

# **EMAKHAZENI LOCAL MUNICIPALITY**



## **WATER SUPPLY AND SANITATION SERVICES BY-LAWS**

Under the provisions of sections 3(1) of the Water Services Act, 1997 (Act 108 of 1997), and sections 27 (1) (b) and 152 (1)(b) and 156 of the Constitution of the republic of South Africa, 1996 (Act 108 of 1996), the Emakhazeni Local Municipality, enacts as follows:-

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## 1. Definitions

(1) In these BY-laws, unless the context otherwise indicates –

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

“**account**” means an account rendered for municipal services provided;

“**Act**” means the Water Services Act, 1997 (Act 108 of 1997), as amended from time to time;

“**agreement**” means the contractual relationship between the Council’s Customer Care and Revenue management By-laws, 2005;

“**approved**” means approved by the Council in writing;

“**area of supply**” means any area within or party within the area of jurisdiction of the Council to which water services are provided;

“**authorized agent**” means –

- (a) any person authorized by the Council to perform any act, function or duty in terms of, or exercise any power under these bylaws;
- (b) any person whom the Council has delegated the performance of certain rights, duties and obligations in respect of providing water supply service; or
- (c) any person appointed by the Council in terms of written contract as a service provide water services to customs on its behalf, to the extent authorized in such contract;

“**average consumption**” means the average consumption of a customer of a municipal service during a specific period, which consumption is calculated by the dividing the total measured consumption of that municipal service by that of the customer over the preceding three months by three;

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

“**borehole**” means a hole sunk into earth for the purpose of locating, abstracting or using subterranean water and includes a spring;

**"Building Regulations"** means the National Building Regulations made in terms of the National Building Regulations and Building Standard Act, 1997 (Act 103 of 1977) as amended;

**"charges"** means the rate, charge, tariff, flat rate or subsidy determined by the municipal council;

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

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

**"commercial customer"** means any customer other than domestic consumer and Indigent customers, including, without limitation, business, industrial, government and institutional customers;

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

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

**"connection"** means the point at which a customer gains access to water services;

**"communal water services work"** means a customer connection through which services are supplied to more than one person;

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

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

**"Council"** means the Highlands Municipal Council, and includes –

- (a) the municipal manager of the Council in respect of the performance of these bylaws; and

(b) an authorized agent of the Council;

“**customer**” means a person whom the Council has concluded has an agreement for the provision a municipal service as provided for in the Council’s Customer Care and Revenue Management By-laws, 2005;

“**delivery system**” means a water delivery mechanism, which delivers a predetermined quantity of water to a customer on agreed terms;

“**determined**” means determined by the Council from time to time;

“**domestic consumer**” means a customer using water for domestic purposes;

“**domestic purposes**” in relation to the supply of water supplied for drinking, ablution and culinary purposes to premises used predominantly purposes;

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

“**drainage installation**” means a system situated on any premises and vested in the owner thereof 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 drain, fittings, appliance, septic tanks, conservancy tank, pit latrines and private pumping installations forming part of or ancillary to such systems;

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

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

“**dwelling unit**” means an interconnection suite of rooms, including a kitchen or scullery, designed for occupation by a single family, irrespective of whether the dwelling units is a single building or forms part of a building containing two or more dwelling units;

“**effluent**” means any liquid whether or not containing matter in solution or suspension;

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

“**environment costs**” means the cost of all measures necessary to restore the environment to its condition prior to the damaging incident;

“**estimated consumption**” means the deemed consumption by 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 level of service during a specific period in the area of supply of the Council;

“**fire hydrant**” means a potable water installation that conveys water for fire fighting purposes only;

“**fixed charge**” means the fixed cost associated with providing water services in a continuous, effective and efficient manner;

“**fixed quantity water delivery system**” means a water installation, which delivers a fixed quantity of water to a client in any single day;

“**flood level (1 in 50)**” means that level reached by flood waters of a frequency of 1 in 50 years

“**flood level area ( 1 in 50)**” means the area subject to inundation by flood waters, of a frequency of 1 in 50 years;

“**fire installation**” means a potable water installation that conveys water for fire fighting purposes only;

“**French drain**” means a solid soak pit for the disposal of sewage and effluent from septic tank;

“**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 Schedule C may be charged;

“**household**” means a traditional family unit, as determined by the Council from time to time taking into account 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;

**“illegal connection”** means connection to any systems through which water services are provided that is not authorized or approved by the Council;

“illegal connection” means connection to any system through which water services are provided that is not authorized or approved by the Council;

“industrial effluent” means effluent emanating from the use of water for industrial purposes of these bylaws any effluent other than standard domestic effluent or storm water;

“industrial purposes” in relation to the supply of 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 85 of 1993);

**“installation work”** means any work done in respect of water installation, including the construction, rehabilitation, improvement, maintenance thereof;

**“JASWIC”** means the Joint Acceptance Scheme for Water Installation Components;

**“Local Municipality”** means a local municipality within the area of the Council;

**“manhole”** means any access chamber to the interior of the sewer provided for the purpose of maintenance and internal cleaning;

**“main”** and **“mains”** means a pipe, other than a connection pipe, of which the ownership vests in the Council and which is used by it for the purpose of conveying water to customers;

**“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 assured or assumed;

**“meter”** means a water meter as defined by the Regulations published in terms of the Trade Metrology Act, 1973 (Act 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;

**"municipal manager"** means the person appointed as the municipal manager of the Council by in terms of section 82 of the Local Government Municipal Structures Act, 1998 (Act 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;

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

**"occupier"** includes any person occupying land or premises without regard to 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;

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

**"owner"** means:

- (a) the person in whose name the ownership of the premises is registered from time to time;
- (b) in 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, judicial manager, liquidator or other legal representative;
- (c) in any case where the Council is unable to determine the identity of such a person, a person who has a legal right in to the benefit of the use of such premises or building or building thereon;
- (d) in the case of premises for which a lease agreement of 30 years or longer has been entered into, the lessee thereof;
- (e) in relation to:

- (i) a piece of land delineated on a sectional plan registered in terms of the Sectional Titles Act, 1986 (Act 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 regarded under a sectional title deed and includes the lawfully appointed agent of such person;
- (f) a person occupying land under a register held by a tribal authority or in accordance with a sworn affidavit made by tribal authority;

“**person**” means any person, where natural or juristic and includes, but is not limited to any local government body, a company or close corporation incorporated or not, a stator body, voluntary association or trust;

“**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 56 of 1981) or such other qualification as may be required under national legislation;

“**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;

“**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 9 of 1927), or in terms of the Deeds Registries Act, 1937 (Act 47 of 1937);
- (b) a sectional plan registered in terms of the Sectional Titles Act, 1986 (Act 95 of 1986); or
- (c) a register held by the tribal authority or in accordance with a sworn affidavit made by a tribal authority;

“prescribed tariff” means a charge prescribed by the Council;

“professional Engineer” means a person registered in terms of the Engineering Profession Act, 2000 (Act 46 of 2000) as a professional engineer,

**"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 news papers circulating in the area of supply Of the Council;
  - (ii) in the newspaper or newspapers circulating in the area of supply of The Council determined by the municipal council as a newspaper of record; or
  - (iii) by means of a radio broadcasts covering the area of supply of the Council; or
- (b) displaying a notice at appropriate offices and pay points of the Council; or
- (c) communication with customers through public meetings and ward committee meetings;

**"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;

**"sanitation services"** has the same meaning assigned to in terms of the Act and includes for purposes of these bylaws the disposal of industrial effluent;

**"sanitation system"** means the structures, pipes, valves, pumps, meters or Other appurtenances used in the conveyance through the sewer reticulation system

And treatment plant under the control of the Council and which may be used by it in connection with the disposal sewage treatment plant under the control of the Council and which may be used by it in connection with the disposal of sewage;

**"septic tank"** means a water tight tank designed to receive sewage and to effect the adequate decomposition of organic matter in sewage by bacterial action;

**"service pipe"** means a pipe which is part of a water installation 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 water installation on the premises:

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

**"sewage disposal system"** means the structures, pipes, valves, pumps, meter or other appurtenances used in the conveyance through the sewer reticulation system and treatment at the sewage treatment plant under the control of the Council or its authorized agent and which may be used by it in connection with the disposal of sewage;

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

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

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

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

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

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

**“trade premises”** means premises upon which industrial effluent is produced;

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

**“unauthorized services”** means receipt, use or consumption of any water services which is not in terms of agreement or authorized or approved by the Council;

**“waste water”** means waste resulting from the supply of water to a household, office, shops or any other premises other than industrial premises;

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

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

**“water services”** means water supply services and sanitation services;

**“water services intermediaries”** has the same meaning assigned to it in terms of the Act;

**“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

**“water supply system”** means the structures, aqueducts, pipes, valves, pumps, meters or other apparatus relating thereto of which the ownership vests in the Council 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;

**“working day”** means a day other than a Saturday, Sunday or public holiday.

(2) Unless the context indicates otherwise, any word or expression use in these By-laws to which meaning has been assigned in:

(a) The Act, will bear that meaning; and

- (b) where applicable, the National Building Regulations Standards Act, 1977, will bear that meaning.

## 2. Principles and objectives

The Council adopts the following principles:

- (a) The council recognizes that all customers have right of access to basic water supply and basic sanitation in the area of jurisdiction of the council within an environment not harmful to health or well being in line with the goals of the National Government;
- (b) the Council acknowledges that the it has the authority to administer water supply service 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 activity;
- (c) the Council 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 government its jurisdiction;
- (d) the Council acknowledges the requirement to draft and promulgate by-laws to govern the provision of water services to its area of jurisdiction;
- (e) the Council 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;
- (f) the Council 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;
- (g) the Council recognizes that the provision of water supply service 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; and
- (h) the Council confirms its duty to provide access to water services in an orderly manner to the nation's water resources, and therefore, the Council, in these By-laws strives to –

- (i) 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;
- (ii) provide for the establishment of a regulatory framework within which to deliver water services;
- (iii) provide for the setting of terms and conditions to ensure compliance with the statutes, legislation and regulations applicable to the water sector;
- (iv) 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 Eater Services Act, 1997, within its area of jurisdiction, where necessary, to provide for –
  - (aa) the gathering of information within its area of jurisdiction;
  - (bb) the collection thereof to a central data base, and role-players; and
  - (cc) the distribution of information to all stakeholders and role- player; and
- (v) provide for matters related to the supply of water services within its area of jurisdiction.

### **3. Application**

These By-laws apply to all owners and customers to whom water and sanitation services are supplied, or who make use of water and sanitation services, within the area under the jurisdiction of then Council

## **CHAPTER 1: APPLICATION, PAYMENT AMD TERMINATION**

### **4. Customer Care and Revenue Management By-laws apply**

The provision of the Council’s Customer Care and Revenue Management By-law, 2005, apply to all relating to and incidental to –

- (a) the supply of municipal services and the application for supply of municipal services;
- (b) service agreements;
- (c) the payment and non-payment of a municipal account; an

- (d) the limitation and termination a of water services.,

## **CHAPTER 2: SERVICE LEVELS**

### **5. Service Levels**

- (1) The 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.
- (2) The Council may, in determining services levels, differentiate between types of customers, domestic customers, geographical areas and socio-economic areas.
- (3) The following levels of services may, subject to sub-section (1), be provided by the Council on the promulgation of these Bylaws –
  - (a) Communal water supply services and on-site sanitation services –
    - (i) constituting the minimum level of service by the Council;
    - (ii) consisting of reticular 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;
    - (iii) installed free of charge;
    - (iv) provided free of any charge to consumers; and maintained by the Council;
    - (v) maintained by the Council;
  - (b) a yard connection not connected to any water installation and an individual connection to the Council's sanitation system –
    - (i) consisting of an un-metered standpipe on a premises not connected to any water installation and a pour-flush toilet pan, wash-trough and suitable toilet top structure connected to the Council's sanitation system;
    - (ii) installed free of charge;

- (iii) provided free of any charge to consumers; and
  - (iv) maintained by the Council; and
- (c) a metered pressured water connection with an individual connection to the Council's sanitation system -
- (i) installed against payment of the relevant connection charges;
  - (ii) provided against payment of prescribed charges; and
  - (iii) with the water and drainage installations maintained by the customer.

### **CHAPTER 3: CONDITIONS FOR WATER SUPPLY SERVICES**

#### **Part 1: connection to water supply systems**

##### **7. Provision of connection pipe**

- (1) if an agreement for water supply services in respect of premises has been concluded and no connection pipe exists in respect of the premises, the owner must apply on the prescribed form and pay the prescribed charge for the installation of such a pipe.
- (2) If an application is made for water supply services which is of an extent or so situated that it is necessary to extend, modify or upgrade the water supply system in order to supply water to the premises, the Council may agree to the extension subject to such conditions as it may impose.
- (3) Only the Council may install a connection pipe, but the owner or customer may connect the water installation to the connection pipe.
- (4) No person may commence any development on any premises unless the Council has installed a connection pipe and meter.

