

OR TAMBO DISTRICT MUNICIPALITY

WATER AND SANITATION SERVICES BY-LAW, 2020

To provide for the supply of water by the municipality; to establish levels of supply; to provide for measures to protect water installations and for the approval of work on water installations; to provide for water supply matters relating to the development of property; to set requirements for the establishment, testing, disinfection and use of water installations; to provide measures to prevent the undue consumption and the pollution of water; to provide special measures for fire installations; to provide for payment for water supplied; to create offences and penalties; to provide for the repeal of laws and savings; and to provide for matters incidental thereto.

1. PREAMBLE

WHEREAS the OR Tambo District Municipal Council recognizes that water is needed by people, plants and animals to survive, and that water is necessary for social and economic development, to create jobs, for recreation and for health, religious and spiritual purposes

WHEREAS the OR Tambo District Municipal Council recognizes that, as a water services authority, it has a duty to all customers or potential customers in its area of jurisdiction to progressively ensure efficient, affordable, economical and sustainable access to clean water services

WHEREAS the OR Tambo District Municipal Council recognizes –

- (a) The need to regulate access to water services in an equitable way, taking into account financial, technological, socio-economic and conservation factors
- (b) The duty of customers to pay reasonable charges
- (c) The right of water services authority to limit or discontinue the provision of water services if there is a failure to comply with reasonable conditions set for the provision of such services
- (d) The need to manage the conflict between different uses and users in different catchments
- (e) The need to provide a means of providing access to water services to those who are still without such access

- (f) The need to maintain and improve services already supplied in a sustainable manner
- (g) The need to provide various measures to assist those who are economically unable to meet normal service charges, and
- (h) The need to provide water services in support of all forms of economic development and to carry out the above in a manner which supports the preservation of impacted ecosystem

WHEREAS the Water Services Act establishes the municipality as a water services authority and the municipality's water and sanitation department as a water services provider for the municipality's area of jurisdiction

WHEREAS the OR Tambo District Municipal Council has competence in terms of Part B of Schedule 4 of the Constitution of the Republic of South Africa, 1996 relating to such matters as the controls of the provision of water services

WHEREAS the OR Tambo District Municipal Council has competence, in terms of section 156(2) of the Constitution of the Republic of South Africa, 1996 to make and administer by-laws for the effective administration of the matters which it has the right to administer,

AND WHEREAS the OR Tambo District Municipality has a duty to make by-laws for the provision of water and sanitation services in terms of section 21 of the Water Services Act;

NOW THEREFORE the OR Tambo District Municipal Council, acting in terms of Section 156 read with Part B of Schedule 4 of the Constitution of the Republic of South Africa, 1996 and read with Section 11 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), hereby makes the following By-Law:

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3. DEFINITIONS

1. In these by laws, unless the context otherwise indicates -

Accommodation Unit	In relation to any premises, means a building or section of a building occupied or used for occupation or use for any purpose.
Act	Means the Water Service Act, 1997 (Act 108 of 1997), as amended from time to time and any regulations promulgated in terms thereof
Approved	Means approved by the Municipality
Area of supply	Means any area within or partly within the area of jurisdiction of the Municipality too which the water services are provided.
Authorised Agent	<p>Means –</p> <ul style="list-style-type: none"> A. Any person authorised by the municipality to perform any act, function or duty in terms of, or exercise any power under these By-Laws B. Any person to whom the municipality has transferred the performance of certain rights, duties and obligations in respect of providing water services, or C. Any person appointed by the municipality in terms of a written contract as a service provider to provide water

	services to consumers on its behalf, to the extent authorised in such contract.
Authorised Officer	Means any official of the municipality who has been delegated with authority to implement the provisions of these By-Laws.
Average consumption	Means the average water consumption of a consumer of a municipal service during a specific period, which consumption is calculated by dividing the total measured consumption of that municipal service during the specific period by the specific period of consumption
Best practicable environment option	Means the option that provides the most benefit or causes the least damage to the environment a a whole, at a cost acceptable to society, in the long term as well as in 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 under the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977)
Charges	Means the rates, charge, tariff, flat rate or subsidy determined by the Municipality
Cleaning eye	Means any access opening to the interior of a discharge pipe or trap provided for the purpose of internal cleaning
Combined installation	Means a water installation use for fire fighting and domestic,

	commercial or industrial purpose
Commercial consumer	Means any consumer other than a domestic consumer and indigent consumer, including, without limitation, business, industrial, government, and institutional consumers
Communal water services work	Means a consumer connection through which services are supplied to more than one person
Connecting point	Means the point at which the drainage installation joins the connecting sewer
Connecting sewer	Means a pipe owned by the Municipality and installed by it for the purpose of conveying sewage from drainage installation on a premises to a sewer beyond the boundary of those premises or within the servitude area or within an area covered by a way-leave
Connection	Means the point at which a consumer gains access to water services
Connection pipe	Means a pipe, the ownership of which is vested in the Municipality 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 SANS 0252 Part I
Conservancy tank	Means a covered tank used for the reception and temporary retention of sewage and which requires emptying at intervals
Consumer	Means a person with whom the Municipality to be concluded a service contract for the provision of a municipal service as provided

	for in the Revenue By-laws
Council	Means the council of OR Tambo District Municipality
Criminal Procedure Act	Means a Criminal Procedure Act, 1977 (Act No. 51 of 1977), as amended from time to time, and includes any regulations promulgated in terms thereof
Delivery system	Means a water delivery mechanism, which delivers a predetermined quantity of water to a consumer on agreed terms
Domestic consumer	Means a consumer using water for domestic purposes and producing domestic sewage
Domestic purposes	In relation to the supply of water means water supplied for drinking, ablution and culinary purposes to premises used predominantly for residential purposes
Drain	Means the portion of the drainage installation that conveys sewage within any premises
Drainage installation	Means a system situated on any premises vested in the owner thereof and which is used for or intended to be used for or in connection with the reception, storage, treatment or conveyance of sewage on that premises to the connecting point and includes drains, fittings, appliances, septic tanks, conservancy tanks, pit latrines and private pumping installations forming part of or ancillary to such 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
Duly qualified sampler	Means a person who is authorised to take samples for analysis from the sewage disposal system, and storm water disposal system, from public waters, bulk water supply sources, water treatment works, water reticulation systems and natural water sources and who has been certified to do so by an authorised agent
DWS	Means the Department of Water and Sanitation or the national department responsible for the administration of water and sanitation affairs
Dwelling unit	Means an interconnected suite or rooms, including a kitchen or scullery, designed for occupation by a single family, irrespective of whether the dwelling unit is a single building or forms part of a building containing two or more dwelling units.
Effluent	Means any liquid whether or not containing matter in solution or suspension
Engineer	Means the engineer of the municipality, or any other person authorised to act on his or her behalf
Emergency	Means any situation that poses a risk or potential risk to life, health, the environment or property.

Environmental cost	Means the cost of all measures necessary to restore the environment to its condition prior to the damaging incident
Estimated consumption	Means the deemed consumption by a consumer whose consumption is not measured during a specific period, which estimated consumption is rationally determined taking into account at least the consumption of water supply services for a specific level of service during a specific period in the area of supply of the Municipality
Fire installation	Means a potable water installation that conveys water for firefighting purposes only, and “ fire hydrant ” has a similar meaning
Fixed charge	Means the average fixed cost per consumer associated with providing water services in a continuous, effective and efficient manner
Fixed quantity water delivery system	means a water installation, which delivers a fixed quantity of water to a consumer in any single day
French drain	means a soil soak pit for the disposal of sewage and effluent from a septic tank
High strength sewage	Means industrial sewage with a strength or quality greater than standard domestic effluent in respect of which specific charge as calculated in accordance with Schedule C may be charged
Household	Means a traditional family unit, as determined by the municipality from time to time taking into account the number of persons comprising a household, the age of the persons who are members of

	the household and any other relevant factor
Illegal connection	Means a connection to any system through which water services are provided that is not authorised or approved by the municipality
Industrial effluent	Means effluent emanating from the use of water for industrial purposes of this by-law any effluent other than standard
Industrial purpose	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 terms of the Occupational Health and Safety Act, 1993 (Act 85 of 1993)
Installation work	Means any work done in respect of a water services installation, including the construction, rehabilitation, improvement and maintenance thereof
Interest	Means such interest as may be prescribed in terms of section 1 of the Prescribed Rate of Interest Act, 1975 (Act No. 55 of 1975)
JASWIC	Means the Joint Acceptance Scheme for Water Installation Components
Manhole	Means any access chamber to the interior of the sewer provided for the purpose of maintenance and internal cleaning
Main	Means a pipe, other than a connection pipe, of which the ownership vests in the municipality and which is used by it for the purpose of

	conveying water to consumers
Measuring device	Means any method, procedure, process, device, apparatus or installation that enables the quantity of water services provided to be quantified and includes any method, procedure or process whereby the quantity is estimated or assumed
Meter	Means a water meter as defined by the Regulations published in terms of the Trade Metrology Act, 1973 (Act No. 77 of 1973) or, in the case of water meters of sizes greater than 100mm, a device which measures the quantity of water passing through it.
Municipal account	Means an account rendered by the municipality for municipal services provided
Municipality	Means the OR Tambo District Municipality established in terms of section 12 of the Municipal Structures Act, 1998 (Act No. 117 of 1998), and includes any political structure, political office bearer, duly authorised agent or any employee acting in connection with this by-law by virtue of a power vested in the municipality and delegated or sub-delegated to such political structure, political office bearer, agent or employee
Municipal Manager	Means the person appointed as the municipal manager of the municipality in terms of section 82 of the Local Government Municipal Structures Act, 1998 (Act No. 117 of 1998) and includes any person: -

	<p>(a) Acting in such position, and</p> <p>(b) To whom the municipal manager has transferred a power, function or duty in respect of such power, function or duty</p>
Municipal services	Means, for purposes of this by-law, services provided by the municipality, including water supply, sanitation or any one of the foregoing
Occupier	Means a person who occupies any land, building, structure or premises and includes a person who, for some else's reward or remuneration, allows another person to use or occupy any land, building, structure or premise.
On-site sanitation services	Means any sanitation services other than water borne sewerage disposal through a sewerage disposal system
Owner	<p>Means: -</p> <p>(a) The person whose name the ownership of the premises is registered from time to time or his or her agent</p> <p>(b) Where the registered owner of the premises is insolvent or dead, or for any reason lacks legal capacity, or is under any form of legal disability, that has the effect of preventing him or her from being able to perform a legal act on his or her own behalf, the person in whom the administration and control of such premises is vested as curator, trustee, executor, administrator, judicial manager, liquidator or other</p>

	<p>legal representative.</p> <p>(c) Where the municipality is unable to determine the identity of the owner, a person who has a legal right in, or the benefit of the use of any premises, building, or any part of a building situated on them.</p> <p>(d) In relation to any piece of land delineated on a sectional plan registered in terms of Section Title Act, 1986 (Act No. 95 of 1986), the developer or the body corporate in respect of the common property</p>
Person	<p>Means any person, whether natural or juristic and includes, but not limited to, a local government body, a company or close corporation incorporated under any law, a body of persons whether incorporated or not, a statutory body, public utility body, voluntary association or trust</p>
Plumber	<p>Means a person who has passed a qualifying trade test in plumbing or has been issued with a certificate of proficiency in terms of the Manpower Training Act, 1981 (Act No. 56 of 1981), or such other qualification as may be required under national legislation</p>
Pollution	<p>Means the introduction on 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 hit is normally intended</p>

Premises	<p>Means any piece of land, the external surface boundaries of which are delineated on –</p> <p>(a) A general plan or diagram registered in terms of the Land Survey Act, 1927 (Act No. 9 of 1927), or in terms of the Deeds Registries Act, 1937 (Act No. 47 of 1937)</p> <p>(b) A sectional plan registered in terms of the Sectional Titles Act, 1986 (Act No. 95 of 1986), or</p> <p>(c) A register held by a tribal authority or in accordance with a sworn affidavit made by a tribal authority</p>
Pre-payment meter	<p>Means a meter, as defined, including a credit meter, that regulates the provision of water in accordance with the consumer's prior payment for such provision</p>
Prescribed charge	<p>Means a charge prescribed by the municipality</p>
Professional Engineer	<p>Means a person registered in terms of the Engineering Profession Act, 2000 (Act No. 46 of 2000), as a professional engineer</p>
Public notice	<p>Means publication in appropriate media that may include:-</p> <p>(a) Publication of notice, in the official languages determined by the municipality –</p> <p>i) In any local newspaper circulating in the area of supply of the municipality</p> <p>ii) In the newspaper or newspapers circulating in the area of supply of the municipality determined by the</p>

	<p>municipality as a newspaper of record, or</p> <p>iii) By means of radio broadcasts covering the area of supply of the municipality, and</p> <p>(b) Displaying a notice at appropriate offices and pay-points of the municipality, or</p> <p>(c) Communication with consumers at public meetings and ward committee meetings.</p>
Regulation 22355	Means the regulations promulgated in terms of the Act on 8 th June 2001
Revenue By-Laws	Means the revenue by-laws adopted and promulgated by the municipality
Sanitation services	Has the meaning assigned to it in section 1 of the Act and includes, for purposes of this by-law, the disposal of industrial effluent
Sanitation system	Means the structures, pipes, valves, pumps, meters or other appurtenances used in the conveyance through the sewer reticulation system and treatment at the sewage treatment plant under the control of the municipality and which may be used by it in connection with the disposal of sewage and “sewage disposal system” has the same meaning
SANS	Means the South African National Standards
Septic tank	Means a water tight tank designed to receive sewage and to effect the decomposition of organic matter in sewage by bacterial action

