

A-WE (01-2023) WSE

28/09/2023

WATER, SANITATION AND ENERGY OVERSIGHT
COMMITTEE: REPORT TO REQUEST APPROVAL OF THE
AMENDED WATER SERVICES BY-LAW

RESOLVED

1. **That** the Water, Sanitation and Energy Oversight Committee's report on the request for Council approval of the amended Water Services By-Law following completion of the public participation process, **BE NOTED**.
2. **That** the amended Water Services By-Law attached at annexure "A" **BE APPROVED**.



**WATER AND SANITATION DEPARTMENT
WATER SERVICES BY-LAWS**

30 September 2023

Version: Final

By-law

To provide for the rights of access to basic water supply and sanitation within the area of jurisdiction of the City, as contemplated in section 27 of the Constitution of the Republic of South Africa; To provide for the appointment of Water Services Providers, their powers and functions and the establishment of a regulatory framework within which to deliver water services; To provide for the setting of terms and conditions to ensure compliance with the statutes, legislation and regulations applicable to the water sector; To provide for the monitoring of water services within the area of jurisdiction of the City and intervention by the City, being the Water Services Authority within its area of jurisdiction, where necessary; To give effect to the implementation of the policies adopted by the City in this Bylaw; and To provide for matters incidental to the supply of water and sanitation services within the area of jurisdiction of the City.

PREAMBLE: -

WHEREAS Section 156(2) and (5) of the Constitution provides that a City may make and administer by-laws for the effective administration of the matters which it has the right to administer, and to exercise any power concerning a matter reasonably necessary for, or incidental to, the effective performance of its functions.

AND WHEREAS Part B of Schedule 4 to the Constitution lists water and sanitation services limited to potable water supply network/systems and domestic wastewater and sanitation network/systems as a local government matter to the extent set out in in Section 155(6)(a) and (7);

AND WHEREAS the National Environmental Management Act 107 of 1998 gives effect to the constitutional right aimed at protecting the environment by providing environmental management principles that apply throughout the Republic to the actions of all organs of state that may significantly affect the environment;

AND WHEREAS the National Water Act 36 of 1998 recognises that water is a scarce resource, which is distributed unequally around the country and forms part of the water cycle. The Act further states that water is a natural resource that belongs to all people of the country and provides for the equitable sharing of access to the water and the use of water resources. The Act places a responsibility on the government for the nation's water resources and uses and allows for beneficial use of the water and its redistribution in an equitable manner.

AND WHEREAS the Water Service Act 108 of 1997 defines the different roles of water service providers and recognises the rights of access to basic water supply and basic sanitation necessary to ensure sufficient water and an environment not harmful to health or wellbeing, that there is a duty on the City as a water services authority to ensure that water supply and sanitation services are provided in a manner which is efficient, equitable and sustainable and is sufficient for subsistence and sustainable economic activity within the limits of physical and financial feasibility and be undertaken in a manner consistent with the broader goals of water resource management.

BE IT ENACTED by the City of Ekurhuleni, as follows: -

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PART A: GENERAL

Definitions

In these by-laws, unless inconsistent with the context: -

“**accommodation unit**” means in relation to any premises, means a building or section of a building occupied or used or intended for occupation or used for residential, business or industrial purposes or any other purpose;

“**account**” means an account rendered for municipal services provided;

“**acceptable**”, “**adequate**” or “**satisfactory**” means acceptable, adequate or satisfactory in the opinion of the City or in relation to any document issued by the City;

“**agreement**” or “**consumer agreement**” means the contractual relationship between the City and a consumer, whether written or deemed, as provided for in the City’s By-laws;

“**appliance**” means any receptacle, apparatus or device that is permanently connected to the water supply, water installation or drainage installation, including but not limited to storage tanks, cisterns and sanitary fixtures;

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

“**application**” means a written application in terms of these by-laws or any other legislation, policy, by-laws in terms of which an application is a prerequisite and of which the requirements and specifications shall be determined by the City;

“**applicable standard specifications**” means the standard specifications as amended or replaced from time to time as listed in Schedule 1 attached to these by-laws and include all other relevant SABS/SANS standards and codes, ISO standards and codes, legislation, regulations and other statutory provisions;

“**applicable tariff**” means the applicable tariff as per the tariff schedule determined by the City from time to time;

“**approved**” and “**approval**” means approved in writing by the City;

“**area of supply**” means any area within or partly within the area of jurisdiction of the City to which a water service is provided;

“**authorised agent**” means: -

- (a) any person authorised by the City to perform any act, function or duty in terms of, or to exercise any power under, these by-laws;
- (b) any person to whom the City has delegated the performance of certain rights, duties and obligations in respect of providing water supply services;
- (c) any person appointed by the City in a written contract as a service provider for the provision of Water Services to a consumer on its behalf, to the extent authorised in such contract; or
- (d) any person to whom a consumer/owner has delegated the performance of certain rights, duties and obligations;

“backflow” or **“back flow”** means the flow of water in a pipe in a direction opposite to the normal direction of flow;

“backflow prevention device or preventer” means a double check valve backflow preventer or a reduced-pressure backflow preventer: -

- (a) a double check valve backflow preventer is a water fitting that incorporates at least two independently acting non-return valves, complete with facilities for testing the water tightness of each non-return valve independently;
- (b) a reduced-pressure backflow preventer is a water fitting incorporating two or more return valves and an automatically operating pressure-differential relief valve located between two non-return valves, and including facilities for testing the water tightness of the control stages within the valve;

“basic sanitation” means the prescribed minimum standard of services necessary for the safe, hygienic and adequate collection, removal, disposal or treatment of domestic sewage, including informal households;

“basic water supply” means the prescribed minimum standard of water supply services necessary for the reliable supply of a sufficient quantity and quality of water to households, including informal households, to support life and personal hygiene;

“best practicable environmental option” means the option that provides the most benefit or causes the least damage to the environment as a whole, at a cost acceptable to society, in the short and long term;

“billing period” means the time between consecutive billing dates;

“borehole” means a hole sunk into the earth for the purpose of locating, abstracting or using subterranean water and includes a spring;

“branch pipe” means a pipe that branches off from a service pipe, or a distribution pipe that serves only one terminal water fitting;

“building” includes any structure, whether of a temporary or permanent nature, and irrespective of the materials used in the erection thereof, erected or used in connection with:

- (a) the accommodation or convenience of human beings and animals, the manufacture, processing, storage, display or sale of goods, the rendering of a service, the destruction or treatment of refuse or other waste materials; and the cultivation or growing of plants or crops;
- (b) a wall, swimming bath, swimming pool, reservoir or bridge or any structure connected therewith;
- (c) a fuel pump or tank used in connection therewith;
- (d) any part of a building, including a building defined in (a), (b) or (c); and
- (e) any facilities or system, or portion thereof, within or outside but incidental to a building, for the provision of a water supply, drainage, sewerage, storm water disposal, electricity supply or other similar service in respect of the building;

“Building Regulations” means the National Building Regulations and Building Standards Act 103 of 1977 and the National Building Regulations made in terms of the National Building Regulations and Building Standards Act 103 of 1977 as amended;

“business days” means the days of the week excluding Saturdays, Sundays and public holidays;

“business/commercial effluent” means the effluent resulting from the use of water for business, commercial and/or trade purpose;

“business/commercial purpose/use” means water used on premises for business purpose, trade purpose and/or commercial purpose;

“calendar days” means every consecutive day on the calendar, including Saturdays, Sundays and public holidays.

“capacity” means the capability of a storage tank or water heater to contain:

- (a) in a storage tank, the volume of the tank between the operating level of the water contained in such a tank and the invert of the outlet from the tank, in litres;
- (b) in an instantaneous water heater, the rated hot water delivery rate of the water heater, in litres per minute, at stipulated temperature;
- (c) in a storage water heater, the storage capacity of the heater, in litres; and
- (d) in a heat exchange water heater, the storage volume of the heater, in litres;

“cistern” means a small capacity storage tank to serve a toilet pan, urinal or a cistern type storage water heater;

“City” means the City of Ekurhuleni, established in terms of section 12(1) read with section 14(2) of the Local Government: Municipal Structures Act 117 of 1998, as amended, and promulgated in notice no 6768 of 2000 in the Gauteng Provincial Gazette Extraordinary no 141 dated 1 October 2000, as amended, and may, depending on the context, include its successor in title, a functionary, employee, official, or person exercising delegated power, carrying out an instruction or exercising any lawful act furtherance of the City’s duties, functions and powers or an authorised service provider fulfilling a responsibility assigned to it by the City;

“combination meter/s” means a system that consists of one large meter, one small meter and a device which, without using any source of energy other than that of the fluid being measured, automatically so direct the water through either meter that neither of the meters operates outside of its designed operating range;

“combined installation” means a water installation used for firefighting, domestic, commercial or industrial purposes, or any combination thereof;

“commercial or business consumer” means any consumer other than domestic consumer and indigent consumer, including, without limitation, business, industrial, government and institutional consumers;

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

“connecting sewer” means a pipe vested in the City which connects a consumer’s drainage

installation to the City's sewer;

“connection pipe” or **“communication pipe”** means a pipe, the ownership of which is vested in the City and installed by it for the purpose of conveying water from the City's water main to a consumer's water installation;

“connecting point” or **“connection point”** or **“point of connection”** means the point at which a consumer gains access to Water Services. In relation to sanitation services, it is the point the consumer's drainage installation joins the City's connecting sewer. In relation to water supply services, it is the terminal end (outlet) of the service connection from the City's water supply network/system at its point of supply to the consumer's water installation. If a meter is installed at the terminal end (outlet) of the City's service connection, then the connection point shall be the downstream end of the City's supply valve and meter;

“competent person” means a person who is qualified by virtue of his education, training, experience and contextual knowledge to make a determination regarding the performance of a building or part thereof in relation to a functional regulation or to undertake such duties as may be assigned to him in terms of the Building Regulations and includes as the case may be: -

- (a) a person who is registered in terms of the Engineering Profession Act 46 of 2000, as either a Professional Engineer or a Professional Engineering Technologist; and has a tertiary qualification (degree or national higher diploma) in either civil or mechanical engineering, and is generally recognised as, or can furnish acceptable proof of, having the necessary experience and training to undertake rational assessments or rational designs in the field of sanitation;
- (b) a person who is registered in terms of the Engineering Profession Act 46 of 2000, as either a Professional Engineer or a Professional Engineering Technologist; and has a tertiary qualification (degree or national higher diploma) in civil engineering, and is generally recognised as having the necessary experience and training to undertake rational assessments or rational designs in the field of civil engineering;
- (c) a person who is registered in terms of the Engineering Profession Act 46 of 2000, as either a Professional Engineer or a Professional Engineering Technologist; and is generally recognised as having the necessary experience and training to undertake rational assessments or rational designs in the field of fire;
- (d) a person who is registered in terms of the Engineering Profession Act 46 of 2000, as either a Professional Engineer or a Professional Engineering Technologist; and has a tertiary qualification (degree or national higher diploma) in either civil or mechanical engineering, and is generally recognised as, or can furnish acceptable proof of, having the necessary experience and training to undertake rational assessments or rational designs in the field of wet services;

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

“consumer / user” means a person to whom the City has agreed to supply water or is supplying water to or is connected to the City's Water Services Network/System or if there is no such person, the owner or occupier of the premises or the person who receives water services and/or consumes or utilises water services from the City;

“consumption” means: -

- (a) the units value read from the face of a meter or summation of meters or estimated, at the end of meter reading period, and subtracted from the previous units value read or summated or estimated in respect of the previous meter period and may be coupled to an external/internal multiplication factor. The unit of measurement is cubic meters, litres or kilo litres in respect of such meter reading period;

“control valve” means a water fitting that is used to control the flow of water in a part of a water installation;

“corrosion” means any chemical reaction through which the composition of a material is degraded;

“cross-connection” or “cross connection” means a link between two pipes;

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

“demolish” or “demolition” means the act of destruction, dismantling, removal or tearing down of a building or structure or substantial portion of a building or structure;

“discharge pipe” means any pipe other than a drain, that conveys the discharge from one or more sanitary fixtures;

“disinfection” or “disinfect” means the sterilisation of water or pipes and fittings, using chemicals such as chlorine or any suitable disinfectant, as accepted by the City to ensure the water is safe for human use;

“disposal of industrial effluent” means the collection, removal, disposal or treatment of effluent emanating from industrial use of water;

“domestic consumer” means a consumer using water for domestic purposes;

“domestic sewage” or “domestic effluent” or “domestic sewage/effluent” means sewage that consists of soil water or wastewater or both;

“domestic purpose / use” means drinking, ablution and culinary purposes on private, business or industrial premises;

“a drain” means that part of an installation that conveys sewage from a building to a common drain, connecting sewer or any other sanitation network/system situated on the site concerned, but excluding the following:

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

“drainage installation” means an installation that is vested in the owner of a site and that is situated on the site and is intended for the reception, conveyance, storage or treatment of sewage/effluent and/or industrial effluent, and that may include sanitary fixtures, materials, pipes, fittings, joints, traps, systems, drains, septic tanks, sewage treatment plants or mechanical appliances associated therewith;

“drinking water” or “drinking purposes” means water that is intended for human consumption;

“**dwelling unit**” means a unit that contains one or more habitable rooms and that is provided with adequate sanitary and cooking facilities;

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

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

“**estimated**” means an approximated calculation or judgment of a value, number, quantity or extent of something;

“**estimated consumption**” means the consumption that a consumer, whose consumption is not measured or measured incorrectly during a specific period, is deemed to have consumed, that is estimated by taking into account factors that are considered relevant by the City and which may include but is not limited to the consumption of Water Services by the totality of the users of a service within the area where the service is rendered by the City, at the appropriate level of service, for a specific time or in such other manner as determined by the City;

“**fire hydrant**” means a terminal water fitting that is connected to a pipeline and to which a fire hose may be attached;

“**fire-fighting installation**” means a water installation including equipment that conveys water solely for firefighting;

“**float valve**” means a terminal water fitting that is actuated by a lever attached to a float and that is used to control the water level in a cistern or storage tank;

“**flow rate**” means the volume of water that passes through the meter, divided by the time taken for this volume to pass through the meter;

“**french drain**” means a trench filled with suitable material which is used for the disposal of liquid sewage/effluent from a septic tank or wastewater;

“**general installation**” means a water installation on a site, which conveys water for domestic, commercial or industrial purposes;

“**grey water**” means domestic wastewater excluding toilet water;

“**gully**” or “**overflow gully**” means a pipe fitting that incorporates a trap into which wastewater is discharged and that is normally connected to a drain and which allows the overflow of sewage but prevents the ingress of foreign matter, including rainwater directly from above and be surrounded by a kerb not less than 100mm high or it shall be elevated above the immediately surrounding ground level by not less than 100mm;

“**hazard**” or “**risk**” means biological, chemical, physical or radiological determinant that can cause harm to health or the environment and includes but is not limited to any condition, device or practice that has the potential to cause death, endanger health or could constitute a nuisance;

“**hot water distribution system**” means the configuration of piping (and pumps and controls in the case of recirculating systems) that delivers hot water from the water heater to the end use points within the building;

“**household**” means a family unit, as determined by the City;

“illegal connection” means a connection to any system, by means of which Water Services are provided that is not authorised or approved by the City;

“industrial effluent” means any liquid whether or not containing water in solution or suspension which is given off in the course of or as a result of any industrial trade, business, commercial, manufacturing, mining or chemical process or any laboratory, research or agricultural activity, and includes any liquid, other than soil water or storm water, ending up in the City’s sanitation network/system or disposed of in a legal manner;

“industrial use/purpose” means the use of water for mining, manufacturing, generating electricity, land-based transport, construction or any related purpose;

“inspection” means any inspection as determined and undertaken by the City from time to time;

“inspection chamber” means a chamber not deeper than 1200mm and of such dimensions that access can be obtained to a drain without requiring a person to enter into such a chamber;

“installation” means in relation to a consumer’s water installation the pipes and water fittings which are situated on any premises and ownership thereof vests in the owner thereof and used or intended to be used in connection with the use of water on such premises, and includes a pipe and water fitting situated outside the boundary of the premises, which either connects to the connection pipe relating to such premises or is otherwise laid with the written approval of the City and in relation to a consumer’s drainage installation an installation that is vested in the owner of a site and that is situated on the site and is intended for the reception, conveyance, storage or treatment of sewage/effluent and/or industrial effluent, and that may include sanitary fixtures, materials, pipes, fittings, joints, traps, systems, drains, septic tanks, sewage treatment plants or mechanical appliances associated therewith;

“installation work” means any work done in respect of a water installation or drainage installation, including the installation, extension, modification, construction, rehabilitation, improvement, maintenance or repair;

“interceptor” means a device that is designed to cool down incoming hot waste water to below 30°C to enable grease and fat to separate from the water and to solidify or be collected on the surface level of the waste water, and that prevents grease and fat from entering a sewer; or separates and stores light liquid hydrocarbons from sewage/effluent water and storm water, to prevent the light liquids from entering a sewer;

“isolating valve” means a water fitting that is used to shut off and isolate a part of a water installation from the main installation (mains); the term includes ball valves, gate valves, sluice valves, stop valves or any other type of shut-off valve arrangement;

“JASWIC” means the Joint Acceptance Scheme for Water Installation Components approved products;

“load” means the value of a force corresponding to an action;

“maintain or maintained” means in a condition of operational readiness at all times in accordance with the original design and installation and associated maintenance procedures;

“manhole” means a chamber of a depth greater than 750mm and of such dimensions that allows entry of a person into such chamber for the purpose of providing access to a drain;

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

“meter” or “metering system” means a device for measuring water supply and/or totalling and registering the variable consumption of water supply and includes main and check meters, credit and prepayment meters and other volume measuring devices and volume controlling devices;

“meter box” means an enclosure intended for the accommodation of a meter, or other associated equipment as determined by the City;

“meter reading period” means the period extending from one reading, summation or estimation in respect of a meter or meters to the next;

“non return valve”, “non-return valve”, “check valve” or “reflux valve” means a water fitting that automatically permits flow to occur in one direction only;

“objectionable matter” means any matter, material or substance that is causing objection, causing prejudice or is deemed to be offensive, undesirable, unacceptable, nuisance, harmful, hazardous or detrimental to the City, a person, the environment or infrastructure, as determined by the City;

“occupancy” means the particular use or the type of use to which a building or portion thereof is normally put or intended to be put;

“occupier” in relation to any premises means: -

- (a) any person in occupation of a premises at any relevant time; or
- (b) any person legally entitled to occupy the premises; or
- (c) any person in control or management of a premises;

“On-site Sanitation Services” means any Sanitation Services other than water borne sewage disposal through a sanitation network/system;

“owner” in relation to any premises means: -

- (a) the person or entity in whose name the premises is registered or the person’s authorised agent; or
- (b) if the owner is deceased, insolvent, mentally ill, a minor or under any legal disability, the person in whom the custody or administration of such premises is vested as executor, trustee, curator, guardian or any other capacity; or
- (c) if the premises is leased, the lessor; or
- (d) a person and/or entity receiving rent or profit issuing therefrom, or who would receive such rent or profit, if such premises were let, whether for his own account or as agent for any person entitled thereto or interested therein; or
- (e) where the premises are beneficially occupied under servitude or similar right, the person in whom such right is vested; or

- (f) if the City is unable to determine who such person or entity is, the person or entity who is entitled to the beneficial use of such premises;

“package plant” means any onsite, waterborne, domestic sewage and/or business/commercial effluent treatment system, whether it consists of one or many modules, with a total capacity of less than 2000 m³/day;

“person” means any person, whether natural or juristic and includes, but is not limited to, any local government body or like authority, a company or close corporation incorporated under any law, a body of persons whether incorporated or not, a statutory body, public utility body, voluntary association or trust and includes the owner, occupier and consumer/user as defined;

“pipe” means any number of pipes and fittings joined together to form a pipeline;

“point of supply” means the physical fixed interface or point determined by the City at which water is supplied to any premises by the City;

“point of metering” means the point at which the consumer’s water consumption is supplied and measured;

“potable water” means water that does not contain any matter, pollution, contamination or minerals of an objectionable nature or in excessive quantity, or any infectious material, and that is considered by the water supply authority to be satisfactory for drinking, culinary and other domestic purposes and complies with the relevant SABS/SABS standards and codes;

“pollution” means the introduction into any water supply network/system or installation, or any substance or thing that could cause the water conveyed in such system or installation to become harmful to health, or that could render such water unfit for its intended purpose which includes but is not limited to making water harmful or potentially harmful to property or infrastructure, health, environment, to any aquatic or non-aquatic organisms or impair its quality for the use for which it is normally intended;

“premises” or “property” or “site” or piece of land” means an erf, lot, plot, farm, agricultural land, agricultural holding or stand inclusive of every defined portion thereof, and any building or structure of a permanent or temporary nature has been, is being or is to be erected or part thereof, above or below the surface, and/or, a unit, section, exclusive use area or common property and any building or structure of a permanent or temporary nature has been, is being or is to be erected or part thereof in a Sectional Title Scheme or Community Scheme and includes but is not limited to a complex of multiple dwelling units, such as terraced or multi-storey complexes, or cluster or retirement-village-type developments (or both) where management of common property usually resides with (but is not limited to) a management body and includes any immovable property or a piece of land which is held under surface right permit or under mining title or which, being proclaimed land not held under mining title, is used for residential purposes or for purposes not incidental to mining operations;

“public notice” means publication in the media including one or more of the following: -

- (a) publication of a notice, in the official languages determined by the City: -
- (i) in any local newspaper or newspapers circulating in the area of supply of the City;
 - (ii) in the newspaper or newspapers circulating in the area of supply of the City determined by the City as a newspaper of record;

- (iii) on the official website of the City;
 - (iv) by means of radio broadcasts covering the area of supply of the City;
 - (v) social media platforms as determined by the City; or
 - (vi) other electronic and digital communication or other information and communication technology including but limited to SMS, e-mail, communication applications;
- (b) displaying a notice in or at any premises, office, library or pay-point of either the City, or of its authorised agent, to which the public has reasonable access; or
 - (c) communication with consumers and/or the public through public meetings and ward committee meetings;

“qualified plumber” means any person who in the trade of plumbing has, in terms of the Manpower Training Act 56 of 1981, passed a qualifying trade test or has been issued with a certificate of proficiency or has obtained a National Certificate in Construction Plumbing, National Qualification Framework level 3;

“rehabilitation cost” or “rehabilitation charges” means the cost, fees, charges and amounts levied by the City for all measures necessary to restore the environment to its condition prior to an incident resulting in damage;

“residential premises” means any premises used or intended for use solely for domestic (dwelling) purposes and which is not used for trade, business, manufacturing or industrial purposes;

“SABS” or “SANS” means specification published by the Council of the South African Bureau of Standards and/or a South African National Standard and all amendments and/or replacements thereof. “SABS” or “SANS” followed by a number and/or a title, is a reference to the specification of the indicated number published by the Council of the South African Bureau of Standards, and/or a South African National Standard and all amendments and/or replacements. Any reference to “SABS/SANS” without being followed a number or a title means it is a reference to the applicable specification published by the Council of the South African Bureau of Standards and/or a South African National Standard and all amendments and/or replacements thereof and which may be in force from time to time;

“sanitary fixture” means any receptacle, apparatus or device to which water can be permanently supplied, and from which wastewater or soil water is discharged;

“Sanitation Services” means the collection, removal, disposal, purification and/or treatment by the City through a sanitation network/system or by other means determined by the City of human excreta, soil water, wastewater, sewage, effluent, sewage/effluent, business/commercial effluent, industrial effluent and other types of sewage/effluent and/or discharges as authorised by the City. This includes all the organisational arrangements necessary to ensure the provision of sanitation services, including, among others, the measurement of the quantity and quality of discharges where appropriate, the associated billing, collection of revenue and consumer care. The range, extent and nature of the services, discharges and substances may change from time to time as the City may decide;

“sanitation network/system” means the structures, pipes, sewer, conduits, valves, pumps, meters, fixtures, other appurtenances or on-site sanitation system which is the property of or is vested in the City which is used or intended to be used for the reception and conveyance of sewage/effluent through the sewer reticulation system and treatment at a sewage treatment plant;

“septic tank” means a tank/chamber designed to receive sewage and to retain it for such a time and in such a manner as to secure adequate decomposition;

“service connection” means all equipment, including but not limited to, all metering equipment, required to connect the Water Supply Network/System of the City to the water or drainage installation of the consumer at the point of connection;

“service pipe” means a pipe provided and installed on any premises by the owner or occupier and which is connected or to be connected to the connection point as determined by the City;

“sewage” means wastewater, grey water, soil water and other liquid waste, either separately or in combination, excluding storm water;

“sewage treatment plant” means a facility including all of its equipment, machinery and infrastructure, in which a combination of various processes including but not limited to physical, chemical and biological processes are used to remove contaminants and pollutants from waste water, sewage, effluent and industrial effluent to produce treated or final treated effluent that is suitable for discharge to the surrounding environment or an intended re-use application and which plant is under the control of the City or not.

“sewer” means any pipe or conduit which is the property of or is vested in the City and which is used or intended to be used for the conveyance of sewage/effluent from the connecting sewer and shall not include a drain as defined;

“sludge” means solid, semi-solid or liquid residue generated during the treatment of sewage/effluent in a sewage treatment plant. Wastewater sludge includes, but is not limited to, sewage, scum or solids removed in primary, secondary, or advanced wastewater treatment processes, and material derived from wastewater sludge in a wastewater sludge incinerator. It does not include the grit and screenings generated during preliminary treatment of domestic wastewater in a sewage treatment plant;

“soil water” means liquid containing human excreta;

“sprinkler system” means a system of piping and sprinkler heads connected to a water supply which, when activated by the effect of fire, automatically releases water;

“standpipe” means a connection through which water supply services are supplied;

“stop valve” means an externally operated valve regulating the flow of water through a pipe supplying a premises;

“storage tank” means any tank, other than any tank used for storage of hot water or any cistern serving a toilet pan or a urinal, which forms part of a water installation and is used for the storage of water;

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

“storm water drain” or “storm water drainage system/network” means a pipe, conduit of surface channel situated on a site / premises, which is used to convey storm water to a suitable point of discharge;

“street” or “road” includes any street, road or thoroughfare shown on general plan of a township, agricultural holdings or other division of land or in respect of which the public have acquired a prescriptive or other right of way and/or is commonly used by the public or any section

thereof or to which the public has a right of access or private street, road or thoroughfare and includes the verge of any such road, street or thoroughfare, any bridge, ferry or drift traversed by any such road, street or thoroughfare and any other work or object forming part of or connected with or belonging to such road, street or thoroughfare;

“suitable” means capable of fulfilling or having fulfilled the intended function or fit for its intended purpose in the opinion of the City;

“tariff” means the tariff, rates, charges, fees, surcharges, levies or any other amounts payable as determined by the City in terms of the Local Government: Municipal Systems Act 32 of 2000, as amended, or any other applicable legislation;

“the Water Act” or “the Act” means the Water Services Act 108 of 1997, as amended, together with its notices and regulations;

“the National Water Act” means the National Water Act 36 of 1998, as amended and its notices and regulations;

“theft of water” for the purposes of these by-laws includes the improper and/or unlawful and/or unauthorised use or access and/or connection to the City’s Water Supply Network/System and extracting, consuming or using or allowing the extraction, consumption or use of water for whatsoever purpose and further also includes the use of water in cases where the tampering, interference or by-passing of a meter installation has resulted in proper metering of water being compromised;

“trade premises” means any premises used or intended to be used for carrying on any trade or industry;

“final treated effluent” means the processed effluent is further treated for secondary application as approved by the City;

“user” or “users” means any persons, groups or organisation who use property or land including but not limited to the water or drainage installation, as an occupier, owner, tenant, visitor or other stakeholder;

“user connection” means any connection through which a user can gain access to water services and includes any consumer installation and any bulk or communal connection;

“valve” means a water fitting for controlling the flow of water;

“ventilated improved pit toilet” or “VIP toilet” means a toilet which comprises:

- (a) a pit into which the excreta fall and from which the liquid fraction seeps into the surrounding ground;
- (b) a slab which covers the pit and which has two holes, one for the excreta to fall through and one for the vent pipe;
- (c) a superstructure which provides privacy, and which prevents light from entering the pit;
- (d) a pedestal seat and seat cover;
- (e) a vent pipe which removes odour from the pit; and
- (f) a fly screen at the top of the vent pipe which prevents flies from entering the pit through

the pipe and prevents flies that have entered the pit through the pedestal from leaving through the vent pipe;

“ventilation pipe” or “vent pipe” means a pipe, other than a discharge pipe, that leads to the open air at its highest point and that provides ventilation throughout a drainage installation for the purpose of preventing the destruction of water seals;

“waste food” means food disposed of as a result of any business or commercial activity;

“wastewater or wastewater” means used water, other than storm water, that is not contaminated by soil water or industrial effluent;

“water connection” means the stopcock, water meter and meter box provided at the end of a connection pipe for the supply of water to any premises; a water connection provided by the City on a water main by means of a connection pipe, water meter and isolating valve for the supply of water to any premises;

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

“water heater” means an appliance, usually self-contained, for heating water that is either stored in the appliance or passes through it;

“water installation” means the pipes and water fittings which are situated on any premises and ownership thereof vests in the owner thereof and used or intended to be used in connection with the use of water on such premises, and includes a pipe and water fitting situated outside the boundary of the premises, which either connects to the connection pipe relating to such premises or is otherwise laid with the written approval of the City;

“water main/s” or “main/s” means any pipe, other than a communication pipe, vested in the City and is used by it to convey water to consumers;

“watercourse” means a river or spring, a natural channel in which water flows regularly or intermittently; a wetland, lake or dam into which, or from which, water flows and any collection of water which the Minister may, by notice in the Gazette, declare to be a watercourse and reference to a watercourse includes, where relevant, its bed and banks;

“Water resource” means all surface water and groundwater and includes but is not limited to a river, spring, natural channel in which water flows regularly or intermittently, a wetland, lake, dam, reservoirs, estuary, aquifer and other watercourse;

“Water Services Authority” means any municipality responsible for ensuring access to water services within its area of jurisdiction;

“Water Services Institution” means a water service authority, a water services provider, a water board and a water services committee;

“Water Services Intermediary” means any person who provides water services to another, where the obligation to provide water services is incidental to the main object of the contract between them;

“Water Services Provider” means one of more of the following:

- (a) any person who has a contract with a water services authority or another water services provider to sell water to that authority or provider; or

- (b) any person who has a contract with a water services authority to assume operational responsibility for providing water services to one or more consumers (end users) within a specific geographical area (retail water services provider) or
- (c) a water services authority that provides either or both of the services in (a) or (b) itself;

“water services” means water supply services and sanitation services by the City;

“water supply services” has the same meaning assigned to it in terms of the Act and includes for purposes of these by-laws, the supply of water for domestic, business, commercial and industrial purposes and fire-fighting services;

“water supply network/system” means any system of structures, aqueducts, pipes, valves, pumps, meters or other appurtenances relating thereto which are vested in the City and are used or intended to be used by it in connection with the supply of water;

“Water Services Network/System” means the City’s water supply and sanitation network/system which includes but is not limited to connecting sewer, connection pipe, water main, meters and service connections used for the distribution and reticulation of water supply to consumers within the municipal boundaries and the reticulation, reception, conveyance and treatment of sewage/effluent from consumers within the municipal boundaries;

“wayleave” means the set of documentation providing information to the general location of the Networks/Systems of the City and all other service providers within the physical area covered by a written application to undertake temporary civil work within the municipal area and authorises and stipulates the conditions applicable to the work to be done in the vicinity of the affected Networks/Systems against payment of the applicable tariff;

1. Policies adopted by the City

The City has developed the following Policies:

Onsite sanitation Policy which comprehensively and in detail, deal with and regulate the process of management of wastewater (particularly through the use of On-Site Privately Owned Sewage Disposal Systems/package plants) and delivering sanitation services in a sustainable manner;

Water Meter Policy which comprehensively and in detail deals with the responsibilities that the City and its consumers have, for the installation and management of water meters towards the provision of optimal water service delivery.

