or she commits an offence

139. Water services inspectors

139.1. The Municipality may appoint water inspectors to monitor the implementation and to enforce the provisions of this by-law.

139.2. A water inspector is vested with at least the same authority granted to an authorised officer in terms of this By-law.

139.3. A water inspector may issue a written notice to any person who is alleged to have contravened this by-law, such notice having legal effect of a written notice in terms of Section 56 of the Criminal Procedure Act, provided that the provisions of subsections (4) to (6) are satisfied.

139.4. The provisions of section shall be of no legal effect unless a water inspector has been declared a peace officer in terms of section 334(1) of the Criminal Procedure Act.

139.5. Any notice issued must comply with the requirements of Section 56(1) of the Criminal Procedure Act, and shall:

139.5.1. Specify the name, the residential address and the occupation or status of the person.

139.5.2. Call upon such person to appear at a place and on a date and at a time specified in the written notice to answer a charge of having contravened this By-law.

139.5.3. Contain an endorsement in terms of Section 57 of the Criminal Procedure Act that the person may admit his or her guilt in respect of the contravention in question and that he or she may pay a stipulated fine in respect thereof without appearing in court.

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139.5.4. Contain a certificate under the hand of the water inspector that he or she has handed the original of such written notice to the person in question and that he or she has explained to such person the import thereof.

139.6. The issuing of any notice must be done in accordance with a set of procedures and guidelines that have been prepared by the Council.

140. Power of entry and inspection

140.1. The Municipality may enter and inspect any premises for any purpose connected with the implementation or enforcement of these By-laws, at all reasonable times, after having given reasonable written notice to the occupier of the premises of the intention to do so.

140.2. Any entry and inspection must be conducted in conformity with the requirements of the Constitution of South Africa Act, 1996 (Act No. 108 of 1996), and any other law and, in particular, with strict regard to decency and order, respect for a person's dignity, freedom and security, and personal privacy.

140.3. The Municipality may be accompanied by an interpreter and any other person reasonably required to assist the authorised official in conducting the inspection.

140.4. A person representing the Municipality must, on request, provide his or her identification.

140.5. Any inspector must always adhere to the health and safety protocols and prescripts with regards to personal protective equipment.

PART 5: APPEALS

141. Appeals against decisions of the Municipality

141.1. A consumer may appeal in writing against a decision of, or a notice issued by, the Municipality in terms of these by-laws.

141.2. An appeal in terms of subsection (1) must be made in writing and lodged with the Municipality within 14 (fourteen) days after a consumer became aware of the decision or notice and must:

141.2.1. Set out the reasons for the appeal.

141.2.2. Be accompanied by any security determined by the Municipality for the testing of a measuring device, if it has been tested.

141.3. An appeal must be decided by the Municipality within 30 (thirty) days after an appeal was lodged and the consumer must be informed of the outcome in writing, as soon as possible thereafter.

141.4. The decision of the Municipality is final.

CHAPTER 10: DOCUMENTATION AND GENERAL PROVISIONS

PART 1: DOCUMENTATION

142. Authentication of documents

142.1. A notice or other document requiring authentication by the Municipality must be signed by the municipal manager or by a duly authorised officer of the Municipality, such authority being conferred by resolution

of the Municipality or by a By-law or regulation, and when issued by the Municipality in terms of these By-laws is deemed to be duly issued if it is signed by an officer authorised by the Municipality.

142.2. Any notice or other document that is served on a person in terms of these By-laws is regarded as having been served -

142.2.1. When it has been delivered to that person personally.

142.2.2. When it has been left at that person's place of residence or business in the Republic with a person apparently over the age of 16 years.

142.2.3. When it has been posted by registered or certified mail to that person's last known residential or business address in the Republic, and an acknowledgment of the posting thereof from the postal service is obtained.

142.2.4. If that person's address in the Republic is unknown when it has been served on that person's agent or representative in the Republic.

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

142.2.6. In the event of a body corporate when it has been delivered at the registered office of the business premises of such body corporate.

142.2.7. When it has been delivered, at the request of that person, to his or her e-mail address.

142.3. Service of a copy is deemed to be service of the original.

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

142.5. Any legal process is effectively and sufficiently served on Council when it is delivered to the municipal manager, or a person in attendance at the municipal manager's office.

143. Prima facie evidence

143.1. In legal proceedings by or on behalf of the Municipality, a certificate reflecting the amount due and payable to the Municipality, under the hand of the manager of the Municipality, or suitably qualified staff member authorised by the manager of the Municipality, shall upon mere production thereof be accepted by any court of law as prima facie evidence of the indebtedness.

