

CITY OF JOHANNESBURG METROPOLITAN MUNICIPALITY

DRAFT WATER SERVICES BY-LAWS 2019

(FOR PUBLIC COMMENT)

CITY OF JOHANNESBURG METROPOLITAN MUNICIPALITY

WATER SERVICES BY-LAWS

The Municipal Manager of the City of Johannesburg Metropolitan Municipality hereby, in terms of Section 13(a) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), publishes the Water Services By-laws for the City of Johannesburg Metropolitan Municipality, as approved by its Council, as set out hereunder.

CITY OF JOHANNESBURG METROPOLITAN MUNICIPALITY

WATER SERVICES BY-LAWS

TABLE OF CONTENTS

SECTION A: GENERAL PROVISIONS

CHAPTER 1: INTRODUCTION

1. Definitions
2. Meaning of certain words the same as in Acts
- 2A. Application of by-laws
3. General responsibility for compliance with these By-laws, and other laws
4. Levels of service

CHAPTER 2: APPLICATION, TERMINATION & LIMITATION

5. Application for water services
6. Special agreement for water services
7. Prescribed fees for water services
8. Deposit
9. Payment for water services
- 9A. Payment in respect of prepayment meters
10. Accounts
11. Termination of agreements
12. Limitation and/or discontinuation of water services
13. Restoration of water services.
14. Water services via, and responsibility for, a communal sewer

CHAPTER 3: OBLIGATIONS AND PROHIBITIONS

15. Obligations on Council and consumer
16. Prohibition of access to water services other than through the Council
17. Environmental impact assessments
18. Unauthorised use of water services
19. Purpose of water services
20. Interference with water supply system or any sanitation services
21. Obstruction of access to water supply system or any sanitation service
22. Trespassing on water supply system or any sanitation service

SECTION B: WATER SUPPLY SERVICES

CHAPTER 4: CONNECTION OF WATER SUPPLY

23. Provision of connection pipe
24. Location of connection pipe
25. Provision of single water connection for supply to several consumers of same premises
26. Interconnection between premises or water installations
27. Disconnection of water installation from connection pipe
28. Water supplied from a hydrant

CHAPTER 5: STANDARDS AND MEASUREMENTS

29. Quantity, quality, and pressure
30. General conditions of supply
31. Measuring of quantity of water supplied
- 31A. Quantity of water supplied to consumer
32. Prepayment Metering
33. Defective measurement
- 33A. Special measurement
34. No reduction of amount payable for water wasted
35. Adjustment of quantity of water supplied through a defective measuring device

CHAPTER 6: INSTALLATION WORK AND PROTECTION OF THE WATER SUPPLY SYSTEM

36. Approval of installation work
37. Persons permitted to do installation and other work
38. Provision and maintenance of water installation
39. Technical requirements for a water installation
40. Use of pipes and water fittings to be authorised

41. Unlawful water installation work
42. Labelling of terminal water fittings and appliances
43. Owner to prevent pollution of water
- 43A. Protection of water supply system
- 43B. Design and installation of backflow preventer
- 43C. Inspection and servicing of backflow preventer
- 43D. Protection of water installation

CHAPTER 7: DISTRIBUTION AND TESTING

44. Testing of pressure in water supply system
45. Pipe in street or public place

CHAPTER 8: FIRE EXTINGUISHING

46. Special provisions for fire services
47. Payment for fire services
48. Dual and combined installations
49. Connection pipe for fire extinguishing services
50. Valves in connection pipe
51. Inspection and approval of fire extinguishing installation
52. Connection to be at the pleasure of the Council
53. Meter in fire extinguishing pipe
54. Sprinkler extinguishing installation
55. Header tank or double supply from main
56. Sealing of private fire hydrant

CHAPTER 9: WATER CONSERVATION AND DEMAND MANAGEMENT

57. Demand management
58. Water restrictions
59. Prohibition of use of certain equipment in water installation.
60. Waste of water unlawful
- 61-68. Conditions for water use

CHAPTER 10: USE OF WATER FROM SOURCE OTHER THAN WATER SUPPLY SYSTEM

69. Fitness for purpose and limitation of liability
70. Sampling of water
71. Permission to use water for drinking purposes from sources other than the water supply system

- 72. Boreholes
- 73. Rainwater harvesting
- 74. Grey water re-use for other uses excluding drinking

SECTION C: SANITATION SERVICES

CHAPTER 11: ON-SITE SANITATION

- 75. Objectionable discharge to sewage disposal system
- 76. Disposal of sludge, compost and manure
- 77. Application for infrastructure
- 78. Septic tank and treatment plant
- 79. French drain
- 80. Conservancy tank
- 81. Ventilated improved pit latrine
- 82. Services associated with on-site sanitation services
- 83. Fees in respect of services associated with on-site sanitation services
- 84. Disused conservancy and septic tank

CHAPTER 12: CONNECTION AND DISCONNECTION

- 85. Provision of a connecting sewer
- 86. Location of connecting sewer
- 87. Interconnection between premises
- 88. Disconnection of drainage installation from connecting sewer
- 89. Acceptance of sewage delivered by road haulage
- 90. Written permission for delivery of sewage by road haulage
- 91. Conditions for delivery of sewage by road haulage
- 92. Withdrawal of permission for delivery of sewage by road haulage

CHAPTER 14: INDUSTRIAL EFFLUENT

- 93. Application for disposal of industrial effluent
- 94. Installation, supply and usage of garbage grinders
- 95. Unauthorised discharge of industrial effluent
- 96. Quality standards for disposal of industrial effluent
- 97. Conditions for disposal of industrial effluent
- 98. Withdrawal of written permission for disposal of industrial effluent

CHAPTER 15: STANDARDS AND MEASUREMENTS

- 99. Measurement of quantity of standard domestic effluent discharged
- 100. Measurement of quantity of industrial effluent discharged
- 101. Reduction in the quantity determined in terms of sections 102 and 103

CHAPTER 16: SEWER DRAINAGE INSTALLATION

- 102. Construction or installation of drainage installation.
- 103. Use of pipe and fitting in drainage installation to be authorised
- 104. Approval of drainage work
- 105. Unlawful drainage work
- 106. Ingress of storm-water into drainage installation prohibited
- 106A. Swimming Pools
- 107. Emission of gas
- 108. Industrial grease trap
- 109. Mechanical appliance for lifting sewage
- 110. Drain in street or public place
- 111. Construction by Council of drainage work
- 112. Maintenance of drainage installation
- 113. Installation of pre-treatment facility
- 114. Protection from ingress of flood water

SECTION D: ENFORCEMENT OF THE BY-LAWS AND LEGAL MATTERS

CHAPTER 17: DESIGNATED OFFICER

- 115. Authorisation of designated officer
- 116. Functions of designated officer
- 117. Powers of designated officer

CHAPTER 18: INVESTIGATIONS/ INSPECTIONS

- 118. Procedure to execute work or conduct an inspection: entry with a written authorization
- 119. Procedure to execute work or conduct an inspection: entry without a written authorization
- 120. Observing fundamental rights
- 121. Using force to enter
- 122. Designated officer may be accompanied
- 123. Duty to produce document
- 124. Duty to answer question and assist designated officer

CHAPTER 19: COMPLIANCE AND ENFORCEMENT

- 125. Compliance notice
- 126. Complaints against persons other than the Council
- 127. Official address
- 128. Recovery of costs and fees
- 129. Legal compliance warranty
- 130. False statement or information
- 131. Exceptions to application of these By-laws
- 132. Exemptions
- 133. Offences
- 134. Application of this chapter
- 135. Repeal of By-laws
- 136. Short title

SCHEDULE A

GENERAL RULES REGARDING FEES

SCHEDULE B

FORM OF APPLICATION FOR PERMISSION TO INSTALL APPLIANCES FOR LIFTING SEWAGE

SCHEDULE C

**FORM OF APPLICATION FOR PERMISSION
TO DISCHARGE INDUSTRIAL EFFLUENT INTO THE COUNCIL'S SEWER**

SCHEDULE D

LIMITS AND MAXIMUM CONCENTRATION OF CERTAIN SUBSTANCES

SCHEDULE E

REPEALED BY-LAWS

SECTION A: GENERAL PROVISIONS

CHAPTER 1: INTRODUCTION

Definitions and interpretation

1. (1) In these By-laws and the Schedules thereto, unless the context otherwise indicates -

"accommodation unit" in relation to any premises, means a building or section of a building occupied or used or intended for residential occupation or use by any person;

"Affected person" means a person who has been served with a designated notice;

"Act" means the Water Services Act No, 1997 (Act No. 108 of 1997);

"air gap" means the unobstructed vertical distance through the free atmosphere between the lowest opening from which any pipe, valve or tap, supplies water to a tank or fitting or other device, and the overflow level thereof;

"Approved" means approved by the Council or an authorised representative in writing;

"Authorised official or authorised representative" means any official or authorised representative of the Council who has been authorized by it to administer, implement and enforce the provisions of these By-laws;

"Backflow" means the flow of water in any pipe or fitting in a direction opposite to the normal direction of flow;

"Backflow preventer" means any device or means to prevent backflow;

"Back siphonage" means the backflow resulting from pressures lower than atmospheric pressure in the water installation;

"basic sanitation" means the minimum standard of safe and hygienic sanitation services and sewage disposal rendered to households, prescribed in terms of the Act, under regulation 2 of Government Notice R509 of 8 June 2001, as amended from time to time, or any substitution for that regulation;

"basic water supply" means the minimum standard of water supply services necessary for the reliable supply of water to households to support life and personal hygiene, prescribed in terms of the Act under regulation 3 of Government Notice R509 of 8 June 2001, as amended from time to time, or any substitution for that regulation;

"best practicable environmental option" means the option that provides the most benefit or causes the least damage to the environment as a whole, in both the long and the short term;

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

"building regulations" means the National Building Regulations made in terms of the National Building Regulations and Building Standards Act, 1997 (Act No. 103 of 1977);

"business unit" in relation to any premises means any building or section of a building occupied or used, or intended to be used for purposes other than residential occupation;

"Combined installation" in relation to water supply means a water installation used for fire-fighting and domestic, commercial or industrial purposes;

"Commercial effluent" means effluent emanating from an enterprise having a commercial purpose where the effluent is neither industrial effluent nor standard domestic effluent;

"Commercial purpose" in relation to the supply of water, means water supplied to premises to be used in the carrying out of a trade or business;

"communal sewer" means a sewer main and connecting sewers and in respect of which a group of consumers and/or owners has constituted itself as a person willing to assume responsibility for, and has signed an agreement accepting responsibility, for the maintenance and repair of the communal sewer;

"Communal water connection" means a consumer connection through which water services are supplied to more than one consumer, and "communal water services work" has a corresponding meaning

"Connecting point" means the point at which a drainage installation joins the connecting sewer;

"connecting sewer" means a pipe owned by the Council and installed by it for the purpose of conveying sewage from a drainage installation on any premises, to a sewer beyond the boundary of those premises, or within a servitude area, or within an area covered by a way-leave document or other type of agreement;

"connection pipe" means a pipe, the ownership of which is vested in the Council and installed by it for the purpose of conveying water from a main to a water installation, and includes a "communication pipe" referred to in SABS Code 0252 Part I;

"Conservancy tank" means a covered tank which is used for the reception and temporary retention of sewage and which requires emptying at intervals.

"Consumer" means-

- (a) any person who occupies premises to whom, and in respect of which premises, the Council—
 - (i) Has agreed to provide water services;
 - (ii) Is actually providing water services;
 - (iii) Has entered into an agreement with the Council for the provision of water services to or on any premises;
- (b) The owner of any premises to which the Council is providing water services;
- (c) where water services are provided through a single connection to a number of accommodation units or consumers or occupiers, means the person to whom the Council agreed to provide such water services; and
- (d) Any end-user who receives water services from the Council or other water services institution.

"Conventional water meter" means a meter where the account is issued subsequent to the consumption of water;

"Council" means -

- (a) the Metropolitan Municipality of the City of Johannesburg established by Provincial Notice No. 6766 of 2000, as amended, exercising its legislative and executive authority through its municipal Council; or
- (b) Its successor in title; or
- (c) a structure or person exercising a delegated power or carrying out an instruction, where any power in these by-laws has been delegated or sub-delegated, or an instruction given, as contemplated in section 59 of the Local Government : Municipal Systems Act, 2000; or
- (d) A service provider fulfilling a responsibility under these by-laws, assigned to it in terms of section 81(2) of the Local Government: Municipal Systems Act 2000, or any other law, as the case may be.

"Day" means a 24 hour period commencing and ending at 24:00;

"designated officer" means a person in the employ of the Council, authorized as a designated officer in terms of Section 22 of the Gauteng Rationalisation of Local Government Affairs Act, 1998 (Act No. 10 of 1998), or if the Council has for the purposes

of these By-laws, appointed a service provider which is still operative, an employee of such service provider, authorized by it as a designated officer in terms of Section 128 these By-laws and acting within the scope of the powers, functions and duties assigned to that service provider by the Council.

"domestic purposes" in relation to the supply of water means the general use of water supplied for personal and residential uses, including health and hygiene, drinking, ablution, culinary, household and garden maintenance;

"Drain" means that portion of the drainage installation that conveys sewage within any premises;

"drainage installation" means a system situated on any premises and vested in the owner thereof that is used for or intended to be used for or in connection with the reception, storage, treatment or conveyance of sewage or other form of waste water on those premises to the connecting point, and includes a drain, a fitting, an appliance, a septic tank, a conservancy tank, a pit latrine and a private pumping installation, forming part of or being ancillary to such system;

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

"Dwelling unit" means an interconnected suite of rooms designed for residential purposes and occupation by a single household, regardless of how many persons comprise the household;

"ECA" means the Environment Conservation Act, 1989 (Act No. 73 of 1989) and any regulations made in terms thereof, or any superseding legislation;

"Effluent" means any liquid, whether or not containing matter in solution or suspension, which is discharged from any premises directly or indirectly into a drainage work;

"EIA" means an environmental impact assessment as contemplated in NEMA, and/or the ECA

"EIA regulations" means the EIA Regulations as published in Government Notice R 1183 on 5 September 1997, as amended from time to time, or any regulations made in substitution therefor under the ECA or any superseding legislation;

"emergency" means any situation that poses a risk or potential risk to life, health, the environment, or property, or declared to be an emergency under any law;

"enforcement notice" means any notice issued by a designated officer under these By-laws, which instructs the person to whom it is issued to comply with the terms of the notice, and includes a compliance notice contemplated in section 125;

"environmental cost" means the full cost of all measures necessary to restore the environment to its condition prior to an incident which causes damage to it, and in the event of this not being possible the value of the cost benefit that has been lost through the damage to or destruction of the environment;

"fire installation" means a potable water installation that conveys water intended for fire-fighting purposes only;

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

"flood level" means that level reached by flood waters resulting from a storm designated in terms of recognised engineering criteria as being of a frequency to be expected once in every 50 and 100 years;

"flood plain" means the area below the flood level subject to inundation;

"garbage grinder" means an electrically or mechanically driven apparatus that is designed and made to be installed in a water borne sewage system, that has the function to crush food wastes and flush them down the sewage system and that is deemed to be a water fitting in terms of these by-laws;

(Definition inserted : Notice 1455: 20/06/2008 , PG 162)

"general installation" means a water installation which conveys water for a combination of domestic, commercial and industrial purposes;

"grey water" means wastewater that is produced from household processes such as washing dishes, laundry, bathing, food preparation excluding input from latrines.

"household" means the family unit of persons, or individuals, in occupation of a building or part of a building, designed for residential occupation by such family unit, or individuals;

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

"industrial effluent" means any liquid, whether or not containing matter in solution or suspension, which is given off in the course of or as a result of any trade, manufacturing, mining, chemical or other industrial process or in any laboratory, or in the course of

research, or agricultural activity, and includes any liquid or effluent emanating from the use of water, other than standard domestic effluent or stormwater, and "trade effluent" bears the same meaning;

"industrial purposes" in relation to the supply of water means water supplied to any premises which constitutes a factory as defined in the General Administrative Regulations, published in Government Notice R2206 of 5 October 1984 or any superseding legislation, including the use of water for purposes of mining, manufacturing, retailing and service industries, generating electricity, land-based transport, construction or any related purpose;

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

"law" means any law, including the common law;

"main" means a pipe, other than a connection pipe, vesting in the Council and used by it for the purpose of conveying water to any number of consumers;

"measuring device" means any method, procedure, process, device, apparatus, or installation that enables the quantity and/or quality of water services provided to be quantified or evaluated;

"meter" means a water meter as defined by Regulation 81(a) (Government Notice R 2362 dated 18 November 1977) to the Legal Metrology Act 9 of 2014 sections 38 and 42 or any superseding legislation or, in the case of a water meter of a size greater than 100 mm, a device which measures the quantity of water passing through it;

"National Water Act" means the National Water Act 1998, (Act No. 36 of 1998);

"NEMA" means the National Environmental Management Act, 1998 (Act No. 107 of 1998);

"nuisance" means any condition, thing, act or omission which is offensive or injurious or which tends to prejudice the safety, good order, peace or health of one or more of the residents in any particular locality within the area of the Council, or the rights, or reasonable comfort, convenience, peace, or quiet, of the occupants of any area within the Council's jurisdiction;

"occupier" means a person who occupies any premises or part thereof;

"owner" includes –

- (a) the person in whom from time to time is vested the legal title to premises, including, but not limited to, the registered owner according to the title deed;
- (b) where the owner of the premises concerned is insolvent, deceased, has assigned his estate for the benefit of his creditors, has been placed under curatorship in terms of an order of court, is a closed corporation being wound up, or is a company being wound up or under judicial management, includes the person in whom the administration of such premises is vested as executor, administrator, trustee, assignee, curator, liquidator or judicial manager as the case may be;
- (c) in any case where the Council is unable to determine the identity of such person, a person who is entitled to the benefit of the use of such premises; and the lessee under any registered lease of land which is entered into for a period of not less than ten years or for the natural life of the lessee or any other person mentioned in such lease or which is renewable from time to time at the will of the lessee indefinitely or for period which together with the first period of such lease amount in all to not less than ten years, whether or not such renewal is dependent on the periodical consent or permission of, or the periodical renewal of a license by the State or any statutory licensing body;
- (d) in relation to -
 - (i) a piece of land delineated on a sectional plan registered in terms of the Sectional Titles Act, 1986 (Act 95 of 1986), the developer or the body corporate in respect of the common property; and
 - (ii) a section as defined in such Act, the person in whose name the relevant unit is registered under a sectional title deed, and includes the lawfully appointed representative of such a person;

"person" means any natural or juristic person, an unincorporated body, and includes a voluntary association or trust, an organ of state as defined in section 239 of the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996), and the Minister of ~~Human Settlements,~~ Water and Sanitation, or his successor in function as Minister of ~~Human Settlements,~~ Water and Sanitation;

"pollution" means the introduction of any substance into the water supply system, a water installation or a water resource, that may make the water harmful to health or the environment, or impair its quality for the use for which it is intended;

"premises" means any piece of land, with or without improvements, the external surface boundaries of which are delineated on-

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

"prepayment meter" means a meter that can be programmed to limit the flow of water into a water installation to the amount which has been previously purchased;

"prepayment measuring system" means a meter and ancillary devices, approved by the Council, designed to measure and allocate to a consumer the quantity of water pre-purchased by himself or herself;

"prescribed" means, determined by resolution of the Council from time to time;

"prescribed fee" means a fee determined by the Council by resolution in terms of section 10G(7)(a)(ii) of the Local Government Transition Act, 1993 (Act No. 209 of 1993), or any other applicable legislation;

"prescribed tariff" means a schedule of prescribed fees;

"professional engineer" means a person registered as a professional engineer in terms of the Engineering Profession Act, 2000 (Act No. 46 of 2000);

"public notice" means at:

- (a) least two notices, each notice being in one of the official languages in general use in the area, but in a different official language to the other notice and published in at least one newspaper in general use within the area in question, preferably a newspaper published predominantly in the same language as the notice;
- (b) the broadcasting of a notice by means of radio broadcasts covering the area of jurisdiction of the Council; or
- (c) the displaying of a notice at appropriate offices and paypoints of the Council; or
- (d) the communication of the content of a notice at appropriate offices and pay points of the Council

"qualified plumber" means a person who has passed the plumbing trade test of the Department of Labour, and received a certificate therefor; or a person who holds such other qualification as may be required under the South African Qualifications Authority Act, 1995 (Act 58 of 1995);

"sanitation services" means the collection, removal and disposal or purification of human excreta, sewage and any other effluent including domestic and industrial effluent resulting from the use of water;

"SABS" means South African Bureau of Standards referred to in the standards Act 1993 (Act No.29 of 1993)

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

"sampler" means a person who takes samples for analysis from the sewage disposal and stormwater disposal systems, and who has been certified as qualified to do so by the Council.