Service contract	Means an agreement between the municipality and a consumer, whether written or deemed as provided for in the revenue by-laws
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
Sewage	Means waste water, industrial effluent, standard domestic effluent and other liquid waste, either separately or in combination, but does not include storm water
Sewer	Means any pipe or conduit which is the property of or is vested in the municipality and which may be used for the conveyance of sewage from the connecting sewer, and does not include drain as defined.
Shared consumption	Means the consumption of a consumer of a municipal service during a specific period, which consumption is calculated by dividing the total metered consumption of that municipal service within the supply zone within which a consumer's premises are situated for the same period by the number of consumers within that supply zone, during the same period.
Standpipe	Means a connection through which water is supplied in a public space or a yard, and which is supported by various means, in a vertical position, with a stopcock at its end
Standard domestic	Means domestic effluent with prescribed strength characteristics as

effluent	determined by the municipality in respect of chemical oxygen demand and settleable solids as being appropriate to sewage discharges from domestic premises within the jurisdiction of the municipality, but shall not include industrial effluent
Storm water	Means water resulting from natural precipitation or accumulation and includes rain water, subsoil water or spring water
Terminal water fitting	Means a water fitting at an outlet of a water installation that controls the discharge of water from a water installation
Trade premises	Means premises upon which industrial effluent is produced
Trap	Means a pipe fitting or portion of a sanitary appliance designed to retain in position a water seal which serves as a barrier against the flow of foul air or gas
Unauthorised services	Means receipt, use or consumption of any water which is not in terms of a service agreement, or authorised or approved by the municipality
Waste water	Means waste water resulting from the supply of water to a household, office, shops or any other premises other than industrial premises
Water fitting	Means a component of a water installation, other than a pipe, through which water passes or in which it is stored
Water inspector	Means a person who is employed by the municipality to monitor the implementation of and to enforce compliance with the provisions of

	this by-law
Water installation	Means the pipes and water fittings which are situated on any premises and ownership of which vests in the owner thereof and used or intended to be used in connection with the use of water on such premises, and includes a pipe and water fitting situated outside the boundary of the premises, which either connects to the connection pipe relating to such premises or is otherwise laid with the permission of the municipality
Water Service Authority	Has the same meaning assigned to it in terms of section 1 of the Act
Water services provider	Has the same meaning assigned to it in terms of section 1 of the Act and includes- <ul style="list-style-type: none"> (a) An entity established or appointed by the municipality as its authorised agent to operate and maintain a water supply scheme in accordance with its by-law and in accordance with the Act, and (b) The municipality where it has not appointed an agent to act as water services provider on its behalf and fulfils this duty itself
Water services	Means water supply services and sanitation services
Water supply services	Has the same meaning assigned to it in section 1 of the Act and includes, for the purposes of this by-law, water for industrial purposes and fire extinguishing services

Water supply system	Means the structures, aqueducts, pipes, valves, pumps, meters or other apparatus relating thereto of which ownership vests in the municipality and which are used or intended to be used by it in connection with the supply of water , and includes any part of the system.
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4. ADMINISTRATION

The Municipal team that contributed to the compilation of this By-Law consists of the following members:

Name	Organisation	Designation/Section	Telephone Number	Email Address

5. PRINCIPLES AND OBJECTIVES

1. The municipality adopts the following principles:
 - (a) The municipality recognizes that all consumers have the right to access to basic water supply and basic sanitation in the area of jurisdiction of the municipality within an environment not harmful to human or well being
 - (b) The municipality acknowledges that it has the authority to administer water supply services and sanitation services and arising there from a concomitant duty to ensure the supply of water services of an acceptable quality within its area of jurisdiction in an efficient, affordable, economical and sustainable manner for subsistence and sustainable economic activity
 - (c) The municipality recognizes that, in striving to provide water services it, together with all role players in the sector and all spheres of government, must observe and adhere to the principle of co-operative governance
 - (d) The municipality acknowledges the requirements to draft and promulgate by-laws to govern the provision of water services to its consumers and to govern the relationship between it and its consumers within its area of jurisdiction.
 - (e) The municipality recognizes that in the supply of water services, the interest of the consumers and the broader goals of public policy must be promoted
 - (f) The municipality through its Revenue By-Laws, recognizes its duty in terms of regulation 16 of Regulation 22355 to have consumer service to which non-compliance with the provision of **Regulation 22355 or this by-law** can be reported
 - (g) The municipality confirms its duty to provide access to water services in an orderly manner within the nation's available water resources

2. The municipality, in this by-law, strives to –
- (a) Provide for the rights of access to basic water supply and basic sanitation within its area of jurisdiction, as contemplated in section 27 (1)(b) of the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996), and regulations 2 and 3 of Regulation 22355
 - (b) Provide for the establishment of the regulatory framework within which to deliver water services
 - (c) Provide for the setting of terms and conditions to ensure compliance within the legislation relating to the water sector
 - (d) Provide for matters related to the supply of water services within its area of jurisdiction

CHAPTER 1 – APPLICATION, PAYMENT AND TERMINATION

PART 1 – APPLICATION

6. APPLICATION FOR WATER SERVICES

- a. No person shall be provided with access to water services unless application has been made to, and approved by the municipality on the form prescribed by the municipality for such purpose.
- b. Water services rendered to a consumer by the municipality are subject to the municipality's revenue by-laws, this by-law and the conditions contained in the relevant service contract

7. SERVICES CONTRACT FOR WATER SERVICES

The municipality may enter into a service contract for the provision of water services with an applicant in accordance with the municipality's revenue by-laws

8. CHANGE IN PURPOSE FOR WHICH WATER SERVICES ARE USED

Where the purpose for, or extent to which, any water service is changed, the customer must promptly advise the municipality of the change and enter into a new service contract with the municipality

PART 2 – CHARGES

9. PRESCRIBED CHARGES FOR WATER SERVICES

1. All applicable charges payable in respect of water services, including but not restricted to the payment of connection charges, fixed charges or any additional charges or interest shall be set by the council in accordance with –
 - (a) Any policies for rates, tariffs, credit control and debt collection
 - (b) Any by-laws in respect thereof, and
 - (c) Any regulation in terms of national or provincial legislation
2. Differences between categories or consumers, users of services, types and levels of services, quantities of services, infrastructural requirements and geographic areas, may be used as the basis for imposition of differential charges

10. AVAILABILITY CHARGES FOR WATER SERVICES

The municipality may, in addition to the charges determined for water services that have been actually provided, levy a monthly fixed charge or only one fixed charge where water services are available, whether or not such services are consumed.

PART 3 – PAYMENT

11. PAYMENT FOR WATER SERVICES

The owner, occupier and consumer shall be jointly and severally liable and responsible for payment of all water services charges and water services consumed by a consumer, in accordance with the municipality's revenue by-laws

PART 4 – TERMINATION, LIMITATION AND DISCONNECTION

12. TERMINATION OF SERVICE CONTRACT

A consumer may terminate a service contract, provided this is done in the manner prescribed by the municipality

13. LIMITATION OR DISCONNECTION OF WATER PROVIDED

- (1) The municipality may limit or discontinue water services provided in terms of this by law -
- (a) At written request of a consumer
 - (b) If the service contract for the provision of water services has been terminated and the municipality has not received an application for subsequent water services to the premises, within a period of ninety days of such termination
 - (c) If the building on the premises to which water services were provided has been demolished
 - (d) If the consumer has unlawfully interfered with the water installation or water services in any way
 - (e) In an emergency
 - (f) If there has been material abuse of the water services by the owner, occupier or consumer in respect of the premises, or

- (g) If the use of the water services is creating significant environmental damage or water pollution
- (2) The municipality will, where water services have been discontinued in terms of subsection 1, only be obliged to restore such water services when the prescribed fees for the discontinuation and reconnection of the water services and any applicable deposit have been paid.
- (3) The municipality shall not be liable for any damages or claims that may arise from the limitation or disconnection of water services provided in terms of subsection 1, including damages or claims that may arise due to the limitation or disconnection of water services by the municipality in the *bona fide* belief that the provisions of subsection 1 were applicable at the time
- (4) If a consumer fails to pay the amount due and payable on or before the final date for payment, the unpaid amount is in arrears and a final demand notice may be sent and may be hand delivered or posted per mail to the most recent recorded address of the consumer
- (5) Failure to deliver or send a final demand notice does not relieve a consumer from paying such arrears
- (6) The final demand notice must contain the following –
- (a) The amount in arrears and any interest payable, and the date by which such arrears and interest must be paid
- (b) That the consumer may conclude an agreement with the municipality for payment of the arrears amount in installments within 14 days of the date of the final demand notice

- (c) That, if no such agreement is entered into within the stated period, the water services will be discontinued or limited and legal action may be instituted against the consumer for the recovery of any amount that is 30 days or more in arrears, without further notice.
- (d) The consumer's name may be made public, and may be listed with a credit bureau or any other equivalent body as a defaulter
- (e) That the account may be handed over to a debt collector or attorney for collection
- (f) That proof of registration as an indigent consumer, in terms of the municipality's revenue by-law, must be handed in to the municipality on or before the date for payment contemplated in subsection (a), above
- (g) That an indigent consumer is only entitled to basic water services and that an indigent consumer will be liable for payment in respect of water services used in excess of the quantity of basic services, and
- (h) An opportunity for the consumer to make representation in writing, on or before the date of payment contemplated in subsection (a), above
- (7) Interest may be levied on all arrears at a rate prescribed by the municipality from time to time
- (8) The amount due and payable by a consumer constitutes a consolidated debt, and any payment made by a consumer of an amount less than the total amount due will be allocated in reduction of the consolidated debt in the order determined by the municipality.
- (9) The municipality may, after expiry of the period allowed for payment in terms of the final demand notice, deliver by hand or send, per mail, to the last recorded address of the consumer –

- (a) A discontinuation notice informing such consumer that the provision of water services will be, or has been discontinued on the date stated on the discontinuation notice
 - (b) A discontinuation notice must contain information advising the consumer of steps which can be taken to have the service re-connected
- (10) If representations made by a consumer are unsuccessful either wholly or in part, then a final demand notice complying with the provisions of subsections (6)(a) to (g) must be given to the consumer in the manner provided for in subsection (4), stipulating that no further representations may be made
- (11) Subject to the provisions of the Act, and subject to the provisions of the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000), having been observed, save that the municipality's reasons for its decision to act must be supplied within seven days after a request therefor, the municipality may discontinue water services to a consumer if -
- (a) Full payment was not received within the period stated in the final demand notices referred to in subsections (6) and (10)
 - (b) No agreement was entered into for the payment of arrears in installments
 - (c) No proof of registration as an indigent was furnished within the period provided for in the final demand notices contemplated in sub-sections (6) and (10)
 - (d) No payment was received in accordance with an agreement for payment of arrears
 - (e) No representations as contemplated in sub-section (6)(h) were made within the period provided for in the final demand notice, and
 - (f) The representations referred to in sub-section (10) have not been wholly accepted by the municipality

(12) Where an account rendered to a consumer remains outstanding for more than 60 days –

(a) The defaulting consumer's name may be made public, and may be listed with a credit bureau or any other equivalent body as a defaulter, and

(b) May be handed over to a debt collector or any attorney for collection

(13) A consumer will be liable for any administration fees or costs incurred in taking action for the recovery of arrears and any penalties, including the payment of a higher deposit.

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

(15) No action taken in terms of this section, as a result of non-payment, may be suspended or withdrawn unless the arrears, any interest thereon, administration fees, additional charges, costs incurred in taking legal action and any penalty, including the payment of a higher deposit, which are payable, are in full.

(16) The formation of an agreement for payment of the arrears amount in installments, entered into after the water services were discontinued, will not result in the restoration of water services until the arrears, any interest thereon, administration fees, costs incurred in taking legal action and any penalty, including payment of a higher deposit, are paid in full

(g) A discontinuation notice informing such consumer that the provision of water services will be, or has been discontinued on the date stated on the discontinuation notice

14. CONFLICT IN INTERPRETATION AND IMPLEMENTATION

In the event of conflict in the interpretation and implementation of this Chapter and any provision of the revenue by-laws, this Chapter shall prevail

CHAPTER 2 – APPOINTMENT OF WATER SERVICES PROVIDERS

15. APPOINTMENT OF WATER SERVICES PROVIDER

- (1) Subject to compliance with the provisions of section 78 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), the municipality may elect to perform the function of water services provider itself or it may enter into a written contract with a water services provider as authorized agent, or from a joint venture with another water services institution to provide water services within its area of jurisdiction.
- (2) When performing the function of a water services provider, the municipality must manage and account separately for those functions
- (3) When the municipality appoints a water services provider to provide water services on its behalf, the said water services provider shall be designated as the authorized agent of the municipality and thereby shall be enabled as water services provider on behalf of the municipality in terms of the contract entered into between the municipality and water services provider
- (4) When the municipality, in the event it decides not to perform the function of a water services provider for any local municipality within its jurisdiction, may appoint the said local municipality as its water services provider and shall then and thereafter enter into a written contract with the said local municipality to provide water services within the local municipality's area of jurisdiction, in line and in accordance with this by-law.
- (5) If, after carrying out an assessment in terms of section 78 of the Local Government Municipal Systems Act, 2000 (Act No. 32 of 2000), it is decided by the municipality not to

act as the water services provider in respect of such area of jurisdiction or of a specific water scheme and the said municipality decides not to appoint local municipality or a state or parastatal entity as its water services provider, then it may in respect of any water scheme established or to be established in its area of jurisdiction as contemplated in section 19(1)(a) of the Act, by public notice, call for proposals from suitable persons or institutions to seek the approval of the municipality to be the water services provider, as authorized agent, in respect of such water scheme, as contemplated in sub-section 22(1) read with sub-section 19(1)(b) of the Act.

16. WATER SERVICE PROVIDER – APPROVAL

1. The public notice referred to in the previous section shall be delivered to every public sector water services provider, known to the municipality and shall also be published in a newspapers circulating in the area where the water scheme is situated, which notice shall be published in the predominant language of such newspaper and of the majority of people to be served by such water
2. The municipality shall give prior consideration to any proposals submitted by any public sector water services provider, as contemplated in sub-section 19(2) of the Act before considering any proposals submitted by any private sector water services provider
3. The municipality shall, in respect of every water scheme for which it intends to approve a water services provider -
 - (a) Prepare a full detailed description of the water scheme or schemes which will be operated by the water services provider, and which shall provide that the municipality complies with the criteria set out in sub-section 11 of the Act, this by-law and the water services development plan adopted by the municipality in terms of section 15 of the Act, which description shall include, but not limited to -
 - (i) The name or name of the water scheme or schemes.

- (ii) An indication of the nature of the water services to be provided by the water services provider
 - (iii) Detailed plans or drawings, with coordinates and scales as well as specifications depicting the physical installation associated with the water scheme or schemes, including all structures, aqueducts, pipes, valves, pumps, meters or other apparatus relating thereto used intended to be used by it in connection with the provision of water services, as contemplated in the proposal
 - (iv) A detailed description, including numbers and locality of the clients or potential clients that will be supplied with water by the water services provider
 - (v) Details of the source, the quality and quantity of water that will be supplied to clients or potential clients and the arrangements in place to ensure that such quality and quantity is consistently maintained
 - (vi) A certificate indicating who the legal owner or owners of the water scheme or schemes is or are, and
 - (vii) Certified copies of all documents and deeds reflecting the legal status of the water scheme or schemes, including deeds of servitude where appropriate.
- (b) Make such information available to all persons or institutions who wish to submit a proposal in response to the public notice published in terms of the previous section.