PART 2: GENERAL PROVISIONS

144. Responsibility for compliance with by-laws

144.1. The owner of premises is responsible for ensuring compliance with these by-laws in respect of all or any matters relating to water and the installation and maintenance of sanitation.

144.2. The consumer is responsible for compliance with these by-laws in respect of matters relating to the use of any water and the installation and maintenance of sanitation

145. Delegations

145.1. The Council may –

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145.1.1. Delegate any function, power or duty conferred on the Council in this By-Law to the Municipal Manager or an official; or

145.1.2. Instruct the Municipal Manager or an official to perform any of the Council's duties in terms of this By-Law.

146. Provision of information

146.1. An owner, occupier, customer, or person within the area of supply of the Municipality must provide the Municipality with accurate information requested by the Municipality that is reasonably required by the Municipality for the implementation or enforcement of these by-laws.

147. Indemnification from liability

147.1. Neither employees of the Municipality nor any person, body, organisation, or corporation acting on behalf of the Municipality is liable for any damage arising from any omission or act done in good faith in the course of his or her duties.

148. Exemption

148.1. Subject to all the provisions set out below in these By-laws, the Municipality may, in writing exempt an owner, customer, any other person or category of owners, customers or other persons from complying with a provision of these By-laws, subject to any conditions it may impose, if it is of the opinion that the application or operation of that provision would be unreasonable, however, the Municipality shall not grant exemption from any section of these By-laws that may result in:

148.1.1. The wastage or excessive consumption of water.

148.1.2. The evasion or avoidance of water restrictions.

148.1.3. Significant negative effects on public health, safety, or the environment.

148.1.4. The non-payment for services.

148.1.5. The installation of pipes and fittings which are not approved by or on behalf of the Municipality in terms of these by-laws.

148.1.6. Non-compliance to the Water Services Act, or any regulations made in terms thereof, is not complied with.

148.2. The Municipality may at any time after giving written notice of at least 30 days, withdraw any exemption given.

148.3. The Municipality must review all exemptions quarterly.

148.4. The Municipality must consider a submission for exemption at the next ensuing Municipality meeting immediately following receipt of a submission and should the Municipality fail to do so or the meeting fail to address the issue and take a resolution, then and in that event the applicant for exemption may appeal to the Member of the Executive Committee of the Provincial Government charged with the administration of local government affairs ("the MEC") to intervene in the matter.

149. Conflict of law

149.1. If there is any conflict between these By-laws and any other by-laws of the Municipality or a Local Municipality, these By-laws prevail.

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149.2. If there is any conflict between these by-laws and other laws of the land including the Constitution of the Republic of South Africa, the laws of the land will prevail.

150. Cooperation between municipalities

150.1. To achieve optimal service delivery, the Municipality may enter into agreements with a local Municipality in respect of the following -

150.1.1. Practical arrangements about the execution of the provisions of this By-law.

150.1.2. Recovery of costs and expenses.

150.1.3. Mechanisms for the settlement of disputes about the execution of powers or a matter on which there has been an agreement.

150.1.4. Any other matter regarded as being necessary by the Municipality and the local Municipality to achieve optimal service delivery.

150.2. The provisions of this by-law apply to the jurisdictional area of the Municipality including the district management area.

151. Liaison forums in community

151.1. The Municipality may establish one or more liaison forums in a community for the purposes of -

151.1.1. Creating conditions for a local community to participate in the affairs of the Municipality.

151.1.2. Encouraging a local community to participate in the affairs of the Municipality.

151.1.3. Promoting the achievement of efficient water supply and sanitation services.

151.2. A liaison forum may consist of:

151.2.1. A member or members of an interest group.

151.2.2. A member or members of a community in whose immediate area an efficient water supply and sanitation services are lacking:

(a) A designated official or officials of the Municipality.

(b) The councillor responsible for water supply and sanitation services.

151.3. The Municipality may, when considering an application for consent, permit, or exemption certificate, in terms of this by-law, where applicable, request the input of a liaison forum.

151.4. A liaison forum or any person or persons may, on his, her or its own initiative, submit input to the Municipality for consideration.

152. Transitional arrangements

152.1. Installation work authorised by the Municipality prior to the commencement date of these By-laws or authorised installation work in progress on such date is deemed to have been authorised in terms of these By-laws, and the Municipality may for a period of 90 days after the commencement of these By-laws authorise installation work in accordance with the by-laws that regulated such work immediately prior to the promulgation of these By-laws.

