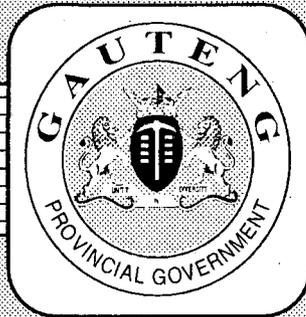


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GAUTENG**



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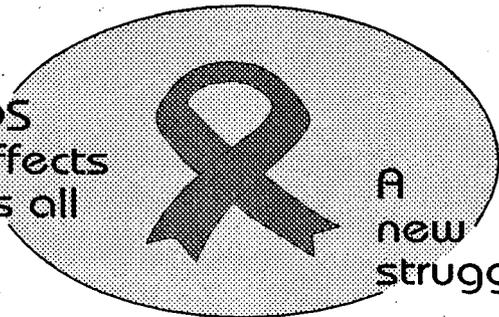
Vol. 9

PRETORIA, 2 JUNE 2003  
JUNIE

No. 199

**We all have the power to prevent AIDS**

AIDS  
affects  
us all



A  
new  
struggle

**Prevention is the cure**

**AIDS  
HELPLINE**

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## LOCAL AUTHORITY NOTICES

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### LOCAL AUTHORITY NOTICE 977

#### Emfuleni Local Municipality

#### CREDIT CONTROL AND DEBT COLLECTION BY-LAWS

The Emfuleni Local Municipality intends to promulgate the Credit Control and Debt Collection By-laws as set out in the attached schedule in terms section 13 of the Municipal Systems Act, 2000 (Act No. 32 of 2000) and section 21 of the Water Services Act, 1997 (Act No. 108 of 1997).

The public is invited to submit written comments in connection with the draft By-laws before or on 30 June 2003.

Comments must be submitted to:

The Municipal Manager  
Emfuleni Local Municipality  
P.O. Box 3  
VANDERBIJLPARK  
1900  
Telefax: (016) 950 5050  
Attention: Ms N.G Mofokeng

Additional copies of the draft By-laws may be obtained from the Government Printer or from the Office of the Municipal Manager against payment of a nominal fee.

The draft by-laws are available for inspection at the offices of the municipality every weekday between the hours of 8:00 and 16:00.

Members of the community that cannot read or write may visit the municipality's offices (Ms M. Dipitso) during the above office hours where assistance will be provided in transcribing their comments or representations.

Members of the community that wish to have the draft by-laws explained to them in a different language may visit the municipality's offices (Ms N.G. Mofokeng) during the above office hours where assistance will be provided.

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**CHAPTER 1: DEFINITIONS**

1. For the purpose of these by-laws any word or expressions to which a meaning has been assigned in the Act shall bear the same meaning in these by-laws and unless the context indicates otherwise –

- “account”** means any account or accounts rendered for municipal services provided;
- “Act”** means the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), as amended from time to time;
- “applicable charges”** means the rate (including assessment rates), charge, tariff or subsidy determined by the municipal council;
- “average consumption”** means the average consumption of a customer of a municipal service during a specific period, which consumption is calculated by dividing the total measured consumption of that municipal service by that customer over the preceding three months by three;
- “actual consumption”** means the measured consumption of any customer;
- “agreement”** means the contractual relationship between the municipality and a customer, whether written or deemed;
- “area of supply”** means any area within or partly within the area of jurisdiction of the municipality to which a municipal service or municipal services are provided;
- “arrears”** means any amount due, owing and payable by a customer in respect of municipal services not paid on the due date;
- “authorised agent”** means –
- (a) any person authorised by the municipal council to perform any act, function or duty in terms of, or exercise any power under these by-laws; and / or
  - (b) any person to whom the municipal council has delegated the performance of certain rights, duties and obligations in respect of providing revenue services; and / or
  - (c) any person appointed by the municipal council in terms of a written contract as a service provider to provide revenue services or municipal services to customers on its behalf, to the extent authorised in such contract;
- “commercial customer”** means any customer other than household and indigent customers, including without limitation, business, industrial, government and institutional customers;
- “connection”** means the point at which a customer gains access to municipal services;

<b>“customer”</b>	means a person with whom the municipality has concluded an agreement for the provision of municipal services;
<b>“defaulter”</b>	means a customer who owes arrears;
<b>“due date”</b>	means the date on which the amount payable in respect of an account becomes due, owing and payable by the customer , which date shall be not less than 21 days after the date of the account;
<b>“emergency situation”</b>	means any situation that if allowed to continue poses a risk or potential risk to the financial viability or sustainability of the municipality or a specific municipal service;
<b>“estimated consumption”</b>	means the deemed consumption by a customer whose consumption is not measured during a specific period, which estimated consumption is rationally determined taking into account at least the consumption of municipal services for a specific level of service during a specific period in the area of supply of the municipality;
<b>“household customer”</b>	means a customer that occupies a dwelling, structure or property primarily for residential purposes;
<b>“household”</b>	means a traditional family unit consisting of a maximum of eight persons (being a combination of four persons over the age of eighteen and four persons eighteen years or younger);
<b>“illegal connection”</b>	means a connection to any system through which municipal services are provided that is not authorised or approved by the municipality;
<b>“indigent customer”</b>	means a household customer qualifying and registered with the municipality as an indigent in accordance with these by-laws;
<b>“municipality”</b>	means – (a) the Emfuleni Local Municipality or its successors-in-title; or (b) the municipal manager of the Emfuleni Local Municipality in respect of the performance of any function or exercise of any right, duty, obligation or function in terms of these by-laws; or (c) an authorised agent of the Emfuleni Local Municipality;
<b>“municipal council”</b>	means the municipal council as referred to in section 157(1) of the Constitution, 1996 (Act No. 108 of 1996);
<b>“municipal manager”</b>	means the person appointed by the by the municipal council as the municipal manager of the municipality in terms of section 82 of the Local Government Municipal Structures Act, 1998 (Act No. 117 of 1998) and includes any person – (a) acting in such position; and (b) to whom the municipal manager has delegated a power, function or duty in respect of such a delegated power, function or duty;

**"municipal services"**

means for purposes of these by-laws, services provided by the municipality, including but not limited to, refuse removal, water supply, sanitation, electricity services, pre-paid electricity services and property rates or any one of the above;

**"occupier"**

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

**"owner"**

means -

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

**"person"**

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

**"public notice"**

means publication in an appropriate medium that may include one or more of the following -

- (a) publication of a notice, in the official languages determined by the municipal council, -
  - (i) in the local newspaper or newspapers in the area of supply of the municipality; or

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

**“shared consumption”**

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

**“subsidised service”**

means a municipal service which is provided to a customer at an applicable rate which is less than the cost of actually providing the service including services provided to customers at no cost;

**“supply zone”**

means an area, determined by the municipality, within which all customers are provided with services from the same bulk supply connection;

**“unauthorised services”**

means receipt, use or consumption of any municipal service which is not in terms of an agreement, or authorised or approved by the municipality;

## **CHAPTER 2: PROVISION OF MUNICIPAL SERVICES TO CUSTOMERS OTHER THAN INDIGENT CUSTOMERS**

### **Part 1: Application for Municipal Services**

#### **Application for Services**

2.(1) A customer wanting to qualify, as an indigent customer must apply for services as set out in Chapter 4 below.

(2) No person shall be entitled to access to municipal services unless application has been made to, and approved by, the municipality on the prescribed form attached as Annexure A to these by-laws.

(3) If, at the commencement of these by-laws or at any other time, municipal services are provided and received and no written agreement exist in respect of such services, it shall be deemed that -

- (a) an agreement in terms of sub-section (7) exists; and
  - (b) the level of services provided to that customer are the level of services elected;
- until such time as the customer enters into an agreement in terms of sub-section (2).

(4) The municipality must on application for the provision of municipal services inform the applicant of the then available levels of services and the then applicable tariffs and / or charges associated with each level of service.

- (5) The municipality is only obliged to provide a specific level of service requested if the service is currently being provided and if the municipality has the resources and capacity to provide such level of service.
- (6) A customer may at any time apply to alter the level of services elected in terms of the agreement entered into, provided that such requested level of service is available and that any costs and expenditure associated with altering the level of services is paid by the customer.
- (7) An application for services submitted by a customer and approved by the municipality shall constitute an agreement between the municipality and the customer, and such agreement shall take effect on the date referred to or stipulated in such agreement.
- (8) In completing an application form for municipal services the municipality will take reasonable measures to ensure that the document and the process of interaction with the owner, customer or any other person making such an application are understood by that owner, customer or other person and advise him or her of the option to register as an indigent customer.
- (9) In the case of illiterate or similarly disadvantaged persons, the municipality must take reasonable steps to ensure that the person is aware of and understands the contents of the application form and shall assist him or her in completing such form.
- (10) Municipal services rendered to a customer are subject to the provisions of these by-laws, any applicable by-laws and the conditions contained in the agreement.
- (11) The municipality may undertake an investigation into the creditworthiness of commercial customers, and may impose specific additional conditions on such customers, subject to the provisions of these bylaws.
- (12) If the municipality –
- (a) refuses an application for the provision of municipal services or a specific service or level of service;
  - (b) is unable to render such municipal services or a specific service or level of service on the date requested for such provision to commence; or
  - (c) is unable to render the municipal services or a specific service or level of service;
- the municipality must, within 7 (seven) days, inform the customer of such refusal and / or inability, the reasons therefore and, if applicable, when the municipality will be able to provide such municipal services or a specific service or level of service.

#### **Special agreements for Municipal Services**

3. The municipality may enter into a special agreement for the provision of municipal services with an applicant –
- (a) within the area of supply, if the services applied for necessitates the imposition of conditions not contained in the prescribed form or these by-laws;
  - (b) receiving subsidised services; and
  - (c) if the premises to receive such services is situated outside the area of supply, provided that the municipality having jurisdiction over the premises has no objection to such special agreement. The obligation is on the customer to advise the municipality having jurisdiction of such special agreement.

#### **Change in purpose for which municipal services are used**

4. Where the purpose for or extent to which any municipal service used is changed the onus and obligation is on the customer to advise the municipality of such change and to enter into a new agreement with the municipality.

### **Termination of Agreements for Municipal Services**

5.(1) A customer may terminate an agreement for municipal services by giving at least 21 (twenty-one) days written to the municipality.

(2) The municipality may terminate an agreement for municipal services by giving at least 21 (twenty-one) days written notice to a customer where -

- (a) municipal services were not utilised for a consecutive 2 (two) month period and no arrangement to the satisfaction of the municipality for the continuation of the agreement was made;
- (b) the premises occupied or owned by a customer has been vacated and no arrangement for the continuation of the agreement was made.

(3) A customer shall remain liable for all arrears and applicable charges payable in respect of municipal services provided notwithstanding the termination of the agreement for municipal services in terms of sub-sections (1) and (2).

### **Property developments**

6.(1) A property developer must on the provision of infrastructure for the provisioning of municipal services inform the municipality, in writing, of the details of all municipal services that may be provided through the infrastructure and the details of all measuring devices that are installed.

(2) A property developer that fails to comply with the provisions of sub-section (1) shall be liable for the payment of all estimated applicable charges that would have been payable by customers in respect of municipal services provided if the details thereof was known by the municipality.

## **Part 2: Applicable Charges**

### **Applicable charges for Municipal Services**

7.(1) All applicable charges payable in respect of municipal services, including but not limited to the payment of connection charges, fixed charges or any additional charges or interest will be set by the municipal council in accordance with -

- (a) its Rates and Tariff policy;
- (b) any by-laws in respect thereof; and
- (c) any regulations in terms of national or provincial legislation.

(2) Applicable charges may differ between different categories of customers, users of services, types and levels of services, quantities of services, infrastructure requirements and geographic areas.

### **Availability charges for Municipal Services**

8. The municipal council may, in addition to the tariffs or charges prescribed for municipal services actually provided, levy a monthly fixed charge, annual fixed charge or once-off fixed charge where municipal services are available, whether or not such services are consumed or not.

### **Subsidised Services**

9.(1) The municipal council may, from time to time, and in accordance with national policy, but subject to principles of sustainability and affordability, by public notice, implement subsidies for a basic level of municipal service.

(2) The municipal council may in implementing subsidies differentiate between types of household customers, types and levels of services, quantities of services, geographical areas and socio-economic areas.

- (3) Public notice in terms of sub-section (1) must contain at least the following details applicable to a specific subsidy -
- (a) the household customers that will benefit from the subsidy;
  - (b) the type, level and quantity of municipal service that will be subsidised;
  - (c) the area within which the subsidy will apply;
  - (d) the rate (indicating the level of subsidy);
  - (e) the method of implementing the subsidy; and
  - (f) any special terms and conditions that will apply to the subsidy.
- (4) If a household customer's consumption or use of a municipal service is -
- (a) less than the subsidised service, the unused portion may not be accrued by the customer and will not entitle the customer to cash or a rebate in respect of the unused portion; and
  - (b) in excess of the subsidised service, the customer will be obliged to pay for such excess consumption at the applicable rate.
- (5) A subsidy implemented in terms of sub-section (1) may at any time, after reasonable notice, be withdrawn or altered in the sole discretion of the municipal council.
- (6) Commercial customers may not qualify for subsidised services.
- (7) Subsidised services shall be funded from the portion of revenue raised nationally that is allocated to the municipality and if such funding is insufficient the services may be funded from revenue raised through rates, fees and charges in respect of municipal services.

**Authority to recover additional costs and fees**

10. The municipality has the authority to, notwithstanding the provisions of any other sections contained in these by-laws, recover any additional costs incurred in respect of implementing these by-laws against the account of the customer, including but not limited to -
- (a) all legal costs, including attorney and own client costs incurred in the recovery of amounts in arrears shall be against the arrears account of the customer; and / or
  - (b) the average costs incurred relating to any action taken in demanding payment from the customer or reminding the customer, by means of telephone, fax, e-mail, letter or otherwise.

**Part 3: Payment**

**Payment of deposit**

11. (1) The municipal council may, from time to time, determine different deposits for different categories of customers, users of services, debtors, services and service standards, provided that the deposit will not be more than three times the monetary value of the most recent monthly municipal services rendered, including rates and taxes, to the premises for which an application is made.

(2) A customer must on application for the provision of municipal services and before the municipality will provide such services, pay a deposit, if the municipal council has determined a deposit.

(3) The municipality may annually review a deposit paid in terms of sub-section (2) and in accordance with such review -

- (a) require that an additional amount be deposited by the customer where the deposit is less than the most recent deposit determined by the municipal council; or

- (b) refund to the customer such amount as may be held by the municipality where the deposit is in excess of the most recent deposit determined by the municipal council.
- (4) If a customer is in arrears, the municipality may require that the customer -
  - (a) pay a deposit if that customer was not previously required to pay a deposit, if the municipal council has determined a deposit; and
  - (b) pay an additional deposit where the deposit paid by that customer is less than the most recent deposit determined by the municipal council.
- (5) Subject to sub-section (6), the deposit shall not be regarded as being in payment or part payment of an account.
- (6) If an account is in arrears, the deposit will be applied in payment or part payment of the arrears.
- (7) No interest shall be payable by the municipality on any deposit held.
- (8) The deposit, if any, is refundable to the customer on settlement of all arrears on termination of the agreement. A deposit shall be forfeited to the municipality if it has not been claimed by the customer within 12 (twelve) months of termination of the agreement.

**Methods for determining amounts due and payable**

- 12.(1) The municipality must in respect of municipal services that can be metered, endeavour to, within available financial and human resources, meter all customer connections and read all metered customer connections, on a regular basis, subject to sub-section (2).
- (2) If a service is not measured, a municipality may, notwithstanding sub-section (1), determine the amount due and payable by a customer, for municipal services supplied to him, her or it, by -
    - (a) calculating the shared consumption; or if not possible,
    - (b) calculating the estimated consumption.
  - (3) If a service is metered, but it cannot be read due to financial and human resource constraints or circumstances beyond of the control of the municipality, and the customer is charged for an average consumption the account following the reading of the metered consumption must articulate the difference between the actual consumption and the average consumption, and the resulting credit or debit adjustment.
  - (4) Where water supply services is provided through a communal water services work (standpipe), the amount due and payable by customers gaining access to water supply services through that communal water services work, must be based on the shared or estimated consumption of water supplied to that water services work.
  - (5) Where in the opinion of the municipality it is not reasonably possible or cost effective to meter all customer connections and / or read all metered customer connections within a determined area, the municipal council may, notwithstanding sub-section (1), determine the amount due and payable by a customer, for municipal services supplied to him, her or it, by -
    - (a) calculating the shared consumption; or if not possible,
    - (b) calculating the estimated consumption.
  - (6) The municipality must inform customers of the method for determining amounts due and payable in respect of municipal services provided that will apply in respect of their consumption or supply zones.

**Payment for Municipal Services provided**

13. (1) A customer shall be responsible for payment of all municipal services charged to him, her or it from the commencement date of the agreement until his, her or its account has been settled in full and the municipality must recover all applicable charges due to the municipality.

(2) If a customer uses municipal services for a use other than that for which it is provided by the municipality in terms of an agreement and as a consequence is charged at a charge lower than the applicable charge the municipality may make an adjustment of the amount charged and recover the balance from the customer.

(3) If amendments to the applicable charge become operative on a date between measurements for the purpose of rendering an account in respect of the applicable charges –

- (a) it shall be deemed that the same quantity of municipal 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 applicable charge.

**Full and final settlement of an amount**

14.(1) Where an account is not settled in full, any lesser amount tendered to and accepted shall not be deemed to be in final settlement of such an account.

(2) Sub-section (1) shall prevail notwithstanding the fact that such lesser payment was tendered and/or accepted in full and final settlement, unless the municipal manager or the manager of the municipality's authorised agent made such acceptance in writing.

**Responsibility for amounts due and payable**

15. (1) Notwithstanding the provisions of any other sections of these by-laws, the owner of premises shall be liable for the payment of any amounts due and payable to the municipality in respect of the preceding two years, where the owner is not the customer and the municipality after taking reasonable measures to recover any amounts due and payable by the customer from the latter, could not recover such amounts.

**Dishonoured payments**

16.(1) Where any payment made to the municipality by negotiable instrument is later dishonoured by the bank, the municipality –

- (a) may recover the average bank charges incurred relating to dishonoured negotiable instruments against the account of the customer; and
- (b) shall regard such an event as default on payment.

**Incentive Schemes**

17. The municipal council may institute incentive schemes to encourage prompt payment and to reward customers that pay accounts on a regular and timeous basis.

**Pay-points and Approved Agents**

18.(1) A customer must pay his or her or its account at pay-points, specified by the municipality from time to time, or at approved agents of the municipality.

(2) The municipality must inform a customer of the location of specified pay-points and approved agents for payment of accounts.

**Part 4: Accounts**

**Accounts**

19. (1) Accounts will be rendered monthly to customers at the address last recorded with the municipality.

(2) Failure to receive or accept an account does not relieve a customer of the obligation to pay any amount due and payable.

(3) The municipality must, if administratively possible, issue a duplicate account to a customer on request.

(4) Accounts must be paid not later than the last date for payment specified in such account.

