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WESTERN CAPE GAMBLING AND RACING BOARD
OFFICIAL NOTICE

RECEIPT OF AN APPLICATION FOR A FINANCIAL INTEREST

In terms of the provisions of Section 32(2) of the Western Cape Gambling and Racing Act, 1996 (Act 4 of 1996) ("the Act"), as amended, the Western Cape Gambling and Racing Board hereby gives notice that an application for the procurement of a financial interest, as provided for in Section 58 of the Act, has been received.

Name of licence holder: Betting World (Pty) Ltd

Registration number: CK 2000/008649/07

Name of applicant for procurement of financial interest: Phumelela Gaming and Leisure Limited

Percentage of financial interest currently held by the applicant in the licence holder: 42.5%

Percentage of financial interest to be procured by the applicant in the licence holder: 59%

All persons have the opportunity to object to or comment on this application. Where objections are lodged, the grounds on which such objections are founded, must be furnished. Where comment is furnished, full particulars and facts to substantiate such comment must be provided. The name, address and telephone number of the person submitting the objection or offering the comment must also be provided. Comments or objections must reach the Board by no later than 16:00 on Monday 28 December 2009.

Objections or comments must be forwarded to the Chief Executive Officer, Western Cape Gambling and Racing Board, PO Box 8175, Roggebaai 8012 or handed to the Chief Executive Officer, Western Cape Gambling and Racing Board, Seafare House, 68 Orange Street, Gardens, Cape Town or faxed to the Chief Executive Officer on fax (021) 422-2602 or e-mailed to estelle@wcgrb.co.za.

11 December 2009

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WES-KAAPSE RAAD OP DOBBELARY EN WEDRENNE
AMPTELIKE KENNISGEWING

ONTVANGS VAN 'N AANSOEK OM 'N GELDELIKE BELANG

Kragtens die bepalings van artikel 32(2) van die Wes-Kaapse Wet op Dobbelary en Wedrenne, 1996 (Wet 4 van 1996) ("die Wet"), soos gewysig, gee die Wes-Kaapse Raad op Dobbelary en Wedrenne hiermee kennis dat 'n aansoek vir die verkryging van 'n geldelike belang, soos beoog in artikel 58 van die Wet, ontvang is.

Naam van lisensiehouer: Betting World (Edms) Bpk

Registrasienuommer: CK 2000/008649/07

Naam van aansoeker vir verkryging van 'n geldelike belang: Phumelela Gaming and Leisure Beperk

Persentasie geldelike belang wat die aansoeker tans in die lisensiehouer het: 42.5%

Persentasie geldelike belang wat die aansoeker beoog om in die lisensiehouer te bekom: 59%

Alle persone kry die geleentheid om beswaar teen of kommentaar ten opsigte van bogemelde aansoek aan te teken. In die geval van besware, moet die gronde waarop sodanige besware gebaseer is, verskaf word. Waar kommentaar verstrekkend word, moet die volle besonderhede en feite om sodanige kommentaar te staaf, voorsien word. Die naam, adres en telefoonnommer van die persoon wat beswaar wil maak of kommentaar wil lewer, moet ook voorsien word. Kommentaar of besware moet die Raad op die laatste teen 16:00 op Maandag 28 Desember 2009 bereik.

Besware of kommentaar moet gestuur word aan die Hoof-Uitvoerende Beampte, Wes-Kaapse Raad op Dobbelary en Wedrenne, Posbus 8175, Roggebaai 8012, of ingehandig word by die Hoof-Uitvoerende Beampte, Wes-Kaapse Raad op Dobbelary en Wedrenne, Seafare Huis, Oranjestraat 68, Tuine, Kaapstad 8001 of aan die Hoof-Uitvoerende Beampte gefaks word na (021) 422-2602 of per e-pos gestuur word aan estelle@wcgrb.co.za.

11 December 2009

25708

OVERSTRAND MUNICIPALITY

WATER SUPPLY & SANITATION SERVICES BY-LAW, 2009

To regulate the provision of water and sanitation services in the area of jurisdiction of the Municipality and to provide for matters connected therewith.

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- Acceptance of Industrial Effluent for Discharge into the Municipality's sewer system (Schedule "A")
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CHAPTER 1 GENERAL PROVISIONS

Definitions

1. In this By-law and the Schedules thereto, words used in the masculine gender include the feminine, the singular includes the plural and vice versa and unless the context otherwise indicates—
 - “**accommodation unit**” in relation to any premises, means a building or section of a building occupied or used or intended for residential occupation;
 - “**Act**” means the Water Services Act, 1997 (Act No.108 of 1997);
 - “**air gap**” means the unobstructed vertical distance through the free atmosphere between the lowest opening from which any pipe, valve or tap, supplies water to a tank or fitting or other device, and the overflow level thereof;
 - “**applicable charge**” means the rate, charge, tariff, flat rate, subsidy or any other cost prescribed by the municipality from time to time
 - “**authorised official**” means a person in the employ of the Municipality, authorised by the Municipality for the purposes of this By-law, or if the Municipality has appointed a service provider, an employee of such service provider, authorised by it as an authorised official in terms of this By-law and acting within the scope of the powers, functions and duties assigned to that service provider by the Municipality.
 - “**backflow**” means the flow of water in any pipe or fitting in a direction opposite to the normal direction of flow;
 - “**backflow preventer**” means any device or means to prevent backflow;
 - “**back siphonage**” means the backflow resulting from pressures lower than atmospheric pressure in the water installation;
 - “**basic sanitation**” means the minimum standard of safe and hygienic sanitation services and sewage disposal rendered to households, prescribed in terms of the Act, under regulation 2 of Government Notice R509 of 8 June 2001, as amended from time to time, or any substitution for that regulation;
 - “**basic water supply**” means the minimum standard of water supply services necessary for the reliable supply of water to households to support life and personal hygiene, prescribed in terms of the Act under regulation 3 of Government Notice R509 of 8 June 2001, as amended from time to time, or any substitution for that regulation;
 - “**best practicable environmental option**” means the option that provides the most benefit or causes the least damage to the environment as a whole, at a cost acceptable to the community, in the long term as well as in the short term;
 - “**borehole**” includes a well, excavation or any artificially constructed or improved underground cavity which can be used for the purpose of—
 - (a) Locating, intercepting, collecting or storing water in or removing water from an aquifer;
 - (b) Observing and collecting data and information on water in an aquifer; or
 - (c) Recharging an aquifer; and
 - (d) Includes a spring;

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

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

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

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

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

“communal water connection” means a consumer connection through which water services are supplied to more than one person; the service is operated and maintained jointly by the users thereof, and “communal water services work” has a corresponding meaning;

“connecting point” means the connecting manhole or a similar installation point approved by the Municipality at which a 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 a drainage installation on any premises, to a sewer beyond the boundary of those premises, or within a servitude area, or within an area covered by a way-leave document or other type of agreement;

“connection” means the point at which a consumer legally connects to;

“connection pipe” means a pipe, including the water meter and stop valve, 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;

“consumer” means—

- (a) any person who occupies premises to whom, and in respect of which premises, the Municipality—
 - (i) has agreed to provide water supply and/or sanitation services;
 - (ii) is actually providing water supply and/or sanitation services;
 - (iii) has entered into an agreement with the Municipality for the provision of water and/or sanitation services to or on such premises;or
- (b) if there be no such person then the owner of any premises to which the Municipality is providing water supply and/or sanitation services;
- (c) provided that where water supply and/or sanitation services are provided through a single connection to a number of accommodation units or consumers or occupiers, means the person to whom the Municipality agreed to provide such water services;
- (d) any end-user who receives water supply and /or sanitation services from the Municipality or other water supply and/or sanitation services institution; or
- (e) a person that obtains access to water supply and/or sanitation services provided through a communal water supply and/or sewage work;

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

“drain” means that portion of the drainage installation that conveys sewage within any premises;

“drainage installation” means a system situated on any premises and vested in the owner thereof, up stream of the connection point at the municipal main sewer, including the connecting manhole, and that is used for or intended to be used for or in connection with the reception, storage, treatment or conveyance of sewage or other form of wastewater on that premises to the connecting point, and includes a drain, a fitting, an appliance, a septic tank, a conservancy tank, a pit latrine and a private pumping installation, forming part of or being ancillary to such system;

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

“duly qualified sampler” means a person who takes samples for analysis from the sewage disposal and storm water disposal systems and from public waters and who has been certified to do so by an authorised official;

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

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

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

“effluent standards” means the standards for effluent prescribed in Government Notice No. 9225 of 18 May 1984.

“EIA” means an environmental impact assessment as contemplated in NEMA, and/or the ECA and the EIA Regulations as published in Government Notice R 1183 on 5 September 1997, as amended from time to time.

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

“enforcement notice” means any notice issued by an authorised official under this By-law which instructs the person to whom it is issued to comply with the terms of the notice, and includes a compliance notice contemplated in section 110;

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

“fire hydrant” means a water installation that conveys water intended for fire-fighting purposes only;

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

“flood level (1 in 50 year)” means that level reached by flood waters resulting from a storm of a frequency of 1 in 50 years;

“flood plain (1 in 50 year)” means the area subject to inundation by flood waters from a storm of a frequency of 1 in 50 years;

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

“grey water” means wastewater resulting from use of water for domestic purposes, but does not include water from toilets;

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

“industrial effluent” means any liquid, whether or not containing matter in solution or suspension, which is given off in the course of or as a result of any trade, manufacturing, mining, chemical or other industrial process or in any laboratory, or in the course of research, or agricultural activity, and includes any liquid or effluent emanating from the use of water, other than standard domestic effluent or storm water, and “trade effluent” bears the same meaning;

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

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

“interest” means a levy with the same legal property as service fees and calculated in terms of this By-law or on all amounts in arrears in respect of prescribed fees for water services at a standard rate equal to an interest rate as determined by the Credit Control and Debt Collection By-law;

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

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

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

“meter” means a water meter as defined by Regulation 81(a) Government Notice R 2362 dated 18 November 1977, published in terms of the Trade Metrology Act, 1973 (Act No. 77 of 1973) or any superseding legislation or, in the case of a water meter of a size greater than 100mm, a device which measures the quantity of water passing through it, or a measuring device, any of which must be approved by the SABS;

“Municipality” means—

- (a) the Overstrand Local Municipality established in terms of sections 12 and 14 of the Local Government Municipal Structures Act, 1998 (Act No. 117 of 1998), Provincial Notice 488 dated 22 September 2000 or its successors in title, and includes any structure or person exercising a delegated power or carrying out an instruction in terms of this By-law and legislation applicable to Local Government; or
- (b) a service provider fulfilling a responsibility under this by-law, assigned to it in terms of section 81(2) and 82(1)(c) of the Local Government: Municipal Systems Act 2000, or any other law, as the case may be;

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

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

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

“occupier” means a person who occupies any premises or part thereof, without regard to the title under which he or she so occupies the premises;

“on-site sanitation service” means a conservancy tank, septic tank, chemical toilet, urine diversion system, ventilated improved pit latrine or other related systems;

“operating level” means the level of water reached in a storage tank when the valve controlling the inlet of water to the tank closes under normal operating conditions;

“owner” includes—

- (a) the person in whom is vested the legal title to premises, including, but not limited to, the registered owner according to the title deed;
- (b) where the owner of the premises concerned is insolvent, deceased or in any form of legal disability whatsoever, has assigned his estate for the benefit of his creditors, has been placed under curatorship in terms of an order of court, is a closed corporation being wound up, or is a company being wound up or under judicial management, includes the person in whom the administration of such premises is vested as executor, trustee, assignee, curator, liquidator or judicial manager as the case may be;
- (c) in any case where the Municipality is unable to determine the identity of such person, a person who is entitled to the benefit of the use of such premises or a building or buildings thereon; and
- (d) the lessee under any registered lease of land which is entered into for a period of 30 years or more or for the natural life of the lessee or any other person mentioned in such lease, or which is renewable from time to time at the will of the lessee indefinitely or for

periods which together with the first period of such lease amount in all to not less than ten years, whether or not such renewal is dependent on the periodical consent or permission of, or the periodical renewal of a licence by the State or any statutory licensing body;

(e) in relation to

- (i) a piece of land delineated on a sectional plan registered in terms of the Sectional Titles Act, 1986 (Act 95 of 1986), the developer or the body corporate in respect of the common property; or
- (ii) a section as defined in such Act, the person in whose name the relevant unit is registered under a sectional title deed, and includes the lawfully appointed representative of such person;

(f) any person who requires any right to land by virtue of the provisions of any law applicable in the Province of the Western Cape;

“owner’s water installation” means all the pipe work and water fittings installed by the consumer for connecting into the water installation of the Municipality;

“permit holder” means a person who has obtained the written permission of an authorised official to discharge or cause or permit to discharge industrial effluent into the sewage disposal system;

“person” means any natural person, local government body or like authority, a company incorporated under any law, a body of persons whether incorporated or not, a statutory body, public utility body, voluntary association or trust;

“pollution” means the introduction of any substance into public water, (eg. river, stream, lagoon, estuary or dam) a storm water system, the water supply system, a water installation or a water resource that may directly or indirectly alter the physical, chemical or biological properties of the water found therein so as to make it—

- (a) less fit for any beneficial purpose for which it may reasonably be expected to be used; or
- (b) harmful or potentially harmful—
 - (i) to the welfare, health or safety of human beings;
 - (ii) to any aquatic or non-aquatic organism;
 - (iii) to the natural environment. (e.g. ground water, vegetation or land)

“premises” means any piece of land, with or without improvements, the external surface boundaries of which are delineated on—

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

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

“prescribed” means, determined by resolution of the Municipal Council from time to time;

“prescribed fee” means a fee including a tariff or charge determined by the Municipality by resolution;

“prescribed tariff” means a schedule of prescribed fees as entailed in the Municipality’s Tariff By-laws;

“private combined water service” means a private consumer connection and water services system, serving more than one consumer or property; the service is operated and maintained by all the consumers thereof collectively, and may include water supply, foul sewer and septic tank systems;

“public notice” means notice to the public in a manner determined by the Council

“public water” means any river, watercourse, bay, estuary, lagoon, the sea and any other water which the public has a right to use or to which the public has the right of access excluding any water sources which the Municipality abstracts water from or use for the storage of water;

“residential unit” in relation to any premises, means a building or section of a building occupied or used or intended for residential occupation or use by any person and includes a dwelling unit;

“registered contractor” means a company/person registered by the SAQCC for the Water Supply Industry;

“registered plumber” means a person registered by the SAQCC for the Water Supply Industry;

“SABS” means the South African Bureau of Standards;

“SANS” means the South African National Standards as prescribed by the SABS;

“SANS 0241” means the standards prescribed for the quality of drinking water;

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

“SAQCC for the Water Supply Industry” means the South African Qualification and Certification Committee constituted in terms of Act No. 58 of 1995;

“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 wastewater, industrial effluent, standard domestic effluent and other liquid waste, either separately or in combination, but shall not include storm water;

“sewage disposal system” means the structures, valves, pipes, pumps, meters or other appurtenances used in the conveyance through the sewer reticulation system and treatment at the sewage treatment works under control of the Municipality and which may be used by it in connection with the disposal of sewage;

“**sewer**” means any pipe or conduit which is the property of or is vested in the Municipality and which may be used for the conveyance of sewage from the connecting sewer and shall not include a drain as defined;

“**standard domestic effluent**” means domestic effluent with prescribed strength characteristics 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;

“**stop-valve**” means a valve for the connection or disconnection of water supply; the stop-valve between the municipal main and the water meter is known as the municipal stop-valve, for exclusive control over and use by the Municipality; the consumer’s stop-valve is situated downstream of the water meter and is for exclusive use by the consumer except when the Municipality has to do maintenance on the water installation.