"sewage" means waste water, industrial and commercial effluent, standard domestic effluent and other liquid waste, either separately or in combination, but does not include stormwater;

"sewage disposal system" means a structure, pipe, valve, pump, meter or other appurtenance used in the conveyance of sewage through the sewer reticulation system, and the treatment thereof at a sewage treatment plant under the control of the Council and which may be used by it in connection with the disposal of sewage;

"sewer" means any pipe or conduit which is the property of or is vested in the Council and which may be used or is intended for the conveyance of sewage from the connecting sewer but does not include a drain as defined; and "municipal sewer" has a corresponding inclusive meaning;

"standard domestic effluent" means domestic effluent with prescribed strength characteristics in respect of chemical oxygen demand, total nitrogen, total phosphates and settleable solids as being appropriate to a sewage discharge from domestic premises within the jurisdiction of the Council, but does not include industrial effluent;

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

"Systems Act" means the Local Government: Municipal Systems Act 2000 (Act No. 32 of 2000)

"terminal water fitting" means a water fitting at an outlet of a water installation that controls the discharge of water;

"trade premises" means premises upon which any form of industrial effluent is produced;

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

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

"water services" means water supply services and sanitation services, as defined in these By-laws and includes the collection and disposal of industrial effluent;

"water services work" means a reservoir, dam, well pump-house, borehole, pumping installation, purification works, sewage treatment plant, access road, electricity transmission line, pipeline, meter, fitting or apparatus built, installed or used by a water services institution –

- (i) to provide water services;
- (ii) to provide water for industrial use; or
- (iii) to dispose of industrial effluent;

"water supply services" means the abstraction, conveyance, treatment and distribution by the Council, of water for domestic, industrial and commercial purposes;

"water supply system" means a structure, aqueduct, pipe, valve, pump, meter or other apparatus relating thereto which is vested in the Council, and is used or intended to be used in connection with the supply of water;

"wet industry" means an industry which discharges industrial effluent;

"working day" means a day other than a Saturday, Sunday and public holiday;

"working month" means a calendar month excluding any Saturday, Sunday, and public holiday.

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

Meaning of certain words the same as in Acts

2. Any word or expression used in these By-laws to which a meaning has been assigned in-
 - (a) the Act will bear that meaning; and
 - (b) the National Building Regulations and Building Standards Act 1977 (Act No. 103 of 1977), and Chapter III of the Building Regulations thereunder, will bear that meaning; unless the context indicates otherwise.

Application of by-law

- 2A. This by law applies to all areas which fall under the jurisdiction of the City of Johannesburg Metropolitan Municipality

General responsibility for compliance with these By-laws, and other laws

3. (1) The owner of premises is ultimately responsible for ensuring compliance with these By-laws in respect of all or any matters relating to any installation, and if he or she is not the consumer who actually uses the water services, the owner is jointly and severally liable with such consumer in respect of all matters relating to the use of any water services on his or her property, including any financial obligation.
- (2) The consumer is primarily responsible for compliance with these By-laws in respect of matters relating to the use of any water service
- (3) No approval given under these By-laws relieves any owner or consumer from complying with any other law relating to the abstraction and use of water, or the disposal of effluent.

Levels of Service

4. (1) The Council may provide the various levels of service set out in subsection (2) to consumers at the fees set out in the schedule of fees, determined by the Council.
 - (2) The levels of service shall comprise -
 - (a) Service Level 1,

which must satisfy the minimum standard for basic water supply and sanitation services as required in terms of the Act and its applicable regulations, and must consist of-

- (i) a water supply from communal water points; and
- (ii) a shared sanitation which can be a ventilated improved pit latrine located on each site or communal ablution block;
and

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(b) Service Level 2,

which must consist of -

- (i) an unmetered water connection to each stand with an individual yard standpipe;
- (ii) a yard water borne connection connected to either a municipal sewer or a shallow communal sewer system; and
- (iii) a pour flush toilet which must not be directly connected to the water installation;

which service must be provided to consumers at the fees set out in the schedule of fees determined by the Council, provided that-

- (aa) the average water consumption per stand through the unmetered water connection for the zone or group of consumers in the zone does not exceed 6kl over any 30 day period;
- (bb) the water standpipe is not connected to any other terminal water fittings on the premises;
- (cc) in the case of a communal sewer having been installed, a collective agreement has been signed by the group of consumers accepting responsibility for the maintenance and repair of the communal sewer; and
- (dd) the Council may adopt any measures necessary to restrict the water flow to Service Level 2 consumers to 6kl per month.

(c) Service Level 3,

which must consist of -

- (i) a metered full pressure water connection to each stand; and
- (ii) a conventional water borne drainage installation connected to the Council's sewer.

- (3) If a consumer receiving Service Level 2 contravenes subparagraph (aa) or (bb) to subsection (2)(b) -
 - (a) the Council may install a prepayment meter in the service pipe on the premises; and
 - (b) the fees for water services must be applied in accordance with section 7.
- (4) The level of service to be provided to a community may be established in accordance with the policy of the Council and subject to the conditions determined by the Council.

CHAPTER 2: APPLICATION, FEES, TERMINATION AND LIMITATION

Application for water services

- 5. (1) No person, other than a consumer on Service Level 1, may consume, abstract or be supplied with water from the water supply system, or utilize the sewage disposal system or any other sanitation services, unless he or she has applied to the Council on the prescribed form for such services, and such application has been agreed to.
- (2) An application for the use of water services approved by the Council constitutes an agreement between the Council and the applicant, and takes effect on the date of notification of the applicant of the approval of the application.
- (3) The person referred to in subsection (2) will be liable for all the prescribed fees in respect of water services rendered to him or her until the agreement has been terminated in accordance with these By-laws, and is the consumer for all purposes during the currency of the agreement;
- (4) The Council, may, if it deems it necessary, require a third party to be bound jointly and severally as surety and co-principal debtor with the consumer, for the payment of any prescribed fees under these By-laws.
- (5) An application form must contain at least the following minimum information -
 - (a) a statement by the applicant that he or she is aware of and understands the contents of the form;
 - (b) acceptance by the applicant of the provisions of these By-laws, and acceptance of liability for the cost of water services rendered until the agreement is terminated;
 - (c) the name of the proposed consumer, and his or her identity or registration number, where applicable;
 - (d) the address or stand number of the premises to or on which, water services are to be rendered, or a communal water connection operates;

- (e) the address to which accounts must be sent;
 - (f) if water is to be supplied, the purpose for which the water is to be used;
 - (g) the agreed date on which the provision of water services will commence; and
 - (h) a copy of any applicable lease agreement or written confirmation from the owner or the owners agent, stating the date of occupation.
- (6) Water services rendered to a consumer are subject to the provisions of these By-laws and the conditions contained in the relevant agreement.
- (7) The applicant must be informed if the Council refuses an application for the provision of water services, or is unable to render such water services on the date requested for such provision of water services to commence, or is unable to render the water services, and the Council must furnish the applicant with the reasons therefor and, if applicable, the date when the Council will be able to provide such water services.
- (8) A consumer must elect the available services to be provided to him or her subject to the availability of infrastructure.
- (9) A consumer may at any time apply to alter the level of services elected in terms of the agreement entered into and must at all times notify the Council of any changes in the information submitted with the application.

Special agreements for water services

6. The Council may enter into a special agreement for the provision of water services to an applicant
- (a) inside its area of jurisdiction, if the service applied for necessitates the imposition of conditions not contained in the prescribed form or in these By-laws;
 - (b) outside its area of jurisdiction, if such application has been approved by the Council having jurisdiction in the area in which the premises to be supplied are situated;and
 - (c) if the Council, in terms of a special agreement, provides a supply of water to an applicant municipality or water services provider outside its area of jurisdiction, it may permit him or her to sell water to other persons outside its area of jurisdiction, if the application has been approved by the Municipality having jurisdiction in the area in which the premises is situated.

Prescribed fees for water services

7. (1) All prescribed fees payable in respect of water services rendered by the Council in terms of these By-laws, including but not limited to the payment of connection fees, fixed fees or any additional fees or interest in respect of failure to pay such prescribed or fees on the specified date must be in terms of section 10 of the Act and regulations made thereunder.

- (2) All fees determined by the Council for the use of the sewers, or for discharge into the sewage disposal system or otherwise in connection with such system are payable in accordance with the rules in Schedule A of these By-laws by the owner of the premises, or the consumer, whichever is applicable, in respect of which the fees are raised.
- (3) If any piece of land, whether or not there are any improvements thereon, is, or in the opinion of the Council could be, connected to a sewer, the owner of that land must pay to the Council the fees determined by the Council.

Deposit

8. (1) Every consumer must on application for the provision of water services and before such water services will be provided by the Council, deposit with the Council a sum of money equal to the estimated fees for two average months water services as determined by the Council.
- (2) The Council may require a consumer to whom services are provided and who was not previously required to pay a deposit, for whatever reason, to pay a deposit on request, within a specified period.
- (3) The Council may from time to time review the sum of money deposited by a consumer in terms of subsection (1) and, in accordance with such review -
 - (a) require that an additional amount be deposited by the consumer; or
 - (b) refund to the consumer such amount as may be held by the Council in excess of the revised deposit.
- (4) Subject to the provisions of subsections (5) and (8), an amount deposited with the Council in terms of subsections (1) or (2) must not be regarded as being in payment or part payment of an account due for water services rendered.
- (5) If, upon the termination of the agreement for the provision of water services, an amount remains due to the Council in respect of water services rendered to the consumer, the Council may apply the deposit in payment or part payment of the outstanding amount and refund any balance to the consumer, if the address of the consumer is known.
- (6) No interest will be payable by the Council on the amount of a deposit held by it in terms of this section.
- (7) An agreement for the provision of water services may contain a condition that a deposit will be forfeited to the Council if it has not been claimed within twelve months of the date of termination of the agreement.

- (8) In the case of disconnection of a water supply for an unpaid account, the deposit will be allocated to the unpaid account, and a new deposit must be paid before the water supply is reconnected.

Payment for water services

- 9. (1) Water services provided by the Council to a consumer must be paid for by the consumer at the prescribed fees, for the particular category of water services provided.
- (2) The owner and consumer are jointly and severally liable and responsible for payment for all water services provided in respect of the premises from the date of commencement of the services until the date of termination thereof.
- (3) The Council may estimate the quantity of water services provided in respect of a period or periods within the interval between successive measurements which may not be more than 180 days apart, and may render an account to a consumer for the services so estimated, which estimate must, for the purposes of these By-laws, be regarded as an accurate measurement until the contrary is proved.
- (4) If a consumer uses water supply services for a category of use other than that for which it is provided by the Council in terms of an agreement and as a consequence is charged at a rate lower than the rate which should have been charged, the Council may make an adjustment of the amount charged in accordance with the rate which should have been charged and recovered from the consumer the fees payable in accordance with such adjustment, and may also review the amount of the deposit held, in accordance with section 8(3).
- (5) If amendments to the prescribed fees for water services provided become operative on a date between measurements for the purpose of rendering an account in respect of such fees -
 - (a) the same quantity of water services must be regarded as having been provided in each period of twenty-four hours during the interval between the measurements; and
 - (b) any prescribed fee must be calculated on a pro rata basis in accordance with the prescribed fee which applied immediately before such amendments.
- (6) Failure by the Council to comply with the period of 180 days referred to in subsection (3) will not disentitle the Council from recovering any monies due to it by a consumer.

Payment in respect of prepayment meters

- 9A. When a consumer is supplied with water through a prepayment meter, in addition to the requirements of sections 8 and 9:
- (a) no refund of the amount tendered for the purchase of water credit shall be given at the point of sale after initiation of the process by which the prepayment meter token is produced;
 - (b) when a consumer vacates any premises where a prepayment meter is installed, no refund for the credit remaining in the meter shall be made to the consumer; and
 - (c) the Council shall not be liable for the reinstatement of credit in a prepayment meter lost due to tampering with, or the incorrect use or the abuse of, a prepayment meter and/or token.

Accounts

10. (1) Accounts must be rendered and administered in accordance with the requirements of the Council.
- (2) If it is established that a meter is defective, the Council must, in accordance with section 35:
- (a) in the case of a conventional meter, adjust the account rendered;
 - (b) in the case of a prepayment meter, (a) render an account where the meter has been under-reading; or (b) issue a free token where the meter has been over-registering.
 - (c) All water and sanitation accounts shall be dealt with in accordance with the Credit Control and Debt Collection Policy, any applicable by-law, law or policy.

Termination of agreements

11. (1) Subject to the provisions of section 10
- (a) a consumer may terminate an agreement for the provision of water services by giving to the Council not less than seven days' notice in writing of his or her intention to do so;
 - (b) the Council may, by notice in writing of not less than 30 days, advise a consumer of the termination of his or her agreement for the provision of water services if -
 - (i) he or she has not used the water services during the preceding six months and has not made arrangements to the satisfaction of the Council for the continuation of the agreement;

- (ii) he or she has failed to comply with the provisions of these By-laws and has failed to rectify such failure to comply following the issue of a compliance notice contemplated in section ~~##-125~~ or has failed to pay prescribed fees due and payable: Provided that the provisions of the Act, these By-laws and any other applicable law must be followed before the agreement is terminated; or
 - (iii) an arrangement has been made by such consumer with another water services institution to provide water services to the consumer;
- (2) the Council may, after having given notice, terminate an agreement for services if a consumer has vacated the premises to which such agreement relates.
- (3) (a) If it is determined by a body legally empowered to do so, other than the Council that an existing water service on private property, or emanating from private property, is creating environmental damage, or water pollution, or water wastage, and the owner of the property, or the consumer, whichever is applicable, is directed to carry out such measures as are required under any Act or law to rectify the situation, the Council is not liable for any damages arising as a result of the measures required to be taken or in respect of damages suffered as a result of a permanent or temporary termination of the services.
- (b) Should the consumer fail to carry out such measures, the Council may, subject to the provisions of Chapter 4, undertake the measures required, and any expenditure incurred may be recovered from the owner of the premises or the consumer as the case may be.

Limitation and/or discontinuation of water services

12. (1) Subject to the provisions of sections 10 and 11, the Council may limit or discontinue water services provided in terms of these By-laws -
- (a) at the written request of a consumer;
 - (b) if the agreement for the provision of services has been terminated in terms of section 11 and the Council has not received an application for subsequent services to the premises, within a period of ninety days of such termination;
 - (c) if the building on premises to which services were provided has been demolished;
 - (d) if the consumer has unlawfully interfered with the water installation or service in any way;
 - (e) in an emergency;
 - (f) if there has been material abuse of the water services by the consumer or an occupier of the premises; or
 - (g) if the use of the water services is creating significant environmental damage or water pollution.

- (2) The Council will, where a water service has been in terms of subsection (1) discontinued, only be obliged to restore it when the prescribed fees for the discontinuation and reconnection of the water service and any applicable deposit have been paid.
- (3) The Council is not liable for any damages or claims that may arise from the restriction or discontinuation of water supply and sanitation services in terms of subsection (1) except in case of willful or negligent acts or omissions on the part of its part

Restoration of water services

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

Water services via, and responsibility for, a communal sewer

14. The Council must provide sanitation services in respect of a communal sewer, only once an agreement whereby the community served by that sewer has, by means of an association or other legal entity, concluded an agreement for the maintenance and repair of the communal sewer with the Council, and such service must be supplied in accordance with the provisions of that agreement, read with the provisions of these By-laws.

CHAPTER 3: OBLIGATIONS AND PROHIBITIONS

Obligations

15. (1) The Council must take reasonable measures to realize the right of every person to a basic water supply and sanitation services as defined in the Act, subject to the limitations contained in the Act.
- (2) Notwithstanding this basic right, every person who is the head of a household or in charge of a business enterprise or industrial undertaking or the representative of any such person, and who or which desires to consume water must make application to the Council to acquire such services.
- (3) If the Council is unable to meet the general requirements of all its consumers, it must give preference to providing a basic water supply and basic sanitation services to all its consumers.

- (4) The Council shall not be obliged to provide water services -
- (a) to areas or consumers outside the defined limits of the Council's area of jurisdiction; and
 - (b) where, due to the nature of the topography, water services cannot be provided economically and/ or cost effectively.

Prohibition of access to water services other than through the Council

16. (1) No person is permitted to have access to water services from a source other than the Council, without its written approval.
- (2) Despite the provisions of subsection (1) hereof, a person who, at the commencement of these By-laws, was using water from another source may continue to do so –
- (a) for a period of 60 days after he or she has applied for approval;
 - (b) thereafter until the application for approval is granted, if it has not been granted within that period; or
 - (c) for a reasonable period thereafter, within the discretion of the Council, if the application for approval is refused.
- (3) In granting approval, the Council may require the person seeking approval to supply such services as may be specified in the approval to others on reasonable terms, which must be specified by the Council.