(5) Accounts for municipal services provided will –

- (a) reflect at least –
  - (i) the services rendered;
  - (ii) the consumption of metered services or average, shared or estimated consumption;
  - (iii) the period addressed in the account;
  - (iv) the applicable charges;
  - (v) any subsidies;
  - (vi) the amount due (excluding value added tax payable) value added tax;
  - (vii) the adjustment, if any, to metered consumption which has been previously estimated;
  - (viii) the arrears, if any;
  - (ix) the interest payable on arrears, if any;
  - (x) the final date for payment;
  - (xi) the methods, places and approved agents where payment may be made; and
- (b) state that –
  - (i) the customer may conclude an agreement with the municipality for payment of the arrears amount installments, at the municipality's offices before the final date for payment;
  - (ii) if no such agreement is entered into the municipality will limit or disconnect the services after sending a final demand notice to the customer;
  - (iii) legal action may be instituted against any customer for the recovery of any amount 40 (forty) days in arrears;
  - (iv) the account may be handed over to a debt collector for collection; and
  - (v) proof of registration, as an indigent customer, in terms of the municipality's indigent policy, which may form part of the municipality's credit control and debt collection policy, must be handed in at the offices of the municipality before the final date for payment.

**Consolidated Debt**

20.(1) If one account is rendered for more than one municipal service provided, the amount due and payable by a customer constitutes a consolidated debt, and any payment made by a customer of an amount less than the total amount due, will be allocated in reduction of the consolidated debt in the following order –

- (a) towards payment of the current account;
- (b) towards payment of arrears; and
- (c) towards payment of interest.

(2) A customer may not elect how an account is to be settled if it is not settled in full or if there are arrears.

**Part 5: Queries, Complaints and Appeals****Queries or complaints in respect of account**

21. (1) A customer may lodge a query or complaint in respect of the accuracy of an amount due and payable in respect of a specific municipal service as reflected on the account rendered.

(2) A query or complaint must be lodged with the municipality in writing before the due date for payment of the account.

(3) In the case of illiterate or similarly disadvantaged customers the municipality must assist such a customer in lodging his or her query or complaint in writing and must take reasonable steps to ensure that the query or complaint is reflected correctly.

(4) A query or complaint must be accompanied by payment of the total amount, excluding the amount in respect of which a query or complaint is lodged, due and payable in respect of the account. An amount equal to the average consumption of the municipal service is payable in respect of the amount for which a query or complaint is lodged.

(5) The municipality will register the query or complaint and provide the customer with a reference number.

(6) The municipality –

- (a) shall investigate or cause the query or complaint to be investigated within 14 (fourteen) days after the query or complaint was registered; and
- (b) must inform the customer, in writing, of its finding within 16 (sixteen) days after the query or complaint was registered.

**Appeals against finding of municipality in respect of queries or complaints**

22. (1) A customer may appeal against a finding of the municipality in terms of section 21 in writing.

(2) An appeal and request in terms of sub-section (1) must be made in writing and lodged with the municipality within 21 (twenty-one) days after the customer became aware of the finding referred to in section 21 and must –

- (a) set out the reasons for the appeal; and
- (b) be accompanied by a cash deposit, as determined by the municipal council, if applicable.

(3) The municipality may on appeal by a customer request him, her or it to pay the full amount appealed against.

(4) The customer is liable for all other amounts, other than that appealed against, falling due and payable during the adjudication of the appeal.

(5) An appeal must be decided by the municipality within 21 (twenty-one) days after an appeal was lodged and the customer must be informed of the outcome in writing, as soon as possible thereafter.

(6) The decision of the municipality is final and the customer must pay any amounts due and payable in terms of the decision within 14 (fourteen) days of being informed of the outcome of the appeal.

(7) The municipality may condone the late lodging of appeals or other procedural irregularities.

- (8) If it is alleged in an appeal that a measuring device is inaccurate, the device must be subjected to a standard industry test to establish its accuracy. The customer must be informed of the possible cost implications including the estimated amount of such test prior to such test being undertaken.
- (9) If the outcome of any test shows that a measuring device is –
- (a) within a prescribed range of accuracy, the customer will be liable for the costs of such test and any other amounts outstanding. Such costs will be debited against the customer's account;
  - (b) is outside a prescribed range of accuracy, the municipality will be liable for the costs of such test and the customer must be informed of the amount of any credit to which he, she or it is entitled.
- (10) The cash deposit referred to in sub-section (2)(b), if applicable and amount paid in terms of sub-section (3) may be–
- (a) retained by the municipality if the measuring device is found not to be defective; or
  - (b) refunded to the applicant if the measuring device is found in terms of those sub-sections to be defective.
- (11) In addition to sub-sections (9) and (10) the municipality must if the measuring device is found defective –
- (a) repair the measuring device or install another device which is in good working order, without charge to the customer, unless the costs thereof are recoverable from the customer in terms of these or any other by-laws of the municipality; and
  - (b) determine the quantity of municipal services for which the customer will be charged in lieu of the quantity measured by the defective measuring device by taking as basis for such determination, and as the municipality may decide –
    - (i) the quantity representing the average monthly consumption of the customer during the three months preceding the month in respect of which the measurement is disputed and adjusting such quantity in accordance with the degree of error found in the reading of the defective meter or measuring device;
    - (ii) the average consumption of the customer during the succeeding three metered periods after the defective meter or measuring device has been repaired or replaced; or
    - (iii) the consumption of services on the premises recorded for the corresponding period in the previous year.

## **Part 6: Arrears**

### **Consolidated Arrears**

23.(1) If one account is rendered for more than one municipal service provided all arrears due and payable by a customer constitutes a consolidated debt, and any payment made by a customer of an amount less than the total amount due, will be allocated in reduction of the consolidated debt in the following order –

- (a) towards payment of the current account;
- (b) towards payment of arrears;
- (c) towards payment of interest; and
- (d) towards costs incurred in taking relevant action to collect amounts due and payable.

### **Arrears**

24.(1) If a customer fails to pay the account on or before the due date, a final demand notice may be hand delivered or sent, per registered mail, to the most recent recorded address of the customer, within 2 (two) working days of arrears accruing.

(2) Failure to deliver or send a final demand notice within 2 (two) working days do not relieve a customer from paying arrears.

#### **Interest**

25.(1) Interest may be levied on arrears at the prevailing prime interest rate or at a rate prescribed by the municipal council from time to time.

(2) The municipal council may differentiate between types of household customers, types and levels of services, quantities of services, geographical areas and socio-economic areas in levying interest on arrears.

#### **Final Demand Notice**

26.(1) The final demand notice must contain the following statements –

- (a) the amount in arrears and any interest payable;
- (b) that the customer may conclude an agreement with the municipality for payment of the arrears in installments within 7 (seven) working days of the date of the final demand notice;
- (c) that if no such agreement is entered into within the stated period that specified municipal services will be limited or disconnected;
- (d) that legal action may be instituted against any customer for the recovery of any amount 40 (forty) days in arrears;
- (e) that the account may be handed over to a debt collector for collection; and
- (f) that proof of registration, as an indigent customer, in terms of the municipality or its subsidized agent's indigent policy must be handed in at the offices of the municipality before the final date of the final demand notice.

(2) The municipality must in deciding which municipal service or municipal services to be specified for limitation or disconnection in terms of sub-section (1)(c) –

- (a) consider the potential socio-economic and health implications the limitation or disconnection may have on the customer; and
- (b) a household customer's right of access to basic municipal services as identified in the municipal council's credit control and debt collection policy.

#### **Limitation or disconnection of municipal services**

27.(1) The municipality may, immediately on the expiry of the 7 (seven) working day period allowed for payment in terms of the final demand notice limit or disconnect the municipal services specified in sub-section 21(1)(c) provided that a household customer's access to basic water supply services may not be disconnected.

(2) The municipality may limit a household customer's access to basic water supply services by –

- (a) reducing water pressure; or
- (b) limiting the availability of water to a specified period or periods during a day.

(3) The costs associated with the limitation or disconnection of municipal services shall be for the cost of the customer and shall be included in the arrears amount due and payable by the customer.

#### **Accounts 40 (forty) days in arrears**

28.(1) Where an account rendered to a customer remains outstanding for more than 40 (forty) days the municipality may –

- (a) institute legal action against a customer for the recovery of the arrears; and
- (b) hand the customer' account over to a debt collector or an attorney for collection.

(2) A customer will be liable for any administration fees, costs incurred in taking action for the recovery of arrears and any penalties, including the payment of a higher deposit, as may be determined by the municipal council from time to time.

**General**

29.(1) No action taken in terms of this section due to non-payment will be suspended or withdrawn, unless the arrears, any interest thereon, administration fees, additional charges, costs incurred in taking relevant action and any penalties, including the payment of a higher deposit, payable are paid in full.

(2) The municipality will not be liable for any loss or damage suffered by a customer due to municipal services being limited or disconnected.

**Part 7: Agreement for the Payment of Arrears in Installments**

**Agreements**

30.(1) The following agreements for the payment of arrears in installments may be entered into

- (a) an Acknowledgement of Debt;
- (b) a Consent to Judgement; or
- (c) an Emolument attachment order.

(2) Only customers with positive proof of identity or persons duly subsidized, in writing as a representative of a customer, will be allowed to enter into an agreement for the payment of arrears in installments.

(3) No customer will be allowed to enter into an agreement for the payment of arrears in installments where that customer failed to honour a previous agreement for the payment of arrears in installments.

(4) A copy of the agreement shall be made available to the customer.

(5) The municipality must require a customer to pay at least its current account on entering into an agreement for the payment of arrears in installments.

**Additional Costs, Partial settlement and Installments**

31.(1) The costs associated with entering into agreements for the payment of arrears in installments and the limitation or disconnection of municipal services in accordance with section 27 shall be included in the arrears amount due and payable by the customer.

(2) The municipality must in determining the amount payable by the customer on entering into an agreement for the payment of arrears in installments and the installments payable in respect of any arrears amount take the following factors into account –

- (a) the credit record of the customer;
- (b) the arrears amount;
- (c) the level of consumption of municipal services;
- (d) the level of service provided to the customer;
- (e) previous breaches of agreements for the payment of arrears in installments; and
- (f) any other relevant factors.

(3) In the event that a customer proves to the municipality that he / she or it is unable to pay the amount referred to in section 30(5) on entering into an agreement for the payment of arrears in installments, the municipality may, after taking into account the factors referred to in sub-section (2),-

- (a) extend the payment thereof to the end of the month in which the customer enters into such an agreement; or

- (b) include it in the amount payable in terms of the agreement.
- (4) The municipality may, after taking into account the factors referred to in sub-section (2), require a customer to pay an additional amount on entering into an agreement for the payment of arrears, in addition to the current account, representing a percentage of the arrears amount.
- (5) The municipality may, when a customer enters into an agreement or any time thereafter –
  - (a) install a pre-payment meter; or
  - (b) limit the municipal services of to basic municipal services.

#### **Duration of Agreements**

32.(1) No agreement for the payment of arrears accumulated after 1 January 2003 will be longer than twenty-four months.

- (3) The municipality may, in deciding on the duration of the agreement for the payment of arrears have regard to a customer's–
  - (a) the credit record of the customer;
  - (b) the arrears amount;
  - (c) the gross income of the customer;
  - (d) the level of consumption of municipal services;
  - (e) the level of service provided to the customer;
  - (f) previous breaches of agreements for the payment of arrears in installments; and
  - (g) any other relevant factors.

#### **Failure to honour Agreements**

33.(1) If a customer fails to comply with an agreement for the payment of arrears in installments, the total of all outstanding amounts, including the arrears, any interest thereon, administration fees, costs incurred in taking relevant action, and penalties, including payment of a higher deposit, will be immediately due and payable, without further notice or correspondence and the municipality may –

- (a) limited or disconnected the municipal services specified in the final demand notice sent to the customer in accordance with section 26;
- (b) institute legal action for the recovery of the arrears; and
- (c) hand the customer's account over to a debt collector or an attorney for collection.

#### **Re-connection of Services**

34.(1) An agreement for payment of the arrears amount in installments, entered into after municipal services were limited or disconnected, will not result in the services being restored until –

- (a) the arrears, any interest thereon, administration fees, costs incurred in taking relevant action and any penalties, including payment of a higher deposit, are paid in full; or
- (b) a written appeal by the customer due to timeous and full payment of installments and current amounts due and payable for a period of at least 6 (six) months has been approved by the municipality.

(2) In addition to any payments referred to in sub-section (1) the customer shall pay the standard re-connection fee as determined by the municipality from time to time, prior to the re-connection of municipal services by the municipality.

(3) Municipal services shall be restored within 7 (seven) working days after a customer have complied with the provisions of sub-sections (1) and (2).

## CHAPTER 3: ASSESSMENT RATES

### Amount due for assessment rates

35.(1) The provisions of Chapter 2 applies in respect of the recovery of assessment rates and assessment rates forms part of a consolidated account and consolidated debt.

(2) All assessment rates due by owners are payable by a fixed date as determined by the municipality.

(3) Joint owners of property shall be jointly and severally liable for payment of assessment rates.

(4) Assessment rates may be levied as an annual single amount, or in equal monthly installments. When levied in equal monthly installments the amount payable may be included in the municipal account.

(5) A property owner remains liable for the payment of assessment rates included in municipal accounts, notwithstanding the fact that –

- (a) that the property is not occupied by the owner thereof; and /or
- (b) the municipal account is registered in the name of a person other than the owner of the property.

(6) Payment of assessment rates may not be deferred beyond the fixed date by reason of an objection to the valuation roll.

### Claim on rental for assessment rates in arrears

36. The municipality may apply to Court for the attachment of any rent, due in respect of rateable property, to cover in part or in full any amount outstanding in respect of assessment rates for a period longer than three months after the fixed date.

### Disposal of municipality's property and payment of assessment rates

37.(1) The purchaser of municipal property is pro rata liable for the payment of assessment rates on the property as from the date of registration in the name of the purchaser in respect of the financial year in which the purchaser becomes the new owner.

(2) In the event that the municipality repossesses the property, any outstanding and due amount in respect of assessment rates shall be recovered from the purchaser.

### Assessment rates payable on municipal property

38.(1) The lessee of municipal property is responsible for payment of any general assessment rates payable on the property for the duration of the lease, as if the lessee is the owner of such property.

(2) The municipality may elect to include the assessment rates in respect of municipal property in the rent payable by the lessee, instead of billing it separately as in the case of owners of properties.

## CHAPTER 4: PROVISION OF MUNICIPAL SERVICES TO INDIGENT CUSTOMERS

### Qualification for registration

39. All households –

- (a) with a combined gross monthly income of all the members of the household over the age of 18 years old, of less than an amount determined by the municipal council from time to time;

- (b) owning not more than one property; and
  - (c) not having an income from leasing a property or portion of a property;
- may apply for registration as an indigent customer.

#### **Application for registration**

40.(1) A household wishing to qualify as an indigent customer must complete the application form entitled "*Application for Registration as Indigent Customer*" attached as Annexure B to these by-laws.

- (2) Any application in terms of sub-section (1) must be –
  - (a) accompanied by –
    - (i) documentary proof of income, such as a letter from the customer's employer, a salary advice, a pension card, unemployment insurance fund card; or
    - (ii) an affidavit declaring unemployment or income; and
    - (iii) the customer's latest municipal account in his/her possession; and
    - (iv) a certified copy of the customer's identity document; and
    - (v) the names and identity numbers of all occupants over the age of 18 years who are resident at the property.
- (3) A customer applying for registration as an indigent customer shall be required to declare that all information provided in the application form and other documentation and information provided in connection with the application is true and correct.
- (4) The municipality shall counter-sign the application form and certify that the consequences and conditions of such an application for the customer were explained to the customer and that the customer indicated that the contents of the declaration were understood.

#### **Approval of application**

41.(1) The municipality may send representatives to premises or households applying for registration as indigent customers to conduct an on-site audit of information provided prior to approval of an application.

- (2) An application received in accordance with section 40 shall be considered by the municipality and the applicant shall be advised in writing within 14 (fourteen) working days of receipt of such application by the municipality as to whether or not the application is approved. If it is not approved, the applicant shall be given reasons therefore.
- (3) The provisions of Part 5 of Chapter 2 shall mutatis mutandis apply in respect of a customer that feels aggrieved by a decision of the municipality in terms of sub-section (2).
- (4) An application shall be approved for the period of the municipality's financial year only. An application approved during the municipality's financial year shall only be valid for the remaining period of the municipality's financial year.

#### **Conditions**

- 42. The municipality may on approval of an application or any time thereafter –
  - (a) install a pre-payment electricity meter for the indigent customer where electricity is provided by the municipality; and
  - (b) limit the water supply services of an indigent customer to basic water supply services.

#### **Annual application**

43.(1) An indigent customer must annually, before the end of the municipality's financial year re-apply for registration as an indigent customer for the forthcoming financial year, failing which the assistance will cease automatically.

(2) The provisions of sections 39 and 40 shall apply to any application in terms of sub-section (1).

(3) The municipality gives no guarantee of renewal.

(4) The municipality shall inform the applicant in writing within 14 (fourteen) working days of receipt of such application by the municipality as to whether or not the application is approved. If it is not approved, the applicant shall be given reasons therefore.

(5) The provisions of Part 5 of Chapter 2 shall *mutatis mutandis* apply in respect of a customer that feels aggrieved by a decision of the municipality in terms of sub-section (4).

**Subsidised services for indigent customers**

44.(1) The municipal council may annually as part of its budgetary process determine the municipal services and levels thereof that will be subsidized in respect of indigent customers in accordance with national policy, but subject to principles of sustainability and affordability.

(2) The municipality must on a determination in terms of sub-section (1) give public notice of such determination.

- (3) Public notice in terms of sub-section (2) must contain at least the following –
- (a) the level or quantity of municipal service that will be subsidized;
  - (b) the level of subsidy;
  - (c) the method of calculating the subsidy; and
  - (d) any special terms and conditions that will apply to the subsidy, not provided for in these by-laws.

(4) Any other municipal services rendered by the municipality or municipal services consumed in excess of the levels or quantities determined in sub-section (1) shall be charged for and the indigent customer shall be liable for the payment of such charges levied on the excess consumption.

(5) The provisions of Chapter 2 shall *mutatis mutandis* apply to the amounts due and payable in terms of sub-section (4).

**Funding for subsidised services**

45.(1) The subsidized services referred to in section 44 shall be funded from the portion of revenue raised nationally that is allocated to the municipality and if such funding are insufficient the services may be funded from revenue raised through rates, fees and charges in respect of municipal services.

**Existing Arrears of indigent customers on approval of application**

46.(1) Arrears accumulated in respect of the municipal accounts of customers prior to registration as indigent customers will be suspended, and interest shall not accumulate in respect of such arrears for the period that a customer remains registered as an indigent customer.

(2) Arrears suspended in terms of sub-section (1) shall become due and payable by the customer in monthly installments as determined by the municipality, on de-registration as an indigent customer in accordance with section 48 and interest will be payable in respect thereof.

(3) Notwithstanding the provisions of sub-section (2) arrears suspended for a period of two (2) years or longer shall not be recovered from a customer on de-registration, subject to the provisions of sub-section (4).

(4) Arrears not recovered due to the provisions of sub-section (2) shall remain a charge against the property of the indigent customer for a period of 5 (five) years after the customer was first registered as an indigent customer and shall become due and payable when the property is sold, irrespective of the fact that the customer is no longer registered as an indigent customer at the time that the property is sold. A clearance certificate in respect of the property shall only be issued by the municipality when such arrears have been settled in full.

