

MSUKALIGWA MUNICIPALITY

BY-LAW

WATER

Notice is hereby given in terms of Section 156 of the Constitution of the Republic of South Africa that Msukaligwa Municipality has approved the following water by-law:

PART I

Definitions test

1. In this by-law, unless the context otherwise indicates-

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

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

“approved” means approved by an authorised officer;

“authorised agent” means a person authorised by the municipality to perform any act, function or duty in terms of, or exercise any power under these by-laws;

“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 the earth for the purpose of locating, abstracting or using subterranean water and includes a spring;

“Building Regulations” means the National Building Regulations made in terms of the National Building Regulations and Building Standard Act, 1977 (Act No. 103 of 1977);

“communal water services work” means a consumer connection through which water services are supplied to more than one person;

“connecting point” means the point which the drainage installation joins the connecting sewer;

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

“connection pipe” means a pipe, the ownership of which is vested in the municipality or its authorised agent 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;

“consumer” means -

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

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

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

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

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

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

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

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

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

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

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

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

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

“industrial effluent” means effluent emanating from industrial use of water, includes for purposes of these by-laws, any effluent other than standard domestic effluent or stormwater;

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

“main” means a pipe other than a connection pipe, vesting in the municipality or its authorised agent and used by it for the purpose of conveying water to a consumer;

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

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

“municipality” means the water services authority as defined in the Act;

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

“owner” means-

- (a) the person in whom from time-to-time is vested the legal title to premises;
- (b) in a case where the person in whom the legal title to premises is vested is insolvent or dead, or is under any form of legal disability whatsoever, the person in whom the administration and control of such premises is vested as curator, trustee, executor, administrator, judicial manager, liquidator or other legal representative;
- (c) in any case where the municipality or its authorised agent is unable to determine the identity of such person, a person who is entitled to the benefit of the use of such premises or a building or buildings thereon;
- (d) in the case of premises for which a lease agreement of 30 years or longer has been entered into, the lessee thereof;

(e) in relation to-

- (i) a piece of land delineated on a sectional plan registered in terms of the Sectional Titles Act, 1986 (Act No. 95 of 1986), the developer or the body corporate in respect of the common property; or
- (ii) a section as defined in the Sectional Titles Act, 1986 (Act No. 95 of 1986), the person in whose name such section is registered under a sectional title deed and includes the lawfully appointed agent of such a person;

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

“pollution” means the introduction of any substance into the water supply system, a water installation or a water resource that may directly or indirectly alter the physical, chemical or biological properties of the water found therein so as to make it-

- (a) less fit for any beneficial purpose for which it may reasonably be expected to be used; or
- (b) harmful or potentially harmful-
 - (i) to the welfare, health or safety of human beings;
 - (ii) to any aquatic or non-aquatic organism;

“premises” means any piece of land, the external surface boundaries of which are delineated on-

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

“prescribed tariff or charge” means a charge prescribed by the municipality;

“public notice” means a notice in a newspaper in at least two of the official languages in general use within the Province or area in question, and, where possible, the notice shall be published in a newspaper appearing predominantly in the language utilised in the publication of the notice;

“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 it in terms of the Act and includes for purposes of these by-laws water for industrial purposes and the disposal of industrial effluent;

“sea outfalls” means the discharge of effluent directly into the sea;

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

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

“sewage disposal system” means the structures, pipes, valves, pumps, meters or other appurtenances used in the conveyance through the sewer reticulation system and treatment at the sewage treatment plant under the control of the municipality or its authorised agent and which may be used by it in connection with the disposal of sewage and shall include the sea outfalls;

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

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

“stormwater” means water resulting from natural precipitation or accumulation and includes rainwater, subsoil water or spring water;

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

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

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

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

“water services” has the same meaning assigned to it in terms of the Act and includes for purposes of these by-laws water for industrial purposes and the disposal of industrial effluent;

“water supply services” has the same meaning assigned to it in terms of the Act and includes for purposes of these by-laws water for industrial purposes and the disposal of industrial effluent;

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

“wet industry” means an industry which discharges industrial effluent; and

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

(2) Any word or expression used in these by-laws to which a meaning has been assigned in-

- (a) the Act will bear that meaning; and
- (b) the National Building Regulations and Building Standards Act, 1997 (Act No. 103 of 1977), the Building Regulations

will in respect of Chapter III bear that meaning, unless the context indicates otherwise.

(3) Any reference in Chapter I of these by-laws to water services or services must be interpreted as referring to water supply services or sanitation services depending on the services to which is applicable.

PART II

Application for Water Services

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

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

(3) A consumer must elect the available level of services to be provided to him or her or it.

(4) A consumer may at any time apply to alter the level of services elected in terms of the agreement entered into, provided that such services are available

and that any costs and expenditure associated with altering the level of services will be payable by the consumer.

PART III

Tariffs and charges

Prescribed tariffs and charges for water services

3. All tariffs and or charges payable in respect of water services rendered by the municipality or its authorised agent in terms of these by-laws, including but not limited to the payment of connection charges, fixed charges or any additional charges or interest in respect of failure to pay such tariffs or charges on the specified date will be set by the municipality- by a resolution passed by the Council;

in accordance with-

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

Fixed charges for water services

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

in accordance with-

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

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

PART IV

Payment

Payment of deposit

5. (1) Every consumer must on application for the provision of water services and before such water services will be provided by the municipality or its authorised agent, deposit with the municipality or its authorised agent a sum of money equal to the estimated tariff and or charge for an average month's

water services as determined by the municipality or its authorised agent except in the case of a pre-payment measuring device being used by the municipality or its authorised agent.

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

Payment for water services provided

6. (1) Water services provided by the municipality or its authorised agent to a consumer shall be paid for by the consumer at the prescribed tariff or charge set, for the particular category of water services provided.
- (2) A consumer shall be responsible for payment for all water services provided to the consumer from the date of an agreement until the date of termination thereof.
- (3) The municipality or its authorised agent may estimate the quantity of water services provided in respect of a period or periods within the interval between successive measurements and may render an account to a consumer for the services so estimated.
- (4) If a consumer uses water supply services for a category of use other than that for which it is provided by the municipality or its authorised agent in terms of an agreement and as a consequence is charged at a rate lower than the rate which should have been charged, the Municipality or its authorised agent may make an adjustment of the amount charged in accordance with the rate which should have been charged and recover from the consumer the tariffs and charges payable in accordance with such adjustment.
- (5) If amendments to the prescribed tariffs or charges for water services provided become operative on a date between measurements for the purpose of rendering an account in respect of the tariffs or charges-
 - (a) it shall be deemed that the same quantity of water services was provided in each period of twenty-four hours during the interval between the measurements; and
 - (b) any fixed charge shall be calculated on a pro rata basis in accordance with the charge that applied immediately before such amendment and such amended charge.
- (6) A consumer must pay his or her or its account at an approved agent of the municipality or its authorised agent. A consumer shall remain liable for the payment of an account not paid with the municipality, its authorised agent or approved agent.
- (7) A municipality or its authorised agent must inform a consumer as to who the approved agents for payment of accounts are.