Environmental ~~impact assessments~~authorisations

17. (1) If an Environment Impact Assessment (EIA) is required to be carried out before the provision of the water services can be approved or commenced, the applicant for such services shall be responsible for the carrying out of such EIA, and for the expenses connected therewith
- (2) If water use authorization is required to be carried out in terms of the National Water Act, 1998 before the provision of the water services can be approved or commenced, the applicant for such services shall be responsible for the carrying out of such authorization, and for the expenses connected therewith.
- (23) After environmental approval has been granted and the provision of water services has been approved by the Council, it is the responsibility of the proposed consumer or any entity established under any law to represent the property interests of any consumer or group of consumers to ensure that all laws and conditions affected by the provisions of water services and relating to environmental management and control are complied with.

Unauthorised use of water services

18. (1) No person may gain access to water services from the water supply system, sewage disposal system or any other sanitation services unless an agreement has been entered into with the Council for the rendering of those services.
- (2) A designated officer may issue a compliance notice in terms of section ~~44~~125 to ensure compliance with subsection (1) by, inter alia, ordering a person making unauthorised use of water services to -
- (a) apply for such services in terms of section 5 or 6; and
 - (b) undertake and complete, to the reasonable satisfaction of the designated officer, such plant as may be necessary to ensure that the consumer installation through which access was gained complies with the provisions of these By-laws, and to make application in the prescribed manner for such services.

Purpose of water services

19. Where the purpose or extent for which water services are used is changed, the consumer must inform the Council, and must enter into a new agreement with the Council, expressed to be effective from the date on which such change of use took or will take effect.

Interference with water supply system or any sanitation services

20. (1) No person may –
- (a) operate or maintain any part of the water supply system;
 - (b) operate any sewage disposal system;
 - (c) effect a connection or reconnection to the water supply system or sewage disposal system; or
 - (d) render any other sanitation services,
- unless in any such case he or she has been authorized to do so by the Council in writing.
- (2) No person may interfere with, or willfully or negligently damage, or permit damage to or interference with any part of the water supply system or sewage disposal system belonging to the Council.

Obstruction of access to water supply system or any sanitation service

21. No person may prevent or restrict physical access to the water supply system or sewage disposal system by any employee or authorised representative of the Council.

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Trespassing on water supply system

22. A person may not enter into an area used by the Council in connection with its water services works which is enclosed by a fence; or entry is prohibited by notice boards; and a structure used by the Council in connection with its water supply system, without prior written permission of the Council.

SECTION B: WATER SUPPLY SERVICES

CHAPTER 4: CONNECTION OF WATER SUPPLY

Provision of connection pipe

23. (1) If an agreement for water supply services in respect of premises has been concluded and no connection pipe exists in respect of the premises, the owner must make application on the prescribed form and pay the prescribed fees for the installation of such a pipe, which fees shall not apply to consumers on Service Level 1 and Service Level 2.
- (2) If application is made for water supply services which are of such an extent or so situated that it is necessary to extend, modify or upgrade the water supply system in order to supply water to the premises, the Council may agree to the extension, modification or upgrade, if the owner pays for the cost thereof, as determined by the Council and subject to such conditions as Council may impose.

Location of connection pipe

24. (1) A connection pipe provided and installed by the Council must-
- (a) be located in a position determined by the Council after consultation with the owner referred to in section 23(1), and be of a suitable size as determined by the Council; and
 - (b) terminate at the boundary between the land owned by or vested in the Council, or over which either of them has a servitude or other right, and the owner's premises.
- (2) If there is land between the boundary of land owned by or vested in the Council and the land of an owner who has made an application referred to in subsection (1), and the intervening land is not subject to a servitude or other right to carry a connection pipe, such pipe must terminate at the boundary of the land owned by the Council, or vested in it.
- (3) The Council shall be liable for the maintenance of any meter and associated valve which may be situated on the consumer's premises.
- (4) The Council may, at the request of any person, agree, subject to such conditions as it may impose, to a connection to a main other than that which is most readily available for the provision of water supply to the premises if the applicant agrees to be responsible for any extension of the water installation to the connecting point designated and agreed to by the Council and for obtaining at his or her cost, such servitudes over other property as may be necessary.

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

25. (1) Only one connection pipe to the water supply system may be provided for the supply of water to any premises, irrespective of the number of accommodation units, business units or consumers located on such premises.
- (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 separate supply to the different units or consumers, the Council may, in its discretion, provide and install either -
- (a) a single measuring device in respect of the premises as a whole or a number of such units or consumers; or
 - (b) a separate measuring device for each such unit or consumer or any number thereof.
- (3) Where the Council has installed a single measuring device as contemplated in subsection (2)(a), the owner or the person having the charge or management of the premises, as the case may be -
- (a) must, if the Council so requires, install and maintain on each branch pipe extending from the connection pipe to the different units or consumers-
 - (i) a separate measuring device; and
 - (ii) an isolating valve; and
 - (b) is liable to the Council for the prescribed fees for all water supplied to the premises through such single measuring device, irrespective of the different quantities consumed by the different consumers served by such measuring device.
- (4) Notwithstanding the provisions of subsection (1), the Council may permit more than one connection pipe to be provided on the water supply system for the supply of water to any premises comprising sectional title units or if, in the opinion of the Council, undue hardship or inconvenience would be caused to any consumer on such premises by the provision of only one connection pipe.
- (5) Where the provision of more than one connection pipe is authorised by the Council in terms of subsection (4), the prescribed fees for the provision of a connection pipe are payable in respect of each water connection so provided.
- (6) Where premises are supplied with water by a number of connection pipes, the Council may require the owner to reduce the number of connection points and alter his or her water installation accordingly at the owner's expense

Interconnection between premises or water installations

26. An owner of premises must ensure that no interconnection exists between –
- (a) the water installation on his or her premises and the water installation on any other premises; or
 - (b) where several dwelling or business units are situated on the same premises, the water installations of such units,

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

Disconnection of water installation from connection pipe

27. The Council may disconnect a water installation from the connection pipe and remove the connection pipe if -
- (a) the agreement for supply has been terminated in terms of section 11 and it has not received an application for a subsequent supply of water to the premises served by the pipe within a period of 90 days of such termination; or
 - (b) the building on the premises concerned has been or is in the process of being demolished pursuant to the grant of a permit for such demolition in terms of law.

Water supplied from a hydrant

28. (1) The Council may authorize a temporary supply of water to be taken from one or more fire hydrants specified by it, subject to such conditions and for such period as may be generally prescribed or specifically imposed by it in respect of such supply.
- (2) Except in an emergency, a person who requires a temporary supply of water referred to in subsection (1) must apply therefor.
- (2) The Council may, for the purpose of supplying water from a hydrant, provide a portable water meter to be returned to the Council on termination of the temporary supply, which portable meter and all other fittings and apparatus used for the connection of the potable water meter to a hydrant remains the property of the Council and will be provided subject to any conditions imposed by the Council.

CHAPTER 5: STANDARDS AND MEASUREMENTS

Quantity, quality and pressure

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

General conditions of supply

30. (1) Subject to the provisions of the Act, the supply of water by the Council does not constitute an undertaking by it to maintain at any time or any point in its water supply system -
- (a) an uninterrupted supply;
 - (b) a specific pressure or rate of flow in such supply; or
 - (c) a specific standard of quality of water.

Provided that if the water supply to a consumer is interrupted for more than 24 hours, the Council must provide an alternative basic water supply as soon as reasonably practicable.

- (2) The Council may specify the maximum height above ground level or mean sea level to which water is supplied from the water supply system.
- (3) If an owner requires that any of the standards contemplated in section 9 of the Act, be maintained on his or her premises, he or she must make provision in the water installation for such maintenance.
- (4) The Council, may, in an emergency, interrupt the supply of water to any premises without prior notice.
- (5) If the consumption of water by a consumer adversely affects the supply of water to any other consumer, the Council may apply such restrictions as are necessary, to the supply of water to the first mentioned consumer, in order to ensure a reasonable supply of water to the other consumer or consumers concerned, and must inform the first mentioned consumer of such restrictions.
- (6) The Council will not be liable for any damage to property caused by water flowing from fittings left open when the water supply is re-instated, following an interruption in supply for any reason
- (7) Every steam boiler and any premises which require, for the purpose of the work undertaken on the premises, a continuous supply of water, must have a cistern fitted and

in working order and holding a water supply deemed adequate by the occupier of the premises.

- (8) No consumer may resell water supplied to him by the Council except with the written permission of the Council, which may stipulate the maximum price at which the water may be resold, and may impose such other conditions as the Council may deem necessary.
- (9) The Council does not undertake to maintain sufficient pressure in the water supply system to ensure the operation of manually actuated toilet flushing valves which require a specified minimum pressure to operate.

Measuring of quantity of water supplied

- 31. (1) The Council must measure the quantity of water supplied at such regular intervals as the Council may determine, but which must not exceed 180 days.
- (2) Any measuring device through which water is supplied to a consumer by the Council, and its associated apparatus, must be provided and installed by the Council, and remains its property, and may be changed and maintained by the Council when deemed necessary by it.
- (3) The Council may install a measuring device, and its associated apparatus, at any point on the service pipe.
- (4) If the Council installs a measuring device on a service pipe in terms of subsection (3), it may install a section of pipe and associated fittings between the end of its connection pipe and the meter, and such section is deemed to form part of the water installation.
- (5) If the Council installs a measuring device together with its associated apparatus on a service pipe in terms of subsection (3), the owner must –
 - (a) provide a place satisfactory to the Council in which to install it;
 - (b) ensure that unrestricted access is available to it at all times;
 - (c) be responsible for its protection and be liable for the costs arising from damage thereto, excluding damage arising from normal fair wear and tear;
 - (d) ensure that no connection is made to the pipe in which the measuring device is installed, between the measuring device and the connection pipe or water main serving the installation;
 - (e) make provision for the drainage of water which may be discharged, from the pipe in which the measuring device is installed, in the course of work done by the Council on the measuring device;

- (f) not use nor permit to be used on any water installation, any fitting, machine or appliance which causes damage or, in the opinion of the Council, is likely to cause damage to any meter.
- (6) No person other than an authorized official of the Council may –
 - (a) disconnect a measuring device and its associated apparatus from the pipe in or to which they are installed or connected;
 - (b) break a seal which the Council has placed on any meter; or
 - (c) in any other way interfere with a measuring device and its associated apparatus.
- (7) If the Council considers that, in the event of the measuring device being a meter, the size of the meter is unsuitable by reason of the quantity of water supplied to premises, it may install a meter of such size as it may deem necessary, and may recover from the owner of the premises concerned the prescribed fees for the installation of the replacement meter.
- (8) The Council may, at the owner's expense, install or require the installation, of a measuring device to each business or dwelling unit on any premises, if such units are in separate occupancy, for use in determining the quantity of water supplied to each such unit: Provided that where a fixed quantity water delivery system is used, a single measuring device may be used to supply more than one unit.
- (9) Failure by the Council to comply with the period of 180 days referred to in subsection (1), will not disentitle the Council from recovering any monies due to it by a consumer.

Quantity of water supplied to consumer

- 32. (1) For purposes of assessing the quantity of water supplied to a consumer during any period and measured by a measuring device installed by the Council over a specific period, for the purposes of these By-laws it will be deemed that, other than in the case of prepayment meters -
 - (a) the quantity is represented by the difference between measurements taken at the beginning and end of such period;
 - (b) the measuring device was accurate during such period; and
 - (c) the entries in the records of the Council were correctly made.
- (2) If water is supplied to, or taken by, a consumer without its passing through a measuring device, the estimate by the Council of the quantity of such water will be deemed to be correct.
- (3) Where water supplied by the Council to any premises is in any way taken by the consumer without such water passing through any measuring device provided by the Council, the

Council may for the purpose of rendering an account, make an estimate, in accordance with subsection (4), of the quantity of water supplied to the consumer during the period that water is so taken by the consumer.

- (4) For the purposes of subsection (3), an estimate of the quantity of water supplied to a consumer must be based on –
 - (a) the average monthly consumption of water on the premises registered over three succeeding measuring periods taken over not more than 180 days in total, after the date on which the irregularity referred to in subsection (2) was discovered and rectified, and/or
 - (b) the period preceding the date applicable in subsection (2) but not exceeding 36 months.
- (5) Nothing in these By-laws may be construed as imposing on the Council an obligation to cause any measuring device installed on any premises to be measured at the end of any fixed period, and the Council may estimate the quantity of water supplied over any period during the interval between successive measurements of the measuring device, which may not be more than 180 days apart, and render an account to a consumer for the quantity of water so estimated.
- (6) The Council must, on receipt from the consumer of written notice of not less than seven days and subject to payment of the prescribed fees, measure the quantity of water supplied to such consumer at a time or on a day other than that upon which it would normally be measured.
- (7) If a contravention of section 31(6) occurs, the consumer must pay to the Council the cost of such quantity of water estimated by the Council to have been supplied to the consumer.
- (8) Until such time as a measuring device has been installed in respect of water supplied to a consumer, the estimated consumption of that consumer must be based on the average consumption of water supplied to the specific zone within which the consumer's premises are situated, during a specific period.
- (9) Where in the opinion of the Council it is not reasonably possible or cost effective to measure water supplied to each consumer within a particular zone, the Council may determine the fees to be paid by each consumer within that zone irrespective of actual consumption.
- (10) Fees determined in terms of subsection (9) will be based on the estimated average consumption of water supplied to that zone.
- (11) Where water supply services are provided through a communal water services work, the amount due and payable by consumers gaining access to water supply services through

that communal water services work, will be based on the estimated average consumption of water supplied to that water services work, and the decision of the Council in arriving at that amount is final and binding on each consumer affected thereby, unless legally set aside.

- (12) For the purposes of subsections (8) and (9), a zone is that local area of land, of which the premises occupied by the consumer is a part, which is zoned in terms of a town planning scheme or an integrated development plan for homogeneous usage.
- (13) Failure by the Council to comply with the period of 180 days referred to in subsections (4)(a) and (5), will not disentitle the Council from recovering any monies due to it by a consumer.

Prepayment Metering

- 32A (1) Prepayment metering systems shall comply with the requirements of SABS Code 1529: Part 9- 2002, or as amended.
- (2) The conditions set out in sections 31, 32, 33, 33A, 34 and 35 in respect of conventional meters must apply in respect of prepayment meters unless otherwise provided for in these By-laws.

Defective measurement

- 33. (1) If a consumer has reason to believe that a measuring device, used for measuring water, which was supplied to him or her or installed by the Council, is defective, he or she may, against payment of the prescribed fee, make application in writing for the measuring device to be tested.
- (2) The consumer referred to in subsection (1) must lodge a deposit equal to the cost of the test with the Council, prior to the test being undertaken.
- (3) If it is alleged that a measuring device is inaccurate, the device must be subjected to a standard industry test to establish its accuracy.
- (4) The consumer referred to in subsection (2), must be informed of the possible cost implications including the estimated cost of such test, as set out in subsection (5)(a) prior to such test being undertaken.
- (5) If the outcome of any test shows that a measuring device is -

- (a) measuring within a prescribed range of accuracy and a verification certificate is issued by the laboratory, the consumer will be liable for the costs of such test and any other amounts outstanding; or
 - (b) measuring outside a prescribed range of accuracy and a rejection certificate with reason(s) for rejection is issued by the laboratory, which is not due to any act or omission of the consumer, the Council will be liable for the costs of such test and the consumer must be informed of the amount of any credit to which he or she is entitled.
- (6) Any deposit lodged by a consumer for the testing of a measuring device -
- (a) may be retained by the Council if the measuring device is found not to be defective; or
 - (b) must be refunded to the consumer if the measuring device is found to be defective, and the defect is not due to any act or omission of the consumer;
- (7) If the measuring device is -
- (a) a meter to which the regulations relating to water meters published under the Legal Metrology Act, are applicable, it will be deemed to be defective if, when tested in accordance with SANS 1529 Part 1, or as amended, and it is found to be outside the prescribed range of accuracy.
 - (b) a meter of a size greater than 100mm diameter but not exceeding 800mm diameter to which the specification referred to in subsection (a) is not applicable, it will be deemed to be defective if, when tested in accordance with SABS Code 1529 Part 4, or as amended, and it is found to be outside the prescribed range of accuracy.
 - (c) a prepayment water measuring system, this shall be deemed to be defective if, when tested in accordance with SABS Code 1529 Part 9 –2002, or as amended, it is found to have a percentage error in over-registration or under-registration greater than that permitted in terms of that specification.
- (8) In addition to applying the provisions of subsection (6), if the measuring device is found to be defective, the Council must-
- (a) install another device which is in good working order, without charging the consumer, unless the costs thereof are recoverable from the consumer where section 31(6) has been contravened;
 - (b) determine the quantity of water services for which the consumer will be charged on the basis set out in section 35.
- (9) A consumer is entitled, on giving the Council reasonable notice of his, her or its intention, to be present at the testing of any meter in which the consumer is interested.

- (10) Any meter removed for testing by the Council must be retained intact and be available for inspection for a period of five years after testing.

Special measurement

- 33A. (1) If the Council wishes, for purposes other than charging for water consumed, to ascertain the quantity of water which is used in a part of a water installation, it may, by written notice, advise the owner of the premises affected, of its intention to install a measuring device at such point in the water installation as it may specify.
- (2) The installation of a measuring device referred to in subsection (1), its removal, and the restoration of the water installation after such removal must be carried out at the expense of the Council.
- (3) The provisions of section 33 apply in respect of a measuring device installed in terms of subsection (1).

No reduction of amount payable for water wasted

34. A consumer is not entitled to a reduction of the amount payable in respect of water wasted or water losses in a water installation.

Adjustment of quantity of water supplied through defective measuring device

35. (1) If a measuring device is found to be defective, the Council may estimate the quantity of water supplied to the consumer concerned during the period in which, in its opinion, such measuring device was defective, on the basis of the average daily quantity of water supplied to him or her over-
- (a) a period between two successive measurements subsequent to the replacement of the measuring device or, if this is not possible;
 - (b) the period in the previous year, corresponding to the period in which the measuring device was defective; or, if this is not possible;
 - (c) the period between three successive measurements prior to the measuring device becoming defective.
 - (d) in the case of prepayment meter, issue a debit where the meter has been under-reading or issue a credit where the meter has been over-registering and the adjustment can only be for a period not more than three years from the date on which the meter began to register incorrectly.
- (2) (a) If the quantity of water supplied to a consumer during the period when his or her measuring device was defective cannot be estimated in terms of subsection (1), the Council may estimate the quantity; and

the consumer must be informed of the method used by the Council to estimate the quantity of water supplied to him or her, as contemplated in subsections (1) and (2), and given an opportunity to make representations to the Council before a final estimate is arrived at.