#### **Audits**

47. The municipality may undertake regular random audits to –
- (a) verify the information provided by indigent customers;
  - (b) record any changes in the circumstances of indigent customers; and
  - (c) make recommendations on the de-registration of the indigent customer.

#### **De-registration**

48.(1) Any customer who provides or provided false information in the application form and / or any other documentation and information in connection with the application –

- (a) shall automatically, without notice, be de-registered as an indigent customer from the date on which the municipality became aware that such information is false; and
  - (b) shall be held liable for the payment of all services received;
- in addition to any other legal actions the municipality may take against such a customer.

(2) An indigent customer must immediately request de-registration by the municipality if his or her circumstances has changed to the extent that he or she no longer meet the qualifications set out in section 39.

(3) An indigent customer shall automatically be de-registered if an application in accordance with section 43 is not made or if such application is not approved.

(4) An indigent customer shall automatically be de-registered if an audit or verification concludes that the financial circumstances of the indigent customer has changed to the extent that he or she no longer meet the qualifications set out in section 39.

(5) An indigent customer may at any time request de-registration.

(6) In the event of de-registration in terms of sections (2) and (4), the municipality shall notify the customer of such in writing of such de-registration within 7 (seven) working days after de-registration.

(7) The provisions of Part 5 of Chapter 2 shall *mutatis mutandis* apply in respect of a customer feeling aggrieved by de-registration in terms of sub-section (3) and (4).

### **CHAPTER 5: EMERGENCY SITUATIONS**

#### **Emergency situations**

49.(1) The municipal council may annually as part of its budgeting process or at any time at the request of the municipality, declare a supply zone as an emergency area if –

- (a) the financial records of the municipality indicate that payment levels in that supply zone has been less than thirty-five percent (35%) or that operational losses in that supply zone has exceed forty percent (40%) for a period of three (3) consecutive months;
- (b) that supply zone represents more that three percent (3%) of the area of supply of the authorised agent or customers; and

- (c) the municipality has submitted a programme, with defined actions to be taken and reasonable timeframes for completion of such actions, for improving the payment levels or reducing the operational losses in that supply zone.
- (2) In the event of the declaration of a supply zone as an emergency area in accordance with sub-section (1) the municipal services to that supply zone may be limited to basic municipal services per household as determined by the municipality from time to time.
- (3) The municipality must change the declaration of an emergency area –
- (a) if the payment levels in that area improves to thirty-five percent (35%);
  - (b) if the operational losses in that area are reduced to forty percent (40%); or
  - (c) on expiry of the timeframes set in the programme referred to in sub-section (1)(c).
- (4) The municipality must again request the municipal council to declare a supply zone as an emergency area on a change of the status of a supply zone in terms of sub-section (3)(c), if in the municipality's opinion it is required.
- (5) The provisions of sub-section (1) apply to a request in terms of sub-section (4).

## CHAPTER 6: UNAUTHORISED SERVICES

### Unauthorised services

50. (1) No person may gain access to municipal services unless it is in terms of an agreement entered into with the municipality for the rendering of those services.

- (2) The municipality may, irrespective of any other action it may take against such person in terms of these by-laws by written notice order a person who is using unauthorised services to -
- (a) apply for such services in terms of sections 1 and 2; and
  - (b) undertake such work as may be necessary to ensure that the customer installation through which access was gained complies with the provisions of these or any other relevant by-laws.

### Interference with infrastructure for the provision of municipal services

51. (1) No person other than the municipality shall manage, operate or maintain infrastructure through which municipal services are provided.

- (2) No person other than the municipality shall effect a connection to infrastructure through which municipal services are provided.

### Obstruction of access to infrastructure for the provision of municipal services

52. (1) No person shall prevent or restrict physical access to infrastructure through which municipal services are provided.

- (2) If a person contravenes sub-section (1), the municipality 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.

### Illegal re-connection

53. (1) A person who unlawfully and intentionally or negligently reconnects to services or unlawfully and intentionally or negligently interferes with infrastructure through which municipal services are provided, after such customers access to municipal services have been limited or disconnected shall immediately be disconnected.

(2) A person who re-connects to municipal services in the circumstances referred to in sub-section (1) shall be liable for the cost associated with any consumption, notwithstanding any other actions that may be taken against such a person.

(3) The consumption will be estimated based on the average consumption of services to the specific area within which the unauthorised connection was made.

#### **Immediate disconnection**

54. (1) The provision of municipal services may immediately be disconnected if any person -
- (a) unlawfully and intentionally or negligently interfere with infrastructure through which the municipality provides municipal services;
  - (b) fails to provide information or provide false information reasonably requested by the municipality.

### **CHAPTER 7: OFFENCES**

#### **Offences**

55. Any person who -
- (a) obstructs or hinders the Municipality in the exercising of the powers or performance of functions or duties under these by-laws;
  - (b) contravenes or fails to comply with a provision of these by-laws;
  - (c) fails to comply with the terms of a notice served upon him/her in terms of these by-laws;
- shall be guilty of an offence and liable upon conviction to a fine not exceeding R 6 000 (six thousand Rand) or to a period of imprisonment or community service not exceeding 6 (six) months, or a combination of the aforementioned and in the event of a continued offence to a further fine of R 2 000 (two thousand Rand) for every day during the continuance of such offence.

### **CHAPTER 8: DOCUMENTATION**

#### **Signing of notices and documents**

56. A notice or document issued by the municipality in terms of these by-laws and signed by a staff member of the municipality shall be deemed to be duly issued and must on its mere production be accepted by a court as evidence of that fact.

#### **Notices and documents**

57. (1) A notice or document issued by the municipality in terms of these by-laws shall be deemed to be duly authorised if an authorised agent signs it.
- (2) Any notice or other document that is served on an owner, customer or any other person in terms of these by-laws is regarded as having been served -
- (a) if it has been delivered to that person personally;
  - (b) when it has been left at that person's village, place of residence, or business or employment in the Republic with a person apparently over the age of sixteen years;
  - (c) when it has been posted by registered or certified mail to that person's last known residential address or business address in the Republic and an acknowledgement of posting thereof from the postal service is obtained;
  - (d) if that person's address in the Republic is unknown, when it has been served on that person's agent or representative in the Republic in the manner provided in sub-sections (a) - (c); or

(e) if that person's address and agent or representative in the Republic is unknown, when it has been posted in a conspicuous place on the property or premises, if any, to which it relates.

(3) When any notice or other document must be authorised or served on the owner, occupier or holder of any property it is sufficient if that person is described in the notice or other document as the owner, occupier or holder of the property or right in question, and is not necessarily the name of that person.

(4) 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.

#### **Authentication of documents**

58.(1) Every order, notice or other document requiring authentication by the municipality shall be sufficiently authenticated, if signed by the municipal manager or by a duly authorised person of the municipality; such authority being conferred by resolution of the municipality, written agreement or by a by-law.

#### **Prima facie evidence**

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

### **CHAPTER 9: GENERAL PROVISIONS**

#### **Provision of information**

60.(1) An owner, occupier, customer or person within the area of supply of the municipality must provide the municipality with accurate information.

#### **Power of entry and inspection**

61. The municipality may enter and inspect any premises for any purpose connected with the implementation or enforcement of these by-laws, at all reasonable times, after having given reasonable written notice to the occupier of the premises of the intention to do so, where appropriate.

#### **Exemption**

62. (1) The municipality may, in writing exempt an owner, customer, any other person or category of owners, customers, ratepayers, users of services 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 shall not grant exemption from any section of these by-laws that may result in -

- (a) the wastage or excessive consumption of municipal services;
- (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 Act, or any regulations made in terms thereof, is not complied with.

(2) The municipality at any time after giving written notice of at least thirty days, withdraw any exemption given in terms of sub-section (1).

**Indemnification from liability**

63. Neither an employee of the Municipality nor any person, body, organisation or corporation acting on behalf of the Municipality is liable for any damage arising from any omission or act done in the cause of his or her duties and in good faith.

**Availability of by-laws**

64. (1) A copy of these by-laws shall be included in the municipalities Municipal Code as required in terms of legislation.

(2) The municipality shall take reasonable steps to inform customers of the contents of the by-laws.

(3) A copy of these by-laws shall be available for inspection at the offices of the municipality at all reasonable times.

(4) A copy of the by-laws may be obtained against payment of R10, 00 from the municipality.

**Conflict of law**

65.(1) When interpreting a provision of these by-laws, any reasonable interpretation which is consistent with the purpose of the Act as set out in Chapter 9 on Credit Control and Debt Collection, must be preferred over any alternative interpretation which is inconsistent with that purpose.

(2) If there is any conflict between these by-laws and any other by-laws of the Council, these by-laws will prevail.

**Repeal of existing municipal credit control and debt collection by-laws**

66. The provisions of any by-laws relating to credit control and debt collection by the municipality are hereby repealed insofar as they relate to matters provided for in these by-laws; provided that such provisions shall be deemed not to have been repealed in respect of any such by-law which has not been repealed and which is not repugnant to these by-laws on the basis as determined by the relevant by-laws.

**Short Title and Commencement**

67.(1) These by-laws are called the Credit Control and Debt Collection By-laws of the Emfuleni Local Municipality.

(2) The municipality may, by notice in the *Provincial Gazette*, determine that provisions of these by-laws, listed in the notice, does not apply in certain areas within its area of jurisdiction listed in the notice from a date specified in the notice.

(3) Until any notice contemplated in sub-section (2) is issued, these By-laws are binding.

**ANNEXURE A: APPLICATION FOR MUNICIPAL SERVICES**

**Emfuleni Local Municipality**

**APPLICATION FOR MUNICIPAL SERVICES**

**Type of Application**

Domestic

Commercial /  
Industrial

Institutional

**Type of Customer**

Individual

CC

Partner

Pty (Ltd)

Lessee

Owner

**Particulars of Applicant**

Name of corporate entity			
Registration number of corporate entity			
Surname		Initials	
ID Number			
Marital Status			
If married – in / out of community of property			
Occupation			
Tel. No			
Cell no			

**Address of Applicant (for purposes of account delivery)**

Physical Address		Postal Address	

**Next of Kin**

1. Name		Tel. no	
Address			
2. Name		Tel. no	
Address			

**Employer's Details**

Name		Tel. No.	
Physical Address		Period in Service	
		Employee registration no.	

Credit References			
1. Name of Company		Account No	
Address		Tel. No	
2. Name of Company		Account No	
Address		Tel. No	
Particulars of Owner (if not Applicant)			
Name of corporate entity			
Registration number of corporate entity			
Surname		Initials	
ID Number			
Occupation			
Tel. No			
Cell no			
Physical Address		Postal Address	
Property to which municipal services must be provided			
Suburb			
Zone			
Stand no.			
Street name			
Street number			
Number of persons over the age of 18 years living on the property			
Type of municipal services to be provided			
Water Supply Services	Communal Standpipe		
	Yard Connection		
	In-house connection		
Sanitation Services	Night Soil Removal		
	Water borne sewerage		
Electricity Services	Pre-paid		
	Other		
Refuse removal Services			
Date on which provision of services should commence			
Payment Details			
Cash (including cheque & credit card)			
Debit Order			
Stop Order			
Other method of electronic transfer			
Bank Details	Branch		
	Account No		
<b>A CERTIFIED COPY OF THE APPLICANT'S IDENTITY DOCUMENT / POWER OF ATTORNEY MUST BE ATTACHED TO THE APPLICATION</b>			

I / We hereby –

- (a) Apply for the provision of municipal services to be provided to the above property;
- (b) Accept the conditions applicable to the provision of municipal services as set out the municipality's policy, by-laws and the Conditions of Supply of any service provider of the municipality;
- (c) Declare that I / we was informed that the documents referred to in (b) are available for inspection at the offices of the municipality during office hours;
- (d) Declare that this application form and the implications thereof was explained me / us;
- (e) Declare that all payments due and payable by me in pursuance of this application shall promptly be paid by me on the due date; and
- (f) Declare that the information provided in this application form is true and correct.

**Applicant** \_\_\_\_\_

**Municipality** \_\_\_\_\_

**Date** \_\_\_\_\_

**Date** \_\_\_\_\_

**Signature of Owner (if not applicant)** \_\_\_\_\_

**Date** \_\_\_\_\_

**CERTIFICATION BY MUNICIPALITY**

The consequences of the above declaration made by the applicant were explained to him/her/it and he/she/it indicated that the contents of the application were understood.

**Municipality** \_\_\_\_\_

**Date** \_\_\_\_\_

**FOR OFFICE USE ONLY**

Deposit paid	Date	
	Amount	
	Receipt Number	
Account Number		
Commencement date of services		
Area Code		
Meter Reading on commencement of services	Electricity	
	Water	

**ANNEXURE B: APPLICATION FOR REGISTRATION AS INDIGENT CUSTOMER**

**Emfuleni Local Municipality**

**APPLICATION FOR REGISTRATION AS INDIGENT CUSTOMER**

**Note: An application for Municipal Services must be completed or updated on submission of this application.**

Particulars of Applicant			
Surname		Initials	
ID Number			
Marital Status			
If married – in / out of community of property			
Occupation			
Tel. no			
Cell no			
Address of Applicant			
Physical Address		Postal Address	
Number of properties owned by applicant and all members of the household			
Details of properties, if applicable			
Property 1	Physical address		
	Name of owner		
	Name of bondholder		
	Account number		
	Deed Registration Number		
	Type of structure		
Property 2	Physical address		
	Name of owner		
	Name of bondholder		
	Account number		
	Deed Registration Number		
	Type of structure		
Is property / properties or a portion thereof leased to a third person? (Yes / No)			
If leased, rent received			
Number of all members in household			
Combined gross income of all members of the household per month			

Details of all members of the household over the age of 18 years resident at the property			
<b>1. Surname</b>		<b>2. Surname</b>	
Full name		Full name	
ID Number		ID Number	
Employed? (Yes / No)		Employed? (Yes / No)	
Salary including Benefits, if relevant		Salary including benefits, if relevant	
<b>3. Surname</b>		<b>4. Surname</b>	
Full name		Full name	
ID Number		ID Number	
Employed? (Yes / No)		Employed? (Yes / No)	
Salary including Benefits, if relevant		Salary including benefits, if relevant	
<b>5. Surname</b>		<b>6. Surname</b>	
Full name		Full name	
ID Number		ID Number	
Employed? (Yes / No)		Employed? (Yes / No)	
Salary including Benefits, if relevant		Salary including benefits, if relevant	
Details of any other income received by household: (i.e. such as old age pension, disability pension, welfare, etc)			
<b>1. Type of income</b>		<b>2. Type of income</b>	
Institution		Institution	
Amount		Amount	
Reference number		Reference number	
<b>3. Type of income</b>		<b>4. Type of income</b>	
Institution		Institution	
Amount		Amount	
Reference number		Reference number	
<b>5. Type of income</b>		<b>6. Type of income</b>	
Institution		Institution	
Amount		Amount	
Reference number		Reference number	
Details of monthly expenses of household:			
<b>1. Groceries</b>		<b>2. School fees</b>	
<b>2. Clothes</b>		<b>3.</b>	
<b>4.</b>		<b>5.</b>	
<b>6.</b>		<b>7.</b>	
<b>8.</b>		<b>9.</b>	

Details of current debts of the household: (including insurance policies and credit purchases)			
1. Institution		3. Institution	
Account number		Account number	
Amount owing		Amount owing	
3. Institution		4. Institution	
Account number		Account number	
Amount owing		Amount owing	
5. Institution		6. Institution	
Account number		Account number	
Amount owing		Amount owing	
Details in respect of legal or other actions taken against me in respect of current expenses / debts of the household: (i.e. Administration orders, sequestration, other court orders, listed with a Credit Agency, etc.)			
1. Institution		3. Institution	
Type of action		Type of action	
Case number		Case number	
Amount owing		Amount owing	
3. Institution		4. Institution	
Type of action		Type of action	
Case number		Case number	
Amount owing		Amount owing	
5. Institution		6. Institution	
Type of action		Type of action	
Case number		Case number	
Amount owing		Amount owing	
<b>The following documents must be attached –</b>			
<ol style="list-style-type: none"> <li>1. Documentary proof of income (such as a letter from the customer's employer, a salary advice, a pension card, unemployment insurance fund card, etc.); or</li> <li>2. An affidavit declaring unemployment or income; and</li> <li>3. Latest municipal account in the possession of customer; and</li> <li>4. A certified copy of the applicant's identity document.</li> </ol>			
A. I hereby –			
<ol style="list-style-type: none"> <li>1. apply for registration as an indigent customer for a period of one year;</li> <li>2. accept the conditions applicable to this application as set out in the municipality's policy, by-laws and the Conditions of Supply of any service provider of the municipality;</li> <li>3. declare that I was informed that the documents referred to (2) are available for inspection at the offices of the municipality during office hours;</li> <li>4. declare that this application form and the implications thereof were explained to me;</li> <li>5. declare that all payments due and payable by me in pursuance of this application shall promptly be paid by me on the due date; and</li> <li>6. declare that the information provided in this application form is true and correct.</li> </ol>			
B. I further declare and accept that the following specific conditions shall apply to this application –			
<ol style="list-style-type: none"> <li>1. The municipality may send authorised representatives to premises or households applying for registration as indigent customers to conduct an on-site audit of information provided prior to approval of an application or any time thereafter.</li> </ol>			
2. An application shall be approved for a period of 12 (twelve) months only.			

3. The municipality may on approval of an application or any time thereafter –
  - 3.1 install a pre-payment electricity meter for the indigent customer where electricity is provided by the municipality agent; and
  - 3.2 limit the water supply services of an indigent customer to a basic supply of not less than 6 (six) kiloliters per month.
3. An indigent customer must annually re-apply for registration as an indigent customer, failing which the assistance will cease automatically.
5. The municipality gives no guarantee of renewal.
6. The municipal council may annually as part of its budgetary process determine the municipal Services and levels thereof that will be subsidised in respect of indigent customers in accordance With national policy, but subject to principles of sustainability and affordability.
7. Any other municipal services rendered by the municipality or municipal services consumed in excess of the quantities specified in 6 above shall be charged for and the indigent customer shall be liable for the payment of such charges levied on the excess consumption. Normal credit control procedures shall apply in respect of such excess consumption.
8. Arrears accumulated in respect of the municipal accounts of customers prior to registration as indigent customers will be suspended, without interest accumulating in respect of such arrears, for the period that a customer remains registered as an indigent customer.
9. Suspended arrears shall become due and payable by the customer in monthly installments as determined by the municipality, on de-registration.
10. Arrears suspended for a period of two (2) years or longer shall not be recovered from a customer on de-registration.
11. The municipality may undertake regular random audits to –
  - 11.1 verify the information provided by indigent customers;
  - 11.2 record any changes in the circumstances of indigent customers; and
  - 11.3 make recommendations on the de-registration of the indigent customer.
12. Any customer who provides or provided false information in the application form and / or any other documentation and information in connection with the application –
  - 12.1 shall automatically, without notice, be de-registered as an indigent customer from the date on which the municipality became aware that such information is false; and
  - 12.2 shall be held liable for the payment of all services received in addition to any other legal actions the municipality may take against such a customer.
13. An indigent customer must immediately request de-registration by the municipality if his or her circumstances has changed to the extent that he or she no longer meets the qualifications set out in the by-laws.
14. An indigent customer shall automatically be de-registered if an annual application is not made or if such application is not approved.
15. An indigent customer shall automatically be de-registered if an audit or verification concludes that the financial circumstances of the indigent customer has changed to the extent that he or she no longer meet the qualifications set out in the by-laws.
16. An indigent customer may at any time request de-registration.