- 4.** Any proposal submitted in response to the public notice contemplated herein shall include the following –

- (a) A certified copy of the identity document of the applicant, or a certified copy of the founding document or constitution of the applicant, if the applicant is a legal person
- (b) A certified resolution adopted by the management body of the applicant, if the applicant is a legal person, resolving to apply for approval as a water services provider
- (c) A certified list of the names and addresses of all persons occupying a leadership and decision making power in the applicant
- (d) A detailed statement, supported by adequate proof of authenticity, setting out the applicant's qualifications, capacity to undertake the work associated with the provision of water services in the circumstances reflected in the application, and the experience, skills and financial resources available to it to undertake this function
- (e) A business plan setting out how the water scheme or schemes will be operated and maintained during the period the water services provider will undertake the supply of water services as contemplated in the proposal, and what arrangements have been adopted to deal with any emergency, including natural disasters and drought
- (f) A budget describing the financial administration of the water scheme or water schemes, the source of any capital or revenue requirements, and an indication of the sustainability of the water scheme or schemes.
- (g) Details of tariffs and charges that the applicant will levy for all clients and potential clients, the method of calculations such as tariffs and charges, the process whereby increases or decreases in such tariffs and charges will be dealt

- with, and the manner in which such tariffs and charges comply with the national norm set by the Minister of Water Affairs in terms of section 10 of the Act, and
- (h) Full details of the conditions that will be imposed in terms of section 4 of the Act and full details required in terms of sub-section 19(4) of the Act.

17. APPLICATION FOR APPROVAL

1. Any person or institution seeking approval from the municipality in terms of sub-section 6(1) or 22(1) of the Act under circumstances other than in response to a notice published in terms of this Chapter, or the renewal of an existing approval, shall do so in accordance with the provisions of this by-law and at its own expense, provided that –
 - (a) No application for approval in terms of sub-section 6(1) of the Act shall be granted in respect of any water scheme where clients or potential clients exceed fifty (50) persons or where the population density exceeds one person per hectare, and
 - (b) Any application for an approval in terms of sub-section 30(2)(d) of the Act shall be made under the provisions of sub-section 22(1) of the Act
2. Any application for such approval, or the renewal of such approval, such me made to the municipality in writing
3. Immediately on receipt of an application made in terms of sub-section 22(1) of the Act, if the applicant is a private sector water services provider, then the municipality shall, in terms of sub-section 19(2) of the Act, notify all public sector water services providers to it and –
 - (a) Request such public sector water services providers to notify the municipality within a period of 30 days from the date of the receipt by the public sector water services provider of such notice whether it is willing and able to perform the

functions contained in the application, and if it is, the provide the municipality with the documents and particulars referred to in this Chapter, and

- (b) On receipt of such documentation and particulars, the municipality shall consider such application and decide whether to approve a public sector water services provider, in respect of the water scheme or schemes concerned
4. Any application for approval, or the renewal of any approval granted by the municipality shall be accompanied by at least the following documents or particulars, provided that in the case of a renewal of an approval, the municipality may in its discretion dispense with some of the documents or particulars to avoid unnecessary duplication
- (a) A certified copy of the identity document of the applicant, if natural person, or a certified copy of the founding document or constitution of the applicant if the applicant is a legal person
 - (b) A certified resolution adopted by the management body of the applicant, if the applicant is a legal body, resolving to apply for approval as a water services provider, as authorized agent
 - (c) A certified list of the names and addresses of all persons occupying a leadership and decision making power in the applicant
 - (d) A detailed statement, supported by adequate proof of authenticity, setting out the applicant's qualifications, capacity to undertake the work associated with the provision of water services in the circumstances reflected in the application, and the experience, skills and financial resources available to it to undertake the provision of water services

- (e) A full and detailed description of the water scheme or schemes which will be operated by the applicant, containing sufficient information to enable the municipality to determine whether the water scheme or schemes complies with the criteria set in section 11 of the Act, this by-law and the water services development plan adopted by the municipality in terms of section 15 of the Act, which description shall include, but not limited to –
- (i) The name or name of the water scheme or schemes.
 - (ii) An indication of the nature of the water services to be provided by applicant
 - (iii) Detailed plans or drawings, with coordinates and scales as well as specifications depicting the physical installation associated with the water scheme or schemes, including all structures, aqueducts, pipes, valves, pumps, meters or other apparatus relating thereto used intended to be used by it in connection with the provision of water services, as contemplated in the application
 - (iv) A detailed description, including numbers and locality of the clients or potential clients that will be supplied with water by the applicant
 - (v) Details of the source, the quality and quantity of water that will be supplied to clients or potential clients and the arrangements in place to ensure that such quality and quantity is consistently maintained
 - (vi) A business plan setting out how the water scheme or water schemes will be operated and maintained during the period the applicant undertakes the supply of water services, as contemplated in the application, and what arrangements have been adopted to deal with emergency, including natural disasters and drought

- (vii) A budget describing the financial administration of the water scheme or water schemes, the source of any capital or revenue requirements, and indication of the sustainability of the water scheme or water schemes
- (viii) A certificate indicating who the legal owner or owners of the water scheme or water schemes

18. ADDITIONAL INFORMATION TO MAKE DECISION

1. The municipality may call any additional information or documents reasonably required to enable it to determine whether the proposer or applicant, including a public sector water services provider, of the water scheme or water schemes will comply with the Act. This by-law and the water services development plan of the municipality, and whether the obligations of the municipality imposed on it by the Act, will be met
2. Prior to making final decision, the municipality may meet with the proposer or applicant, as the case may be, and any organization reasonably representative of the clients or potential clients of the water scheme or schemes, in order to hear representations made by the applicant and such representative organizations in support of, or against the applications, and it shall take such representations into arriving at its final decision

19. PROCEDURE ON APPROVAL

- (1) In the event of the municipality granting such approval, it shall –
 - (a) In the case of an application for approval in terms of sub-section 7(1) of the Act, issue a letter of approval to the applicant containing such conditions as the municipality may deem appropriate, which conditions shall be binding on the applicant, and which may contain an obligation to comply with any provisions of

this by-law as though such person or institution was an approved water services provider

- (b) In the case of an application for approval in terms of sub-section 22(1) of the Act –
- (i) If the applicant is a private sector water services provider, cause a notice to be published in a newspaper or newspapers circulating in the area where the water scheme to which the application relates is situated, publicly disclosing its intention to approve such application, and
 - (ii) Enter into a contract with the applicant, as contemplated in sub-section 19(1)(b)(1) of the Act, provided that, in the case of a private sector water services provider, such contract shall not commence until a period of thirty days (30) has elapsed after the date of publication of the notice contemplated in section 19(3) of the Act and after the municipality has taken into account any representations made by any person or institution in response to the said notice.
- (2) Any notice contemplated in sub-section 19(3) of the Act shall be published in a newspaper or newspapers, and in the predominant language of such newspaper, which is or most likely to be read by a majority of the clients or potential clients of the water scheme and by the public generally in the area of jurisdiction of the municipality
- (3) The by-laws in this section shall apply in all cases where the municipality has granted its approval to a person or institution in terms of sub-section 22(1) of the Act, read with the provisions of this by-law
- (4) The municipality shall designate each water scheme in its area of jurisdiction into one or other category defined in the succeeding section of this below.

20. WATER SCHEME CATEGORIES

- (1) The categories of water schemes contemplated in this Chapter shall be -
 - a) **Category A** being a range of water schemes from either elementary or rudimentary water schemes, providing water supply services by drawing water from a hand pump or protected spring, to more advanced water schemes, providing water supply services by way of an abstraction system which is more sophisticated, which has a metered connection to a bulk main, and the capacity to supply both communal stand-pipes and private connection provision,
 - b) **Category B** being a range of water schemes from either water schemes where the abstraction and reticulation provides water to be laid out on clearly identified sites, to water schemes providing water supply services to a township, proclaimed or approved under any law relating to the establishment of townships, or water supply services for industrial use, or for the disposal of the industrial effluent
- (2) The municipality may, from time to time and in appropriate circumstances, change the category to which any water scheme has been allocated
- (3) The municipality shall give written notice to the appropriate and approved water services provider of its intention to change the category to which any water scheme is allocated to such water services provider, and the change in allocation shall take effect from the date upon which notice is delivered to the relevant water services provider
- (4) The decision of the municipality to allocate a category to a water scheme shall be final, provided that any person or institution which has an interest in a particular water scheme and who is aggrieved by such allocation, on the grounds that he or she is

materially prejudiced by such allocation, shall be entitled to appeal to the municipality against such allocation in accordance with the following provisions –

- (a) An appeal shall be noted in writing and shall be delivered to a recognized main office of the municipality or be sent by pre-paid post, addressed to the recognized postal address of the municipality
- (b) The document evidencing the appeal shall state the grounds upon which the appellant considers that he or she is prejudiced by the allocation appealed against
- (c) The appeal shall be considered and disposed of by the municipality with 45 days of the receipt of the document evidencing the appeal, and
- (d) The decision of the municipality shall be final, but does not preclude the appellant from approaching and utilizing the courts of law

21. WATER SERVICES PROVIDER CATEGORIES

(1) Every approves water services provider shall be designated as Category 1 or Category 2 provider in accordance with the following criteria -

- (a) **Category 1** provider shall be a person or institution which, in the reasonable opinion of the municipality has the has capacity, without external assistance, to manage and administer the water scheme in respect of which approval has been granted in terms of sub-section 22(1) of the Act and to maintain and operate the water scheme efficiently and effectively, and
- (b) **Category 2** provider shall be a person or institution which in the reasonable opinion of the municipality, does not have the capacity without the external assistance, to manage and administer the water scheme in respect of which approval has been

granted in terms of sub-section 22(1) of the Act to maintain and operate the water scheme efficiently and effectively

- (2) The decision of the municipality to allocate a category to an approved water services provider shall be final, provided that any person or institution which has an interest in a particular provider and who is aggrieved by such allocation on the grounds that he or she is materially prejudiced by such allocation, shall be entitled to appeal to the municipality against such allocation in accordance with the following provisions -
- (a) An appeal shall be noted in writing and shall be delivered to a recognized main office of the municipality or be sent by pre-paid post, addressed to the recognized postal address of the municipality
 - (b) The document evidencing the appeal shall state the grounds upon the appellant considers the her she is prejudiced by the allocation appeal
 - (c) The appeal shall be considered and disposed of by the municipality within 45 days of the receipt of the document evidencing the appeal, and
 - (d) The decision of the municipality shall be final
- (3) The municipality may, in its discretion, require a Category 2 water services provider, as a condition of approval in terms of sub-section 22(1) of the Act, to enter into a contract with a support services agent who shall, in the reasonable opinion

22. MONTHLY REPORTS

A registered water services intermediary shall submit a quarterly report to the water services authority providing at least such information as the water services authority may, reasonably require in order to enable it to monitor and evaluate the operation of the water scheme concerned and to satisfy its self that the said scheme is being operated in such a

manner so is to fulfill the requirements of Act, the applicable water development plan, these by-laws and any conditions imposed as the condition of registration.

23. DISPUTES

Any dispute or conflict arising between the water services authority and an approved water services provider shall be resolved by mediation and arbitration and every agreement made and entered into under the provisions of this by-law shall contain appropriate provisions to that effect

CHAPTER 3 – SERVICES LEVELS

24. SERVICE LEVEL

1. The Municipality may in accordance with national policy, but subject to principles of sustainability and affordability, determine the service levels it is able to provide to consumers and must make these known by public notice.
2. The Municipality may, in determining service levels, differentiate between types of consumers, geographical areas and socio-economic areas.
3. The following levels of service may, subject to sub-section (1), be provided by the Municipality –
 - a. communal water supply services and on-site sanitation services-
 - i. constituting the minimum level of service provided by the Municipality;
 - ii. consisting of reticulated standpipes or a stationery water tank, serviced either through a network pipe or a water tanker located within a reasonable walking distance from any household with a

Ventilated Improved Pit latrine located on each premises, provided that "premises" means the lowest order of visibly demarcated area on which some sort of informal dwelling has been erected;

- iii. installed free of charge;
 - iv. provided free of any charge to consumers; and
 - v. maintained by the Municipality;
- b. a yard connection not connected to any water installation and an individual connection to the Municipality's sanitation system –
- i. consisting of an un-metered standpipe on a premises not connected to any water installation and a pour-flush toilet pan, wash-trough and suitable toilet top structure connected to the Municipality's sanitation system;
 - ii. installed free of charge;
 - iii. provided free of any charge to consumers; and
 - iv. maintained by the Municipality; and
- c. A metered pressured water connection with an individual connection to the Municipality's water supply system –
- i. installed against payment of the relevant connection charges;
 - ii. provided against payment of the prescribed tariff; and
 - iii. with the water and drainage installations maintained by the consumer.

CHAPTER 4 – CONDITIONS FOR WATER SUPPLY SERVICES

PART 1 – CONNECTION TO WATER SUPPLY SYSTEM

25. 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 authorized agent may agree to the extension subject to such condition as it may impose.
- (3) Pipe connection without the approval of the WSA is illegal and punishable.

26. LOCATION OF CONNECTION PIPE

- (1) A connection pipe provided and installed by water services authority or its authorized agent shall –
 - (a) be located in a position agreed to between the owner and water services authority or its authorized agent and be of a suitable size as determined by the water services authority or its authorized agent;
 - (b) terminate at –
 - (i) The boundary of the land owned by or vested in the water services authority or its authorized 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 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 authorized agent shall ensure that the owner is aware of –
- (a) Practical restriction that may exist regarding the location of connection pipe;
 - (b) The cost implications of the various possible location of the connection.
 - (c) whether or not the water services authority or its authorized agent requires the owner to indicate the location of the connection pipe 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 authorized agent to connect such installation.
- (3) A water services authority or its authorized agent may at the request of any person agree, subject to such conditions as he or she may impose, to a connection to a main other than that which is most readily available for the provision of water supply of the premises; provided that the application shall be responsible for any extension of the water installation to the connecting point designated for any services authority or its authorized agent and for obtaining at his or her cost, such servitudes over other premises as may be necessary.
- (4) An owner must pay the prescribed connection charge.

27. PROVISION OF SINGLE WATER CONNECTION FOR SUPPLY TO SEVERAL CONSUMERS ON SAME PREMISES

- (1) Notwithstanding the provision of section 37 only one connection pipe to the water supply system may be provided for the supply 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 charge or management of any premises on which several accommodation units are situated, requires the supply of water to such premises for the purpose of supply to the different accommodation units, the water services authority or its authorized agent may, in its discretion, provide and install either –
 - (a) A single measuring device in respect of the premises as a whole or any number of such accommodation units; or
 - (b) A separate measuring device for each accommodation unit or any number thereof.
- (3) Where the water services authority or its authorized agent has installed a single measuring device as contemplated in section (2)(a), the owner or the person having the charge or management of the premises, as the case may be,-
 - (a) must, if the water services authority or its authorized agent so requires, install and maintain on each branch pipe extending from the connection pipe to the different accommodation units –
 - (i) A separate measuring device; and
 - (ii) An isolating valve; and

- (b) Will be liable to the water services authority or its authorized agent for the tariffs and charge for all water supplied to the premises through such a single measuring device, irrespective of the different quantities consumed by the different consumers served by such measuring device.
- (4) Notwithstanding subsection (1), the water services authority or its authorized agent may authorize that more than one connection pipe be provided on the water supply system for the supply of water to any premises comprising sectional title units or if, in the opinion of water services authority or its authorized agent, 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 authorized by the services authority or its authorized agent or its authorized 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.

28. 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 installation of accommodation units;

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

29. DISCONNECTION OF WATER INSTALLATION FROM CONNECTION PIPE

The water services authority or its authorized 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 for 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.

