ANNEXURE A

NELSON MANDELA BAY METROPOLITAN MUNICIPALITY

RESTRICTIONS ON THE USE OF WATER

In terms of Section 4 of the Water Services Act 108 (No 108 of 1997) and Clause 31 of the Water and Sanitation Services By Law the following will be implemented with immediate effect:

1. All domestic customers will have a flow meter restrictor installed to reduce the water pressure to reduce losses.
2. All domestic customers to limit water usage to 50 lpppd or 15 kl/month for households.
3. All domestic customers, with excessive use, will have a flow meter restrictor installed to limit usage to **15 Kl** per month.
4. For Non ATTP users, notices to all consumers above 15Kl will be served immediately and restrictors installed thereafter at the cost of the customer.
5. Industrial, Commercial and Institutions will be requested to reduce their consumption by at least 20%:
   5.1. Reduce their water consumption for production.
   5.2. Reduce their domestic consumptions
   5.3. Reuse and recycle water.
6. No use of municipal water supply allowed to water gardens, wash cars, hose down walls or paving, top up pools, fountains or ponds, etc.
7. No use of hosepipes allowed (to water gardens, wash cars, hose down walls or paving, top up pools, fountains or ponds, etc.), unless:
   7.1. The water is from a source other than municipal.
   7.2. The water is used for firefighting purposes.4.3
8. No use of sprinklers or irrigation systems allowed, unless the water is from a source other than municipal.
9. All building contractors to use treated effluent, collected from Fishwater Flats at no cost (or any other appropriate wastewater treatment works), other than for concrete work.
10. All borehole users must register with the NMBM and must abide by all relevant legislative requirements in terms of use for domestic purposes only (National Water Acts and NMBM By-law).
11. All boreholes usage be restricted by 20% as per directive from DWS.
12. No applications to build swimming pools will be approved.
13. No use of automatic urinal flushing systems allowed.
14. All car washes must be closed if they have not achieved the requirement to recycle 60% of their water.
15. Municipal swimming pools must be filled with suitable ground water.
16. No municipal showers around recreational facilities will operate.
17. Schedule of water tariffs:

17.1. Residential, institutional and government users will remain on **Part B** of the Schedule of Tariffs.

17.2. Commercial and Industrial users will remain on **Part B** of the Schedule of Tariffs.

18. All requirements of the Water and Sanitation By-Law will be enforced.

19. Every special previous concession falls away and reapplication must be made.

The prohibitions contained in this notice shall not apply in any case specifically exempted, in writing, by the Executive Director: Infrastructure and Engineering.

Notice boards must be prominently displayed where water from sources other than the Municipality's water supply system is used for irrigation. Land owners must notify the Infrastructure and Engineering Directorate in writing of the existence of boreholes on their property including the intention to sink new bore holes.

The contravention of this prohibition constitutes a criminal offence.

Water Tariff Structure:

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Part B of the Charges & Tariffs (**Applicable during times of water shortage**) (Excl. VAT):

	2020/21	(Incl. VAT)	(Excl. VAT)
Residential:	>0 ≤ 0.3 kl/d	R15.67	R18.02
	>0.3 ≤ 0.5 kl/d	R20.00	R23.00
	>0.5 ≤ 0.8 kl/d	R30.00	R34.50
	>0.8 ≤ 1.0 kl/d	R50.00	R57.50
	>1.0 ≤ 1.6 kl/d	R100.00	R115.00
	>1.6 kl/d	R200.00	R230.00
ATTP		R15.67	R18.02
Institutional & Gov. Dept.		R22.45	R25.82
Commercial / Industrial		R22.29	R25.63

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Part C of the Charges & Tariffs (Applicable during times of **water shortage emergency**) (Excl. VAT):

	2020/21	(Incl. VAT)	(Excl. VAT)
Residential:	>0 ≤ 0.3 kl/d	R19.63	R22.57
	>0.3 ≤ 0.5 kl/d	R30.00	R34.50
	>0.5 ≤ 0.8 kl/d	R60.00	R69.00
	>0.8 ≤ 1.0 kl/d	R100.00	R115.00
	>1.0 ≤ 1.6 kl/d	R150.00	R172.50
	>1.6 kl/d	R300.00	R345.00
ATTP		R19.64	R22.59
Institutional & Gov. Dept.		R22.45	R25.82
Commercial / Industrial		R25.00	R28.75

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Note: The above Tariffs are subject to change in line to what Council Approves.

No. 57

NELSON MANDELA BAY METROPOLITAN MUNICIPALITY: WATER AND SANITATION SERVICES BY-LAW

Under the provisions of Sections 3(1) and 21 of the Water Services Act, 1997 (Act 108 of 1997), and Sections 27(1)(b), 152(1)(b) and 156 of the Constitution of the Republic of South Africa, 1996 the Nelson Mandela Bay Metropolitan Municipality, enacts as follows:-

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1. Definitions

For the purpose of this by-law, unless the context otherwise indicates –

"account holder" means any person who is due to receive a municipal account, which includes a user of pre-paid electricity or water;

"Act" means the Water Services Act. (Act 108 of 1997);

"approved" means approved by the Executive Director;

"backflow" means the flow of water in a pipe in a direction opposite to the normal direction of flow;

"back siphon age" means the backflow of water resulting from negative pressure in a water installation or in the water supply system;

"borehole" means a hole sunk into the earth for the purpose of locating, abstracting or using subterranean water;

"capacity" in relation to a storage tank means the volume of the tank between the operating water level of the water contained in such tank and the invert of the outlet from the tank;

"chemical oxygen demand" means the chemical oxygen demand value in milligrams per litre of sewage as determined by a method prescribed by the Municipality;

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

"combined drain" means a drain used or intended to be used for the drainage of two or more premises;

"connection pipe" means a pipe which is owned by the Municipality and installed by it for the purpose of conveying water from a main to a water installation and includes "communication pipe" referred to in SABS 0252-1;
"consumer" means the occupier of any premises to which the Municipality has agreed to supply or is actually supplying water, or if there be no occupier, then any person who has entered into a current agreement with the Municipality for the supply of water to such premises, or, if there be no such person, then the owner of the premises;
"contributor" means a person who contributes sewage to the Municipal sewerage system, who occupies any premises that has a connecting sewer, or if there be no occupier, then any person who has entered into a current agreement with the Municipality for the supply of any Municipal service to such premises, or, if there be no such person, then the owner of the premises;
"Council" means the Council of the Nelson Mandela Bay Metropolitan Municipality;
"development" means the construction of a new building on a vacant erf;
"discharge pipe" means a pipe that conveys the discharge from a sanitary fixture to a drain and includes a soil pipe, a waste pipe, a discharge stack, a branch discharge pipe and a fixture discharge pipe;
"discharge stack" means a vertical discharge pipe of any part of a drainage installation;
"domestic purposes" in relation to the supply of water means water supplied for drinking, washing and food preparation to premises used solely for residential purposes;
"domestic sewage" means sewage discharged from residential, commercial, institutional or sports or other premises and which consists solely of soil water or waste water with appropriate strength characteristics in respect of chemical oxygen demand and settleable solids;
"drain" means that part of a drainage installation which conveys sewage within any premises and from a premises to a connecting sewer, a combined drain or any other means of sewage disposal situated on the site, but will not include –

(a) any discharge pipe;
(b) that portion of a discharge stack which is below ground level; or
(c) the bend at the foot of a discharge stack, whether such bend is exposed or not;

"drainage installation" means pipes and sanitary fittings, which are situated on premises and are owned by the owner of premises and which are intended for the reception, conveyance, storage or treatment of sewage and may include sanitary fittings, gullies, combined drains, pipes, ventilating pipes, septic tanks, conservancy tanks, sewage treatment works, or mechanical appliances associated therewith;
"environmental cost" means the full cost of all measures necessary to restore the environment to its condition prior to the damaging incident;
"Executive Director" means the person who holds the position of Executive Director: Infrastructure and Engineering, either substantively or in an acting capacity, or any other officer authorised by the Executive Director: Infrastructure and Engineering;
"fire installation" means a water installation which conveys water solely for the purpose of fire fighting;
"general installation" means a water installation which conveys water for domestic, commercial or industrial purposes;

"grey water" means waste water resulting from the use of water for domestic purposes and does not include kitchen waste water or human excreta;
"gully" means a pipe fitting that incorporates a trap into which waste water is discharged and is connected to a drain;
"industrial sewage" means any liquid, whether or not containing matter in solution or suspension, which results from any industrial, trade, manufacturing, mining or chemical process or any laboratory, research or agricultural activity, and includes waste water and soil water and not stormwater;
"industrial purposes" in relation to the supply of water means water supplied to any premises which constitute a factory as defined under the Occupational, Health & Safety Act, 1993 (Act 85 of 1993);
"installation work" means work carried out or the construction of a water installation or a drainage installation;
"JASWIC" means the Joint Acceptance Scheme for Water Installation Components;
"main" means a pipe, other than a connection pipe, owned by the Municipality and used by it for the purpose of conveying and distributing water to consumers;
"municipality" means the Nelson Mandela Bay Metropolitan Municipality, established in terms of Section 12 of the Municipal Structures Act, 117 of 1998, and includes any political structure, political office bearer, councillor, duly authorised agent or any employee acting in connection with this by-law by virtue of a power vested in the municipality and delegated or sub-delegated to such political structure, political office bearer, councillor, agent or employee;
"occupier" means any person who occupies any premises or part thereof without regard to the title under which the person occupies, and includes –

(a) any person in actual occupation of those premises;
(b) any person legally entitled to occupy those premises;
(c) in the case of those premises being subdivided and let to lodgers or various tenants, the person receiving the rent payable by such lodgers or tenants whether on the person's own account or as agent for any person entitled thereto or interested therein;
(d) any person having the charge or management of those premises, and includes the agent of any such person when the person is absent from the Republic of South Africa or his or her whereabouts are unknown; and
(e) the owner of those premises;

"officer" means an employee of the Nelson Mandela Bay Metropolitan Municipality or any other person who is authorised by the Municipality to perform any act, function or duty in terms of, or exercise any power in implementing this by-law;
"operating water level" means the level of water reached in a storage tank when the valve controlling the inlet of water to the tank closes under normal operating conditions;
"owner" means –

(a) a person in whom the legal title to premises is vested;
(b) in a case where the person in whom the legal title is vested is insolvent or dead, or is under any form of legal disability whatsoever, the person in whom the administration of and control of such premises is vested as curator, trustee, executor, administrator, judicial manager, liquidator or other legal representative;
(c) in the case where the Municipality is unable to determine the identity of the person in whom the legal title is vested, the person who is entitled to the benefit of such premises or a building thereon;

(d) in the case of premises for which a lease of 30 years or more has been entered into, the lessee thereof;

(e) in relation to –

(i) a piece of land delineated on a sectional plan registered in terms of the Sectional Titles Act, 1986 (Act No. 95 of 1986), and without restricting the above, the developer or the body corporate in respect of the common property; or

(ii) a section as defined in the Sectional Titles Act, the person in whose name such section is registered under a sectional title deed and includes the lawfully appointed agent of such a person;

(f) any legal person including, but not limited to –

(i) a company registered in terms of the Companies Act, 1973 (Act No. 61 of 1973), Trust inter vivos, Trust mortis causa, a Closed Corporation registered in terms of the Closed Corporation's Act, 1984 (Act No. 69 of 1984), a voluntary association, a homeowners association;

(ii) any Department of State;

(iii) any council or board established in terms of any legislation applicable to the Republic of South Africa; and

(iv) any embassy or other foreign entity; and

(g) a lessee of Municipal property who will be deemed to be the owner for the purposes of rendering a municipal account;

"permanganate value" means the permanganate value in milligrams per litre of sewage as determined by a method prescribed by the Municipality;

"permit holder" means a contributor authorised by the Municipality to discharge sewage to the sewerage system, which exceeds the strength of domestic sewage

"person" means any natural person or legal person such as, a 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, homeowners association or trust;

"pipeline" means the pipe and all appurtenances connected therewith which serve no other purpose than the conveyance of sewage;

"plumber" means any person who in the trade of plumbing has, in terms of the Manpower Training Act, 1981 (Act 56 of 1981), passed a qualifying trade test and been issued with a certificate of proficiency or such other qualification as may be required under national legislation or who holds equivalent qualifications acceptable to the Municipality;

"pollution" means –

(1) the introduction of any substance into the water supply system, a water installation or a water resource that may directly or indirectly alter the physical, chemical or biological properties of the water found therein so as to make it –

(a) less fit for any beneficial purpose for which it may reasonably be expected to be used; or

(b) harmful or potentially harmful –

(i) to the welfare, health or safety of human beings;

(ii) to any aquatic or non-aquatic organism;

(2) an unauthorised discharge of sewage or unauthorised disposal of any liquid or solid waste originating from premises;