It is therefore not necessary for this By-law to restate and repeat the contents of these Policies. Without repeating the contents thereof, the contents of such policies are hereby incorporated into this By-law by reference and mutatis mutandis assigned the status of a By-law in as far as it is required for their respective implementation, enforcement and to be given effect to, as referred to in terms of the provisions of sections 12 and 13 of the Systems Act.

2 Other terms

Any terms not defined in these by-laws shall, unless the context otherwise requires, have the meaning assigned thereto in the Act or Regulations thereto of the National Water Act 36 of 1997, as amended, or the Water Service Act 108 of 1997, as amended, or the National Building Regulations and Building Standards Act 103 of 1977, as amended, or the Local Government: Municipal Systems Act 32 of 2000, as amended, or the Local Government: Municipal Finance Management Act 56 of 2003, as amended and the Constitution of the Republic of South Africa 1996 or the relevant SANS or SABS, amended from time to time.

3 Interpretation of terminology used

- a) All references made to a gender shall also include all genders and references to the singular shall also mean the plural and vice versa;
- b) All references to a person shall include both a natural person and/or a legal entity established in terms of any relevant Act or other legislation;
- c) Any reference to at the premises shall also mean on the premises and vice versa.

4 Application of these by-laws

The provisions of these by-laws apply to all persons and premises within the municipal area of the City and to all persons and premises outside the City's municipal area to which the City renders water services or is obliged to render water services and/or who consumes or utilises water services.

GENERAL CONDITIONS OF SUPPLY OF WATER SERVICES

5 Supply water services by agreement

- (1) No person shall use or be entitled to use the supply of water services from the City unless or until he has entered into a consumer agreement, in writing, with the City for the supply. The agreement, together with the provisions of these by-laws and the City's other by-laws and policies and other relevant legislation shall in all respects govern the supply of water services.
- (2) If a person uses a water services without entering into a consumer agreement with the City, the owner and/or occupier of the premises and/or consumer shall be liable for the charges for consumption of water and charges in respect of the sanitation services in accordance with the applicable tariff and any other amounts levied by the City in such circumstances, including, but not limited to, levying an amount for a deposit on the consumers account in terms of the City's by-laws and policies and the water services may be discontinued immediately and is the consumer obliged to enter into a consumer agreement with the City.
- (3) If, at the commencement of these by-laws or at any other time, water services are provided by the City and no written consumer agreement exists in respect of such services, it shall, until the consumer applies in terms of these by-laws, be deemed: -
 - (a) a consumer agreement as envisaged by these by-laws exists;
 - (b) the level of service rendered to that consumer is at a level of service elected by the

consumer; and

(c) that the water services are rendered to the consumer in terms of these by-laws.

(4) The City may in its sole discretion decide whether a consumer agreement shall be concluded by the City with the registered owner of the premises or with the occupier of or consumer at the premises, or with both, or with any duly authorised person acting on their behalf, or such other person at the discretion of the City. Where an applicant, occupier or consumer is not the registered owner of the premises, an agreement in writing between the City, the registered owner of the premises and the applicant, consumer or occupier for the rendering of a connection may be required at the time of application.

(5) Notwithstanding the aforementioned, the City shall not be obliged to conclude with any person a consumer agreement or to provide water services: -

(a) to areas or consumers outside the defined limits of the City's municipal area;

(b) where due to the nature of the topography, water services cannot be provided economically and/or cost effectively;

(c) where the necessary bulk infrastructure does not exist or is inadequate to service additional consumers;

(d) if the City's Water Services Network/System is not available at a point within the close proximity of such premises from where it is reasonably possible to provide a service connection to the premises; or

(e) beyond the City's ability and capacity.

6 Application for supply of water services

(1) No person shall gain access to, consume, abstract or be supplied with water services from the water supply network/system, sanitation network/system or through any other sanitation services unless such person has applied in writing to the City on the prescribed form for such services for a specific purpose, before water services are required and such written application has been approved by the City.

(2) The owner of the premises concerned or a duly authorised person acting on his behalf shall make written application for the installation or reinstatement of a service connection for the supply of water services in a form prescribed by the City, as aforementioned. The City will not be obliged to supply water services in the absence of the application having been approved and a consumer agreement entered into.

(3) Written application may be made to the City: -

(a) for the initial connection of any premises to a water supply network/system or sanitation network/system; or

(b) for a reconnection of the supply of water or reconnection to the sanitation network/system, where a previous consumer agreement in respect of the premises has been terminated.

(4) Every application, whether for an initial connection or a reconnection of water services shall be accompanied with the payment of the amount in accordance with the applicable tariff to

the City by all consumers that receive or want to receive water services. The amounts payable will be for each individual connection to the City's Water Services Network/System in full before such a connection will be made to the City's Water Services Network/System. The City shall have the right in the case of any special service being required from the City to negotiate an amount for such service and/or if not negotiated to recover the fees, charges and amounts levied by the City thereof.

- (5) No person shall, without first having obtained the City's approval in writing, make a temporary or permanent connection to extend the installation that forms part of the approved water services installation for which a supply or service has been agreed upon with the City.
- (6) The owner of the premises shall, under all circumstances, be liable to pay for the water services consumed and utilised at the premises including being liable to pay for the water services consumed and utilised after a meter reading taken on the date of termination of the previous consumer agreement and prior to a meter reading taken on the date of commencement of any new consumer agreement.
- (7) The City must be notified in writing of any property development within the municipal area of the City requiring or potentially requiring water services to be delivered to a consumer(s).
- (8) All new property developments requiring an expansion or extension of the City's Water Services Network/System are subject to, among other things, Chapter 3: Part 12: Private Townships, the Bulk Contributions Policy of the City, the Spatial Planning and Land Use Management Act, 2016 (Act No. 16 of 2013), the Spatial Planning and Land Use Management by-law of the City, other applicable by-laws, policies, design guidelines, standards, and/or specification of the City and other applicable legislation and standards
- (9) The consideration of an application for new water services will be subject to the internal planning processes of the City, including but not limited to its Integrated Development Plan, Spatial Development Plan, Master Plan and Water Services Development Plan and/or any other applicable policies.
- (10) Property developments requiring new water or sewer connections to an existing water supply network/system or sanitation network/system shall be dealt with in terms of the provisions of these by-laws and/or any other requirements determined by the City from time to time.
- (11) No person who has not entered into a consumer agreement with the City for the supply of water and otherwise complied with the requirements of these by-laws, shall take any water from or make or cause to be made any connection with any main, standpipe, reservoir, hydrant, conduit pipe, cistern or other place containing water belonging to the City except, when written approval has been obtained from the City.

7 Change of consumer/occupier

- (1) In the case of a change of occupier at any premises, the consumer, including a consumer bound by a prepayment arrangement, must give the City at least 10 (ten) business days written notice of his intention to discontinue the use of the water services.
- (2) The new occupier must apply in writing as per this by-law, failing which the water supply shall be disconnected and the occupier and/or owner shall be liable for the water consumed from the date of occupation until such time as the supply is disconnected.
- (3) Where premises are fitted with a prepayment meter and change of occupier takes place, the new occupier is deemed to be the consumer. Should such a consumer fail to apply in writing for a water supply in terms of this by-law, the occupier and/or owner shall be liable for all

fees, charges and amounts levied by the City for the water supply and/or sanitation services, as well as any outstanding fees, charges and amounts levied by the City which accrued to that point of metering, until such time as a written application for supply is received by the City.

- (4) A person selling a (developed stand) premises must, before transfer of a premises into the name of the new owner, submit a certificate from an accredited plumber certifying that:
- (a) the water installation conforms to the provisions of national legislation, including the Building Regulations and the provisions of these by-laws and all material, fittings, or components which can be inspected by the accredited plumber are SABS/SANS/JASWIC approved
 - (b) there are no defects on the installation;
 - (c) there is no discharge of storm water into the sanitation network/system;
 - (d) the water meter is working;
 - (e) there are no cross-connections between drinking water and any grey water, recycled water or groundwater systems;
 - (f) the installation conforms to the Building Regulations and the City's by-laws and policies; and
 - (g) the certificate must be in the prescribed form determined by the City as amended from time to time.

8 Service levels

- (1) The City may, from time to time, and in accordance with national policy, but subject to principles of sustainability and affordability, by public notice, determine the service levels of water services it is able to provide to consumers.
- (2) The City may in determining service levels differentiate between types of consumers, domestic consumers, geographical areas and socio-economic areas.

9 Service connection

- (1) Notwithstanding that the service connection to an approved water services installation may already have been completed, the City may, at its absolute discretion, refuse to supply water and/or render sanitation services to that installation until all amounts due to the City by the same owner and/or consumer in respect of that or any other service connection, whether or not on the same premises, have been paid.

10 Termination of consumer agreement and termination or suspension of water services

- (1) In the event of a consumer, owner or occupier wishing to terminate his consumer agreement or discontinue his water supply or sanitation services, the consumer or owner must furnish the City with 31 (thirty-one) calendar days written notice to discontinue the water services. The City will process the notice and the consumer, owner or occupier will remain liable for all outstanding water consumption and sanitation services and payments due in terms of the applicable promulgated tariff of the City for the supply of water and rendering of sanitation services. The City may, at its discretion, refuse to terminate or discontinue the water services.

- (2) The City may terminate a consumer agreement, and/or discontinue water services or limit the water services (which includes the supply of water and the acceptance of domestic and industrial effluent), and/or disconnect a service connection, drainage installation from the sanitation network/system, and/or remove the connecting sewer, connection pipe, at the discretion of the City, by giving at least 14 (fourteen) calendar days written notice to the consumer, if the consumer concerned: -
- (a) has not consumed any water during the preceding six months consecutively and has not made arrangements to the satisfaction of the City for the continuation of the consumer agreement and/or the supply of water services in terms of these by-laws;
 - (b) the agreement for provision of water services have been terminated and it has not received a written application for subsequent provision to the premises served by the water supply network/system and/or sanitation network/system within a period of 90 calendar days of such termination;
 - (c) an owner and/or occupant receiving water services, refused, alternatively failed, further alternatively neglected to enter into a written consumer agreement with the City;
 - (d) has committed a breach (by action or inaction) of these by-laws or any of the City's by-laws and/or policies, and has failed to rectify such breach within the time period specified in the notice after being required in writing by the City to do so;
 - (e) receives the supply of water from another water supply authority by virtue of an arrangement between the City and such authority;
 - (f) the building on the piece of land concerned has been demolished;
 - (g) the consumer concerned has vacated the premises to which such consumer agreement relates, without having made arrangements to the satisfaction of the City for the continuation of the consumer agreement for supply of water services;
 - (h) an owner and/or occupier has connected or is connected to the City's Water Services Network/System illegally or without the written consent of the City;
 - (i) the person liable to pay for the supply, fails to pay any amount due to the City in connection with any supply of municipal services which he may at any time have received from the City in respect of the premises and/or any amounts due to the City as per the City's policies or by-laws dealing with debt collection and credit control;
 - (i) at the written request of a consumer and/or owner and upon payment of the prescribed fee;
 - (k) if a consumer, despite receiving a written notice from the City to discontinue to discharge industrial effluent, continues to discharge industrial effluent which may have a negative impact on the City's sanitation network/system or the environment or which may result in an emergency situation;
 - (l) interfered, tampered with or damaged, or caused, allowed or permitted interference, tampering with or damage to the City's Water Services Network/System or part thereof; or has interfered or tampered with a restricted or discontinued service;
 - (m) conditions are found to exist in a water services installation which in the opinion of the City constitutes a danger or potential danger to person or property or interferes with the

supply to any other consumer or if there has been deliberate tampering with equipment or an illegal increase of supply or capacity of supply to the premises;

- (3) The charges associated with the restriction, discontinuation, disconnection, availability and/or reconnection of water services, due to the actions of the owner, occupant or consumer, or failure by them to act in the prescribed manner, shall be borne by the owner, occupant and/or consumer, jointly and severally.
- (4) The onus to prove that the cause for the disconnection as referred to in this clause has been remedied or removed will be on the consumer who will be obliged to satisfy the City, in writing, that such cause for the disconnection has been remedied. The City may inspect the premises to verify that the cause for the disconnection has been remedied or removed and the consumer shall be liable for payment of an amount determined by the City from time to time.
- (5) The City may, in the discretion of the City on written application by an owner/consumer, in a form prescribed by the City, temporarily disconnect the water supply and/or sanitation services and the owner/consumer shall be liable for any availability charges and other charges, and the City shall reconnect it on payment of the fee prescribed in accordance with the applicable tariff.
- (6) When an installation has been illegally reconnected on the consumer premises after disconnection by the City, or where the City's equipment was tampered with, the water services supply equipment or services connection may be immediately removed, without notice and will only be reinstated upon payment of the amounts in accordance with the applicable tariff, together with any other fees, charges and amounts levied by the City, and on condition that the City is satisfied that the tampering had ceased.
- (7) The City shall have the right, in the case of high risk and/or due to an emergency, without notice, temporarily discontinue the supply to any water services installation to effect repairs, maintenance or make inspections or tests or for any other purpose connected with its Water Services Network/System or other plants or works. The City shall give notice (except in the event of an emergency) to affected consumers to effect planned repairs and maintenance to the City's Water Services Network/System and may be limited to apply only to specified areas or to specified categories of consumers, premises or activities. If the water supply is discontinued for an extended period of time, then City to supply alternative water source/supply.
- (8) In the event of the necessity arising for the City to effect a temporary disconnection and reconnection of the water supply or sanitation services to a consumer's water services installation and the consumer is in no way responsible for bringing about this necessity, the City shall waive payment of the fee.

11 Right to disconnect the water services

- (1) The City shall have the right to immediately, whenever there is a scarcity or imminent scarcity of water available for consumption and distribution to consumers, prohibit or restrict the use of water under its control or management or for purpose of water conservation, by public notice to prevent the wasteful use of water in terms of these by-laws or in the event of a water shortage, unauthorized use of water, damage to property, danger to life, pollution, drought, flood, other disaster situation or other reason at the discretion of the City: -
 - (a) prohibit, restrict or suspend the consumption of water in the whole or part of its municipal area in general or for specified purpose and/or during specified hours of the day or on specific days and/or in a specified manner;

- (b) determine and impose limits on the quantity of water that may be consumed over a specific period;
 - (c) charge additional amounts in excess of a restriction of water in accordance with the applicable tariff and/or levy a general surcharge on the prescribed tariffs;
 - (d) impose restrictions or prohibitions on the use or manner of use or disposition of an appliance by means of which water is used or consumed or on the connection of such appliance to the City's Water Services Network/System;
 - (e) require owners and/or occupants at his own expense to take such measures, including the installation of measurement devices and/or devices for restricting the flow of water, as may in the opinion of the City be necessary to restrict or terminate the water services to the premises;
 - (f) may permit deviations and exemptions from and the relaxation of any of its provisions contained in its by-laws, policies or other documents.
- (2) The City shall have the right, after giving 14 (fourteen) calendar days' written notice to the owner, occupier, consumer or affected party, to discontinue, disconnect or limit the supply of water services to any premises if: -
- (a) the person liable to pay for the supply, fails to pay any amount due to the City in connection with any supply of municipal services which he may at any time have received from the City in respect of the premises and/or any amounts due to the City as per the City's policies or by-laws dealing with debt collection and credit control;
 - (b) any of the provisions of the by-laws and/or policies of the City relevant hereto and/or the Building Regulations are being or have been contravened.
- (3) The City may in its termination notice referred to in this clause, notify such person of: -
- (a) the intention to disconnect the water services to the premises;
 - (b) the right to make representations in respect of the intended disconnection; and
 - (c) all the relevant information including reasons for the intended disconnection and the notice period on or after which the disconnection will be effected.
- (4) After such disconnection, the amounts as prescribed in accordance with the applicable tariff, together with any other fees, charges and amounts levied by the City shall be paid in full and the contravention complained of by the City had ceased or has been rectified, if any, before reconnection. Reconnection of services shall be completed within a reasonable period of time after written confirmation and provision of documentary proof by the consumer to the City of payment made as well as receipt of such payment by the City.
- (5) The onus to prove that the consumer is entitled to the reconnection of water services will always be on the consumer and the City shall only be obliged to reconnect the water services after the consumer has satisfied the City that the reason for terminating the water services by the City has been ceased or rectified by the consumer and that the consumer is entitled to the reconnection of the water services.

12 Water Services tariffs, charges, fees, expenses and penalties

- (1) The amount payable for water services consumed or rendered shall be in accordance with the applicable tariff.

- (2) Where an incorrect tariff was applied by the City, the correct tariff will be levied in respect of the actual consumption, for the period during which the incorrect tariff was applied provided that no adjustment shall be made in respect of the period during which the incorrect tariff was applied for a period of more than 36 months prior to the date on which the correction was made calculated from the date on which the City was notified of or became aware of the incorrect tariff so levied.
- (3) Should the consumer deny liability for payment of any amount in respect of his account or any adjustment to his account as referred to in subclause (2), the Consumer shall be obliged to, within 90 calendar days, calculated from the date of the account or the account in which the adjustment was levied, declare a dispute in terms of the City's applicable by-laws and/or policies.
- (4) Unless the consumer has declared a dispute within 90 calendar days as stipulated in this clause, the consumer shall be deemed to have accepted liability for the payment of such amount and the correctness of the calculation thereof.
- (5) The City is entitled to recover from a consumer, owner, occupier and/or any other person any and all fees, charges, expenditure incurred by the City, and amounts, fees, and/or charges levied by the City in terms of or in the execution of these by-laws and in accordance with any other by-laws and policies of the City.
- (6) Without prejudice to the rights of the City, and notwithstanding any other actions that may be taken in terms of these by-laws, the City shall be entitled to charge or recover from any person, who has damaged the City's Water Services Network/System or who discharges or had discharged to a drain, sewer or sanitation network/system any industrial effluent or any substance which is unauthorized, illegal, prohibited or restricted, all costs, fees, charges, expenses and amounts, plus 15%, incurred or to be incurred by the City as a result of any or all of the following: -
 - (a) Injury to persons, direct or consequential losses and/or damages howsoever caused to the sanitation network/system or any sewage treatment plant, or mechanical appliance or to any property or premises whatsoever or wheresoever, as the result of the breakdown, either partial or complete, of any sewage treatment plant or mechanical appliance, whether under the control of or owned the City or not; or
 - (b) any fees, charges and other amounts including fines, direct or consequential losses and/or damages howsoever caused which may be imposed or awarded against the City and any expense incurred by the City as a result of a prosecution in terms of the National Water Act, 1998 (Act 36 of 1998), as amended, or any action against it consequent on any partial or complete breakdown or any sewage treatment plant or mechanical appliance caused directly or indirectly by the said discharge;
 - (c) any liabilities incurred by the City as a result of a prosecution in terms of any other legislation; and/or
 - (d) rehabilitation costs (direct or consequential) for environmental remediation to restore the environment and/or land to its former state, howsoever caused and wheresoever situated.

13 Deposits

- (1) The City reserves the right to require the consumer to pay a deposit or furnish a bank guarantee as per the City's applicable policy from time to time, as security in payment of any

amounts, which are due or may become due to the City.

- (2) The amount of the deposit or bank guarantee in respect of each account for supply or service shall be determined by the City from time to time and may be adjusted as per the City's applicable policy.
- (3) Subject to subclauses (6) and (7), such deposit shall not be regarded as payment or part payment of any accounts due for the supply of water services.
- (4) Where the City's Water Services Network/System has been tampered with or an installation has been illegally reconnected after disconnection by the City, an increased deposit amount may be required.
- (5) If a consumer applies to the City for a supply at a higher capacity, an increased deposit amount may be required.
- (6) If a consumer is in default with any payment to the City in respect of any municipal service including water supply or sanitation services the amount of the deposit may be allocated as payment against any outstanding municipal account of that consumer.
- (7) Any sum deposited by and on behalf of the consumer and not allocated as referred to in subclause (6) is refundable, free of interest, on termination of the supply of municipal services including the supply of water and sanitation services provided that all outstanding amounts have been settled in respect of the consumer's accounts with the City.

14 Payment of accounts

- (1) The amount payable for water consumed or sanitation services rendered shall be in accordance with the applicable tariff.
- (2) All accounts are deemed payable on or before the due date reflected on the account and, on the consumer's failure to pay any amounts reflected in the accounts, the City may give written notice in terms of the City's Credit Control and Debt Collection by-law and/or policy to the consumer to effect payment failing which the City may disconnect or restrict the supply of water services to the premises of the consumer. The account as issued is considered the first notification of the amount payable.
- (3) An error or omission on any account or failure to render an account shall not relieve the consumer of his obligation to pay any amounts on the accounts, inclusive of but not limited to the amounts due for water services supplied to the premises and the onus shall be on the consumer to satisfy himself that the accounts rendered is in accordance with the applicable tariff.
- (4) Where the City has visited the premises for the purpose of disrupting, disconnecting or restricting the supply of water services in terms of these by-laws a prescribed fee shall become payable and in the event the City is obstructed or prevented from effecting such disconnection an additional prescribed fee shall become payable for each visit necessary for the purpose of such disconnection.
- (5) After disconnection for non-payment of an account or contravention of any provision of these by-laws and/or other by-laws and/or policies of the City relevant hereto, the prescribed fees, charges and amounts levied by the City due for water consumed and sanitation services rendered shall be paid, or suitable arrangements shall be made in terms of the City's by-laws and/or policies, before reconnection is made.
- (6) If a person uses a water supply and/or sanitation service without entering into a suitable

arrangement as referred to in subclause (5), the owner shall be liable for the payment of water so consumed and/or sanitation services rendered in accordance with the applicable promulgated tariff of the City and any other amounts levied by the City in such circumstances.

- (7) Notwithstanding the fact that the occupier or consumer has a consumer agreement with the City for the supply of water and/or sanitation services the owner will be liable for all amounts due to the City in respect of the property/premises, including all amounts owing by the occupier or consumer. In the event the owner of immovable property applies for a clearance certificate, in terms of section 118 of the Local Government: Municipal Systems Act 32 of 2000, as amended, such owner will be liable for all amounts due to the City in respect of the property/premises, including all amounts owing by the occupier or consumer in order to obtain the clearance certificate.
- (8) The City may, in addition to the charges determined for water services that have been actually provided, levy an availability charge, monthly fixed charge, an annual fixed charge or a once off fixed charge in accordance with the applicable tariff, where water services are available, whether or not such services are consumed or utilized.

15 Interest on overdue accounts

- (1) The City shall levy interest on accounts which are not paid by the due date appearing on the account at an interest rate as approved by the City from time to time.

16 Domicilium

- (1) The *domicilium citandi et executandi* of the consumer and/or the owner for the serving of any documents or notices will be any one of the addresses as referred to in clause 17(4), with service on the City to be attended to in accordance with section 115(3) of the Local Government: Municipal Systems Act 32 of 2000, as amended.

17 Serving of notices

- (1) The City may, by written notice, order an owner, occupier, consumer and/or any other person who fails, by act or omission, to comply with, or is in breach of the provisions of these by-laws and/or other by-laws and/or policies of the City relevant hereto, or to fulfil any condition imposed in it, to rectify his failure within a period specified in the notice. Any person issued, given or served with a notice or other document by the City under these by-laws and/or other by-laws and/or policies of the City relevant hereto shall, within the time specified in such notice or other document, comply with its terms
- (2) If a person fails to comply with a written notice served on him by the City in terms of these by-laws and/or other by-laws and/or policies of the City relevant hereto within the specified period, the City may take such action that in its opinion is necessary to ensure compliance, including:
 - (a) undertaking the work necessary itself;
 - (b) recovering the fees, charges and amounts levied by the City for such action or work undertaken by the City from the owner, consumer, occupier and/or other person;
 - (c) restricting, limiting, disconnecting or discontinuing the provision of services; and/or
 - (d) instituting legal proceedings.
- (3) Any notice or other document to be issued by the City in terms of these by-laws and/or other by-laws and/or policies of the City relevant hereto shall be deemed to have been so issued if

it is signed by an authorised official of the City whose authority and appointment need not be proven, and its mere production be accepted by a court as prima facie evidence of that fact.

- (4) Where any notice or other document specified in these by-laws and/or other by-laws and/or policies of the City relevant hereto is to be served on any person, it shall be deemed to have been properly served if: -
- (a) delivered to him or to any occupant apparently over the age of sixteen (16) years at the relevant premises constituting the point of supply or at his last known place of residence or business or place of employment, as appearing in the records of the City; or
 - (b) sent by registered post to such person's last known place of residence or business or place of employment, as appearing in the records of the City; or
 - (c) such person is a company, delivered to any occupant apparently over the age of sixteen (16) years at the relevant premises constituting the point of supply alternatively by registered post at its registered address or principal place of business; or
 - (d) e-mailed to an e-mail address stipulated in the consumer agreement; or
 - (e) that person's address is unknown, or the person is not present in the Republic, when it has been delivered to that person's agent or representative in the Republic in any of the manners described above; or
 - (f) affixed in a conspicuous place at the relevant premises constituting the point of supply or point of connection where none of the above forms of service on a person or company is possible; or
 - (g) if the person to be served with any notice or document is already represented by an attorney of record such notice or document may be served upon such attorney; or
 - (h) it has been sent to the registered owner of the premises constituting the point of supply.
- (5) When any notice or other document must be served on the owner, occupier or holder of any premises or right in any premises, it is sufficient if that person is described in the notice or other document as the owner, occupier or holder of the premises or right in question, and it is not necessary to name that person.
- (6) Posted notices shall be deemed to have been received by the addressee on the 7th (seventh) day after the date of the posting of the notice, hand-delivered notices on the date of delivery, facsimile or e-mailed notices or any other electronic medium, on the first business day following the date of transmission.
- (7) Any legal process to be served on the City must be done in compliance with section 115(3) of the Local Government: Municipal Systems Act 32 of 2000, as amended.

18 Jurisdiction, Costs and Certificate of liability/indebtedness

- (1) In the event of the City instituting legal proceedings against a consumer or owner or occupier, arising out of the breach of any term or condition of these by-laws or consumer agreement entered into, the consumer and/or owner shall be liable to pay legal costs on the scale as between attorney and client, debt collection costs, including costs of any tracing fees, in respect of such proceedings plus counsels fees as debited per brief of counsel and is payable by the City.

(2) Through entering into a consumer agreement the consumer and/or owner and/or occupier consents to the jurisdiction of the Magistrates' Court in terms of Section 45 of the Magistrate's Court Act 32 of 1944, as amended, in respect of any action which the City may institute against him arising out of these by-laws, inclusive of, but not limited to payment for the supply of electricity (electrical energy) provided that the City shall, notwithstanding the above, have the right to, at its sole discretion, proceed with any such action in any competent court of law.

(3) A certificate signed by an official of the City (whose appointment and authority need not be proven) setting out: -

(a) the amount/s owing to the City; and/or

(b) the fact that the due date for the payment of any amount has arrived;

shall be sufficient and satisfactory proof of the facts therein stated unless the contrary is proved by the consumer or owner.

(4) The certificate as referred to in subclause (3) (if not challenged in writing by the consumer, owner or occupier) will on its mere production by any person be accepted by the Court as evidence of facts recorded in such certificate and shall upon its mere production constitute prima facie evidence of the indebtedness.

19 Right of admittance to inspect, test and/or do maintenance work

(1) For purpose of conducting inspections or investigating allegations of contraventions of these by-laws and/or related legislation or in the case of emergency the City may, at any reasonable time, enter any private premises and inspect or test any part of the service connection or the consumer's water and/or drainage installation thereon.

(2) The City may, at any reasonable time, enter any other premises and inspect or test any part of the service connection or the consumer's water and/or drainage installation thereon for any purposes relating to the enforcement of these by-laws including, but not limited to, ascertaining whether a breach of these by-laws or other applicable legislation has been or is being committed.

(3) Notwithstanding the provisions of subclauses (1) and (2) above, a peace officer may apply for a search warrant in accordance with the provisions of section 21 of the Criminal Procedure Act 51 of 1977.

(4) The City may gain admittance to or over any premises without notice and may take whatever action as, in its opinion, is necessary or desirable in consequence of the existence of an environmental disaster or pollution incident, state of war, pandemic or the occurrence of any calamity, emergency or other disaster.

(5) The officials of the City or authorised agents shall, upon demand by the owner or occupier of the premises, identify themselves by producing their appointment certificates/cards and explain the purpose of the visit.

(6) The owner, occupier, consumer and/or contractor, when called upon to do so, shall demolish or remove any earth, bricks, stone, woodwork, or other work obstructing or covering any part of the consumer's water or drainage installation.

(7) In the event of the owner, occupier, consumer and/or contractor refused alternatively failed to demolish or remove any earth, bricks, stone, woodwork or other work obstructing or covering any part of the consumer's water or drainage installation at the request of the City,

the City may attend to demolish or remove such work as aforementioned.