30. COMMUNAL WATER SERVICES AND PROVISION OF WATER SERVICES TO SEVERAL CONSUMERS

A water services authority or its authorized 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 consumer 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.

31. WATER SUPPLIED FROM A HYDRANT

- (1) The water services authority or its authorized agent may authorize a temporary supply of water to be taken from one or more fire hydrants specified by it, subject to such conditions and period as may be prescribed by it.
- (2) A person who desires a temporary supply of water referred to in subsection (1) must apply for such water services in terms of section 4.
- (3) The supply of water in terms of subsection (1) must be measured.
- (4) The water services authority or its authorized agent may for purpose of measuring provide a portable water meter to be returned to the water services authority or its

authorized agent on termination of the temporary supply, which portable meter and all other fittings and apparatus used for the connection of the portable water meter to a hydrant, shall remain the property of the water services authority or its authorized agent and will be provided subject to any conditions imposed by the water services authority or its authorized agent.

PART 2 – STANDARDS AND CONDITIONS OF SUPPLY

32. QUANTITY, QUALITY AND PRESSURE

Water supply services provided by the water services authority or its authorized agent will comply in terms of section 9 of the Act.

33. CONDITIONS OF SUPPLY

- (1) The water services authority or its authorized agent may specify the maximum height to which water will be supplied from the water supply system. Where a consumer requires water to be supplied at a greater height or pressure the consumer will be responsible therefore.
- (2) The water services authority or its authorized agent may, in an emergency, interrupt the supply of water to any premises without prior notice.
- (4) If the opinion of the water services authority or its authorized agent the consumption of water by a consumer adversely affects the supply of water to another consumer, it may apply such restrictions as it may deem fit to the supply of water to the first mentioned consumer in order to ensure a reasonable supply of water to the other consumer and will inform the consumer of such restriction.

PART 3 – MEASUREMENTS

34. MEASURING OF QUANTITY OF WATER SUPPLIED

- I. The water services authority or its authorized agent will measure the quantity of water supplied at regular intervals.
 - II. Any measuring device through which water supplied to a consumer by the water services authority or its authorized agent and its associated apparatus shall be provided and installed by the water services authority or its authorized agent, shall remain its property, and may be changed and maintained by the water services authority or its authorized agent when deemed necessary by it.
- (3) The water services authority or its authorized agent may install a measuring device and its associated apparatus, on premises at any point on the services pipe.
 - (4) If the water services authority or its authorized agent install 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 meter, and such section shall be deemed to form part of the water supply system.
 - (5) If the water services authority or its authorized agent install 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 authorized agent in which to install it;
 - (b) ensure that unrestricted access is available to it at all times
 - (c) be reasonable 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;
 - (h) make provision for the damage of 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 authorized agent on the measuring device.
- (6) No person other than an authorized 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 authorized agent has place on meter;
 - (c) in any other way interfere with a measuring device and its associated apparatus.
- (7) If the water services authority or its authorized 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 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 authorized agent may require the installation at the owner's expense of measuring device to each dwelling unit, in separate occupancy, on any premises, for use in determining quantity of water supplied to each such unit; provided that where fixed quantity water delivery systems are used, a single measuring device may be used to supply more than one unit.

35. QUANTITY OF WATER SUPPLIED TO CONSUMER

- (1) For purpose of measuring the quantity of water measured by a measuring device installed by the water services authority or its authorized agent on the premises of a consumer or, where applicable, estimated or determined by the water services authority or its authorized agent in terms of any provision of these by-laws, it will, for the purposes of these by-law, be deemed, unless the contrary can be prove, that –
- (a) the quantity is represented by the difference between measurements taken at the beginning and end of such period;
 - (b) the measuring device was accurate during such period; and
 - (c) the entries in the records of the water services authority or its authorized agent were correctly made;
 - (d) Provided that if water supplied to, or taken by a consumer without its passing through a measuring device, the estimate by the water services authority or its authorized agent of quantity of such water shall be deemed to be correct.

36. ESTIMATE OF QUANTITY

- (1) Where water supplied the water services authority or its authorized agent to any premises is in any way taken by the consumer without such water passing through any measuring device provided by the water services authority or its authorized agent, the water services authority or its authorized agent may for the purpose of rendering an account estimate, in accordance with the subsection (3) the quantity of water supplied to the consumer during the period from the last previous reading of

the water meter until the date it is discovered that water is so taken by the consumer.

- (2) For the purpose of subsection (1) an estimate of the quantity of water supplied to a consumer shall be based on the following provisions, as the water services authority or its authorized agent may decide –
 - (a) the average monthly consumption of water on the premises during any three consecutive measuring periods during the twelve months' period prior to the date on which taking of water in the manner mentioned in subsection (1) was discovered;
or
 - (b) the average monthly consumption on the premises registered over three succeeding measuring periods after the date referred to in subsection (2)(a).
- (3) Nothing in these regulation shall be construed as imposing on the water services authority or its authorized agent an obligation to cause any measuring device installed by the water services authority or its authorized agent on any premises to be measured at the end of every month or any other fixed period, and authority or its authorized agent may estimate the quantity of water supplied over any period during the interval between successive measurements of the measuring device and render an account to a consumer for the quantity of water so estimated.
- (4) The Water services authority or its authorized 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 the consumer at a time or on day other than 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 authorized agent the cost of such quantity of water as in the water services authority or its authorized 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 consumer's premises is situated, during a specific period.
- (7) Where in the opinion of the water services authority or its authorized agent it is not reasonable possible or cost effective to measure water supplied to each consumer within a determined 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 supplied services are provided through a communal water services work the amount due and payable by a consumer 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.

37. 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 authorized 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 Section 12(9) to 12(13) will apply to such an application.

38. SPECIAL MEASUREMENT

- (1) If Water services authority or its authorized agent wishes. For purpose other than charging for water consumed, to ascertain the quantity of water which is used in 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 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 authorized agent.
- (3) The provision of section 45(5) and 45(6) shall apply insofar as they may be applicable in respect of measuring device installed in terms of subsection (1).

39. NO REDUCTION OF AMOUNT PAYABLE FOR WATER WASTED

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

40. ADJUSTMENT OF QUANTITY OF WATER SUPPLIED THROUGH DEFECTIVE MEASURING DEVICE

1. If a measuring device is found to be defective in terms of section 12(13), the water services authority or its authorized agent 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.

41. SAMPLING OF WATER

- (a) The Water Service Authority or the Water Service Provider acting on behalf of the Water Service Authority shall, at regular intervals determined by the Water Service Authority and at its cost, take samples of water in the water supply systems for domestic purposes and cause the samples to be tested for compliance with any national standards prescribed in terms of Section 9 of the Act
- (b) The Water Service Authority or Water Service Provider authorized agent may take samples of water obtained from a source, authorized in terms of section 6 or 7 of the Act, other than the water supply system for domestic purposes, and cause the samples to be tested for compliance with any national standards prescribed in terms of Section 9 of the Act
- (c) the prescribed charges for the taking and testing of the samples referred in section A above shall be paid by the person to whom approval to use the water for potable water was granted in terms of section 6 (1) or 7(1) of the Act.

PART 4 – INSTALLATION WORK

42. APPROVAL OF INSTALLATION WORK

- (1) If an owner wishes to have installation work done, he or she must first obtain the water service authority or its authorized agent's written approval; provided that approval shall not be required in the cases of water installations dwelling units or installation is required in terms of SABS Code 0400 or for the repair or replacement of existing pipe or water fitting other than a fixed water heater and its associated protective devices.

- (2) Application for the approval referred to in subsection (1) shall be made on the prescribed form and shall be accompanied by –
- (a) The prescribed charge, if applicable; and
 - (b) Copies of the drawings as prescribed by the water services authority or its authorized agent, giving information in the form required by Clause 4.1.1 of SABS Code: Part I;
 - (c) A certificate certifying that the installation has been designed in accordance with SABS Code 0252: Part I or has 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 period of twenty-four months after first day of the month succeeding the month in which the authority is given.
- (5) A complete set of approval 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 authorized 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.

43. PROVISION AND MAINTENANCE OF WATER INSTALLATION

- (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 portion of his or her water installation which is situated outside the boundary of his or her premises, an owner shall obtain the written consent of the water services authority or its authorized 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 stand pipes shall be the sole responsibility of a legally instituted Water Services Provider appointed by the Water Services Authority.

44. USE OF PIPES AND WATER FITTINGS TO BE AUTHORIZED

- (1) No person shall, without the prior written authority of the water services authority or its authorized agent, install or use a pipe or water fitting in a water installation within the water services authority or its authorized agent's area of jurisdiction unless it is included in the Schedule of Approved Pipe and Fittings as compiled by the water services authority or its authorized agent.
- (2) Application for the inclusion of pipe or water fitting in the Schedule of 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 authorized agent and be accompanied by the prescribed charge.
- (3) A pipe or water fitting may be included in the Schedule referred to in subsection 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 pipe or water fitting complied with an SABS Mark specification or a provisional specification issued by SABS, provided that no certification marks shall be issued for a period exceeding two years.
- (4) The authority or its authorized agent may, in respect of any 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 pipe or water fitting shall 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 shall be available for inspection at the office of the water services authority or its authorized agent at any time during working hours.
- (7) The water services authority or its authorized agent may sell copies of the current schedule at the prescribed charge.

45. LABELLING OF TERMINAL WATER FITTINGS AND APPLIANCES

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

- (a) the range of pressure in KPa over which the water fitting or appliance is designed to operate;

(b) the flow rates in litres per minute, related to the design pressure range, provided that this information shall be given for at least the following water pressures-

- (i) 20 kPa
- (ii) 100 kPa
- (iii) 400 kPa

PART 5 – TEMPORARY WATER SUPPLY SERVICES FROM FIRE HYDRANT

46. WATER SUPPLIED FROM A HYDRANT

- (1) The water services authority or its authorized agent may authorize a temporary supply of water to be taken from one or more fire hydrants specified by it, subject to such conditions and period as may be prescribed by it.
- (2) A person who desires a temporary supply of water referred to in subsection (1) must apply for such water services in terms of section 4.
- (3) The supply of water in terms of subsection (1) must be measured.
- (4) The water services authority or its authorized agent may for purpose of measuring provide a portable water meter to be returned to the water services authority or its authorized agent on termination of the temporary supply, which portable meter and all other fittings and apparatus used for the connection of the portable water meter to a hydrant, shall remain the property of the water services authority or its authorized agent and will be provided subject to any conditions imposed by the water services authority or its authorized agent.

PART 6 – WATER POLLUTION AND WASTEFUL USE OF WATER

47. OWNER TO PREVENT POLLUTION OF WATER

The owner shall provide and maintain measures, provided by the water services authority, to prevent the entry of a substance, which may be a danger to health or adversely affect the portability of water or affect its fitness for use, into-

- (a) The water supply system; and
- (b) Any part of the water installation on his or her premises.

48. WATER RESTRICTIONS

(1) The water services authority or its authorized agent may by public notice prevent the wasteful use of water in terms of section (58) or the event of a water shortage, drought, and 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 purpose;
 - (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 I excess of limit contemplated I 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 prohibition on the use or manner of use or disposition of an appliance by means of which water is used or consumed, or on the connection of such appliance to the water installation.
- (2) The water services authority or its authorized agent may limit the application of the provision of a notice contemplated by subsection (1) to specified areas and categories of consumers, premises and activities, and may permit deviations and exemption from and the relaxation of any of the provision on reasonable grounds
- (3) The water services authority or its authorized 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 measurements device and devices for restricting the flow of water, as may in its opinion be necessary to ensure compliance with a notice published in terms for 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 26 and
- (c) where the supply has been discontinued, it shall only be restored where the prescribed charge for discontinuation and reconnecting the supply has been paid
- (4) The provision of this section also apply in respect of water supplied directly by the water services authority or its authorized 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)

49. WASTE OF WATER UNLAWFUL

- (1) No consumer shall permit-
 - (a) The purposeless or wasteful discharge of water from terminal water fittings;
 - (b) Pipes or water fittings to leak;
 - (c) The use of maladjusted or defective water fittings;
 - (d) An overflow of water to persist; or
 - (e) An inefficient use of water to persist.
- (2) An owner shall repair or replace any part of his or her water installation which is in such a state of disrepair that is either causing or is likely to cause an occurrence listed in subsection (1).
- (3) If an owner fails to take measures as contemplated in subsection (2), the water services authority or its authorized agent shall, by written notice in terms of section 26, require the owner to comply with the provisions of subsection (1).
- (4) A consumer shall ensure that any equipment or plant connected to his or her water installation uses water in an effective manner.
- (5) The water services authority or its authorized agent may, by written notice, prohibit the use by a consumer of any equipment in a water installation if, in its opinion its use of water is inefficient. Such equipment shall not be returned to use until its efficiency has been restored and a written application to do so has been approved by the water services authority or its authorized agent.

PART 7 - WATER AUDIT

50. WATER AUDIT

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

51. FINANCIAL CONTROLS

- (1) The Water Services Authority or its authorized 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 8: BOREHOLES

52. NOTIFICATION IN RESPECT OF BOREHOLES

1. A person may not sink a borehole on premises situated in a dolomite area, and a person must, before he or she sinks a borehole, determine if the premises on which the borehole is to be sunk is situated within a dolomite area.
 2. The Municipality may require the owner or occupier of any premises who intends to sink a borehole, as contemplated in sub-section (1) to undertake an environmental impact assessment for such intended borehole before sinking the borehole.
 3. Boreholes are subject to the requirements of the National Water Act, 1998 (Act 36 of 1998).
 4. The Municipality may, by public notice, require-
 - a. the owner of any premises within the area of jurisdiction of the Municipality upon which a borehole exists or, if the owner is not in occupation of such premises, the occupier thereof, to notify it 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 of such intention before work in connection therewith is commenced.
- (5) The Municipality may, by notice, require an owner or occupier who has an existing borehole used for water services to obtain approval from it for the

use of such borehole for potable water supply services in accordance with sections 6, 7 and 22 of the Act.

- (6) The Municipality may, in the notices contemplated in sub-section (5)–
- (1) impose conditions in respect of the use of a borehole for potable water services; and
 - (2) impose a fixed charge in respect of the use of a borehole.

PART 9 - FIRE SERVICES CONNECTIONS

53. CONNECTION TO BE APPROVED BY MUNICIPALITY

1. The Municipality may grant or refuse an application for the connection of a fire extinguishing installation to the Municipality's main.
2. No water may be supplied to any fire extinguishing installation until such installation complies with the requirements of this by-laws.
3. The Municipality is entitled, if it has allowed a fire extinguishing installation to be connected to its main, either to require the installation to be disconnected from the main or to carry out the work of disconnecting it at the owner's expense, if the fire extinguishing installation is –
 - a. not being kept in proper working order;
 - b. otherwise not being properly maintained; or
 - c. is being used for a purpose other than firefighting.