152.2. Any reference in these By-laws to a charge determined by the District Council is deemed to be a reference to a charge determined by the Municipality under the laws repealed, until the effective date of any applicable charges that may be determined by the Municipality in terms of these By-laws or by-

laws relating to credit control and debt collection, and any reference to a provision in the laws repealed is deemed to be a reference to a corresponding provision in these By-laws.

152.3. Any approval, consent or exemption granted under the laws repealed remain valid, unless differently directed.

152.4. No customer is required to comply with these By-laws by altering a water installation or part thereof which was installed in conformity with any laws applicable immediately prior to the commencement of these by-laws, however, if in the opinion of the Municipality, the installation or part thereof is so defective or in such a condition or position as to cause waste or undue consumption of water, pollution of the water supply or a health hazard, the Municipality may by notice require the customer to comply with the provisions of these By-laws.

152.5. Notwithstanding the provisions related to flushing urinals, if it is not user-activated it may not be installed or continue to operate in any water installation, and all flushing urinals that are not user-activated installed before these By-laws commence, must be converted to user-activated urinals within two years of the commencement of these by-laws.

153. Availability of by-laws

153.1. A copy of these By-laws must be included in the Municipality's Municipal Code as required in terms of section 15 of the Municipal Systems Act, 2000.

153.2. A copy of these By-laws must be available for inspection at the offices of the Municipality at all reasonable times.

153.3. A copy of these By-laws may be obtained against payment of a prescribed fee from the Municipality.

154. Repeal of by-laws

154.1. The provisions of the Water and Sanitation Bylaw of the Chris Hani District Municipality are hereby repealed insofar as they relate to matters provided for in these By-laws.

155. Short title and commencement

155.1. This by-law is called the Water Services By-law of the Chris Hani District Municipality and commences on the date of publication thereof in the Provincial Gazette.

155.2. The Municipality may, by notice in the Provincial Gazette, determine that any provision of this by-law, listed in the notice, does not apply in certain areas within its area of jurisdiction listed in the notice from a date specified in the notice.

Schedule A: Limits of concentration of substances

Schedule B: Application for discharge of industrial effluent

Schedule C: Formula for calculation of effluent discharge charges

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SCHEDULE A

LIMITS OF CONCENTRATION OF SUBSTANCES THAT MAY BE DISCHARGED TO THE MUNICIPALITY'S SANITATION SYSTEM

Parameter	Allowed Specification
PV-not exceed	1400 ml/l
pH within range	6,0 – 10,0
Electrical conductivity— not greater than	500 mS/m at 20°C
Caustic alkalinity (expressed as $CaCO_3$)	2 000 mg / l
Substance not in solution (including fat, oil, grease waxes and like substances)	2 000 mg /
Substances soluble in petroleum ether	500 mg /
Sulphides, hydro-sulphides and polysulphides (expressed as S)	50 mg / l
Substances from which hydrogen cyanide can be liberated in the drainage installation, sewer or sewage treatment works (expressed as HCN)	20 mg /
Formaldehyde (expressed as HCHO)	50 mg / l
Non— organic solids in suspension	100 mg / l
Chemical oxygen demand (COD)	5 000 mg / l
All sugars and / or starch (expressed as glucose)	1 500 mg / l
Available chlorine (expressed as Cl)	100 mg / l
Sulphates (expressed as SO_4)	1 800 mg / l
Fluorine— containing compounds (expressed as F)	5 mg / l
Anionic surface-active agents	500 mg / l

METALS:

Group 1:

Metal	Expressed as
Manganese	Mn
Chromium	Cr
Copper	Cu
Nickel	Ni
Zinc	Zn
Iron	Fe
Silver	Ag
Cobalt	Co
Tungsten	W
Titanium	Ti
Cadmium	Cd

The total collective concentration of all metals in Group 1 (expressed as indicated above) in any sample of the effluent, shall not exceed 50 mg/l, nor shall the concentration of any individual metal in a sample exceed 20 mg/l.

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Group 2:

Metal	Expressed as
Lead	Pb
Selenium	Se
Mercury	Hg

The total collective concentration of all metals in Group 2 (expressed as indicated above) in any sample of the effluent shall not exceed 10 mg/l, nor shall the concentration of any individual metal in any sample exceed 5 mg/l.

