

WATER SERVICES BYLAWS

OF

THE MSUNDUZI MUNICIPALITY

AS

WATER SERVICES AUTHORITY

(ADOPTED IN TERMS OF SECTION 21
OF THE WATER SERVICES ACT 108 OF 1997)

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CHAPTER 1

DEFINITIONS AND INTERPRETATION

Definitions and Interpretation

- 1(1) In these Bylaws, unless the context otherwise indicates, any word or expression to which a meaning has been assigned in the Act, shall have the meaning so assigned, and
- (i) Act means the Water Services Act (Act No. 108 of 1997), as amended from time to time, and shall include any regulations made under the Act;
 - (ii) area of jurisdiction means, in the case of: (a) the municipality, including where such municipality acts as a water services provider as contemplated in section 19(1)(a) of the Act, the area of jurisdiction of such is the area contained within the boundaries of the Msunduzi Municipality; or in the case of (b) an authorised agent other than the municipality, the area agreed between the municipality and such authorised agent concerned;
 - (iii) authorised agent means: (a) any person authorised by the Municipality to perform any act, function or duty in terms of, or exercise any power under these bylaws; or (b) any person to whom the municipality has delegated the performance of certain rights, duties and obligations in respect of providing water supply services; or (c) any person appointed by the municipality in terms of a written contract as a service provider to provide water services to customers on its behalf, to the extent authorised in such contract; or (d) any person who has been so authorised, delegated or appointed;
 - (iv) borehole means a hole sunk into the earth for the purpose of locating, abstracting or using subterranean water and includes a spring;
 - (v) Building Regulations means the National Building Regulations made in terms of the National Building Regulations and Building Standards Act (Act No. 103 of 1977) as amended from time to time;
 - (vi) calendar days shall mean every day, including Saturdays, Sundays and public holidays;
 - (vii) camp means a camping site or a caravan park or a combination of a camping site and caravan park comprising one or more sites for the temporary erection or parking of units;
 - (viii) certified means certified as true and correct by a Commissioner of Oaths, Notary Public or public servant charged with the issue of the document in question, and "certificate" shall have the same meaning;
 - (ix) cluster housing means a consumer unit comprising more than one dwelling, whether adjoining each other or otherwise, grouped together on one subdivision as depicted on a diagram thereof as defined in the Land Survey Act 8 of 1997, or where such subdivision exceeds 1 hectare in extent, or naturally forming a cohesive unit around such dwellings;
 - (x) communal water services means a consumer connection installed by the Water Services Provider through which water services are supplied to more than one household;
 - (xi) connecting point means the point at which a drainage installation joins the connecting sewer;
 - (xii) connecting sewer means a pipe owned by the authority or the authorised provider, and installed by it for the purpose of conveying sewage from a drainage installation on a premises to a sewer beyond the boundary of those premises or within a servitude area or within an area covered by a way-leave or by agreement;
 - (xiii) connection pipe means a pipe, the ownership of which is vested in the authority or the authorised provider, and installed by it for the purpose of conveying water from a main to a water installation, and includes a "communication pipe" referred to in SABS 0252 Part I;
 - (xiv) consumer means the person with whom the authority or authorised provider has concluded an agreement as contemplated in sections 5 and 6, provided that: (a) in the event of such person having absconded or otherwise departed from the premises, and, despite reasonable diligent search cannot be located; or (b) in the event of such person having died or become incapacitated and no executor, representative or curator is appointed in respect of such person within a reasonable period of time after such death or incapacity, then it shall mean the occupier or person in charge of the premises to which water services are provided;
 - (xv) consumer unit means any structure situated on premises to which water services are

- provided in terms of these bylaws;
- (xvi) delivery system means a water installation, which delivers water to a consumer;
 - (xvii) developer means a person who undertakes a development and includes an owner of any consumer unit or premises;
 - (xviii) development means the development of any premises by the subdivision or the consolidation thereof and the preparation of such subdivisions or consolidated premises for disposal for any purpose, including, without limiting the generality of the foregoing, any land development contemplated in the Development Facilitation Act 67 of 1995 or private township contemplated in the KwaZulu-Natal Town Planning Ordinance 27 of 1949 or a less formal township contemplated in the Less Formal Townships Establishment Act 113 of 1991, and the improvement of premises consequent upon any change of land use approved or authorised under any law;
 - (xix) development authority means any authority authorised by any law to approve any development or the change of land use under any law;
 - (xx) domestic waste water means waste water resulting from the supply of water to a household;
 - (xxi) drain means that portion of the drainage installation which conveys sewage within any premises;
 - (xxii) drainage work includes any drain, sanitary fitting, 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;
 - (xxiii) duly qualified sampler means a person who takes samples for analysis from the sewage disposal, stormwater disposal systems or from public waters and who has been certified to do so by the authority;
 - (xxiv) dwelling unit includes, without limiting the generality thereof, a hotel, lodge or other consumer unit occupied or used for residential purposes and used for the temporary accommodation of people;
 - (xxv) emergency means any situation that poses a risk or potential risk to life, health, the environment or property;
 - (xxvi) environmental cost means the full cost of all measures necessary to restore the environment to its condition prior to the damaging incident;
 - (xxvii) environmental option means the option that provides the most benefit or causes the least damage to the environment as a whole, at a cost acceptable to society, in the long term as well as in the short term;
 - (xxviii) extraordinary expense means any abnormal costs which will be incurred by the authority in the provision of water services to any proposed private township or any proposed project, arising from the elevation of such township or project or the situation of such township or project in relation to the authority's water supply or sewerage scheme;
 - (xxix) fire hydrant means a potable water installation that conveys water for fire fighting purposes only;
 - (xxx) fixed charge means the fixed cost component which the authority requires to recover, before water is sold to consumers by the authority and comprises interest on and redemption of loans, as well as any statutory contributions to any prescribed statutory funds;
 - (xxxi) fixed quantity water delivery system means a water installation, which delivers a fixed quantity of water to a consumer in any single day;
 - (xxxii) flat means a consumer unit comprising a set of rooms being a residence entirely on one floor of a building;
 - (xxxiii) 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;
 - (xxxiv) 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;
 - (xxxv) hotel means a consumer unit comprising a commercially run establishment or private house providing ongoing overnight accommodation and meals for paying guests, and shall include a bed and breakfast establishment and guest house;
 - (xxxvi) household means a dwelling, structure, traditional homestead or property primarily occupied for residential purposes;
 - (xxxvii) incapacitated for the purposes of the definition of "consumer" shall mean a person who has been declared incapable of managing his or her affairs by a competent court;
 - (xxxviii) industrial effluent means effluent emanating from the industrial use of water, and includes for purposes of these bylaws, any effluent other than standard domestic

- effluent or stormwater;
- (xxxix) industrial use of water includes the use of potable water, treated water or partially treated water for industrial purposes. In relation to the supply of water, "industrial purposes" means water -
1. supplied to any premises which constitutes a factory as defined in the General Administrative Regulations, published in terms of the Occupational Health and Safety Act (Act No. 85 of 1993); or
 2. used for mining, manufacturing, electricity generation, land-based transport, construction or any related purpose;
- (xl) installation work means work done in respect of a water installation, including the construction, rehabilitation, improvement and maintenance thereof;
- (xli) level of service means the level of service contemplated in section 2;
- (xlii) main means a pipe, other than a connection pipe, vesting in the authority and used by it for the purpose of conveying water to a consumer;
- (xlili) measuring device means any method, procedure, process or device, apparatus or installation that enables the quantity of water services provided to be reasonably accurately quantified and includes a method, procedure or process whereby quantity is estimated or assumed;
- (xliv) meter means a water meter -
1. as defined by the Regulations published in terms of the Trade Metrology Act (Act No. 77 of 1973);
 2. in the case of water meters of size greater than 100mm, a device which measures the quantity of water passing through it; or
 3. a pre-paid water meter;
- (xlv) Minister means the Minister of Water Affairs and Forestry;
- (xlvi) municipality means: (a) the Msunduzi Municipality, a local municipality, established in terms of the Local Government : Municipal Structures Act 117 of 1998 and authorised to exercise executive authority for water services; or (b) the municipal manager of the Msunduzi Municipality in respect of the performance of any action or exercise of any right, duty, obligation or function in terms of these bylaws; or (c) an authorised agent of the Msunduzi Municipality;
- (xlvii) occupier, subject to section 22(2), means a person who occupies any premises or part thereof, without regard to the title under which he or she occupies, and, in the case of a consumer unit which is subdivided into two or more portions which are separately let, shall include the person receiving the rent payable by the tenants of each such portion or portions, whether for his own account or as agent for any person entitled thereto or having an interest therein;
- (xlviii) officer means a person duly authorised to act for and on behalf of an authority or an authorised provider (as the case may be);
- (xlix) owner, subject to section 22(2), means: (a) a person in whose name the ownership of premises is registered; (b) in a case where the person in whom the ownership of premises is vested is insolvent or dead, or is under any form of legal disability whatsoever, the person in whom the administration and control of such premises is vested as curator, trustee, executor, administrator, judicial manager, liquidator or other legal representative; (c) in any case where the authority or authorised provider 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, including a person who receives the rent or profits of such premises or any part thereof from any tenant or occupier or who would receive such rent or profits if the premises or any part thereof were let, whether for his own account or as agent for any person entitled thereto or having an interest therein; (d) in the case of premises for which a lease agreement of 30 years or longer has been entered into, the lessee thereunder; (e) in relation to - (i) a piece of land delineated on a sectional plan registered in terms of the Sectional Titles 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 such section is registered under a sectional title deed and includes the lawfully appointed provider of such person; (f) a person occupying land under a register held by a tribal authority or in accordance with a sworn affidavit made by a tribal authority;
- (l) person, subject to section 22(2), means any natural person, local government body, or like authority, a limited liability company, close corporation, a body of persons whether incorporated or not, a statutory body, public utility body, voluntary association or trust;
- (li) person in charge for the purposes of the definition of "consumer" shall include, but is

- not limited to, the registered owner of the premises to which water services are provided;
- (lii) pollution means the introduction into the water supply system, a water installation or a water resource, of any substance which may make the water harmful to the health of any person or animal or impair its quality for the use for which it is normally intended;
- (liii) premises means any piece of land, the external surface boundaries of which are delineated on: (a) a general plan or diagram registered in terms of the Land Survey Act, Act No. 9 of 1927, or in terms of the Deeds Registries Act, Act No. 47 of 1937; or (b) a piece of land delineated on a sectional plan registered in terms of the Sectional Titles Act, Act No. 95 of 1986, the developer or the body corporate in respect of the common property, or (c) an identified portion of land within a tribal area vested in the Ingonyama Trust;
- (liv) prescribed tariff means a charge prescribed or approved by the authority under Chapter 2 Part 2 of these Bylaws;
- (lv) project means: (a) one unit on one subdivision of land or any two or more contiguous subdivisions of land but does not include a special residential project other than any such project to which an alteration is being made to increase the number of units to more than one; (b) a complex of more than one unit on one subdivision of land; (c) a building which consists or will, on its completion, consist of more than one unit; (d) a camp; or (e) any business or commercial undertaking established or to be established on a piece of land without the erection of any structure;
- (lvi) public notice means publication in an appropriate medium that may include one or more of the following -
1. publication of a notice, in the official languages determined by the Municipal Council-
 1. in the local newspaper or newspapers in the area of supply of the Municipality; or
 2. in the newspaper or newspapers circulating in the area of supply of the Municipality determined by the Municipal Council as a newspaper of record; or
 3. by means of radio broadcasts covering the area of supply of the Municipality; or
 2. displaying a notice at appropriate offices and pay-points of the Municipality; or
 3. communication with customers through public meetings and ward committee meetings;
- (lvii) public water means any river, watercourse, and any other water which the public has a right to use or to which the public has the right of access;
- (lviii)** registered plumber means ...
- (lix) sanitation services for the purposes of these bylaws shall, in addition to the meaning given thereto in the Act, include industrial effluent;
- (lx) 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;
- (lxi) sewage means waste water, industrial effluent, standard domestic effluent and other liquid waste, including human excreta, either separately or in combination, but shall not include stormwater;
- (lxii) sanitation system means the structures, pipes, valves, pumps, meters or other appurtenances used in the conveyance of sewage for treatment at the sewage treatment plant under the control of the authority;
- (lxiii) sewer means any pipe or conduit which is the property of or is vested in the authority and which may be used for the conveyance of sewage from the connecting sewer and shall not include a drain as defined;
- (lxiv) single dwelling means a consumer unit comprising a single free standing dwelling, together with outbuildings associated therewith, situated on one subdivision as depicted on a diagram thereof as defined in the Land Survey Act 8 of 1997, or where such subdivision exceeds 1 hectare in extent, on a piece of land naturally forming a cohesive unit around such dwelling and outbuildings;
- (lxv) standard domestic effluent means domestic effluent with strength characteristics prescribed by the authority from time to time or the Minister in terms of section 9 of the Act in respect of chemical oxygen demand and settleable solids as being appropriate to