54. SPECIAL PROVISIONS

The provisions of SANS 0252-1:1994 apply to the supply of water for firefighting purposes.

1. DUAL AND COMBINED INSTALLATIONS

All new buildings erected after the commencement of this by-law commence, must comply with the following requirements in relation to the provision of fire extinguishing services -

- a. if boosting of the system is required then, a dual pipe system must be used, one for fire extinguishing purposes and the other for general domestic purposes;
- b. combined installations are only permitted, subject to sub-section (c), where no booster pumping connection is provided on the water installation, and in such case the Municipality must provide a fire hydrant, at the owner's expense, within 90m of the property to provide a source of water for the fire tender to extinguish the fire;
- c. combined installations, where a booster pumping connection is provided, are only permitted when designs have been approved and certified by the Municipality; and
- d. all pipes and fittings –
 1. must be capable of handling pressures in excess of 1 800 kPa, which could be expected when boosting takes place; and
 2. Must maintain their integrity when exposed to fire conditions.

1. CONNECTION PIPES FOR FIRE EXTINGUISHING SERVICES

2. The Municipality must provide, at all premises where provision has been made for fire extinguishing services, a single connection pipe for both fire extinguishing services (excluding sprinkler systems) and potable water supply services.
3. At all premises where provision has been made for fire extinguishing services, the Municipality must provide and install, at the cost of the owner, a combination meter on the connection pipe.
4. A separate connection pipe must be laid and used for every fire sprinkler extinguishing system unless otherwise approved.
5. A connection pipe must be equipped with a measuring device that will not obstruct the flow of water while operating under fire fighting conditions.

2. VALVES AND METERS IN CONNECTION PIPES

Every connection pipe to a fire extinguishing installation must be fitted with valves and a measuring device which is –

- a) supplied by the Municipality at the expense of the owner;
- b) installed between the owner's property and the main; and
- c) installed in such position as may be determined by the Municipality.

55. METERS IN FIRE EXTINGUISHING CONNECTION PIPES

If it reasonably appears to the Municipality that water has been drawn for purposes other than for the purpose of extinguishing a fire from a connection pipe which is used solely for fire extinguishing purposes, then the Municipality is entitled to install a water meter in the pipe, and the owner of the premises is liable for all costs in so doing.

56. SPRINKLER EXTINGUISHING INSTALLATIONS

An owner may install a sprinkler installation in direct communication with the main, but the Municipality is not obligated to guarantee any specified pressure at any time.

57. HEADER TANK OR DOUBLE SUPPLY FROM MAIN

- a. The owner must, unless the installation is provided with a duplicate supply from a separate main, install a header tank for its sprinkler installation at such elevation as will compensate for any failure or reduction of pressure in the Municipality's main.
- b. The main pipe leading from such header tank to the sprinkler installation may be in direct communication with the main, provided that such main pipe must be equipped with a reflux valve which, if for any reason the pressure in the main fails or is reduced, will shut off the supply from the main.
- c. Where a sprinkler installation is provided with a duplicate supply from a separate main, each supply pipe must be equipped with a reflux valve situated within the premises.

58. SEALING OF PRIVATE HYDRANTS

1. Except in the case of a combined system with a combination meter, all private hydrants and hose-reels must be sealed by the
 - a. for the purposes of opening the hydrant in the case of fire; or
 - b. in the course of servicing and testing.
2. The owner must give the Municipality at least 48 hours' written notice prior to a fire extinguishing installation being serviced and tested.
3. The owner must bear the cost of resealing such a hydrant and hose-reel except when such seals are broken by the Municipality's officers for testing purposes.

4. The owner must pay for any water consumed by a fire installation or sprinkler system at the relevant charges in the prescribed tariff

CHAPTER 5 – SANITATION SERVICES

PART 1- CONNECTION TO SANITATION SYSTEM

59. OBLIGATION TO CONNECT TO SANITATION SYSTEM

- 1) All premises of which sewage is produced must be connected to the Water Service Provider as authorized agent's sanitation system if a connecting sewer is available or if it is reasonably possible or cost effective for the Water Services Provider as authorized agent to install a connecting sewer, unless approval for the use of on-site sanitation services was obtained in accordance with section 61
- 2) The Water Service Provider as authorized agent may, by notice, require the owner of premises not connected to the Water Service Provider as authorized agent's sanitation system to connect to the sanitation system
- 3) The owner of premises required to connect to the Water Service Provider as authorized agent's in accordance with subsection 2 must inform the Water Service Provider as authorized agent in writing of the on-site sanitation services provided by the Water Services Provider as authorized agent that will no longer be required as a result of the connection to the sanitation system. The owner will remain for any charges payable in respect of on-site sanitation services until the agreement for such services has been terminated in accordance with the Water Services Provider as authorized agent's by-laws relating to credit control and debt collection
- 4) If the owner fails to connect to the sanitation system in accordance with the notice served in accordance with sub-section 2, the Water Service Provider as authorized agent,

notwithstanding any other action it may take in terms of these by-laws, may impose penalties as determined by it

60. STANDARDS FOR SANITATION SERVICES

Sanitation services provided by the Water Service Provider as authorized agent will comply with the minimum standards set for the provision of sanitation services in terms of Section 9 of the Act.

61. 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 substances-
 - (a) Which does not comply with the standards and criteria prescribed in section 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, color, odor, temperature or any foam.
 - (c) Which may prejudice the re use of treated sewage or adverse effect 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 contain any substance or thing 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, at No. 36 of 1998.;

- (f) Which may cause danger to the health or safety of any person or maybe 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 authorized agent of 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 storm water 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 authorized agent.
 - (4) If any person contravenes any provision of subsection (1) or subsection (2) he or she shall within 12hours, or earlier if possible, advise the water services authority or its authorized agent of the details of the contravention and the reasons for it.

PART 2- ON- SITE SANITATION SERVICES AND ASSOCIATED SERVICES

62. APPLICATION FOR INFRASTRUCTURE

- (1) If an agreement for on-site sanitation and associated services has been concluded or if it is not reasonably possible or cost effective for the Water Service Provider as authorized agent to install a connecting sewer and/or no infrastructure in connection therewith

exists on the premises, the owner must immediately make application on the approval form and –

- (a) Pay the prescribed charge for the installation of necessary infrastructure; or
 - (b) With the approval by the water services authority or its authorized agent, install the connecting sewer or on site sanitation services in accordance with the specification of the water services authority or its authorized agent.
- (2) A water services authority or its authorized agent may specify the type of on-site sanitation services to be installed, where a Ventilated Improved Pit Latrine is not appropriate in specific circumstances.
 - (3) Under no the circumstance will the consumer or institution erect an on-site facility without submitting a geo-hydrological study to the Water Service Authority.

63. USE OF ON-SITE SANITATION SERVICES NOT CONNECTED TO THE SANITATION SYSTEM

- 1) No person shall use or permit the use of on-site sanitation services not connected to the municipality and/or Water Service Provider as authorized agent sanitation system with the prior approval of the Water Service Provider as authorized agent, and in accordance with such conditions as it may impose, for domestic, commercial or industrial purposes.
- 2) Any person desiring the consent referred to in subsection 1 shall provide the Water Service Provider as authorized agent with evidence satisfactory to it that the sanitation facility is not likely have detrimental effect on health or the environment
- 3) Any consent given in terms of subsection 1 may be withdrawn if, in the opinion of the Water service Provider as authorized agent
 - a) A condition imposed in terms of subsection 1 is breached, or
 - b) The sanitation facility has a detrimental impact on health and environment

4) The Water Service Provider as authorized agent may undertake such investigations as it may deem necessary to determine if sanitation facility has a detrimental impact on health or the environment

5) The person to whom consent was granted in terms of subsection 1 shall be liable for the costs associated with an investigation undertaken in terms of subsection 2 if the result of the investigation indicates that the sanitation facility has a detrimental impact on health or of the environment.

64. SEPTIC TANKS AND TREATMENT PLANTS

1) The Water Service Provider as authorized agent may, on such conditions as it may prescribe approve the disposal of sewage or other effluent by means of septic tank or other on-site sewage treatment plants

2) A septic tank or other on-site sewage treatment plant shall be situated nearer than 3 metres to any dwelling unit or to any boundary of the premises on which it is situated

3) Effluent from a septic tank or other on-site sewage treatment plant shall be disposed of to the satisfaction of the Water Services Provider as authorized agent

4) A septic tank must be watertight, securely covered and provided with gas tight means of access to its interior adequate to permit the inspection of the inlet and outlet pipes and adequate for the purpose of removing sludge.

5) A septic tank serving a dwelling unit must –

a) Have a capacity below the level of the invert of the outlet pipe of not less than 500 litres per bedroom, subject to a minimum capacity below such invert level of 2500 litres,

b) Have internal width of not less than 1 metre measured at right angles to the direction of the flow,

- c) Have an internal depth between cover and the bottom of the tank of not less than 1,7 metres , and
 - d) Retain liquid to a depth of not less than 1,4 metres.
- 6) Septic tanks serving premises other than a dwelling unit shall be designed and certified by a Water Service Provider as authorized agent.

65. FRENCH DRAINS

- (1) The Water Service Provider as authorized agent may, on such conditions as it may prescribe having regard to the quantity and the nature of the effluent and the nature of the soil as determined by the permeability test prescribed by the South African Bureau of Standards, approve the disposal of waste water or other effluent by means of French drains, soakage pits or other approved works.
- (2) A french drain, soakage pit or other similar work may not be situated closer than 5 metres to any dwelling unit or to any boundary of any premises of which it is situated, nor in any such position as will, in the opinions of the Water Service Provider as authorized agent, cause contamination of any borehole or other source of water which is or may be used for drinking purposes, or cause dampness in any building.
- (3) The dimension of my French drain, soakage pit or other similar work shall be determined in relation to the absorbent qualities of the soil and the nature and quantity of the effluent
- (4) French drains serving premises other than a dwelling house shall be designed and certified by a Water Service Provider as authorized agent

66. CONSERVANCY TANKS

- (1) The Water Service Provider as authorized agent, may on such conditions as it may prescribe, approve the construction of a conservancy tank and ancillary appliances for the retention sewage or effluent
- (2) No rain water, storm water or effluent other than that approved by the Water Service Provider as authorized agent may be discharged into conservancy tank
- (3) No conservancy tank shall be used as such unless -
 - (a) The invert of the tank of the tank slopes towards the outlet at a gradient of not less than 1 in 10
 - (b) The tank is gas and water tight
 - (c) The tank has an outlet pipe, 100mm in internal diameter, made of wrought iron, cast iron or other approved material, and except if otherwise approved by the Water Service Provider as authorized agent at an approved valve and fittings for connection to the council's removal vehicle
 - (d) The valve and fittings referred to, or the outlet end of the pipe, as the case may be, are located in the chamber, having an approved hinged cover situated in such position as required by the Water Service Provider as authorized agent.
 - (e) Access to the conservancy tank is provided by means of an approved manhole fitted with a removable cast iron cover placed immediately above the spigot of the inlet pipe.
- (4) The Water Service Provider as authorized agent may, having regard to the position of a conservancy tank or of the point of connection for a removal vehicle, make it a condition of its emptying the tank that the owner or client is indemnify the Water Service Provider as authorized agent, in writing, against any liability for any damages that may result from rendering of that service

- (5) Where the Water Service Provider as authorized agent's removal vehicle has to traverse private premises for the emptying of a conservancy tank, the owner shall provide a roadway at least 3,5 metres wide, so hardened as to be capable of withstanding a wheel load of 4 metric tons in all weather, and shall ensure that no gateway through which the vehicle is required to pass to reach the tank, shall be less than 3,5 metres wide for such purposes.
- (6) The owner or occupier of premises on which a conservancy tank is installed shall at all times maintain such tank in good

67. OPERATION AND MAINTENANCE OF ON-SITE SANITATION SERVICES

The operation and maintenance of on-site sanitation services and all costs pertaining thereto remains the responsibility of the owner of the premises, unless the on-site sanitation services are subsidized services determined in accordance with the Municipality's by-laws relating to credit control and debt collection

68. DISUSED CONSERVANCY AND SEPTIC TANKS

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 shall either cause it to be completely removed or to be completely filled with earth or other suitable material, provided that the Water Service Provider as authorized agent may require such tank to be otherwise dealt with, or approve the use thereof for other purpose subject to such conditions as may be specified.

69. SERVICES ASSOCIATED WITH ON-SITE SANITATION SERVICE

- (1) The removal or collection of conservancy tank contents, night soil or the emptying of pits will be undertaken by the water services authority or its authorized agent in

accordance with a removal and collection schedule determined by the water services authority or its authorized agent.

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

70. CHARGES IN RESPECT OF SERVICES ASSOCIATED WITH ON-SITE SANITATION SERVICE

- (1) Charge in respect of the removal or collection of conservancy tank contents, night soil or the emptying of pits will be based on the volume removed by the vacuum tank or otherwise.
- (2) If the volume of conservancy tank contents, night soil or the emptying of pits removed or collected cannot be qualified the water services authority or its authorized agent may charge a fixed charge as prescribed.

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 approve 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 water services authority or its authorized agent, install the connecting sewer in accordance with any specifications of the water services authority or its authorized agent.
- (2) If an application is made for use of the sewage disposal system to a premises which is so situated that is necessary to extend the sewer in order to connect the sewage

disposal system to the premises, the water services authority or its authorized agent may agree to the extension subject to such conditions it may impose.

72. LOCATION OF CONNECTING SEWER

- (1) A connecting sewer provided and installed the water services authority or its authorized agent or owner in terms of section 70 shall-
 - (a) be located in a position agreed to between the owner and water services authority or its authorized agent and be of a size determined by the authorized officer;
 - (b) terminate at a connection approximately 1meter inside the premises from the boundary of the land owned by or vested in the Water services authority or its authorized 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 authorized agent shall ensure that the owner is ware of –
 - (a) Practical restrictions that may exist regarding the location of a connecting a sewer pipe;
 - (b) The cost implication of the various possible location of a connecting a sewer;
 - (c) whether or not the water services authority or its authorized 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 services authority or its authorized agent at to connect to such installation.