“**storm water**” means water resulting from natural precipitation or accumulation and includes rainwater, subsoil water or spring water but excludes swimming pool backwash and sewage;

“**Systems Act**” means the Local Government: Municipal Systems Act, No. 32 of 2000;

“**terminal water fitting**” means a water fitting at an outlet of a water installation that controls the discharge of water from a water installation;

“**trade premises**” means premises upon which industrial effluent is produced;

“**treated effluent**” means the final effluent after being treated to the prescribed standard of the relevant authority;

“**water 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 Code 0252 Part I;

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

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

“**water services**” means water supply services and sanitation services;

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

“**water supply services**” means the abstraction, conveyance, treatment and distribution of potable water, water intended to be converted to potable water or water for commercial use but excluding water for industrial use;

“**water supply system**” means the structures, aqueducts, pipes, valves, pumps, meters or other apparatus relating thereto which is vested in the Municipality, and are used or intended to be used in connection with the supply of water and includes any part of the system;

“**wet industry**” means an operation which primarily uses large volumes of water in its processes;

“**working day**” means a day other than a Saturday, Sunday or public holiday;

“**working month**” means a calendar month excluding any Saturday, Sunday and public holiday.

2. Meaning of words

(1) Any word or expression used in this By-law to which a meaning has been assigned in—

- (a) the Act will bear that meaning; and
 - (b) the National Building Regulations and Building Standards Act 1977 (Act No.103 of 1977), and Chapter III of the Building Regulations there under, will bear that meaning, unless the context indicates otherwise.
- (2) Any reference in this By-law to water services or services must be interpreted as referring to water supply services or sanitation services depending on the services to which it is applicable.

3. Levels of Service.

(1) The Municipality may provide the various levels of service set out in subsection (2) to consumers at the prescribed fees determined by the Municipality.

(2) the levels of service shall comprise—

- (a) Service Level 1
which must satisfy the minimum standard for basic water services as required in terms of the Act and its applicable regulations, and must consist of—
 - (i) a water supply from communal water points; and
 - (ii) a ventilated improved pit latrine located on each site; and
- (b) Service Level 2
which must consist of—
 - (i) an unmetered water connection to each stand with an individual yard standpipe;
 - (ii) a water borne connection connected to either a municipal sewer or a shallow communal sewer system; and
 - (iii) a pour flush toilet which must not be directly connected to the water installation; which service must be provided to consumers at the prescribed fees determined by the Municipality, provided that—
 - (aa) the average water consumption per stand through the unmetered water connection for the zone or group of consumers in the zone does not exceed 6kl over any 30 day period;

- (bb) the water standpipe is not connected to any other terminal water fittings on the premises;
 - (cc) in the case of a communal sewer having been installed, a collective agreement has been signed by the group of consumers accepting responsibility for the maintenance and repair of the communal sewer; and
 - (dd) the Municipality may adopt any measures considered necessary to restrict the water flow to Service Level 2 consumers to 6kl per month.
- (c) Service Level 3 which must consist of—
- (i) a metered full pressure water connection to each stand; and
 - (ii) a conventional water borne drainage installation connected to the Municipality's sewer.
 - (iii) a water borne connection connected to either a municipal sewer or a shallow communal sewer.
- (3) If a consumer receiving Service Level 2 contravenes subparagraph (aa) or (bb) to subsection (2)(b)—
- (a) the Municipality may install a pre-payment meter in the service pipe on the premises; and
 - (b) the fees for water services must be applied.

CHAPTER 2

WATER SUPPLY SERVICES

Part 1

Application for Services

4. Application for water services.

- (1) No person, other than a consumer on Service Level 1, may gain access to water services from the water supply system, sewage disposal system or through any other sanitation services, unless he or she has applied to the Municipality on the prescribed form for such services for a specific purpose, and such application has, subject to the Municipality's Credit Control and Debt Collection By-law, been agreed to.
- (2) An application for the use of water services approved by the Municipality constitutes an agreement between the Municipality and the applicant, and such agreement takes effect on the date referred to in the agreement.
- (3) The person referred to in subsection (2) will be liable for all the prescribed fees in respect of water services rendered to him or her until the agreement has been terminated in accordance with this By-law or until such time as any arrears including interest have been paid.
- (4) The Municipality may, if deemed necessary, require a third party to be bound jointly and severally as surety and co-principal debtor with the consumer, for the payment of any prescribed fee.
- (5) In preparing an application form for water services the Municipality will ensure that the document and the process of interaction with the person making application are understood by that person. In the case of illiterate or similarly disadvantaged persons, the Municipality will take reasonable steps to ensure that the person is aware of and understands the contents of the application form.
- (6) The application form must at least contain the following information—
 - (a) certification by the applicant that he/she is aware of and understands the contents of the form;
 - (b) acceptance by the applicant of the provisions of this By-law and acceptance of liability for the cost of water services rendered and all water consumed until the agreement is terminated or until such time as any arrears have been paid;
 - (c) name of applicant, and his or her identity or registration number, where applicable
 - (d) address or stand number of premises at which water is to be supplied, or on which a communal water connection operates;
 - (e) address to which accounts must be sent;
 - (f) name and address of the applicant's employer, where appropriate;
 - (g) the purpose for which water is to be used;
 - (h) the agreed date on which the water service shall be provided.
- (7) The Municipality must on application for the provision of water services by a consumer inform that consumer of the different levels of services available and the prescribed fees associated with each level of services.
- (8) A consumer must elect the available level of services to be provided to him, her or it, e.g. the size of the water connection, to a maximum of 20mm for household use, provided that the Municipality will in its discretion decide upon the size of the connection and the use of pressure- and flow control where necessary on a water connection upon a written request received by the Municipality in this regard.
- (9) A consumer may at any time apply to alter the level of services elected in terms of the agreement entered into, provided such services are available and that any costs and expenditure associated with altering the level of services will be payable by the consumer.
- (10) The applicant must be informed if the Municipality refuses an application for the provision of water services, or is unable to render such water services on the date requested for provision of services to commence, or is unable to render the water services, and the Municipality must furnish the applicant with the reasons therefor and, if applicable, the date when the Municipality will be able to provide such water services.
- (11) The consumer shall be responsible for the registration of a servitude at his or her own cost if his or her water service has to be installed from the connection point over or across the property of another private owner to reach his or her own property.
- (12) Where premises or consumers are provided with water services, it shall be deemed that an agreement in terms of subsection (2) exists.

- (13) Water services rendered to a consumer are subject to the provisions of this By-law, where applicable the Credit Control and Debt Collection By-laws and policy and the conditions contained in the relevant agreement.

5. Special agreements for supply of water

- (1) Municipality may enter into a special agreement for the supply of water to an applicant—
- (a) inside its area of jurisdiction, if the services applied for necessitates the imposition of conditions not contained in the prescribed application form; and
 - (b) outside its area of jurisdiction, if such application has been approved by the Municipality having jurisdiction in the area in which the premises is situated.
- (2) If the Municipality provides a supply of water to an applicant outside its area of jurisdiction in terms of a special agreement, it may permit him or her to sell such water to other persons outside its area of jurisdiction, only if provision has been made therefor in the special agreement, or the written permission of the Municipality to do so has been obtained.

6. Purpose of supply

Where the purpose for which water is used changes, the consumer shall enter into a new agreement as prescribed in Sections 4 and 5.

7. General conditions of water supply

- (1) Subject to the provisions of the Act, the supply of water by Municipality shall not constitute an undertaking by it to maintain at any time or at any point in its water supply system—
- (a) an uninterrupted supply;
 - (b) a specific pressure or rate of flow in such supply; or
 - (c) a specific standard of quality of the water provided that, if the water supply is interrupted for more than 24 hours, then the Municipality undertakes to provide an alternative supply of water to meet basic needs.
- (2) The Municipality may, subject to the provisions of subsection (1)(b), specify the maximum height in a building, or the maximum height above ground level or mean sea level, 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 therefor. No booster pump may be connected directly or indirectly to the municipal main pipe or connection point or pipe. The consumer will be responsible for the supply and installation of a booster pump system with a storage tank or reservoir as well as the protection and maintenance thereof.
- (3) If a consumer requires that any of the standards referred to in subsection (1) be maintained on his or her premises, he or she shall make provision in the water installation for such maintenance.
- (4) The Municipality may in an emergency or where water losses occur, interrupt the supply of water to any premises without prior notice.
- (5) If in the opinion of the Municipality the consumption of water by a consumer adversely affects the supply of water to another consumer or consumers, 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 or consumers and will inform that consumer of such restrictions.
- (6) The Municipality will not be liable for any damage to property caused by water flowing from fittings left open when the water supply is re-instated, following an interruption in supply for any reason.
- (7) Every steam boiler and any premises that require for the purposes of the work undertaken on the premises, a continuous supply of water, must have a cistern fitted and must be in working order and holding a water supply deemed adequate by the occupier of the premises.
- (8) No consumer may resell water supplied to him by the Municipality, except with the written permission of the Municipality, which may stipulate the maximum price at which the water may be resold, and may impose such other conditions as the Municipality may deem necessary.

Part 2

Connection, Quantity and Quality of Water Supply

8. Provision of connection pipe

- (1) If an agreement for the supply of water 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 fee for the installation of such a pipe.
- (2) If an application is made for a supply of water to premises 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 Municipality may agree to the extension, modification or upgrading subject to such conditions as it may impose.

9. Location of connection pipes.

- (1) A connection pipe provided and installed by the Municipality must—
- (a) be located in a position not further than one metre inside the erf boundary, or on the erf boundary where a boundary wall exists, or at the beginning of a servitude where applicable as agreed to between the owner and the Municipality. New connection pipes will be of a suitable size, to a maximum of 20mm for household use, as determined by the Municipality; and
 - (b) terminate at
 - (i) the boundary of the land owned by or vested in the Municipality, or over which it has a servitude or other right; or

- (ii) at the outlet of the water meter if the meter is situated on the premises being supplied; or
 - (iii) at a point before the isolating valve of the consumer if it is situated on the premises.
- (2) In reaching agreement with an owner concerning the location of a connection pipe, the Municipality shall ensure that the owner is aware of—
- (a) practical restrictions which may exist regarding the location of a connection pipe;
 - (b) the cost implications of the various possible locations of the connection pipe;
 - (c) whether or not the Municipality requires the owner to fix 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 Municipality to connect to such installation;
 - (d) his responsibility for the protection of the measuring equipment and associated installations and thus for any damage to or loss of the measuring equipment and associated installations.
- (3) A Municipality may at the request of any person agree, subject to such conditions as it may impose, to a connection to a main other than that which is most readily available for the provision of water supply to the premises; provided that the applicant shall be responsible for the full cost of any extension of the water installation to the connecting point designated by the Municipality 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 fee in advance.

10. Interconnection between premises

An owner of premises shall ensure that:

- (1) no interconnection exists between the water installation on his or her premises and the water installation on other premises; or
 - (2) where several accommodation units are situated on the same premises, no interconnection exists between water installations of the accommodation units;
- unless he or she has obtained the prior written consent of the Municipality and complies with any conditions that it may have imposed.

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

- (1) Only one connection pipe to the water supply system may be provided for the supply of water to any newly zoned single residential premises, irrespective of the number of accommodation units or consumers located on such premises. The Municipality will at its discretion, and depending on the capacity of the water supply system in the specific area, determine whether additional connections will be allowed in any other type of zoning.
- (2) Where the owner, or the person having the charge or management of any premises on which several accommodation units or consumers are situated, requires the supply of water to such premises for the purpose of separate supply to the different units or consumers, the Municipality shall, in its discretion, require the following:—
 - (a) Installation of a single measuring device (bulk meter) by the Municipality at the owners' cost in respect of the premises as a whole or any number of such accommodation units or consumers; or
 - (b) a separate measuring device (sub-meter) installed by the owner, who remains responsible for the said meter, including meter readings, for each accommodation unit or consumer or any number thereof;
 - (c) that the owners or consumers take joint liability for the maintenance of the water supply system down stream of the bulk meter as well as the account for water supplied through the bulk meter at the applicable rate levied by the Municipality;
 - (d) that the water supply system down stream of the bulk meter be regarded as a private combined water supply system.
- (3) Where the Municipality has installed a single measuring device as contemplated in subsection 2(a), the owner or the person having the charge or management of the premises, as the case may be—
 - (a) must, if the Municipality so requires, install and maintain on each branch pipe extending from the connection pipe to the different accommodation units or consumers—
 - (i) a separate measuring device (sub-meter); and
 - (ii) an isolating valve; and
 - (b) is liable to the Municipality for the prescribed fees for all water supplied to the premises through such single measuring device (bulk meter), irrespective of the different quantities consumed by the different consumers (sub-meters) served by such measuring device.
- (4) Notwithstanding the provisions of subsection (1), the Municipality may permit more than one connection pipe to be provided on the water supply system for the supply of water to any premises comprising sectional title units if, in the opinion of the Municipality, undue hardship or inconvenience would be caused to any consumer on such premises by the provision of only one connection pipe.
- (5) Where the provision of more than one connection pipe is authorised by the Municipality in terms of subsection (4), the prescribed fees for the provision of a connection pipe are payable in respect of each water connection so provided.
- (6) Where the premises are supplied with water by a number of connection pipes, the Municipality may require the owner to reduce the number of connection points and alter his or her water installation accordingly at the owner's expense.

12. Restriction or cutting-off of supply

- (1) Without prejudice to any other right it may have, the Municipality may, if a consumer has—
 - (a) failed to pay a sum due to it in terms of this By-law; or

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

act against such a person in terms of this By-law, the Municipality's Credit Control and Debt Collection Bylaws, or other applicable legislation.

- (2) If, in the opinion of the Municipality, action is necessary as a matter of urgency to prevent waste of water, damage to property, danger to life or pollution of water, it may, notwithstanding anything to the contrary in this By-law,-
 - (a) without prior notice, cut off the supply of water to any premises; and
 - (b) enter upon such premises and do such emergency work, at the owner's expense, as it may deem necessary, and in addition by written notice require the owner to do such further work as it may deem necessary within a specified period.
- (3) Tampering
 - (a) Where a water supply has been tampered with or the meter bypassed, the Municipality may, notwithstanding anything to the contrary in this By-law, disconnect the relevant supply immediately and without any prior notice whatsoever, and in such a way that no further water supply at those premises is possible. The consumer will be charged the applicable tampering fee.
 - (b) Transgressors will be dealt with in the following manner:
 - (i) First Tampering Offence:
 - (aa) Supply will be isolated at point of supply.
 - (bb) Written notification will be given to the consumer informing him or her of isolation, as well as the fees due in respect of the tampering fee for a first offence, and the calculated amounts.
 - (cc) The Municipality will only re-instate services after the required amounts mentioned in the notification have been paid.
 - (ii) Second Tampering Offence:
 - (aa) In instances of a second tampering offence, the Municipality may immediately disconnect the service supply and remove the pipes and the meter.
 - (bb) A written notification will be sent to the consumer informing him or her of the removal of the services and of any outstanding fees, including tampering fees and calculated amounts due. If the money due has not been paid by a specific date and time to be mentioned in the notice, the matter will further be dealt with in accordance with the Municipality's Customer Care, Credit Control and Debt Collection By-law and policy.
 - (cc) A written notification will also be sent to the owner of the property to the effect that the service supply has been removed and that a new supply will only be installed after the following conditions have been met:

A written application for reconnection of the supply, including a motivation, has been received and approved by the Municipality.