- sewage discharges from domestic premises within the jurisdiction of the authority or the authorised provider, but shall not include industrial effluent;
- (lxvi) stormwater means water resulting from natural precipitation or accumulation and includes rainwater, subsoil water or spring water;
- (lxvii) tariff means any tariff determined from time to time in terms of the provisions of these bylaws;
- (lxviii) terminal water fitting means a water fitting at an outlet of a water installation which controls the discharge of water from a water installation;
- (lxix) trade premises means premises upon which industrial effluent is produced;
- (lxx) unit means: (a) in relation to an accommodation unit or hotel, means a bedroom; (b) in relation to a camp, means a tent, caravan or other temporary or movable structure used or intended or capable of being used for the accommodation of natural persons; and (c) in any other case, any building or portion of a building which is designed for or otherwise capable of separate occupation, whether for business, commercial, industrial, residential or other purposes, the generality of the last mentioned not being limited by the particularity of the former; provided that: (i) any outbuilding which forms an integral part of any unit as hereinbefore defined shall not in itself be construed to be a unit; and (ii) the number of units in a camp shall be deemed to be the number of units for which provision is made in the relevant licence or authority, or, if such camp is not so licenced or authorised, the number of units determined by the authority, or the authorised provider, as the case may be;
- (lxxi) water fitting means a component of a water installation, other than a pipe, through which water passes or in which it is stored;
- (lxxii) 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 authority;
- (lxxiii) water scheme means water schemes established or in the course of being established within the area of jurisdiction of the authority for the purposes of providing water supply services;
- (lxxiv) water services include for purposes of these bylaws water for industrial purposes and the disposal of industrial effluent;
- (lxxv) water services intermediary means a person registered by the authority in terms section 113 of these bylaws read with section 24 of the Act;
- (lxxvi) water services provider means a person approved by the authority in terms of section 104(a) or (b) of these bylaws read with sections 6 and 22 of the Act, as the case may be;
- (lxxvii) water supply system means the structures, aqueducts, pipes, valves, pumps, meters or other apparatus relating thereto which are vested in the authority and are used or intended to be used by it in connection with the supply of water, and includes any part of the system;
- (lxxviii) working day means a day other than a Saturday, Sunday or public holiday.
- (2) In the event of the Minister, at any time after the commencement of these bylaws, prescribing any standards or tariffs in terms of Chapter II of the Act, then, to the extent that any such standard or tariff exceeds any standard or tariff prescribed in terms of these by-laws, the standards or tariffs prescribed by the Minister shall prevail over the standards or tariffs prescribed in terms of these bylaws and these bylaws shall be amended accordingly.
- (3) These bylaws shall be known as the Water Services Bylaws.
- (4) Any reference in Chapter 2 of these bylaws to water services or services must be interpreted as referring to water supply services or sanitation services depending on the services to which they are applicable.
- (5) Nothing contained in these bylaws, or done or omitted to be done by any authority or any authorised provider under these bylaws, shall affect the obligation of any person to obtain any licence or other authority required under the National Water Act (Act No. 36 of 1998).
- (6) Whenever in these bylaws any approval is required from or on behalf of the authority or any authorised provider, then such approval shall be obtained in accordance with the procedures prescribed in these bylaws, or as prescribed from time to time by the authority or authorised provider, which procedures shall be provided by the authority or authorised provider to any person on application therefor, and in the event of these bylaws or the authority or authorised provider not having prescribed any specific procedure, then such approval shall be applied for in writing by letter addressed to the authority or authorised provider.

- (7) An authority may in writing appoint any officer in its employ or any other suitably qualified person to carry out any function or power vested in it in these bylaws.
- (8) Whenever any provision of these bylaws refer to the supply of water services by the authority, such provisions shall also apply to the authority as a water services provider as contemplated in section 19(1)(a) of the Act.
- (9) Where any provision in these bylaws refer in the same provision to both the authority and/or any authorised provider, such provisions shall be deemed to apply to the authority in respect of the area described in section 1(1)(v)(a), but excluding the areas referred to in sections (1)(1)(ii)(b) or (c), and to the relevant authorised provider in respect of the areas referred to in sections (1)(1)(ii)(b) or (c), taking into account the circumstances and context applicable in each case.

CHAPTER 2

PART 1

APPLICATION OF BYLAWS, EXEMPTION FROM APPLICABILITY AND LEVELS OF SERVICE

Application of Bylaws, Exemption from Applicability, Transitional Arrangements and Levels Of Service

- 2(1) These bylaws shall:
 - (a) apply to the provision of all water services by the authority or any authorised provider in the area of jurisdiction of the authority; and
 - (b) shall be interpreted in conformity with any standards for water services or norms and standards for tariffs prescribed by the Minister from time to time.
- (2) The authority may, by resolution, in writing, exempt any authorised provider, owner, consumer or other person or any category of owners, consumers or other persons, from complying with any provision or provisions of these bylaws, subject to any conditions it may impose, if it is of the opinion that the application or operation of that provision would be so unreasonable as to cause substantial prejudice of a nature or degree which was not intended to flow from the enactment of the provision, and
 - (a) that such exemption would be fair and equitable in the circumstances; or
 - (b) the purpose for which the provision had been enacted has substantially been attained upon compliance with the conditions imposed in any particular case; or
 - (c) the need to attain that purpose is for any reason absent in any particular case; provided that the authority shall not grant exemption from any section of these by-laws that may result in -
 - (d) the wastage or excessive consumption of water;
 - (e) the evasion or avoidance of water restrictions;
 - (f) significant negative effects on public health, safety or the environment;
 - (g) the non-payment for services;
 - (h) the installation of pipes and fittings which are not approved by or on behalf of the authority in terms of these bylaws;
 - (i) the Act or any regulations made in terms thereof not being complied with; and
 - (j) the determination of tariffs and charges being applied which are not approved or ratified by the authority.
- (3) The authority may, by resolution, at any time after giving written notice of at least 30 (thirty) days, withdraw any exemption given in terms of subsection (2).
- (4) The authority shall give 30 (thirty) days public notice of any resolution it intends to consider under sub-sections (2) or (3), and any interested and affected person may within 15 days of the publication of such public notice, object in writing to the authority against the adoption of such resolution and such objections shall be considered by the authority at the time it considers the adoption of such resolution.
- (5) The authority shall give public notice of any resolution adopted by it under sub-sections (2) or (3).
- (6) The authority may, and any authorised provider may, provide water services at different levels of service to accommodate different levels of demand and affordability as prescribed providing for:
 - (a) fully serviced urban;
 - (b) partially serviced peri-urban and rural settlement;
 - (c) minimal serviced rural low density settlements; and
 - (d) industrial supply.
- (7) The authority may further define the level of services described in sub-section (5)(a) to (d) by

- amending these bylaws.
- (8) (a) If there is any conflict between these bylaws and any other bylaws of the Municipality, these bylaws will prevail.
 - (b) Notwithstanding the provisions of subsection (a) hereof:
 - (i) any tariff for the provision of water services or like charge in force at the date of the commencement of these bylaws shall continue to apply and be binding on any person liable for the payment thereof under any law under which such tariff or like charge was determined until substituted by any tariff or like charge determined in terms of these bylaws; and
 - (ii) the payment of any amount contemplated in subsection (b)(i) may be enforced by the authority or any authorised provider as though such payment were due under these bylaws, and to the extent necessary for the purposes of such enforcement, shall be deemed to have been determined under these bylaws.
 - (9) In the event of any discrepancy being found to exist between the version of these bylaws in the English language and any other version in any other language, then the version in the English language shall prevail.
 - (10) The bylaws shall commence on the date of promulgation thereof in the Provincial Gazette.

PART 2

TARIFFS AND CHARGES

Prescribed Tariffs and Charges for Water Services

- 3(1) All tariffs or charges payable in respect of water services rendered by the authority or an authorised provider including but not limited to, the payment of connection charges, fixed charges or any basic water services charge or other additional charges or interest, must be set by the authority in accordance with -
 - (a) its tariff policy;
 - (b) any bylaws in respect thereof; and
 - (c) any regulations made in terms of national or provincial legislation.
- (2) The provisions of Part 2 of Chapter 2 of these bylaws must be read with the provisions of any financial bylaws applicable to the authority or any authorised provider, and, in the case of a conflict between these bylaws and any such financial bylaws, then the provisions of the financial bylaws shall prevail.
- (3) Each authorised provider shall, at least three months prior to the commencement of each financial year of such authorised provider, submit to the authority a schedule of the tariffs and charges, as contemplated in section 3(1) and (2) and calculated in accordance with the provisions of section 4, that such authorised provider intends to levy during the ensuing financial year and the authority shall, within two months of the receipt of such submissions, ratify or reject such tariff/s and charges in whole or in part.
- (4) In the event that the authority rejects any tariffs and charges set by an authorised provider, then it shall, in writing, provide reasons to the authorised provider for such rejection and the authority and the authorised provider shall seek to reach agreement on the tariff and charges as expeditiously as possible.
- (5) If no agreement contemplated in subsection (4) is reached within 30 days of the receipt by the authorised provider of the written notice contemplated in subsection (4), then the authorised provider may refer such dispute to an arbitrator as provided for in section 23(1) and the decision of such arbitrator shall be final.
- (6) Public notice of every tariff and charges adopted by the authority shall be given and such tariff and charges shall apply to all applicable consumers from a date 30 days after the publication of such notice.

Determination of Tariffs

- 4 (1) An authority and an authorised provider must determine tariffs for water in accordance with the Regulations relating to the norms and standards as promulgated in terms of section 10(1) of the Water Services Act - Government Notice R652 of 20 July 2001.

PART 3

APPLICATION FOR WATER SERVICES

Application for Water Services

- 5(1) (a) Subject to the provisions of these bylaws and the Act, no person may gain access to water services from any water supply system, sewage disposal system or through any other sanitation services unless he or she has applied to the authority or an authorised provider on a form prescribed by the authority or an authorised provider for such services for a specific purpose and such application has been agreed to.
- (b) An authorised provider shall provide only such water services as it is entitled to provide in terms of its agreement, approval or registration with the authority, and as provided in the Act.
- (2) Where premises or consumers are provided with water services at the commencement of these bylaws or any other time, it shall be deemed that an agreement in terms of subsection (1) exists.
- (3) An authority or an authorised provider must on application for the provision of water services by a consumer inform that consumer of the different levels of services available, the tariffs and or charges associated with each level of service and the conditions which shall be applicable to the agreement to provide water services.
- (4) A consumer must elect the available level of services to be provided to such consumer, provided that such level of services is available in the area where the consumer requires such services.
- (5) A consumer may at any time apply to alter the level of services elected in terms of the agreement entered into, provided that such service is available and that any costs and expenditure associated with altering the level of services will be payable by the consumer.
- (6) (a) An application agreed to by the authority or an authorised provider shall, together with such additional conditions as may be imposed, constitute an agreement between the authority or the authorised provider, on the one hand, and the applicant, on the other hand, and such agreement shall take effect on the date referred to or stipulated in such agreement.
- (b) The authority and any authorised provider may impose such reasonable conditions, consistent with the Act and these bylaws, for the supply of water services, and such conditions shall be included in any agreement for such supply contemplated in section 5(1)(a) or (b), or 5(2).
- (7) A consumer shall be liable for all the prescribed tariffs or charges in respect of water services rendered to him or her by the authority or an authorised provider, until the agreement contemplated in this section or in section 8 has been terminated in accordance with these bylaws, or until all or any arrears owing by such consumer have been paid, whichever shall be the later date.
- (8) In preparing an application form for water services for the purposes of making an application as contemplated in subsection (1), the authority or the authorised provider, will ensure that the document and the process of interaction with the owner, consumer or any other person making application are understood by that owner, consumer or other person, provided that in the case of illiterate or similarly disadvantaged persons, the authority or the authorised provider, will take reasonable steps to ensure that the person is aware of and understands the contents of the application form.
- (9) An application form will require at least the following minimum information:
- (a) certification by a person authorised under section 1(7) of these bylaws in the case of an application to the authority, and by the authorised provider in the case of an application to such authorised provider, that the applicant is aware of, and understands the contents of, the form as completed by or on behalf of such applicant:
- (a) acceptance by the consumer of the provisions of the bylaws and acceptance of liability for the cost of water services rendered until the agreement is terminated or until such time as any arrears have been paid;
- (b) name and identity number of consumer;
- (c) address or stand number of premises to or on which water services are to be rendered or the communal water services network where water services will be used;
- (d) address where accounts will be sent;
- (e) the purpose for which the water is to be used;
- (f) the agreed date on which the provision of water services will commence.
- (10) Water services rendered to a consumer by the authority or any authorised provider are subject to the provisions of these bylaws and the conditions contained in the relevant agreement.
- (11) If an authority or an authorised provider refuses an application for the provision of water services, is unable to render such water services on the date requested for the provision of such water services to commence or is unable to render the water services, the authority or the authorised provider, will inform the consumer of such refusal and/or inability, the reasons therefore and, if applicable, when

- the authority or the authorised provider, will be able to provide such water services.
- (12) Subject to the provisions of subsection (1), the authority or an authorised provider shall provide water services in terms of these bylaws within 15 working days or such other period as may be specified by the authority of any application for such services being approved.
- (13) Notwithstanding the provisions of any other sections of these bylaws, the owner of premises shall be liable for the payment of any amounts due and payable to the Municipality in respect of the preceding two years, where the owner is not the customer and the Municipality after taking reasonable measures to recover any amounts due and payable by the customer from the latter, could not recover such amounts.

Special Agreements for Water Services

- 6 The authority or the authorised provider, may enter into a special agreement for the provision of water services to:
- (a) an applicant inside its area of jurisdiction or supply, if the service applied for necessitates the imposition of conditions not contained in the prescribed form; **[COMMENT: MAY WANT TO INCLUDE APPLICANTS RECEIVING SUBSIDISED SERVICES.]**
- (b) an applicant outside its area of jurisdiction or supply, if such application has been approved by the authority or the authorized provider, having jurisdiction or supplying water services in the area in which the premises is situated.

PART 4

PAYMENT

Payment for Water Services Provided

- 7(1) Water services provided by the authority to a consumer shall be paid for by the consumer at the prescribed tariff or charge as determined annually by the authority for the particular category of water services provided.
- (2) A consumer shall be responsible for payment for all water services provided to the consumer from the date of an agreement until the date of termination thereof or until his, her or its account has been settled in full.
- (3) The authority may estimate the quantity of water services provided in respect of a period or periods within the interval between successive measurements and may render an account to a consumer for the services so estimated.
- (4) If a consumer uses water supply services for a category of use other than that for which it is provided by the authority in terms of an agreement and as a consequence is charged at a rate lower than the rate which should have been charged, the authority may make an adjustment of the amount charged in accordance with the rate which should have been charged and recover from the consumer the tariffs and charges payable in accordance with such adjustment.
- (5) If amendments to the prescribed tariffs or charges for water services provided become operative on a date between measurements for the purpose of rendering an account in respect of the tariffs or charges:
- (a) it shall be deemed that the same quantity of water services was provided in each period of twenty-four hours during the interval between the measurements; and
- (b) any fixed charge shall be calculated on a pro rata basis in accordance with the charge that applied immediately before such amendment and such amended charge.
- (6) A consumer must pay his, her or its account to the authority and shall remain liable for the payment of an account not paid to the authority.
- (7) An authority must inform a consumer as to who the authorised agents (if any) are who are authorised to receive payment of accounts on its behalf.