- (3) A water services authority or its authorized agent may at the request of any person agree, subject to such conditions as he or she may impose, to a connection to a sewer other than that which is most readily available for the drainage of the premises; provided that the applicant shall be responsible for any extension of the drainage installation to the connecting point designation by an authorized officer for obtaining at his or her cost, such servitudes over other premises as may be necessary.
- (4) An owner must pay the prescribed connection charge.
- (5) Where an owner is required to provide a sewage lift as provided for in terms of the Building Regulations the rate and time of discharge into the sewer shall be subject to the approval of water services authority or its authorized agent

73. PROVISION OF ONE CONNECTING SEWER FOR SEVERAL CONSUMERS ON SAME PREMISES

- (1) Notwithstanding the provision of section 70 only one connecting sewer to the sewage disposal system may be provided for the disposal of sewage from any premises, irrespective of the number of accommodation units of consumers located on such premises.
- (2) Where the owner, or the person having the charge or management of any premises on which several accommodation units are situated, requires the disposal of sewage from such premises for the purpose of disposal from different accommodation units, the water services authority or its authorized agent may, in its discretion, provide and install either-

- (a) a single measuring device in respect of the premises as whole or any number of such accommodation units; or
 - (b) a separate measuring device for each accommodation unit or any number thereof.
- (3) Where the water services authority or its authorized agent has installed a single measuring device as contemplated in subsection 2(a), the owner or person having the charge or management of premises, as the case maybe, -
 - (a) Must if the water services authority or its authorized agent so requires, install and maintain on each branch pipe extending from the connecting sewer to the different accommodation units-
 - (i) A separate measuring device, and
 - (ii) An isolating valve, and
 - (b) Will be liable to the water services authority or its authorized agent for the tariffs and charges for all sewage disposed from the premises through such a single measuring device, irrespective of different quantities disposed by the different consumer served by such measuring device.
- (4) Notwithstanding subsection 1, the water services authority or its authorized agent may authorize that more than one connecting sewer provided on the sewage disposal system for the disposal of sewage from any premises comprising sectional title units or if, in the opinion of the water services authority or its authorized agent undue hardship or inconvenience would be caused to any consumer on such premises by the provision of one connecting sewer.

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

74. INTERCONNECTION BETWEEN PREMISES

An owner of premises shall ensure that no interconnection exists between the drainage installations on his or 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 authorized agent and comply with any conditions that it may have imposed.

75. DISCONNECTION OF DRAINING INSTALLATION FROM CONNECTING SEWER

The water services authority or its authorized 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 is not received an application for subsequent provision to the premises served by the sewer within the period of ninety days of such termination; or
- (b) The building on the premises concerned has been demolished

PART 4- SEWAGE DELIVERY BY ROAD HAULAGE

76. ACCEPTANCE OF SEWAGE DELIVERY BY ROAD HAULAGE

- (1) The water services authority or its authorized agent may, at its discretion, and subject to such conditions as it may specify, accept sewage for disposal delivery 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 written permission of the water services authority or its authorized

agent and subject to such period and any conditions that maybe imposed in terms of the written permission.

- (2) The charges for any sewage delivered for disposal to the municipalities' sewage treatment plant shall be assessed by the water services authority or its authorized agent in accordance with the prescribed tariffs or charges.

78. CONDITIONS FOR DELIVERY OF SEWAGE BY ROAD HAULAGE

- (1) When sewage is delivered by road haulage-
 - (a) The time of delivery shall be arranged with the water services authority or its authorized agent, and
 - (b) The nature and composition of the sewage should be established to the satisfaction of the water services authority or its authorized agent prior the discharge of and person shall deliver sewage that does not comply with the standards laid down in terms of these by-laws.

79. WITHDRAWAL OF PERMISSION FOR DELIVERY OF SEWAGE BY ROAD HAULAGE

- (1) The water services authority or its authorized agent may withdraw any permission, after giving at least fourteen days written notice of its intention to a person permitted to discharge sewage by road haul if the person –
 - (a) fails to ensure that the sewage so delivered conforms to the standards prescribed in Schedule “A” or “B” as applicable, or in the written permission; or
 - (b) fails or refuses to comply with any notice lawfully served on him or her in terms of these by-laws or contravenes any provisions of these by-laws or any condition imposed on him in terms of any permission granted to him or her; and

- (c) Fails to pay the assessed charge in respect of any sewage delivered.

PART 5- DISPOSAL OF INDUSTRIAL EFFLUENT AND TRADE PREMISES

80. APPLICATION FOR DISPOSAL OF INDUSTRIAL EFFLUENT

- (1) A person must apply for permission to discharge industrial effluent into the sewage disposal of the system of the water services authority or its authorized agent in terms of section 4.
- (2) The water services authority or its authorized agent may, if in its opinion, the capacity of sewage disposal system is sufficient to permit the conveyance and effective treatment and lawful disposal of the industrial effluent it will, for such period and subject to such conditions it may impose, grant written permission to discharge industrial effluent.
- (3) The provisions of Chapter 2 will *mutatis mutandis* apply to any permission to discharge industrial effluent.
- (4) Any person who wishes to conduct or cause to be constructed, a building which shall be used as a trade premises, shall at the time of lodging a building plan in terms of section (4) of National Building plan Standards Act also lodge application for the provision of sanitation services and for permission to discharge industrial effluent I terms of subsection (2).

81. UNAUTHORIZED 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 authorized agent and in accordance with the provision of this part.
- (2) A person to whom such permission is granted shall pay to the water services authority or its authorized 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 authorized agent unless it complies with the standards and criteria set out in Schedule A and B hereto.
- (2) The water services authority or its authorized agent may by writing in the permission concerned, relax or vary the standards in Schedules A or B, provided that the water services authority authorized agent is satisfied that any such relation represents the best the best practicable environmental option.
- (3) In determining whether relaxing or varying the standards I Schedule A or B represents the best practicable environmental option water services authority or its authorized agent will consider-
 - (a) Whether applicant's undertaken is operated and maintained at optimal levels;
 - (b) Whether technology used by the applicant presents the best available option to the applicant's industry and, if not, whether the installation of such technology would entail unreasonable cost of applicant;
 - (c) whether the applicant is implementing a program of waste minimization which complies with national and local waste minimization standards to satisfaction of water services authority or its authorized agent;
 - (c) The cost to the water services authority or its authorized agent of granting the relaxation or variation; and
 - (d) 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 authorized 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 water services authority or its authorized agent will ensure that the industrial effluent conforms to the standards prescribed by Schedules A and B before being discharged into the sewage disposal system;
 - (b) install such equalizing tanks, valve, pumps, appliances, meters and other equipment as in the opinion of water services authority or its authorized agent will necessary to control the rate of time of discharge into the sewage disposal system in accordance with the conditions imposed by it;
 - (c) install for the conveyance of his or industrial effluent into the sewage disposal system at a given point, a drainage installation separately from the drainage for waste water and standards domestic effluent and may prohibit such person from disposing his or her industrial effluent at any other point and from disposing it or her waste water and standard domestic effluent by means other than a sewage disposal system;
 - (d) Contract at any pipe conveying his or her industrial effluent to any sewer, a manhole or stop-valve in such position and of such dimensions and materials as the water services authority or its authorized agent may prescribe;

- (e) provide all such information as may be required by the water services authority or its authorized agent to enable it to access the tariffs or charges due to the water services authority or its authorized agent;
 - (f) provide adequate facilities such as level or over flow detection devices, standby equipment, overflow catch-pits, or other appropriate means to prevent a discharge into the sewage disposal system which is in contravention of these by-laws;
 - (g) cause any meter, gauge or other device installed in terms of this section to be calibrated by an independent authority at the cost of that person at such intervals as required by the water services authority or its authorized agent and copies of the calibration to be forwarded to it; and
 - (h) cause his or her industrial effluent to be analyzed as often and in such manner as may be prescribed by the water services authority or its authorized agent and provide it with the results of these test when completed.
- (2) The cost of any treatment, plant, works or analysis which the permit holder may be required to carry out; contract or install in terms of subsection (1) shall be done by the permit holder concerned.
- (3) The written permission of the water services authority or its authorized agent must be obtained into the sewage disposal system.
- (4) In the event that industrial effluent that does not comply with the standards in Schedule A or B or written permission issued in respect of that process or premises, is discharged into the sewage disposal system the water services authority or its authorized agent must be informed of the incident and the reasons therefore within twelve hours of such discharge.

84. WITHDRAWAL OF WRITTEN PERMISSION FOR DISPOSAL OF INDUSTRIAL EFFLUENT

- (1) The water services authority or its authorized agent may withdraw any permission, after giving at least fourteen days written notice of its intention to a person permitted to discharge industrial effluent into the sewage disposal system if the person-
- (a) Fails to ensure that the industrial effluent discharged conforms to the industrial effluent standards prescribed in Schedule 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 provision of these by-laws or any condition imposed in terms of any permission granted; or
 - (c) Fails to pay assessed charges in respect of industrial discharge.
- (2) The water services authority or its authorized agent may on withdrawal of any written permission-
- (a) in addition in any steps prescribed in these by-laws, and on fourteen days of written notice authorized the closing or sealing of the connecting sewer to any sewer for such charge as may be prescribed in the Water services authority or its authorized agent's tariffs of charges; and
 - (b) Refuse to accept any industrial effluent until it is satisfied that adequate steps are or have been taken 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 authorized agent, provided that where the water services authority or its authorized agent is of the opinion that such a percentage in respect of specific premises is excessive, having regard to the purpose for which water is consumed on those premises the water services authority or its authorized agent may reduce the percentage applicable to those premises to a figure, in its opinion 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 authorized agent-s water supply system, including abstraction from a river or a borehole, the quantity will be a percentage of the total water used on that premises as may be reasonable estimated by the water services authority or its authorized agent.

86. MEASUREMENT OF QUANTITY OF INDUSTRIAL EFFLUENT DISCHARGED

(1) The quantity of industrial effluent discharged into the sewage disposal system or to sea outfalls shall be determine –

- (a) Where a measuring device is installed by the quantity of effluent discharged from premises as measured through that measuring device;
- (b) Until such time as a measuring device is installed by a percentage of the water supplied by the water services authority or its authorized agent to that premises.

- (2) Where a premises is supplied with water from a source either than or in addition to the water services authority or its authorized 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 reasonable estimated by the water services authority or its authorized agent.
- (3) 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 water services authority or its authorized agent may or application reduce the accessed quantity of industrial effluent.

87. REDUCTION IN MEASURED QUANTITY OF EFFLUENT DISCHARGED

- (1) A person shall be entitled to a reduction in the quantity determined in terms of sections 85 and 86 1(a) in the event that the quantity of water of which the percentage is calculated was measured during a period where water was wasted or a leakage was un detected if the consumer demonstrate to the satisfaction of the water services authority or its authorized agent that the said water was not discharged into the sewage disposal system.
- (2) The reduction in the quantity shall be based on quantity of water loss through leakage or wastage during the leak period.
- (3) The leak period shall be either the measuring period immediately prior to the date of repair of the leak or the measurement period during which the leak is repaired, which ever results in the greater reduction in the quantity.

- (4) The quantity of water loss shall be calculated as the consumption for the leak period less in average consumption, based on the preceding three months, for the same length of time. In the event no previous consumption history being available the average water consumption will be determined by the water services authority or its authorized agent, after due consideration of all relevant information.
- (5) There shall be no reduction in the quantity if the loss of water directly or indirectly resulted from the consumers' failure to comply with or contravention of these by-laws

PART 7- DRAINAGE INSTALLATIONS

88. CONSTRUCTION OR INSTALLATION OF DRAINAGE INSTALLATION

- (1) Any drainage installation constructed or stalled must comply with any applicable specification in terms of the Building Regulations and any standards in terms of the Act.
- (2) (a) Where the draining installation is a pit latrine it must be of the ventilated improved pit latrine type having-
- (i) A pit of two m³ capacity;
 - (ii) Lining as required;
 - (iii) A slab designed to support superimposed loading; and
 - (iv) Protection preventing children from falling into the pit;
- (b) The ventilated improved pit latrine must conform with the following –

- (i) The pit must be ventilated by means of a pipe, sealed at the upper end with durable insect proof screening fixed firmly in place.
 - (ii) the ventilation pipe must project not less than 0.5m above the nearest roof, must be of at least 115mm in diameter, must be installed vertically with no band;
 - (iii) The interior of closet must finish smooth so that it can be kept in a clean and hygiene condition. The super structure must be more ventilated in order to allow the free flow of air into the pit to be vented through the pipe;
 - (iv) The opening through the slab must be of adequate size as to prevent fouling. The ream must be raised so that liquids used for washing floor do not flow into the pit. It shall be equipped with a lid to prevent the egress of flies and other insects when the toilet is not in use;
 - (v) Must be seated in a position that is independent of the residential structure;
 - (vi) Must be seated in positions that are accessible to road vehicle having a width of 3,0m in order to facilitate the emptying of the pit;
 - (vii) In situations where the ground in which the pit is to be excavated is unstable suitable to support is to be given to prevent the collapse of the soil;
- (c) Any ventilated pit latrine should not be usually being used by more than one house hold;
- (d) Access to water for hand washing;
- (e) The water services authority or its authorized agent may levy a charge that covers all the operating and maintenance costs in the removal of the pit it contents, transportation to the disposal-site, the treatment of the contents to archive a sanitary condition and the final disposal of any solid residues. The charge may be in the form of a monthly contribution or it may be levied as a single payment for the services rendered.

89. DRAINS IN STREETS OR IN PUBLIC PLACES

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

90. CONSTRUCTION BY WATER SERVICES AUTHORITY OR ITS AUTHORIZED AGENT

The water services authority or its authorized agent 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 water services authority or its authorized agent against payment, in advanced or on demand, of all costs associated with such construction.

91. MAINTENANCE OF DRAINAGE INSTALLATIONS

- (1) The owner or occupier of any premises must maintain any drainage installation and any sewer connection on such premises.
- (2) Any person who requests the water services authority or its authorized agent to clear a drainage installation will be liable to pay the prescribed tariff.
- (3) A water services authority or its authorized agent, 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 prescribe tariff of charges.

92. INSTALLATION OF PRE-TREATMENT FACILITY

A water services authority or its authorized agent may require that any new premises must be provided with a minimum pre-treatment facility of any specified by it prior to that premises being connected to the sewage disposal system.

93. PROTECTION FROM INGRESS OF FLOOD WATERS

Where a premises is situated in the 1 in 50 years flood plain the top level of the manholes, inspection chambers and gullies is to be above the 1 in 50 years flood level, except, in the case of manholes and inspection chambers, where the cover is secured in place by means approved by the water services authority

PART 8- PROTECTION OF INFRASTRUCTURE

94. POWER OF ENTRY AND INSPECTION

- (1) An officer of the water services authority and/ or water services provider may for any purpose connected with the implementation or enforcement of these By-laws, at all reasonable times or in an emergence at any time, enter premises at any time, request information, take samples, make such inspection, examination and enquiry and carry out work as he she may deem necessary, and for those purposes operate any component of the drainage installation.
- (2) If the authorized officer considers it necessary that work be performed to enable an authorized officer properly and effectively to implement a function referred to in subsection 1, he may-
 - (a) By written notice require the owner or occupier of the premises at his own costs to do specified wok within specified period; or

- (b) If in his opinion the situation is a matter of urgency, without prior notice do such work or cause it to be done, at the cost of the owner.
- (3) If the work referred to in subsection 2 is carried out for the sole purpose of establishing further a contravention of these by-laws has been committed and no such contravention is established, the water services shall bear the expense connected therewith together with that of restoring the premises to its former condition but it shall no otherwise bear such expense.

95. TRESPASSING ON THE SEWAGE DISPOSAL SYSTEM

- (1) No person shall without the prior written permission of the authorized officer enter-
- (a) upon an area used for the purpose of the sewage disposal system which is enclosed by a fence or where entry is prohibited by notice boards; or
 - (b) a structure used by the water services authority in connection with its sewage disposal system.