"potable water" means water that is not polluted and complies with SANS 241: Drinking Water and Municipal standards;

"premises" means any piece of land, the external surface boundaries of which are delineated on –

(a) a general plan or diagram registered in terms of the Land Survey Act, 1927 (Act 9 of 1927), or in terms of the Deeds Registries Act, 1937 (Act 47 of 1937); or

(b) a sectional plan registered in terms of the Sectional Titles Act 1986 (Act 95 of 1986), which is situated within the jurisdiction of the Municipality;

(c) and includes any other land and any building or structure above or below the surface of any land;

"prescribed" means prescribed by the Executive Director;

"prescribed charge, deposit or period" means a charge, deposit or period prescribed by the Municipality;

"public notice" means a notice in a newspaper in at least two of the official languages in use within the province or area in question, and the notice must be published in newspapers which use either of the two official languages chosen;

"reclaimed water" means water reclaimed after a sewage treatment process, which may be used for certain processes but not for potable purposes;

"residential premises" means any premises used solely for domestic purposes where no business, trade or manufacturing or industrial process is carried on or performed;

"sanitary fitting" means a receptacle to which water is permanently supplied, and from which waste water or soil water is discharged;

"sanitation services" has the same meaning assigned to it in terms of the Act and for the purposes of this by-law includes water for industrial purposes and the disposal of industrial sewage;

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

"settleable solids" means the volume in millilitres of solid matter in one litre of sewage which settles in an Imhoff Cone in one hour;

"sewage" means soil water, waste water or industrial sewage, either separately or together, excluding stormwater ;

"sewer" means a pipeline which is owned by the Municipality and is used for the conveyance of sewage from premises to the sewage treatment works;

"sewer erf connection" means a pipe owned by the Municipality and installed by it for the purpose of conveying sewage from a drainage installation on a premises to a sewer beyond the boundary of such premises or within a servitude area or within an area covered by a wayleave or by agreement;

"sewerage system" means the entire system of sewers owned by the Municipality, including connecting sewers, pumping and ejector stations, sewage treatment and disposal works, water reclamation works, oxidation ponds, maturation ponds, irrigation areas or other areas or plant and associated machinery used in the conveyance and treatment of sewage, and disposal of sewage or by-products resulting from the treatment of sewage;

"sludge" means the solid material settled out following a sewage treatment process;

"soil pipe" means a discharge pipe which conveys soil water;

"soil water" means liquid containing excreta;

"storage tank" means a tank forming part of a water installation and used for the storage of water, other than a cistern serving a water-closet pan or a urinal and a tank used for the storage of hot water;

"stormwater" means water resulting from natural precipitation or accumulation and includes rainwater, surface water, sub-soil water and spring water;
"terminal water fitting" means a water fitting at an outlet of a water installation which controls the discharge of water from a water installation;
"terminal inspection point" means the inspection chamber or other access arrangement agreed to by the Municipality, which is installed on the drainage installation at a prescribed distance from the boundary;
"waste pipe" means a discharge pipe which conveys waste water only;
"waste water" means used water not contaminated by soil water or industrial sewage and does not include stormwater;
"water fitting" means a component of a water installation, other than a pipe, through which water passes or in which it is stored;
"water installation" means pipes and water fittings situated on premises and owned by the owner of the premises and are used or intended to be used in connection with the use of water on such premises, and includes a pipe with water fitting situated outside the boundaries of the premises, which is either connected to the connection pipe of such premises or is otherwise laid with the permission of the Municipality;
"water meter" means a water meter as defined by the Regulations published in terms of the Trade Metrology Act,1973 (Act 77 of 1973) or in the case of water meters of size not regulated by this Act, a device which measures the volume of water passing through it;
"water services" has the same meaning assigned to it in terms of the Act;
"water services infrastructure" means any system conducted by or on behalf of the municipality for the conveyance, storage, distribution, provision or supply of water, or the collection, conveyance or disposal of sewage;
"water supply services" has the same meaning assigned to it in terms of the Act and for the purposes of this by-law, includes potable water, water for industrial purposes and reclaimed water;
"water supply system" means the structures, aqueducts, pipes, valves, pumps, meters or other appurtenances relating thereto which are owned by the Municipality and are used or intended to be used by it in connection with the supply of water, and includes any part of the system; and
"working day" means a day other than a Saturday or Sunday or public holiday.

2. Exceptions to application of this by-law

(1) If authority was given before the date of commencement of this by-law for installation work to be done, or if authorised work is in progress on such date, such work must comply with any laws governing such work which were in force in the area of jurisdiction of the Municipality prior to such date.

(2) The Executive Director may, for a period of 90 days after the date of commencement of this by-law, give authority for installation work to be done in accordance with any laws governing such work which were in force in the area of jurisdiction of the Municipality prior to such date.

(3) The Municipality may by public notice determine that the provisions of this by-law, listed in the notice, do not apply in certain areas within its area of jurisdiction listed in the notice from a date specified in the notice.

3. Responsibility for compliance with this by-law

(1) Unless the contrary is proved, a breach of this by-law committed on premises in respect of –

(a) the water installation, other than a by-law relating to the use of water in the installation, will be deemed to be a breach by the owner of the premises, and
(b) the use of water from a water installation will be deemed to be a breach by the consumer.
(c) unless the contrary is proved, a contravention of this by-law on premises in respect of the discharge of sewage from a drainage installation will be deemed to be a contravention by the contributor.

4. Existing water and drainage installations

No owner will be required to comply with this by-law by altering a water or drainage installation or part thereof which was installed in conformity with any law applicable immediately before the date of commencement of this by-law; provided that if the Executive Director finds the water or drainage installation or part thereof is so defective or in such a condition or position as to cause, or be likely to cause, waste or undue consumption of water, pollution of the water supply, sewerage system or a health or safety hazard, the Executive Director may by notice in writing require the owner to comply with the provisions of this by-law within a specified period.

5. Notices and documents

(1) A notice or document carrying an official letterhead signed by an officer will be deemed to be duly issued by the Municipality in terms of this by-law.
(2) If a notice or document is to be served on a person in terms of this by-law, such service will be effected –
(a) by delivering it to the person personally or to the duly authorised agent of the person;
(b) by delivering it to the residence of the person or place of business or employment to a person apparently not less than sixteen years of age and apparently residing or employed there;
(c) if the person has nominated a fixed street address, by delivering it to such address;
(d) if the person has not nominated a fixed street address, by delivering it to the address given by the person in the application for a supply of water, for the reception of an account for water supplied;
(e) in the case of a body corporate or homeowners association, by delivering it at the office or business premises of such body corporate or homeowners association;
(f) by certified post addressed to the last known address of the person; or
(g) if service cannot be effected in terms of paragraphs (a) to (f), by affixing it to a principal door of entry to the premises concerned.

6. Power to serve and compliance with notices

(1) The Executive Director may by written notice order a person who fails, by act or omission, to comply with the provisions of this by-law or any condition imposed thereunder, to remedy such breach within a period specified in the notice.
(2) If a person fails to comply with a written notice served on him by the Executive Director in terms of this by-law within the specified period, the Executive Director may take such action that is necessary to ensure compliance, including --

(a) by written notice require the owner or occupier of the premises to do specified work within a specified period at his own expense; or
(b) if the situation is a matter of urgency, without prior notice do such work or cause it to be done and recover the cost from the owner;
(c) limiting or discontinuing the provision of services; and
(d) instituting legal proceedings.

(3) A notice in terms of sub-section (1) will –
(a) give details of the provision of the by-law 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 Executive Director 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 of 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) state that the Municipality –
(i) may undertake any 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) The costs recoverable by the Municipality in terms of sub-sections (2)(a) and (2)(b) 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 cost for rehabilitating the environment.

(5) If the work referred to in sub-section (2) is carried out for the sole purpose of establishing whether a contravention of this by-law has been committed and no such contravention is established, the Municipality will bear the expense connected therewith together with that of restoring the premises to its former condition, but it will not otherwise bear such expense.

(6) If an officer requires the presence of –
(a) an owner at an inspection of his or her water or drainage installation;
(b) a contractor at an inspection of work carried out by the contractor, or
(c) a plumber at an inspection of work being done under his or her control

the officer may give such person written notice of not less than two working days to that effect, stating the date, time and place where the officer proposes to carry out the inspection.

7. Trespassing on water supply system or sewerage system

No person may, without prior written permission of the Executive Director, enter –
(a) an area controlled by the Municipality and enclosed by a fence or where entry is prohibited by notice boards, or
(b) a structure used by the Municipality in connection with its water supply system or its sewerage system.

8. Interference with water supply system or sewerage system

(1) No person other than an officer may operate the sewerage system or the water supply system, except as provided in section 37.

(2) No person other than an officer may effect a connection to the water supply system except as provided in section 28(2).

(3) No person other than an officer may make a connection to the sewerage system except as contemplated in section 97(1)(d).

9. Protection of Municipal Water Services Infrastructure

(1) No person may damage, endanger or tamper with the water supply system or the sewerage system or cause them to be damaged or endangered.

(2) Any person who intends performing work on land owned by or vested in the Municipality or over which it has a servitude or other right must, prior to the commencement of such work, ascertain from the Executive Director if any part of the water supply system or sewerage system is situated on such land.

(3) No person may, except with the consent of the municipality and subject to such conditions as it may impose, construct, erect or lay any building, structure, paving, concrete slab or any other thing over or in such a position or in such a manner as to interfere with or endanger any water services infrastructure or to restrict the municipality in accessing or maintaining such infrastructure.

(4) If the municipality finds that any work as contemplated in subsection (3) is to be performed or is being performed, it may by notice in writing require the person concerned not to commence with, or to cease work until such time as he or she has complied with the conditions specified in the notice.

(5) In the event of non-compliance with the notice contemplated in subsection (4), and without prejudice to the municipality's right to prosecute, the municipality may take the necessary steps to -

(a) demolish, alter, or otherwise deal with any building, structure, paving, concrete slab or other thing constructed, laid or erected in contravention of this section;

(b) repair and make good any damage done in contravention of this section; and

(c) recover from the person liable therefore, any expenses incurred or estimated to be incurred by the municipality in the execution of any work contemplated in subsections (a) and (b).

(6) Any person who contravenes subsections (1) and (3) or who fails to comply with any condition imposed in terms of subsection (4) commits an offence.

10. Obstruction of access to water supply system or sewerage system

(1) No person may prevent or restrict access to the water supply system, the sewerage system or a measurement chamber provided in terms of section 109.

(2) If any person contravenes subsection (1) the Executive Director may –

(a) by written notice require such person to restore access at his own expense within a specified period, or

(b) if (he is of the opinion that) the situation is a matter of urgency, without prior notice restore access and recover the cost from such person.

11. Pollution of the water supply system

(1) No person may commit an act which may cause pollution of any nature to water in a reservoir or other place owned, controlled by or vested in the Municipality either in whole or in part, and used by it in connection with the supply of water, unless such act is specifically authorised in writing by the Executive Director.

(2) No person may, except at such places as are designated by the Municipality, deposit or discharge rubbish, night-soil, industrial waste or other matter which may cause the pollution of a catchment area or a portion thereof which is connected with the Municipal water supply and which has been designated by notice boards as being an area where such acts are prohibited.

(3) If a person contravenes subsection (1) or (2) the Executive Director may –

(a) by notice in writing require such person to cease such act immediately, and take specified action within a specified period, or

(b) if the situation is a matter of urgency, without prior notice, take such action as he may deem necessary and recover the cost from such person.

12. Pollution of the sewerage system

(1) Unless specifically authorised thereto in writing by the Executive Director, no person may do anything which may cause a safety or health hazard in a sewer, structure or place owned or controlled by or owned by the Municipality either wholly or in part, and used by it in connection with the disposal of sewage.

(2) No person may cause pollution of any nature on any portion of an area that is associated with the sewerage system.

(3) If any person contravenes sub-section (1) or (2) the Executive Director may –

(a) by notice in writing require the person to cease causing pollution immediately, and take specified action within a specified period, or

(b) if the situation is a matter of urgency, without prior notice take such action as it may deem necessary and recover the cost from the person.

13. Entry to water supply and sewerage systems and dams and prohibited conduct

(1) No person may enter the Municipal water supply or sewerage systems or State land under the control of the Municipality without a permit issued by the Executive Director, and such permit -

(a) must state the period of validity;

(b) will only allow entry between 07:30 and 16:00;

(c) must require all visitors to such system or land to leave not later than 16:30; and

(d) must be produced on request of an officer.

(2) No person may in a municipal water supply or sewerage system or on State land under the control of the Municipality -

(a) overnight;

(b) have in his or her possession or under his or her control any firearms, airguns, catapults and dogs;

(c) hunt or disturb any wild animals or birds;

(d) pick wild flowers;

(e) light fires; or

(f) allow any farm animals.

