

The Council of Msukaligwa Municipality has in terms of section 156 of the Constitution, 1996 (Act No. 108 of 1996), read in conjunction with sections 11 and 98 of the Local Government : Municipal Systems Act, 2000, (Act No. 32 of 2000), made the following By-law:

**MSUKALIGWA MUNICIPALITY**  
**WASTE WATER BY-LAW**

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## Definitions

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

**“Act”** means the Water Services Act, 1997 (Act No. 108 of 1997) and shall include any regulations made under the Act;

**“adequate”** or **“effective”** means adequate in the opinion of the Council, in all cases to all the circumstances of the particular case and to accepted principles of drainage installation and, in the case of any appliance, fitting or other object, to the purpose which it is intended to serve;

**“applicant”** means any person who makes an application;

**“application”** means an application contemplated in section 4 of the National Building Regulations and Building Standards Act, 1977 or in terms of section 20 to these By-laws;

**“approval”** means approval by the Council;

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

**“block plan”** means a plan drawn to scale showing the size, shape and measurements of any piece of land and the position thereon of any existing and proposed buildings and drainage installation or portion thereof;

**“common drain”** means that portion of a drainage installation which conveys sewage other than or in addition to the sewage which emanates from the site through which such drainage installation runs;

**“connecting sewer”** means a pipe vested in the Council, which connects a drainage installation to a sewage disposal system;

**“conservancy tank”** means a covered tank used for the reception and temporary retention of sewage and which requires emptying at intervals;

**“Council”** means Msukaligwa Municipality established in terms of section 12(1) read with section 14(2) of the Local Government : Municipal Structures Act, 1998 (Act No. 117 of 1998);

**“cycle”** means any period of one calendar month commencing on the first of the month to the last day of the same month;

**“domestic effluent”** means sewage consisting of soil water or waste water or a combination of both;

**“drain”** means that portion of a drainage installation, other than soil water pipes, waste water pipes, ventilation pipes and anti-siphonage pipes which is not vested in the Council and which is laid in the ground and used or intended

to be used for conveying sewage to the connecting sewer, or for conveying sewage to a conservancy tank or a septic tank and includes a conservancy tank or a septic tank;

**“drainage installation”** means an installation vested in the owner of a site and which is situated on such site and which is intended for the reception, conveyance storage or treatment of sewage and may include sanitary fixtures, discharge pipes, drains, ventilating pipes, septic tanks, conservancy tanks, sewage treatment works, or mechanical appliances associated therewith;

**“drainage work”** means any construction or reconstruction of or any alteration or addition to, or any work done in connection with a drainage installation but shall not include any work undertaken solely for purposes of repair or maintenance;

**“exceptional cases”** means a drainage installation different to the layout as approved by Council where the ownership will be determined by Council, and the owner or occupier will comply with any conditions that it may have imposed;

**“financial officer”** means the Council’s Director Finance or any other officer authorised to act on his behalf;

**“industrial effluent”** means any liquid whether or not containing water in solution which is given off in the course of or as a result of any industrial trade, business, commercial, manufacturing, mining or chemical process or any laboratory, research or agricultural activity, and includes any liquid other than soil water or storm-water; ending up in the Council sewer network or disposal of in a legal manner;

**“inspection eye”** means any access opening to the interior of any pipe or pipe fitting in a drainage installation provided solely for the purpose of inspection and testing, and to which permanent access after completion of the drainage installation need to be provided;

**“load”** means the product of the concentration of an element in the effluent, (expressed in grams per litre) and the total volume of effluent over a fixed period of 24 hours (expressed in mega litre) and is expressed in ton/day;

**“manhole”** means a chamber of a depth greater than arm length and such dimensions that allows entry of a person into such chamber for the purpose of providing access to a drain;

**“Municipal Manager”** means the person appointed Municipal Manager by the Council or any other person lawfully acting in that capacity and any employee of the Council duly authorised thereto or the person so acting;

**“objectionable matter”** means matter that is causing objection or any other material or specified substance deemed to be offensive to a person or Council;

**“official”** means any person duly appointed by the Council to act on his behalf or authorised by the Council to administer these By-laws;

**“off-peak periods”** means the period between 21:00 and 05:00;

**“occupier”** means in relation to any premises –

- (a) the person in actual occupation thereof;
- (b) the person legally entitled to occupy the premises;
- (c) the person having the charge or management of the premises;

**“owner”** means in relation to any premises, the person in whose name the premises is registered and includes –

- (a) if the owner is deceased, insolvent, mentally ill, a minor or under any legal disability, the person in whom the custody or administration of such premises is vested as executor, trustee, curator, guardian or in any other capacity;
- (b) if the premises are leased and registration in a deeds registry is a prerequisite for the validity of the lease, the lessee;
- (c) the owner’s authorised agent or a person receiving the rent of the premises in question on behalf of the owner; or
- (d) where the premises are beneficially occupied under servitude or similar right, the person in whom such right is vested;

**“piece of land”** means any piece of land registered in a deeds registry as an erf, stand, lot, plot or other area or as a portion or a subdivision of such erf, stand, lot, plot or other area, or any defined portion, not intended as a public place of a piece of land proclaimed as a township, or of a piece of land which is held under surface right permit or under mining title or which, being proclaimed land not held under mining title, is used for residential purposes or for purposes not incidental to mining operations;

**“pit latrine”** means a closet placed over or adjacent to an excavation which is of adequate depth;

**“plumber”** means any person who in the trade of plumbing has, in terms of the Manpower Training Act, 1981 (Act No. 56 of 1981), passed a qualifying trade test or has been issued with a certificate of proficiency;

**“professional engineer”** means engineer registered in terms of section 19 of the Engineering Profession Act, 2000 (Act No. 46 of 2000);

**“SABS”** means in these regulations “SABS” followed by a number or a number and a title, is a reference to the specification of the indicated number published by the Council of the South African Bureau of Standards, and all amendments thereof, and which are available for inspection at the office of the Council at any time during official office hours;

**“sanitation services”** means the range of services that the Council provide to the owner or occupier in the municipal area to which water is permanently supplied, and from which waste water and soil water is discharged, however the range of services might change from time to time as the Council may decide;

**“schematic diagram of sanitation layout”** means layout drawing that show the drainage installation connected to the connecting sewer which dispose the sewage into the sewage disposal system;

**“sewage”** means waste water, soil water, industrial effluent and other liquid waste, either separately or in combination, but shall not include storm-water;

**“sewage disposal system”** means a pipe, conduit or fixture which is the property of or is vested in the Council and which is used or intended to be used for the reception and conveyance of sewage;

**“septic tank”** means any tank designed to receive sewage and to effect the decomposition of organic matter in sewage by bacterial action;

**“spill water”** means any spillage of water from a water carrying device;

**“storm-water”** means water resulting from natural precipitation or accumulation and includes rainwater, surface water, sub-soil water or spring water;

**“storm-water drain”** means a pipe, conduit of surface channel situated on a site, which is used to convey storm-water to a suitable point of discharge;

**“street”** means any street, road, thoroughfare, lane, footpath, sidewalk, subway or bridge which –

- (a) is vested in the Council; or
- (b) the public has the right to use; or
- (c) is shown on a general plan of a township filed in a deeds registry or a surveyor-general’s office and has been provided or reserved for use by the public or the owners of erven in such township;

**“street boundary”** in relation to a site means the boundary of such site that abuts any street;

**“treated effluent”** means the liquid effluent discharged from a sewage treatment works;

**“waste water”** means used water not contaminated by spill water or industrial effluent and shall not include storm-water;

**“sewage tariff”** means in relation to the municipal area, the tariff of charges, fees and other moneys determined by the Council.