OTHER ELEMENTS

Metal	Expressed as
Arsenic	As
Boron	B

The total collective concentration of all elements (expressed as indicated above) in any sample of the effluent shall not exceed 20 mg/l.

RADIO-ACTIVE WASTES

Radio-active wastes or isotopes: Such concentration as may be laid down by the Atomic Energy Board or any National Department:

Provided that, notwithstanding the requirements set out in this Part, the Municipality reserves the right to limit the total mass of any substance or impurity discharged per 24 hours into the sanitation system from any premises.

METHOD OF TESTING

The method of testing to ascertain the concentration of any substance in this Schedule, shall be the test normally used by the Municipality for these purposes. Any person discharging any substance referred to in this Schedule shall ascertain the details of the appropriate test from the Municipality.

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SCHEDULE B

APPLICATION FORM FOR THE DISCHARGE OF INDUSTRIAL EFFLUENT TO THE MUNICIPALITY'S SANITATION SYSTEM

(Please complete application in block capitals)

I (name): _____ the undersigned, duly authorised to set on behalf of _____and hereinafter referred to as the applicant, hereby apply in terms of the Water Services By-laws of the Municipality for approval to discharge industrial effluent into the Municipality's sanitation system in accordance with the information provided herein.

PART I

1. NATURE OF THE BUSINESS OR INDUSTRY CONCERNED: _____
2. NAME OR STYLE UNDER WHICH THE BUSINESS OR INDUSTRY IS CONDUCTED: _____
3. POSTAL ADDRESS OF THE BUSINESS OR INDUSTRY: _____
4. PHYSICAL STREET ADDRESS:

   _____

   _____
5. ERF NO OR FARM PTN: _____TOWNSHIP OR FARM:_____
6. If the business or industry is conducted by a company or closed corporation, state the name of the secretary, and if it is a partnership state the names of the partners:

   _____
7. IS THIS A NEW OR ESTABLISHED BUSINESS: _____
8. DESCRIPTION OF INDUSTRIAL OR TRADE PROCESS BY WHICH THE EFFLUENT WILL BE PRODUCED:

   _____
9. INFORMATION RELATING TO EMPLOYEES:

	Office	Factory
(1) Total number of daily employees (not included in (4)): (2) Number of shifts worked per day: (3) Number of days worked per week: (4) Number of persons resident on the premises: (5) Is a canteen provided?		

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PART II
INFORMATION RELATING TO THE CONSUMPTION OF WATER

1. TOTAL NUMBER OF LITRES OF WATER CONSUMED IN SIX MONTHS:

	Meter No	Meter No	Meter No	Total
Water purchased from the Municipality				
Water from borehole or other source				
Water entering with raw materials				
Section of plant served by meter				
Total A				

2. WATER CONSUMPTION

(1) Industrial **kl/Month**

(i) Quantity of water in product
(ii) Quantity of water lost by evaporation
(iii) Quantity of water used as boiler make-up
(iv) Quantity of water for other uses (e.g., cooling, gardens, etc)
TOTAL B

(2) Domestic use **kl/Month**

(i) Total number of employees (Allow 1 kilolitre/person/month)

(ii) Total number of employees permanently resident on the premises e.g., hostels (Allow1 kilolitre/person/month)

TOTAL C

3. EFFLUENT DISCHARGE INTO SANITATION SYSTEM

(1) Metered volume (if known)
(2) Estimated un-metered volume (see below*)
(3) Estimated rate of discharge
(4) Period of maximum discharge (eg. 07:00 to 08:00)

** In the event that no effluent meter is installed on the premises, the estimated volume of un-metered effluent discharge to sewer is calculated as follows:*

A – (B + C) = ……. Kilolitre /Month

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PART III

INFORMATION REGARDING THE COMPOSITION OF INDUSTRIAL EFFLUENT

Information relating to the chemical and physical characteristics of the effluent to be discharged:

(1) Maximum temperature of effluent °C
(2) pH value pH
(3) Nature and amount of settleable solids
(4) Organic Content (Expressed as Chemical Oxygen Demand)
(5) Maximum total daily discharge (kilolitres)
(6) Maximum rate of discharge (kilolitres / hr)
(7) Periods of maximum discharge, (e.g. 7:00 am to 8:00 am)
(8) If any of the substances or their salts, specified in the table, are formed on the premises, a cross must be placed in the space in which the substance appears, and, if possible, the average concentration of this substance likely to be present in any effluent must also be stated.