##### **7. Location of connection pipe**

- (1) A connection pipe provided and installed by the Council must –
  - (a) be located in a position agreed to between the owner and the Council and be of suitable size as determined by the Council;
  - (b) terminate at –

- (i) the boundary of the land owned by or vested in the Council, or over which the Council has a servitude or other right;
  - (ii) the outlet of the water meter if it is situated on the premises; or
  - (iii) the isolating valve if it is situated on the premises.
- (2) In reaching agreement with an owner concerning the location of a connection pipe, the Council must ensure that the owner is aware of –
  - (a) practical restriction that may exist regarding the location of a connection pipe;
  - (b) the cost implications of the various possible locations of the connection pipe;
  - (c) whether or not the Council requires the owner to indicate the location of the connection pipe by providing a portion of his or her water installation at or outside the boundary of his or her premises where the connection is required, for the Council to connect to such installation.
- (3) The Council may at the request of any person agree, subject to such conditions as it may impose, to a connection to a main other than that which is most readily available for the provision of water supply to the premises, however the applicant is responsible for any extension of the water installation to the connection point designated by the Council and for obtaining at his or her cost, such servitudes over other premises as may be necessary.
- (4) An owner must pay the prescribed connection charge in advance before a water connection can be effected.

**8. Provision of single water connection for supply to several customers on some premises**

- (1) Notwithstanding the provisions of section 7, 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 of customers located on such premises.
- (2) Where the owner, or the person having the charge or management of any premises on which several accommodation units are situate, requires the supply of water to such premises for the purpose of supply to the different accommodation units, the Council, in its discretion, provide and install either –

- (a) a single measuring device in respect of the premises as a whole or any number of such accommodation units; or
  - (b) a separate measuring device for each accommodation unit or any number thereof.
- (3) Where the Council has installed a single measuring device as contemplated in subsection (2) (a), the owner or the person having the charge or management of the premises, as the case may be –
- (a) must, if the Council so requires, install and maintain on each branch pipe extending from the connection pipe to the different accommodation units-
    - (i) a separate measuring device, and
    - (ii) an isolating valve; and
  - (b) is liable to the premises through such a single measuring device, irrespective of the different quantities consumed by the different customers served by such measuring device.
- (4) Notwithstanding subsection (1), the Council may authorize that more than one connection pipe be provided on the water supply system for the supply water to any premises –
- (a) comprising sectional title units; or
  - (b) if undue hardship or inconvenience would be caused to any consumer on such premises by the provision of only one connection pipe.
- (5) Where the provision of more than one connection pipe is authorized by the Council under subsection (4), the tariffs and charges for the provision of a connection pipe is payable in respect of each water connection so provided.
- (6) Where a premises is supplied by a number of connection pipes, the Council may require the owner to reduce the number of connection points and alter his or her water installation accordingly.

## **9. Interconnection between premises or water installations**

- (1) An owner of premise must ensure that no interconnection exists between –
- (a) the water installation on his or premises and the water installation on other premises; or

- (b) where several accommodation units are situated on the same premises, between the water installations of the accommodation units,
- (2) Interconnection may exist only if he or she –
- (a) has obtained the prior written consent of the Council; and
  - (b) complies with any conditions that it may have imposed.

**10. Disconnection of water installation from connection pipe**

The Council may disconnect a water installation from the connection pipe and removed the connection pipe if –

- (a) the agreement for supply has been terminated in terms of section 6 and it has not received an application for a subsequent supply of water to the premises served by the pipe within a period of 90 days of such termination; or
- (b) the building on the premises concerned has been demolished.

**11. Communal water services works and provision of a water service work for water supply to several customers**

The Council may install a communal water services work for the provision of water services to several customers at a location that the Council deems appropriate, provided that the customers to whom water services will be provided though that water services work have been consulted in respect of –

- (a) the level of service;
- (b) the tariff that will be payable;
- (c) and the location of the work.

**12. Temporary supply and water supplied from a water supply system**

- (1) The Council may authorize a temporary supply of water to be taken from one or more water supply system specified by it, subject to such conditions and period as it may prescribe.
- (2) A person who desires a temporary supply of water referred to in subsection (1) or the use of a portable water meter in terms of subsection (4) or both a supply and meter, must apply to the to the Council for such service.

- (3) Supply of water in terms of subsection (1) must be measured.
- (4) The Council may for purpose of measuring provide a portable water meter portable returned to the Council on termination of the temporary supply, and the portable meter and all other fittings and apparatus used for connection of the portable water meter to the system –
  - (a) remain the property of the Council; and
  - (b) may be provided subject to any conditions imposed by the Council.

## **Part 2: Standards and conditions of supply**

### **13. Quantity, quality and pressure**

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

### **14. General conditions of supply**

- (1) The Council may specify the maximum height to which water will be supplied from the water supply system but where a customer requires water to be supplied at a greater height or pressure the customer will be responsible for the costs.
- (2) The Council may, in an emergency,, interrupt the supply of water to any premises without prior notice.
- (3) If the consumption of water by a customer adversely affects the supply of water to another customer, the Council –
  - (a) may apply restrictions to the supply of water to the first mentioned customer in order to ensure a reasonably supply of water to the other customer; and
  - (b) must inform the first mentioned customer of the restrictions.

### **15. Testing of pressure in water supply system**

The Council may, on application by an owner and 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.

## **16. Pollution of Council's water supply**

- (1) No person may –
  - (a) unless the person is specifically authorized to do so in writing by the Council on application; and
  - (b) if the water is used by it in connection with the water supply, in any manner pollute –
    - (i) water in a reservoir or other place –
      - (aa) which is either in whole or in part vested in the Council, or
      - (bb) which the Council owns or controls, either in whole or in part; and
    - (ii) water or the environment in the jurisdiction of the Council, including but not restricted to all water sources such as streams, rivers, and dams.
- (2)
  - (a) No person may deposit or discharge rubbish, night-soil, 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 Council's water supply.
  - (b) A person may deposit or discharge rubbish, night-soil, industrial waste or other matter at places designated by notice boards or in receptacles as are provided by the Council.
- (3) If a person contravenes subsection (1) or (2) (a), the Council may –
  - (a) by written notice require the person immediately to stop the prohibited act and to take specified action within the specified period; or
  - (b) if the situation is a matter of urgency, without prior notice take such action as the Council may deem necessary and recover the cost from the person.

## **17 Owner to prevent pollution of water**

- (1) An owner must provide and maintain measures, approved by the Council, to prevent the entry into –
  - (a) the water supply system; and

- (b) any part of the water installation on his or her premises, of a substance which may be a danger to health or adversely affect the possibility of water or affect its fitness for use.
- (2) If an owner fails to comply with subsection (1) and pollution occurs, the Council may serve of notice of compliance on the person.

## **18. Water restrictions**

- (1) The Council may –
- (a) for the purposes of water conservation;
  - (b) where drought conditions prevail or are imminent;
  - (c) to prevent the wasteful use of water or;
  - (d) in the event of water shortage, drought or flood, by public notice –
    - (i) prohibit or restrict the consumption of water in the whole or part of nits area of jurisdiction in general or for –
      - (aa) specified purposes;
      - (bb) during specified hours of the day or on specified days; and
      - (cc) in a specified manner; and
    - (ii) determined and impose –
      - (aa) a limit on the quantity of water that may
      - (bb) charges additional to those determined charges in respect of supply or water in excess of limit contemplated in subsection (1)(ii)(aa);  
and
      - (ccc) a general surcharge on the determined charges in respect of the supply of water; and
    - (iii) Imposed restrictions or prohibitions on –
      - (aa) the use or manner of use or disposition of an appliance by means of which water is used or consumed; or
      - (bb) the connection of such appliances to the water installation.

- (3) A public notice contemplated in terms of subsections (1) must, except in the event of flood or other disaster necessitating the immediate restriction or prohibition of the consumption of water, set out the date and time when such restrictions shall become effective, being not less than 3 days after the date of publication of the public notice .
- (4) The Council may
  - (a) limits the application of the provisions of a notice contemplated by subsection (1) to specified areas and categories of customers, premises and activities; and
  - (b) permit deviation and exemptions from, and the relaxation of, any of the provisions on reasonable grounds.
- (5) The Council may –
  - (a) take measure, or by written notice require a customer at his or her own expense to take measures, including the installation of measurement devices and devices restricting the flow of water, as may be necessary to ensure compliance with a notice published in terms of subsection (1); or
  - (b) for such period as it may deem fit limit the supply of water to any premises in the event of –
    - (i) a contravention on such premises; or
    - (ii) failure to comply with the terms of notice published charge for reconnecting the supply has been paid.
- (6) The provisions of this section also apply in respect of water directly by the Council to customers outside its area of jurisdiction, notwithstanding anything to the contrary in the conditions governing such supply, unless otherwise specified in terms of subsection(1).

## **19. Specific conditions of supply**

- (1) Notwithstanding the undertaking in section 13, the granting of a supply of water by the Council does not constitute an undertaking by it to maintain at any time or any point in its water supply system –
  - (a) an uninterrupted supply, subject to the provisions of regulations 4 and 14 of Regulation 22355 promulgated in terms of the Act on 8 June 2003;or

- (b) a specific pressure or rate of flow in such supply other than required in terms of regulation 15(2) of Regulation 22355 promulgate in terms of the Act on 8 June 2003
  - (2) The Council may, subject to the provisions of subsection (1)(b), specify the maximum pressure to which water will be supplied from the water supply system.
  - (3) If owner requires –
    - (a) that any of the standards referred to in subsection (1); or
    - (b) a higher standard of service than specified in section 13, be maintained on his or her premises, he or she must take the necessary steps to ensure that his or her water installation is able to meet such standards.
  - (4) The Council may, in an emergency, interrupt the supply of water to any premises without prior notice.
  - (5) The Council 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.
  - (6) Every steam boiler, hospital, industry and premises which requires, for the purpose of the purpose of the work undertaken on the premises, a continuous supply of water must have storage tank where water can be stored when the continuous supply is disrupted, and the storage tank –
    - (a) must comply with the specification for water storage tank as stipulated in SABS 0250 Part 1; and
    - (b) must have with a capacity of not less than 24 hours water supply calculated as the quantity required to provide the average daily consumption.
  - (7) A customer may not resell water supplied to him or her by the Council, except with the written permission of the Council, and the Council may –
    - (a) stipulate the maximum price at which the water may be resold; and
    - (b) impose such other conditions as the Council; may deem fit.
20. Measuring of quantity of water supplied

- (1) The Council will provide a measuring device designed to provide either a controlled volume of water or an uncontrolled volume of water>
- (2) The Council must measure the quantity of water supplied through a measuring device designed to provide an uncontrolled volume of water, at regular intervals.
- (3) Any measuring device (and its associated apparatus) through which water is supplied to a customer by the Council –
  - (a) shall be provided and installed by the Council;
  - (b) remains the property of the Council; and
  - (c) may be changed and maintained by the Council when deemed necessary by it.
- (4) The Council may install a measuring device, and its associated apparatus, on premises at any point on the service pipe.
- (5) If the Council installs a measuring device on a service pipe in terms of subsection 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.
- (6) If the Council installs a measuring device together with its associated apparatus on a service pipe in terms of subsection (3), the owner –
  - (a) must provide a suitable place in which to install it;
  - (b) must ensure that unrestricted access is available at all times;
  - (c) is responsible for its protection and is liable for the costs arising from damage thereto, excluding damage arising from normal fair wear and tear;
  - (d) must ensure that no connection is made to the pipe in which the measuring device and the connection pipe serving installation;
  - (e) 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 Council on the measuring device; and
  - (f) 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.

- (7) No person other than the Council may –
  - (a) disconnect a measuring device and its associated apparatus from the pipe in which they are installed;
  - (b) break a seal which the Council has placed on a meter; or
  - (c) in any other way interfere with a measuring device and its associated apparatus.
- (8) If the measuring device is a meter and its size is unsuitable by reason of the quantity of water supplied to premises, the Council May –
  - (a) install a meter of such size as it may deem necessary; and
  - (b) recover from the owner of the premises concerned the prescribed charge for the installation of the meter.
- (9) The Council may require that the owner, at his or her expense, install a measuring device to each dwelling unit, in separate occupancy on 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.

## **21. Quantity of supplied to consumer**

- (1) For purposes of assessing the quantity of water measured by a measuring device installed by the Council and supplied to a customer over specific period, it will, for the purposes of these By-laws, be deemed, unless the contrary can be proved, that –
  - (a) the quantity, for a meaning 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;
  - (b) the quantity, for a measuring device designed to provide a controlled volume of water, is represented by the volume dispensed by the measuring device;
  - (c) the measuring device was accurate during such period; and
  - (d) the entries in the records of the Council 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 Council of the quantity of such water shall be deemed to be correct.