- (2) Reference to the singular also implies plural, male also female and reference to a natural person also implies legal entities.

## **CHAPTER 1**

### **PROVISIONS RELATING TO THE SUPPLY OF SANITATION SERVICES BY COUNCIL**

#### **2. Standards and general provisions**

Sanitation services provided by the authority or the authorised provider, will comply with the minimum standards set for the provision of sanitation services in terms of section 9 of the Act.

#### **3. Discharge to sewage disposal system**

- (1) No person shall discharge, or permit the discharge or inflow into the sewage disposal system of any sewage or other substance –
  - (a) which does not comply with the standards and criteria prescribed in these By-laws;
  - (b) which contains any substance, elements or a combination thereof in such concentration as will produce or be likely to produce in the effluent produces for discharge at any sewage treatment plant or sea outfalls discharge point or in any public water any offensive, or otherwise undesirable taste, colour, odour, temperature or any foam;
  - (c) which may prejudice the reuse of treated sewage or adversely affect any of the processes whereby sewage is purified for reuse, or treated to produce sludge for disposal;
  - (d) which contains any substance or thing of whatsoever nature which is not amenable to treatment to a satisfactory degree at a sewage treatment plant or which causes or is likely to cause a breakdown or inhibition of the processes in use at such plant;
  - (e) which contains any substance or thing of whatsoever nature which is of such strength, or which is amenable to treatment only to a degree as will result in effluent from the sewage treatment plant not complying with standards prescribed under the National Water Act, 1998 ( Act No. 36 of 1998);
  - (f) which may cause danger to the health or safety of any person or may be injurious to the structure or materials of the sewage disposal system or may prejudice the use of any ground used by the Council or its authorised agent for the sewage disposal system, other than in compliance with the permissions issued in terms of these By-laws; and
  - (g) which may inhibit the unrestricted conveyance of sewage through the sewage disposal system.

- (2) No person shall 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.
- (4) If any person contravenes any provision of subsection 2(1), subsection 2(2) and subsection 2(3) he or she shall within twelve (12) hours, or earlier if possible, advise the Council of the details of the contravention and the reasons for it.

#### **4.**

#### **Application for infrastructure**

- (1) If an agreement for on site sanitation and associated services exists and no infrastructure in connection therewith exists on the premises, the owner must immediately make application on a form approved by the authority and –
  - (a) pay the prescribed charge for the installation of necessary infrastructure; or
  - (b) with the approval by the authority or the authorised provider, install the connecting sewer or on-site sanitation services in accordance with the specifications of the authority or the authorised provider.
- (2) An authority or the authorised provider may specify the type of on-site sanitation services to be installed, where a Ventilated Improved Pit Latrine is not appropriate in specific circumstances.
- (3) The removal or collection of conservancy tank contents, night soil or the emptying of pits will be undertaken by the authority or the authorised provider, in accordance with a removal and collection schedule determined by the authority or the authorised provider.
- (4) Copies of the collection and removal schedule will be available on request.

#### **5.**

#### **Charges in respect of services associated with on-site sanitation services**

- (1) Charges in respect of the removal or collection of conservancy tank contents, night soil or the emptying of pits will be based on the volume removed by vacuum tank or otherwise.
- (2) If the volume of conservancy tank contents, night soil or the emptying of pits removed or collected cannot be quantified the authority or the authorised provider, may charge a fixed charge as prescribed.



- (1) The owner of any property not having a drainage installation terminating at a connecting sewer to the sewage disposal system prescribed by the Council shall within ninety (90) days of receiving written notice from the Council requesting him to do so, construct or cause to be constructed such an installation on the property and shall do all work necessary for and all things required by these By-laws in connection with the construction of such an installation, and shall pay all fees due in respect of the connection of the same to the Council's sewage disposal system.
- (2) If the owner fails within the said period of ninety (90) days to comply with a notice served on him under subsection 6(1), he shall thereafter, without prejudice to his liability for charges in respect of use of the Council's sewage disposal system as prescribed by section 21 of these By-laws, pay fees at three times the prescribed rate for the conserving-tank service until a drainage installation as required by the said notice and complying with these By-laws as well as all other applicable legislation and regulations is connected to the sewer and the Council has been notified in terms of subsection 6(1).
- (3) The owner that receives a notice in terms of subsection 6(1) as aforesaid shall give written notice to the Council when any conserving-tank service rendered to the property is no longer required, and shall remain liable for the charges for that service until he has done so.
- (4) Notwithstanding that no sewage disposal system is available for the service of a new building to be erected on a property or of any alteration or addition to an existing building, the Council shall be entitled, in considering whether to approve any plans submitted to it in terms of these or any other of its By-laws which are relevant, to have regard to the possibility that a sewage disposal system will become available in such a way to require the owner so to position the said new building or alteration or addition—
  - (a) that it is possible for its drainage installation to discharge into the said future sewage disposal system by gravity; and
  - (b) that no obstruction is caused in the expected course of the said sewage disposal system.
- (5) Notwithstanding the provisions of subsection 6(4) where any premises are at such a level in relation to the sewage disposal system that their drainage installation, or any part of it cannot discharge to the sewage disposal system by gravitation, the Council may prescribe the discharge in question to be raised by means of pumps, ejectors or any other effective method through a rising main fitted with non-return valves to discharge at such level and at such place as the Council shall determine after mutual agreement with Council.
- (6) The owner shall be under a duty to comply with any requirement communicated to him by the Council in terms of subsection 6(4).

- (7) Every contractor or other person employing workmen for the construction of any building or for the carrying out of any other work on any piece of land to which a sewage disposal system is available for the drainage of buildings constructed or to be constructed thereon, shall provide water closet accommodation connected to the sewage disposal system at a connecting sewer for such workmen.
- (8) An owner must pay the prescribed connection charge.

## 7.

### Common drains

- (1) Notwithstanding the provisions of section 2 only one (1) connecting sewer to the sewage disposal system may be provided for the disposal of sewage from any premises, irrespective of the number of units of consumers located on such premises.
- (2) Where the owner, or the person having the charge or management of any premises on which several consumer units are situated, requires the disposal of sewage from such premises for the purpose of disposal from the different consumer units, the authority or the authorised provider, may, in its discretion, provide and install either –
  - (a) a single measuring device in respect of the premises as a whole or any number of such consumer units; or
  - (b) a separate measuring device for each consumer unit or any number thereof.
- (3) Where the authority or the authorised provider, 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 –
  - (a) must if the authority or the authorised provider, so requires, install and maintain on each branch pipe extending from the connecting sewer to the different consumer units –
    - (i) a separate measuring device; and
    - (ii) an isolating valve; and
  - (b) will be liable to the authority or the authorised provider, for the tariffs and charges for all sewage disposed from the premises through such a single measuring device, irrespective of the different quantities disposed by the different consumers served by such measuring device.
- (4) Notwithstanding subsection (1), the authority or the authorised provider, may authorise that more than one (1) connecting sewer be provided on the sewage disposal system for the disposal of sewage from any premises comprising sectional title units or if, in the opinion of the authority or the authorised provider, undue hardship or inconvenience would be caused to any consumer on such premises by the provision of only one (1) connecting sewer.

- (5) Where the provision of more than one (1) connecting sewer is authorised by the authority or the authorised provider, under subsection (4), the tariffs and charges for the provision of a connecting sewer is payable in respect of each sewage connection so provided.

**8.**

### **Interconnection between premises**

An owner of premises shall ensure that no interconnection exists between the drainage installation on his or her premises and the drainage installation on other premises, unless he or she has obtained the prior written consent of the authority or the authorised provider, and complies with any conditions that it may have imposed.