ELEMENTS		COMPOUNDS		OTHER SUBSTANCES	
Arsenic	mg/l	Ammonium	mg/l	Grease and / or oil	mg/l
Boron	mg/l	Nitrate	mg/l	Starch and / or sugars	mg/l
Cadmium	mg/l	Sulphide	mg/l	Synthetic detergents	mg/l
Chromium	mg/l	Sulphate	mg/l	Tar and / or tar oils	mg/l
Cobalt	mg/l	Others (specify)	mg/l	Volatile Solvents	mg/l
Copper	mg/l			Others (Specify)	mg/l
Cyanide	mg/l				
Iron	mg/l				
Lead	mg/l				
Manganese	mg/l				
Mercury	mg/l				
Nickel	mg/l				
Selenium	mg/l				
Tungsten	mg/l				
Titanium	mg/l				
Zinc	mg/l				
Other (Specify)	mg/l				

(9) Any further information as to kind or character, chemical compositions, concentrations, or other properties peculiar to the industrial effluent to be furnished on a separate sheet and attached hereto.

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PART IV

CONDITIONS RELATING TO THE ACCEPTANCE OF INDUSTRIAL EFFLUENT

1. The applicant shall attach descriptions and a statement of the dimensions of grease and oil traps, screens, dilution and neutralising tanks and any other provision made for the treatment of the effluent prior to discharge to the sanitation system.
2. The applicant shall submit to the Municipality, if requested, plans showing the reticulation systems on his premises for water and industrial effluent.
3. The applicant shall, in addition to complying with the provisions of the Municipality's Water Services By-laws aimed at the protection of its employees, sewers and treatment plant from damage, comply with any direction concerned with such protection given by the engineer verbally or in writing for the purpose of ensuring the applicant's compliance with the said by-laws.
4. The applicant shall notify the Municipality, as soon as possible after he becomes aware thereof, or at least 14 days before anything is done to cause material alteration in the nature or quantity of the industrial effluent specified in this application or in any of the facts stated by him therein.
5. The applicant shall, within 30 days from the date of signature of this application, procure an accurately representative sample of not less than 5 litres of the industrial effluent to be discharged into the sewer, which sample shall be free of domestic sewage, and shall submit one half thereof to the Municipality for analysis and also submit to the engineer a report on the sample made by an analyst appointed by him: Provided that in the case of a newly established industry the period specified may be extended by the Municipality for a period not exceeding six months or such further extended periods as the Municipality in its discretion may approve.
6. The applicant hereby declares and warrants that the information given by him in this form, or otherwise, in connection with this application is, to the best of his knowledge and belief, in all respects correct.
7. The applicant agrees that the said information, being in all respects correct, shall form the basis on which this application is granted by the Municipality.

Thus done at ..... by the applicant this …… day of .....20 .....

.....

Signature and capacity of the applicant

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SCHEDULE C

FORMULA FOR THE CALCULATION OF EFFLUENT

DISCHARGE CHARGES

The additional charge for industrial effluent for the disposal of high strength sewage to a wastewater treatment plant shall be determined in accordance with the following formula:

$$T_c = Q_c t \left[a \left(\frac{COD_c - COD_d}{COD_d} \right) + b \left(\frac{P_c - P_d}{P_d} \right) + c \left(\frac{N_c - N_d}{N_d} \right) \right]$$

Where

T_c = Extraordinary Treatment Cost to Consumer

Q_c = Wastewater Volume discharged by consumer in kl

t = Unit Treatment cost of wastewater in R/kl

COD_c = Total COD of wastew a t e r discharged by consumer in milligrams/litre and is inclusive of both the biodegradable and non-biodegradable portion of the COD

COD_d = Total COD of domestic wastewater in milligrams per litre

P_c = Ortho-phosphate concentration of wastewater discharged by consumer in milligrams phosphorus per litre

P_d = Ortho-phosphate concentration of domestic wastewater discharged by consumer in milligrams phosphorus per litre

N_c= Ammonia concentration of wastewater discharged by consumer in milligrams of nitrogen per litre

N_d = Ammonia concentration of domestic wastewater discharged by consumer in milligrams of nitrogen per litre

A = Portion of the costs directly related to COD removal

B = Portion of the costs directly related to phosphate removal

C = Portion of the costs directly related to nitrate removal

Different terms	Value
T	R0.82/kl
COD_d	600 mg/l
P_d	10 mg/l
N_d	25 mg/l
a	0.60
b	0.25
c	0.15