- (2) Where water supplied by the Council to any way taken by the customer without such water passing through any measuring device, provided by the Council, the Council, for the purpose of rendering an account, may estimate, in accordance with subsection (3), the quantity of water supplied to the customer during the period that water is so taken by the customer.
- (3) For the purposes of subsection (2), an estimate of the quantity of water supplied to a customer is based on, as the Council may decide –
  - (a) the average monthly consumption of water on the premises registered over three succeeding measuring periods after the date on which the irregularity referred to in subsection (2) was discovered and rectified; or
  - (b) 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 in the manner mentioned in subsection (2).
- (4) Nothing in these bylaws shall be construed as imposing on the Council an obligation to cause any measuring device installed by the Council on any premises to be measured at the end of every month or any other fixed period, and the Council may charge the customer an average consumption during the interval between successive measurements of the measuring device.
- (5) Unit such time as a measuring device has installed device has been installed in respect of water supplied to a customer, the estimated or share consumption of that customer must be based on the average consumption, during specific period, of water supplied to the specific supply zone within which the customer's premises is situated.
- (6) Where it is not reasonably possible or cost effective to measure water supplied to each customer within a determined supply zone, the Council may determine a tariff or charge based on the estimate or shared consumption of water supplied to that supply zone.
- (7) The Council will, within 7 days –

- (a) on receipt or a written notice from the customer; and
- (b) 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.

## **22. Special measurement**

- (1) If the Council 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.
- (2) The installation of measuring device, its removal, and the restoration of the water installation after such removal shall be carried out at the expense of Council.
- (3) Sections 20 (5) and (6) apply insofar as they may be applicable in respect of a measuring device installed in terms of subsection (1).

## **23. No reduction of amount payable for water wasted**

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

## **24. Adjustment of quantity of water supplied through defective measuring device**

- (1) if a measuring device found to be defective in terms of these By Laws, the Council may estimate the quantity of water supplied to the customer concerned during the period in which such measuring device was defective, on the basis of the average daily quantity of water supplied to him or her over –
  - (a) a period between two successive measurements subsequent to the replacement of the measuring device;
  - (b) a period in the previous year corresponding to the period in which the measuring device was defective; or
  - (c) the period between three successive measurements prior to the measuring device becoming defective,

Whichever it considers the most appropriate.

- (2) If the quantity of water supplied to a customer during the period when his or her measuring device was defective cannot be estimated in terms of subsection (1), the Council may estimate the quantity on any basis that is available to it.

## **25. Sampling of water**

- (1) The Council must determine times and must, at those times, at its cost, take samples of water in the water supply systems for domestic purposes and cause the samples to be tested for compliance with any national standards prescribed in terms of section 9 of the Act.
- (2) The Council may take samples of water obtained from a source, authorized in terms of sections 6 or 7 of the Act, other than the water supply systems for domestic purposes, and cause the samples to be tested for compliance with any national standards prescribed in terms of section 9 of the Act.
- (3) The person to whom approval was granted in terms of section 6 (1) or 7 (1) of the water for potable water for water, must pay the prescribed charge for the taking and testing of the samples referred to in subsection (1)

## **26. Supply of non-potable water by Council**

- (1) The Council may on application, and subject to such terms and conditions as it may impose, agree to supply non-potable water to a customer.
- (2) Any supply of water agreed to in terms of subsection (1) may be used for domestic or any other purposes if it may give rise to a health risk.
- (3) No warranty, expressed or implied, applies to the purity of any non-potable water supplied by the Council or its suitability for which the supply was granted.
- (4) The supply of non-potable water, both as to condition and used, is entirely at the risk of the customer, who is liable for any consequential damage or loss arising to himself or others arising directly there from, including the consequences of any bona fide fault of the Council or the malfunction of a *treatment plant*.

## **27. Pipe in streets or public places**

No person may, for the purpose of conveying water derived from whatever source, lay or construct a pipe or associated component on, in or under a street, public place or other land or owned by, vested in, or under the control of any Council or Local Municipality, as the case may be, except with the

prior written permission of that Council and subject to such conditions as it may impose.

## **Part 4: Audit**

### **28. Water audit**

- (1) The Council may require a customer, within one month after the end of a financial year of the Council, to undertake an annual water audit at his or her or its own cost.
- (2) A copy of the audit must be available for inspection by the officials from -
  - (a) the Department of Water Affairs and Forestry; and
  - (b) the Council
- (3) The audit must contained details in respect of:
  - (a) The amount of water used during the financial year;
  - (b) the amount paid for water for the financial year;
  - (c) the number of people living on the stand or premises;
  - (d) the number of people permanently working on the stand or premises;
  - (e) the seasonal variation in demand through monthly consumption figures;
  - (g) the plants to manage their demand for water;
  - (h) estimates of consumption by various components or use, and a comparison of the above factors with those reported in each of the previous three years, where available;
  - (i) the current initiatives to manage demand for water;
  - (j) a comparison of the above factors with those reported in each of the previous 3 years (where available); and
  - (k) a comparison of the above factors with those reported in each of the previous 3 years, where available.

## **Part 5: Installation work**

### **29. Approval of installation work**

- (1) If an owner wishes to have installation work done, he or she must first obtained the Council's written approval, however the approval is not required –
  - (a) in the case of water installations in dwelling units or installations where no fire installation is required in terms of SABS Code 0400; or
  - (b) for the repair or replacement of an existing pipe or water fitting other than a fixed water heater and its associated protective devices.
- (2) Application for the approval referred to in subsection (1) must be made on the prescribed form and must be accompanied by –
  - (a) the prescribed charge, if applicable;
  - (b) copies of the drawings as prescribed by the Council, giving information in the form required by Clause 4.1.1 of SABS Code 0252: Part I; and
  - (c) A certificate certifying that the installation has been designed in accordance with SABS Code 0252: Part 1 or has been designed on a rational basis.
- (3) The provisions of subsections (1) and (2) do not apply to a qualified plumber who replaces a fixed water heater or its associated protective devices.
- (4) Authority given in terms of subsection (1) lapses at the expiry of period of 24 months after the first day of the month succeeding the month in which the authority is given.
- (5) Where approval was required in terms of subsection (1), a complete set of approved drawings of installation work must be available at the site of the work at all times until such work has been completed
- (6) If installation work has been done in contravention of subsection (1) and (2), the Council may by written notice require the owner of the premises concerned to –
  - (a) rectify the contravention within a specified period;
  - (b) if work is in progress, to cease the work; and
  - (c) to remove all such work which does not comply with these By –laws.

### **30. Person permitted to do installation and other work**

- (1) No person, except a plumber or a person working under a plumber may –

- (a) do installation work other than the replacement or repair of an existing pipe or water fitting;
  - (b) replace a fixed water heater or its associated protective devices;
  - (c) inspect, disinfect and test a water installation, fire installation or storage tank;
  - (d) service, repair or replace a back flow preventer; or
  - (e) install, maintain or replace a meter provided by an owner in a water installation.
- (2) No person may require or engage a person who is not a plumber to do the work referred to in subsection (1), the Council may permit a person who is not a plumber to do installation work on his or her own behalf on premises owned and occupied solely by himself or herself and his and her immediate household, however such work must be inspected and approved by a plumber at the direction of the Council. **DOES THIS APPLY ONLY TO INSTALLATION WORK (1) (A) OR TO ALL OF (1)? THE SOURCE DOCUMENTS ARE NOT CLEAR.**

### **31. Technical requirements for water installation**

Notwithstanding the requirement that a certificate be issued in terms of section 29(2)(c), all water installations must comply with SABS 0252 Part 1, and all fixed electrical storage water heaters must comply with SABS 0254.

### **32. Provision and maintenance of water installations**

- (1) An owner must provide and maintain his or her water installation at his or her own cost<sup>6</sup> and must, unless permitted in terms of subsection (2), ensure that the installation is situated within the boundary of his or her premises.
- (2) Before doing work in connection with the maintenance of a portion of his or her water installation which is situated outside the boundary of his premises, an owner must obtain the written consent of the Council or the owner of the land on which such portion is situated, as the case may be.
- (3) An owner must install an isolating valve –
  - (a) in the case of meter installed outside the boundary, at a suitable point on a service pipe immediately inside the boundary of the property; and

- (b) in the case of a meter installed on the premises, at suitable point on his or her service pipe.

### **33. Use of pipes and water fitting to be authorized**

- (1) No person may, without the prior written authority of Council, install or use a pipe or water fitting in a water installation within the Council's area of jurisdiction, unless it is included in the schedule of approved pipes and fitting as compiled by the Council.
- (2) Application for the inclusion of a pipe or water fitting in the schedule referred to in subsection (1) must be made on the form prescribed by the Council and be accompanied by the prescribed charge.]
- (3) A pipe or water fitting may be included in the schedule referred to in subsection (1) if –
  - (a) it bears the standardization mark of the South African Bureau of standards in respect of the relevant SABS specification issued by the Bureau;
  - (b) it bears a certification mark issued by the SABS to certify that the pipe or water fitting complies with an SABS mark specification or a provisional specification or issued by the SABS, provided that no certification marks shall be issued for a period exceeding two years; or
  - (c) it is deemed acceptable by the Council.
- (4) The Council may, in respect of any pipe or water fitting included in the schedule, impose such additional conditions as it may deem necessary in respect of the use or methods of installation thereof.
- (5) A pipe or water fitting must be removed from the schedule if it –
  - (a) no longer complies with the criteria upon which its inclusion was based; or
  - (b) is no longer suitable for the purpose for which its use was acceptable.
- (6) The current schedule must be available for inspection at the office of the Council at any time during working hours.
- (7) The Council may sell copies of the current schedule at the prescribed charge.

### **34. Labeling of terminal water fittings and appliances**

All terminal water fittings and appliance using or discharging water must be marked, or must have included within the packaging of the item, the following information –

- (a) the range of pressure in kPa over which the water fitting or appliance is designed to operate; and
- (b) the flow rate, 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.

### **35. Water demand management**

- (1) A shower head with a maximum flow rate of greater than 10 litres per minute may not be installed in any water installation where –
  - (a) the dynamic water pressure is more than 200 kPa at a shower control valve; and
  - (b) the plumbing has been designed to balance the water pressures on the hot and cold water supplies to the shower control valve,
- (2) The maximum flow rate from any tap installed on a wash hand basin may not exceed 6 litres per minute.

Part 6: Communal water supply services

### **36. Provision of water supply to several customers**

- (1) The Council may install a communal standpipe for the provision of water supply services to several customers at a location it deems appropriate, provided that the customers to whom water supply services will be provided through that communal standpipe have been consulted.
- (2) The Council may provide communal water supply services through a communal installation designed to provide a controlled volume of water to several customers.

### **Part 7: Temporary water supply services**

#### **37. Water supplied from a hydrant**

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

be prescribed by it, and payment of such applicable charges, including a deposit, as may be determined by it from time to time.

- (2) A person who desires a temporary supply of water referred to in subsection (1) must apply for such water supply services in terms of provisions of the Customer Care and Revenue Management By-laws, 2005, of the Council.
- (3) The Council must provide a portable water meter and all other fittings and apparatus necessary for the temporary supply of water from hydrant.
- (4) The portable meter and all other fittings and apparatus provided for the Council on temporary supply of water from a hydrant remains the property of the Council on termination of the temporary supply, and failure to return the portable meter and all other fittings and apparatus is offence.

## **Part 8: Boreholes**

### **38. Notification of boreholes**

- (1) No person may sink a borehole on the premises situated in a dolomite area, and a person must, before he or she sinks a borehole, determine if the premises on which the borehole is to be sunk is situated within a dolomite area.
- (2) The Council may require the owner or occupier of any premises who intends to sink borehole to undertake an environmental impact assessment for such intended borehole before sinking the borehole.
- (3) Boreholes are subject to the requirements of the National Water Act, 1998 (Act 36 of 1998).
- (4) The Council may, by public notice, require –
  - (a) the owner of any premises within the area of jurisdiction of the Council upon which a borehole exists or, if the owner is not in occupation of such premises, the occupier thereof, to notify it on the prescribed form of the existence of a borehole on such premises, and provide it with such information in respect thereof as it may require; and
  - (b) the owner or occupier of any premises who intends to sink a borehole on premises to notify it on the prescribed form of such intention before work in connection therewith is commenced.
- (5) The Council may –

- (a) by notice require an owner or occupier who has an existing borehole used for water services; or
  - (b) or 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 section 6,7 and 22 of the Act.
- (6) The Council may, in the notices contemplated in subsection (3)(a) and (b)-
- (a) impose conditions in respect of the use of a borehole for potable water services; and
  - (b) impose a fixed charge in respect of the use of a borehole.

