



THE PROVINCE OF MPUMALANGA  
DIE PROVINSIE MPUMALANGA

# Provincial Gazette Provinsiale Koerant

*(Registered as a newspaper) • (As 'n nuusblad geregistreer)*

**Vol. 14**

NELSPRUIT, 12 JANUARY 2007  
JANUARIE

**No. 1402**

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**CONTENTS • INHOUD**

<i>No.</i>		<i>Page No.</i>	<i>Gazette No.</i>
<b>GENERAL NOTICES • ALGEMENE KENNISGEWINGS</b>			
2	Town-planning and Townships Ordinance (15/1986): Mombela Amendment Scheme 1387 .....	8	1402
2	Ordonnansie op Dorpsbeplanning en Dorpe (15/1986): Mbombela-wysigingskema 1387 .....	8	1402
3	Town-planning and Townships Ordinance (15/1986): Nelspruit Amendment Scheme 1389 .....	8	1402
3	Ordonnansie op Dorpsbeplanning en Dorpe (15/1986): Nelspruit-wysigingskema 1389 .....	9	1402
4	Town-planning and Townships Ordinance (15/1986): Nelspruit Amendment Scheme 1395 .....	9	1402
4	Ordonnansie op Dorpsbeplanning en Dorpe (15/1986): Nelspruit-wysigingskema 1395 .....	9	1402
5	Town-planning and Townships Ordinance (15/1986): Nelspruit Amendment Scheme 1375 .....	9	1402
5	Ordonnansie op Dorpsbeplanning en Dorpe (15/1986): Nelspruit-wysigingskema 1375 .....	10	1402
6	Town-planning and Townships Ordinance (15/1986): Steve Tshwete Amendment Scheme 130 .....	10	1402
6	Ordonnansie op Dorpsbeplanning en Dorpe (15/1986): Steve Tshwete-wysigingskema 130 .....	11	1402
7	Town-planning and Townships Ordinance (15/1986): Steve Tshwete Amendment Scheme 131 .....	11	1402
7	Ordonnansie op Dorpsbeplanning en Dorpe (15/1986): Steve Tshwete-wysigingskema 131 .....	11	1402
8	Town-planning and Townships Ordinance (15/1986): Secunda Amendment Scheme 95 .....	12	1402
8	Ordonnansie op Dorpsbeplanning en Dorpe (15/1986): Secunda-wysigingskema 95 .....	12	1402
<b>LOCAL AUTHORITY NOTICES</b>			
1	Local Government: Municipal Systems Act (32/2000): Steve Tshwete Local Municipality: Water Services By-laws ...	13	1402
2	do.: do.: Bursary By-laws .....	66	1402

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# IMPORTANT NOTICE

The  
**Mpumalanga Province Provincial Gazette** Function  
will be transferred to the  
**Government Printer** in Pretoria  
as from 1 April 2005

**NEW PARTICULARS ARE AS FOLLOWS:**

**Physical address:**

Government Printing Works  
149 Bosman Street  
Pretoria

**Postal address:**

Private Bag X85  
Pretoria  
0001

**New contact persons:** Louise Fourie Tel.: (012) 334-4686  
Mrs H. Wolmarans Tel.: (012) 334-4591

**Fax number:** (012) 323-8805

**E-mail address:** iPienaar@print.pwv.gov.za

**Contact persons for subscribers:**

Mrs S. M. Milanzi Tel.: (012) 334-4734

Mrs J. Wehmeyer Tel.: (012) 334-4753

Fax.: (012) 323-9574

This phase-in period is to commence from **18 March 2005** (suggest date of advert) and notice comes into operation as from **1 April 2005**.

Subscribers and all other stakeholders are advised to send their advertisements directly to the **Government Printing Works**, two weeks before the 1st April 2005.

*In future, adverts have to be paid in advance  
before being published in the Gazette.*

**AWIE VAN ZYL**

Advertising Manager

IT IS THE CLIENTS RESPONSIBILITY TO ENSURE THAT THE CORRECT AMOUNT IS PAID AT THE CASHIER OR DEPOSITED INTO THE GOVERNMENT PRINTING WORKS BANK ACCOUNT (REFER TO PAGE WITH BANKING DETAILS) AND ALSO THAT THE REQUISITION/COVERING LETTER TOGETHER WITH THE ADVERTISEMENTS AND THE PROOF OF DEPOSIT REACHES THE GOVERNMENT PRINTING WORKS IN TIME FOR INSERTION IN THE PROVINCIAL GAZETTE.

**No ADVERTISEMENTS WILL BE PLACED WITHOUT PRIOR PROOF OF PRE-PAYMENT.**

$\frac{1}{4}$  page **R 172.70**

Letter Type: Arial Size: 10

Line Spacing: At:  
Exactly 11pt

$\frac{1}{2}$  page **R 345.40**

Letter Type: Arial Size: 10

Line Spacing: At:  
Exactly 11pt

$\frac{3}{4}$  page **R 518.10**

Letter Type: Arial Size: 10

Line Spacing: At:  
Exactly 11pt

Full page **R 690.80**

Letter Type: Arial Size: 10

Line Spacing: At:  
Exactly 11pt



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OF  
SOUTH AFRICA

## LIST OF FIXED TARIFF RATES AND CONDITIONS

FOR PUBLICATION OF LEGAL NOTICES  
IN THE *MPUMALANGA PROVINCE*  
*PROVINCIAL GAZETTE*

**COMMENCEMENT: 1 APRIL 2005**

### CONDITIONS FOR PUBLICATION OF NOTICES

#### CLOSING TIMES FOR THE ACCEPTANCE OF NOTICES

1. (1) The *Mpumalanga Province Provincial Gazette* is published every week on Friday, and the closing time for the acceptance of notices which have to appear in the *Mpumalanga Province Provincial Gazette* on any particular Friday, is **15:00 two weeks prior to the publication date**. Should any Friday coincide with a public holiday, the publication date remains unchanged. However, the closing date for acceptance of advertisements moves backwards accordingly, in order to allow for ten working days prior to the publication date.
- (2) The date for the publication of a **separate Mpumalanga Province Provincial Gazette** is negotiable.
2. (1) Copy of notices received **after closing time** will be held over for publication in the next *Mpumalanga Province Provincial Gazette*.
- (2) Amendment or changes in copy of notices cannot be undertaken unless instructions are received **before 10:00 on Thursdays**.
- (3) Copy of notices for publication or amendments of original copy can not be accepted over the telephone and must be brought about by letter, by fax or by hand. The Government Printer will not be liable for any amendments done erroneously.
- (4) In the case of cancellations a refund of the cost of a notice will be considered only if the instruction to cancel has been received on or before the stipulated closing time as indicated in paragraph 2 (2).

#### APPROVAL OF NOTICES

3. In the event where a cheque, submitted by an advertiser to the Government Printer as payment, is dishonoured, then the Government Printer reserves the right to refuse such client further access to the *Mpumalanga Province Provincial Gazette* until any outstanding debts to the Government Printer is settled in full.

#### THE GOVERNMENT PRINTER INDEMNIFIED AGAINST LIABILITY

4. The Government Printer will assume no liability in respect of—
  - (1) any delay in the publication of a notice or publication of such notice on any date other than that stipulated by the advertiser;
  - (2) erroneous classification of a notice, or the placement of such notice in any section or under any heading other than the section or heading stipulated by the advertiser;

- (3) any editing, revision, omission, typographical errors or errors resulting from faint or indistinct copy.

#### **LIABILITY OF ADVERTISER**

5. Advertisers will be held liable for any compensation and costs arising from any action which may be instituted against the Government Printer in consequence of the publication of any notice.

#### **COPY**

6. Copy of notices must be typed on one side of the paper only and may not constitute part of any covering letter or document.
7. At the top of any copy, and set well apart from the notice, the following must be stated:

Where applicable

- (1) The heading under which the notice is to appear.
- (2) The cost of publication applicable to the notice, in accordance with the "Word Count Table".

#### **PAYMENT OF COST**

9. **With effect from 1 April 2005 no notice will be accepted for publication unless the cost of the insertion(s) is prepaid in CASH or by CHEQUE or POSTAL ORDERS. It can be arranged that money can be paid into the banking account of the Government Printer, in which case the deposit slip accompanies the advertisement before publication thereof.**
10. (1) The cost of a notice must be calculated by the advertiser in accordance with the word count table.  
  
(2) Where there is any doubt about the cost of publication of a notice, and in the case of copy, an enquiry, accompanied by the relevant copy, should be addressed to the **Advertising Section, Government Printing Works, Private Bag X85, Pretoria, 0001 [Fax: (012) 323-8805], before publication.**
11. Overpayment resulting from miscalculation on the part of the advertiser of the cost of publication of a notice will not be refunded, unless the advertiser furnishes adequate reasons why such miscalculation occurred. In the event of underpayments, the difference will be recovered from the advertiser, and the notice(s) will not be published until such time as the full cost of such publication has been duly paid in cash or by cheque or postal orders, or into the banking account.

12. *In the event of a notice being cancelled, a refund will be made only if no cost regarding the placing of the notice has been incurred by the Government Printing Works.*
13. The Government Printer reserves the right to levy an additional charge in cases where notices, the cost of which has been calculated in accordance with the Word Count Table, are subsequently found to be excessively lengthy or to contain overmuch or complicated tabulation.

#### **PROOF OF PUBLICATION**

14. **Copies of the *Mpumalanga Province Provincial Gazette* which may be required as proof of publication, may be ordered from the Government Printer at the ruling price.** The Government Printer will assume no liability for any failure to post such *Mpumalanga Province Provincial Gazette(s)* or for any delay in despatching it/them.

## **GOVERNMENT PRINTERS BANK ACCOUNT PARTICULARS**

Bank:	ABSA
	BOSMAN STREET
Account No.:	1044610074
Branch code:	323-145
Reference No.:	00000001
Fax No.:	(012) 323 8805

#### ***Enquiries:***

Mrs. L. Fourie	Tel.: (012) 334-4686
Mrs. H. Wolmarans	Tel.: (012) 334-4591

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**GENERAL NOTICES • ALGEMENE KENNISGEWINGS**

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**NOTICE 2 OF 2007****MBOMBELA AMENDMENT SCHEME: 1387**

NOTICE OF APPLICATION FOR AMENDMENT OF TOWN PLANNING-SCHEME IN TERMS OF SECTION 56 (1) (b) (i) OF THE TOWN-PLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORDINANCE 15 OF 1986)

I, Brian Edward Morris, being the authorized agent of the owner of Erf Re/269, Sonheuwel Town, hereby give notice in terms of section 56 (1) (b) (i) of the Town-planning and Townships Ordinance, 1986, that I have applied to the Mbombela Local Municipality for the amendment of the town-planning scheme known as Nelspruit Town-planning Scheme, 1989, by the rezoning of the property described above, situated at 5 Webber Street from "Residential 1 to Residential 3 with a coverage of 50%, FAR of 0.75 and 2 storeys" with the aim to erect dwelling units.

Particulars of the application will lie for inspection during normal office hours at the office of the Municipal Manager, Directorate Urban and Rural Management (Second Floor), Mbombela Local Municipality, Nel Street, Nelspruit, for a period of 28 days from the 5th January 2007.

Objections to or representations in respect of the application must be lodged with or made in writing to the Municipal Manager, Directorate Urban and Rural Management, at the above address or at P.O. Box 45, Nelspruit, 1200, within a period of 28 days from the 5th January 2007.

*Address of agent:* Brian Morris, P.O. Box 15616, Nelspruit, 1200. Cell: 084 579 7979.

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**KENNISGEWING 2 VAN 2007****MBOMBELA WYSIGINGSKEMA: 1387**

KENNISGEWING VAN AANSOEK OM WYSIGING VAN DORPSBEPLANNINGSKEMA INGEVOLGE ARTIKEL 56 (1) (b) (i) VAN DIE ORDONNANSIE OP DORPSBEPLANNING EN DORPE, 1986 (ORDONNANSIE 15 VAN 1986)

Ek, Brian Edward Morris, synde die gevolmagtigde agent van die eienaar van Erf Re/269, Sonheuwel Dorp, gee hiermee ingevolge artikel 56 (1) (b) (i) van die Ordonnansie op Dorpsbeplanning en Dorpe, 1986, kennis dat ek by die Mbombela Plaaslike Munisipaliteit aansoek gedoen het vir die wysiging van die dorpsbeplanningskema bekend as Nelspruit Dorpsbeplanningskema, 1989, deur die hersonering van die eiendom hierbo beskryf, geleë te Webberstraat 5 van "Residensieel 1 na Residensieel 3 met 'n dekking van 50%, VRV van 0.75 en 2 verdiepings" met die doel om wooneenhede op te rig.

Besonderhede van die aansoek lê ter insae gedurende gewone kantoorure by die kantoor van die Munisipale Bestuurder, Direkoraat Landelike en Stedelike Grondbeheer (Tweede Vloer), Mbombela Plaaslike Munisipaliteit, Nelstraat 1, Nelspruit, vir 'n tydperk van 28 dae vanaf 5 Januarie 2007.

Besware teen of vertoë ten opsigte van die aansoek moet binne 'n tydperk van 28 dae vanaf 5 Januarie 2007 skriftelik by of tot die Munisipale Bestuurder, Direkoraat Landelike en Stedelike Grondbeheer, by bovermelde adres of by Posbus 45, Nelspruit, 1200, ingedien of gerig word.

*Adres van gevolmagtigde agent:* Brian Morris, Posbus 15616, Nelspruit, 1200. Sel: 084 579 7979.

5-12

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**NOTICE 3 OF 2007****NELSPRUIT AMENDMENT SCHEME 1389**

NOTICE OF APPLICATION FOR AMENDMENT OF TOWN PLANNING-SCHEME IN TERMS OF SECTION 56 (1) (b) (i) OF THE TOWN PLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORDINANCE 15 OF 1986)

We, Earthspace Development Planners, on behalf of the registered owners of Erf 168 and Unit 1 of Erf 288, Sonheuwel Town, hereby give notice in terms of section 56 (1) (b) (i) of the Town-planning and Townships Ordinance, 1986 (Ordinance 15 of 1986), that we have applied to Mbombela Municipality for the amendment of the Nelspruit Town-planning Scheme, 1989, by rezoning Erf 168 and Unit 1 of Erf 288, Sonheuwel Town, from "Residential 1" to "Residential 3".

Particulars of the application is available for inspection during normal office hours at the office of the Municipal Manager, Mbombela Municipality, Civic Centre, Nel Street, Nelspruit, for a period of 28 days from 5 January 2007.

Objections to or representations in respect of the application must be made in writing and lodged with the Municipal Manager, at the above address, or at P.O. Box 45, Nelspruit, 1200, within a period of 28 days from 5 January 2007.

*Address of applicant:* Earthspace Development Planners, P.O. Box 30020, Steiltes, 1213. Tel/Fax: 744-0264/744-0265.