96. INTERFERENCE WITH THE SEWAGE DISPOSAL SYSTEM

- (1) Except with the prior authority of an authorized officer-
- (a) no person shall interfere or tamper with the sewage disposal system,
 - (b) no person shall make a connection to the sewage disposal system save a contemplated in section 67.
 - (c) no person shall construct a building or raise or lower the ground level within an area that is subject to a sewer servitude.

97. DAMAGE TO SEWAGE DISPOSAL SYSTEM

- (1) No person shall demand or endanger the sewage disposal system, or cause or permit it to be damaged or endangered.
- (2) Any person who intends performing work which may cause damage to the sewage disposal system or land owned by or vested in the water services authority or over which it has a servitude or other right, shall prior to commencement of such work, ascertain authorized officer if any part of the sewage disposal system is situated on the land.
- (3) If work which in the opinion of an authorized officer could damage or endanger the sewage disposal system is to be performed or is being performed on the land referred to in subsection 2, or land adjacent thereto, he may by notice in writing require the person concerned not to commence or to cease performing, the work until such time as he has complied with the conditions specified in the notice.

98. CONSEQUENTIAL MAINTENANCE OF SEWERS

- (1) Whenever a sewer is damaged or becomes obstructed or in need of repair as a result of the act or omission of any person whether by reason of the failure of such person to comply with requirements of these by-laws or otherwise, the water services authority shall be entitled to carry out such work of maintenance or repair as an authorized officer considers necessary or to remove an obstruction at the expense of such person and to recover from him the full cost of doing so.

99. OBSTRUCTION OF ACCESS TO SEWAGE DISPOSAL SYSTEM

- (1) No person shall prevent or restrict access to the sewage disposal system.
- (2) If a person contravenes subsection 1, the authorized officer may:

- (a) by written notice require the person to restore access at his or her own costs within a specified period; or
- (b) if he or she is of the opinion that the situation is a matter of urgency, without prior notice restore access and recover the full costs of doing so from such person.

100. WORK BY PRIVATE PERSONS

(1) The water service authority or its agent shall lay all sewers and connecting sewers unless it elects not to do so in which case the work shall be executed in accordance with the water services authority's Conditions of Contract applicable to work and the following provision shall apply:

- (a) any persons carrying out such work in terms of this section shall prior to commencement of such work lodge with an authorized officer a written indemnity to his satisfaction indemnifying the water services authority against all liability in respect of any accident or injury to persons or loss or damage to property which may occur as the direct result of execution of such works;
- (b) Where a connection is to be made with any sewer it shall be made at a point indicated by the authorized officer;
- (c) Whenever surface of any street or road has been disturbed in the course of such work, the restoration of such surface shall be undertaken solely by the water services authority at the expense of the person carrying out such work.

(2) Prior to the disturbance of the surface of such street or road a deposit shall be made by such person with the water services authority which in the opinion of the authorized officers is sufficient to cover the estimated cost of such restoration.

- (3) When the actual cost is greater or less than the amount deposited an excess shall be recoverable from such person and any balance shall be refunded to him.
- (4) All work shall be carried out in accordance with the requirements and to the satisfaction of an authorized officer.

PART 9- SCHEDULES

101. QUALITY STANDARDS

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 sewage works of greater than 25M/ d capacity. Small Works quality limits apply for catchments leading to sewage works with less than 25M/d capacity.

GENERAL QUALITY LIMITS	LARGE WORKS >25m/d	SMALL WORKS <25 M/d	UNITS
1.Temperature(C)	<44CC	<44C	Degrees Cecius
2.pH	6<Ph<10	6,5<pH<10	pH units
3.Oils,greases,waxes of mineral origin	50	50	mg/
4.Vegitable Oils,	250	250	mg/

greases, waxes			
5.Total sugar and starch (as glucose)	1000	500	mg/
6.Sulphates in solution (as SO)	250	250	mg/
7.Sulphides, hydrosulphides (as S)and polysulphides	1	1	mg/
8.Chlorides (as C)	1000	500	mg/
9. Fluoride(as F)	5	5	mg/
10.Phenols (as phenol)	10	5	mg/
11.Cyanides (as CN)	20	10	mg/
12. Settleable Solids	Charge	Charge	mg/
13.suspended solids	2000	1000	mg/
14.Total dissolved solids	1000	500	mg/
15.Electrical conductivity	-	400	MS/m
16.Anionic Surfactants	-	500	mg/
17.C.O.D	Charge	Charge	mg/
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.Cabalt(Co)	20	5	mg/
TOTAL METALS	100	20	mg/

102. SPECIAL LIMITATIONS

1. No calcium carbide, radio, active waste or isotopes
2. No yeast and 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 vapor at 21 C

**CHAPTER 6 - SUPPLIERS OF WATER FOR INDUSTRIAL USE AND REGISTRATION OF
WATER SERVICES INTERMIDIARIES**

**PART 1- WATER SUPPLY FOR INDUSTRIAL USE AND ACCEPTANCE OF INDUSTRIAL
EFFLUENT**

103. INDUSTRIAL USE – APPLICATION

- (1) Any person or institution seeking approval, or the renewal of an approval, from the water services authority in terms of section 7 (1) of the Act shall do so in accordance with the provision these by-laws and at its own expense.
- (2) If an applicant intends making application simultaneously for approval in terms of section 7(1) and any other provision of the Act, he shall deal with each application separately, provided that information may be incorporated in one or the other application by reference.
- (3) In application for approval contemplated in subsection 1, or the renewal of such approval, shall be made to the water services authority and writing.
- (4) Any submission application for an approval in terms of subsection 1, or the renewal of any approval granted by the water services authority, shall be accompanied by, at least, the following documents or particulars, provided that, in the case of a renewal of an approval, the water services may, in its discretion, dispense with some of the documents or particulars to avoid unnecessary duplication:
 - (a) a certified copy of identity document of the applicant, if a natural person, or certified copy of the founding document or constitution of the applicant, if the applicant is a legal person;

- (b) a certified resolution adopted by the management body of the applicant, if the applicant is a legal person, resolving to apply for approval as a water services provider;
- (c) a certified list of the names and address of all people occupying a leadership and decision-making power in the applicant;
- (d) a detailed statement, supported by adequate proof of authenticity, setting out the applicants' qualification, capacity to undertake the work associated with the provision of water services in the circumstances reflected in the application, and the experience, skills and financial resources available to it to undertake the provision of water services to be provided by the applicant;
- (e) a full and detailed description of the water scheme/s which will be operated by the applicant containing sufficient information to enable the water services authority to determine whether the water scheme/s applies with the criteria set in section 11 of the Act, these by-laws and the water development plan adopted by the water services authority in terms of section 15 of the Act, which description shall include, but not be limited to:
- (i) the name or the names of the water schemes or scheme;
 - (ii) an indication of the nature of the water services to be provided by the applicant;
 - (iii) detailed plans or drawings, with coordinates and scales, and specifications depicting the physical installation associated with the water scheme/s, including all the structures, aqueducts, pipes, valves, umps, meters, or other apparatus relating thereto used or intended to be used by it in connection with the provision of water services contemplated in the application;

- (iv) a details description including numbers and locality of the consumers or potential consumers that will be supplied with water by the applicant
 - (v) details of the source, the quality and quantity of water that will be supplied to consumers or potential consumers and what arrangements are in place of ensure that such quality and quantity is consistently maintained
 - (vi) a business plan setting out how the water scheme or water schemes will be operated and maintained during the period of the applicant undertakes the supply of water service as contemplated in the application, and what arrangements have been adopted to deal with any emergency, including natural disasters and droughts;
 - (vii) a budget describing the financial administration of the water scheme/s, the source of any capital or revenue requirements, and an indication of the sustainability of the water scheme/s; and
 - (viii) details of tariffs and charges that the applicant will levy on all consumers and potential consumers, the method of calculating such tariffs and charges, the process whereby increase of decrease in such tariffs and charges will be dealt with, and the manner in which such tariffs and charges comply with the national norm set by the Minister of Water Affairs in terms of section 10 of the Act.
- (f) The applicant shall also provide;
- (i) a certificate indicating who the legal owner or owners of the water scheme/s is or are;
 - (ii) certified copies of all documents and deeds reflecting the legal status of the water scheme/s, including deeds of servitude where appropriate; and

(iii) full details of the conditions that will be imposed in terms of section 4 of the Act and full details in terms of section 19(4) of the Act.

- (5) The water services authority call for any additional information or documents reasonable required to enable it to determine whether the proposer or applicant, including a public sector water provider, or the water scheme/s will comply with the Act, these by-laws and the water development plan of the water services authority, and whether the obligations of the water services authority, imposed on it by the Act, will be met.
- (6) The water services authority may, and it shall, if it initially decides to refuse an application made in terms of subsection (1), including an application made by a public sector water services provider, prior to making a final decision, meet with the applicant, as the case may be, and any organization reasonably representative of the consumers or potential consumers of the water scheme/s, in order to hear representations made by the applicant and such representative organizations in support of, or against the applications and it shall take such representations into account in arriving at its final decision

104. PROCEDURE ON APPROVAL

In the event of the water services authority granting such approval it shall issue a letter of approval to the applicant containing such conditions as the water services authority may deem appropriate, which conditions shall be binding on the applicant.

PART 2- WATER SERVICES INTERMEDIARY –REGISTRATION

105. APPLICATION FOR REGISTRATION

- (1) Any person or institution seek registration with the water services authority as a water services intermediary in terms of section 24 of the Act shall do so in accordance with the provisions of these by-laws and at his or its own expense.
- (2) An application for such registration shall be made to the water services authority in writing.
- (3) An application for such registration shall be accompanied by, at least the following documents or particulars-
 - (f) a certified copy of identity document of the applicant, if a natural person, or certified copy of the founding document or constitution of the applicant, if the applicant is a legal person;
 - (g) a certified resolution adopted by the management body of the applicant, if the applicant is a legal person, resolving to apply for registration as a water services intermediary;
 - (h) a certified list of the names and address of all people occupying a leadership and decision-making power in the applicant;
 - (i) a detailed statement, supported by adequate proof of authenticity, setting out the applicants' qualification, capacity to undertake the work associated with the provision of water services in the circumstances reflected in the application, and the experience, skills and financial resources available to it to undertake the provision of water services to be provided by the applicant;

- (j) the grounds upon which the applicants contend that it is a water services intermediary as define in the Act;
- (k) a full and detailed description of the water scheme/s which will be operated by the applicant containing sufficient information to enable the water services authority to determine whether the water scheme/s applies with the criteria set in section 11 of the Act, these by-laws and the water development plan adopted by the water services authority in terms of section 15 of the Act, which description shall include, but not be limited to:
 - (xii) the name or the names of the water schemes or scheme;
 - (xiii) an indication of the nature of the water services to be provided by the applicant;
 - (xiv) detailed plans or drawings, with coordinates and scales, and specifications depicting the physical installation associated with the water scheme/s, including all the structures, aqueducts, pipes, valves, umps, meters, or other apparatus relating thereto used or intended to be used by it in connection with the provision of water services contemplated in the application;
 - (xv) a details description including numbers and locality of the consumers or potential consumers that will be supplied with water by the applicant
 - (xvi) details of the source, the quality and quantity of water that will be supplied to consumers or potential consumers and what arrangements are in place of ensure that such quality and quantity is consistently maintained
 - (xvii) a business plan setting out how the water scheme or water schemes will be operated and maintained during the period of the applicant undertakes the

supply of water service as contemplated in the application, and what arrangements have been adopted to deal with any emergency, including natural disasters and droughts;

- (xviii) a budget describing the financial administration of the water scheme/s, the source of any capital or revenue requirements, and an indication of the sustainability of the water scheme/s ;and
- (xix) details of tariffs and charges that the applicant will levy on all consumers and potential consumers, the method of calculating such tariffs and charges, the process whereby increase of decrease in such tariffs and charges will be dealt with, and the manner in which such tariffs and charges comply with the national norm set by the Minister of Water Affairs and Forestry in terms of section 10 of the Act.
- (xx) a certificate indicating who the legal owner or owners of the water scheme/s is or are;
- (xxi) certified copies of all documents and deeds reflecting the legal status of the water scheme/s, including deeds of servitude where appropriate; and
- (xxii) full details of the conditions that will be imposed in terms of section 4 of the Act and full details in terms of section 19(4) of the Act.

106. ADDITIONAL INFORMATION TO MAKE DECISIONS

- (1) The water services authority may call for any additional information or documents reasonably required to enable it to determine whether the applicant, or the water scheme/s will comply with the Act, these by-laws and the water development plan of the water

services authority, and whether the obligations of the water services authority, imposed it by the Act, will be met.

- (2) The water services authority may, and it shall, if it initially decides to refuse an application made in terms of section 111(1), prior to making a final decision, meet with the applicant and an organization reasonably representative of the consumers or potential consumers of the water scheme/s, in order to hear representations made by the applicant and such representative organizations in support of, or against, the applications, and it shall take such representations into account in arriving at its final decision.

107. APPROVAL OF APPLICATION

- (1) The water services authority may, approve or refuse the application provided that:
- (a) if it approves the application, it may make such registration subject to such reasonable and relevant conditions as it deems necessary;
 - (b) if it refuses the application, it shall advise the applicant of the reasons for such refusal.
- (2) In the event of the water services authority granting such registration it shall deliver a written notification thereof to the applicant and in such notice it shall:
- (a) draw the applicants' attention to the provisions of sections 25, 26 and 27 of the Act;
 - (b) draw the applicants' attention to the provision of these by-laws; and
 - (c) set out any conditions referred to in subsection 113(a).

108. SUSPENSION OF BY-LAWS

- (1) The water services authority may, in respect of any water scheme operated by the registered water services intermediary, in its discretion, suspend any by-law for a

defined period of time or indefinitely upon such conditions as it may impose, which conditions may be imposed either at the time that it solves to suspend any by-law or at any time thereafter, and it may at any time, in its discretion, withdraw such suspension, provided that it shall give not less than sixty days written notice of such withdrawal to all the interested and affected parties.

- (2) No by-law shall be suspended if the consequences of such suspension shall constitute a contravention of the Act.

109. MONTHLY REPORT

A registered water services intermediary shall submit a quarterly report to the water services authority providing at least such information as the water services authority may, reasonably require in order to enable it to monitor and evaluate the operation of the waters scheme concerned and to satisfy its self that the said scheme is being operated in such a manner so as to fulfill the requirements of the Act, the applicable water development plan, these by-laws and any conditions imposed as the condition of registration.

CHAPTER 7 - INDIGENT SUPPORT

110. INDIGENT SUPPORT QUALIFICATION CRITERIA

Qualification criteria for Indigent Support will be determined by the Water Services Authority annually and the following criteria shall apply:

- (a) The applicant must be a resident within the jurisdiction of the O.R Tambo District Municipality.
- (b) The applicant must be in possession of a valid South African identity document.