The fee for a new connection, including the pipe cost, as well as all calculated amounts and all other outstanding required amounts, including all prescribed fees, have been paid.

13. Interruption of supply at consumer's request

- (1) The Municipality may, at the written request of a consumer—
 - (a) cut off the supply of water to his or her premises; and
 - (b) restore the supply;
 on the dates requested by him or her.
- (2) The consumer shall, prior to the restoration of his or her water supply in terms of this section, pay the prescribed fees for the cutting-off of his or her supply of water, and for its restoration.

14. Disconnection of water supply

- (1) The Municipality may disconnect a water installation from the connection pipe and remove the connection pipe if—
 - (a) the agreement for supply has been terminated in terms of section 106 (normal termination) and it has not received an application for a subsequent supply of water to the premises served by the pipe within a period of 30 days of such termination; or
 - (b) the building on the premises concerned has been demolished.
 - (c) requested to do so by the owner and upon payment of the prescribed fee;
 - (d) services in respect of the said premises are not paid for and the disconnection is required in terms of the Credit Control and Debt Collection By-law and policy of the Municipality;
 - (e) where a connection or measuring device has been tampered with; and
 - (f) if the consumer has interfered with a restricted or discontinued service.
- (2) The Municipality will not be liable for any damages or claims that may arise from the disconnection of water services provided for in subsection (1).

15. Water supplied from a hydrant

- (1) The Municipality may permit a temporary supply of water to be taken from one or more fire hydrants specified by it.

- (2) A person who desires a temporary supply of water referred to in subsection (1) shall make application in the manner prescribed in sections 4 and 5 and subject to such conditions and period as may be prescribed by the Municipality on the prescribed form.
- (3) The supply of water in terms of subsection (1) must be measured.
- (4) The person referred to in subsection (2) shall supply his or her own standpipe and meter and the Municipality will read the meter.
- (5) The consumer will be responsible for any damage to fire hydrants used.

16. Communal Water Services Works

The Municipality may install a communal water services work for the provision of water services to several consumers at a location it deems appropriate, provided that the consumers to whom water services will be provided through that water services work have been consulted in respect of the level of service, the prescribed fee that will be payable and the location of the work.

17. Quantity, quality and pressure of water

- (1) Water supply services provided by the Municipality must comply with the minimum standards set for the provision of water supply services in terms of section 9 of the Act and the applicable regulations.
- (2) The Municipality shall implement a suitable water quality sampling programme specifying the sampling points, frequency of testing and substances for which the water will be tested, thereby ensuring that water quality complies with standards prescribed in SANS 0241.
- (3) As stated in section 7, the Municipality does not undertake to maintain a specific pressure or rate of flow in its water supply to consumers.

Part 3

Measuring Water Supplied

18. Measuring the quantity of water supplied

- (1) All water supplied to a consumer by the Municipality shall pass through a meter or other measuring device for the purpose of measuring the quantity of water supplied at regular intervals.
- (2) A meter referred to in subsection (1) and its associated apparatus shall be provided and installed by the Municipality, shall remain its property, and may be changed and maintained by the Municipality whenever it deems necessary.
- (3)
 - (a) The Municipality may install the meter, and its associated apparatus, serving a water installation at any point in the installation;
 - (b) If the Municipality installs a meter in a water installation in terms of subsection (a), it may install a section of pipe and associated fittings between the end of its connection pipe and the meter, and such section shall be deemed to form part of the water installation;
 - (c) The Municipality may require from a consumer to make provision for the installation of the meter in the boundary wall of his, her or its premises.
- (4) If the Municipality installs a meter together with its associated apparatus in a water installation in terms of subsection (3), the owner shall—
 - (a) provide a place satisfactory to the Municipality in which to install it;
 - (b) ensure that unrestricted access is available to it at all times;
 - (c) be responsible for its protection and be liable for the costs arising from damage thereto or loss thereof, excluding damage arising from normal fair wear and tear;
 - (d) ensure that no connection is made to the pipe in which the meter is installed, between the meter and the connection pipe serving the installation; and
 - (e) make provision for the drainage of water which may be discharged, from the pipe in which the meter is installed, in the course of work done by the Municipality on the meter.
- (5) No person other than an authorised official shall—
 - (a) disconnect a meter and its associated apparatus from the pipe in which they are installed;
 - (b) break a seal which the Municipality has placed on a meter; or
 - (c) in any other way interfere with a meter and its associated apparatus.
- (6) If the Municipality considers that the size of a meter is unsuitable due to the quantity of water supplied to premises, it may install a meter of such size as it may deem necessary, and may recover from the owner of the premises concerned the prescribed fee for the installation of the meter.
- (7) The Municipality may require the installation, at the owner's expense, of a meter 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 meter may be used to supply more than one unit.
- (8) All water meters shall comply with the Trade Metrology Act, (Act No 77 of 1973), as amended from time to time and must be SABS approved.

19. Quantity of water supplied to consumer

- (1) For the purpose of assessing the quantity of water supplied to a consumer during any period and measured through a meter installed by the Municipality over a specific period, it shall be deemed, unless the contrary can be proved, that—
 - (a) the quantity is represented by the difference between readings of the meter taken at the beginning and end of such period;

- (b) the meter was registering correctly during such period; and
 - (c) the entries in the records of the Municipality were correctly made;
- (2) If water is supplied to, or taken by, a consumer without its passing through a meter, the estimate by the Municipality of the quantity of such water shall be deemed correct.
 - (3) If a meter is by-passed and a contravention of section 18(5) occurs, the Municipality may for the purposes of rendering an account, make an estimate, in accordance with subsection (4), of the quantity of water supplied to the consumer during the period that water was so taken by the consumer.
 - (4) For the purposes of subsection (3), an estimate of the quantity of water supplied to a consumer must be based on, as the Municipality may decide—
 - (a) the average monthly consumption of water on the premises registered over three consecutive measuring periods over not more than 90 days in total, after the date on which the irregularity referred to in subsection (2) was discovered and rectified, and /or
 - (b) the period preceding the date referred to in subsection (2) but not exceeding 12 months.
 - (5) Until such time as a meter has been installed in respect of water supplied to a consumer, the estimated or assumed consumption of that consumer must be based on the average consumption of water supplied to the specific zone within which the consumer's premises are situated, during a specific period.
 - (6) Where in the opinion of the Municipality it is not reasonably possible or cost effective to measure water supplied to each consumer within a particular zone, the Municipality may determine the fees to be paid by each consumer within that zone irrespective of actual consumption.
 - (7) Fees determined in terms of subsection (6) will be based on the estimated average consumption of water supplied to that zone.
 - (8) For purposes of subsections (5) and (6), a zone is that local area of land, of which the premises occupied by the consumer is a part, which is zoned in terms of a town planning scheme or a spatial development framework for homogeneous usage.
 - (9) If a contravention of section 18(5) occurs, the consumer shall pay to the Municipality the cost of such quantity of water as in the Municipality's opinion was supplied to him or her as well as the replacement cost of the measuring device, including labour, transport, materials and administrative costs.
 - (10) Where water supply services are provided through a communal water services work, the amount due and payable by consumers gaining access to water supply services through the communal water services work, will be based on the estimated average consumption of water supplied to that water services work, and the decision of the Municipality in arriving at that amount is final and binding on each consumer affected thereby, unless legally set aside.
 - (11) Nothing in this by-law shall be construed as imposing on the Municipality an obligation to cause any measuring device installed by the Municipality on any premises to be measured at the end of every month or any other fixed period, and the Municipality 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.
 - (12) A person may be entitled to a water leakage discount provided an application is made in terms of the Municipality's Credit Control and Debt Collection By-laws and policy and all requirements as set out in the latter are met.

20. Defective meters

- (1) If a consumer has reason to believe that a meter, used for measuring water, which was supplied to him or her by the Municipality, is defective, he or she may, against payment of the prescribed fee, make application in writing for the meter to be tested.
- (2) The prescribed fee referred to in subsection (1) shall be—
 - (a) retained by the Municipality if the meter is found in terms of subsection (3) or (4) not to be defective; or
 - (b) refunded to the applicant if the meter is found in terms of those subsections to be defective.
- (3) A meter to which the regulations relating to water meters published under the Trade Metrology Act, 1973 (Act No 77 of 1973) are applicable shall be deemed to be defective if, when tested in accordance with SANS 1529 Part I, is found to have a percentage error in over-registration or under-registration greater than that permitted for a meter in use in terms of that specification.
- (4) A meter to which the regulations referred to in subsection (3) are not applicable shall be deemed to be defective if it is found to have a percentage error in over-registration or under-registration greater than that allowed in SABS 1529:1999 Part 4 and SANS 1525:1999 Part 1, or its amendments.
- (5) A consumer is entitled, on giving the Municipality reasonable notice of his or her intention, to be present at the testing of any meter in which the consumer has an interest at his or her own cost.
- (6) Any meter removed by the Municipality for testing must be retained intact and must be available for a period of three months after testing.

21 Adjustment of quantity of water supplied through defective meter.

- (1) If the meter is found to be defective in terms of section 20, the Municipality must—
 - (a) repair the meter or install another meter which is in good working order, without charging the consumer for the meter, unless the costs thereof are recoverable from the consumer where section 18(5) has been contravened.
 - (b) determine the quantity of water services for which the consumer will be charged on the basis set out in section 19(4)(a).

22. Special meter reading at request of consumer

The Municipality must, on receipt from the consumer of written notice of not less than five working days and subject to payment of the prescribed fee, read a meter at a time or on a day other than that upon which it would normally be read.

23. Special measurement

- (1) If the Municipality wishes, for purposes other than charging for water consumed, to ascertain the quantity of water which is used in a part of the water installation, it may by written notice advise the owner concerned of its intention to install a meter at such point in the water installation as it may specify.
- (2) The installation of a meter 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 Municipality. In case of a connection without a meter, the consumer shall be held liable for the cost of installation of a measuring device.
- (3) The provisions of sections 18(5) and 18(6) shall apply insofar as they may be applicable in respect of a meter installed in terms of subsection (1).

Part 4**Approval of installation work and use of pipes and fittings****24. Approval of installation work**

- (1) If an owner wishes to have installation work done, he or she shall first obtain the Municipality's written approval; provided that approval shall not be required in the case of water installations in dwelling units or installations where no fire installation is required, or for the repair or replacement of an existing pipe or water fitting other than a fixed water heater and its associated protective devices.
- (2) If any of the installation work is governed by the ELA Regulations, then the owner must ensure compliance and obtain the relevant authorisation in respect thereof.
- (3) Application for the approval referred to in subsection (1) shall be made on the prescribed form and shall be accompanied by—
 - (a) the prescribed fees, if applicable; and
 - (b) copies of the drawings as prescribed by the Municipality, giving information in the form required by clause 4.1.1 of SANS Code 0252: Part I; or
 - (c) a certificate from a person approved by the Municipality certifying that the installation has been designed in accordance with SANS 0252: Part I or has been designed on a rational basis.
- (4) The provisions of subsections (1), (2) and (3) shall not apply to a registered plumber who replaces a fixed water heater or its associated protective devices.
- (5) Authority given in terms of subsection (1) shall lapse at the expiry of a period of 12 months after the first day of the month succeeding the month in which the authority is given.
- (6) A complete set of approved drawings of installation work must be available at the site of the work at all times until such work has been completed, where permission is required in terms of subsection (1).
- (7) If installation work has been done in contravention of subsections (1), (2) or (3), the Municipality 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 this By-law.

25. Persons permitted to do installation work.

- (1) An owner may engage a person who is not registered with the SAQCC for the Water Supply Industry to do installation work or general installations at own risk. The Municipality accepts no responsibility for any damages or costs having to be incurred by an owner due to faulty installation work and shall hold the owner liable for any damages and costs the Municipality may have to incur in respect of the Municipality's water supply system.
- (2) The Municipality may permit a person who is not a registered plumber or a registered contractor to do installation work on its behalf; provided that such work shall be inspected and approved by a person registered with the SAQCC for the Water Supply Industry, in the category appropriate to the work being undertaken.

26. Provision and maintenance of water installation .

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

27. Technical requirements for water installation .

- (1) Notwithstanding the requirement that a certificate be issued in terms of section 24(3)(c), all water installations shall comply with SANS Code 0252 Part I and all fixed electric storage water heaters shall comply with SANS Code 0254.

- (2) In addition to any requirement of SANS Code 0252 Part 1, the consumer must at his or her own expense, or the Municipality may in its discretion and at the consumer's expense, and for the consumer's exclusive use, provide and install a stop-cock at a suitable point inside the boundary of the premises on the consumer's side of the meter leading to the water installation.

28. Use of pipes and fittings to be authorised .

- (1) No person shall, without the prior written authority of the Municipality, install or use a pipe or water fitting in a water or drainage installation within the Municipality's area of jurisdiction unless it bears-
- (a) the standardisation mark of the SABS in respect of the relevant SANS specification issued by the Bureau; or
 - (b) a certification mark issued by the SANS to certify that the pipe or water fitting complies with an SANS Mark specification or a provisional specification issued by the SANS, provided that no certification marks shall be issued for a period exceeding two years.
- (2) The Municipality may, in respect of any pipe or water fitting, impose such additional conditions as it may deem necessary in respect of the use or method of installation thereof.

29. Labelling of terminal water fittings and appliances

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

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

30. Unlawful water installation

Where any installation work has been constructed in contravention of this By-law, the owner must on receiving a compliance notice by the Municipality, carry out such alterations to the installation as prescribed in the notice.

31. Pipe in street or public place .

- (1) No person may, for the purpose of conveying water derived from whatever source, lay or construct a pipe or associated component on, in or under a street, public place or other land owned by, vested in, or under the control of the Municipality, except with the prior written permission of the Municipality, and subject to such conditions as it may impose on granting permission and the prior approval of a building plan by the Municipality.
- (2) No other parallel service (Telkom, electricity, etc.) may be installed closer than 1000mm from an existing municipal water services pipe as measured from the outside of the pipe, and under no circumstances on top of such water pipe.

PART 5

Installations for fire fighting purposes

32. Special provision for fire services

Any water installation for the provision of water for fire fighting purposes, must comply with the provisions of SANS Code 0252-1:1994 or any revision or substitution thereof.

33. Dual and combined installations

Any new building erected after the adoption of this By-law must comply with the following requirements in relation to the provision of fire extinguishing services-

- (a) If, in the opinion of any official or employee of the Municipality charged with the approval of plans, boosting of the system is required, either in terms of ensuring adequate pressure or supply of water for the purposes which the system is intended to meet, a dual pipe system must be used, one for fire extinguishing purposes and the other for general domestic purposes;
- (b) Combined installations, in which the same pipes and fittings are used for fire extinguishing and general domestic purposes, are only permitted where no booster pumping connection is provided on the water installation;
- (c) In the circumstances contemplated in paragraph (b), a fire hydrant must be provided by the Municipality, at the consumer's expense, within 90 metres of the property to provide a source of water for the use of the crew of any fire tender sent to extinguish a fire; and
- (d) All pipes and fittings must be capable of handling pressures in excess of 1015 kPa, which could be expected when boosting takes place and must be designed to maintain their integrity when exposed to fire conditions.

34. Connection pipe for fire extinguishing services

- (1) A single connection to the water supply system, to serve a connection pipe for a fire installation, excluding a sprinkler system, may be provided by the Municipality.
- (2) The Municipality may provide and install at its cost a meter on the connection pipe referred to in subsection (1).