## **Part 9: Fire services connections**

### **39. Connection to be approved by Council**

- (1) The council is entitled in its absolute discretion to grant or refuse an application for the connections of a fire extinguish installation to the Council's main.
- (2) No water may be supplied to any fire extinguishing installation until a certificate in terms of section 29 (2)(c) has been submitted to the Council and until the installation complies with the requirements of these By-laws and any other by-laws of the Council or Local Municipality.
- (3) If a fire extinguishing installation which the Council has allowed to be connected to the Council'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 fire fighting, then the Council is entitled either to require the installation to be disconnected from the main or itself to carry out the work of disconnecting it at the customer's expense.
- (4) The Council 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 its to carry out the work of disconnecting it at the customer's expense, if the fire extinguishing installation is –
  - (a) not being kept in proper working order;
  - (b) otherwise not being properly maintained, or
  - (c) is being used for purpose other than fire fighting.

#### **40. Special provisions**

The provisions of SABS 0252-1: 1994 apply to the supply of water for fire fighting purposes.

#### **41. Dual and combined installations**

All new building erected after these By-laws commence, must comply with the following requirements in relation to the provision of fire extinguishing services:

- (a) 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 purpose;
- (b) combined installations are only permitted where no booster pumping connection is provided on the water installation, and in such case the Council 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;
- (c) combined installations where a booster pumping connection is provided are only permitted when designed and certified by the Council; and
- (d) all pipes and fittings –
  - (i) must be capable of handling pressures in excess of 1 800 kPa, which could be expected when boosting taken place; and
  - (ii) must maintain their integrity when exposed to fire conditions.

#### **42. Connection pipes for fire extinguishing services**

- (1) After these By-laws commence, the Council, must provide a single connection pipe for both fire extinguishing services (excluding sprinkler systems) and potable water supply services.
- (2) The Council must provide and install at the cost of the owner a combination meter on the connection pipe.
- (3) A separate connection pipe must be laid and used for every fire sprinkler extinguishing system unless otherwise approved.
- (4) A connection pipe must be equipped with a measuring device that will not obstruct the flow of water while operating.

#### **43. Valves and meters in connection pipes**

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

- (a) supplied by the Council at the expense of the customer;
- (b) installed between the customer's property and the main; and
- (c) installed in such position as may be determined by the Council.

#### **44. Meters in fire extinguishing connection pipes**

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

#### **45. Sprinkler extinguishing installations**

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

#### **46. Header tank or double supply from main**

- (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 Council's main.
- (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.
- (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.

#### **47. Sealing of private fire hydrants**

- (1) Except in the case of a combined system with a combination meter, all private hydrants and hose-reels must be sealed by the Council and the seals may not be broken by any person other than the Council, except –
  - (a) for the purposes of opening the hydrant in the case of fire; or
  - (b) in the course of servicing and testing.
- (2) The customer must give the Council at least 48 hours notice prior to a fire extinguishing installation being serviced and tested.
- (3) The customer must borne the cost of resealing such a hydrant and hose-reel except when such seals area broken by the Council's officers for testing purposes
- (4) The customer must pay any water consumed through a fire installation or sprinkler system at the charges determined by the Council.

### **CHAPTER 4: CONDITIONS FOR SANITATION SERVICES**

#### **Part 1: Connection to sanitation system**

#### **48. Obligation to connect to sanitation system**

- (1) Unless consent for the use of on-site sanitation services was obtained in accordance with section 52, a premises on which sewage is produced must be connected to the Council's system if –
  - (a) a connecting sewer is available; or
  - (b) it is reasonably possible or cost effective for the Council to install a connecting sewer.
- (2) The Council may, by notice, require the owner of premises which is not connected to the Council's sanitation system to connect to the sanitation system.
- (3) The owner of premises required to connect to the Council's sanitation system in a accordance with subsection (2), must inform the Council in writing of the on-site sanitation services provided by the Council that will no longer be 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 in accordance with the Council's Customer Care and Revenue Management By-Laws, 2005.

- (4) If the owner fails to connect to the sanitation system in accordance with the notice served in accordance with subsection (2) the Council may, notwithstanding any other actions it may take in terms of these By-laws, impose penalties as determined by it.

**49. Standards for sanitation services**

Sanitation services provided by the Council must comply with the minimum standards set for the provision of sanitation services in terms of section 9 of the Act.

**50. Objectionable discharge to sewage disposal system**

- (1) No person may discharge, or permit the discharge or entry into the sewage disposal system of any sewage or other substance which does not comply with the standards and criteria prescribed herein, and which-
- (a) contains any substance in such concentration as will produce or be likely to produce in the effluent for discharge-
    - (i) at any sewage treatment plant; or
    - (ii) in any public water,  
Any offensive or otherwise undesirable taste, colour, odour, temperature or any foam;
  - (b) may prejudice the re-use of treated sewage;
  - (c) may adversely affect any of the processes whereby sewage is purified for re-use;
  - (d) may adversely affect any of the processes whereby sewage is treated to produce sludge for disposal;
  - (e) contains any substance or thing of whatsoever nature which is not amenable to treatment to a satisfactory degree at a sewage treatment plant;
  - (f) contains any substance or thing of whatsoever nature which causes or is likely to cause a breakdown or inhibition of the processes in use at a sewage plant;

- (g) contains any substance or thing of whatsoever nature which is of such strength, or which is amendable to treatment only to a degree as will result in effluent from the sewage treatment plant or discharge from any sea outfalls not complying with standards prescribed under the National Water Act, 1998 ( Act 36 of 1998);
  - (h) may cause danger to the health or safety of any person;
  - (i) may be injurious to the structure or material of the sewage disposal system;
  - (j) may prejudice the use of any ground used by the Council; or
  - (k) may inhibit the unrestricted conveyance of sewage through the sewage disposal system.
- (2) No person may cause or permit any storm water to enter the sewage disposal system.
  - (3) The Council may, by written notice, order the owner or occupier to conduct, at his or her cost, periodic expert inspections of the premises in order to identify precautionary measures which would ensure compliance with these By- laws and to report such findings to an authorized agent.
  - (4) If any person contravenes any provision of subsections (1) or (2) he or she must within 12 hours, or earlier if possible, advise the Council of the details of the contravention and the reasons for it.

## **Part 2: On-site sanitation services and associated services**

### **51. Application for infrastructure**

- (1) If an agreement for on-site sanitation and associated services has been concluded or if it is not reasonably possible or cost effective for the Council to install a connecting sewer or no infrastructure in connection therewith exists on the premises, the owner must immediately make application on the approval form and –
  - (a) pay the prescribed charge for the installation of necessary infrastructure; or
  - (b) with the approval by Council, install the connection sewer or on-site sanitation services in accordance with the specification of the Council.

- (2) The Council may specify the type of no-site sanitation services to be installed.

## **52. Use of on-site sanitation services not connected to sanitation system**

- (1) No person may use or permit the use, for domestic, commercial or industrial purposes, of on-site sanitation services which is not connected to the Council's sanitation system, except with consent of the Council first having been obtained, and in accordance with such conditions as it may impose.
- (2) A person desiring the consent referred to in subsection (1) must provide the Council with evidence that the sanitation facility is not likely to have a detrimental effect on health or the environment.
- (3) The Council may withdraw consent given in terms of subsection (1) if –
  - (a) a condition imposed in terms of subsection (1) breached; or
  - (b) the sanitation facility has a detrimental impact on health or the environment.
- (4) The Council may undertake investigations to determine if sanitation facility has a detrimental impact on health or the environment.
- (5) The person to whom consent was granted in terms of subsection (1) is liable for the costs associated with an investigation undertaken in terms of subsection (2) if the result of investigation indicates that the sanitation facility has a detrimental impact on health or the environment.

## **53. Septic tanks and treatment plants**

- (1) The Council may, on such conditions as it may prescribe, approve the disposal of the sewage or other effluent by means of septic tanks or other on-site sewage treatment plants.
- (2) A septic tank or other on-site sewage treatment plant may not be situated nearer than 3 m to any dwelling unit or to any boundary of the premises on which it is situated.
- (3) Effluent from a septic tank or other on-site sewage treatment plant must be disposed of in the following manner.

**THE MUNICIPALITY MUST PLEASE INDICATE HOW THE EFFLUENT IS TO BE DISPOSED OF.**

**NONE OF THE SOURCE DOCUMENTS CONTAIN INFORMATION.**

- (4) A septic tank must be watertight, securely covered and provided with gastight 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.
- (5) Aseptic tank serving a dwelling unit must-
  - (a) have a capacity below the level of the invert of the outlet pipe not less than 500 litres per bedroom subject to a minimum capacity below such invert level of 2 500 litres;
  - (b) have an internal width of not less than 1 m measured at right angles to the direction of the flow;
  - (c) have depth between the cover and the bottom of the bottom of the tank of not less than 1,7 m; and
  - (d) retain liquid to a depth of not less than 1,4 m.
- (6) Septic tanks serving premises other than a dwelling unit must be designed and certified by the Council.

**54. French drains**

- (1) The Council may approve the disposal of waste water or other effluent by means of french drains, soakage pits or other approval works on such conditions as it may prescribe having regard to the quantity and nature of the effluent and the nature of the soil as determined by the permeability test prescribed by the South Bureau of Standard.
- (2) A french drain, soakage pit or other similar work may not –
  - (a) be situated closer than 5 m to any dwelling units or to any boundary of any premises on which it is situated;
  - (b) be in any position as will cause contamination of any position as will cause contamination of any borehole or other source of water which is or may be used for drinking purposes; or
  - (c) cause dampness in any building.

- (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 nature and quantity of the effluent.
- (4) French drains serving premises other than dwelling house must be designed and certified by Council.

## **55. Conservancy tanks**

- (1) The Council may, on such conditions as it may prescribe, approve the construction of a conservancy tank and ancillary appliances for the retention sewage or effluent.
- (2) No rain water, storm-water or effluent other than that approved by the Council may be discharged into a conservancy tank.
- (3) No conservancy tank may be used as such, unless –
  - (a) the invert of the tank slopes towards the outlet at a gradient of not less than 1 in 10;
  - (b) the tank is gas and water tight;
  - (c) 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 Council, an approved valve and fitting for connection to the council's removal vehicles;
  - (d) the valve and fitting referred to in paragraph (c) 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 Council;
  - (e) access to the conservancy tank is provided manhole fitted with a removable cast iron cover placed immediately above the visible spigot of the inlet pipe.
- (4) The Council may, having regard to the position of –
  - (a) a conservancy tank; or
  - (b) the point of connection for a removal vehicle'

Make it condition of its emptying the tank that owner or customer indemnify the Council, in writing, against any liability for any damages that may result from rendering of that service.

- (5) Where the Council's removal vehicle has traverse private premises for the emptying of a conservancy tank, the owner must –
  - (a) provide a roadway a least 3,5 m wide, so hardened as to be capable of withstanding a wheel load of 4 metric tons in all weather; and
  - (b) ensure that no gateway through which then vehicle is regarded to pass to reach the tank, is less than 3,5 m wide.
- (6) the owner or occupier of premises on which a conservancy tank is installed must at all times maintain the tank in good order and condition.

#### **56. Operation and maintenance of on-site sanitation services**

The operation and maintenance of on-site sanitation services and will costs pertaining thereto remains the responsibility of the owner of the premises, unless the on-site sanitation services are subsidized services determined in accordance with the Council's Customer Care and Revenue Management By-laws, 2005.

#### **57. Disused conservancy and septic tanks**

If an existing conservancy tank or septic tank is no longer required for the storage or treatment of sewage, or if permission for such use is withdrawn, the owner must –

- (a) cause it to be completely removed; or
- (b) cause it to completely filled with earth or other suitable material, however, the Council may –
  - (i) require the tank to be otherwise dealt with; or
  - (ii) approve the use of the tank for other purpose subject to such conditions as it may specify.

#### **58. Services associated with on-site sanitation services**

- (1) The Council, in accordance with a removal and collection schedule determined by it, undertakes to –
  - (a) remove or collect conservancy tank contents;

- (b) remove or collect night soil; or
  - (c) empty pits.
- (2) Copiers of the collection and removal schedule are available on request.
- 59. Charges in respect of services associated with on-site sanitation services**
- (1) Charges in respect of the removal or collection of conservancy tank contents, night soil or the emptying of a pit are based on –
- (a) the volume removed or collected; and
  - (b) the distance travelled to effect such removal.
- (2) If the volume –
- (a) of the contents of conservancy tank removed or collected;
  - (b) of night soil removed or collected; or
  - (c) which was removed or collected on the emptying of a pit,
- Cannot be quantity, the Council may charge a fixed charge as prescribed.

### **Part 3: Sewage disposal**

#### **60. Provision of connecting sewer**

- (1) If an agreement for the use of the sewage disposal system exists and no connecting sewer exists in respect of the premises, the owner must immediately apply, on the approved form, for a connecting sewer to be installed and –
- (a) must pay the prescribed charge for the installation of such a connecting sewer; or
  - (b) with the approval by the Council, install the connection sewer in accordance with any specifications of the Council.
- (2) If the owner applies for use of the sewage disposal system to a premises which is situated that it is necessary to extend the sewer in order to connect the sewage disposal system to the premises, the Council may agree to the extension subject to such conditions as it may impose.