CHAPTER 6: INSTALLATION WORK AND PROTECTION OF THE WATER SUPPLY SYSTEM

Approval of installation work

- 36(1) If an owner wishes to have installation work done, he or she must first obtain the written permission of the Council: Provided that permission is not required in the case of water installations in dwelling units or installations where no fire installation is required in terms of SABS Code 0400, or as amended or in terms of any by-laws, or for the repair or replacement of an existing pipe or water fitting, other than a fixed water heater and its associated protective devices.
- (2) If any of the installation work is governed by the EIA Regulations, then the owner must ensure compliance and obtain the relevant authorization in respect thereof.
- (3) Application for the permission referred to in subsection (1) must be made on the prescribed form and must be accompanied by -
- (a) the prescribed fees, if applicable;
 - (b) copies of the drawings as prescribed by the Council, reflecting the information and in the form required by Clause 4.1.1 of SABS Code 0252 : Part I, or as amended; or
 - (c) a certificate from a professional engineer or qualified plumber certifying that the installation has been designed in accordance with SABS Code 0252 : Part I, or as amended or has been designed on a rational basis.
- (4) The provisions of subsections (1), (2) and (3) do not apply to a qualified plumber who replaces a fixed water heater or its associated protective devices.
- (5) Any authority given in terms of subsection (1) lapses at the expiry of a period of twenty-four months after the first day of the month succeeding the month in which the authority is given.
- (6) A complete set of approved drawings of installation work must be available at the site of the work at all times until such work has been completed, where permission is required in terms of subsection (1).

- (7) If installation work has been done in contravention of subsections (1), (2) or (3), a designated officer may, subject to the provisions of Chapter 4, issue a compliance notice requiring the owner of the premises concerned -
- (a) to comply with the relevant subsection, within a specified period;
 - (b) if the work is still in progress, to cease the work; and
 - (c) to remove all such work as does not comply with these By-laws.

Persons permitted to do installation and other work

37. (1) No person who is not a qualified plumber may be permitted to –
- (a) do any installation work other than the replacement or repair of an existing pipe or water fitting;
 - (b) replace a fixed water heater or its associated protective devices;
 - (c) inspect, disinfect or test a water installation, fire installation or storage tank;
 - (d) service, repair or replace a back flow preventer; or
 - (e) install, maintain or replace a meter provided by an owner in a water installation
- (2) No person may require or engage a person who is not a qualified plumber to do the work referred to in subsection (1).
- (3) Notwithstanding the provisions of subsection (1), the Council may permit a person who is not a qualified plumber to do installation work on his or her own behalf on premises owned and occupied solely by himself or herself and his or her household, provided that such work may be required to be inspected and approved by a qualified plumber at the ~~direction~~ discretion of the Council.

Provision and maintenance of water installation

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

Technical requirements for a water installation

39. (1) Notwithstanding the requirement that a certificate be issued in terms of section 36(3)(c), all water installations must comply with SABS Code 0252 Part 1, or as amended and all fixed electrical storage water heaters must comply with SABS Code 0254, or as amended.
- (2) In addition to any requirement of SABS Code 0252 Part 1, or as amended the consumer must, at his or her own expense, or the Council may in its discretion and at the consumer's expense, and for the consumer's exclusive use, provide and install a stop-cock at a suitable point inside the boundary of the premises on the consumer's side of the meter leading to the water installation.

Use of pipes and water fittings to be authorized

40. (1) No person may, without the prior written permission of the Council, install or use a pipe or water fitting in a water installation within the Council's area of jurisdiction unless it is of a type that is included in the schedule of approved pipes and fittings as compiled by the Council.
- (2) Application for the inclusion of a type of pipe or water fitting in the schedule referred to in subsection (1), must be made on the form prescribed by the Council and be accompanied by the prescribed fees.
- (3) A type of pipe or water fitting may be included in the schedule referred to in subsection (1) if
- (a) it bears the standardization mark of the South African Bureau of Standards in respect of the relevant SABS specification issued by the Bureau; or
 - (b) it bears a certification mark issued by the SABS to certify that the type of pipe or water fitting complies with an SABS mark, specification or a provisional specification issued by the SABS: Provided that no certification marks shall be regarded as valid if issued more than two years previously.
- (4) The Council may, in respect of any type of pipe or water fitting included in the schedule, impose such additional conditions as it may deem necessary in respect of the use or method of installation thereof.
- (5) A type of pipe or water fitting may be removed from the schedule if it -
- (a) no longer complies with the criteria upon which its inclusion was based; or
 - (b) is no longer suitable for the purpose for which its use was accepted.

- (6) The current schedule referred to in subsection (1) must be available for inspection at the office of the Council at any time during working hours.
- (7) The Council may sell copies of the current schedule at the prescribed fees.

Unlawful water installation work

41. Where any installation work has been constructed in contravention of the provisions of these By-laws, the owner must on receiving a compliance notice by the Council carry out such alterations to the installation as prescribed in the notice and the Council may recover such damages as it may have suffered.

Labeling of terminal water fittings and appliances

42. A terminal water fitting and appliance using or discharging water must be marked, or have included within the packaging of the item, the following information:
- (a) the range of pressure in kPa over which the water fitting or appliance is designed to operate; and
 - (b) the flow rates, in litres per minute, related to the design pressure range, including at least the following water pressures -
 - (i) 20 kPa;
 - (ii) 100 kPa; and
 - (iii) 400 kPa.

Owner to prevent pollution of water

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

Protection of water supply system

- 43A. (1) The owner must take any of the measures referred to in subsection (2) to prevent the backflow of water from the water installation to the water supply system in the case of-
- (a) a fire or combined installation on premises; and

(b) a general installation serving the following activities-

- (i) medical treatment of people or animals;
- (ii) medical, pharmaceutical or chemical research and manufacturing;
- (iii) agriculture, including dairies and nurseries;
- (iv) photographic processing;
- (v) laundering and dry-cleaning;
- (vi) metal plating;
- (vii) treatment of skins and hides; and

(c) a general installation serving-

- (i) mortuaries;
- (ii) abattoirs;
- (iii) sewage purification works;
- (iv) refuse processing plants;
- (v) oil processing and storage facilities;
- (vi) wineries, distillers, breweries, yeast and cold drink factories;
- (vii) sports facilities; or
- (viii) any other premises on which an activity is carried out which in the opinion of the Council is likely to cause a danger to health or affect the potability of water in the event of a substance resulting from such activity entering the water supply system; and

(d) a general installation on any premises after a compliance notice by the Council to do so.

(2) The measures required in terms of subsection (1) are-

(a) the discharge of water from the service pipe into a storage tank through an air gap;
or

(b) the passing of water through-

- (i) a reduced pressure backflow preventer; or
- (ii) a double check backflow preventer; or

(c) any other measures approved by the Council which achieve the same purpose.

Design and installation of backflow preventer

43B. (1) A backflow preventer contemplated in section 43A must be designed and installed in accordance with the requirements of SABS Code 0252 Part 1, or as amended.

- (2) A backflow preventer must be installed in a readily accessible position where it can be inspected, and from which it can be removed for purposes of service, repair and replacement without alteration to the water installation or on the structure within which it is situated.

Inspection and servicing of backflow preventer

- 43C. (1) The owner of premises on which a reduced pressure or double check backflow preventer is installed must, at his own expense, cause the backflow preventer to be-
- (a) inspected and serviced not less than once in every 12 months to ensure that it is in working order; and
 - (b) replaced or completely overhauled once in every 5 years.
- (2) The owner shall maintain a record of the inspections and services referred to in subsection (1) in which shall be recorded:
- (a) the name and address of the contractor who carried out the servicing;
 - (b) the date on which the work was done; and
 - (c) the details of the repairs or replacements that were effected;
- (3) The record of inspections shall be kept available for inspection by the Council.

Protection of water installations

- 43D. (1) The owner of any premises must prevent the back siphonage into his or her water installation of a 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 movable 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.

CHAPTER 7: DISTRIBUTION AND TESTING

Testing of pressure in water supply system

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

Pipe in street or public place

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

CHAPTER 8: FIRE EXTINGUISHING

Special provisions for fire services

46. (1) Any water installation for the provision of water for firefighting purposes, must comply with the provisions of SABS Code 0252-1:1994 or any revision or substitution thereof.
- (2) Notwithstanding the provisions of subsection (1), the special provisions contained in sections 46-56 apply, insofar as they are applicable, to the supply of water for firefighting purposes.

Payment for fire services

47. The consumer and the owner of the premises are jointly and severally liable to pay the fees determined by the Council, in respect of any fire extinguishing installation or appliance used or installed upon such premises.

Dual and combined installations

48. Any new building erected after the adoption of these By-laws must comply with the following requirements in relation to the provision of fire extinguishing services -
- (a) If, in the opinion of any officer or employee of the Council charged with the approval of plans, boosting of the system is required, either in terms of ensuring adequate pressure or supply of water for the purposes which the system is intended to meet, a dual pipe system

must be used, one for fire extinguishing purposes and the other for general domestic purposes;

- (b) Combined installations, in which the same pipes and fittings are used for fire extinguishing and general domestic purposes, are only permitted where no booster pumping connection is provided on the water installation;
- (c) In the circumstances contemplated in paragraph (b), a fire hydrant must be provided by the Council, at the consumer's expense, within 90 metres of the property to provide a source of water for the use of the crew of any fire tender sent to extinguish a fire; and
- (d) All pipes and fittings must be capable of handling pressures in excess of 1015 kPa, which could be expected when boosting takes place and must be designed to maintain their integrity when exposed to fire conditions.

Connection pipes for fire extinguishing services

49. (1) A single connection to the water supply system, to serve a connection pipe for a fire installation, excluding a sprinkler system, may be provided by the Council.
- (2) The Council may provide and install at its cost a meter on the connection pipe referred to in subsection (1).
- (3) Where, there is an existing connection pipe for the sole purpose of fire extinguishing services, such connection pipe may only be used for that purpose.
- (4) No take-off of any kind from any connection pipe referred to in subsection (3) may be made, nor may any water therefrom be used except in connection with an automatic sprinkler and drencher, a hydrant connection or a hose-reel connection, or for any pressure tank connection therewith, and such tank must be controlled by an approved fitting.
- (5) A separate connection pipe must be laid and used for every fire sprinkler extinguishing system, unless otherwise approved.

Valves in connection pipe

50. Every connection pipe must be fitted with a proper gate valve, which must be -
- (a) supplied by the Council at the expense of the consumer;
 - (b) installed between the consumer's property and the main;
 - (c) of the same diameter as the connection pipe; and
 - (d) installed in such position as may be specified by the Council.

Inspection and approval of fire extinguishing installation

51. No water may be supplied to any fire extinguishing installation until -
- (a) it has been inspected and tested by the Council;
 - (b) the Council has certified in writing that such water installation is complete and complies with the requirements of these By-laws; and
 - (c) the fees determined by the Council for such inspection and testing have been paid.

Connection to be at the pleasure of the Council

52. (1) The Council, is entitled, in its absolute discretion, to grant or refuse an application for the connection of a fire extinguishing installation to its main.
- (2) If in its opinion a fire extinguishing installation which it has allowed to be connected to its main is not being kept in proper working order or is otherwise not being properly maintained, or is being used in contravention of sections, 49(3) or 49(4), the Council is entitled either to require the installation to be disconnected from the main, or itself to carry out the work of disconnecting it at the expense of the owner or consumer, as the case may be.

Meter in fire extinguishing connection pipe

53. The Council is entitled to install a water meter in any connection pipe used solely for fire extinguishing purposes, and the owner of the premises will be liable for the whole of the cost of so doing if it appears to the Council that water has been drawn from the pipe otherwise than for the purpose of extinguishing a fire.

Sprinkler extinguishing installation

54. A sprinkler installation may be installed in direct communication with the main, but the Council is not bound to guarantee any specified pressure at any time.

Header tank or double supply from main

55. (1) Unless a sprinkler installation is provided with a duplicate or reserve supply from a separate main, the consumer must install a header tank on or in the building or structure at such elevation as will compensate for any failure or reduction of pressure in the Council's main.
- (2) The main pipe leading from such header tank to the sprinkler installation may be in direct communication with the main from which the principal supply of water is drawn, provided

that such main pipe must be equipped with a reflux valve which, if the pressure in the main fails or is reduced for any reason, will shut off the opening to the main.

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

Sealing of private fire hydrants

56. (1)(a) Except in the case of a fire installation supplied through a connection pipe fitted with a meter, a private hydrant and hose-reel must be sealed by the Council and such seal may not be broken by any person other than the Council in the course of servicing and testing, except for the purpose of opening the hydrant in the case of fire.
 - (b) Every owner or consumer must give the Council at least 48hours' notice of his or her intention to cause a fire extinguishing installation to be serviced and tested.
- (2) The cost of resealing a hydrant and hose-reel referred to in subsection (1)(a), must be borne by the consumer except when such seal is broken by the Council 's employee for testing purposes.
- (3) Any water consumed after the breaking of the seal referred to in subsection (2), other than in the course of testing by the Council or in the course of fighting a fire, must be paid for by the consumer at the fees determined by the Council for domestic purposes.
- (4) The quantity of water consumed as contemplated in subsection (3), must be determined by the ~~Council~~
Council

CHAPTER 9: WATER CONSERVATION AND DEMAND MANAGEMENT

Demand Management

57. An owner or consumer must comply with these by-laws and the water conservation and demand management regulatory framework applicable.

Water restrictions

58. (1) Whenever there is a scarcity of water available for distribution and supply to consumers, the Council may prohibit or restrict the use of water under its control or management, as contemplated in section 83A of the Local Government Ordinance, No. 17 of 1939.

- (2) Whenever it acts in terms of subsection (1), the Council must cause a notice of the resolution taken in terms of section 83A(1) of the Local Government Ordinance, 1939, to be published in one or more local newspapers, in two of the official languages.
- (3). Notwithstanding the provisions of subsections (1) and (2), should an emergency arise in relation to the availability of water for distribution and supply to its consumers, and immediate steps are necessary to avert or remedy any actual or potential consequences of such emergency, the Council may take any steps contemplated in section 83A of the Local Government Ordinance, 1939, without taking the resolution contemplated in that section.
- (4). The Council may, but not limited to, whenever there is scarcity of water available for distribution and supply to consumers, by notice-
 - (a) prohibit the consumption or use of water-
 - (i) for specified purposes or otherwise than for specified purposes;
 - (ii) during specified hours of the day or on specified days or otherwise than during specified hours of the day or on specified days; and
 - (b) determine and impose-
 - (i) limits on the quantity of water which may be consumed over a specified period;
 - (ii) charges additional to those prescribed in respect of the supply of water in excess to the limit contemplated in subsection (4); and
 - (iii) a general surcharge on the prescribed charges in respect of the water supply of water; and
 - (iv) restrictions or prohibitions on the use or manner of use or nature of an appliance by means of which water is used or consumed or manner of use or nature of an appliance by means of which water is used or consumed or on the connection of such appliances to the water installation.
- (5) The Municipality may limit the application of the provisions of a notice contemplated in subsection (4) to specified areas and classes of customers, premises and activities, and provide for and permit deviations and exemptions from, and relaxation of, any of the provisions on such grounds as it deems fit.
- (6) The Municipality may, but not limited to-
 - (a) take, or by written notice require an owner or consumer at his or her own cost to take such measures as may in its opinion be necessary to ensure compliance with a notice published in terms of subsection (4) including, but not limited to, the installation of measurement devices for restricting the flow of water; and
 - (b) disconnect, or for such a period as it deems fit, restrict the supply of water to a premises in the event of a contravention of, or failure to comply with, the terms of a

notice published in terms of subsection (4), and where the supply has been cut off it may only be reinstated when the prescribed charge of disconnecting and reconnecting the supply has been paid.

- (7) In addition to the person who contravened, or failed to comply with, a notice published in terms of subsection (4), the owner or consumer to whom the water is supplied is presumed also to have committed the contravention or to have failed to comply, unless it is proved that he or she took all reasonable steps to prevent the contravention or failure to comply by any other person: Provided that the fact that the owner or consumer issued instructions to another person may not of itself be accepted as sufficient that he or she took all such reasonable steps.
- (8) The provisions of this section also apply to water supplied directly by the Council to owners or consumers outside its area of jurisdiction, despite anything to the contrary in the conditions governing that supply, unless otherwise specified in the notice published in terms of subsection (4).

Prohibition of use of certain equipment in a water installation

59. A designated officer may, by compliance notice, prohibit the use by a consumer of any equipment in a water installation if, in his or her opinion, its use of water is wasteful, and such equipment must not be returned to use until its efficiency has been restored, and a written application to do so has been approved by the Council.

Wastage of water unlawful

60. (1) No person may negligently, purposefully or wastefully:
- (a) discharge water from terminal water fittings or permit such discharge;
 - (b) permit pipes or water fittings to leak;
 - (c) use water fittings that are incorrectly adjusted or defective or permit such use;
 - (d) permit an overflow of water to persist; or
 - (e) inefficiently use water or allow an inefficient use of water to persist.
- (2) An owner or consumer must repair or replace any part of his or her water installation which is in such a state of disrepair that it is either causing or is likely to cause an event referred to in subsection (1).

- (3) If an owner fails to take measures as contemplated in subsection (2), a designated officer may issue an enforcement notice in connection therewith.
- (4) Every consumer must ensure that any equipment or plant connected to his or her water installation uses water in an efficient manner.
61. No person may without prior written authority from the Council, water a garden, sports field, park, or other grassed area using potable water, and fill a swimming pool using potable water, outside the period as prescribed by the Council.
62. Where a hosepipe is used to irrigate a garden, park, or sports field from a potable water source a controlling device such as a sprayer shall be attached to the hose end.
63. No person may without prior written authority from the Council hose down a hard-surface or paved area using water from a potable source.
64. A hosepipe used for washing vehicles, boats, and caravans must be fitted with an automatic self-closing device.
65. Wash-hand basins provided in public facilities must be fitted with demand type taps.
66. Showers provided at public facilities must be fitted with demand type valves.
67. No automatic cistern or tipping tank may be used for flushing a urinal.
68. Within two years after the promulgation of this amendment (2019) all automatic flushing cisterns fitted to urinals, must be replaced with either manually operated systems or non-manual apparatus which causes the flushing device to operate after each use of such urinal.

CHAPTER 10: USE OF WATER FROM A SOURCE OTHER THAN THE WATER SUPPLY SYSTEM

Fitness for purpose and limitation of liability

69. (1) All water obtained from sources other than the Council's water supply system must conform to the prescribed requirements or standards of the purpose for which it is being used.
- (2) The Council is not liable for water that does not conform to the requirements or standards referred to in subsection (1).

Sampling of water

70. (1) The Council may take samples of water obtained from a source other than the water supply system, and order the samples to be tested for compliance with the requirements referred to in section 71(3).
- (2) The prescribed fees for the taking and testing of the samples referred to in subsection (1) must be paid by the person to whom approval to use the water for potable water was granted in terms of that section.