PART V

Termination, limitation and discontinuation of water services

Termination of agreement for the provision of water services

7. (1) A consumer may terminate an agreement for the provision of water services by giving to the municipality or its authorised agent not less than thirty working days' notice in writing of his or her intention to do so.
- (2) the municipality or its authorised agent may, by notice in writing of not less than thirty working days, advise a consumer of the termination of his, her or it's agreement for the provision of water services if-
- (a) he, she or it has not used the water services during the preceding six months and has not made arrangements to the satisfaction of the municipality or its authorised agent for the continuation of the agreement;
 - (b) he, she or it has failed to comply with the provisions of these by-laws and has failed to rectify such failure to comply on notice in terms of Section (23) or to pay any tariffs or charges due and payable after the procedure set out in Section (11) was applied;
 - (c) in terms of an arrangement made by it with another water services institution to provide water services to the consumer.
- (3) The municipality or its authorised agent may, after having given notice, terminate an agreement for services if a consumer has vacated the premises to which such agreement relates.

Limitation and/or discontinuation of water services provided

8. (1) The municipality or its authorised agent may limit or discontinue water services provided in terms of these by-laws-
- (a) on failure to pay the prescribed tariffs or charges on the date specified, after the provisions of Section (11) were applied;
 - (b) on failure to comply with any other provisions of these by-laws, after notice in terms of Section (23) was given;
 - (c) at the written request of a consumer;
 - (d) if the agreement for the provision of services has been terminated in terms of Section (13) and it has not received an application for subsequent services to the premises within a period of 90 (ninety) days of such termination;

- (e) the building on the premises to which services were provided has been demolished;
 - (f) if the consumer has interfered with a limited or discontinued service; or
 - (g) in an emergency.
- (2) The municipality or its authorised agent will not be liable for any damages or claims that may arise from the limitation or discontinuation of water services provided in terms of Sub-Section (1).

Restoration of water services

9. When a consumer enters into an agreement for the payment of the arrears amount in instalments after the receipt of a final demand notice or a discontinuation notice the water services will be restored to the type of service the consumer elected in terms of the agreement for the provision of water services, within 7 (seven) working days.

PART VI

General Provisions

Responsibility for compliance with these by-laws

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

Exemption

11. (1) The municipality or its authorised agent may, in writing exempt an owner, consumer, any other person or category of owners, consumers or other persons from complying with a provision of these by-laws, subject to any conditions it may impose, if it is of the opinion that the application or operation of that provision would be unreasonable, provided that the municipality or its authorised agent 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 in terms of these by-laws; and
 - (f) the Act, or any regulations made in terms thereof, is not complied with.
- (2) The municipality or its authorised agent may at any time after giving written notice of at least thirty days, withdraw any exemption given in terms of Sub-Section (1).

Unauthorised use of water services

12. (1) No person may gain access to water services from the water supply system, sewage disposal system or any other sanitation services unless an agreement has been entered into with the municipality or its authorised agent for the rendering of those services.
- (2) The municipality or its authorised agent may, irrespective of any other action it may take against such person in terms of these by-laws, by written notice order a person who has gained access to water services from the water supply system, sewage disposal system or any other sanitation services without an agreement with the municipality or its authorised agent for the rendering of those services,
- (a) to apply for such services in terms of Section 2 or 3; and
 - (b) to undertake such work as may be necessary to ensure that the consumer installation through which access was gained complies with the provisions of these by-laws.
- (3) The provisions of Section 23 shall apply to a notice in terms of Sub-Section (2) above.

Change in purpose for which water services are used

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

Interference with water supply system or any sanitation services

14. (1) No person other than the municipality or its authorised agent shall manage, operate or maintain the water supply system or any sanitation system unless authorised by these by-laws or an authorised agent.
- (2) No person other than the municipality or its authorised agent shall effect a connection to the water supply system or sewage disposal system or render any other sanitation services.

Obstruction of access to water supply system or any sanitation services

15. (1) No person shall prevent or restrict physical access to the water supply system or sewage disposal system.
- (2) If a person contravenes Sub-Section (1), the municipality or its authorised agent may-
- (a) by written notice require such person to restore access at his or her own expense within a specified period; or
 - (b) if it is of the opinion that the situation is a matter of urgency, without prior notice restore access and recover the cost from such person.

Notice and documents

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

Power to serve and compliance with notices

17. (1) The municipality or its authorised agent may, by written notice, order an owner, consumer or any other person who fails, by act or omission, to comply with the provisions of these by-laws or of any condition imposed thereunder to remedy such breach within a period specified in the notice, which period shall not be less than thirty days.
- (2) if a person fails to comply with a written notice served on him or her by the municipality or its authorised agent in terms of these by-laws within the specified period, it may take such action that in its opinion is necessary to ensure compliance, including-
- (a) undertaking the work necessary itself and recovering the cost of such action or work from that owner, consumer or other person;
 - (b) limiting or discontinuing the provision of service; and
 - (c) instituting legal proceedings.
- (3) A notice in terms of Sub-Section (1) will-
- (a) give details of the provision of the by-laws not complied with;
 - (b) give the owner, consumer or other person a reasonable opportunity to make representations and state his or her case, in writing, to the municipality or its authorised agent within a specified period, unless the owner, consumer or other person was given such an opportunity before the notice was issued;
 - (c) specify the steps that the owner, consumer or other person must take to rectify the failure to comply;
 - (d) specify the period within which the owner, consumer or other person must take the steps specified to rectify such failure; and
 - (e) indicate that the municipality or its authorised agent-
 - (i) may undertake such work necessary to rectify the failure to comply if the notice is not complied with and that any costs associated with such work may be recovered from the owner, consumer or other person; and
 - (ii) may take any other action it deems necessary to ensure compliance.
- (4) In the event of an emergency the municipality or its authorised agent may without prior notice undertake the work required by Sub-Section (3)(e)(i) and recover the costs from such person.

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

Power of entry and inspection

18. (1) A municipality or its authorised agent may enter and inspect any premises-
- (a) for the purposes set out in and in accordance with the provisions of Section 80 of the Act;
 - (b) for any purpose connected with the implementation or enforcement of these by-laws, at all reasonable times, after having given reasonable written notice of the intention to do so, unless it is an emergency situation.

False statements or information

19. No person shall make a false statement or furnish false information to the municipality or its authorised agent or falsify a document issued in terms of these by-laws.