PART 5

GENERAL PROVISIONS

Responsibility for Compliance with these Bylaws

- 8(1) The owner of premises is responsible for ensuring compliance with these bylaws in respect of all or any matters relating to any installation.
- (2) The consumer is responsible for compliance with these bylaws in respect of matters relating to the

use of any installation.

Unauthorised Use of Water Services

- 9(1) The authority or an authorised provider may, irrespective of any other action it may take against such person in terms of these by-laws, by written notice order a person who has gained access to water services from the water supply system, sewage disposal system or any other sanitation services without an agreement with the authority or the authorised provider, for the rendering of those services:
- (a) to apply for such services in terms of section 5; and
 - (b) to undertake such work as may be necessary to ensure that the consumer installation through which access was gained complies with the provisions of these bylaws.

Purpose of Water Services

- 10 If a consumer changes the purpose of or extent for which it uses a water supply service to a category of use other than that for which it is provided by the authority in terms of an agreement, the consumer must enter into a new agreement with the authority or an authorised provider.

Interference with water supply system or any sanitation services

- 11(1) No person other than the authority, or an authorised provider, shall manage, operate or maintain the water supply system or any sanitation system, unless authorised by these bylaws.
- (2) No person other than the authority or an authorised provider shall effect a connection to, or tamper with, the water supply system or sanitation system or render any other sanitation services.
- (3) For the purpose of this section 11, “tamper”, “tampering” or “tampered with” shall mean intentionally or negligently, and in any manner whatsoever, interfering, altering, damaging, removing, replacing, repairing or otherwise intervening with any water supply system or sanitation system, including any such system owned or operated by an authorised provider, or permitting or causing any person to willfully or negligently interfere, alter, damage, remove, replace, repair or otherwise intervene with any such system, unless such act is authorised by the provisions of these by-laws or by the written prior consent of the authority or the authorised agent as the case may be.
- (4) Whenever the authority, or the authorised provider, is of the opinion that a water supply system or sanitation system is being tampered with, it may -
- (a) forthwith serve a notice, in accordance with the provisions of section 13, on the owner of, or consumer at, the premises being served by the affected water supply system or sanitation system;
 - (b) simultaneously with the service of the notice contemplated in sub-section (a), or at any time subsequent thereto, in such manner as it may deem appropriate in the circumstances, disconnect the water supply or sanitation service being supplied to such owner or consumer if the tampering causes or may cause an emergency.

Obstruction of Access to Water Supply System or any Sanitation Services

- 12(1) No person shall prevent or restrict the authority’s physical access to the water supply system or sanitation system or any person duly authorised by them in writing.
- (2) If a person contravenes subsection (1), the authority or an authorised provider may -
- (a) by written notice require such person to restore access at his or her own expense within a specified period; or
 - (b) if it is of the opinion that the situation is a matter of urgency, without prior notice restore access and recover the cost from such person.

Notice and Documents

- 13(1) A notice or document issued by an authorised provider in terms of these bylaws must be deemed to be duly authorised if it is signed by or on behalf of the authority.
- (2) If a notice or document is to be served on a owner, consumer or any other person in terms of these bylaws 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 apparently over the age of 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 by pre-paid registered or certified post addressed to his or her last known address;
 - (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 principal door of entry to 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 delivery or sending of such notice.

Power to Serve, and Compliance with Notices

- 14 (1) The authority or an authorised provider may, by written notice, order an owner, consumer or any other person who fails, by act or omission, to comply with any provisions of these bylaws or of any condition imposed thereunder to remedy such breach within a period specified in the notice, which period shall not be less than 30 (thirty) days.
- (2) If a person fails to comply with a written notice served on him or her by the authority or an authorised provider in terms of these bylaws within the specified period, it may take such action that in its opinion is necessary to ensure compliance, including:
- (a) undertaking the work necessary itself and recovering the cost of such action or work from that owner, consumer or other person;
 - (b) limiting or discontinuing the provision of services; and
 - (c) instituting legal proceedings.
- A notice in terms of subsection (1) will:
- (a) give details of the provision of the bylaws not complied with;
 - (b) give the owner, consumer or other person a reasonable opportunity to make representations and state his or her case, in writing, to the authority or an authorised provider within a specified period, unless the owner, consumer or other person was given such an opportunity before the notice was issued;
 - (c) specify the steps that the owner, consumer or other person must take to rectify the failure to comply;
 - (d) specify the period within which the owner, consumer or other person must take the steps specified to rectify such failure; and
 - (e) indicate that the authority or an authorised provider:
 - (i) may undertake such work necessary to rectify the failure to comply if the notice is not complied with and that any costs associated with such work may be recovered from the owner, consumer or other person; and
 - (ii) may take any other action it deems necessary to ensure compliance.
- (4) In the event of an emergency the authority or an authorised provider may, without prior notice, undertake the work required by subsection 2(e)(i) and recover the costs from such person.
- (5) The costs recoverable by the authority or an authorised provider in terms of subsections (2) and (3) is the full cost associated with that work and includes, but is not limited to, any exploratory investigation, surveys, plans, specifications, schedules of quantities, supervision, administration charge, the use of tools, the expenditure of labour involved in disturbing or rehabilitating any part of a street or ground affected by the work and the environmental cost.

Power of Entry and Inspection

- 15(1) Any officer of the authority or any authorised provider may enter and inspect any premises:
- (a) for the purposes set out in and in accordance with the provisions of section 80 of the Act; and
 - (b) for any purpose connected with the implementation or enforcement of these bylaws, at all reasonable times, after having given written reasonable notice of the intention to do so.
- (2) In the case of any emergency, the authority or any authorised provider may enter and inspect any premises without any notice as required under sub-section (1).

False Statements or Information

- 16 No person shall make a false statement or furnish false information to the authority or an authorised provider or falsify a document issued in terms of these bylaws.

Availability of Bylaws

- 17(1) A copy of these bylaws shall be available for inspection at the offices of the authority and of every authorised provider at all reasonable times.
- (2) A copy of the bylaws may be obtained against payment of such reasonable charge as the authority may from time to time prescribe from the authority or any authorised provider.

Trespassing on Water Services Systems

- 18(1) No person shall, without the prior written permission of the authority or the relevant authorised provider, enter upon an area enclosed by a fence or where entry is prohibited by notice boards, or a structure used by the authority or such relevant authorised provider in connection with the provision of water services.

Damage to Water Services Systems

- 19(1) No person shall damage or endanger the water supply or sewage disposal system, or cause or permit it to be damaged or endangered.
- (2) Any person who intends performing work which may cause damage to any water supply or sewage disposal system on land owned by or vested in the authority or any authorised provider or over which it has a servitude or other right, shall prior to commencement of such work, ascertain from the authority or authorised provider if any part of the water supply or sewage disposal system is situated on the land.
- (3) If work, which in the opinion of the authority or the relevant authorised provider, could damage or endanger a water supply or sanitation disposal system is to be performed or is being performed on land referred to in subsection (2) or on land adjacent thereto, the authority or relevant authorised provider 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 such notice.

Pollution of Water Supply

- 20(1) Unless such act is specifically authorised in writing by the authority, no person shall commit an act which may cause pollution of any nature to water in a reservoir or other place owned, controlled by or vested in the authority or any authorised provider either in whole or in part, and used by them in connection with the supply of water.
- (2) No person shall, except at such places as are designated by notice boards or in such receptacles as are provided by the authority, discharge rubbish, night-soil, industrial waste or other matter which may cause pollution of any nature on any part of a catchment area relating to the supply of water by the authority or any authorised provider.
- (3) If a person contravenes subsection (1) or (2) the authority or any relevant authorised provider may give that person notice in terms of section 13.

Liabilities and Compensation

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

Offences and Penalties

- 22(1) A person who:
- (a) obstructs or hinders the Municipality in the exercising of the powers or performance of functions or duties under these bylaws;
 - (b) contravenes or fails to comply with a provision of these bylaws, other than provisions relating to payment for services;
 - (c) fails to comply with the terms of a notice served upon him/her in terms of these bylaws, other than a notice relating to the payment for services;
- shall be guilty of an offence and liable on conviction to a fine not exceeding R6 000 (Six Thousand

Rand) or to a period of imprisonment or community service not exceeding 6 (six) months, or a combination of the aforementioned and in the event of a continued offence to a further fine of R2 000 (Two Thousand Rand) for every day during the continuance of such offence. **[NOTE THAT THE FINES AND PERIODS OF IMPRISONMENT DIFFER FROM THAT SPECIFIED IN THE KWAZULU NATAL LOCAL ORDINANCE, ORDINANCE 25 OF 1974. HOWEVER, SEE PARAGRAPH 24 OF MAIN DOCUMENT.]**

- (2) Notwithstanding the definitions of the words “owner”, “occupier”, “consumer” or “person” contained in section 1(1) of these bylaws, the said words shall, in addition to the meanings assigned to them in the said section 1(1) and for the purposes of enforcing the penalties provided for in these bylaws, include, in the case of:
- (a) a firm or partnership, all or any one or more of the members of such firm or partnership, and, in the case of:
 - (b) a company, close corporation, co-operative, communal property association or other juristic person other than a firm or partnership in the ordinary meaning of those terms, the directors, managers or members of any managing body of such company, close corporation, co-operative, communal property association or other juristic person, and, in the case of:
 - (c) a trust, the individual trustees thereof in their personal capacities.
- [COMMENT - THIS IS NOT POSSIBLE - THE EXTENT OF THEIR LIABILITY DEFINED IN LEGISLATION OR CASE LAW.]**

Appeal Procedure

- 23(1) Where any party whose rights are affected by any section of these bylaws may appeal in writing to the authority who shall deal with such appeal in terms of section 62 of the Municipal Systems Act No. 32 of 2000.

CHAPTER 3

WATER SUPPLY SERVICES

PART 1

CONNECTION TO WATER SUPPLY SYSTEM

Provision of Connection Pipe

- 24(1) If an agreement for water supply services in respect of premises has been concluded and no connection pipe exists in respect of the premises, the owner shall make application to the authority or relevant authorised provider as the case may be on the prescribed form and pay the prescribed charge for the installation of such a pipe.
- (2) If an application is made for water supply services which are of such an extent or so situated that it is necessary to extend, modify or upgrade the water supply system in order to supply water to the premises, the authority or an authorised provider may agree to the extension subject to such conditions as it may impose.

Location of Connection Pipe

- 25(1) A connection pipe provided and installed by the authority or an authorised provider shall:
- (a) be located in a position determined by the authority or the authorised provider, and be of a suitable size as determined by the authority or the authorised provider;
 - (b) terminate at:
 - (i) the boundary of the land owned by or vested in the authority or the authorised provider, or over which it has a servitude or other right; or
 - (ii) at the outlet of the water meter if it is situated on the premises.
- (2) An authority or the authorised provider, may at the request of any person agree, subject to such conditions as he or she may impose, to a connection to a main other than that which is most readily available for the provision of water supply to the premises; provided that the applicant shall be

responsible for any extension of the water installation to the connecting point designated by the authority for obtaining at his, her or its cost, such servitudes over other premises as may be necessary.

- (3) An owner must pay the prescribed connection charge in advance before a water connection can be effected.

Provision of Single Water Connection for Supply to Several Consumers on Same Premises

- 26(1) Notwithstanding the provisions of section 37 only one connection pipe to the water supply system may be provided for the supply of water to any premises, irrespective of the number of consumer units, business units or consumers located on such premises.
- (2) However, where the owner, or the person having the charge or management of any premises on which several consumer units are situated, requires the supply of water to such premises for the purpose of supply to the different consumer units, the authority or the authorised provider, may, in its discretion, provide and install a separate measuring device for each consumer unit or any number thereof if, in the opinion of the authority or the authorised provider undue hardship or inconvenience would be caused to any consumer on such premises by the provision of only one connection pipe.
- (3) Where the authority or the authorised provider, has installed a single measuring device as contemplated in subsection (1), the owner or the person having the charge or management of the premises:
- (a) must if the authority or the authorised provider, so requires, install and maintain on each branch pipe extending from the connection pipe to the different consumer units -
- (i) a separate measuring device; and
- (ii) an isolating valve; and
- (b) will be liable to the authority or the authorised provider, for the tariffs and charges for all water supplied to the premises through such a single measuring device, irrespective of the different quantities consumed by the different consumers served by such measuring device.
- (4) Where the provision of more than one connection pipe is authorised by the authority or the authorised provider, under subsection (2), the tariffs and charges for the provision of a connection pipe is payable in respect of each water connection so provided.

Interconnection between Premises or Water Installations

- 27 An owner of premises shall ensure that no interconnection exists between:
- (a) the water installation on his or her premises and the water installation on other premises;
- (b) where several consumer units are situated on the same premises, the water installations of the consumer unit units;
- (c) unless he or she has obtained the prior written consent of the authority or the authorised provider, and complies with any conditions that it may have imposed.

Disconnection of Water Installation from Connection Pipe

- 28 The authority or the authorised provider, may disconnect a water installation from the connection pipe and remove the connection pipe if:
- (a) the agreement for supply has been terminated and it has not received an application for a subsequent supply of water to the premises served by the pipe within a period of 90 days of such termination;
- (b) any consumer unit has been demolished; or
- (c) any illegal interference with any water supply system, sanitation system or water installation causing an emergency has occurred.

PART 2

COMMUNAL WATER SERVICES NETWORKS

Provision of a Water Services Network for Water Supply to Several Consumers

- 29 An authority or the authorised provider, may install a communal water services network 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 network have

been consulted in respect of the level of service.