- (3) Where there is an existing connection pipe for the sole purpose of fire extinguishing services, such connection pipe may only be used for that purpose.
- (4) No take-off of any kind from any connection pipe referred to in subsection (3) may be made, nor may any water therefrom be used except in connection with an automatic sprinkler and drencher, a hydrant connection or a hose-reel connection, or for any pressure tank connection therewith, and such tank must be controlled by an approved fitting.
- (5) A separate connection pipe must be laid and used for every fire sprinkler extinguishing system, unless otherwise approved by the Municipality.

35. Valves in connection pipe

Every connection pipe must be fitted with a proper gate valve, which must be—

- (a) supplied by the Municipality at the expense of the consumer or as otherwise approved by the Municipality;
- (b) installed between the consumer's property and the main;
- (c) of the same diameter as the connection pipe; and
- (d) installed in such position as may be specified by the Municipality.

36. Inspection and approval of fire extinguishing installation

No water may be supplied to any fire extinguishing installation until—

- (a) it has been inspected and tested by the Municipality;
- (b) the Municipality has certified in writing that such water installation is complete and complies with the requirements of this By-law; and
- (c) the fees required by the Municipality for such inspection and testing have been paid.

37. Connection at the pleasure of the Municipality

- (1) The Municipality is entitled, in its absolute discretion, to grant or refuse an application for the connection of a fire extinguishing installation to its main.
- (2) If in its opinion a fire extinguishing installation which it has allowed to be connected to its main is not being kept in proper working order or is otherwise not being properly maintained, or is being used in contravention of section 34(3) or 34(4), the Municipality is entitled either to require the installation to be disconnected from the main, or itself to carry out the work of disconnecting it at the expense of the owner or consumer, as the case may be.

38. Meter in fire extinguishing pipe

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

39. Sprinkler extinguishing installation

A sprinkler installation may be linked directly with the main, but the Municipality is not bound to guarantee any specified pressure at any time.

40. Header tank or double supply from main

- (1) Unless a sprinkler installation is provided with a duplicate or reserve supply from a separate main, the consumer must install a header tank on or in the building or structure at such elevation as will compensate for any failure or reduction of pressure in the Municipality's main.
- (2) The main pipe leading from such header tank to the sprinkler installation may be linked with the main from which the principal supply of water is drawn, provided that such main pipe must be equipped with a reflux valve which, if the pressure in the main fails or is reduced for any reason, will shut off the opening to the main.
- (3) Where a sprinkler installation is provided with a duplicate or reserve supply from a separate main, each supply pipe must be equipped with a reflux valve situated within the premises.

41. Sealing of private fire hydrant

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

Part 6**Water conservation and prevention of pollution****42. Waste of water**

- (1) No consumer shall permit—
 - (a) the purposeless or wasteful discharge of water from any terminal water fitting;
 - (b) any 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 without delay repair or replace any part of his or her water installation which is in such a state of disrepair that it is either causing or is likely to cause an occurrence listed in subsection (1).
- (3) If an owner fails to take measures as contemplated in subsection (2), the Municipality shall by written notice in terms of section 110, require the owner to comply with the provisions of subsection (1).
- (4) If an owner fails to comply with the notice referred to in subsection (3), the Municipality shall take such measures as it may deem fit without prior notice and recover the cost of doing so from the owner.
- (5) A consumer shall ensure that any equipment or plant connected to his or her water installation uses water in an efficient manner.
- (6) The Municipality 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 Municipality.

43. Car washing facilities

The Municipality may require that all commercial vehicle washing facilities shall be constructed and operated in such a manner that 50 percent of the water used by such facility is recycled for reuse in the facility.

44. "Grey water" practices

- (1) An owner may, after the approval of the owner's application by the Municipality, install a grey water use system on his or her premises provided proper control is exercised in respect thereof.
- (2) The Municipality may, if deemed necessary, impose limitations on or prescribe conditions for the use of grey water if it suspects that the use thereof has a negative impact on the health of persons occupying such premises or the environment.

45. Equipment specification to facilitate water conservation

- (1) No cistern, and related pan designed to operate with such cistern, shall be installed with a cistern capacity of greater than 10 litres which, preferably, should have a dual flush functionality.
- (2) Only flushing urinals that are user activated may be installed.

46. Water demand management.

- (1) No person shall, without prior written authority from the Municipality, water a sports field, park or other grassed or horticultural area between the hours of 9:00 and 17:00 on any day irrespective of the source of the water used.
- (2) Any person who contravenes or fails to comply with subsection (1) shall be guilty of an offence and liable to penalties as prescribed in the National Water Act, or other applicable legislation.

47. Water restrictions

- (1) The Municipality may, subject to other applicable legislation, by notice—
 - (a) prohibit or restrict the consumption of water in the whole or part of its area of jurisdiction in general or—
 - (i) for specified purposes;
 - (ii) during specified hours of the day or on specified days; and
 - (iii) in a specified manner; and
 - (b) determine and impose—
 - (i) limits on the quantity of water which may be consumed over a specified period;
 - (ii) fees additional to those prescribed in respect of the supply of water in excess of a limit contemplated in subsection 1(b)(i); and
 - (iii) a general surcharge on the prescribed fees in respect of the supply of water; and

- (c) impose restrictions or prohibitions on the use or manner of use or disposition of an appliance by means of which water is used or consumed, or on the connection of such appliances to the water installation.
- (2) The Municipality may limit the application of the provisions of a notice contemplated by subsection (1) to specified areas and classes of consumers, premises and activities, and may permit deviations and exemptions from, and the relaxation of, any of the provisions on such grounds as it may deem fit.
- (3) The Municipality may—
 - (a) take, or by written notice require a consumer at his or her own expense to take, such measures, including the installation of measurement devices and devices for restricting the flow of water, as may in its opinion be necessary to ensure compliance with a notice published in terms of subsection (1); or
 - (b) cut off or, for such period as it may deem fit, restrict the supply of water to any premises in the event of a contravention on such premises or failure to comply with the terms of a notice published in terms of subsection (1), and where the supply has been cut off, it shall only be restored when the prescribed fees for cutting off and reconnecting the supply has been paid.
- (4) The provisions of this section shall also apply in respect of water supplied directly by the Municipality 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).

48. Owner to prevent pollution of water

- (1) An owner shall provide and maintain measures approved by the Municipality to prevent the entry a substance, which may be a danger to health or the environment or adversely affect the potability of water or affect its quality and fitness for use, into
 - (a) the water supply system; and
 - (b) any part of the water installation on his or her premises
 - (c) any storm water system;
 - (d) any sewage disposal system and
 - (e) the environment.
- (2) If a person contravenes subsection (1), the Municipality may:
 - (a) by written notice require such person to take remedial steps to prevent pollution of the water in the water supply system or water installation on his or her premises within a specified period; or
 - (a) if it is of the opinion that the situation is a matter of urgency, without prior notice undertake the work required by subsection 2(a) and recover the costs from such person.
- (3) Swimming pool backwash may be deposited into any storm water system or natural stream. It must not be deposited into the sewage disposal system.

49. Protection of water supply system and installation .

- (1) The owner must take any of the measures referred to in subsection (2) to prevent the backflow of water from the water installation to the water supply system in the case of-
 - (a) a fire or combined installation on premises; and
 - (b) a general installation serving the following activities-
 - (i) medical treatment of people or animals;
 - (ii) medical, pharmaceutical or chemical research and manufacturing;
 - (iii) agriculture, including dairies and nurseries;
 - (iv) photographic processing;
 - (v) laundering and dry-cleaning;
 - (vi) metal plating;
 - (vii) treatment of skins and hides; and
 - (c) a general installation serving-
 - (i) mortuaries;
 - (ii) abattoirs;
 - (iii) sewage purification works;
 - (iv) refuse processing plants;
 - (v) oil processing and storage facilities;
 - (vi) wineries, distillers, breweries, yeast and cold drink factories;
 - (vii) sports facilities; or
 - (viii) any other premises on which an activity is carried out which in the opinion of the Municipality is likely to cause a danger to health and the environment or affect the potability of water in the event of a substance resulting from such activity entering the water supply system; and

- (d) a general installation on any premises after a compliance notice by the Municipality to do so.
- (2) The measures required in terms of subsection (1) are-
 - (a) the discharge of water from the service pipe into a storage tank through an air gap; or
 - (b) the passing of water through-
 - (i) a reduced pressure backflow preventer; or
 - (ii) a double check backflow preventer; or
 - (c) any other measures approved by the Municipality which will achieve the same purpose.
- (3) The owner of any premises must prevent the back siphonage into his or her water installation of a substance which is likely to cause a danger to health and the environment or affect the potability of water, in the case of-
 - (a) a terminal water fitting which is so designed that a hose or other flexible pipe is or can be attached to it, which shall include a hose bibcock, a laboratory tap, and a movable shower unit;
 - (b) a fire hose-reel in a combined installation;
 - (c) an underground irrigation system; or
 - (d) any other fitting which may provide contact between polluted water and the water installation.

Part 7

Water Supply Services: Miscellaneous

50. Use of water from source other than water supply system

- (1) No person shall use or permit the use of water obtained from a source other than the water supply system, excluding rain water tanks which are not connected to the water installation, except with the prior consent of the Municipality 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 Municipality with satisfactory evidence to the effect that the water referred to in that subsection complies, whether as a result of treatment or otherwise, with the requirements of SANS Specification 0241-1984: Water for Domestic Supplies, published in the Government Gazette under General Notice 2828 dated 20 December 1985 (as amended from time to time), or any requirement of any other relevant governmental department, as applicable from time to time, or that the use of such water does not or will not constitute a danger to health.
- (3) If the water is sourced from boreholes within the Peninsula or Skurweberg aquifer, any person desiring the consent referred to in subsection (1) shall provide the Municipality with:
 - (a) an estimate of anticipated water use
 - (b) satisfactory evidence to the effect that the usage of the water is to be metered
- (4) Any person given the consent for abstraction from a borehole in the Peninsula or Skurweberg, referred to in subsection (3), shall provide the Municipality on a monthly basis with a reading from the metering device as described under subsection (3)(b), stating the time (hh:mm) and date (yyy/mm/dd) of reading, and units of flow reading [Lç]
- (5) Any consent given in terms of subsection (1) may be withdrawn if, in the opinion of the Municipality—
 - (a) a condition imposed in terms of subsection (1) is breached; or
 - (b) the water no longer conforms to the requirements referred to in subsection (2).
 - (c) the usage of the water is not carried out within the requirements stated in subsection (4).
- (6) If water obtained from a borehole or other source of supply on any premises is used for a purpose which gives rise to the discharge of such water or a portion thereof into the Municipality's sewerage system, the Municipality may install a meter in the pipe leading from such borehole or other source of supply to the point or points where it is so used.
- (7) The provisions of section 18 shall apply insofar as they may be applicable in respect of the meter referred to in subsection (6).
- (8) No person shall use treated effluent for any purpose without first obtaining the Municipality's written approval; which approval could be refused or made subject to conditions as the Municipality deems necessary.

51. Notification of boreholes

- (1) The Municipality shall 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 on a prescribed form of the existence of a borehole on such premises, and provide it with such information in respect thereof as it may require; and
 - (b) the owner or occupier of any premises who intends to sink a borehole on such premises to notify it on a prescribed form of such intention before work in connection therewith is commenced.
- (2) The information required as part of a notification under (1) (a) must state the aquifer into which the borehole is drilled, and provide the final depth drilled, and ideally the drillers log or comments.
- (3) The Municipality may require the owner or occupier of any premises who intends to sink a borehole to undertake an environmental impact assessment for such intended borehole, to the satisfaction of the Municipality, before sinking the borehole.
- (4) Boreholes are subject to any applicable requirements of the National Water Act, 1998 (Act No. 36 of 1998).

- (5) The Municipality may by notice to an owner or occupier or by public notice require owners and occupiers who have existing boreholes used for water services to—
 - (a) obtain approval from it for the use of a borehole for water services in accordance with sections 6, 7 and 22 of the Act;
 - (b) adhere to conditions imposed by it in respect of the use of a borehole for water services; and
 - (c) pay a fixed charge imposed by it in respect of the use of such a borehole.
- (6) Water supply from a borehole may under no circumstances be connected to a water installation which is connected to the water supply system of the Municipality.
- (7) The owner of premises on which water supply from a borehole is used for human consumption must ensure that the water quality complies with SANS 0241 standards at all times.

52. Sampling and monitoring of water

- (1) The Municipality may take samples of water obtained from a source, authorised in terms of sections 6 or 7 of the Act, other than the water supply system of the Municipality, for domestic purposes and cause the samples to be tested for compliance with the requirements referred to in sections 50(2) and 51(7).
- (2) The prescribed charge for the taking and testing of the samples referred to in section (1) shall be paid by the person to whom consent to use the water was granted in terms of section 6(1) of the Act.
- (3) The Municipality may at any point, with due notice to the landowner, visit a borehole registered under section 51(1)(a), in order to measure groundwater levels, take ad hoc water samples for laboratory analysis, or standard field measures of hydrochemistry.

53. Supply of non-potable water by the Municipality

- (1) The Municipality may on application in terms of section 5 agree to supply non-potable water to a consumer (excluding residential properties) subject to such terms and conditions as the Municipality may impose, having due regard to the approved standards of the Department of Water and Environmental Affairs.
- (2) Any supply of water agreed to in terms of subsection (1) shall not be used for domestic or any other purposes which, in the opinion of the Municipality may give rise to a health risk.
- (3) No warranty, expressed or implied, shall apply to the purity of any non-potable water supplied by the Municipality or its suitability for the purpose for which the supply was granted.
- (4) The supply of non-potable water shall, both as to condition and use, be entirely at the risk of the consumer, who shall be liable for any consequential damage or loss to himself, herself or others arising directly or indirectly there from, including the consequences of any bona fide fault of the Municipality or the malfunction of a treatment plant.
- (5) Non-potable water supply may under no circumstances be connected to a water installation which is connected to the potable water supply system of the Municipality.

54. Testing of pressure in system

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

55. Warning notices

- (1) On premises on which non-potable water is used, the owner shall ensure that every terminal water fitting and every appliance which supplies or uses the water is clearly marked with a weatherproof notice indicating that the water there from is water unsuitable for domestic purposes.
- (2) In an area where treated sewage effluent is used, the owner shall erect weatherproof notices in prominent positions warning that such effluent is not suitable for domestic purposes.
- (3) Every warning notice prescribed in terms of subsections (1) and (2) shall be in more than one official language and shall include the symbolic sign for non-potable water, sign PV5 as described in SANS 1186.

56. Water audit

- (1) Major water users (those using more than 3 650 kilolitres per annum), excluding those comprising multiple dwelling units, shall undertake as and when required by the Municipality, a water audit.
- (2) The audit shall detail the following:-
 - (a) Amount of water used during the financial year;
 - (b) amount paid for water for the financial year;
 - (c) number of people living on the stand or premises;
 - (d) number of people permanently working on the stand or premises;
 - (e) comparison of the above factors with those reported in each of the previous three years (where available);
 - (f) seasonal variation in demand (monthly consumption figures);
 - (g) details of water pollution monitoring methods;
 - (h) details of current initiatives to manage their demand for water;

- (i) details of plans to manage their demand for water;
 - (j) comparison of the above factors with those reported in each of the previous three years (where available); and
 - (k) estimate of consumption by various components of use.
- (3) A copy of the audit must be available for inspection by officials from the Department of Water and Environmental Affairs and the Municipality.

CHAPTER 3 SANITATION SERVICES

Part 1 Disposal of sewage

57. Standards for sanitation services

Sanitation services provided by the Municipality will comply as far as reasonably possible with the minimum standards set for the provision of sanitation services in terms of section 9 of the Act and its regulations.