(3) No person may at or in Municipal dams and State dams under the control of the Municipality –

(a) perform any activities that are in conflict with the zoning plan for such dam;

(b) bathe;

(c) fish or launch a boat unless it is expressly permitted by the Executive Director;

(d) use fishing nets; or

(e) be in a state of intoxication.

(4) Any person who fails to comply with subsections (1),(2) or (3) is guilty of an offence.

14. Power of entry and inspection

An officer may enter and inspect any premises –

(a) for the purposes set out in and in accordance with the provisions of section 80 of the Act;

(b) for any purpose connected with the implementation or enforcement of this by-law, at all reasonable times or in an emergency at any time, request information and carry out such inspection and examination as he may deem necessary, and for these purposes operate any fitting of the water installation or drainage installation.

15. Water pipes in streets or public places

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

16. Drain pipes in streets or public places

(1) No person may, for the purpose of conveying sewage derived from whatever source, lay or construct any part of a drainage installation on, in or under a street, public place or other land owned by, vested in, or under the control of the Municipality, except with its prior written permission and subject to such conditions as it may impose.

(2) Such pipeline will be deemed to form part of the drainage installation.

17. Offences

(1) A person who –

(a) fails or refuses to give access required by an officer in terms of section 14;

(b) obstructs or hinders an officer in the exercise of his or her powers or the performances of his or her functions or duties under this by-law;

(c) fails or refuses to give an officer such information as the officer may reasonably require for the purpose of exercising his or her powers or performing his or her functions or duties under this by-law or who gives such officer false or misleading information knowing it to be false or misleading;

(d) contravenes or fails to comply with any provision of this by-law;

(e) fails to comply with any condition or prohibition imposed in terms of this by-law;

(f) fails to comply with the terms of a notice served upon him or her in terms of this by-law;
(g) unlawfully and intentionally or negligently interfere with any Municipal water supply services or sewerage system;
(h) fails to provide information or provide false information when reasonably requested by an officer; or
(i) contravenes or fails to comply with any conditions imposed upon the granting of any application, consent, approval, concession, exemption or authority in terms of this by-law

will be guilty of an offence.

(2) A person who causes or incites another person to commit an offence referred to in subsection (1), or who, being in a position of authority over another person, permits or allows him or her to commit an offence, will be guilty of that offence.

(3) A person who has committed an offence in terms of this by-law is, on conviction, liable to a fine, or in default of payment, to imprisonment, or to such imprisonment without the option of a fine, or to both such fine and such imprisonment, and in the case of a successive or continuing offence, to a fine for every day such offence continues, or in default of payment thereof, to imprisonment.

18. Liabilities and compensation

The Municipality will not be liable for damages or compensation arising from anything done by it in terms of this by-law.

19. Waiver of by-law provisions

The Municipality may, in an individual case, relax or waive the requirements of a provision of this by-law upon such conditions as it may deem fit to impose, if the application or operation of that provision in that case would be so unreasonable as to cause substantial prejudice of a nature or degree which was not intended to flow from the enactment of the provision, and that either –

(a) the purpose of which the provision has been enacted has substantially been attained in that case or will be so attained upon compliance with the conditions imposed; or
(b) the need to attain that purpose is for any reason absent in that case.

20. Appeals

Appeals must be made in terms of section 62 of the Local Government: Municipal Systems Act (Act 32 of 2000).

21. Prescribed charges and levies

(1) The Municipality may, by special resolution of the Council, prescribe the charges payable under this by-law.

(2) If amendments to the prescribed charges for metered services become operative on a date between meter readings, it will be deemed, for the purpose of rendering an account for metered services, that the same volume of water was supplied in each period of twenty-four hours during the interval between meter readings.

(3) If an owner of property or any person on behalf of an owner of property submits an application for any new development or the rezoning or subdivision of any property or for special consent in relation to the use of any property which necessitates the installation of new water services

infrastructure or which may increase the burden on the existing water services infrastructure, the municipality may raise a once off water services development levy.

(4) The levy referred to in subsection (3) shall be payable by the owner upon such terms and conditions as may be determined by the municipality when approving the development, rezoning, subdivision or application for special consent and such levy will be determined in the municipality's annual schedule of tariffs.

(5) The levy referred to in subsection (3) will be payable by the owner to the municipality within the period and on such conditions as may be imposed by the municipality.

22. Repeal of by-laws

The following by-laws and any other provision in any other by-law that is inconsistent with the provisions of this By-law are hereby revoked:

(a) Despatch Municipality: Additional Water By-law promulgated under Provincial Notice 1177 dated 10 December 1976, as amended.
(b) Port Elizabeth Municipality: Water Supply By-law promulgated under Provincial Notice 4672 dated 23 November 1990, as amended.
(c) Uitenhage Municipality: Additional Water By-law promulgated under Provincial Notice 1004 dated 24 December 1954, as amended.
(d) Despatch Municipality: Additional Drainage By-law promulgated under Provincial Notice 1184 dated 10 December 1976, as amended.
(e) Port Elizabeth Municipality: Sewage Acceptance By-law promulgated under Provincial Notice 4672 dated 23 November 1990, as amended.
(f) Uitenhage Municipality: Standard Drainage By-law adopted by the Uitenhage Municipality under Provincial Notice 123 dated 1 March 1951, as amended
(g) Despatch Municipality: Standard By-law Relating to Basic Minimum Charges (Availability Charges) Payable by the State promulgated under Provincial Notice 617 dated 28 September 1984, as amended.
(h) Uitenhage Municipality: Regulations Relating to the Groendal Water Scheme promulgated under Provincial Notice 338 dated 23 August 1934, as amended.
(i) Uitenhage Municipality: Standard Water Regulations under Provincial Notice 504 dated 19 June 1953.
(j) Uitenhage Municipality: By-law Relating to "The Springs" Water Supply Scheme promulgated under Provincial Notice 72 dated 18 February 1983, as amended.

23. Short title and commencement

This by-law may be cited as the Nelson Mandela Bay Metropolitan Municipality Water and Sanitation Services By-law and commences on the date of publication thereof in the Provincial Gazette.

CHAPTER 2: PROVISIONS RELATING TO THE SUPPLY OF WATER BY THE MUNICIPALITY

24. Unauthorised use of the water supply system

(1) No person may take water from the water supply system –

(a) unless an agreement referred to in sections 25 or 26 has been concluded; and

(b) except through a connection pipe provided in terms of section 25(2) or from a hydrant in terms of section 37.

25. Application for a supply of water from the water supply system

(1) If a connection pipe has been installed to a premises, no person may take or be supplied with water from the water supply system unless the owner has made application to the Municipality on the prescribed form to transfer the agreement for a supply of water from the previous owner and the application has been granted.

(2) If no connection pipe exists for the premises, the owner will make application to the Municipality on the prescribed form for the provision of a connection pipe, supply one copy of the prescribed drawing and pay the prescribed charge for the installation of a connection pipe.

(3) An application granted by the Municipality will constitute an agreement between the Municipality and the applicant, and the agreement will take effect on the date referred to or stipulated therein.

(4) A consumer will be liable for the prescribed charges payable for the supply of water until the agreement referred to in subsection (2) has been terminated in terms of section 27.

(5) If an application is made for a supply of water to premises which is so situated that it is necessary to extend the water supply system in order to supply water to the premises, the Executive Director may agree to the extension subject to such conditions as he or she may impose.

26. Special agreement for supply of water

(1) The Municipality may enter into a special agreement for the supply of water to –

(a) an applicant who is the owner of property inside the area of jurisdiction of the Municipality, if the supply necessitates the imposition of conditions not contained in the prescribed form, and

(b) an applicant who is the owner of property outside the area of jurisdiction of the Municipality, subject to the written approval of the responsible water services authority.

(2) If the Municipality, in terms of a special agreement, provides a supply of water to an applicant outside its area of jurisdiction it may permit the applicant to sell such water to other persons outside its area of jurisdiction, subject to conditions.

27. Termination of agreement for supply of water

(1) An account holder may terminate an agreement by completing the prescribed form and giving the Municipality not less than four working days notice.

(2) The Executive Director may give written notice, served on an owner not less than five working days prior to taking any action, of his or her intention to terminate an agreement for the supply of water if –

(a) no water has been drawn during the preceding six months and no satisfactory arrangements have been made for a future draw;

(b) the consumer has contravened this by-law and has failed to rectify such contravention within the period specified in a written notice served on the consumer;

(c) the Municipality cannot continue to supply water, or
(d) in terms of an agreement with another municipality, the other municipality will provide a water supply.

(3) The Executive Director may without notice cancel an agreement if an owner has sold the premises to which the agreement applies.

28. Connection pipe

(1) A connection pipe provided and installed by the Municipality will –
(a) be located in a position determined by the Executive Director;
(b) terminate at the down stream side of the water meter, and
(c) be of a size requested by the applicant if agreed to by the Executive Director.

(2) (a) The owner must, at his or her own expense, effect the connection between his or her water installation and connection pipe serving his or her premises, unless otherwise stipulated by the Executive Director.
(b) The Executive Director may specify:
(i) the type of joint which must be used to effect the connection referred to in paragraph (a), and
(ii) the material of manufacture of that portion of the service pipe between the connection pipe and the owner's isolating valve and the methods of installation of the portion of the service pipe.
(c) The owner must secure that portion of the service pipe referred to in paragraph (b)(ii) against movement.

(3) The number of connection pipes which are to serve a water installation will be determined by the Executive Director, and the installation may be connected only to the connection pipe or pipes provided for it; provided that if two or more parts of a water installation are served by separate connection pipes, such parts may not be interconnected without the prior written permission of the Executive Director and subject to such conditions as he may impose.

(4) If the size of an existing connection pipe is unsuitable by reason of the volume of water supplied to a consumer, the Executive Director may by written notice require the owner to pay the prescribed charges for the removal of the existing connection pipe and the installation of a connection pipe of a size acceptable to the Executive Director.
(a) The Executive Director may, in the case of premises which are divided into separately occupied portions, by written notice require the owner at the owner's expense and within the period specified in the notice to –
(i) alter the water installation servicing any one portion so that it is separate from, and independent of the water installation servicing any other portion;
(ii) make application in terms of section 25 for a connection pipe to serve each portion, and
(iii) connect the water installation referred to in paragraph (I) to the connection pipe referred to in paragraph (ii).
(b) The Executive Director may give the occupier of the portion referred to in paragraph (a)(i) notice in writing that he or she is required to make application in terms of section 25 for the supply of water.

(5) If the Executive Director intends to replace a connection pipe, he or she must give the owner concerned not less than ten working days' notice in writing of the date by which the owner must effect a connection between his or her water installation and the replacement connection pipe.

29. Interconnection between premises

An owner of premises must ensure that no interconnection exists between the water installation on his premises and the water installation on other premises, unless he has obtained the prior written consent of the Executive Director and has complied with the conditions the Executive Director may have imposed.

30. General conditions of supply

(1) The granting of a supply of water by the Municipality will not constitute an undertaking by it to maintain at any time or at any point in its water supply system –
  (a) an uninterrupted supply;
  (b) a specific pressure or rate of flow in such supply; or
  (c) a specific standard or quality of water.

(2) The quality of potable water supplied by the Municipality will comply with the minimum standards contained in Regulations in terms of section 9(1) of the Act.

(3) The Executive Director may specify the maximum height to which water will be supplied from the water supply system.

(4) If an owner requires the maintenance of any of the conditions referred to in subsection (1) on his or her premises, he or she must make provision in his or her installation for such requirement.

(5) In an emergency the Executive Director may interrupt the supply of water to any premises without prior notice.

(6) If the consumption of water by a consumer adversely affects the supply of water to another consumer, the Executive Director may apply such restrictions as he or she 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.

31. Water restrictions

(1) The Municipality may –
  (a) for the purposes of water conservation;
  (b) where drought conditions prevail or are imminent;
  (c) to prevent the wasteful use of water, or;
  (d) in the event of a water shortage, drought or flood, by public notice –
    (i) prohibit or restrict the consumption of water in the whole or part of its area of jurisdiction in general or for –
      (aa) specified purposes;
      (bb) during specified hours of the day or on specified days; or
      (cc) in a specified manner;
    (ii) determine and impose –
      (aa) a limit on the quantity of water that may be consumed over a specified period;
      (bb) charges additional to those the prescribed tariff in respect of the supply of water in excess of a limit contemplated in item (aa); or

(cc) a general surcharge on the prescribed tariff in respect of the supply of water; or

(iii) impose restrictions or prohibitions on –

(aa) the use or manner of use or disposition of an appliance by means of which water is used or consumed; or

(bb) the connection of such appliances to the water installation.

(2) A public notice contemplated in subsection (1) must, except in the event of a flood or other disaster necessitating the immediate restriction or prohibition of the consumption of water, set out the date and time when such restrictions become effective, which may not be less than three days after the date of publication of the public notice.