PART 3

TEMPORARY SUPPLY

Water Supplied from a Hydrant

- 30 (1) The authority or the authorised provider, may authorise a temporary supply of water to be taken from one or more fire hydrants specified by it, or from such other source identified for that purpose by the authority or the authorised provider, subject to such conditions and period as may be prescribed by it and payment of applicable charges, including a deposit.
- (2) The authority or the authorised provider, may convey any water required as a temporary measure by tanker to any place where such temporary supply of water is required, subject to such conditions and period, as may be prescribed by it and payment of applicable charges, including a deposit.
- (3) A person who desires a temporary supply of water referred to in subsection (1) must apply for such water services in terms of section 5.
- (4) The supply of water in terms of subsection (1) must be measured and the quantity of water drawn shall be reported in writing to the authority or the authorised provider as the case may be within 14 days of the date on which such water is drawn.
- (5) The authority or the authorised provider, may for purposes of measuring provide a portable water meter to be returned to the authority or the authorised provider, on termination of the temporary supply, which portable meter and all other fittings and apparatus used for the connection of the portable water meter to a hydrant, shall remain the property of the authority or the authorised provider, and will be provided subject to any conditions imposed by the authority or the authorised provider.
- (6) Where water is drawn from a fire hydrant in any emergency, including the fighting of fire, the person so drawing water shall, within 24 hours, notify the authority or the authorised provider, of such activity, the purpose for which the water was drawn, the nature, cause and duration of the emergency and shall specify the time during which such water was so drawn.

PART 4

STANDARDS AND GENERAL CONDITIONS OF SUPPLY

Quantity, Quality and Pressure

- 31 (1) Water supply services provided by the authority or the authorised provider, will comply with the minimum standards set for the provision of water supply services in terms of section 9 of the Act.

General Conditions of Supply

- 32(1) The authority or the authorised provider, may specify the maximum height to which water will be supplied at any point on the water supply system. Where a consumer requires water to be supplied at a greater height or pressure at any such point in the water supply system, the consumer will be responsible therefor.
- (2) The authority or the authorised provider, may, in any emergency, interrupt the supply of water to any premises without prior notice.
- (3) If in the opinion of the authority or the authorised provider, the consumption of water by a consumer adversely affects the supply of water to another consumer, it may apply such restrictions as it may deem fit to the supply of water to the first mentioned consumer in order to ensure a reasonable supply of water to the other consumer and will inform that consumer of such restrictions.
- (4) The authority or an authorised provider may, where, in its opinion, a consumer, in respect of any premises, consistently and continuously consumes water in excess of 5 kilolitres per day, serve written notice on such consumer that the provisions of sub-sections (5) to (7) shall apply to such consumer.
- (5) A consumer on whom a notice in terms of sub-section (4) has been served shall, within 30 days of the date of the service of such notice, install a cistern capable of holding not less than the average daily consumption of water consumed by such consumer on the premises concerned, which

cistern shall be installed at a point on the water consumer's installation approved by the authority or authorised provider, and such consumer shall thereafter and for as long as the authority or authorised provider concerned requires such cistern to be so installed, maintain such cistern in good working and watertight order.

- (6) Such cistern shall:
- (a) be provided with a float control valve, of a size and quality approved by the authority or authorised provider concerned, at the point where water enters the cistern for the purpose of controlling the supply of water into such cistern; and
 - (b) be provided with an outlet pipe of sufficient diameter to enable water to flow out of the cistern into the water installation freely and consistent with the requirements of the water installation.
- (7) For the purposes of subsection (4):
- (a) water shall be deemed to be consistently and continuously consumed if, in respect of the particular premises or consumer unit, the average consumption of water, measured as provided in these bylaws, determined over a period of six consecutive months, equals 5 kilolitres per day or more; and
 - (b) the average daily consumption shall be calculated on the basis of actual consumption recorded, in respect of the particular premises or consumer unit, during the preceding twelve month period, or if such consumer shall have consumed water for a lesser period, then the daily average shall be calculated based on the number of days comprising such lesser period.
- (8) If the consumer on whom a notice in terms of subsection (4) has been served, also requires that the water be supplied to the cistern, as specified in subsections (5) and (6), at a height or pressure greater than can be supplied by the authority or the authorised provider, then such consumer shall install a further cistern and booster pump system at a point on the water installation approved by the authority or the authorised provider.

PART 5

MEASUREMENT OF WATER SUPPLY SERVICES

Measuring of Quantity of Water Supplied

- 33 (1) The authority or the authorised provider, will measure the quantity of water supplied at regular intervals.
- (2) Any measuring device through which water is supplied to a consumer by the authority or the authorised provider, and the associated apparatus shall be provided and installed by the authority or the authorised provider, shall remain the property, and may be changed and maintained by the authority or the authorised provider, when deemed necessary by it.
 - (3) The authority or the authorised provider, may install a measuring device, and the associated apparatus, on premises at any point on the service pipe.
 - (4) If the authority or the authorised provider, installs a measuring device on a service pipe in terms of subsection (3), it may install a section of pipe and associated fittings between the end of the connection pipe and the meter, and such section shall be deemed to form part of the water supply system.
 - (5) If the authority or the authorised provider, installs a measuring device together with its associated apparatus on a service pipe in terms of subsection (3), the owner shall:
 - (a) provide a place satisfactory to the authority or the authorised provider, in which to install it;
 - (b) ensure that unrestricted access is available to it at all times;
 - (c) be responsible for its protection and be liable for the costs arising from damage thereto, excluding damage arising from normal fair wear and tear;
 - (d) ensure that no connection is made to the pipe in which the measuring device is installed, between the measuring device and the connection pipe serving the installation; and
 - (e) make provision for the drainage of water which may be discharged, from the pipe in which the measuring device is installed, in the course of work done by the authority or the authorised provider, on the measuring device.
 - (6) No person other than the authority or an authorised provider shall:
 - (a) disconnect a measuring device and its associated apparatus from the pipe in which they are installed;
 - (b) break a seal which the authority or the authorised provider, has placed on a meter; or

- (c) in any other way interfere with a measuring device and its associated apparatus.
- (7) If the authority or the authorised provider, considers that, in the event of the measuring device being a meter that the size of a meter is unsuitable by reason of the quantity of water supplied to premises, it may install a meter of such size as it may deem necessary, and may recover from the owner of the premises concerned the prescribed charge for the installation of the meter.

Quantity of Water Supplied to Consumer

- 34(1) For purposes of assessing the quantity of water measured by a measuring device installed by the authority or the authorised provider to a customer over a specific period, it will, for the purposes of these bylaws, be deemed, unless the contrary can be proved, that:
- (a) the quantity is represented by the difference between measurements taken at the beginning and end of such period;
- (b) the measuring device was accurate during such period; and
- (c) the entries in the records of the authority or the authorised provider, were correctly made,
- provided that if water is supplied to, or taken by, a consumer without its passing through a measuring device, the estimate by the authority or the authorised provider, of the quantity of such water shall be deemed to be correct.

[COMMENT - WHERE WATER SUPPLY SERVICES ARE PROVIDED BY WAY OF YARD TANKS A PROVISION NEEDS TO BE INCLUDED AS TO HOW THE QUANTITY OF WATER PROVIDED IS TO BE DETERMINED.]

Estimate of Quantity

- 35(1) Where water supplied by the authority or the authorised provider, to any premises is in any way taken by the consumer without such water passing through any measuring device provided by the authority or the authorised provider, the authority or the authorised provider, may for the purpose of rendering an account estimate, in accordance with subsection (2), the quantity of water supplied to the consumer during the period from the last previous reading of the water meter until the date it is discovered that water is so taken by the consumer.
- (2) For the purposes of subsection (1) an estimate of the quantity of water supplied to a consumer shall be based on the following provisions, as the authority or the authorised provider, may decide:
- (a) the average monthly consumption of water on the premises during any three consecutive measuring periods during the preceding twelve (12) month period prior to the date on which the taking of water in the manner mentioned in subsection (1) was discovered; or
- (b) the average monthly consumption on the premises registered over three succeeding measuring periods after the date referred to in subsection (2)(a).
- (3) Nothing in these regulations shall be construed as imposing on the authority or the authorised provider, an obligation to cause any measuring device installed by the authority or the authorised provider, on any premises to be measured at the end of every month or any other fixed period, and the authority or the authorised provider, may estimate the quantity of water supplied over any period during the interval between successive measurements of the measuring device and render an account to a consumer for the quantity of water so estimated.
- (4) The Authority or the authorised provider, must, on receipt from the consumer of written notice of not less than seven days and subject to payment of the prescribed charge, measure the quantity of water supplied to consumer at a time or on a day other than that upon which it would normally be measured.
- (5) If a contravention of subsection 33(6) occurs, the consumer shall pay to the authority or the authorised provider, the cost of such quantity of water as in the authority or the authorised provider's opinion was supplied to him or her.
- (6) Where in the opinion of the authority or the authorised provider, it is not reasonably possible or cost effective to measure water supplied to each consumer within a determined zone, the authority or the authorised provider, may, determine a basic tariff or charge to be paid by each consumer within that zone irrespective of actual consumption.
- (7) Notwithstanding section 35(6), the authority or the authorised provider will commit to install measuring devices in all consumer connection pipes, over a period to be determined by the authority or authorised provider, in order to comply with sections 9(1) and 73(1) of the Act.
- (8) A tariff or charge determined in terms of subsection (6) will be based on the estimated average consumption of water supplied to that zone.

Defective Measurement

- 36(1) If a consumer has reason to believe that a measuring device, used for measuring water, which was supplied to him or her by the authority or the authorised provider, is defective he or she may make application in writing for the measuring device to be tested against payment of the prescribed charge.

Special Measurement

- 37(1) If the authority or the authorised provider, wishes, for purposes other than charging for water consumed, to ascertain the quantity of water which is used in a part of a water installation, it may by written notice advise the owner concerned of its intention to install a measuring device at such point in the water installation as it may specify.
- (2) The installation of a measuring device referred to in subsection (1), its removal, and the restoration of the water installation after such removal shall be carried out at the expense of the authority or the authorised provider.

No Reduction of Amount Payable for Water Wasted

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

Adjustment of Quantity of Water Supplied Through Defective Measuring Device

- 39(1) If a measuring device is found to be defective in terms of section 36(1), the authority or the authorised provider, may estimate the quantity of water supplied to the consumer concerned during the period in which, in its opinion, such measuring device was defective, on the basis of the average daily quantity of water supplied to him or her over:
- (a) a period between two successive measurements subsequent to the replacement of the measuring device;
 - (b) a period in the previous year corresponding to the period in which the measuring device was defective; or
 - (c) the period between three successive measurements prior to the measuring device becoming defective; whichever it considers the most appropriate.
- (2) If the quantity of water supplied to a consumer during the period when his or her measuring device was defective cannot be estimated in terms of subsection (1), the authority or the authorised provider, may estimate the quantity on any basis that is available to it.

PART 6

INSTALLATION WORK

Approval of Installation Work

- 40(1) If an owner wishes to have installation work done, he or she must first obtain the authority or the authorised provider'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 in terms of SABS Code 0400 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) Application for the approval referred to in subsection (1) shall be made on the prescribed form and shall be accompanied by:
- (a) the prescribed charge, if applicable;
 - (b) copies of the drawings as prescribed by the authority or the authorised provider, giving information in the form required by Clause 4.1.1 of SABS Code 0252 : Part I; and
 - (c) a certificate certifying that the installation has been designed in accordance with SABS Code 0252 : Part I by a professional engineer. **[BUILDING INSPECTOR TO COMMENT]**
- (3) The provisions of subsections (1) and (2) shall not apply to a registered plumber who replaces a fixed water heater or its associated protective devices.
- (4) Authority given in terms of subsection (1) shall lapse at the expiry of a period of twenty-four months after the first day of the month succeeding the month in which the authority is given.

- (5) A complete set of approved drawings of installation work shall be available at the site of the work at all times until such work has been completed, where approval was required in terms of subsection (1).
- (6) If installation work has been done in contravention of subsection (1) or (2), the authority or the authorised provider, may by written notice require the owner of the premises concerned to :
 - (a) rectify the contravention within a specified period;
 - (b) if work is in progress, to cease the work; and
 - (c) to remove all such work which does not comply with these bylaws.

Provision and Maintenance of Water Installations

- 41(1) An owner must provide and maintain his or her water installation at his or her own cost and, unless permitted in terms of section (42), must ensure that the installation is situated within the boundary of his or her premises.
- (2) Before doing work in connection with the maintenance of a portion of his or her water installation which is situated outside the boundary of his premises, an owner shall obtain the written consent of the authority or the authorised provider, or the owner of the land on which such portion is situated, as the case may be.

Use of Pipes and Water Fittings to be Authorised

- 42(1) No person shall, without the prior written authority of the authority or the authorised provider, install or use a pipe or water fitting in a water installation within the authority or the authorised provider's area of jurisdiction, unless it is included in the Schedule of Approved Pipes and Fittings as compiled by the authority or the authorised provider.
- (2) Application for the inclusion of a pipe or water fitting in the Schedule referred to in subsection (1) must be made on the form prescribed by the authority or the authorised provider.
- (3) A pipe or water fitting may be included in the Schedule referred to in subsection (1) if:
 - (a) it bears the standardisation mark of the South African Bureau of Standards in respect of the relevant SABS specification issued by the Bureau; or
 - (b) it bears a certification mark issued by the SABS to certify that the pipe or water fitting complies with an SABS Mark specification or a provisional specification issued by the SABS, provided that no certification marks shall be issued for a period exceeding two years.
- (4) The authority or the authorised provider, may, in respect of any pipe or water fitting included in the Schedule, impose such additional conditions, as it may deem necessary in respect of the use or method of installation thereof.
- (5) A pipe or water fitting shall be removed from the Schedule if it:
 - (a) no longer complies with the criteria upon which the inclusion was based; or
 - (b) is no longer suitable for the purpose for which its use was accepted.
- (6) The current schedule shall be available for inspection at the office of the authority or the authorised provider, at any time during working hours.
- (7) The authority or the authorised provider, may sell copies of the current schedule at the prescribed charge.

Labeling of Terminal Water Fittings and Appliances

- 43 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

PART 7

WATER POLLUTION, RESTRICTION AND WASTEFUL USE OF WATER

Owner to Prevent Pollution of Water and Interconnection of Water Services

- 44(1) An owner shall provide and maintain measures, approved by the authority, to prevent the entry of a substance, which may be a danger to health or adversely affect the potability of water or affect its fitness for use, into:
- (a) the water supply system; and
 - (b) any part of the water installation on his or her premises.
- (2) An owner shall not inter-connect any water supply system, water installation or sewage disposal system supplied from different sources unless the consent of the authority or authorised provider is first obtained.