Permission to use water for drinking purposes from source other than the water supply system

71. (1) Except with the prior permission of the Council, no person may use or permit the use of water obtained from a source other than the water supply system, other than rain water tanks and grey water system which are not connected to the water installation, and in accordance with such conditions as the Council may impose, for domestic, commercial or industrial purposes, and except with the approval of any other authority required by any law.
- (2) In this chapter, Council regulates use of water from a source other than the water supply system if-
- (i) used for consumption;
 - (ii) connecting to the water supply system; and
 - (iii) connecting to the sewerage disposal system.
- (3) Any person requiring the permission referred to in subsection (1) must, at his or her own cost, apply from Council for all use and provide the Council with proof to its satisfaction that the water referred to in that section continuously complies with the requirements of the applicable SANS Code 241: Drinking Water, **or as amended** and any other requirement contained in these By-laws or any other law applicable to the consumption of water, or that the use of such water does not, or will not, constitute a danger to health.
- (4) Any permission given in terms of subsection (1) may be withdrawn if, in the opinion of the Council-
- (a) a condition imposed in terms of that subsection is breached; or
 - (b) the water no longer conforms to the requirements referred to in subsection (2)
- (5) 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 sewerage disposal system, the Council may, at its discretion, install a meter and any

necessary monitoring equipment in the pipe leading from such borehole or other source of supply to the point or points where it is so used.

- (6) The provisions of section 31 must apply insofar as they may be applicable in respect of any meter referred to in subsection (5).
- (7) The owner, user or occupier must ensure that water complies with the prescribed quality standards.

Boreholes

72. (1) No person may sink a borehole on premises situated on a dolomite area and where settlements have already been established, the Council may make an assessment and prescribe appropriate action, including stoppage.
- (2) All boreholes sunk before the amendment of this by-law must be registered with the Council within a year of promulgation of the amendments and provide such information as the Council may require and install a visible user signage of 'borehole water' in the properties so they can be easily identified.
- (3) An application to sink a borehole for commercial use must be made directly to the Department of ~~Human Settlements,~~ Water and Sanitation in order to obtain Water Use License (WUL) and approval thereof will be subject to an endorsement letter obtained from the Council.
- (4) An application to sink a borehole for residential use must be made directly to the Council wherein approval maybe granted by the Council.
- (5) 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 Council's sewerage system, the owner must install a meter to the specification of the Council in the pipe leading from such borehole or other source of supply to the point or points where it is so used, and the owner must apply to the municipality for sanitation services.
- (6) The Council may, at any time, require water quality and yields of the borehole from the owner of the borehole.

Rainwater Harvesting

73. (1) All rain water harvesting facilities must be installed by a professionally registered plumber and meet all applicable standards and requirements imposed by the municipality.
- (2) The water from the rainwater harvesting system may not be used for drinking or other potable water uses. Should the property owner, where such a system is installed, wish to use the water for drinking or other potable use, they must, at their own cost, ensure that the water complies with the South African National Standard for drinking water (applicable SANS241) or as amended.
- (3) No blending of the harvested rain water with municipal supply will be allowed. All properties that use both municipal water supplies and harvested rainwater for indoor purposes must have appropriate cross-connection safeguards.
- (4) The installation of the tanks (below or above ground) must comply with the National Building Regulations, SANS 2001 – CC2 or as amended and the manufacturer's specifications.
- (5) The tank sizing requirement must be in line with the Council's Rainwater Harvesting Guidelines
- (6) Any overflow must be directed to the storm water drainage.

Grey water re-use (for other uses excluding drinking)

74. (1) The tank installation for grey water must comply with the national building regulations, SANS 2001-CC2 or as amended and the manufacturer's specification.
- (2) Storage of grey water must not lead to public nuisance. If stored, it must be filtered and disinfected as per written specification by a water specialist.
- (3) Any underground tank installation must be at least 1meter away from the boundary wall and in conjunction with outside servitudes and comply with the National Building Regulations or any applicable law.
- (4) Storage tank overflow must be directed to the sewer.

SECTION C: SANITATION SERVICES

CHAPTER 11: ON-SITE SANITATION

Objectionable discharge to sewage disposal system

75. (1) No person may discharge, or cause or permit the discharge or entry into any sewer of any sewage, industrial effluent or other liquid or substance-
- (a) which may be offensive to, or may cause a nuisance to the public;
 - (b) which is in the form of steam or vapour or has a temperature exceeding 44 degrees Celsius at the point where it enters the sewer;
 - (c) which has a pH value less than 4.0;
 - (d) which contains any substance of whatsoever nature likely to produce or give off explosive, flammable, poisonous or offensive gases or vapours in any sewer;
 - (e) which contains any substance having an open flashpoint of less than 93 degrees Celsius or which gives off a poisonous vapour at a temperature below 93 degrees Celsius;
 - (f) which contains any material of whatsoever nature, including oil, grease, fat or detergents capable of causing an obstruction to the flow in a sewer, to a drain or interference with the proper operation of a sewage treatment plant;
 - (g) which may inhibit the unrestricted conveyance of sewage through the sewage disposal system;
 - (h) which contains any substance in such concentration as is likely in the final treated effluent from any sewage treatment plant to produce an undesirable taste after chlorination, or an undesirable odour or colour, or excessive foam;
 - (i) which contains any substance listed in Schedule D –
 - (i) in amounts higher than those specified therein;
 - (ii) which may harm or damage any sewer, mechanical appliance, sewage treatment plant or equipment;
 - (iii) which may prejudice the use of sewage effluent for re-use; or
 - (iv) which may adversely affect any water into which treated sewage effluent is discharged, or any land or crop irrigated with the sewage effluent;
 - (j) which contains any substance of whatsoever nature which–
 - (i) which is not amenable to treatment at the sewage treatment plant, or
 - (ii) causes or may cause a breakdown or inhibition of the normal sewage treatment processes; or

- (iii) is of such nature as is or may be amenable to treatment only to such degree as to result in the final treated effluent from the sewage treatment plant not complying in all respects with any requirements imposed in terms of the National Water Act; and
- (k) whether listed in Schedule D of these By-laws or not, either alone or in combination with other matter may –
 - (i) generate or constitute a toxic substance dangerous to the health of a person employed at the sewage treatment plant, or entering a Council sewer or manhole in the course of his or her duty; or
 - (ii) adversely affect the equipment of the sewage treatment plant or the land used for the disposal of treated sewage effluent; or
 - (iii) adversely affect any process whereby sewage is treated or wherein any re-use of sewage effluent is permitted.
- (2) No person may cause or permit any solid, liquid or gaseous substance, other than storm water to enter –
 - (a) any storm water drain, storm water sewer or excavated or constructed water course;
 - (b) any river, stream, or natural water course (as defined in the National Water Act, 1998 and any subsequent amendments) or any public water, whether ordinarily dry or otherwise, except in accordance with the provisions of the National Water Act; or
 - (c) any street or premises.
- (3) An authorized official may require any owner of premises from which there is a discharge of any sewage, industrial effluent, or any substance referred to in subsection (1), to conduct at his or her cost periodic expert inspections of the premises, in order to identify precautionary measures which would ensure compliance with these By-laws, and report such findings to the Council.
- (4) If any contravention of any provision of subsection (1) takes place on any premises, or elsewhere, the owner of such premises, or any person aware of the contravention must as soon as possible notify the Council of the details of the contravention and the reason for it.

Disposal of sludge, compost and manure

76. (1) Except when prohibited by any law, the Council may sell or dispose of sewage sludge, compost or animal manure resulting from the operation of any sewage treatment plant operated by the Council or sewage 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 Council may impose or as may be required in terms of any law.

- (2) Except in the case of long-term contracts entered into for the purpose of the removal thereof, such sludge, compost or manure must be sold or disposed of at a price determined from time to time by the Council.

Application for infrastructure

77. (1) If an agreement for on-site sanitation and associated services in accordance with section 5 has been concluded, and no infrastructure in connection therewith exists on the premises, the owner must immediately make application for the installation thereof on the prescribed form and -
 - (a) pay the prescribed fees for the installation of the necessary infrastructure; or
 - (b) with the approval of the Council install on-site sanitation services in accordance with the specifications of the Council and in compliance with all other legislation prior to conclusion of the agreement (e.g. EIA regulations, NEMA, etc.).
- (2) In approving an application for the installation of infrastructure, the Council may specify the type of on-site sanitation services to be installed.

Septic tank and treatment plant

78. (1) No person may construct, install, maintain or operate any septic tank or other plant for the treatment, disposal or storage of sewage, without the prior written permission of the Council.
- (2) The permission referred to in subsection (1) is subject to the provisions of these By-laws, any other relevant by-laws of the Council, or any other law.

French drain

79. The Council may, at its discretion and on such conditions as it may prescribe, having regard to the quantity and nature of the effluent and the nature and permeability of the soil, permit the disposal of wastewater or other effluent by means of a french drain, soakage pit or other approved work.

Conservancy tank

80. (1) The Council may at its discretion permit the owner of any premises to construct a conservancy tank and ancillary appliances for the retention of soil water, or such other sewage

or effluent as it may decide, and such tank and appliances must be of such capacity, constructed of such material, and located in such position and at such level as it may prescribe.

- (2) No rainwater or stormwater and no effluent other than that which the Council has permitted in terms of subsection (1) may be discharged into a conservancy tank.
- (3) The owner or occupier of the premises on which the conservancy tank is installed must at all times maintain the tank in good working order and condition to the satisfaction of the Council.
- (4) The Council may, at its discretion, having regard to the position of a conservancy tank or the point of connection for a removal vehicle, make it a condition for the emptying of the tank that the owner or user of the tank indemnifies the Council in writing against any sum which the Council may become liable to pay to any person as a direct or indirect result of the rendering of the service in respect of the tank unless such liability is as a result of a ~~wilful~~willful act or omission on the part of an authorised official or authorized representative of the Council.
- (5) The Council is entitled to empty or draw off part of the contents of a conservancy tank at any reasonable time on any day of the week and in such a manner as it may decide, having regard to the general requirements of the service in respect of the tank and in particular to the necessity for avoiding separate or unnecessary journeys by the Council's removal vehicle or anyone else's removal vehicle .
- (6) Where the Council's removal vehicle or anyone else's removal vehicle has to traverse private premises for emptying of a conservancy tank, the owner of the premises on which the conservancy tank is installed must-
 - (a) provide a roadway for such purposes of a width of at least 3.5m, so hardened as to be capable of withstanding a wheel load of 4 metric tons in all whether;
 - (b) ensure that no gateway through which the vehicle is required to pass to reach the tank is less than 3.5m wide.

Ventilated improved pit latrine

81. The Council 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 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 and the availability of a piped water supply, permit the disposal of human excrement by means of a ventilated improved pit latrine, constructed in accordance with the specifications and located in a position indicated by the Council.

Services associated with on-site sanitation services

82. The removal or collection of conservancy tank contents, night soil or the emptying of pits will be undertaken by the Council in accordance with a removal and collection schedule determined from time to time by the Council.

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

83. (1) Prescribed fees in respect of the removal or collection of conservancy tank contents, night soil or the emptying of a pit or septic tank will be based on the quantity removed by vacuum tank or on the number of pails, in the case of a night soil removal service, and must be in accordance with Schedule A of these By-laws.
- (2) Regular night soil, conservancy tank and pit content removal services rendered in terms of these By-laws, will be discontinued on receipt by the Council of not less than 48 hour notice in writing from the owner or occupier of the property or premises to discontinue the service.
- (3) The fees for the services contemplated in subsection (1) will continue to be payable until the Council has received such notice and until the notice has expired;
- (4) Where notice to discontinue the service referred to in subsection (1) is received by the Council after the date when the services were to have been discontinued, the fee must cease as from the date and time of receipt of the written notice.

Disused conservancy and septic tanks

84. (1) If an existing conservancy tank or septic tank is no longer required for the storage or treatment of sewage, or if permission for such use is withdrawn, the owner must either cause it to be completely recovered, or to be completely filled with earth or other suitable material, and the land involved to be rehabilitated;
- (2) The Council may require the tank referred to in subsection (1) to be otherwise dealt with or it may permit it to be used for some other purpose, subject to such conditions as may be considered necessary, regard being had to all the circumstances of the case.

CHAPTER 12: CONNECTION AND DISCONNECTION

Provision of a connecting sewer

85. (1) If an agreement for the use of a sewage disposal system in accordance with section 5 has been concluded, the Council may, subject to the provisions of subsection (2) and as soon as practicable after being notified by the owner that the drainage installation on premises is ready for connection to the sewage disposal system, at the Council's own expense, connect the drainage installation to the sewage disposal system.
- his
- (2) Any connection required by the owner subsequent to the initial connection provided by the Council is subject to the approval of the Council and must be installed at the owner's expense.
- (3) The discharge of any substance whatsoever other than clean water for testing purposes may not be permitted to enter any drainage installation until the drainage installation has been connected to the sewage disposal system.
- (3) If an application is made for the connection of the sewage disposal system to premises which are so situated that it is necessary to extend the sewer in order to connect the sewage disposal system to the premises, the Council may agree to the extension subject to such conditions as it may impose.

Location of connecting sewer

86. (1) A connecting sewer provided and installed by the Council in terms of section 84 shall be located in a position either agreed to between the owner and the Council, or if no agreement can be reached, determined by the Council, and be of a size determined by an authorized official.
- (2) The Council may at the request of any person agree, subject to such conditions as it may impose, to a connection to a sewer other than that which is most readily available for the drainage of the premises.
- (5) The applicant contemplated in subsection (2) is responsible for any extension of the drainage installation to the connecting point so agreed, and for obtaining at his or her cost, such servitudes over other premises as may be necessary.

Interconnection between premises

87. Every owner of premises must ensure that no interconnection exists between the drainage installation on his or her premises and any drainage installation on other premises, unless he

or she has obtained the prior written permission of the Council and complies with any conditions that may have been imposed in granting such permission.

Disconnection of drainage installation from connecting sewer

88. The Council may disconnect a drainage installation from the connecting sewer and seal the opening to the sewer so made and recover from the owner the fees determined by the Council, if –
- (a) notified in writing by the owner when a drainage installation is to be disconnected from a connecting sewer; or
 - (b) the building on the premises concerned has been demolished.

CHAPTER 13: SEWER DELIVERED BY HAULAGE

Acceptance of sewage delivered by road haulage

89. (1) The Council may, at its discretion, and subject to such conditions as it may specify, accept sewage for disposal delivered to any sewage treatment plant by road haulage.

Written permission for delivery of sewage by road haulage

90. (1) No person may discharge sewage into any Council sewage treatment plant by road haulage except with the written permission of the Council, and subject to such terms and conditions as may be imposed in terms of the written permission.
- (2) The fees for any sewage delivered for disposal to a Council sewage treatment plant must be assessed by the Council in accordance with the prescribed fees applicable.

Conditions for delivery of sewage by road haulage

91. When sewage is delivered by road haulage -
- (a) the time of delivery must be arranged with the Council;
 - (b) the nature and composition of the sewage must be established to the satisfaction of the Council prior to the discharge thereof from the container in which it is delivered, and no person may deliver sewage that does not comply with the standards laid down in or in terms of these By-laws; and
 - (c) all other requirements in terms of SABS Codes 0231 and 0232, or as amended and any other applicable law must be complied with.

Withdrawal of permission for delivery of sewage by road haulage

92. (1) The Council may subject to the provisions of the Promotion of Administrative Justice Act, 2000, withdraw any permission, after giving at least 14 days written notice of its intention to do so, to any person who has been granted permission to discharge sewage by road haulage if that person -
- (a) fails on more than two occasions to ensure that the sewage so delivered conforms to the standards prescribed in section 75 and Schedule D, whichever is applicable, or in the written permission referred to in section 90(1);
 - (b) fails or refuses to comply with any notice lawfully served on him or her in terms of these By-laws, or contravenes any provisions of these By-laws or any condition imposed on him or her in terms of any permission granted to him or her; and
 - (c) fails to pay the assessed fees in respect of any sewage delivered within the period allowed for payment.

CHAPTER 14: INDUSTRIAL EFFLUENT

Application for disposal of industrial effluent

93. (1) Every person desiring to dispose of industrial effluent must apply in writing and in duplicate on the form prescribed in Schedule C for that purpose, for written permission to discharge industrial effluent into the sewage disposal system of the Council, and must thereafter provide such additional information and submit such sample as the Council may require.
- (2) The Council may, if in its opinion the capacity of the relevant sewage disposal system is sufficient to permit the conveyance and effective treatment and lawful disposal of such industrial effluent for such period and subject to such conditions it may determine and impose, grant an application made in terms of subsection (1).
 - (3) The provisions of Chapter 1 – 3 will apply, insofar as they are applicable and subject to such adjustments as may be necessary, to any permission granted in terms of subsection (2).
 - (4) Any person to whom permission has been granted in terms of subsection (2) must, before doing or causing or permitting to be done anything that results in a change in the quantity of discharge or nature of effluent permitted, notify the Council in writing of the date on which it is proposed that such change is intended to take place and of the nature of the proposed change.

- (5) Upon receipt of the notification referred to in subsection (4), the Council may grant permission for such change, and in so doing may amend the conditions applicable to the discharge permit of the party concerned, or it may refuse permission for the change.
- (6) Any person who wishes to construct or cause to be constructed a building which is to be used as trade premises must, at the time of lodging his or her building plan in terms of section 4 of the National Building Regulations and Building Standards Act 1977, also lodge applications for the provision of sanitation services and for permission to discharge industrial effluent in terms of subsection (1).
- (7) Subject to the provisions of the Promotion of Administrative Justice Act, 2000, the Council may from time to time or at any time as a result of a change in the method of sewage treatment, or the introduction of new or revised or stricter or other standards by the Council, or in terms of the National Water Act, or as a result of any amendment to these By-laws or for any other reason, review, amend, modify or revoke any permission given or any conditions attached to such permission, and / or impose new 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 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 permission or conditions, as the case may be, must be regarded as having fallen away and the new or amended conditions, if any, as the case may be, forthwith apply.

Installation, supply and usage of garbage grinders

94. (1) No person shall install, supply or use a garbage grinder without the prior written approval of the Council.
- (2) Any person who is in the business of supplying garbage grinders shall keep a record of all garbage grinders that are kept in stock and that are sold and shall at the written request of the Council furnish the Council with a copy of such record.

(Section 80A inserted: Notice 1455: 20/06/2008, PG 162)

Unauthorised discharge of industrial effluent

95. (1) Any person who discharges or causes or permits to be discharged any industrial effluent into the sewer without having first obtained permission to do so in terms of section 93(2), shall be guilty of an offence and liable, in addition to the penalties provided for in section 133(3), to pay such fees as the Council may assess for the conveyance and treatment of effluent so discharged and for any damage or loss, whether pecuniary or otherwise, caused as a result of such unauthorized discharge.