(3) The Municipality may –

(a) limit the application of the provisions of a public notice contemplated by subsection (1) to specified areas and categories of consumers, premises and activities; or

(b) permit deviations and exemptions from, and the relaxation of, any of the provisions on reasonable grounds.

(4) The Municipality may –

(a) take measures, or by written notice require a consumer at his or her own expense to take measures, including the installation of measurement devices and devices for restricting the flow of water, as may be necessary to ensure compliance with a public notice published contemplated in subsection (1); or

(b) for such period as it may deem fit, limit the supply of water to any premises in the event of –

(i) a contravention of the public notice on such premises; or

(ii) failure to comply with the terms of a public notice contemplated in of subsection (1),

and where the supply has been limited, it shall only be restored when the prescribed tariff for reconnecting the supply has been paid.

(5) The provisions of this Section also apply in respect of water supplied directly by the Municipality to consumers outside its area of jurisdiction, despite anything to the contrary in the conditions governing such supply, unless otherwise specified in the public notice contemplated in subsection (1).

(6) Any person who fails to comply with subsections (1) and (4) commits an offence.

32. Disconnection or restriction of supply

(1) Without prejudice to any other right the Executive Director may, if an account holder has –

(a) failed to pay a sum due in terms of this by-law, or

(b) committed a breach of this by-law and has failed to rectify such breach within the period specified in a written notice served on him or her and requiring him or her to do so,

by written notice inform the account holder of the intention to disconnect or restrict his or her supply of water on a specified date and the Executive Director may on or after that date disconnect or restrict the water supply.

(2) The account holder must pay –

(a) the prescribed charge for the cutting off or restriction of his or her supply in terms of subsection (1) or (2); and

(b) the prescribed charge for the restoration of the water supply, provided that, in the case of a disconnection or restriction of a supply in terms of subsection (1), both the prescribed charges required in terms of subsections (a) and (b) above must be paid prior to the restoration of the water supply.

33. Interruption of water supply at a consumer's request

(1) the Executive Director may, at the written request of a consumer and on the dates requested by the consumer –

(a) interrupt the supply of water to the premises of the consumer; and

(b) restore the supply.

(2) The consumer must, before the interruption of his or her water supply, pay the prescribed charge for the interruption and restoration of the water supply.

34. Disconnection and removal of a connection pipe

(1) The Municipality 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 27 and the Municipality has not received an application for a subsequent supply of water to the premises served by the connection pipe within a period of 90 days of such termination; or

(b) the building on the premises concerned has been demolished and in which case the cost incurred will be for the account of the owner.

35. Metering of water supplied

(1) All water supplied to a consumer by the Municipality must pass through a water meter for the purpose of measuring the volume of the water;

(2) A water meter referred to in subsection (1) and its associated apparatus will be provided and installed by the Municipality, will remain its property, and may be replaced by another water meter when deemed necessary by the Executive Director.

(3) The water meter will be installed at a point between half a metre and one metre inside the property boundary and between half a metre and one metre from the common boundary with the adjacent property unless otherwise directed by the Executive Director

(4) If the Municipality installs a water meter together with its associated apparatus in a water installation in terms of subsection (3), the owner must –

(a) provide a place satisfactory to the Executive Director 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;

(d) ensure that no connection is made to the pipe in which the water meter is installed, between the water meter and the connection pipe servicing the installation; and

(e) make provision for the drainage of water, which may be discharged from the pipe in which the water meter is installed in the course of

work done by the Municipality on the water meter; as well as groundwater and stormwater.

(5) No person other than an officer may –
(a) disconnect a water meter and its associated apparatus from the pipe in which they are installed;
(b) break a seal which the Municipality has placed on a water meter; or
(c) in any other way interfere with a water meter and its associated apparatus.

(6) If the Executive Director considers that the size of a water meter is unsuitable by reason of the volume of water supplied to premises, he or she may install a water meter of such size as he or she may deem necessary, and may recover from the owner of the premises concerned the prescribed charge for the installation of the water meter.

(7) The consumer must, in addition to paying for the water supplied by the Municipality, pay the prescribed availability charge as determined annually by the Municipality in the Schedule of Prescribed Tariffs and Charges for the use of the water meter supplied by the Municipality.

36. Volume of water supplied to consumers

(1) For the purpose of assessing the volume of water supplied through a water meter to a consumer over a specified period, it will be deemed, unless the contrary can be proved, that –
(a) such volume is represented by the difference between readings of the water meter taken at the beginning and end of such period;
(b) the water meter was registering correctly during such period; and
(c) the entries in the records of the Municipality were correctly made.

(2) Where water is supplied to, or taken by a consumer without its passing through a water meter, the estimate by the Executive Director of the volume of such water will be deemed to be correct.

37. Water supplied from hydrants owned by the Municipality

(1) The Executive Director may permit a supply of water to be taken from one or more fire hydrants specified by him or her.

(2) A person who desires a supply of water referred to in subsection (1) must make application as set out in section 25.

(3) Water supplied in terms of subsection (1) must pass through a water meter fitted to a standpipe, which water meter, together with the standpipe required to connect it to a hydrant, will be provided by the Municipality and will remain the property of the Municipality.

(4) Before an applicant is provided with a water meter fitted to a standpipe in terms of subsection (3), the applicant must pay a prescribed deposit in respect of each water meter and standpipe supplied by the Municipality as security for their return in proper working order.

(5) If the Executive Director requires an officer to control the water meter and standpipe provided in terms of subsection (3), the consumer must pay the prescribed charge for the attendance of the officer.

(6) If the Executive Director does not require an officer to be in control in terms of subsection (5), a consumer to whom a water meter and standpipe are supplied in terms of subsection (3) shall –
(a) be responsible for the safe-keeping and the proper use thereof;
(b) return the water meter and standpipe forthwith if it is damaged or become defective;

(c) make the water meter and standpipe available for reading purposes before the seventh day of each month or at such other intervals as the Executive Director may prescribe at a place designated by him or her; and

(d) return the water meter and standpipe to the Municipality on the termination of the agreement for supply.

(7) The consumer must, in addition to paying for the water supplied by the Municipality, pay the prescribed availability charge as determined annually by the Municipality in the Schedule of Prescribed Tariffs and Charges for the use of the water meter supplied by the Municipality.

(8) (a) If a consumer fails to comply with subsection 6(b), (c) or (d), the Municipality may render an account to him or her for a volume of water deemed by the Executive Director to have been supplied to him or her since the last reading of the water meter concerned, basing such volume on the maximum designated rate of flow of the water meter in continuous use over a period of eight hours per day for five days per week or on such lesser rate or period as the Executive Director may deem appropriate.

(b) The charge referred to in subsection (8)(a) will continue to be levied until the consumer either returns the water meter and standpipe, or notifies the Executive Director in writing that he or she is unable to do so.

(c) Notwithstanding the provisions of subsections (8)(a) and (b), if a consumer returns the water meter in working order and with its seal intact after being charged for water in terms of paragraph (a), the Executive Director must adjust the amount charged to the cost of the water actually supplied.

(9) If a consumer to whom water is supplied in terms of subsection (1) –

(a) takes water from a hydrant which was not specified by the Executive Director;

(b) is found to be taking, or to have taken, water from a hydrant without its passing through a water meter; or

(c) fails to comply with any provision of subsection (6)

the Executive Director may forthwith terminate the agreement for supply, and levy charges as specified in subsection (8).

38. Defective water meters

(1) If a consumer has reason to believe that a water meter, used for measuring water, which was supplied by the Municipality is defective he or she may, against payment of the prescribed charge, make application on the prescribed form for the water meter to be tested.

(2) The prescribed charge referred to in subsection (1) will be –

(a) retained by the Municipality if the water meter is found in terms of subsection (3) or (4) not to be defective; or

(b) refunded to the applicant if the water meter is found in terms of those subsections to be defective.

(3) A water meter to which the regulations relating to water meters published under the Trade Metrology Act, 1973 (Act 77 of 1973) are applicable will be deemed to be defective if, when tested in accordance with such regulations, it is found to have a percentage error in over-registration or under-registration greater than that permitted for a water meter in use in terms of such regulations.

(4) A water meter to which the regulations referred to in subsection (3) are not applicable will be deemed to be defective if it is found to have a percentage error in over-registration and under-registration greater than 5% at any one of the rates of flow when tested at the following percentages of its designed maximum rate of flow:
(a) Not less than 75%;
(b) between 50% and 55%, and
(c) not more than 20%.

39. Adjustment of volume of water supplied to a consumer through a defective water meter.

(1) If a water meter is found to be defective in terms of section 38(3) or (4), the Executive Director may estimate the volume of water supplied to the consumer concerned during the period in which the water meter was defective on the basis of the average daily volume of water supplied to the consumer over –
(a) a period between two successive water meter readings subsequent to the replacement of the water meter; or
(b) a period in the previous year corresponding to the period in which the water meter was defective; or
(c) the period between three successive water meter readings prior to the water meter becoming defective.

(2) If the volume of water supplied to a consumer during the period when the water meter was defective cannot be estimated in terms of subsection (1), the Executive Director may estimate such volume on any basis that is available to him or her.

40. Special metering

(1) If the Executive Director wishes, for purposes other than charging for water consumed, to ascertain the volume of water which has been used in a part of a water installation, the Executive Director may by written notice advise the owner concerned of his or her intention to install a water meter at such point in the water installation as he or she may specify.

(2) The installation of a water meter referred to in subsection (1), its removal, and the restoration of the water installation after such removal will be carried out at the expense of the Municipality.

(3) The provisions of section 35, (4) and (5) will apply in respect of a water meter installed in terms of subsection (1).

41. Metering of premises in separate occupation

The Executive Director may require the installation, at the owner's expense of a water meter for each unit of any premises in separate occupation for determining the volume of water supplied to each unit.

CHAPTER 3: APPROVAL OF INSTALLATION WORK

42. Approval of installation work

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

(2) Application for the approval referred to in subsection (1) must be made on the prescribed form, and must be accompanied by –
(a) the prescribed charge; and

(b) copies of the drawings as required in section 44; and

(3) All work is to be undertaken by a qualified plumber or under the supervision of a qualified plumber as per section A18(1) of SABS 0400 of 1987, except for the replacement or repairs of an existing water pipe or water fitting.

(4) The provisions of subsections (1) and (2) do not apply to a plumber who replaces a fixed water heater or its associated protective devices.

(5) Approval given in terms of subsection (1) lapses at the expiry of a period of 12 months after the first day of the month succeeding the month in which the approval is given.

(5) Where approval was required in terms of subsection (1), a complete set of approved drawings of installation work must be available at the site of the work at all times until such work has been completed.

(7) If installation work has been done in contravention of subsection (1), (2) and (3), the Municipality may by written notice require the owner of the premises concerned to –

(a) rectify the contravention within a specified period;

(b) if work is in progress, to cease the work; or

(c) remove all such work which does not comply with this Section.

43. Extension of period of approval

The Executive Director may, on written application by the owner prior to the expiry of the original period concerned and subject to payment of the prescribed charge, from time to time extend the period of validity of the approval given in terms of section 42 for a period not exceeding twelve months at a time and subject to such conditions as he or she may deem fit.

44. Drawings

(1) Unless the written permission of the Executive Director is obtained, drawings required in terms of section 42(2)(b) must be on sheets of a size not smaller than A4 and must indicate –

(a) the title deed description of the premises;

(b) the name of every street on which the premises abut;

(c) the scales of the drawings and the north point;

(d) the position and size of the existing and proposed connection pipe serving or to serve the premises;

(e) the location of every pipe, its size and the material of which it is manufactured;

(f) the location of every water fitting and its description;

(g) the location of every storage tank and its capacity;

(h) the location of every pump;

(i) details of the proposed accommodation for the Municipal water meter if it is to be installed within the premises;

(j) the pressure for which the water installation has been designed;

(k) the position of all overflows;

(l) equipment or plant which uses water as a heat exchange medium for cooling or heating purposes and which is or may be connected to a water installation, and

(m) any other information that the Executive Director may require.

(2) If the details of the water installation on more than one floor of a building are identical, such details may be drawn for one floor only.

(3) If more than one water installation is to be installed in a building, such installations may be shown on the same drawing, provided they are clearly differentiated.

(4) A schedule must be provided with each drawing or set of drawings, indicating the number of each type of terminal water fitting and its normal size.

45. Copies of drawings to be kept on site

A complete set of approved drawings of installation work must be available at the site of the work at all times until receipt by the Executive Director of the certificate of occupancy.

46. Unauthorised work

If installation work has been done in contravention of section 42, the Executive Director may by written notice require the owner of the premises concerned to comply with that section within a specified period, and if work is in progress, to cease the work, and may further require the owner to remove all such work which does not comply with this by-law.