Offences

20. (1) A person who-
- (a) unlawfully and intentionally or negligently interfere with any water services works of the municipality or its authorised agent;
 - (b) fails to provide information or provide false information reasonably requested by the municipality or its authorised agent;
 - (c) fails or refuses to give access required by a municipality or its authorised agent in terms of Section 24;
 - (d) obstructs or hinders a municipality or its authorised agent in the exercise of his or her powers or performance of his or her functions or duties under these by-laws;
 - (e) contravenes or fails to comply with a provision of these by-laws;
 - (f) contravenes or fails to comply with a condition or prohibition imposed in terms of these by-laws;

- (g) contravenes or fails to comply with any conditions imposed upon the granting of any application, consent, approval, concession, exemption or authority in terms of these by-laws; or
- (h) fails to comply with the terms of a notice served upon him or her in terms of these by-laws;

shall be guilty of an offence and liable on conviction to a fine not exceeding R2 000.00 or in default on payment, to imprisonment for a period not exceeding 4 months and in the event of a continued offence to a further fine not exceeding R1 000.00 for every day during the continuance of such offence after a written notice from the municipality or its authorised agent has been issued, and in the event of a second offence to a fine not exceeding R4 000.00 or, in default on payment to imprisonment for a period not exceeding 8 months.

Availability of by-laws

- 21. (1) A copy of these by-laws shall be included in the municipality's Municipal Code as required in terms of legislation.
- (2) A copy of these by-laws shall be available for inspection at the municipal offices or at the offices of its authorised agent at all reasonable times.
- (3) A copy of the by-laws may be obtained against payment of R10.00 per person from the municipality or its authorised agent.

CHAPTER II

WATER SUPPLY SERVICES

PART I

Connection to water supply system

Provision of connection pipe

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

Location of connection pipe

23. (1) A connection pipe provided and installed by the municipality or its authorised agent shall-
- (a) be located in a position agreed to between the owner and the municipality or its authorised agent and be of a suitable size as determined by the municipality or its authorised agent;
 - (b) terminate at-
 - (i) the boundary of the land owned by or vested in the municipality or its authorised agent, or over which it has a servitude or other right; or
 - (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 municipality or its authorised agent shall 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 municipality or its authorised agent 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, or such agreed position inside or outside his or her premises where the connection is required, for the municipality or its authorised agent to connect to such installation.
- (3) A municipality or its authorised agent may at the request of any person agree, subject to such conditions as he or she may impose, to a connection to a main other than that which is most readily available for the provision of water supply to the premises; provided that the applicant shall be responsible for any extension of the water installation to the connecting point designated by the municipality or its authorised agent 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.

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

24. (1) Notwithstanding the provisions of Section 29 only one connection pipe to the water supply system may be provided for the supply of water to any premises, irrespective of the number of accommodation units, business units or consumers located on such premises.
- (i) a separate measuring device; and
 - (ii) an isolating valve; and
 - (iii) will be liable to the municipality or its authorised agent for the tariffs and charges for all water supplied to the premises through such a single measuring device, irrespective of the different quantities consumed by the different consumers served by such measuring device.
- (2) Notwithstanding Sub-Section (1), the municipality or its authorised agent may authorise that more than one connection pipe be provided on the water supply system for the supply of water to any premises comprising sectional title units or if, in the opinion of the municipality or its authorised agent, undue hardship or inconvenience would be caused to any consumer on such premises by the provision of only one connection pipe.
- (3) Where the provision of more than one connection pipe is authorised by the municipality or its authorised agent under Sub-Section (4), the tariffs and charges for the provision of a connection pipe is payable in respect of each water connection so provided.

Interconnection between premises or water installations

25. An owner of premises shall ensure that no interconnection exists between-
- (a) the water installation on his or her premises and the water installation on other premises; or
 - (b) where several accommodation units are situated on the same premises, the water installations of the accommodation units;

unless he or she has obtained the prior written consent of the municipality or its authorised agent, and complies with any conditions that it may have imposed.

Disconnection of water installation from connection pipe

26. The municipality or its authorised agent may disconnect a water installation from the connection pipe and remove the connection pipe if-
- (a) the agreement for supply has been terminated in terms of Section (13) 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.

PART II

Communal water services works

Provision of a water services work for water supply to several consumers

- 27. (1) A municipality or its authorised agent may install a communal water services work for the provision of water services to several consumers at a location it deems appropriate, provided that-
 - (a) the consumers to whom water services will be provided through that water services work has been consulted in respect of the level of service, tariff that will be payable and location of the work.

PART III

Temporary supply

Water supplied from a hydrant

- 28. (1) The municipality or its authorised agent may authorise a temporary supply of water to be taken from one or more fire hydrants specified by it, subject to such conditions and period as may be prescribed by it.
- (2) A person who desires a temporary supply of water referred to in Sub-Section (1) must apply for such water services in terms of Section (2).
- (3) the supply of water in terms of Sub-Section (1) must be measured.
- (4) the municipality or its authorised agent may for purposes of measuring provide a portable water meter to be returned to the municipality or its authorised agent on termination of the temporary supply, which portable meter and all other fittings and apparatus used for the connection of the portable water meter to a hydrant, shall remain the property of the municipality or its authorised agent and will be provided subject any conditions imposed by the municipality or its authorised agent.

PART IV

Standards and general conditions of supply

Quantity, quality and pressure

- 29. Water supply services provided by the municipality or its authorised agent will comply with the minimum standards set for the provision of water supply services in terms of Section (9) of the Act.

General conditions of supply

30. (1) The municipality or its authorised agent may specify the maximum height to which water will be supplied from the water supply system. Where a consumer requires water to be supplied at a greater height or pressure the consumer will be responsible therefore.
- (2) The municipality or its authorised agent may, in an emergency, interrupt the supply of water to any premises without prior notice.
- (3) If in the opinion of the municipality or its authorised agent the consumption of water by a consumer adversely affects the supply of water to another consumer, it may apply such restrictions as it may deem fit to the supply of water to the first mentioned consumer in order to ensure a reasonable supply of water to the other consumer and will inform that consumer of such restrictions.

PART V

Measurement of water supply services

Measuring of quantity of water supplied

31. (1) The municipality or its authorised agent will measure the quantity of water supplied at regular intervals.
- (2) Any measuring device through which water is supplied to a consumer by the municipality or its authorised agent and its associated apparatus shall be provided and installed by the municipality or its authorised agent, shall remain its property, and may be changed and maintained by the municipality or its authorised agent when deemed necessary by it.
- (3) The municipality or its authorised agent may install a measuring device, and its associated apparatus, on premises at any point on the service pipe.
- (4) If the municipality or its authorised agent installs a measuring device on a service pipe in terms of Sub-Section (3), it may install a section of pipe and associated fittings between the end of its connection pipe and the meter, and such section shall be deemed to form part of the water supply system.
- (5) If the municipality or its authorised agent installs a measuring device together with its associated apparatus on a service pipe in terms of Sub-Section (3), the owner shall-
- (a) provide a place satisfactory to the municipality or its authorised agent in which to install it;
 - (b) ensure that unrestricted access is available to it at all times;

- (c) be responsible for its protection and be liable for the costs arising from damage thereto, excluding damage arising from normal fair wear and tear;
 - (d) ensure that no connection is made to the pipe in which the measuring device is installed, between the measuring device and the connection pipe serving the installation; and
 - (e) make provision for the drainage of water which may be discharged, from the pipe in which the measuring device is installed, in the course of work done by the municipality or its authorised agent on the measuring device.
- (6) No person other than an authorised agent shall-
- (a) disconnect a measuring device and its associated apparatus from the pipe in which they are installed;
 - (b) break a seal which the municipality or its authorised agent has placed on a meter; or
 - (c) in any other way interfere with a measuring device and its associated apparatus.
- (7) If the municipality or its authorised agent considers that, in the event of the measuring device being a meter that the size of a meter is unsuitable by reason of the quantity of water supplied to premises, it may install a meter of such size as it may deem necessary, and may recover from the owner of the premises concerned the prescribed charge for the installation of the meter.
- (8) The municipality or its authorised agent may require the installation, at the owner's expense, of a measuring device to each dwelling unit, in separate occupancy, on any premises, for use in determining quantity of water supplied to each such unit; provided that where fixed quantity water delivery systems are used, a single measuring device may be used to supply more than one unit.