- (2) Apart from the powers and rights of the Council in terms of subsection (1) and section 98, the Council shall be entitled to recover from any person who discharges to a drain or sewer, any industrial effluent or any substance which is prohibited or restricted in terms of section 75 read with Schedule D, or who has been the subject of any action taken by the Council in terms of section 98(2), all loss, damages, costs, expenses and fees incurred by the Council as a result of any or all of the following:
- (a) the death of or injury to any person, or damage to, or blockage or breakdown whether partial or complete, or contamination by, fats, oil or grease of -
 - (i) the sewer;
 - (ii) any sewage treatment plant ;
 - (iii) any mechanical appliance; and
 - (iv) any other property whatsoever whether or not under the control of the Council; and
 - (b) any costs, including fines and damages, which may be incurred by or awarded against the Council, or any expense incurred by the Council as a result of a prosecution in terms of the National Water Act or any other law, or any action against it, consequent on any partial or complete breakdown of any sewage treatment plant or mechanical appliance, caused directly or indirectly by the said discharge.
- (3) Any person who discharges or causes or permits to be discharged any industrial effluent in any manner whatsoever that is not authorised in terms of these By-laws is guilty of an offence.

Quality standards for disposal of industrial effluent

96. (1) A person to whom permission has been granted in terms of section 93 must ensure that no industrial effluent is discharged into the sewage disposal system of the Council, unless it complies with the standards and criteria set out in section 75, read with Schedule D.
- (2) (a) The Council may by endorsement on the permission concerned, relax or vary the standards and criteria referred to in subsection (1), if the Council is satisfied that any such relaxation represents the best practicable environmental option.
- (b) In determining whether relaxing or varying the standards and criteria referred to in subsection (1) represents the best practicable environmental option, the Council must consider -
- (i) whether the applicant's undertaking is operated and maintained at optimal levels;

- (ii) whether technology used by the applicant represents the best available option for the applicant's industry and, if not, whether the installation of such technology would entail unreasonable cost to the applicant;
 - (iii) whether the applicant is implementing a programme of waste minimisation which complies with national and local waste minimisation standards to the satisfaction of the Council;
 - (iv) the cost to the Council of granting the relaxation or variation; and
 - (v) the environmental impact or potential impact of such a relaxation or variation.
- (3) Test samples may be taken at any time by a sampler to ascertain whether any industrial effluent complies with the standards and criteria mentioned in subsection (1) or any other standard laid down in a written permission issued in terms of subsection (2).

Conditions for disposal of industrial effluent

97. (1) A designated officer may, subject to the provisions of Chapters 17 - 19, issue a compliance notice requiring the person in charge of any enterprise that generates industrial effluent to-
- (a) subject the industrial effluent to such preliminary treatment as will ensure that it conforms to the standards and criteria prescribed in section 96 before being discharged into the sewage disposal system;
 - (b) install such equalizing tank, valve, pump, appliance, meter and control system and other equipment as in the opinion of the designated officer will be necessary to control the rate and time of discharge into the sewage disposal system in accordance with the requirements of section 96;
 - (c) install a separate drainage installation for the conveyance of industrial effluent and to discharge the same into the sewage disposal system through a separate connection as directed by the designated officer, and such notice may prohibit the discharge of the effluent through any drainage installation intended or used for the conveyance of wastewater and standard domestic effluent, or prohibit the discharge of any wastewater and standard domestic effluent through the separate drainage installation for industrial effluent;
 - (d) construct on any pipe conveying industrial effluent to any sewer, a manhole or stop-valve in such position and of such dimensions and materials as the designated officer may prescribe;
 - (e) provide all such information as may be required by the designated officer to enable the Council to assess the prescribed fee due to the Council;
 - (f) provide adequate facilities such as a level or overflow detection device, standby equipment, overflow catch-pit, or other appropriate means to prevent a discharge into the sewage disposal system which is in contravention of these By-laws;

- (g) cause any meter, gauge or other device installed in terms of this section to be calibrated by an independent authority accepted by the Council, at the cost of that person at such intervals as are stated in the notice, and to forward a copy of the calibration certificate to the Council;
 - (h) cause the industrial effluent to be sampled and analysed as often and in such manner as may be prescribed by the designated officer and provide the Council with the results of these tests when completed; and
 - (i) manage the 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.
- (2) The cost of any treatment, plant, work or analysis which the person discharging industrial effluent may be required to carry out, construct or install in terms of subsection (1) must be borne by the person discharging the industrial effluent.
- (3) In the event that any industrial effluent that does not comply with the standards prescribed or permitted in terms of section 96 is discharged into the sewage disposal system, the Council must be informed by the owner or occupier of the premises of the incident and the reasons therefor within twelve hours of such discharge.

Withdrawal of written permission for disposal of industrial effluent

98. (1) Subject to the provisions of the Promotion of Administrative Justice Act, 2000, the Council may withdraw any permission, after giving at least 14 days' written notice of its intention to a person permitted to discharge industrial effluent into the sewage disposal system, if that person or any employee, contractor or consultant of that person -
- (a) fails to ensure that the industrial effluent discharged conforms to the industrial effluent standards prescribed or permitted in terms of section 96; or
 - (b) fails or refuses to comply with any notice lawfully served on him or her in terms of these By-laws or contravenes any provisions of these By-laws or any condition imposed in terms of any permission granted.
 - (c) fails to pay the assessed fees in respect of any industrial effluent discharged into the sewage disposal system.
- (2) Subject to the provisions of Chapters 17 – 19, the Council may, on withdrawal of any written permission and after notifying the owner and occupier of its intention to do so -
- (a) in addition to any other steps prescribed in these By-laws, authorize the closing and sealing of the connecting sewer of the said premises conveying such effluent to the sewer;

- (b) refuse to accept any industrial effluent from that source until it is satisfied that adequate steps have been taken to ensure that the industrial effluent to be discharged will conform with the standards prescribed in these By-laws; and
 - (c) close off the water supply to the industrial process.
- (3) No person may, without the written permission of the Council, open or break the seal of a drain closed and sealed off in terms of subsection (2) or cause or permit this to be done.
- (4) In the event of the Council acting in terms of subsection (2), the owner or occupier of the premises must furnish written proof to the authorized official that the industrial effluent emanating from the premises will be discharged to an alternative disposal site approved by the authorized official.

CHAPTER 15: STANDARDS AND MEASUREMENTS

Measurement of quantity of standard domestic effluent discharged

99. (1) The quantity of standard domestic effluent discharged must be determined as a percentage of the water supplied to those premises by the Council;
- (2) If the Council is of the opinion that the percentage referred to in subsection (1), in respect of specific premises is excessive, having regard to the purposes for which water is consumed on those premises, the Council may reduce the percentage applicable to those premises to a figure which, in its opinion and in the light of the available information, reflects the proportion between the likely quantity of sewage discharged from the premises and the quantity of water supplied thereto.
- (3) In the absence of direct measurement, the standard domestic effluent will be estimated as follows -
- (a) 1,0 kilolitre per full-time staff member per working month;
 - (b) 4,0 kilolitre per resident per working month, not included in paragraph (a); and
 - (c) for staff canteens: 0,15 kl per meal prepared per working month;
- for which purpose a working month will be based on a five day working week, and in cases where the working week deviates from five days, a pro rata adjustment will be made.
- (4) Where premises are lawfully supplied with water from a source other than or in addition to the Council's water supply system, including abstraction from a river or borehole, the quantity will be a reasonable percentage of the total water used on those premises as may be estimated by the Council, taking into account any representations which may be made by the consumer.

Measurement of quantity of industrial effluent discharged

100. (1) The Council may install, in such position as it determines, in any drainage installation conveying industrial effluent to a sewer, any meter or gauge or other device for the purpose of ascertaining the quantity or composition of the industrial effluent.
- (2) It is an offence for any person to bypass, open, break into or otherwise interfere with or to damage any such meter, gauge or other device.
- (3) The Council may, after consultation with the person concerned, establish an alternative method of assessing the quantity of the effluent to be discharged.
- (4) The Council is entitled to install and maintain any such meter, gauge or device as aforesaid at the expense of the owner of the premises on which it is installed.
- (5) Notwithstanding the foregoing provisions of this section, the Council may require any person who discharges industrial effluent into its sewers to provide one or more meters in such a position in the water installation as the Council may deem necessary to record the water consumption in a specific part of the premises.
- (6) The Council may determine a rebate to apply to the fees determined in accordance with Schedule A if the owner or occupier discharges industrial effluent –
- (a) solely during periods specified by the Council; and /or
 - (b) containing constituents which will have a beneficial effect on the effluent discharged from the sewage treatment plant.
- (7) Where a portion of the water supplied to the premises forms part of the end product of any manufacturing process or is lost by reaction or evaporation during the manufacturing process or for any other reason, the Council may, on application, reduce the assessed quantity of industrial effluent.
- (8) Upon payment of the prescribed fee determined by the Council for the installation of any meter, the Council must install on any premises, a separate meter to record the consumption of water -
- (a) obtained from any source other than the Council 's water supply, or
 - (b) which, after use, will not reach a drainage installation.

Reduction in the quantity determined in terms of sections 116 and 117

101. (1) A consumer is eligible to a reduction in the quantity determined in terms of sections 99 and 100 in the event that the quantity of water on which the percentage is calculated was measured during a period where water was wasted, or a leakage on the water installation was undetected, if the consumer satisfies the Council that the said water was not discharged into the sewage disposal system in which case the consumer may be charged an infrastructure cost only.
- (2) The reduction in the quantity referred to in subsection (1) must be based on the assessed quantity of water loss through leakage or wastage during the leak period.
- (3) The leak period is either the measuring period immediately prior to the date of repair of the leak or the measurement period during which the leak is repaired, whichever results in the greater reduction in the quantity of water supplied.
- (4) The quantity of water lost will be calculated as the consumption for the leak period less an average consumption, based on the three months after the repair of the leak, for the same length of time as the leak period.
- (5) If no previous consumption history is available, the average water consumption will be determined by the Council, after due consideration of all relevant information.
- (6) There will be no reduction in the quantity determined in terms of sections 99 and 100 if the loss of water resulted directly or indirectly from the consumer's failure to comply with, or as a result of a contravention of these By-laws.

CHAPTER 16: SEWER DRAINAGE INSTALLATION

Construction or installation of drainage installation

102. Any drainage installation must comply with *SABS Code 0400-1990 Part P, Drainage* or as amended.

Use of pipe and fitting in drainage installation to be authorized

103. (1) No person may, without the prior written permission of the Council install or use a pipe or fitting in a drainage installation within the Council's area of jurisdiction, unless it is of a type included in the schedule referred to in section 40(1).

- (2) Application for the inclusion of a type of pipe or fitting in the schedule referred to in subsection (1) must be made on the form prescribed by the Council and be accompanied by the prescribed fees.
- (3) A type of pipe or fitting may be included in the schedule referred to in subsection (1) if -
 - (a) it bears the standardization mark of the SABS in respect of the relevant SABS specification issued by the Bureau; or
 - (b) it bears a certification mark issued by the SABS to certify that the type of pipe or fitting complies with an SABS mark specification or a provisional specification issued by the SABS, provided that no certification marks are valid for this purpose beyond a period exceeding two years from the date of issue.
- (4) The Council may, in respect of any type of pipe or fitting included in the schedule, impose such additional conditions, as it may deem necessary in respect of the use or method of installation thereof.
- (5) A type of pipe or fitting may be removed from the schedule referred to in subsection (1) if it -
 - (a) no longer complies with the criteria upon which its inclusion was based; or
 - (b) is no longer suitable for the purpose for which its use was accepted.
- (6)
 - (a) The current schedule must be available for inspection at the office of the Council at any time during working hours; and
 - (b) the Council may sell copies of the current schedule at the fees prescribed from time to time.

Approval of drainage work

- 104. (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 permission of the Council in writing.
- (2) No drainage work mentioned in subsection (1) for which permission has been given in terms of these By-laws, may be commenced until after the expiration of two clear days after notice in writing has been served on the Council stating the day on and time at which it is intended to commence the work.
- (3) 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 Council.

Unlawful drainage work

105. (1) Where any drainage work has been constructed without complying with the provisions of these By-laws concerning the submission and approval of plans, the owner must subject to the provisions of Chapters 17 – 19, on receiving a compliance notice from a designated officer, so to do, comply with the said provisions within the period prescribed in that notice.
- (2) Where any drainage installation has been constructed or any drainage work has been carried out which fails in itself in any respect to comply with any of these By-laws other than those referred to in subsection (1), the owner must, on receiving a compliance notice from the Council, and notwithstanding that he or she may have received approval of the plans in respect of the said installation or work in terms of these By-laws, carry out such alterations to the installation, remove such parts thereof, and carry out such other work as and within the time which the notice may specify.
- (3) The Council must, subject to the provisions of Chapter 17 – 19, where such a notice has not been complied with within the time prescribed therein, proceed itself to carry out any such alteration, removal or other work as it may deem necessary for compliance with these By-laws and recover the cost thereof from the owner.

Ingress of storm-water into drainage installation prohibited

106. (1) No part of a drainage installation may at any time be constructed or designed to allow or be capable of allowing water from any source, not being soil water or waste water, as defined in the national regulations published in Government Notice R2 378 of 12 October 1990, as amended, to enter the drainage installation.
- both
- (2) No person may discharge or cause or permit to be discharged any substance other than sewage into a drainage installation.
- (3) No pipe, channel or other device used for conducting or capable of being used to conduct rainwater from any roof or other surface may be permitted to discharge into any gully forming part of a drainage installation.
- (4) Should the Council at any time become aware of any installation which does not comply with the provisions of subsections (1), (2) or (3) or that any provision thereof has or is being contravened it may, subject to the provisions of section 109 and Chapter 17 – 19, carry out such alterations to the installation as it may deem necessary to ensure compliance with the provisions of those sections and recover from the owner the costs or the prescribed fees as determined by the Council.

Swimming Pools

- 106A. (1) The backwash water from a swimming pool may be discharged into the sewer drainage system on the premises on which the pool is situated only during off peak periods.
- (2) No person shall discharge or permit the discharge of 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 a swimming pool.

Emission of gas

107. When a nuisance exists or could exist, owing to the emission of gas from any trap or sanitary fitting or any other part of a drainage installation, the Council may require the owner, at his or her own expense, to take such action as may be necessary to prevent such nuisance.

Industrial grease traps

108. (1) Industrial effluent which contains or, in the opinion of the Council, is likely to contain, grease, oil, fat or inorganic solid matter in suspension, must, before it is allowed to enter any sewer, be passed through one or more tanks or chambers of approved type, size and capacity designed to intercept and retain such grease, oil, fat or solid matter.
- (2) Oil, grease or any other substance which is contained in any industrial effluent or other liquid which gives off a flammable or noxious vapour at a temperature of or exceeding 20 degrees Celsius, must be intercepted and retained in a tank or chamber so as to prevent the entry there of into the sewer.
- (3) The tank or chamber must be regularly cleaned of such grease, oil, fat or solid matter and the person discharging 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; and
 - (c) a certificate from the person who undertook the cleaning, certifying the cleaning of the tank or chamber, and stating the manner in which the contents of the tank or chamber were disposed of.

Mechanical appliances for lifting sewage

109. (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 cannot discharge the sewer by gravitation, the

Council may, subject to subsections (2) and (4) and to any other conditions it may deem necessary, permit the sewage from such part to be raised by a mechanical appliance to discharge at such point and such level as it may determine.

- (2) Before installing any mechanical appliance for the raising or transfer of sewage, the owner must apply in writing to the Council for permission to do so in the form set out in Schedule B to these By-laws and must thereafter furnish such additional information as the Council may require.
- (3) The form prescribed in subsection (2) must be completed by a professional engineer, and the undertaking annexed to such form must be signed by the owner of the premises, and must be accompanied by drawings of the proposed installation.
- (4) The maximum discharge rate from any mechanical appliance, and the times between which the discharge may take place, must be as prescribed by the Council who may, at any time, require the owner to install such fittings and regulating devices as may be necessary to ensure that the said prescribed maximum discharge rate will not be exceeded.
- (5) The installation must comply with the Occupational Health and Safety Act (Act 85 of 1993) and other applicable Council design standards and guidelines.

Drain in street or public place

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

Construction by Council of drainage work

111. The Council may agree with the owner of any premises that any drainage work which such owner desires or is required to construct in terms of these By-laws or the building regulations, will be constructed by the Council against payment, in advance, of all costs associated with such construction, and such agreement does not absolve the owner from complying with the requirements of any other law in respect of such construction work.

Maintenance of drainage installation

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

- (2) The Council itself is entitled, whether or not it has been requested by the owner to do so, at its own discretion to remove a blockage from a drainage installation and may charge the owner therefor in accordance with the prescribed fees determined by the Council.
- (3) Should the clearing by the Council of any blockage in a drainage installation necessitate the removal or disturbance of any paving, lawn or other artificial surfacing on any premises, the Council shall not be liable for the reinstatement thereof.
- (4) Should any drainage installation on any premises overflow as a result of an obstruction in the connecting sewer, and the Council be reasonably satisfied that such obstruction was caused by objects emanating from the drainage installation, the owner of the premises served by the drainage installation is liable for the cost of clearing the blockage in accordance with the prescribed fee determined by the Council.
- (5) Where a blockage has been removed from a drain or portion of a drain which serves two or more pieces of land, the charges for clearing of such blockage are recoverable in the first place in equal portions from each of the owners thereof, who are, however, ultimately jointly and severally liable for the whole charge.
- (6) The Council may, on the written application of the owner or occupier of any premises, inspect and test the drainage installation of such premises or any section thereof, and recover from the owner or occupier the cost of such inspection and test, calculated at the rate specified in the prescribed tariff of charges.

Installation of pre-treatment facility

113. The Council may require that any premises which require connection to a sewage disposal system for the first time, must be provided with a minimum pre-treatment facility of a type specified by it prior to those premises being connected to the sewage disposal system.

Protection from ingress of floodwater

114. Where premises constructed within, or any portion of a property lie within the 1 in 50 years flood plain, the top level of any manhole, inspection chamber and gully located below the level of such flood plain must be above the 1 in 50 years flood level, except in the case of a manhole and inspection chamber the cover of which is secured in place by approved means.

SECTION D: ENFORCEMENT OF THE BY-LAWS AND LEGAL MATTERS

CHAPTER 17: DESIGNATED OFFICER

Authorisation of designated officer

115. A service provider as contemplated in the definition of Council and in section 76 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), may authorize any person in its employ to be a designated officer.

Functions of designated officer

116. (1) A designated officer may execute work, conduct an inspection and monitor and enforce compliance with these By-laws.
- (2) Subject to the provisions of any other law, a designated officer must carry out the functions contemplated in this section and the powers set out in section 117, in accordance with the procedure outlined in sections 118 and 119.