**KENNISGEWING 3 VAN 2007****NELSPRUIT WYSIGINGSKEMA 1389**

KENNISGEWING VAN AANSOEK OM WYSIGING VAN DORPSBEPLANNINGSKEMA INGEVOLGE ARTIKEL 56 (1) (b) (i) VAN DIE ORDONNANSIE OP DORPSBEPLANNING EN DORPE, 1986 (ORDONNANSIE 15 VAN 1986)

Ons, Earthspace Development Planners, namens die geregistreerde eienaars van Erf 168 en Eenheid 1 van Erf 288, Sonheuwel Dorp, gee hiermee ingevolge artikel 56 (1) (b) (i) van die Ordonnansie op Dorpsbeplanning en Dorpe, 1986 (Ordonnansie 15 van 1986), kennis dat ons by Mbombela Munisipaliteit aansoek gedoen het om die wysiging van die Nelspruit Dorpsbeplanningskema, 1989, deur die hersonering van Erf 168 en Eenheid 1 van Erf 288, Sonheuwel Dorp, vanaf "Residensieel 1", na "Residensieel 3".

Besonderhede van die aansoek lê ter insae gedurende gewone kantoorure by die kantoor van die Munisipale Bestuurder, Mbombela Munisipaliteit, Burgersentrum, Nelstraat, Nelspruit, vir 'n tydperk van 28 dae vanaf 5 Januarie 2007.

Besware teen of verhoë ten opsigte van die aansoek, moet binne 'n tydperk van 28 dae vanaf 5 Januarie 2007, skriftelik by die Munisipale Bestuurder by bovermelde adres of by Posbus 45, Nelspruit, 1200, ingedien of gerig word.

*Adres van applikant:* Earthspace Development Planners, Posbus 30020, Steilites, 1213. Tel./Faks: 744-0264/744-0265.

5-12

**NOTICE 4 OF 2007****NELSPRUIT AMENDMENT SCHEME 1395**

NOTICE OF APPLICATION FOR THE AMENDMENT OF TOWN-PLANNING SCHEME IN TERMS OF SECTION 56 (1) (b) (i) OF THE TOWN PLANNING AND TOWNSHIPS ORDINANCE, 1986, ORDINANCE 15 OF 1986.

We, Earthspace Development Planners, on behalf of the registered owners of Erf 495, Nelspruit Extension 2 Town, hereby give notice in terms of Section 56 (1) (b) (i) of the town-planning and townships ordinance, 1986 (ordinance 15 of 1986) that we have applied to Mbombela Municipality for the amendment of the Nelspruit Town-Planning Scheme, 1989, by rezoning Erf 495, Nelspruit Extension 2 Town, from "Residential 1" to "Residential 3".

Particulars of the application is available for inspection during normal office hours at the office of the Municipal Manager, Mbombela Municipality, Civic Centre, Nel Street, Nelspruit, for a period of 28 days from 5 January 2007.

Objections to or representations in respect of the application must be in writing and lodged with the Municipal Manager, at the above address, or at P O Box 45, Nelspruit, 1200, within a period of 28 days from 5 January 2007.

*Address of applicant:* Earthspace Development Planners, P O Box 30020, Steilites, 1213. Tel./Fax: 744-0246 / 744-0265.

**KENNISGEWING 4 VAN 2007****NELSPRUIT-WYSIGINGSKEMA 1395**

KENNISGEWING VAN AANSOEK OM WYSIGING VAN DORPSBEPLANNINGSKEMA INGEVOLGE ARTIKEL 56 (1) (b) (i) VAN DIE ORDONNANSIE OP DORPSBEPLANNING EN DORPE, 1986 (ORDONNANSIE 15 VAN 1986)

Ons, Earthspace Development Planners, namens die geregistreerde eienaars van Erf 495, Nelspruit Uitbreiding 2 Dorp, gee hiermee ingevolge artikel 56 (1) (b) (i) van die ordonnansie op dorpsbeplanning en dorpe, 1986 (ordonnansie 15 van 1986) kennis dat ons by Mbombela Munisipaliteit aansoek gedoen het om die wysiging van die Nelspruit Dorpsbeplanningskema, 1989, deur hersonering van Erf 495 Nelspruit, Uitbreiding 2 Dorp, vanaf "Residensieel 1", na "Residensieel 3".

Besonderhede van die aansoek lê ter insae gedurende gewone kantoor ure by die kantoor van die Munisipale Bestuurder, Mbombela Munisipaliteit, Burgersentrum, Nelstraat, Nelspruit vir 'n tydperk van 28 dae vanaf 5 Januarie 2007.

Besware teen of verhoë ten opsigte van die aansoek moet binne 'n tydperk van 28 dae vanaf 5 Januarie 2007, skriftelik by die Munisipale Bestuurder by bovermelde adres of by Posbus 45, Nelspruit, 1200, ingedien of gerig word.

*Adres van applikant:* Earthspace Development Planners, Posbus 30020, Steilites, 1213. Tel./Faks: 744-0246 / 744-0265.

5-12

**NOTICE 5 OF 2007****NELSPRUIT AMENDMENT SCHEME 1375**

NOTICE OF APPLICATION FOR THE AMENDMENT OF TOWN-PLANNING SCHEME IN TERMS OF SECTION 56 (1) (b) (i) OF THE TOWN PLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORDINANCE 15 OF 1986).

I, Kevin Neil Kritzinger TRP (SA) of Plan-2-Survey Africa Incorporated, being the authorized agent of the registered owner of Erf 310, Nelspruit Extension Township, hereby gives notice in terms of section 56 (1) (b) (i) of the town-planning and townships ordinance, 1986 (ordinance 15 of 1986), that I have applied to the Mbombela Local Municipality for the amendment

of the town-planning scheme known as Nelspruit Town-planning Scheme, 1989, by the rezoning of the property described above, situated at 21 Jones Street, Nelspruit Extension Township, from "Special-for shops, offices, places of refreshment, dry cleaners, filling station, motor sales mart and drive-in restaurant" to "Residential 4" in "Height Zone 0", subject to certain conditions.

Particulars of the application will lie for inspection during normal office hours at the office of the Municipal Manager, Mbombela Local Municipality, Nel Street, Nelspruit, for a period of 28 days from 5 January 2007.

Objections to, or representations in respect of the application must be lodged with or made in writing to the Municipal Manager, at the above-mentioned address, or at Mbombela Local Municipality, P O Box 45, Nelspruit, 1200, within a period of 28 days from 5 January 2007.

*Address of applicant:* Plan-2-Survey Africa, P O Box 3203, Nelspruit, 1200. Tel: (013) 741-1060. Fax: (013) 741-3752. Cell: (082) 7740-720. E-mail: plan2survey@telkomsa.net.

Ref: k2152 government advertisement/nov'06-sdb.

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## KENNISGEWING 5 VAN 2007

### NELSPRUIT-WYSIGINGSKEMA 1375

KENNISGEWING VAN AANSOEK OM WYSIGING VAN DORPSBEPLANNINGSKEMA INGEVOLGE ARTIKEL 56 (1) (b) (i) VAN DIE ORDONNANSIE OP DORPSBEPLANNING EN DORPE, 1986 (ORDONNANSIE 15 VAN 1986)

Ek, Kevin Neil Kritzingen SS(SA) van Plan-2-Survey Africa Ingelyf, synde die gemagtigde agent van die geregistreerde eienaar van Erf 310, dorp Nelspruit Uitbreiding, gee hiermee ingevolge artikel 56 (1) (b) (i) van die ordonnansie op dorpsbeplanning en dorpe, 1986 (ordonnansie 15 van 1986), kennis dat ek by die Mbombela Plaaslike Munisipaliteit aansoek gedoen het om die wysiging van die dorpsbeplanningskema, bekend as Nelspruit Dorpsbeplanningskema, 1989, deur die hersonering van die eiendom hierbo beskryf, geleë te Jonesstraat 21, Nelspruit Uitbreiding, vanaf "Speksiaal- vir winkels, kantore, verversingsplek, droogskoonmaker, vulstasie, motorverkoopmark en inry-restourant" na "Residensieel 4" in "Hoogtesone 0", onderworpe aan sekere voorwaardes.

Besonderhede van bogenoemde aansoek lê ter insae gedurende gewone kantoorure by die kantoor van die Munisipale Bestuurder, Mbombela Plaaslike Munisipaliteit, Burgersentrum, Nelstraat, Nelspruit vir 'n tydperk van 28 dae vanaf 5 Januarie 2007.

Besware teen of verhoë ten opsigte van die aansoek moet binne 'n tydperk van 28 dae vanaf 5 Januarie 2007, skriftelik by of tot die Munisipale Bestuurder by bovermelde adres of, Mbombela Plaaslike Munisipaliteit, Posbus 45, Nelspruit, 1200, ingedien of gerig word.

*Adres van applikant:* Plan-2-Survey Africa Ingelyf, Posbus 3202, Nelspruit, 1200. Tel: (013) 741-1060. Faks: (013) 741- 3752. Sel: (082) 774-0720. E-mail: plan2survey@telkomsa.net.

5-12

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## NOTICE 6 OF 2007

NOTICE OF APPLICATION FOR AMENDMENT OF TOWN-PLANNING SCHEME IN TERMS OF SECTION 56 (1) OF THE TOWN-PLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORDINANCE 15 OF 1986)

### STEVE TSHWETE AMENDMENT SCHEME 130

I, T.J. Mbonani of Izwe-Libanzi Development Consultants, being the authorised agent of the owner of Erf 426, Mhluzi Township, hereby give notice in terms of section 56 (1) of the Town-planning and Townships Ordinance, 1986 (Ordinance 15 of 1986), that we have applied to the Steve Tshwete Local Municipality for the amendment of the town-planning scheme known as Steve Tshwete Town-planning Scheme, 2004, for the rezoning of the property described above, located in Mhluzi Township from "Industrial" to "Residential 1".

Particulars of the application will lie for inspection during normal office hours at the office of the Town Secretary, Room C314, Wanderers Avenue, Middelburg, for a period of 28 days from 3 November 2006.

Objections to or representations in respect of the application must be lodged in writing and in duplicate with the Town Secretary at the above office or posted to him at P.O. Box 14, Middelburg, 1050, within a period of 28 days from 3 November 2006.

*Address of agent:* Izwe-libanzi Development Consultants, PO Box 114, Ekangala, 1021. Telefax: (013) 932-2208.

**KENNISGEWING 6 VAN 2007**

KENNISGEWING VAN AANSOEK OM WYSIGING VAN DORPSBEPLANNINGSKEMA INGEVOLGE ARTIKEL 56 (1)  
VAN DIE ORDONNANSIE OP DORPSBEPLANNING EN DORPE, 1986 (ORDONNANSIE 15 VAN 1986)

**STEVE TSHWETE-WYSIGINGSKEMA 130**

Ek, T.J. Mbonani van Izwe-libanzi Development Consultants, synde die gemagtigde agent van die eienaar van Erf 426, Mhluzi Township, gee hiermee ingevolge artikel 56 (1) van die Ordonnansie op Dorpsbeplanning en Dorpe, 1986 (Ordonnansie 15 van 1986) kennis dat ons by die Steve Tshwete Plaaslike Munisipaliteit aansoek gedoen het om die wysiging van die dorpsbeplanningskema in werking bekend as Steve Tshwete-dorpsbeplanningskema, 2004, deur die hersonering van die eiendom hierbo beskryf geleë in Mhluzi Township, vanaf "Industrieel" na "Residensieel 1".

Besonderhede van die aansoek lê ter insae gedurende gewone kantoorure by die kantoor van die Stadsekretaris, Kamer C314, Wandererslaan, Middelburg, vir 'n tydperk van 28 dae vanaf 3 November 2006.

Besware teen of verhoë ten opsigte van die aansoek moet binne 'n tydperk van 28 dae vanaf 3 November 2006, skriftelik en tweevoud ingedien word by bovermelde adres of aan die Stadsekretaris, Posbus 14, Middelburg, 1050, gerig word.

*Adres van agent:* Izwe-libanzi Development Consultants, Posbus 114, Ekangala, 1021. Telefax: (013) 932-2208.

5-12

**NOTICE 7 OF 2007**

NOTICE OF APPLICATION FOR AMENDMENT OF TOWN-PLANNING SCHEME IN TERMS OF SECTION 56 (1)  
OF THE TOWN-PLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORDINANCE 15 OF 1986)

**STEVE TSHWETE AMENDMENT SCHEME 131**

I, T.J. Mbonani of Izwe-libanzi Development Consultants, being the authorised agent of the owner of Erf 10976, Middelburg, hereby give notice in terms of section 56 (1) of the Town-planning and Townships Ordinance, 1986 (Ordinance 15 of 1986), that we have applied to the Steve Tshwete Local Municipality for the amendment of the town-planning scheme known as Steve Tshwete Town-planning Scheme, 2004, for the rezoning of the property described above, located in Middelburg from "Residential 1" to "Residential 3" for purposes of dwelling units.

Particulars of the application will lie for inspection during normal office hours at the office of the Town Secretary, Room C314, Wanderers Avenue, Middelburg, for a period of 28 days from 3 November 2006.

Objections to or representations in respect of the application must be lodged in writing and in duplicate with the Town Secretary at the above office or posted to him at P.O. Box 14, Middelburg, 1050, within a period of 28 days from 3 November 2006.

*Address of agent:* Izwe-libanzi Development Consultants, PO Box 114, Ekangala, 1021. Telefax: (013) 932-2208.

**KENNISGEWING 7 VAN 2007**

KENNISGEWING VAN AANSOEK OM WYSIGING VAN DORPSBEPLANNINGSKEMA INGEVOLGE ARTIKEL 56 (1)  
VAN DIE ORDONNANSIE OP DORPSBEPLANNING EN DORPE, 1986 (ORDONNANSIE 15 VAN 1986)

**STEVE TSHWETE-WYSIGINGSKEMA 131**

Ek, T.J. Mbonani van Izwe-libanzi Development Consultants, synde die gemagtigde van die eienaar van Erf 10967, Middelburg, gee hiermee ingevolge artikel 56 (1) van die Ordonnansie op Dorpsbeplanning en Dorpe, 1986 (Ordonnansie 15 van 1986) kennis dat ons by die Steve Tshwete Plaaslike Munisipaliteit aansoek gedoen het om die wysiging van die dorpsbeplanningskema in werking bekend as Steve Tshwete-dorpsbeplanningskema, 2004, deur die hersonering van die eiendom hierbo beskryf geleë in Mhluzi Township, vanaf "Residensieel" na "Residensieel 3" vir residensiële doeleindes.

Besonderhede van die aansoek lê ter insae gedurende gewone kantoorure by die kantoor van die Stadsekretaris, Kamer C314, Wandererslaan, Middelburg, vir 'n tydperk van 28 dae vanaf 3 November 2006.

Besware teen of verhoë ten opsigte van die aansoek moet binne 'n tydperk van 28 dae vanaf 3 November 2006, skriftelik en tweevoud ingedien word by bovermelde adres of aan die Stadsekretaris, Posbus 14, Middelburg, 1050, gerig word.

*Adres van agent:* Izwe-libanzi Development Consultants, Posbus 114, Ekangala, 1021. Telefax: (013) 932-2208.