CHAPTER 4: PRESSURE TESTING, DISINFECTING AND USE OF WATER INSTALLATIONS

47. Pressure testing or disinfecting of water installations

(1) The Executive Director may by written notice require an owner to employ a contractor at his own expense to –

(a) pressure test his water installation in compliance with section 9.2.2 of SABS 0252-1: 1994, and

(b) disinfect his water installation in compliance with section 9.3 of SABS 0252-1: 1994.

(2) The water installation may be pressure tested or disinfected in such sections as the Executive Director may permit.

(3) The contractor referred to in subsection (1) must, within five working days of completion, submit to the Executive Director on the prescribed form certification that the work complies with SABS 0252-1.

48. Use of water installation

(1) A water installation or portion thereof may not be used, other than for building purposes, until a certificate of occupancy has been issued by the Executive Director.

(2) The issuing by the Executive Director of a certificate of occupancy will not relieve the owner of his or her responsibility in terms of section 3.

CHAPTER 5: WATER INSTALLATION REQUIREMENTS

49. Provision and maintenance of water installations

(1) An owner must provide and maintain his or her water installation at his or her own expense and, except –

(a) in the case of a connection to a connection pipe; or

(b) where permitted in terms of section 15.

(2) Before doing work in connection with the maintenance of a portion of his or her water installation which is situated outside the boundary of his or her premises, an owner must obtain the written consent of the Municipality or

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

50. Use of pipes and water fittings to be authorised by the Executive Director

(1) No person may install or use a pipe or water fitting in a water installation within the area of jurisdiction of the Municipality unless it is included in the JASWIC List of Accepted Water Components kept by the Executive Director and otherwise than in accordance with conditions imposed in terms of section 50(2).

(2) The Executive Director may, in respect of any pipe or water fitting included in the JASWIC List, impose such conditions as he or she may deem necessary in respect of the use or method of installation thereof.

(3) Notwithstanding the provisions of subsection (1), the Executive Director may, for a specific use in a specific installation, permit the installation or use of a pipe or water fitting which is not included in the JASWIC List.

51. List of accepted pipes and water fittings

(1) The Executive Director may at any time exclude any pipe or water fitting from the JASWIC List if the pipe or water fitting is no longer suitable for the purpose for which its use was accepted.

(2) The current JASWIC List will be available for inspection at the office of the Executive Director at any time during working hours.

(3) The Municipality may sell copies of the current JASWIC List at the prescribed charge.

52. Performance criteria for pipes and water fittings

(1) All pipes and water fittings, other than storage tanks, must be capable of withstanding the test pressure specified in section 9.2.2.3 of SABS 0252-1: 1994.

(2) Brass components of a water fitting intended to be in direct contact with water must be of a copper alloy in respect of which, when five random samples are tested in accordance with the requirements of ISO 6509 of 1981, no individual reading may show a depth of penetration exceeding 250 micrometres.

53. Design criteria for water installations

(1) A water installation must be designed in accordance with the requirements of SABS 0252-1.

(2) A hot water storage heater must be installed in accordance with the requirements of SABS 0254.

(3) Where there is a difference between the requirements of SABS 0252-1 and the by-law, the by-law will take precedence.

(4) Storage of minimum volume of water, to be used for purposes other than fire fighting or air conditioning, must be provided in accordance with section 7.4 of SABS 0252-1:1994.

(5) The design of booster pumps in buildings must comply with section 6.1.2 of SABS 0252-1: 1994.

54. Installation of pipes

(1) Pipes must be installed in compliance with section 8.4 of SABS 0252-1: 1994.

(2) If the Executive Director determines that a pipe or water fitting of a particular type is unsuitable for use in a particular situation, he may by written notice to the owner –
(a) prohibit the use thereof, or
(b) require protective measures acceptable to him to be applied thereto.

(3) The Executive Director may require that different water installations on premises bear an acceptable means of identification, or, where practical, are identified by means of the colour code system contained in SABS 0140 -1.

55. Isolating valves

(1) Isolating valves must be installed in compliance with section 6.1.3 of SABS 0252-1: 1994.

(2) The Executive Director may by written notice require an owner to install an isolating valve at such point in his water installation as he may deem fit.

56. Water storage tanks

(1) Installed water storage tanks must comply with section 5.4.6 of SABS 0252-1: 1994.

(2) The Executive Director may by written notice require an owner to install a sampling tap in a tank storing potable water, at a point not more than 150 millimetres or less than 50 millimetres above the internal floor of the tank.

57. Inspection and maintenance of storage tanks and inlet control valves

(1) The owner of premises on which a storage tank with a capacity of more than 2 kilolitres is installed must have the tank drained, inspected and disinfected by a plumber, not less than once in every three years.

(2) Notwithstanding the provisions of subsection (1) –
(a) if the Executive Director deems that the water in a storage tank or in the water installation served by the tank is unsuitable for use, he or she may by written notice require the owner to have the tank drained and inspected; and
(b) if a tank is in any way subjected to a condition that could cause the contents thereof to become polluted, the owner must have the tank drained and inspected.

(3) Before the tank referred to in subsection (2) is returned to use it must be cleaned and the water installation served by it disinfected in accordance with section 9.3 of SABS 0252-1: 1994.

(4) The owner must ensure that the inlet control valve and overflow warning device are inspected and serviced by a plumber not less than once in every twelve months.

(5) The owner must maintain a permanent record of all inspections carried out in terms of this by-law and the plumber who did such work must record –
(a) his or her name and address;
(b) the date on which such work was done; and
(c) details of repairs or replacements that were carried out
and such record must be available for inspection by the Executive Director at all reasonable times.

58. Emergency supply connections to installations for domestic use

(1) If required by the Executive Director, a pumping connection fitted with an approved coupling must be provided in the inlet pipe servicing the storage

tank in a hospital, clinic, nursing home, old-age home and other building from which the occupants cannot readily be removed in the event of an interruption of water supply.

(2) Non-return valves may be installed –
   (a) on the pumping connection; and
   (b) on the inlet pipe to the storage tank before the point of connection of the pumping connection and the inlet pipe.

(3) The connection referred to in subsection (1) must be situated in an approved position outside the building at a height of not more than one metre above the finished ground level.

59. Installation of fitted water heaters and solar water heaters

(1) Fitted water heaters must comply with SABS 151 and must be installed in compliance with Annex A of SABS 0252-1:1994.

(2) Solar water heaters must be installed in compliance with SABS 0106 and Annex A of SABS 0252-1: 1994.

60. Maximum discharge water temperature from a hot water system

The temperature of the water that discharges from a terminal water fitting supplied from a hot water system may not exceed 55 degrees Celsius.

61. Back siphonage of hot water

Approved measures must be taken to prevent back siphonage between hot and cold water in a water installation.

62. Provision of strainers

Provision must be made either in the fitting concerned or in a water installation in compliance with section 6.1.5 of SABS 0252-1: 1994.

63. Prevention of pressure surges

No person may connect to a water installation a water fitting or apparatus that causes or is likely to cause damage to the water supply system or another water installation because of pressure surges caused by such water fitting or apparatus.

64. Pipe diameters

(1) The pipe diameters in a water installation must be sufficient to provide the volume of water required for the proper functioning of any part or parts of a water installation without exceeding the rate of flow specified in section 7.2.1.2 of SABS 0252-1:1994.

(2) The diameter of any pipe must be maintained up to the point or points where the volume is required.

CHAPTER 6: ENSURING WATER CONSERVATION

65. Waste of water

(1) No consumer may 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) the inefficient use of water to persist.

(2) An owner must repair or replace any part of his or her water installation which is in such a state of disrepair that it either causes or is likely to cause an occurrence listed in section 65(1).

(3) If an owner fails to comply with section 65 (2), the Executive Director may take such measures as he or she may deem fit without prior notice and recover the cost of doing so from the owner.

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

(5) The Executive Director may by written notice prohibit the use by a consumer of any equipment in a water installation if he or she determines its use of water is inefficient and such equipment may not be returned to use until its efficiency has been restored and a written application to do so has been approved by the Executive Director.

(6) The Executive Director may by written notice declare the use of water by a person to be wasteful, and in doing so he or she-

(a) may order the restriction or termination of water supply to any premises;

(b) may order such person to cease such unlawful use; and

(c) may prescribe alternative ways of use.

66. Use of water as a heat exchange medium

No person may allow water used as a heat exchange medium in any equipment or plant and supplied from a water installation, to run continuously to waste except for maintaining a prescribed level of total dissolved solids in a recirculating plant.

67. Hot water distribution systems

(1) A pipe conveying hot water directly from a fixed water heater or from the point of draw-off from a hot-water circulating system, to a terminal water fitting may not contain more than 4 litres.

(2) A central hot-water system must be of the circulating type, and the circulating pipes must be insulated with material which –

(a) has a coefficient of thermal conductivity of not more than 0,04 watt per metre degree Celsius; and

(b) is of such thickness that the temperature at its external surface under normal operating conditions must not be more than 6 degrees Celsius above the ambient temperature.

(3) The electrical heating element of a fixed water heater with a capacity of more than 500 litres must be removable without loss of water from such heater.

68. Discharge from terminal water fittings to be visible

A terminal water fitting other than a float valve serving a cistern or a storage tank must be installed in such position and in such manner that –

(a) discharge of water therefrom can be readily seen; and

(b) water discharged cannot directly enter a gully.

69. Overflows from cisterns

The primary overflow pipe from a water-closet cistern must be carried through an outside wall of the building concerned so that discharge of water therefrom is readily visible from outside the building.

70. Flushing of water-closet pans and urinals

(1) A flushing device serving a water-closet pan or urinal must be actuated –
  (a) manually by a person using such pan or urinal; or
  (b) non-manually by means of an approved apparatus which causes the flushing device to operate after each use of such pan or urinal.

(2) A flushing device serving a water-closet pan must not be capable of discharging more than 9,50 litres of water during one complete flush under normal operating conditions, and such a device must be connected to a type of water-closet pan in which the trap is cleared in one flush.

(3) A non-manually operated flushing device must be so designed that if it malfunctions no flush will take place.

(4) No automatic cistern or tipping tank may be used for flushing a urinal.

(5) A separate flushing device must serve each –
  (a) wall-mounted urinal;
  (b) stall urinal; and
  (c) 1,8 metre length of slab urinal.

(6) A flushing device serving a urinal may not be capable of discharging more than 2 litres or less than 1 litre of water during one complete flush.

71. Metering taps and showers

(1) Each wash basin in a battery of three or more on any premises must be fitted with a metering type of tap, which limits the discharge of water in each usage to not more than 1 litre.

(2) Each shower in a battery of two or more showers on any premises must be fitted with a metering valve which must limit the discharge of water in each usage to not more than 2,5 litres.

72. Terminal water fittings outside buildings

No owner may install on any premises, apart from residential premises, a terminal water fitting outside a building unless it –
  (a) incorporates a self-closing device;
  (b) has a removable handle for operating purposes;
  (c) is capable of being locked to prevent unauthorised use; or
  (d) is a demand-type of tap that limits the volume of water discharged in each operation.

73. Car washing facilities

Any commercial vehicle washing facility must be constructed and operated in such a manner that 60 per cent of the potable water used by such facility is recycled for reuse in the facility, provided that commercial vehicle washing facilities that are in operation when this by-law is promulgated will be granted a period of 3 years from the date of promulgation of this by-law to comply with this section.

74. Water activated gates

No gate, door or similar device may be operated using a mechanism that requires the use of potable water under pressure such that the potable water used is discharged to waste.

75. Grey water practices

Any device that entails the recycling or reuse of water may not make use of water derived from any kitchen or toilet discharge and any grey water practice must meet the requirements of SABS 0323.

CHAPTER 7: PREVENTION OF POLLUTION OF WATER

76. Owner to prevent pollution of water

An owner must provide and maintain approved measures to prevent the entry of a substance that may be a danger to health or adversely affect the potability of water into –

(a) the water supply system; or

(b) any part of the water installation on his or her premises.

77. Protection of water supply system

(1) An owner must provide and maintain approved measures in his or her water installation which will prevent the backflow of water from his or her water installation to the water supply system in the case of:

(a) a fire or combined installation on any premises;

(b) a general installation serving the following activities;

(i) medical treatment of people or animals;

(ii) medical, pharmaceutical or chemical research and manufacturing;

(iii) agriculture, including dairies and nurseries;

(iv) photographic processing;

(v) laundering or dry-cleaning;

(vi) metal plating; or

(vii) treatment of hides and skins.

(c) a general installation serving –

(i) mortuaries;

(ii) abattoirs;

(iii) sewage treatment works;

(iv) refuse pulverising works;

(v) harbours;

(vi) oil processing and storage facilities;

(vii) wineries, distilleries, breweries, and yeast or cold drink factories;

(viii) irrigation of sports fields; or

(ix) any other premises on which an activity is carried out which could be a danger to health or affect the potability of water in the event of a substance resulting from such activity entering the water supply system; and

(d) a general installation on any premises after issue of a written notice by the Executive Director to do so.