Powers of designated officer

117. (1) A designated officer who executes work or conducts an inspection may –
- (a) execute work on or inspect premises;
 - (b) question a person present on any premises in respect of any matter which may be relevant to the work or inspection;
 - (c) question a person whom the designated officer believes may have information relevant to the work or inspection;
 - (d) inspect any document that a person is required to maintain in terms of any law or that may be relevant to any work or inspection;
 - (e) copy any document referred to in paragraph (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; and
 - (i) do what is necessary for the execution of work or the conducting of an inspection that the Council is required to undertake in terms of these By-laws, including instructing stoppage of unapproved access to water services .
- (2) A designated officer who removes anything other than a substance contemplated in subsection (1)(f) from premises being worked upon or inspected, must –

- (a) issue a receipt for it to the owner or a person in control of the premises; and
- (b) return it as soon as is practicable after achieving the purpose for which it was removed.

CHAPTER 18: INVESTIGATIONS/ INSPECTIONS

Procedure to execute work or conduct an inspection: entry with a written authorization

118. (1) A designated officer may subject to section 101 of the Systems Act, enter any premises if a justice of the peace as contemplated in section 3 and 4 of the Justices of the Peace and Commissioners of Oaths Act, 1963 (Act No. 16 of 1963), has issued a written authorization to enter and execute work or inspect the premises, and the written authorization is still valid.
- (2) A justice of the peace may issue a written authorization to enter and execute work or inspect any premises if, from information on oath, there are reasonable grounds to believe –
- (a) that, in the interest of the public, it is necessary to execute work or obtain information that cannot be obtained without entering those premises;
 - (b) that there is non-compliance with any provision of these By-laws in respect of the premises; or
 - (c) that significant environmental degradation or water pollution has taken, or is likely to take place, or is suspected.
- (3) A justice of the peace may issue a written instruction to the owner or person in control of the premises to do work, at the expense of such owner or person, which is necessary to enable a designated officer to –
- (a) determine whether or not there has been a contravention of the By-laws on such premises;
 - (b) restore access to the water supply system or any sanitation service where the owner or such person has restricted such access; and
 - (c) properly and effectively execute work or inspect premises, as contemplated in subsection (1).
- (4) If, after the work contemplated in subsection (3) has been performed, it is established that no contravention of the By-laws has taken place, the expenses incurred in performing the work and restoring the premises to their former condition, shall be paid by the Council.

- (5) A written authorization in terms of subsection (2) may be issued at any time and must specifically–
 - (a) identify the premises that may be entered and worked on or inspected ; and
 - (b) authorise the designated officer to enter and execute work or inspect the premises and to do anything listed in section 117(1);

- (6) A written authorization issued in terms of subsection (2) is valid until one of the following events occur :
 - (a) It is carried out;
 - (b) it is cancelled by the person who issued it or, in that person’s absence, by a person with similar authority;
 - (c) the purpose for which it was issued has lapsed; or
 - (d) three months have passed since the date of issue.

- (7) A written authorization issued in terms of subsection (2) may only be carried out between 07h00 and 19h00, unless the justice of the peace who issues it states in writing that it may be carried out at a different time reasonable in the circumstances.

- (8) Before commencing any work or inspection, a designated officer who carries out a written authorization must either –
 - (a) if the owner of or a person apparently in control of the premises is present –
 - (i) identify him or herself and explain his or her authority to that person or furnish proof of such authority, and
 - (ii) hand a copy of the written authorization to that person;

 - (c) if the owner or person apparently in control of the premises is absent or refuses to accept a copy, attach a copy of the written authorization to the premises in a prominent and visible place.

Procedure to execute work or conduct an inspection: entry without a written authorization

119. (1) A designated officer who does not have a written authorization may subject to section 101 of the Systems Act, enter and execute work or inspect -
- (a) any premises, with the consent of the owner or person apparently in control of the premises; or
 - (b) any premises, except residential premises, on a routine basis –

- (i) no more frequently than six times during a twelve month period; or
 - (ii) more frequently if permitted by these By-laws for the purposes of any work or inspection
 - (c) any premises, if there are reasonable grounds to suspect that there is an emergency, and/or that any delay in commencing any work or inspection may –
 - (i) disrupt or adversely affect the provision of water and sanitation services;
 - (ii) result in excessive wastage or pollution of water; or
 - (iii) have significant detrimental effects on public or private health and safety;
 - (d) any premises from which there is a discharge or a suspected discharge, into any sewer of any stormwater, sewage, industrial effluent, or other liquid or substance contemplated in section 75(1);
 - (e) any premises on which a nuisance is caused by, related to, or emanates from a drainage installation; and
 - (f) any premises on which a contravention of section 20 exists or is suspected.
- (2) Unless the emergency and/or delay in commencing any work or inspection referred to in subsection (1)(c) was caused by an act or omission of the Council, the cost of any remedial action taken in connection with subsections (c), (d), (e) and (f) must be paid by the owner of the premises.
- (3) In addition to the entry permitted in terms of subsection (1), a designated officer may enter any premises without a written authorization in respect of which there is an outstanding compliance notice, issued in terms of section 125 for the purpose of determining whether that notice has been complied with.
- (4) Before commencing work or inspecting any premises in terms of this section, a designated officer must identify him or herself and explain his or her authority or furnish proof of such authority to the person apparently in control of the premises or the person who gave permission to enter.
- (5) Any entry and execution of work or inspection without a written authorization must be carried out at a reasonable time in the circumstances.

Observing fundamental rights

120. A designated officer who enters and executes work or inspects any premises in terms of this Chapter must do so with strict regard for decency and orderliness and with regard for each person's human rights including the right to dignity, freedom, security and privacy.

Using force to enter

121. (1) A designated officer carrying out a written authorization in terms of section 118 may overcome any resistance to entry, execution of work or inspection by using as much force as is reasonably required, including breaking a lock, door or window of the premises to be entered.
- (2) Before resorting to force, the person carrying out the written authorization must audibly demand admission and must announce his or her purpose, unless he or she reasonably believes that doing so may induce someone to destroy, dispose of, or tamper with, an article or document that is the object of the work or inspection.
- (3) The Council must compensate anyone who suffers damage because of forced entry during the execution of any work or any inspection when no one responsible for the premises was present.
- (4) Force may not be used to effect an entry to execute work or conduct an inspection in terms of section 119, unless an emergency arises.

Designated officer may be accompanied

122. During the execution of any work or an inspection, a designated officer may be accompanied by either a member of the South African Police Services or a member of the Johannesburg Metropolitan Police Department established under Provincial Notice No. 1893 of 2001, issued in terms of Section 64A(4) of the South African Police Service Act, 1995 (Act No. 68 of 1995), and by any other person reasonably required to assist in executing the work or conducting the inspection.

Duty to produce document

123. Any person who holds any document relevant to the execution of any work or inspection contemplated in this Chapter must produce it at the request of a designated officer.

Duty to answer question and assist designated officer

124. (1) Any person who is questioned by a designated officer in terms of this Chapter must answer truthfully and to the best of his or her ability;
- (2) An answer or explanation given to a designated officer may not be used or admitted in criminal proceedings against the person who provides it, except in proceedings against that person on a charge relating to –

- (a) the administration or taking of an oath;
 - (b) the making a false statement; or
 - (c) the failure to answer a lawful question fully and satisfactorily.
- (3) An owner or occupier of any premises must provide any facility and assistance that is reasonably required by a designated officer to perform his or her functions effectively.

CHAPTER 19: COMPLIANCE AND ENFORCEMENT

Compliance notice

125. (1) A designated officer who becomes aware that any provision of these By-laws has not been complied with, may issue a compliance notice to the owner or person apparently in control of the relevant premises.
- (2) A designated officer who is satisfied that the owner or person apparently in control of any premises has satisfied the terms of a compliance notice may issue a compliance certificate to that effect.
- (3) A compliance notice remains in force until a designated officer has issued a compliance certificate in respect of that notice.
- (4) A compliance notice must set out –
- (a) the provision that has not been complied with;
 - (b) details of the nature and extent of non-compliance;
 - (c) any steps that are required to be taken and the period with which those steps must be taken; and
 - (d) any penalty that may be imposed in terms of these By-laws in the event of non-compliance with these steps.

Complaints against persons other than the Council or service provider

126. Any one may lodge a complaint with a designated officer, either directly or through any other channel established by the Council, that another person –
- (a) is likely to cause or has caused a disruption of the provision of water and sanitation services without just cause; or
 - (b) is likely to act or has acted contrary to any provisions of these By-laws;
- in which event the designated officer, unless he or she has reasonable grounds to believe that the complaint is frivolous, must investigate the complaint and, take any necessary action which is competent in terms of these By-laws.

Official address

127. (1) For the purpose of the service of any notice, order or other document relating to legal proceedings –
- (a) the address of the owner of the premises on which domestic water is consumed or generated is deemed to be the official address, of such owner; and
 - (b) the address of the consumer, as referred to in section 4(5)(e) is deemed to be the official address, of the consumer.
- (2) Where any notice or other document is required by these By-laws to be served on any person other than for the purpose of criminal proceedings, it must be served on him or her personally, failing which it may be served on any member of his or her household or any employee as the case may be, of the apparent age of 16 years or older, at the place of residence or business of that person, or if sent by registered post, to the official address contemplated in subsection (1), it will constitute prima facie proof of the service of such notice.

Recovery of costs and fees

128. Any costs which the Council is entitled to recover from a consumer, owner or other person in terms of these By-laws include, where applicable, any prescribed fees, expenses incurred in any exploratory investigation, survey, plan, specification, or schedule of quantities compilation, supervision, administration or authorization charges, including the cost of any ancillary work associated therewith, wear and tear on plant and equipment utilized in any of these activities, the provision of labour and the costs, including environmental costs, involved in the disturbing and making good of any part of any street, ground or water services work.

Legal compliance warranty

129. Notwithstanding any provision to the contrary, any consumer by making application for water services, warrants that he or she will –
- (a) in his or her activities, application and use of the water services, processes, and operations, comply with all relevant laws, regulation, and standards governing the environment, health and safety;
 - (b) take all reasonable measures to prevent pollution or environmental degradation from occurring, continuing or recurring;
 - (c) insofar as such harm to the environment is authorized by law, or cannot reasonably be avoided or stopped, minimize and rectify such pollution or degradation of the environment; and

- (d) bear all costs and expenses incurred in meeting the above obligations and the implementation thereof.

False statement or information

130. No person may make a false statement or furnish false information to the Council, an authorized official, a designated officer or an employee of the Council or falsify a document issued in terms of these By-laws.

Exceptions to application of these By-laws

131. (1) If authority was given before the date of commencement of these By-laws for installation work to be done, or if authorized work is in progress on such date, such work must comply with any applicable laws which were in force in the relevant portion of the area of jurisdiction of the Council, immediately prior to such date.
- (2) For a period of 90 days after the commencement of these By-laws, the Council may give authority for installation work to be done in accordance with any law mentioned in subsection (1).
- (3) No owner may be required to comply with these By-laws by altering a water installation or part thereof which was installed in conformity with any law applicable immediately before the date of commencement of these By-laws : Provided that if in the opinion of the Council, the installation or a part thereof is so defective, or in such a condition or position as to cause waste or undue consumption of water, pollution of the water supply, or a health, safety or environmental hazard, it may by notice in writing require the owner to comply with the provisions of these By-laws within a specified and reasonable period.

Exemptions

132. (1) The Council may by resolution exempt any person from complying with a provision of these By-laws, subject to any conditions it may impose, if it is of the opinion that the application or operation of that provision would be unreasonable in the circumstances, provided that the Council may not grant an exemption from any section of this section that may result in –
- (a) the wastage or excessive consumption of water;
 - (b) the evasion or avoidance of water restrictions;
 - (c) significant negative effects on public health, safety or the environment;
 - (d) non-payment for services;
 - (e) the installation of pipes and fittings which are not approved in terms of these By-laws; or
 - (f) non-compliance with the Act or any regulations made in terms thereof.

- (2) Subject to the provisions of the Promotion of Administrative Justice Act, 2000, the Council may at any time after giving written notice of at least thirty days, withdraw any exemption given in terms of subsection (1), and may compel the owner or consumer, as the case may be, to comply with the relevant section or sections within a period to be stated in the notice of withdrawal: Provided that it may withdraw such an exemption without such notice if, in the opinion of the designated officer there is a present or imminent danger to public health or the environment, or of the wastage or excessive consumption of water, or of the evasion of water restrictions or the obligation to pay for the consumption of water supplied.

Offences

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

- (a) refuse to grant a designated officer access to premises to which that designated officer is duly authorized to have access;
- (b) obstruct, interfere or hinder a designated officer who is exercising a power or carrying out a duty under these By-laws;
- (c) fail or refuse to provide a designated officer with a document or information that the person is required to provide under these By-laws;
- (d) give false or misleading information to a designated officer ;
- (e) unlawfully prevent the owner of any premises, or a person working for that owner, from entering the premises in order to comply with a requirement of these By-laws;
- (f) pretend to be a designated officer ;
- (g) falsely alter an authorization to a designated officer or written authorization, compliance notice or compliance certificate issued in terms of this Chapter;

- (h) enter any premises without a written authorization in circumstances requiring such authorization;
- (i) act contrary to a written authorization issued in terms of this Chapter;
- (j) without authority –
 - (i) enter or inspect premises;
 - (ii) carry out any act mentioned in section 117(1);

- (k) disclose any information relating to the financial or business affairs of any person which was acquired in the performance of any function or exercise of any power in terms of these By-laws, except –
 - (i) to a person who requires that information in order to perform a function or exercise a power in terms of these By-laws;
 - (ii) if the disclosure is ordered by a court of law; or
 - (iii) if the disclosure is in compliance with the provisions of any law.

- (l) contravene or fail to comply with any provisions of these By-laws;
 - (m) fail to comply with any notice issued in terms of these By-laws;
 - (n) fail to comply with any lawful instruction given in terms of these By-laws; or
 - (o) obstruct or hinder any authorized official of the Council in the execution of his or her duties under these By-laws,
- (2) Any alleged offence contemplated in subsection (1), except in paragraph (i) thereof, must be referred to the Johannesburg Metropolitan Police Department referred to in section 122 for investigation with a view to possible prosecution of the offender.
- (3) Any person convicted of an offence contemplated in subsection (1) notwithstanding any recoveries that may have to be made by Council, is liable on conviction to a fine not exceeding R120 000.00 , or in default of payment, to imprisonment for a period not exceeding thirty six months (three years), and in the case of a continuing offence, to a further fine as determined by the presiding officer or in default of payment to imprisonment as determined by the presiding officer, for every day during the continuance of such offence after a written notice has been issued by the Council requiring the discontinuance of such offence, and for a second or subsequent offence he shall be liable on conviction to a fine or in default or payment to imprisonment for a period not exceeding six months.

Application of this Chapter

134. (1) The provisions of the Chapter apply to all persons or bodies, including the State.
- (2) A provision of this Chapter conferring a power or imposing a duty applies in respect of–
- (a) all premises;
 - (b) any person or thing on or in any premises;
 - (c) the owner or occupier of all premises; and
 - (d) any matter relating to premises, a person, or thing.
- (3) For the purposes of this Chapter, the head of a national or provincial department or the municipal manager of the Council is deemed to be the owner and occupier of all premises that the department or municipality occupies or uses to the exclusion of any other person

Repeal of By-laws

135. The by-laws listed in schedule E are hereby repealed.

Short title

136. These By-laws are called the City of Johannesburg Metropolitan Municipality Water Services By-Laws, 2019.

SCHEDULE A

GENERAL RULES REGARDING FEES

In this Schedule, unless the context otherwise indicates -

"half year" means the period of six months commencing on 1 January and 1 July in each year, as the case may be;

"quarter" means the period of three months commencing on 1 January, 1 April, 1 July and 1 October in each year, as the case may be;

"three monthly period" means the period of three months in the meter reading cycle ending on the date of the last meter reading preceding the end of the quarter.

PART 1

GENERAL RULES REGARDING FEES FOR THE USE OF THE COUNCIL'S SEWERS AND SEWAGE PURIFICATION PLANT IN ACCORDANCE WITH SECTION 7

1. The fees determined by the Council accruing in respect of each -
 - (a) half-year, becomes due and payable in advance on 1 July and 1 January of each year: Provided that the fees payable in terms of section 7 in respect of industrial effluent is payable half-yearly in arrears;
 - (b) quarter, becomes due on the first day of such quarter and payable within six weeks after the first day of such quarter.
2. If any fees determined by the Council in respect of any type of premises is based on the number of inmates, patients, servants, students, staff or other persons resident or occupying such premises, the Council may require a certificate specifying the number of persons occupying or accommodated on such premises during any particular period to be furnished to it by the person in charge of such premises.
3. If any person who is required to furnish a return in terms of these By-laws, or this Schedule or to provide such other information as may be necessary to enable the Council to assess the amount payable in terms of a fee determined by the Council, fails to do so within 30 days after having been called upon to do so by notice in writing, he or she is liable to pay such fees as the Council may then assess on the best information available to it, subject to the Council's

entitlement to levy any additional fees which may be applicable when further information becomes available.

4. In all cases of dispute as to the date from which a fee becomes applicable, the decision of the Council is final.
5. In the case of premises not connected to the municipal sewer the fees determined by the Council and contemplated in section 6 shall become payable with effect from the date on which the Council requires that a connection be made or with effect from the date when the premises are in fact connected, whichever is the earlier.
6. The fees determined by the Council for domestic sewage, industrial effluents, swimming pools, fountains and reservoirs, remain effective in the case of buildings wholly unoccupied or in the course of demolition until the date on which the Council is requested to seal the openings to the Council 's sewer.
7. If any change is made in the nature of the occupation or the use of any premises which requires the application of a different fee determined by the Council, no claim for any adjustment of an account rendered or any refund of monies paid in terms of these By-laws will be entertained by the Council unless notice in writing of the change is given to the Council within 30 days of the date of its occurrence.
8.
 - (a) The Council must designate the category of domestic sewage into which premises connected to the municipal sewer fall, for purposes of assessment of the amount payable in accordance with the fees determined by the Council; and
 - (b) for the purpose of the designation referred to in this rule the Council may require the owner or occupier of any premises to furnish it with information to its satisfaction reflecting the number of dwelling-units on the premises.
9.
 - (1) The fees determined by Council for premises other than those referred to in rule 2 shall be assessed in advance for each quarter, and shall be based on a quantity equal to the water consumption metered in terms of Chapter 5, sections 31 to 35 of these By-laws, for the meter reading cycle of three months preceding the last meter reading prior to the quarter in question provided that:
 - (a) in the case of new premises or if the record of metered consumption on existing premises does not extend over the full meter reading cycle of three months or if, in the opinion of the Council , the record of metered consumption is not a suitable basis for the assessment of the fees by reason of a change in the occupation, use or ownership of premises, or special contingency, the fees for the coming quarter shall, subject to adjustment when the consumption of water for the three monthly period becomes available, be based on the Council estimate of the quantity of water to be

consumed and discharged into the sewer on such premises during such coming three monthly period;

- (b) in the case of premises where the water consumed is not used solely for domestic purposes and in the absence of any direct measurement, the quantity of water discharged during a quarter shall be assessed by the Council according to the quantity of water consumed on the premises during that period, and in the assessment of that quantity deductions shall be made for the quantity lost during the process of trade or manufacture or present in the final product;
 - (c) if the quantity of water obtained from a source other than the Council 's water supply on the premises during that cycle is unknown, the fees shall be based on the Council estimate of the total water consumption on such premises during the aforesaid meter reading cycle.
 - (d) Water consumption recorded by a meter installed in terms of -
 - (i) section 100(8) shall be paid for on the basis of the fees determined by the Council for unspecified premises, or the fees determined by the Council for industrial effluent, if applicable, but not on the basis of both such fees;
 - (ii) section 100(8)(b) shall not be subject to any fee;
 - (iii) section 97(1)(c) shall not be subject to any fee for domestic effluent but subject to a fees for industrial effluent in terms of Part II, hereof.
- (2) If on any premises the Council, after consideration of its size, the number of water supply points and the complexity of the water reticulation, considers it impractical to determine the quantity of water discharged into the sewer from records of metered water consumption, it may in its discretion:
- (a) direct that water reticulation system be altered at the cost of the owner, to facilitate separate metering of water discharged into the sewer after use, and other water consumed, but not so discharged; or
 - (b) assess the quantity of water discharged into the sewer in any six monthly meter - reading period in accordance with the quantity of water used on the premises of a similar nature as determined by the Council.