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**NOTICE 8 OF 2007**

NOTICE OF APPLICATION FOR AMENDMENT OF THE SECUNDA TOWN-PLANNING SCHEME IN TERMS OF SECTION 56 (1) (b) (i) OF THE TOWN-PLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORDINANCE 15 OF 1986)

**SECUNDA AMENDMENT SCHEME 95**

I, Pieter Stadler, being the authorized agent of Stand 4354, Secunda Extension 09, situated in the Township of Secunda, Registration Division I.S., Province of Mpumalanga, hereby give notice in terms of section 56 (1) (b) (i) of the Town-planning and Townships Ordinance, 1986 (Ordinance 15 of 1986), that I have applied to the Govan Mbeki Municipality for the amendment of the Town-planning Scheme known as the Secunda Town-planning Scheme, 1993, by the rezoning of the property described above, situated at 31 Vaalrivier Street, Secunda Extension 09, from "Residential 1" to "Residential 2".

Particulars of the application will lie for inspections during normal office hours at the Municipal Manager, Govan Mbeki Municipality, Civic Centre, Secunda, 2302, for a period of 28 days from 15 January 2007.

Objections to or representations in respect of the application must be lodged with or made in writing to the Municipal Manager, Govan Mbeki, Municipality, Private Bag X1017, Secunda, 2302, within a period of 28 days from 15 January 2007.

*Address of agent:* Mr PJ Stadler, P.O. Box 10435, Secunda, 2302, Tel. No. 082 882 6543.

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**KENNISGEWING 8 VAN 2007**

KENNISGEWING VAN AANSOEK OM WYSIGING VAN SECUNDA DORPSBEPLANNINGSKEMA INGEVOLGE ARTIKEL 56 (1) (b) (i) VAN DIE ORDONNANSIE OP DORPSBEPLANNING EN DORPE, 1986 (ORDONNANSIE 15 VAN 1986)

**SECUNDA-WYSIGINGSKEMA 95**

Ek, Pieter Stadler, synde die gemagtigde van die eienaar van Erf 4354, Secunda Extension 09, geleë in die dorp Secunda, Registrasieafdeling IS, provinsie Mpumalanga, gee hiermee ingevolge artikel 56 (1) (b) (i) van die Ordonnansie op Dorpsbeplanning en Dorpe, 1986, kennis dat ek by die Govan Mbeki Munisipaliteit aansoek gedoen het om die wysiging van die dorpsbeplanningskema bekend as Secunda-dorpsbeplanningskema, 1993, deur die hersonering van die eiendom hierbo beskryf, geleë te Vaalrivierstraat 31, Secunda Extension 09, van "Residensieel 1" tot "Residensieel 2".

Besonderhede van die aansoek lê ter insae gedurende gewone kantoorure by die kantoor van die Munisipale Bestuurder, Govan Mbeki Munisipaliteit, Burgersentrum, Secunda, 2302, vanaf 15 Januarie 2007.

Besware teen of vertoë ten opsigte van die aansoek moet binne 'n tydperk van 28 dae vanaf 15 Januarie 2007, skriftelik by of tot die Munisipale Bestuurder, Govan Mbeki Munisipaliteit, Privaatsak X1017, Secunda, 2302, gerig word.

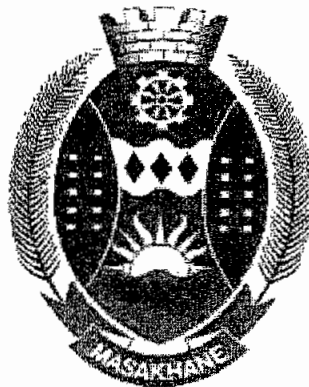
*Adres van agent:* Mnr. PJ Stadler, Posbus 10435, Secunda, 2302. Tel. 082 882 6543.

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**LOCAL AUTHORITY NOTICES**  
**PLAASLIKE BESTUURSKENNISGEWINGS**

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**LOCAL AUTHORITY NOTICE 1**



**STEVE TSHWETE LOCAL MUNICIPALITY**

**WATER SERVICES BY-LAWS**

## **STEVE TSHWETE LOCAL MUNICIPALITY**

### **WATER SERVICES BY-LAWS**

Notice is hereby given in terms of Section 13 of the Local Government: Municipal Systems Act, 32 of 2000, as amended, read with Section 156 and 162 of the Constitution of the Republic of South Africa, Act 108 of 1996, that the Steve Tshwete Local Municipality resolved to adopt the following Water Services By-laws, with effect from the date of publication.

### **TABLE OF CONTENTS**

#### **CHAPTER 1**

#### **GENERAL PROVISIONS**

1. Definitions
2. Meaning of certain words similar as those in the Act
3. Application for water services
4. Special agreement for water services
5. Prescribed tariffs for water services
6. Fixed charges for water services
7. Payment of deposit
8. Payment for water services provided
9. Accounts
10. Queries or complaints in respect of Accounts
11. Appeals against findings on complaints
12. Arrears
13. Payment of Arrears in instalments
14. Termination of agreements for provision of water services
15. Limitation and/or discontinuance of water services provided
16. Restoration of water services
17. Water services via communal sewer
18. Obligations
19. Environmental Impact Assessments
20. Responsibility for compliance with By-laws and Clearance Certificate
21. Exemption
22. Unauthorised use of water services
23. Change in purpose for which water services are used
24. Interference with water supply system or sanitation services
25. Obstruction to water supply or sanitation services
26. Notices and documents
27. Power to serve and compliance with notices
28. Power of entry and inspection
29. False statements and information
30. Offences
31. Availability of by-laws

**CHAPTER II****WATER SUPPLY SERVICES**

32. Provision of connection pipe
33. Location of pipe
34. Single water connection for several consumers on same premises
35. Interconnection between premises or water installations
36. Disconnection of water installations from connection pipe
37. Provision of a water services work for water supply to several consumers
38. Water supply from a hydrant
39. Quantity, quality and pressure
40. General conditions of supply
41. Measuring of quantity of water supplied
42. Quantity of water supplied to customer
43. Defective measurement
44. Special measurement
45. No reduction of amount payable for water wasted
46. Adjustment of quantity of water supplied through defective measuring device
47. Approval of installation work
48. Persons permitted to do installation and other work
49. Provision and maintenance of water installations
50. Use of pipes and water fittings to be authorised
51. Unlawful water installation work
52. Labelling of terminal water fittings and appliances
53. Owner to prevent water pollution
54. Water restrictions
55. Waste of water unlawful
56. Water audit
57. Notification of boreholes
58. Sampling of water
59. Supply of non-potable water by Council
60. Testing of pressure in water systems
61. Pipes in streets or public places

**CHAPTER III****SANITATION SERVICES**

62. Standards for sanitation services
63. Objectionable discharge to sewage disposal system
64. Application for infrastructure
65. Services associated with on-site sanitation services
66. Charges in respect of services associated with on-site sanitation services
67. Provision of connection sewer
68. Location of connection sewer
69. Provision of one connection sewer for several consumers on same premises
70. Interconnection between premises
71. Disconnection of draining installation from connection sewer
72. Acceptance of sewage delivered by road haulage
73. Written permission for delivery of sewage by road haulage

74. Conditions for delivery of sewage by road haulage
75. Withdrawal of permission delivery of sewage by road haulage
76. Application for disposal of industrial effluent
77. Unauthorised discharge of industrial effluent
78. Quality standards for disposal of industrial effluent
79. Condition for disposal of industrial effluent
80. Withdrawal of written permission for disposal of industrial effluent
81. Measurement of volume of standard domestic effluent discharged
82. Measurement of volume of industrial effluent discharged
83. Reduction of volume determined in terms of Section 80 and 81(1(a))
84. Construction or installation of drainage installations
85. Drains in streets or public places
86. Construction by Council
87. Maintenance of drainage installation
88. Installation of pre-treatment facility
89. Protection from ingress of floodwaters



## CHAPTER I: General provisions

### Part 1: Definitions

#### Definitions

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

<b>"accommodation unit"</b>	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;
<b>"Act"</b>	means the Water Services Act, 1997 (Act No. 108 of 1997), as amended from time to time;
<b>"affected person"</b>	means a person who has been served with a designated notice;
<b>"air gap"</b>	means the unobstructed vertical distance through the free atmosphere between the lowest opening from which any pipe, valve or tap supplies water to a tank, or fitting or any other device, and the overflow level thereof;
<b>"approved"</b>	means approved by the Council;
<b>"authorised agent"</b>	means a person authorised by the Council to perform any act, function or duty in terms of, or exercise any power under, these By-laws;
<b>"backflow"</b>	means the flow in any pipe or fitting in a direction opposite to the normal direction of the flow;
<b>"backflow preventer"</b>	means any device that prevents backflow
<b>"back siphonage"</b>	means backflow created by pressures lower than atmospheric pressure in the water installation;
<b>"basic sanitation"</b>	means the minimum standard of safe and hygienic sanitation services and sewage disposal rendered to households prescribed in terms of the Act, under regulation 2 of Government Notice R509 of 8 June 2001, as amended from time to time, or any substitution thereof.

<b>"business unit"</b>	means (in relation to any premises) any building or part thereof occupied or used, or intended to be used for purposes other than residential occupation;
<b>"borehole"</b>	means a hole sunk into the earth for the purpose of locating, abstracting or using subterranean water and includes a spring;
<b>"Building Regulations"</b>	means the National Building Regulations made in terms of the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977);
<b>"combined installation"</b>	in relation to water supply means an installation used for fire-fighting, domestic, commercial or industrial purposes;
<b>"commercial purposes"</b>	in relation to water services means water supplied to premises to be used in the carrying out of a trade or a business;
<b>"commercial effluent"</b>	means effluent emanating from a premises having a commercial purpose where the effluent is neither industrial effluent nor standard domestic effluent;
<b>"communal sewer"</b>	means a sewer main and connecting sewers and in respect of which a group of consumers and/or owners has constituted itself as a person willing to assume responsibility for, and has signed an agreement accepting responsibility, for the maintenance and repair of the communal sewer;
<b>"communal water services work"</b>	means a consumer connection through which water services are supplied to more than one person, and "communal water connection" has a similar meaning
<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 Council and installed by it for the purpose of conveying sewage from a drainage installation on a premises to a sewer beyond the boundary of those premises or within a servitude area or within an area covered by a way-leave document or by agreement;
<b>"connection pipe"</b>	means a pipe, owned by the Council and installed by it for the purpose of conveying water from a main to a water installation, and includes a "communication pipe" referred to in SABS 0252 Part 1;

**"consumer"**

means –

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

**"conventional water meter"**

means a water meter where the account is rendered subsequent to consumption of the water;

**"Council"**

means -

- (a) the Steve Tshwete Local Municipality as established by the Provincial Notice No 28 of 2004, exercising its legislative function through its Municipal Council;
  - (b) its successor in title;
  - (c) a structure or person exercising a delegated power;
- and includes the meaning of a 'Water Services Authority' as defined in the Act;

**"day"**

means a 24 hour period commencing and ending at 24:00

**"designated officer"**

means a person in the employ of the Council, authorised as a designated officer in terms of Section 76 of the Local Government: Municipal Systems Act 2000 (Act No. 32 of 2000) or if the Council has, for purposes of these By-laws, appointed a Service Provider which is still operative, an employee of such service provider, authorised by it as a designated officer in terms of these By-laws and acting within the scope, functions and powers assigned to the service provider by the Council;

**"domestic purposes"**

in relation to water supply means the general use of water for personal and residential uses, including

	health and hygiene, drinking, culinary, ablution, household and garden maintenance;
"drain"	means that portion of the drainage installation that conveys sewage within any premises;
"drainage installation"	means a system situated on any premises and vested in the owner thereof and is used for or intended to be used for or in connection with the reception, storage, treatment or conveyance of sewage on that premises to the connecting point and includes drains, fittings, appliances, septic tanks, conservancy tanks, pit latrines and private pumping installations forming part of or ancillary to such systems;
"drainage work"	includes any drain, sanitary fitting, water supplying apparatus, waste or other pipe or any work connected with the discharge of liquid or solid matter into any drain or sewer or otherwise connected with the drainage of any premises;
"dwelling unit"	means an interconnected suite of rooms designed for residential purposes and occupation by a single household regardless of how many persons comprise the household
"duly qualified sampler"	means a person who takes samples for analysis from the sewage disposal and stormwater disposal systems and from public waters and who has been certified to do so by Council or its authorised agent;
"ECA"	means the Environment Conservation Act, 1989 (Act No 73 of 1989) and any regulations made in terms thereof and any superseding legislation;
"EIA"	means an environmental impact assessment in terms of NEMA and/or the ECA;
"effluent"	means any liquid whether or not containing matter in solution or suspension;
"emergency"	means any situation that poses a risk or potential risk to life, health, the environment or property;
"enforcement notice"	means any enforcement notice issued by a designated officer under these By-laws, instructing the person to whom it is directed to comply with the terms of the notice, and includes a notice in terms of Section 12(1).
"environmental cost"	means the full cost of all measures necessary to restore the environment to its condition prior to the damaging incident;

<b>"fire hydrant"</b>	means a potable water installation that conveys water for fire fighting purposes only; and 'fire installation' shall have a similar meaning;
<b>"fixed quantity water delivery system"</b>	means a water installation, which delivers a fixed quantity of water to a consumer in any single day;
<b>"flood level (1 in 50 year)"</b>	means that level reached by flood waters resulting from a storm of a frequency of 1 in 50 years;
<b>"flood level (1 in 100 year)"</b>	means that level reached by flood waters resulting from a storm of a frequency of 1 in 100 years;
<b>"flood plain (1 in 50 year)"</b>	means the area subject to inundation by flood waters from a storm of a frequency of 1 in 50 years;
<b>"flood plain (1 in 100 year)"</b>	means the area subject to inundation by flood waters from a storm of a frequency of 1 in 100 years;
<b>"general installation"</b>	means a water installation that conveys water for a combination of household, commercial and industrial purposes;
<b>"high strength sewage"</b>	means sewage with a strength or quality greater than standard domestic effluent;
<b>"household"</b>	means the family unit of persons, or individuals in occupation of a building or part of a building, designed for residential purposes by that family unit or individuals;
<b>"indigent household"</b>	"indigent household" means a domestic customer who is qualified to be, and who is registered with the municipality as, an indigent in accordance with the municipalities Debt Collection and Credit Control By-Laws;
<b>"industrial effluent"</b>	means any effluent emanating from industrial use of water, and includes for purposes of these By-laws, any effluent other than standard domestic effluent or stormwater; and 'trade effluent' has a similar meaning;
<b>"industrial purposes"</b>	in relation to water supply means water supplied to any premises which constitutes a factory as defined in the General Administrative Regulations, published in Government Notice R2206 of 5 October 1984 or any superseding legislation or for purposes of

	manufacturing, mining, retailing and service industries, generating electricity, land based transport, construction or any related purpose;
"installation work"	means work in respect of the construction of, or carried out on a water installation;
"law"	means any law including the common law;
"main"	means a pipe, other than a connection pipe, vesting in the Council and used by it for the purpose of conveying water in a network of pipes;
"measuring device"	means any method, procedure, process device, apparatus or installation that enables the quantity and /or quality of water services provided by Council to be quantified and/or evaluated;
"meter"	means a water meter as defined by Regulation 81(a) Government Notice 2362 dated 18 November 1977 published in terms of the Trade Metrology Act, 1973 (Act No. 77 of 1973), or, in the case of water meters of size greater than 100 mm, a device which measures the quantity of water passing through it;
"National Water Act"	means the National Water Act No 36 of 1998
"NEMA"	means the National Environmental Management Act, 1998 (Act no. 107 of 1998)
"occupier"	means a person who occupies any premises or part thereof, without regard to the title under which he or she occupies;
"owner"	means - <ul style="list-style-type: none"><li>(a) the person in whom from time to time is vested the legal title to premises;</li><li>(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;</li><li>(c) in any case where the Council 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;</li><li>(d) in the case of premises for which a lease agreement of 30 years or longer has been entered into, the lessee thereof;</li></ul>