**9.**

### **Disconnection of draining installation from connecting sewer**

- (1) The authority or the authorised provider, may disconnect a drainage installation from the connecting sewer and remove the connecting sewer if –
  - (a) the agreement for provision has been terminated in terms of section 23 and it has not received an application for subsequent provision to the premises served by the sewer within a period of ninety (90) days of such termination; or
  - (b) the building on the premises concerned has been demolished.

**10.**

### **Unauthorised drainage work**

- (1) No person shall in any manner interfere with any sewage disposal system or connecting sewer.
- (2) No person shall break into or interfere with any part of a drainage installation other than for the purpose of repair or maintenance.
- (3) Any person who causes or permits to be caused the carrying out of any unauthorised work contemplated in this regulation shall be guilty of an offence.

**11.**

### **Unlawful drainage work**

- (1) Where a drainage installation has been constructed without compliance with the provisions of these By-laws, applicable acts or any other regulations concerning the submission and approval of plans the owner shall, on receiving written notice by the Council so to do, comply with the said instructions in the said notice within the period prescribed in that notice.
- (2) Where any drainage installation, has been constructed or any drainage work has been carried out which fails in itself in any respect to comply with any of these By-laws other than those referred to in subsection 11(1) the owner shall, on receiving written notice by the Council so to do and notwithstanding that he may have received approval of plans in respect of the said installation

or work, carry out such alterations to the installation, remove such parts thereof and carry out such other work as, and within the time which, the notice may specify.

- (3) The Council may, instead of serving notice in terms of subsection 6(1) and subsection 6(2) as aforesaid, or where such alterations or a notice has not been complied with within the time prescribed therein, proceed itself to carry out any such alterations, removals or other work as it may deem necessary for compliance with these By-laws and may recover the cost thereof from the owner by the ordinary process of law.
- (4) Should the Council at any time become aware of any drainage installation which does not comply with the provisions of these By-laws or that any provision thereof has or is being contravened it may, subject to the provisions of subsections 11(1), 11(2) and 11(3), forthwith and without notice carry out such alterations to the installation as it may deem necessary to effect compliance with the provisions of the said section and recover from the owner the appropriate tariffs.

**12.**

### **Duty of maintenance**

- (1) The owner or occupier of premises shall at all times keep and maintain in a proper state of repair and in working order any drainage – and any sewage installation thereon.
- (2) Any person who requests the authority or the authorised provider, to clean a drainage installation will be liable to pay the prescribed tariff.
- (3) An authority or the authorised provider, may, on the written application of the owner or occupier of any premises, inspect and test the drainage installation of such premises or any section thereof and recover from the owner or occupier the cost of such inspection and test, calculated at the rate specified in the prescribed tariff of charges.
- (4) Where two (2) or more owners or occupiers use any part of a drainage installation they shall be jointly and severally liable in terms of this section for the maintenance and repair of the same.

**13.**

### **Prevention of blockages**

No person shall cause or permit such an accumulation of grease, oil, fat, solid matter or any other substance in any drainage installation as will block it or prevent its effective operation.

**14.**

### **Clearing of blockages**

- (1) When the owner or occupier of premises has reason to believe that a blockage has occurred in any drainage installation thereon, he shall forthwith report the fact to the Council, or make the necessary arrangement to get the blockage repaired and to prevent any health risk to a person or animal.

- (2) Where a blockage occurs in a drainage installation any work necessary for its removal shall, subject to the provisions of subsection 14(5), be done by or under the supervision of a plumber.
- (3) Any plumber as aforesaid shall before proceeding to remove any blockage from a drainage installation notify the Council by telephone or otherwise of his intention to do so only if necessary when by opening this blockage it might influence the sewage disposal system, and shall when he has done so notify the Council of that fact and of the nature and cause of the said blockage.
- (4) The Council itself shall, whether or not it has been requested by the owner to do so, be entitled at its own discretion to give notice to the owner or occupier to remove a blockage from a drainage installation and may recover the costs thereof from the owner in accordance with the tariff determined by Council.
- (5) Should any drainage installation on any premises overflow as a result of an obstruction in the sewage disposal system, and the Council be reasonably satisfied that such obstruction was caused by objects emanating from the drainage installation, the owner of the premises served by the drainage installation shall be liable for the cost of clearing the blockage in accordance with the tariff determined by Council.
- (6) Where a blockage has been removed from a drainage installation or portion of a drainage installation which serves two (2) or more pieces of land, the charges for the clearing of such blockage shall be recoverable in the first place in equal portions from each of the owners thereof, who shall, however, be jointly and severally liable for the whole charge.

**15.**

#### **Emission of gas or entry of sewage**

- (1) When in the opinion of the Council a nuisance exists owing to the emission of gas from a drainage installation, the Council may require the owner, at his own expense, to take such action as may be necessary to prevent the recurrence of the said nuisance.
- (2) Where any sewage, after being discharged into a drainage installation, enters into the sewage disposal system whether by reason of surcharge, back pressure or any other circumstance, the Council may by notice in writing require the owner to carry out within the period specified by such notice any work necessary to abate such entry of sewage and to prevent any recurrence thereof.

**16.**

#### **Work by the Council**

- (1) Where any owner or occupier has been required by the Council by notice in terms of these By-laws to carry out any work whether by way of construction, repair, replacement or maintenance and has failed to do so within the time stipulated in such notice, the Council may, without prejudice to its right to act against him for the contravention of these By-laws, proceed itself to carry out the work and may recover by the ordinary process of law applicable to the recovery of a civil debt the entire cost of so doing from the owner or occupier to whom the notice was directed.

- (2) Where any work other than that, for which a tariff is determined by Council, is done the cost thereof will be recovered from the owner or occupier or any other person causing or necessitating such work to be done.
- (3) Any damage caused to the Council's sewage disposal system by the non-compliance with or contravention of any provision of these By-laws shall be repaired by the Council at the expense of the owner or occupier or any other person responsible for the non-compliance or contravention.

**17.**

#### **Interference with sewer**

No person except a person authorised by the Council to do so shall break into, enter or in any other manner whatsoever interfere with any sewage disposal system, or any part thereof, whether or not situated on property owned or controlled by the Council, intended for the conveyance or treatment of sewage and which is vested in it.

**18.**

#### **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 shall either cause it to be completely removed or to be completely filled with earth or other suitable material: Provided that the Council may require such tank to be otherwise dealt with, or it may permit it to be used for some other purpose subject to such conditions as it may consider necessary.

**19.**

#### **Obstruction and false information**

- (1) An official authorised by the Council shall have the right to enter upon any premises at any reasonable time in order to take samples of or test sewage or industrial effluent or to carry out any inspection or work in connection with a drainage installation which it may deem necessary.
- (2) An owner or occupier of the premises who deny entry to premises to any official demanding the same under subsection 19(1) or who obstructs or causes or suffers any other person to obstruct any such official in the performance of his duties, or who withholds or causes or suffers any other person to withhold information required by the official for the purpose of carrying out his said duties, or who gives or causes or suffers any other person to give to the official any information which is to his knowledge false shall be guilty of an offence.

