



PROVINCE OF THE EASTERN CAPE
IPHONDO LEMPUMA KOLONI
PROVINSIE OOS-KAAP

**Provincial Gazette
Igazethi Yephondo
Provinsiale Koerant**

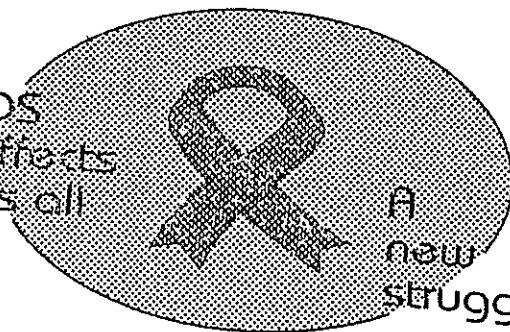
Vol. 13

BISHO/
KING WILLIAM'S TOWN, 22 SEPTEMBER 2006

No. 1603
(Extraordinary)

We all have the power to prevent AIDS

AIDS
affects
us all



A
new
struggle

Prevention is the cure

**AIDS
HELPLINE**

0800 012 322

DEPARTMENT OF HEALTH



9771682455006

01603



such meeting and any reports submitted to the board of directors by the chief executive officer.

BOARD OF DIRECTORS

10. (1) There shall be a board of directors that will be appointed as provided for herein which shall manage Ntinga O.R.Tambo Development Agency.
- (2) The board of directors shall comprise of no less than seven directors and no more than eleven directors selected from a diverse background.
- (3) The members of the board of directors shall be entitled to such remuneration as may be determined by the Council from time to time.

APPOINTMENT OF DIRECTORS

11. (1) The appointment of a board of directors shall be in the following manner:
 - (a) a panel responsible for the appointment of the board of directors will be appointed by the Council on the advice of the Executive Mayor. The composition of the said panel will be determined by the Executive Mayor.
 - (b) The panel shall issue an invitation in the local newspaper circulating in the province and one national weekend newspaper calling for all interested individuals to nominate a person to be appointed or apply for appointment to the board of directors.
 - (c) Such invitation shall state the requisite skills, educational qualifications, if any, experience, equity status that would be required from the candidates, the closing date and the manner in, address and person to which the applications should be forwarded. Such closing date shall not be less than fourteen days from the date of publication of the advert and not be more than twenty one days.
 - (d) The application shall be accompanied by a comprehensive *curriculum vitae* of the applicant or nominee and must also include the certified copies of the individual's South African identity document, the educational qualifications. In the case of a nomination, a written acceptance of nomination shall be required.
 - (e) The panel shall compile a list of all the applicants and state their individual skills, educational qualifications, if any, each applicant's equity status.
 - (f) The panel shall shortlist the candidates, conduct interviews of those that are considered to be suitable for such appointment and make the necessary recommendations to Council of the District Municipality for confirmation of their appointment.
 - (g) Council shall thereafter confirm the appointment of the board of directors. The said directors shall be advised in writing of their appointment and the term of their office by the Executive Mayor.

REMOVAL OR RECALL OF DIRECTORS

14. The District Municipality may remove or recall a director appointed or nominated by it –
- (a) if the performance of the director is unsatisfactory;
 - (b) if the director, either through illness or for any other reason, is unable to perform the functions of office effectively; or
 - (c) if the director, whilst holding office –
 - (i) is convicted of fraud or theft or any offence involving fraudulent conduct
 - (ii) has failed to comply with or breached any legislation regulating the conduct of directors, including any applicable code of conduct.

DUTIES OF DIRECTORS

15. (1) The board of directors of the Development Agency must –
- (a) provide effective, transparent, accountable and coherent corporate governance and conduct effective oversight of the affairs of the Development Agency;
 - (b) ensure that it and the Development Agency comply with all applicable legislation and agreements;
 - (c) communicate openly and promptly with the District Municipality; and
 - (d) deal with the District Municipality in good faith.
- (2) A director must –
- (a) disclose to the board of directors, and to the representative of the District Municipality, any direct or indirect personal or business interest that the director or his or her spouse or partner may have in any matter before the board, and must withdraw from the proceedings of the board when the matter is considered, unless the board decides that the director's direct or indirect interest is trivial or irrelevant; and
 - (b) at all times act in accordance with the Code of Conduct for directors referred to in section 93L of the Municipal Systems Act.
- (3) The board of directors must determine the salary scales applicable to all categories of the employees of the Development Agency, other than those of the chief executive officer and senior managers, including the terms and conditions of service in accordance with any applicable labour legislation.

- (3) The chief executive officer shall be employed in terms of an employment contract having a minimum term of three years and a maximum term of five years subject to a performance agreement.
- (4) The employment of a chief executive officer shall be approved by the board of directors by way of a resolution.

APPOINTMENT OF STAFF

19. (1) The board of directors shall be responsible for the appointment of staff of the Development Agency and may delegate any of its powers to the chief executive officer.
- (2) The chief executive officer shall report to the board of directors any appointments made in terms of such delegation and any resignations that may occur from time to time.
- (3) The board of directors may not delegate the power to appoint any manager directly reporting to the chief executive officer.
- (4) The chief executive officer may subdelegate the power to appoint staff to any of the managers directly reporting to him or her other than the power to appoint staff members at the level above and including that of an assistant manager.
- (5) The board of directors shall ensure that a human resource policy consistent with that of the District Municipality is adopted which shall set out the terms and conditions of employment of all staff of the Development Agency.

TRANSFER OR SECONDMENT OF STAFF

20. The board of directors shall ensure that its human resource policy, inter alia, provides for the procedure for the transfer or secondment of staff to the Development Agency from the District Municipality or vice versa.

ACQUISITION OR TRANSFER OF INFRASTRUCTURE

21. (1) The Development Agency shall have the power to acquire immovable property, in its own name, necessary for the discharge of its mandate in terms of this by-law or any other agreement that it may enter into with the District Municipality.
- (2) In acquiring such property, the Development Agency shall comply with the supply chain management policy applicable to it or, if none exists, that of the District Municipality.

- (2) Ntinga O.R. Tambo Development Agency (Section 21 Company) shall deregister from being a Section 21 Company and upon its deregistration shall then operate as provided for in terms of this by-law.
- (3) The assets and liabilities of the disestablished Ntinga O.R Tambo Development Agency (Section 21 Company) shall be taken over by the Development Agency established in terms of this by-law.
- (4) The staff of the disestablished Ntinga OR Tambo Development Agency (Section 21 Company) shall be transferred to the Development Agency with effect from the date of the adoption of this by-law by Council without any change in their conditions of employment.
- (5) The board of directors of the disestablished Section 21 Company shall, with effect from the date of the adoption of this by-law by Council, continue to operate as an interim board of directors of the Development Agency until a board of directors for the Development Agency is appointed in terms of clause 11 of this by-law.