Water Restrictions

- 45(1) The authority or the authorised provider, may by public notice to prevent the wasteful use of water in terms of section (46) or in the event of a water shortage, drought, flood:
- (a) prohibit or restrict the consumption of water in the whole or part of its area of jurisdiction in general or for:
 - (i) specified purposes;
 - (ii) during specified hours of the day or on specified days; and
 - (iii) in a specified manner, and
 - (b) determine and impose:
 - (i) limits on the quantity of water that may be consumed over a specified period;
 - (ii) charges additional to those prescribed in respect of the supply of water in excess of a limit contemplated in subsection (1)(b)(i); and
 - (iii) a general surcharge on the prescribed charges in respect of the supply of water;
- and
- (c) impose restrictions or prohibitions on the use or manner of use or disposition of an appliance by means of which water is used or consumed, or on the connection of such appliances to the water installation.
- (2) The authority or the authorised provider, may limit the application of the provisions of a notice contemplated by subsection (1) to specified areas and categories of consumers, premises and activities, and may permit deviations and exemptions from, and the relaxation of, any of the provisions on reasonable grounds.
- (3) The authority or the authorised provider, may:
- (a) take, or by written notice require a consumer at his or her own expense to take, such measures, including the installation of measurement devices and devices for restricting the flow of water, as may in its opinion be necessary to ensure compliance with a notice published in terms of subsection (1); or
 - (b) discontinue or, for such period as it may deem fit, limit the supply of water to any premises in the event of a contravention on such premises or failure to comply with the terms of a notice published in terms of subsection (1), subject to notice in terms of section 14; and
 - (c) where the supply has been discontinued, it shall only be restored when the prescribed charge for discontinuation and reconnecting the supply has been paid.

The provisions of this section shall apply also in respect of water supplied directly by the authority or the authorised provider, to consumers outside its area of jurisdiction with the approval of the Municipality in such area, notwithstanding anything to the contrary in the conditions governing such supply, unless otherwise specified in the notice published in terms of subsection (1).

Unlawful Waste of Water

- 46(1) No consumer shall permit:
- (a) the purposeless or wasteful discharge of water from terminal water fittings;
 - (b) pipes, cisterns or water fittings to leak;
 - (c) the use of maladjusted or defective water fittings;
 - (d) an overflow of water to persist;
 - (e) any part of any water installation, including any cistern, to rust, rot or otherwise deteriorate, or
 - (f) an inefficient use of water to persist after being notified of such inefficient use by the authority.
- (2) An owner shall 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 authority or the

authorised provider, shall, by written notice in terms of section 14, require the owner to comply with the provisions of subsection (1).

- (4) The authority or the authorised provider, 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 authority or the authorised provider.
- (5) Where water has run to waste due to a defect in any water installation and the authority or the authorised provider is satisfied that such defect could not, with the exercise of reasonable care and diligence, be detected by the owner or consumer, the quantity of water to be paid for by the owner or consumer, during the period when such defect occurred, shall be calculated on a basis determined by the authority or the authorised provider, as the case may be.

PART 8

WATER AUDIT

Water Audit

- 47(1) Water users using more than 3 650 kl per annum, excluding those comprising multiple dwelling units, must within one month after the end of each financial year of the authority or the authorised provider, undertake an annual water audit at their own cost.
- (2) The audit must contain details in respect of:
 - (a) the amount of water used during the financial year;
 - (b) the amount paid for water for the financial year;
 - (c) the number of people living on the stand or premises;
 - (d) the number of people permanently working on the stand or premises;
 - (e) the seasonal variation in demand through monthly consumption figures;
 - (f) the water pollution monitoring methods;
 - (g) the plans to manage their demand for water;
 - (h) estimates of consumption by various components of use; and comparison of the above factors with those reported in each of the previous three years, where available.

PART 9

GENERAL PROVISIONS

Notification of Boreholes

- 48(1) The authority or the authorised provider, may, by public notice, require -
 - (a) the owner of any premises within the area of jurisdiction of the authority or the authorised provider, upon which a borehole exists or, if the owner is not in occupation of such premises, the occupier thereof, to notify it on the prescribed form of the existence of a borehole on such premises, and provide it with such information in respect thereof as it may require; and
 - (b) the owner or occupier of any premises who intends to sink a borehole on such premises to notify it on the prescribed form of such intention before work in connection therewith is commenced.
- (2) The authority or the authorised provider, 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 authority or the authorised provider, before sinking the borehole.
- (3) The authority or the authorised provider, may by notice to a owner or occupier or by public notice require owners and occupiers who have existing boreholes used for water services to:
 - (a) obtain approval from it for the use of the borehole for water services in accordance with sections 6 and 7 of the Act;
 - (b) impose conditions in respect of the use of the borehole for water services; and
 - (c) may impose a fixed charge in respect of the use of such borehole.

Sampling of Water

- 49(1) The authority or the authorised provider, 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 for domestic purposes and cause the samples to be tested for compliance with any national standards

- prescribed in terms of section 9 of the Act.
- (2) The prescribed charge for the taking and testing of the samples referred to in subsection (1) shall be paid by the person to whom approval to use the water for potable water was granted in terms of section 6(1) or 7(1) of the Act.

Supply of Non-Potable Water by Authority or the Authorised Provider

- 50(1) The authority or the authorised provider, may, on application in terms of section (5), agree to supply non-potable water to a consumer, subject to such terms and conditions as the authority or the authorised provider, may impose.
- (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 authority or the authorised provider, 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 authority or the authorised provider, 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 arising to himself, herself or others arising directly or indirectly therefrom, including the consequences of any bona fide fault of the authority or the authorised provider, or the malfunction of a treatment plant.

Testing of Pressure in Water Supply Systems

- 51 The authority or the authorised provider, may, on application by an owner and on payment of the prescribed charge, 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.

Pipes in Streets or Public Places

- 52 No person shall 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, or under the control of any authority or the authorised provider, except with the prior written permission of that authority or the authorised provider, and subject to such conditions as it may impose.

CHAPTER 4

SANITATION SERVICES

PART 1

STANDARDS AND GENERAL PROVISIONS

Standards for Sanitation Services

- 53 Sanitation services provided by the authority or the authorised provider, will comply with the minimum standards set for the provision of sanitation services in terms of section 9 of the Act.

Objectionable Discharge to Sewage Disposal System

- 54(1) No person shall discharge, or permit the discharge or entry into the sewage disposal system of any sewage or other substance:
- (a) which does not comply with the standards and criteria prescribed in sections 65 and 66 below;

- (b) which contains any substance in such concentration as will produce or be likely to produce in the effluent for discharge at any sewage treatment plant in any public water, any offensive, or otherwise undesirable taste, colour, odour, temperature or any foam;
 - (c) which may prejudice the re-use of treated sewage or adversely affect any of the processes whereby sewage is purified for re-use, or treated to produce sludge for disposal;
 - (d) which contains any substance or thing of whatsoever nature which is not amenable to treatment to a satisfactory degree at a sewage treatment plant or which causes or is likely to cause a breakdown or inhibition of the processes in use at such plant;
 - (e) which contains any substance or thing of whatsoever nature which is of such strength, or which is amenable to treatment only to a degree as will result in effluent from the sewage treatment plant;
 - (f) which may cause danger to the health or safety of any person or may be injurious to any ground used by the authority or the authorised provider, for the sewage disposal system, other than in compliance with the permissions issued in terms of these bylaws; and
 - (g) which may inhibit the unrestricted conveyance of sewage through the sewage disposal system.
- (2) No person shall cause or permit any stormwater to enter the sewage disposal system.
- (3) The authority may, by written notice, order the owner or occupier to conduct, at his or her cost, periodic expert inspections of the premises in order to identify precautionary measures which would ensure compliance with these bylaws and to report such findings to an authorised provider.

PART 2

ON-SITE SANITATION SERVICES AND ASSOCIATED SERVICES

Specified On-Site Sanitation

- 55(1) Any drainage installation constructed or installed must comply with any applicable specifications in terms of the Building Regulations and any standards prescribed in terms of the Act.
- (2) (a) Where the draining installation is a pit latrine it must be of the ventilated improved pit latrine type and conform to the specification of the authority, as amended from time to time;
- (b) the authority or the authorised provider, may levy a charge that covers all the operating and maintenance costs in the removal of the pit contents, transportation to a disposal site, the treatment of the contents to achieve a sanitary condition and the final disposal of any solid residues. The charge may be in the form of a monthly contribution or it may be levied as a single payment when the service is rendered;
- (3) No conservancy tank, septic tank/french drain or any other onsite sanitation system may be installed on a premises without written permission from the authority or authorised provider, who may grant such permission subject to any conditions which may apply.

Services Associated with On-Site Sanitation Services

- 56(1) The removal or collection of conservancy tank contents or the emptying of pits will be undertaken by the authority or the authorised provider, in accordance with a removal schedule determined by the authority or the authorised provider.

Charges in Respect of Services Associated with On-Site Sanitation Services

- 57(1) Charges in respect of the removal or collection of conservancy tank contents or the emptying of pits will be based on the volume removed by vacuum tanker or otherwise.
- (2) If the volume of conservancy tank contents or the emptying of pits cannot be quantified, the authority or the authorised provider may charge a fixed charge as prescribed.

PART 3

SEWAGE DISPOSAL

Provision of a Connecting Sewer

- 58(1) If an agreement for the use of the sanitation system in accordance with section 5 exists and no

connecting sewer exists in respect of the premises, the owner must immediately make application on a form approved by the authority and:

- (a) pay the prescribed charge for the installation of such a connecting sewer; or
 - (b) with the approval by the authority or the authorised provider, install the connecting sewer in accordance with any specifications of the authority or the authorised provider.
- (2) If an application is made for use of the sanitation system to a premises which is so situated that it is necessary to extend the sewer in order to connect the sanitation system to the premises, the authority or the authorised provider may agree to the extension, subject to such conditions as it may impose.
- (3) Should an on-site sanitation system be located on a premises, and a sanitation system is constructed by the authority or the authorised provider, such that the said premises can now be served by the sanitation system, the owner of the premises must, within six (6) months of receiving written notification as per section 13(1) from the authority or authorised provider:
- (a) make application for a connecting sewer in accordance with section 58(1); and
 - (b) abandon the on-site sanitation system on the premises once the connecting sewer has been made.

Location of Connecting Sewer

- 59(1) A connecting sewer provided and installed by the authority or the authorised provider, or owner, in terms of section 58, shall:
- (a) be located in a position determined by the authority and be of a size determined by an authorised officer; and
 - (b) terminate at a connection point approximately 1 meter inside the premises from the boundary of the land owned or controlled by the authority or the authorised provider, or over which it has a servitude or other right of way.
- (2) In determining the location of a connecting sewer, the authority or the authorised provider, 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 authority or the authorised provider, requires the owner to fix the location of the connecting sewer by providing a portion of his or her sewer 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 authority or the authorised provider to connect to such installation.
- (3) 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 authority or the authorised provider.

Provision of One Connecting Sewer for Several Consumers on Same Premises

- 60(1) Notwithstanding the provisions of section 58 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 consumer units of consumers located on such premises.
- (2) Notwithstanding subsection (1), the authority or the authorised provider, 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 authority or the authorised provider, undue hardship or inconvenience would be caused to any consumer on such premises by the provision of only one connecting sewer.
- (3) Where the provision of more than one connecting sewer is authorised by the authority or the authorised provider, under subsection (2), the tariffs and charges for the provision of a connecting sewer is payable in respect of each sewage connection so provided.

Interconnection between Premises

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

Disconnection of Drainage Installation from Connecting Sewer

- 62 The authority or the authorised provider, may disconnect a drainage installation from the connecting sewer and remove the connecting sewer if:
- (a) the agreement for provision has been terminated 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.

Drains in Streets or Public Places

- 63 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 authority or the authorised provider, except with the prior written permission of the authority or the authorised provider, and subject to such conditions as it may impose.

Maintenance of Drainage Installation

- 64(1) The owner or occupier of any premises must maintain any drainage installation and any sewer connection on such premises.
- (2) Any person who requests the authority or the authorised provider, to clear a drainage installation, will be liable to pay the prescribed tariff.
 - (3) An authority or the authorised provider may, on the written application of the owner or occupier of any premises, inspect and test the drainage installation of such premises or any section thereof and recover from the owner or occupier the cost of such inspection and test, calculated at the rate specified in the prescribed tariff or charges.