- (8) If it is established that a breach of these by-laws or any of the City's by-laws or policies or other applicable legislation had been or is being committed, the owner, occupier and/or consumer shall be held liable for the expenses incurred by the City to demolish or remove such work as aforementioned and the City shall not be responsible to restore anything done in terms of its authority under this clause and cannot be held liable for any losses and/or damages incurred by the aforesaid owner, occupier, consumer and/or contractor in the exercise of such authority.
- (9) The City shall, save as is provided in subclause (8), restore and make good any disturbance, damage or interference with the premises occasioned by any inspection or test made in terms of this clause.
- (10) While any water services installation is being constructed, altered, extended or repaired on a consumer's premises, the City may inspect and test any part of the work as often as it deems necessary, and if any work which the City requires to inspect or test has been covered, the City may require the contractor or the owner of the premises at no cost to the City, to uncover that work, to expose any joints or pipes and to remove any fittings, castings, trapdoors, floor boards, materials or other obstructions whatsoever and any work or reinstatement rendered necessary shall likewise be carried out at no cost to the City.
- (11) Reasonable assistance to carry out tests and inspections shall be afforded to the City by the plumbing contractor, owner and/or occupier of the premises.
- (12) Any person in possession of a valid Certificate of Compliance, for a new water services installation, and which certifies that water services can be supplied in terms of these by-laws, shall give the City at least 3 (three) business days' written notice for the supply to be effected.
- (13) Should a water services installation require a visit, inspection, re-visit, a re-inspection, or follow up inspection, by the City, the owner, occupier and/or contractor shall be liable for payment of an amount determined by the City from time to time.
- (14) No person shall wilfully hinder, obstruct, interfere with or refuse admittance to any duly authorised official and/or representative and/or service provider of the City in the performance of his duty under these by-laws or any other relevant legislation and/or by-laws or policies of the City or of any duty connected therewith or relating thereto.
- (15) During the execution of any work or an inspection, an employee or official of the City may at his/her discretion or as required in terms of legislation, be accompanied by a member of the South African Police Services or EMPD or by any other person reasonably required to assist in executing the work or conducting any inspection.

20 Refusal or failure to give information

- (1) No person shall refuse or fail to give such information as may reasonably be required of him by the City or render any false information to the City regarding any water services installation work completed or contemplated and an owner, occupier, consumer or person within the area of supply of the City must provide the City with accurate information requested by the City that is reasonably required by the City for the implementation or enforcement of these by-laws.
- (2) The City shall not, subject to the provisions of any other law, by-laws or policies of the City, make any information available concerning the supply or account details for any premises to any third party without the written approval of the consumer who signed the consumer

agreement for the supply to the premises concerned except to the owner of a premises upon written request to the City unless the City is obliged to furnish such information in terms of legislation or a court order, or for the rendering of services to the consumer, which includes information provided to the City's service providers.

- (3) Officials of the City or authorised agents shall execute their duties in terms of these by-laws in an honest and transparent manner whilst protecting the confidentiality of information of members of the public, owners, consumers and occupiers in accordance with the provisions of the Protection of Personal Information Act 4 of 2013.

21 Type of metering excluding Industrial Effluent metering

- (1) The City may in any particular case determine the type and size of the consumer's connection to the City's Water Services Network/System may change any existing meter to a meter of a different type or size of metering or metering system.
- (2) The City may, when it deems necessary, install a data logger remote monitoring device or other remote monitoring device to monitor consumption at the premises remotely.
- (3) The reading shown by a meter shall be prima facie proof of the water consumed and sanitation services rendered and an entry in the City's records shall be prima facie proof that the meter showed the reading which the entry purports to record.
- (4) If, at the request of a consumer, the meter is read by an authorised employee or contractor of the City at a time other than the date set by the City for that purpose, an amount determined by the City shall be payable by such consumer for such reading.
- (5) If for any reason a meter has not been read during one or more-meter reading periods, the City may render an account based on the estimated consumption of water and sanitation services rendered. The amount payable in respect of water consumption and sanitation services rendered shall be adjusted subsequent to the determination of the actual water consumption and/or sanitation services rendered once so determined.
- (6) When a consumer vacates a premises and a final reading is not possible, an estimation of the consumption may be made, and the final account rendered accordingly.
- (7) If any calculation, meter reading or capturing error of whatsoever nature by the City is discovered in respect of any account rendered to a consumer, the error shall be corrected in subsequent accounts. Any such correction shall only be made for a period of 36 months preceding the date on which the error in the accounts was discovered and shall be based on the City's schedule of tariffs applicable during the relevant period.
- (8) Should the City not be able to gain access to a meter for two consecutive meter reading periods, the City may act in terms of subclause (5) alternatively discontinue or limit the supply of water services to the premises to which that meter relates.

22 Testing of meter and failure of meter to register correctly

- (1) If a consumer or owner has reason to believe that the meter is not registering or functioning correctly, is defective in any other manner, an incorrect meter has been installed, or should there be a dispute in this regard, the consumer or owner may request the City to have the meter tested. Such request must be accompanied by the fee prescribed in the tariff schedule for the testing of meters, and the City shall as soon as possible thereafter test the meter. The fee shall be refunded if the meter is shown to be registering or functioning incorrectly through

no fault or conduct of the consumer or owner.

- (2) The City's finding as to the accuracy of the meter after the test referred to in subclause (1) has been carried out shall be final. A meter shall be conclusively presumed to be registering accurately if it satisfies the requirements of the relevant SANS/SABS standards and codes and/or the applicable ISO standards. A certificate issued by the City, or its duly authorised agent shall be prima facie proof of the accuracy or correct functioning of the meter.
- (3) The City shall, immediately before removing the meter for testing, take a reading of that meter and the current meter reading period shall be terminated at the time of such reading.
- (4) If after testing a meter, the City is satisfied that it is not registering correctly, it shall render to the consumer a statement of account adjusted in accordance with subclauses (6) and (7).
- (5) The City has the right to audit and test the metering and metering equipment of any installation.
- (6) If it is established that the meter and/or metering system is defective, incorrect or measuring incorrectly or not at all for whatever reason, or if an incorrect external/internal multiplication factor had been applied/registered, adjust the account rendered in accordance with the City's Policy for the estimation and correction of meter reading and billing data ("the Policy"), which Policy is incorporated herein and is regarded as a schedule hereto;
- (7) Any adjustment to be made as referred to in this clause, an account to be rendered, will be limited to a period not exceeding 36 months prior to the date on which it was established that the meter and/or metering system was defective or measuring incorrectly or not at all.
- (8) Should the consumer deny liability for payment of any amount in respect of any adjustment to his account as referred to in subclause (6) and (7), the Consumer shall be obliged to, within 90 calendar days, calculated from the date of the account in which the adjustment was levied, declare a dispute in terms of the City's applicable policies.
- (9) Unless the consumer has declared a dispute within 90 calendar days as stipulated in subclause (8), the consumer shall be deemed to have accepted liability for the payment of such amount and the correctness of the calculation thereof.

23 Theft of water and/or tampering with service connection or the City's Water Services Network/System and other equipment

- (1) No person is allowed to gain access and/or to connect to the City's Water Services Network/System or obtain a supply of water or sanitation services where not authorised thereto in writing by the City or in accordance with the provisions of these by-laws.
- (2) The provisions of subclause (1) include but is not limited to the prohibition of making or allowing a temporary or permanent connection to extend the City's or consumer's installation to another premises or another person's dwelling or business
- (3) Any owner and/or occupant of the premises, dwelling or business referred to in subclause (2) and the person so allowing unauthorised access and/or connection to the City's Water Services Network/System or consumer's installation will be deemed as parties that benefit from any unauthorised access to the City's water and sanitation service and the City shall have the right to recover from any or all of the parties the full amount of the estimated consumption of water and sanitation services calculated in accordance with the City's schedule of tariffs and other amounts that may be due to City including any losses suffered by the City that resulted from the theft of water and both parties shall be liable for such fees,

tariffs, charges, penalties or fines as determined by the City in its promulgated tariffs.

- (4) The unauthorised access and/or connection to the City's water service constitutes theft of water.
- (5) No person shall in any manner or for any reason whatsoever paint, deface, tamper, by-pass or interfere with any meter or metering system or service connection or supply or any other equipment or appurtenances of the City or access and/or connect to the City's Water Services Network/System of any other consumer and where any seal or lock has been placed by the City on any meter, or other similar apparatus in which such meter or apparatus is accommodated whether or not belonging to the City, no person other than an authorised employee of the City or an authorised contractor duly appointed by the City, shall for any reason whatsoever remove, break, deface or otherwise interfere with any such seal or lock
- (6) Where prima facie evidence exists of a consumer and/or any person having contravened subclauses (1), (2) and (5), the City shall have the right to immediately, discontinue, disconnect or limit the supply of water services in respect of any or all of the parties referred to in subclause (3) without prior notice to any such parties.
- (7) Any or all of the parties referred to in subclauses (3) and (5) shall be liable for all fees, charges and amounts levied by the City for such contravention and the disconnection referred to in subclause (6) and, if as a result of the theft, tampering, interference, bypassing, defacing or any other conduct in breach of these by-laws, it is necessary to make alterations or repairs to the City's Water Services Network/System, such parties shall be liable for the total amount of such alterations or repairs.
- (8) The City shall have the right to recover from the consumer and/or other involved persons or businesses the full estimated amounts of the water supply and sanitation services amounts lost as a result of the theft of water and/or tampering, interference, bypassing or any other conduct in breach of these by-laws in accordance with the City's applicable by-laws and/or policies and schedule of tariffs.
- (9) Where any uniquely marked or identified pipe or equipment of the City is found in the possession of any unauthorised person, that person shall be held accountable for the theft of such pipe and/or equipment and any losses suffered by the City in consequence thereof.
- (10) Where any uniquely marked or identified pipe or equipment of the City is found installed at an unauthorised location, the parties that benefit from the unauthorised use of such pipe or equipment and/or access to the City's water and sanitation service can also be held accountable for the theft of the pipe and equipment and any losses suffered by the City in consequence thereof.
- (11) The determination by the City shall be prima facie evidence of the amounts or loss as referred to in subclause (8), (9) and (10).

24 Improper use

- (1) If the consumer deals with the water supply or sanitation services in any manner which interferes or is determined to interfere in an improper, unsafe or wasteful manner with the efficient supply of water services to his installation or to any other consumer, the City may, with or without notice, depending on the urgency, discontinue or disconnect the water or drainage installation of such consumer or limit the supply of water services.
- (2) The supply shall be restored as soon as the cause for the disconnection has been remedied or removed by the consumer. The tariff, in accordance with the applicable tariff for the discontinuation, disconnection and reconnection, shall be paid by the consumer before the

water supply or sanitation service are restored, unless it can be shown that the consumer did not interfere with the water supply or sanitation service in an improper, unsafe or wasteful manner.

- (3) If substantiated proof exists that the consumer used or dealt with the water supply or sanitation service in an improper or unsafe manner, a new certificate of compliance for the installation may be required by the City.
- (4) The onus to prove that the cause for the disconnection has been remedied or removed will be on the consumer who will be obliged to satisfy the City, in writing, that the cause for the disconnection has been remedied.

25 Protection of City's Water Services Network/System

- (1) Any consumer's water services installation on any premises connected to the City's Water Services Network/System must be maintained in good working order and condition at all times by the owner or consumer to the satisfaction of the City.
- (2) No person shall willfully or negligently damage or cause to be damaged any main, standpipe, meter, apparatus or Water Services Network/System belonging to the City and used or intended to be used by the City in connection with the supply of water services.
- (3) No person shall, except with the written consent of the City and subject to such conditions as may be imposed: -
 - (a) Construct, erect, lay or permit the erection of any building structure or other object, or plant trees or vegetation over or in such a position or in such a manner as to interfere with or endanger the City's Water Services Network/System;
 - (b) excavate, open up or remove the ground above, next to or under any part of the City's Water Services Network/System;
 - (c) damage, endanger, remove or destroy or do any act likely to damage, endanger or destroy any part of the City's Water Services Network/System;
 - (d) make any opening in any part of the City's Water Services Network/System or obstruct or divert or cause to be obstructed or diverted any of the City's Water Services Network/System there from;
 - (e) the owner shall limit the planting of trees or similar plants with penetrating root systems in the proximity of the City's Water Services Network/System or any pipelines or any other submerged water services network equipment and must provide a means of protection which in the opinion of the City will adequately prevent the trees or similar plants or roots from the tree or foliage from interfering with the City's Water Services Network/System. Should the owner fail to observe this provision the City shall have the right, after prior written notification, or at any time without notice in an emergency, to cut or trim or remove the trees or other vegetation in such a manner as to comply with this provision and shall be entitled to enter the premises for this purpose;
- (4) The City may, at the cost of the consumer: -
 - (a) subject to obtaining an Order of Court, where necessary, demolish, alter or otherwise deal with any building, structure or other object constructed, erected or laid in contravention of these by-laws;

- (b) fill in and make good any ground excavated or removed in contravention of these by-laws;
 - (c) repair and make good any damage done in contravention of these by-laws or resulting from a contravention of these by-laws;
 - (d) remove anything damaging, obstructing or endangering or likely to damage, obstruct endanger or destroy any part of the City's Water Services Network/System.
- (5) The City may in the case of an emergency or disaster remove anything damaging, obstructing or endangering or likely to damage, obstruct, endanger or destroy any part of the City's Water Services Network/System.
- (6) Any expenses incurred by the City for any work carried out by the City necessitated by a contravention of these by-laws, shall be for the account of the person who acted in contravention of these by-laws and/or the owner of the premises.

26 Damage to the City's Water Services Network/System

- (1) If any damage occurs to the City's Water Services Network/System, on the owner and/or consumer's premises the owner, occupier or consumer shall inform the City in writing as soon as he becomes aware of that fact and the City, or a person authorised by the City shall repair the damage.
- (2) Where there is a common metering installation on the premises for more than one owner and/or consumer, such owners and/or consumers will be jointly and severally liable for any damages as referred to in this clause.
- (3) A certificate signed by an official of the City (whose appointment and authority need not be proven) setting out the amount/s owing to the City in terms of this clause shall be sufficient and satisfactory proof of the facts therein stated unless the contrary is proved by the consumer(s) or owner(s).
- (4) The certificate as referred to in this clause (if not challenged in writing by the consumer or owner) will on its mere production by any person be accepted by the Court as evidence of facts recorded in such certificate.
- (5) If any fault develops in the water services installation, which constitutes a hazard to persons, animals, or property, the consumer shall immediately close the stop valve, to discontinue the water supply from the City. The consumer shall, without delay, contact the City and the consumer shall immediately take steps to remedy the fault.

27 Wayleaves

- (1) The City may refuse to lay or erect a service connection above or below ground on or over any thoroughfare or land not vested in the City or any private premises, unless and until the prospective consumer obtained and provided the City with written approval granted by the owner of the said private premises, or by the person in whom the legal title to the land or thoroughfare is vested, as the case may be, authorising the laying or erection of a service connection thereon or thereover.
- (2) If such approval is withdrawn at any time or if the aforesaid private premises, land or thoroughfare changes ownership and the new owner refuses to grant or continue such approval, the fees, charges and amounts levied by the City relevant to any alteration required

to be made to a service connection so that the supply of water services may be continued or discontinued, and of any removal thereof which may become necessary in the circumstances, shall be borne by the consumer to whose premises the supply of water services are required to be continued or discontinued.

- (3) The City shall not be liable to the consumer or owner for any damages, direct or consequential, incurred by the consumer or owner as a result of any action or omission related to the design, construction, operation or maintenance of the installation or the City's Water Services Network/System, unless such loss or damage is due to the gross negligence of the City.
- (4) No work or construction may be conducted on, over or under the premises of the City inclusive of but not limited to all roads and road reserves without a wayleave having been obtained from the City. The City in its sole discretion will determine the conditions upon which any wayleave will be granted and what fees, charges and other amounts will be levied for the issuing of same.
- (5) The person to whom a wayleave has been granted is obliged to ensure that the road reserve, roads or other premises of the City where any work has been performed, including but not limited to connections and maintenance in the road reserves, are reinstated by such person at all times.
- (6) The person to whom a wayleave has been granted is obliged to ensure that for the duration of any work performed on public roads and/or road reserves, such person complies with the requirements of the National Road Traffic Act 93 of 1996 and its regulations and the South African Road Traffic Signs manual and any other relevant legislation.
- (7) All work to be performed which constitute environmental listed activities or is performed within or near wetlands or natural watercourses as referred to in the National Environmental Management Act 107 of 1998 must comply with the requirements of the said act and the National Water Act 36 of 1998, and such persons that intend to perform such work must obtain prior written authorization and/or approval from the relevant Government Department or such other controlling body that can approve or authorize such work in terms of legislation. A copy of the written authorization and/or approval must be delivered to the City prior to any such work commencing and it shall be such person's obligation to deliver the said authorization to the City.

28 Statutory Servitudes

- (1) The City may within its municipal area: -
 - (a) provide, establish and maintain the City's Water Services Network/System;
 - (b) acquire, construct, lay, extend, enlarge, divert, maintain, repair, discontinue the use of, close up and destroy portions or parts of the City's Water Services Network/System;
 - (c) construct, erect or lay any portions or parts of the City's Water Services Network/System on, across, through, over or under any street or premises and the ownership of all portions or parts of the City's Water Services Network/System shall vest in the City;
 - (d) do any other thing necessary or desirable for, or incidental, supplementary or ancillary to any matter contemplated by paragraphs (a) to (c).

- (2) If the City constructs, erects or lays any portion or parts of the City's Water Services Network/System on, across, through, over or under any immovable property not owned by the City or under the control of the City it may pay to the owner of such immovable property compensation in an amount agreed upon by such owner and the City or, in the absence of agreement, as determined by a court of law.
- (3) The City may, before commencing any work other than repairs or maintenance on or in connection with any portions or parts of the City's Water Services Network/System on the premises not owned by the City or under the control of the City, give reasonable written notice at the premises of the proposed work and the date on which it proposes to commence such work.
- (4) The City shall not be held liable for any reinstatement expenses when exercising its rights in terms of a servitude and may further require an owner of a premises to remove plants and trees at his costs, which are situated in the servitude area.

29 Work by the City

- (1) Where any owner, occupier and/or consumer has been required by the City by notice in terms of these by-laws, to carry out any work whether by way of construction, repair, replacement or maintenance and has failed to do so within the time stipulated in such notice, the City may, without prejudice to its rights to act against the owner and/or occupier for the contravention of these by-laws, proceed itself to carry out the work and may recover the fees, charges and amounts levied by the City for doing so, from the owner, occupier and/or consumer, which owner, occupier and consumer may be held jointly and severally liable for the debt, by the City.
- (2) Where any work other than that, for which a tariff in accordance with the applicable tariff is done, the fees, charges and amounts levied by the City will be recovered from the owner, occupier, consumer and/or any other person causing or necessitate such work to be done.
- (3) Any damage caused to the City's Water Services Network/System by the non-compliance with or contravention of any provision of these by-laws shall be repaired or replaced by the City at the expense of the owner, occupier, consumer or any other person responsible for the non-compliance or contravention and/or damage.

30 Non-liabilities of the City

- (1) The City shall not be liable for any loss or damage, direct or consequential whatsoever and howsoever caused, inclusive of, but not limited to, loss of production, loss of profit and damage to equipment suffered or sustained by a consumer as a result of or arising from the cessation, interruption, disconnection or discontinuation of the supply of water services or any variation of water pressure or quality, or through whatsoever other conduct unless caused by the gross negligent conduct of the City.
- (2) Neither the City's approval of a water services installation after making any inspection or test thereof nor the granting of approval by the City to connect the installation to the supply shall be taken as constituting for any purpose, a guarantee by the City that the work has been properly executed or that the materials used are sound or suitable for the purpose or any warranty whatsoever or as relieving the contractor from liability, whether civil or criminal, for executing the work improperly or for using faulty material.
- (3) The City shall not be liable for any loss or damage, direct or consequential whatsoever and howsoever caused inclusive of, but not limited to flood or any other accident arising wholly or partly from the condition or in respect of any water services installation belonging to the City or the consumer.

- (4) The City shall not be held responsible for the work done by a plumbing contractor or competent person on a consumer's premises and shall not be liable or responsible for any loss or damage, direct or consequential whatsoever and howsoever caused inclusive of loss or damage, which may be occasioned by flood or by any accident or any other cause wholly or partly arising from the condition of the water services installation or equipment or state of the piping on the consumer's premises.
- (5) Notwithstanding any of the provisions of these by-laws, where an applicant, occupier or consumer is not the registered owner of the premises, and any application is made to the City, any agreement is entered into with the City or any installation, repairs, extensions, modifications and/or alterations is done to the water and sanitisation installation on the premises by the said applicant, occupier or consumer, written consent must be obtained from the registered owner of the premises, prior to the instances and events aforementioned, authorising the said application, agreement, installation, repairs, extension, modifications and/or alterations. Such written consent must be produced or handed to the City, upon request by the City.

31 Non-Compliance, Offences and penalties

- (1) It is an offence for any person to:
 - (a) willfully hinder, obstruct, interfere with or refuse admittance to any duly authorized official and/or representative and/or service provider of the City in the performance of his duty or duties under these by-laws or any other relevant legislation and/or by-laws or policies of the City or of any duty connected therewith or relating thereto;
 - (b) gain access and/or connect to the City's Water Services Network/System or obtain a supply of water or sanitation services unless authorized thereto in writing by the City or in accordance with the provisions of these by-laws;
 - (c) allow a temporary or permanent connection to extend the City's or consumer's water or drainage installation to another premises or another person's dwelling or business;
 - (d) in any manner or for any reason whatsoever paint, deface, tamper, by-pass or interfere with any meter or metering system, or service connection or supply or any other equipment or appurtenances of the City unless authorized thereto in writing by the City;
 - (e) remove, break, deface or otherwise interfere with any seal or lock which has been placed by the City on any equipment, appurtenances, meter, or other similar apparatus in which such meter or apparatus is accommodated whether or not belonging to the City unless he is an authorized official of the City, or an authorized contractor duly appointed by the City;
 - (f) refuse or fail to give such information as may reasonably be required of him by the City or render any false information to the City including, but not limited to, information regarding any water or drainage installation or work completed or contemplated;
 - (g) willfully or negligently damage or caused to be damaged any main, standpipe, meter, apparatus or Water Service Network/System belonging to the City and used or intended to be used by the City in connection with the supply of water services;
 - (h) contravene, breach or fail to comply with any other provision of these by-laws.

- (2) A person who has been found guilty by a court of the contravention of any of the provisions of subclause (1) above shall be liable to a fine not exceeding R20 000.00 (twenty thousand rand) or imprisonment not exceeding 12 (twelve) months or to both fine and imprisonment.
- (3) In accordance with the provisions of section 341 of the Criminal Procedure Act 51 of 1977,
 - (a) if a person receives from any peace officer a notification in writing alleging that such a person has committed, at a place and upon a date and at a time or during a period specified in the notification, any offence in terms of these by-laws and setting forth the amount of fine which a court trying such person for such offence would probably impose upon him, such person may within 30 (thirty) days after the receipt of the notification deliver or transmit the notification together with the sum of money equal to the said amount to the City.
 - (b) any sum of money paid to the City as contemplated in subclause (3)(a) above shall be deemed to be a fine imposed in respect of the offence in question; and
 - (c) such person shall not be prosecuted for having committed the offence;
 - (d) the City shall, within 7 (seven) days of receipt of any sum of money as provided in subclause (3)(a) above, forward to the magistrate of the district or area wherein the offence is alleged to have been committed, a copy of the notification relating to the payment in question whereupon the said magistrate will act in terms of section 341(2)(d) of the Criminal Procedure Act.
- (4) Notwithstanding the aforementioned the City may institute civil proceedings in respect of any breaches of the provisions contained in these by-laws and claim damages and/or any other appropriate relief.
- (5) The owner, occupier and/or consumer are jointly and severally responsible for ensuring compliance with these by-laws in respect of all and any matter relating to water services including but not limited to the use of water and the installation and maintenance of water services.

32 Powers of the City in terms of the Act or these by-laws

- (1) Where the City executes any work or conducts any inspection in terms of these by-laws, the City may in addition to any rights and powers given to the City in terms of the Act, these by-laws or any other by-laws or policies of the City:
 - (a) access any premises and/or execute work on and/or inspect any premises;
 - (b) question and request information from a person present on any premises in respect of any matter which may be relevant to the work or inspection;
 - (c) question and request information from a person whom the City believes may have information relevant to the work or inspection;
 - (d) request and inspect any document that a person is required to maintain in terms of any law or may be relevant to any work or inspection;
 - (e) copy any document referred to in subclause (1)(d), or if necessary remove the document in order to copy it;
 - (f) take samples of any substance that is relevant to the work or inspection;

- (g) monitor and take readings or make measurements;
- (h) take photos or make audio-visual recordings of anything or any person, process, action or condition on or regarding any premises;
- (i) issue and serve a written notice/s on any person contravening the provisions of this by-law or policies adopted by the City;
- (j) do whatsoever is necessary for the execution of work or the conducting of an inspection including removing any object or item from the premises, such as to enable the City to do what is required to give effect to and/or enforce the provisions of these by-laws;
- (k) remove or rectify any unlawful connection or works and removal of any items used by consumer in unlawful connection and not returned to the consumer.
- (l) if the City at its discretion removes an object for a specific purpose, the City shall return the object removed as soon as practically possible after achieving the purpose for which it was removed.

33 Repeal of existing municipal Water Services by-laws

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

34 Short title and Commencement

- (1) These by-laws are called the Water Services By-Laws of the City of Ekurhuleni.
- (2) These by-laws will become applicable upon the date of publishing in the Provincial Gazette.
- (3) The City may, by notice in the Provincial Gazette, determine that provisions of these by-laws, 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.
- (4) Until any notice contemplated in subclause (3) is issued, these by-laws are binding on all areas within the jurisdictional area of the City of Ekurhuleni.

35 Exemptions

- (1) The City may in writing exempt any person from complying with a provision of these by-laws, subject to any conditions the City may impose, if it is of the opinion that the application of the operation of that provision would be unreasonable in the circumstances, provided that the City may not grant exemption from any clause or provision of these by-laws that may result in: -
 - (a) the wastage or excessive consumption of municipal services;
 - (b) the evasion or avoidance of water restrictions;
 - (c) any significant negative effects on public health, safety or the environment;
 - (d) non-payment for municipal services;
 - (e) non-compliance with the Act or any Regulations made in terms thereof; or

(f) a nuisance.

- (2) The City may at any time after given written notice of at least 30 (thirty) calendar days withdraw any exemption granted in terms of subclause (1), and may require the owner or consumer as the case may be, to comply with the relevant clauses and provisions of these by-laws within a period stated in the notice of withdrawal, provided that the City may withdraw such an exemption without such notice if, in the opinion of the City, there is a present or imminent danger to public health or the environment or of the wastage or excessive consumption of municipal services or the evasion of water restrictions or the obligation to pay for the consumption of municipal services supplied.

36 Transitional Arrangements

- (1) Installation work authorised by the City prior to the commencement of these by-laws or authorised installation work in progress on that date, shall be deemed to have been authorised in terms of these by-laws: and the City may for a period of 90 (ninety) calendar days after the commencement of these by-laws authorise installation work in accordance with the by-laws that regulated that work immediately prior to the promulgation of these by-laws.
- (2) Any reference in these by-laws to a charge determined by the City shall be deemed to be a reference to a charge determined by the City under the by-law repealed by these by-laws, until the effective date of the applicable fees, charges and amounts to be levied by the City that may be determined by the City in terms of these by-laws, or by-laws relating to Credit Control and Debt Collection and/or the tariff schedule determined by the City from time to time.
- (3) Any approval, consent or exemption granted under the by-law repealed in terms of these by-laws shall subject to the provisions of these by-laws, remain valid.
- (4) No consumer shall be required to comply with these by-laws by altering a water installation of part of it which was installed in conformity with any laws applicable immediately prior to the commencement of these by-laws, provided that if, in the opinion of the City the installation or part thereof is so defective or in a condition that could cause waste or undue consumption of water, pollution of the water supply or a health hazard, the City may by notice require the consumer to comply with the provisions of these by-laws.

PART B: WATER SUPPLY

CHAPTER 1 – PROVISIONS RELATING TO THE SUPPLY OF WATER BY THE CITY

37 The City's sole right to supply water from water main

- (1) No person shall obtain the supply of water or take any water from a water main other than by means of a water connection provided and/or authorized by the City pursuant to a written consumer agreement concluded and application granted in accordance with the provisions of these by-laws.
- (2) Any person who uses water services provided by the City do so subject to any applicable conditions as set by the City, the provisions of these by-laws, any other applicable by-laws and policies of the City and the conditions contained in the consumer agreement.
- (3) Any water installation, pipe, tank, cistern or other apparatus for storing or conveying water which water is supplied by the City shall not be directly connected with any system or source of water supply which is supplied from another source other than that of the City. The City shall not be responsible for any maintenance and repairs of any system or source of water supply other than that of the City and any maintenance or repairs of the City of its own system shall be limited to the provisions of this by-law.

38 The quality of potable water

- (1) The City shall comply with the provisions of all relevant SABS/SANS standards and codes that relate to potable water and water quality and or any other statutory provisions which may be in force from time to time.
- (2) The City shall monitor the results obtained from the testing of samples and should the comparison of the results indicate that the water supplied poses a health risk, the City shall comply with the requirements as determined in the Water Service Act 108 of 1997, as amended from time to time.

39 Testing of water in a water installation

- (1) The City may at any time take samples of water from the water installation on any premises and cause the samples to be tested for compliance with any relevant SABS/SANS standards and codes.
- (2) If, it is found that the water samples taken from a water installation does not comply with the relevant SABS/SANS standards and codes, and the City is of the opinion that the quality of such water is attributable to the condition of the water installation, the owner of the premises concerned shall at his expense and when so instructed by the City: -
 - (a) cause the water installation to be tested and disinfected in accordance with the provisions of these by-laws; or
 - (b) investigate the cause of the problem and rectify it within a period specified by the City.
- (3) The owner of such premises shall at his expense, clean and maintain any tank on any premises in which potable water is stored regularly at intervals not exceeding two years. The City may, at any time, inspect such tank to ensure that the owner complies with the obligations as referred to in this clause and shall the owner provide proof of such maintenance to the City on demand.