(2) The measures required in terms of sub-section (1) are –

(a) the discharge of water from the service pipe into a storage tank through an air gap in accordance with section 5.4.6 of SABS 0252-1:1994;

(b) the passing of such water through –

(i) a reduced-pressure backflow preventer; or

(ii) a double-check backflow preventer; or

(c) any other approved measures which achieve the same purpose as (a) or (b).

(3) The owner must ensure that no connection is made to his service pipe between –

(a) the point of discharge from the pipe into the storage tank referred to in subsection (2)(a);

(b) the backflow preventer installed in terms of (2)(b); and
(c) the approved measures in terms of subsection (2)(c) and the connection pipe concerned.

(4) No consumer may connect anything to a water installation or use it in a manner which may affect the potability of the water in it without first ensuring that adequate measures or devices exist to prevent deterioration in water quality in the water installation.

78. Design and installation of backflow preventers

The design and installation of a backflow preventer must comply with paragraph 8.2.2 of SABS 0252-1:1994.

79. Inspection and servicing of backflow preventers

(1) The owner of premises on which a reduced-pressure or double-check backflow preventer is installed must at his own expense ensure that the backflow preventer is –
(a) inspected and serviced by a plumber not less than once in every twelve months to ensure that it is in working order; and
(b) replaced or completely over-hauled once every five years.

(2) The owner must maintain a record of inspections and services referred to in subsection (1) in the manner provided in section 57(5).

80. Protection of water installation

(1) An owner must provide and maintain an approved measure which will prevent the back siphonage into the water installation of a substance which is likely to be a danger to health or affect the potability of water in the case of –
(a) a terminal water fitting, which must include a hose bib-cock, a laboratory tap and a movable shower unit and must be so designed that a hose or other flexible pipe is, or can be, attached to it;
(b) a fire hose reel installed in a combined installation;
(c) an underground irrigation system; or
(d) any other fitting which may provide contact between polluted water and the water installation.

(2) The measures required in terms of subsection (1) are –
(a) a vacuum breaker situated at the highest point of a pipe loop which must be not less than 300 millimetres above the point of discharge of the highest terminal water fitting concerned;
(b) a terminal vacuum breaker situated not less than 300 millimetres above the highest point of connection of a pipe and a riser serving the fittings concerned;
(c) a single check valve or vacuum breaker incorporated in, attached to or installed adjacent to a terminal water fitting; or
(d) any other approved measures which will achieve the same purpose as (a), (b) or (c).

(3) The lowest point of discharge of the outlet of a terminal water fitting may be not less than 25 millimetres above the flood level of a fixed receptacle into which such fitting discharges.

(4) An owner must ensure that no inter-connection is made between –
(a) a general installation and a fire installation if they are supplied through separate connection pipes; or

(b) a water installation conveying water supplied by the Municipality and an installation conveying water from another source of supply.

(5) (a) If an activity carried out or intended to be carried out on any premises could give rise to a substance which would have a toxic effect if it gained entry into a water installation, the_Executive Director may by written notice require the owner to install a storage tank from which the water required for such activity must be drawn.

(b) The entry of water into the tank referred to in paragraph (1) must be solely from an inlet pipe which discharges at a height of 75 millimetres or twice the diameter of the inlet pipe, whichever is the greater, above the overflow level of the tank.

CHAPTER 8: FIRE INSTALLATIONS

81. Unmetered supply of water for fire fighting purposes

If the Municipality supplies water for fire fighting purposes to any premises through an unmetered connection, the Executive Director may by written notice advise the owner of his or her intention to install a water meter at the owner's expense and the provisions of section 36 will apply.

CHAPTER 9: MISCELLANEOUS PROVISIONS

82. Use of water from sources other than the water supply system

(1) No person may use or permit the use of water obtained from a source other than the water supply system, except with the prior consent of the Executive Director and in accordance with such conditions as he may impose, for domestic, commercial or industrial purposes.

(2) Any person desiring to obtain the consent referred to in subsection (1) must provide the Executive Director with satisfactory evidence satisfactory that the water referred to in that subsection complies, whether as a result of treatment or otherwise, with the requirements of SANS 241: Drinking Water or that the use of such water does not or will not constitute a danger to health.

(3) Any consent given in terms of subsection (1) may be withdrawn by the Executive Director if –

(a) a condition imposed in terms of subsection (1) is breached; or

(b) the water no longer conforms to the requirements referred to in subsection (2).

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

(5) The provisions of section 35 will apply in respect of the water meter referred to in subsection (4).

83. Boreholes

(1) (a) The owner of any premises upon which a borehole exists or, if the owner is not in occupation of such premises, the occupier thereof, must notify the Executive Director of the existence of a borehole on

such premises, and provide the Executive Director with such information in respect thereof as he or she may require.

(b) The owner or occupier of any premises who intends to sink a borehole on such premises must notify the Executive Director of such intention before work in connection therewith is commenced.

(c) The Municipality may by notice to an owner or occupier or by public notice require owners or occupiers who have existing boreholes used for water services to –

(i) obtain approval from the Municipality for the use of a borehole for potable water supply services in accordance with sections 6,7 and 22 of the Act;

(ii) impose conditions in respect of the use of a borehole for potable water services; and

(iii) impose a fixed charge in respect of the use of a borehole.

(2) The Executive Director may require the owner or occupier of any premises who intends to sink a borehole, to supply an environmental impact assessment, to the satisfaction of the Executive Director, before sinking the borehole.

(3) Boreholes are subject to the requirements of the National Water Act, Act 136 of 1998.

(4) On premises on which water from a borehole is used, the consumer must place a weatherproof notice stating, "BOREHOLE WATER" at the property's main entrance.

84. Sampling of water

(1) The Executive Director may take samples of water obtained from a source other than the water supply system and cause the samples to be tested for compliance with the requirements referred to in section 82(2).

(2) The prescribed charge for the taking and testing of the samples referred to in subsection (1) must be paid by the person to whom consent to use the water was granted in terms of section 82(1).

85. Supply of non-potable water by the Municipality

(1) The Municipality may on application in terms of section 25 grant a supply of non-potable water to a consumer.

(2) Any supply of water granted in terms of subsection (1) may not be used for domestic or any other purpose that may give rise to a health hazard.

86. Conditions of supply of non-potable water

(1) No warranty, expressed or implied, applies to the contents of any non-potable water supplied by the Municipality or its suitability for the purpose for which the supply was granted.

(2) The supply of non-potable water will, both as to condition and use, be entirely at the risk of the consumer, who will be liable for any consequential damage or loss to himself, herself or others arising directly or indirectly therefrom, including the consequence of any genuine fault of the Municipality or the malfunction of a water treatment works.

87. Use of water for irrigation purposes

(1) If water supplied by the Municipality is used for irrigation purposes, the consumer must ensure that it is applied uniformly over the irrigated areas and in such a way as to prevent ponding.

(2) The consumer must, at his or her own expense, take such steps as may be necessary to prevent any run-off of surplus water from irrigated areas.
(3) If the consumer fails to take the steps referred to in subsections (1) and (2), the Executive Director may by written notice require him to take such steps within a specified period.
(4) If the consumer fails to take such steps, the Executive Director may do so at the consumer's expense.

88. Warning notices
(1) On premises on which non-potable water is used, the consumer must ensure that every terminal water fitting and every appliance that supplies or uses such water is clearly marked with a weatherproof notice indicating that the water is unsuitable for potable purposes.
(2) In an area where reclaimed water is used, the consumer must erect weatherproof notices in permanent positions warning that such water is not suitable for potable purposes.
(3) Every warning notice required in terms of subsections (1) and (2) must be in the official languages as the Executive Director may require and must include the PV5 symbolic sign for non-potable water as described in SABS 1186: Symbolic Safety Signs; Part 1: Standards, Signs and General Requirements.

PART TWO: SANITATION SERVICES

CHAPTER 1: PROVISIONS RELATING TO THE ACCEPTANCE OF SEWAGE BY THE MUNICIPALITY

89. Unauthorised discharge of sewage to the sewerage system
(1) No person may discharge sewage into the sewerage system –
  (a) until an agreement referred to in sections 90 or 91 has been concluded; and
  (b) except through a sewer erf connection provided in terms of section 90.
(2) Any costs incurred by the Municipality when replacing a sewer erf connection which was not provided in terms of section 90 will be recovered from the owner.

90. Application to discharge sewage into the sewerage system
(1) If a sewer erf connection has been installed to a premises, no person may discharge sewage into the sewerage system unless the owner has made application to the Municipality on the prescribed form to transfer the agreement to discharge sewage from the previous owner and the application has been granted
(2) If no sewer erf connection exists for the premises, the owner must make application to the Municipality on the prescribed form for the provision of a sewer erf connection, supply one copy of the prescribed drawing and pay the prescribed charge for the installation of a sewer erf connection.
(3) An application granted by the Municipality will constitute an agreement between the Municipality and the applicant, and the agreement will take effect on the date referred to or stipulated therein.

(4) A contributor will be liable for the prescribed charges payable for the discharge of sewage until the agreement referred to in subsection (3) has been terminated in terms of section 92.

(5) If an application is made for the discharge of sewage from premises which are so situated that it is necessary to extend the sewerage system in order to receive sewage from the premises, the Executive Director may agree to such extension subject to such conditions as he or she may impose.

91. Special agreement for the acceptance or discharge of sewage.

The Municipality may enter into a special agreement for –

(a) the acceptance of sewage from an applicant who is the owner of a property inside the area of jurisdiction of the Municipality, if the acceptance necessitates the imposition of conditions not contained in the prescribed form;

(b) the acceptance of sewage from an applicant outside the area of jurisdiction of the Municipality, subject to the written agreement of the responsible water services authority; and

(c) the discharge of sewage from the Municipal sewerage system into the sewerage system of another municipality.

92. Termination of agreement for acceptance of sewage

(1) An owner may terminate an agreement by completing the prescribed form and giving the Municipality not less than four working days notice.

(2) The Executive Director may, by written notice of not less than five working days, advise an owner of his or her intention to terminate an agreement for the discharge of sewage if –

(a) no sewage has been discharged during the preceding six months and no satisfactory arrangements have been made for a renewed discharge;

(b) the contributor has contravened this by-law and has failed to rectify such contravention within the period specified in a written notice served on the contributor;

(c) the Municipality cannot continue to accept the contributor's sewage; or

(d) in terms of an agreement with another municipality, the other municipality will accept the contributor's sewage.

(3) The Executive Director may, without notice, cancel an agreement if an owner has sold the premises to which the agreement applies.

93. Application for a permit to discharge sewage which exceeds the strength of domestic sewage

(1) If sewage to be discharged will not consist solely and consistently of domestic sewage, no person may discharge this sewage into the sewerage system unless an authorised contributor has made application to the Municipality on the prescribed form for a permit to discharge this sewage, and unless a permit has been issued.

(2) The permit referred to in subsection (1) may contain such conditions as the Executive Director may deem fit.

(3) A contributor who is a permit holder will be liable for the prescribed charges payable for the discharge of sewage which is not domestic sewage until the permit referred to in subsection (1) has been terminated in terms of section 95.

94. Discharge standards and pre-treatment of sewage

The Municipality may stipulate in a permit contemplated in section 93–

(a) the standards in respect of –
  (i) volume;
  (ii) rate of flow;
  (iii) quality; and
  (iv) any other aspect it may deem fit,
  which will be applied to sewage before its acceptance into the sewerage system;

(b) the pre-treatment requirements prior to discharge into the sewerage system;

(c) conditions relating to the operation of a pre-treatment facility and the disposal of any waste products arising from the treatment process; and

(d) any other conditions it may deem necessary for the protection of the sewerage system.

95. Termination of a permit for discharge of sewage which exceeds the strength of domestic sewage

(1) The Executive Director may, by written notice of not less than five working days, advise a permit holder of his or her intention to terminate a permit if –
  (a) no sewage has been discharged during the preceding six months and no satisfactory arrangements have been made for a renewed discharge;
  (b) the permit holder has contravened this by-law and has failed to rectify such contravention within the period specified in a written notice served on the permit holder;
  (c) the Municipality cannot continue to accept the permit holder's sewage; or
  (d) in terms of an agreement with another municipality, the other municipality will accept the permit holder's sewage.

(2) The Executive Director may, without notice, cancel a permit if a permit holder has vacated the premises to which the permit applies.

96. Guarantee

(1) The Executive Director may require a permit holder to deposit with the Municipality a sum of money representing the cost of the treatment and conveyance of sewage which will be discharged during a period specified, provided that the Executive Director may on written application by a contributor accept a guarantee in lieu of the said sum of money.

(2) A deposit or guarantee contemplated in subsection (1) must be paid or provided before a permit to discharge sewage is issued.