20. Exemption	29
21. Unauthorised use of water services.....	29
22. Purpose of water services.....	29
23. Interference with water supply system or any sanitation services.....	29
24. Obstruction of access to water supply system or any sanitation services.....	30
25. Notice and Documents	30
26. Power to serve, and compliance with notices.....	30
27. Power of entry and inspection	31
28. False Statements or Information.....	32
29. Availability of By-laws.....	32
30. Trespassing on Water Supply System.....	32
31. Damage to Water Supply System.....	32
32. Pollution of Water Services Authority's Water Supply.....	32
33. Liabilities and Compensation	33
34. Relaxation of Waiver	33
(4) The WSP shall report monthly to the WSA during such exemption period and motivate and report as to why the exemption should remain in place. A monthly list of active exemptions shall be submitted to the WSA.....	34
35. Offences	34
CHAPTER 3	35
Water Supply Services	35
PART 1 - CONNECTION TO WATER SUPPLY SYSTEM.....	35
36. Provision of connection pipe.....	35
37. Location of connection pipe.....	35
38. Provision of single water connection for supply to several consumers on same premises.....	36
39. Interconnection between premises or water installations.....	37
40. Disconnection of water installation from connection pipe.....	37
PART 2 - COMMUNAL WATER SERVICES WORKS.....	37
41. Provision of a water services work for water supply to several consumers.....	37
PART 3 - TEMPORARY SUPPLY	38
42. Water supplied from a hydrant	38
PART 4 - STANDARDS AND GENERAL CONDITIONS OF SUPPLY	38
43. Quantity, quality and pressure	38
44. General conditions of supply	38
PART 5 - MEASUREMENT OF WATER SUPPLY SERVICES.....	39
45. Measuring of quantity of water supplied.....	39
46. Quantity of water supplied to consumer	40
47. Estimate of Quantity	40
48. Defective measurement.....	41
49. Special measurement.....	41
50. No reduction of amount payable for water wasted.....	42
51. Adjustment of quantity of water supplied through defective measuring device.....	42
PART 6 - INSTALLATION WORK	42
52. Approval of installation work.....	42

85. Measurement of quantity of standard domestic effluent discharged	57
86. Measurement of quantity of industrial effluent discharged.....	58
87. Reduction in the quantity determined in terms of Sections 85 and 86 (1)(a).....	58
PART 7 - DRAINAGE INSTALLATIONS	59
88. Construction or installation of drainage installations	59
89. Drains in Streets or Public Places	60
90. Construction by water services authority or its authorised agent	60
91. Maintenance of drainage installation	60
92. Installation of pre-treatment facility	60
93. Protection from ingress of floodwaters	60
PART 8 - PROTECTION OF INFRASTRUCTURE	61
94. Power of Entry and Inspection	61
95. Trespassing on the Sewage Disposal System	61
96. Interference with the Sewage Disposal System.....	61
97. Damage to Sewage Disposal System	62
98. Consequential Maintenance of Sewers	62
99. Obstruction of Access to Sewage Disposal System.....	62
100. Work By Private Persons	62
CHAPTER VI	63
Approvals of Water Service Providers, Suppliers of Water for Industrial Use and Registration of Water Services Intermediaries	63
PART 1 - WATER SERVICES PROVIDER – APPROVAL	63
101. Request for Applications for Approval	63
102. Application for Approval	65
103. Additional Information to make Decision.....	67
104. Procedure on Approval.....	67
108. Disputes	68
PART 3 - WATER SUPPLY FOR INDUSTRIAL USE AND ACCEPTANCE OF INDUSTRIAL EFFLUENT	69
109. Industrial Use – Application.....	69
110. Procedure on Approval.....	71
PART 4 - WATER SERVICES INTERMEDIARY – REGISTRATION	71
111. Application for Registration	71
112. Additional Information to make Decision.....	73
113. Approval of Application.....	73
114. Suspension of by-laws.....	73
115. Monthly Report.....	74
SCHEDULES	75
SCHEDULE A	75
Acceptance of industrial effluent for discharge into the sewage disposal system	75
SCHEDULE 'B'	77
Acceptance of industrial effluent for discharge into sea outfalls	77

connecting point	means the point at which the drainage installation joins the connecting sewer;
connecting sewer	means a pipe owned by the water services authority and installed by it for the purpose of conveying sewage from a drainage installation on a premises to a sewer beyond the boundary of those premises or within a servitude area or within an area covered by a wayleave or by agreement;
connection pipe	means a pipe, the ownership of which is vested in the water services authority and installed by it for the purpose of conveying water from a main to a water installation, and includes a "communication pipe" referred to in SABS 0252 Part I;
consumer	<p>means:</p> <p>(a) any occupier of any premises to which or on which the municipality or its authorised agent has agreed to provide water services or is actually providing water services, or if there be no occupier, then any person who has entered into a current agreement with the municipality or its authorised agent for the provision of water services to or on such premises, or, if there be no such person, then the owner of the premises; provided that where water services is provided through a single connection to a number of occupiers, it shall mean the occupier, or person, to whom the municipality or its authorised agent has agreed to provide water services; or</p> <p>(b) any person that obtains access to water services provided through communal water services work;</p>
delivery system	means a water delivery mechanism, which delivers a predetermined quantity of water to a consumer on agreed terms;
district municipality	means a municipality that has municipal executive and legislative authority in an area that includes more than one municipality and which is described in section 155 (1) of the constitution as a category C municipality;

delivery system	quantity of water to a consumer in any single day;
flood level (1 in 50 year)	means that level reached by flood waters of a frequency of 1 in 50 years;
flood plain (1 in 50 year)	means the area subject to inundation by flood waters of a frequency of 1 in 50 years;
high strength sewage	means sewage with strength or quality greater than standard domestic effluent;
household	means a dwelling, structure, traditional homestead or property primarily occupied for residential purposes;
incapacitated	for the purposes of the definition of 'consumer' shall mean a person who has been declared incapable of managing his or her affairs by a competent court;
industrial effluent	means effluent emanating from industrial use of water, and includes for purposes of these by-laws, any effluent other than standard domestic effluent or stormwater, and includes industrial effluent discharged into a sewage treatment plant;
industries	means any persons, organisations or institutions that use water for mining, manufacturing, 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;
intermediaries	as specified in the Act;
main	means a pipe, other than a connection pipe, vesting in the water services authority and used by it for the purpose of conveying water to a consumer;
measuring device	means any method, procedure, process or device, apparatus, installation that enables the quantity of water services provided to be quantified and includes a method, procedure or process whereby quantity is estimated or assumed;

- (ii) a section as defined in such Act, the person in whose name such section is registered under a sectional title deed and includes the lawfully appointed agent of such person;
- person means any natural person, local government body or like authority, a company incorporated under any law, a body of persons whether incorporated or not (community or consumer group), a statutory body, public utility body, voluntary association or trust;
- person in charge for the purposes of the definition of 'consumer' shall include the registered owner of the premises to which water services are provided;
- pollution means the introduction of any substance into the water supply system, a water installation or a water resource that may directly or indirectly alter the physical, chemical or biological properties of the water found therein so as to make it:
- (a) less fit for any beneficial purpose for which it may reasonably be expected to be used; or
 - (b) harmful or potentially harmful
 - (i) to the welfare, health or safety of human beings;
 - (ii) to any aquatic or non-aquatic organism;
- premises means any piece of land, the external surface boundaries of which are delineated on –
- a) a general plan or diagram registered in terms of the Land Survey Act, Act No. 9 of 1927, or in terms of the Deeds Registries Act, Act No. 47 of 1937; or
 - b) a piece of land delineated on a sectional plan registered in terms of the Sectional Titles Act, Act No. 95 of 1986, the developer or the body corporate in respect of the common property, or
 - c) an identified portion of land within a tribal area;
- prescribed tariff or charge means a charge prescribed by the water services authority;

	services authority or the appropriate Minister under section 9 of the Act in respect of chemical oxygen demand and settleable solids as being appropriate to sewage discharges from domestic premises within the jurisdiction of the water services authority or its authorised agent, but shall not include industrial effluent;
stormwater	means water resulting from natural precipitation or accumulation and includes rainwater, subsoil water or spring water;
terminal water fitting	means a water fitting at an outlet of a water installation which controls the discharge of water from a water installation;
trade premises	means premises upon which 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 water services authority;
water schemes	shall mean water schemes established or in the course of being established within the area of jurisdiction of the water services authority for the purposes of providing water supply services;
water services	have the same meaning assigned to it in terms of the Act and includes for purposes of these by-laws water for industrial purposes and the disposal of industrial effluent
water services authority	means the O R Tambo District Municipality, a local authority duly established in accordance with the law;

PART 2 - WATER SERVICES – ZONING, NORMS AND STANDARDS**2. Zoning**

Zoning for different levels of service are provided for within the O R Tambo Water Services Development Plan to accommodate different levels of demand and affordability and shall be decreed to have been prescribed in terms of these By-Laws.