CHAPTER 2 – CONDITIONS FOR THE SUPPLY OF WATER

40 General conditions of supply

- (1) The provisions of a water connection by the City for the supply of water shall not constitute an undertaking by the City to maintain at all times or at any point in its water supply network/system:
 - (a) an uninterrupted supply of water;
 - (b) a specific pressure or rate of flow in such supply; or
 - (c) a specific standard or quality of water.
- (2) If an owner, occupier or consumer requires that any of the standard referred to in subclause (1), or a higher standard of service be maintained on his premises, he shall take the necessary steps at his own expense to ensure that the proposed water installation is able to meet such standards.
- (3) Where, by reason in respect of the purpose for which the supply of water is required by a consumer, the nature or situation of the premises concerned, the quantity to be supplied, the availability of supply or the method of supply, the City considers it desirable that such supply should be provided subject to special conditions or a special charge, the City may, notwithstanding anything to the contrary contained in these by-laws, enter into a special agreement with such consumer for such supply on the terms and conditions as determined by the City.
- (4) Every steam boiler, hospital, industry and any premises which requires, for the purpose of the operations and/or activities undertaken on the premises a continuous supply of water, shall have a storage tank, which must comply with the specification for water storage tanks as stipulated in the relevant SABS/SANS standards and codes, with a capacity of not less than 36 hours water supply, or for such period in accordance with the consumer's operation requirements, or the quantity required to provide the average daily consumption, where water can be stored when the continuous supply is disrupted. The consumer shall be obliged to ensure that the consumer has enough water capacity in terms of its requirements during any period in which the City is unable to provide a continuous supply of water. The City shall not be liable for any loss or damages as a result of any failure by the City for not supplying a continuous water supply.
- (5) The City may specify the maximum height to which water will be supplied from a water main and the maximum rate of extraction from such main.
- (6) The City may interrupt the supply of water to any premises without prior notice, however the City shall endeavor to communicate with affected stakeholders where possible.
- (7) The consumer shall ensure that all taps on the premises are closed at times it is not in use and more specifically when there is an interruption in supply. The City shall not be liable for any damage to property, any other damage or loss of life caused by water flowing from any water installation inclusive of any tap that is left open by the consumer when the water supply is re-instated, after an interruption in supply. The consumer shall not be entitled to any rebate and/or reduction of any fees, tariffs and/or charges in respect of water loss as a result of open taps or other installation when the water supply is re-instated and shall the City recover from the consumer the amount of making good or repairing any damage which may have been done to the water supply network/system and meter as a result of the open taps during an interruption of supply.

- (8) If in the opinion of the City, the consumption of water by a consumer adversely affects the supply of water to another person, the City may apply such restrictions as it may deem fit to the supply of water to the consumer in order to ensure a reasonable supply of water to such other person.

41 Failure of supply

- (1) The City does not undertake to attend to a failure of the supply of water in the water installation of the consumer. When a failure of water supply is found to be due to a fault in the water installation of the consumer, or to the faulty operation of apparatus used in connection therewith, the City shall have the right to: -
- (a) charge the consumer the amounts as prescribed in the tariff schedule determined by the City from time to time for each restoration of the supply; and
 - (b) recover from the consumer the amount of making good or repairing any damage which may have been done to the water supply network/system and/or meter by such fault or faulty operation.

42 Water pressure

- (1) Where application is made for a supply of water, and any premises or part thereof is situated at a level that cannot be served by the normal pressure in the City's water supply network/system, then the consumer shall at his own expense provide and maintain the equipment and/or any other installation to increase pressure and flow where required. Provided that, subject to the provisions of this clause, the City may grant a supply to such premises from its water supply network/system where such supply is available on such conditions as the City may impose.
- (2) Where in the circumstances set out in subclause (1) it is necessary for the consumer to pump water to maintain the supply: -
- (a) any pump installed for the purpose shall not be connected directly to the City's water supply network/system;
 - (b) the suction pipe of any such pump shall be connected to a storage tank supplied with water from the City's water supply network/system;
 - (c) such tank and installation shall be constructed in accordance with the requirements of City and these by-laws and/or any other statutory requirement;
 - (d) such tank shall be fitted with an inlet control valve of the correct size at the expense of the consumer to admit water to the tank from the City's water supply network/system; and
 - (e) before the installation of such pumping system, full details thereof shall be submitted to the City in writing for written approval and authorization by the City.
- (3) The City may, in an emergency, or when, in the opinion of the City, it is necessary for any reason, reduce the water pressure in the water supply network/system of the City, the City may without notice interrupt and, for such period as the City may deem necessary, discontinue the water supply to any consumers water installation. The City shall not be liable for any loss or damage directly or consequentially due to or arising from such reduction, interruption and discontinuance of the water supply.

43 Sale of water by consumers

- (1) Unless authorised by the City in writing, no person shall sell or supply water that is supplied to his premises by the City to any other person/s for use on or at any premises or permit such resale or supply to take place.
- (2) In all instances where a person duly authorised thereto under subclause (1) resells water supplied by the City to any other person/s for use on or at any premises, the resale is subject to the provision of these by-laws and any other by-laws and/or policies including the indigent policy of the City and the schedule of promulgated tariffs of the City which are applicable and such tariffs of the resale of such water so supplied by the City shall not exceed the duly schedule of promulgated tariffs of the City.
- (3) Where a person resells water which is supplied by the City as provided for in this clause, and/or is measured by the City with a bulk meter, such water shall, in respect of each purchaser, be privately metered through a SABS approved sub-meter. This includes but is not limited to water supplied to security estates, sectional title developments, group housing developments and apartment buildings.
- (4) The City shall not be held liable for any inaccuracy or other defect in any sub-meter.
- (5) In the event the purchaser is privately separately metered, the amount levied by such reseller and the rate applicable per kl unit for the total units of the specific unit must be at the tariff applicable in terms of the promulgated tariffs of the City and shall the amount payable by the purchaser, not exceed the amount the purchaser would have paid if the purchaser was a direct consumer of the City.
- (6) If the purchaser is not privately separately metered, the reseller must divide the amount levied on his invoice received from the City between the property units and may the total amount charged to the purchasers not exceed the invoice amount which is payable by the reseller to the City.
- (7) No indigent tariff will be applied or be applicable if the tenant of any premises is indigent and shall the indigent policy and/or tariff only be applicable and applied, at the discretion of the City, if the owner qualifies as an indigent.
- (8) Where, in terms of a special agreement a consumer is authorized to resell water supplied by the City, the City may at any time demand from the consumer to submit to the City for inspection the records of such consumer relating to the resale of water to other persons and the income derived by the consumer from such resale, and may, where sub-meters have been installed by the consumer, demand that the consumer have any of such sub-meters tested to the satisfaction of the City at the consumer's expense, and that any meter which is found to be defective be repaired or replaced at the expense of the consumer. Except as is otherwise provided in a special agreement, the supply of water under such agreement shall be subject to the provisions of these by-laws.

CHAPTER 3 – GENERAL PROVISIONS RELATING TO METERED SUPPLIES

44 Connection to water main

- (1) When a consumer agreement for water supply services in respect of premises has been concluded in terms of the provisions of these by-laws and no connection pipe exists in respect of the premises, the owner shall make written application on the prescribed form and pay the determined charge for the installation of such a connection pipe.

- (2) If an application is made for water supply services which are of such an extent or so situated that it is necessary to extend, modify or upgrade the water supply network/system in order to supply water to the premises, the City may agree to the extension provided that the owner shall pay for the fees, charges and amounts levied by the City for the extension, as determined by the City.
- (3) Only the City may install a connection pipe, but the owner, occupier or consumer must connect the water installation to the outlet of the water meter at the expense of the owner, occupier or consumer.
- (4) No person may commence any development on any premises unless the City has installed a connection pipe and meter.
- (5) A connecting pipe provided and installed by the City shall: –
 - (a) be located in a position determined by the City and be of a suitable size as determined by the City;
 - (b) terminate at either: -
 - (i) the boundary of the land owned by or vested in the City, or where the City may determine; or
 - (ii) at the outlet of the water meter or isolating valve.
- (6) The City may, either of its own accord or at the request of any person, agree, subject to such conditions as the City may impose, alter the position of a connection on the water main at the expense of the consumer where the consumer requests such alteration or to a connection to a main other than that which is most readily available for the provision of water supply to the premises; provided that the consumer shall be responsible for any extension of the water installation to the connecting point designated by the City and for obtaining at his expense, any servitudes over other premises that may be necessary.
- (7) The consumer shall be liable to pay the fees, charges and amounts levied by the City in accordance with the applicable tariff, in advance, for the provision of a water connection, including a water connection pipe, isolating valve and water meter or the alteration of the position of a water connection on the water main at the request of a consumer,
- (8) Where the City is required to provide a water connection by means of a water connection pipe of a size or length for which no charge is determined in accordance with the applicable tariff, or if, because of any special circumstances, the amount so prescribed is insufficient to cover the actual costs, fees and charges for providing and installing such water connection pipe, water meter and isolating valve, the consumer shall be liable to pay to the City, an amount for the costs, fees and charges incurred by the City in respect of material, labor and transport for providing the water connection, plus 15% of the amount of such costs, fees and charges to cover additional indirect charges. Any charge, fee and costs payable to the City shall be paid in advance to the City, and in the event the amount cannot be determined by the City before commencement of the works, the City shall estimate the amount and the sum payable in terms thereof shall be deposited by the consumer with the City before the work is commenced by the City. Any balance owing by the consumer shall be paid to the City upon completion of the work and after the costs in respect thereof have been quantified by the City.
- (9) The water connection pipe, water meter and the isolating valve/s situated before the connection point and provided and installed by the City at any premises, shall at all times remain the exclusive property of the City; and shall be maintained and/or repaired by the City

and be under the sole control of the City. The consumer's isolating valve situated after the connection point provided and installed by the City at any premises, shall at all times be maintained and/or repaired by the Consumer.

- (10) Water connections and extensions shall be affected as soon as practical, but subject to the logistical and other constraints of the City.
- (11) The consumer is solely responsible for his installation from the connection point of his water installation;

45 Provision of water meter

- (1) The type, size and capacity of the water meter or measuring device to be provided and installed by the City on a water connection to any premises shall be determined by the City. The City may provide a measuring device designed to provide either a controlled volume of water, or an uncontrolled volume of water, to a consumer.
- (2) The City shall determine the position for the installation of the water meter, however, if so required by the City, the consumer may indicate an acceptable position for the installation of the water meter.
- (3) The City shall install all water meters at the expense of the owner after payment as prescribed in the tariff schedule determined by the City from time to time has been paid to the City in full.
- (4) If the City determines that a meter must be replaced with a different size or different type of meter to improve measuring of the current average daily consumption demand, or due to changes in average consumption pattern (increase/decrease), or on request of the consumer, or any other reason, the City may install a meter of a size or type that the City considers necessary, and may recover the determined charge for the installation of the meter from the owner of the premises and/or consumer. The consumer will be given reasonable notice of all implied costs.
- (5) The City may, at regular intervals, measure and/or pulse the meter to determine the quantity of water supplied through a metering system or a measuring device.
- (6) No person other than the City shall disconnect a measuring device and its associated apparatus from the pipe on which they are installed, break a seal which the City has placed on a meter or in any other way interfere with a measuring device and its associated apparatus.
- (7) If the City requires, for purposes other than charging for water consumed, to ascertain the quantity of water which is used in a part of a water installation, the City may, by written notice, advise the owner concerned of its intention to install a measuring device at any point in the water installation that the City may specify. The installation of the measuring device, its removal, and the restoration of the water installation after such a removal shall be carried out at the expense of the City.

46 Provision of single water / common water connection for supply and metering of several consumers on same premises

- (1) Only one water connection on the water main of the City's water supply network/system shall be provided for the supply of water to any premises, irrespective of the number of accommodation units, business units or consumers located on such premises. The City may, at its discretion, authorize that more than one water connection be provided on the water main for the supply of water to any premises including security estates, sectional title units,

business or commercial units.

- (2) Where the owner, or the person having the charge or management of any premises on which several accommodation units, business units or consumers are situated, requires the supply of water to such premises for the purpose of supply to the different accommodation units, business or commercial units or consumers the City may, in its discretion, provide and install either: -
 - (a) a common water meter or single measuring device in respect of the premises as a whole or any number of such units or consumers; or
 - (b) separate water meters or separate measuring devices for the different units or consumers or any number thereof.
- (3) Where the City has installed a common water meter, the owner or the person having the charge or management of the premises, as the case may be, shall install and maintain on each branch pipe extending from the service or connecting pipe to the different accommodation units a separate water meter and an isolating valve and be liable to the City for the fees, charges and amounts levied by the City for all water supplied to the premises through such common water meter, irrespective of the different quantities consumed by the different consumers served by such common water meter. Notwithstanding the provisions of this clause each individual dwelling within a new security estate, sectional title development, group housing development, apartment building, each individual building, having a maximum designed flow rate exceeding 60 litres per minute within any commercial or institutional complex or an irrigation system with a maximum designed flow rate exceeding 60 litres per minute must have a separate water meter and an isolating valve.
- (4) Where the provision of more than one water connection is authorized by the City under subclause (1), the charge determined in accordance with the applicable tariff for the provision of a water connection shall be payable in respect of each water connection so provided.
- (5) An owner of any premises shall ensure that no interconnection exists between the water installation on the premises of such owner and the water installation on any other premises or, in the case of premises on which more than one accommodation unit, business unit or consumer is located, between the water installations of two or more of such accommodation units, business units or consumers.
- (6) Where two or more erven are consolidated, only one water connection shall be permitted for the consolidated erf, and the owner or occupier shall be responsible for the costs, fees and/or charges for the removal by the City of any such water connections not authorized by the City and the consumer's water installation must be altered by the owner or occupier and at his expense.
- (7) Where premises are supplied by a number of connection pipes, the City may require the owner to reduce the number of connection points and alter his water installation accordingly. The removal of the connection points shall be executed by the City at the expense of the owner.

47 Safeguarding, repairs or replacement of water meters

- (1) Every owner, occupier and consumer shall take such measures as are reasonably necessary to prevent any damage to be caused to the water meter or measuring device installed by the City on or at the premises.
- (2) Where, by reason of any failure to comply with the provisions of this clause, the water meter installed on the premises is damaged or destroyed, such owner, occupier and consumer shall

be jointly and severally liable to pay to the City the amount in accordance with the applicable tariff for the repair, replacement or substitution of such water meter.

- (3) Every owner, occupier and consumer shall ensure free and unimpeded access to the water meter, on the premises, at all times.
- (4) Where, in the opinion of the City, the area or locality where the water meter is installed is no longer reasonably accessible or suitable, the owner, occupier or consumer shall, at the request of the City, provide a suitable area or locality at a different approved position to which the water meter can be moved, or cause the water meter installed on such premises to be moved to a position on the sidewalk or any other area or locality outside the premise and the owner, occupier or consumer shall in such a case be liable for all fees, charges and amounts levied by the City incidental to such removal.
- (5) No person other than the City or a person duly authorized thereto by the City shall: -
 - (a) disconnect or attempt to disconnect from the water connection pipe any water meter installed by the City;
 - (b) where the supply of water to any premises has been disconnected or suspended by the City for any reason, make or attempt to make a reconnection of such supply or restore or attempt to restore the supply in any manner; or
 - (c) in any other way tamper or interfere with the water meter installed by the City on any premises, and
 - (d) no owner or occupier of such premises shall cause or permit any other unauthorized person to disconnect or reconnect or in any other way tamper or interfere with such water meter.
- (6) Where a contravention of any of the provisions of this clause occurred on the premises of any owner, occupier or consumer the City may, without prejudice to any other power conferred by these by-laws: -
 - (a) cause the water meter installed on such premises to be moved to a position on the sidewalk or any other area or locality outside the premises; and
 - (b) recover from the owner, occupier and consumer, concerned jointly and severally the fees, charges and amounts levied by the City therefor.
- (7) If the City finds it necessary or desirable to take special precautions in order to prevent tampering with any portion of the water supply network/system, service connection or meter or metering equipment, the City may require the owner, occupier or consumer to either supply and install the necessary protection or pay the fees, charges and amounts levied by the City involved where such protection is supplied by the City.
- (8) Any person who contravenes any provision of this clause or willfully damages the water meter, the water connection pipe or isolating valve installed by the City on any premises, shall be guilty of an offence and shall be liable for any fees, charges or penalties in accordance with the applicable tariffs of the City and any other by-laws or policies of the City.
- (9) The City may at any time replace or repair the water meter on any premises which is suspected of not registering accurately or at all the supply of water to the premises concerned, or due to any other reason.
- (10) The fees, charges and amounts levied by the City incidental to any repairs or the replacement

of a water meter, shall be done by the City, but if the repairs or replacement is necessitated by reason of any failure on the part of an owner, occupier or consumer to comply with the provisions of safeguarding the meter as stipulated in these by-laws or because of an act performed, whether intentionally or negligently in damaging or tampering of the meter in terms of these by-laws the City shall be entitled to recover the fees, charges and amounts levied by the City from such owner, occupier or consumer.

48 Provision and position of stop valve

- (1) The City shall, for its exclusive use, install a stop valve between the meter and the connection point and the owner, occupier and consumer may not tamper, use and/or in any way utilize this stop valve in any manner.
- (2) The City may in its discretion and for his exclusive use at the expense of the owner, occupier or consumer, provide and install a stop valve at a suitable point on the communication pipe immediately inside the boundary of the premises in the case of a meter installed outside the boundary, in the case of a meter installed on the premises at a suitable point on the consumer's installation of such a meter or at such suitable point as determined by the City.
- (3) The City may, in its discretion, provide and install such stop valve for the exclusive use of such owner, occupier or consumer and the City shall be entitled to recover the fees, charges and amounts levied by the City from such owner, occupier or consumer.

49 Special conditions relating to temporary supply of water

- (1) If a consumer / person requires temporary supply of water, the consumer / person must apply to the City for such temporary supply and enter into a special agreement relating to such supply on such conditions as determined by the City including but not limited to which hydrant the consumer/person may connect for the temporary supply.
- (2) The temporary supply of water shall be measured by means of a portable water meter provided by the City for that purpose. The portable water meter, and all other fittings and apparatus used for the connection of such portable water meter to a hydrant or other source of supply of the City, shall remain the property of the City.
- (3) The consumer shall pay to the City in advance the deposit determined in accordance with the applicable tariff in respect of each portable meter supplied by the City as security for its return in proper working order and for the payment of the fees, charges and amounts levied by the City in respect of water supplied to the consumer.
- (4) The fees, charges and amounts levied by the City for water supplied and for the use of the portable meter in terms of this clause shall be paid to the City on presentation of the account by the City to the consumer/person at the rate in accordance with the applicable tariff.
- (5) Where a consumer takes water from a hydrant, which is not measured by means of a water meter, or from another hydrant not authorized by the City, the consumer shall be guilty of an offence.
- (6) A consumer to whom a portable water meter is provided in terms of subclause (2) shall maintain and return such water meter and all other fittings and apparatus supplied in connection therewith, in a proper working order to the City.
- (7) If the consumer fails to return the portable water meter, or returns it in a damaged condition, the consumer shall forfeit the deposit paid to the City, or the City may, where applicable, recover the fees, charges and amounts levied by the City of repairs or replacement of such

water meter from the consumer.

- (8) The City may deduct the fees, charges and amounts for the supply of water and use of the portable water meter from such deposit.

CHAPTER 4 – PROVISIONS RELATING TO CONSUMER’S WATER INSTALLATION

50 Standard specifications, codes of practice and legislation applicable

- (1) For the purpose of these by-laws, the applicable legislation, regulations and relevant SABS/SANS standards and codes as amended or replaced shall be applicable to all aspects that relate to water installations, and the City may also approve in writing the use of any other specification and codes where in its opinion it is appropriate to do so, and it shall in considering any application for such approval be guided by accepted practice and international specifications and codes of practice. Any water installation constructed or installed must comply with these by-laws, other applicable by-laws and policies of the City, any applicable specifications in terms of the Building Regulations, as amended from time to time and any other applicable standards, legislation or statutory requirements that may be in force from time to time.

51 Installation and Maintenance of water installation

- (1) Every owner and/or occupier and/or consumer shall, at his own expense, provide, install, lay down and maintain his own water installation in line with the City’s Water & Sanitation Design Guidelines accessible from the City’s website.
- (2) All new water installation or changes to an existing water installation necessitated by any alteration or extension of an existing building must be approved in writing by the City. An application for the approval by the City, must be made on the prescribed form, in writing and shall be accompanied by the determined charge, information copies of the drawings in the format and in accordance with the requirements as determined by the City, and a certificate certifying that the installation has been designed in accordance with the relevant SABS/SANS standards and/or codes, City’s Water & Sanitation Design guidelines and by a competent person.
- (3) The City may, at its discretion, require that all building plan applications for new buildings and/or alterations to existing buildings be submitted together with an internal reticulation network layout for the premises as approved by a registered plumber and a certified copy of the plumber’s registration certificate with Department of Labor.
- (4) Authority given by the City in terms of this clause shall lapse at the expiry of a period of 12 (twelve) months and a complete set of approved drawings of water installation works must be available for inspection at the site /premises of the work at all times.
- (5) If installation work has been done without the approval of the City or in contravention of these by-laws, the City may require the owner to rectify the contravention within a specified period and/or if work is in progress, to cease the work and/or to remove all such work which does not comply with these by-laws; and comply with the relevant provisions of this by-law within a specified period.
- (6) Only a qualified plumber, a person working under the control of a qualified plumber, or another person authorized in writing by the City, shall be permitted to do repair or installation work on a water installation other than the replacement or repair of an existing pipe or water fitting, replace a fixed water heater or its associated protective devices, inspect, disinfect and

test a water installation, fire-fighting installation or storage tank, service, repair or replace a back flow preventer and/or install, maintain or replace a meter provided by an owner in a water installation. Such work may be undertaken by the owner of the premises if the premises is occupied solely by himself and his immediate household, provided that such work must be inspected and approved by a plumber at the direction of the City.

- (7) An owner and/or occupier must provide and maintain his water installation at his own expense and must ensure that the installation is situated within the boundary of his premises. The City shall not be liable for any damage to the water installation which is outside the boundary or within the servitude area of the premises.

52 General requirements for design and construction of water installation

- (1) Any water installation shall be designed and constructed in accordance with the relevant SABS/SANS standards and/or code, this By-law and any other applicable By-law of the City, the City's Design guidelines and other legislation including but not limited to the Building Regulations. The installation of the water installation shall be carried out in accordance with the drawings approved by the City and detail specification for the installation and in conformity with the requirements of the applicable legislation and regulations and SABS/SANS standards and/or codes including but not limited to SABS/SANS applicable to water supply installations, drainage installations and fire-fighting installations.
- (2) The City may require that a competent person design a detailed proposed water installation in cases where the City is of the opinion that a detail design is necessary due to the complexity of the water installation.
- (3) The City may, in its discretion, require that the drawing for the water installation may be indicated on the same drawing as the drainage installation or require a separate drawing for the water installation and drainage installation. Any additions to or alterations to the water installation and which are different from the approved drawing must be approved by the City. If no drawing was required by the City at the time of the approval of the water installation, the City may, at its discretion, after inspection or at any time require a drawing to be done and submitted to the City.
- (4) Any water installation and/or service pipe shall be designed and constructed in such a way that: -
- (a) velocities in pipes should be as stated in the Guidelines and Standards for Planning and Design of Water & Sanitation Services (2020) accessible from the City's website;
 - (b) only pipes and fittings be specified and installed that will be able to withstand the corrosion which may be caused by the water conveyed in the installation and any corrosive conditions which may be related to the soil conditions on the premises;
 - (c) the installation be functional to the users of the building taking due cognizance to the population and class of occupancy of such building;
 - (d) provide adequate fire protection where it is required in terms of any legislation;
 - (e) all components and materials used on the installation are watertight;
 - (f) the installation will not cause any danger to the health or safety of the users of the building;
 - (g) that all pipes and fittings are able to withstand loads, forces and temperatures which it may normally be subjected to and where necessary is properly protected against damage;

- (h) should a water leak or a water pipe burst occur, it would not jeopardize the structural safety of the building.
- (5) An owner must install, at his expense, an isolating valve on the service pipe not more than 1.5 meters immediately inside the boundary of the premises in the case of a meter installed outside the boundary, and in the case of a meter installed on the premises at a suitable point on his service pipe.
- (6) Every person carrying out or exercising control over the installation of any water installation shall ensure that: -
 - (a) where copper pipes are used in the installation such pipes shall be properly inspected and cleaned before installation so as to prevent any carbonaceous film being present in such pipes and only solder of copper-tin or silver-tin is used in capillary soldered joints on such pipes;
 - (b) no lead-chalked joints are used on any cast iron pipe;
 - (c) no solvent cement welded joints are used on any unplasticized polyvinyl chloride (uPVC) pipes;
 - (d) no underground pipe is laid on the premises shallower than 500mm for any pipe of less than 75mm diameter and 1 meter for any pipe of 75mm diameter or more;
 - (e) no pipe is installed within the cavity of a boundary wall, except where it crosses the boundary wall.
- (7) No person shall connect to a water installation a water fitting or apparatus, which causes or is likely to cause damage to the water supply network/system or another water installation as a result of pressure surges.
- (8) All connections and installations in any water installations on dolomitic terrain must comply with the relevant SABS/SANS standards and codes as well as the City W&S Design guidelines.

53 Materials, pipes, fittings and components in water installations

- (1) Only SABS/SANS approved materials, pipes, fittings and components, JASWIC listed materials, pipes, fitting and components and/or similar materials, pipes, fittings and components approved in writing by the City shall be used on any water or drainage installation.
- (2) Notwithstanding anything to the contrary in these by-laws or any relevant SABS/SANS standards and codes or JASWIC listed material, the City may determine that only materials, pipes, fittings and components of specified materials resistant to or adequately protected against corrosion shall be used should the water be corrosive or aggressive soil conditions occur in the City's municipal area.
- (3) All materials, components, fittings and fixtures in every part of a water installation must operate effectively under all normal conditions likely to be experienced when the water installation is in service, and withstand, without damage or deterioration, the sustained temperatures of cold and hot water installations and the fitting, components or any other apparatus shall not induce pressure surges that can cause damage to any part of the water installation.

- (4) The City may, in respect of any pipe, water fitting or component, impose such additional conditions, as it may consider necessary in respect of the use or method of installation.
- (5) A pipe, fitting or component shall be removed and replaced at the discretion and direction of the City if it no longer complies with the criteria upon which its inclusion was based or is no longer suitable for the purpose for which its use was accepted.
- (6) All pipes, except those laid in the ground, shall be securely fixed at frequent intervals to that portion of the wall or other rigid portion of the structure along which they pass. All standpipes or other pipes projecting above the ground and not otherwise secured to any structure shall be securely fixed to a stake securely driven into the ground, or by other means approved by the City, in such a manner as to prevent undue movement of such standpipes or pipes.
- (7) Standpipe draw-off taps must be a height of at least 450mm, measured above ground level.
- (8) Solar water heating systems shall be installed in accordance with the relevant SANS/SANS standards and codes.
- (9) All terminal water fittings and appliances using or discharging water shall be marked, or have included within its packaging, the range of pressure in kPa over which the water fitting or appliance is designed to operate and the flow rate, in litres per minute, related to the design pressure range, provided that this information shall be given for at least the following pressures: 24 kPa, 100kPa and 400 kPa.
- (10) In any water installation where the dynamic water pressure is more than 200 kPa at a shower control valve, and where the plumbing has been designed to balance the water pressures on the hot and cold-water supplies to the shower control valve, a shower head with a maximum flow rate of greater than 10 litres per minute must not be installed.
- (11) The maximum flow rate from any tap installed on a wash hand basin must not exceed 6 litres per minute.
- (12) All rubber components that are in contact with potable water such as joint rings, tap washers and flange packings, shall be of a composition that will not promote microbiological growth.
- (13) Where water is supplied to a bath, wash-basin, tank, swimming pool, dam, animal drinking trough, or any other water containing structure by a pipe in direct communication with the water installation, such pipe shall discharge above the maximum water level of such water containing structure.
- (14) Terminal water fittings installed outside any building other than a residential dwelling shall incorporate a self-closing device, have a removable handle for operating purposes, be capable of being locked to prevent unauthorized use or be a demand type that limits the quantity of water discharged in each operation.
- (15) No portion of the water installation shall, except where it is part of a specifically approved water installation, be laid, installed or maintained within 300 mm of, or be in metallic contact with, any electrical apparatus: Provided that this requirement shall not be taken as preventing electrical bonding as required by any by-laws or regulations for the supply and use of electrical energy and for the wiring of premises.
- (16) No tap, valve or similar apparatus shall be laid, installed, fixed or maintained within 2 m of an electrical socket outlet, appliance or distribution board without the prior written approval of the City.

54 Cleaning, inspecting, testing and disinfection of water installation

- (1) Every water installation shall be properly cleaned, inspected, tested and disinfected in accordance with the relevant SABS/SANS standards and codes.
- (2) Every new and existing water installation shall on completion and/or at any other time as determined by the City: -
 - (a) be properly cleaned to remove any foreign matter;
 - (b) be inspected by the City;
 - (c) be tested under pressure in accordance with the relevant SABS/SANS standards and codes; and
 - (d) be disinfected in accordance with the relevant SABS/SANS standards and codes.
- (3) After the completion of any water installation, or after any alteration to any water installation has been completed, the qualified plumber responsible for the execution of the work must submit to the building inspection division of the City a certificate certifying that the work was completed to the standards set out in the Building Regulations, these by-laws and any other relevant by-laws or policies of the City and any other legislation and no person shall cover any part of such installation, alteration or extension or cause, permit or suffer it to be covered until it has been inspected and approved by the City.
- (4) The City may by written notice require any owner and/or occupier, at his expense, to employ a qualified plumber, to test and disinfect the water installation on the premises.
- (5) The owner and/or occupier of the premises concerned shall bear the fees, charges and amounts levied by the City incidental to the inspection, testing and disinfection of any water installation.

55 Connection of sundry apparatus and Cisterns and Tanks

- (1) No person shall cause or permit any water installation pipe to be connected directly to any toilet, urinal, steam boiler or trade vessel or apparatus without the written consent from the City.
- (2) Every toilet, urinal, steam boiler, trade vessel or apparatus shall be fed separately and directly from a cistern installed solely for that purpose, and the inlet to every such cistern shall:
 - (a) discharge above the overflow level or maximum water level, as the case may be, of the cistern; and
 - (b) in the case of a cistern supplying a toilet or urinal, a silence pipe discharging below the normal water level of the cistern must be fitted and an approved anti syphon device must be incorporated in the inlet valve.
- (3) Where the City has approved in writing the connection of any toilet, urinal, steam boiler or trade vessel or apparatus directly to a water installation pipe, such connection shall be fitted with a non-return valve and where such connection is directly to the City's water main, such connection shall be metered.
- (4) No person shall install, fit, use or cause or permit to be installed, fitted or used upon any premises a cistern or tank for the reception or storage of water, other than a cistern used for flushing toilets or other sanitary fittings, unless:

- (a) the cistern or tank is constructed of a material which in the opinion of the City is sufficiently strong for the purpose and capable of resisting corrosion;
 - (b) the cistern or tank is watertight, vermin proof, and properly covered and ventilated;
 - (c) the cistern or tank provided with access covers which shall be bolted down locked in position at all times, except when opened for inspection;
 - (d) the inlet pipe to the cistern or tank discharges above the overflow level of the cistern or tank, and is provided with a stop valve located near the cistern or tank, and a float valve or similar device of a type approved by the City;
 - (e) the cistern or tank is so placed that may be readily drained and inspected and cleansed inside and outside;
 - (f) a stop valve is fitted to the outlet pipe near to each cistern or tank so that repairs to any pipe leading from or to apparatus fed by the cistern or tank can be effected without emptying the latter;
 - (g) a brass sampling tap is fitted to the cistern or tank to enable the City to draw samples of the water stored therein when necessary for testing purposes;
 - (h) the cistern or tank is provided with an adequate drainage installation to ensure that the premises are not flooded in the event of leakage or accidental overflow, the capacity of such drainage installation to be such that it will be capable of discharging water at a rate at least equal to the rate of flow of the incoming supply and the outlet of the drainage discharge pipe to be so situated that the discharge of water may be readily detected;
 - (i) An overflow pipe shall be fitted to such tank, which pipe shall discharge in such a position as to be readily observable and shall not be led away by any down pipe to any drain.
- (5) In the event of water stored in the cistern or tank becoming contaminated in any way, the consumer shall take immediate steps to drain the cistern or tank, cleanse it and disinfect it to the standards set by the City before refilling and replacing it in service.
- (6) No pump of whatever nature shall be connected to a water installation for the purpose of pumping water directly from the City's water supply network/system, unless prior written authority is obtained from the City.
- (7) When a cistern or tank on account of age or deterioration or for any other reason, no longer complies with the requirements of the City and of this clause, the consumer shall adequately repair or entirely replace the tank or cistern. If the City has issued a notice to the consumer to repair or replace the tank of cistern as aforementioned, and the consumer has failed to repair or replace the tank or cistern, the City may, at the expense of the consumer, repair or replace the tank or cistern.
- (8) Except with the written approval of the City and subject to such conditions as it may determine, no tank or other container buried or installed in an excavation in the ground on a consumer's premises shall be used for the storage or reception of water supplied by the City if such water is intended for human consumption.
- (9) Except for a tap discharging water from a hot water system or serving any shower or bath,

no tap used on any premises for the purpose to supply water for domestic purposes in residential premises or buildings or for drinking purposes on any other type of premises shall be connected to any tank without the written approval of the City.