(3) A deposit paid or a guarantee provided in terms of subsection (1) will not be regarded as being in payment or part payment of a current account due for the discharge of sewage.

(4) If at any time the Executive Director deems that a deposit or guarantee is insufficient for the purpose of subsection (1), the Executive Director may by notice in writing require the permit holder to increase the deposit or guarantee by an amount specified in such notice.

(5) If a permit holder fails to comply with the notice referred to in subsection (4) within 20 working days of receipt by him thereof, the Executive Director

may refuse to accept his sewage until such time as he complies with such notice.

(6) The Municipality may, of its own accord or at the request of a permit holder, reduce the amount of a deposit or guarantee required if it is satisfied that such reduction is justified by the present discharge of sewage by such permit holder or a change in the circumstances pertaining to the assessment of the original amount of the deposit or guarantee.

(7) If, on the termination of permit in terms of section 95 any amount is outstanding in respect of the acceptance of sewage from a contributor, the Municipality may recover such amount in terms of the guarantee.

97. Sewer erf connection

(1) A sewer erf connection, unless otherwise agreed in writing, will be installed by the Municipality and will –

(a) be located in the position and at a gradient determined by the Executive Director;

(b) terminate at a point one metre inside the property boundary over which the Municipality has a servitude or other right; and

(c) be of a size requested by the applicant and agreed to by the Executive Director.

(2) Unless otherwise stipulated by the Executive Director, the owner must, at his or her own cost, request the Municipality to install and maintain the connection point on the owner's premises.

(3) The Executive Director may specify –

(a) the type of joint which must be used to effect the connection referred to in paragraph (a), and

(b) the material of which the portion of the drainage installation between the sewer erf connection and the terminal inspection point on the drainage installation is made, and the methods of installation of such portion.

(4) The number of sewer erf connections provided to the premises will be determined by the Executive Director, and a drainage installation may only be connected to the sewer erf connection provided for it; provided that, if two or more parts of a drainage installation are served by separate sewer erf connections, such parts may not be interconnected without the prior written permission of the Executive Director and subject to such conditions as he or she may impose.

(5) No drainage installation may be connected to a sewer erf connection which was installed for the discharge of sewage during building construction until the certificate of occupation referred to in section 126 has been issued by the Executive Director.

(6) If the Executive Director considers that the size of an existing sewer erf connection is unsuitable by reason of the volume of sewage discharged by a contributor, he or she may by written notice require the owner to pay the prescribed charges for the supply and installation of a sewer erf connection of an acceptable size.(7) The Executive Director may, in the case of premises divided into portions that may be occupied separately, by written notice require the owner at his or her own cost and within the period specified in such notice, to –

(a) alter the drainage installation servicing any one portion so that it is separate from, and independent of, the drainage installation serving any other portion;

(b) make application in terms of section 90 for a sewer erf connection to serve such portion, and

(c) connect the drainage installation referred to in subsection (7)(a) to the sewer erf connection referred to in subsection (7)(b).

(a) The Executive Director may by written notice require the occupier of the portion referred to in subsection (7)(a) to make application in terms of section 90 for the discharge of sewage.

(5) Only the Municipality may maintain a sewer erf connection at the cost of the owner.

98. Interconnections between premises

(1) An owner of premises must 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 Executive Director and has complied with any conditions the Executive Director may have imposed.

(2) If an interconnection is found to exist in contravention of subsection (1), the Executive Director may by written notice served on the owners concerned require them to remove such interconnection within a specified period.

99. General conditions of acceptance

(1) The acceptance of sewage by the Municipality will not constitute an undertaking by it to maintain at any time or at any point in its sewerage system –

(a) an uninterrupted flow; or

(b) a specific rate of flow.

(2) If the discharge of sewage from the premises requires the maintenance of an uninterrupted flow or a specific rate of flow, the contributor must make provision for such requirement.

(3) The Municipality may, for the purpose of doing emergency work on its sewerage system, temporarily interrupt the acceptance of sewage from premises without prior notice.

(4) If, the discharge of sewage from a drainage installation adversely affects the sewerage system or persons working in it, the Executive Director may apply restrictions to the discharge of sewage from the drainage installation.

100. Sealing off or restriction of discharge of sewage

(1) Without prejudice to any other right it may have, the Executive Director may, if a contributor –

(a) fails to pay a sum due in terms of this by-law;

(b) contravenes this by-law and fails to rectify such contravention within the period specified in a written notice served and requiring him or her to do so; or

(c) discharges sewage without an agreement or a valid permit.

by written notice, inform him or her of the Executive Director's intention to seal off or restrict his or her discharge of sewage on a specified date.

(2) If the Executive Director decides that action is necessary as a matter of urgency to prevent excessive flow in the sewerage system, damage to property, danger to life or an adverse effect on sewage treatment processes, the Executive Director may:

(a) without prior notice, seal off or restrict the discharge of sewage from premises; and

(b) enter upon such premises and do emergency work at the owner's expense as he or she may deem necessary, and in addition by written notice require the owner to do such further work as he or she may require within a specified period.

(3) The contributor must pay –

(a) the prescribed charge in respect of the sealing off or restriction of the discharge of sewage in terms of subsection (1) or (2), and

(b) the prescribed charge to restore the original right to discharge sewage; provided that, in the case of sealing off or restriction in terms of subsection (1), both prescribed charges must be paid before the original right to discharge sewage is restored.

101. Seal off at owner's request

(1) The Municipality may, at the written request of an owner –

(a) seal off the sewer erf connection to his or her premises; and

(b) remove the seal on the sewer erf connection.

(2) The owner must, before the sealing off of the sewer erf connection, pay the prescribed charge for the sealing off and reconnection thereof.

102. Disconnection and removal of a sewer erf connection

The Municipality may disconnect a drainage installation from the sewer erf connection and remove the sewer erf connection if –

(a) the agreement for the discharge of sewage has been terminated in terms of section 93 and the Municipality has not received a subsequent application to discharge sewage for the premises served by the sewer erf connection within a period of 90 days of the termination; or

(b) the building on the premises concerned has been demolished and in which case the cost incurred will be for the account of the owner.

103. Domestic sewage delivered by road haulage

(1) No person may convey by road haulage and discharge domestic sewage into the sewerage system except by written prior agreement with the Municipality.

(2) The conditions contained in the agreement between the road haulage contractor and the Municipality must state, the existing source of the domestic sewage, the day and time of delivery and the point of delivery.

(3) The contractor must pay the prescribed charge for discharging domestic sewage into the sewerage system

104. Domestic sewage retention in septic or conservancy tanks

(1) Septic and conservancy tanks must be maintained by the owner.

(2) Septic and conservancy tanks are to be designed and constructed in accordance with a specification available from the Municipality in compliance with SABS 0252-2.

(3) A septic tank-

(a) may be emptied by the Municipality or a contractor at the request and cost of the owner; and

(b) the owner of a septic tank will not be liable for the prescribed monthly sewage charge based on water consumption.

(4) A conservancy tank-

(a) will be emptied by the Municipality to a maximum of 18kl per month for all the conservancy tanks on the municipal roster when this by-law is promulgated;
(b) will be further emptied after the scheduled monthly maximum volume of 18kl for the owner's account at the charges prescribed from time to time in the Municipality's annual schedule of tariffs;
(c) will be emptied by the owners' contractor for all new conservancy tank installations approved by the Executive Director after the date of promulgation of this by-law;
(d) the owner of a conservancy tank will be liable for the prescribed monthly sewage charge based on water consumption. This will not apply to section (c) above.

105. Domestic sewage retention in pails

(1) Where a residential area is not served by a sewer the Municipality may, upon receipt of a written request in a manner prescribed by the Municipality, provide a pail to each residential unit.
(2) The Municipality will remove pails containing domestic sewage at regular intervals and the owner of a residential unit will be liable for the prescribed charge.
(3) Owners of residential units served by pails must provide a structure which is built in compliance with section 7.4.9 of SABS 0252-2:1993.

CHAPTER 2: SEWAGE MEASUREMENT AND CHARGES

106. Measurement of volume of sewage discharged

(1) The volume of sewage discharged from premises will be determined by either:
(a) the volume registered on the water meters installed in terms of Part 1 of this by-law for the supply of water to the premises; and
(b) the volume of water registered on water meters installed in terms of this by-law for the supply of water from any other source within the premises; or
(c) the actual volume of sewage registered on a special sewage meter installed by the municipality to measure sewage discharge.
(2) The Executive Director may require the contributor to install a water meter.
(3) The volume of water registered on a water meter referred to in subsection (1)(a) or (b) or the volume of sewage registered on a meter referred to in subsection (1)(c) during any period will be taken as the difference between the meter readings at the beginning and end of such period, except in the case where a meter is proved to be inaccurate.
(4) For the purpose of determining the amount due and payable for sewage discharged, the volume of sewage discharged will be calculated from the readings contemplated in subsection (3).

107. Alterations to a water installation

If the Executive Director, after consideration of the number of water supply points and the complexity of the water installation on premises, considers it impractical to determine the volume of water discharged into the sewer erf connection of such premises, he or she may –

(a) direct that the water installation be altered at the cost of the owner to facilitate separate metering of water discharged into the sewer: or

(b) assess the volume of water discharged into the sewer in any water meter reading cycle in accordance with normal standards of water usage.

108. Water obtained from sources other than the water supply system

(1) The owner or occupier of any premises who obtains a supply of water from a source other than the water supply system, which may cause a discharge of sewage into the sewerage system, must supply details of the source of water, provided that, in an application for a permit referred to in section 93, the provision of the required details of an alternative supply of water may be accepted by the Executive Director as compliance with the requirement, contemplated above.

(2) If the owner or occupier of premises at any time after making application referred to in section 90, intends to make use of a supply of water from a source other than the water supply system which may cause a discharge of sewage into the sewerage system from such premises, the owner must notify the Executive Director in writing of such intention before work in connection therewith is commenced.

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

109. Provision of measurement or sampling chambers

(1) The Executive Director may, in respect of any premises from which sewage is or is to be discharged, by written notice require the owner to construct at his or her own cost, within the boundary of the premises, measurement or sampling chambers to such dimensions and design as the Executive Director may consider necessary to enable an accurate assessment of the volume, rate of flow and character of the sewage.

(2) If the owner fails to comply with the notice referred to in subsection (1), the Executive Director may take action in terms of section 6.

110. Provisions of Part 1 to apply

If the volume of sewage discharged from premises is determined by a water meter installed in terms of Part 1 of this by-law, the provisions of that Part will apply when the volume of sewage discharged from such premises is determined.

111. Sewage discharge factor

(1) If the volume of water registered on a water meter which has been installed in terms of sections 106(1)(a) or 108 is not discharged from the premises as sewage, the Executive Director may apply a sewage discharge factor to the volume of water registered on such water meters.

(2) The sewage discharge factor will represent the ratio of the volume of water leaving the premises as sewage to the total volume of water from whatever source used on the premises for all purposes.

(3) The sewage discharge factor may be varied by the Executive Director on notification in writing whenever there has been a change in circumstances justifying such variation.

112. Measurement of strength of sewage discharged

(1) The Municipality may at any point in a drainage installation and at any time take samples of sewage.

(2) (a) The number and size of such samples will be determined by the Municipality as sufficient to provide –
  (i) a representative sample; and
  (ii) for division as required by paragraph (b).

(b) Portions of samples may be used to obtain a strength determination.

(3) The strength of sewage discharged by a new contributor will be determined from the average of not less than four samples taken over a period not exceeding ninety days.

(4) In determining the strength of sewage, the values obtained by the Municipality will take preference over any other values obtained by a contributor.

(5) Half of a sample taken will, on request, be supplied to a contributor in order that he or she may perform his or her own tests according to a method prescribed by the Municipality.

(6) In determining the strength of sewage by an existing contributor, the Executive Director will assess the strength of sewage based on all the samples of the sewage taken during the assessment period as determined by the Municipality from time to time and the amount payable for sewage discharged will be based upon such assessment.

113. Notification of charge factors

A contributor will be notified in writing by the Executive Director at his or her postal address, recorded on the application for the discharge of sewage, of the values assigned to the strength of sewage and the sewage discharge factor and any revisions thereof which are used in the assessment of charges for the discharge of sewage, together with the date from which such charges or revised charges will become effective.

114. Payment for sewage discharged

(1) A contributor to the sewerage system must pay for the particular class of premises the prescribed charge for the use of the sewerage system.

(2) A contributor will be liable for payment of all sewage discharged from the date of the agreement referred to in section 90(3) until the date of termination thereof.

(3) The Municipality may estimate a meter reading or a volume of water supplied in respect of a period or periods within the interval between actual successive readings of the meter and render an account to a contributor for the volume of sewage so estimated to have been discharged by him during each such period.

(4) The amount of an account rendered for sewage discharged by a contributor will become due and payable on the due date stipulated in such account.