- (3) Only the Council may install or approve an installed connecting sewer.
- (4) The owner or customer may connect the sanitation installation to the connection pipe.
- (5) No person may commence with any development on any premises unless the Council has installed a connecting sewer.

**61. Location of connecting sewer**

- (1) A connecting sewer provided and installed by the Council or owner in terms of section 60 must –
  - (a) be located in a position agreed to between the owner and the Council and be of a size determined by the Council;
  - (b) terminate at a connection point approximately 1 meter inside the premises from the boundary of the land owned by or vested in the Council or Local Municipality, as the case maybe, or over which the Council or Local Municipality, as the case may be, has a servitude or other right or when subsection (3) applies, at the connecting point designated in terms of that subsection.
- (2) if the owner applies for use of the sewage disposal system to a premises which is so situated that it is necessary to extend the sewer in order to connect the sewage disposal system to the premises, the Council may agree to the extension subject to such conditions as it may impose.
- (3) Only the Council may install approve an installed connecting sewer.
- (4) The owner or customer may connect the sanitation installation to the connection pipe.
- (5) No person may commence with any development on any premises unless the Council has installed a connecting sewer.

**61. Location of connecting sewer**

- (1) A connecting sewer provided and installed by the Council or owner in terms of section 60 must –
  - (a) be located in position agree to between the owner and the Council and be of size determined by the Council;

- (b) terminate at a connection point approximately 1 meter inside the premises from the boundary of the land owned by or vested in the Council or Local Municipality, as the case maybe, or over which the Council or Local Municipality, as the case may be, has a servitude or other right or when subsection (3) applies, at the connecting point designated in terms of that subsection.
- (2) In the reaching agreement with an owner concerning the location of a connecting sewer, the Council must determine –
  - (a) practical restrictions that may exist regarding the location of a connecting sewer pipe;
  - (b) the cost implications of the various possible locations of the connecting sewer; and
  - (c) whether or not the Council 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 Council to connect to such installation.
- (3) The Council may –
  - (a) at the request of person; and
  - (b) 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 –
    - (i) any extension of the drainage installation to the connecting point designated by an authorized officer; and
    - (ii) obtaining at his or her cost, such servitudes over other premises as may be necessary
- (4) An owner must pay the prescribed connection charge before a connection to the connection sewer can be effected.
- (5) Where an owner is required to provide a sewage lift as provided for in terms of the Building Regulations, the Council must approve the rate and time of discharge into the sewer.

**62. Provision of one connecting sewer for several customers on same premises**

- (1) Notwithstanding the provisions of section 60, only one connecting sewer to the sewage disposal system may be provided for the disposal of sewage disposal of sewage from any premises, irrespective of the number of accommodation units of customers located on such premises.
- (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 Council may, in its discretion, provide and stall either –
  - (a) a single connecting sewer in respect of the premises as a whole or any number of such accommodation units; or
  - (b) a separate connecting sewer for each accommodation unit or any number thereof.
- (3) Where the Council has installed a single connecting sewer as contemplated in subsection (2)(a), the owner or the person having the charge or management of the premises, as the case may be –
  - (a) must, if the Council so requires, install and maintain on each branch pipe extending from the connecting sewer to the different accommodation units –
    - (i) a separate connecting sewer; and
    - (ii) an isolating valve; and
  - (b) is liable to the Council 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.
- (4) Notwithstanding the provisions of subsection (1), the Council may authorize 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 one connecting sewer.

- (5) Where the provision of more than one connecting sewer is authorized by the Council, the tariffs and charges for the provision of a connecting sewer must be paid in respect of each sewage connection so provided.

**63. Interconnection between premises**

- (1) An owner of one or more premises must ensure that no interconnection exists between the drainage installation on his or his premises and the drainage installation on other premises.
- (2) Interconnection may exist only if he or she –
- (a) has obtained the prior written consent of the Council; and
  - (b) complies with any conditions that it may have imposed.

**64. Disconnection of drainage installation from connecting sewer**

The Council may disconnect a drainage installation from the connecting sewer and remove the connecting sewer if –

- (a) 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; or
- (b) the building on the premises concerned has been demolished.

**Part 4: Standards**

**65. Standard for sanitation services**

Sanitation services provided by the Water Service Provider must comply with the minimum standards set for the provision of sanitation services in terms of section 9 of the Act.

**Part 5: Methods for determining charges**

**66. Measurement of quantity of standard domestic effluent discharged**

- (1) The quantity of standard domestic effluent discharged is determined by a percentage of water supplied by the Council, however where such a percentage in respect of specific premises is excessive, having regard to the purposes for which water is consumed on those premise, the Council 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 water supplied thereto.

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

## **67. Measurement of Quantity and Determination of Quality of Industrial Effluent Discharged**

- (1) The quantity of industrial effluent discharged into the sanitation system must be determined –
  - (a) where a measuring device is installed, by the quantity of industrial effluent discharged from a premises as measured through that measuring device; or
  - (b) until such time as a measuring device is installed, by the Council to the premises.
- (2) The Council 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 Council for the purpose of ascertaining the tempo, volume or composition of the effluent.
- (3) The Council may install and maintain any such meter, gauge or device at the expense of the owner of the premises on which it is installed.
- (4) Where a premises is supplied with water from a source other than or in addition to the Council'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 Council.
- (5) The Council may on application reduce the assessed quantity of industrial effluent where a portion of the water supplied to the premises –
  - (a) forms part of the end product of any manufacturing process; or
  - (b) is lost by reaction or evaporation during the manufacturing process or for any other reason

- (6) The Council 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.
- (7) Charges relating to the quality of industrial effluent are based on the formula for industrial effluent discharged as prescribed as prescribed in the Schedules hereto.
- (8) The following conditions apply in respect of the assessment of the quality of industrial effluent discharged:
  - (a) 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 Council;
  - (b) the council may conduct random compliance tests to correlate those of the industry, and –
    - (i) if discrepancies are found, the values o f the Council is to be taken as correct; and –
    - (ii) further tests may be requested by the Council to determine the values for the formula, at the cost of the customer;
  - (c) 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 use to determine the quality charges payable;
  - (d) 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;
  - (e) in order to determine –
    - (i) the strength(chemical oxygen demand, suspended solids concentration, Ammonia concentration, ortho-phosphate concentration) in the effluent;
    - (ii) the concentration of Group 1 and 2 metals;
    - (iii) the pH value and conductivity,

The Council must use the tests normally used by municipalities for these respective purposes, <sup>1</sup>and test results from an accredited laboratory will have precedence over those of Council;

- (f) 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 Council that a lesser period is actually applicable;
- (g) the terms of the disincentive formula cannot assume a negative value;
- (h) 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 Council, in any particular case, may levy the minimum charges prescribed in subsection (7) without taking any samples;
- (i) whenever the Council takes a sample, one half thereof must be made available to the customer;
- (j) for the purpose of calculation of the quantity of effluent discharged from each point of discharge of effluent, the premises must be allocated among the several points of discharge as accurately as is reasonably practicable;
- (k) the costs of conveying and treating of industrial effluent must be determined by the Council; and
- (l) in the discretion of the Council the charges for industrial effluent strength, the volume and the economic viability of micro and small industries.

#### **68. Reduction in measured quantity of effluent discharged**

- (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 section 66 and 67, where the quantity of water on which the percentage is calculated was measured during a period where water was wasted or leakage went undetected.

- (2) The reduction in the quantity is based on the quantity of water loss through leakage or wastage during the lack period.
- (3) The lack period is either –
  - (a) the measurement period during which the leak is repaired, whichever results in the greater reduction in the quantity.
  - (b) the measurement period during which the leak is repaired, whichever results in the greater reduction in the quantity.
- (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 Council after due consideration of all information.
- (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.

## **Parts 6: Drainage installations**

### **69. Installation of drainage installations**

- (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.
- (2) The Council may –
  - (a) prescribe –
    - (i) to what point in the sewer a drainage installation is to be connected;
    - (ii) at what depth below the ground a drainage installation is to be connected; and
    - (iii) the route to be followed by the drain to the connecting point; and
  - (b) require the owner not to commence with the construction or connection of the drainage installation until the Council's connecting sewer has been laid.

- (3) A drainage installation constructed or installed comply with –
  - (a) any applicable specifications in terms of the Building Regulations; and
  - (b) any standards prescribed in terms of the Act.
- (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.
- (5) Where premises is situated in the 1 in 50 years flood plain, the top level of all services access holes, inspection chambers and gullies is to be above the 1 in 50 years flood level.
- (6) The plumber responsible for the execution of the work must –
  - (a) after the completion of any drainage installation; or
  - (b) after any alteration to any drainage installation is completed,

Submit to the building inspection section of the Council 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.

## **70. Construction or installation of drainage installations**

- (1) A drainage installation constructed or installed must comply with any applicable specifications in terms of the Building Regulations and any standards prescribed in terms of the Act.
- (2) Where the draining installation is a pit latrine, it must be of the ventilated improved pit latrine type or equivalent having –
  - (a) a pit latrine of 2m<sup>3</sup> capacity;
  - (b) lining as required;
  - (c) a slab designed to support the superimposed loading; and
  - (d) protection preventing children from falling into the pit.
- (3) A pit latrine must conform with the following specifications:
  - (a) The pit must be ventilated by means of a pipe, sealed at the upper end with durable insect proof screening fixed firmly in place;

- (b) the ventilation pipe –
    - (i) may not project less than 0.5m above the nearest roof;
    - (ii) must be of at least 150 mm in diameter; and
    - (iii) must be installed vertically with no bend;
  - (d) the interior of the closet must be finished smooth so that it can be kept in a clean and hygienic condition;
  - (e) the superstructure must be well-ventilated in order to allow the free flow of air into the pit to be vented through the pipe;
  - (f) the opening through the slab must be 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;
  - (g) 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 use;
- (4) A pit latrine must –
- (a) be sited in a position that is independent of the residential structure; and
  - (b) be sited in a position that is accessible to a road vehicle having a width of 3 m in order to facilities the emptying of the pit.
- (5) In situations where –
- (a) there is the danger of polluting an aquifer due to the permeability of the soil, the pit latrine must be lined with an impermeable material that is durable and will not crack under street; and
  - (b) 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.
- (6) A pit latrine should not usually be used by more that one household.
- (7) A pit latrine must have access to water for hand washing.
- (8) The Council may levy a charge that covers all the operating and maintenance costs in the –

- (a) removal of the pit contents;
- (b) transportation to a disposal site;
- (c) treatment of the contents to achieve a sanitary condition, and
- (d) 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.

## **71. Disconnection of drainage installations**

- (1) Except for the purpose of carrying out maintenance or repair work, no drainage installation may be disconnected from the connection point.
- (2) Where any part of drainage installation is disconnected from the remainder thereof because it will no longer be used, the disconnected part must, unless the Council approves otherwise –
  - (a) be destroyed; or
  - (b) entirely removed from the premises on which it was used.
- (3) The Council must –
  - (a) after all the requirements of the Building Regulations in regard to disconnection have been complied with; and
  - (b) on request of the owner,  
Issue a certificate to certify that –
    - (i) the disconnection has been completed in terms of Building Regulations; and
    - (ii) 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.
- (4) When a draining installation is disconnected from a sewer, the Council –
  - (a) must seal the opening so caused; and
  - (b) may recover the cost of such work from the owner of the premises on which the installation is disconnected

- (5) Where a drainage systems 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 effected.

## **72. Drains in streets and public places**

No person may, except with the prior written permission of the Council 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 Council or Local Municipality, as the case may be.

## **73. Construction by Council**

The Council may agree with the owner of any drainage work which the desire, or is required to construct in terms of these By-laws or the Building Regulations, will be constructed by the Council against payment, in advance or on demand, of all costs associated with the construction.

## **74. Maintenance of drainage installation**

- (1) An owner must provide and maintain his or her drainage installation at its or her own cost.
- (2) Where any part of a drainage installation is used by two or more owners or occupiers, they are jointly and severally liable for the maintenance of the installation.
- (3) The owner of any premises –
  - (a) must ensure that each manhole on the premises is permanently visible and accessible; and accessible; and
  - (b) is responsible for ensuring the visibility of each cleaning eye and manhole on the premises at all times.
- (4) Any person who requests the Council to clear a drainage installation is liable to pat the prescribed tariff.
- (5) A Council may, on the written application of the owner or occupier of any premises, inspect and test the drainage installation of the premises or a section

thereof and may recover from the owner or occupier the cost of the inspection and test, calculated at the rate specified in the prescribed tariff or charges.

## **75. Technical requirements for drainage installations**

All drainage installations must comply with SABS 0250 and the Building Regulations.