Quantity of water supplied to consumer

32. (1) For purposes of assessing the quantity of water measured by a measuring device installed by the municipality or its authorised agent on the premises of a consumer or, where applicable, estimated or determined by the municipality or its authorised agent in terms of any provision of these by-laws, it will, for the purposes of these by-laws, be deemed, unless the contrary can be proved, that-
- (a) the quantity is represented by the difference between measurements taken at the beginning and end of such period;
 - (b) the measuring device was accurate during such period;

(c) the entries in the records of the municipality or its authorised agent were correctly made; and

(d) provided that if water is supplied to, or taken by, a consumer without its passing through a measuring device, the estimate by the municipality or its authorised agent of the quantity of such water shall be deemed to be correct.

(2) Where water supplied by the municipality or its authorised agent to any premises is in any way taken by the consumer without such water passing through any measuring device provided by the municipality or its authorised agent, the municipality or its authorised agent may for the purpose of rendering an account estimate, in accordance with Sub-Section 93), the quantity of water supplied to the consumer during the period from the last previous reading of the water meter until the date it is discovered that water is so taken by the consumer.

(3) For the purposes of Sub-Section 92), an estimate of the quantity of water supplied to a consumer shall be based on, as the municipality or its authorised agent may decide.

(a) the average monthly consumption of water on the premises during any three consecutive measuring periods during the twelve months' period prior to the date on which the taking of water in the manner mentioned in Sub-Section (2) was discovered; or

(b) the average monthly consumption on the premises registered over three succeeding measuring periods after the date referred to in Sub-Section (3)(a).

(4) Nothing in these regulations shall be construed as imposing on the municipality or its authorised agent an obligation to cause any measuring device installed by the municipality or its authorised agent on any premises to be measured at the end of every month or any other fixed period, and the municipality or its authorised agent may estimate the quantity of water supplied over any period during the interval between successive measurements of the measuring device and render an account to a consumer for the quantity of water so estimated.

(5) The municipality or its authorised agent must, on receipt from the consumer of written notice of not less than 7 (seven) days and subject to payment of the prescribed charge, measure the quantity of water supplied to consumer at a time or on a day other than that upon which it would normally be measured.

(6) If a contravention of Sub-Section 36(6) occurs, the consumer shall pay to the municipality or its authorised agent the cost of such quantity of water as in the municipality or its authorised agent's opinion was supplied to him or her.

(7) Until such time a measuring device have been installed in respect of water supplied to a consumer the estimated or assumed consumption of that consumer must be based on the average consumption of water supplied to the specific zone within which the consumer's premises is situated, during a specific period.

(8) Where in the opinion of the municipality or its authorised agent it is not reasonably possible or cost effective to measure water supplied to each consumer within a determined zone, the municipality or its authorised agent may determine a basic tariff or charge to be paid by each consumer within that zone irrespective of actual consumption.

(9) A tariff or charge determined in terms of Sub-Section (8) will be based on the estimated average consumption of water supplied to that zone.

(10) Where water supply services are provided through a communal water services work, the amount due and payable by consumers gaining access to water supply services through that communal water services work must be based on the estimated average consumption of water supplied to that water services work.

Defective measurement

33. (1) If a consumer has reason to believe that a measuring device, used for measuring water, which was supplied to him or her by the municipality or its authorised agent is defective he or she may, against payment of the prescribed charge, make application in writing for the measuring device to be tested.

(2) The provisions of Sections 10(8) to 10(12) will apply to such an application.

Special measurement

34. (1) If the municipality or its authorised agent wishes, for purposes other than charging for water consumed, to ascertain the quantity of water which is used in a part of a water installation, it may by written notice advise the owner concerned of its intention to install a measuring device at such point in the water installation as it may specify.

(2) The installation of a measuring device referred to in Sub-Section (1), its removal, and the restoration of the water installation after such removal shall be carried out at the expense of the municipality or its authorised agent.

(3) The provisions of Sections 37(5) and 37(6) shall apply insofar as they may be applicable in respect of a measuring device installed in terms of Sub-Section (1).

No reduction of amount payable for water wasted

35. A consumer shall not be entitled to a reduction of the amount payable for water wasted or water losses in a water installation.

NOTE: A municipality or its authorised agent should consider the establishment of a reserve fund to which consumers may contribute, which fund will be used to cover any financial implications that Section (41) may have in the event of water losses.

Adjustment of quantity of water supplied through defective measuring device

36. (1) If a measuring device is found to be defective in terms of Section 10(11), the municipality or its authorised agent may estimate the quantity of water supplied to the consumer concerned during the period in which, in its opinion, such measuring device was defective, on the basis of the average daily quantity of water supplied to him or her over-

- (a) a period between two successive measurements subsequent to the replacement of the measuring device; or
- (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 consumer during the period when his or her measuring device was defective cannot be estimated in terms of Sub-Section (1), the municipality or its authorised agent may estimate the quantity on any basis that is available to it.

PART VI

Installation work

Approval of installation work

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

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

- (a) the prescribed charge, if applicable-

- (b) copies of the drawings as prescribed by the municipality or its authorised agent, 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 I or has been designed on a rational basis.
- (3) The provisions of Sub-Sections (1) and (2) shall not apply to a qualified plumber who replaces a fixed water heater or its associated protective devices.
- (4) Authority given in terms of Sub-Section 91) shall lapse at the expiry of a period of twenty four months after the first day of the month succeeding the month in which the authority is given.
- (5) A complete set of approved drawings of installation work shall be available at the site of the work at all times until such work has been completed, where approval was required in terms of Sub-Section 1.
- (6) If installation work has been done in contravention of Sub-Section (1) or (2), the municipality or its authorised agent may by written notice require the owner of the premises concerned to-
- (a) comply with that regulation within a specified period;
 - (b) if work is in progress, to cease the work; and
 - (c) to remove all such work which does not comply with these by-laws.

Persons permitted to do installation and other work

NOTE: Initiatives are currently underway to set up procedures for the registration of persons in the Water Supply Industry. It is the intention to draft Regulations under Section (9) of the Water Services Act once these procedures are in place.