3. Norms and Standards

The provisions of these by-laws shall be interpreted in conformity with any standards or norms and standards for tariffs prescribed by the appropriate Minister from time to time under the powers provided in Chapter 2 of the Act.

CHAPTER 2**Water Services****PART 1 - APPLICATION FOR WATER SERVICES****4. Application for water services**

- (1) No person shall gain access to water services from any water supply system, sewage disposal system or through any other sanitation services unless he or she has applied to the water services authority or an authorised agent on the prescribed form for such services for a specific purpose and such application has been agreed to.
- (2) Where a premises or consumer are provided with water services, it shall be deemed that an agreement in terms of subsection (1) exists, subject however to section 6(1) of the Act.
- (3) A water services authority or an authorised agent must on application for the provision of water services by a consumer inform that consumer of the different levels of services available and the tariffs and or charges associated with each level of services.
- (4) A consumer must elect the available level of services to be provided to him or her or it, provided that such level of services is or are available in the area where the consumer requires such services.
- (5) A consumer may at any time apply to alter the level of services elected in terms of the agreement entered into, provided that such service is available and that any costs and expenditure associated with altering the level of services will be payable by the consumer.

the immediate next of kin of the deceased or incapacitated consumer, and, provided that such information is found on investigation by the water services authority or the authorised agent to be accurate and provided further that such next of kin is, in fact, a consumer of the water services supplied under the agreement, such next of kin shall, instead of the occupier or person in charge, be deemed to be the consumer under the aforesaid agreement and liable to comply with all the duties and obligations of the consumer in respect of water services supplied to such premises under the said agreement.

- (13) On receipt of the information from such occupier or person in charge, and provided that such next of kin is, in fact a consumer of the water services supplied under the agreement, the water services authority or the authorised agent shall serve a written notice in terms of section 26 on such next of kin, notifying such next of kin that with effect from a date of delivery of such notice to such next of kin, he or she shall be deemed to be the consumer under the aforesaid agreement and liable to comply with all the duties and obligations of the consumer in respect of water services supplied to such premises under the said agreement.

5. Special agreements for water services

The water services authority or the authorised agent may enter into a special agreement for the provision of water services to -

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

PART 2 - TARIFFS AND CHARGES

6. Prescribed tariffs and charges for water services

- (1) All tariffs and/or charges payable in respect of water services rendered by the water services authority or an authorised agent in respect of any particular water scheme or schemes, including but not limited to, the payment of connection charges, fixed charges or any additional charges or interest in respect of the failure to pay such tariffs or charges on the specified date, will be set by the water services authority by a resolution passed by the water services authority in accordance with -
- (a) the tariff policy of the water services authority;
 - (b) any by-laws in respect thereof; and
 - (c) any regulations made in terms of section 10 of the Act;

- (ii) a volume based charge.
- (b) for water supply services through water services works or consumer installations designed to provide a controlled volume to a household must be based on –
 - (i) a fixed monthly charge calculated on –
 - the estimated volume used;
 - operations and maintenance costs;
 - capital costs not financed through any grant, subsidy or donation received in connection with the construction or refurbishment thereof; and / or
 - (ii) a volume based charge.
- (c) for the provision of water supply services through water services works or consumer installations designed to provide an uncontrolled volume to a household must be based on a flat rate calculated so as to recover, for the water services authority,
 - (i) all overhead, operational and maintenance costs;
 - (ii) cost of capital; and
 - (iii) depreciation.
- (d) for the supply of water through a water services work or a consumer installation for industrial use must –
 - (i) be based on the volume provided; and
 - (ii) recover, at least, the capital costs, operations costs, and maintenance costs associated with that supply.
- (e) for the supply of water through a water services work or a consumer installation to consumers other than households and industries must –
 - (i) be based on the volume provided; and
 - (ii) recover at least the capital costs, operations costs, and maintenance costs associated with that supply.
- (f) for the disposal of domestic waste water and sewage from households to a sewage treatment plant must be based on –
 - (i) the volume discharged, where volume is measured as a percentage of total water supplied;
 - (ii) an estimate of the cost that will be reasonably incurred in collecting, conveying, treating and disposing of the industrial effluent to comply with quality standards set for discharge to a water resource, including additional costs related to the treating of specific pollutants, and
 - (iii) any costs that may be payable for discharge to a water resource.
- (g) for the disposal of industrial effluent discharged to a sewage treatment plant must be based on –
 - (i) the volume discharged to a water services work;
 - (ii) an estimate of the cost that will be reasonably incurred in collecting, conveying, treating and disposing of the effluent to comply with quality standards set for discharge to a water resource, including additional costs related to the treating of specific pollutants, and

- (3) The water services authority shall determine the actual deposit payable in terms of subsections (1) or (2), and it shall take the following factors into account in making such determination –
 - (a) the income of the consumer;
 - (b) the capacity of the consumer to pay and set aside such amount;
 - (c) the frequency of default in payment of water accounts by the consumer or members of the community of which the consumer is a member;
 - (d) the estimated amount of the monthly water consumption of the consumer;
 - (e) its tariff policy and the criteria stated in section 7.
- (4) The water services authority or its authorised agent 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 water services authority or its authorised agent in excess of the reviewed deposit.
- (5) Subject to subsection (6), an amount deposited with the water services authority or its authorised agent in terms of subsections (1) or (2) shall not be regarded as being in payment or part payment of an account due for water services rendered.
- (6) If, upon the termination of the agreement for the provision of water services, an amount remains due to the water services authority or its authorised agent in respect of water services rendered to the consumer, the water services authority or its authorised agent may use the deposit in payment or part payment of the outstanding amount and refund any balance to the consumer.
- (7) No interest shall be payable by the water services authority or its authorised agent on the amount of a deposit held by it in terms of this section.
- (8) An agreement for the provision of water services may contain a condition that a deposit shall be forfeited to the water services authority or its authorised agent if it has not been claimed within thirty six months of the termination of the agreement, provided all attempts have been made to trace the depositor.