**Applicant**

**Municipality**

**Date**

**Date**

**CERTIFICATION BY MUNICIPALITY**

The consequences of the above declaration made by the applicant were explained to him/her and he/she indicated that the contents of the APPLICATION were understood.

**Municipality**

**Date**

**FOR OFFICE USE ONLY**

Account Number

Date of receipt of application

**First Verification**

Date

Site Visit (Yes / No)

Name of verifier

Designation of verifier

Indicate information not verified

Recommendation

**APPLICATION APPROVED / NOT APPROVED**

**Second Verification**

Date

Site Visit (Yes / No)

Name of verifier

Designation of verifier

**LOCAL AUTHORITY NOTICE 978****EMFULENI LOCAL MUNICIPALITY****DRAFT WATER SERVICES B Y - L A W S**

The Emfuleni Local Municipality intends to promulgate the Water Services By-laws as set out in the attached schedule in terms section 13 of the Municipal Systems Act, 2000 (Act No. 32 of 2000) and section 21 of the Water Services Act, 1997 (Act No. 108 of 1997).

The public is invited to submit written comments in connection with the draft By-laws before or on 30 June 2003.

Comments must be submitted to:

The Municipal Manager  
Emfuleni Local Municipality  
P.O. Box 3  
VANDERBIJLPARK  
1900  
Telefax: (016) 950 5050  
Attention: Ms N.G Mofokeng

Addition copies of the draft By-laws may be obtained from the Government Printer or from the Office of the Municipal Manager against payment of a nominal fee.

The draft by-laws are available for inspection at the offices of the municipality every weekday between the hours of 8:00 and 16:00.

Members of the community that cannot read or write may visit the municipality's offices (Ms M. Dipitso) during the above office hours where assistance will be provided in transcribing their comments or representations.

Members of the community that wish to have the draft by-laws explained to them in a different language may visit the municipality's offices (Ms N.G. Mofokeng) during the above office hours where assistance will be provided.

## SCHEDULE

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**CHAPTER I: DEFINITIONS**

**Definitions**

1. (1) In these regulations, unless the context otherwise indicates :

- "accommodation unit"** in relation to any premises, means a building or section of a building occupied or used or intended for occupation or use for any purpose;
- "account"** means any account rendered for municipal services provided;
- "Act"** means the Water Services Act No. 108 of 1997, as amended from time to time;
- "agreement"** means the contractual relationship between the Municipality and a customer, whether written or deemed;
- "approved"** means approved by the Municipality in writing;
- "area of supply"** means any area within or partly within the area of jurisdiction of the Municipality to which water services are provided;
- "authorised agent"** means –
  - (a) any person authorised by the Municipality to perform any act, function or duty in terms of, or exercise any power under these by-laws; and / or
  - (b) any person to whom the Municipality has delegated the performance of certain rights, duties and obligations in respect of providing water supply services; and / or
  - (c) any person appointed by the Municipality in terms of a written contract as a service provider to provide water services to customers on its behalf, to the extent authorised in such contract;
- " average consumption"** means the average consumption of a customer of a municipal service during a specific period, which consumption is calculated by dividing the total measured consumption of that municipal service by that customer over the preceding three months by three;
- "best practicable environmental option"** means the option that provides the most benefit or causes the least damage to the environment as a whole, at a cost acceptable to society, in the long term as well as in the short term;
- "borehole"** means a hole sunk into 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 Standards Act, (Act No. 103 of 1977) as amended;
- "charges"** means the rate, charge, tariff, flat rate, or subsidy determined by the municipal council;
- "cleaning eye"** means any access opening to the interior of a discharge pipe or trap provided for the purposes of internal cleaning, and which remains permanently accessible after completion of the drainage installation;
- "combined installation"** means a water installation used for fire-fighting and domestic, commercial or industrial purposes;

Water Services By-laws (water supply & sanitation combined)

DRAFT FOR CONSULTATION

<b>"commercial customer"</b>	means any customer other than household and indigent customers, including without limitation, business, industrial, government and institutional customers;
<b>"connecting point"</b>	means the point at which the drainage installation joins the connecting sewer;
<b>"connecting sewer"</b>	means a pipe owned by the Municipality and installed by it for the purpose of conveying sewage from a drainage installation on a premises to a sewer beyond the boundary of those premises or within a servitude area or within an area covered by a way-leave or by agreement;
<b>"connection"</b>	means the point at which a customer gains access to water services;
<b>"connection pipe"</b>	means a pipe, the ownership of which is vested in the Municipality and installed by it for the purpose of conveying water from a main to a water installation, and includes a "communication pipe" referred to in SABS 0252 Part I;
<b>"conservancy tank"</b>	means a covered tank used for the reception and temporary retention of sewage and which requires emptying at intervals;
<b>"customer"</b>	means a person with whom the Municipality has concluded an agreement for the provision a municipal service;
<b>"determined"</b>	means determined by the Municipality from time to time;
<b>"domestic purposes"</b>	in relation to the supply of water means water supplied for drinking, ablution and culinary purposes to premises used predominantly for residential purposes;
<b>"drain"</b>	means that portion of the drainage installation that conveys sewage within any premises;
<b>"drainage installation"</b>	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;
<b>"drainage work"</b>	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;
<b>"dwelling unit"</b>	means an interconnected suite of rooms, including a kitchen or scullery, designed for occupation by a single family, irrespective of whether the dwelling unit is a single building or forms part of a building containing two or more dwelling units;
<b>"effluent"</b>	means any liquid whether or not containing matter in solution or suspension;
<b>"Engineer"</b>	means the Engineer of the Municipality, or any other person authorised to act on his or her behalf;

<b>"emergency"</b>	means any situation that poses a risk or potential risk to life, health, the environment or property;
<b>"environmental cost"</b>	means the cost of all measures necessary to restore the environment to its condition prior to the damaging incident;
<b>"estimated consumption"</b>	means the deemed consumption by a customer whose consumption is not measured during a specific period, which estimated consumption is rationally determined taking into account at least the consumption of water supply services for a specific level of service during a specific period in the area of supply of the Municipality;
<b>"fire installation"</b>	means a potable water installation that conveys water for fire-fighting purposes only;
<b>"French drain"</b>	means a soil soak pit for the disposal of sewage and effluent from a septic tank;
<b>"high strength sewage"</b>	means sewage with a strength or quality greater than standard domestic effluent;
<b>"household"</b>	means a traditional family unit consisting of a maximum of eight persons (being a combination of four persons over the age of eighteen and four persons eighteen years or younger);
<b>"illegal connection"</b>	means a connection to any system through which water services are provided that is not authorised or approved by the Municipality;
<b>"Industrial effluent"</b>	means effluent emanating from the industrial use of water and includes for purposes of these bylaws any effluent other than standard domestic effluent or stormwater;
<b>"industrial purposes"</b>	in relation to the supply of water means water supplied to any premises which constitutes a factory as defined in the General Administrative Regulations, published in terms of the Occupational Health and Safety Act, Act 85 of 1993;
<b>"installation work"</b>	means work in respect of the construction of, or carried out on a water installation;
<b>"JASWIC"</b>	means the list of water and sanitation installations approved by the Joint Acceptance Scheme for Water Services Installation Components obtainable from the Municipality;
<b>"manhole"</b>	means any access chamber to the interior of the sewer provided for the purpose of maintenance and internal cleaning;
<b>"main"</b>	means a pipe, other than a connection pipe, of which the ownership vests in the Municipality and used by it for the purpose of conveying water to customer;
<b>"measuring device"</b>	means any method, procedure, process or device, apparatus, installation that enables the quantity of water services provided to be quantified;
<b>"meter"</b>	means a water meter as defined by the Regulations published in terms of the Trade Metrology Act, Act No. 77 of 1973 or, in the case of water meters of size greater than 100 mm, a device which measures the quantity of water passing through it, including a pre-paid water meter;

- "Municipality"** means –
- (a) the Emfuleni Local Municipality or its successors-in-title; or
  - (b) the municipal manager of the Emfuleni Local Municipality in respect of the performance of any action or exercise of any right, duty, obligation or function in terms of these by-laws;
  - (c) an authorised agent of the Emfuleni Local Municipality;
- "municipal council"** means the municipal council as referred to in section 157(1) of the Constitution, 1996 (Act No. 108 of 1996);
- "municipal manager"** means the person appointed by the municipal council as the municipal manager of the Municipality in terms of section 82 of the Local Government Municipal Structures Act, 1998 (Act No. 117 of 1998) and includes any person –
- (a) acting in such position; and
  - (b) to whom the municipal manager has delegated a power, function or duty in respect of such a delegated power, function or duty;
- "municipal services"** means for purposes of these by-laws, services provided by the Municipality, including refuse removal, water supply, sanitation, electricity services and rates or any one of the above;
- "occupier"** includes any person in actual occupation of the land or premises without regard to the title under which he occupies, and, in the case of premises sub-divided and let to lodgers or various tenants, shall include the person receiving the rent payable by the lodgers or tenants whether for his own account or as an agent for any person entitled thereto or interested therein;
- "on-site sanitation services"** means any sanitation services other than water borne sewerage disposal through a sewerage disposal system;
- "owner"** means:
- (a) the person in 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 deceased, or is under any form of legal disability whatsoever, the person in whom the administration and control of such premises is vested as curator, trustee, executor, administrator, judicial manager, liquidator or other legal representative;
  - (c) in any case where the Municipality is unable to determine the identity of such person, a person who has a legal right in or to the benefit of the use of such premises or a building or buildings thereon;
  - (d) in the case of premises for which a lease agreement of 30 years or longer has been entered into, the lessee thereof;
  - (e) in relation to :
    - (i) a piece of land delineated on a sectional plan registered in terms of the Sectional Titles Act, Act No. 95 of 1986, the developer or the body corporate in respect of the common property, or
    - (ii) a section as defined in such Act, the person in whose name such section is registered under a sectional title deed and includes the lawfully appointed agent of such a person;
  - (f) a person occupying land under a register held by a tribal authority or in accordance with a sworn affidavit made by a tribal authority;
- "person"** means any natural person, local government body, a company or close corporation incorporated under any law, a body of persons whether

- incorporated or not, a statutory body, public utility body, voluntary association or trust;
- "plumber"** means a person who has passed a qualifying Trade Test in Plumbing or has been issued with a certificate of proficiency in terms of the Manpower Training Act, 1981 (Act no. 56 of 1981) or such other qualification as may be required under the South African Qualifications Act, 20\_\_ (Act No. \_\_ of 20\_\_).
- "pollution"** means the introduction of any substance into the water supply system, a water installation or a water resource that may make the water harmful to health or environment or impair its quality for the use for which it is intended.
- "premises"** means any piece of land, the external surface boundaries of which are delineated on :  
 (a) a general plan or diagram registered in terms of the Land Survey Act, Act No. 9 of 1927, or in terms of the Deeds Registries Act, Act No. 47 of 1937; or  
 (b) a sectional plan registered in terms of the Sectional Titles Act, Act No. 95 of 1986;  
 (c) a register held by a tribal authority or in accordance with a sworn affidavit made by a tribal authority;
- "professional Engineer"** means a person registered in terms of the Engineering Profession Act, 2000 (Act No. 46 of 2000) as a professional engineer;
- "public notice"** means publication in an appropriate medium that may include one or more of the following -  
 (a) publication of a notice, in the official languages determined by the municipal council, -  
 (i) in the local newspaper or newspapers in the area of supply of the Municipality; or  
 (ii) in the newspaper or newspapers circulating in the area of supply of the Municipality determined by the municipal council as a newspaper of record; or  
 (iii) by means of radio broadcasts covering the area of supply of the Municipality; or  
 (b) displaying a notice at appropriate offices and pay-points of the Municipality; or  
 (c) communication with customers through public meetings and ward committee meetings;
- "sanitation services"** has the same meaning assigned to it in terms of the Act and includes for purposes of these by-laws the disposal of industrial effluent;
- "sanitation system"** means the structures, pipes, valves, pumps, meters or other appurtenances used in the conveyance through the sewer reticulation system and treatment at the sewage treatment plant under the control of the Municipality and which may be used by it in connection with the disposal of sewage;
- "septic tank"** means a water tight tank designed to receive sewage and to effect the adequate decomposition of organic matter in sewage by bacterial action;
- "service pipe"** means a pipe which is part of a water installation provided and installed on any premises by the owner or occupier and which is connected or to be connected to a connection pipe to serve the water installation on the premises;

- "shared consumption"** means the consumption of a customer of a municipal service during a specific period, which consumption is calculated by dividing the total metered consumption of that municipal service within the supply zone within which a customer's premises is situated for the same period by the number of customers within that supply zone, during the same period;
- "sewage"** means waste water, industrial effluent, standard domestic effluent and other liquid waste, either separately or in combination, but shall not include stormwater;
- "sewer"** means any pipe or conduit which is the property of or is vested in the Municipality and which may be used for the conveyance of sewage from the connecting sewer and shall not include a drain as defined;
- "standpipe"** means a connection through which water supply services are supplied to more than one person;
- "standard domestic effluent"** means domestic effluent with prescribed strength characteristics in respect of chemical oxygen demand and settleable solids as being appropriate to sewage discharges from domestic premises within the jurisdiction of the Municipality, but shall not include industrial effluent;
- "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;
- "trap"** means a pipe fitting or portion of a sanitary appliance designed to retain a water seal which serves as a barrier against the flow of foul air or gas, in position;
- "unauthorised services"** means receipt, use or consumption of any water services which is not in terms of an agreement, or authorised or approved by the Municipality;
- "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 ownership thereof vests in the owner thereof and used or intended to be used in connection with the use of water on such premises, and includes a pipe and water fitting situated outside the boundary of the premises, which either connects to the connection pipe relating to such premises or is otherwise laid with the permission of the Municipality;
- "water services"** means water supply services and sanitation services;
- "water services intermediaries"** has the same meaning assigned to it in terms of the Act;
- "water supply services"** has the same meaning assigned to it in terms of the Act and includes for purposes of these by-laws water for industrial purposes and fire extinguishing services;
- "water supply system"** means the structures, aqueducts, pipes, valves, pumps, meters or other apparatus relating thereto of which the ownership vests in the Municipality and are used or intended to be used by it in connection with the supply of water, and includes any part of the system;

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

## **CHAPTER II: APPLICATION, PAYMENT AND TERMINATION**

### **PART 1: APPLICATION**

#### **Application for water services**

2. (1) No person shall be entitled to access to water services unless application has been made to, and approved by, the Municipality on the form prescribed in terms of the Municipality's by-laws relating to credit control and debt collection.

(2) Water services rendered to a customer by the Municipality are subject to the Municipality's by-laws relating to credit control and debt collection, these by-laws and the conditions contained in the relevant agreement.

#### **Special agreements for water services**

3. The Municipality may enter into a special agreement for the provision of water services with an applicant in accordance with the Municipality's by-laws relating to credit control and debt collection.

#### **Change in purpose for which water services are used**

4. Where the purpose for or extent to which water services used is changed the onus and obligation is on the customer to advise the Municipality of such change and to enter into a new agreement with the Municipality in accordance with the Municipality's by-laws relating to credit control and debt collection.

### **PART 2: CHARGES**

#### **Prescribed charges for water services**

5.(1) All applicable charges payable in respect of water services, including but not restricted to the payment of connection charges, fixed charges or any additional charges or interest will be set by the municipal council in accordance with –

- (a) its Rates and Tariff policy;
- (b) any by-laws in respect thereof; and
- (c) any regulations in terms of national or provincial legislation.

(2) Applicable charges may differ between different categories of customers, users of services, types and levels of services, quantities of services, infrastructure requirements and geographic areas.

#### **Availability charges for water services**

6. The municipal council may, in addition to the charges determined for water services actually provided, levy a monthly fixed charge, annual fixed charge or once-off fixed charge where water services are available, whether or not such services are consumed or not.

### **PART 3: PAYMENT**

#### **Payment for water services**

7. The owner, occupier and customer shall be jointly and severally liable and responsible for payment

of all water services charges and water services consumed by him, her or it, in accordance with the Municipality's by-laws relating to credit control and debt collection.

#### **PART 4: TERMINATION, LIMITATION AND DISCONNECTION**

##### **Termination of Agreement for the provision of water services**

8. (1) A customer may terminate an agreement for the provision of water services in accordance with the Municipality's by-laws relating to credit control and debt collection.

##### **Limitation and or disconnection of water services provided**

9. (1) The Engineer may restrict or discontinue water supply services provided in terms of these by-laws -
- (a) on failure to pay the determined charges on the date specified, in accordance with and after the procedure set out in the Municipality's by-laws relating to credit control and debt collection was applied;
  - (b) on failure to comply with any other provisions of these by-laws, after notice was given;
  - (c) at the written request of a customer;
  - (d) if the agreement for the provision of services has been terminated in accordance with the Municipality's by-laws relating to credit control and debt collection;
  - (e) the building on the premises to which services were provided has been demolished;
  - (f) if the customer has interfered with a restricted or discontinued service;
  - (g) in an emergency or emergency situation declared in terms of the Municipality's by-laws relating to credit control and debt collection;
  - (h) if the customer has interfered, tampered or damaged or caused or permitted interference, tampering or damage to the water supply system of the Municipality for the purposes of gaining access to water supply services;
- (2) The Engineer may disconnect sanitation services provided in terms of these by-laws -
- (a) to a commercial customer, on failure to pay the determined charges on the date specified, after the procedure set out in the Municipality's by-laws relating to credit control and debt collection was applied;
  - (b) to a commercial customer, on failure to comply with any other provisions of these by-laws, after notice was given;
  - (c) at the written request of a customer;
  - (d) if the agreement for the provision of sanitation services has been terminated in accordance with the Municipality's by-laws relating to credit control and debt collection; or
  - (e) the building on the premises to which services were provided has been demolished.
- (3) The Municipality shall not be liable for any damages or claims that may arise from the limitation or disconnection of water services provided in terms of sub-sections (1) and (2), including damages or claims that may arise due to the limitation or disconnection of water services by the Municipality in the *bona fide* belief that the provisions of sub-sections (1) and (2) applied.

#### **CHAPTER III: SERVICE LEVELS**

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

(2) The municipal council may in determining service levels differentiate between types of customers, household customers, geographical areas and socio-economic areas.