58. Objectionable discharge to sewage disposal system

- (1) No person shall cause or permit any solid, contaminated liquid or gaseous substance to enter-
 - (a) any storm water drain, storm water sewer or excavated or constructed watercourse unless otherwise permitted in this By-law;
 - (b) any river, stream or natural watercourse or any public water, whether ordinarily dry or otherwise, except in accordance with the provisions of the Water Act, or
 - (c) any street or premises.
- (2) No person shall, other than in compliance with the permissions issued in terms of this By-law, discharge, or permit the discharge or entry into the sewage disposal system of any sewage or other substance which-
 - (a) does not comply with the standards and criteria prescribed in this By-law or other applicable legislation;
 - (b) contains any substance in such concentration as will produce or is likely to produce in the final treated effluent at any treatment works or sea outfall discharge point or in any public water, any offensive or otherwise undesirable taste, colour, odour, temperature or any foam;
 - (c) may prejudice the re-use of treated sewage for industrial or similar purposes or adversely affect any of the processes whereby sewage is purified for re-use or treated to produce sludge for disposal;
 - (d) contains any substance or thing of whatsoever nature which is not amenable to treatment at treatment works to a satisfactory degree or which causes or is likely to cause a breakdown or inhibition of the processes in use at such works;
 - (e) contains any substance or thing of whatsoever nature which is of such strength, or which is amenable to treatment only to a degree as will result in effluent from the sewage treatment plant not complying with standards prescribed under the National Water Act, 1998 (Act No. 36 of 1998);
 - (f) may cause danger to the health or safety of any person or may be injurious to the structure or materials of the sewage disposal system or may prejudice the use of any ground used by the Municipality or its authorised agent for the sewage disposal system, other than in compliance with the permissions issued in terms of this bylaw; and
 - (g) may inhibit the unrestricted conveyance of sewage through the sewage disposal system; and
- (3) No person shall cause or permit any storm water or rain water to enter the sewage disposal system.
- (4) The inception of nuisances, e.g. odours, pollution or visual offensiveness due to a defective drainage installation shall not be allowed. The Municipality shall give the owner or occupier of such premises 24 hours notice to remove such nuisance, failing which the Municipality shall remove such nuisance or cause it to be done at the expense of such owner or occupier. In addition the matter shall be pursued by the Municipality as an offence in terms of this by-law.
- (5) An authorised official 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 such as grease traps, sand traps or oil separators, which would ensure compliance with these by-laws, and to report such findings to an authorised official.
- (6) If any person becomes aware of any contravention of these By-laws, he or she shall immediately but not later than within 12 hours advise the Municipality of the details of such contravention and, if known, the reasons for it and may qualify for a reward.

59. Application for use of sewage disposal system

- (1) Any person wishing to utilise the sewage disposal system must make application to an authorised official in the prescribed form, accompanied by such information as set out in section 4(6) and any additional information that the Municipality may require from time to time.
- (2) The approval of an application referred to in subsection (1) shall constitute an agreement between the Municipality and that person.
- (3) After approval of the application the applicant referred to in subsection (1) shall be liable for all the prescribed fees in respect of the use of the sewage disposal system until the agreement referred to in subsection (2) has been terminated.
- (4) Where premises have been connected to the sewage disposal system or are reasonably capable of being so connected, it shall be deemed that an agreement in terms of subsection (2) exists.

- (5) If the applicant is not the owner, the Municipality may if it deems it expedient, require any owner to bind him or herself jointly and severally with the applicant for the payment of any prescribed fees payable to the Municipality in terms of this By-law.

60. Special agreements for disposal of sewage

- (1) The Municipality may enter into a special agreement for the disposal of sewage with—
 - (a) a person/entity within the Municipality's area of jurisdiction, if the disposal necessitates the imposition of conditions not contained in this By-law.
 - (b) a person /entity outside the Municipality's area of jurisdiction.
- (2) If the Municipality, in terms of a special agreement contemplated in subsection (1), provides a means of disposal of sewage to a person or entity outside the Municipality's area of jurisdiction, it may permit him/her to accept sewage for eventual disposal by the Municipality from other persons outside the Municipality's area of jurisdiction, subject to such conditions as the Municipality deems fit.

61. Application for infrastructure

- (1) If an agreement for on-site sanitation and associated services in accordance with section 59 has been concluded, and no infrastructure in connection therewith exists on the premises, the owner must immediately make application for the installation thereof on the prescribed form and—
 - (a) pay the prescribed fees for the installation of the necessary infrastructure; or
 - (b) with the approval of the Municipality install on-site sanitation services in accordance with the specifications of the Municipality.
- (2) In approving an application for the installation of infrastructure, the Municipality may specify the type of on-site sanitation services to be installed.

62. Septic tank and treatment plant

- (1) No person may construct, install, maintain or operate any septic tank or other plant for the treatment, disposal or storage of sewage, without the prior written permission of the Municipality.
- (2) The permission referred to in subsection (1) is subject to the provisions of this By-law, any other relevant by-laws of the Municipality, or any other law.
- (3) Any construction or installation of a septic tank or treatment plant shall be in accordance with the requirements of the Municipality.
- (4) The Municipality may, after an inspection or testing of a septic tank has revealed the septic tank not to be watertight, require the septic tank to be upgraded or replaced in accordance with the standards prescribed by the Municipality, at the owner's costs.

63. French drain

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

64. Conservancy tank

- (1) The Municipality may at its discretion permit the owner of any premises to construct a conservancy tank and ancillary appliances for the retention of soil water, or such other sewage or effluent as it may decide, and such tank and appliances must be of such capacity, constructed of such material, and located in such position and at such level as the Municipality may prescribe at the cost of the owner.
- (2) The Municipality may if it suspects that a conservancy tank on any premises is not water tight, require the owner of such premises to perform such tests at his or her costs as the Municipality deems necessary to verify the standard of the construction of the conservancy tank, and should the Municipality's suspicions be confirmed, the Municipality shall require the owner to replace the conservancy tank as specified at the owner's cost and within a prescribed timeframe.
- (3) Any construction or installation of a conservancy tank shall be in accordance with the requirements of the Municipality and any other law.
- (4) The Municipality may, after an inspection or testing of a conservancy tank has revealed the conservancy tank not to be watertight, require the conservancy tank to be upgraded or replaced in accordance with the standards prescribed by the Municipality, at the owner's costs.

65. Ventilated improved pit latrine (VIP)

The Municipality may at its discretion and on such conditions as it may prescribe, having regard to the nature and permeability of the soil, the depth of the water table and any other factors which may have the potential to cause harm to the environment if approval is granted, the size of and access to the site and the availability of a piped water supply, permit the disposal of human excrement by means of a ventilated improved pit latrine, constructed in accordance with the specifications and located in a position indicated by the Municipality.

66. Services associated with on-site sanitation services

- (1) The removal or collection of conservancy tank and septic tank contents will be undertaken by the Municipality, unless otherwise provided by an agreement.
- (2) Prescribed fees in respect of the removal or collection of conservancy tank contents or the emptying of a septic tank will cover the operating and maintenance costs based on the quantity removed by the vacuum tank, transportation to a disposal site, the treatment of the contents to achieve a sanitary condition and the final disposal of any solid residues.
- (3) Prescribed fees will be in accordance with the Tariffs By-laws of the Municipality.

- (4) Regular conservancy tank and septic tank removal services rendered in terms of this By-law, will be discontinued on receipt by the Municipality of not less than 48 hours notice in writing from the owner or occupier of the property or premises to discontinue the service.

67. Provision of a connecting sewer

- (1) If application has been made in accordance with section 59 for use of the sewage disposal system and no connecting sewer exists in respect of the premises, the owner or his or her agent shall immediately apply to Municipality for the installation of such a connecting sewer and pay the prescribed fees.
- (2) If an application is made for use of the sewage disposal system to a premise which is so situated that it is necessary to extend the sewer in order to connect the sewage disposal system to the premises, the Municipality may agree to the extension subject to such conditions as it may impose.
- (3) The Municipality may at the request of any person agree, subject to such conditions as it may impose, to a connection to a sewer other than that which is most readily available for the drainage of the premises; provided that the applicant shall be responsible, at his or her cost, for any extension of the drainage installation to the connecting point designated by the Municipality and for obtaining at his or her cost such servitudes over other premises as may be necessary.
- (4) A connecting sewer provided and installed by the Municipality shall—
- (a) be located in a position agreed to between the owner and the Municipality;
 - (b) terminate at a connection point approximately 1 metre inside the premises from the boundary of the land owned by or vested in the Municipality 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;
 - (c) be of a size determined by the Municipality.
- (5) In reaching agreement with an owner concerning the location of a connecting sewer, the Municipality shall ensure that the owner is aware of—
- (a) practical restrictions that may exist regarding the location of a connecting sewer pipe;
 - (b) the cost implications of the various possible locations of the connecting sewer;
 - (c) whether or not the Municipality 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 his or her premises where the connection is required, for the Municipality to connect to such installation;
 - (d) his or her responsibility to provide a water proof connecting manhole at own cost at the connection point;
 - (e) his or her responsibility to carry the costs for the removal by the Municipality of any obstruction from the connecting sewer, excluded where such obstruction is the result of wear and tear or deteriorated infrastructure.
- (6) A connecting sewer may only be installed after approval of a building plan by the Municipality.
- (7) An owner must pay the prescribed connection fee in advance.
- (8) 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 the Municipality.

68. Provision of one connecting sewer for several consumers on same premises

- (1) Notwithstanding the provisions of section 67 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 the different accommodation units, the Municipality may, in its discretion, provide and install either—
- (a) a single connecting sewer in respect of the premises as a whole or any number of such accommodation units; or
 - (b) a separate connecting sewer for each accommodation unit or any number thereof.
- (3) Where the Municipality has installed a single connecting sewer as contemplated in subsection (2)(a), the owners or the persons having charge or management of the premises, as the case may be—
- (a) must, if the Municipality so requires, install and maintain on each branch pipe extending from the connecting sewer to the different accommodation units—
 - (i) a separate connecting sewer; and
 - (ii) a connecting manhole at the connection point;
 - (iii) a rodding eye at all branching points
 - (b) will be liable to the Municipality for the tariffs and charges for all sewage disposed from the premises through such a single connecting sewer, irrespective of the different quantities disposed by the different consumers served by such connecting sewer.
 - (c) will be liable jointly for the maintenance of a private combined sewer system from the connection point on the municipal main sewer and including the connecting manhole.
- (4) Notwithstanding subsection (1), the Municipality may authorise that more than one connecting sewer be 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 Municipality, undue hardship or inconvenience would be caused to any consumer on such premises by the provision of only one connecting sewer.
- (5) Where the provision of more than one connecting sewer is authorised by the Municipality under subsection (4), the tariffs and charges for the provision of a connecting sewer is payable in respect of each sewage connection so provided.

69. Interconnection between premises

An owner of premises must ensure that no interconnection exists between the drainage installation on his or her premises and any drainage installation on other premises, unless he or she has obtained the prior written permission of the Municipality and complies with any conditions that may have been imposed in granting such permission. In such a case it becomes a private combined sewer system, subject to the provisions of section 68.

70. Sewage delivered by road haulage

- (1) The Municipality may, at its discretion and subject to such conditions as it may specify, accept sewage for disposal delivered to the Municipality's sewage treatment works by road haulage.
- (2) No person shall discharge sewage into the Municipality's sewage treatment works by road haulage, except with and in accordance with the written permission of the Municipality and upon payment of the prescribed fees determined by the Municipality in accordance with its tariff structure and subject to such period and conditions that may be imposed in terms of the written permission.
- (3) Where use is made of the Municipality's suction tanker truck, the service will be rendered subject to the conditions, policy and prescribed fees determined from time to time.
- (4) When sewage is delivered by road haulage-
 - (a) the time of delivery shall be arranged with an authorised official; and
 - (b) the nature and composition of the sewage shall be established to the satisfaction of an authorised official prior to the discharge thereof, and no person shall deliver sewage which does not comply with the standards determined in terms of this By-law.
- (5) Provided that ten working days written notice is given, the Municipality may withdraw any permission to discharge sewage delivered in terms of this section if the person to whom such permission had been given:
 - (a) fails to ensure that the sewage so delivered conforms to the standards prescribed in Schedule "A", 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 this By-law or contravenes any provisions of this By-law or any condition imposed on him or her in terms of any permission granted to him or her;
 - (c) fails to pay the assessed charges in respect of any sewage delivered.

71. Measurement of quantity and quality of standard domestic effluent discharged

- (1) The quantity of standard domestic effluent discharged may be determined as a percentage of the water supplied to those premises by the Municipality.
- (2) If the Municipality is of the opinion that the percentage referred to in subsection (1), in respect of specific premises is excessive, having regard to the purposes for which water is consumed on those premises, the Municipality may reduce the percentage applicable to those premises to a figure which, in its opinion and in the light of the available information, reflects the proportion between the likely quantity of sewage discharged from the premises and the quantity of water supplied thereto.
- (3) Where premises are lawfully supplied with water from a source other than or in addition to the Municipality's water supply system, including abstraction from a river or borehole, the quantity will be a percentage of the total water used on those premises as may be reasonably estimated by the Municipality, taking into account any representations which may be made by the consumer.

Part 2**Industrial effluent****72. Application for the disposal of industrial effluent**

- (1) A person must apply for the permission to discharge industrial effluent into the sewage disposal system of the Municipality in terms of section 4(1). The Municipality may require the completion of further documentation, additional to those mentioned in section 4(6) in respect of applications for disposal of effluent.
- (2) If, in the opinion of the Municipality, the capacity of a sewage disposal system is sufficient to permit the conveyance, effective treatment and lawful disposal of the industrial effluent the Municipality may, for such period and subject to such conditions as it may impose, grant written permission in terms of subsection (1).
- (3) A person to whom such permission is granted shall pay to the Municipality the prescribed fees.
- (4) Any person who wishes to construct 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 the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977), also lodge applications for the provision of sanitation services and for permission to discharge industrial effluent in terms of subsection (1).
- (5) A sewer plan indicating the position, depth, connection point and connecting manhole must be submitted to the Municipality for approval.

73. Unauthorised discharge of industrial effluent

- (1) No person shall discharge or cause or permit to be discharged into the sewage disposal system any industrial effluent except with and in accordance with the provisions of this By-law and the written permission of the Municipality.
- (2) The person to whom permission has been granted in terms of this Chapter shall ensure that no industrial effluent is discharged into the sewage disposal system unless it is in accordance with section 59(2) and complies with the standards and criteria set out in Schedule "A" hereto.

74. Relaxation of standards

- (1) The Municipality may in writing in the permission concerned relax or vary the standards prescribed in Schedule "A" provided that the Municipality is satisfied that any such relaxation or variation represents the best practicable environmental option.
- (2) In determining whether relaxing or varying the standards in Schedule "A" represents the best practicable environmental option an authorised official shall apply a risk-averse and cautious approach and give consideration to:
 - (a) whether the applicant's plant is operated and maintained at optimal levels;
 - (b) whether the technology used by the applicant represents the best available to the applicant's industry and, if not, whether the installation of such technology would entail unreasonable cost to the applicant;
 - (c) whether the applicant is implementing a program of waste minimization which complies with national and local waste minimization standards to the satisfaction of the Municipality;
 - (d) the cost to the Municipality of granting the relaxation or variation; and
 - (e) the environmental impact, or potential impact, if the relaxation or variation is granted.

75. Test samples

- (1) Test samples may be taken at any time by a duly qualified sampler to ascertain whether the industrial effluent complies with Schedule "A" or any other standard prescribed by the Municipality in a written permission.
- (2) The holder of a permission issued in terms of subsection (1) shall provide a sampling point, to the satisfaction of an authorised official, in respect of the industrial premises concerned.