Provision and maintenance of water installations

38. (1) An owner must provide and maintain his or her water installation at his or her own cost and, where permitted in terms of Sub-Section (2), must ensure that the installation is situated within the boundary of his or her premises.
- (2) Before doing work in connection with the maintenance of a portion of his or her water installation which is situated outside the boundary of his or her premises, an owner shall obtain the written consent of the municipality or its authorised agent or the owner of the land on which such portion is situated, as the case may be.

Use of pipes and water fittings to be authorised

39. (1) No person shall, without the prior written authority of the municipality or its authorised agent, install or use a pipe or water fitting in a water installation within the municipality or its authorised agent's area of jurisdiction unless it is included in the Schedule of Approved Pipes and Fittings as compiled by the municipality or its authorised agent.
- (2) Application for the inclusion of a pipe or water fitting in the Schedule referred to in Sub-Section (1) must be made on the form prescribed by the municipality or its authorised agent and be accompanied by the prescribed charge.
- (3) A pipe or water fitting may be included in the Schedule referred to in Sub-Section (1) if -
- (a) it bears the standardisation mark of the South African Bureau of Standards in respect of the relevant SABS specification issued by the Bureau; or
 - (b) it bears a certification mark issued by the SABS to certify that the pipe or water fitting complies with an SABS Mark specification or a provisional specification issued by the SABS, provided that no certification marks shall be issued for a period exceeding two years.
- (4) The municipality or its authorised agent 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 method of installation thereof.
- (5) A pipe or water fitting shall be removed from the Schedule if it-
- (a) no longer complies with the criteria upon which its inclusion was based; or
 - (b) is no longer suitable for the purpose for which its use was accepted.
- (6) The current schedule shall be available for inspection at the office of the municipality or its authorised agent at any time during working hours.
- (7) The municipality or its authorised agent may sell copies of the current schedule at the prescribed charge.

Labelling of terminal water fittings and appliances

40. All terminal water fittings and appliances using or discharging water shall be marked, or have included within the packaging of the item, the following information:
- (a) the range of pressure in kPa over which the water fitting or appliance is designed to operate;

- (b) the flow rates, in litres per minute, related to the design pressure range, provided that this information shall be given for at least the following water pressures-
 - (i) 20 kPa
 - (ii) 100 kPa
 - (iii) 400 kPa

PART VII

Water pollution, restriction and wasteful use of water

Owner to prevent pollution of water

- 41. An owner shall provide and maintain approved measures to prevent the entry of a substance, which may be a danger to health or adversely affect the potability of water or affect its fitness for use, into-
 - (a) the water supply system; and
 - (b) any part of the water installation on his or her premises.

Water restrictions

- 42. (1) The municipality or its authorised agent may by public notice to prevent the wasteful use of water in terms of Section (51) or in the event of a water shortage, drought or flood-
 - (a) prohibit or restrict the consumption of water in the whole or part of its area of jurisdiction in general or for-
 - (i) specified purposes;
 - (ii) during specified hours of the day or on specified days; and
 - (iii) in a specified manner; and
 - (b) determine and impose-
 - (i) limits on the quantity of water that may be consumed over a specified period;
 - (ii) charges additional to those prescribed in respect of the supply of water in excess of a limit contemplated in Sub-Section (1)(b)(i); and
 - (iii) a general surcharge on the prescribed charges in respect of the supply of water; and
 - (c) impose restrictions or prohibitions on the use or manner of use or disposition of an appliance by means of which water is used or consumed, or on the connection of such appliances to the water installation.

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

(3) The municipality or its authorised agent may-

- (a) take, or by written notice require a consumer at his or her own expense to take, such measures, including the installation of measurement devices and devices for restricting the flow of water, as may in its opinion be necessary to ensure compliance with a notice published in terms of Sub-Section (1); or
- (b) discontinue or, for such period as it may deem fit, limit the supply of water to any premises in the event of a contravention on such premises or failure to comply with the terms of a notice published in terms of Sub-Section (1), subject to notice in terms of Section (23); and
- (c) where the supply has been discontinued, it shall only be restored when the prescribed charge for discontinuation and reconnecting the supply has been paid.

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

Waste of water unlawful

43. (1) No consumer shall permit-

- (a) the purposeless or wasteful discharge of water from terminal water fittings;
- (b) pipes or water fittings to leak;
- (c) the use of maladjusted or defective water fittings;
- (d) an overflow of water to persist; or
- (e) an inefficient use of water to persist.

(2) An owner shall repair or replace any part of his or her water installation which is in such a state of disrepair that it is either causing or is likely to cause an occurrence listed in Sub-Section (1).

(3) If an owner fails to take measures as contemplated in Sub-Section (2), the municipality or its authorised agent shall, by written notice in terms of Section (23), require the owner to comply with the provisions of Sub-Section (1).

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

(5) The municipality or its authorised agent may, by written notice, prohibit the use by a consumer of any equipment in a water installation if, in its opinion, its use of water is inefficient. Such equipment shall not be returned to use until its efficiency has been restored and a written application to do so has been approved by the municipality or its authorised agent.

PART VIII

Water Audit

44. (1) Water users using more than 3 650 Kl per annum, excluding those comprising multiple dwelling units, must within one month after the end of each financial year of the municipality or its authorised agent undertake an annual water audit at their own cost.

(2) A copy of the audit must be available for inspection by officials from the Department of Water Affairs and Forestry, the water board, if applicable, and the municipality or its authorised agent.

(3) The audit must contain 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;
- (f) the water pollution monitoring methods;
- (g) the current initiatives to manage demand for water;
- (h) the plans to manage their demand for water;
- (i) a comparison of the above factors with those reported in each of the previous three years (where available);
- (j) estimates of consumption by various components of use; and

- (k) a comparison of the above factors with those reported in each of the previous three years, where available.

PART IX

General Provisions

Notification of boreholes

45. (1) The municipality or its authorised agent may, by public notice, require-
- (a) the owner of any premises within the area of jurisdiction of the municipality or its authorised agent upon which a borehole exists or, if the owner is not in occupation of such premises, the occupier thereof, to notify it on the prescribed form of the existence of a borehole on such premises, and provide it with such information in respect thereof as it may require; and
 - (b) the owner or occupier of any premises who intends to sink a borehole on such premises to notify it on the prescribed form of such intention before work in connection therewith is commenced.
- (2) The municipality or its authorised agent may require the owner or occupier of any premises who intends to sink a borehole to undertake an environmental impact assessment for such intended borehole, to the satisfaction of the municipality or its authorised agent, before sinking the borehole.
- (3) Boreholes are subject to any requirements of the National Water Act, 1998 (Act No. 136 of 1998).
- (4) The municipality or its authorised agent may by notice to an owner or occupier or by public notice require owners and occupiers on who has existing boreholes used for water services to-
- (a) obtain approval from it for the use of a borehole for water services in accordance with Section 6, 7 and 22 of the Act;
 - (b) impose conditions in respect of the use of a borehole for water services; and
 - (c) impose a fixed charge in respect of the use of such a borehole.