(3) The following levels of service may be provided by the municipality on the promulgation of these bylaws, subject to sub-section (1) -

- (a) Communal water supply services and on-site sanitation services -
  - (i) constituting the minimum level of service provided by the municipality;

- (ii) consisting of reticulated standpipes or stationery water tank serviced either through a network pipe or a water tanker located within a reasonable walking distance from any household with a Ventilated Improved Pit latrine located on each premises with premises meaning the lowest order of visibly demarcated area on which some sort of informal dwelling has been erected;
  - (iii) installed free of charge;
  - (iv) provided free of any charge to consumers; and
  - (iv) maintained by the municipality.
- (b) Yard connection not connected to any water installation and an individual connection to the municipality's sanitation system -
- (i) consisting of an un-metered standpipe on a premises not connected to any water installation and a pour-flush toilet pan, wash-trough and suitable toilet top structure connected to the municipality's sanitation system;
  - (ii) installed free of charge;
  - (iii) provided free of any charge to consumers; and
  - (iv) maintained by the municipality.
- (c) a metered pressured water connection with an individual connection to the municipality's sanitation system -
- (i) installed against payment of the relevant connection charges;
  - (ii) provided against payment of prescribed charges; and
  - (iii) with the water and drainage installations maintained by the customer.

## CHAPTER IV: CONDITIONS FOR WATER SUPPLY SERVICES

### PART 1: CONNECTION TO WATER SUPPLY SYSTEM

#### Provision of connection pipe

11.(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 determined charge for the installation of such a pipe.

(2) If an application is made for water supply services which are of such an extent or so situated that it is necessary to extend, modify or upgrade the water supply system in order to supply water to the premises, the Municipality may agree to the extension provided that the owner shall pay for the cost of the extension, as determined by the Engineer.

(3) Only the Engineer may install a connection pipe. The owner or customer may connect the water installation to the connection pipe.

(4) No person may commence with any development on any premises unless the Engineer has installed a connection pipe and meter.

#### Location of connection pipe

12.(1) A connection pipe provided and installed by the Engineer shall -

- (a) be located in a position determined by the Engineer and be of a suitable size as determined by the Engineer;
- (b) terminate at -
  - (i) the boundary of the land owned by or vested in the Municipality, or over which it has a servitude or other right; or
  - (ii) at the outlet of the water meter or isolating valve if it is situated on the premises.

(2) The Engineer may at the request of any person agree, subject to such conditions as it may impose, to a connection to a main other than that which is most readily available for the provision of water supply to the premises; provided that the applicant shall be responsible for any extension of the water installation to the connecting point designated by the Municipality and for obtaining at his or her cost, such servitudes over

other premises as may be necessary.

(3) An owner must pay the determined connection charge in advance before a water connection can be effected.

#### **Provision of single water connection for supply to several customers on the same premises**

13.(1) Notwithstanding the provisions of section 12, only one connection pipe to the water supply system may be provided for the supply of water to any premises, irrespective of the number of accommodation units, business units or customers located on such premises.

(2) Where the owner, or the person having the charge or management of any premises on which several accommodation units are situated, requires the supply of water to such premises for the purpose of supply to the different accommodation units, the Engineer may, in its discretion, provide and install either:

- (a) a single measuring device in respect of the premises as a whole or any number of such accommodation units; or
- (b) a separate measuring device for each accommodation unit or any number thereof.

(3) Where the Engineer has installed a single measuring device 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 install and maintain on each branch pipe extending from the connection pipe to the different accommodation units -
  - (i) a separate measuring device; and
  - (ii) an isolating valve; and
- (b) will be liable to the Municipality for the charges for all water supplied to the premises through such a single measuring device, irrespective of the different quantities consumed by the different customers served by such measuring device.

(4) Where a premises is supplied by a number of connection pipes, the Engineer may require the owner to reduce the number of connection points and alter his water installation accordingly.

#### **Disconnection of water installation from the connection pipe**

14. The Engineer may disconnect a water installation from the connection pipe and remove the connection pipe on termination of an agreement for the provision of water supply services in accordance with the Municipality's by-laws relating to credit control and debt collection.

### **PART 2: STANDARDS**

#### **Quantity, quality and pressure**

15. Water supply services provided by the Municipality will comply with the minimum standards set for the provision of water supply services in terms of Section 9 of the Act.

#### **Testing of pressure in water supply systems**

16. The Engineer may, on application by an owner and on payment of the determined charge, determine and furnish the owner with the value of the pressure in the water supply system relating to his or her premises over such period as the owner may request.

#### **Pollution of water**

17. 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

18.(1) The Municipality may by public notice :

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

(2) The Municipality may restrict the application of the provisions of a notice contemplated by sub-section (1) to specified areas and categories of customers, premises and activities, and may permit deviations and exemptions from, and the relaxation of, any of the provisions on reasonable grounds.

(3) The Municipality:

- (a) may take, or by written notice require a customer 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) may discontinue or, for such period as it may deem fit, restrict 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; and
- (c) shall where the supply has been discontinued, only restore it when the determined 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 to customers 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).

## Specific conditions of supply

19. (1) Notwithstanding the undertaking in section 15, the granting of a supply of water by the Municipality shall not constitute an undertaking by it to maintain at any time or any point in its water supply system -

- (a) an uninterrupted supply, subject to the provisions of regulations 4 and 14 of Regulation 22355 promulgated in terms of the Act on 8 June 2003; or
- (b) a specific pressure or rate of flow in such supply other than requires in terms of regulation 15(2) of Regulation 22355 promulgated in terms of the Act on 8 June 2003.

(2) The Engineer may, subject to the provisions of sub-section (1) (b), specify the maximum pressure to which water will be supplied from the water supply system.

(3) If an owner requires -

- (a) that any of the standards referred to in sub-section (1); or
- (b) a higher standard of service than specified in section 15;

be maintained on his or her premises, he or she shall take the necessary steps to ensure that his or her water installation is able to meet such standards.

(4) The Engineer may, in an emergency, interrupt the supply of water to any premises without prior notice.

(5) If in the opinion of the Engineer the consumption of water by a customer adversely affects the supply of water to another customer, if any apply such restrictions as it may deem fit to the supply of water to the first mentioned customer in order to ensure a reasonable supply of water to the other customer and will

inform that customer of such restrictions.

(6) The Municipality shall not be liable for any damage to property caused by water flowing from fittings left open when the water supply is re-instated, following an interruption in supply.

(7) Every steam boiler, hospital, industry and any premises which requires, for the purpose of the work undertaken on the premises, a continuous supply of water shall have a storage tank, which must comply with the specification for water storage tanks as stipulated in SABS 0252 Part 1, with a capacity of not less than 24 hours water supply calculated as the quantity required to provide the average daily consumption, where water can be stored when the continuous supply is disrupted.

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

### **PART 3: MEASUREMENT**

#### **Measuring of quantity of water supplied**

20.(1) The Engineer may provide a measuring device designed to provide either a controlled volume of water or an uncontrolled volume of water to a customer.

(2) The Municipality will measure the quantity of water supplied through a measuring device designed to provide an uncontrolled volume of water, at regular intervals.

(3) Any measuring device and its associated apparatus through which water is supplied to a customer by the Municipality, shall be provided and installed by the Engineer, shall remain its property and may be changed and maintained by the Engineer when deemed necessary by him/her.

(4) The Engineer may install a measuring device, and its associated apparatus, at any point on the service pipe.

(5) If the Engineer installs a measuring device on a service pipe in terms of sub-section (4), 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 installation.

(6) If the Engineer installs a measuring device together with its associated apparatus on a service pipe in terms of sub-section (4), the owner shall -

- (a) provide a place satisfactory to the Engineer 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;
- (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 Engineer on the measuring device; and
- (f) not use or permit to be used on any water installation, any fitting, machine or appliance which causes damage or, in the opinion of the Engineer, is likely to cause damage to any meter.

(7) No person other than the Engineer shall:

- (a) disconnect a measuring device and its associated apparatus from the pipe in which they are installed;
- (b) break a seal which the Engineer has placed on a meter; or
- (c) in any other way interfere with a measuring device and its associated apparatus.

(8) If the Engineer 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, he or she may install a meter of such a size as he or she deem necessary and may recover from the owner of the premises concerned the determined charge for the installation of the meter.

(9) The Municipality may require the installation, at the owner's expense, of a measuring device to each dwelling unit, in separate occupancy, on any premises, for use in determining quantity of water supplied to each such unit; provided that where controlled volume water delivery systems are used, a single measuring device may be used to supply more than one unit.

#### **Quantity of water supplied to customer**

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

- (a) the quantity, for a measuring device designed to provide an uncontrolled volume of water, is represented by the difference between measurements taken at the beginning and end of such period;
- (b) the quantity, for a measuring device designed to provide a controlled volume of water, is represented by the volume dispensed by the measuring device;
- (c) the measuring device was accurate during such period; and
- (d) the entries in the records of the Municipality were correctly made;

provided that if water is supplied to, or taken by, a customer without it passing through a measuring device, the estimate by the Municipality of the quantity of such water shall be deemed to be correct.

(2) Where water supplied by the Municipality to any premises is in any way taken by the customer without such water passing through any measuring device provided by the Municipality, the Municipality may for the purpose of rendering an account estimate, in accordance with sub-section (3), the quantity of water supplied to the customer during the period that water is so taken by the customer.

(3) For the purposes of sub-section (2), an estimate of the quantity of water supplied to a customer shall be based on, as the Municipality may decide:-

- (a) the average monthly consumption of water on the premises registered over three succeeding measuring periods after the date on which the irregularity referred to in sub-section (2); was discovered and rectified, or
- (b) the average monthly consumption of water on the premises during any three consecutive measuring periods during the twelve months' period prior the date on which the taking in the manner mentioned in sub-section (2) was discovered.

(4) Nothing in these by-laws shall be construed as imposing on the Municipality an obligation to cause any measuring device installed by the Engineer on any premises to be measured at the end of every month or any other fixed period, and the Municipality may charge the customer an average consumption during the interval between successive measurements of the measuring device.

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

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

(7) The Municipality will within seven days, on receipt of a written notice from the customer and subject to payment of the determined charge, measure the quantity of water supplied to the customer at a time or on a day other than that upon which it would normally be measured.

(8) If a contravention of sub-section 20 (7) occurs, the customer shall pay to the Municipality the cost of such quantity of water as in the Municipality's opinion was supplied to him or her.

#### **Special measurement**

22.(1) If the Engineer requires, for purposes other than charging for water consumed, to ascertain the quantity of water which is used in a part of a water installation, it may by written notice advise the owner

concerned of its intention to install a measuring device at such point in the water installation as it may specify.

(2) The installation of 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.

(3) The provisions of sections 20 (5) and 20 (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**

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

### **PART 4: AUDIT**

#### **Water audit**

24.(1) The Municipality may require a customer to within one month after the end of a financial year of the Municipality undertake a water audit at his, her or its own cost.

- (2) The audit must at least 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 5: INSTALLATION WORK**

#### **Approval of installation work**

25.(1) If an owner wishes to have installation work done, he or she must first obtain the Municipality's written approval; provided that approval shall not be required in the case of water installations in dwelling units or installations where no fire installation is required in terms of SABS 0400, or in terms of any Municipal by-laws, 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 determined charge, if applicable; and
- (b) copies of the drawings as may be determined by the Municipality, giving information in the form required by Clause 4.1.1 of SABS Code 0252: Part I;
- (c) a certificate certifying that the installation has been designed in accordance with SABS Code 0252 : Part I by a professional engineer.

(3) Authority given in terms of sub-section (1) shall lapse at the expiry of a period of twenty-four months.

(4) 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).

(5) If installation work has been done in contravention of sub-section (1) or (2), the Municipality may

require the owner ;

- (a) to rectify the contravention within a specified period;
- (b) if work is in progress, to cease the work; and
- (c) to remove all such work which does not comply with these by-laws.

**Persons permitted to do installation and other work**

26.(1) No person who is not a qualified plumber or working under the control of a qualified plumber, shall be permitted to:

- (a) do installation work other than the replacement or repair of an existing pipe or water fitting;
- (b) replace a fixed water heater or its associated protective devices;
- (c) inspect, disinfect and test a water installation, fire installation or storage tank;
- (d) service, repair or replace a back flow preventer; or
- (e) install, maintain or replace a meter provided by an owner in a water installation.

(2) No person shall require or engage a person who is not a qualified plumber to do the work referred to in sub-section (1).

(3) Notwithstanding the provisions of sub-section (1) the Municipality may permit a person who is not a qualified plumber to do installation work on his or her own behalf on premises owned and occupied solely by himself or herself and his or her immediate household, provided that such work must be inspected and approved by a qualified plumber at the direction of the Engineer.

**Provision and maintenance of water installations**

27.(1) An owner must provide and maintain his or her water installation at his or her own cost and except where permitted in terms of section 96, must ensure that the installation is situated within the boundary of his or her premises.

(2) An owner must install an isolating valve at a suitable point on service pipe immediately inside the boundary of the property in the case of a meter installed outside the boundary, and in the case of a meter installed on the premises at a suitable point on his or her service pipe.

(3) 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 the owner of the land on which such portion is situated, as the case may be.

**Technical requirements for a water installation**

28. Notwithstanding the requirement that a certificate be issued in terms of section 25, all water installations shall comply with SABS 0252 Part 1 and all fixed electrical storage water heaters shall comply with SABS 0254.

**Use of pipes and water fittings to be authorised**

29.(1) No person shall, without the prior written authority of the Engineer, install or use a pipe or water fitting in a water installation within the Municipality's area of jurisdiction unless it is included in the Schedule of Approved Pipes and Fittings as compiled by the Municipality.

(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.

- (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; or
  - (c) it is included in the list of water and sanitation installations accepted by JASWIC.

- (4) The Municipality 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 at any time during working hours.
- (7) The Municipality may sell copies of the current Schedule at the determined charge.

#### **Labelling of terminal water fittings and appliances**

30. 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 rate, in litres per minute, related to the design pressure range, provided that this information shall be given for at least the following pressures: 20 kPa, 100kPa and 400 kPa.

#### **Water demand management**

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

### **PART 6: COMMUNAL WATER SUPPLY SERVICES**

#### **Provision of water supply to several consumers**

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

### **PART 7: TEMPORARY WATER SUPPLY SERVICES**

#### **Water supplied from a hydrant**

- 33.(1) The Engineer 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 him or her and payment of such applicable charges, including a deposit, as may be determined by the municipal council from time to time.
- (2) A person who desires a temporary supply of water referred to in sub-section (1) must apply for such water supply services in terms of section (2) and must pay a deposit as may be prescribed by the municipal council from time to time.
- (3) The Engineer shall provide a portable water meter and all other fittings and apparatus necessary for the temporary supply of water from a hydrant.
- (4) The portable meter and all other fittings and apparatus provided for the temporary supply of water from a hydrant remains the property of the Municipality and must be returned to the Municipality on

termination of the temporary supply. Failure to return the portable meter and all other fittings and apparatus shall result in penalties being imposed.

## **PART 8: BOREHOLES**

### **Notification of boreholes**

34.(1) No person may sink a borehole on premises situated in a dolomite area.

- (2) The Municipality may, by public notice, require:
- (a) the owner of any premises within any area of the Municipality upon which a borehole exists or, if the owner is not in occupation of such premises, the occupier thereof, to notify it 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.
- (3) The Municipality may require the owner or occupier of any premises who intends to sink a borehole to undertake an environmental impact assessment for such intended borehole, to the satisfaction of the Municipality, before sinking the borehole.
- (4) The Municipality may by notice to a owner or occupier or by public notice require owners and occupiers who have existing boreholes used for water supply services to -
- (a) obtain approval from it for the use of a borehole for potable water supply services in accordance with sections 6, 7 and 22 of the Act; and
  - (b) impose conditions in respect of the use of a borehole for potable water services.

## **PART 9: FIRE SERVICES CONNECTIONS**

### **Connection to be approved by the Municipality**

35.(1) The Engineer shall be entitled in its absolute discretion to grant or refuse an application for the connection of a fire extinguishing installation to the Municipality's main.

- (2) No water shall be supplied to any fire extinguishing installation until a certificate according to 24 have been submitted to the Municipality and that the installation complies with the requirements of these and / or any other by-laws of the Municipality.
- (3) If in its opinion a fire extinguishing installation which it has allowed to be connected to its main is not being kept in proper working order or is otherwise not being properly maintained, or is being used for purpose other than fire fighting, the Municipality shall be entitled either to require the installation to be disconnected from the main or itself to carry out the work of disconnecting it at the customer's expense.

### **Special provisions**

36. In general, the provisions of SABS 0252-1:1994 shall apply. Notwithstanding anything to the contrary contained in SABS 0252-1:1994, the special provisions contained herein shall apply mutatis mutandis to the supply of water for fire fighting purposes.

### **Dual and combined Installations**

37. All new buildings erected after the commencement of these by-laws, shall comply with the following requirements in relation to the provision of fire extinguishing services:

- (a) If boosting of the system is required, a dual pipe system shall be used, one for fire extinguishing purposes and the other for general domestic purposes.
- (b) Combined installations shall only be permitted where no booster pumping connection is provided on the water installation. In such cases a fire hydrant shall be provided by the Municipality, at the customer's expense within 90 m of the property to provide a source of water for the fire tender to extinguish the fire.

- (c) Combined installations where a booster pumping connection is provided shall only be permitted when designed and certified by a professional engineer.
- (d) All pipes and fittings must be capable of handling pressures in excess of 1 800 kPa, which could be expected when boosting takes place and shall maintain their integrity when exposed to fire conditions.

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

38.(1) After the commencement of these by-laws, a single connection pipe for both fire (excluding sprinkler systems) and potable water supply services shall be provided by the Engineer.

(2) The Engineer shall provide and install at the cost of the owner a combination meter on the connection pipe referred to in (1).

(3) A separate connection pipe shall be laid and used for every fire sprinkler extinguishing system unless otherwise approved.

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

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

39. Every connection pipe to a fire extinguishing installation shall be fitted with valves and a measuring device which shall be:

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

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

40. The Engineer shall be entitled to install a water meter in any connection pipe used solely for fire extinguishing purposes and the owner of the premises shall be liable for all costs in so doing if it appears to the Municipality that water has been drawn from the pipe for purposes other than for the purpose of extinguishing a fire.

#### **Sprinkler extinguishing installation**

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

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

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

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

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

#### **Sealing of private fire hydrants**

- 43.(1)(a) Except in the case of a combined system with a combination meter, all private hydrants and hose-reels shall be sealed by the Municipality and such seals shall not be broken by any person other than the Municipality in the course of servicing and testing, except for the purposes of opening the hydrant in the case of fire.
- (b) The customer shall give the Municipality at least 48 hours notice prior to a fire extinguishing installation being serviced and tested.

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(2) The cost of resealing such hydrants and hose-reels shall be borne by the customer except when such seals are broken by the Municipality's officers for testing purposes.

(3) Any water consumed through a fire installation or sprinkler system shall be paid for by the customer at the charges determined by the Municipality.

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

### **PART 1: CONNECTION TO SANITATION SYSTEM**

#### **Obligation to connect to sanitation system**

44.(1) All premises on which sewage is produced must be connect to the Municipality's sanitation system if a connecting sewer is available or it is reasonably possible or cost effective for the Municipality to install a connecting sewer, unless approval for the use of on-site sanitation services was obtained in accordance with section 98.

(2) The Municipality may, by notice, require the owner of premises not connected to the Municipality's sanitation system to connect to the sanitation system.

(3) The owner of premises required to connect to the Municipality's sanitation system in accordance with sub-section (2) must inform the Municipality in writing of the on-site sanitation services provided by the Municipality that will no longer required as a result of the connection to the sanitation system. The owner will remain liable for any charges payable in respect of on-site sanitation services until the agreement for such services has been terminated in accordance with the Municipality's by-laws relating to credit control and debt collection.