76. Conditions for disposal of industrial effluent

- (1) The Municipality may in the written permission or at any time, by written notice, require a person to whom permission had been granted in terms of section 72(2) to—
 - (a) subject the industrial effluent to such preliminary treatment as in the opinion of the Municipality will ensure that the industrial effluent conforms to the standards prescribed in Schedule "A" before being discharged into the sewage disposal system;
 - (b) install such equalizing tanks, valves, pumps, grease traps, appliances, meters and other equipment as in the opinion of the Municipality will be necessary to control the rate, time and quality of discharge into the sewage disposal system in accordance with the conditions imposed by it and for it to be metered;
 - (c) install for the conveyance of his or her industrial effluent into the sewage disposal system at a given point, a drainage installation separate from the drainage installation for wastewater and standard domestic effluent and may prohibit such permit holder from disposing of his or her industrial effluent at any other point and from disposing of his or her wastewater and standard domestic effluent by means other than into a sewage disposal system;
 - (d) construct on any pipe conveying his or her industrial effluent to any sewer, a manhole and/or stop-valve in such position and of such dimensions and materials as an authorised official shall prescribe;
 - (e) provide all such information as may be required or called for by the Municipality to enable it to assess the charges due to the Municipality in terms of this By-law in accordance with the formula prescribed by it;
 - (f) provide adequate facilities such as level or overflow 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 this By-law;
 - (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 the permit holder at times required by the Municipality and copies of the calibration to be forwarded to the Municipality;
 - (h) cause his or her industrial effluent to be analyzed as often and in such manner as may be prescribed by the Municipality and provide it with the results of these tests when completed;
- (2) The written permission of the Municipality must be obtained for any proposed changes to the composition of industrial effluent discharged into the sewage disposal system;
- (3) In the event of the permit holder discharging into the sewage disposal system any industrial effluent which does not comply with standards in Schedule "A" or the written permission issued in respect of that process or premises, the permit holder or his or her agent shall, within twelve hours of the discharge, notify the Municipality of the incident and the reasons for it.
- (4) The cost of any treatment, plant, works or analysis required in terms of subsection (1), shall be borne by the person to whom permission had been granted.

77. Withdrawal of written permission for disposal of industrial effluent

- (1) The Municipality may withdraw any permission to discharge industrial effluent into the sewage disposal system granted in terms of this Chapter by written notice of ten working days if the person to whom such permission had been granted—
 - (a) fails to ensure that the industrial effluent so discharged conforms to the industrial effluent standards prescribed in Schedule "A" of this By-law or in the written permission;
 - (b) fails or refuses to comply with any notice lawfully served on him or her in terms of this By-law or contravenes any provision of this By-law or any condition imposed in terms of any permission granted to him or her; or
 - (c) fails to pay the charges due in respect of any industrial effluent discharged.
- (2) The Municipality may, when withdrawing the permission as contemplated in subsection (1),—
 - (a) in addition to any steps prescribed in this By-law authorize the closing or sealing of the connecting sewer or drain of the said premises to any sewer at the cost of such person;

- (b) refuse to accept any further industrial effluent until it is satisfied that the person concerned has taken adequate steps to ensure that the industrial effluent to be discharged conforms with the standards prescribed in this By-law.
- (3) The Municipality may, subsequent to a drain or connecting sewer having been closed or sealed in terms of subsection (2), upon being satisfied that the effluent to be discharged meets with the standards prescribed in this By-law and against payment of the prescribed fees, open or authorize the reopening of the connection or seal.

78. Measurement of quantity of industrial effluent discharged

- (1) The Municipality may install, in such position as it determines, in any drainage installation conveying industrial effluent to a sewer, any meter or gauge or other device for the purposes of ascertaining the quantity or composition of the industrial effluent and it may recover the installation and maintenance costs from the owner.
- (2) It is an offence for any person to bypass, open break into or otherwise interfere with or to damage any such meter, gauge or other device.
- (3) The Municipality may after consultation with the person concerned, establish an alternative method of assessing the quantity of the effluent to be discharged.
- (4) Notwithstanding the foregoing provisions of this section, the Municipality may require any person who discharges industrial effluent into its sewers to provide one or more meters in such a position in the water installation as the Municipality may deem necessary to record the water consumption in a specific part of the premises.
- (5) The quantity of industrial effluent discharged into the sewage disposal system or to sea outfalls shall be determined—
 - (a) where a measuring device is installed by the quantity of industrial effluent discharged from a premises as measured through that measuring device; or
 - (b) until such time as a measuring device is installed by a percentage of the water supplied by the Municipality to that premises.
- (6) The Municipality may determine a rebate to apply to the prescribed fees if the owner or occupier discharges industrial effluent—
 - (a) solely during periods specified by the Municipality; and/or
 - (b) containing constituents which will have a beneficial effect on the effluent discharged from the sewage treatment plant.
- (7) Where a portion of the water supplied to the premises forms part of the end-product of any manufacturing process or is lost by reaction or evaporation during the manufacturing process or for any other reason, the Municipality may upon application, reduce the assessed quantity of industrial effluent.
- (8) Where a premise is supplied with water from a source other than or in addition to the Municipality's water supply system, including abstraction from a river or a borehole, the quantity of standard industrial effluent will be a percentage of the total water used on that premise as may be reasonably estimated by the Municipality.

79. Damage to sewage disposal system or the environment

If a person is discharging industrial effluent which will, if allowed to continue, seriously damage the sewage disposal system or the environment, the Municipality may immediately authorise the sealing of the sewer connection through which the industrial effluent is being discharged. No person shall permit the opening of that connection until the Municipality is satisfied that the industrial effluent will comply with the prescribed standards.

80. Periodic review

Acceptance of the industrial effluent shall be subject to periodic review; provided that such review may be made at any time if, in the opinion of the Municipality, special circumstances exists to justify such review.

81. Change in process of manufacture of materials

The Municipality shall be notified in writing of any proposed change in the process of manufacture or production or in the quantity or nature of the materials used which is likely to affect the nature, composition or quantity of the industrial effluent discharged prior to these changes being effected and its permission for the continued discharge of such effluent shall be obtained in writing.

Part 3

Drainage Installations

82. Construction or installation of drainage installations

- (1) No person may construct, reconstruct, alter, add to or make any permanent disconnection in or of any drainage installation without first having obtained the permission of the Municipality in writing.
- (2) Any drainage installation constructed or installed must comply with any applicable specifications in terms of the Building Regulations, any standards prescribed in terms of the Act and SANS Code 0400-1990 Part P, Drainage and any amendments thereto.
- (3) A person may only commence with drainage work mentioned in subsection (1) for which permission has been given in terms of this By-law, if the Municipality is notified in writing one week in advance stating the day on and time at which the intended work will proceed.
- (4) Before any part of a drainage installation is permanently covered or otherwise rendered practically inaccessible to visual inspection, it must be inspected and approved by the Municipality.
- (5) The owner or occupier of any premises must maintain any drainage installation and any sewer connection on such premises.
- (6) No person may, without the prior written permission of the Municipality install or use a pipe or fitting in a drainage installation within the Municipality's area of jurisdiction, unless it is of a type approved by the Municipality.

- (7) (a) Where the draining installation is a pit latrine it must be of the ventilated improved pit latrine type or equivalent having—
- (i) a pit with a minimum capacity of 2m³;
 - (ii) lining as required;
 - (iii) a slab designed to support the superimposed loading; and
 - (iv) protection preventing children from falling into the pit;
- (b) The ventilated improved pit latrine must conform to the following specifications—
- (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 150mm in diameter, and must be installed vertically with no bend;
 - (iii) the interior of the closet must be finished smooth so that it can be kept in a clean and hygienic condition. The superstructure must be well-ventilated in order to allow the free flow of air into the pit to be vented through the pipe;
 - (iv) the opening through the slab must be of adequate size as to prevent fouling. The rim must be raised so that liquids used for washing the floor do not flow into the pit. It shall be equipped with a lid to prevent the egress of flies and other insects when the toilet is not in use;
 - (v) must be sited in a position that is independent of the residential structure;
 - (vi) must be sited in positions that are accessible to road vehicles having a width of 3.0m in order to facilitate the emptying of the pit;
 - (vii) in situations where there is the danger of polluting an aquifer due to the permeability of the soil, the pit must be lined with an impermeable material that is durable and will not crack under stress;
 - (viii) in situations where the ground in which the pit is to be excavated is unstable, suitable support is to be given to prevent the collapse of the soil;
 - (ix) the latrine must have access to water for washing hands.
- (8) Only chemical toilets may be erected on building sites. Alternatively, water closets for employees may only be erected at the site connection point.
- (9) A toilet, temporary or permanent, may under no circumstances be erected directly on top of a municipal or private manhole.
- (10) Water supply from a borehole may under no circumstances be connected to a water installation which is connected to the water supply system of the Municipality.
- (11) No bucket sewer system shall be allowed within the municipal area.
- (12) Any chemical toilets erected at any premises for whichever reason must be approved of by the Municipality.

83. Construction by the Municipality

The Municipality may agree with the owner of any premises that any drainage work which such owner desires, or is required to construct in terms of this By-law or the Building Regulations, will be constructed by the Municipality against payment, in advance or on demand, of all costs associated with such construction.

84. Servitudes

A servitude shall be registered at the cost of the owner where a drain is installed across the property of another party. The Municipality may also require the registration of a servitude where necessary.

85. Drains in streets and 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 Municipality, except with the prior written permission of the Municipality and subject to such conditions as it may impose and only after the prior approval of a building plan.

86. Maintenance of drainage installation

- (1) The owner or occupier of any premises must maintain any drainage installation and any sewer connection on such premises or in the servitude applicable thereto delivery pipeline from the premises concerned to the point of acceptance shall be maintained by the permit holder in a proper condition and free from leaks.
- (2) The maintenance of any communal system is the responsibility of the owners.
- (3) Any person who requests the Municipality to clear a drainage installation will be liable to pay the prescribed fee.
- (4) The Municipality may, on the written application of the owner or occupier of any premises, inspect and test the drainage installation of such premises or any section thereof and recover from the owner or occupier the cost of such inspection and test, calculated at the rate specified in the prescribed fees.

87. Disconnection of drainage installation

- (1) The Municipality 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 106 and it has not received an application for subsequent provision to the premises served by the sewer within a period of 90 days of such termination; or
 - (b) the building on the premises concerned has been demolished.

Part 4**Sanitation: Miscellaneous****88. Reduction in the quantity determined in terms of domestic and industrial effluent**

- (1) A person shall be entitled to a reduction in the quantity determined in terms of sections 71 and 78 in the event that the quantity of water on which the percentage is calculated was measured during a period where water was wasted or a leakage was undetected if the consumer demonstrates to the satisfaction of the Municipality that the said water was not discharged into the sewage disposal system.
- (2) The reduction in the quantity shall be based on the Municipality's Credit Control and Debt Collection By-laws and policy.
- (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, whichever 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 an average consumption, based on the preceding 3 (three) months, for the same length of time. In the event of no previous consumption history being available the average water consumption will be determined by the Municipality, 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 consumer's failure to comply with or is in contravention of this by-law.

89. Damage to sewage disposal system

- (1) A person may not damage or endanger the sewage disposal system, or cause or permit it to be damaged or endangered.
- (2) Any person who intends performing work on land owned by or vested in the Municipality or over which it has a servitude or other right and which may cause damage to the sewage disposal system shall, prior to commencement of such work, ascertain from the Municipality if any part of the sewage disposal system is situated on the said land.
- (3) If work which is to be performed or is being performed on land referred to in subsection (2), or on land adjacent thereto and which in the opinion of the Municipality could damage or endanger the sewage disposal system it may, by notice in writing, require the person concerned not to commence, or to cease performing, the work until such time as he or she has complied with the conditions specified in the notice.

90. Consequential maintenance of sewers

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 the requirements of this By-law or otherwise, the Municipality shall be entitled to remove the obstruction or perform the maintenance or repairs deemed necessary by the authorised official, at the expense of such person.

91. Installation of pre-treatment facility

- (1) The Municipality may require that any new premises must be provided with a minimum pre-treatment facility of a type specified by it prior to that premises being connected to the sewage disposal system.
- (2) The Municipality may, if deemed necessary, request an owner of any other premises to install a pre-treatment facility at the owner's cost.

92. Protection from ingress of floodwaters

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

93. Work by private persons

- (1) The Municipality 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 Municipality's specifications applicable to the work, as well as the following provisions:
 - (a) any person performing work in terms of this section shall, prior to commencement of such work, indemnify the Municipality in writing and to its satisfaction against all liability in respect of any accident or injury to persons or loss or damage to property which may occur as the direct or indirect result of the 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 Municipality;
 - (c) whenever the 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 Municipality at the expense of the person who performed the work. Prior to the disturbance of the surface of such street or road a deposit shall be made by such person with the Municipality to cover the estimated cost of such restoration to its satisfaction. When the actual cost exceeds or is less than the amount deposited, any excess shall be recoverable from such person and any balance shall be refunded to him or her;
 - (d) all work shall be performed in accordance with the requirements and to the satisfaction of the Municipality.

94. Non-waterborne disposal of effluent

- (1) Where no municipal sewer is available for the discharge of wastewater, no person may dispose of wastewater-
 - (a) unless the Municipality has approved the method of transportation and imposed such conditions as it may deem fit;
 - (b) by any method of transportation unless written proof of acceptance is provided in every instance by the person in charge of a facility approved by the Municipality where such wastewater or its by-products is disposed of; such proof to be retained and made available for inspection by the person who generated the wastewater or its by-products for at least one year after the date of such disposal.
- (2) No person who transports wastewater by any means other than waterborne transportation may-
 - (a) dispose of such wastewater at or in any place other than at a facility approved by the Municipality; or
 - (b) allow such wastewater to spill, leak or seep from any container.
- (3) The provisions of subsections (1) and (2) also apply to chemical toilets.

CHAPTER 4**DEPOSITS, PAYMENTS AND ACCOUNTS****95. Deposits**

- (1) Every consumer must on application for the provision of water services and before such water services will be provided by the Municipality, deposit with the Municipality a sum of money as determined in terms of the Municipality's Credit Control and Debt Collection By-law and policy except in the case of a pre-payment measuring device being used by the Municipality.
- (2) The Municipality may require a consumer to whom services are provided and who was not previously required to pay a deposit, for whatever reason, to pay a deposit on request within a specified period.
- (3) The Municipality may from time to time review the deposit paid by a consumer in terms of subsection (1) and, in accordance with such review require that an additional amount be deposited by the consumer if in the opinion of the Municipality the consumption is considerably higher than calculated or declared initially, or if the consumer is in default of payment for water services.
- (4) An amount deposited with the Municipality in terms of subsections (1), (2) and (3), must not be regarded as being in payment or part payment of an account due for water services rendered.
- (5) If, upon the termination of the Agreement for the provision of water services, an amount remains due to the Municipality in respect of water services rendered to the consumer, the Municipality may apply the deposit in payment or part payment of the outstanding amount and refund any balance to the consumer, if the address of the consumer is known.
- (6) Notwithstanding the provision in subsection (5) an agreement for the provision of water services may contain a condition that a deposit shall be forfeited to the Municipality if it has not been claimed within twelve months of the termination of the agreement.
- (7) No interest will be paid by the Municipality on the amount of a deposit held by it in terms of this section.
- (8) When a water supply is disconnected due to an unpaid account, the deposit may be allocated to the unpaid account and a new deposit must be paid before the water supply is reconnected.