Sampling of Water

46. (1) the municipality or its authorised agent may take samples of water obtained from a source, authorised in terms of Sections (6) or (7) of the Act, other than the water supply system 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 prescribed charge for the taking and testing of the samples referred to in Sub-Section (1) shall be paid by the person to whom approval to use the water for potable water was granted in terms of Section 6(1) of the Act.

Supply of non-potable water by municipality or its authorised agent

47. (1) The municipality or its authorised agent may on application in terms of Section (3) agree to supply non-potable water to a consumer, subject to such terms and conditions as the municipality or its authorised agent may impose.

(2) Any supply of water agreed to in terms of Sub-Section (1) shall not be used for domestic or any other purposes, which, in the opinion of the municipality or its authorised agent, may give rise to a health risk.

(3) No warranty, expressed or implied, shall apply to the purity of any non-potable water supplied by the municipality or its authorised agent or its suitability for the purpose for which the supply was granted.

(4) The supply of non-potable water shall, both as to condition and use, be entirely at the risk of the consumer, who shall be liable for any consequential damage or loss arising to himself, herself or others arising directly or indirectly therefrom, including the consequences of any bona fide fault of the municipality or its authorised agent or the malfunction of a treatment plant.

Testing of pressure in water supply systems

48. The municipality or its authorised agent may, on application by an owner and on payment of the prescribed 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 the owner may request.

Pipes in streets or public places

49. No person shall for the purpose of conveying water derived from whatever source, lay or construct a pipe or associated component on, in or under a street, public place or other land owned by, vested in, or under the control of any municipality or its authorised agent, except with the prior written permission of that municipality or its authorised agent and subject to such conditions as it may impose.

CHAPTER III

SANITATION SERVICES

PART I

Standards and general provisions

Standards for sanitation services

50. Sanitation services provided by the municipality or its authorised agent will comply with the minimum standards set for the provision of sanitation services in terms of the Section (9) of the Act.

Objectionable discharge to sewage disposal system

51. (1) No person shall discharge, or permit the discharge or entry into the sewage disposal system of any sewage or other substance-
- (a) which does not comply with the standards and criteria prescribed in section (73), (74), (76) below;
 - (b) which contains any substance 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 re-use of treated sewage or adversely affect any of the processes whereby sewage is purified for re-use, 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 or discharge from any sea outfalls not complying with standards prescribed under the National Water Act, 1998 (Act No. 36 of 1998);
 - (f) which may cause danger to the health or safety of any person or may be injurious to the structure or materials of the sewage disposal system or may prejudice the use of any ground used by the municipality 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 stormwater to enter the sewage disposal system.
- (3) The municipality or its authorised agent 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 authorised agent.

(4) If any person contravenes any provision of Sub-Section (1) or Sub-Section (2) he or she shall within twelve hours, or earlier if possible, advise the municipality or its authorised agent of the details of the contravention and the reasons for it.

PART II

On-site sanitation services and associated services

Application for infrastructure

52. (1) If an agreement for on site sanitation and associated services in accordance with Section (2) exists and no infrastructure in connection therewith exists on the premises, the owner must immediately make application on the approved form and-

- (a) pay the prescribed charge for the installation of necessary infrastructure; or
- (b) with the approval by the municipality or its authorised agent and at the request of the owner, install the connecting sewer or on site sanitation services in accordance with the specifications of the municipality or its authorised agent.

(2) A municipality or its authorised agent may specify the type of on site sanitation services to be installed.

Services associated with on-site sanitation services

53. (1) The removal or collection of conservancy tank contents, night soil or the emptying of pits will be undertaken by the municipality or its authorised agent in accordance with a removal and collection schedule determined by the municipality or its authorised agent.

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

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

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

(2) Charges 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.

(3) If the volume of conservancy tank contents, night soil or the emptying of pits removed or collected cannot be quantified the municipality or its authorised agent may charge a fixed charge as prescribed.

(4) Charges may be in the form of a monthly contribution or it may be levied as a single payment when the service is rendered.

PART III

Sewage disposal

Provision of a connecting sewer

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

- (a) pay the prescribed charge for the installation of such a connecting sewer; or
- (b) with the approval by the municipality or its authorised agent and at the request of the owner, install the connecting sewer in accordance with any specifications of the municipality or its authorised agent.

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

Location of connecting sewer

56. (1) A connecting sewer provided and installed by the municipality or its authorised agent or owner in terms of section (62) shall-

- (a) be located in a position agreed to between the owner and the municipality or its authorised agent and be of a size determined by an authorised officer;
- (b) terminate at a connection point approximately 1 meter inside the premises from the boundary of the land owned by or vested in the municipality or its authorised agent or over which it has a servitude or other right or when Sub-Section (3) applies, at the connecting point designated in terms of that Sub-Section;

(2) In reaching agreement with an owner concerning the location of a connecting sewer, the municipality or its authorised agent 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 municipality or its authorised agent 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, or such agreed position inside or outside his or her premises where the connection is required, for the municipality or its authorised agent to connect to such installation.

(3) A municipality or its authorised agent may at the request of any person agree, subject to such conditions as he or she may impose, to a connection to a sewer 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 point designated by an authorised officer 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.

(5) Where an owner is required to provide a sewage lift as provided for in terms of the Building Regulations the rate and time of discharge into the sewer shall be subject to the approval of the municipality or its authorised agent.

Provision of one connecting sewer for several consumers on same premises

57. (1) Notwithstanding the provisions of Section (62) only one connecting sewer to the sewage disposal system may be provided for the disposal of sewage from any premises, irrespective of the number of accommodation units of consumers located on such premises.

(2) Where the owner, or the person having the charge or management of any premises on which several accommodation units are situated, requires the disposal of sewage from such premises for the purpose of disposal from the different accommodation units, the municipality or its authorised agent may, in its discretion, provide and install 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 municipality or its authorised agent has installed a single connecting sewer as contemplated in Sub-Section (2)(a), the owner or the person having the charge or management of the premises, as the case may be, -

- (a) must if the municipality or its authorised agent so requires, install and maintain on each branch pipe extending from the connecting sewer to the different accommodation units-
 - (iii) a separate connecting sewer; and
 - (iv) an isolating valve; and
- (b) will be liable to the municipality or its authorised agent for the tariffs and charges for all sewage disposed from the premises through such a single connecting sewer, irrespective of the different quantities disposed by the different consumers served by such connecting sewer.

(4) Notwithstanding Sub-Section (1), the municipality or its authorised agent may authorise that more than one connecting sewer be provided on the sewage disposal system for the disposal of sewage from any premises comprising sectional title units or if, in the opinion of the municipality or its authorised agent, undue hardship or inconvenience would be caused to any consumer on such premises by the provision of only one connecting sewer.

(5) Where the provision of more than one connecting sewer is authorised by the municipality or its authorised agent under Sub-Section (4), the tariffs and charges for the provision of a connecting sewer is payable in respect of each sewage connection so provided.

Interconnection between premises

58. 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 municipality or its authorised agent and complies with any conditions that it may have imposed.