- (10) Unless authorized in writing by the City, every boiler, steam kettle, or other apparatus for generating steam, gas producer, gas engine, or oil engine or any other apparatus in, or by which water supplied by the City is used must be supplied only through a cold-water feed tank which utilizes an air gap to separate the incoming mains water from the contents of the tank.
- (11) Where any damage or danger to persons might arise from an interruption of the supply of water or the pressure in the service would be otherwise inadequate, or when a continuous supply of water to the premises is required or every steam boiler, hospital, industry and any premises which requires for the purpose of the activity and/or operations undertaken on the premises a continuous supply of water, shall have a storage tank, which must comply with the specification for water storage tanks as stipulated in the relevant SABS/SANS standards and codes, with a capacity of not less than 36 hours water supply, or for such period in accordance with the consumer's operation requirements, or the quantity required to provide the average daily consumption, where water can be stored when the continuous supply is disrupted. The consumer shall be obliged to ensure that the consumer has enough water capacity in terms of its requirements during any period in which the City is unable to provide a continuous supply of water. The City shall not be liable for any loss or damages as a result of any failure by the City for not supplying a continuous water supply.
- (12) Any person who installs a storage tank must install it in such a position that its exterior and interior can readily be inspected, cleaned, and maintained, unless it is a concrete reservoir that is buried or partly sunk into the ground and has been designed, constructed and tested in accordance with the relevant SABS/SANS standards and codes where only the interior is accessible for inspection and cleaning.
- (13) Any person who uses a storage tank to store water of potable quality must ensure that: -
 - (a) it is of contamination proof design and in accordance with the requirements of the City;
 - (b) the overflow and vent of a contamination proof tank is screened to prevent the ingress of insects, animals, and other sources of pollution,
 - (c) a contamination proof tank is totally enclosed with no other access to its interior, other than an access panel in its side to facilitate inspection and cleaning, which must be at a level where the tank cannot be used unless the access panel cover is in place; and
 - (d) an apparatus be installed to maintain an acceptable free chlorine level at the furthest terminal water fitting; and
 - (e) complies with all conditions as prescribed by the City.
- (14) If the City is of the opinion that 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 City may by written notice require from the owner, occupier or consumer to install a storage tank, at his expense, from which the water needed for such activity shall be drawn. The entry of water into a tank shall be solely from a pipe which discharges water at a height of not less than 75 (seventy-five) millimeters or twice the diameter of the pipe, whichever is greater, above the flood level of the tank.

CHAPTER 5 – PREVENTION OF UNDUE WATER CONSUMPTION

56 Water audit

- (1) The City may, at its discretion, require that an owner, occupier or consumer, which is a large water user, must within one month after the end of each financial year of the City undertake an annual water audit at their own expense.
- (2) A copy of the audit must be available for inspection by officials from the Department of Water and Sanitation, the Water Board and the City.
- (3) The audit must contain details in respect of: -
 - (a) the amount of water used during the financial year;
 - (b) the amount paid for water for the financial year;
 - (c) the number of people living on the stand or premises;
 - (d) the number of people permanently working on the stand or premises;
 - (e) the seasonal variation in demand through monthly consumption figures;
 - (f) the water pollution monitoring methods;
 - (g) initiatives to manage the demand for water;
 - (h) the plans to manage the demand for water;
 - (i) a comparison of the report with any report that may have been made during the previous 3 (three) years;
 - (j) estimates of consumption by various components of use; and
 - (k) a comparison of the above factors with those reported in each of the previous 3 (three) years, where available.

57 Waste of water

- (1) No owner or occupier of any premises or consumer shall permit on such premises: -
 - (a) the purposeless or wasteful discharge of water from any water installation, fittings and/or water main;
 - (b) pipes or water fittings to leak;
 - (c) the use of maladjusted or defective water installations or fittings;
 - (d) an overflow of water to persist; or
 - (e) an inefficient or wasteful use of water to persist.
- (2) A consumer shall repair or replace, at the expense of the consumer, any part of the consumer's water installation which is in such a state of disrepair that it is either causing or is likely to cause an occurrence listed in subclause (1).

- (3) If an owner or occupier fails to take measures contemplated in subclause (2), the owner and/or occupier shall after written notice by the City, and within a period specified in the notice, repair or replace any part of the water installation on the premises of the consumer which is in such a state of disrepair that, in the opinion of the City, it is causing or is likely to cause an occurrence mentioned in subclause (1).
- (4) If an owner fails to comply with a notice referred to in subclause (3), the City may, without prior notice, take such measures as the City may deem fit, including but not limited to repairing or replacing any part of the water installation on the premises and recover the fees, charges and amounts levied by the City and incidental thereto from the owner.
- (5) A consumer shall ensure that any equipment or plant connected to the water installation on the premises of the consumer uses water in an efficient manner and in terms of this by-law.
- (6) The City may by written notice to any consumer prohibit such consumer from using any equipment in a water installation if, in the opinion of the City, its use of water is inefficient, and any such equipment shall not be returned to use until its efficiency has been restored and a written application to do so has been approved by the City.
- (7) No person shall cause or permit any pipe, tap or fitting to leak, and no tap shall be installed in such position that any leakage cannot readily be detected and repaired.
- (8) No consumer shall be entitled to any rebate in respect of the wastage of water due to faulty fittings or undetected leakage in any part of the water installation or for water wasted or lost in a water installation owing to leakage or any other fault in the water installation of the consumer.
- (9) Any work or repair, digging or replacement, or any other operation which the City undertakes to enable a consumer to carry out repairs or other work to his own water installation, shall be undertaken by the City at the consumer's expense.
- (10) The owner and/or occupier of any premises shall ensure that any terminal water fitting forming part of the water installation on such premises, other than a float valve serving a cistern or a storage tank and the primary overflow from any toilet cistern or tank forming part of the water installation on such premises, is installed in such a position and in such a manner that any discharge of water therefrom will be readily visible and will not directly enter into a sewer or a storm water drainage network/system.
- (11) A person who contravenes any of the provisions of this clause shall be guilty of an offence and shall be liable for any fees, charges, penalties or tariffs in accordance with the City's approved tariffs.

58 Use of water as heat exchange medium and hot water distribution systems

- (1) No person shall 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 required level of total dissolved solids in a recirculating plant.
- (2) 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 terminal water fitting shall not be capable of containing more than 4 litres of water.
- (3) A central hot water system shall be of the circulating type, and the circulating pipes shall be insulated with material which: -

- (a) has a co-efficient of thermal conductivity of not more than 0,04 watt per meter degree Celsius; and
 - (b) is capable of maintaining the temperature at its external surface under normal operating conditions at not more than 6 degrees Celsius above the ambient temperature.
- (4) The electrical heating element of a fixed water heater having a capacity of more than 500 litres shall be installed in such a manner that it can be removed without loss of water from the heater.
- (5) An owner of any premises shall ensure that an overflow pipe or heat expansion pipe from any water heater forming part of the water installation on such premises is installed in such a position and in such a manner that any discharge of water therefrom will be readily visible and will not directly enter into a sewer or storm water drainage network/system.

59 Requirements in relation to flushing devices

- (1) No type of flushing device shall be used to serve a toilet pan or urinal other than a flushing device, which is actuated manually by a person using such pan or urinal or automatically 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 installed in a cistern serving a toilet pan shall not be capable of discharging:
- (i) in the case of a single flush unit, more than 6 litres of water during one complete flush; or
 - (ii) in the case of a dual flush unit, more than 6 litres of water during one complete flush when the full-flush level is actuated, and more than 3 litres of water during one complete flush when the low-flush lever is actuated and such a device shall only be connected to a type of toilet pan in which the trap is cleared in one flush;
- (3) An automatically operated flushing device shall be of such a design that no flush will take place if it malfunctions;
- (4) Every wall mounted urinal or stall urinal shall be served by a separate flushing device and where any slab urinal installed on any premises exceeds 1,8 meter in length, a sufficient number of flushing devices shall be used so as to ensure that a single flushing device will not serve any part of such urinal exceeding 1,8 meter in length;
- (5) No flushing device used to serve any urinal shall be capable of discharging more than 2 litres or less than 1 litre of water during one complete flush;
- (6) No automatic cistern or tipping tank shall be used for flushing a urinal.
- (7) If, on the date on which this by-law is promulgated and there is installed on any premises in such area, any flushing device to serve any toilet pan or urinal, not being a flushing device or any slab urinal which is not served by a flushing device or flushing devices which conforms to the requirements of clause, or an automatic cistern or tipping tanks to serve any urinal, the owner and/or occupier of such premises shall cause such steps to be taken or such adjustments to be made as may be necessary to ensure that the requirements of clause, as may be applicable, are complied with within 2 years from the date of commencement of this by-law.

60 Metering devices for taps and showers

- (1) Each wash basin in a group or array of three or more on any premises, other than residential premises, shall be fitted with a metering type of tap which limits the discharge of water in each usage to not more than 1 litre per operation;
- (2) Each shower in a group or array of showers of two or more on any premises, other than residential premises, shall be fitted with a metering valve which limits the discharge of water in each usage to not more than 2,5 litres per operation;
- (3) The maximum discharge rate of water of any showerhead installed on any premises, including residential premises, shall not exceed 10 litres per minute under maximum flow conditions.
- (4) If, on the date of commencement on which these by-laws there are installed on any premises, other than residential premises any tap serving any wash basin referred to in clause, not being a tap, which conforms to the requirements of this clause or any showers which are not fitted with metering valves in conformity with the requirements of this clause or on any premises, including residential premises, any shower head which does not conform to the requirements of this clause, the owner and/or occupier of such premises shall, at his expense, cause such steps to be taken or such adjustments to be made as may be necessary to ensure that such requirements are complied with within 2 years from the date of commencement of this by-law.

61 Measures for conservation of water

- (1) No water shall be used for the irrigation or watering of any garden, sports field, park or other grassed area's during such hours of the day as the City may determine and announce publicly from time to time.
- (2) Any commercial or other vehicle washing facility shall be constructed and operated in such a manner that it complies with industry best practice norms regarding water usage per car washed and that 70% of the potable water used by such facility is recycled for re-use in the facility.
- (3) No person may without prior authorization from the City hose down a hard-surfaced or paved area using water from a potable source.
- (4) Potable water may not be used to dampen building sand and other building material to prevent it from being blown away.
- (5) No person may use an automatic top up system or systems using a float valve fed from a potable water source to supply swimming pools and/or garden ponds.
- (6) A hosepipe used for washing vehicles, motorbikes, trailers, boats, caravans or similar articles must be fitted with an automatic self-closing device.
- (7) Where a hosepipe is used to irrigate a garden, park, sport field or similar area from a potable water source a controlling device such as a sprayer must be attached to the hose end.
- (8) The City may implement measures relating to its water demand management and the conservation of water which include, but is not limited to, comprehensive reforms and actions to optimize existing water supplies, to conserve water by controlling use, influencing demand and promoting efficient and effective use, minimize the loss or waste of water, and the prevention, care and protection of water resources.

CHAPTER 6 – PREVENTION OF WATER POLLUTION

62 Pollution of surface water

- (1) No person shall: -
- (a) bathe in any stream, reservoir, aqueduct, or other place which contains water belonging wholly or partly to the City or under the control or management of the City and which is used for or in connection with the supply of water to the inhabitants in the City 's area of supply;
 - (b) wash, throw, or cause or permit to enter any animal therein;
 - (c) throw any rubbish, night soil, excreta, industrial waste, chemical substance, oil, dirt, filth, or other deleterious matter into such stream, reservoir, aqueduct, or other place within the catchments of a surface dam;
 - (d) wash or cleanse in any such water any clothes, leather or any other material or object of whatever nature;
 - (e) cause or permit the water from any sink, sewer, drain, engine, boiler or any other polluted water or liquid or oil for the control of which he or she is responsible, to run or be brought into any such stream, reservoir aqueduct, or other place; or
 - (f) do any other act whereby the supply of water to the inhabitants of the City 's area of supply may be polluted;
 - (g) cause or permit rainwater to flow into any tank or cistern supplied with water by the City

63 Obligation to prevent pollution or contamination of water

- (1) An owner and/or occupier of any premises shall provide and maintain approved measures to prevent the entry of any substance which may be a danger to health and safety or any person, animal or the environment or adversely affect the potability of water into the water supply network/system of the City, or any part of the water installation on the premises.
- (2) The owner and/or occupier of any premises: -
- (a) on which a fire or combined installation is installed;
 - (b) on which a general installation serves: -
 - (i) any activity in relation to the medical treatment of people or animals, medical, pharmaceutical or chemical research or manufacturing, agriculture, including dairies and nurseries, photographic processing, laundering or dry-cleaning, metal plating, or the treatment of hides and skins or similar activity;
 - (ii) any mortuary, abattoir, sewage purification works, refuse pulverizing works, oil processing and storage facilities or any winery, distillery, brewery, or yeast or cold drink factory or similar activity;
 - (iii) any other premises on which an activity is carried out which in the opinion of the City is likely to cause a danger to health or affect the potability of water in event of a substance resulting from such activity entering the water supply network/system; or

(c) to whom the City has given written notice to do so,

shall provide and maintain approved measures in the water installation on such premises to prevent the back flow of water from such water installation to the water main.

- (3) The measures required in terms of subclause (2) shall include but not be limited to: -
- (a) the discharge of water from the service pipe into a storage tank through an air gap in accordance with the relevant SABS/SANS standards and codes;
 - (b) the passing of such water through a reduced pressure back flow preventer or a double-check back flow preventer.
 - (c) any other measures determined by the City.
- (4) An owner and/or occupier shall ensure that no connection is made to the service pipe on the premises between the point of discharge from the pipe into the storage tank and the back-flow preventer installed in terms of this clause.
- (5) No consumer shall connect anything to a water installation or use it in a manner which may affect the potability of the water in it without first providing adequate measures or devices to prevent a deterioration in water quality in the water installation.
- (6) In the event where pollution or contamination of the environment has occurred due to an act or failure to act by a person, such person shall be liable for the rehabilitation cost to restore the environment to its condition prior to the incident. The City may, at its discretion, attend to the rehabilitation and recover the rehabilitation costs from such person or request such person to attend to the rehabilitation at their own costs, and failure by such person to attend to the rehabilitation to the satisfaction of the City or he's failure to do so, the City may, attend to such rehabilitation at the expense of such person.

64 Installation and maintenance of back-flow preventers and protection of water installation

- (1) An owner, occupier and consumer must prevent the backflow into the water installation of the premises to which the water supply services are provided of any substance which is likely to cause a danger to health or affect the potability of water, in the case of:
- (a) a terminal water fitting which is so designed that a hose or other flexible pipe is or can be attached to it, which shall include a hose bibcock, a laboratory tap, and a moveable shower unit;
 - (b) a fire hose reel 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) Any back-flow preventer installed on a water installation shall comply with the requirements of the relevant SABS/SANS standards and codes and/or any other statutory requirement and:
- - (a) a back-flow preventer shall be installed by a qualified plumber in a readily accessible

position where it may be inspected and from which it may be removed for the purpose of servicing, repair or replacement without alteration to the water installation or the structure within which it is situated; and

(b) a back-flow preventer which provides for the discharge of water to the atmosphere shall be installed above-ground in such a position that it cannot be submerged in water or any other liquid.

(3) The owner, occupier and/or consumer of any premises on which a reduced pressure or a double-check back flow preventer is installed shall at his own expense ensure that the back-flow preventer is inspected and serviced by a qualified plumber not less than once in every 12 (twelve) months to ensure that it is in proper working order, is replaced or completely overhauled once in every 5 years and kept in good working order. The owner, occupier and/or consumer shall maintain a record of the inspections and services stating the name and registration number of the registered plumbing contractor by whom it was carried out, the date on which it was carried out and detail of repairs and replacements that were effected and shall keep such record available for inspection by the City at any time during office hours.

65 Laying of pipes in places prone to pollution

(1) No pipe which is supplied or intended to be supplied with water by the City, shall be laid or installed through or in any sewer or drain or waste dump or any pit or place used for the dumping or accumulation of manure or any other substance which may, in the event of the pipe becoming unsound, pollute the water conveyed through the pipe.

(2) Where it is impracticable to lay or install a water pipe otherwise than in a manner referred to in subclause (1), the City may, upon written application, approve in writing that it be so laid or installed, but in such an event, the part of the pipe so laid or installed shall be carried through a cast iron or other approved tube or box of sufficient length and strength and of such construction as will, in the opinion of the City, effectively protect the pipe and render any leakage of the pipe readily detectable.

(3) Where any water pipe has been laid or installed contrary to the provisions of subclauses (1) or (2), the City may by written notice to the owner or occupier of the premises concerned direct that the necessary steps be taken to eliminate the contravention within a period specified in the notice.

(4) If the owner or occupier concerned fails to comply with such notice: -

(a) the City may suspend the supply of water to the premises concerned until the necessary steps have been taken; and

(b) such owner or occupier shall be guilty of an offence.

(5) Where the supply of water is suspended in terms of subclause (4), the owner or occupier shall be liable to pay the prescribed fees, charges and amounts levied by the City for such suspension and the subsequent restoration of the supply.

CHAPTER 7 – SPECIAL PROVISIONS RELATING TO FIRE-FIGHTING INSTALLATION

66 Provision of water connection for fire-fighting purposes

(1) It is the responsibility of the consumer to ensure that fire-fighting installations are installed on the premises in compliance with all applicable legislation, including but not limited to the City's applicable by-laws, the City's design guidelines and in accordance with the relevant

SABS/SANS standards and codes

- (2) If a consumer is obliged or elects to install fire-fighting installations, such a consumer must apply in writing to the City, for a special agreement with the City, for the installation of one suitable water connection for the consumer's combined general and fire-fighting installation. The City shall be entitled in its absolute discretion to grant or refuse an application for the connection of a fire-fighting installation to the City's Water Supply Network/System.
- (3) The City may, in its discretion, and on such conditions as it may impose, approve and install a separate water connection solely for a fire-fighting installation, located at a position and depth as determined by the City and all installations which convey water solely for fire-fighting purposes shall be in accordance with the relevant SABS/SANS standards and codes and the City's applicable by-laws and design guidelines.
- (4) The water supplied by the City for the purpose of fire-fighting installations, general or combined installations is supplied without guarantee of pressure, rate of flow, quality, quantity or continuance.
- (5) The City may require that the fire plan for the premises must be approved by the City's Fire Department prior to the approval of a water connection for a fire-fighting installation.
- (6) No water shall be supplied to any fire-fighting installation until the City certifies that the City's written approval in terms of these by-laws has been obtained, the installation has been inspected by the City and the City has certified in writing that such fire-fighting installation complies with the requirements of these or any other of the City's by-laws and/or policies of the City, the work has been carried out to the satisfaction of the City and the fees, charges and amounts levied by the City for such inspection and testing has been paid.
- (7) The fees, charges and amounts levied by the City incidental to the provision or upgrade by the City of a water connection or more suitable connection for a fire-fighting installation or combination installation including a water meter/s, isolating valve and other ancillary fittings, shall be borne jointly and severally by the owner and occupier, and in accordance with the applicable tariff.
- (8) Unless written consent is given by the City, no extension shall be made to any existing installation after such installation has been connected to the City's water supply network/systems.
- (9) If in the City's opinion a fire-fighting installation, which it has allowed to be connected to the City's water supply network/system, is not being kept in proper working order, or is otherwise not being properly maintained, or is being used for purpose other than fire-fighting, the City shall, be entitled either to require the installation to be disconnected from the main or the City may carry out the work of disconnecting it at the owner, occupier and/or consumer's expense.
- (10) The fees, charges and amounts levied by the City for the supply of water to a fire-fighting installation shall be as determined in accordance with the applicable tariff and the owner alternatively the occupier and the owner, in the event of them not being the same person or entity, of the premises are jointly and severally liable to pay the fees, charges and amounts levied by the City, in respect of any fire-fighting installation or appliance used or installed upon such premises.

67 Design and General requirements for fire-fighting installation

- (1) The requirements of the relevant SABS/SANS standards and codes, the City's relevant by-laws and policies and the City's design guidelines shall be applicable to the design and supply

of water to a fire-fighting installation.

- (2) Only SABS/SANS approved or JASWIC listed materials, fittings and components including hose reels, hydrants and sprinkler systems shall be used on any fire-fighting installation.
- (3) Every connection pipe to a fire-fighting installation must be fitted with pressure gauge, valves, and a measuring device which shall be: -
 - (a) supplied by the City at the expense of the owner, occupier or consumer;
 - (b) installed between the consumer's premises and the City's water main;
 - (c) installed in such position as may be determined by the City; and
 - (d) the isolating valve shall be the same diameter as the water connection pipe and must be installed after the water meter.
- (4) No inter-connection shall be made between a general installation and a fire-fighting installation if they are supplied through a separate water connection.
- (5) No reflux valve or measure device fitted after the City's meter in any installation shall be so positioned as to prevent or hinder the flow of water from any fire pumping connection to any hose reel, hydrant or other equipment connected to such installation.
- (6) The owner and/or occupier shall ensure that in any fire-fighting installation adequate pumping connections and means to measure water pressure shall be provided, with enough isolating valves to control the flow of water to points within the installation, at the required quantity and pressure to ensure enough flow of water to any hose reel, hydrant or sprinkler system connected to the installation.
- (7) Where there is an existing connection pipe for the sole purpose of fire-fighting services, such connection pipe and the water from that pipe may only be used for fire-fighting purposes. No branch connection of any kind shall be made from a water connection pipe, except for the purpose of serving automatic sprinklers, drenchers, hydrants or a pressure tank and no extension or connection from any existing fire-fighting installation to premises other than that for which it was approved, shall be made, and in the event of any such connection or extensions being made the City may take any steps necessary to disconnect such a connection or extension and recover the fees, charges and amounts levied by the City incidental thereto from the owner and/or any other person responsible for such connection or extension
- (8) The consumer shall be liable for all water consumption from a water connection for fire-fighting installation (metered or unmetered). If it is established by the City that a water connection for fire-fighting installation is unmetered or is utilized for purposes other than firefighting, the City may: -
 - (a) install a water meter, and render an account to the consumer in terms of the City's Policy for the estimation and correction of meter reading and billing data and the consumer shall be obliged to pay to the City all fees, tariffs and charges in accordance with the City's approved tariffs from time to time and/or
 - (b) discontinue the service providing such connection at any time after at least 30 calendar days' notice of its intention to do so had been given to the owner concerned and if such owner has failed to show good cause for the retention of such connection.

- (9) All fire-fighting equipment, installations and fire protection systems in any building shall be so installed and maintained as to be ready and accessible for their purpose at all times and that it facilitates maintenance thereof.
- (10) When a fire-fighting installation includes a fire pump connection, a SABS/SANS approved or JASWIC listed back flow preventer valve shall be fitted on the premises in an accessible position permitting of its ready inspection, repair and removal. The said valve must be of the same diameter as the connection pipe and installed in such a position as may be specified by the City and shall be used to prevent the back flow of water when boosting the fire-fighting installation. The valve must be serviced at least annually by a registered company being capable of undertaking such work, and record in respect of such service must be kept on the premises at all times and when called upon to do so by the City, the owner and/or occupier shall produce a certificate from the said company that the service has been done.
- (11) A pressure gauge indicating the water pressure in kPa shall be fixed on all fire-fighting systems inside the premises of the consumer.
- (12) Where an existing sprinkler installation has been connected to the water main, no additional sprinkler heads shall thereafter be connected to such sprinkler installation, without the written consent of the City.
- (13) If a specified pressure of water is required for a fire-fighting installation or there is a sprinkler installation, the consumer shall install a header tank at such an elevation as will compensate for any cessation, failure or reduction of pressure in the City's water supply network/system water supply and a back flow preventer valve must be installed on the pipe from the City's water supply network/system to the header tank.
- (14) In the event there is no header tank, and a sprinkler installation is connected directly to the City's water supply network/system, the water is supplied by the City without guarantee of pressure, rate of flow, quality, quantity or continuance.
- (15) The discharge from any pressure tank shall be controlled by a suitable closing / opening valve.
- (16) If a storage tank is installed to serve both a general installation and a fire-fighting installation, the design of the tank shall be such that the portion of its contents that is reserved for the fire-fighting installation cannot become stagnant and shall comply with the requirements of this by-law relating to water storage tanks.
- (17) An overflow pipe shall be fitted to such tank, which pipe shall discharge in such a position as to be readily observable and shall not be led away by any down pipe to any drain.
- (18) Any person who contravenes the provisions of this clause or who makes or causes or permits to be made any connection or extension in contravention of the provisions of this clause shall be guilty of an offence.

68 Annual charges for fire-fighting installations

- (1) Supply of water to a fire-fighting installation shall be metered and the volume supplied charged for in accordance with the applicable tariff.
- (2) The annual charges and/or other charges prescribed in accordance with the applicable tariff and/or provisional charges for the inspection and maintenance of the communication pipes leading from the City's water supply network/system supply to the boundary of a stand or other area of land and maintenance of connections and the inspection of private hydrant

installations, other than sprinklers shall be payable annually in advance by the owner and/or occupier of the premises.

- (3) The charges as referred to above shall be levied at the discretion of the City on a provisional basis or shall become due in respect of every such pipe as soon as the City has notified the owner and/or occupier of the premises that the pipe has been laid and is ready for connection to a fire-fighting installation on the premises.
- (4) The City may also charge the consumer, occupier or the owner of the premises for the emptying and refilling of any tanks which may be necessary for firefighting including all charges in respect of tankering services, hauling services, administrative charges and/or other charges applicable. The charges for the emptying and refilling of any tanks shall be charged by the volume of the tank, notwithstanding, any losses which may occur during transport and/or the level to which the tank was filled or emptied when the emptying and refilling of the tank was done. The City does not guarantee the quality or quantity of the water in respect of any tanker services.

69 Sealing of private fire-fighting installation or hydrants

- (1) Except in the case of a fire-fighting installation supplied through a connection pipe fitted with a meter (a combined installation), a private hydrant and hose-reel must be sealed by the City and such seal, may not be broken by a person other than the City in the course of servicing and testing, except for the purpose of opening the hydrant in the case of fire.
- (2) An owner, occupier or consumer shall give the City at least 48 (forty-eight) hours' notice of the intention of the consumer to service or test a fire-fighting installation.
- (3) The owner, occupier and/or consumer shall be responsible for all the fees, charges and amounts levied by the City associated with the resealing of a hydrant and hose-reel except in the instances where such seal is broken by the City for servicing or testing purposes.
- (4) Any water consumed after a seal is broken, other than in the course of servicing or testing by the City, or in the course of extinguishing or fighting a fire, shall be paid by the owner, occupier or the consumer in accordance with the applicable tariff and the City shall determine the quantity of water consumed and/or used.

CHAPTER 8 – OTHER PROVISIONS

70 Use of water from sources other than the water supply network/system

- (1) No person shall use or permit the use of water obtained from a source other than the water supply network/system, as potable water except with the prior written approval of the City, and in accordance with such conditions as it may impose, for domestic, commercial or industrial purposes.
- (2) No person shall use or permit the use of water collected in rainwater tanks as potable water.
- (3) No person shall use or permit the use of water obtained from a source other than the water supply network/system during drought conditions.
- (4) Any person desiring the consent referred to in this clause shall provide the City with evidence satisfactory to it that the water referred to in this clause complies, whether as a result of treatment or otherwise, with the requirements of the relevant SABS/SANS standards and codes including the SABS/SANS standards and codes relating to drinking water, and that the use of such water does not or will not constitute a danger to health of any person or animal.

- (5) Any consent given in terms of this clause may be withdrawn if, in the opinion of the City a condition imposed in terms of approval is breached or the water quality no longer conforms to the requirements referred to in this clause.
- (6) The City may take samples of water obtained from a source other than the water supply network/system and cause the samples to be tested for compliance with the requirements referred to in this clause.
- (7) The determined charge for the taking and testing of the samples shall be paid by the person to whom consent was granted in terms of this clause.

71 Private Boreholes

- (1) If, on the date of commencement of these by-laws, any bore hole exists on any premises from which water is abstracted for any purpose, the owner of such premises shall not later than 90 calendar days after the date of such commencement notify the City in writing of the existence of such borehole and provide the City with full particulars of the discharge capacity of such borehole.
- (2) The owner/consumer of any premises on which a bore hole is situated and utilized shall be the responsibility of such owner/consumer, and the owner/consumer has to ensure that the bore hole and the water from such borehole is not hazardous or poses a health risk and the City not obligated to ensure that the borehole is not hazardous or poses a health risk and the City shall not be liable for any direct or indirect consequence from the utilization of the borehole.
- (3) Without deviating from the provisions of any other law relating to the drilling of boreholes, no new borehole shall be drilled within the City's municipal area without the prior written approval of the City, which may be granted subject to such conditions as the City may determine, but subject thereto, in every case that: -
 - (a) the proposed position of the borehole is clearly indicated on a site plan;
 - (b) any unsuccessful borehole is properly sealed;
 - (c) The geological information and the depth of the borehole are recorded;
 - (d) the discharge capacity of the borehole is determined;
 - (e) the rest water level is recorded after the drilling of the borehole;
 - (f) undertake an EIA (environmental impact assessment) for such intended borehole.
- (4) Except with the prior written approval of the City, no existing borehole situated within the area of jurisdiction of the City shall be replaced or drilled deeper.
- (5) The City may, by written notice inspect any borehole and require that the owner of the premises in question carries out, at the consumer's expense and within the period specified in the notice, such test as may be so specified for determining the discharge capacity of the borehole.
- (6) The City may, at the expense of the owner of the premises concerned, install a separate meter to record the consumption of water from a borehole on the premises.
- (7) The City may determine a quota for the maximum abstraction of water from a borehole on

private premises.