## **CHAPTER 2**

### **CONDITIONS FOR THE SUPPLY OF SANITATION SERVICES**

**20.**

#### **Application for the supply of sanitation services**

- (1) No person shall gain access to the sewage disposal system or a sanitation service, unless he or she applied to the Council on the prescribed form for such service for a specific purpose and to approve a connecting sewer and the cost as prescribed in the tariff has been paid in full.
- (2) Application may be made to the Council by or on behalf of the owner or occupier of any premises –
  - (a) for the initial connection of any piece of land to a sewage disposal system; or
  - (b) for a reconnection to the sewage disposal system where a previous service agreement in respect of the premises has been terminated.
- (3) An application in terms of subsection 20(1) shall be made on the form provided by the Council for this purpose and shall be submitted to the Council in the case of an application for a connection, at least twenty-eight (28) days in advance.
- (4) Where application is made for the initial connection of any premises to a sewage disposal system, the applicant shall, if he or she is not the registered owner of the premises, lodge, together with the application, the written permission of the registered owner that such connection may be made.
- (5) When submitting an application in terms of subsection 20(1) the applicant shall pay the Council the amount determined by the Council for an initial connection or a reconnection to the sewage disposal system.
- (6) The connection of a consumer to the sewer system by the Council shall be subject to the provisions of these By-laws.
- (7) Sanitation services rendered to a consumer are subject to the provisions of these By-laws.

**21.**

#### **Payment for sewer connection**

- (1) The amount determined in the tariff to all consumers that receive or want to receive sanitation services will be for each individual piece of land payable by the owner in full before such a connection will be made to the sewage disposal system.
- (2) The minimum amount payable in respect of any application, shall be the published tariff.

- (3) The Council shall have the right in the case of any special service being required from the Council to negotiate an amount for such service and or if not negotiated to recover the cost thereof.

**22.**

### **Disconnection**

- (1) Except for the purpose of carrying out any maintenance work or repair, no drainage installation shall be disconnected from any other drainage installation or from a sewage disposal system without the prior written approval of the Council after the lodging of an application in the manner, so far as applicable, prescribed in terms of section 23.
- (2) Where any part of a drainage installation is disconnected from the remainder thereof because it will no longer be used, the said part so disconnected shall be destroyed or entirely removed from the premises on which it was being used unless the Council shall otherwise permit, having regard to the impracticability of such destruction or removal, and all openings in the installation or in the said part if left in position, created by the disconnection, shall be effectively sealed to the satisfaction of the Council.
- (3) Due notice in writing in advance of any intended disconnection shall be furnished to the Council who shall, after the requirements of this section have been complied with and on request of the owner, issue a certificate to the effect that the disconnection has been completed in terms of these By-laws and that any sewage charges levied in respect of the disconnected portion of the drainage installation shall cease to be raised with effect from the first day of the month following the issue of such certificate.
- (4) When a drainage installation is disconnected from a sewer, the Council shall seal the connecting sewer and shall recover from the owner the tariff determined for such work.
- (5) Any person, who, without the permission of the Council breaks or removes or causes or permits the breakage or removal of any such seal referred to in subsection 22(4), shall be guilty of an offence.

**23.**

### **Termination of service**

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

- (1) the agreement for provision has been terminated and it has not received an application for subsequent provision to the premises served by the sewage disposal system within a period of one hundred and eighty (180) days of such termination; or
- (2) the building on the piece of land concerned has been demolished.



### **CHAPTER 3**

#### **GENERAL PROVISIONS RELATING TO SEWER CONNECTIONS**

**24.**

#### **Connections to sewer**

- (1) No part of any drainage installation shall extend beyond the boundary of the piece of land on which the building or part thereof to which it belongs is erected: Provided that where it considers it necessary or expedient to do so, the Council may permit the owner to lay a drainage installation at his own expense through an adjoining piece of land on proof of the registration of the appropriate servitude or of a notarial deed of joint drainage.
- (2) Subject to the provisions of subsection 24(4) and without prejudice to the provisions of section 27 and concerning the testing of drainage installations, the Council will, as soon as is practicable after the applicant has notified it that his drainage installation is ready for connection to the sewage disposal system, at its own expense effect the connection or cause it to be effected.
- (3) No person shall permit the discharge of any substance whatsoever other than clean water for testing purposes to enter any drainage installation until the same shall have been connected to the sewage disposal system.
- (4) Save as may be otherwise authorised by the Council in writing no person other than an official duly authorised to do so shall connect any drainage installation to the sewage disposal system.

**25.**

#### **Location of connecting sewer**

- (1) A connecting sewer provided and installed by the Council or owner in terms of these regulations shall -
  - (a) be located in a position determined by the Council;
  - (b) terminate at a connecting sewer approximately one (1) metre inside the piece of land from the boundary of the piece of land owned by or vested in the Council or over which it has a servitude or other right or when subsection 25(3) applies, at the connecting point designated in terms of that subsection.
- (2) The Council shall have the right to prescribe to what point in the sewage disposal system and at what depth below the ground any drainage installation is to be connected and the route to be followed by the drainage installation to the connecting sewer so to be made and may in its discretion, having regard to the necessity of maintaining correct levels, require the owner not to begin the construction of the drainage installation until the Council's sewage disposal system has been laid.
- (3) Regarding the location of a connecting sewer, the Council shall ensure that the owner is aware of –

- (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;
  - (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 drainage installation at or outside the boundary of his or her premises, or such agreed position inside or outside his or her premises where the connection is required, for the Council to connect to such installation.
- (4) The Council may at the request of any person agree, subject to such conditions as it may impose, to a connection to a sewage disposal system other than that which is most readily available for the drainage of the premises: Provided that the applicant shall be responsible for any extension of the drainage installation to the connecting sewer designated by Council and for obtaining at his or her cost, the necessary written approval for servitude's over other premises as may be necessary.
- (5) An owner must pay the prescribed connection charge.
- (6) Where an owner is required to provide a sewage lift as provided for in terms of these By-laws the rate and time of discharge into the sewer shall be subject to the approval of the Council.

## **CHAPTER 4 GENERAL PROVISIONS RELATING TO DRAINAGE INSTALLATIONS**

### **26. Standard specifications and Codes of Practice applicable**

For the purpose of these regulations the relevant SABS standards and codes shall be applicable, but the Council may also approve the use of any other specification and codes where in its opinion it is appropriate to do so, and it shall in considering any application for such approval be guided by accepted practice and international specifications and codes of practice.

### **27. Provision of drainage installation**

Notwithstanding any other stipulations in these By-laws, every owner or occupier shall, at his own expense, provide, install, lay down and maintain his own drainage installation to the conditions.

### **28. Information and drawings**

- (1) In respect of every new drainage installation, or changes to an existing drainage installation necessitated by any alteration or extension of an existing

building, the owner or occupier of such piece of land shall submit for approval to the Council, in the format determined by the Council, the information and drawings thereof: Provided that the information relating to a drainage installation to be installed on any premises may be indicated on the same drawing as the water installation.

- (2) A complete set of approved drawings of the drainage installation shall be kept available at the piece of land at all times.
- (3) Where any installation work has been done in contravention of subsection 28(1), the Council may by written notice require from the owner or occupier of the piece of land to comply within a specified period with the provisions of that subsection, in which event -
  - (a) work in progress shall cease until the approval required by that subsection has been granted;
  - (b) sections of work that does not comply with the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977) shall be removed from the premises.
- (5) An application as required in terms of section 20 shall be accompanied by one or more sets of drawings as the Council may require, each set comprising a block plan of the premises and plans, elevations and sections indicating clearly the nature and extent of the proposed work.

**29.**

### **Payment of application fees for drawings**

Tariffs regarding the approval of drawings as prescribed in the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977) will be as determined by Council.