Disconnection of draining installation from connecting sewer

59. The municipality or its authorised agent 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 (12) and it has not received an application for subsequent provision to the premises served by the sewer within a period of 90 days of such termination; or
 - (b) the building on the premises concerned has been demolished.

PART IV

Sewage delivered by road haulage

Acceptance of sewage delivered by road haulage

60. (1) A municipality or its authorised agent may, at its discretion, and subject to such conditions as it may specify, accept sewage for disposal delivered to the municipality's sewage treatment plants by road haulage.

Written permission for delivery of sewage by road haulage

61. (1) No person shall discharge sewage into the municipality's sewage treatment plants by road haulage except with the written permission of the municipality or its authorised agent and subject to such period and any conditions that may be imposed in terms of the written permission.

(2) the charges for any sewage delivered for disposal to the municipality's sewage treatment plants shall be assessed by the municipality or its authorised agent in accordance with the prescribed tariffs of charges.

Conditions for delivery of sewage by road haulage

62. (1) When sewage is delivered by road haulage-
- (a) the time of delivery shall be arranged with the municipality or its authorised agent; and
 - (b) the nature and composition of the sewage shall be established to the satisfaction of the municipality or its authorised agent 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.

Withdrawal of permission for delivery of sewage by road haulage

63. (1) The municipality or its authorised agent may withdraw any permission, after giving at least 14 (fourteen) days written notice if its intention to a person permitted to discharge sewage by road haul if the person-
- (a) fails to ensure that the sewage so delivered conforms to the standards prescribed in Schedule "A" or "B", as applicable, or in the written permission; or
 - (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 contravenes any provisions of these by-laws or any condition imposed on him or her in terms of any permission granted to him or her; and
 - (c) fails to pay the assessed charges in respect of any sewage delivered.

PART V

Disposal of industrial effluent and trade premises

Application for disposal of industrial effluent

64. (1) A person must apply for the permission to discharge industrial effluent into the sewage disposal system of the municipality or its authorised agent in terms of Section (1).
- (2) The municipality or its authorised agent may, if in its opinion the capacity of a sewage disposal 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, grant written permission to discharge industrial effluent.
- (3) The provisions of Chapter 1 will mutatis mutandis apply to any permission to discharge industrial effluent.
- (4) Any person who wishes to construct or cause to be constructed, a building which shall be used as a trade premises, shall at the time of lodging a building plan in terms of Section (4) of the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977), also lodge applications for the provision of sanitation services and for permission to discharge industrial effluent in terms of Sub-Section (1).

Unauthorised discharge of industrial effluent

65. (1) No person shall discharge or cause or permit to be discharged into the sewage disposal system any industrial effluent except with and in terms of the written permission of the municipality or its authorised agent and in accordance with the provisions of the part.
- (2) A person to whom such permission is granted shall pay to the municipality or its authorised agent any prescribed charges.

Quality standards for disposal of industrial effluent

66. (1) A person to whom permission has been granted in terms of Section 71 must ensure that no industrial effluent is discharged into the sewage disposal system of the municipality or its authorised agent unless it complies with the standards and criteria set out in Schedules A and B hereto.
- (2) The municipality or its authorised agent may by writing in the permission concerned, relax or vary the standards in Schedules A or B, provided that the municipality or its authorised agent is satisfied that any such relaxation represents the best practicable environmental option.

(3) In determining whether relaxing or varying the standards in Schedules A or B represents the best practicable environmental option a municipality or its authorised agent will consider-

- (a) whether the applicant's undertaking is operated 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 minimisation which complies with national and local waste minimisation standards to the satisfaction of the municipality or its authorised agent;
 - (d) the cost to the municipality or its authorised agent of granting the relaxation or variation; and
 - (e) the environmental impact or potential impact of such relaxation or variation.
- (4) Test samples may be taken at any time by a duly qualified sampler to ascertain whether the industrial effluent complies with Schedule A and B or any other standard laid down in a written permission.

Conditions for disposal of industrial effluent

67. (1) The municipality or its authorised agent may in the written permission or at any time, by written notice, require a person to-
- (a) subject the industrial effluent to such preliminary treatment as in the opinion of the municipality or its authorised agent will 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 equalising tanks, valves, pumps, appliances, meters and other equipment as in the opinion of the municipality or its authorised agent will be necessary to control the rate and time of discharge into the sewage disposal system in accordance with the conditions imposed by it;
 - (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 standard domestic effluent and may prohibit such person from disposing of his or her industrial 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 any pipe conveying his or her industrial effluent to any sewer, a service access hole or stop-valve in such position and of such dimensions and materials as the municipality or its authorised agent may prescribe;
 - (e) provide all such information as may be required by the municipality or its authorised agent to enable it to assess the tariffs or charges due to the municipality or its authorised agent;
 - (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 is in contravention 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 that person at such intervals as required by the municipality or its authorised agent and copies of the calibration to be forwarded to it; and
 - (h) cause his or her industrial effluent to be analysed as often and in such manner as may be prescribed by the municipality or its authorised agent and provide it with the results of these tests when completed.
- (2) The cost of any treatment, plant, works or analysis which the permit holder may be required to carry out, construct or install in terms of Sub-Section (1) shall be borne by the permit holder concerned.
- (3) The written permission of the municipality or its authorised agent must be obtained 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 or B or the written permission issued in respect of that process or premises, is discharged into the sewage disposal system, the municipality or its authorised agent must be informed of the incident and the reasons therefore within twelve hours of such discharge.

Withdrawal of written permission for disposal of industrial effluent

68. (1) The municipality or its authorised agent may withdraw any permission, after giving at least 14 (fourteen) days written notice if 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 Schedules A and B of these by-laws or the written permission;

- (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 municipality or its authorised agent may on withdrawal of any written permission-
- (a) in addition to any steps prescribed in these by-laws, and on 14 (fourteen) days' written notice authorised the closing or sealing of the connecting sewer of the said premises to any sewer for such charge as may be prescribed in the municipality or its authorised agent's tariff of charges; 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 with the standards prescribed in these by-laws.

PART VI

Measurement of quantity of effluent discharged to sewage disposal system

Measurement of quantity of standard domestic effluent discharged

68. (1) The quantity of standard domestic effluent discharged shall be determined by a percentage of water supplied by the municipality or its authorised agent; provided that where the municipality or its authorised agent is of the opinion that such a percentage in respect of specific premises is excessive, having regard to the purposes for which water is consumed on those premises, the municipality or its authorised agent may reduce the percentage applicable to those premises to a figure which, in its opinion and in the light of the available information, reflects the proportion between the likely quantity of sewage discharged from the premises and the quantity of water supplied thereto.
- (2) Where a premises is supplied with water from a source other than or in addition to the municipality or its authorised agent's water supply system, including abstraction from a river or borehole, the quantity will be a percentage of the total water used on that premises as may be reasonably estimated by the municipality or its authorised agent.