(5) If a contributor is dissatisfied with an account rendered to him or her by the Municipality for sewage discharged he or she may, prior to the due date stipulated therein, object in writing to such account setting out reasons for such dissatisfaction, provided that the lodging of such objection will not entitle a contributor to defer payment except with the written consent of the Municipality.

(6) If a contributor does not discharge sewage in accordance with the permit issued by the Municipality and is in consequence not charged for sewage so discharged, or is charged for such sewage at a rate lower than that at

which he or she should be charged, the contributor will be liable for the amount due to the Municipality in accordance with the prescribed charges in respect of –

(a) the volume and strength of sewage which the Executive Director considers has been discharged and for which the contributor has not been charged; or

(b) the difference between the cost of the sewage discharged at the rate at which the contributor has been charged and the cost of such sewage at the rate at which the contributor should have been charged.

115. No adjustment of amount payable

(1) A contributor will under no circumstances be entitled to a reduction of the amount payable for (a) sewage discharged unless an objection lodged in terms of section 114(5) is upheld.

(2) If a change is made in the nature of the occupation or the use of any premises which requires the application of a different charge, no claim for any adjustment of the account rendered or any refund of money paid will be entertained by the Municipality unless notice in writing of the change is given to the Municipality within 24 working days of the date of its occurrence.

116. Determination of appropriate charge

The Municipality may determine the use to which premises are being put in order to determine the appropriate charge.

117. Variation in charges

In the case of new premises, or existing premises if, the record of sewage discharged is not a suitable basis for the determination of the sewage charge payable by reason of a change in occupancy, use or ownership of premises, or a special contingency, the charge payable will be based on an estimate by the Municipality of the volume and strength of sewage discharged, until such time as an adequate record or sufficient information is available.

118. Application of charges

(1) The Municipality will determine the date from which a charge becomes payable or the applicable tariff, subject to section 21.

(2) In the case of premises not connected to a sewer, the charges payable in terms of section 114 will come into operation on the date on which the Municipality requires that a connection be made or from the date when the premises are, in fact, connected to the sewerage system, whichever is the earlier.

(3) The charges payable in terms of the sewerage tariff will remain effective in the case of buildings wholly unoccupied or in the course of demolition until the receipt of a written notification by the Executive Director that the sewer erf connection has been sealed.

119. Provision of information

If a person required to furnish a return or to provide such other information as may be necessary for the determination by the Municipality of the charges payable for the discharge of sewage to the sewerage system fails to do so within the period

specified in a written notice, he or she must pay such charges as the Municipality may assess.

120. Special agreement charge

A municipality that is permitted by the Municipality to discharge the sewage from its sewerage system into the Municipal sewerage system must pay the charges contained in a special agreement between the municipalities.

121. Charges other than for sewage discharged

The Municipality may prescribe and levy any of the following charges:

(a) An annual basic charge payable by the owner in respect of premises which in the opinion of the Executive Director can reasonably be connected to the sewerage system but are not so connected, such charge being due from a date determined by the Municipality until the date of the agreement referred to in section 90(3); and

(b) an availability charge as determined annually by the Municipality in the Schedule of Prescribed Tariffs and Charges payable by the contributor in respect of each sewer erf connection provided by the Municipality to serve the premises occupied by the contributor and for which a permit to discharge sewage is required, whether or not sewage is discharged, such charge being due from the date of the application referred to in section 90 and payable in respect of a period determined by the Municipality.

CHAPTER 3: DRAINAGE INSTALLATION REQUIREMENTS

122. Clearance of an obstruction in a drain or a sewer erf connection

The Executive Director may –

(a) on request clear an obstruction in a drainage installation or sewer erf connection and levy the prescribed charge; and

(b) assess liability for the cost of the work in accordance with the provisions of section 123, (2) and (3).

123. Maintenance of a combined drainage installation

(1) A combined drainage installation will be maintained by the Municipality at the cost of the owners of the premises served by such combined drainage installation or persons who contribute sewage to such combined drainage installation.

(2) The cost of clearance of a blockage in a combined drain must be paid by the persons who contribute sewage to the combined drainage installation unless the blockage is attributable to a fault in a drainage installation, in which case the cost must be paid by the owner concerned.

(3) The Executive Director may apportion maintenance and other charges incurred on a combined drainage installation between the owners of, or persons contributing sewage to, a combined drainage installation, and such apportionment will be binding upon such owners or persons and payable upon demand.

(4) (a) The Executive Director may require that a separate sewer erf connection be installed to serve one of the erven on a combined drainage installation, should one of the contributors request alterations to his or her drainage installation.

(b) The cost of the installation of this separate sewer erf connection and the cost of the separation from the combined drainage installation

will be for the account of the contributor who has requested alterations to his or her drainage installation.

(5) (a) The Executive Director may require that a separate gully and tap be installed to serve one of the erven on the combined drainage installation, should one of the contributors request alterations to his or her property, which will prohibit access to the shared gully and tap.

(b) The cost of the installation of this separate gully and tap and the cost of connection to the existing combined drainage installation will be for the account of the contributor who has requested alterations to his or her property thereby prohibiting access to the shared gully and tap.

124. Emergency work

(1) The Executive Director may, if either a nuisance or other special circumstances exist which require the performance of urgent work on a drainage installation, instruct the owner by written notice to undertake such work before the owner submits drawings and details of the drainage installation.

(2) The drawings and details referred to in subsection (1) must be submitted for approval within 15 working days of the commencement of the work.

(3) If a health or safety hazard exists, the Executive Director may without notice undertake whatever work is necessary to remove the hazard, and recover the cost from the owner of the premises or the contributor.

125. Sewage pumping arrangements

(1) No person may without the prior written authority of the Executive Director install on any premises any equipment which lifts sewage into the drainage installation of the premises or sewerage system Executive Director.

(2) Equipment referred to in subsection (1) must be designed and maintained according to the specifications determined by the Municipality's Executive Director

126. Inspection or testing of a drainage installation

(1) The Executive Director may issue a certificate of occupation if the drainage installation complies with section 6.8 of SABS 0252-2:1993.

(2) No charge will be levied if the initial test and inspection of the drainage installation complies with section 6.8 of SABS 0252-2:1993.

(3) The Municipality may levy a prescribed charge for a test or inspection of a drainage installation subsequent to the initial test and inspection.

127. Special services

The Municipality may contract or agree with the owner of premises to render a special service concerning the drainage installation and recover the cost of such work from the owner.

128. Separation of sewage

The Executive Director may by written notice served on the owner of premises from which sewage is discharged, require the owner to install a separate drainage installation for the conveyance of industrial sewage and to discharge such sewage into the sewerage system through a separate sewer erf connection, and to refrain

from discharging such sewage into a domestic drainage installation, or domestic sewage into a drainage installation into which industrial sewage is discharged.

CHAPTER 4: PROTECTION OF THE SEWERAGE SYSTEM

129. Prohibited sewage

(1) No person may discharge sewage to the sewerage system which –

(a) whether or not it is listed in section 130 or which either alone or in combination with other matter may –

(i) generate or constitute a toxic substance dangerous to the health of persons employed in the maintenance or operation of the sewerage system;

(ii) be harmful to the sewerage system; or

(iii) adversely affect any of the processes whereby sewage is normally treated or reclaimed water or the disposal of solids arising from the sewage treatment process, including sludge;

(b) is in the form of steam at the point of entry into the sewerage system;

(c) contains any substance of whatever nature likely to produce or give off explosive, inflammable, poisonous or offensive gases in such sewerage system;

(d) shows any visible signs of oil, tar or associated products or distillates, bitumen or asphalts or their emulsions, or emulsions of oil or grease or fats;

(e) contains any solids which may in the opinion of the Executive Director have an effect on the sewerage system;

(f) contains any solvent immiscible in water;

(g) contains dye or dye residues;

(h) contains any substances in such concentration as may interfere with the sewerage system or adversely affect the quality of reclaimed water;

(i) contains any non-biodegradable substance; or

(j) contains storm water

(2) Any person must, on receipt of a written notice from the Executive Director to stop the discharge of a prohibited substance into the sewerage system, immediately stop such discharge.

130. Sewage standards

(1) No person may discharge sewage into the sewerage system which has –

(a) a temperature at the point of entry in excess of 44°C;

(b) an electrical conductivity in excess of 500 milli-Siemens per metre at 25°C;

(c) a pH greater than 12,0 or less than 6,0;

(d) a permanganate value greater than 1 000mg/l; or

(e) a chemical oxygen demand greater than 10 000 mg/l.

(2) No person may discharge sewage into the sewerage system which contains a substance, either alone or in combination with other substances, having a concentration in excess of those listed below:

(a) chemical substances other than metals:

Fats, vegetable oil and like substances or mineral oils and greases	450mg/l
Sulphides, or substances from which hydrogen sulphide can be liberated (expressed as S)	5mg/l
Cyanides or substances from which hydrogen cyanide can be liberated (expressed as HCN)	10mg/l

Sulphates (expressed as SO4)	1500mg/l
Fluorides or fluorine containing substances (expressed as F)	5mg/l
Suspended solids	1000mg/l
Tar products and distillates	50mg/l
Chlorides expressed as Cl	1000mg/l

(b) Metals: Group 1

Chromium (expressed ad CrO3)	20mg/l
Copper (expressed as Cu)	20mg/l
Nickel (expressed as Ni)	20mg/l
Zinc (expressed as Zn)	20mg/l
Total collective concentration of all metals in Group 1	50mg/l

Group 2

Arsenic (expressed as As)	5mg/l
Boron (expressed as B)	5mg/l
Cadmium (expressed as Cd)	5mg/l
Cobalt (expressed as Co)	5mg/l
Lead (expressed as Pb)	5mg/l
Molybdenum (expressed as Mo)	5mg/l
Selenium (expressed as Se)	5mg/l
Mercury (expressed as Hg)	5mg/l
Total collective concentration of all metals in Group 1	15mg/l

(c) Radio Active Waste or isotopes: such concentration as may be laid down by the Atomic Energy Corporation or any State Department.

131. Variation in standards for sewage acceptance

(1) The Executive Director may –

(a) reduce the range, limits or concentration of any substance listed in section 130 if for the conditions which exist in the sewerage system, the limits are unacceptable; or

(b) on written request increase the range, limits or concentration of a substance which he or she is prepared to accept into the sewerage system, provided that he or she is satisfied that the sewerage system will not be adversely affected.

(2) The effective date of a variation in standards will be the date of issue of a revised permit containing the changed limits referred to in subsection (1)(a) or (b).

(3) A variation in standards listed in section 130 for the acceptance of sewage into the sewerage system will become effective after the publication of a public notice giving details of the variation.

132. Sewage to conform to permit conditions

(1) On discharge into the sewerage system, sewage will conform to the requirements of–

(a) sections 130,131 or 132 and

(b) the conditions referred to in section 93(2) and included in a permit issued in terms of section 93(1).

(2) A permit becomes invalid if the permit holder does not comply with the permit conditions.

133. Notification of a variation in permit conditions

(1) The permit holder must give the Municipality written notice of any proposed variation, which may affect the standard of sewage to which the permit relates.
(2) The issued permit must be returned for revision with the notification of the proposed variation.
(3) No variation in the standard of sewage discharged into the sewerage system will occur before the receipt of a revised permit.

134. Revision of a permit

The Executive Director may by written notice require the return of a permit for revision within fourteen days of the date of the notice.

135. Indemnification of the Municipality

A permit holder must indemnify the Municipality against all claims which may be brought or instituted against it for damage to property or injury or death of persons as a result of the discharge of sewage.

136. Damage to the sewerage system

(1) If damage is caused to the sewerage system by or in consequence of non-compliance with or the contravention of any provisions of this by-law, such damage may be rectified or repaired by the Municipality.
(2) The person causing the non-compliance or contravention will be responsible for the payment of the costs incurred by the Municipality in rectifying the effects of non-compliance with the by-law
(3) The amount certified as due will be payable on demand.

137. Prevention of damage to the sewerage system by accidental discharge

A contributor of any industrial sewage must provide facilities acceptable to the Executive Director, which will prevent the accidental discharge into the sewerage system for whatever reason of sewage listed in section 129 or of any sewage which does not comply with section 130.

138. Sewerage services levy

(1) If an owner of property or any person on behalf of an owner of property submits an application for the development or rezoning or subdivision of any property or for special consent in relation to the use of any property which necessitates the installation of new sanitation services infrastructure or which may increase the burden on the existing sanitation services infrastructure, the municipality may raise a once off sewerage services development levy.
(2) The levy referred to in subsection (1) shall be payable by the owner subject to such terms and conditions as may be determined by the municipality when approving the rezoning, subdivision or application for special consent and such levy will be determined in the municipality's annual schedule of tariffs.
(3) The levy referred to in subsection (1) will be payable by the owner to the municipality within the period and on such conditions as may be imposed by the municipality.

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