	<ul style="list-style-type: none"> <li>(e) in relation to -           <ul style="list-style-type: none"> <li>(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</li> <li>(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;</li> </ul> </li> </ul>
<b>"person"</b>	means any natural person, local government body or like authority, a company incorporated under any law, a body of persons whether incorporated or not, a statutory body, public utility body, voluntary association or trust;
<b>"pollution"</b>	<p>means the introduction of any substance into the water supply system, a water installation or a water resource that may directly or indirectly alter the physical, chemical or biological properties of the water found therein so as to make it -</p> <ul style="list-style-type: none"> <li>(a) less fit for any beneficial purpose for which it may reasonably be expected to be used; or</li> <li>(b) harmful or potentially harmful -           <ul style="list-style-type: none"> <li>(i) to the welfare, health or safety of human beings;</li> <li>(ii) to any aquatic or non-aquatic organism;</li> </ul> </li> </ul>
<b>"premises"</b>	<p>means any piece of land, the external surface boundaries of which are delineated on -</p> <ul style="list-style-type: none"> <li>(a) a general plan or diagram registered in terms of the Land Survey Act, 1927 (Act No. 9 of 1927), or in terms of the Deeds Registries Act, 1937 (Act No. 47 of 1937); or</li> <li>(b) a sectional plan registered in terms of the Sectional Titles Act, 1986 (Act No. 95 of 1986);</li> <li>(c) a register held by a tribal authority;</li> </ul>
<b>"Prepayment meter"</b>	means a meter that can be programmed to limit the flow of water into a water installation to the amount that has been previously purchased;
<b>"prepayment measuring system"</b>	means a meter and ancillary devices, approved by the Council, designed to measure and allocate to the consumer the quantity of water pre-purchased;
<b>"prescribed"</b>	means determined by resolution of the Council from time to time;

<b>"prescribed tariff or charge"</b>	means a charge prescribed by the Council;
<b>"professional engineer"</b>	means a person registered a professional engineer in terms of the Engineering Profession Act 2000 (Act 46 of 2000)
<b>"public notice"</b>	means a notice in a newspaper in at least two of the official languages in general use within the jurisdictional area of Council, and, where possible, the notice shall be published in a newspaper appearing predominantly in the language utilised in the publication of the notice;
<b>"qualified plumber"</b>	means a person who has passed the plumbing trade test of the Department of Labour and who has received a certificate attesting to the fact that he/she has passed.
<b>"SABS"</b>	means the South African Bureau of Standards;
<b>"SANS"</b>	means the South African National Standard;
<b>"sanitation services"</b>	has the same meaning assigned to it in terms of the Act and includes for purposes of these By-laws water for industrial purposes and the disposal of industrial effluent;
<b>"service pipe"</b>	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;
<b>"sewage"</b>	means waste water, industrial effluent, standard domestic effluent and other liquid waste, either separately or in combination, but does not include stormwater;
<b>"sewage disposal system"</b>	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 Council and which may be used by it in connection with the disposal of sewage;
<b>"sewer"</b>	means any pipe or conduit which is the property of or is vested in the Council and which may be used for the conveyance of sewage from the connecting sewer and shall not include a drain as defined;



<b>"standard domestic effluent"</b>	means domestic effluent with prescribed strength characteristics in respect of chemical oxygen demand, total nitrogen, total phosphates and settleable solids as being appropriate to sewage discharges from domestic premises within the jurisdiction of the Council, but does not include industrial effluent;
<b>"stormwater"</b>	means water resulting from natural precipitation or accumulation and includes rainwater, subsoil water or spring water;
<b>"Systems Act"</b>	means the Local Government: Municipal Systems Act 2000 (Act 32 of 2000) as amended;
<b>"terminal water fitting"</b>	means a water fitting at an outlet of a water installation that controls the discharge of water from a water installation;
<b>"trade premises"</b>	means premises upon which industrial effluent is produced;
<b>"water fitting"</b>	means a component of a water installation, other than a pipe, through which water passes or in which it is stored;
<b>"water installation"</b>	means the pipes and water fittings which are situated on any premises and vested in the owner thereof and used or intended to be used in connection with the use of water on such premises, and includes a pipe and water fitting situated outside the boundary of the premises, which either connects to the connection pipe relating to such premises or is otherwise laid with the permission of the Council ;
<b>"water services"</b>	has the same meaning assigned to it in terms of the Act and includes for purposes of these By-laws water for industrial purposes and the disposal of industrial effluent;
<b>"water services work"</b>	means a reservoir, dam, well pump-house, bore-hole, pumping installation, purification works, sewage treatment plant, access road, electricity transmission line, pipeline, meter, fitting or apparatus built, installed or used by a water services institution – <ul style="list-style-type: none"> <li>(i) to provide water services</li> <li>(ii) to provide water for industrial use, or</li> <li>(iii) to dispose of industrial effluent;</li> </ul>
<b>"water supply services"</b>	has the same meaning assigned to it in terms of the Act and includes for purposes of these By-laws water for

	industrial purposes and the disposal of industrial effluent;
<b>"water supply system"</b>	means the structures, aqueducts, pipes, valves, pumps, meters or other apparatus relating thereto which are vested in the Council and are used or intended to be used by it in connection with the supply of water, and includes any part of the system;
<b>"wet industry"</b>	means an industry which discharges industrial effluent;
<b>"working day"</b>	means a day other than a Saturday, Sunday or public holiday.

(2) If any provision in these by-laws vests or imposes any power, function or duty of the Council in or on an employee of the Council, and such power, function or duty has in terms of Section 81(2) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000), or any other law been assigned to a service provider, the reference to such employee must be read as a reference to the service provider or where applicable, to an employee of the service provider duly authorised by it.

#### **Meaning of certain words the same as in Acts**

2. Any word or expression used in these By-laws to which a meaning has been assigned in –

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

unless the context indicates otherwise.

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

## **Part 2: Application for water services**

### **Application for water services**

3. (1) No person, shall gain access to water services from the water supply system, or gain access to the sewage disposal system or any other sanitation services unless he or she has applied to the Council on the prescribed form for such services and the application has been approved.

(2) Council reserves the right to determine different levels of services to different consumers or consumers residing in different areas as may be established in terms of the policies of Council and subject to the conditions as determined by Council.

(3) An application agreed to by the Council shall constitute an agreement between the Council and the applicant, and such agreement shall take effect on the date referred to or stipulated in such agreement.

(4) A consumer shall be liable for all the prescribed tariffs and / or charges in respect of water services rendered to him or her until the agreement has been terminated in accordance with these By-laws or until such time as any arrears have been paid.

(5) In preparing an application form for water services the Council will ensure that the owner, consumer or other person making application, understands the document and the process of interaction. In the case of illiterate or similarly disadvantaged persons, the Council will take reasonable steps to ensure that the person is aware of and understands the contents of the application form.

(6) The Council may, at any time it deems it necessary, require a third party to be bound jointly and severally as security and co-principal debtor with the consumer for the due payment of any fees under these By-laws;

(7) An application form will require at least the following minimum information -

- (a) certification by an authorised agent that the applicant is aware of and understands the contents of the form;
- (b) acceptance by the consumer of the provisions of the By-laws and acceptance of liability for the cost of water services rendered until the agreement is terminated or until such time as any arrears have been paid;
- (c) name of consumer;
- (d) address or stand number of premises to or on which water services are to be rendered or the communal water services work where water services will be used;
- (e) address where accounts will be sent;
- (f) source of income of the applicant;
- (g) name and address of the applicant's employer, where appropriate;
- (h) if water will be supplied, the purpose for which the water is to be used; and
- (i) the agreed date on which the provision of water services will commence.

(8) Water services rendered to a consumer are subject to the provisions of these By-laws and the conditions contained in the relevant agreement.

(9) If a Council refuses an application for the provision of water services, is unable to render such water services on the date requested for such provision of water services to commence or is unable to render the water services, the Council will inform the consumer of such refusal and / or inability, the reasons therefore and, if applicable, when the Council will be able to provide such water services.

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

4. The Council may enter into a special agreement for the provision of water services to -

- (a) an applicant inside its area of jurisdiction, if the services applied for necessitates the imposition of conditions not contained in the prescribed form; and
- (b) an applicant outside its area of jurisdiction, if such application has been approved by the Council having jurisdiction in the area in which the premises is situated.

### **Part 3: Tariffs and charges**

#### **Prescribed tariffs and charges for water services**

5. All tariffs and or charges payable in respect of water services rendered by the Council in terms of these By-laws, including but not limited to the payment of

connection charges, fixed charges or any additional charges (as determined by Council from time to time) or interest in respect of failure to pay such tariffs or charges on the specified date will be set by the Council in terms of a resolution passed in terms of Section 75(A) of the Systems Act by the Council; in accordance with –

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

#### **Fixed charges for water services**

6. (1) The Council may, in addition to the tariffs or charges prescribed for water services actually provided, levy a monthly fixed charge, annual fixed charge or one-off fixed charge in respect of the provision of water services in accordance with –

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

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

### **Part 4: Payment**

#### **Payment of deposit**

7. (1) Every consumer must on application for the provision of water services and before the Council will provide such water services, deposit with the Council a sum of money as determined by the Council for the particular area except in the case of a pre-payment measuring device being used by the Council.

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

(3) The Council may from time to time review the sum of money deposited by a consumer in terms of Sub-Section (1) and, in accordance with such review –

- (a) require that an additional amount be deposited by the consumer; or
- (b) refund to the consumer such amount as may be held by the Council in excess of the reviewed deposit.

(4) Subject to Sub-Section (5), an amount deposited with the Council in terms of Sub-Sections (1) or (2) shall not be regarded as being in payment or part payment of an account due for water services rendered.

(5) If, upon the termination of the agreement for the provision of water services, an amount remains due to the Council in respect of water services rendered to the consumer, the Council may apply the deposit in payment or part payment of the outstanding amount and refund any balance to the consumer.

(6) No interest shall be payable by the Council on the amount of a deposit held by it in terms of this Section.

(7) An agreement for the provision of water services may contain a condition that a deposit shall be forfeited to the Council if it has not been claimed within twelve months of the termination of the agreement.

**Payment for water services provided'**

8. (1) Water services provided by the Council to a consumer shall be paid for by the consumer at the prescribed tariff or charge set by Council from time to time.

(2) A consumer shall be responsible for payment for all water services provided to the consumer from the date of an agreement until the date of termination thereof.

(3) The Council may estimate the quantity of water services provided in respect of a period or periods within the interval between successive measurements and may render an account to a consumer for the services so estimated.

(4) If a consumer uses water supply services for a category of use other than that for which it is provided by the Council in terms of an agreement and as a consequence is charged at a rate lower than the rate which should have been charged, the Council may make an adjustment of the amount charged in accordance with the rate which should have been charged and recover from the consumer the tariffs and charges payable in accordance with such adjustment and may also review the amount held as deposit in terms of subsection 7.

(5) A consumer must pay his or her or its account at an approved agent of the Council. A consumer shall remain liable for the payment of an account not paid with the Council, its authorised agent or approved agent.

(6) A Council must inform a consumer as to whom the approved agents for payment of accounts are.

## **Part 5: Accounts**

### **Accounts**

9. (1) Monthly accounts will be rendered to consumers for the amount due and payable for water services, at the address last recorded with the Council.

(2) Failure by the Council to render an account does not relieve a consumer of the obligation to pay any amount due and payable.

(3) An account rendered by the Council for water services provided to a consumer shall be paid not later than the last date for payment specified in such account, which date will be at least twenty one days after the date of the account.

(4) If payment of an account is received after the date referred to in Sub-Section a late payment charge or interest as may be prescribed must be paid by the consumer to the Council.

(5) Accounts must –

- (a) show the following –
- i. the consumption or estimated consumption or assumed consumption as determined for the measuring and / or consumption period;
  - ii. the measuring or consumption period;
  - iii. the applicable tariff;
  - iv. the amount due in terms of the consumption;
  - v. the amount due and payable for any other service rendered by the Council ;
  - vi. the amount in arrears, if any;
  - vii. the interest payable on any arrears, if any;
  - viii. the final date for payment;
  - ix. the methods, places and approved agents where payment may be made; and
- (b) state that –
- i. the consumer may conclude an agreement with the Council for payment of the arrears amount in instalments, at the Council 's offices before the final date for payment, if a consumer is unable to pay the full amount due and payable;
  - ii. if no such agreement is entered into the Council will limit the water services after sending a final demand notice to the consumer;
  - iii. legal action may be instituted against any consumer for the recovery of any amount 60 (sixty) days in arrears in accordance with Council's Credit Control & Debt Collection By-laws;
  - iv. the defaulting consumer's name may be listed with a credit bureau or any other equivalent body as a defaulter;
  - v. the account may be handed over to a debt collector for collection;
  - vi. proof of registration, as an indigent consumer, in terms of the Council 's indigent policy must be handed in before the final date for payment; and
  - vii. an indigent consumer is only entitled to basic water services plus the indigent entitlement.

#### **Queries or complaints in respect of account**

10. (1) A consumer may lodge a query or complaint in respect of the accuracy of the amount due and payable in terms of an account rendered to him, her or it.
- (2) A query or complaint must be lodged with the Council before or on the due date for payment of the account or as soon as reasonably possible thereafter.
- (3) Where a query or complaint is lodged after the due date of the account queried or complained about, such query or complaint must be accompanied by the payment of at least an amount equal to the average amount that was due and payable during the preceding three months.

- (4) The Council will register the query or complaint and provide the consumer with a reference number.
- (5) The Council shall –
- (a) 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 consumer, in writing, of his or her finding as soon as possible thereafter.

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

11. (1) A consumer may in writing appeal against a finding of the Council in Section 10.

- (2) An appeal in terms of Sub-Section (1) must be made in writing and lodged with the Council within 14 (fourteen) days after the consumer became aware of the finding referred to in Section 10 and must –
- (a) set out the reasons for the appeal;
  - (b) lodge the appeal with the Council within 14 (fourteen) days after the receipt of the account in question; and
  - (c) be accompanied by any deposit determined for the testing of a measuring device, if applicable.
- (3) The Council may on appeal by a consumer request him, her or it to pay the full amount due and payable in terms of the account appealed against.
- (4) The consumer is liable for all other amounts, other than that appealed against, falling due and payable during the adjudication of the appeal.
- (5) The Council must decide an appeal within 21 (twenty-one) days after such an appeal was lodged and the consumer must be informed of the outcome in writing, as soon as possible thereafter.
- (6) The decision of the Council is final and the consumer must pay any amounts due and payable in terms of the decision within 14 (fourteen) days of him, her or it being informed of the outcome of the appeal.
- (7) The Council 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 consumer must be informed of the possible cost implications including the estimated amount of such test, as set out in Sub-Section (9)(a) below, 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 consumer will be liable for the costs of such test and any other amounts outstanding. Such costs will be debited against the consumer's account;

- (b) outside a prescribed range of accuracy, the Council will be liable for the costs of such test and the consumer must be informed of the amount of any credit to which he, she or it is entitled.
- (10) The prescribed deposit referred to in Sub-Section (2)(c) if applicable may be -
- (a) retained by the Council 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) A measuring device shall be deemed to be defective if, when tested in accordance with a standard industry test or if the measuring device is a meter, the regulations published under Section 9 of the Act, it does not meet generally accepted specifications or the specifications as set out in the regulations.
- (12) In addition to Sub-Section (10) the Council 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 consumer, unless the costs thereof are recoverable from the consumer due to a contravention of Section 41(6); and
  - (b) determine the quantity of water services for which the consumer will be charged in lieu of the quantity measured by the defective measuring device by taking as basis for such determination, and as the Council may decide -
    - i. the quantity representing the average monthly consumption of the consumer 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 water meter;
    - ii. the average consumption of the consumer during the succeeding three metered periods after the defective water meter has been repaired or replaced; or
    - iii. the consumption of water on the premises recorded for the corresponding period in the previous year.