**30.**

### **General requirements for design and construction of drainage installation**

- (1) Where any drainage installation is required in terms of these regulations the Council may permit or require the design and construction of a drainage installation, subject to the requirements contained in the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977).
- (2) Any drainage installation or service pipe shall be designed and constructed in such a way that -
  - (a) only pipes and fittings be specified and installed that will be able to withstand -
    - (i) corrosion which may be caused by the sewage conveyed in the installation; and
    - (ii) any corrosive conditions, which may be related to soil conditions on the premises;
  - (b) the installation be functional to the users of the building;

- (c) all components and materials used on the installation are watertight;
  - (d) the installation will not cause any danger to the health of the users of the building;
  - (e) that all pipes and fittings are able to withstand loads and forces which it may normally be subjected to and where necessary is properly protected against damage;
  - (f) should a leak or a pipe burst occur, it would not jeopardise the structural safety of the building.
- (3) No person shall connect to a drainage installation a fitting or apparatus which causes or is likely to cause damage to the sewage disposal system.
- (4) (a) Where the draining installation is a pit latrine it must be of the ventilated improved pit latrine type having –
- (i) a pit of 2m<sup>3</sup> capacity;
  - (ii) lining as required;
  - (iii) a slab designed to support the superimposed loading;
  - (iv) protection preventing children from falling into the pit.
- (c) The ventilated improved pit latrine must conform with the following specifications –
- (i) the pit must be ventilated by means of a pipe, sealed at the upper end with durable insect proof screening fixed firmly in place;
  - (ii) the ventilation pipe must project not less than 0.5m above the nearest roof, must be of at least 110mm in diameter, must be installed vertically with no bend;
  - (iii) the interior of the closet must be finished smooth so that it can be kept in a clean and hygienic condition. The superstructure must be well-ventilated in order to allow the free flow of air into the pit to be vented through the pipe;
  - (iv) the opening through the slab must be of adequate size as to prevent fouling. The rim must be raised so that liquids used for washing the floor do not flow into the pit. It shall be equipped with a lid to prevent the egress of flies and other insects when the toilet is not in use;
  - (v) must be sited in a position that is independent of the residential structure;
  - (vi) must be sited in positions that are accessible to road vehicles having a width of 3.0m in order to facilitate the emptying of the pit;
  - (vii) in situations where there is the danger of polluting an aquifer due to the permeability of the soil, the pit must be lined with an impermeable material that is durable and will not crack under stress;

- (viii) in situations where the ground in which the pit is to be excavated is unstable, suitable support is to be given to prevent the collapse of the soil;
- (c) any ventilated pit latrine should not usually be used by more than one household;
- (d) access to water for handwashing;
- (e) the authority or the authorised provider, may levy a charge that covers all the operating and maintenance costs in the removal of the pit contents, transportation to a disposal site, the treatment of the contents to achieve a sanitary condition and the final disposal of any solid residues. 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.

### **31. Design of a proposed sewer installation**

- (1) The Council may require that a professional engineer or other approved competent person designs a proposed sewer installation in cases where the Council is of the opinion that a detailed design is necessary due to the complexity of the installation.
- (2) Any designer of a drainage installation shall take the necessary care in the detailed design that the sewer installation shall fully comply with the requirements as set out in National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977).

### **32. Materials, pipes, fittings and components**

- (1) Only SABS approved materials, fittings and components shall be used in any drainage installation, unless written approval has been obtained from Council.
- (2) Notwithstanding anything to the contrary in these By-laws or any relevant SABS standards and codes, the Council may determine that only pipes, joints and fittings of specified materials shall be used.

### **33. Control over work on drainage installation**

- (1) Subject to subsection 33(2), the installation of a drainage installation shall be carried out according to drawings approved in terms of section 28 and detail specification for the installation.
- (2) Every person carrying out or exercising control over the installation of any drainage installation shall ensure that it shall not be shallower than 300mm.

**Cleaning, inspection and testing of drainage installation**

- (1) Every drainage installation shall be properly cleaned, inspected and tested in accordance with this section.
- (2) Every drainage installation subject to the process stipulated in this section, on completion shall –
  - (a) be properly cleaned to remove any foreign matter;
  - (b) be inspected by the official authorised by Council;
  - (f) be tested under pressure.
- (3) At least two (2) working days notice shall be given to the Council for the purpose of any inspection to be carried out in terms of subsection 34(2)(b).
- (4) After the completion of a drainage installation or any part thereof, but before it is connected to a conservancy tank, a septic tank, the sewage disposal system or an existing approved installation, any one or more or all of the following tests shall in the presence of an official authorised by Council, be applied and withstood to the satisfaction of the Council:
  - (a) the interior of every pipe or series of pipes between two points of access shall be inspected throughout its length by means of a mirror and a source of light; during the inspection a full circle of light shall appear to the observer, and the pipe or series of pipes shall be seen to be unobstructed;
  - (b) a smooth ball having a diameter 12mm less than the nominal diameter of the pipe shall, when inserted at the higher end of the pipe, roll down without assistance or interruption to the lower end;
  - (c) all openings of the pipe or series of pipes to be tested having been plugged or sealed and all traps associated therewith filled with water, air shall be pumped into the said pipe or pipes until a manometric pressure of 38mm of water is indicated, after which without further pumping the said pressure shall remain greater than 25mm of water for a period of at least three (3) minutes.
- (5) The aforesaid tests shall be carried out by an official authorised by Council and the apparatus therefore shall be supplied at no expense to the Council.
- (6) Where the Council has reason to believe that any drainage installation or any part thereof has become defective it may require the owner or occupier thereof to conduct, at no expense to the Council, any or all of the tests prescribed in this section and if the installation fails to withstand any such tests to the satisfaction of the Council, the Council may call upon the owner or occupier to carry out at his own expense, and within such period as it may stipulate, such repairs as may be necessary to enable the installation to withstand any or all of the said tests.

**35.**

**Covering of drainage installation**

When any drainage installation is being or has been installed or any alteration or extension of any existing drainage installation is being or has been carried out, no person shall cover any part of such installation, alteration or extension or cause, permit or suffer it to be covered until it has been inspected and approved by the Council.

**CHAPTER 5  
INDUSTRIAL EFFLUENT AND OTHER  
DISCHARGES**

**36.**

**Sewage or other prohibited discharges not to enter storm-water drains**

- (1) No owner or occupier or any other person shall discharge or cause or permit to be discharged any sewage directly or indirectly into a storm-water drain, river, stream or other watercourse, whether natural or artificial.
- (2) The owner or occupier of any piece of land on which steam or any liquid, other than potable water, is stored, processed or generated shall provide all facilities necessary to prevent any discharge, leakage or escape of such liquid to any street, storm-water drain or watercourse except where, the Council has specifically permitted such discharge in writing.
- (3) Where the hosing down, discharge from a container or possible flushing by rainwater of an open area on any premises is in the opinion of the Council likely to cause the discharge of objectionable matter into any street gutter, storm-water drain, river, stream or other watercourse, whether natural or artificial, or to cause and contribute towards the pollution of any such watercourse, the Council may, by notice in writing, instruct the owner of the premises to execute at his own cost whatever measures it may consider necessary to prevent or minimise such discharge or pollution.
- (4) If a person fails to adequately comply with the notice in terms of subsection 36(3) or fails to comply within the specified time, then Council may take the measures it considers necessary to remedy the situation at the cost of the owner.
- (5) Any person who keeps, conveys or handles any substances which may, in the opinion of Council, either directly have a negative impact on any storm-water drainage system and the environment must take adequate precautions to prevent such occurrences.
- (6) In addition to any other tariff which may be payable in terms of this By-law or any other National Law, an inspection fee will be levied at the discretion of Council if anything other than storm-water or objectionable matter is discharged from the premises.