9. Payment for water services provided

- (1) Water services provided by the water services authority or its authorised agent to a consumer shall be paid for by the consumer at the prescribed tariff or charge set in accordance with Sections 6 and 7, for the particular category of water services provided.
- (2) A consumer shall be responsible for payment for all water services provided to the consumer from the date of an agreement until the date of termination thereof.
- (3) The water services authority or its authorised agent may estimate the quantity of water services provided in respect of a period or periods within the interval between successive measurements and may render an account to a consumer for the services so estimated.
- (4) If a consumer uses water supply services for a category of use other than that for which it is provided by the water services authority or its authorised agent in terms of an agreement and as a consequence is charged at a rate lower than the rate which should have been charged, the water services authority or its authorised agent may make an adjustment of the amount charged in accordance

- (vii) the interest payable on any arrears, if any;
 - (viii) the final date for payment;
 - (ix) the methods, places and authorised agents where payment may be made; and
- (b) state that –
- (i) the consumer may conclude an agreement with the water services authority or its authorised agent for payment of the arrears amount in installments, at the water services authority or its authorised agent's offices before the final date for payment, if a consumer is unable to pay the full amount due and payable;
 - (ii) if no such agreement is entered into, the water services authority or its authorised agent will limit the water services after sending a final demand notice to the consumer; and
 - (iii) that legal action may be instituted against any consumer for the recovery of any amount sixty days in arrears;
 - (iv) proof of registration, as an indigent consumer, in terms of the water services authority or its authorised agent's indigent policy must be handed in before the final date for payment; and
 - (v) an indigent consumer is only entitled to basic water services and that an indigent consumer will be liable for payment in respect of water services used in excess of the quantity of basic services.
- (6) Notwithstanding the provisions of sections 25 and 26, where the premises to which water services are provided are situated in an area which does not have a formal physical or postal address, the water services authority or its authorised agent may direct the officer charged with reading the meters measuring the quantity of water services provided to such premises on or about the same date in each month, to advise the consumer or a person apparently over the age of 16 years and present at the premises, of the amount payable for the water services supplied to such premises during the immediate preceding month, and he or she shall direct such consumer to make such payment at the nearest office appointed by the water services authority for the receipt of payments for water services within five working days.
- (7) At the time that the consumer concerned calls at the office referred to in subsection (6) as directed, the water services authority or its authorised agent shall present such consumer with a written account which complies with the provisions of subsection (5) and which account shall be deemed to be the account rendered as provided for in subsection (1).

11. Queries or complaints in respect of account

- (1) A consumer may lodge a query or complaint in respect of the accuracy of the amount due and payable in terms of an account rendered to him, her or it.
- (2) A query or complaint must be lodged with the water services authority or its authorised agent before the due date for payment of the account.
- (3) Where a query or complaint is lodged after the due date of the account queried or complained about, such query or complaint must be accompanied by the payment

must be informed of the possible cost implications including the estimated amount of such test, as set out in subsection (10) (a) below, prior to such test being undertaken.

- (10) If the outcome of any test shows that a measuring device is –
 - (a) within a prescribed range of accuracy, the consumer will be liable for the costs of such test and any other amounts outstanding. Such costs will be debited against the consumer's account;
 - (b) is outside a prescribed range of accuracy, the water services authority or its authorised agent 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.
- (11) The prescribed charge referred to in subsection (2)(b), if applicable shall be –
 - (a) retained by the water services authority or its authorised agent if the measuring device is found not to be defective; or
 - (c) refunded to the applicant if the measuring device is found in terms of those subsections to be defective.
- (12) A measuring device shall be deemed to be defective if, when tested in accordance with a standard industry test or if the measuring device is a meter, the regulations published under section 9 of the Act, it does not meet generally accepted specifications or the specifications as set out in the regulations.
- (13) In addition to subsection (10) the water services authority or its authorised agent must, if the measuring device is found defective –
 - (a) repair the measuring device or install another device which is in good working order, without charge to the consumer, unless the costs thereof are recoverable from the consumer due to a contravention of section 45(6); and
 - (b) determine the quantity of water services for which the consumer will be charged in lieu of the quantity measured by the defective measuring device by applying the provisions of section 51.
- (14) Any appeal under this section shall be heard by the water service authority committee specially appointed for such purpose, and the appellant may, in his discretion, appoint a person of his choice, who need not be a member of the said Council, to be a member of such sub-committee with full power to participate and vote at any meeting of such sub-committee.

13. Arrears

- (1) If a consumer fails to pay the amount/s due and payable on or before the final date for payment, the unpaid amount is in arrears and a final demand notice may be hand delivered or sent, per registered mail, to the most recent recorded address of the consumer, within fourteen working days.
- (2) In the case of a consumer contemplated in section 10(6), such final demand shall be delivered to the consumer concerned at the premises to which the water services are supplied by an officer appointed by the water services authority for that purpose, and delivery of the demand in the following manner shall be deemed to be proper delivery of the demand:
 - (a) by delivery of the final demand to the consumer personally;

- (b) hand deliver or send, per registered mail, to the last recorded address of the consumer, a discontinuation notice informing him or her that the provision of water services will be disconnected within fourteen days of the date of the discontinuation notice;
- if –
- (i) no payment was received within the allowed period;
 - (ii) no agreement was entered into for the payment of arrears in installments;
 - (iii) no proof of registration as indigent was handed in within the fourteen day period allowed; or
- no payment was received in accordance with an agreement for payment of arrears.
- (9) A discontinuation notice must contain –
- (a) the amount in arrears and any interest payable;
 - (b) a statement that the consumer may conclude an agreement with the water services authority or its authorised agent for payment of the arrears amount in installments, within fourteen days of the date of the discontinuation notice;
 - (c) that if no such agreement is entered into within the stated period, the water services authority or its authorised agent may discontinue the provision of water services with immediate effect, notwithstanding any legal action instituted or in the process of being instituted against the consumer for the recovery of the arrears amount; and
 - (d) proof of registration, as an indigent consumer, in terms of the water services authority or its authorised agent's indigent policy must be handed in within fourteen days of the date of the discontinuation notice.
- (10) The water services authority or its authorised agent may, within ten working days after the expiry of the fourteen day period allowed for payment in terms of the discontinuation notice, discontinue water services to the defaulting consumer, if –
- (a) no payment was received within the allowed period;
 - (b) no agreement was entered into for the payment of arrears in installments;
 - (c) no proof of registration as indigent was furnished within the fourteen day period allowed; or
 - (d) no payment was received in accordance with an agreement for payment of arrears.
- (11) Where an account rendered to a consumer remains outstanding for more than sixty days –
- (a) the defaulting consumer's name may be listed with a credit bureau or any other equivalent body as a defaulter, provided that the agreement for the provision of water services provided therefore; and
 - (b) may be handed over to a debt collector or an attorney for collection.
- (12) A consumer will be liable for any administration fees, costs incurred in taking action for the recovery of arrears and any penalties, including the payment of a higher deposit.
- (13) No action taken in terms of this section due to non-payment, will be suspended or withdrawn, unless the arrears, any interest thereon, administration fees, additional

- interest thereon, administration fees, costs incurred in taking relevant action, and penalties, including payment of a higher deposit, will be immediately due and payable, without further notice or correspondence.
- (9) If a consumer fails to comply with an agreement for the payment of arrears in instalments, entered into after receipt of a discontinuation notice, access to services may be discontinued without further notice or correspondence in addition to any other actions taken against or that may be taken against such a consumer.
- (10) No consumer will be allowed to enter into an agreement for the payment of arrears in instalments, where that consumer failed to honour a previous agreement for the payment of arrears in instalments, entered into after the receipt of a discontinuation notice.

PART 5 - TERMINATION, LIMITATION AND DISCONTINUATION OF WATER SERVICES

15. Termination of agreement for the provision of water services

- (1) A consumer may terminate an agreement for the provision of water services by giving the water services authority or an authorised agent not less than thirty working days' notice in writing of his or her intention to do so.
- (2) The water services authority or the authorised agent may, by notice in writing of not less than thirty working days, advise a consumer of the termination of his or her agreement for the provision of water services if -
- (a) he or she has not used the water services during the preceding three months and has not made arrangements to the satisfaction of the water services authority or the authorised agent for the continuation of the agreement;
 - (b) he or she has failed to comply with the provisions of these by-laws and has failed to rectify such failure to comply on notice in terms of section (26) or to pay any tariffs or charges due and payable after the procedure set out in section 13 was applied;
 - (c) in terms of an arrangement made by it with another water services institution to provide water services to the consumer.
- (3) The water services authority or the authorised agent may, after having given notice, terminate an agreement for services if a consumer has vacated the premises to which such agreement relates.