Measurement of quantity of industrial effluent discharged

69. (1) The quantity of industrial effluent discharged into the sewage disposal system or to sea outfalls shall 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 a percentage of the water supplied by the municipality or its authorised agent to that premises.
- (2) Where a premises is supplied with water from a source other than or in addition to the municipality or its authorised agent's water supply system, including abstraction from a river or borehole, the quantity will be a percentage of the total water used on that premises as may be reasonably estimated by the municipality or its authorised agent.
- (3) Where a portion of the water supplied to the premises forms part of the end product of any manufacturing process or is lost by reaction or evaporation during the manufacturing process or for any other reason, the municipality or its authorised agent may on application reduce the assessed quantity of industrial effluent.

Reduction in the quantity determined in terms of Sections (77) and 78(1)(a)

70. (1) A person shall be entitled to a reduction in the quantity determined in terms of Sections 77 and 78(1)(a) in the event that the quantity of water on which the percentage is calculated was measured during a period where water was wasted or a leakage was undetected if the consumer demonstrates to the satisfaction of the municipality or its authorised agent that the said water was not discharged into the sewage disposal system.
- (2) The reduction in the quantity shall be based on the quantity of water loss through leakage or wastage during the leak period.
- (3) The leak period shall be either the measuring period immediately prior to the date of repair of the leak or 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 (three) months, for the same length of time. In the event of no previous consumption history being available the average water consumption will be determined by the municipality or its authorised agent, after due consideration of all relevant information.
- (5) There shall be no reduction in the quantity if the loss of water directly or indirectly resulted from the consumer's failure to comply with or is in contravention of these by-laws.

PART VII

Drainage installations

Construction or installation of drainage installations

71. (1) any drainage installation constructed or installed must comply with any applicable specifications in terms of the Building Regulations and any standards prescribed in terms of the Act.
- (2)(a) Where the draining installation is a pit latrine it must be of the ventilated improved pit latrine type or equivalent having-
- (i) a pit of 2m³ capacity;
 - (ii) lining as required;
 - (iii) a slab designed to support the superimposed loading; and
 - (iv) protection preventing children from falling into the pit;
- (b) The ventilated improved pit latrine must conform 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 0.5 m above the nearest roof, must be of at least 150 mm in diameter, and must be installed vertically with no bend;
 - (iii) the interior of the closet must be finished smooth so that it can be kept in a clean and hygienic condition. The superstructure must be well-ventilated in order to allow the free flow of air into the pit to be vented through the pipe;
 - (iv) the opening through the slab must be of adequate size as to prevent fouling. The rim must be raised so that liquids used for washing the floor do not flow into the pit. It shall be equipped with a lid to prevent the egress of flies and other insects when the toilet is not in use;
 - (v) must be sited in a position that is independent of the residential structure;
 - (vi) must be sited in positions that are accessible to road vehicles having a width of 3.0 m in order to facilitate the emptying of the pit;

- (vii) in situations where there is the danger of polluting an aquifer due to the permeability of the soil, the pit must be lined with an impermeable material that is durable and will not crack under stress;
- (viii) in situations where the ground in which the pit is to be excavated is unstable, suitable support is to be given to prevent the collapse of the soil;
- (c) any ventilated pit latrine should not usually be used by more than one household; and
- (d) access to water for washing hands.

Drains in streets or public places

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

Construction by municipality or its authorised agent

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

Maintenance of drainage installation

74. (1) The owner or occupier of any premises must maintain any drainage installation and any sewer connection on such premises.
- (2) Any person who requests the municipality or its authorised agent to clear a drainage installation will be liable to pay the prescribed tariff.
- (3) A municipality or its authorised agent may, on the written application of the owner or occupier of any premises, inspect and test the drainage installation of such premises or any section thereof and recover from the owner or occupier the cost of such inspection and test, calculated at the rate specified in the prescribed tariff or charges.

Installation of pre-treatment facility

75. A municipality or its authorised agent may require that any new premises must be provided with a minimum pre-treatment facility of a type specified by it prior to that premises being connected to the sewage disposal system.

Protection from ingress of floodwaters

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

PART VIII

Quality standards

SCHEDULE A: Acceptance of industrial effluent for discharge into the sewage disposal system

No industrial effluent shall be accepted for discharge into the sewage disposal system unless it complies with the following conditions.

The effluent shall not contain concentrations of substances in excess of those stated below-

Large Works general quality limits are applicable when an industry's effluent discharges in a catchments leading to a sewage works of greater than 25 M/d capacity. Small Works quality limits apply for catchments leading to sewage works with less than 25 M/d capacity.

	GENERAL QUALITY LIMITS > 25 M/d	LARGE WORKS	SMALL WORKS < 25 M/d	UNITS
1	Temperature (C)	< 44 C	< 44 C	Degrees Celcius
2	pH	6<pH<10	6,5 < pH < 10	PH units
3	Oils, greases, waxes of mineral origin	50	50	mg/
4	Vegetable oils, greases, waxes	250	250	mg/
5	Total sugar and starch (as glucose)	1 000	500	mg/
6	Suphates in solution (as so=4)	250	250	mg/
7	Sulphides, hydrosulphides (as S=) and polysulphides	1	1	mg/
8	Chlorides (as C -)	1 000	500	mg/
9	Fluoride (as F-)	5	5	mg/
10	Phenols. (as phenol)	10	5	mg/
11	Cyanides (as CN -)	20	10	mg/
12	Settleable solids	Charge	Charge	m /
13	Suspended solids	2 000	1 000	mg/
14	Total dissolved solids	1 000	500	mg/
15	Electrical conductivity	-	400	MS/m
16	Anionic surfactants	-	500	mg/
17	C.O.D.	Charge	Charge	mg/

GENERAL QUALITY LIMITS		LARGE WORKS > 25 M/d	SMALL WORKS < 25 M/d	UNITS
Heavy Metal Limits				
18	Copper (as Cu)	50	5	mg/
19	Nickel (Ni)	50	5	mg/
20	Zinc (Zn)	50	5	mg/
21	Iron (Fe)	50	5	mg/
22	Boron (B)	50	5	mg/
23	Selenium (Se)	50	5	mg/
24	Manganese (Mn)	50	5	mg/
25	Lead (Pb)	20	5	mg/
26	Cadmium (Cd)	20	5	mg/
27	Mercury (Hg)	1	1	mg/
28	Total Chrome (Cr)	20	5	mg/
29	Arsenic (As)	20	5	mg/
30	Titanium (Ti)	20	5	mg/
31	Cobalt (Co)	20	5	mg/
TOTAL METALS		100	20	mg/

Special limitations

1. No calcium carbide, radio active waste or isotopes
2. No yeast and yeast wastes, molasses spent or unspent
3. No cyanides or related compounds capable of liberating HCN gas or cyanogen
4. No degreasing solvents, petroleum spirit, volatile flammable solvents or any substance which yields a flammable vapour at 21C

PART IX

The by-laws previous published for the areas within the jurisdiction of Msukaligwa are repealed entirely.

This by-law takes effect on the date of publication thereof by proclamation in the Provincial Gazette.