## **76. Drains**

- (1) 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 drains must be approved flexible joints.
- (2) A drain or part thereof may only be laid within, pass under or through a building with the approval of the Council.
- (3) A drain or part thereof which is laid in an inaccessible position under a building may not bend or be laid at a gradient.
- (4) 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.

## **77. Sewer blockages**

- (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.
- (2) When the owner or occupier of the 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.
- (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 Council.
- (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.
- (5) Should a drainage installation on 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 blockage.

- (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.
- (7) Where a blockage in the sanitation system has been removed by the Council and such removal necessitates the disturbance of an owner's paving, lawn or other artificial surface, the Council is not responsible for reinstating such.

#### **78. Grease traps**

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

- (a) in respect of each premises that discharges sewage into on-site sanitation systems; or
- (b) where the discharge of grease, oil and fat is likely to –
  - (i) cause an obstruction to the flow in sewers or drains; or
  - (ii) interfere with the proper operation of any waste water treatment plants.

#### **79. Industrial grease traps**

- (1) Industrial effluent which contains, or is likely to contain grease, oil, fat or inorganic solid matter in suspension must, before it is allowed to enter any sewer, be passed through one or more tanks or chambers of approved type, size and capacity designed to intercept and retain such grease, oil, fat or solid matter.
- (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 20<sup>0</sup> C, must be intercepted and retained in a tank or chamber so as to prevent entry thereof into the sewer.
- (3) A tank or chamber which is referred to in subsection (2) must comply with the following requirements:
  - (a) It must be of adequate capacity, constructed of hard durable materials, and water-tight when completed;

- (b) the water-seal of its discharge pipe may be not less than 300 mm in depth; and
  - (c) it must be provided with such number or manhole covers as may be adequate for the effective removal of grease, oil fat and solid matter.
- (4) Any person who discharges effluent to tank or chamber must –
- (a) regularly removed grease , fat or solid matter from the tank or chamber; and
  - (b) maintain a register in which the following is recorded:
    - (i) the dates on which the following is recorded:
    - (ii) the name of the company which was employed to clean the tank or chamber; and
    - (iii) a certificate from the cleaning company –
      - (aa) certifying that the tank or chamber was cleaned; and
      - (bb) stating the manner in which the contents of the tank or chamber were disposal of.

#### **80. Mechanical appliances for lifting sewage**

- (1) The owner of any premise must apply for the approval and obtain the approval of the Council before he or she installs any mechanical appliance for the raising or transfer of sewage in terms of the Building Regulations.
- (2) A Professional Engineer must apply for approval, and the application must –
  - (a) be accompanied by drawings prepared in accordance with the relevant provisions of the Building Regulations; and
  - (b) show details of –
    - (i) the compartment containing the appliance;
    - (ii) the sewage storage tank;
    - (iii) the stilling chamber and the position thereof; and
    - (iv) the position of the drains, ventilation pipes, rising main and the sewer connection.

- (3) Notwithstanding any approval given in terms of subsection (1), the Council 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 transfer of sewage.
- (4) Every mechanical installed for the raising or transfer of sewage must be –
  - (a) specifically designed for the purpose, and;
  - (b) fitted with discharge pipe, sluice valves and non-return valves located in approved positions.
- (5) Unless otherwise permitted by the Council, 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 failure of the other.
- (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.
- (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 Council 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.
- (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.
- (9) Every sewage storage tank required in terms hereof must –
  - (a) 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;
  - (b) 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; and

- (c) be so designed that the maximum proportion of its sewage content shall be emptied at each discharge cycle of the mechanical appliance.
10. Every storage tank and stilling chamber must be provided with a ventilation pipe in accordance with the Council's specifications.

### **81. Installation of pre-treatment facility**

A Council may require that any new premises must be provided with a minimum pre-treatment facility of type specified by it prior that premises being connected to be sewage disposal system.

## **Part 7: Protection of infrastructure**

### **82. Protection from ingress of flood waters**

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

### **83. Power of entry and inspection**

- (1) An officer of the Council may, for any purpose connected with implementation or enforcement of these By-laws, at all reasonable times or in an emergency at any times –
  - (a) enter premises;
  - (b) request information;
  - (c) take samples;
  - (d) make such inspection, examination and enquiry and carryout work as he or she may deem necessary, any for these purposes operate any component of the drainage installation.
- (2) If the authorized officer considers it necessary that work be performed to enable an authorized officer properly and effectively to implement a function referred to in subsection (1) he or she may –
  - (a) by written notice require the owner or occupier of the premises at his own cost to do specified work within a specified period; or

- (b) if in his option the sanitation is matter of urgency, without prior notice do such work or cause it to be done, at the costs of the owner.
- (3) If the work referred to in subsection (2) is carried out for the sole purpose of establishing whether a contravention of these By-laws has been committed and no such contravention is establish, the Council shall bear the expense connected therewith together with that of restoring the premises to its former conditions.

#### **84. Trespassing on sewage disposal system**

No person may, without the prior written permission of the authorized officer enter –

- (a) upon an area used for the purpose of the sewage disposal system -
    - (i) if the area is enclosed by a fence; or
    - (ii) if entry is prohibited by notice boards; or
  - (b) a structure used by the Council in connection with its sewage disposal systems.
- (4) Every mechanical installed for the raising or transfer of sewage must be –
    - (a) specifically designed for the purpose, and;
    - (b) fitted with discharge pipe, sluice valves and non-return valves located in approved positions.
  - (5) Unless otherwise permitted by the Council, 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 failure of the other.
  - (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.
  - (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 Council 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.

- (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.
- (9) Every sewage storage tank required in terms hereof must –
- (a) 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;
  - (b) 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; and
  - (c) be so designed that the maximum proportion of its sewage content shall be emptied at each discharge cycle of the mechanical appliance.
10. Every storage tank and stilling chamber must be provided with a ventilation pipe in accordance with the Council's specifications.

#### **85. Interference with sewage disposal system**

Except with the prior authority of an authorized officer –

- (a) no person may interfere or temper with the sewage disposal system;
- (b) no person may a connection to the sewage disposal system save as contemplated in section 48;
- (c) no person may, within an area that is subject to a sewer servitude –
  - (i) construct a building; or
  - (ii) raise or lower the ground level.

#### **86. Damage to sewage disposal system**

- (1) No person may damage or endanger the sewage disposal system, or cause or permit it to be damaged or endangered.
- (2) A person who intends performing work which may cause damage to the sewage disposal system on land owned by or vested in the Council or over which it has a servitude or other right, must, before he or she commences the work, ascertain from an authorized officer if any part of the sewage disposal system is situated on the land.

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

#### **87. Consequential maintenance of sewers**

Whenever a sewer is damaged or becomes obstructed or in need of repair as 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 Council is entitled to –

- (a) carry out such work of maintenance or repair as is necessary; or
- (b) remove the obstruction at the expense of such person and to recover from him or her the full cost of doing so.

#### **88. Obstruction to access to sewage disposal system**

- (1) No person may prevent or restrict access to a sewage disposal system.
- (2) If a person contravenes subsection (1), the authorized officer may –
  - (a) by writing notice require the person to restore access at his or her own costs within a specified period; or
  - (b) if the situation is matter or urgency, without prior notice restore access and recover the full costs of doing so from such person.

#### **89. Work by private person**

- (1) The Council 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 Council's conditions of contract applicable to the work and the following provisions apply:
  - (a) Any person carrying out such work must, before he or she commences the work, lodge with an authorized officer a written indemnity in which he or she indemnifies the Council 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; and

- (b) where the surface of any road has been disturbed in the course of such work, only the Council may, at the expense of the person carrying out such work, restore the surface.
- (2) Before the surface of a street or road is disturbed, the person must deposit with the Council a sum of money which is sufficient to cover the estimated cost of such restoration.
- (3) 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.
- (4) All work must be carried out in accordance with the requirements specified by an authorized officer.

## **Part 8: Industrial effluent**

### **90. Approval to discharge industrial effluent**

- (1) No person may, except with the approval of the Council, discharge or cause or permit industrial effluent to be discharged into the sanitation system.
- (2) The Council, if in its option 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.
- (3) The Council, 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.
- (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 103 of 1977), as lodge applications for the provision of sanitation services and for approval to discharge industrial effluent.

### **91. Procedure on approval**

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

## **92. Unauthorized discharge of industrial effluent**

- (1) No person may, except with and in terms of the written permission of the Council and in accordance the provision of this part, discharge or cause permit to be discharged into the sewage disposal system any industrial effluent.
- (2) A person to whom such permission is granted must pay to the Council any prescribed charges.

## **93. Quality standards for disposal of industrial effluent**

- (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 Council unless the industrial effluent complies with the standards and criteria set out in Schedules A and B hereto.
- (2) The Council 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 practical environmental option.
- (3) In determining whether relaxing or varying the standards in Schedules A or B represent the best practicable environmental option, a Council must consider –
  - (a) whether the applicant's undertaking is operating and maintained at optimal levels;
  - (b) 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;
  - (c) whether the applicant is implementing a program of waste minimization which complies with national and local waste minimization standards;
  - (d) the cost to the Council of granting the relaxation or variation, and
  - (e) the environmental impact or potential impact of such a relaxation or variation.
- (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.

## **94. Conditions and disposal of industrial effluent**

- (1) The Council may, in the written permission or at any time, by written notice, require a person to –
  - (a) subject the industrial 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;
  - (b) install such equalizing tanks, valves, pumps, appliances, meters and other equipment as is necessary to control the rate and time of discharge into sewage disposal
  - (c) 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 waste water and standards domestic effluent at any other point and from disposing of his or her waste water and standard domestic effluent by means other than into a sewage disposal system;
  - (d) 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 Council may prescribe;
  - (e) provide all such information as may be required by the Council to enable it to assess the tariffs or charges due to the Council;
  - (f) provide adequate facilities such as level or overflow detection devices, standby equipment, overflow catch-pits or other appropriate means to prevent a discharge into the sewage disposal system which contravenes of these By-laws;
  - (g) 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 Council and copies of the calibration to be forwarded to it; and
  - (h) cause his or her industrial effluent to be analyzed as often and in such manner as may be prescribed by the Council, and provide the Council with the results of these tests when completed.
- (2) The commercial customer concerned must bear the cost of any treatment, plants, works or analysis which he or she may require carrying out, constructing or installing in terms of subsection (1)

- (3) The commercial customer concerned must obtain the written permission of the Council for any proposed changes to the composition of industrial effluent discharged into the sewage disposal system.
- (4) In the event that industrial effluent that does not comply with the standards in Schedules A and 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 Council of the incident and the reasons therefore

#### **95. Withdrawal of approval to discharge industrial effluent**

- (1) The Council may with any approval, after giving at least 14 days written notice of its intention, to a commercial customer authorized to discharge industrial effluent into the sanitation system if the customer –
  - (a) fails to ensure that the industrial effluent discharged conforms to the industrial effluent standards prescribed in Schedule A of these By-laws or the written permission;
  - (b) fails or refuses to comply with any notice lawfully served on him or her 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; or
  - (c) fails to pay the assessed charges in respect of any industrial effluent discharged.
- (2) The Council may, on withdrawal of any approval –
  - (a) in addition to any steps prescribed in these bylaws, and 14 days written notice, authorize the closing or sealing of the connecting sewer of the premises; and
  - (b) refuse to accept any industrial effluent adequate steps have been taken to ensure that the industrial effluent to be discharged conforms to the standards prescribed in these by-laws

### **Part 9: Sewage delivered by road haulage**

#### **96. Acceptance of sewage delivered by road haulage**

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

**97. Approval for delivery of sewage by road haulage**

- (1) No person may discharge sewage into the Council's sewage treatment plants by road haulage, except with the approval of the Council and subject to such period and any conditions that the Council may impose.
- (2) The charges for any sewage delivered for disposal to the Council's sewage treatment plants shall be assessed by the Council in accordance with the prescribed tariffs or charges.

**98. Conditions for delivery of sewage by road haulage**

When sewage is delivered by road haulage –

- (a) the time and place of delivery must be arranged with the Council; and
- (b) 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

**99. Withdrawal of permission for delivery of sewage by road haulage**

The Council 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 person –

- (a) fails to ensure the sewage so delivered conforms to the standards prescribed in Schedule A, as applicable, or in the approval; or
- (b) fails or refuses to comply with any notice served on him or her terms of these By-laws;
- (c) contravenes any provisions of these By-laws or any condition imposed on him or her in terms of any approval; and
- (d) fails to pay the relevant assessed in respect of any sewage delivered.

## Part 10: Other sanitation services

### 100. Stables and similar premises

The Council may approve the connection of stables, cowsheds, dairies, kennels and other premises for the accommodation of animals and tanneries to a drainage installation subject to the payment of relevant charges and such conditions as the Council may impose, provided that –

- (a) the floor of the premises must be paved with approved impervious materials and graded to a slit trap or gully of adequate capacity ; and
- (b) every part 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.