- (8) Whenever the City considers it necessary for the purpose of determining the ground water level within the City's municipal area, the City may cause the water rest levels of any borehole on any premises in such area, to be measured, and any person designated by the City to perform such task may enter the premises for that purpose.
- (9) No person may sink a borehole on premises situated in a dolomite area, and before sinking a borehole a person wishing to do so must first determine if the premises on which the borehole is to be sunk are situated within a dolomite area.
- (10) Boreholes are subject to any requirements of the National Water Act, Act 136 of 1998.
- (11) The City may by notice to an owner or occupier, or by public notice, require owners and occupiers who has existing boreholes used for water services to: -
 - (a) obtain written approval from the City for the use of a borehole for water services in accordance with the Act;
 - (b) impose conditions in respect of the use of a borehole for water services;
 - (c) impose a fixed charge in respect of the use of such a borehole; and
 - (d) allow the City to use the water from these boreholes to supply water to consumers in emergency situations.
- (12) Water obtained from boreholes may not be used for drinking purposes unless the quality of the water is tested and complies with the relevant SANS/SABS standards or codes.
- (13) No blending or mixing of borehole water with municipal supplied water is allowed.
- (14) In areas where there is no municipal water supply available, borehole water may be used for domestic purposes, subject to the following conditions:
 - (a) the quality of the water must be tested and must comply with the relevant SABS/SANS standards and codes;
 - (b) the owner of premises must comply with the provisions of the Act and any other relevant legislation, including applying in writing for a water use license from the Department of Water and Sanitation, if required.
- (15) If water obtained from a borehole or other source of supply on any premises is used for a purpose which gives rise to the discharge of such water or a portion thereof into the City's sanitation network/system, the City may at its discretion levy an unmetered sewer charge, fee or tariff as determined from time to time or require that the owner or occupier shall install a meter on the borehole at the expense of the owner and in compliance with the requirements relating to private meters as set out in this by-law.
- (16) It is the responsibility of every owner of a premises to ensure that any well, well-point, borehole or other excavation located on the owner's premises is adequately safeguarded from creating a health nuisance, is not filled in a way, or with material, that may cause an adjacent well, borehole or underground source of water to become polluted or contaminated and must prevent anything from entering the well, borehole or underground source of water and become polluted or contaminated.
- (17) If any fault develops in the borehole or its installation, which constitutes a hazard to persons,

animals, or property, the consumer shall immediately close the stop valve, to discontinue the water supply from the borehole. The consumer shall immediately, without delay, take steps to remedy the fault.

72 Water Tanker Services

- (1) All consumers and/or customers receiving or requiring water tanker services will be required to apply to and register with the City prior to any service being rendered.
- (2) Where the City, in its discretion, is willing to provide a water tanker service, the City shall charge the applicable tariff for the tanker services and may charge the consumer and/or customer for the emptying and refilling of any tanks which may be necessary including all charges in respect of tankering services, hauling services, administrative charges and other charges applicable.
- (3) The charges for the emptying and refilling of any tanks shall be charged by the volume of the tank notwithstanding, the losses of water on the road and/or the level to which the tank was filled or emptied when the emptying and refilling of the tank was done.
- (4) The City does not guarantee the quantity or quality of the water in respect of any tanker services and is the consumer and/or customer liable to pay all charges in respect of the tanker services notwithstanding the quantity or quality of the water.

PART C: SANITATION SERVICES

CHAPTER 9 – PROVISIONS RELATING TO THE CONNECTION TO THE CITY'S SANITATION NETWORK/SYSTEM.

73 Obligation to connect to sanitation network/system

- (1) If a connecting sewer is available or if it is reasonably possible or cost effect for the City to install a connecting sewer, the City may require that all premises on which sewage/effluent is produced be connected to the City's sanitation network/system.
- (2) Where a connecting sewer is available, then at the discretion of the City, On-site Sanitation Services may be permitted, if such On-site Sanitation Services have been approved in writing by the City and on such terms and conditions as determined by the City. The City may, in its discretion, and at any time, withdraw its consent and require that the drainage installation be connected to the City's sanitation network/system.
- (3) The City, may in its discretion, refuse a connection to an existing or new connecting sewer or the City's sanitation network/system.
- (4) An owner of premises, who is required to connect those premises to the City's sanitation network/system, must inform the City in writing of any On-site Sanitation Services, provided by the City on the site / premises, which will no longer be required as a result of the connection to the sanitation network/system.
- (5) The owner will be liable for any charge payable in respect of Sanitation Services on the site / premises, until a consumer agreement for rendering those services have been concluded, or, the services have been terminated, whichever event occurs last, in accordance with the City's by-laws
- (6) If the owner fails to connect premises to the sanitation network/system after having received notice from the City to do so, notwithstanding any other action that it may take in terms of these by-laws, may impose a penalty determined by the City.
- (7) The owner of any premises not having a drainage installation terminating at a connecting sewer to the City's sanitation network/system, shall within 90 calendar days of receiving written notice from the City requesting him to do so construct or cause to be constructed an installation on the premises to connect to the City's sanitation network/system, and shall do all work necessary for and all things required by these by-laws in connection with the construction of such an installation, and shall pay all fees, charges and amounts levied by the City due in respect of the connection to the City's sanitation network/system.
- (8) If the owner fails within the said period of 90 calendar days to comply with the notice served on him, he shall thereafter, without prejudice to his liability for fees, charges and amounts levied by the City in respect of use of the City's sanitation network/system as prescribed by these by-laws, pay amounts and/or penalties levied by the City at three times the prescribed rate for the On-site Sanitation Services until a drainage installation as required by the City has been constructed in accordance with this by-law and connected with the City's sanitation network/system. The owner shall give the City written notice when any On-site Sanitation Services are no longer required on the premises and shall remain liable for the fees, charges, penalties and amounts levied by the City for that service until he has done so.
- (9) Notwithstanding that no sanitation network/system is available for the service of a new building to be erected on any premises or of any alteration or addition to an existing building, the City may be entitled, in considering whether to approve any plans submitted to it in terms

of this or any other of the City's by-laws and policies which are relevant, to have regard to the possibility that a sanitation network/system will become available in future in such a way to require the owner so to position the said new building or alteration or addition that it is possible for its drainage installation to discharge into the said future sanitation service/network by gravity and that no obstruction is caused in the expected course of the said sanitation service/network and the owner shall be obliged to comply with any written requirements imposed by the City to comply with the provisions of this clause. The City shall not be liable for any damages or costs as a result of the failure by the City to prescribe changes to the plans for future connections to the sanitation network/system.

- (10) Where any premises are at such a level in relation to the sanitation network/system that their drainage installation, or any part of it cannot discharge to the sanitation network/system by gravitation, the City may prescribe the discharge in question to be raised by means of pumps, ejectors or any other effective method through a rising main fitted with non-return valves to discharge at such level and at such place as the City shall determine, at the owners expense and shall the owner remain liable for the maintenance of the said equipment.
- (11) Every contractor or other person employing workmen for the construction of any building or for the carrying out of any other work on any piece of land to which a sanitation network/system is available for the drainage of buildings constructed or to be constructed thereon, shall provide a water borne toilet accommodation connected to a manhole or an approved alternative sanitation network/system for such workmen.

74 Location of Connecting Sewer and Connections to City's sanitation network/system

- (1) No person may construct, reconstruct, alter, add to or make any permanent disconnection in or of any drainage installation without first having obtained the written approval of the City.
- (2) The City or a person approved in writing by the City, shall, after inspection and as soon as is practicable after the applicant has notified the City that his drainage installation is ready for connection to the sanitation network/system, effect the connection or cause it to be effected.
- (3) The City may require that any new premises be provided with a minimum pre-treatment facility of a type specified by the City prior to that premises being connected to the sanitation network/system.
- (4) A connecting sewer provided and installed by the City or owner as authorized by the City in terms of these by-laws shall be located in and terminate at a position determined by the City.
- (5) The City may prescribe the point in the sewer, and the depth below the ground, at which any drainage installation is to be connected and the route to be followed by the drainage installation to the connecting sewer and connecting point and may require, at its discretion, the consumer not to commence the construction or connection of the drainage installation until the City's connecting sewer has been laid.
- (6) Regarding the location of a connecting sewer, the City may consider the practical restrictions that may exist regarding the location of a connecting sewer, the cost implications of the various possible locations of the connecting sewer and/or whether or not the City requires the owner to determine the location of the connecting sewer by providing a portion of his drainage installation at or outside the boundary of his premises, or such agreed position inside or outside his premises where the connection is required, for the City to connect to such installation.
- (7) The City may, in its discretion, and subject to such conditions as it may impose, approve in writing a connection to a sanitation network/system other than that which is most readily

available for the drainage of the premises, provided that the applicant shall be responsible for any extension of the drainage installation to the connecting sewer designated by the City and for obtaining at his expense, the necessary written approval for a servitude over other premises as may be necessary.

- (8) The consumer is solely responsible for his installation up to the connection point of his drainage installation;
- (9) An owner must pay the prescribed connection charge, fees and tariffs in accordance with the applicable tariff

75 Provisions of One Connecting Sewer for Several Consumers

- (1) Notwithstanding these provisions only one connecting sewer to the sanitation network/system may be provided for the disposal of sewage/effluent from any premises, irrespective of the number of accommodation units of consumers located on such premises.
- (2) The City may at its discretion permit the drainage installations on any two or more premises, lots, erven, or stands whether or not in the same ownership, to discharge in the connecting sewer through a common drain. This approval will have to be obtained in writing by the owners of the relevant premises, lots, erven or stands, from the City. Previously connected common drains may be directed by the City to supply separate connecting sewers.
- (3) Where an owner, or occupier having the charge or management of any premises or piece of land on which several accommodation units are situated on the same premises, piece of land, erf or stand, requires the disposal of sewage/effluent from such premises for the purpose of disposal from the different accommodation units, the City may, in its discretion, provide and install either: -
 - (a) a single connection sewer in respect of the premises as a whole or any number of such accommodation units; or
 - (b) a separate connecting sewer for each accommodating unit or any number thereof or groupings thereof.
- (4) Where the City has installed a single connecting sewer as contemplated in subclause (3)(a), the owner, occupier or person having the charge or management of the premises, as the case may be: -
 - (a) must, if the City so requires, install and maintain on each drainage installation extending from the connecting sewer to the different accommodation units a separate connecting sewer, and an isolating valve; and
 - (b) will be liable to the City or its authorized agent for the fees, charges and amounts levied by the City in accordance with the applicable tariff, for all sewage/effluent disposed from the premises through such a single connecting sewer, irrespective of the different quantities disposed by the different consumers served by such connecting sewer.
- (5) Notwithstanding subclause (1), the City may authorize that more than one connecting sewer be provided on the sanitation network/system for the disposal of sewage/effluent from any premises comprising sectional title units or similar housing developments if in the opinion of the City, undue hardship or inconvenience would be caused to any consumer on such premises by the provision of only one connecting sewer.
- (6) Where the provision of more than one connecting sewer is authorized by the City under this

clause, the tariffs in accordance with the applicable tariff for the provision of a connecting sewer is payable by the owner of the premises in respect of each connecting sewer so provided.

76 Disconnection of drainage installation

- (1) Except for the purpose of carrying out any maintenance or repair work, no drainage installation shall be disconnected from any other drainage installation or from a sanitation network/system without the prior written approval of the City.
- (2) Where any part of a drainage is disconnected from the remainder thereof because it will no longer be used, the said part so disconnected shall be destroyed or entirely removed from the premises on which it was used, unless the City approves or directs otherwise.
- (3) When a disconnection has been made after all the requirements of these by-laws and the Building Regulations in regard to disconnection have been complied with, the City may, upon the written request of the owner, occupier or consumer, issue a certificate certifying that the disconnection has been completed in terms of the Building Regulations, and that any fees, charges and amounts levied by the City raised in respect of the disconnected portion of the drainage installation shall cease to be levied from the end of the month preceding the first day of the month following the issue of such certificate.
- (4) When a drainage installation is disconnected from a sewer, the City shall seal the opening caused by the disconnection on the connecting sewer and shall recover from the owner, occupier and/or the consumer the tariff, fees or charges in accordance with the applicable tariff for such work and any person, who, without the written approval of the City breaks or removes or causes or permits the breakage or removal of any such seal referred to in this clause, shall be guilty of an offence.
- (5) Where a drainage installation is connected to or disconnected from the sanitation network/system during a month, fees, charges and amounts levied by the City will be calculated as if the connection or disconnection were made on the first day of the month following the month in which the connection or disconnection took place.

CHAPTER 10 – GENERAL PROVISIONS RELATING TO DRAINAGE INSTALLATIONS

77 Standard Specifications and Codes of Practice Applicable

- (1) For the purpose of these by-laws the applicable legislation, regulations and relevant SABS/SANS standards and codes as amended or replaced shall be applicable to all aspects that relate to drainage installations, and the City may also approve in writing the use of any other specification and codes where in its opinion it is appropriate to do so, and it shall in considering any application for such approval be guided by accepted practice and international specifications and codes of practice. Any drainage installation constructed or installed must comply with these by-laws, other applicable by-laws and policies of the City, any applicable specifications in terms of the Building Regulations, as amended from time to time and any other applicable standards, legislation or statutory requirements that may be in force from time to time.

78 Installation and Maintenance of Drainage Installation

- (1) An owner and/or occupier must provide and maintain his drainage installation at his own expense and must ensure that the installation is situated within the boundary of his premises. The City shall not be liable for any damage to the drainage installation which is outside the boundary or within any servitude area of the premises.

- (2) All new drainage installations or changes to an existing drainage installation necessitated by any alteration or extension of an existing building must be approved in writing by the City. An application for the approval by the City, must be made on the prescribed form, in writing and shall be accompanied by the determined charge, information copies of the drawings in the format and in accordance of the requirements as determined by the City, and a certificate certifying that the installation has been designed in accordance with the relevant SABS/SANS standards and/or codes and the City's design guidelines by a competent person.
- (3) Authority given by the City in terms of this clause shall lapse at the expiry of a period of 12 (twelve) months and a complete set of approved drawings of drainage installation work must be available for inspection at the site / premises of the work at all times.
- (4) No installation work for which approval has been granted in terms of these by-laws, may be commenced with until after the expiration of 2 (two) business days after notice in writing has been served on the City stating the day on and the time at which it is intended to commence the work.
- (5) Before any part of a drainage installation is permanently covered or otherwise rendered practically inaccessible to visual inspection, it must be inspected and approved by the City.
- (6) If installation work has been done without the approval of the City or in contravention of these by-laws, the City may require the owner to rectify the contravention within a specified period and/or if work is in progress, to cease the work and/or to remove all such work which does not comply with these by-laws; and comply with the relevant provisions of this by-law within a specified period.
- (7) No person shall permit the entry of any liquid or solid substance whatsoever, other than clean water for testing purposes, to enter any drainage installation before the drainage installation has been connected to the sewer.
- (8) Where premises are situated in the 1 in 50 years flood plain, the top level of all manholes, service access holes, inspection chambers and gullies must be above the 1 in 50 years flood level, except, in the case of manholes, service access holes and inspection chambers, where the cover is secured in place by approved means.
- (9) After the completion of any drainage installation, or after any alteration to any drainage installation is completed, the qualified plumber responsible for the execution of the work must submit to the building inspection division of the City a certificate certifying that the work was completed to the standards set out in the Building Regulations, these by-laws and any other relevant law or by-laws or policies of the City and no person shall cover any part of such installation, alteration or extension or cause, permit or suffer it to be covered until it has been inspected and approved by the City.
- (10) No rainwater or storm water, and no sewage/effluent other than sewage/effluent that has been approved by the City may be discharged into a drainage installation.
- (11) An owner or occupier of a premises or a piece of land shall ensure that no interconnection exists between the drainage installation on his premises or his piece of land and the drainage installation of other premises or pieces of land, unless he or she has obtained the prior written consent from the City and complies with any conditions that the City may have imposed. Where any part of a drainage installation is used by two or more owners or occupiers of a premises, they shall be jointly and severally liable for the maintenance of the installation.
- (12) Any drainage installation shall permit ready and adequate access to the interior of any pipe in the installation, for the purpose of inspection, testing or internal cleaning. The owner and/or

occupier of any premises must ensure that all manholes, and inspection chambers on the premises are permanently visible and accessible and so constructed and covered as to prevent the ingress of water and/or foreign matter.

- (13) Drains passing through ground which in the opinion of the City is liable to movement shall be laid on a continuous bed of river sand or similar granular material not less than 100mm thick under the barrel of the pipe and with a surround of similar material and thickness, and the joints of such drains must be flexible joints approved by the City.
- (14) A drain or part of it may only be laid within, or pass under or through a building, with the written approval of the City, and if a drain passes through or under a wall, foundation or other structure, adequate precautions shall be taken to prevent the discharge of any substance from and into the drain. A drain or part thereof which is laid in an inaccessible position under a building may not bend or be laid at a gradient.
- (15) A drainage installation shall include an overflow device or a gully, to provide *inter alia* overflow relief in the event of sewage/effluent discharge and shall be covered with a removable cover that fits over the gully head to prevent the direct ingress of foreign matter, rainwater or storm water. The overflow device or gully shall be installed in accordance with the relevant SABS/SANS.
- (16) Only a qualified plumber, a person working under the control of a qualified plumber, or another person authorized in writing by the City, shall be permitted to do repair or do installation work other than the replacement or repair of an existing pipe or sanitation fitting, inspect, disinfect and test a drainage installation or storage tank, service, repair or replace a back flow preventer and/or install, maintain or replace a meter provided by an owner in a drainage installation. Such work may be undertaken by the owner of the premises if the premises is occupied solely by himself and his immediate household, provided that such work must be inspected and approved by a qualified plumber at the direction of the City.
- (17) No part of any drainage installation shall extend beyond the boundary of the premises or the piece of land of which the building or part thereof to which it belongs is erected provided that where it considers it necessary or expedient to do so, the City may permit the owner, occupier and/or consumer to lay a drainage installation at his own expense through an adjoining piece of land on proof of the registration of the appropriate servitude or of a notarial deed of joint drainage. The City shall not be liable for any damages suffered by any of the owners of the pieces of land aforementioned.

79 General Requirements for Design and Construction of Drainage Installation

- (1) Any drainage installation shall be designed and constructed in accordance with the relevant SABS/SANS standards and/or code, this By-law and any other applicable By-law of the City, the City's design guidelines and other legislation including but not limited to the Building Regulations. The installation of the drainage installation shall be carried out in accordance with the drawings approved by the City and detail specification for the installation and in conformity with the requirements of the applicable legislation and regulations and SABS/SANS standards and/or codes including but not limited to SABS/SANS applicable to water supply installations, drainage installations and fire-fighting installations.
- (2) The City may require that a competent person designs a detailed proposed drainage installation in cases where the City is of the opinion that a detail design is necessary due to the complexity of the drainage installation.
- (3) The City may, in its discretion, require that the drawing for the drainage installation may be indicated on the same drawing as the water installation or require a separate drawing for the

water installation and drainage installation. Any additions to or alterations to the drainage installation and which are different from the approved drawing must be approved by the City. If no drawing was required by the City at the time of the approval of the drainage installation, the City may, at its discretion, after inspection or at any time require a drawing to be done and submitted to the City.

- (4) The City may, at its discretion, require that all building plan applications for new buildings and/or alterations to existing buildings be submitted together with an internal drainage network layout for the premises as approved by a registered plumber and a certified copy of the plumber's registration certificate with Department of Labor.
- (5) Any drainage installation or service pipe shall be designed and constructed in such a way that: -
 - (a) only pipes and fittings be specified and installed that will be able to withstand the corrosion which may be caused by the sewage/effluent conveyed in the installation and any corrosive conditions, which may be related to soil conditions on the premises;
 - (b) the installation be functional to the users of the building;
 - (c) all components and materials used on the installation are watertight;
 - (d) the installation will not cause any danger to the health of the users of the building;
 - (e) all pipes and fittings are able to withstand loads and forces which it may normally be subjected to and where necessary is properly protected against damage;
 - (f) should a leak or a pipe burst occur, it would not jeopardize the structural safety of the building.
- (6) No person shall connect to a drainage installation a fitting or apparatus which causes or is likely to cause damage to the sanitation network/system.
- (7) No part of a drainage installation shall at any time be such or capable of being rendered such that water from any source not being sewage/effluent, can enter the installation without the intervention of human action.
- (8) Notwithstanding the provisions of these by-laws, no flushing urinal that is not user-activated shall be installed or continue to operate in any water installation. All flushing urinals that are not user-activated installed prior to the commencement of these regulations must be converted to user-activated urinals within six months of the commencement of these by-laws.
- (9) No cistern, and related pan designed to operate with such cistern, shall be installed with a cistern capacity of greater than 9 litres and all cisterns not intended for public use shall be fitted with flushing devices allowing interruptible or multiple flushes, provided that such flushing device shall not be required in cisterns with a capacity of 4,5 litres or less.
- (10) All connections and installations in any drainage installation on dolomitic terrain must comply with the relevant SABS/SANS standards and codes.

80 Materials, Pipes, Fittings and Components

- (1) Only SABS/SANS approved materials, pipes, fittings and components, JASWIC listed materials, pipes, fittings and components and/or similar materials, pipes, fittings and components approved in writing by the City shall be used on any water or drainage

installation.

- (2) Notwithstanding anything to the contrary in these by-laws or any relevant SABS/SANS standards and codes or JASWIC listed material, the City may determine that only materials, pipes, fittings and components of specified materials resistant to or adequately protected against corrosion shall be used should the water be corrosive or aggressive soil conditions occur in the City's municipal area.
- (3) The City may, in respect of any pipe, fitting or component, impose such additional conditions, as it may consider necessary in respect of the use or method of installation.
- (4) A pipe, fitting or component shall be removed and replaced at the discretion and direction of the City if it no longer complies with the criteria upon which its inclusion was based or is no longer suitable for the purpose for which its use was accepted.

81 Cleaning, Inspecting and Testing of Drainage Installation

- (1) Every drainage installation shall be properly cleaned, inspected and tested in accordance with this by-law.
- (2) Every drainage installation subject to the process stipulated in this clause, on completion shall be properly cleaned to remove any foreign matter, be inspected by the City and be tested under pressure.
- (3) At least 2 (two) business days' written notice shall be given to the City for the purpose of any inspection to be carried out in terms of this clause.
- (4) After the completion of a drainage installation or any part thereof, but before it is enclosed and connected to a conservancy tank, a septic tank, the sanitation network/system or an existing approved installation, any one or more or all of the following tests shall in the presence of an official authorized by the City, be applied and withstood to the satisfaction of the City: -
 - (a) The interior of every pipe or series of pipes between two points of access shall be inspected and appear to be clear to the observer, and the pipe or series of pipes shall be seen to be unobstructed;
 - (b) A smooth ball having a diameter 12mm less than the diameter of the pipe shall, when inserted at the higher end of the pipe, roll down without assistance or interruption to the lower end;
 - (c) All openings of the pipe or series of pipes to be tested having been plugged or sealed and all traps associated therewith filled with water, air shall be pumped into the said pipe or pipes until a manometric pressure of (0.35kPa) 35mm head of water is indicated, after which without further pumping the said pressure shall remain greater than (0.25 kPa) 25mm head of water for a period of at least three minutes.
- (5) The aforesaid tests shall be carried out by the City and the apparatus therefore shall be supplied at no expense to the City.
- (6) Where the City has reason to believe that any drainage installation or any part thereof has become defective it may require the owner or occupier thereof to conduct, at no expense to the City, any or all of the tests prescribed in this clause and if the installation fails to withstand any such tests to the satisfaction of the City, the City may call upon the owner or occupier to carry out at his own expense, and within such period as it may stipulate, such repairs as may

be necessary to enable the installation to withstand any or all of the said tests.

82 Measurement of Quantity of Sewage/Effluent discharged.

- (1) The quantity of sewage/effluent discharged into the sanitation network/system shall be determined:
 - (a) on a percentage of the water supplied by the City to that premises; or
 - (b) where premises are supplied with water from a source other than or in addition to the City's water supply network/system, including abstraction from a river, a borehole or a rainwater harvesting system, the consumer must install a meter to determine the quantity of water used from the additional water source that will result in the discharge of sewage/effluent into the sanitation network/system of the City. The figures should be provided to the City on a monthly basis and will be included in the quantity calculation, failing to provide the City with the figures as aforementioned, the City may estimate the total water used on the premises for the quantity calculation; or
 - (c) by another method as determined by the City.
- (2) The City may require the consumer to incorporate in any drainage installation conveying sewage/effluent to a sewer, any control meter, measuring device or gauge or other device of an approved type, which must be installed to the satisfaction of the City for the purpose of ascertaining to the satisfaction of the City the tempo, volume and composition of the sewage/effluent.
- (3) Any meter, gauge or device referred to in subclause (2) must be installed in terms of the applicable standards for that meter, gauge or device to the satisfaction of the City and the consumer must prove on request of the City that the said meter, gauge or device is:
 - (a) installed correctly;
 - (b) the correct meter for the type of sewage/effluent;
 - (c) the correct meter for the volume of sewage/effluent; and
 - (d) verified or calibrated every 2 (two) years, or an alternative period determined by the City.
- (4) The City may at its discretion enter into an agreement with any person discharging sewage/effluent into the sanitation network/system, establishing an alternative method of assessing the quantity and tempo of sewage/effluent.
- (5) It is an offence for any person to bypass, open, break into or otherwise interfere with or to damage any meter, measuring device or gauge referred to herein.
- (6) Notwithstanding the afore going provisions of this clause, the City may require any person who discharges sewage/effluent into its sewers to provide one or more meters or measuring devices, in such a position in the water installation as the City may deem necessary, to record the water consumption in a specific part of the premises.

83 Mechanical appliances for lifting sewage/effluent

- (1) Where any part of a building or premises is at such a level in relation to the sewer that a drainage installation serving that part of the building or premises cannot discharge

sewage/effluent by gravitation, or the owner is required to provide at his expense, a sewage/effluent lift as provided for in terms of these by-laws or the Building Regulations, the City may, subject to the provisions of subclauses (2), (3) and (4), and to any other conditions it may deem necessary, approve in writing, that the sewage/effluent may be raised by a mechanical appliance to discharge at such point, rate, time and such level as it may determine.

- (2) Before installing any mechanical appliance for the raising or transfer of sewage/effluent, the consumer must apply in writing to the City for approval and must furnish such additional information as the City may require.
- (3) The written application must be accompanied by drawings of the proposed installation and must be signed by both the owner, occupier or consumer and a competent person. The drawings must be prepared in accordance with the relevant provisions of the Building Regulations and must show details of the compartment containing the appliance, the sewage/effluent storage tank, the stilling chamber and their position, and the position of the drains, ventilation pipes, rising main and the sewer connection.
- (4) The maximum discharge rate from any mechanical appliance and the times between which the discharge may take place, shall be prescribed by the City, and who may, at any time, require the consumer to install such fittings and regulating devices as may be necessary to ensure that the said prescribed maximum discharge rate will not be exceeded and the prescribed times will be adhered to.
- (5) Notwithstanding any approval given by the City, the City shall not be liable for any injury, loss or damage to life or property caused by the use, malfunctioning or any other condition arising from the installation or operation of a mechanical appliance for the raising or transfer of sewage/effluent.
- (6) Every mechanical appliance installed for the raising or transfer of sewage/effluent shall be specifically designed for the purpose and shall be fitted with a discharge pipe, sluice valves and non-return valves located in approved positions.
- (7) Unless otherwise authorized by the City such mechanical appliance shall be installed in duplicate and each such appliance shall be so controlled that will immediately begin to function automatically in the event of failure of the other.
- (8) Every mechanical appliance forming part of a drainage installation shall be designed, located and operated so as to not cause any nuisance through noise or smell or otherwise and not be offensive or to be injurious or dangerous to health and every compartment containing any such appliance must be effectively ventilated.
- (9) Except where adequate sewage/effluent storage space is incorporated as in integral part of a mechanical appliance, a sewage/effluent storage tank must be provided in conjunction with such appliance.
- (10) Every sewage/effluent storage tank required in terms of this clause must:
 - (a) be constructed of hard, durable materials and must be watertight and the internal surfaces of the walls and floor must be smooth and impermeable;
 - (b) have a storage capacity below the level of the inlet equal to the quantity of sewage/effluent discharged into it in 24 hours or 1 000 litres whichever is the greater quantity; and
 - (c) be so designed that the maximum of its sewage/effluent content shall be emptied at

each discharge cycle of the mechanical appliance;

- (d) be serviced and maintained at the owner, occupier or consumer's expense as specified by the manufacturer and kept in good working order.
- (11) Every storage tank and stilling chamber shall be provided with a ventilation pipe/s in accordance with the engineer's specifications.
- (12) Any sewage/effluent lift or mechanical appliance for lifting of sewage/effluent shall be installed and maintained by and at the expense of the owner of the premises.
- (13) The owner of the premises is responsible for ensuring that the drainage discharges into the connecting sewer and is responsible for the operation of such sewage/effluent lift or mechanical appliance for lifting of sewage/effluent.

CHAPTER 11 – PROVISIONS RELATING TO DISCHARGES AND BLOCKAGES

84 Unauthorized and illegal discharges into storm water drains, water resources or streets

- (1) No person may cause or permit any sewage/effluent and/or solid, liquid or gaseous substance other than storm water to discharge or enter:
 - (a) into a storm water drain, storm water sewer or excavated, constructed or natural water resource;
 - (b) any river, stream or natural watercourse or any public water, whether natural or artificial or ordinarily dry or otherwise, except in accordance with the provisions of the National Water Act; or
 - (c) any street or premises.
- (2) The City may, by written notice, instruct the owner or occupier of premises to take reasonable measures, at his expense, to prevent or minimize such discharge or pollution as aforementioned or to cease such activity.
- (3) If a person fails to adequately comply with the notice in terms of this clause or fails to comply within the specified time, then the City may take the measures it considers necessary to remedy the situation at the expense of the owner and/or occupier.
- (4) The owner or occupier of any piece of land on which steam or any liquid, other than potable water, is stored, processed or generated shall provide all facilities necessary to prevent any discharge, leakage or escape of such liquid to any street, storm water drain or water resource
- (5) Where the hosing down, discharge from a container or possible flushing by rainwater of an open area on any premises is in the opinion of the City likely to cause the discharge of objectionable matter into any street gutter, storm water drain, water resource, whether natural or artificial, or to cause and contribute towards the pollution of any such water resource, the City may, by written notice, instruct the owner or occupier of the premises to take reasonable measures, at his expense, to prevent or minimize such discharge or pollution or to cease such activity.
- (6) Any person who keeps, conveys or handles any substance which may, in the opinion of the City, either directly have a negative impact on any storm water drainage network/system and/or the environment must take adequate precautions to prevent such occurrences.
- (7) In addition to any other tariff which may be payable in terms of these by-laws or any other legislation, an inspection fee in accordance with the applicable tariff, will be levied at the discretion of the City, and shall be payable jointly and severally, by the owner, occupier or person in control of or using the premises, or the person having control of the said operation if anything other than storm water is discharged from the premises.