16. Limitation and or discontinuation of water services provided

- (1) The water services authority or an authorised agent may limit or discontinue water services provided in terms of these by-laws -
- (a) on failure to pay the prescribed tariffs or charges on the date specified, after the provisions of section 13 was applied;

20. Exemption

See Section 34.

21. Unauthorised use of water services

- (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 water services authority or an authorised agent for the rendering of those services. In rural areas the authority must be aware of the scheme.
- (2) The water services authority or the authorised agent may, irrespective of any other action it may take against such person in terms of these by-laws, by written notice, order a person who has gained access to water services from the water supply system, sewage disposal system or any other sanitation services without an agreement with the water services authority or the authorised agent for the rendering of those services,
 - (a) to apply for such services in terms of sections 4 or 5 and
 - (b) to undertake such work as may be necessary to ensure that the consumer installation through which access was gained complies with the provisions of these by-laws.
- (3) The provisions of section 26 shall apply to a notice in terms of subsection (2) above.

22. Purpose of water services

Where the purpose or extent for which water services are used is changed, the consumer must enter into a new agreement with the water services authority or an authorised agent.

23. Interference with water supply system or any sanitation services

- (1) No person other than the water services authority or an authorised agent, including any person approved in terms of Chapter VI of these by-laws, shall manage, operate or maintain the water supply system or any sanitation system unless authorised by these by-laws.
- (2) No person other than the water services authority or such authorised agent shall effect a connection to the water supply system or sewage disposal system or render any other sanitation services.

- (2) If a person fails to comply with a written notice served on him or her by the water services authority or an authorised agent in terms of these by-laws within the specified period, it may take such action that in its opinion is necessary to ensure compliance, including –
- (a) undertaking the work necessary itself and recovering the cost of such action or work from that owner, consumer or other person;
 - (b) limiting or discontinuing the provision of services; and
 - (c) instituting legal proceedings.
- (3) A notice in terms of subsection (1) will –
- (f) give details of the provision of the by-laws not complied with;
 - (b) give the owner, consumer or other person a reasonable opportunity to make representations and state his or her case, in writing, to the water services authority or an authorised agent within a specified period, unless the owner, consumer or other person was given such an opportunity before the notice was issued;
 - (c) specify the steps that the owner, consumer or other person must take to rectify the failure to comply;
 - (d) specify the period within which the owner, consumer or other person must take the steps specified to rectify such failure; and
 - (e) indicate that the water services authority or an authorised agent –
 - (i) may undertake such work necessary to rectify the failure to comply if the notice is not complied with and that any costs associated with such work may be recovered from the owner, consumer or other person; and
 - (ii) may take any other action it deems necessary to ensure compliance.
- (4) In the event of an emergency, the water services authority or an authorised agent may, without prior notice, undertake the work required by subsection 3(e)(i) and recover the costs from such person.
- (5) The costs recoverable by the water services authority or an authorised agent in terms of subsections (3) and (4) is the full cost associated with that work and includes, but is not limited to, any exploratory investigation, surveys, plans, specifications, schedules of quantities, supervision, administration charge, the use of tools, the expenditure of labour involved in disturbing or rehabilitation any part of a street or ground affected by the work and the environmental cost.

27. Power of entry and inspection

- (1) Any duly authorised official of the water services authority or any authorised agent may enter and inspect any premises –
- (a) for the purposes set out in and in accordance with the provisions of section 80 of the Act; and
 - (b) for any purpose connected with the implementation or enforcement of these by-laws, at all reasonable times, after having given written reasonable notice of the intention to do so.

- in the water services authority either in whole or in part, and used by it in connection with the supply of water.
- (2) No person shall, except at such places as are designated by notice boards or In such receptacles as are provided by the water services authority deposit or discharge rubbish, night-soil, industrial waste or other matter which may cause pollution of any nature on a portion of a catchment area relating to the water services authority's water supply which has been designated by notice boards as being an area where such acts are prohibited.
 - (3) If a person contravenes subsection (1) or (2) the water services authority may -
 - (a) by notice in writing require the person immediately to cease such act and take specified action within the specified period; or
 - (b) if the WSA is of the opinion that the situation is a matter of urgency, without prior notice take such action as the WSA may deem necessary and recover the cost from the person.

33. Liabilities and Compensation

The water services authority shall not be liable for damages or compensation arising from anything done in good faith by it, or any person acting on its behalf and being duly authorised thereto, in terms of these by-laws.

34. Relaxation of Waiver

- (1) Subject to the provisions set out in sub-section (f) below, the water service provider as authorised agent may, in writing, exempt an owner, client, any other person or category of owner, client or other persons from complying with a provision would be unreasonable, provided that the water service provider as authorised agent shall not grant exemption from any section of these by-laws that may result in -
 - (a) The wastage or excessive consumption of water;
 - (b) The evasion or avoidance of water restrictions;
 - (c) Significant negative effects on public health, safety or the environment;
 - (d) The non-payment for services;
 - (e) The installation of pipes and fittings which are not approved by or on behalf of the water services provider as authorised agent in terms of these by-laws; and
 - (f) The Act, or any regulations made in terms thereof, is not complied with
 - (i) that the WSA may only grant exemption as set out in sub-section (3) hereon
 - (ii) that, upon receipt of the application, the WSP as duly authorised agent shall:
 - (a) immediately forward such application to the WSA together with the recommendations of the WSP; and
 - (b) may grant temporary exemption pending receipt of the Water Services Resolution

- (2) An officer who is negligent in the execution of his or her duties provided for in sections 12(3) and 13(3), or who discloses any information given to him by a consumer that he or she is assisting as contemplated in those sections without the consent of such consumer shall be guilty of an offence.

CHAPTER 3

Water Supply Services

PART 1 - CONNECTION TO WATER SUPPLY SYSTEM

36. Provision of connection pipe

- (1) If an agreement for water supply services in respect of premises has been concluded and no connection pipe exists in respect of the premises, the owner shall make application on the prescribed form and pay the prescribed charge for the installation of such a pipe.
- (2) If an application is made for water supply services which are of such an extent or so situated that it is necessary to extend, modify or upgrade the water supply system in order to supply water to the premises, the water services authority or an authorised agent may agree to the extension subject to such conditions as it may impose.
- (3) Pipe connection without the approval of the WSA is illegal and punishable.

37. Location of connection pipe

- (1) A connection pipe provided and installed by the water services authority or its authorised agent shall -
- (a) be located in a position agreed to between the owner and the water services authority or its authorised agent and be of a suitable size as determined by the water services authority or its authorised agent;
- (b) terminate at -
- (i) the boundary of the land owned by or vested in the water services authority or its authorised agent, or over which it has a servitude or other right; or
- (ii) at the outlet of the water meter if it is situated on the premises; or
- (iii) at the isolating valve if it is situated on the premises.
- (2) In reaching agreement with an owner concerning the location of a connection pipe, the water services authority or its authorised agent shall ensure that the owner is aware of -
- (a) practical restrictions that may exist regarding the location of a connection pipe;
- (b) the cost implications of the various possible locations of the connection pipe;

- units or if, in the opinion of the water services authority or its authorised agent, undue hardship or inconvenience would be caused to any consumer on such premises by the provision of only one connection pipe.
- (4) Where the provision of more than one connection pipe is authorised by the water services authority or its authorised agent under subsection (4), the tariffs and charges for the provision of a connection pipe is payable in respect of each water connection so provided.