### **Arrears**

12. (1) If a consumer fails to pay the amount/s due and payable on or before the final date for payment, the unpaid amount is in arrears and a final demand notice may be hand delivered or sent, per registered mail, to the most recent recorded address of the consumer.
- (2) Failure to deliver or send a final demand notice does not relieve a consumer from paying such arrears.
- (3) The final demand notice must contain the following statements -
- (a) the amount in arrears and any interest payable;
  - (b) that the consumer may conclude an agreement with the Council for payment of the arrears amount in instalments within 14 (fourteen) days of the date of the final demand notice;



- (c) that if no such agreement is entered into within the stated period that the water services will be limited and that legal action may be instituted against any consumer for the recovery of any amounts 30 (thirty) days or more in arrear, without further notice;
- (d) that the defaulting consumer's name may be made public in any manner determined by Council and/or listed with a credit bureau or any other equivalent body as a defaulter;
- (e) that the account may be handed over to a debt collector or attorney for collection;
- (f) proof of registration as an indigent consumer, in terms of the Council's indigent policy, must be handed in before the final date of the final demand notice;
- (g) that an indigent consumer is only entitled to basic water services and that an indigent consumer will be liable for payment in respect of water services used in excess of the quantity of basic services;
- (h) that an opportunity exists for the consumer to make representation in writing on or before the date contemplated in (b).

(4) Interest may be levied on all arrears at a rate prescribed by the Council from time to time.

(5) The amount due and payable by a consumer constitutes a consolidated debt, and any payment made by a consumer of an amount less than the total amount due, will be allocated in reduction of the consolidated debt in the following order towards payment of—

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

(6) The Council may, after expiry of the period allowed for payment of the arrear amount in terms of the final notice, hand deliver or send by mail, to the last recorded address of the consumer.

- (a) A discontinuation notice informing such consumer that the provision of water services has been or will be discontinued within seven (7) days from a date specified in the discontinuation notice, subject to the limitation of FBW as determined by National Policy from time to time;
- (b) A discontinuation notice must contain information informing the consumer what steps may be taken to have the service reconnected.

(7) If representations made by a consumer are unsuccessful either wholly or in part, a final demand notice in terms of Subsections 3(a) to (g) must be delivered in the manner stipulated in Subsection 1, informing the consumer that no further representation may be made.

(8) Subject to the provisions of the Act, and subject to the provisions of the Promotion of Administrative Justice (Act No. 3 of 2000) having been observed, save that Council's reasons for its decision to act must be supplied within seven days if requested, Council may discontinue the supply of water services to a customer (subject to the limitation of FBW as determined by National Policy from time to time) if —

- (a) Full payment was not received within the period stated in the final demand notices stated in subsections (3) and (7);
- (b) No agreement was concluded for the repayment of arrear amounts in instalments;
- (c) No proof of registration as an indigent has been made within the periods contained in the final demand notices stated in subsections (3) and (7);
- (d) No payment was received in terms of an agreement for the repayment of arrears;
- (e) No representations as contemplated in (h) of subsection 3 were made within the period provided for in the final demand notice contemplated in subsection (3); and
- (f) The representations made in terms of subsection (3)(h) have not wholly been acceded to by Council.

(9) Where an account rendered to a consumer remains outstanding for more than 30 (thirty) days –

- (a) the defaulting consumer's name may be made public in a manner determined by Council and/or listed with a credit bureau or any other equivalent body as a defaulter, and
- (b) may be handed over to a debt collector or an attorney for collection.

(10) A consumer 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.

(11) Where a body corporate is responsible for the payment of any arrears amount to the Council in respect of a sectional title development the liability of the body corporate shall be extended to the members thereof, jointly and severally in proportion to the participation quota of each sectional title unit.

(12) 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, which are payable, are paid in full.

(13) The Council will not be liable for any loss or damage suffered by a consumer due to his/her or its water services being disconnected.

(14) An agreement for payment of the arrears amount in instalments, entered into after the water services was discontinued, will not result in the water services being restored until 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.

#### **Agreement for the payment of arrears in instalments**

13. (1) Only a consumer with positive proof of identity or a person authorised, in writing, by that consumer, will be allowed to enter into an agreement for the payment of arrears in instalments:

(2) The amount due and payable by a consumer constitutes a consolidated debt, and any payment made by a consumer of an amount less than the total amount due, will be allocated in reduction of the consolidated debt in the 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.

(3) A consumer may be required to complete a debit order for the payment of arrears.

(4) No agreement for the payment of arrears will be longer than fifteen months, unless the circumstances referred to in Sub-Section (5) prevail.

(5) Subject to any shorter period prescribed by Provincial or National legislation, the Council may, on an individual basis, allow a longer period than fifteen months for the payment of arrears, if special circumstances prevail, that in the opinion of the Council warrants such an extension and which the consumer reasonably could not prevent or avoid. The consumer on request by the Council must furnish documentary proof of any special circumstances which will be considered by Council.

(6) The Council must, in exercising his or her discretion under Sub-Section (5) have regard to a consumer's–

- (a) credit record;
- (b) consumption;
- (c) level of service;
- (d) previous breaches of agreements for the payment of arrears in instalments; and
- (e) any other relevant factors.

(7) A copy of the agreement will, on request, be made available to the consumer.

(8) If a consumer fails to comply with an agreement for the payment of arrears in instalments, 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.

(9) If a consumer fails to comply with an agreement for the payment of arrears in instalments entered into after receipt of a discontinuation notice, access to services may be discontinued without further notice or correspondence in addition to any other actions taken against or that may be taken against such a consumer.

(10) No consumer will be allowed to enter into an agreement for the payment of arrears in instalments where that consumer failed to honour a previous agreement for the payment of arrears in instalments, entered into after the receipt of a discontinuation notice.

## **Part 6: Termination, limitation and discontinuation of water services**

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

14. Subject to the provisions set out above dealing with the payment of any amounts due to the Council in respect of the provision of water services:

(1) A consumer may terminate an agreement for the provision of water services by giving to the Council not less than thirty working days' notice in writing of his or her intention to do so.

(2) The Council may, by notice in writing of not less than thirty working days, advise a consumer of the termination of his, her or its agreement for the provision of water services if -

- (a) he, she or it has not used the water services during the preceding six months and has not made arrangements to the satisfaction of the Council for the continuation of the agreement;
- (b) he, she or it has failed to comply with the provisions of these By-laws and has failed to rectify such failure to comply on notice in terms of Section (26) or to pay any tariffs or charges due and payable after the procedure set out in Section (11) was applied;
- (c) in terms of an arrangement made by it with another water services institution to provide water services to the consumer.

(3) The Council may, after having given notice, terminate an agreement for services if a consumer has vacated the premises to which such agreement relates.

### **Limitation and / or discontinuation of water services provided**

15. Subject to the provisions of these By-laws dealing with the payment of any amount due to Council for the provision of water services and maintaining the status as an indigent consumer or household, (where applicable):

(1) The Council may limit or discontinue water services provided in terms of these By-laws -

- (a) on failure to pay the prescribed tariffs or charges on the date specified, after the provisions of Section (11) were applied;
- (b) on failure to comply with any other provisions of these By-laws, after notice in terms of Section (26) was given;
- (c) at the written request of the consumer to whom the services are to be rendered;
- (d) if the agreement for the provision of services has been terminated in terms of Section (14) and it has not received an application for subsequent services to the premises within a period of 90 (ninety) days of such termination;
- (e) the building on the premises to which services were provided has been demolished;
- (f) if the consumer has interfered with a limited or discontinued service; or
- (g) in an emergency, including circumstances brought about by weather conditions, but not limited thereto.

- (2) The Council will not be liable for any damages or claims that may arise from the limitation or discontinuation of water services provided in terms of Sub-Section (1).

#### **Restoration of water services**

16. When a consumer enters into an agreement for the payment of the arrears amount in instalments after the receipt of a final demand notice or a discontinuation notice the water services will be restored to the type of service and level of service the consumer elected in terms of the agreement as soon as reasonably possible.

#### **Water Services via, and responsibility for a communal sewer**

17. The Council must provide sanitation services in respect of a communal sewer, only after the community served by that communal sewer has, by means of an association or other legal entity representative of the community, concluded an agreement with the Council for the maintenance and repair of the communal sewer. Any such services by Council must be rendered in terms of the concluded agreement read with the provisions of these By-laws.

#### **Obligations**

18. (1) The Council must take reasonable measures to realise the rights of every person to a basic water supply and sanitation services as defined in the Act, subject to the limitations in the Act.

(2) Notwithstanding this basic right, every head of a household, or a person in charge of a business enterprise or industrial undertaking or the representative of such a person, must make application to the Council for the provision of such water and sanitation services.

(3) If the Council is unable to meet the general requirements of all its consumers, it shall give preference to the provision of basic water and basic sanitation services to all its consumers.

(4) The Council shall not be obliged to provide water services-

- (a) To consumers outside the defined limits of the Council's area of jurisdiction;
- (b) Where, due to the topography but not limited thereto, water services cannot be provided economically and or cost effectively, or
- (c) Where the necessary bulk infrastructure does not exist or is inadequate to serve additional customers.

### **Part 7: General provisions**

#### **Environmental Impact Assessments**

19. (1) If an environmental impact assessment (EIA) is required to be carried out before the provision of water services can be approved or commence, the applicant for the services shall be responsible for the commission of a suitable person/s to carry out the EIA and shall be responsible for the costs thereof.

(2) Once the application for water services has been approved, it will be the responsibility of the applicant, or applicant's representative to ensure that there is full compliance with the applicable legislation and the environmental management procedures as indicated by the EIA.

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

20. (1) The owner of premises is responsible for ensuring compliance with these By-laws in respect of all or any matters relating to any installation.

(2) The consumer is responsible for compliance with these By-laws in respect of matters relating to the use of any installation.

(3) The Council may at any time and before a Clearance Certificate in respect of rates and taxes payable on premises is issued, and in its sole discretion, require from the owner of premises to supply it with a certificate by a qualified plumber that the water and sanitation installations and any improvements on the premises comply fully with the provisions of these By-laws.

#### **Exemption**

21. (1) The Council may, in writing exempt an owner, consumer, any other person or category of owners, consumers or other persons from complying with a provision of these By-laws, subject to any conditions it may impose, if it is of the opinion that the application or operation of that provision would be unreasonable, provided that the Council shall not grant exemption from any section of these By-laws that may result in -

- (a) the wastage or excessive consumption of water;
- (b) the evasion or avoidance of water restrictions;
- (c) significant negative effects on public health, safety or the environment;
- (d) the non-payment for services;
- (e) the installation of pipes and fittings which are not approved in terms of these By-laws ; and
- (f) the Act, or any regulations made in terms thereof, is not complied with.

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

#### **Unauthorised use of water services**

22. (1) No person may gain access to water services from a source other than Council without the permission of Council, except than rainwater tanks that are not connected to the water installation.

(2) Notwithstanding the provisions of subsection (1), a person who, at the commencement of these By-laws, has been using water services from another source, may continue to do so-

- (a) for a period of sixty days after he, she or it has been given written notice that application must be made for approval;
- (b) thereafter until the approval is granted if it is not granted within the period;

- (c) for a reasonable period thereafter within the discretion of Council, if the application for approval is refused.
- (3) In granting the approval, the Council may require the applicant to:
  - (a) supply such services as may be specified in the approval, to others on reasonable terms, such terms to be specified by the Council;
  - (b) provide Council with proof, to its satisfaction, at his or her own cost, that the water referred to in (1) complies or will comply to the requirements of SABS Code 241:1999 (Fourth Edition): – Drinking Water, or any other requirement in these By-laws or contained in the Act, or that the water does not or will not constitute any danger to health.
- (4) Any permission granted in terms of (1) may be withdrawn if, in the opinion of Council –
  - (a) a condition given in terms of these By-laws has been breached, or,
  - (b) the water no longer conforms to the requirements set out in (3)(b)
- (5) The provisions of Section 41 shall apply to any meter or monitoring device installed in terms of (5).
- (6) The Council may, irrespective of any other action it may take against such person in terms of these By-laws, by written notice order a person who has gained access to water services from the water supply system, sewage disposal system or any other sanitation services provided by Council, without an agreement with the Council for the rendering of those services,
  - (a) to apply for such services in terms of Sections 2 or 3; and
  - (b) to undertake such work as may be necessary to ensure that the consumer installation through which access was gained complies with the provisions of these By-laws.
- (7) The provisions of Section 26 shall apply to a notice in terms of Sub-Section (2) and (4) above.

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

23. Where the purpose or extent for which water services are used is changed, the consumer must enter into a new agreement with the Council

#### **Interference with water supply system or any sanitation services**

24. (1) No person other than the Council shall manage, operate or maintain the water supply system or any sanitation system unless authorised by these By-laws or an authorised agent.

(2) No person other than the Council shall effect a connection to the water supply system or sewage disposal system or render any other sanitation services.

#### **Obstruction of access to water supply system or any sanitation services**

25. (1) No person shall prevent or restrict physical access to the water supply system or sewage disposal system.

(2) If a person contravenes Sub-Section (1), the Council may -

- (a) by written notice require such person to restore access at his or her own expense within a specified period;<sup>4</sup> 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.

#### **Notices and documents**

26. (1) A notice or document issued by the Council in terms of these By-laws must be deemed to be duly authorised if the authorised agent signs it.

(2) If a notice or document is to be served on an owner, consumer or any other person in terms of these By-laws such service shall be effected by -

- (a) delivering it to him or her personally or to his or her duly authorised agent;
- (b) delivering it at his or her residence, village or place of business or employment to a person not less than sixteen years of age and apparently residing or employed there;
- (c) if he or she has nominated an address for legal purposes, delivering it to such an address;
- (d) if he or she has not nominated an address for legal purposes, delivering it to the address given by him or her in his or her application for the provision of water services, for the reception of an account for the provision of water services;
- (e) sending by pre-paid registered or certified post addressed to his or her last known address;
- (f) in the case of a legal person, by delivering it at the registered office or business premises of such legal person; or
- (g) if service cannot be effected in terms of Sub-Sections (a) to (f), by affixing it to a principal door of entry to the premises concerned.

(3) In the case where compliance with a notice is required within a specified number of working days, such period shall be deemed to commence on the date of delivery or sending of such notice.