### 101. Mechanical food-waste or other disposal units

The Council may approve the connection or incorporation of a mechanical waste food, other disposal units 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 Council may impose, provided that –

- (a) a water meter is installed by the Council;
- (b) the Council is satisfied that the sewage and treatment system shall not negatively be effected; and
- (c) the installation or incorporation is installed in conformity with the Council's by-law relating to electricity

## **Part 11: Installation work sanitation sewers**

### **102. Approval of installation work**

- (1) If an owner wishes to have installation work done,, he or she must first apply for and obtain the written approval of the Council.
- (2) Application for the approval must be made on the prescribed form and must be accompanied by –
  - (a) the determined charge, if applicable;
  - (b) copies of the drawings as may be determined by the Council; and

- (c) a certificate certifying that the installation has been designed in accordance with any applicable SABS Codes.
- (3) Authority given in terms of subsection (1) lapses at the expiry of a period of 24 months.
- (4) A complete set of approved drawings of installation work be available at the site of the work at all times until such work has been completed.
- (5) If installation work has been done in contravention of subsection (1) or (2), the Council may require the owner –
  - (a) to rectify the contravention within a specified period; or
  - (b) if work is in progress, to cease the work; and
  - (c) to remove all such work which does not comply with these By-laws.

### **103. Persons permitted to do installation and other work**

- (1) No person who is not a plumber or working under the control of a plumber, may –
  - (a) do installation work other than the replacement or repair of an existing pipe or sanitation fitting;
  - (b) inspect, disinfect and test a drainage installation, fire installation or storage tanks;
  - (c) services, repair or replace a back flow preventer; or
  - (d) install, maintain or replace a meter provided by an owner in a drainage installation.
- (2) No person may require or engage a person who is not plumber to do the work referred to in subsection (1).
- (3) Notwithstanding the provisions of (1) and (2), the Council may permit a person who is not a plumber to do installation work on his or her own behalf on premises owned and occupied solely by himself or herself and his or her immediate household, however, such work must be inspected and approved by a plumber at the Council.

#### **104. Use of pipe and water fitting to be authorized**

- (1) No person may, without the prior written authority of the Council, install or use pipe or water installation within the Council's area of jurisdiction, unless it is included in the Schedule of Approved Pipes and Fittings as compiled by the Council.
- (2) Application for the inclusion of a pipe or water fitting in the Schedule referred to in subsection (1) must be made on the form prescribed by the Council
- (3) A pipe or water fitting may be included in the Schedule referred to in subsection (1) if –
  - (a) it bears the standardization mark of the South African Bureau of Standards in respect of the relevant SABS specification issued by the Bureau; or
  - (b) it bears a certification marks certification mark issued by the SABS to certify that the pipe or water fitting complies with –
    - (i) an SABS Mark specification; or
    - (ii) a provisional specification issued by the SABS, provided that no certification marks shall be issued for a period exceeding two years; or
  - (c) it is included in the list of water and sanitation installation accepted by JASWIC.
- (4) The Council may, in respect of any pipe or water fitting included in the Schedule, impose such additional conditions as it is may consider necessary in respect of the use or method of installation therefore.
- (5) A pipe or sanitation fitting may be removed from the Schedule if it –
  - (a) no longer complies with the criteria upon which its inclusion was based; or
  - (b) is no longer suitable for the purposed for which its use was accepted.
- (6) The current Schedule is available for inspection at the office of the Council at any time during working hours.
- (7) The Council may sell copies of the current Schedule at the determined charge.

#### **105. Testing of drainage installations**

- (1) No drainage installation, or any part thereof, may be connected to –
  - (a) on-site sanitation services;
  - (b) the Council’s sanitation system; or
  - (c) an existing approved installation,

Unless any one more of the following tests have been applied in the presence and of the Council, prior to the draining installation being enclosed:

- (i) The interior of every pipe or series of pipe 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 pipe must be seen to be unobstructed;
  - (ii) a smooth ball having 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;
  - (iii) all openings of the 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 until a manometric pressure must remain greater than 25 mm of water of water for a period of at least three minutes; or
  - (iv) all part 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.
- (2) Where the Council has reason to believe that any drainage installation or any part thereof has to conduct any or all of tests prescribed in subsection (1) and if the installation fails to withstand any such tested, the Council may by notice require the owner to take reasonable measures necessary to enable the installation to withstand any or all of the test.

## **106. Water demand management**

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

## **CHAPTER 5: WATER SERVICES INTERMEDIARIES**

### **107. Application for registration**

- (1) A person or institutions seeking registration with the Council as a Water Services Intermediary in terms of section 24 of the Act, must do so in accordance with the provisions of these By-laws and at his or her or its own expenses.
- (2) An application for such registration must be made to the Council in writing.
- (3) An application for approval in terms of subsection (1), must be accompanied by, at least, the following documents or particulars:
  - (a) if a natural person, a certified copy of the identity document of the applicant;
  - (b) if a legal person –
    - (i) a certified copy of the founding document or constitution of the applicant;
    - (ii) a certified resolution adopted by the management body of the applicant, resolving to apply as a Council; and
    - (iii) a certified list of the names and addresses of all persons occupying a leadership and decision-making power in the applicant;
  - (c) a detailed statement supported by adequate proof of authenticity, which sets out –
    - (i) the applicant's qualifications;
    - (ii) the applicant's capacity to undertake the work associated with the provision of water services in the circumstances reflected in the application;
    - (iii) the applicant's experience and skills; and
    - (iv) the financial resources available to the applicant to undertake the provision of water services to be provided by the applicant;
  - (d) a full and detailed description of the water scheme or schemes which will be operated by the applicant containing sufficient information to enable the Council 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 Council in terms of section 15 of the Act, which description must include but is not be limited to –

- (i) the name or names of the water scheme or schemes;
- (ii) an indication of the nature of the water services to be provided by the applicant;
- (iii) 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;
- (iv) a detailed description, including numbers and locality, of the customers or potential customers that will be supplied with water by the applicant;
- (v) details of the source the quality of water that will be supplied to customers;
- (vi) potential customers and what arrangements are in place to ensure that such quality and quantity is consistently maintained;
- (vii) 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;
- (viii) 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; and
- (ix) 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 methods 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 Affairs and Forestry in terms of section 10 of the Act;

- (e) a certificate indicating who the legal owner or owners of the water scheme or schemes is or are;
- (f) certified copies of all documents and deeds reflecting the legal status of the water scheme or schemes, including deeds of servitude where appropriate; and
- (g) 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.

#### **108. Additional information to make decision**

- (1) The Council may call for any additional information or documents reasonably required to enable it to determine whether –
  - (a) 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 Council; and
  - (b) the obligations of the Council, imposed on it by the Act, will be met.
- (2) The Council, in order to hear representations made by the applicant and such representative organizations in support of, or against, the applications –
  - (a) may; and
  - (b) shall, before it makes a final decision, if it initially decides to refuse an application made in terms of subsection (1), including an application made by a public sector water provider,

Meet with the applicant, as the case may be, and any organization 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.

#### **109. Approval of application**

- (1) The Council may approve or refuse the application, provided that –
  - (a) if it approves the application, it may make such registration subject to such reasonable and relevant conditions as it deems necessary; and

- (b) if it refuses the application, it must advise the applicant of the reasons for such refusal.
- (2) In the event of the Council granting such registration it must deliver a written notification thereof to the applicant and such notice it must –
  - (a) draw the applicants attention to the provisions of sections 25, 26 and 27 of the Act;
  - (b) draw the applicants attention to the provisions of these By-laws; and
  - (c) set out any conditions imposed under the provisions of these By-law.

#### **110. Provision of water services**

- (1) A Water Services Intermediary must ensure that water services, including such basic services as determined by the Council, are provided to such persons it is obliged to provided with water services.
- (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 Council to customers.

#### **111. Charges for water services provided**

- (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 Council.
- (2) A Water Services Intermediary must provide subsidies water services, as determined by the Council in terms of the Council's Customer Care and Revenue Management By-laws, 2005, from time to time, and provided by the Council to a customer at a price that is the same or less than the charges at which the Council provides such services.

### **CHAPTER 6: UNATHORISED WATER SERVICES AND RELATED MATTER**

#### **112. Unauthorized use of water services**

- (1) No person may gain access to water services from the water supply system, sewage disposal system or any other sanitation services unless an agreement has been entered into with the Council for the rendering of those services.
- (2) The Council, irrespective of any other action it may take against such person in terms of these By-laws, by written notice order a person who has gained access to water services from the water supply system, sewage disposal system or any other sanitation services without an agreement with the Council for the rendering of those services –
  - (a) to apply for such services in terms of the Customer Care and Revenue Management By-laws of the Council, and
  - (b) to undertake such work as may be necessary to ensure that the customer installation through which access was gained complies with the provisions of these By-laws.
- (3) The provisions of section 121 apply to a notice in terms of subsection (2).

**113. Interference with infrastructure for provision of water services**

- (1) No person other than the Council may manage, operate or maintain the water supply system or any sanitation system unless authorized by these By-laws.
- (2) No person other than the Council may effect a connection to the water supply system or sewage disposal system or render any other sanitation services.
- (3) The Council may recover any costs associated with repairing damage caused as a result of a result of contravention of subsections (1) and (2), and the costs recoverable by the Council is the full cost associated with repairing damage 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 the repairs and the environmental cost.

**114. Obstruction of access to infrastructure for provision of water services**

- (1) No person may prevent or restrict physical access to the water supply system or sewage disposal system.
- (2) If a person contravenes subsection (1), the Council may –

- (a) by written notice require the person to restore access at his or her own expense within a specified period; or
  - (b) if the situation is a matter of urgency, without prior notice restore access and recover the cost from the person.
- (3) The costs recoverable by the Council is the full cost associated with restoring access and includes, but is not restricted to, any exploratory investigation, surveys, plans, specification, 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 costs

### **115. Waste of water unlawful**

- (1) No customer may permit –
- (a) the purposeless or wasteful discharge of water from terminal water fittings
  - (b) pipes or water fittings leak;
  - (c) the use of maladjusted or defective water fittings
  - (d) an overflow of water to persist; or
  - (e) an inefficient use of water to persist.
- (2) An owner must repair or replace any part of his or her water installation which is in such a state of disrepair that it is either causing or likely to cause an occurrence listed in subsection (1).
- (3) If an owner fails to take measures as contemplated in section 121 require the owner to comply with the provisions of subsection (1).
- (4) A customer must ensure that any equipment or plant connected to his or her water installation uses water in an efficient manner.
- (5) The Council may, by written notice, prohibit the use by a customer of any equipment in a water installation if its use of water is inefficient, and the equipment may not be used until its efficiency has been restored and written application to do so has been approved by the Council.

### **116. Unauthorized and illegal discharges**

- (1) No person may discharge or cause or permit any sewage to be discharged directly or indirectly into a storm water drain, river, stream or other watercourse, whether natural or artificial.
- (2) The owner or occupier of any premises on which steam or 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 Council has approved such discharge.
- (3) Where the housing down or flushing by rainwater of an open area on my 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 Council may, by notice, require the owner of the premises to take reasonable measures to prevent or minimize such discharge or pollution.
- (4) No person may discharge or cause or permit the discharge of –
  - (a) any substance, including storm water ,other than sewage to be discharged into a drainage installation;
  - (b) 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;
  - (c) water from artificial fountains, reservoirs or swimming pools situated on the premises into a drainage installation, without the approval of the Council and subject to the payment of relevant charges and such conditions as the Council may impose;
  - (d) any sewage, industrial effluent or other liquid or substance which –
    - (i) may be offensive to or may cues a nuisance to the public;
    - (ii) is in the form of steam or vapour or has temperature exceeding 44<sup>0</sup>C at the point where it enters the sewer;
    - (iii) has a pH value less than 6.0;
    - (iv) contains any substance of whatsoever nature likely to produce or release explosive, flammable, poisonous or offensive gases or vapours in any sewer;

- (v) contains any substance having an open flashpoint of less than 93°C;
- (vi) 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 sewage treatment works;
- (vii) shows any visible signs of tar or associated products or distillates, bitumen's or asphalts;
- (viii) contains any substance in such concentration to produce an undesirable taste after chlorination or an undesirable odour or colour, or excessive foam; or
- (ix) has either a greater PV 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 Council may impose;
- (x) contains any substance which –
  - (aa) cannot be treated at the sewage treatment work to which it could be discharged
  - (bb) will negatively affect the treatment processes at the sewage treatment work to which it could be discharged; or
  - (cc) will negatively impact on the ability of the sewage treatment work to produce discharges that meet the waste water discharge standards set in terms of the National Water Act, 1998 (Act 36 of 1998); or
- (xi) either alone or in combination with other substance may –
  - (aa) generate or combination with other substance dangerous to the health of persons employed at the sewerage treatment works or entering the Council's sewers or manholes in the course of their duties;
  - (bb) be harmful to sewers, treatment plant or land used for the disposal treated waste water; or

- (cc) adversely affect any of the processes whereby sewage effluent.
- (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.
- (6) The Council 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 unauthorized or illegal all costs incurred, by the Council as a result of such discharges, including costs that result from –
  - (a) injury to persons, damage to the sanitation system; or
  - (b) a prosecution in terms of the National Water Act, 1998 (Act 36 of 1998).