39. Interconnection between premises or water installations

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

- (a) the water installation on his or her premises and the water installation on other premises; or
- (b) where several accommodation units are situated on the same premises, the water installations of the accommodation units;

unless he or she has obtained the prior written consent of the water services authority or its authorised agent and complies with any conditions that it may have imposed.

40. Disconnection of water installation from connection pipe

The water services authority or its authorised agent 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 15 and it has not received an application for a subsequent supply of water to the premises served by the pipe within a period of 90 days of such termination; or
- (b) the building on the premises concerned has been demolished.

PART 2 - COMMUNAL WATER SERVICES WORKS

41. Provision of a water services work for water supply to several consumers

A water services authority or its authorised agent may install a communal water services work for the provision of water services to several consumers at a location it deems appropriate, provided that the consumers to whom water services will be provided through that water services work have been consulted in respect of the level of service, tariff that will be payable and location of the work.

PART 5 - MEASUREMENT OF WATER SUPPLY SERVICES**45. Measuring of quantity of water supplied**

- (1) The water services authority or its authorised agent will measure the quantity of water supplied at regular intervals.
Any measuring device through which water is supplied to a consumer by the water services authority or its authorised agent and its associated apparatus shall be provided and installed by the water services authority or its authorised agent, shall remain its property, and may be changed and maintained by the water services authority or its authorised agent when deemed necessary by it.
- (3) The water services authority or its authorised agent may install a measuring device, and its associated apparatus, on premises at any point on the service pipe.
- (4) If the water services authority or its authorised agent 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 shall be deemed to form part of the water supply system.
- (5) If the water services authority or its authorised agent installs a measuring device together with its associated apparatus on a service pipe in terms of subsection (3), the owner shall -
 - (a) provide a place satisfactory to the water services authority or its authorised agent in which to install it;
 - (b) ensure that unrestricted access is available to it at all times;
 - (c) be responsible for its protection and be liable for the costs arising from damage thereto, excluding damage arising from normal fair wear and tear;
 - (d) ensure that no connection is made to the pipe in which the measuring device is installed, between the measuring device and the connection pipe serving the installation; and
 - (h) 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 water services authority or its authorised agent on the measuring device.
- (6) No person other than an authorised agent shall -
 - (a) disconnect a measuring device and its associated apparatus from the pipe in which they are installed;
 - (b) break a seal which the water services authority or its authorised agent has placed on a meter; or
 - (c) in any other way interfere with a measuring device and its associated apparatus.
- (7) If the water services authority or its authorised agent considers that, in the event of the measuring device being a meter that the size of a meter is unsuitable by reason of the quantity of water supplied to premises, it may install a meter of such size as it may deem necessary, and may recover from the owner of the premises concerned the prescribed charge for the installation of the meter.
- (8) The water services authority or its authorised agent may require the installation, at the owner's expense, of a measuring device to each dwelling unit, in separate occupancy, on any premises, for use in determining quantity of water supplied to

- supplied over any period during the interval between successive measurements of the measuring device and render an account to a consumer for the quantity of water so estimated.
- (4) The Water services authority or its authorised agent must, on receipt from the consumer of written notice of not less than seven days and subject to payment of the prescribed charge, measure the quantity of water supplied to consumer at a time or on a day other than that upon which it would normally be measured.
 - (5) If a contravention of subsection 45(6) occurs, the consumer shall pay to the water services authority or its authorised agent the cost of such quantity of water as in the water services authority or its authorised agent's opinion was supplied to him or her.
 - (6) Until such time as a measuring device have been installed in respect of water supplied to a consumer the estimated or assumed consumption of that consumer must be based on the average consumption of water supplied to the specific zone within which the consumer's premises is situated, during a specific period.
 - (7) Where in the opinion of the water services authority or its authorised agent it is not reasonably possible or cost effective to measure water supplied to each consumer within a determined zone, the water services authority or its authorised agent may, determine a basic tariff or charge to be paid by each consumer within that zone irrespective of actual consumption.
 - (8) A tariff or charge determined in terms of subsection (7) will be based on the estimated average consumption of water supplied to that zone.
 - (9) Where water supply services are provided through a communal water services work the amount due and payable by consumers gaining access to water supply services through that communal water services work, must be based on the estimated average consumption of water supplied to that water services work.

48. Defective measurement

- (1) If a consumer has reason to believe that a measuring device, used for measuring water, which was supplied to him or her by the water services authority or its authorised agent is defective he or she may, against payment of the prescribed charge, make application in writing for the measuring device to be tested.
- (2) The provisions of Sections 12(9) to 12(13) will apply to such an application.

49. Special measurement

- (1) If the Water services authority or its authorised agent wishes, for purposes other than charging for water consumed, to ascertain the quantity of water which is used in a part of a water installation, it may by written notice advise the owner concerned of its intention to install a measuring device at such point in the water installation as it may specify.
- (2) The installation of a measuring device referred to in Subsection (1), its removal, and the restoration of the water installation after such removal shall be carried out at the expense of the water services authority or its authorised agent.

- (c) a certificate certifying that the installation has been designed in accordance with SABS Code 0252 : Part I or has been designed on a rational basis.
- (3) The provisions of subsections (1) and (2) shall not apply to a qualified plumber who replaces a fixed water heater or its associated protective devices.
- (4) Authority given in terms of subsection (1) shall lapse at the expiry of a period of twenty-four months after the first day of the month succeeding the month in which the authority is given.
- (5) A complete set of approved drawings of installation work shall be available at the site of the work at all times until such work has been completed, where approval was required in terms of subsection (1).
- (6) If installation work has been done in contravention of subsection (1) or (2), the water services authority or its authorised agent may by written notice require the owner of the premises concerned to –
 - (a) comply with that regulation within a specified period;
 - (b) if work is in progress, to cease the work; and
 - (c) to remove all such work which does not comply with these by-laws.

53. Provision and maintenance of water installations

- (1) An owner must provide and maintain his or her water installation at his or her own cost and, unless permitted in terms of section (54), 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 shall obtain the written consent of the water services authority or its authorised agent or the owner of the land on which such portion is situated, as the case may be.

The maintenance and installation function on a water supply scheme that makes use of community standpipes shall be the sole responsibility of a legally instituted Water Service Provider appointed by the Water Services Authority.

54. Use of pipes and water fittings to be authorised

- (1) No person shall, without the prior written authority of the water services authority or its authorised agent, install or use a pipe or water fitting in a water installation within the water services authority or its authorised agent's area of jurisdiction unless it is included in the Schedule of Approved Pipes and Fittings as compiled by the water services authority or its authorised agent.
- (2) Application for the inclusion of a pipe or water fitting in the Schedule referred to in subsection (1) must be made on the form prescribed by the water services authority or its authorised agent and be accompanied by the prescribed charge.
- (3) A pipe or water fitting may be included in the Schedule referred to in subsection (1) if-
 - (a) it bears the standardisation mark of the South African Bureau of Standards in respect of the relevant SABS specification issued by the Bureau; or