85 Illegal connections to the City's sewer network system

- (1) Except with the written consent of City and subject to conditions imposed, no person may—
 - a) construct, erect or lay any building, structure or other thing over or in such a position or in such a manner so as to interfere with or endanger any municipal sewer;
 - b) excavate, open up or remove the ground above, next to, under or near any municipal sewer;
 - c) damage, endanger or destroy or do any act likely to damage, endanger or destroy any municipal sewer;
 - d) make any opening in any municipal sewer, or abstract, divert or cause to be abstracted or diverted any sewage therefrom;
 - e) discharge, permit to enter or put into any municipal sewer any unauthorized domestic wastewater
 - f) may discharge any wastewater into any other sewer.

- (2) If any person contravenes subsection (1), the City may issue a written notice notifying and instructing the person responsible to, within a specified timeframe –
 - a) demolish, alter or otherwise deal with any building, structure or other thing constructed, erected or laid;
 - b) fill in and make good any ground excavated or removed;
 - c) repair and make good any damage;
 - d) remove anything discharged, permitted to enter or put into a sewer or public drain; and
 - e) remove anything damaging, obstructing or endangering or likely to damage, obstruct, endanger or destroy any municipal sewer.

- (3) If a person fails to comply with a written notice issued in terms of subsection (2), the City may take such steps, as it may deem necessary to rectify the matter at the cost of the owner; and may, at the cost of the owner, immediately disconnect any private sewer installation from the municipal sewer system.

- (4) In contemplation of subsection (3), City may require such owner to make arrangements as may be necessary for the –
 - a) safe disposal of wastewater on the premises of such owner;
 - b) transportation of wastewater to a waste treatment facility or other suitable place approved by the City; or
 - c) cleaning, repairing, reconstruction, replacement, repositioning or any other reasonable step that the City may require

- (5) If the owner fails to make the necessary arrangements as contemplated in subsection (5) and fails to comply with the direction given in the written notice, the City may at the expense of the owner, take whatever action it deems necessary to reasonably –
 - a) prevent or mitigate imminent environmental damage; or
 - b) remedy any environmental damage by the owner.

86 Discharge to Sanitation network/system

- (1) No person shall discharge or permit the discharge or inflow into the sanitation network/system of any sewage/effluent or other substance as prohibited by these by-laws.

- (2) No person shall cause or permit any storm water or rainwater to enter the sanitation network/system.

- (3) No person shall discharge or cause or permit the discharge into any sanitation network/system of any sewage/effluent, industrial effluent or other liquid or substance which:

- (a) in the opinion of the City may be offensive to or may cause a nuisance to the public;
- (b) does not comply with the standards and criteria prescribed in the relevant SANS/SABS and/or these by-laws and/or other relevant by-law, policy or tariff document of the City;
- (c) contains any substance in such concentration as is likely in the final treated effluent from any sewage treatment plant or in any public water to produce any offensive or an undesirable taste, odor, color, temperature or any foam, after chlorination;
- (d) may prejudice the re-use of final treated sewage or adversely affect any of the processes whereby sewage/effluent is purified for re-use, or treated to produce sludge for disposal;
- (e) contains any substance or thing of whatsoever nature which is not amenable to treatment to a satisfactory degree at a sewage treatment plant or which causes or is likely to cause a breakdown or inhibition of the processes in use at such plant;
- (f) contains any substance or thing of whatsoever nature which is of such strength, or which is amenable to treatment only to a degree as will result in the final treated effluent from the sewage treatment plant not complying with standards prescribed under the National Water Act, Act 36 of 1998;
- (g) may cause danger to the health or safety of any person or may be injurious to the structure or materials of the sanitation network/system or may prejudice the use of any ground or piece of earth used by the City for the sanitation network/system, other than in compliance with the approval issued in terms of these by-laws;
- (h) may inhibit the unrestricted conveyance of sewage/effluent through the sanitation network/system;
- (i) is in the form of steam or vapor or has a temperature exceeding 44°C at the point where it enters the sewer;
- (j) has a pH balance value as determined by the City from time to time;
- (k) contains any substance likely to give off explosive, flammable, poisonous or offensive gases or vapors in any sewer;
- (l) contains any substance having an open flashpoint of less than 93°C or which gives off a poisonous vapor at a temperature below 93°C;
- (m) contains any material of whatsoever nature, including oil, grease, fat or detergents capable of causing obstruction to the flow in sewer, or to a drain or interference with the proper and/or efficient operation of a sewage treatment plant or sanitation network/system;
- (n) may harm or damage any sewer, mechanical appliance, sewage treatment plant or equipment;
- (o) may prejudice the use of final treated effluent for re-use;
- (p) may adversely affect any water into which final treated effluent is discharged or any land or crop irrigated with final treated effluent;

- (q) may generate or constitute a toxic substance dangerous to the health of a person employed at the sewage treatment plant or entering the sanitation network/system or manhole in the course and scope of his duty;
 - (r) shows any visible signs of tar or associated products or distillates, bitumen or asphalt
- (4) No person may discharge or cause or permit the discharge to a pipe, channel or other device used for or capable of being used to conduct rainwater from any roof or other surface to discharge into any drainage installation.
 - (5) The City may, by written notice, order the owner or occupier to conduct, at his expense, periodic expert inspections of the premises in order to identify precautionary measures which would ensure compliance with these by-laws.
 - (6) If any person contravenes any provision of this clause, the owner, consumer, occupier or any other person shall within twelve hours, or earlier, if possible, advise the City, in writing, of the details of the contravention and the reasons for it.
 - (7) Any owner or occupier receiving from the City a written notice instructing him to stop the discharge to the sewer of any substance referred to in this clause, shall forthwith stop such discharge and any owner or occupier who contravenes the provisions of clause, or who fails to comply with an order issued in terms of clause, shall be liable to pay an inspection fee in accordance with the applicable tariff.
 - (8) Notwithstanding the provisions of this clause, should any person fail to comply with this clause and if a discharge is likely in the opinion of the City to seriously prejudice the efficient operation of any sewage treatment plant, the City may, after further written notice, refuse to permit the discharge of any sewage/effluent into the sanitation network/system until such time as the discharge complies in all respects with the City's requirements as prescribed in terms of these by-laws, in which event the discharge shall forthwith be stopped by the owner or occupier responsible for the discharge or by the City in the event of his failure to do so.
 - (9) If any person in contravention of any provision of these by-laws discharges any substance which is unauthorized or illegal into a sanitation network/system, or causes or permits it to be so discharged or is about to do so, the City may, if the City is of the opinion that such sewage/effluent is likely to cause damage to any sanitation network/system, mechanical appliance or sewage treatment plant, forthwith after notifying the owner or occupier of the premises concerning of the City's intention to do so, close and seal off the connecting sewer conveying such sewage/effluent to the sanitation network/system for such period as the City may deem expedient so as to prevent such discharge from entering the sanitation network/system and no person shall cause or permit the open or break of the seal of a closed drainage installation. The City shall not be liable for any losses or damage (direct or consequential) occasioned by any action taken in terms of this sub-clause.
 - (10) In the event where pollution or contamination of the environment has occurred due to an act or failure to act by a person, the person shall be liable for the rehabilitation cost to restore the environment to its condition prior to the incident. The City may, at its discretion, attend to the rehabilitation and recover the rehabilitation costs from the person or request the person to attend to the rehabilitation at their own costs, and failure by the person to attend to the rehabilitation to the satisfaction of the City or he's failure to do so, the City may, attend to such rehabilitation at the expense of the person.

87 Prevention and Clearing of Blockages

- (1) No person shall cause or permit the accumulation of grease, oil, fat or solid matter or any

other substance in any trap, tank, fitting or in any drainage installation that will block, prevent its effective operation or adversely affect its effective functioning.

- (2) When the owner or occupier of premises has reason to believe that a blockage has occurred in any drainage installation thereon, he shall forthwith report the fact to the City, or make the necessary arrangement to get the blockage repaired or cleared at his expense and to prevent any health risk to a person or animal.
- (3) Where a blockage occurs in a drainage installation any work necessary for its removal shall, be done by or under the supervision of a qualified plumber, and the plumber shall before proceeding to remove any blockage from a drainage installation which might influence the sanitation network/system, notify the City in writing of his intention to do so including the nature and cause of the said blockage.
- (4) Any person who requests the City to clear a drainage installation will be liable to pay the fees, charges and amounts levied by the City in accordance with the applicable tariff.
- (5) The City shall be entitled, whether or not it has been requested by the owner or occupier to do so, at its own discretion, remove a blockage from a drainage installation and may charge the owner and/or occupier for removing such blockage the fees, charges and amounts levied by the City.
- (6) Should the clearing, by the City, of any blockage in a drainage installation necessitate the removal or disturbance of any paving, lawn or other artificial surface on any premises, the City shall not be liable for the reinstatement or the costs for reinstatement thereof or for any damages unless caused by the wrongful act or negligence of the City.
- (7) The City may, on the written application of the owner or occupier of any premises, inspect and test the drainage installation of such premises or any section thereof and recover from the owner or occupier the fees, charges and amounts levied by the City of such inspection and test, calculated in accordance with the applicable tariff.
- (8) Should any drainage installation on any premises overflow as a result of an obstruction in the connecting sewer, and the City be reasonably satisfied that such obstruction was caused from objects emanating from the drainage installation, the owner or occupier of the premises served by the drainage installation shall be liable for the fees, charges and amounts levied by the City for clearing the blockage in accordance with the prescribed fee determined by the City.
- (9) Where a blockage has been removed from a drainage installation or portion of a drainage installation which serves two or more premises or pieces of land, the fees, charges and amounts levied by the City for the clearing of such blockage shall be recoverable in the first place in equal portions from each of the owners thereof, who shall, be jointly and severally liable for the total charge.

88 Emission of Gas or Entry of Sewage

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

sewage/effluent and to prevent any recurrence thereof.

89 Disposal of grey water

- (1) The City may impose limitations on the use of grey water if the use thereof may, in the opinion of the City, negatively affect health, environment or available resources.

CHAPTER 12 – PROVISIONS RELATING TO THE USE OF ON-SITE SANITATION SERVICES

90 Use of On-site Sanitation Services not connected to the sanitation network/system

- (1) No person shall use or permit the use of On-site Sanitation Services not connected to the City's sanitation network/system except with the prior written approval of the City, and in accordance with such conditions as it may impose, for domestic or commercial purposes.
- (2) Any person desiring the approval by the City for On-site Sanitations Services shall provide the City with evidence satisfactory to it that the sanitation facility is not likely to have a detrimental effect on health of any person or animal or the environment.
- (3) The City may, subject to any conditions that it may prescribe, and having regard to the nature and permeability of the soil, the depth of the water table, the size of and access to the site / premises, the availability of a piped water supply and the general suitability of the site for the use of alternative sanitation options, approve in writing the disposal of standard domestic sewage/effluent by means of On-site Sanitation, including without limitation in relation to a ventilated improved pit (VIP) toilets; septic tanks; treatment plants, French drains; and conservancy tanks.
- (4) Any consent given by the City in terms of clause (1) may be withdrawn if, in the opinion of the City: -
 - (a) a condition imposed by the City is breached; or
 - (b) the sanitation facility has a detrimental impact on health or the environment.
- (5) The City may undertake such investigations as he or she may deem necessary to determine if a sanitation facility has a detrimental impact on health or the environment.
- (6) The person to whom consent was granted in terms of this clause shall be liable for the fees, charges and amounts levied by the City associated with an investigation undertaken, if the result of the investigation indicates that the sanitation facility has a detrimental impact on health of any person or animal or on the environment or which constitutes a contravention of this clause or these by-laws.
- (7) Every On-site Sanitation Service shall be located and operated so as not to cause any nuisance through noise or smell or otherwise.
- (8) An On-site Sanitation Service system must not be situated closer than 3 (three) meters from any dwelling unit or from any boundary of the premises on which it is situated.
- (9) A consumer or owner of a premises shall be liable for fees, charges and amounts levied by the City in respect of the removal or collection of conservancy tank contents, septic tank contents, night soil or the emptying of pits.
- (10) Effluent from an On-site Sanitation Service system must be disposed of by the owner and/or occupier to the satisfaction of the City.

91 Septic Tanks

- (1) The City may at its discretion and on such conditions as it may prescribe, having regard to factors which may have the potential to cause harm to the environment, if approval is granted, the size of and access to the site / premises and the availability of a piped water supply, approve in writing, the construction of a septic tank and ancillary appliances for the retention of soil water, or such other sewage/effluent, which septic tank shall be constructed in accordance with the specifications and located in a position indicated and determined by the City.
- (2) Septic tanks serving premises other than residential premises must be designed and certified by a professional civil engineer registered as a member of the engineering Council of South Africa.
- (3) A septic tank must be watertight, securely covered and provided with gas-tight means of access to its interior adequate to permit the inspection of the inlet and outlet pipes and adequate for the purposes of removing sludge.
- (4) A septic tank must be so situated that it is not likely to become a source of discomfort or of danger to health and as not to endanger the structure of any building or any services on the site and access is adequate for the purpose of emptying and cleaning.
- (5) A septic tank serving a single dwelling unit must:
 - (a) have a capacity below the level of the invert of the outlet pipe of not less than 500 litres per bedroom, subject to a minimum capacity below such an invert level of 2 500 litres;
 - (b) have an internal width of not less than 1.0 meter measured at right angles to the direction of the flow;
 - (c) have an internal depth between the cover and the bottom of the tank of not less than 1.7 meter;
 - (d) retain liquid to a depth of not less than 1,4 meters;
 - (e) have an air space of at least 200mm between the surface of the liquid contained in the chamber and the underside of the top cover of such chamber; and
 - (f) be so constructed that it is provided with a means of access for the purpose of inspecting, emptying and cleaning
- (6) No rainwater, storm water or sewage/effluent other than that approved by the City may be discharged into a septic tank.
- (7) No industrial effluent shall be allowed to flow into a septic tank

92 French drains

- (1) The City may, on such conditions as it may prescribe having regard to the quantity and the nature of the standard domestic sewage/effluent and the nature of the soil as determined by the permeability test prescribed by the South African Bureau of Standards, approve in writing the disposal of wastewater or other sewage/effluent by means of french drains, soakage pits or other approved works.

- (2) A french drain, soakage pit or other similar work shall not be situated closer than 5 m to any dwelling unit or to any boundary of any premises on which it is situated, nor in any such position that will, in the opinion of the City, cause contamination of any borehole or other source of water which is, or may be, used for drinking purposes, or cause dampness in any building.
- (3) The dimensions of any french drain, soakage pit or other similar work shall be determined in relation to the absorbent qualities of the soil and the nature and quantity of the sewage/effluent.
- (4) French drains serving premises other than residential premises must be designed and certified by a professional Civil engineer registered as a member of the engineering Council of South Africa.
- (5) Should any groundwater pollution be detected, the City may require the removal of the installation and its replacement by a conservancy tank or other suitable means of disposal.
- (6) A french drain may not be constructed within the 1 in 100 flood line.
- (7) No industrial effluent shall be allowed to flow into a French drain.

93 Conservancy tanks

- (1) The City may at its discretion and on such conditions as it may prescribe, having regard to factors which may have the potential to cause harm to the environment, if approval is granted, the size of and access to the site / premises and the availability of a piped water supply, approve in writing, the construction of a conservancy tank and ancillary appliances for the retention of soil water, or such other sewage/effluent, which conservancy tank shall be constructed in accordance with the specifications and located in a position indicated and determined by the City.
- (2) No rainwater, storm water, or sewage/effluent other than approved by the City may be discharged into a conservancy tank.
- (3) No conservancy tank must be used as such unless –
 - (a) the invert of the tank slopes towards the outlet at a gradient of not less than 1 in 10;
 - (b) the tank is gas and watertight;
 - (c) the tank has an outlet pipe, 100 mm in internal diameter, made of wrought iron, cast iron or other approved material, and except if otherwise approved by the City, terminating at an approved valve and fittings for connection to the City's removal vehicles;
 - (d) the valve and fittings referred to in paragraph (c) or the outlet end of the pipe, as the case may be, are located in a chamber that has hinged cover approved by the City and which is situated in a position required by the City; and
 - (e) access to the conservancy tank must be provided by means of an approved manhole fitted with a removable cast iron cover placed immediately above the visible spigot of the inlet pipe.
- (4) The City may, having regard to the position of a conservancy tank or of the point of connection for a removal vehicle, require the owner, occupier or consumer to indemnify the City, in writing, against any liability for any damages that may result from rendering of that service as

a condition for emptying the tank.

- (5) Where the City's removal vehicle has to traverse private premises for the emptying of a conservancy tank, the owner shall provide, at his cost and risk, a roadway at least 3,5 m wide, so hardened as to be capable of withstanding a wheel load of 4 metric tons in all weather, and shall ensure that no gateway through which the vehicle is required to pass to reach the tank, shall be less than 3,5 m wide for such purposes.
- (6) The owner or occupier of premises on which a conservancy tank is installed shall at all times maintain the tank in good order and condition to the satisfaction of the City.
- (7) The City may require an owner to reposition an existing conservancy tank.
- (8) No industrial effluent shall be allowed to flow into a conservancy tank.

94 Ventilated improved pit toilets

- (1) The City may at its discretion and on such conditions as it may prescribe, having regard to the nature and permeability of the soil, the depth of the water table, any other factors which may have the potential to cause harm to the environment, if approval is granted, the size of and access to the site / premises and the availability of a piped water supply, permit the disposal of human excrement by means of a ventilated pit toilet, constructed in accordance with the specifications and located in a position indicated and determined by the City.
- (2) A ventilated improved pit toilet must have:
 - (a) a pit of minimum 2 m³ capacity;
 - (b) lining and sealing as required;
 - (c) a slab designed to support the superimposed loading; and
 - (d) protection preventing children and animals from falling into the pit.
- (3) The ventilated improved pit toilet must conform to the following specifications:
 - (a) the pit must be ventilated by means of a pipe, sealed at the upper end with durable insect proof screening fixed firmly in place;
 - (b) the ventilation pipe must project not less than 0.5m above the nearest roof, must be of at least 150mm in diameter, and must be installed vertically with no bend;
 - (c) the interior of the toilet must be finished smoothly so that it can be kept in a clean and hygienic condition. The superstructure must be well-ventilated in order to allow the free flow of air into the pit to be vented through the pipe;
 - (d) the opening through the slab must be of adequate size so as to prevent fouling. The rim must be raised so that liquids used for washing the floor do not flow into the pit. It shall be equipped with a lid to prevent the egress of flies and other insects when the toilet is not in use;
 - (e) must be sited in a position that is independent of the residential structure or dwelling unit;
 - (f) must be sited in positions that are accessible to road vehicles having a width of 3.0m in order to facilitate the emptying of the pit;

- (g) in situations where there is the danger of polluting an aquifer due to the permeability of the soil, the pit must be lined with an impermeable material that is durable and will not crack under stress; and
- (h) in situations where the ground in which the pit is to be excavated is unstable, suitable support is to be given to prevent the collapse of the soil.

95 Fees and Charges in respect of services associated with On-Site Sanitation Services

- (1) Prescribed fees, charges and amounts levied by the City in respect of the removal or collection of conservancy tank contents, night soil or the emptying of pits or septic tanks will cover all the operating and maintenance costs in the removal of the pit or septic tank contents, transportation to a disposal site, the treatment of the contents to achieve a sanitary condition and the final disposal of any solid residues. Such fees, charges and amounts levied by the City shall be in accordance with the applicable tariff.
- (2) Fees, charges and amounts levied by the City in respect of the removal or collection of conservancy tank contents, night soil or the emptying of pits or septic tanks will be based on the volume removed by vacuum tank or otherwise.
- (3) If the volume of conservancy tank contents, night soil or the emptying of pits or septic tanks removed or collected cannot be quantified the City may charge a fixed fee or other charge as prescribed.
- (4) Fees, charges and amounts levied by the City may be in the form of a monthly contribution or it may be levied as a single payment as and when the service is rendered.
- (5) Services rendered by the City in terms of this clause shall be discontinued by the City on receipt by the City of not less than 7 (seven) calendar days' notice in writing from the owner or occupier of the premises requesting such service to be discontinued.
- (6) Where notice to discontinue the service referred to in this clause is received by the City, after the date when the services were to be discontinued, the fees, charges and amounts levied by the City must cease from the date and time of receipt of the written notice.

96 Package Plants or other innovative solutions relating to domestic sewage and/or business/commercial/industrial effluent treatment systems.

- (1) The City as a Water Service Authority has a right to approve the installation/use of package plants or any other innovative solutions relating to wastewater/sewage/industrial effluent treatment systems in line with the Department: Water and Sanitation water use authorization process in terms of the National Water Act and environmental impact assessment (EIA) process required in terms of the National Environmental Management Act 107 of 1998.
- (2) The City has the right to consider and approve, at its discretion, among other things, the use/installation of package plants in proposed developments being a remote area, no sewer connection available for the foreseeable future, existing sanitation network/system or sewage treatment plants not having adequate capacity, the reuse of final treated effluent for water conservation reasons or any other circumstance as determined by and at the discretion of the City.
- (3) All applications with regards to package plants will further be considered against any additional criteria and requirements determined by the City in terms of a Policy and/or any legislation.

- (4) The owner of the property and the owner of the package plant is responsible for and obliged to comply with the City's requirements including but not limited to construction, operation, maintenance, monitoring and reporting with regards to the package plants.
- (5) Any person or industry that intend to treat and/or purify wastewater/sewage and/or industrial effluent for purpose of re-use by such person or industry must obtain the prior written approval of the City. The City has the right to consider and approve, at its discretion, among other things, the treatment and/or purification of wastewater/sewage and/or industrial effluent by a person or industry for purpose of re-use by such person or industry. The City may in its discretion approve such methods and processes for treatment and/or purification which, include but is not limited to, the collection, screening and straining, chemical addition, coagulation and flocculation, sedimentation and clarification, filtration, disinfection, storage and distribution, whether the treated or final treated effluent will be fit for purpose, the applications for which it will be used and any such additional criteria and requirements determined by the City and/or any legislation.
- (6) Without prejudice to the rights of the City, the City shall be entitled to charge or recover from any person who manages or owns a package plant or utilizes any other innovative solutions as aforementioned, all costs, fees, charges, expenses and amounts, plus 15%, incurred or to be incurred by the City as a result of any or all of the following: -
 - (a) Injury to persons, direct or consequential losses and/or damages howsoever caused to any property or premises whatsoever or wheresoever, as the result of the breakdown, either partial or complete, of any package plant or mechanical appliance, whether under the control of or owned the City or not; or
 - (b) any fees, charges and other amounts including fines, direct or consequential losses and/or damages howsoever caused which may be imposed or awarded against the City and any expense incurred by the City as a result of a prosecution in terms of the National Water Act, 1998 (Act 36 of 1998), as amended, or any action against it consequent on any partial or complete breakdown of any package plant or mechanical appliance caused directly or indirectly by the said package plant;
 - (c) any liabilities and expenses incurred by the City as a result of a prosecution in terms of any other legislation; and/or
 - (d) rehabilitation costs (direct or consequential) for environmental remediation to restore the environment and/or land to its former state, howsoever caused and wheresoever situated.

97 Disused Conservancy and Septic Tanks

- (1) If an existing conservancy tank or septic tank is no longer required for the storage or treatment of sewage/effluent, or if approval for such use is withdrawn, the owner shall either cause it to be completely removed or to be completely filled with earth or other suitable material: Provided that the City may require that such tank to be otherwise dealt with, or it may permit it to be used for some other purpose subject to any conditions specified by the City.

CHAPTER 13 – INDUSTRIAL EFFLUENT AND OTHER DISCHARGES

98 Approval to Discharge Industrial Effluent

- (1) No person shall discharge or cause or permit industrial effluent to be discharged into the sanitation network/system except with the prior written approval of the City on such conditions

as the City deems necessary and in accordance with the provisions of these by-laws.

- (2) A person must apply in writing for approval from the City to discharge industrial effluent into the sanitation network/system of the City by means of the written application form available from the City
- (3) A person making application in terms of this clause shall at the time of, or after making the complete application, as determined by the City, provide such information or samples as required by the City and provide the City access to obtain any samples as the City shall require at any time.
- (4) The City may, if in its opinion the capacity of a sanitation network/system is sufficient and the quality is acceptable to permit the conveyance and effective treatment and lawful disposal of the industrial effluent, for such period and subject to such conditions it may impose, grant written approval to discharge the specified industrial effluent into the sanitation network/system by issuing a permit to the applicant.
- (5) Upon the issuing of the permit the City will notify the consumer/applicant of the factors which will determine the industrial effluent tariff to be charged to the consumer/applicant in accordance with the applicable tariff, and the basis of the computation.
- (6) The permit is only valid for a 2-year period and the permit must be reviewed by the City every two years and the consumer/applicant is obliged to apply in writing, 3 months before the expiry date of the permit, for the revision and re-issue of the permit, failing of which the permit will automatically lapse. The consumer/applicant shall apply for the revised or re-issued permit by submitting a complete application to the City in the same manner as applying for a new permit and shall provide such information or samples as required by the City and provide the City access to obtain any samples as the City shall require at any time. The consumer/applicant shall further disclose any deviation in quality or quantity of industrial effluent discharge historically or anticipated for the proceeding 12 (twelve) month period.
- (7) Should a consumer/applicant fail to apply or re-apply in writing for a permit as set out herein within the prescribe 2 (two) year period, or if the consumer/applicant fails to update the permit information when requested to do so by the City or to furnish the City with a complete application, or failure by the consumer/applicant to submit the documentation and samples as determined and requested by the City or fail to comply with any notice given by the City to the consumer/applicant in writing or to provide the City access to take samples the City deems necessary at any time, shall constitute a contravention of this by-law and shall the consumer/applicant be liable to pay to the City all tariffs, charges, penalties and/or fees as determined by the City due to the non-compliance by the consumer/applicant and further shall the consumer/applicant be liable to pay to the City the industrial effluent tariff in accordance with the applicable tariff based on 100% of the volume of water supplied to the premises from the date of the expiry of the permit until such time as the contravention as aforementioned has been rectified and the consumer/applicant has complied with the provisions of this by-law.
- (8) Any person, to whom approval has been granted and a permit has been issued in terms of this clause must, before doing or causing or permitting to be done anything that results in or could result in a change or material alteration in the quantity of discharge, composition or nature of industrial effluent permitted, notify the City in writing at least 10 (ten) business days prior to the date on which it is proposed that such change is intended to take place and of the nature and extent of the proposed change and which alteration or change may not be proceeded with, allowed or effected unless the City has granted its prior written approval on such conditions as determined by the City.

- (9) If the quantity of the discharge or the nature of the industrial effluent changes or upon receipt of the notification referred to in the previous sub-clause, the City may consider such changes and grant approval in writing for such change in the quantity of discharge or nature of industrial effluent permitted, and may amend the conditions applicable to the discharge permit of the party concerned, or it may refuse approval for the change, or may require the consumer/applicant to submit a new complete application as set out in this clause.
- (10) Any person who wishes to construct or cause to be constructed, a building which shall be used as a trade premises, or who converts a building to be used as a trade premises, shall at the time of lodging a building plan in terms of section 4(1) of the Building Regulations, also lodge written applications for the provision of sanitation services and for approval to discharge industrial effluent in terms of this clause.
- (11) The City is only obliged to accept the quantity and quality of industrial effluent or any other substance into the sanitation network/system where the sewage treatment plant linked to that system is capable of purifying or treating the industrial effluent in compliance with the National Water Act or any other legislation or standards.
- (12) Any drainage installation conveying industrial effluent to the sanitation network/system shall be constructed with one or more inspection, sampling or metering chambers of such dimensions and materials and in such position that it is easily accessible.
- (13) The drainage installation for the conveyance of industrial effluent shall be separate to the drainage installation intended or used for the conveyance of wastewater and standard domestic effluent and may only be combined after the treatment and the inspection and sampling points.
- (14) The consumer/applicant shall manage the industrial effluent in such a manner that at all times the samples taken thereof are an accurate representation of the general strength and composition of the industrial effluent.
- (15) The City may, from time to time or at any time, as a result of a change in the method of sewage/effluent treatment or the introduction of new or revised or stricter or other standards by the City, or in terms of the National Water Act or Environmental Act or any other applicable legislation, or as a result of any amendment to these by-laws or for any other reason, review, amend, modify or revoke any approval or consent given or any conditions attached to such approval or consent, and/or impose new or amended conditions, either generally or specifically, for the acceptance of any industrial effluent into the sewer, or prohibit the discharge of any or all of such industrial effluent to the sewer, on giving adequate written notice in advance of its intention to do so, and on the expiration of such period of notice, the previous approval or conditions, as the case may be, will no longer be valid and the new or amended conditions, if any, as the case may be, forthwith apply.
- (16) A person to whom such consent or approval is granted in terms of this clause shall pay to the City any prescribed fees, charges and amounts levied by the City in accordance with the applicable tariff in respect of the application, before such person may discharge, cause or permit to be discharged any industrial effluent into the sewer, and all expenses, charges or fees, for testing such industrial effluent to ensure it confirm to the conditions approved or as otherwise directed by the City, shall be at the expense of the consumer/applicant.
- (17) The City may withdraw any such approval to discharge industrial effluent and the permit issued if at any time, giving at least 10 (ten) business days written notice of its intention to a person permitted to discharge industrial effluent into the sanitation network/system, if: -
- (a) a person fails to ensure that the industrial effluent discharged conforms to the industrial

effluent standard prescribed in any applicable legislation, these by-laws and/or the written approval and permit issued by the City;

- (b) fails or refuses to comply with any notice served on him by the City in terms of these by-laws or contravenes any provision of these by-laws or any condition imposed in terms of any approval granted or permit issued to him; or
- (c) in the opinion of the City the sanitation network/system or part thereof is no longer able to or equipped to accept and process such discharge or it if contravenes any provisions of these by-laws; or
- (d) a person fails to pay the assessed fees, charges and amounts levied by the City in respect of any industrial effluent discharged,

provided that no notice, shall be required if in the opinion of the City the disposal of industrial effluent is causing a danger to the health and safety of persons, animals or the environment, or the City has given a previous notice of its intention to withdraw the approval for in the last 12 months.