PART 4

DISPOSAL OF INDUSTRIAL EFFLUENT AND TRADE PREMISES

Application for Disposal of Industrial Effluent

- 65(1) A person must apply for permission to discharge industrial effluent into the sewage disposal system of the authority or the authorised provider.
- (2) An application for permission to discharge industrial effluent into the sewage disposal system shall be accompanied by:
 - (a) a written consent from the owner of the premises, where the applicant is not the owner thereof;
 - (b) such plans, in triplicate, and such other particulars as are necessary to describe the premises, drainage system and any works, apparatus or plant from which the industrial effluent is to be discharged and to identify the sewer to which the discharge is to be made and the point of discharge;
 - (c) particulars of the anticipated nature, composition, temperature, volume and rate of discharge of, and the proposed method of any treatment of the industrial effluent and the period or periods during which the industrial effluent is to be discharged;
 - (d) a general description of the process or activity giving rise to the discharge;
 - (e) a description of the techniques to be used for preventing the discharge into any environmental medium of such industrial effluent;
 - (f) proposals for monitoring the discharge of such industrial effluent;
 - (g) any additional information which the applicant wishes the authority or the authorised provider to take into account in considering the application; and
 - (h) a nominated address at which the applicant agrees to accept service of all notices contemplated in these bylaws.
 - (3) Simultaneously with the making of an application contemplated in bylaw 79(2) **[CHECK]**, the applicant shall publish in a newspaper designated by the authority or authorised provider notice of such application.
 - (4) A notice under sub-bylaw (3) shall contain, as a heading, the words "Discharge of Industrial Effluent" and shall:
 - (a) state the name of the applicant;
 - (b) give a general description of the industrial effluent;
 - (c) state the nature of the trade or industry;
 - (d) state the name and location of the premises from which the industrial effluent is to be discharged;

- (e) state the place at which, and period during which the application may be inspected; and
 - (f) state the date by which, and the place at which objections may be lodged.
- (5) The application shall lie for inspection by interested parties in the office of the authority or authorised provider for a period of 14 (fourteen) days after publication of the notice.
 - (6) Where notice of any application has been published under section 79 **[CHECK]**, any person having an interest in the matter may, within 14 (fourteen) days after the date of such publication, lodge any objections or representations in writing addressed to the authority or authorised provider, stating:
 - (a) the person's name and address;
 - (b) the person's interest in the matter;
 - (c) the matter in respect of which the person is objecting to the application or in respect of which a representation is being submitted;
 - (d) the grounds for objection or representations; and
 - (e) whether or not a hearing is requested.
 - (7) The authority or the authorised provider shall consider every application and any objection thereto and shall consult the operator of the sewage treatment works and may consult such persons and authorities as he or she deems necessary for the purposes of considering such application and any objections thereto.
 - (8) Every applicant and objector shall, during the consideration of an application and any objection thereto, be entitled to attend before the authority or authorised provider in person or, if such person is a body corporate, to be represented by a person authorised thereto by such body corporate and shall be entitled to be heard.
 - (9) The authority or authorised provider shall, if requested by the applicant or any objector, and may, if he or she considers it necessary, convene a hearing; in which event he/she shall give notice thereof by letter sent by ordinary post to the applicant and every objector of the date, time and place of the hearing.
 - (10) Any interested person may inspect any documents relevant to the application until the application is determined.
 - (11) The authority or the authorised provider may, if in its opinion the capacity of a sewage disposal system is sufficient to permit the conveyance and effective treatment and lawful disposal of the industrial effluent, it will, for such period and subject to such conditions it may impose, grant written permission to discharge industrial effluent.
 - (12) 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, also lodge applications for the provision of sanitation services and for permission to discharge industrial effluent in terms of subsection (2).
 - (13) Any permission granted by the authority or authorised provider in terms of section 79 **[CHECK]** shall:
 - (a) be personal to the applicant;
 - (b) terminate two years from the date of grant or such lesser period as the authority or authorised provider may stipulate when granting the permission; and
 - (c) not be ceded, assigned or otherwise transferred without the written permission of the authority or authorised provider.
 - (14) A person to whom such permission is granted shall pay to the authority or the authorised provider, any prescribed charges

Unauthorised Discharge of Industrial Effluent

- 66(1) No person shall discharge or cause or permit to be discharged into the sewage disposal system any industrial effluent, except with and in terms of the written permission of the authority or authorised provider, and in accordance with the provisions of this part.

Quality Standards for Disposal of Industrial Effluent

- 67(1) A person to whom permission has been granted in terms of section ... **[CHECK]** must ensure that no industrial effluent is discharged into the sewage disposal system of the authority or the authorised provider, unless it complies with the standards and criteria set out in Schedule A hereto.
- (2) The authority or the authorised provider may by writing in the permission concerned, relax or vary the standards in Schedule A, provided that the authority or the authorised provider, is satisfied that any such relaxation represents the best practicable environmental option.
- (3) In determining whether relaxing or varying the standards in Schedule A represents the best practicable environmental option an authority or the authorised provider, will consider:
 - (a) whether the applicant's undertaking is operated and maintained at optimal levels;

- (b) whether technology used by the applicant represents the best available option to the applicant's industry and, if not, whether the installation of such technology would entail unreasonable cost to the applicant;
 - (c) whether the applicant is implementing a programme of waste minimisation which complies with national and local waste minimisation standards to the satisfaction of the authority or the authorised provider;
 - (d) the cost to the authority or the authorised provider, of granting the relaxation or variation; and
 - (e) the environmental impact or potential impact of such a relaxation or variation.
- (4) Test samples may be taken at any time by a duly qualified sampler to ascertain whether the industrial effluent complies with Schedule A or any other standard laid down in a written permission.

Conditions for Disposal of Industrial Effluent

- 68(1) The authority or the authorised provider may in the written permission or at any time, by written notice, require a consumer to -
- (a) subject the industrial effluent to such preliminary treatment as in the opinion of the authority or the authorised provider, will ensure that the industrial effluent conforms to the standards prescribed in Schedule A, provided that it does not unduly endanger the health and safety of persons working in the sewer, and will render it innocuous to the materials of which the sewer is constructed and to the plant and equipment of the sewage treatment plants, before being discharged into the sewage disposal system;
 - (b) install such equalising tanks, valves, pumps, appliances, meters and other equipment as in the opinion of the authority or the authorised provider, will be necessary to control the rate and time of discharge into the sewage disposal system in accordance with the conditions imposed by it;
 - (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 waste water and standard domestic effluent and may prohibit such person from disposing of his or her industrial effluent at any other point and from disposing of his or her waste water 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 or stop-valve in such position and of such dimensions and materials as the authority or the authorised provider, may prescribe;
 - (e) provide all such information as may be required by the authority or the authorised provider, to enable it to assess the tariffs or charges due to the authority or the authorised provider;
 - (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 these bylaws;
 - (g) cause any meter, gauge or other device installed in terms of this section to be calibrated by an independent authority at the cost of that person at such intervals as required by the authority or the authorised provider, and copies of the calibration to be forwarded to it; and
 - (h) cause his or her industrial effluent to be analysed as often and in such manner as may be prescribed by the authority or the authorised provider, and provide it with the results of these tests when completed.
- (2) The cost of any treatment, plant, works or analysis which the permit holder may be required to carry out, construct or install in terms of subsection (1), shall be borne by the consumer concerned.
- (3) The written permission of the authority or the authorised provider, must be obtained for any proposed changes to the composition of industrial effluent discharged into the sewage disposal system.
- (4) In taking samples and conducting tests for the purposes of sub-section 1(e) above, the authority or authorised provider shall:
- (a) notify the owner or occupier of the premises or the person in charge, or apparently in charge of the premises, of his/her presence and his/her intention to take any sample or make any test or measurement and invite such person to be present at the taking of such sample or making of such test or measurement;
 - (b) take one sample of effluent and cause it to be placed in a container for analysis at the laboratory of the authority or authorised provider.

Withdrawal of Written Permission for Disposal of Industrial Effluent

- 69(1) The authority or the authorised provider, may withdraw any permission, after giving at least 14 (fourteen) days' written notice of its intention to a person permitted to discharge industrial effluent into the sewage disposal system if the person:
- (a) fails to ensure that the industrial effluent discharged conforms to the industrial effluent standards prescribed in Schedule A of these bylaws or the written permission;
 - (b) fails or refuses to comply with any notice lawfully served on him or her in terms of these bylaws or contravenes any provisions of these bylaws or any condition imposed in terms of any permission granted to him or her; and
 - (c) fails to pay the assessed charges in respect of any industrial effluent discharged.
- (2) The authority or the authorised provider, may on withdrawal of any written permission:
- (a) in addition to any steps prescribed in these bylaws, and on 14 (fourteen) days' written notice authorise the closing or sealing of the connecting sewer of the said premises to any sewer for such charge as may be prescribed in the authority or the authorised provider's tariff of charges;
 - (b) refuse to accept any industrial effluent until it is satisfied that adequate steps are or have been taken to ensure that the industrial effluent to be discharged conforms with the standards prescribed in these bylaws; and
 - (c) require the person concerned to take all steps necessary to facilitate the disposal of industrial effluent by other lawful means.

Right of Appeal

- 70(1) Any applicant for permission to discharge industrial effluent, or any person who is dissatisfied with any decision taken by the authority or authorised provider relating to a refusal to grant or renew such permission, or any conditions attached thereto, or any variation of such conditions, any withdrawal of such permission may, within 30 (thirty) days after being notified of the decision of the authority or the authorised provider, lodge a written notice of appeal with the authority or the authorised provider, provided that notwithstanding any such appeal, any drainage connection closed or sealed shall remain closed or sealed.
- (2) Upon receipt of a notice of appeal the authority or authorised provider shall forthwith inform the Msunduzi Municipality which shall thereupon take all steps necessary for the constitution of an appeal tribunal consisting of such councillors and other persons as it may deem necessary.
- (3) The appeal tribunal so constituted shall as soon as practicable hear the appeal, and may confirm or vary or cancel any decision of the authority or the authorised provider, or may make such other decisions as it considers proper.

Obligations of a Holder of a Permission to Discharge Industrial Effluent

- 71(1) Every owner and occupier of premises where industrial effluent, domestic effluent or any other liquid is produced shall prevent any discharge prohibited by Schedule A from entering or being discharged into any sewer, and every holder of a permission, owner and occupier who permits or negligently fails to prevent such entering or discharge, shall be guilty of an offence and upon conviction be liable to the penalties set out in the bylaws.
- (2) Where it is shown that effluent discharging from any premises at the point where such effluent joins the sewer, does not conform to the limits prescribed in Schedule A, it shall be presumed, until the contrary is proved, that:
- (a) the owner and occupier thereof and the operator of the industry being conducted thereon knew of such discharge;
 - (b) the owner and occupier thereof and the operator of the industry being conducted thereon knew that such discharge did not comply with the said limits; and
 - (c) the measurements taken of the discharge at said point accurately reflect the measurements of the effluent being discharged from the premises.
- (3) The holder of a permission shall not make, or cause or permit to be made, any change to the premises or in the manner of running, using, maintaining or operating the premises or in any operation or process carried on at the premises, which change causes, or is intended or likely to cause, a material increase in the quantity or quality of industrial effluent or both, discharged from the premises, unless prior written approval of the authority or authorised provider has been obtained for such change.
- (4) For the purposes of sub-section (3), changes to the premises include:

- (a) any change in the construction, structure or arrangement of the premises or any building serving the premises;
 - (b) any change in the construction, structure, arrangement, alignment, direction or condition of any channelling device, system or facility serving the premises; and
 - (c) any change of, to, or in any plant, machine, process or equipment used or installed at the premises which affects the production or treatment of any effluent.
- (5) An application for the approval of any changes as provided for in sub-sections (3) and (4) shall be made in writing to the authority or authorised provider and the provisions of section 63 and shall apply *mutatis mutandis* to such application.
- (6) In the event of there being any change in circumstances arising from:
- (a) any changes envisaged in section (3);
 - (b) the introduction of new or revised standards prescribed by the authority or national legislation;
 - (c) any amendment to these bylaws; or
 - (d) constraints from the nature and capacity of the treatment processes at the sewage treatment works, the authority or authorised provider may, after the expiration of 60 (sixty) days' written notice to the holder of a permission of his/her intention to do so, amend, modify or revoke such permission or any conditions attached thereto and/or impose additional conditions for the acceptance of any industrial effluent into any sewer or prohibit the discharge of any or all of such industrial effluent into such sewer.
- (7) The provisions of bylaw 68 of these bylaws shall apply *mutatis mutandis* to any notification given to an owner or occupier in terms of sub-section (6).
- (8) The holder of a permission and the owner or occupier of any premises shall ensure that all employees are instructed in procedures to avoid accidental discharges of industrial effluent into a sewer or generally into the environment, to remove, disperse or destroy any industrial effluent so accidentally discharged and to otherwise prevent, abate or mitigate any harmful effects caused by any such accidental discharge of industrial effluent.
- (9) (a) The owner and occupier of any premises shall forthwith furnish the authority or authorised provider in writing with any information concerning an accidental discharge of industrial effluent and shall comply forthwith with any requirements of the authority or authorised provider for the prevention, abatement or mitigation of the effects thereof.
- (b) The owner and occupier of any premises shall forthwith notify the authority or authorised provider of any rupture or damage to or blockage of any sewer on the premises and take immediate steps to repair such sewer.
- (10) The authority or the authorised provider shall, if he/she considers such action necessary, immediately report the circumstances of any such accidental discharge to the operator of the sewage treatment works, and to the relevant committee of the Msunduzi Municipality, the action which he/she has taken in terms of section (9) hereof.

PART 5

MEASUREMENT OF QUANTITY OF EFFLUENT DISCHARGED TO SEWAGE DISPOSAL SYSTEM

Measurement of Quantity of Standard Domestic Effluent Discharged

- 72(1) The quantity of standard domestic effluent emanating from a residential unit situated on a single erf is not measured for tariff purposes, and a fixed monthly charge is levied.
- (2) For all other residential premises such as flats, simplex/duplex developments and the like, as well as commercial and institutional premises, the quantity of standard domestic effluent discharged shall be determined by a percentage of water supplied by the authority or authorised provider, provided that where the authority or authorised provider is of the opinion that such a percentage in respect of specific premises is excessive, having regard to the purposes for which water is consumed on those premises, the authority or the authorised provider 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 a premises is supplied with water from a source other than or in addition to the authority or the authorised provider's water supply system, including abstraction from a river or borehole, the quantity of standard domestic effluent will be a percentage of the total water used on that premises as may be reasonably estimated by the authority or the authorised provider.

Measurement of Quantity of Industrial Effluent Discharged

- 73(1) The quantity of industrial effluent discharged into the sewage disposal system 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 authority or the authorised provider, to that premises.
- (2) Where a premises is supplied with water from a source other than or in addition to the authority or the authorised provider's water supply system, including abstraction from a river or borehole, the quantity will be a percentage of the total water used on that premises as may be reasonably estimated by the authority or the authorised provider.
- (3) Where a portion of the water supplied to the premises forms part of the end product of any manufacturing process or is lost by reaction or evaporation during the manufacturing process or for any other reason, the authority or the authorised provider, may on application reduce the assessed quantity of industrial effluent.
- (4) In cases where, in the opinion of the authority or authorised provider, the method of calculation of the charges payable in terms of the authority or authorised provider's tariff of charges does not, for any reason, give an adequate estimate of treatability of the industrial effluent, the authority or authorised provider shall be entitled to adopt any other scientific method of assessing the treatability of the industrial effluent and may also enter into a special agreement with the applicant or holder of the permission concerned whereby an alternative method of assessing the treatability of the industrial effluent and of calculating the industrial effluent charge is adopted.
- (5) Unless the authority or authorised provider shall in any particular case agree otherwise in writing with the holder of the permission concerned, charges payable in terms of the Council's tariff of charges shall be levied monthly.
- (6) If a meter, whereby the quantity of water consumed on the premises is measured, is proved by the holder of the permission concerned to be defective, the appropriate adjustment shall be made to the quantity of industrial effluent discharged when calculated as prescribed by sub-section (5). In the absence of such proof, the meter shall be deemed to operate accurately.
- (7) Where industrial effluent is discharged into the sewer from more than one point, whether on the same floor or on different floors of premises, the authority or authorised provider may, for the purposes of assessing the charge payable in terms of the authority or authorised provider's tariff of charges and for taking of test samples, treat each such point of discharge as a separate point for the discharge of industrial effluent into the sewer.
- (8) For the purposes of calculating the quantity of industrial effluent discharged from each point of discharge as aforesaid, the total quantity of water consumed on the premises shall be allocated, as accurately as is reasonably practicable after consultation between the authority or authorised provider and the holder of the permission concerned, among the several points of discharge.