- (7) The inspection fee referred to in subsection 36(6) is payable, jointly and severally, by the owner, occupier or person in control of or using the premises, or the person having control of the said operation.

**37.**

### **Permission to discharge industrial effluent**

- (1) No person shall discharge or cause or permit to be discharged into any sewage disposal system any industrial effluent or other liquid or substance other than sewage without the written permission of the Council first being obtained or, if such permission has been obtained, otherwise than in strict compliance with any and all of the conditions of such permission.
- (2) Every person shall, before discharging any industrial effluent into a sewage disposal system, make application in writing to the Council for permission to do so as set out in the relevant tariff determined by Council and shall thereafter furnish such additional information and submit such samples as the Council may require.
- (3) The Council may at its discretion, having regard to the capacity of any sewage disposal system or any mechanical appliance used for sewage or any sewage treatment plant, whether or not vested in the Council and subject to such conditions as it may deem fit to impose, including the payment of any tariff, grant permission for the discharge of industrial effluent from any premises into any sewer.
- (4) A person to whom permission has been granted in terms of subsection 37(2), to discharge industrial effluent into a sewer shall, before doing or causing or permitting to be done anything to result in any change in the quantity or discharge or nature of that effluent, notify the Council in writing of the date on which it is proposed that the change shall take place and of the nature of the proposed change. The Council must grant permission before the proposed changes may be implemented.
- (5) Any person who discharges or causes or permits to be discharged any industrial effluent into the sewage disposal system without having first obtained permission to do so in terms of subsection 37(1), shall be guilty of an offence and liable, in terms of the determined tariff, to such tariff as the Council may assess for the conveyance and treatment of the effluent so discharged and for any damage caused as a result of such unauthorised discharge.
- (6) Without prejudice to its rights in terms of subsection 37(5) or section 40, the Council shall be entitled to recover from any person who discharges to a drain or sewer any industrial effluent or any substance which is prohibited or restricted in terms of section 40 all costs, expenses or charges incurred or to be incurred by the Council as a result of any or all of the following:
- (a) injury to persons, damage to the sewer or any sewage treatment works or mechanical appliance or to any property whatsoever, as the result of the breakdown, either partial or complete, of any sewage treatment plant or mechanical appliance, whether under the control of the Council or not; or



- (b) any costs including fines and damages which may be imposed or awarded against the Council and any expense incurred by the Council as a result of a prosecution in terms of the National Water Act, 1998 (Act No. 36 of 1998), as amended, or any action against it consequent on any partial or complete breakdown of any sewage treatment plant or mechanical appliance cause directly or indirectly by the said discharge;
  - (c) any liabilities incurred by the Council as a result of a prosecution in terms of any other National Act.
- (7) Due to any change in circumstances arising from a change in the method of sewage treatment or the introduction of new or revised or stricter or other standards by the Council or in terms of the National Water Act, 1998 (Act No. 36 of 1998), as amended and or other National Acts or as a result of any other reason, the Council may from time to time or at any time review, amend, modify or revoke any permission given or any conditions attached to such permission and/or impose new conditions for the acceptance of any industrial effluent into the sewage disposal system or prohibit the discharge of any or all of such effluent to the sewage disposal system on giving adequate written notice in advance of its intention to do so, and on the expiration of such period of notice the previous permission or conditions, as the case may be, shall be regarded as having fallen away and the new or amended conditions, if any, as the case may be, shall forthwith apply.

**38.**

### **Control of industrial effluent**

- (1) (a) The owner or occupier of any premises from which industrial effluent is discharged to a sewage disposal system shall provide adequate facilities such as overflow level detection devices, standby equipment, overflow catch-pits or other appropriate means effectively to prevent the accidental discharge into any sewage disposal system, whether through the negligence of operators, power failure, failure of equipment or control gear, overloading of facilities, spillage during loading or unloading or for any other like reason, of any substance prohibited or restricted or having properties outside the limits imposed in terms of these By-laws.
- (b) The owner or occupier of any premises from which industrial effluent is discharged to a sewer shall within 24 hours inform the Council of the accidental discharge into any sewage disposal system or storm-water system.
- (2) The Council may, by notice served on the owner or occupier of any premises from which industrial effluent is discharged, require him without prejudice to any other provision of these By-laws to do all or any of the following;
- (a) to subject the effluent before it is discharged to the sewer, to such pre-treatment as will ensure that the effluent will at all times conform in all respects with the requirements of subsection 40(1), or to modify the effluent cycle of the industrial process to an extent and in such a manner as in the opinion of the Council is necessary to enable any sewage treatment works receiving the said effluent, whether

under the control of the Council or not, to produce treated effluent complying with any standards which may be laid down in respect of such works in terms of the National Water Act, 1998 (Act No. 36 of 1998), as amended;

- (b) to restrict the discharge of effluents to certain specified hours and the rate of discharge to a specified maximum and to install at his own expense such tanks, appliances and other equipment as in the opinion of the Council may be necessary or adequate for compliance with the said restrictions;
  - (c) to install a separate drainage installation for the conveyance of industrial effluent and to discharge the same into a sewage disposal system through a separate connecting sewer as directed by the Council and to refrain from discharging the said effluent through any drainage installation intended or used for the conveyance of domestic sewage or from discharging any domestic sewage through the said separate installation for industrial effluent;
  - (d) to construct at his own expense in any drainage installation conveying industrial effluent to the sewer one or more inspection, sampling or metering chambers of such dimensions and materials and in such positions as the Council may prescribe;
  - (e) to pay in respect of the industrial effluent discharged from the premises such charge as assessed in terms of the tariff structure;
  - (f) to provide all such information as may be required by the Council to assess the charges payable in terms of the tariff.
- (3)
- (a) If any person in contravention of any provision of these By-laws discharges industrial effluent into a sewage disposal system, or causes or permits it to be so discharged or is about to do so, the Council may, if the Council is of the opinion that such effluent is likely to cause damage to any sewage disposal system, mechanical appliance or sewage treatment works, forthwith after notifying the owner or occupier of the premises concerned of the Council's intention to do so, close and seal off the connecting sewer conveying such effluent to the sewage disposal system for such period as the Council may deem expedient so as to prevent such effluent from entering the sewage disposal system.
  - (b) The Council shall not be liable for any damage occasioned by any action taken in terms of subsection 3(a).
  - (c) No person shall without the written permission of the Council open or break the seal of a closed drainage installation in terms of subsection 3(a) or cause or permit this to be done.

**39.**

### **Metering and assessment of industrial effluent**

- (1) The Council may require, from the owner or occupier to install in such position as the Council shall determine in any drainage installation conveying industrial effluent to the sewage disposal system, any meter or gauge or other device for the purpose of ascertaining the volume or composition of the said effluent, and it shall be an offence for any person to by-pass, open, break into or otherwise interfere with or to damage any such meter, gauge or other device: Provided that the Council may at its discretion enter into an agreement with any owner or occupier discharging industrial effluent into the sewer, establishing an alternative method of assessing the quantity of effluent so discharged.
- (2) If not compliant to section 39(1) the Council shall be entitled to install and maintain any such meter, gauge or device as aforesaid at the expense of the owner of the premises on which it is installed.
- (3) The owner or occupier of any premises on which there is situated any borehole used as a water supply for trade or industrial purposes shall –
  - (a) register such borehole with the Council;
  - (b) provide the Council with full particulars of the discharge capacity of the borehole; and
  - (c) if the Council has reason to doubt the reliability of the particulars given, carry out at the expense of the owner such tests on the discharge capacity of the borehole as may, in the opinion of the Council, be necessary for the purpose of these By-laws;
  - (d) for the purpose of subsection 38(2)(f), to provide and maintain at his own expense a meter measuring the total quantity of waters drawn from any borehole, spring or other natural source of water and used on the property for this purpose.