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

#### **Provision of connecting sewer**

45.(1) If an agreement for sanitation services in respect of premises has been concluded in accordance with the Municipality's by-laws relating to credit control and debt collection and no connecting sewer exists in respect of the premises, the owner shall make application on the prescribed form and pay the determined charge for the installation of such a sewer.

(2) If an application is made for sanitation services which are of such an extent or so situated that it is necessary to extend, modify or upgrade the sanitation system in order to provide sanitation services to the premises, the Municipality may agree to the extension provided that the owner shall pay for the cost of the extension, as determined by the Engineer.

(3) Only the Engineer may install or approve an installed connecting sewer. The owner or customer may connect the sanitation installation to the connection pipe.

(4) No person may commence with any development on any premises unless the Engineer has installed a connecting sewer.

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

46.(1) A connecting sewer provided and installed by the Engineer shall -

- (a) be located in a position determined by the Engineer and be of a suitable size as determined by the Engineer;
- (b) terminate at -
  - (i) the boundary of the premises; or
  - (ii) at the connecting point if it is situated on the premises.

- (2) The Engineer may at the request of the owner of premises approve, subject to such conditions as he or she may impose, a connection to a connecting sewer other than that which is most readily available for the provision of sanitation services to the premises; provided that the owner shall be responsible for any extension of the drainage installation to the connecting point designated by the Municipality and for obtaining at his or her cost, such servitudes over other premises as may be necessary.
- (3) Where an owner is required to provide a sewage lift as provided for in terms of the Building Regulations or the premises is at a level that the drainage installation cannot discharge into the sewer by gravitation the rate and time of discharge into the sewer shall be subject to the approval of the Municipality.
- (4) The owner of premises must pay the determined connection charge in advance before a connection to the connecting sewer can be effected.

#### **Provision of one connecting sewer for several consumers on same premises**

47. (1) Notwithstanding the provisions of section 46 only one connecting sewer to the sanitation 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) Notwithstanding sub-section (1), the Municipality may authorise that more than one connecting sewer be provided on the sanitation system for the disposal of sewage from any premises comprising sectional title units or if, in the opinion of the Municipality, undue hardship or inconvenience would be caused to any consumer on such premises by the provision of only one connecting sewer.

(3) Where the provision of more than one connecting sewer is authorised by the Municipality under sub-section (2), the tariffs and charges for the provision of a connecting sewer is payable in respect of each sewage connection so provided.

#### **Interconnection between premises**

48. 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 approval of the Municipality and complies with any conditions that it may have imposed.

#### **Disconnection of Connecting Sewer**

49. The Engineer may disconnect a drainage installation from the connection pipe and remove the connection pipe on termination of an agreement for the provision of water supply services in accordance with the Municipality's by-laws relating to credit control and debt collection.

### **PART 2: STANDARDS**

#### **Standards for sanitation services**

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

### **PART 3: METHODS FOR DETERMINING CHARGES**

#### **Measurement of Quantity of Domestic Effluent Discharged**

51.(1) As from 1 July 2003, the quantity of domestic effluent discharged shall be determined by a percentage of water supplied by the Municipality; provided that where the Municipality 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 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.

(2) Where a premises is supplied with water from a source other than or in addition to the Municipality's

water supply system, including abstraction from a river or borehole, the quantity will be a percentage of the total water used on that premises as may be reasonably estimated by the Municipality.

**Measurement of Quantity and Determination of Quality of Industrial Effluent discharged**

- 52.(1) The quantity of industrial effluent discharged into the sanitation system must be determined –
- (a) where a measuring device is installed by the quantity of industrial effluent discharged from a premises as measured through that measuring device; or
  - (b) until such time as a measuring device is installed by a percentage of the water supplied by the Municipality to that premises.
- (2) The Municipality may require the owner of any premises to incorporate in any drainage installation conveying industrial effluent to a sewer, any control meter or gauge or other device of an approved type and in the control of the Municipality for the purpose of ascertaining to the satisfaction of the Municipality the tempo, volume and / or composition of the said effluent.
- (3) The Municipality may install and maintain any such meter, gauge or device referred to in sub-section (2) at the expense of the owner of the premises on which it is installed.
- (4) Where a premises is supplied with water from a source other than or in addition to the Municipality's water supply system, including abstraction from a river or borehole, the quantity will be a percentage of the total water used on that premises as may be reasonably estimated by the Municipality.
- (5) 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 may on application reduce the assessed quantity of industrial effluent.
- (6) The Municipality may at its discretion enter into an agreement with any person discharging industrial effluent into the sanitation system, establishing an alternative method of assessing the quantity and tempo of effluent so discharged.
- (7) Charges relating to the quality of industrial effluent will be based on the formula for industrial effluent discharges as prescribed in Schedule cA.
- (8) The following conditions apply in respect of the assessment of the quality of industrial effluent discharged –
- (a) each customer must conduct the prescribed tests, on a regular schedule as provided for in the approval to discharge industrial effluent, and report the results to the Municipality;
  - (b) the Municipality may conduct random compliance tests to correlate those of the industry. If discrepancies are found, the values of the Municipality shall be taken as correct. Further tests may be requested by the Municipality to determine the values for the formula, at the cost of the customer;
  - (c) the average of the values of the different analysis results of 24 hourly composite or snap samples of the effluent, taken during the period of charge, will be used to determine the quality charges payable;
  - (d) in the absence of a complete daily set of 24 hourly composite or snap samples, the average of not less than two values of the sampled effluent, taken during the period of charge, will be used to determine the charges payable;
  - (e) in order to determine the strength (Chemical oxygen demand, suspended solids concentration, Ammonia concentration, ortho-phosphate concentration) in the effluent as well as the concentration of Group 1 and 2 metals, pH value and conductivity, the Municipality will use the tests normally used by municipalities or these respective purposes. Details of the appropriate test may be ascertained from the Municipality or the SABS. Test results from an accredited laboratory will have precedence over those of the Municipality.
  - (f) the formula is calculated on the basis of the different analysis results of individual snap or composite samples. The period treatment of calculation shall not be less than one full 24-hour period unless strong evidence is submitted to the Municipality that a lesser period is actually applicable;
  - (g) the terms of the disincentive formula cannot assume a negative value;
  - (h) the total system values for quality charges shall remain constant initially for a period of one

month, but in any case not longer than twelve months from the date of commencement of these charges, after expiry whereof they may be amended or revised from time to time depending on such changes in the analysis results or further samples as may be determined from time to time: Provided that the Municipality in its discretion in any particular case may levy the minimum charges prescribed in subsection (7)(l), without taking any samples;

- (i) whenever the Municipality takes a sample, one half thereof shall be made available to the customer;
- (j) for the purpose of calculation of the quantity of effluent discharged from each point of discharge of effluent, the total quantity of water consumed on the premises shall be allocated among the several points of discharge as accurately as is reasonably practicable;
- (k) the costs of conveying and treating of industrial effluent shall be determined by the Municipality and shall apply with effect from such date as may be determined by the Municipality; and
- (l) in the discretion of the Municipality the charges for industrial effluent may be changed to a fixed monthly charge. The minimum charge is to be determined taking into consideration the effluent strengths, the volume and the economic viability of micro and small industries.

#### **Reduction in the Measured Quantity of Effluent Discharged**

53.(1) A person shall be entitled to a reduction in the quantity of effluent discharged as determined in terms of Sections 51 and 52, 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 went undetected, if the consumer demonstrates to the satisfaction of the Municipality that the said water was not discharged into the sanitation 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, 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 or other bylaws.

#### **Charges in respect of 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 and is payable by the owner.

#### **PART 4: DRAINAGE INSTALLATIONS**

##### **Installation of drainage installations**

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

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

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

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

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

(6) After the completion of any drainage installation or after any alteration to any drainage installation is completed, the plumber responsible for the execution of the work must submit to the building inspection section of the Municipality a certificate certifying that the work was completed to the standards as set out in the building regulations, these by-laws and any other relevant law or by-laws.

#### **Disconnection of drainage installations**

56.(1) Except for the purpose of carrying out maintenance or repair work no drain, no drainage installation disconnected from the connection point.

(2) Where any part of a drainage installation is disconnected from the remainder thereof because it will no longer be used, the disconnected part must be destroyed or entirely removed from the premises on which it was used, unless the Municipality approves otherwise.

(3) After all the requirements of the National Building Regulation in regard to disconnection have been complied with and on request of the owner, the Engineer must issue a certificate to certify that the disconnection has been completed in terms of the national Building Regulations and that any charges raised in respect of the disconnected portion of the drainage installation shall cease to be levied with effect from the first day of the month following the issue of such certificate.

(4) When a drainage installation is disconnected from a sewer, the Engineer shall seal the opening so caused and may recover the cost of such work from the owner of the premises on which the installation is disconnected.

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

#### **Maintenance of drainage installations**

57.(1) An owner must provide and maintain his or her drainage installation at his or her own cost.

(2) Where any part of a drainage installation is used by two or more owners or occupiers, they shall be jointly and severally liable the maintenance of the installation.

(3) The owner of any premises must ensure that all manholes on the premises are permanently visible and accessible and is responsible for ensuring the visibility of all cleaning eyes and manholes on the premises at all times.

#### **Technical requirements for drainage installations**

58. All drainage installations shall comply with SABS 0252 and the Building Regulations.

#### **Drains**

59.(1) Drains passing through ground which in the opinion of the Engineer is liable to movement, shall be laid on a continuous bed of river sand or similar granular material not less than 100 mm thick under the barrel of the pipe with a surround of similar material and thickness, and the joints of such drains shall be approved flexible joints.

(2) A drain or part thereof may only be laid within, pass under or through a building on the approval of the Engineer.

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

(4) If a drain passes through or under a wall, foundation or other structure, adequate precautions shall be taken to prevent the discharge of any substance to such a drain.

### **Sewer blockages**

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

(2) When the owner or occupier of premises has reason to believe that a blockage has occurred in any drainage installation thereon, he shall take immediate steps to have it cleared.

(3) When the owner or occupier of premises has reason to believe that a blockage has occurred in the sewer system, he shall immediately inform the Municipality.

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

(5) Should any drainage installation on any premises overflow as a result of an obstruction in the sewer, and the Municipality is reasonable satisfied that such obstruction was caused by objects emanating from the drainage installation, the owner of the premises served by the drainage installation shall be liable for the cost of clearing the blockage.

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

(7) Where a blockage in the sanitation system has been removed by the Engineer and such removal necessitated the disturbance of an owners paving, lawn or other artificial surface the Engineer shall not be responsible for reinstating such.

### **Grease traps**

61. A grease trap of approved type, size and capacity shall be provided in respect of each premises that discharge sewage to on-site sanitation systems or where in the opinion of the Municipality the discharge of grease, oil and fat is likely to cause an obstruction to the flow in sewers or drains, or interference with the proper operation of any waste water treatment plant.

### **Industrial grease traps**

62.(1) Industrial effluent which contains, or in the opinion of the Municipality is likely to contain grease, oil, fat or inorganic solid matter in suspension shall, before it is allowed to enter any sewer, be passed through one or more tanks or chambers of approved type, size and capacity designed to intercept and retain such grease, oil, fat or solid matter.

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

(3) A tank or chamber as referred to in sub-section (2) shall comply with the following requirements:

- (a) It shall be of adequate capacity, constructed of hard durable materials and water-tight when completed;
- (b) The water-seal of its discharge pipe shall be not less than 300 mm in depth; and
- (c) shall be provided with such number of manhole covers as may be adequate for the effective removal of grease, oil fat and solid matter.

(4) The tank or chamber shall be regularly cleaned of such grease, oil, fat or solid matter and the person discharging effluent to the tank or chamber shall maintain a register in which shall be recorded.

- (a) the dates on which the tank or chamber was cleaned;
- (b) the name of the company employed to clean the tank or chamber; and
- (c) a certificate from the cleaning company, certifying the cleaning of the tank or chamber and stating the manner in which the contents of the tank or chamber were disposed of.

**Mechanical appliances for lifting sewage**

63.(1) The owner of any premise must obtain the approval of the Engineer before installing any mechanical appliance for the raising or transfer of sewage in terms of the Building Regulations.

(2) Approval must be applied for by a professional engineer and must be accompanied by drawings prepared in accordance with the relevant provisions of the Building Regulations and shall show details of the compartment containing the appliance, the sewage storage tank, the stilling chamber and the position thereof, and the position of the drains, ventilation pipes, rising main and the sewer connection.

(3) Notwithstanding any permission given in terms of subsection (1), the Municipality shall not be liable for any injury or damage to life or property caused by the use, malfunctioning or any other condition arising from the installation or operation of such appliance as designed by a professional engineer and who remains responsible.

(4) Every mechanical appliance installed for the raising or transfer of sewage shall be specifically designed for the purpose and shall be fitted with a discharge pipe, sluice valves and non-return valves located in approved positions.

(5) Unless otherwise permitted by the Engineer, such mechanical appliances shall be installed in duplicate and each such appliance shall be so controlled that either will immediately begin to function automatically in the event of failure of the other.

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

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

(8) Except where sewage storage space is incorporated as an integral part of a mechanical appliance, a sewage storage tank shall be provided in conjunction with such appliance.

- (9) Every sewage storage tank required in terms of paragraph (a) shall-
- (a) be constructed of hard, durable materials and shall be watertight and the internal surfaces of the walls and floor shall be rendered smooth and impermeable;
  - (b) have a storage capacity below the level of the inlet equal to the quantity of sewage discharged there into in 24 hours or 900 litres, whichever is the greater quantity; and
  - (c) be so designed that the maximum proportion of its sewage content shall be emptied at each discharge cycle of the mechanical appliance.

(10) Every storage tank and stilling chamber shall be provided with a ventilation pipe in accordance with the Engineer's specifications.

**PART 5: ON-SITE SANITATION SERVICES AND ASSOCIATED SERVICES**

**Installation of on-site sanitation services**

64.(1) If an agreement for on-site sanitation services in respect of premises has been concluded or it is not reasonably possible or cost effective for the Municipality to install a connecting sewer the owner must install such on-site sanitation services, in accordance with conditions, as may be specified by the Municipality.

### Ventilated Improved pit latrines

65.(1) The Municipality may, on such conditions as it may prescribe, having regard to the nature and permeability of the soil, the depth of the water table, the size of and access to the site and the availability of a piped water supply, approve the disposal of human excrement by means of a ventilated improved pit (VIP) latrine.

- (2) A ventilated improved pit latrine must have –
- (a) a pit of 2 m<sup>3</sup> capacity;
  - (b) lining as required;
  - (c) a slab designed to support the superimposed loading; and
  - (d) protection preventing children from falling into the pit;
- (3) A ventilated improved pit latrine must conform to the following specifications –
- (a) the pit must be ventilated by means of a pipe, sealed at the upper end with durable insect proof screening fixed firmly in place.
  - (b) the ventilation pipe 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;
  - (c) 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;
  - (d) 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;
  - (e) must be sited in a position that is independent of the dwelling unit;
  - (f) 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;
  - (g) 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;
  - (h) 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;
- (4) A ventilated pit latrine should not usually be used by more than one household and have access to water for handwashing.

### Septic tanks and treatment plants

66.(1) The Municipality may, on such conditions as it may prescribe approve the disposal of sewage or other effluent by means of septic tanks or other on-site sewage treatment plants.

- (2) A septic tank or other on-site sewage treatment plant shall be situated nearer than 3 m to any dwelling unit or to any boundary of the premises on which it is situated.
- (3) Effluent from a septic tank or other on-site sewage treatment plant shall be disposed of to the satisfaction of the Municipality.
- (4) A septic tank must be watertight, securely covered and provided with gas-tight means of access to its interior adequate to permit the inspection of the inlet and outlet pipes and adequate for the purpose of removing sludge.
- (5)(a) A septic tank serving a dwelling unit must –
- (i) have a capacity below the level of the invert of the outlet pipe of not less than 500 litres per bedroom, subject to a minimum capacity below such invert level of 2 500 litres;
  - (ii) have an internal width of not less than 1 m measured at right angles to the direction of the flow;
  - (iii) have an internal depth between the cover and the bottom of the tank of not less than 1,7 m; and
  - (iv) retain liquid to a depth of not less than 1,4 m; and
- (b) Septic tanks serving premises other than a dwelling unit shall be designed and certified by a professional civil Engineer, registered as a member of the Engineering Council of South Africa.

### French drains

67.(1) The Municipality may, on such conditions as it may prescribe having regard to the quantity and the nature of the effluent and the nature of the soil as determined by the permeability test prescribed by the South African Bureau of Standards, approve the disposal of waste-water or other effluent by means of french drains, soakage pits or other approved works.

(2) A french drain, soakage pit or other similar work may not be situated closer than 5 m to any dwelling unit or to any boundary of any premises on which it is situated, nor in any such position as will, in the opinion of the Municipality, cause contamination of any borehole or other source of water which is or may be used for drinking purposes, or cause dampness in any building.

(3) The dimensions of any french drain, soakage pit or other similar work shall be determined in relation to the absorbent qualities of the soil and the nature and quantity of the effluent.

(4) French drains serving premises other than a dwelling house shall be designed and certified by a professional Civil Engineer, registered as a member of the Engineering Council of South Africa.

### Conservancy tanks

68.(1) The Municipality may, on such conditions as it may prescribe; approve the construction of a conservancy tank and ancillary appliances for the retention sewage or effluent.

(2) No rain water, storm-water or effluent other than that approved by the Municipality may be discharged into a conservancy tank.

(3) No conservancy tank shall be used as such unless –

- (a) the invert of the tank slopes towards the outlet at a gradient of not less than 1 in 10;
- (b) the tank is gas and water tight;
- (c) the tank has an outlet pipe, 100 mm in internal diameter, made of wrought iron, cast iron or other approved material, and except if otherwise approved by the Municipality, terminating at an approved valve and fittings for connection to the council's removal vehicles;
- (d) the valve and fittings referred to in paragraph (h) or the outlet end of the pipe, as the case may be, are located in a chamber, having an approved hinged cover and situated in such position as required by the Municipality;
- (e) access to the conservancy tank is provided by means of an approved manhole fitted with a removable cast iron cover placed immediately above the visible spigot of the inlet pipe.

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

(5) Where the Municipality's removal vehicle has to traverse private premises for the emptying of a conservancy tank, the owner shall provide a roadway at least 3,5 m wide, so hardened as to be capable of withstanding a wheel load of 4 metric tons in all weather, and shall ensure that no gateway through which the vehicle is required to pass to reach the tank, shall be less than 3,5 m wide for such purposes.

(6) The owner or occupier of premises on which a conservancy tank is installed shall at all times maintain such tank in good order and condition to the satisfaction of the council.

### Operation and maintenance of on-site sanitation services

69. The operation and maintenance of on-site sanitation services and all costs pertaining thereto remains the responsibility of the owner of the premises, unless the on-site sanitation services are subsidised services determined in accordance with the Municipality's by-laws relating to credit control and debt collection.

**Disused conservancy and septic tanks**

70. If an existing conservancy tank or septic tank is no longer required for the storage or treatment of sewage, or if permission for such use is withdrawn, the owner shall either cause it to be completely removed or to be completely filled with earth or other suitable material, provided that the Engineer may require such tank to be otherwise dealt with, or approve the use thereof for other purpose subject to such conditions as may be specified.