Reduction in the Quantity Determined in terms of Section [CHECK]

- 74(1) A person shall be entitled to a reduction in the quantity determined in terms of section [CHECK] 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 authority or the authorised provider, that the said water was not discharged into the sewage disposal system.
- (2) The reduction in the quantity shall be based on the quantity of water loss through leakage or wastage during the leak period.
- (3) The leak period shall be either the measuring period immediately prior to the date of repair of the leak or the measurement period during which the leak is repaired, 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 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 authority or the authorised provider, 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 contravention of these bylaws.

Register of Holders of Permission to Discharge Industrial Effluent

- 75(1) The authority or authorised provider shall keep a register which shall be available for inspection by the public at all reasonable hours and shall contain the following particulars of every permission granted by the authority or authorised provider under these bylaws and which continues to be in force:
- (a) the date of grant of the permission and the name and address of the person to whom it was granted;
 - (b) brief details thereof, including any conditions attached to it;
 - (c) the date and brief details of any variations thereto indicating whether the variations were effected in pursuance of an application or otherwise;
 - (d) whether the permission was granted or varied in accordance with a direction given by the appeal tribunal; and
 - (e) whether any legal action was taken against the owner or occupier and the outcome thereof.
- (2) The particulars specified in sub-section (1) shall be entered in the register within 14 (fourteen) days from the grant, or, as the case may be, variation or amendment, of the permission to which they relate.

Liability of Holders of Permission to Discharge Industrial Effluent

- 76(1) Any person who discharges any industrial effluent into the sewer in contravention of these bylaws which damages any component of the sewer or the industrial effluent treatment works or which entails additional treatment costs shall be liable, in addition to prosecution under these bylaws, for the costs of the necessary repairs to the sewer and industrial effluent treatment works and the additional treatment costs thereby incurred.

CHAPTER 5

APPROVALS OF WATER SERVICE PROVIDERS, SUPPLIERS OF WATER FOR INDUSTRIAL USE AND REGISTRATION OF WATER SERVICES INTERMEDIARIES

PART 1

WATER SERVICES PROVIDER - APPROVAL

Request for Applications for Approval

- 77(1) The authority may, in respect of any water scheme established or to be established in its area of jurisdiction, at any time if it decides not to be the water services provider in respect of such water scheme as contemplated in section 19(1)(a) of the Act, by public notice, call for proposals from suitable persons or institutions to seek the approval of the authority to be the water services provider in respect of such water scheme as contemplated in section 22(1), read with section 19(1)(b), of the Act. **[CHECK]**
- (2) The public notice referred to in section 101(1) shall be delivered to every public sector water services provider known to the authority and shall also be published in a newspaper or newspapers circulating in the area where the water scheme is situated which notice shall be published in the predominate language of such newspaper and of the majority of people to be served by such water scheme.
- (3) The authority shall give prior consideration to any proposals submitted by any public sector water services provider as contemplated in section 19(2) of the Act before considering any proposals submitted by any private sector water services providers.
- (4) The authority shall, in respect of every water scheme for which it intends to approve a water services provider:
- (a) prepare a full and detailed description of the water scheme or schemes which will be operated by the water services provider and which shall provide that the authority complies with the criteria set in section 11 of the Act, these bylaws and the water development plan adopted by the authority in terms of section 15 of the Act, which description shall include, but not be limited to:
 - (i) the name or names of the water scheme or schemes;
 - (ii) an indication of the nature of the water services to be provided by the water services provider;
 - (iii) detailed plans or drawings, with co-ordinates and scales, and specifications depicting the physical installation associated with the water scheme or schemes,

- including all the structures, aqueducts, pipes, valves, pumps, meters or other apparatus relating thereto used or intended to be used by it in connection with the provision of water services contemplated in the proposal;
- (iv) a detailed description, including numbers and locality, of the consumers or potential consumers that will be supplied with water by the water services provider;
 - (v) details of the source, the quality and quantity of water that will be supplied to consumers or potential consumers and what arrangements are in place to ensure that such quality and quantity is consistently maintained;
 - (vi) a certificate indicating who the legal owner or owners of the water scheme or schemes is or are; and
 - (vii) certified copies of all documents and deeds reflecting the legal status of the water scheme or schemes, including deeds of servitude where appropriate.
- (b) make such information available to all persons or institutions who wish to submit a proposal in response to the public notice published in terms of subsection (4)(a).
- (5) Any proposal submitted in response to the public notice contemplated in section 2(1) shall include the following:
- (a) a certified copy of the identity document of the applicant, or a certified copy of the founding document or constitution of the applicant, if the applicant is a legal person;
 - (b) a certified resolution adopted by the management body of the applicant, if the applicant is a legal person, resolving to apply for approval as a water services provider;
 - (c) a certified list of the names and addresses of all persons occupying a leadership and decision-making power in the applicant;
 - (d) a detailed statement, supported by adequate proof of authenticity, setting out the applicants qualifications, capacity to undertake the work associated with the provision of water services in the circumstances reflected in the application, and the experience, skills and financial resources available to it to undertake the provision of water services to be provided by the applicant;
 - (e) a business plan setting out how the water scheme or water schemes will be operated and maintained during the period the water services provider will undertake the supply of water services as contemplated in the proposal, and what arrangements have been adopted to deal with any emergency, including natural disasters and drought;
 - (f) a budget describing the financial administration of the water scheme or water schemes, the source of any capital or revenue requirements, and an indication of the sustainability of the water scheme or water schemes;
 - (g) details of tariffs and charges that the applicant will levy on all consumers and potential consumers, the method of calculating such tariffs and charges, the process whereby increases or decreases in such tariffs and charges will be dealt with, and the manner in which such tariffs and charges comply with the national norm set by the Minister of Water Affairs and Forestry in terms of section 10 of the Act; and
 - (h) full details of the conditions that will be imposed in terms of section 4 of the Act and full details required in terms of section 19(4) of the Act.

Application for Approval

- 78(1) Any person or institution seeking approval from the authority in terms of sections 6(1) of the Act under circumstances other than in response to a notice published in terms of section(1), or the renewal of an existing approval, shall do so in accordance with the provisions of these bylaws and at its own expense.
- (2) An application for such approval, or the renewal of such approval, shall be made to the authority in writing.

Immediately on receipt of an application made in terms of section 22(1) of the Act, if the applicant is a private sector water services provider, the authority shall, in terms of section 19(2) of the Act, notify all public sector water providers known to it;

- (a) request such public sector water services providers to notify the authority within a period of 30 days from the date of the receipt by the public sector water provider of such notice whether it is willing and able to perform the functions contained in the application, and if it is, to provide the authority with the documents and particulars referred to in subsection (4), and
 - (b) on receipt of such documentation and particulars, the authority shall consider such application and decide whether to approve a public sector water services provider or a private sector water services provider in respect of the water scheme concerned.
- (3) Any application for approval in terms of section 102(1), or the renewal of any approval granted by the authority, shall be accompanied by, at least, the following documents or particulars, provided that, in the case of a renewal of an approval, the authority may, in its discretion, dispense with some of the documents or particulars to avoid unnecessary duplication:
- (a) a certified copy of the identity document of the applicant, if a natural person, or a certified copy of the founding document or constitution of the applicant, if the applicant is a legal person;
 - (b) a certified resolution adopted by the management body of the applicant, if the applicant is a legal person, resolving to apply for approval as a water services provider;
 - (c) a certified list of the names and addresses of all persons occupying a leadership and decision-making power in the applicant;
 - (d) a detailed statement, supported by adequate proof of authenticity, setting out the applicants qualifications, capacity to undertake the work associated with the provision of water services in the circumstances reflected in the application, and the experience, skills and financial resources available to it to undertake the provision of water services to be provided by the applicant;
 - (e) a full and detailed description of the water scheme or schemes which will be operated by the applicant containing sufficient information to enable the authority to determine whether the water scheme or schemes complies with the criteria set in section 11 of the Act, these bylaws and the water development plan adopted by the authority in terms of section 15 of the Act, which description shall include, but not be limited to:
 - (i) the name or names of the water scheme or schemes;
 - (ii) an indication of the nature of the water services to be provided by the applicant;
 - (iii) detailed plans or drawings, with co-ordinates and scales, and specifications depicting the physical installation associated with the water scheme or schemes, including all the structures, aqueducts, pipes, valves, pumps, meters or other apparatus relating thereto used or intended to be used by it in connection with the provision of water services contemplated in the application;
 - (iv) a detailed description, including numbers and locality, of the consumers or potential consumers that will be supplied with water by the applicant;
 - (v) details of the source, the quality and quantity of water that will be supplied to consumers or potential consumers and what arrangements are in place to ensure that such quality and quantity is consistently maintained;
 - (vi) a business plan setting out how the water scheme or water schemes will be operated and maintained during the period the applicant undertakes the supply of water services as contemplated in the application, and what arrangements have been adopted to deal with any emergency, including natural disasters and drought;
 - (vii) a budget describing the financial administration of the water scheme or water schemes, the source of any capital or revenue requirements, and an indication of the sustainability of the water scheme or water schemes;
 - (viii) details of tariffs and charges that the applicant will levy on all consumers and potential consumers, the method of calculating such tariffs and charges, the process whereby increases or decreases in such tariffs and charges will be dealt with, and the manner in which such tariffs and charges comply with the national norm set by the Minister of Water Affairs and Forestry in terms of section 10 of the Act;
 - (ix) a certificate indicating who the legal owner or owners of the water scheme or

- schemes is or are;
- (x) certified copies of all documents and deeds reflecting the legal status of the water scheme or schemes, including deeds of servitude where appropriate; and
- (xi) full details of the conditions that will be imposed in terms of section 4 of the Act and full details required in terms of section 19(4) of the Act.

Additional Information to Make Decisions

- 108(1) The authority may call for any additional information or documents reasonably required to enable it to determine whether the proposer or applicant, including a public sector water provider, or the water scheme or schemes will comply with the Act, these by-laws and the water development plan of the authority, and whether the obligations of the authority, imposed on it by the Act, will be met.
- (2) The authority may, and it shall, if it initially decides to refuse to accept a proposal made as contemplated in section 101(1), or if it, initially decides to refuse an application made in terms of section 102(1), including an application made by a public sector water provider, prior to making a final decision, meet with the proposer or applicant, and any organisation reasonably representative of the consumers or potential consumers of the water scheme or schemes, in order to hear representations made by the applicant and such representative organisations in support of, or against, the applications, and it shall take such representations into account in arriving at its final decision.

Procedure on Approval

- 109(1) In the event of the authority granting such approval it shall:
- (a) in the case of an application for approval in terms of section 6(1) of the Act, issue a letter of approval to the applicant containing such conditions as the authority may deem appropriate, which conditions shall be binding on the applicant, and which may contain an obligation to comply with any provision of these by-laws as though such person or institution was an approved water services provider;
 - (b) in the case of an application for approval in terms of section 22(1) of the Act:
 - (i) if the applicant is a private sector water services provider, cause a notice to be published in a newspaper or newspapers circulating in the area where the water scheme to which the application relates is situated, publicly disclosing its intention to approve such application;
 - (ii) enter into a contract with the applicant, as contemplated in section 19(1)(b)(i) of the Act, provided that, in the case of a private sector water services provider, such contract shall not commence until a period of thirty days has elapsed after the date of the publication of the notice contemplated in subsection (1)(b)(i) and after the authority has taken into account any representations made by any person or institution in response to the said notice; or
 - (iii) enter into a joint venture agreement with the water services provider as contemplated in section 19(1)(b)(ii) of the Act upon such terms and conditions as may be negotiated by such parties, provided that, in the case of a private sector water services provider, such agreement shall not commence until a period of thirty days has elapsed after the date of the publication of the notice contemplated in subsection (1)(b)(i) and after the authority has taken into account any representations made by any person or institution in response to the said notice.
- (2) Any notice contemplated in subsection (1)(b)(i) shall be published in a newspaper or newspapers, and in the predominant language of such newspaper, which is or are most likely to be read by a majority of the consumers or potential consumers of the water scheme and by the public generally in the area of jurisdiction of the authority.

PART 2

WATER SCHEMES MANAGED AND ADMINISTERED BY AN APPROVED WATER SERVICES PROVIDER

Water Scheme Categories

- 110(1) This section shall apply in all cases where the authority has granted its approval to a person or institution in terms of section 22(1) of the Act read with section 101 and 102 of these bylaws.
- (2) The authority shall designate each water scheme in its area of jurisdiction into one or other

- category defined in subsection (3).
- (3) The categories of water schemes contemplated in subsection (2) shall be:
 - (a) "Category A" being a range of water schemes from elementary water schemes providing water supply services by drawing water from a hand pump or protected spring, and/or the provision of elementary sanitation services to a rural community to more advanced water schemes providing water supply services by way of an abstraction system which is more sophisticated which has a metered connection to a bulk main and the capacity to supply both communal stand-pipes and private connection provision, and/or sanitation services to a rural or semi-urban community;
 - (b) "Category B" being a range of water schemes from water schemes where the abstraction and reticulation provides water to laid out or clearly identified sites, and/or sanitation services, to small towns, including unproclaimed towns, to water schemes providing water supply services and/or sanitation services to a township proclaimed or approved under any law relating to the establishment of townships and/or water supply services for industrial use, and/or for the disposal of industrial effluent.
 - (4) The authority may from time to time in appropriate circumstances change the category to which any water scheme has been allocated to.
 - (5) An authority shall give written notice to the appropriate approved water services provider of its intention to change the category to which any water scheme is allocated to such water services provider, and the change in allocation shall take effect from the date upon which such notice is delivered to the relevant water services provider.
 - (6) The decision of the authority to allocate a category to a water scheme shall be final, provided that any person or institution which has an interest in a particular water scheme who is aggrieved by such allocation on the grounds that he or she is materially prejudiced by such allocation, shall be entitled to appeal to the council of the authority against such allocation in accordance with the following provisions:
 - (a) an appeal shall be noted in writing delivered to a recognised main office of the authority or by pre-paid post addressed to the recognised postal address of the authority;
 - (b) the document evidencing the appeal shall state the grounds upon which the appellant considers that he or she is prejudiced by the allocation appealed against;
 - (c) the appeal shall be considered and disposed of by the council within 45 days of the receipt by it of the document evidencing the appeal; and
 - (d) the decision of the council shall be final.
 - (7) The authority may, in its discretion, in respect of any water scheme falling into Category A, suspend any bylaw for a defined period of time or indefinitely upon such conditions as it may impose, which conditions may be imposed either at the time that it resolves to suspend any bylaw or at any time thereafter, and it may at any time, in its discretion, withdraw such suspension, provided that it shall give not less than 60 days written notice of such withdrawal to all interested and affected parties.
 - (8) No bylaw shall be suspended if the consequences of such suspension shall constitute a contravention of the Act.