#### **117. Illegal connection**

Where customer's access to water supply services has been restricted or disconnected, and he or she –

- (a) intentionally unlawfully reconnects to services ; or
  - (b) 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.

#### **118. Interference with infrastructure**

- (1) No person may unlawfully and intentionally or negligently interfere with infrastructure through which the Council provided municipal services.
- (2) If a person contravenes subsection (1), the Council may –
  - (a) by written notice require such person to cease or rectify the interference at his or her own expense within a specified period; or
  - (b) if the situation is a manner of urgency, without prior notice prevent or rectify the interference and recover the cost from such person.

#### **119. Use of water from sources other than the water supply system**

- (1) No person may use or permit the use of water obtained from a source other than the water supply system, other than rain water tanks which are not connected to

the water installation, except with the prior approval of the Council, and in accordance with such conditions as it may impose, for domestic, commercial or industrial purposes

- (2) Any person desiring the approval referred to in subsection (1) must provide the Council with evidence to the effect that –
  - (a) the water referred to in subsection (1) complies, whether as a result of treatment or otherwise, with the requirements of SABS 241: Drinking Water; or
  - (b) the use of such water does not or will not constitute a danger to health.
- (3) An approval given in terms of subsection (1) may be withdrawn if –
  - (a) a condition imposed in terms of subsection (1) is breached; or
  - (b) the water quality no longer conforms to the requirements referred to in subsection (2).
- (4) The Council may take samples of water obtained from a source, other than the water supply system, and cause the samples to be tested for compliance with the requirements referred to in subsection (2).
- (5) The determined charge for taking and testing of the samples referred to in subsection (4) must be paid by the person to whom approval was granted in terms of subsection (1).
- (6) If water obtained from a borehole or other source of supply on any premises is used for purpose which gives rise to the discharge of such water or a portion thereof into the Council's sewage system, the Council 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 21 apply insofar as they may be applicable in respect of the meter.

## **CHAPTER 7: ENFORCEMENT**

### **120. Responsibility for compliance with By-laws and offences**

- (1) The owner of premises is responsible for ensuring compliance with these By-laws in respect of all or any matters relating to any water and sanitation installation, and should an owner contravenes a provision with which he or she must comply, he or she commits an offence.

- (2) The customer is responsible for compliance with these By-laws in respect of matters relating to the use of any water and sanitation installation, and should a customer contravenes a provision with which he or she must comply, he or she commits an offence.

### **121. Notice of compliance and representations**

- (1) The Council 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 there under to remedy such breach within a period specified in the notice, and the notice must specify –
- (a) the name and residential and postal address, if either or both of these be known, of the affected person;
  - (b) the provision which has not been complied with in terms of these By-laws;
  - (c) in sufficient detail to enable compliance with the notice, the measures required to remedy the situation;
  - (d) that the person must within a specified time period take the measures to comply with the notice, to diligently continue with the measures, and to complete the measures before a specified date;
  - (e) that failure to comply with the requirements of the notice within the period contemplated in paragraph (d) is an offence; and
  - (f) that written representations, as contemplated in subsection (3), may within the time period stipulated under paragraph (d) above, be made to the Council at a specified place.
- (2) The Council, when considering any measure or time period envisaged in subsection (1) (c) and (d), must have regard to –
- (a) the principles and objectives of these By-laws;
  - (b) the nature of non-compliance; and
  - (c) any other relevant factors.
- (3) A person may, within the time period contemplated in paragraph (1) (f), make representations, in the form of a sworn statement or affirmation to the Council at the place specified in the notice.

- (4) Representations not lodged within the time period will not be considered, except where the person has shown good cause and the Council condones the late lodging of the representations
- (5) The Council must consider the representations and any response thereto by an authorized official or any other person, if there be such a response.
- (6) The Council 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 Council must also consider the further response.
- (7) The Council 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.
- (8) The order must –
  - (a) set out the findings of the Council;
  - (b) confirm, alter or set aside in whole or in part, the notice of compliance; and
  - (c) specify a period within which the person must comply with the order made by the Council.
- (9) If the notice of compliance is confirmed, in whole or in part, or is altered but not set aside, the Council will inform the person that he or she –
  - (a) must discharge the obligations set out in the notice; or
  - (b) may elect to be tried in court.
- (10) If the person elects to be tried in court he or she must, within seven calendar days, notify the Council of his or her intention to be so tried.
- (11) If the person does not elect to be tried in court, he or she must, within the prescribed manner and time discharges his or her obligations under the order.
- (12) Where there has been no compliance with the requirements of a notice, the person commits an offence, and the Council may take such steps as it deems necessary to remedy the situation and the costs thereof must be paid to the Council in accordance with section 122.

## **122. Costs**

- (1) Should an owner or customer fail to take the measures required of him or her by notice, the Council may, subject to subsection (3) recover all costs incurred as a result of it acting in terms of paragraph (12) from that person.
- (2) The costs claimed must be reasonable and include, without being limited to, costs relating to labour, electricity, water, equipment, administrative and overhead costs.
- (3) If more than one person is liable for costs incurred, the liability must be apportioned among the person concerned according to the degree to which each was responsible for the situation existing.
- (4) Costs that are incurred by the Council 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.

## **123. Notice of contravention**

- (1) The Council may serve a notice of contravention on a person who has committed an offence in terms of these By-laws.
- (2) A notice contravention must –
  - (a) specify, at the time when the notice is issued, the name and residential and postal address, if either or both of these be known, of the person on whom the notice is served;
  - (b) state the particulars of the offence;
  - (c) specify the amount of the penalty payable in respect of that offence and the place where the penalty may be paid; and
  - (d) inform the person that he or she may, within 30 calendar days of the date of service of the notice –
    - (i) pay the penalty; or
    - (ii) inform Council in writing that he or she elects to be tried in court on a charge of having committed the offence.

- (3) If a person elects to be tried in a court he or she must, within 7 calendar days, notify the Council of his or her intention.

## **CHAPTER 8: MISCELLANEOUS PROVISIONS**

### **124. Provision of information**

An owner, occupier, customer or person within the area of supply of the Council must provide the Council with accurate information requested by the Council that is reasonably required by the implementation or enforcement of these by-laws.

### **125. Appeal**

- (1) A person whose rights are affected by a decision of an official may appeal against that decision by giving written notice of the appeal and reasons to the Council within 21 days of the date of notification of the decision.
- (2) The municipal manager must consider the appeal, and confirm, vary or revoke the decision, but no such variation or revocation of a decision may distract from any rights that may have accrued as a result of the decision.
- (3) When the appeal is against a decision taken by –
  - (a) a staff member other than the Municipal Manager, the Municipal Manager is the appeal authority;
  - (b) the Municipal Manager, the Executive Mayor is the appeal authority; or
  - (c) a political structure or political officer bearer, or a Councilor Council is the appeal authority.
- (4) The appeal authority must commence with an appeal within six weeks and decide the appeal within a reasonable time.

### **126. Authentication and service of notices and other documents**

- (1) A notice or other document requiring authentication by the Council must be signed by the municipal manager or by a duly authorized officer of the Council or by a By-law or regulation, and when issued by the Council in terms of these By-laws is deemed to be duly issued if it signed by an officer authorized by the Council.

- (2) Any notice or other document that is served on a person in terms of these By-laws is regarded as having been served –
  - (a) when it has been delivered to that person personally;
  - (b) when it has been left at that person's place of residence or business in the Republic with a person apparently over the age 16 years;
  - (c) 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;
  - (d) if that person's address in the Republic is known, when it has been served on that person's agent or representative in the Republic in the manner provided by paragraphs (a), (b), (c);
  - (e) 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;
  - (f) in the event of body corporate, when it has delivered at the registered office of the business premises of such body corporate; or
  - (g) when it has been delivered, at the request of that person, to his or e-mail address.
- (3) Service of a copy is deemed to be service of the original.
- (4) When any other document must be authorized 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.
- (5) Any legal process is effectively and sufficiently served on the Council when it is delivered to the municipal manager, or a person in attendance at the municipal manager's office.

## **127. Offences**

A person commits an offence if he or she –

- (a) obstructs or hinders the Council in the exercising of the powers or performance of functions or duties under these By-laws;

- (b) uses, tampers or interferes with the Council's equipment, the water supply system, sanitation system and reticulation network or consumption of services rendered;
- (c) contravenes or fails comply with a provision of these By-laws other than a provision relating to payment for municipal services;
- (d) 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 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.

#### **128. Prima facie evidence**

In legal proceedings by or on behalf of the Council, a certificate reflecting the amount due and payable to the Council, under the hand of the municipal manager of the Council, or suitably qualified staff member authorized by the municipal manager of the Council, shall upon mere production thereof be accepted by any court of law as prima facie evidence of the indebtedness.

#### **129. Power of entry and inspection**

- (1) The Council 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.
- (2) Any entry and inspection must be conducted in conformity with the requirements of the Constitution of South Africa Act, 1996 (Act 108 of 1996), and any law and, in particular, with strict regard to decency and order, respect for a person's dignity, freedom and security, and personal privacy.
- (3) The Council may be accompanied by an interpreter and any other person reasonably required to assist the authorized official in conducting the inspection.
- (4) A person representing the Council must, on request, provide his or her identification.

#### **130. Indemnification from liability**

Neither employees of the Council nor any person, body, organization or corporation acting on behalf of the Council is liable for any damage arising from any omission or act done in good faith in the course of his or her duties.

### **131. Exemption**

- (1) Subject to all the provisions set out below in these By-laws, the Council may, in writing exempt an owner, customer, any person or category of owners, customers or other person from complying with a provision of these By-laws, subject to any conditions it may impose, if it is opinion that the application or operation of that the application or operation of that provision would be unreasonable, however, the Council shall not grant exemption from any section of these By-laws that may result in –
  - (a) the wastage or excessive consumption of water;
  - (b) the evasion or avoidance of water restrictions;
  - (c) significant negative effects on public health, safety or the environment;
  - (d) the non-payment for services;
  - (e) the installation of pipes and fittings which are not approved by or on behalf of the Council in terms of these by-laws; and
  - (f) the Act, or any regulations made in terms thereof, is not complied with.
- (2) The Council may at any time after giving written notice of at least 30 days, withdraw any exemption given.
- (3) The Council must review all exemptions quarterly.
- (4) The Council must consider an submission for exemption at the next ensuing Council meeting immediately following receipt of a submission and should the Council 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.

### **132. Availability of By-laws**

- (1) A copy of these By-laws must be included in the Council's Municipal Code as require in terms of section 15 of the Systems Act, 2000 (Act 32 of 2000).

- (2) A copy of these BY-laws must be available for inspection at the offices of the Council at all reasonable times.
- (3) A copy of these By-laws may be obtained against payment of a prescribed fee from the Council.

### **133. Conflict of law**

If there is any conflict between these By-laws and any other by-laws of the Council or Local Municipality, these By-laws prevail.

### **134. Transitional arrangements**

- (1) Installation work authorised by the Council prior to the commencement date of these By-laws or authorized installation work in progress on such date is deemed to have authorized in terms of these By-laws and the Council may for a period of 90 days after the commencement of these By-laws authorized installation work in accordance with the by-laws that regulated such work immediately prior to the promulgation of these By-laws.
- (2) Any reference in these BY-laws to a charge determined by the Council is deemed to be a reference to a charge determined by the Council under the laws repealed by section 135, until the effective date of any applicable charges that may be determined by the Council in terms of these By-laws or the Council's Customer Care and Revenue Management By-laws, 2005, and any reference to a provision in the laws repealed by section 135 deemed to be a reference to a corresponding provision in these By-laws.
- (3) Any approval, consent or exemption granted under the laws repealed by section 135 remains, save for the provisions of subsection (3), valid.
- (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 on the opinion of the Council, 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 health hazard, the Council may by notice require the customer to comply with the provisions of these By-laws.
- (5) Notwithstanding the provisions of section 115, no flushing urinal that is not user-activated may 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.

### **135, Repeal of existing water services by-laws**

The provisions of any by-laws of Local Municipalities relating to water supply services and sanitation services by the Council are hereby repealed insofar as they relate to matters provided for in these by-laws.

### **136. Short title and commencement**

- (1) These By-laws may be cited as the Water Supply and Sanitation Services By-laws of the Emakhazeni Local Municipality Council.
- (2) The Council may, by notice in the Provincial Gazette, determine that the provisions of these By-laws, listed in the notice, do not apply in certain areas within its area of jurisdiction listed in the notice from a date specified in the notice, and until any notice is issued, these By-laws apply.

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