(18) Without prejudice to the rights of the City, the City shall be entitled to charge or recover from any person who discharges to a drain, sewer or sanitation network/system any industrial effluent or any substance which is unauthorized, illegal, prohibited or restricted, all costs, fees, charges, expenses and amounts, plus 15%, incurred or to be incurred by the City as a result of any or all of the following: -

- (a) Injury to persons, direct or consequential losses and/or damages howsoever caused to the sanitation network/system or any sewage treatment plant, or mechanical appliance or to any property or premises whatsoever or wheresoever, as the result of the breakdown, either partial or complete, of any sewage treatment plant or mechanical appliance, whether under the control of or owned the City or not; or
- (b) any fees, charges and other amounts including fines, direct or consequential losses and/or damages howsoever caused which may be imposed or awarded against the City and any expense incurred by the City as a result of a prosecution in terms of the National Water Act, 1998 (Act 36 of 1998), as amended, or any action against it consequent on any partial or complete breakdown or any sewage treatment plant or mechanical appliance caused directly or indirectly by the said discharge;
- (c) any liabilities incurred by the City as a result of a prosecution in terms of any other legislation; and/or
- (d) rehabilitation costs (direct or consequential) for environmental remediation to restore the environment and/or land to its former state, howsoever caused and wheresoever situated.

(19) If any person in contravention of any provision of these by-laws discharges industrial effluent into a sanitation network/system, or causes or permits it to be so discharged or is about to do so, the City may, if the City is of the opinion that such industrial effluent is likely to cause damage to any sanitation network/system, mechanical appliance or sewage treatment plant, or any written approval and permit has been withdrawn by the City, after given 10 (ten) business days' notice to the owner, occupier of the premises concerning or person discharging the industrial effluent, of the City's intention to do so:-

- (a) close and seal off the connecting sewer conveying such industrial effluent to the sanitation network/system for such period as the City may deem expedient so as to prevent such industrial effluent from entering the sanitation network/system; and/or

- (b) refuse to accept any industrial effluent until it is satisfied that adequate steps have been taken to ensure that the industrial effluent to be discharged conforms to the standards prescribed in these by-laws; and/or
- (c) close off the water supply to the premises or consumer; and
- (d) recover in respect thereof such fees, charges and amounts levied by the City in accordance with the applicable tariff; and
- (e) no person shall cause or permit the open or break of the seal of a closed drainage installation or the seal of a closed water supply; and
- (f) the owner, occupier of the premises or person discharging industrial effluent must furnish written proof to the City that the industrial effluent emanating from the premises will be discharged to an alternative disposal site approved by the City.

The City shall not be liable for any losses or damage (direct or consequential) occasioned by any action taken in terms of this sub-clause.

99 Quality standards for disposal of Industrial Effluent

- (1) A person to whom approval has been granted and a permit has been given in terms of these by-laws must ensure that no industrial effluent is discharged into the sanitation network/system of the City unless it complies with the acceptable industrial effluent discharge standards and criteria, and any conditions imposed by the City.
- (2) The City may by endorsement in writing on the approval concerned, relax or vary including making more stringent, the standards, criteria and conditions imposed by the City in provided that the City is satisfied that any such relaxation or variation represents the best practicable environmental option.
- (3) In determining whether relaxing or varying the standards referred to in this clause, represents the best practicable environmental option the City may consider:
 - (a) whether the consumer's undertaking is operated and maintained at optimal levels;
 - (b) whether technology used by the consumer represents the best available option to the consumer's industry or the consumer has a plan of action to comply with the varied standards or legislation;
 - (c) whether the consumer is implementing a programme or measures for the minimization of waste in compliance with any applicable legislation or standards.
 - (d) the disposal costs or other financial implication, if any, to the City of granting the relaxation or variation; and
 - (e) the environmental impact or potential impact of such a relaxation or variation;
 - (f) the impact thereof on the sewage treatment plant;
 - (g) the impact thereof on the sanitation network/system; and
 - (h) that the fees, charges and amounts levied by the City, in accordance with the applicable tariff for any non-compliance will still be applicable irrespective of any relaxation in the

permit.

- (4) Test samples may be taken at any time by the City to ascertain whether the industrial effluent complies with the standards and criteria set out in this clause, or any other applicable standard or legislation for granting the permit. The method of testing in order to ascertain the concentration of any substance shall be determined by the City.

100 Control of Industrial Effluent

- (1) The owner or occupier of any premises from which industrial effluent is discharged to a sanitation network/system shall provide adequate facilities such as overflow level detection devices, standby equipment, overflow catch-pits or other appropriate means to effectively prevent the accidental discharge into any sanitation network/system, whether through the negligence of operators, power failure, failure of equipment or control gear, overloading of facilities, spillage during loading or unloading or for any other like reason, of any substance prohibited or restricted or having properties outside the limits imposed in terms of these by-laws.
- (2) In the event that industrial effluent does not comply with the standards prescribed in these by-laws, any other documentation of the City, or the written approval and permit issued in respect of that process or premises, is discharged into the sanitation network/system, or there has been an accidental discharge, the City must be informed in writing by the owner or occupier of the premises of the incident and the reasons therefore within 12 (twelve) hours of such discharge.
- (3) The City may subject to the provisions of these by-laws on the granting of approval or at any time that the City considers appropriate, by way of a written notice, require a person to:
 - (a) subject the industrial effluent before it is discharged to the sanitation network/system, to such pre-treatment as will ensure that the industrial effluent will at all times conform in all respects with the requirements of this by-law and more particularly the clauses relating to industrial effluent or to modify the industrial effluent cycle of the industrial process to an extent and in such a manner as in the opinion of the City is necessary to enable any sewage treatment plant receiving the said industrial effluent, whether under the control of the City or not, to produce final treated effluent complying with the National Water Act and/or other legislation or standards.
 - (b) restrict the discharge of industrial effluent to certain specified hours and the rate of discharge to a specified maximum and to install at his own expense such equalizing tanks, valves, pumps, appliances, meters and other equipment as in the opinion of the City may be necessary or adequate for compliance with the said restrictions and/or to control the rate and time of discharge into the sanitation system in accordance with the conditions imposed by it;
 - (c) construct at his own expense in any drainage installation conveying industrial effluent to the sanitation network/system one or more inspection, sampling or metering chambers of such dimensions and materials and in such positions as the City may prescribe;
 - (d) construct on any pipe conveying industrial effluent to any sewer, a service access hole, a manhole or stop-valve in such position and of such dimensions and materials as the City may prescribe;
 - (e) provide all such information as may be required by the City to determine the tariffs, fees, charges and amounts to be levied by the City;

- (f) cause any meter, gauge or other device installed in terms of this clause to be verified or calibrated by an independent authority at the expense of that person at such intervals as required by the City and copies of the calibration to be forwarded to the City;
- (g) cause industrial effluent to be sampled and analyzed at the expense of the consumer as often and in such manner as may be prescribed by the City and provide it with the results of these tests when completed; and
- (h) have an engineer certify the installation of any equipment, treatment plant, works or installation accepting, processing or dealing with the industrial effluent as compliant to the specifications, standards and conditions the City may impose at the expense of the consumer.
- (i) comply with any conditions or restrictions as determined by the City from time to time.

- (4) The cost, fees, charges and other amounts for any treatment plant, work or analysis which the person discharging industrial effluent may be required to carry out, construct or install, shall be at the expense of the consumer.

101 Measurement of Quantity and Quality of Industrial Effluent discharged.

- (1) The quantity of industrial effluent discharged into the sanitation network/system shall be determined:
 - (a) on a percentage of the water supplied by the City to that premises; or
 - (b) through a meter, certified to accurately measure industrial effluent; and
 - (c) where premises are supplied with water from a source other than or in addition to the City's water supply network/system, including abstraction from a river, a borehole or a rainwater harvesting system, the consumer must install a meter to determine the quantity of water used from the additional water source that will result in the discharge of industrial effluent into the sanitation network/system of the City. The figures should be provided to the City and will be included in the quantity calculation. Failure to provide the City with the figures as aforementioned, the City may estimate the total water used on the premises for the quantity calculation;
- (2) Should the consumer fail to provide the City with the figures as referred to in sub-clause (1), and/or the City is not able to gain access to a meter for two consecutive meter reading periods, the City may estimate the total water used on the premises for the quantity calculation and may discontinue or limit the sanitation services and/or the supply of water services to the premises to which the meter relates.
- (3) The City may require the consumer to incorporate in any drainage installation conveying industrial effluent to a sewer, any control meter, measuring device or gauge or other device of an approved type, which must be installed to the satisfaction of the City for the purpose of ascertaining to the satisfaction of the City the tempo, volume and composition of the industrial effluent.
- (4) Any meter, gauge or device referred to in subclause (3) must be installed in terms of the applicable standards for that meter, gauge or device to the satisfaction of the City and the consumer must prove on request of the City that the said meter, gauge or device is:
 - (a) installed correctly;

- (b) the correct meter for the type of industrial effluent;
 - (c) the correct meter for the volume of industrial effluent; and
 - (d) verified or calibrated every 2 (two) years, or an alternative period determined by the City.
- (5) In the absence of any direct measurement by an industrial effluent meter, the quantity of industrial effluent discharged during a period shall be determined by the City taking into consideration the quantity of water consumed on the premises during that period, the quantity lost to evaporation during the process of manufacturing and the quantity present in the final product produced on the premises. Thus calculated, the quantity of industrial effluent discharged will be reflected as a constant percentage of the water consumed on the premises. The City may request that such calculation be done and certified by an independent competent person at the expense of the said consumer.
- (6) The City may at its discretion enter into an agreement with any person discharging industrial effluent into the sanitation network/system, establishing an alternative method of calculating and/or assessing the quantity and tempo of industrial effluent.
- (7) It is an offence for any person to bypass, open, break into or otherwise interfere with or to damage any meter, measuring device or gauge referred to herein.
- (8) Notwithstanding the foregoing provisions of this clause, the City may require any person who discharges industrial effluent into its sewers to provide one or more meters or measuring devices, in such position/s in the water installation as the City may deem necessary, to record the water consumption in a specific part of the premises.
- (9) The following conditions apply in respect of the assessment of the quality of industrial effluent discharged into the sanitation network/system of the City:
- (a) each consumer must conduct the prescribed tests, on a regular basis as provided for in the issued permit to discharge industrial effluent and report the results to the City;
 - (b) The City shall, in its sole discretion, and as often as required, conduct analysis on composite or grab samples of the industrial effluent, which samples will be randomly taken from any premises where industrial effluent is discharged into the sanitation network/system of the City. Whenever the City takes a sample, one half thereof shall immediately be made available to the consumer, if so required at the time when the sample is taken.
 - (c) If the outcome of the compliance test referred to in subclause (9)(b) is disputed, the consumer or the owner of the premises may within 21 (twenty-one) business days from becoming aware of the outcome of the compliance test, lodge a dispute with the City of the outcome of the compliance test and if the dispute is not resolved, then lodge appeal in terms of the appeal process of the City.
 - (d) for the purpose of establishing the quantity of industrial effluent discharged from more than one point of discharge on any premises, the total quantity of water consumed on the premises shall be used to measure the quantity.
 - (e) for the purpose of establishing the quality of industrial effluent discharged from more than one point of discharge on any premises, the City shall, in its sole discretion, decide whether a composite sample shall be taken proportional to the industrial effluent

discharged from each point of discharge, or if each discharge point should be sampled individually.

- (10) The following provisions apply with regard to and for purposes of calculating the industrial effluent charge: -
- (a) The fees, charges and amounts levied by the City, in accordance with the applicable tariff for industrial effluent shall be determined by the City and be paid by the consumer, applicant, owner or occupier in respect of each month during which industrial effluent is discharged into the sanitation network/system of the City from any premises
 - (b) The values established by the City in its analysis of the samples shall be deemed to be correct and will be used to calculate the charge payable to the City.
 - (c) If there are any analysis done as referred to in this sub-clause, the average of the values of the different analysis results of 24 (twenty-four) hourly composite or grab samples of the industrial effluent, taken during the relevant month, will be used to determine the treatment and conveyance charge payable.
- (11) Where analysis are queried and/or disputed and in cases where only one sample was analyzed on a consumer's industrial effluent during a specific month and some or all of the values obtained from the said analysis is considered incorrect or if the said consumer successfully proves the incorrectness of any values obtained from said analysis, those values will be substituted by averages of the values taken over the previous 3 (three) consecutive months, calculated backwards from the month prior to the month in which the sample as aforementioned was taken.
- (12) Where analysis are queried and/or disputed and in cases where multiple samples were analyzed on the consumer's industrial effluent during a specific month, only the specific analysis, containing the incorrect values, may be deleted without substitution with averages, provided that it be considered that if all the samples that were analyzed during a specific month are incorrect, all analysis for the specific month should be deleted and substituted by a set of averages of the values taken over the previous 3 (three) consecutive months, calculated backwards from the month prior to the month in which the samples were taken.
- (13) In the event that a consumer had its own analysis conducted on the industrial effluent and requests that the results of the analysis also be included in the determination of the industrial effluent charge payable, it will only be included in the calculations subject to the following conditions:
- (a) the analysis must be conducted by a SANAS accredited laboratory;
 - (b) all the analysis results conducted during the relevant month must be submitted to the City, timeously at the end of each month;
 - (c) the averages of the values provided by the said consumer will be used as a single set of results to be included with all the City's own analysis results for the specific month, in calculating the treatment and conveyance charge, subject to any further conditions determined by the City.
- (14) The City reserves the right to refuse the inclusion of any analysis results as referred to in the aforementioned subclause (13), should any discrepancies in either the samples or the validity of the consumers results be suspected.
- (15) In the total absence of a sample, the said consumer shall pay to the City the amounts as

determined in accordance with the applicable tariff

- (16) If there is no industrial effluent meter and a City water meter, measuring the quantity of water consumed on the premises, is proven to be defective or there is no meter, the appropriate adjustments shall be made to the quantity of industrial effluent discharged into the sanitation network/system of the City when calculated in accordance with the City's Policy for the estimation and correction of meter reading and billing data.
- (17) If the industrial effluent meter is defective the appropriate adjustments shall be made to the quantity of industrial effluent discharged into the sanitation network/system of the City when calculated in accordance with the City's Policy for the estimation and correction of meter reading and billing data.
- (18) For the purpose of calculating the industrial tariff for the discharge of industrial effluent in instances where the formula charge (treatment and conveyance / quantity and quality) is lower or higher than the volume charge (measured either by an industrial effluent meter or percentage of water consumption) or the formula or volume charge is lower or higher than the fixed charge (charged per kl on a sliding scale), the City may cease sampling and may apply the higher or greater of the charge methods namely the formula charge, volume charge or the fixed charge in accordance with the applicable tariff. This arrangement will be reassessed by the City from time to time.
- (19) In the sole discretion of the City, testing of the industrial effluent for the treatment and conveyance charge calculation shall not be required in the following instances:
 - (a) where the quantity of the industrial effluent discharged into the sanitation network/system of the City is below 100kl/month or
 - (b) the water consumed on the site / premises is below 150kl/month or
 - (c) where the discharge of certain industrial effluent does not require an industrial effluent discharge permit; or
 - (d) where the industrial effluent is discharged through a grease, oil, silt or sand trap

In such instances the applicable charge, in accordance with the applicable tariff, will be payable.

- (20) If an incident pertaining to the discharge of industrial effluent into the sanitation network/system of the City has not been detected by the City and was reported to the City by the consumer out of the consumer's own accord, the City has the discretion not to penalize the said consumer if there is no damage to the sanitation network/system of the City and no financial loss to the City as a result of the incident.

102 Industrial grease traps/interceptors

- (1) Industrial effluent which contains, or in the opinion of the City, is likely to contain grease, oil, fat or solid matter in suspension or any other matter that could cause an obstruction to the flow in the sewer, any drain or interfere with the proper and/or efficient operation of any sewage/effluent treatment or sanitation network/system, must before it is allowed to enter any sewer, be passed through one or more tanks or chambers of approved type, size and capacity as approved by the City, designed to intercept and retain such grease, oil, fat, solid matter or other matter.
- (2) Oil, grease or any other substance which is contained in any industrial effluent or other liquid which gives off a flammable or noxious vapor at a temperature of or exceeding 23°C, must

be intercepted and retained in a tank or chamber so as to prevent the entry thereof into the sewer.

- (3) The tank or chamber must be regularly cleaned of such grease, oil, fat, or solid matter and the owner and/or the person discharging industrial effluent to the tank or chamber must maintain a register in which shall be recorded:
 - (a) the dates on which the tank or chamber was cleaned;
 - (b) the name, address and telephone number of the company employed to clean the tank or chamber;
 - (c) any grease, oil, fat or other waste matter collected from the grease traps must be removed by the owner and/or the person discharging industrial effluent on a regular basis, at the owner's and/or the person discharging industrial effluent expense and must be disposed of lawfully.
- (4) A tank or chamber, must comply with the following requirements:
 - (a) it shall be of adequate capacity, constructed of hard durable materials and watertight when completed;
 - (b) shall be provided with a sufficient number of manhole covers for the adequate and effective removal of grease, oil, fat and solid matter.

CHAPTER 14 – OTHER PROVISIONS

103 Discharges from Swimming Pools, fountains or reservoirs

- (1) No person may discharge or cause or permit the discharge of –
 - (a) water from any swimming pool directly or indirectly over any road or into a gutter, storm water drain, watercourse, open ground or private premises other than the premises of the owner of such swimming pool;
 - (b) water from artificial fountains, reservoirs or swimming pools situated on premises into a drainage installation, without the written approval of the City and subject to the payment of relevant fees, charges and amounts levied by the City and such conditions as the City may impose, which conditions main include but is not limited to a specific time as determined by the City.

104 Stables and Similar Premises

- (1) The City may at its discretion permit stables, cowsheds, dairies, abattoirs, kennels and similar piece of land, building, structure or area or other piece of land, building, structure or area for the accommodation of animals and produces wastewater or soil water, to be connected to a drainage installation.
- (2) The floor of any premises or piece of land connected to a drainage installation in terms of this clause shall be paved with an approved impervious material and be graded to a gully of adequate capacity which shall be fitted with a removable grating and be connected to an approved silt trap, grease trap, or two or more of the foregoing.
- (3) Every part of the floor or structures mentioned in this clause must be covered by a roof or otherwise effectively protected to prevent the entry of rain or storm water into the drainage

installation and be surrounded by a kerb not less than 100mm high or it shall be elevated above the immediately surrounding ground level by not less than 100mm

- (4) The approval by the City of this clause may be withdrawn in the event that any of the conditions imposed by the City are not complied with or the drainage installation causes a nuisance.

105 Standard domestic sewage/effluent delivered by road haulage

- (1) Acceptance of standard domestic sewage/effluent delivered by road haulage: -
- (a) The City may, at its discretion, and subject to such conditions as it may specify, accept standard domestic sewage/effluent for disposal delivered to the City's sewage treatment plants, designated manholes or approved position indicated by the City.
 - (b) All companies transporting standard domestic sewage/effluent must have a valid discharge permit, must be registered in the City's data base and all vehicles, at the discretion of the City, must be fitted with a tracking device.
- (2) Written approval for delivery of standard domestic sewage/effluent by road haulage: -
- (a) No person shall discharge standard domestic sewage/effluent into the City's sewage treatment plants, designated manholes or approved position by the City by road haulage except with the prior written approval of the City and subject to such period and any conditions that may be imposed terms of the written approval.
 - (b) The fees, charges and amounts levied by the City for any standard domestic sewage/effluent delivered for disposal, to the City's sewage treatment plants, designated manholes or approved position by the City, shall be assessed by the City in accordance with the applicable tariff.
- (3) Conditions for delivery of standard domestic sewage/effluent by road haulage: -
- (a) When standard domestic sewage/effluent is delivered by road haulage: -
 - (i) the time and place of delivery shall be arranged with the City; and
 - (ii) no person shall deliver standard domestic sewage/effluent that does not comply with the standards laid down in terms of these by-laws.
 - (iii) all other requirements in terms of the relevant SANS/SABS standards and codes and any other applicable legislation must be complied with; and
 - (iv) the standard domestic sewage/effluent should be of such a nature suitable for road haulage and that the method of haulage will not allow for spillage or cause any nuisance. The hauler shall be responsible for any and all fees, charges and amounts levied by the City for effecting any clean-up of any spillage.
- (4) Withdrawal of approval for delivery of standard domestic sewage/effluent by road haulage: -
- (a) The City may withdraw any approval, after giving at least 10 (ten) business days written notice of its intention to a person permitted to discharge standard domestic sewage/effluent by road haul if the person: -
 - (i) fails to ensure that the standard domestic sewage/effluent so delivered conforms

to the standards or conditions recorded in the written approval by the City, these by-laws or any other standard or conditions determined by the City from time to time; or

- (ii) fails or refuses to comply with any notice lawfully served on him in terms of these by-laws or contravenes any provision of these by-laws or any condition imposed on him in terms of any approval granted to him.
 - (iii) fails to pay any or all the fees, charges and amounts levied by the City and applicable to the delivery of standard domestic sewage/effluent.
- (5) The City shall be entitled, without notice, to the immediately withdraw of any approval given by the City, if the City is of the opinion that the road haulage is causing a danger to the health and safety of persons, animals or the environment, or the City has given a previous notice of its intention to withdraw the approval for road haulage in the last 12 (twelve) months.
- (6) Any persons transporting standard domestic sewage/effluent and who dispose of standard domestic sewage/effluent illegally will be prosecuted in terms of these by-laws as well as in terms of the National Water Act and/or any other applicable legislation.
- (7) Without prejudice to the rights of the City, the City shall be entitled to prosecute in terms of these by-laws as well as in terms of the National Water Act and/or any other applicable legislation any person who transports standard domestic sewage/effluent and who dispose of standard domestic sewage/effluent illegally and may charge or recover from any such person all costs, fees, charges, expenses and amounts, plus 15%, incurred or to be incurred by the City as a result of any or all of the following: -
- (a) Injury to persons, direct or consequential losses and/or damages howsoever caused to the sanitation network/system or any sewage treatment plant, or mechanical appliance or to any property or premises whatsoever or wheresoever, as the result of the breakdown, either partial or complete, of any sewage treatment plant or mechanical appliance, whether under the control of or owned the City or not; or
 - (b) any fees, charges and other amounts including fines, direct or consequential losses and/or damages howsoever caused which may be imposed or awarded against the City and any expense incurred by the City as a result of a prosecution in terms of the National Water Act, 1998 (Act 36 of 1998), as amended, or any action against it consequent on any partial or complete breakdown or any sewage treatment plant or mechanical appliance caused directly or indirectly by the said discharge;
 - (c) any liabilities incurred by the City as a result of a prosecution in terms of any other legislation; and/or
 - (d) rehabilitation costs (direct or consequential) for environmental remediation to restore the environment and/or land to its former state, howsoever caused and wheresoever situated.

106 Waste Food or other Disposal Units

- (1) The City may in its discretion and subject to the payment of the fees, charges and amounts levied by the City in accordance with the applicable tariff permit and approve in writing the connection or incorporation of and discharge (including the type of discharge) from a mechanical waste food grinder or disposal unit or garbage grinder into a drainage installation.
- (2) No owner or occupier shall incorporate into a drainage installation a mechanical waste food

grinder or disposal unit or garbage grinder unless: -

- (a) the owner or occupier of the premises has obtained the written approval for the unit or garbage grinder and registered such unit or garbage grinder with the City and the City is satisfied that the working of the City's sanitation network/system and sewage treatment plant shall not thereby be impaired;
 - (b) the unit or garbage grinder is of a type approved by the City; and
 - (c) the installation or incorporation of the unit or garbage grinder is installed in conformity with the City's by-laws relating to electricity, other relevant specifications or legislation for the safety of electrical appliance and in accordance with any other provision and/or conditions imposed by the City.
- (3) The City may require the owner or occupier of any premises on which a waste food or other disposal unit or a garbage grinder has been installed, or the owner of such unit or grinder either to remove, repair or replace any unit which, in the opinion of the City, is functioning inefficiently or which may impair the working of the City's sanitation network/system.
 - (4) The owner shall, upon the removal of any such unit or grinder, notify the City in writing within 10 (ten) business days of its removal.
 - (5) A grease trap or interceptor of an approved type, size and capacity must be provided in respect of all premises that discharge sewage/effluent, where, in the opinion of the City, the discharge of grease, oil, fat or other solid matter is likely to cause an obstruction to the flow in sewers or drains, or interference with the proper operation or efficiency of any sewage treatment plant or sanitation network/system.
 - (6) A grease trap or interceptor which incorporates a mechanical waste food grinder or disposal unit, or garbage grinder must be approved by the City and comply with the provisions of this clause.
 - (7) Any grease trap or interceptor shall be located that it is easily accessible for inspection and cleaning purposes and that intercepted fat, grease, oil or other solid substance can be removed hygienically.

107 Disposal of Sludge, Compost and Manure and Use of Effluent

- (1) Except when prohibited by any competent authority, the City may manage the on-site and off-site disposal of sludge, thermal sludge management practices, utilization for commercial products containing sludge, the beneficial use of sludge and/or the agricultural use of wastewater sludge in terms of the relevant legislation including but not limited to the National Water Act, the Environment Conservation Act, the South African Wastewater Sludge Classification System, a water use license and disposal permit
- (2) The City may dispose of final treated effluent, sludge, compost or animal manure resulting from the operation of sewage treatment plant operated by the City or farm associated therewith on such conditions regarding the loading and conveyance thereof, the place to which it is conveyed and the manner in which it is to be used, applied or processed as the City and the relevant legislation may impose.
- (3) The City shall ensure that the use of final treated effluent for any purpose does not pose a health risk before approving that use.
- (4) Any tap or point of access through which final treated effluent or non-potable water can be

accessed must be clearly marked with a durable notice in terms of the relevant SANS/SABS standards and codes indicating that the final treated effluent or non-potable water is not suitable for potable purposes.

108 Provisions relating to the supply of non-potable water or final treated effluent.

- (1) The City may on written application made by any consumer and under a special agreement enter into in terms of these by-laws, grant the supply of non-potable water or final treated effluent to such consumer.
- (2) The conditions which shall be considered and imposed by the City for such approval, may include but is not limited to, the unauthorized use of non-potable or final treated effluent, servitudes, interconnection between premises, provision and position of isolating valves, availability and assurance of supply, metering of treated or final treated effluent supplied, quantity supplied, resale, management and good use practices, responsibilities of the owner or occupier of the premises and/or consumer regarding installations, water quality, design criteria for installations and accepted pipes, fittings, components and materials.
- (3) Any supply of non-potable water shall not be used for purposes which, in the opinion of the City, may give rise to a health hazard or risk to any person or animal.
- (4) No warranty, expressed or implied, applies to the purity of non-potable water supplied by the City or its suitability for the purpose for which the supply of such water was granted.
- (5) The supply of non-potable water by the City shall, both as to condition and use, be entirely at the risk of the consumer, who shall be responsible to exercise control over the use of such water on the premises by any other persons and who shall be liable for any consequential damage or loss arising to himself or others, directly or indirectly therefrom, including the consequences of any bona fide fault of the City, or the malfunction of a treatment plant.
- (6) On premises on which non-potable water is used, the consumer shall ensure that: -
 - (a) every terminal water fitting and every appliance which supplies or uses such water is clearly marked with a weatherproof notice indicating that the water therefrom is unsuitable for drinking or other domestic purposes; and
 - (b) every tap used for the discharge of such water can only be operated by means of a detachable key or handle and which shall be removed from such tap after every use thereof.
- (7) In an area where final treated effluent is used the consumer shall erect weatherproof notices in permanent positions warning that such final treated effluent is not suitable for domestic purposes.
- (8) The consumer shall adhere at all times to any conditions or guidelines with respect to health risks in the use of non-potable water for irrigation purposes as may be laid down by the Ministry of Health, or other applicable legislation from time to time.
- (9) If the consumer fails to take any of the steps referred to in this clause, the City may by written notice require that such steps be taken by the consumer within a specified period and if the consumer fails to comply with such notice, the City may: -
 - (a) cause such steps to be taken at the consumer's expense; or
 - (b) suspend the supply of non-potable water to the premises concerned until the consumer

has complied with such notice.

- (10) Every owner of premises supplied with non-potable water by the City: -
- (a) shall take special care that every pipe and fitting linked to the non-potable water installation on the premises is properly identified to prevent any cross connection with the potable water installation on such premises; and
 - (b) shall not, without the written approval of the City, extend or alter such non-potable water installation or cause it to be extended or altered.
- (11) A person who contravenes any provision of subclause (10) shall be guilty of an offence and the City shall be entitled to permanently terminate the supply of non-potable water to such premises.

109 Water Service Intermediaries

- (1) The City may require the registration with the City of water services intermediaries or classes of water services intermediaries in the municipal area of the City by such means as the City may deem prudent, and which may include a public notice and the City may require the conclusion of a written service level agreement on such conditions as determined by the City with such a water services intermediary.

SCHEDULE 1: Applicable Standard Specification

“Applicable standard specification” means the latest version of:

STANDARD NUMBER	STANDARD DESCRIPTION
SANS 10252-1:2018	Water supply and drainage for buildings Part 1: Water supply installations for buildings
SABS 0252-2:1993 / SANS 10252-2: 1993	Water supply and drainage for buildings Part 2: Drainage installations for buildings
SANS 241	Drinking water
SANS 1529-1 to 9	Water meters for cold and hot potable water
SANS 1808-5 to 66	Water supply and distribution system components
SANS 10400-A:2016	The application of the National Building Regulations Part A: General principles and requirements
SANS 10400-F: 2017	The application of the National Building Regulations Part F: Site operations
SANS 10400-P: 2010	The application of the National Building Regulations Part P: Drainage
SANS 10400-Q:2017	The application of the National Building Regulations Part Q: Non water borne means of sanitary disposal
SANS 10400-R: 2012	The application of the National Building Regulations Part R: Stormwater disposal
SANS 10400-T: 2020	The application of the National Building Regulations Part T: Fire protection
SANS 10400-W: 2011	The application of the National Building Regulations Part W: Fire installation
SANS 151:2020	Fixed electric storage water heaters
SANS 198:2012	Functional control valves and safety valves for domestic hot and cold water supply systems
SANS 1936:2012	Development of dolomite land

Title: WATER SERVICES BYLAW

Date: September 2023

The City of Ekurhuleni Water Services Bylaw, September 2023 Final Bylaw Version was adopted and approved by the City of Ekurhuleni Council.

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