**40.**

### **Prohibited discharges**

- (1) No person shall discharge or cause or permit the discharge into any sewage disposal system of any sewage, industrial effluent or other liquid or substance –
  - (a) which in the opinion of the Council may be offensive to or may cause a nuisance to the public;
  - (b) which is in the form of steam or vapour or has a temperature exceeding 44E C at the point where it enters the sewer:
  - (c) which contains any substance of whatsoever nature likely to produce or give off explosive, flammable, poisonous, corrosive or offensive gases or vapours in any sewer;

- (d) which contains any substance having an open flashpoint of less than 93E C or which gives off a poisonous vapour at a temperature below 93E C;
- (e) which contains any material of whatsoever nature, including oil, grease, fat or detergents capable of causing an obstruction to the flow in sewers or drains or interference with the proper operation of a water treatment works;
- (f) which shows any visible signs of tar or associated products or distillates, bitumen or asphalt;
- (g) which contains any substance in such concentration as is likely in the final treated effluent from any sewage treatment works to produce an undesirable taste after chlorinating or an undesirable odour or colour, or excessive foam;
- (h) which contains any substance specified in the said relevant tariffs in concentration greater than those there listed: Provided that the Council may approve or limit such smaller or greater limits or concentrations in respect of any such substance for such period or on such conditions as it may specify on consideration of the effect of dilution in the sewer and of the effect of such substance on the sewer or any sewage treatment process if the Council is satisfied that in the circumstances the discharge of such substance would not –
  - (i) harm or damage any sewer, mechanical appliance, sewage treatment works or equipment; or
  - (ii) prejudice the use of sewage effluent for reuse; or
  - (iii) adversely affect any waters, into which treated sewage effluent is discharged, or any land or crops irrigated with the sewage effluent;

Please note : The relevant non-compliance charge as specified in the tariff structure is applicable to all the specified limits as set out in the tariff.

- (i) which contains any substance of whatsoever nature which in the opinion of the Council –
  - (i) is not amenable to purification or treatment at the sewage treatment works, or which causes or may cause a breakdown or inhibition of the normal sewage treatment processes; or
  - (ii) is of such nature as is or may be amenable to purification or treatment only to such degree as to prevent the final treated effluent from the sewage treatment works from satisfactorily complying in all respects with any requirements imposed in terms of the National Water Act, 1998 (Act No. 36 of 1998), as amended; or

- (iii) whether listed in the relevant Appendix to the tariff structure or not, either alone or in combination with other matter may generate or constitute a toxic substance dangerous to the health of persons employed at the sewage treatment works or entering the Council's sewage disposal system or manholes in the course of their duties.
- (2)
- (a) Any owner or occupier receiving from the Council a written order instructing him or her to stop the discharge to the sewer of any substance referred to in subsection 40(1), shall forthwith stop such discharge.
  - (b) Any owner or occupier who contravenes the provisions of subsection 40(1), or who fails to comply with an order issued in terms of subsection 40(2)(a), shall be liable to pay an inspection fee as prescribed in the tariffs.
  - (c) Notwithstanding the provisions of subsection 2(b), should any person comply with the terms of subsection 2(a) if such discharge is likely in the opinion of the Council to seriously prejudice the efficient operation of any sewage treatment works, the Council may, after further written notice, refuse to permit the discharge of any industrial effluent into the sewage disposal system until such time as the industrial effluent complies in all respects with the Council's requirements as prescribed in terms of these By-laws, in which event the discharge shall forthwith be stopped by the owner or occupier responsible for the discharge or by the Council in the event of his or her failure to do so.

**41.**

**Withdrawal of written permission for disposal of industrial effluent**

- (1) The Council or its authorised official may withdraw any permission, after giving at least 14 (fourteen) days written notice of its intention to a person permitted to discharge industrial effluent into the sewage disposal system if the person -
- (a) fails to ensure that the industrial effluent discharged conforms to the industrial effluent standards prescribed in these By-laws or the written permission by Council;
  - (b) fails or refuses to comply with any notice lawfully served on him or her in terms of these By-laws or contravenes any provisions of these By-laws or any condition imposed in terms of any permission granted to him or her; or
  - (c) fails to pay the assessed charges in respect of any industrial effluent discharged.
- (2) The Council or its authorised official may on withdrawal of any written permission -
- (a) in addition to any steps prescribed in these By-laws, on giving 14

(fourteen) days written notice authorise the closing or sealing of the connecting sewer of the said piece of land to any sewage disposal system for such tariff determined by Council; and

- (b) refuse to accept any industrial effluent until it is satisfied that adequate steps to ensure that the industrial effluent to be discharged conforms to the standards prescribed in these By-laws.

## **CHAPTER 6**

### **GENERAL PROVISIONS**

#### **42. Storm-water not to enter sewers**

- (1) No part of a drainage installation shall at any time be such or capable of being rendered such that water from any source, not being sewage, can enter the installation without the intervention of human action.
- (2) No person shall discharge or cause or permit to be discharged any substance other than sewage into a drainage installation.
- (3) No pipe, channel or other device used for or capable of being used to conduct rainwater from any roof or other surface shall be permitted to discharge into any drainage installation.

#### **43. Discharges from swimming pools**

- (1) No person shall discharge or permit the discharge of 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.
- (2) Water from swimming pools situated on a private piece of land may be discharged to a drainage installation during off peak periods.
- (3) Water from fountains and reservoirs can only be discharged if arrangements have been made with Council during off peak periods.

#### **44. Stables and similar premises**

- (1) Subject to the provisions of subsection 44(2), the Council may at its discretion permit stables, cowsheds, dairies, kennels and similar piece of land or other piece of land for the accommodation of animals to be connected to a drainage installation.
- (2) The floor of any piece of land connected to a drainage installation in terms of subsection 44(1), shall be paved with approved impervious materials and graded to a slit trap, grease trap or gully of adequate capacity.

- (3) Every part of the floor of structures mentioned in subsection 44(1) should be covered by a roof and otherwise effectively protected to prevent the entry of rain or storm-water into the drainage installation.

**45.**

**Sewage delivered by road haulage**

- (1) 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 water treatment plants by road haulage.

- (2) Written permission for delivery of sewage by road haulage:

(a) No person shall discharge sewage into the Council's water care plants or approved position by the Council by road haulage except with the written permission of the Council and subject to such period and any conditions that may be imposed in terms of the written permission.

(b) The charges for any sewage delivered for disposal, to the Council's water care plants or approved position by the Engineer, shall be assessed by the Council in accordance with the prescribed tariff of charges.

- (3) Conditions for delivery of sewage by road haulage:

When sewage is delivered by road haulage –

(a) the time and place of delivery shall be arranged with the Council; and

(b) the nature and composition of the sewage shall be established to the satisfaction of the Council prior to the discharge thereof and no person shall deliver sewage that does not comply with the standards laid down in terms of these By-laws.

- (4) Withdrawal of permission for delivery of sewage by road haulage:

The Council may withdraw any permission, after giving at least 14 (fourteen) days written notice of its intention to a person permitted to discharge sewage by road haul if the person –

(a) fails to ensure that the sewage so delivered conforms to the standards set in the written permission by Council; or

(b) fails or refuses to comply with any notice lawfully served on him in terms of these By-laws or contravenes any provisions of these By-laws or any condition imposed on him in terms of any permission granted to him.