PART II

GENERAL RULES REGARDING FEES FOR INDUSTRIAL EFFLUENT

The following rules are applicable for the purposes of sections 93, 94 and 97 in connection with the fees determined by the Council which are payable for the acceptance, conveyance and treatment of industrial effluent discharged from any premises;

1. The owner or occupier of premises on which any trade or industry is carried on and from which, as a result of such trade or industry or of any process incidental thereto, any effluent is discharged to the municipal sewer, shall, in addition to any other fees determined by the Council for which he or she may become liable, pay to the Council an industrial effluent fee including any minimum fee, which fees must be determined by the Council and must be calculated -
 - (a) on the quantity of water discharged during the half-year forming the period of the fee; and
 - (b) in accordance with the arithmetic mean of the results of the analyses, specified in item 3, of not less than eight grab samples of effluent taken at any time during a three month assessment period: Provided that the Council may in its discretion use another method of assessment if in its opinion it will lead to a fairer result.
2. Whenever a sample is taken by the Council in terms of rule 1, one half thereof shall, on the request of the owner, occupier or person in control of the premises, be made available to him or her and like provisions shall apply to any samples taken by the owner, occupier or person in control in favour of the Council.
3. The analyses referred to in rule 1 must be in accordance with the methods of chemical analysis normally used by the Council for the purpose and may include -

Chemical Oxygen Demand (COD)

Total Kjeldahl Nitrogen

Nitrate as N

Ammonia as N

Total phosphorus

Orthophosphate as P

pH

Substances listed in Schedule C (Rule 5.9) and D:

4. In the absence of any direct measurement, the quantity of industrial effluent discharged during a half-year must be assessed by the Council according to the quantity of water consumed on the premises during that period, and in the assessment of that quantity a deduction must be made of the quantity used on the premises for domestic purposes, and the quantity lost to the atmosphere during the process of trade or manufacture, or present in the final product.

5. Unless the Council, in any particular case, agrees otherwise in writing with an owner or occupier, the fees determined by the Council for industrial effluent will be levied in respect of half-years beginning 1 July and 1 January;

Provided that -

- (i) if the last monthly reading relating to a half yearly charging period is taken before the end of that period, the remaining part of the period will be deemed to belong for charging purposes to the next succeeding half-yearly charging period;
 - (ii) if the last monthly meter reading relating to the half-yearly charging period is taken after the end of that period, that part of the succeeding period which has elapsed when the reading is taken will be deemed to form part of the charging period to which the reading relates; and
 - (iii) if the discharge of effluent to the sewer begins during a half-year as aforesaid the charge made in respect of that half-year must be calculated as from the relevant date.
6. If a meter measuring the quantity of water consumed on premises is proved defective, an appropriate adjustment must be made to the quantity of industrial effluent discharged when calculated as provided by rule 4.
7. (1) If industrial effluent is discharged into the sewer from more points than one, whether on the same floor or on different floors of premises, the Council may in its discretion for all the purposes of assessing a fee for industrial effluent, including the taking of test samples, treat each such point of discharge as a separate point for the discharge of industrial effluent into the sewer.
- (2) For the purpose of calculating, as prescribed in rule 4, the quantity of effluent discharged from each point of discharge as aforesaid, the total water consumed on the premises must be allocated as accurately as is reasonably practicable, after consultation between the Council and the occupier, among the several points of discharge
8. If a grab sample taken at any time after the three month assessment period should reveal that the total pollutant load is altered in such a way as to place a heavier load on the Council 's sewage treatment plants, and the owner, occupier or person in control has failed to advise the Council in writing of the change, the owner or occupier will immediately become liable for twice the difference between the assessed fees and the fees that would have been levied had the total pollutant load been correctly assessed.
9. If an inspection should reveal that the owner or occupier or person in control has failed to discharge industrial effluent during periods specified by the Council in accordance with section 86(6), the owner or occupier will immediately become liable for the full amount of the industrial effluent fees .

10. (1) (a) The Council may, during any half yearly period referred to in rule 5, render a provisional account in respect of a part of such period, which part must as nearly as practically possible be a period of 30 days, and the amount of such account must be determined as provided in sub-rule (b) and the Council must as soon as possible after the end of such period render an account based on the actual measurements and results obtained in terms of rule 1(a) and (b) for such period, giving credit for any sum paid on a provisional account as aforesaid.

(b) The amount of a provisional account referred to in sub-rule (a) must be determined by the Council by reference to such previous discharge on the same premises as would in its opinion, constitute a reasonable guide to the quantity of effluent discharged over the period covered by the provisional account by reference to such discharge on other similar premises which, in its opinion, affords reasonable guidance.

(2) A provisional account rendered in terms of sub-rule (1) (a) is payable on the date stipulated therein.

(3) An owner's decision to dispute an account shall not entitle him or her to defer payment beyond the due date stipulated in the account.

PART III

GENERAL RULES REGARDING FEES FOR AN

ON-SITE SANITATION SERVICE

The following rules are applicable for the purposes of section 83 in connection with the fees determined by the Council which are payable for the provision of a sanitation service:

1. A commencement fee as determined by the Council will be payable in respect of the provision of sanitation services before the commencement of such services.
2. Night soil removal services may be provided on a tri-weekly, nightly or other basis at the discretion of the Council.

3. The fees for night soil removal must be based on the number of pails and, for a conservancy/ vacuum tank removal, on the quantity removed.
4. A tri-weekly night soil removal service may be provided to a *bona fide* builder during building operations.
5. A mobile convenience may be provided at the discretion of the Council.
6. A vacuum tank removal service may be provided at the discretion of the Council.
7. Any sanitation service provided by the Council may be subject to an escalating tariff of fees within six months of the introduction of a suitable waterborne system.

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SCHEDULE B

FORM OF APPLICATION FOR PERMISSION TO INSTALL APPLIANCES FOR LIFTING SEWAGE

NOTE: On premises where it is not possible to drain all sanitary fittings by gravitation to a connecting sewer, the Council will consider applications for lifting sewage in compliance with the requirements of the National Building Regulations made in terms of the National Building Regulations and Building Standards Act, 1977, and any other applicable law only in respect of those parts of premises which cannot be drained by gravitation. In the case of single basements, consideration will be given to the use of sanitary fittings on the ground floor.

In all cases where lifting of sewage is permitted, the Council will stipulate the rate of discharge, which will be normally limited to a maximum of 240 litres per minute.

INFORMATION TO BE FURNISHED BY OWNER

The owner of the premises must furnish the following information and the relevant literature and characteristic curves, and sign the application and undertaking:

- (a) Make of appliance, name of supplier and purpose for which the appliance is designed;
- (b) kW rating and speed of motor;
- (c) Maximum rate of discharge in litres per minute
- (d) Size of rising main and velocity of discharge;
- (e) Capacity and dimensions of storage tank depth to be given as liquid depth below inlet drain;
- (f) Descriptions of stand-by equipment, automatic controls, warning systems, and other relevant information.

Any matters relating to the electric power connection and switchboard will be referred to the electricity supplier and will be subject to the approval of that supplier.

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SCHEDULE C

**FORM OF APPLICATION FOR PERMISSION
TO DISCHARGE INDUSTRIAL EFFLUENT INTO THE COUNCIL'S SEWER**

1. GENERAL

1.1 I (Name) the undersigned, duly authorised to and on behalf of
..... (hereinafter referred to as the applicant), hereby apply in terms of the
provisions of the Water Services By-laws of the Council for permission to discharge industrial
effluent into the municipal sewer on the basis of the information set out herein.

1.2 Company's present street address, etc,

Street Address ..

Postal Address

Contact Person

Designation .

Township Stand No(s)

Landlord Tel.....

1.3 Name or style under which the business or industry is carried on.

1.4 If the business or industry is carried on by a company, state the name of the secretary and if it
is a partnership state the names of the partners and their position held in the company and tel.
no.

1.5 Nature of the business or industry concerned

1.6 Description of industrial or trade process by which effluent is / will be produced.

.....

2. INFORMATION RELATING TO EMPLOYEES

Office/Factory

- 2.1 Total number of daily employees (not to include 2.3)
 - 2.2 Number of days worked per week
 - 2.3 Number of persons resident on the premises
 - 2.4 Is a canteen provided? YES/NO
- If YES, number of meals served per month

3. INFORMATION RELATING TO WATER CONSUMPTION

- 3.1 Kilolitres / Month
- 3.2 Approximate quantity of water purchased from the Councilkl/m
(In case of an established business or industry attach copies of all latest assessment and water accounts.)
- 3.3 Approximate quantity of water extracted from borehole(s) and/or other sources.

(In terms of the Water Services By-laws a meter measuring the total quantity of water drawn from any natural source and used on the property must be installed.)

Source	kl/m	Meter No.
1		
2.		
3.		
4.		
5.		

3.4 Approximate quantity of water entering with raw materials.

Raw Material	kl/m	Meter No.
1.		
2.		
3.		
4.		
5.		

NOTE: QUANTITIES MUST BE SUB-METERED WHERE POSSIBLE, OR CERTIFIED FROM PRODUCTION FIGURES

4. WATER LOST FROM MISCELLANEOUS CAUSES (kl/m)

- 4.1 Quantity of water in end product
- 4.2 Quantity of water used as cooling make-up
- 4.3 Quantity of water used as boiler make-up
- 4.4 Does boiler blowdown enter the sewer? Quantity
- 4.5 Specify other non-effluent uses, not domestic

In order to qualify for non-effluent deductions sub-meters must be installed wherever practicable. Certified quantities based on formal production records will also be considered. Such records must be available for inspection at all times.

5. EFFLUENT QUALITY

Information required concerning the chemical and physical characteristics of the effluent to be discharged.

- 5.1 Maximum temperature of effluent ° C
- 5.2 pH value
- 5.3 Electrical conductivity mS/m

5.4 Nature and amount of substances not in solution

5.5 Chemical oxygen demand valuemg/l

5.6 Maximum total daily dischargekl...

5.7 Maximum rate of dischargel/s

5.8 Periods of maximum discharge (e.g. 07:00 - 08:00 = 36 kl/h)

5.9 If any of the substances, or their salts, specified in the table below are used or produced on the premises, a cross must be placed in the space in which the substance appears and the maximum concentration of each likely to be present in the effluent, must be stated in mg/l.

Substance	Substance
Iron as Fe	Cyanide as HCN
Chromium as Cr	Fluoride as F
Nickel as Ni	Sulphides as S
Cadmium as Cd	Sulphates as SO ₄
Copper as Cu	Phosphorus as P
Zinc as Zn	Orthophosphate as P
Cobalt as Co	Total Nitrogen as N
Lead as Pb	Ammonia as N
Selenium as Se	Nitrates as N
Mercury as Hg	Starch or sugars
Molybdenum as Mo	Tar or tar oil
Arsenic as As	Fats, oils and grease
Boron as B	Synthetic detergents
Other substances	Volatile solvents

5.10 Any further information as to kind or character, chemical composition and concentrations peculiar to the industrial effluent to be furnished on a separate sheet and attached hereto.

CONDITIONS OF ACCEPTANCE OF INDUSTRIAL EFFLUENT

This application will only be granted on the applicant's undertaking, as he or she is by virtue of his or her signature hereto appended deemed to do, to observe the following terms and conditions and any further special conditions which the Council may think fit to impose in any particular case:

1. The applicant must annex hereto descriptions and a statement of the dimensions of grease and oil traps, screens, dilution and neutralizing tanks and any other provisions made by him for the treatment of the industrial effluent before it is discharged to the sewer.

2. The applicant must submit to the Council, if requested, plans showing the reticulation systems on his or her premises for water and industrial effluent.
3. The applicant must, in addition to complying with the provisions of the Water Services By-laws concerned with the protection of its employees, sewers and treatment plant from injury or damage, comply with any direction concerned with such protection of its employees, sewers and treatment plant from injury or damage, and comply with any direction concerned with such protection given to him by the authorized officer verbally or in writing for the purpose of ensuring the applicant's compliance with the said By-laws.
4. The applicant must provide a separate drainage installation for conveying industrial effluent and for discharging same into the sewer via a separate connection as directed by the Council.
5. The applicant agrees to provide a suitable sample point for his industrial effluent and manage the effluent in such a manner that at all times the samples taken thereof are an accurate representation of the strength and composition of the industrial effluent.
6. The applicant must notify the Council, as soon as possible after he becomes aware of, or at least 14 days before anything is done to cause any material alteration in the nature or quantity of discharge of the industrial effluent specified in this application, or in any of the facts stated by him therein.
7. The applicant hereby declares and warrants that the information given by him on this form or otherwise in connection with this application, is to the best of his knowledge and belief in all respects correct.
8. The applicant agrees that, the said information being warranted in all respects correct, forms the basis on which this application is granted by the Council.

Thus done at this day of 200.....

Signature & Capacity of Applicant

Permission is hereby granted by me on behalf of the Council, I being duly thereunto authorised, for the discharge into the Council 's sewer in accordance with the Water Services By-laws of industrial effluent as described in this form and in the circumstances therein set forth : Provided that this permission is revocable by the Council at any time at its absolute discretion on the expiry of

reasonable notice in writing given by it to the applicant or in the event of any contravention of the said By-laws or the conditions on which this permission is granted.

The said permission is given subject also to the following special conditions:

SIGNED :

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SCHEDULE D

LIMITS AND MAXIMUM CONCENTRATION OF CERTAIN SUBSTANCES

Subject to the provisions of section 75(1)(i) of the Water Services By-laws the following limits will apply:

(a) the maximum concentration limits of substances contained in any sewage, industrial effluent or other liquid discharged to the sewer;

- (i) Electrical conductivity not greater than : 500mS/m at 20 degrees Celsius.
- (ii) Substances not in solution including fat, oil, grease, waxes and like substances -

- (a) of mineral origin < 50 mg/l
- (b) of vegetable origin < 200 mg/l

Chlorides (expressed as Cl): 1 000 mg/l
Anionic surface active agents : 250 mg/l
Sulphates (expressed as SO₄) : 250 mg/l.
Iron (as Fe) : 200 mg/l
Manganese (as Mn) 50 mg/l
Nitrates (as N) : 50 mg/l
Chrome (expressed as Cr) : 20 mg/l
Cobalt (expressed as Co) : 20 mg/l
Copper (expressed as Cu) : 20 mg/l
Titanium (as Ti): 20 mg/l
Cyanides (as CN) : 20 mg/l
Zinc (expressed as Zn) : 20 mg/l
Lead (expressed as Pb) : 10 mg/l
Phenols (expressed as phenol) : 10 mg/l
Nickel (expressed as Ni) : 10 mg/l
Sulphides (as S) : 10 mg/l
Boron (expressed as B): 5 mg/l
Fluoride (expressed as F) 5 mg/l
Molybdenum (expressed as Mo) : 5 mg/l
Arsenic (expressed as As) : 2,5 mg/l
Cadmium (expressed as Cd) : 2,5 mg/l
Selenium (expressed as Se) : 2,5 mg/l
Mercury (expressed as Hg) : 1,0 mg/l

Radio-Active Wastes

Any radio-active wastes or isotopes; Such concentration as may be laid down by the Atomic Energy Board or any State Department.

Notwithstanding the requirements set out in this Schedule, the Council may limit the total mass of any substance or impurity discharged over a specified period into the sewers from any premises.

NOTE: THE METHODS USED FOR ASCERTAINING THE VALUE OF THE VARIOUS PARAMETERS LISTED IN THIS SCHEDULE WILL BE THE TEST METHODS NORMALLY USED BY THE COUNCIL FOR THE PURPOSE, DETAILS OF WHICH SHALL BE SUPPLIED ON REQUEST TO ANY PERSON WHO DISCHARGES INDUSTRIAL EFFLUENT.

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SCHEDULE E
REPEALED BY-LAWS

Number and year	Name of By-laws	Extent of Repeal
Local Authority Notice 1659 dated 17 June 1992	Johannesburg Municipality: Water Pollution Control By-laws	Whole
Administrator's Notice 195 dated 10 March 1965	Johannesburg Municipality: Sanitation (General) By-laws	Whole
Administrator's Notice 1227 dated 27 July 1977	Johannesburg Municipality: Standard Water Supply By-laws	Whole
Administrator's Notice 1268 dated 31 August 1977	Randburg Municipality: Standard Water Supply By-laws	Whole
Administrator's Notice 231 dated 22 February 1978	Sandton Municipality: Standard Water Supply By-laws	Whole
	Roodepoort Municipality: Standard Water Supply By-laws	Whole
	Midrand Municipality: Standard Water Supply By-laws	Whole
Administrator's Notice 509 dated 1 August 1962	Roodepoort Municipality: Drainage and Plumbing By-laws	Whole
Government Notice R.1107 dated 30 May 1984 under section 27 (2A) of the Black Local Authorities Act, 1982 (Act 102 of 1982) read with section 13(3) of the Local Government Transition Act, 1993 (Act No 209 of 1993)	Water Supply By-laws as applied by the Municipalities of Alexandra, Diepmeadow, Dobsonville and Soweto	Whole
Local Authority Notice dated 4 May 1988	Midrand Municipality: Miscellaneous By-laws Relating to the Regulating of Building and Drainage Works and Related Matters	Whole
	City of Johannesburg Metropolitan Municipality: Water Services By-laws 2003	Section 14(4)(c) and Schedule A Part III.
<u>(Published under notice no 835 in Gauteng provincial gazette extraordinary no 179 dated 21 May 2004 and as amended by notice 1455 in provincial gazette no 162 dated 20 June 2008)</u>	<u>City of Johannesburg Metropolitan Municipality: Water Services By-laws 2003</u>	<u>Whole</u>