**PART 6: INDUSTRIAL EFFLUENT****Approval to Discharge Industrial Effluent**

71. (1) No person shall discharge or cause or permit industrial effluent to be discharged into the sanitation system except with the approval of the Municipality. A person must apply for approval to discharge industrial effluent into the sanitation system to the Municipality on the prescribed form attached as Schedule B to these by-laws.

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

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

**Withdrawal of approval to discharge industrial effluent**

72. (1) The Municipality may withdraw any approval, after giving at least 14 (fourteen) days written notice if its intention to a commercial customer authorised to discharge industrial effluent into the sanitation system if the customer –

- (a) fails to ensure that the industrial effluent discharged conforms to the industrial effluent standards prescribed in Schedule A of these bylaws or the written permission;
- (b) fails or refuses to comply with any notice lawfully served on him or her in terms of these bylaws or contravenes any provisions of these bylaws 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 may on withdrawal of any approval -

- (a) in addition to any steps prescribed in these bylaws, and on 14 (fourteen) days' written notice authorise the closing or sealing of the connecting sewer of the said premises; 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 bylaws.

**Quality standards for disposal of industrial effluent**

73. (1) A commercial customer to whom approval has been granted must ensure that no industrial effluent is discharged into the sanitation system of the Municipality unless it complies with the standards and criteria set out in Schedule A.

(2) The Municipality may in the approval relax or vary the standards in Schedule A, provided that the Municipality is satisfied that any such relaxation represents the best practicable environmental option.

(3) In determining whether relaxing or varying the standards in Schedule A represents the best practicable environmental option a Municipality must consider -

- (a) whether the commercial customer's undertaking is operated and maintained at optimal levels;
- (b) whether technology used by the commercial customer represents the best available option to the commercial customer's industry and, if not, whether the installation of such technology would entail unreasonable cost to the commercial customer;
- (c) whether the commercial customer is implementing a program of waste minimisation which complies

- with national and local waste minimisation standards to the satisfaction of the Municipality;
- (d) the cost to the Municipality of granting the relaxation or variation; and
- (e) the environmental impact or potential impact of such a 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 or any other standard laid down in an approval.

#### **Conditions for the discharge of industrial effluent**

74. (1) The Municipality may on approval or at any time, by notice, require a commercial customer to -
- (a) subject the industrial effluent to such preliminary treatment as in the opinion of the Municipality will ensure that the industrial effluent conforms to the standards prescribed in Schedule A before being discharged into the sanitation system;
  - (b) install such equalising tanks, valves, pumps, appliances, meters and other equipment as in the opinion of the Municipality will be necessary to control the rate and time of discharge into the sanitation system in accordance with the conditions imposed by it;
  - (c) install for the conveyance of his or her industrial effluent into the sanitation system at a given point, a drainage installation separate from the drainage installation for other sewage and may prohibit a commercial customer from disposing of his or her industrial effluent at any other point;
  - (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 may prescribe;
  - (e) provide all such information as may be required by the Municipality to enable it to assess the tariffs or charges due to the Municipality;
  - (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 sanitation system which is in contravention of these bylaws;
  - (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 and copies of the calibration to be forwarded to it; and
  - (h) cause his or her industrial effluent to be analyzed as often and in such manner as may be prescribed by the Municipality and provide it with the results of these tests when completed.
- (2) The cost of any treatment, plant, works or analysis, which a person may be required to carry out, construct or install in terms of sub-section (1), shall be borne by the commercial customer concerned.
- (3) In the event that industrial effluent that does not comply with the standards in Schedule A or the approval of the Municipality issued in respect of that process or premises, is discharged into the sanitation system, the Municipality must be informed of the incident and the reasons therefore within twelve hours of such discharge.

### **PART 7: SEWAGE DELIVERED BY ROAD HAULAGE**

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

75. (1) The Engineer 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.

#### **Approval for delivery of sewage by road haulage**

76. (1) No person shall discharge sewage into the Municipality's sewage treatment plants by road haulage except with the approval of the Engineer and subject to such period and any conditions that may be imposed.

(2) The charges for any sewage delivered for disposal to the Municipality's sewage treatment plants shall be assessed by the Municipality in accordance with the prescribed tariffs of charges.

#### **Withdrawal of permission for delivery of sewage by road haulage**

77. (1) The Engineer 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, as applicable, or in the approval; or
- (b) fails or refuses to comply with any notice served on him or her in terms of these bylaws or contravenes any provisions of these bylaws or any condition imposed on him or her in terms of any approval; and
- (c) fails to pay the relevant charges in respect of any sewage delivered.

#### **Conditions for delivery of sewage by road haulage**

78. When sewage is delivered by road haulage-

- (a) the time and place of delivery shall be arranged with the Engineer; and
- (b) the nature and composition of the sewage shall be established to the satisfaction of the Engineer prior to the discharge thereof and no person shall deliver sewage that does not comply with the standards laid down in terms of these bylaws.

### **PART 8: OTHER SANITATION SERVICES**

#### **Stables and Similar Premises**

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

- (a) the floor of the premises must be paved with approved impervious materials and graded to a silt trap, grease trap or gully of adequate capacity; and
- (b) every part of the floor of premises must be covered by a roof and otherwise effectively protected to prevent the entry of rain or stormwater into the drainage installation.

#### **Mechanical Food-Waste or other Disposal Units**

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

- (a) a water meter is installed by the Municipality;
- (b) the Engineer is satisfied that the Municipality sewerage and sewage treatment system shall not negatively affected; and
- (c) the installation or incorporation is installed in conformity with the Municipality's bylaws relating to electricity.

### **PART 9: INSTALLATION WORK**

#### **Approval of Installation work**

81.(1) If an owner wishes to have installation work done, he or she must first obtain the Municipality's written approval.

(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 determined charge, if applicable; and
- (b) copies of the drawings as may be determined by the Municipality;
- (c) a certificate certifying that the installation has been designed in accordance with any applicable SABS Codes by a professional engineer.

(3) Authority given in terms of sub-section (1) shall lapse at the expiry of a period of twenty-four months.

(4) 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).

(5) If installation work has been done in contravention of sub-section (1) or (2), the Municipality may require the owner;

- (a) to rectify the contravention within a specified period;
- (b) if work is in progress, to cease the work; and
- (c) to remove all such work which does not comply with these by-laws.

**Persons permitted to do installation and other work**

82.(1) No person who is not a qualified plumber or working under the control of a qualified plumber, shall be permitted to:

- (a) do installation work other than the replacement or repair of an existing pipe or sanitation fitting;
- (b) inspect, disinfect and test a drainage installation, fire installation or storage tank;
- (c) service, repair or replace a back flow preventer; or
- (d) install, maintain or replace a meter provided by an owner in a drainage installation.

(2) No person shall require or engage a person who is not a qualified plumber to do the work referred to in sub-section (1).

(3) Notwithstanding the provisions of sub-section (1) the Municipality may permit a person who is not a qualified plumber to do installation work on his or her own behalf on premises owned and occupied solely by himself or herself and his or her immediate household, provided that such work must be inspected and approved by a qualified plumber at the direction of the Engineer.

**Use of pipes and water fittings to be authorised**

83.(1) No person shall, without the prior written authority of the Engineer, install or use a pipe or water fitting in a water installation within the Municipality's area of jurisdiction unless it is included in the Schedule of Approved Pipes and Fittings as compiled by the Municipality.

(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.

- (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; or
  - (c) it is included in the list of water and sanitation installations accepted by JASWIC.

(4) The Municipality 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 sanitation 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 at any time during working hours.

(7) The Municipality may sell copies of the current Schedule at the determined charge.

**Testing of Drainage Installations**

84.(1) No drainage installation, or any part thereof, shall be connected to on-site sanitation services, the Municipality's sanitation system to an existing approved installation unless any one or more of the following tests have been applied in the presence and to the satisfaction of the Engineer, prior to the draining installation being enclosed -

- (a) The interior of every pipe or series of pipes between two points of access shall be inspected throughout its length by means of a mirror and a source of light. During the inspection a full circle

of light shall appear to the observer, and the pipe or series of pipes shall be seen to be unobstructed;

- (b) A smooth ball having a diameter 12 mm less than the nominal diameter of the pipe shall, when inserted at the higher end of the pipe, roll down without assistance or interruption to the lower end;
- (c) All openings of the pipe or series of pipes to be tested having been plugged or sealed and all traps associated therewith filled with water, air shall be pumped into the said pipe or pipes until a manometric pressure of 38 mm of water is indicated, after which without further pumping the said pressure shall remain greater than 25 mm of water for a period of at least three minutes; and
- (d) All parts of the installation is subjected to and withstand an internally applied hydraulic test pressure of not less than 3 m head of water for a period of not less than 10 minutes.

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

#### **Water demand management**

85.(1) Notwithstanding the provisions of sections 92 and 113, no flushing urinal that is not user-activated shall be installed or continue to operate in any water installation. All flushing urinals that are not user-activated installed prior to the commencement of these regulations must be converted to user-activated urinals within two years of the commencement of these by-laws.

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

### **CHAPTER VI: WATER SERVICES INTERMEDIARIES**

#### **Registration**

86. The Municipality may by public notice require water services intermediaries or classes of water services intermediaries to register with the Municipality.

#### **Provision of water services**

87.(1) A water services intermediaries must ensure that water services, including basic services as determined by the municipal council, are provided to such persons it is obliged to provide with water services.

(2) The quality, quantity and sustainability of water services provided by a water services intermediary must meet any minimum standards prescribed in terms of the Act and must at least be of the same standards as provided by the Municipality to customers.

#### **Charges for water services provided**

88.(1) A water services intermediary may not charge for water services at a price which does not comply with any norms and standards prescribed under the Act and any additional norms and standards as may be set by the Municipality.

(2) A water services intermediary must provide subsidised water services, as determined by the municipal council in terms of the Municipality's by-laws relating to credit control and debt collection from time

to time, and provided by the Municipality to customers at a price that is the same or less than the charges at which the Municipality provides such services.

## **CHAPTER VII: UNAUTHORISED WATER SERVICES**

### **Unauthorised services**

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

(2) The Municipality may, irrespective of any other action it may take against such person in terms of these by-laws by written notice order a person who is using unauthorised services to -

- (a) apply for such services in terms of sections 2 and 3; and
- (b) undertake such work as may be necessary to ensure that the customer installation through which access was gained complies with the provisions of these or any other relevant by-laws.

(3) The Municipality may, without compensation, confiscate the property or other instruments through which unauthorised services were accessed.

### **Interference with infrastructure for the provision of water services**

90. (1) No person other than the Municipality shall manage, operate or maintain infrastructure through which water services are provided.

(2) No person other than the Municipality shall effect a connection to infrastructure through which water services are provided.

(3) The Municipality may recover any costs associated with repairing damage caused as a result of a contravention of sub-sections (1) and (2). The costs recoverable by the Municipality is the full cost associated with repairing the damage and includes, but is not restricted to, any exploratory investigation, surveys, plans, specifications, schedules of quantities, supervision, administration charge, the use of tools, the expenditure of labour involved in disturbing or rehabilitation of any part of a street or ground affected by the repairs and the environmental cost.

### **Obstruction of access to infrastructure for the provision of water services**

91. (1) No person shall prevent or restrict physical access to infrastructure through which water services are provided.

(2) If a person contravenes sub-section (1), the Municipality 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.

(3) The costs recoverable by the Municipality is the full cost associated with restoring access and includes, but is not restricted to, any exploratory investigation, surveys, plans, specifications, schedules of quantities, supervision, administration charge, the use of tools, the expenditure of labour involved in disturbing or rehabilitation of any part of a street or ground affected by restoring access and the environmental cost.

### **Waste of water**

92.(1) No customer 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 and sanitation 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 shall, by written notice, require the owner to comply with the provisions of sub-section (1).
- (4) A customer shall ensure that any equipment or plant connected to his or her water or sanitation installation uses water in an efficient manner.
- (5) The Municipality may, by written notice, prohibit the use by a customer of any equipment in a water or sanitation 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.

#### **Unauthorised and Illegal discharges**

93.(1) No person may discharge or cause or permit any sewage to be discharged directly or indirectly into a stormwater drain, river, stream or other watercourse, whether natural or artificial.

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

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

- (4) No person may discharge or cause or permit the discharge of –
- (a) any substance, including stormwater, other than sewage to be discharged into a drainage installation;
  - (b) of water from any swimming pool directly or indirectly over any road or into a gutter, stormwater drain, watercourse, open ground or private premises other than the premises of the owner of such swimming pool;
  - (c) water from artificial fountains, reservoirs or swimming pools situated on premises into a drainage installation, without the approval of the Municipality and subject to the payment of relevant charges and such conditions as the Municipality may impose;
  - (d) any sewage, industrial effluent or other liquid or substance which –
    - (i) in the opinion of the Engineer may be offensive to or may cause a nuisance to the public;
    - (ii) is in the form of steam or vapour or has a temperature exceeding 44° C at the point where it enters the sewer;
    - (iii) has a pH value less than 6.0;
    - (iv) contains any substance of whatsoever nature likely to produce or release explosive, flammable, poisonous or offensive gases or vapours in any sewer;
    - (v) contains any substance having an open flashpoint of less than 93°C or which releases a poisonous vapour at a temperature below 93° C;
    - (vi) contains any material of whatsoever nature, including oil, grease, fat or detergents capable of causing obstruction to the flow in sewers or drains or interference with the proper operation of a sewerage treatment works;
    - (vii) shows any visible signs of tar or associated products or distillates, bitumens or asphalts;
    - (viii) contains any substance in such concentration to produce an undesirable taste after chlorination or an undesirable odour or colour, or excessive foam;
    - (ix) has either a greater PV or COD (Chemical Oxygen Demand) value, a lower pH value, or a higher caustic alkalinity or electrical conductivity than specified in Schedule A, without the prior approval and subject to the payment of relevant charges and such

- conditions as the Municipality may impose;
- (x) contains any substance which in the opinion of the Engineer –
  - (aa) cannot be treated at the sewage treatment work to which it could be discharged; or
  - (bb) will negatively affect the treatment processes at the sewage treatment work to which it could be discharged or
  - (cc) will negatively impact on the ability of the sewage treatment work to produce discharges that meet the waste water discharge standards set in terms of the National Water Act, 1998 (Act 36 of 1998), or
- (xi) either alone or in combination with other substance may –
  - (aa) generate or constitute a toxic substance dangerous to the health of persons employed at the sewage treatment works or entering the council's sewers or manholes in the course of their duties; or
  - (bb) be harmful to sewers, treatment plant or land used for the disposal of treated waste water; or
  - (cc) adversely affect any of the processes whereby sewage is treated or any re-use of sewage effluent.

(5) No person shall cause or permit the accumulation of grease, oil, fat or solid matter in any drainage installation that will affect its effective functioning.

(6) The Municipality may, notwithstanding any other actions that may be taken in terms of these by-laws, recover from any person who discharges industrial effluent or any substance which is unauthorised or illegal all costs incurred, by the Municipality as a result of such discharges, including costs that result from -

- (a) injury to persons, damage to the sanitation system; or
- (b) a prosecution in terms of the National Water Act, 1998 (Act No. of 1998).

**Illegal re-connection**

94.(1) A person who unlawfully and intentionally or negligently reconnects to services or unlawfully and intentionally or negligently interferes with infrastructure through which water supply services are provided, after such customers access to water supply services have been restricted or disconnected shall immediately be disconnected.

**Immediate disconnection**

95. The provision of water supply services may immediately be disconnected if any person unlawfully and intentionally or negligently interferes with or obstructs access to infrastructure through which the Municipality provides water supply services.

**Pipes in streets or public places**

96. No person shall for the purpose of conveying water or sewage 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, except with the prior written permission of the Municipality and subject to such conditions as it may impose.

**Use of water from sources other than the water supply system**

97.(1) No person shall use or permit the use of water obtained from a source other than the water supply system, other than rain water tanks which are not connected to the water installation, except with the prior approval of the Engineer, and in accordance with such conditions as it may impose, for domestic, commercial or industrial purposes.

(2) Any person desiring the consent referred to in sub-section (1) shall provide the Engineer with evidence satisfactory to it that the water referred to in sub-section (1) complies, whether as a result of treatment or otherwise, with the requirements of SABS 241: Drinking Water, or that the use of such water does not or will not constitute a danger to health.

(3) Any consent given in terms of sub-section (1) may be withdrawn if, in the opinion of the Engineer -

- (a) a condition imposed in terms of sub-section (1) is breached; or
- (b) the water quality no longer conforms to the requirements referred to in sub-section (2).

(4) The Engineer may take samples of water obtained from a source, other than the water supply system and cause the samples to be tested for compliance with the requirements referred to in subsection (2).

(5) The determined charge for the taking and testing of the samples referred to in sub-section (4) above shall be paid by the person to whom consent was granted in terms of sub-section (1).

(6) If water obtained from a borehole or other source of supply on any premises is used for a purpose which gives rise to the discharge of such water or a portion thereof into the Municipality's sewerage system, the Municipality may install a meter in the pipe leading from such borehole or other source of supply to the point or points where it is so used.

(7) The provisions of section 20 shall apply insofar as they may be applicable in respect of the meter referred to in sub-section (4).

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

98.(1) No person shall use or permit the use of on-site sanitation services not connected to the Municipality's sanitation system except with the prior approval of the Engineer, and in accordance with such conditions as it may impose, for domestic, commercial or industrial purposes.

(2) Any person desiring the consent referred to in sub-section (1) shall provide the Engineer with evidence satisfactory to it that the sanitation facility is not likely to have a detrimental effect on health or the environment.

- (3) Any consent given in terms of sub-section (1) may be withdrawn if, in the opinion of the Engineer -
- (a) a condition imposed in terms of sub-section (1) is breached; or
  - (b) the sanitation facility has a detrimental impact on health or the environment.

(4) The Engineer may undertake such investigations as he or she may deem necessary to determine if a sanitation facility has a detrimental impact on health or the environment.

(5) The person to whom consent was granted in terms of sub-section (1) shall be liable for the costs associated with an investigation undertaken in terms of sub-section (2) if the result of the investigation indicates that the sanitation facility has a detrimental impact on health or the environment.

### **CHAPTER VIII: NOTICES**

#### **Power to serve and compliance with notices**

99. (1) The Municipality may, by written notice, order an owner, consumer or any other person who fails, by act or omission, to comply with the provisions of these by-laws or 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 except in the case of a notice issued in terms of section 18 when the period shall not be less than seven days.

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

- (a) undertaking the work necessary itself and recovering the cost of such action or work from that owner, consumer or other person;
- (b) restricting or discontinuing the provision of services; 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 within a specified period, unless the owner, consumer or other person was given such an opportunity before the notice was issued;
- (c) specify the steps that the owner, consumer or other person must take to rectify the failure to comply;
  - (d) specify the period within which the owner, consumer or other person must take the steps specified to rectify such failure; and
  - (e) indicate that the Municipality –
    - (i) may undertake such work necessary to rectify the failure to comply if the notice is not complied with and that any costs associated with such work may be recovered from the owner, consumer or other person; and
    - (ii) may take any other action it deems necessary to ensure compliance.