**46.**

**Waste food or other disposal units**

- (1) The Council may in its discretion and subject to the payment of the charges prescribed in the tariff to these By-laws permit the discharge from a waste food disposal unit to enter a drainage installation.
- (2) Waste food disposal units shall be of approved type and the installation and connections thereof shall comply with these By-laws as if it were a waste water fitting.
- (3) No owner or occupier shall incorporate into a drainage installation a mechanical waste food or other disposal unit or garbage grinder unless -
  - (a) the owner or occupier of the premises has registered such unit or garbage grinder with the Council and the Council is satisfied that the working of the Council's sewerage and sewage treatment system shall not thereby be impaired; and
  - (b) such unit or garbage grinder is of an approved type and has been installed in conformity with the Council.
- (4) The Council may require the owner or occupier of any premises on which a waste food or other disposal unit or a garbage grinder has been installed, or the owner of such unit or grinder either to remove, repair or replace any unit which, in the opinion of the Council, is functioning inefficiently or which may impair the working of the Council's sewage disposal system.
- (5) The owner shall, upon the removal of any such unit or grinder, notify the Council within 14 (fourteen) days of its removal.

**47.**

**Disposal of sludge, compost and manure**

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

**48.**

**Private treatment plants**

No person shall construct, fix, maintain or operate any septic tank, French drain, conserving tank or other plant for the treatment, disposal or storage of sewage without the written consent of the Council.



## **CHAPTER 7 PROTECTION OF INFRASTRUCTURE**

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

- (1) An officer of the authority may for any purpose connected with the implementation or enforcement of these By-laws, at all reasonable times or in an emergency at any time, enter premises, request information, take samples, make such inspection, examination and enquiry and carry out work as he or she may deem necessary, and for those purposes operate any component of the drainage installation.
- (2) If the authorised officer considers it necessary that work be performed to enable an authorised officer properly and effectively to implement a function referred to in subsection (1), he 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 opinion the situation is a matter of urgency, without prior notice do such work or cause it to be done, at the cost 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 established, the authority shall bear the expense connected therewith together with that of restoring the premises to its former condition but it shall not otherwise bear such expense.

### **50. Trespassing on the sewage disposal system**

- (1) No person shall without the prior written permission of the authorised officer enter -
  - (a) upon an area used for the purpose of the sewage disposal system which is enclosed by a fence or where entry is prohibited by notice boards; or
  - (b) a structure used by the authority in connection with its sewage disposal system.

### **51. Interference with the sewage disposal system**

- (1) Except with the prior authority of an authorised officer -
  - (a) no person shall interfere or tamper with the sewage disposal system;

- (b) no person shall make a connection to the sewage disposal system save as contemplated in section 67;
- (c) no person shall construct a building or raise or lower the ground level within an area that is subject to a sewer servitude.

**52. Damage to sewage disposal system**

- (1) No person shall damage or endanger the sewage disposal system, or cause or permit it to be damaged or endangered.
- (2) Any person who intends performing work which may cause damage to the sewage disposal system on land owned by or vested in the water services authority or over which it has a servitude or other right, shall prior to commencement of such work, ascertain from an authorised officer if any part of the sewage disposal system is situated on the land.
- (3) If work which in the opinion of an authorised officer could damage or endanger the sewage disposal system is to be performed or is being performed on land referred to in subsection (2), or on land adjacent thereto, he may by notice in writing require the person concerned not to commence, or to cease performing the work until such time as he has complied with the conditions specified in the notice.

**53. Consequential maintenance of sewers**

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

**54. Obstruction of access to sewage disposal system**

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

**55. Work by private persons**

- (1) The authority or the authorised provider shall lay all sewers and connecting sewers unless it elects not to do so in which case the work shall

be executed in accordance with the authority's Conditions of Contract applicable to the work and the following provisions:

- (a) any persons carrying out such work in terms of this section shall prior to commencement of such work lodge with an authorised officer a written indemnity to his satisfaction indemnifying the authority against all liability in respect of any accident or injury to persons or loss or damage to property which may occur as the direct result of the execution of such works;
  - (b) where a connection is to be made with any sewer it shall be made at a point indicated by the authorised officer;
  - (c) whenever the surface of any street or road has been disturbed in the course of such work, the restoration of such surface shall be undertaken solely by the authority at the expense of the person carrying out such work.
- (2) Prior to the disturbance of the surface of such street or road a deposit shall be made by such person with the authority which in the opinion of the authorised officer is sufficient to cover the estimated cost of such restoration.
  - (3) When the actual cost is greater or less than the amount deposited an excess shall be recoverable from such person and any balance shall be refunded to him.
  - (4) All work shall be carried out in accordance with the requirements and to the satisfaction of an authorised officer.

**56.**

### **Offences and penalties**

- (1) Without prejudice to any provision of these By-laws wherein an offence is expressly specified, owner, occupier or any other person who contravenes or fails to comply with any provision of these By-laws or who shall be in default in complying therewith, shall be guilty of an offence and shall be liable, on first conviction, to a fine not exceeding the determined amount or, in default of payment, to imprisonment for a period not exceeding three (3) months, and on any subsequent conviction to a fine not exceeding the determined amount or, in default or payment, to imprisonment as aforesaid.
- (2) Any person who fails to comply in any respect with any notice served on him by the Council directing him to do or not to do anything, shall be guilty of an offence and shall in addition be guilty of a further offence for every day or part of a day during which non-compliance continues and he shall be liable in respect of each offence as aforesaid to a fine not exceeding the determined amount, or in default of payment, to imprisonment for a period not exceeding six (6) months.

**57.**

### **Infringement of By-laws**

Any owner or occupier having or using upon his premises, and any person providing, installing, laying down or connecting, or permitting or causing to be provided, installed, laid down or connected upon any premises any service or part thereof which fail to comply with the requirements of these By-laws shall be guilty of an offence under this By-law and liable on conviction to a fine or imprisonment not exceeding 6 (SIX) months.

**58.**

### **Scope of By-laws**

- (1) These By-laws shall apply to every drainage installation, and in particular to the design and construction of such an installation in any new building or existing building, to any installation required by the Council to be constructed and to alterations or additions to an existing drainage installation whether or not required by the Council to be made in terms of these By-laws.
- (2) Every drainage installation shall both during its construction and on its completion be subject to such inspection, approval, tests and control as the Council shall deem fit or require.

**59.**

### **Right of appeal**

- (1) Any person aggrieved by any decision given or act done by any official in terms of these By-laws in connection with a drainage installation or any work connected therewith, shall have the right to appeal to the committee of the Council appointed to supervise the administration of these By-laws or if there is no such committee to the Council itself.
- (2) Notice of intention to appeal in terms of subsection 58(1) shall be given to the Council within seven (7) days of the decision or act complained of and shall be followed within a further fourteen (14) days by a full statement of the appellant's case in writing to be furnished by the appellant to the Council.

**60.**

### **Notices**

- (1) Every notice, order or other document issued or served by the Council in terms of these By-laws shall be valid if signed by an official of the Council duly authorised thereto.
- (2) Any notice, order or other document served in terms of these By-laws on any person shall be so served by delivering it, or a true copy thereof, to the person to whom it is addressed personally or at his last known residence or place of business or by posting it in which case it shall be deemed to have been served five (5) days after it was posted.
- (3) Every notice, order or other document issued or served in terms of these By-laws shall specify the premises to which it relates, but may refer to the

person for whom it is intended as “the owner” or “the occupier” if his or her name is not known.

**61.**

**Tariffs**

Sewage tariffs determined from time to time, by the Council in terms of the relevant legislation.

**62.**

**Repeal**

The By-laws relating to Waste Water are hereby repealed and replaced by these By-laws, which are to become effective on promulgation hereof.