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

27. (1) The Council 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 there under to remedy such breach within a period specified in the notice, which period shall not be less than thirty days.

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

- (a) undertaking the work necessary itself and recovering the cost of such action or work from that owner, consumer or other person;
- (b) limiting or discontinuing the provision of 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 Council 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 Council –
  - 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 Council 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 Council in terms of Sub-Sections (3) and (4) is the full cost associated with that work and includes, but is not limited to, any exploratory investigation, surveys, plans, specifications, schedules of quantities, supervision, administration charge, the use of tools, the expenditure of labour involved in disturbing or rehabilitation of any part of a street or ground affected by the work and the environmental cost.

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

28. (1) A Council official may enter and inspect any premises –

- (a) for the purposes set out in and in accordance with the provisions of Section 79 of the Act;
- (b) for any purpose connected with the implementation or enforcement of these By-laws, at all reasonable times, after having given reasonable written notice of the intention to do so, unless it is an emergency situation.

#### **False statements or information**

29. No person shall make a false statement or furnish false information to the Council or falsify a document issued in terms of these By-laws.

#### **Offences**

30. (1) It is an offence for any person to –

- (a) refuse to grant a designated officer access to premises to which that designated officer is duly authorized to have access;
- (b) obstruct, interfere or hinder a designated officer who is exercising a power in terms of these By-laws or
- (c) carrying out a duty under these By-laws;
- (d) fail or refuse to provide a designated officer with a document or information that the person is required to provide under these By-laws;

- (e) give false or misleading information to a designated officer ;
- (f) unlawfully prevent the owner of any premises, or a person working for that owner, from entering the premises in order to comply with a requirement of these By-laws;
- (g) pretend to be a designated officer ;
- (h) falsely alter an authorization to a designated officer or written authorization,
- (i) compliance notice or compliance certificate issued in terms of this Chapter;
- (j) enter any premises without a written authorization in circumstances requiring such authorization;
- (k) act contrary to a written authorization issued in terms of this Chapter;
- (l) without authority –
  - i. enter or inspect premises;
  - ii. carry out any act mentioned in section 28(1);
- (m) disclose any information relating to the financial or business affairs of any person which was acquired in the performance of any function or exercise of any power in terms of these By-laws, except –
  - i. to a person who requires that information in order to perform a function or
  - ii. exercise a power in terms of these By-laws;
  - iii. if the disclosure is ordered by a court of law; or
  - iv. if the disclosure is in compliance with the provisions of any law.
- (n) contravene or fail to comply with any provisions of these By-laws;
- (o) fail to comply with any notice issued in terms of these By-laws;
- (p) fail to comply with any lawful instruction given in terms of these By-laws; or
- (q) obstruct or hinder any authorized official of the Council in the execution of his or her duties under these By-laws,

(2) Any person found guilty of a contravention of these By-laws shall be guilty of an offence and liable on conviction to a fine not exceeding R2 000,00 or in default on payment, to imprisonment for a period not exceeding 4 months and in the event of a continued offence to a further fine not exceeding R1 000,00 for every day during the continuance of such offence after a written notice from the municipality has been issued, and in the event of a second offence to a fine not exceeding R4 000,00 or, in default on payment to imprisonment for a period not exceeding 8 months.

#### **Availability of By-laws**

31. (1) A copy of these By-laws shall be included in Council's Municipal Code as required in terms of Section 15 of the Systems Act, 2000.

(2) A copy of these By-laws shall be available for inspection at the municipal offices or at the offices of its authorised agent at all reasonable times.

(3) A copy of these By-laws may be obtained in accordance with the provisions of Council's Manual on the Promotion of Access to Information Act, 2 of 2002.

## **CHAPTER II: Water supply services**

### **Part 1: Connection to water supply system**

#### **Provision of connection pipe**

32. (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. Council shall supply a connection point and water meter at the boundary to the premises after payment by the applicant of the prescribed connection fees..

(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 Council may agree to the extension if the applicant pays for the costs involved.

#### **Location of connection pipe**

33. (1) A connection pipe provided and installed by the Council shall -

- (a) be located in a position as decided by Council or in such other position as agreed to between the owner and the Council subject to cost and the other considerations in the sole discretion of the Council;
- (b) terminate at the boundary of the land owned by or vested in the Council, or over which it has a servitude or other right; or the outlet of the water meter if it is situated on the premises;

(2) In reaching agreement with an owner concerning the location of a connection pipe, the Council shall ensure that the owner is aware of

- (a) practical restrictions that may exist regarding the location of a connection pipe;
- (b) the cost implications of the various possible locations of the connection pipe;

(3) The Council shall be liable for the maintenance of any meter and associated valve which may be situated on the consumer's premises.

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

(5) An owner must pay the prescribed connection charge.

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

34. (1) Only a single connection pipe to the water supply system may be provided for the supply of water to any premises, irrespective of the number of accommodation units, business units or consumers located on such premises.

(2) The person having the charge or management of the premises, as the case may be, will be liable to the Council for the tariffs and charges for all water supplied to the premises through such a single measuring device, irrespective of the different quantities consumed by the different consumers served by such measuring device.

(3) Notwithstanding Sub-Section (1), the Council may authorise that more than one connection pipe be provided on the water supply system for the supply of water to any premises comprising sectional title units or if, in the opinion of the Council, undue hardship or inconvenience would be caused to any consumer on such premises by the provision of only one connection pipe.

(4) Where the provision of more than one connection pipe is authorised by the Council under Sub-Section (4), the tariffs and charges for the provision of a connection pipe is payable in respect of each water connection so provided.

**Interconnection between premises or water installations**

35. An owner of premises shall ensure that no interconnection exists between –

(a) the water installation on his or her premises and the water installation on other premises; or

(b) where several accommodation units are situated on the same premises, the water installations of the accommodation units;

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

**Disconnection of water installation from connection pipe**

36. The Council may disconnect a water installation from the connection pipe and remove the connection pipe if –

(a) the agreement for supply has been terminated in terms of Section (14) and it has not received an application for a subsequent supply of water to the premises served by the pipe within a period of 90 days of such termination; or

(b) the building on the premises concerned has been demolished.

**Part 2: Communal water services works****Provision of a water services work for water supply to several consumers**

37. (1) A Council may install a communal water services work for the provision of water services to several consumers at a location it deems appropriate, provided that the consumers to whom water services will be provided through that water services work have been consulted in respect of the level of service, tariffs that will be payable and the location of the work.

### **Part 3: Temporary supply**

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

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

(2) A person who desires a temporary supply of water referred to in Sub-Section (1) must apply for such water services in terms of Section (2).

(3) The supply of water in terms of Sub-Section (1) must be measured.

(4) The Council may for purposes of measuring provide a portable water meter to be returned to the Council on termination of the temporary supply, which portable meter and all other fittings and apparatus used for the connection of the portable water meter to a hydrant, shall remain the property of the Council and will be provided subject any conditions imposed by the Council.

### **Part 4: Standards and general conditions of supply**

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

39. Water supply services provided by the Council must comply with the minimum standards set for the provision of water supply services in terms of Section (9) of the Act.

#### **General conditions of supply**

40. (1) The Council may specify the maximum height to which water will be supplied from the water supply system. Where a consumer requires water to be supplied at a greater height or pressure the consumer must obtain Council's prior written permission, and will be responsible to install such devices necessary to achieve the required height at his or her own cost.

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

(3) If in the opinion of the Council the consumption of water by a consumer adversely affects the supply of water to another consumer, it may apply such restrictions as it may deem fit to the supply of water to the first mentioned consumer in order to ensure a reasonable supply of water to the other consumer and will inform that consumer of such restrictions.

## Part 5: Measurement of water supply services

### Measuring of quantity of water supplied

41. (1) The Council must measure the quantity of water supplied at regular intervals not exceeding 30 (thirty) days or such longer period as may be determined by Council Resolution from time to time.
- (2) Any measuring device through which the Council supplies water to a consumer and its associated apparatus shall be provided and installed by the Council, shall remain its property, and may be changed and maintained by the Council when deemed necessary by it.
- (3) The Council may install a measuring device, and its associated apparatus, on premises at any point on the service pipe.
- (4) If the Council installs a measuring device on a service pipe in terms of Sub-Section (3), it may install a section of pipe and associated fittings between the end of its connection pipe and the meter, and such section shall be deemed to form part of the water supply system.
- (5) If the Council installs a measuring device together with its associated apparatus on a service pipe in terms of Sub-Section (3), the owner shall -
- (a) provide a place satisfactory to the Council 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 Council on the measuring device.
- (6) No person other than an authorised agent shall -
- (a) disconnect a measuring device and its associated apparatus from the pipe in which they are installed;
  - (b) break a seal which the Council has placed on a meter; or
  - (c) in any other way interfere with a measuring device and its associated apparatus.
- (7) If the Council considers that the size of a meter is unsuitable by reason of the quantity of water supplied to premises, it may install a meter of such size as it may deem necessary, and may recover from the owner of the premises concerned the prescribed charge for the installation of the meter.
- (8) The Council may require the installation, at the owner's expense, of a measuring device to each dwelling unit in separate occupancy on any premises, for determining the quantity of water supplied to each such unit; provided that where fixed quantity water delivery systems are used, a single measuring device may be used to supply more than one unit.

(9) Non-compliance with the period of 30 (thirty) days in (1) does not disentitle the Council from collecting any money due to it by a consumer.

**Quantity of water supplied to consumer**

42. (1) For purposes of assessing the quantity of water measured by a measuring device installed by the Council on the premises of a consumer or, where applicable, estimated or determined by the Council in terms of any provision of these By-laws, it will, for the purposes of these By-laws, be deemed, unless the contrary is proved by the consumer, that -

- (a) the quantity is represented by the difference between measurements taken at the beginning and end of such period;
- (b) the measuring device was accurate during such period;
- (c) the entries in the records of the Council were correctly made; and
- (d) provided that if water is supplied to, or taken by, a consumer without its passing through a measuring device, the estimate by the Council of the quantity of such water shall be deemed to be correct.

(2) Where water supplied by the Council to any premises is in any way taken by the consumer without such water passing through any measuring device provided by the Council, the Council may for the purpose of rendering an account estimate, in accordance with Sub-Section (3), the quantity of water supplied to the consumer during the period from the last previous reading of the water meter until the date it is discovered that water is so taken by the consumer.

(3) For the purposes of Sub-Section (2), an estimate of the quantity of water supplied to a consumer shall be based on, as the Council may decide -

- (a) the average monthly consumption of water on the premises during any three consecutive measuring periods during the twelve months' period prior to the date on which the taking of water in the manner mentioned in Sub-Section (2) was discovered; or
- (b) the average monthly consumption on the premises registered over three succeeding measuring periods after the date referred to in Sub-Section (3)(a).

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

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

(6) If a contravention of Sub-Section 41(6) occurs, the consumer shall pay to the Council the cost of such quantity of water as in the Council's opinion was supplied to him or her.

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

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

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

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

#### **Defective measurement**

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

(2) The provisions of Sections 11(8) to 11(12) will apply to such an application.

#### **Special measurement**

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

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

(3) The provisions of Sections 41(5) and 41(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**

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

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

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



- (a) a period between two successive measurements subsequent to the replacement of the measuring device; or
- (b) a period in the previous year corresponding to the period in which the measuring device was defective; or
- (c) the period between three successive measurements prior to the measuring device becoming defective;

whichever it considers the most appropriate.

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

## **Part 6: Installation work in respect of water supply**

### **Approval of installation work**

47: (1) If an owner wishes to have installation work done, the owner must ensure that the installation work complies fully with the requirements as set out in the National Building Regulations and or any other By-law adopted by Council from time to time.

(2) If any of the work is governed by the EIA Regulations, the owner must ensure compliance and obtain the relevant authorisation in regard thereto.

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

- (a) the prescribed charge, if applicable;
- (b) copies of the drawings as prescribed by the Council ,
- (c) a certificate certifying that the installation has been designed in accordance with the requirements as set out sub sections (1) and (2) above.

(4) The provisions of Sub-Sections (1) and (2) shall not apply to a qualified plumber who replaces a fixed water heater or its associated protective devices.

(5) Authority given in terms of Sub-Section (1) shall lapse at the expiry of a period of twenty-four months after the first day of the month succeeding the month in which the authority is given.

(6) If installation work has been done in contravention of Sub-Section (1) or (2), the Council may by written notice require the owner of the premises concerned to -

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

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

48. (1) No person who is not a qualified plumber may-

- (a) be permitted to do any installation work other than the replacement or repair of an existing pipe or water fitting,
- (b) replace a fixed water heater or its protective devices;

- (c) inspect, disinfect or test a water installation, fire installation or storage tank;
  - (d) service, repair or replace a back-flow preventer, or
  - (e) install, maintain, or replace a meter provided by an owner in a water installation.
- (2) No person may require or engage a person who is not a qualified plumber, to do the work in (1)
- (3) Notwithstanding the provisions of Subsection (1), the Council may permit a person who is not a qualified plumber, to do the installation work on his or her own behalf, on premises occupied solely by him or herself, and his or her own household, provided that such work may be required to be inspected and approved by a qualified plumber at the direction of the Council.

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

49. An owner must provide and maintain his or her water installation at his or her own cost.

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

50. No person shall, without the prior written authority of the Council, install or use a pipe or water fitting in a water installation within the Council's area of jurisdiction unless it is approved by the South African Bureau of Standards and bears the SABS/SANS mark of approval.

#### **Unlawful water installation work**

51. Where any installations work has been constructed in contravention of these By-laws, the owner must, on receiving a compliance notice from Council, carry out such alterations as instructed in the notice.

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

52. All terminal water fittings and appliances using or discharging water shall be marked, or have included within the packaging of the item, the following information:

- (a) the range of pressure in kPa over which the water fitting or appliance is designed to operate;
- (b) the flow rates, in litres per minute, related to the design pressure range, provided that this information shall be given for at least the following water pressures –
  - i. 20 kPa
  - ii. 100 kPa
  - iii. 400 kPa

## **Part 7: Water pollution, restriction and wasteful use of water**

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

53. An owner shall provide and maintain approved measures to prevent the entry of any 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**

54. (1) The Council may, by public notice to prevent the wasteful use of water in terms of Section (54) or in the event of a water shortage, drought or flood -

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

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

(3) The Council may -

- (a) take, or by written notice require a consumer at his or her own expense to take, such measures, including the installation of measurement devices and devices for restricting the flow of water, as may in its opinion be necessary to ensure compliance with a notice published in terms of Sub-Section (1); or
- (b) discontinue or, for such period as it may deem fit, limit the supply of water to any premises in the event of a contravention on such premises or failure to comply with the terms of a notice published in terms of Sub-Section (1), subject to notice in terms of Section (26); and
- (c) where the supply has been discontinued, it shall only be restored when the prescribed charge for discontinuation and reconnecting the supply has been paid.