57. Water restrictions

- (1) The Water services authority or its authorised agent may by public notice prevent the wasteful use of water in terms of section (58) or in the event of a water shortage, drought, flood -
 - (a) prohibit or restrict the consumption of water in the whole or part of its area of jurisdiction in general or for -
 - (i) specified purposes;
 - (ii) during specified hours of the day or on specified days; and
 - (iii) in a specified manner; and
 - (b) determine and impose -
 - (i) limits on the quantity of water that may be consumed over a specified period;
 - (ii) charges additional to those prescribed in respect of the supply of water in excess of a limit contemplated in subsection (1)(b)(i); and
 - (iii) a general surcharge on the prescribed charges in respect of the supply of water; and
 - (c) impose restrictions or prohibitions on the use or manner of use or disposition of an appliance by means of which water is used or consumed, or on the connection of such appliances to the water installation.
- (2) The water services authority or its authorised agent may limit the application of the provisions of a notice contemplated by subsection (1) to specified areas and categories of consumers, premises and activities, and may permit deviations and exemptions from, and the relaxation of, any of the provisions on reasonable grounds
- (3) The water services authority or its authorised agent may -
 - (a) take, or by written notice require a consumer at his or her own expense to take, such measures, including the installation of measurement devices and devices for restricting the flow of water, as may in its opinion be necessary to ensure compliance with a notice published in terms of subsection (1); or
 - (b) discontinue or, for such period as it may deem fit, limit the supply of water to any premises in the event of a contravention on such premises or failure to comply with the terms of a notice published in terms of subsection (1), subject to notice in terms of section 26; and
 - (c) where the supply has been discontinued, it shall only be restored when the prescribed charge for discontinuation and reconnecting the supply has been paid.
- (4) The provisions of this section shall also apply in respect of water supplied directly by the water services authority or its authorised agent to consumers outside its area of jurisdiction, notwithstanding anything to the contrary in the conditions governing such supply, unless otherwise specified in the notice published in terms of subsection (1).

60. Financial Controls

- (1) The Water Services Authority or its authorised agent shall keep the books of accounts as it may be necessary to maintain a detailed record of all its assets, liabilities and financial transactions, showing inter alia, capital transactions and revenue transactions separately, as well as such books and records as may be required in terms of the audit requirements.

PART 9 - GENERAL PROVISIONS**61. Notification of private boreholes**

- (1) No boreholes will be drilled without the approval of the WSA upon application. The Water services authority or its authorised agent may, by public notice, require-
 - (a) the owner of any premises within the area of jurisdiction of the Water services authority or its authorised agent upon which a borehole exists or, if the owner is not in occupation of such premises, the occupier thereof, to notify it on the prescribed form of the existence of a borehole on such premises, and provide it with such information in respect thereof as it may require; and
 - (b) the owner or occupier of any premises who intends to sink a borehole on such premises to notify it on the prescribed form of such intention before work in connection therewith is commenced.
- (2) The Water services authority or its authorised agent may require the owner or occupier of any premises who intends to sink a borehole to undertake an environmental impact assessment for such intended borehole, to the satisfaction of the Water services authority or its authorised agent, before sinking the borehole.
- (3) Boreholes are subject to any requirements of the National Water Act, Act No 136 of 1998.
- (4) The water services authority or its authorised agent may by notice to a owner or occupier or by public notice require owners and occupiers who have existing boreholes used for water services to -
 - (a) obtain approval from it for the use of the borehole for water services in accordance with sections 6, 7 or 22 of the Act;
 - (b) impose conditions in respect of the use of the borehole for water services; and
 - (c) may impose a fixed charge in respect of the use of such borehole.

62. Sampling of water

- (1) The water services authority or its authorised agent may take samples of water obtained from a source, authorised in terms of sections 6 or 7 of the Act, other

CHAPTER 4**Sanitation Services****PART 1 - STANDARDS AND GENERAL PROVISIONS****66. Standards for sanitation services**

Sanitation services provided by the water services authority or its authorised agent will comply with the minimum standards set for the provision of sanitation services in terms of the section 9 of the Act.

67. Objectionable discharge to sewage disposal system

- (1) No person shall discharge, or permit the discharge or entry into the sewage disposal system of any sewage or other substance -
 - (a) which does not comply with the standards and criteria prescribed in sections 81, 82, 84 below;
 - (b) which contains any substance in such concentration as will produce or be likely to produce in the effluent for discharge at any sewage treatment plant or sea outfall discharge point or in any public water any offensive, or otherwise undesirable taste, colour, odour, temperature or any foam;
 - (c) which may prejudice the re-use of treated sewage or adversely affect any of the processes whereby sewage is purified for re-use, or treated to produce sludge for disposal;
 - (d) which contains any substance or thing of whatsoever nature which is not amenable to treatment to a satisfactory degree at a sewage treatment plant or which causes or is likely to cause a breakdown or inhibition of the processes in use at such plant;
 - (e) which contains any substance or thing of whatsoever nature which is of such strength, or which is amenable to treatment only to a degree as will result in effluent from the sewage treatment plant or discharge from any sea outfalls not complying with standards prescribed under the National Water Act, Act No. 36 of 1998;
 - (f) which may cause danger to the health or safety of any person or may be injurious to the structure or materials of the sewage disposal system or may prejudice the use of any ground used by the water services authority or its authorised agent for the sewage disposal system, other than in compliance with the permissions issued in terms of these by-laws; and
 - (g) which may inhibit the unrestricted conveyance of sewage through the sewage disposal system.
- (2) No person shall cause or permit any stormwater to enter the sewage disposal system.
- (3) The water services authority may, by written notice, order the owner or occupier to conduct, at his or her cost, periodic expert inspections of the premises in order to identify precautionary measures which would ensure compliance with these by-laws and to report such findings to an authorised agent.

PART 3 - SEWAGE DISPOSAL**71. Provision of a connecting sewer**

- (1) If an agreement for the use of the sewage disposal system in accordance with section 2 exists and no connecting sewer exists in respect of the premises, the owner must immediately make application on a form approved by the water services authority and
 - (a) pay the prescribed charge for the installation of such a connecting sewer; or
 - (b) with the approval by the water services authority or its authorised agent, install the connecting sewer in accordance with any specifications of the water services authority or its authorised agent.
- (2) If an application is made for use of the sewage disposal system to a premises which is so situated that it is necessary to extend the sewer in order to connect the sewage disposal system to the premises, the water services authority or its authorised agent may agree to the extension subject to such conditions as it may impose.

72. Location of connecting sewer

- (1) A connecting sewer provided and installed by the water services authority or its authorised agent or owner in terms of section (70) shall -
 - (a) be located in a position agreed to between the owner and the water services authority or its authorised agent and be of a size determined by an authorised officer;
 - (b) terminate at a connection point approximately 1 meter inside the premises from the boundary of the land owned by or vested in the Water services authority or its authorised agent or over which it has a servitude or other right or when subsection (3) applies at the connecting point designated in terms of that subsection;
- (2) In reaching agreement with an owner concerning the location of a connecting sewer, the water services authority or its authorised agent shall ensure that the owner is aware of -
 - (a) practical restrictions that may exist regarding the location of a connecting sewer pipe;
 - (b) the cost implications of the various possible locations of the connecting sewer;
 - (c) whether or not the water services authority or its authorised agent requires the owner to fix the location of the connecting sewer by providing a portion of his or her water installation at or outside the boundary of his or her premises, or such agreed position inside or outside his or her premises where the connection is required, for the water services authority or its authorised agent to connect to such installation.

- (5) Where the provision of more than one connecting sewer is authorised by the water services authority or its authorised agent under subsection (4), the tariffs and charges for the provision of a connecting sewer is payable in respect of each sewage connection so provided.

74. Interconnection between premises

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

75. Disconnection of draining installation from connecting sewer

The water services authority or its authorised agent may disconnect a drainage installation from the connecting sewer and remove the connecting sewer if -

- (a) the agreement for provision has been terminated in terms of section (14) and it has not received an application for subsequent provision to the premises served by the sewer within a period of 90 days of such termination; or
- (b) the building on the premises concerned has been demolished.