96. Fees for Services

- (1) All fees payable in respect of water services rendered by the Municipality in terms of this By-law, including but not limited to the payment of connection fees, fixed fees or any additional fees or interest in respect of failure to pay such prescribed fees on the specified date, shall be prescribed by resolution of the Municipality and must be in terms of section 10 of the Act and the regulations made there under. The applicable fees are in accordance with the Municipality's Credit Control and Debt Collection By-laws and policy and appear in the Tariff By-laws, as amended annually by the Municipal Council in terms of section 11(3)(i) read with section 21 of the Municipal Systems Act (Act No. 32 of 2000).
- (2) Where a fixed fee as contemplated in subsection (1) is levied on an annual, monthly or once-off basis it shall be payable by every owner or consumer in respect of water services provided by the Municipality to him or her or it, irrespective of whether such services are made use of.
- (3) If any portion of land, whether or not there is any improvement thereon, is, or in the opinion of the Municipality could be connected to the water services system of the Municipality, the owner of that land must pay to the Municipality the fees determined by the Municipality.
- (4) The consumer and the owner of the premises are jointly and severally liable to pay the fees determined by the Municipality, in respect of any fire extinguishing installation or appliance used or installed upon such premises.

97. Accounts

- (1) Monthly accounts will be rendered to consumers for the amount due and payable at the address last recorded with the Municipality and further administered in accordance with the Municipality's Credit Control and Debt Collection By-laws and policy.
- (2) The Municipality shall show on each water account rendered to a consumer the actual or estimated meter readings in kilolitres or cubic metres, together with the dates of the readings and the total amount due in Rands. If the readings are estimated, this shall be clearly indicated on the account.
- (3) If it is established that a meter is defective, the Municipality will, in accordance with clause 21 adjust the account rendered.
- (4) A consumer shall not be entitled to a reduction of the amount payable for water wasted in a water installation or water losses unless he or she can render proof of the repair of a leakage on his or her premises during such period and comply with such further requirements as prescribed in the Municipality's Credit Control and Debt Collection By-laws and policy.
- (5) Failure by the Municipality to render an account does not relieve a consumer of the obligation to pay any amount due and payable. It is the consumer's responsibility to enquire from the Municipality should an account not be received in order to make timely payment.

98. Payment for water services

- (1) Water services provided by the Municipality must be paid for by the consumer at the prescribed fees for the particular category of water services provided.
- (2) A consumer is responsible for the payment of all water services provided to him or her from the date of installation of the service in respect of a new installation or from the date of conclusion of the agreement in the event of an existing connection, until termination of the agreement between the Municipality and the consumer.
- (3) The Municipality may estimate the quantity of water services provided in respect of a period or periods within the interval between successive measurements which may not be more than 90 days apart, and may render an account to the consumer for the services so estimated, which estimate will, for the purposes of this By-law, be regarded as an accurate measurement until the contrary is proved.
- (4) If a consumer uses water supply services for a category of use other than the services which is provided for in terms of an agreement with the Municipality and as a consequence is charged at a rate lower than the rate that should have been charged, the Municipality may make an adjustment of the amount charged in accordance with the rate which should have been charged and recover from the consumer the fees payable in accordance with such adjustment, and may also review the amount of the deposit held, in accordance with section 95(3).
- (5) If amendments to the prescribed fees for water services provided become operative on a date between measurements for the purposes of rendering an account in respect of such fees—
 - (a) the same quantity of water services must be regarded as having been provided in each period of twenty four hours during the interval between the measurements; and
 - (b) any prescribed fee must be calculated on a pro rata basis in accordance with the prescribed fee which applied immediately before such amendments.
- (6) Failure by the Municipality to comply with the period of 90 days referred to in subsection (3) will not affect the Municipality's right to recover any monies due to it by a consumer.
- (7) If a consumer is dissatisfied with an account rendered for water supplied to him or her by the Municipality he or she may, prior to the due date stipulated therein, object in writing, or be assisted by the Municipality to object in writing to the account, setting out his or her reasons for such dissatisfaction; provided that the lodging of an objection shall not entitle a consumer to defer payment except with the written consent of the Municipality.
- (8) The Municipality will register the query or complaint and provide the consumer with reference number.
- (9) The Municipality shall—
 - (a) investigate or cause the query or complaint to be investigated within 14 days after the query or complaint was registered; and
 - (b) must inform the consumer, in writing, of his or her finding as soon as possible thereafter.

99. Appeals against a finding of the Municipality in respect of queries or complaints.

- (1) A consumer may in writing appeal against a finding of the Municipality in Section 98(9).
- (2) An appeal and request in terms of subsection (1) must be made in writing and lodged with the Municipality by the consumer within 21 days after being informed of the finding referred to in Section 98(9) and must—
 - (a) set out the reasons for the appeal; and
 - (b) be accompanied by any deposit determined for the testing of a measuring device, if applicable.
- (3) The consumer is liable for all prescribed fees, other than that appealed against, falling due and payable during the adjudication of the appeal.
- (4) An appeal must be decided by the Municipality within 21 days after an appeal was lodged and registered and the consumer will be informed of the outcome in writing, as soon as possible thereafter.
- (5) The decision of the Municipality is final and the consumer must pay any amounts due and payable in terms of the decision within 14 days of him or her or it being informed of the outcome of the appeal.
- (6) The Municipality may condone the late lodging of appeals or other procedural irregularities.
- (7) If it is alleged in an appeal that a measuring device is inaccurate, the device must be subjected to a standard industry test to establish its accuracy in accordance with Section 20 of this By-law.

100. Payment in respect of prepayment meters

When a consumer is supplied with water through a prepayment meter, in addition to the requirements of section 4:

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

CHAPTER 5
GENERAL PROVISIONS

Part 1

Unlawful actions and termination

101. General responsibility for compliance with this By-law and other laws

- (1) The owner of premises is responsible for ensuring compliance with this By-law in respect of all or any matters relating to any installation, and if he or she is not the consumer who actually uses the water services, the owner is jointly and severally liable with such consumer in respect of all matters relating to the use of any water services on his or her property, including any financial obligation.
- (2) The consumer is primarily responsible for compliance with this By-law in respect of matters relating to the use of any water services.
- (3) No approval given under this By-law relieves any owner or consumer from complying with any other law relating to the abstraction and use of water, or the disposal of effluent.
- (4) No clearance for transfer shall be issued in respect of new developments or subdivisions unless the water supply, sanitation services and storm water installations have been completed to the satisfaction of the Municipality and the conditions of approval have been complied with.

102. Interference with water services

- (1) No person may—
 - (a) manage, operate or maintain any part of the water supply system;
 - (b) manage, operate or maintain any part of the sewerage disposal system;
 - (c) effect a connection or reconnection or a meter to the water supply system or sewerage disposal system;
 - (d) dump or release any substances into the sewer disposal system;
 - (e) render any other sanitation services;

unless authorised to do so by this By-law or the Municipality in writing and subject to such conditions as imposed by the Municipality.

- (2) No person may interfere with, or wilfully or negligently damage, or permit damage to or interference with any part of the water supply system or sewerage disposal system belonging to the Municipality.
- (3) No person may connect any temporary toilet device to the municipal sewer system by the installation thereof directly on top of a manhole.
- (4) Connections to the sewage disposal system may be undertaken by a developer or owner in exceptional cases at the discretion of the Municipality and subject to any conditions imposed by the Municipality in which event an inspection fee shall be payable to the Municipality.

103. Obstruction of access to water supply system or sanitation service

- (1) No person shall prevent or restrict physical access to the water supply system or sewerage disposal system by any employee or duly authorised official of the Municipality.
- (2) If a person contravenes subsection (1), the Municipality may—
 - (a) by written notice require such person to restore access at his or her own expense within a specified period; or
 - (b) if the Municipality is of the opinion that the situation is a matter of urgency, without prior notice restore access and recover the cost from such person; and/or
 - (c) impose a fine as determined by the Municipality from time to time.

104. Prohibition of access to water services other than through the Municipality

- (1) No person is permitted to have access to water services from a source other than the Municipality, without its written approval.
- (2) Despite the provision of subsection (1) hereof, a person who, at the commencement of this By-law, was using water from another source may continue to do so—
 - (a) for a period of 60 days after he or she has been requested to apply for approval; and
 - (b) thereafter until the application for approval is granted; or
 - (c) for a reasonable period thereafter, within the discretion of the Municipality, if the application for approval is refused.
- (3) In granting approval, the Municipality may require the person seeking approval to supply such services as may be specified in the approval to others on reasonable terms, which must be specified by the Municipality.

105. Unauthorised use of water services

- (1) No person may temporarily or permanently, gain access to water services from the water supply System, the sewerage disposal system or any other sanitation services unless an agreement referred to in section 4 or 5 has been concluded with the Municipality.
- (2) The Municipality may, irrespective of any other action it may take against a person referred to in subsection (1) in terms of this By-law,

by written notice order the person to-

- (c) apply for such services in terms of sections 4 or 5; and
 - (b) undertake such work as may be necessary to ensure that the consumer installation through which access was gained complies with the provisions of this By-law.
- (3) The provisions of section 110 shall apply to a notice in terms of subsection (2) above.

106. Termination of Agreements

- (1) A consumer may terminate an agreement for the provision of water services by giving the Municipality not less than five working days' written notice of his or her intention to do so. The Municipality shall be entitled to recover from the consumer the applicable fees for removal of the measuring device.
- (2) The Municipality may by giving written notification of not less than 30 days, terminate a consumer's agreement for the provision of water services by the Municipality if-
 - (a) he or she has not used the water services during the preceding 6 months and has not made arrangements to the satisfaction of the Municipality for the continuation of the agreement;
 - (b) an arrangement has been made by such consumer with another water services institution to provide water services to the consumer.
- (3) The Municipality may by giving 1 working day's written notice terminate a consumer's agreement for the provision of water services if he, she or it has failed to comply with the provisions of this By-law and has failed to rectify such failure to comply following the issue of a compliance notice and has failed to pay prescribed fees due and payable.
- (4) the Municipality may, after having given notice, terminate an agreement for services if a consumer has vacated the premises to which such agreement relates.
- (5) (a) If it is determined by a person legally entitled to do so, other than the Municipality, that an existing water service on private property, or emanating from private property, is creating environmental damage or water pollution, or water wastage, and the owner of the property or consumer, whichever is applicable, is directed to carry out measures as are required under any Act or law to rectify the situation, the Municipality is not liable for any damages arising as a result of the measures required to be taken or in respect of damages suffered as a result of a permanent or temporary termination of the services.
 - (b) Should the consumer fail to carry out such measures, the Municipality may subject to the provisions of Chapter 4, undertake the measures required, and any expenditure incurred may be recovered from the owner of the premises or the consumer as the case may be.

107. Water services intermediaries

- (1) A water services intermediary must have a contract with the consumer (for example employment or property lease contract) of which the main purpose is not the provision of water services.
- (2) The Municipality may by public notice, require a water services intermediary for the supply of water and sanitation services to register with the Municipality and to provide it with such details in respect of the delivery of water services on its premises as may be required by the Municipality to fulfil its own legal obligations.
- (3) Farm owners are regarded as employers and as such are responsible for housing and related services to their employees living on the farms. Farm owners are therefor water services intermediaries in terms of the Act and are responsible for the provision of at least basic water services to people living on the farm.
- (4) The quality, quantity, affordability and sustainability of water services provided by a water services intermediary must meet the minimum norms and standards prescribed in terms of sections 9 and 10 and applicable regulations of the Act and any potable water quality must comply with the standards for human consumption as specified in SANS 0241.
- (5) The Municipality may require a water services intermediary to allow the taking of water and effluent samples on its premises as and when the Municipality regards it as necessary to comply with its legal mandate to ensure water quality standards are met within the area of its jurisdiction.
- (6) In the event of a failure by the intermediary to perform its functions effectively, the Municipality may, subject to the provisions of section 26 of the Act, direct the intermediary to rectify its failure, and if the direction is not complied with, the Municipality may itself take over such functions.
- (7) When the water services intermediary is capable of resuming its functions effectively, the Municipality must stop exercising such functions on behalf of the intermediary and may recover from the water services intermediary all expenses incurred and losses suffered due to having acted on behalf of the water services intermediary.
- (8) The Municipality will as contemplated in section 27 of the Act monitor the performance of water services intermediaries to ensure that norms and standards for fees, any conditions set by the Municipality and the relevant provisions of this By-law are adhered to.
- (9) Water services intermediaries must ensure that good health and hygiene practices are exercised in respect of the water services rendered by itself and the usage thereof by its consumers. The Municipality will upon a written request assist to facilitate the implementation of such health and hygiene practices but any costs related thereto would be for the account of the water services intermediary.

Part 2

Enforcement of By-Laws and Other Legal Matters

108. Authorisation of authorised official

The Municipality and a service provider as contemplated in the definition of the Municipality and in section 76 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), may authorise any person in its employ to be an authorised official.

109. Functions of authorised official

- (1) An authorised official may execute work, conduct an inspection and monitor and enforce compliance with this By-law.
- (2) Subject to the provision of any other law, an authorised official must carry out the functions contemplated in this section and the powers set out herein.

110. Notices and documents

- (1) A notice or document issued by the Municipality in terms of this By-law shall be deemed to be duly authorised if an authorised official signed it.
- (2) If a notice or document is to be served on an owner, consumer or any other person in terms of this By-law it shall be done in accordance with section 115 of the Systems Act and such service shall be effected by-
 - (a) delivering it to him or her personally or to his or her duly authorised agent;
 - (b) delivering it at his or her residence, village or place of business or employment to a person not less than sixteen years of age and apparently residing or employed there;
 - (c) if he or she has nominated an address for legal purposes, delivering it to such an address;
 - (d) if he or she has not nominated an address for legal purposes, delivering it to the address given by him or her in his or her application for the provision of water services, for the reception of an account for the provision of water services;
 - (e) sending it by pre-paid registered or certified post addressed to his or her last known address for which an acknowledgement of the posting thereof will be obtained from the postal service;
 - (f) in the case of a legal person, by delivering it at the registered office or business premises of such legal person; or
 - (g) if service cannot be effected in terms of subsections (a) to (f), by affixing it to a conspicuous place on the premises concerned.
- (3) In the case where compliance with a notice is required within a specified number of working days, such period shall be deemed to commence on the date of issue of such notice.
- (4) A notice or document issued in terms of subsection (2) is valid until one of the following events occurs:
 - (a) it is carried out;
 - (b) it is cancelled by the authorised official who issued it or, in that person's absence, by a person with similar authority;
 - (c) the purpose for which it was issued, has lapsed; or
 - (d) three months have passed since the date of issue unless the notice specifically stipulates that it would be valid until a date still to be determined by the Municipality.
- (5) An authorised official who is satisfied that the owner or person apparently in control of any premises has satisfied the terms of a compliance notice may issue a compliance certificate to that effect.

111. Power to serve notices and compliance

- (1) The Municipality may, by written notice, order an owner, consumer or any other person who, by an act or omission, fails to comply with:
 - (a) a provision of this By-law; or
 - (b) any condition imposed by this By-law to remedy such failure within a period specified within the compliance notice.
- (2) If an owner or consumer or any other person fails to, within the specified period, comply with a written notice served on him or her by the Municipality in terms of this By-law, the Municipality may take such action as in its opinion is necessary to ensure compliance, including—
 - (a) Undertaking the actions and/or work necessary and recovering the cost of such actions and/or work from the owner, consumer or other person, as the case may be; or
 - (b) Restricting or discontinuing the provision of services to the owner, consumer or other person, as the case may be; and
 - (c) Instituting legal proceedings against the owner, consumer, or other person, as the case may be in terms of section 112 of the Systems Act; and/or
 - (d) The imposition of a fine.
- (3) A notice in terms of subsection (1) will-
 - (a) provide details of the provision of the By-law that has not been complied with;
 - (b) provide the owner, consumer, or other party a reasonable opportunity to make representations and state his or her case in writing to the Municipality within a specified period, unless the owner, consumer or other person was given such an opportunity before the notice was served;
 - (c) specify the steps that the owner, consumer or other person must take to rectify or remedy the failure;
 - (d) specify the period within which the owner, consumer or other person must take these steps to rectify the failure; and
 - (e) indicate that the Municipality may;-
 - (i) if the notice is not complied with, undertake or allow the work that is necessary to rectify the failure to be undertaken and recover from the owner, consumer or other person the actual cost of such work; and
 - (ii) take any other action it deems necessary to ensure compliance.