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

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

## CHAPTER IX: APPEALS

### Appeals against decisions of the Municipality

100. (1) A customer may appeal against a decision of or notice issued by the Municipality in terms of these by-laws in writing.

(2) An appeal and request in terms of sub-section (1) must be made in writing and lodged with the Municipality within 14 (fourteen) days after a customer became aware of the decision or notice and must –

- (a) set out the reasons for the appeal; and
- (b) be accompanied by any security determined for the testing of a measuring device, if applicable.

(3) An appeal must be decided by the Municipality within 14 (fourteen) days after an appeal was lodged and the customer must be informed of the outcome in writing, as soon as possible thereafter.

(4) The decision of the Municipality is final.

(5) The Municipality may condone the late lodging of appeals or other procedural irregularities.

## CHAPTER X: OFFENCES

### Offences

101. Any person who –

- (a) obstructs or hinders the Municipality in the exercising of the powers or performance of functions or duties under these by-laws;
- (b) uses, tampers or interferes with municipal equipment, the water supply system, sanitation system and reticulation network or consumption of services rendered;
- (c) contravenes or fails to comply with a provision of these by-laws;
- (d) fails to comply with the terms of a notice served upon him/her in terms of these by-laws;

shall be guilty of an offence and liable upon conviction to a fine of R 4 000 (four thousand Rand) or to a period of imprisonment or community service not exceeding 4 (four) months or in the event of a continued offence to a further fine of R 2 000 (two thousand Rand) for every day during the continuance of such offence.

## **CHAPTER XI: DOCUMENTATION**

### **Signing of notices and documents**

102. A notice or document issued by the Municipality in terms of these by-laws and signed by a staff member of the Municipality shall be deemed to be duly issued and must on its mere production be accepted by a court as evidence of that fact.

### **Notices and documents**

103. (1) A notice or document issued by the Municipality in terms of these by-laws shall be deemed to be duly authorised if a staff member of the Municipality or an authorised agent signs it.

(2) Any notice or other document that is served on an owner, customer or any other person in terms of these by-laws is regarded as having been served -

- (a) if it has been delivered to that person personally;
- (b) when it has been left at that person's village, place of residence, or business or employment in the Republic with a person apparently over the age of sixteen years;
- (c) when it has been posted by registered or certified mail to that person's last known residential address or business address in the Republic and an acknowledgement of posting thereof from the postal service is obtained;
- (d) if that person's address in the Republic is unknown, when it has been served on that person's agent or representative in the Republic in the manner provided in sub-sections (a) - (c); or
- (e) if that person's address and agent or representative in the Republic is unknown, when it has been posted in a conspicuous place on the property or premises, if any, to which it relates.

(3) When any notice or other document must be authorised or served on the owner, occupier or holder of any property it is sufficient if that person is described in the notice or other document as the owner, occupier or holder of the property or right in question, and is not necessarily the name of that person.

(4) 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.

### **Authentication of documents**

104. Every order, notice or other document requiring authentication by the Municipality shall be sufficiently authenticated, if signed by the municipal manager or by a duly authorised officer of the Municipality or the Manager of the Municipality's authorised agent; such authority being conferred by resolution of the Municipality, written agreement or by a by-law.

### **Prima facie evidence**

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

## **CHAPTER XII: GENERAL PROVISIONS**

### **Responsibility for compliance with these by-laws**

106. (1) The owner of premises is responsible for ensuring compliance with these by-laws in respect of all or any matters relating to any water and sanitation installation.

(2) The customer is responsible for compliance with these by-laws in respect of matters relating to the use of any water and sanitation installation.

**Provision of information**

107.(1) An owner, occupier, customer or person within the area of supply of the Municipality must provide the Municipality with accurate information reasonably requested by the Municipality, that, in the discretion of the Municipality, is needed for the implementation or enforcement of these by-laws.

**Power of entry and inspection**

108. The Municipality may enter and inspect any premises for any purpose connected with the implementation or enforcement of these by-laws, at all reasonable times, after having given reasonable written notice to the occupier of the premises of the intention to do so.

**Indemnification from liability**

109. Neither an employee of the Municipality nor any person, body, organisation or corporation acting on behalf of the Municipality is liable for any damage arising from any omission or act done in the cause of his or her duties and in good faith.

**Exemption**

110. (1) The Engineer may, in writing exempt an owner, customer, any other person or category of owners, customers, ratepayers, users of services 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 Engineer shall not grant exemption from any section of these by-laws that may result in -

- (a) the wastage or excessive consumption of water supply services;
- (b) significant negative effects on public health, safety or the environment;
- (c) the non-payment for services;
- (d) the Act, or any regulations made in terms thereof, is not complied with.

(2) The Municipality may at any time after giving written notice of at least thirty days, withdraw any exemption given in terms of sub-section (1).

**Availability of by-laws**

111. A copy of these by-laws shall be included in the Municipality's Municipal Code as required in terms of legislation.

**Conflict of law**

112.(1) When interpreting a provision of these by-laws, any reasonable interpretation which is consistent with the purpose of the Act, must be preferred over any alternative interpretation which is inconsistent with that purpose.

(2) If there is any conflict between these by-laws and any other by-laws of the Municipality, these by-laws will prevail.

**Transitional arrangements**

113. (1) Installation work authorised by the Municipality prior to the commencement date of these by-laws or authorised installation work in progress on such date shall be deemed to have been authorised in terms of these by-laws. The Municipality may for a period of 90 days after the commencement of these by-laws authorise installation work in accordance with the by-laws that regulated such work immediately prior to the promulgation of these by-laws.

(2) Any reference in these by-laws to a charge determined by the municipal council shall be deemed to be a reference to a charge determined by the municipal council under the laws repealed by section 114, until the effective date of any applicable charges that may be determined by the municipal council in terms of these by-laws or by-laws relating to credit control and debt collection and any reference to a provision in the laws repealed by section 114 shall be deemed to be a reference to a corresponding provision in these by-laws.

(3) Any approval, consent or exemption granted under the laws repealed by section 114 shall, save for the provisions of sub-section (3), remain valid.

(4) No customer shall be required to comply with these by-laws by altering a water installation or part thereof which was installed in conformity with any laws applicable immediately prior to the commencement of these by-laws; provided that if, in the opinion of the Engineer, the installation or part thereof is so defective or in such a condition or position as to cause waste or undue consumption of water, pollution of the water supply or a health hazard, the Engineer may by notice require the customer to comply with the provisions of these by-laws.

#### Repeal of existing municipal water services by-laws

114.(1) The provisions of any by-laws relating to water supply services and sanitation services by the Municipality are hereby repealed insofar as they relate to matters provided for in these by-laws.

(2) The Standard Water By-laws of the Western Vaal Metropolitan Local Council and the Vereeniging Kopanong City Council, published under the Administrator's Notice 21 of 5 January 1977, as amended, are hereby repealed.

(3) The Standard Drainage By-laws of the Western Vaal Metropolitan Council and the Vereeniging Kopanong City Council, published under the Administrator's Notice 665 of 8 June 1977, as amended, are hereby repealed.

#### Short title and commencement

115.(1) These by-laws are called the Water Services By-laws of the Emfuleni Local Municipality.

(2) The Municipality may, by notice in the *Provincial Gazette*, determine that provisions of these by-laws, listed in the notice, does not apply in certain areas within its area of jurisdiction listed in the notice from a date specified in the notice.

(3) Until any notice contemplated in sub-section (2) is issued, these By-laws are binding.

#### Schedule A

#### LIMITS OF CONCENTRATION OF SUBSTANCES THAT MAY BE DISCHARGED TO THE MUNICIPALITY'S SANITATION SYSTEM

Parameter	Allowed Specification	Substances from which hydrogen cyanide can be liberated in the drainage installation, sewer or sewage treatment works (expressed as HCN)	20 mg / l
PV-not exceed	1400 ml/l	Formaldehyde (expressed as HCHO)	50 mg / l
Ph within range	8,0 – 10,0	Non - organic solids in suspension	100 mg / l
Electrical conductivity - not greater than	500 m S / m at 20 °C	Chemical oxygen demand (CO)	5 000 mg / l
Caustic alkalinity (expressed as CaCO <sub>3</sub> )	2 000 mg / l	All sugars and / or starch (expressed as glucose)	1 500 mg / l
Substance not in solution (including fat, oil, grease waxes and like substances)	2 000 mg / l	Available chlorine (expressed as Cl)	100 mg / l
Substances soluble in petroleum ether	500 mg / l	Sulphates (expressed as SO <sub>4</sub> )	1 800 mg / l
Sulphides, hydro-sulphides and polysulphides (expressed as S)	50 mg / l	Fluorine - containing compounds (expressed as F)	5 mg / l
		Anionic surface active agents	500 mg / l

**METALS:**

**Group 1:**

Metal	Expressed as
Manganese	Mn
Chromium	Cr
Copper	Cu
Nickel	Ni
Zinc	Zn
Iron	Fe
Silver	Ag
Cobalt	Co
Tungsten	W
Titanium	Ti
Cadmium	Cd

The total collective concentration of all metals in Group 1 (expressed as indicated above) in any sample of the effluent, shall not exceed 50 mg / l, nor shall the concentration of any individual metal in a sample exceed 20 mg / l.

**Group 2:**

Metal	Expressed as
Lead	Pb
Selenium	Se
Mercury	Hg

**Schedule B**

**APPLICATION FORM FOR THE DISCHARGE OF INDUSTRIAL EFFLUENT TO THE MUNICIPALITY'S SANITATION SYSTEM**

(Please complete application in block capitals)

I (name): \_\_\_\_\_

the undersigned, duly authorised to set on behalf of \_\_\_\_\_

and hereinafter referred to as the applicant, hereby apply in terms of the Water Services By-laws of the Municipality for approval to discharge industrial effluent into the Municipality's sanitation system in accordance with the information provided herein.

**PART I**

- NATURE OF THE BUSINESS OR INDUSTRY CONCERNED:  
\_\_\_\_\_
- NAME OR STYLE UNDER WHICH THE BUSINESS OR INDUSTRY IS CONDUCTED:  
\_\_\_\_\_
- POSTAL ADDRESS OF THE BUSINESS OR

The total collective concentration of all metals in Group 2 (expressed as indicated above) in any sample of the effluent shall not exceed 10 mg / l, nor shall the concentration of any individual metal in any sample exceed 5 mg / l.

**OTHER ELEMENTS**

Element	Expressed as
Arsenic	As
Boron	B

The total collective concentration of all elements (expressed as indicated above) in any sample of the effluent shall not exceed 20 mg / l.

**RADIO-ACTIVE WASTES**

Radio-active wastes or isotopes: Such concentration as may be laid down by the Atomic Energy Board or any national or Department:

Provided that, notwithstanding the requirements set out in this Part, the Municipality reserves the right to limit the total mass of any substance or impurity discharged per 24 hours into the sanitation system from any premises.

**METHOD OF TESTING:**

The method of testing in order to ascertain the concentration of any substance in this Schedule, shall be the test normally used by the Municipality for these purposes. Any person discharging any substance referred to in this Schedule shall ascertain the details of the appropriate test from the Municipality.

INDUSTRY:  
\_\_\_\_\_

4. PHYSICAL STREET ADDRESS:  
\_\_\_\_\_

ERF NO OR FARM PTN: \_\_\_\_\_ TOWNSHIP OR FARM: \_\_\_\_\_

5. If the business or industry is conducted by a company or closed corporation, state the name of the secretary, and if it is a partnership state the names of the partners:  
\_\_\_\_\_

6. IS THIS A NEW OR ESTABLISHED BUSINESS:  
\_\_\_\_\_

7. DESCRIPTION OF INDUSTRIAL OR TRADE PROCESS BY WHICH THE EFFLUENT WILL BE PRODUCED:  
\_\_\_\_\_

8. INFORMATION RELATING TO EMPLOYEES:

	Office	Factory
Total number of daily employees (not included in (4)):		
(2) Number of shifts worked per day:		
(3) Number of days worked per week :		
(4) Number of persons resident on the premises:		
(5) Is a canteen provided? :		

PART II

INFORMATION RELATING TO THE CONSUMPTION OF WATER

1. TOTAL NUMBER OF LITRES OF WATER CONSUMED IN SIX MONTHS:

	Meter No	Meter No	Meter No	Total
Water purchased from the Municipality				
Water from borehole or other source				
Water entering with raw materials				
Section of plant served by meter				
Total A				

2. WATER CONSUMPTION

(1) Industrial	ki/Month
(i) Quantity of water in product	.....
(ii) Quantity of water lost by evaporation	.....
(iii) Quantity of water used as boiler make-up	.....
(iv) Quantity of water for other uses (e.g. cooling, gardens, etc)	.....
TOTAL B	.....
(2) Domestic use	ki/Month
(i) Total number of employees (Allow 1 kilolitre/person/month)	.....
(ii) Total number of employees permanently resident on the premises eg. hostels (Allow 1 kilolitre/person/month)	.....
TOTAL C	.....

3. EFFLUENT DISCHARGE INTO SANITATION SYSTEM

(1) Metered volume (if known)	.....ki/ Month
(2) Estimated un-metered volume (see below*)	.....ki/ Month
(3) Estimated rate of discharge	.....
(4) Period of maximum discharge (eg. 07:00 to 08:00) .....	

\* In the event that no effluent meter is installed on the premises, the estimated volume of un-metered effluent discharge to sewer is calculated as follows:

A - (B + C) = .....Kilolitre /Month

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**PART III**

**INFORMATION REGARDING THE COMPOSITION OF INDUSTRIAL EFFLUENT**

Information relating to the chemical and physical characteristics of the effluent to be discharged:

- (1) Maximum temperature of effluent °C
- (2) pH value Ph
- (3) Nature and amount of settleable solids
- (4) Organic Content (Expressed as Chemical Oxygen Demand)
- (5) Maximum total daily discharge (kilolitres)
- (6) Maximum rate of discharge (kilolitres / hr)
- (7) Periods of maximum discharge, (e.g. 7:00 am to 8:00 am)
- (8) If any of the substances or their salts, specified in the table, are formed on the premises, a cross must be placed in the space in which the substance appears, and, if possible, the average concentration of this substance likely to be present in any effluent must also be stated.

TABLE

ELEMENTS		COMPOUNDS		OTHER SUBSTANCES	
Arsenic	mg/l	Ammonium	mg/l	Grease and / or oil	mg/l
Boron	mg/l	Nitrate	mg/l	Starch and / or sugars	mg/l
Cadmium	mg/l	Sulphide	mg/l	Synthetic detergents	mg/l
Chromium	mg/l	Sulphate	mg/l	Tar and / or tar oils	mg/l
Cobalt	mg/l	Others (Specify)	mg/l	Volatile Solvents	mg/l
Copper	mg/l			Others (Specify)	mg/l
Cyanide	mg/l				
Iron	mg/l				
Lead	mg/l				
Manganese	mg/l				
Mercury	mg/l				
Nickel	mg/l				
Selenium	mg/l				
Tungsten	mg/l				
Titanium	mg/l				
Zinc	mg/l				
Other (Specify)	mg/l				

- (9) Any further information as to kind or character, chemical compositions, concentrations or other properties peculiar to the industrial effluent to be furnished on a separate sheet and attached hereto.

**PART IV**

**CONDITIONS RELATING TO THE ACCEPTANCE OF INDUSTRIAL EFFLUENT**

- 1. The applicant shall attach descriptions and a statement of the dimensions of grease and oil traps, screens, dilution and neutralising tanks and any other provision made for the treatment of the effluent prior to discharge to the sanitation system.
- 2. The applicant shall submit to the Municipality, if requested, plans showing the reticulation systems on his premises for water and industrial effluent.
- 3. The applicant shall, in addition to complying with the provisions of the Municipality's Water Services By-laws aimed at the protection of its employees, sewers and treatment plant from damage, comply with any direction concerned with such protection given by the Engineer verbally or in writing for the purpose of ensuring the applicant's compliance with the said by-laws.
- 4. The applicant shall notify the Municipality, as soon as possible after he becomes aware thereof, or at least 14 days before anything is done to cause material alteration in the nature or quantity of the industrial effluent specified in this application or in any of the facts stated by him therein.
- 5. The applicant shall, within 30 days from the date of signature of this application, procure an accurately representative sample of not less than 5 litre of the industrial effluent to be discharged into the sewer, which sample shall be free of domestic sewage, and shall submit one half thereof to the Municipality for analysis and also submit to the Engineer a report on the sample made by an analyst appointed by him: Provided that in the case of a newly established industry the period specified may be extended by the Municipality for a period not exceeding six months or such further extended periods as the Municipality in its discretion may approve.
- 6. The applicant hereby declares and warrants that the

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Information given by him in this form, or otherwise, in connection with this application is, to the best of his knowledge and belief, in all respects correct.

7. The applicant agrees that the said information, being in all respects correct, shall form the basis on which this application is granted by the Municipality.

Thus done at ..... by the applicant this ..... day of ..... 20 .....

.....  
Signature and capacity of the applicant

**Schedule C**

**FORMULA FOR THE CALCULATION OF EFFLUENT DISCHARGE CHARGES**

1. The additional charge for industrial effluent for the disposal of high strength sewage to A waste water treatment plant shall be determined in accordance with the following formula:

$$T_c = Q_c t \left[ a \left( \frac{COD_c - COD_d}{COD_d} \right) + b \left( \frac{P_c - P_d}{P_d} \right) + c \left( \frac{N_c - N_d}{N_d} \right) \right]$$

- $N_c$  = Ammonia concentration of waste water discharged by consumer in milligrams of nitrogen per litre
- $N_d$  = Ammonia concentration of domestic waste water in milligrams of nitrogen per litre
- $a$  = Portion of the costs directly related to COD
- $b$  = Portion of the costs directly related to the removal of phosphates
- $c$  = Portion of the costs directly related to the removal of nitrates

- Where  $T_c$  = Extraordinary Treatment Cost to Consumer
- $Q_c$  = Waste water Volume discharged by consumer in kl
- $t$  = Unit Treatment cost of waste water in R/kl
- $COD_c$  = Total COD of waste water discharged by consumer in milligrams/litre and is inclusive of both the biodegradable and non-biodegradable portion of the COD
- $COD_d$  = Total COD of domestic waste water in milligrams per litre
- $P_c$  = Ortho-phosphate concentration of waste water discharged by consumer in milligrams phosphorus per litre
- $P_d$  = Ortho-phosphate concentration of domestic waste water in milligrams phosphorus per litre

Different terms	Value
$T$	R0.82/kl
$COD_d$	600 mg/l
$P_d$	10 mg/l
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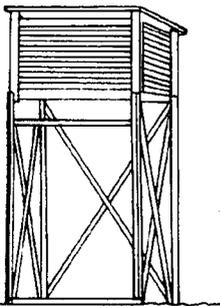
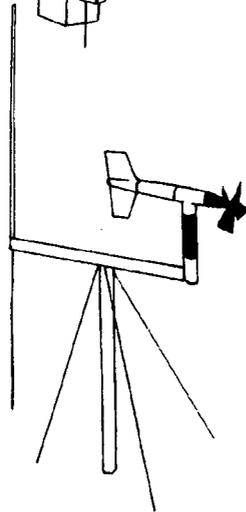
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