The combined or joint gross income of all occupants or dependents in a single household which receives services from the municipality may not exceed the threshold which is two combined old age grants as determined by the government on a year to year basis.

- (c) The applicant must be the owner who receives municipal services and is registered as an account holder on the municipal financial system;
- (d) The registration of account holder does not apply to households in informal settlements and rural areas where no accounts are rendered.
- (e) Any occupant or resident of the single household referred to above may not own more than one property in the municipal area.
- (f) A tenant can apply for the benefits in respect of the charges he/she is billed for while the landlord remains liable for all ownership related charges such as rates subject to compliance with section 4.3 above. A tenant application must be accompanied by the affidavit signed by the commissioner of oath
- (g) The account of a deceased estate may be subsidized if the surviving spouse or dependents of the deceased, who occupy the property, applies for assistance.

111. MEASUREMENT OF INDIGENT SUPPORT

The extent of the monthly indigent support granted to indigent households must be based on budgetary allocations for a particular financial year and the tariffs determined for each financial year.

Within the abovementioned budgetary process, and in striving to create a situation where poor households will be granted access to a full social package, the following assistance and support may be granted:

(a) Water

Each registered indigent household shall receive water fully subsidized to a maximum of 6 kl per month, including the basic charges for such supply; provided that –

- (i) Where the consumption exceeds 6 kl per month the municipality shall be entitled to restrict water supply to the property; and
- (ii) Where excessive consumption is partly due to leaking or poor plumbing, the municipality may install a yard connection to the outside of the dwelling and meter the consumption.

(b) Sanitation

- (i) Each registered indigent household shall be fully subsidized for sanitation services as billed by the Municipality monthly for urban consumers
- (ii) A Ventilated Improved Pit Latrine (VIP) sanitation system will be constructed for rural area consumers.

112. INDIGENT SUPPORT IN CARE CENTRE'S AND OLD AGE HOMES

Indigent consumers living in care center's or old age homes shall be eligible to qualify for assistance and support in terms of this policy, subject to the following rules and procedures:

- (a) The responsibility will be on the Board of Trustees/Managing Agent (hereinafter referred to as the representative) to apply to the municipality, for indigent status to be granted in respect of water and sanitation on behalf of the owners of those units, who meet the criteria and conditions for qualification.
- (b) The representative will submit applications to the Free Basic Services Office.

- (c) The Free Basic Services Coordinator must verify all applications and he or she must notify:
- (i) The representative, whether an application was successful or not, with regard to the water and sanitation.
 - (ii) The unit owner whether an application was successful or not, with regard to the property rates and other related charges.
 - (iii) The Chief Financial Officer will credit the monthly municipal account: -
 - (iv) Water and Sanitation account of Care Centers or Old Age Homes with water and sewerage charges, the amount of which will be calculated by dividing the total number of kiloliters of water consumed by the number of units in the complex, but up to a maximum of 200 liters of water per day for each unit that qualifies for assistance.
 - (v) General rates charges account of the unit owner with the full amount charged.
 - (vi) The representative must, in respect of monthly water credits allowed under indigent support, ensure that such credits are off-set against the monthly levies of the relevant individual units; such representative also being required, once every twelve months, or at such intervals as may be determined by the municipality, to provide proof to the Chief Financial Officer that the monthly levies of poor households which qualify for assistance, have been adjusted by the amounts credited to the account of the Retirement Centre or Old age Home.

113. INDIGENT APPLICATION PROCEDURE

(a) Application/Registration

A person applying for indigent support must complete a formal indigent support application form approved by the municipality. Such forms will be available at approved registration points provided by the municipality.

(b) Assessment Committee

Assessment committee should convene, Assess and screen all applications constituted by the following:

- Chief Financial Officer as the Chair of the assessment committee.
- Director Water Services
- Manager Water Services Authority
- Free Basic Services Coordinator
- Representative from the FBS Unit in the Local Municipality

(c) Screening of Applicants

Upon registration of an application, all information must be verified by the Free Basic Services Unit in terms of the Procedures Manual.

(d) Recommendation

Once the verification has been completed the Indigent Management System must generate a recommendation based on the information captured in the database.

The Committee must deliberate, approve or disapprove the application.

(e) Right of appeal

An applicant who feels aggrieved by a decision taken in respect of his or her application may lodge an appeal within 14 days in terms of section 62 of the Municipal Systems Act, 32 of 2000 to the office of the Municipal Manager.

114. INDIGENT VALIDITY PERIOD

(a) Applications

The indigent application form should be completed in full and then captured onto the relevant indigent register and accounting system.

(b) Validity period

The validity period of assistance will be for the duration that the applicant remains indigent. Households, in terms of the audit and review process, will be subjected to scrutiny to determine any change in status. Households must reapply every twelve months to determine whether they are still indigent.

(c) Death of Registered Applicant

In the event that the approved applicant passes away the heir/s of the property must re-apply for indigent support, provided that the stipulated criteria are met.

115. PUBLICATION OF INDIGENT HOUSEHOLD'S REGISTER

The information derived through the Ward Based Planning and Information System of the O.R Tambo DM will form a backbone of the Indigent Register for the whole District Municipality. Databases of the Local Municipalities will form a vital part of the Indigent Register.

Names of indigent beneficiaries must be open for public perusal and comment. Free Basic Services Office will be responsible for investigating the validity of the complaint and referral to the Assessment Committee for appropriate action or decision.

116. ARREARS AND EXCESS USAGE OF ALLOCATIONS

- (i) Upon registration as an indigent household, the arrears on the account of the applicant will be kept pending for a period of at least six months after which it may be written off with council's approval.
- (ii) No interest may be calculated on the arrears as contemplated in 10.4.1.
- (iii) If the applicant exits from the indigent support program within the six months period in 10.4.1, the arrears will be re-introduced in the account and will be subject to the credit control and debt collection policy of the municipality;
- (v) Where an indigent household exceeds the water consumption level approved by the municipality, the supply will be restricted.

117. TERMINATION OF INDIGENT SUPPORT

Indigent Support will be terminated under the following circumstances:

- (i) Upon death of the account-holder or the head of the household where no accounts are rendered.
- (ii) At the end of the 12 months cycle, except in the case of pensioners and child-headed households.
- (iii) When circumstances in the indigent household have improved to the extent where the income threshold as determined is exceeded.

- (iv) If the applicant is found to have lied about his/her personal circumstances or has furnished false information regarding indigent status, in which case the following will apply:
- (v) All arrears will become payable immediately;
- (vi) Stringent credit control measures will apply; and
- (vii) The applicant will not be eligible to apply for indigent support for a period of 2 years.

118. AUDIT AND REVIEW

The Water Services Authority may conduct regular audits of the indigent register with regard to the information furnished by applicants, possible changes in status, the usage of allocations and debt collection measures applied and where necessary review the status of applicants. The frequency of such audits will depend on the institutional capacity of the municipality to do so. It is proposed that at least monthly targeted audits and reviews are undertaken, with a complete review scheduled for at least every 5 years.

119. EXIT PROGRAM

The municipality will promote exit from indigence by -

- (i) Identifying indigents for inclusion in the Department of Public Works Projects;
- (ii) Initiating local job creation projects such as cleansing operations, small infrastructure projects, etc.
- (iii) Facilitation of opportunities to enter the informal trade market;
- (iv) Facilitation of food security projects; and

- (v) Liaison with National and Provincial departments to include indigent persons in their public works programs.

CHAPTER 8 - ENFORCEMENT

120. RESPONSIBILITY FOR COMPLIANCE WITH BY-LAW

The owner of premises is responsible for ensuring compliance with this by-law in respect of all or any matters relating to a water installation, and if an owner contravene a provision with which he or she must comply, then he or she commits an offence.

The owner, occupier and are responsible for compliance with this by-law in respect of matters relating to the use of any water installation, and if an owner, occupier or consumer contravenes a provision with which he or she must comply, then he or she commits an offence.

121. NOTICE OF COMPLIANCE AND REPRESENTATIONS

The Municipality may, by a notice of compliance, which must be in writing, order an owner, occupier, consumer or any other person who fails, by act or omission, to comply with the provision of this by-law with any condition imposed there-under, to remedy such breach within a period specified in the notice, and the notice must specify –

the name and residential and postal address, if either or both of these be known, of the affected person; the provision of this by-law which has not been complied with; sufficient detail to enable compliance with the notice, and the measures required to remedy the situation;

that the person must, within a stipulated period, take the measures to comply with the notice, to continue with the measures diligently, and to complete the measures before a specified date;

that failure to comply with the requirements of the notice within the period contemplated in sub-section (d), above, is an offence; and

that written representations, as contemplated in sub-section **(3)**, may, within the period stipulated under sub-section (d) above, be made to the Municipality at a specified place.

The Municipality, when considering any measure or period envisaged in sub-section (1)(c) and (d), must have regard to –
the principles and objectives contained in section 2; the nature of the non-compliance; and any other relevant factors.

A person may, within the period contemplated in sub-section (1)(f), make representations, in the form of a sworn statement or affirmation to the Municipality, at the place specified in the notice.

Representations not lodged within the period will not be considered, except where the person has shown good cause and the Municipality condones the late lodging of the representations.

The Municipality must consider the representations and any response thereto by an authorized official or any other person, if there be such a response.

The Municipality may, on its own volition, conduct any further investigations to verify the facts if necessary, and the results of the

investigations must be made available to the person, who must be given an opportunity of making a further response if he or she so wishes, and the Municipality must also consider the further response.

The Municipality must, after consideration of the representations and response, if there be such a response, make an order in writing and serve a copy of it on the person.

The order must –

set out the findings of the Municipality;
confirm, alter or set aside, in whole or in part, the notice of compliance; and specify a period within which the person must comply with the notice.

If the notice of compliance is confirmed, in whole or in part, or is altered but not set aside, then the Municipality must inform the person that he or she –

must discharge the obligations set out in the notice; or
may elect to be tried in court.

If the person elects to be tried in court then he or she must, within seven calendar days, notify the Municipality in writing of his or her intention to be so tried.

If the person does not elect to be tried in court, then he or she must, within the manner and time set out in the notice, discharge his or her obligations.

Where there has been no compliance with the requirements of a notice, the person commits an offence, and the Municipality may take such steps as it deems necessary to remedy the situation and the costs thereof must be paid to the Municipality.

122. COSTS

If an owner, occupier consumer or any other person fails to take the measures required of him or her by notice, then the Municipality may, subject to sub-section (3), recover from him or her all costs incurred as a result of the Municipality taking such measures itself.

The costs claimed must be reasonable and may include, without being limited to, costs relating to labor, electricity, water, equipment, administrative and overhead expenses.

If more than one person is liable for the costs incurred, then the liability must be apportioned by agreement among the persons concerned, according to the degree to which each was responsible for the situation existing.

Costs that are incurred by the Municipality when it does alterations or other works may be recovered from the person on whom the notice was served, or if a deposit has been paid, the costs may be deducted from the deposit.

123. WATER INSPECTORS

The Municipality may appoint water inspectors to monitor the implementation and to enforce the provisions of this by-law.

A water inspector is vested with at least the same authority granted to an authorized officer in terms of this by-law.

A water inspector may issue a written notice to any person who is alleged to have contravened this by-law, such notice having the legal effect of a written notice issued in terms of section 56 of the Criminal Procedure Act, provided that the provisions of sub-sections (4) to (6) are satisfied.

The provisions of sub-section (3) shall be of no legal effect unless a water inspector has been declared to be a peace officer in terms of section 334 (1) of the Criminal Procedure Act.

Any notice issued in terms of sub-section (3) must comply with the requirements of section 56 (1) of the Criminal Procedure Act, and shall-

specify the name, the residential address and the occupation or status of the person;

call upon such person to appear at a place and on a date and at a time specified in the written notice to answer a charge of having contravened this by-law;

contain an endorsement in terms of section 57 of the Criminal Procedure Act that the person may admit his or her guilt in

respect of the contravention in question and that he or she may pay a stipulated fine in respect thereof without appearing in court; and contain a certificate under the hand of the water inspector that he or she has handed the original of such written notice to the person in question and that he or she has explained to such person the import thereof.

The issuing of any notice in terms of sub-section (3) must be done in accordance with a set of procedures and guidelines that have been prepared and adopted by the Council.

124. WATER CONSERVATION AND DEMAND MANAGEMENT

A shower head with a maximum flow rate of greater than 10 liters per minute may not be installed in any water installation where

- (a) the dynamic water pressure is more than 200 kPa at a shower control valve; and
- (b) the plumbing has been designed to balance the water pressures on the hot and cold water supplies to the shower control valve
- (c) The maximum flow rate from any tap installed on a wash hand basin may not exceed six liters per minute.

CHAPTER 9 – MISCELLANEOUS PROVISIONS

125. DELEGATION

- (1) Subject to the Constitution and applicable national and provincial laws

126. APPEALS

- a. A person whose rights are affected by a decision of an authorized officer may appeal against that decision in terms of section 62 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000), which applies with the necessary changes, by giving written notice of the appeal and reasons to the Municipality within 21 days of the date of the notification of the decision.
- b. If it is alleged in an appeal that a measuring device is inaccurate, then the device must be subjected to a standard industry test to establish its accuracy, provided that the owner must be informed of the possible cost implications including the estimated amount of such test prior to such test being undertaken.
- c. The relevant charge set out in the prescribed tariff, if applicable, must be –
 - i. retained by the Municipality if the measuring device is found not to be defective; or
 - ii. refunded to the applicant if the measuring device is found to be defective.
- d. A measuring device is regarded to be defective if, when tested in accordance with a standard industry test, it is found to be defective, or if the measuring

device is a meter, it does not meet generally accepted specifications as set out in the regulations published under section 9 of the Act.

- e. In addition to sub-section (4), the Municipality must, if the measuring device is found to be defective –
 - i. repair the measuring device or install another device which is in good working order, without charge to the owner, unless the costs thereof are recoverable from the owner due to a contravention of this by-law; and determine the quantity of water services for which the owner will be charged in lieu of the quantity measured by the defective measuring device.

127. REPEAL OF LAWS AND SAVINGS

The provisions of any by-laws of the Municipality in the area of jurisdiction of the Municipality relating to water services and sanitation services by the Municipality are hereby repealed only insofar as they relate to matters provided for in this by-law.

128. SHORT TITLE AND COMMENCEMENT

1. This by-law is called the Water Services By-law of the OR Tambo District Municipality, and commences on the date of publication thereof in the Provincial Gazette.
2. The Municipality may, by notice in the Provincial Gazette, determine that any provision of this by-law, listed in the notice, does not apply in certain areas within its area of jurisdiction listed in the notice from a date specified in the notice.

It is requested below that all stakeholders review the document in its entirety and once accepted that signatures for their organisations' representatives be appended below as an acceptance of this By-Law:

APPROVAL SIGNATURES:

_____	_____	_____
ORTDM's Representative's Name	Signature	Date
_____	_____	_____
CoGTA Representative's Name	Signature	Date