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

#### **Waste of water unlawful**

55. (1) No consumer shall permit -

- (a) the purposeless or wasteful discharge of water from terminal water fittings;
  - (b) pipes or water fittings to leak;
  - (c) the use of maladjusted or defective water fittings;
  - (d) an overflow of water to persist; or
  - (e) an inefficient use of water to persist.
- (2) An owner shall repair or replace any part of his or her water installation which is in such a state of disrepair that it is either causing or is likely to cause an occurrence listed in Sub-Section (1).
- (3) If an owner fails to take measures as contemplated in Sub-Section (2), the Council shall, by written notice in terms of Section (26), require the owner to comply with the provisions of Sub-Section (1).
- (4) A consumer shall ensure that any equipment or plant connected to his or her water installation uses water in an efficient manner.
- (5) The Council may, by written notice, prohibit the use by a consumer of any equipment in a water installation if, in its opinion, its use of water is inefficient. Such equipment shall not be returned to use until its efficiency has been restored and a written application to do so has been approved by the Council.

## **Part 8: Water Audit**

### **Water audit**

56. (1) Water users using more than 3 650 Kl per annum, excluding those comprising multiple dwelling units, must within one month after the end of each financial year of the Council undertake an annual water audit at their own cost.
- (2) A copy of the audit must be available for inspection by officials from the Department of Water Affairs and Forestry, the water board, if applicable, and the Council.
- (3) The audit must contain details in respect of –
- (a) the amount of water used during the financial year;
  - (b) the amount paid for water for the financial year;
  - (c) the number of people living on the stand or premises;
  - (d) the number of people permanently working on the stand or premises;
  - (e) the seasonal variation in demand through monthly consumption figures;
  - (f) the water pollution monitoring methods;
  - (g) the current initiatives to manage demand for water;
  - (h) the plans to manage their demand for water;
  - (i) a comparison of the above factors with those reported in each of the previous three years (where available);
  - (j) estimates of consumption by various components of use; and
  - (k) a comparison of the above factors with those reported in each of the previous three years, where available.

## Part 9: General provisions

### Notification of boreholes

57. (1) The Council may, by public notice, require -

- (a) the owner of any premises within the area of jurisdiction of the Council upon which a borehole exists or, if the owner is not in occupation of such premises, the occupier thereof, to notify it on the prescribed form of the existence of a borehole on such premises, and provide it with such information in respect thereof as it may require; and
- (b) the owner or occupier of any premises who intends to sink a borehole on such premises to notify it on the prescribed form of such intention before work in connection therewith is commenced.

(2) The Council 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 Council, before sinking the borehole.

(3) Boreholes are subject to any requirements of the National Water Act, 1998 (Act No. 136 of 1998).

(4) The Council may by notice to an owner or occupier or by public notice require owners and occupiers who have existing boreholes used for water services to -

- (a) obtain approval from it for the continued use of a borehole for water services in accordance with Sections 6, 7 and 22 of the Act;
- (b) impose conditions in respect of the use of a borehole for irrigation purposes; and
- (c) impose a fixed charge in respect of the use of such a borehole.

### Sampling of water

58. (1) The Council may take samples of water obtained from a source, authorised in terms of Sections (6) or (7) of the Act, other than the water supply system for domestic purposes and cause the samples to be tested for compliance with any national standards prescribed in terms of Section (9) of the Act.

(2) The prescribed charge for the taking and testing of the samples referred to in Sub-Section (1) shall be paid by the person to whom approval to use the water for potable water was granted in terms of Section 6(1) of the Act.

### Supply of non-potable water by Council

59. (1) The Council may on application in terms of Section (3) agree to supply non-potable water to a consumer, subject to such terms and conditions as the Council may impose.

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

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

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

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

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

#### **Pipes in streets or public places**

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

## **CHAPTER III: Sanitation Services**

### **Part 1: Standards and general provisions**

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

62. Sanitation services provided by the Council will comply with the minimum standards set for the provision of sanitation services in terms of the Section (9) of the Act.

#### **Objectionable discharge to sewage disposal system**

63. (1) No person shall discharge, or permit the discharge or entry into the sewage disposal system of any sewage or other substance -

- (a) which does not comply with the standards and criteria prescribed in section (79), (80), (81) below;
- (b) which contains any substance in such concentration as will produce or be likely to produce in the effluent produced for discharge at any sewage treatment plant discharge point or in any public water any offensive, or otherwise undesirable taste, colour, odour, temperature or any foam;
- (c) which may prejudice the re-use of treated sewage or adversely affect any of the processes whereby sewage is purified for re-use, or treated to produce sludge for disposal;

- (d) which contains any substance or thing of whatsoever nature which is not amenable to treatment to a satisfactory degree at a sewage treatment plant or which causes or is likely to cause a breakdown or inhibition of the processes in use at such plant;
  - (e) which contains any substance or thing of whatsoever nature which is of such strength, or which is amenable to treatment only to a degree as will result in effluent from the sewage treatment plant not complying with standards prescribed under the National Water Act, 1998 (Act No. 36 of 1998);
  - (f) which may cause danger to the health or safety of any person or may be injurious to the structure or materials of the sewage disposal system or may prejudice the use of any ground used by the Council for the sewage disposal system, other than in compliance with the permissions issued in terms of these By-laws; and
  - (g) which may inhibit the unrestricted conveyance of sewage through the sewage disposal system.
- (2) No person shall cause or permit any stormwater, or rain water to enter the sewage disposal system.
- (3) The Council may, by written notice, order the owner or occupier to conduct, at his or her cost, periodic expert inspections of the premises in order to identify precautionary measures that would ensure compliance with these By-laws and to report such findings to Council or its authorised agent.
- (4) If any person contravenes any provision of Sub-Section (1) or Sub-Section (2) he or she shall within twelve hours, or earlier if possible, advise the Council of the details of the contravention and the reasons for it.

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

### **Application for infrastructure**

64. (1) If an agreement for on-site sanitation and associated services in accordance with Section (2) exists and no infrastructure in connection therewith exists on the premises, the owner must immediately make application on the approved form and –
- (a) pay the prescribed charge for the installation of necessary infrastructure; or
  - (b) with the approval by the Council and at the request of the owner, install the connecting sewer or on site sanitation services in accordance with the specifications of the Council.
- (2) The Council may specify the type of on-site sanitation services to be installed.

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

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

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

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

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

(2) Charges in respect of the removal or collection of conservancy tank contents, night soil or the emptying of pits will be based on the volume removed by vacuum tank or otherwise.

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

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

**Part 3: Sewage disposal**

**Provision of a connecting sewer**

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

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

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



**Location of connecting sewer**

68. (1) A connecting sewer provided by the Council or owner in terms of section (68) shall -

- (a) be installed subject to such conditions regarding its size and other technical specifications as Council, or its authorised officer may deem fit and be located in a position agreed to between the owner and the Council;
- (b) terminate at a connection point approximately 1 meter inside the premises from the boundary of the land owned by or vested in the Council or over which it has a servitude or other right or when Sub-Section (3) applies, at the connecting point designated in terms of that Sub-Section;

(2) In reaching agreement with an owner concerning the location of a connecting sewer, the Council shall ensure that the owner is aware of

- (a) practical restrictions that may exist regarding the location of a connecting sewer pipe;
- (b) the cost implications of the various possible locations of the connecting sewer;
- (c) any other practical or technical requirement that Council may deem necessary for the effectiveness of the connecting sewer.

(3) Council may at the request of any person agree, subject to such conditions as Council may impose, to a connection to a sewer other than that which is most readily available for the drainage of the premises; provided that the applicant shall be responsible for any extension of the drainage installation to the connecting point designated by an authorised officer and for obtaining at his or her cost, such servitudes over other premises as may be necessary.

(4) An owner must pay the prescribed connection charge.

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

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

69. (1) Notwithstanding the provisions of Section (69) only one connecting sewer to the sewage disposal system may be provided for the disposal of sewage from any premises, irrespective of the number of accommodation units of consumers located on such premises.

(2) Where the owner, or the person having the charge or management of any premises on which several accommodation units are situated, requires the disposal of sewage from such premises for the purpose of disposal from the different accommodation units, the Council may, in its discretion, provide and install either -

- (a) a single connecting sewer in respect of the premises as a whole or any number of such accommodation units; or

- (b) a separate connecting sewer for each accommodation unit or any number thereof.

(3) Where the Council has installed a single connecting sewer as contemplated in Sub-Section (2)(a), the owner or the person having the charge or management of the premises, as the case may be, -

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

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

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

#### **Interconnection between premises**

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

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

71. The Council may disconnect a drainage installation from the connecting sewer and remove the connecting sewer if -

- (a) the agreement for provision has been terminated in terms of Section (13) and it has not received an application for subsequent provision to the premises served by the sewer within a period of 90 days of such termination; or
- (b) the building on the premises concerned has been demolished.

## **Part 4: Sewage delivered by road haulage**

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

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

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

73. (1) No person shall discharge sewage into the Council's sewage treatment plants or sewer network by road haulage except with the prior written permission of the Council and subject to such period and any conditions that may be imposed terms of the written permission.

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

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

74. (1) When sewage is delivered by road haulage-
- (a) the time of delivery shall be arranged with the Council ; and
  - (b) the nature and composition of the sewage shall be established to the satisfaction of the Council prior to the discharge thereof and no person shall deliver sewage that does not comply with the standards laid down in terms of these By-laws.

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

75. (1) The Council 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 by Council, or in the written permission; or
- (b) fails or refuses to comply with any notice lawfully served on him or her in terms of these By-laws or contravenes any provisions of these By-laws or any condition imposed on him or her in terms of any permission granted to him or her; and
- (c) fails to pay the assessed charges in respect of any sewage delivered.

## **Part 5: Disposal of industrial effluent and trade premises**

### **Application for disposal of industrial effluent**

76. (1) A person must apply for the permission to discharge industrial effluent into the sewage disposal system of the Council in terms of Section (1).

(2) The Council may, if in its opinion the capacity of a sewage disposal system is sufficient to permit the conveyance and effective treatment and lawful disposal of the industrial effluent, for such period and subject to such conditions it may impose, grant written permission to discharge industrial effluent.

(3) The provisions of Chapter 1 will *mutatis mutandis* apply to any permission to discharge industrial effluent.

(4) Any person who wishes to construct or cause to be constructed, a building which shall be used as a trade premises, shall at the time of lodging a building plan in terms of Section (4) of the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977), also lodge applications for the provision of sanitation services and for permission to discharge industrial effluent in terms of Sub-Section (1).

### **Unauthorised discharge of industrial effluent**

77. (1) Any person who discharges or causes or permits to be discharged any industrial effluent into the sewer without first having obtained permission to do so in terms of section 77(2) shall be guilty of an offence and liable, in addition to the penalties provided for in these By-laws, to pay such fees as the Council may assess for the conveyance and treatment of effluent so discharged and for any damage or loss, whether pecuniary or otherwise, caused as a result of such unauthorised discharge.

(2) Apart from the powers and rights of the Council in terms of subsection (1) and Section 79 the Council shall be entitled to recover from any person who discharges to a drain or sewer, any industrial effluent or any substance which is prohibited or restricted in terms of the By-laws including any of its Schedules or who has been the subject of any action taken by the Council in terms of Section 80(2) all loss, damages costs, expenses and fees incurred by the Council as a result of any loss or all of the following:

- (a) the death of or injury to any person, or damage to, or blockage or breakdown whether partial or complete, or contamination by, fats, oil or grease of-
  - i. the sewer;
  - ii. any sewage treatment plant;
  - iii. any mechanical appliance;
  - iv. any other property whatsoever whether or not under the control of the Council and
- (b) any costs, including fines and damages, which may be incurred by or awarded against the Council, or any expense incurred by the Council as a result of a prosecution in terms of the National Water Act or any other law, or any action against it, consequent

on any partial or complete breakdown of any sewage treatment plant or mechanical appliance, caused directly or indirectly by the said discharge.

(3) Any person who discharges or causes or permits to be discharged any industrial effluent in any manner whatsoever that is not authorised in terms of these By-laws is guilty of an offence.

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

78. (1) A person to whom permission has been granted in terms of Section 77 must ensure that no industrial effluent is discharged into the sewage disposal system of the Council unless it complies fully with the standards and criteria determined by Council from time to time.

(2) The Council may in the written permission concerned, relax or vary the standards provided that the Council is satisfied that any such relaxation represents the best practicable environmental option.

(3) In determining whether relaxing or varying the standards for industrial effluent represents the best practicable environmental option the Council will consider -

- (a) whether the applicant's undertaking is operated and maintained at optimal levels;
- (b) whether technology used by the applicant represents the best available option to the applicant's industry and, if not, whether the installation of such technology would entail unreasonable cost to the applicant;
- (c) whether the applicant is implementing a program of waste minimisation which complies with national and local waste minimisation standards to the satisfaction of the Council;
- (d) the cost to the Council of granting the relaxation or variation; and
- (e) the environmental impact or potential impact of such a relaxation or variation.

(4) Council may, through a duly authorised person take test samples at any time to ascertain whether the industrial effluent complies with any other standard laid down in a written permission.

### **Conditions for disposal of industrial effluent**

79. (1) The Council may in the written permission or at any time, by written notice, require a person to -

- (a) subject the industrial effluent to such preliminary treatment as in the opinion of the Council will ensure that the industrial effluent conforms to the standards prescribed in Schedules A before being discharged into the sewage disposal system;
- (b) install such equalising tanks, valves, pumps, appliances, meters and other equipment as in the opinion of the Council will be necessary to control the rate and time of discharge into the sewage disposal system in accordance with the conditions imposed by it;

- (c) install for the conveyance of his or her industrial effluent into the sewage disposal system at a given point, a drainage installation separate from the drainage installation for waste water and standard domestic effluent and may prohibit such person from disposing of his or her industrial effluent at any other point and from disposing of his or her waste water and standard domestic effluent by means other than into a sewage disposal system;
- (d) construct on any pipe conveying his or her industrial effluent to any sewer, a service access hole or stop-valve in such position and of such dimensions and materials as the Council may prescribe;
- (e) provide all such information as may be required by the Council to enable it to assess the tariffs or charges due to the Council ;
- (f) provide adequate facilities such as level or overflow detection devices, standby equipment, overflow catch-pits, or other appropriate means to prevent a discharge into the sewage disposal system which is in contravention of these By-laws;
- (g) cause any meter, gauge or other device installed in terms of this Section to be calibrated by an independent authority at the cost of that person at such intervals as required by the Council and copies of the calibration to be forwarded to it; and
- (h) cause his or her industrial effluent to be analysed as often and in such manner as may be prescribed by the Council and provide it with the results of these tests when completed.

(2) The cost of any treatment, plant, works or analysis which the permit holder may be required to carry out, construct or install in terms of Sub-Section (1) shall be borne by the permit holder concerned.

(3) The written permission of the Council must be obtained for any proposed changes to the composition of industrial effluent discharged into the sewage disposal system.

(4) In the event that industrial effluent that does not comply with the standards as determined by Council or the written permission issued in respect of that process or premises, is discharged into the sewage disposal system, the Council must be informed of the incident and the reasons therefore within twelve hours of such discharge.