- (4) In the event of an emergency, notwithstanding any other provisions of this By-law, the Municipality may without prior notice undertake the work contemplated in subsection (3) and recover such costs from the owner, consumer or other person, as the case may be.
- (5) The actual costs recoverable by the Municipality in terms of subsections (3) and (4) shall be the full costs associated with such work and include, but is not limited to:-
 - (a) the costs of any exploratory investigation, plan, specification, schedule of quantities, supervision, administrative charge, the use of tools, and the labour involved in disturbing or rehabilitating any part of a street or ground affected by the work; and
 - (b) the environmental costs of such work.

112. Power of entry and inspection

- (1) An authorised official may for any purpose in accordance with the provisions of section 80 of the Act and/or the implementation or enforcement of this By-law, at all reasonable times, after having given at least 5 working days' notice of the intention to do so, or in an emergency at any time, enter premises, request information and carry out such inspection and examination as he or she may deem necessary, and for those purposes operate any water fitting of the water installation or sewage disposal system.
- (2) If the Municipality considers it necessary that work be performed to enable an authorised official to perform a function referred to in subsection (1) properly and effectively, it may -
 - (a) by written notice of at least 5 working days require the owner or occupier of the premises at his or her own expense to do specified work within the specified period; or
 - (b) if in its opinion the situation is a matter of urgency, without prior notice do such work or cause it to be done at the expense of the owner.
- (3) The work contemplated in subsection (2) may include the installation of water services across, over, on or through any fixed property and the operation, maintenance and removal thereof at the Municipality's discretion without compensation to the owner or occupier of such immovable property.
- (4) If the work referred to in subsection (2) is carried out for the sole purpose of establishing whether a contravention of this By-law has been committed and no such contravention is established, the Municipality shall bear the expense connected therewith together with that of restoring the premises to its former condition.
- (5) If an authorised official requires the presence of—
 - (a) an owner at an inspection of his or her water installation;
 - (b) a contractor at an inspection of work carried out by the contractor;
 - (c) a registered plumber doing installation work at an inspection of such work; he or she may give such person written notice of not less than 5 working days to that effect, indicating the date and time when and the place where he or she proposes to carry out the inspection.

113. Additional powers of authorised official

- (1) An authorised official, in addition to any other powers conferred upon him or her in terms of this By-law, may—
 - (a) execute work on or inspect premises;
 - (b) question a person present on any premises in respect of any matter which may be relevant to the work or inspection;
 - (c) question a person whom the authorised official believes may have information relevant to the work or inspection;
 - (d) inspect any document that a person is required to maintain in terms of any law or that may be relevant to work or inspection;
 - (e) copy any document referred to in paragraph (d) or if necessary, remove the document in order to copy it;
 - (f) take samples of any substance that is relevant to the work or inspection;
 - (g) monitor and take readings or make measurements;
 - (h) take photos or make audio-visual recordings of anything or any person, process, action or condition on or regarding any premises; and
- (i) do what is necessary for the execution of work or the conducting of an inspection that the Municipality is required to undertake in terms of these By-laws.
- (2) An authorised official who removes anything other than a substance contemplated in subsection (1) (f) from the premises being worked upon or inspected, must—
 - (a) issue a receipt for it to the owner or person in control of the premises; and
 - (b) return it as soon as is practicable after achieving the purpose for which it was removed.

114. Procedure to execute work or conduct an inspection: entry with a written authorisation

- (1) An authorised official may subject to section 101 of the Systems Act, enter any premises if a justice of the peace as contemplated in section 3 and 4 of the Justices of the Peace and Commissioners of Oaths Act, 1963 (Act No. 16 of 1963) has issued a written authorisation to enter and execute work or inspect the premises, and the written authorisation is still valid.
- (2) A justice of the peace may issue a written authorisation to enter and execute work or inspect any premises if, from information on oath, there are reasonable grounds to believe—
 - (a) that, in the interest of the public, it is necessary to execute work or obtain information that cannot be obtained without entering those premises;

- (b) that there is non-compliance with any provision of this By-law in respect of the premises;
 - (c) that significant environmental degradation or water pollution has taken, or is likely to take place, or is suspected.
- (3) A justice of the peace may issue a written instruction to the owner or person in control of the premises to do work, at the expense of such owner or person, which is necessary to enable an authorised official to—
- (a) determine whether or not there has been a contravention of these By-laws on such premises;
 - (b) restore access to water supply system or any sanitation service where the owner or such person has restricted access;
 - (c) properly or effectively execute work or inspect premises, as contemplated in subsection (1).
- (4) If, after the work contemplated in subsection (3) has been performed, it is established that no contravention of this By-law has taken place, the expenses incurred in performing the work and restoring the premises to its former condition, shall be paid by the Municipality.
- (5) A written authorisation in terms of subsection (2) may be issued at any time and must specifically—
- (a) identify the premises that may be worked on or inspected; and
 - (b) authorise the authorised official to enter and execute work or inspect the premises and do anything listed in section 112.
- (6) A written authorisation issued in terms of subsection (2) is valid until one of the following events occur:
- (a) it is carried out;
 - (b) it is cancelled by the person who issued it or, in that person's absence, by a person with similar authority;
 - (c) the purpose for which it was issued, has lapsed;
 - (d) three months have passed since the date of issue.
- (7) A written authorisation issued in terms of subsection (2) may only be carried out between 07h00 and 19h00, unless the justice of peace who issues it states in writing that it may be carried out at a different time reasonable in the circumstances.
- (8) Before commencing any work or inspection, an authorised official who carries out a written authorisation must either—
- (a) if the owner of or a person apparently in control of the premises is present—
 - (i) identify him or herself and explain his or her authority to that person or furnish proof of such authority, and
 - (ii) hand a copy of the written authorisation to that person;
 - (b) if the owner or person apparently in control of the premises is absent or refuses to accept a copy, attach a copy of the written authorisation to the premises in a prominent and visible place.

115. Procedure to execute work or conduct an inspection: entry without a written authorisation

- (1) An authorised official who does not have a written authorisation may subject to section 101 of the Systems Act, enter and execute work or inspect—
- (a) any premises with the consent of the owner or person apparently in control of the premises; or
 - (b) any premises, except residential premises, on a routine basis
 - (i) no more frequently than six times during a twelve month period; or
 - (ii) more frequently if permitted by this By-law for the purposes of any work or inspection;
 - (c) any premises, if there are reasonable grounds to suspect that there is an emergency, and/or that any delay in commencing any work or inspection may—
 - (i) disrupt or adversely affect the provision of water and sanitation services;
 - (ii) result in excessive wastage or pollution of water; or
 - (iii) have significant detrimental effects on public or private health and safety;
 - (d) any premises from which there is a discharge or suspected discharge, into any sewer of any storm water, sewage, industrial effluent, or other liquid or substance contemplated in section 72(1), (2) and (3);
 - (e) any premises on which a nuisance is caused by, or related to, or emanates from a drainage installation; and
 - (f) any premises on which a contravention exists or is suspected.
- (2) Unless the emergency and/or delay in commencing any work or inspection referred to in subsection (1)(c) was caused by an act or omission of the Municipality, the cost of any remedial action taken in connection with subsections (c), (d), (e) and (f) must be paid by the owner of the premises.
- (3) In addition to the entry permitted in terms of subsection (1), an authorised official may enter any premises without a written authorisation in respect of which there is an outstanding compliance notice, issued in terms of section 110 for the purposes of determining whether that notice has been complied with.
- (4) Before commencing work or inspecting any premises in terms of this section, an authorised official must identify himself or herself and explain his or her authority or furnish proof of such authority to the person apparently in control of the premises or the person who gave permission to enter.
- (5) Any entry and execution of work or inspection without a written authorisation must be carried out at a reasonable time in the circumstances.

116. Using force to enter

- (1) Force may not be used to affect entry to execute work or conduct an inspection on any premises in terms of section 112, unless an emergency arises.
- (2) An authorised official carrying out a written authorisation in terms of section 114 may overcome any resistance to entry, execution of work or inspection by using as much force as is reasonably required, including breaking a lock, door or window of the premises to be entered.
- (3) Before resorting to force, the authorised official carrying out the written authorisation must audibly demand admission and must announce his or her purpose, unless he or she reasonably believes that doing so may induce someone to destroy, dispose of, or tamper with, an article or document that is the object of the inspection.

117. Authorised official may be accompanied

During the execution of any work or an inspection, an authorised official may be accompanied by a member of the South African Police Services or by any other person reasonably required to assist in executing the work or conducting the inspection.

118. Duty to produce document

Any person who holds any document relevant to the execution of any work or inspection contemplated in this Chapter must produce it at the request of an authorised official.

119. Complaints against persons other than the Municipality

Anyone may lodge a complaint with an authorised official, either directly or through any other channel established by the Municipality, that another person—

- (a) is likely to cause or has caused a disruption of the provision of water and sanitation services without just cause; or
- (b) is likely to act or has acted contrary to the provisions of this By-law;

in which event the authorised official, unless he or she has reasonable grounds to believe that the complaint is frivolous, must investigate the complaint and, take any necessary action which is competent in terms of this By-law.

120. Official address

- (1) For the purposes of the serving of any notice, order or other document relating to legal proceedings—
 - (a) the address of the owner of the premises on which domestic water is consumed or generated is deemed to be the official address of such owner; and
 - (b) the address of the consumer, as referred to in sections 4(5) and 59(1) is deemed to be the official address of the consumer.
- (2) Where any notice or other document is required by this By-law to be served on any person other than for the purpose of criminal proceedings, it must be served on him or her personally, failing which it may be served on any member of his or her household or an employee as the case may be, of the apparent age of 16 years or older, at the place of residence or business of that person, or if sent by registered post, to the official address contemplated in subsection (1), it will constitute prima facie proof of the serving of such notice.

121. Recovery of costs and fees

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

122. Liabilities and compensation

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

123. Legal compliance warranty

Notwithstanding any provisions to the contrary, any consumer by making application for water services, warrants that he or she will—

- (a) in his or her activities, application and use of the water services, comply with all relevant laws, regulations and standards governing the environment, health and safety;
- (b) take all reasonable measures to prevent pollution or environmental degradation from occurring, continuing or recurring;
- (c) in so far as such harm to the environment is authorised by law, or cannot reasonably be avoided or stopped, minimize and rectify such pollution or degradation of the environment; and
- (d) bear all costs and expenses incurred in meeting the above obligations and the implementation thereof.

124. False statement or information

No person may make a false statement or furnish false information to the Municipality, an authorised official or an employee of the Municipality, or falsify a document issued in terms of this By-law.

125. Exceptions and transitional arrangements

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

126. Exemptions

- (1) The Municipality may by resolution exempt any person from complying with a provision of this By-law subject to conditions, if the provision is considered to be unreasonable, provided that an exemption may not be granted which will result in—
 - (a) wastage or excessive water consumption;
 - (b) evasion or avoidance of water restrictions;
 - (c) a danger to public health, safety or the environment;
 - (d) non-payment for services;
 - (e) the installation of pipes and fittings which are not approved in terms of this By-law;
 - (f) non-compliance with the Act and regulations made in terms thereof.
- (2) The Municipality may at any time withdraw an exemption given in terms of subsection (1), provided that it must give the person concerned reasonable notice in writing of its intention to withdraw an exemption previously granted.

127. Appeals

An appeal against a decision of the Municipality taken in terms of this By-law must be made in terms of section 62 of the Local Government: Municipal Systems Act (Act 32 of 2000) by giving written notice of the appeal and the reasons therefor within 21 days of the date of notification of the decision to the Municipal Manager.

128. Offences

- (1) It is an offence for any person to—
 - (a) manage, operate or maintain the water services system through which municipal services are provided without being authorised thereto by the Municipality;
 - (b) render, install or change a water service which has been connected without permission of the Municipality to the municipal water services system directly or indirectly;
 - (c) refuse to grant an authorised official access to premises to which that authorised official is duly authorised to have access;
 - (d) obstruct, interfere or hinder an authorised official who is exercising a power or carrying out a duty under this By-law;
 - (e) fail or refuse to provide an authorised official with a document or information that the person is required to provide under this By-law;
 - (f) give false or misleading information to an authorised official;
 - (g) unlawfully prevent the owner of any premises, or a person working for that owner, from entering the premises in order to comply with a requirement of this By-law;
 - (h) pretend to be an authorised official;
 - (i) falsely alter an authorisation to an authorised official or written authorisation, compliance notice or compliance certificate issued in terms of this Chapter;
 - (j) enter any premises without a written notification in circumstances requiring such notification;
 - (k) act contrary to a written notice or document issued in terms of this Chapter;
 - (l) without authority—
 - (i) enter or inspect premises;
 - (ii) carry out any act mentioned in section 113 ;
 - (m) disclose any information relating to the financial or business affairs of any person which was acquired in the performance of any function or exercise of any power in terms of this By-law, except—
 - (i) to a person who requires that information in order to perform a function or exercise a power in terms of this By-law;
 - (ii) if the disclosure is ordered by a court of law; or
 - (iii) if the disclosure is in compliance of the provisions of any law.
 - (n) contravene or fail to comply with the provisions of this By-law;
 - (o) fail to comply with any notice issued in terms of this By-law;

- (p) fail to comply with any lawful instruction given in terms of this By-law;
 - (q) Unlawfully and intentionally or negligently interfere or tamper with any water services works of the Municipality;
 - (r) Ignore any temporary or permanent water restrictions without written exemption or relaxation of such restrictions by the Municipality;
 - (s) Contravene or fail to comply with any conditions imposed upon the granting of any application consent approval, concession, exemption or authority in terms of this By-law.
- (2) A person who causes or incites another person to commit an offence referred to in subsection (1), or who, being in a position of authority over another person, permits or allows him or her to commit an offence, will be guilty of that offence.

129. Penalties

- (1) Any person who contravenes any of the provisions of section 128 shall be guilty of an offence and liable on conviction to-
- (a) a fine or imprisonment or to such imprisonment without the option of a fine or to both such fine and such imprisonment and,
 - (b) in the case of a continuing offence, to an additional fine or an additional period of imprisonment or to such additional imprisonment without the option of a fine or to both such additional fine and imprisonment for each day on which such offence is continued and,
 - (c) a further amount equal to any costs and expenses found by the court to have been incurred by the Municipality result of such contravention or failure.
- (2) In addition to any penalty imposed in terms of sub section (2) the Municipality may terminate the water service to such a person.
- (3) The municipality may without compensation, confiscate the property or other instruments through which unauthorised services were accessed.

130. Application of this By-Law

This by-law applies to all persons or bodies, including organs of State, situated within the area of jurisdiction of the Municipality.

131. Repeal of By-laws

The by-laws listed in Schedule "C " are hereby repealed.

132. Short title and Commencement

This By-law is called the Overstrand Municipality Water Services By-law, and shall commence on 18 December 2009.