PART 4 - SEWAGE DELIVERED BY ROAD HAULAGE

76. Acceptance of sewage delivered by road haulage

- (1) A water services authority or its authorised agent may, at its discretion, and subject to such conditions as it may specify, accept sewage for disposal delivered to the municipalities sewage treatment plants by road haulage.

77. Written permission for delivery of sewage by road haulage

- (1) No person shall discharge sewage into the municipalities sewage treatment plants by road haulage except with the written permission of the water services authority or its authorised agent and subject to such period and any conditions that may be imposed in terms of the written permission.
- (2) The charges for any sewage delivered for disposal to the municipalities sewage treatment plants shall be assessed by the water services authority or its authorised agent in accordance with the prescribed tariffs/ charges.

78. Conditions for delivery of sewage by road haulage

- (1) When sewage is delivered by road haulage-

81. Unauthorised discharge of industrial effluent

- (1) No person shall discharge or cause or permit to be discharged into the sewage disposal system any industrial effluent except with and in terms of the written permission of the water services authority or its authorised agent and in accordance with the provisions of this part.
- (2) A person to whom such permission is granted shall pay to the water services authority or its authorised agent any prescribed charges.

82. Quality standards for disposal of industrial effluent

- (1) A person to whom permission has been granted in terms of section 79 must ensure that no industrial effluent is discharged into the sewage disposal system of the water services authority or its authorised agent unless it complies with the standards and criteria set out in Schedules A and B hereto.
- (2) The water services authority or its authorised agent may by writing in the permission concerned, relax or vary the standards in Schedules A or B, provided that the water services authority or its authorised agent is satisfied that any such relaxation represents the best practicable environmental option.
- (3) In determining whether relaxing or varying the standards in Schedules A or B represents the best practicable environmental option a water services authority or its authorised agent will consider -
 - (a) whether the applicant's undertaking is operated and maintained at optimal levels;
 - (b) whether technology used by the applicant represents the best available option to the applicant's industry and, if not, whether the installation of such technology would entail unreasonable cost to the applicant;
 - (c) whether the applicant is implementing a program of waste minimisation which complies with national and local waste minimisation standards to the satisfaction of the water services authority or its authorised agent;
 - (d) the cost to the water services authority or its authorised agent of granting the relaxation or variation; and
 - (e) the environmental impact or potential impact of such a relaxation or variation.
- (4) Test samples may be taken at any time by a duly qualified sampler to ascertain whether the industrial effluent complies with Schedule A and B or any other standard laid down in a written permission.

83. Conditions for disposal of industrial effluent

- (1) The water services authority or its authorised agent may in the written permission or at any time, by written notice, require a person to -
 - (a) subject the industrial effluent to such preliminary treatment as in the opinion of the water services authority or its authorised agent will ensure that the

permitted to discharge industrial effluent into the sewage disposal system if the person –

- (a) fails to ensure that the industrial effluent discharged conforms to the industrial effluent standards prescribed in Schedules A and B of these by-laws or the written permission;
 - (b) fails or refuses to comply with any notice lawfully served on him or her in terms of these by-laws or contravenes any provisions of these by-laws or any condition imposed in terms of any permission granted to him or her; or
 - (c) fails to pay the assessed charges in respect of any industrial effluent discharged.
- (2) The water services authority or its authorised agent may on withdrawal of any written permission -
- (a) in addition to any steps prescribed in these by-laws, and on fourteen days' written notice authorise the closing or sealing of the connecting sewer of the said premises to any sewer for such charge as may be prescribed in the Water services authority or its authorised agent's tariff of charges; and
 - (b) refuse to accept any industrial effluent until it is satisfied that adequate steps are or have been to ensure that the industrial effluent to be discharged conforms with the standards prescribed in these by-laws.

PART 6 - MEASUREMENT OF QUANTITY OF EFFLUENT DISCHARGED TO SEWAGE DISPOSAL SYSTEM

85. Measurement of quantity of standard domestic effluent discharged

- (1) The quantity of standard domestic effluent discharged shall be determined by a percentage of water supplied by the water services authority or its authorised agent; provided that where the water services authority or its authorised agent is of the opinion that such a percentage in respect of specific premises is excessive, having regard to the purposes for which water is consumed on those premises, the water services authority or its authorised agent may reduce the percentage applicable to those premises to a figure which, in its opinion and in the light of the available information, reflects the proportion between the likely quantity of sewage discharged from the premises and the quantity of water supplied thereto.
- (2) Where a premises is supplied with water from a source other than or in addition to the water services authority or its authorised agent's water supply system, including abstraction from a river or borehole, the quantity will be a percentage of the total water used on that premises as may be reasonably estimated by the water services authority or its authorised agent.

SCHEDULES

Quality Standards (See Section 78(1)(a))

SCHEDULE A

Acceptance of industrial effluent for discharge into the sewage disposal system

No industrial effluent shall be accepted for discharge into the sewage disposal system unless it complies with the following conditions.

The industrial effluent shall not contain concentrations of substances in excess of those stated below:-

Large Works general quality limits are applicable when an industries effluent discharges in a catchment leading to a sewage works of greater than 25 M /d capacity. Small Works quality limits apply for catchments leading to sewage works with less than 25 M /d capacity.

GENERAL QUALITY LIMITS	LARGE WORKS > 25 M /d	SMALL WORKS < 25 M /d	UNITS
1. Temperature (C)	< 44 C	< 44 C	Degrees Celcius
2. pH	6 < pH < 10	6,5 < pH < 10	pH units
3. Oils, greases, waxes of mineral origin	50	50	mg/
4. Vegetable Oils, greases, waxes	250	250	mg/
5. Total sugar and starch (as glucose)	1 000	500	mg/
6. Sulphates in solution (as SO ₄ ⁻²)	250	250	mg/
7. Sulphides, hydrosulphides (as S ⁻²) and polysulphides	1	1	mg/
8. Chlorides (as C ⁻¹)	1 000	500	mg/
9. Flouride (as F)	5	5	mg/
10. Phenols (as phenol)	10	5	mg/
11. Cyanides (as CN ⁻¹)	20	10	mg/
12. Settleable Solids	Charge	Charge	m /
13. Suspended Solids	2 000	1 000	mg/
14. Total dissolved solids	1 000	500	mg/
15. Electrical Conductivity	-	400	MS/m
16. Anionic Surfactants	-	500	mg/
17. C.O.D.	Charge	Charge	mg/

GENERAL QUALITY LIMITS	LARGE WORKS > 25 M/d	SMALL WORKS < 25 M/d	UNITS
<u>Heavy Metal Limits</u>			
18. Copper (as Cu)	50	5	mg/
19. Nickel (Ni)	50	5	mg/
20. Zinc (Zn)	50	5	mg/
21. Iron (Fe)	50	5	mg/
22. Boron (B)	50	5	mg/
23. Selenium (Se)	50	5	mg/
24. Manganese (Mn)	50	5	mg/
25. Lead (Pb)	20	5	mg/
26. Cadmium (Cd)	20	5	mg/
27. Mercury (Hg)	1	1	mg/
28. Total Chrome (Cr)	20	5	mg/
29. Arsenic (As)	20	5	mg/
30. Titanium (Ti)	20	5	mg/
31. Cobalt (Co)	20	5	mg/
TOTAL METALS	100	20	mg/

Special limitations

- 1 No calcium carbide, radio active waste or isotopes
- 2 No yeast & yeast wastes, molasses spent or unspent
- 3 No cyanides or related compounds capable of liberating HCN gas or cyanogen
- 4 No degreasing solvents, petroleum spirit, volatile flammable solvents or any substance which yields a flammable vapour at 21 C