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

80. (1) The Council may withdraw any permission, after giving at least 14 (fourteen) days written notice if its intention to a person permitted to discharge industrial effluent into the sewage disposal system if the person –

- (a) fails to ensure that the industrial effluent discharged conforms to the industrial effluent standards prescribed by Council or the written permission;
- (b) fails or refuses to comply with any notice lawfully served on him or her in terms of these By-laws or contravenes any provisions of these By-laws or any condition imposed in terms of any permission granted to him or her; or

- (c) fails to pay the assessed charges in respect of any industrial effluent discharged as may be determined by Council from time to time.
- (2) The Council may on withdrawal of any written permission -
  - (a) in addition to any steps prescribed in these By-laws, and on 14 (fourteen) days' written notice authorise the closing or sealing of the connecting sewer of the said premises to any sewer for such charge as may be prescribed in the Council 's tariff of charges; and
  - (b) refuse to accept any industrial effluent until it is satisfied that adequate steps to ensure that the industrial effluent to be discharged conforms to the standards prescribed in these By-laws.

## **Part 6: Determining charges for volumes of effluent discharged to sewage disposal system**

### **Quantity of standard domestic effluent discharged**

81. (1) The volume of standard domestic effluent discharged shall be determined by the size of the specific premises to which Council or its authorised agent supplies water. If the total charges for the discharged effluent for a specific premises are excessive, having regard to the purposes for which water is consumed on those premises, the Council or its authorised agent may reduce the percentage applicable to those premises to a figure which, in its opinion and in the light of the available information, reflects the proportion between the likely quantity of sewage discharged from the premises and the quantity of water supplied thereto.

### **Volume of industrial effluent discharged**

82. (1) The volume of industrial effluent discharged into the sewage disposal system shall be determined -

- (a) where a measuring device is installed:- by the volume of industrial effluent discharged from a premises as measured through that measuring device; or
- (b) where no measuring device is installed:- by application of the formula determined by Council from time to time.

(2) 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, Council or its authorised agent may on application adjust the sewerage tariff which is related to the water consumption pertaining to the premises.

## Part 7: Drainage installations

### Construction or installation of drainage installations

83. (1) Any drainage installation constructed or installed must comply with *SABS Code 0900-1990 Part P Drainage* and any other applicable specifications prescribed in terms of the Act.

(2) From date of publication of these By-laws, where a drainage installation is a toilet it shall be a waterborne toilet system or a waterless biological toilet. If the drainage system is a waterless biological toilet, it shall comply with the specifications set out below:

(a) Operation: The biological toilets shall be capable of treating and stabilising human toilet waste by means of:

- i. Separation of the liquid and solid waste;
- ii. Dehydration and evaporation of the solid and liquid waste respectively;
- iii. Reducing the volume of the solid waste via dehydration;
- iv. Allow for simple removal of the solid waste by means of a rake and collection in a container.

(b) Operational and Functional Requirements: The biological toilet system shall—

- i. not require continuous dosing of chemicals or enzymes;
- ii. operate as an aerobic reactor;
- iii. not require electricity to operate under normal conditions;
- iv. be odourless under normal operating conditions
- v. not attract flies;
- vi. have a positive extraction ventilation system.

(c) The system features: The system shall comprise of the following—

- i. A top unit onto which the concrete for the floor slab is casted
- ii. The top unit shall have a manhole cover for access into and removal of dried waste from the system;
- iii. The manhole cover area shall be raised above ground level and constructed in such a way to allow for heat build-up within the reactor, in order to create convectional flow of air;
- iv. A ventilation outlet pipe with a wind driven ventilation extraction unit mounted on top of the reactor;
- v. The ventilation unit shall be manufactured in aluminium and shall have a sealed nylon bearing. The extractor shall have a diameter of more than 300mm;
- vi. All plastic components must be supplied in black UV stabilised polyethylene plastic;
- vii. All other components must be supplied in plastic or stainless steel;
- viii. The system shall be supplied with an outlet chute of at least 200 mm in diameter.



**Drains in streets or public places**

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

**Construction by Council**

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

**Maintenance of drainage installation**

86. (1) The owner or occupier of any premises must maintain any drainage installation and any sewer connection on such premises.

(2) Any person who requests the Council to clear a drainage installation will be liable to pay the prescribed tariff.

(3) A Council may, on the written application of the owner or occupier of any premises, inspect and test the drainage installation of such premises or any section thereof and recover from the owner or occupier the cost of such inspection and test, calculated at the rate specified in the prescribed tariff or charges.

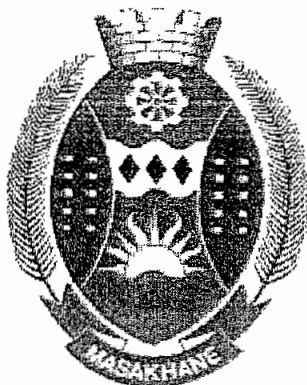
**Installation of pre-treatment facility**

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

**Protection from ingress of floodwaters**

88. Where a premises is situated in the 1 in 50 years flood-plain, or the 1 in 100 years flood-plain, the top level of service access holes, inspection chambers and gullies is to be above the 1 in 50 years flood level or 1 in 100 years flood-level, respectively, except, in the case of service access holes and inspection chambers, where the cover is secured in place by approved means.

**LOCAL AUTHORITY NOTICE 2**



**STEVE TSHWETE LOCAL MUNICIPALITY**

**BURSARY BY LAWS**

**STEVE TSHWETE LOCAL MUNICIPALITY****BURSARY BY-LAWS**

Notice is hereby given in terms of Section 13 of the Local Government: Municipal Systems Act, 32 of 2000, as amended, read with Section 156 and 162 of the Constitution of the Republic of South Africa, Act 108 of 1996, that the Steve Tshwete Local Municipality resolved to adopt the following Bursary By-Laws, with effect from the date of publication.

**TABLE OF CONTENTS****CHAPTER 1****INTERPRETATION**

1. Definitions

**CHAPTER 2****APPLICATION & APPROVAL PROCEDURES**

2. Eligibility
3. Application Procedure
4. Approval of Bursary
5. Purpose of the Bursary
6. Amount of the Bursary
7. Nature of the courses
8. Financing of Bursary

**CHAPTER 3****CONDITIONS & CANCELLATION**

9. Repayment of Bursary
10. Cancellation of Bursary

**CHAPTER 4****DURATION & EXAMINATION**

11. Study period and extension
12. Special leave
13. Submittance of results

## CHAPTER 5

## 14. Repeal of By-Laws

## CHAPTER ONE

## INTERPRETATION

## 1. Definitions:

## (i) In these By-Laws, unless the context indicates otherwise,

- |                           |  |
|---------------------------|--|
| "bursary"                 | means a conditional bursary granted to an official for study purposes  |
| "Bursary Fund"            | means a fund established by the Council in terms of the provisions of Section 79 (51) of the Local Government Ordinance, 17 of 1939, as amended, to provide for bursary for part-time study by officials and wherein the Council may deposit funds from time to time as it may deem fit.   |
| "contract period"         | means a period of twelve (12) months for each R5 000,00 or part thereof for undergraduate and honours degree, R10 000.00 or part thereof for Master's degree and as determined by Council from time to time.   |
| "Council"                 | <p>means (a) the Steve Tshwete Local Municipality established by Provincial Notice 28 of 2004, in terms of Section 12 of the Local Government: Municipal Structures Act, 117 of 1998, exercising its legislative and executive powers by way of its municipal Council or its successor in title.</p> <p>(b) a structure or person delegated or carrying out an instruction, where any power or function in terms of these by-laws has been delegated or sub-delegated as contemplated in Section 59 of the Local Government: Municipal Systems Act, 32 of 2000</p> |
| "educational institution" | means an institution as referred to in Section 79(16)(d), 79(17) and 79(51) of the Local Government Ordinance, 17 of 1939, as amended, or such other institution approved by Council   |

"LGSETA"	means the Local Government Sectoral Education and Training Association
"office hours"	means the official working hours for officials as determined by Council from time to time with due consideration of the official's designation
"official"	means an employee permanently appointed in the service of the Council for a period of not less than 6 months.
"SAQA"	means the South African Qualifications Authority

## CHAPTER TWO

### PROCEDURES & CONDITIONS

#### 2. ELIGIBILITY

Bursary's may be granted to officials who-

- (a) have been appointed permanently for not less than six months in the service of the Council unless the Council decides otherwise,
- (b) qualify for admission to the particular course, or the remainder thereof, at the particular educational institution

#### 3. APPLICATION PROCEDURE

Officials shall apply on the prescribed form "schedule A" for a bursary and on application furnish full particulars of the intended course, stating the major and other subjects, the educational institution at which lectures will be attended or from which studies will be obtained and all other relevant information to enable the Council to consider such application.

The application form shall be signed by the applicant after the HOD has recommended the suitability approval of the course.

The application form to be submitted to HR for approval by Manager Corporate Services

#### 4. APPROVAL OF BURSARIES

- (a) Approval shall be finalized by Manager Corporate Services upon being satisfied that the course intended is relevant to the Service of the Municipality.
- (b) Upon approval of a bursary by Council a written agreement shall be entered into between the official concerned and the Council wherein the provisions of these by-laws are reaffirmed.
- (c) An official will only be granted one active bursary at a time.

- (d) As many bursary may be granted each year as may be determined by the Council within the limitation of money available in the Bursary Fund on a first come first serve basis.
- (e) If funds are limited applications for studies in disciplines where a need has been identified by Council will have preference after determination by Manager Corporate Services and the Municipal Manager in consultation with the relevant Manager(s).

#### 5. PURPOSE OF BURSARY

- (a) Bursary shall be granted by Council to officials for the payment of all fees in respect of part-time studies/courses or the remainder thereof for which such official(s) has enrolled for at an educational institution so as to assist such official(s) in obtaining training in the functions and activities of Council.
- (b) The payment of the fees as referred to in Sub-section 5 (a) is subject to the conditions as stipulated in Section 6.

#### 6. AMOUNT OF THE BURSARY

Unless the Council approves a higher amount-

- (a) the maximum annual bursary shall be equal to the actual costs of the study units, the registration and other compulsory administrative fees.
- (b) an additional amount as approved by Council from time to time in respect of prescribed textbooks and or prescribed material shall be paid to the official on condition that proof of the purchase price thereof shall be submitted.

#### 7. NATURE OF THE COURSES

- (a) Any course which is studied by an official, to whom a bursary has been granted, shall have bearing upon and be applicable to the functions and activities of the Council.
- (b) No bursary shall be granted to an official in respect of a course or the remainder thereof which such official intend to follow unless such course or the remainder thereof has been approved by the Council.
- (c) Only studies/courses which are accredited by the SAQA and or the LGSETA may be approved by Council on condition that it be studied at an accredited educational institution.
- (d) Bursary will not be granted for courses which the official has already passed.

## 8. FINANCING OF BURSARY

- (a) All payments in respect of a bursary shall, on receipt of an original account, be paid by the Council direct to the educational institution, provided that where the bursary has been granted for a part of any course, payment shall only be made for such part of the course; provided further that payment may be made direct to the official upon submission of an original account of the educational institution together with proof thereof that the fees as set out in the account have already been paid to the relevant institution by the official.
- (b) Application must be made in writing for the payment of any study related fees, accompanied by the necessary documentary proof and must be made at least fifteen (15) working days prior to the closing date of such application at the educational institution.

## CHAPTER 3

### REPAYMENT & CANCELLATION

## 9. CONDITIONS OF BURSARY

- (a) Bursary is not repayable in respect of successfully completed courses if the official serves the Council for the contract period.
- (b) If the official wishes to obtain a specific study unit or study units, but is forced to enroll for the complete qualification and the official passes the study units which he wishes to obtain and serves the Council for the contract period, the bursary in respect of the successfully passed study units is not repayable. If such official serves the Council for the contract period, in respect of the bursary amount advanced for the additional study units for which he had to enroll, the bursary is not repayable.
- (c) If the official does not pass all the study units for which he enrolled, during a study year, and or the bursary has not been cancelled in terms of Section 10, the official will be allowed to either:
  - i) re-enroll for such units at his/her own cost or
  - ii) still serve the Municipality for the contract period for the bursary allocated to him/her.
- (d) The contract period shall commence on the last date on which the official completed the examinations during a study year provided that proof be submitted as per Section 13 of these by-laws.

- (e) In the event of the official leaving the service of the Council or being dismissed for any reason whatsoever before completion of the contract period, he shall be liable for immediate repayment to the Council of a pro-rata portion of the bursary in respect of the unexpired contract period.
- (f) The payment referred to in Sub-section 9 (e) shall be repayable to the Council and the Council reserves the right to deduct such amount from the salary or any other monies which may be due to the official by the Council; provided that if the monies due to the official by the Council is insufficient to cover the amount of the bursary, the Council shall, notwithstanding any preceding provision, have the right to claim payment of the full amount which is due to the Council together with interest thereon from the official.

#### 10. CANCELLATION OF BURSARY

- a) The Council may at any time in its sole discretion cancel the bursary if it is of the opinion that an official's progress with the studies is unsatisfactory or if he fails to comply with any other obligation in terms of these by-laws or the bursary agreement.
- b) If the Council cancels a bursary, or if the official at any time discontinues the studies or abandons the bursary, the official shall immediately repay the full amount of the bursary which has been paid for his/her bursary for the particular year of study as well as any monies due in respect of Sub-section 9 (c) (ii), provided that such repayment may take place in monthly installments over a period as may be determined by the Council, plus interest on the amount due at a rate of interest as may be determined by the Council from time to time, calculated from the first day of the month following upon the month in which the bursary was cancelled or abandoned or during which such official discontinued such studies.

### CHAPTER 4

#### DURATION & EXAMINATION

#### 11. EXTENSION OF PERIOD

- a) The study period shall not be longer than twice the minimum duration of the course or the maximum time allowed by the education institution, whichever is the shortest.
- b) If the bursary has not been cancelled in terms of Section 10, and if it is deemed necessary, the Council may approve an application for extension of time on receipt of a written motivation by the official.



## 12. SPECIAL LEAVE

- (a) Special leave on full salary or wage shall be granted to an employee when he/she sits for an examination as follows:
- i) Short courses equaling 6 months or less – the day of examination.
  - ii) National diplomas or junior degrees two days granted – one day prior to the examination as well as the day of examination.
  - iii) Honours and masters degree three days granted - two days prior to the examination as well as the day of examination.
  - iv) Doctorates four days granted – three days prior to the examination as well as the day of examination or four days granted for preparation of the thesis/citation/assessment.

Provided that if the official does not sit for the specific examination or the official has failed the subject no further special leave will be granted in the following year in respect of such subject.

- (b) Subject to the provisions of Sub-section 12 (a) special leave may be granted for study schools or compulsory/prescribed attendance of classes during official hours and in the following manner:
- i) One (1) day in respect of Sub-sections 12 (a) (i) & (ii)
  - ii) Two (2) days in respect of Sub-section 12 (a) (iii)
  - iii) Five (5) days in respect of Sub-section 12 (a) (iv)

## 13. SUBMITTANCE OF RESULTS

- (a) The official will within two (2) months after an examination or one (1) month after such examination results are available, which ever is the shortest, furnish the Council with such results.
- (b) If the official fails to comply with the provisions of these by-laws the Council will have the right to withdraw the bursary as stated in Section 10(a).

## CHAPTER 5

### REPEAL OF BY-LAWS

14. The following by-laws are hereby repealed:

- a) Middelburg Municipality: By-Laws for the Regulation of Bursary Loans published under Administrator's Notice 979 of 2 September 1970.
- b) Middelburg Municipality: By-Law for Regulating the Granting of Loans to Officials of the Council from the Bursary Loan Fund published under Administrator's Notice 92 of 31 January 1979.