Water Services Provider Categories

- 111(1) Every approved water services provider shall be designated as a Category 1 or a Category 2 provider in accordance with the following criteria:
 - (a) A **Category 1** provider shall be a person or institution which, in the opinion of the authority, has the capacity, without external assistance, to manage and administer the water scheme in respect of which approval has been granted in terms of section 22(1) of the Act and to maintain and operate the water scheme efficiently and effectively; and
 - (b) A **Category 2** provider shall be a person or institution which, in the opinion of the authority, does not have the capacity, without external assistance, to manage and administer the water scheme in respect of which approval has been granted in terms of section 22(1) of the Act and to maintain and operate the water scheme efficiently and effectively.
- (2) The decision of the authority to allocate a category to an approved water services provider shall be final, provided that any person or institution which has an interest in a particular provider who is aggrieved by such allocation on the grounds that he or she is materially prejudiced by such allocation, shall be entitled to appeal to the council of the authority against such allocation in accordance with the following provisions:
 - (a) an appeal shall be noted in writing delivered to a recognised main office of the authority or by pre-paid post addressed to the recognised postal address of the authority;
 - (b) the document evidencing the appeal shall state the grounds upon which the appellant

- considers that he or she is prejudiced by the allocation appealed against;
 - (c) the appeal shall be considered and disposed of by the council within 45 days of the receipt by it of the document evidencing the appeal; and
 - (d) the decision of the council shall be final.
- (3) The authority may, in its discretion, require a Category 2 water services provider, as a condition of approval in terms of section 22(1) of the Act, to enter into a contract with a support services provider who shall in the opinion of the authority, have the capacity to provide resources and assistance to the water services provider required to enable the water services provider to comply with the provisions of the Act, these bylaws [subject to section 105(6)] and any contract or joint venture agreement contemplated in section 19(1)(b)(i) or (ii) of the Act.
 - (a) A certified copy of the agreement referred to in subsection (3) shall be lodged with the authority and such copy shall at all times reflect the true agreement between the parties to it; and
 - (b) Any contract entered into in terms of subsection (3) shall be approved by the authority and may not be amended by the water service provider and the support services agent without the prior written consent of the authority.

Monthly Report

- 112(1) An approved water services provider shall submit a quarterly report to the authority providing at least the following information:
 - (a) such information as the authority may reasonably require in order to enable it to monitor and evaluate the operation of the water scheme concerned and to satisfy itself that the said scheme is being operated in such a manner so as to fulfil the requirements of Act, the applicable water development plan, these by-laws and the contract or joint venture contemplated in section 19(1)(b)(i) or (ii) of the Act;
 - (b) full details in regard to:
 - (i) the names and addresses of all consumers;
 - (ii) the quantity of water consumed by each consumer;
 - (iii) the record of payments made by each consumer;
 - (iv) arrears owing by consumers to the approved water services provider and the steps being taken to recover such arrears;
 - (v) arrears written off as irrecoverable and reasons why they are deemed to be irrecoverable;
 - (vi) circumstances where water services are limited or discontinued and the reasons why such services are so limited or discontinued;
 - (vii) any action taken by such water services provider under Parts 1, 2, 5 and 6 of Chapter 2 of these bylaws where empowered to undertake such action; and
 - (viii) full details of all and any conditions imposed by the authority in terms of section 4(1) of the Act and any amendments made to such conditions from time to time.
- (2) Failure to submit the said report shall constitute grounds upon which the authority shall be entitled to review the approval granted by it in terms of section 22(1) of the Act to the water services provider concerned.

Disputes

- 113 Any dispute or conflict arising between the authority and an approved water services provider shall be resolved arbitration as provided in section 35.

PART 3

WATER SUPPLY FOR INDUSTRIAL USE AND ACCEPTANCE OF INDUSTRIAL EFFLUENT

Industrial Use - Application

- 114(1) Any person or institution seeking approval, or the renewal of an approval, from the authority in terms of section 7(1) of the Act shall do so in accordance with the provisions of these bylaws and at its own expense.
- (2) If an applicant intends making application simultaneously for approval in terms of section 7(1) and any other provision of the Act, he shall deal with each application separately, provided that information may be incorporated in one or the other application by reference.
- (3) An application for approval contemplated in subsection (1), or the renewal of such approval, shall be made to the authority in writing.

- (4) Any submission application for any approval in terms of subsection (1), or the renewal of any approval granted by the authority, shall be accompanied by, at least, the following documents or particulars, provided that, in the case of a renewal of an approval, the authority may, in its discretion, dispense with some of the documents or particulars to avoid unnecessary duplication:
- (a) a certified copy of the identity document of the applicant, if a natural person, or a certified copy of the founding document or constitution of the applicant, if the applicant is a legal person;
 - (b) a certified resolution adopted by the management body of the applicant, if the applicant is a legal person, resolving to apply for approval as a water services provider;
 - (c) a certified list of the names and addresses of all persons occupying a leadership and decision-making power in the applicant;
 - (d) a detailed statement, supported by adequate proof of authenticity, setting out the applicants qualifications, capacity to undertake the work associated with the provision of water services in the circumstances reflected in the application, and the experience, skills and financial resources available to it to undertake the provision of water services to be provided by the applicant;
 - (e) a full and detailed description of the water scheme or schemes which will be operated by the applicant containing sufficient information to enable the authority to determine whether the water scheme or schemes complies with the criteria set in section 11 of the Act, these bylaws and the water development plan adopted by the authority in terms of section 15 of the Act, which description shall include, but not be limited to:
 - (i) the name or names of the water scheme or schemes;
 - (ii) an indication of the nature of the water services to be provided by the applicant;
 - (iii) detailed plans or drawings, with co-ordinates and scales, and specifications depicting the physical installation associated with the water scheme or schemes, including all the structures, aqueducts, pipes, valves, pumps, meters or other apparatus relating thereto used or intended to be used by it in connection with the provision of water services contemplated in the application;
 - (iv) a detailed description, including numbers and locality, of the consumers or potential consumers that will be supplied with water by the applicant;
 - (v) details of the source, the quality and quantity of water that will be supplied to consumers or potential consumers and what arrangements are in place to ensure that such quality and quantity is consistently maintained;
 - (vi) a business plan setting out how the water scheme or water schemes will be operated and maintained during the period the applicant undertakes the supply of water services as contemplated in the application, and what arrangements have been adopted to deal with any emergency, including natural disasters and drought;
 - (vii) a budget describing the financial administration of the water scheme or water schemes, the source of any capital or revenue requirements, and an indication of the sustainability of the water scheme or water schemes; and
 - (viii) details of tariffs and charges that the applicant will levy on all consumers and potential consumers, the method of calculating such tariffs and charges, the process whereby increases or decreases in such tariffs and charges will be dealt with, and the manner in which such tariffs and charges comply with the national norm set by the Minister of Water Affairs and Forestry in terms of section 10 of the Act.
 - (f) The applicant shall also provide:
 - (i) a certificate indicating who the legal owner or owners of the water scheme or schemes is or are;
 - (ii) certified copies of all documents and deeds reflecting the legal status of the water scheme or schemes, including deeds of servitude where appropriate; and
 - (iii) full details of the conditions that will be imposed in terms of section 4 of the Act and full details required in terms of section 19(4) of the Act.
- (5) The authority may call for any additional information or documents reasonably required to enable it to determine whether the proposer or applicant, including a public sector water provider, or the water scheme or schemes will comply with the Act, these by-laws and the water development plan of the authority, and whether the obligations of the authority, imposed on it by the Act, will be met.
- (6) The authority may, and it shall, if it initially decides to refuse an application made in terms of subsection (1), including an application made by a public sector water provider, prior to making a final decision, meet with the applicant, and any organisation reasonably representative of the consumers or potential consumers of the water scheme or schemes, in order to hear

representations made by the applicant and such representative organisations in support of, or against, the applications, and it shall take such representations into account in arriving at its final decision.

Procedure on Approval

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

PART 4

WATER SERVICES INTERMEDIARY - REGISTRATION

Application for Registration

- 116(1) Any person or institution seeking registration with the authority as a water services intermediary in terms of section 24 of the Act shall do so in accordance with the provisions of these bylaws and at his or its own expense.
- (2) An application for such registration shall be made to the authority in writing.
- (3) An application for such registration shall be accompanied by, at least, the following documents or particulars:
- (a) a certified copy of the identity document of the applicant, if a natural person, or a certified copy of the founding document or constitution of the applicant, if the applicant is a legal person;
 - (b) a certified resolution adopted by the management body of the applicant, if the applicant is a legal person, resolving to apply for registration as a water services intermediary;
 - (c) a certified list of the names and addresses of all persons occupying a leadership and decision-making power in the applicant;
 - (d) a detailed statement, supported by adequate proof of authenticity, setting out the applicants qualifications, capacity to undertake the work associated with the provision of water services in the circumstances reflected in the application, and the experience, skills and financial resources available to it to undertake the provision of water services to be provided by the applicant;
 - (e) the grounds upon which the applicant contends that it is a water services intermediary as defined in the Act;
 - (f) a full and detailed description of the water scheme or schemes which will be operated by the applicant containing sufficient information to enable the authority to determine whether the water scheme or schemes complies with the criteria set in section 11 of the Act, these bylaws and the water development plan adopted by the authority in terms of section 15 of the Act, which description shall include, but not be limited to:
 - (i) the name or names of the water scheme or schemes,
 - (ii) an indication of the nature of the water services to be provided by the applicant;
 - (iii) detailed plans or drawings, with co-ordinates and scales, and specifications depicting the physical installation associated with the water scheme or schemes, including all the structures, aqueducts, pipes, valves, pumps, meters or other apparatus relating thereto used or intended to be used by it in connection with the provision of water services contemplated in the application;
 - (iv) a detailed description, including numbers and locality, of the consumers or potential consumers that will be supplied with water by the applicant;
 - (v) details of the source, the quality and quantity of water that will be supplied to consumers or potential consumers and what arrangements are in place to ensure that such quality and quantity is consistently maintained;
 - (vi) a business plan setting out how the water scheme or water schemes will be operated and maintained during the period the applicant undertakes the supply of water services as contemplated in the application, and what arrangements have been adopted to deal with any emergency, including natural disasters and drought;
 - (vii) a budget describing the financial administration of the water scheme or water schemes, the source of any capital or revenue requirements, and an indication of the sustainability of the water scheme or water schemes;
 - (viii) details of tariffs and charges that the applicant will levy on all consumers and

potential consumers, the method of calculating such tariffs and charges, the process whereby increases or decreases in such tariffs and charges will be dealt with, and the manner in which such tariffs and charges comply with the national norm set by the Minister of Water Affairs and Forestry in terms of section 10 of the Act;

- (ix) a certificate indicating who the legal owner or owners of the water scheme or schemes is or are;
- (x) certified copies of all documents and deeds reflecting the legal status of the water scheme or schemes, including deeds of servitude where appropriate; and
- (xi) full details of the conditions that will be imposed in terms of section 4 of the Act and full details required in terms of section 19(4) of the Act.

Additional Information to Make Decision

- 117(1) The authority may call for any additional information or documents reasonably required to enable it to determine whether the applicant, or the water scheme or schemes will comply with the Act, these bylaws and the water development plan of the authority, and whether the obligations of the authority, imposed on it by the Act, will be met.
- (2) The authority may, and it shall, if it initially decides to refuse to refuse an application made in terms of section 111(1), prior to making a final decision, meet with the applicant and any organisation reasonably representative of the consumers or potential consumers of the water scheme or schemes, in order to hear representations made by the applicant and such representative organisations in support of, or against, the applications, and it shall take such representations into account in arriving at its final decision.

Approval of Application

- 118(1) The authority may approve or refuse the application, provided that:
 - (a) if it approves the application, it may make such registration subject to such reasonable and relevant conditions as it deems necessary;
 - (b) if it refuses the application, it shall advise the applicant of the reasons for such refusal.
- (2) In the event of the authority granting such registration it shall deliver a written notification thereof to the applicant and in such notice it shall:
 - (a) draw the applicants attention to the provisions of sections 25, 26 and 27 of the Act;
 - (b) draw the applicants attention to the provisions of these bylaws; and
 - (c) set out any conditions referred to in subsection 113(a).

Monthly Report

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

SCHEDULES

QUALITY STANDARDS

[See section 78(1)(a)]

SCHEDULE A

ACCEPTANCE OF INDUSTRIAL EFFLUENT FOR DISCHARGE INTO THE SEWAGE DISPOSAL SYSTEM

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

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

	<u>General Quality Limit</u>	<u>Units</u>
1.	Temperature (C)	45°C

2.	pH	6,5 < pH < 9,5
3.	Grease & Mineral Oil, Tar and Tar Oils not dissolved in the aqueous phase	50 mg/l
4.	Cobalt (Co)	5 mg/l
5.	Animal & Vegetable Oils, Fats or Waxes	2250 mg/l
6.	Total Sugar & Starch (as Glucose)	1 000 mg/l
7.	Sulphates in Solution (SO=4)	250 mg/l
8.	Sulphides, Hydrosulphides (as S=) & Polysulphides	25 mg/l
9.	Chlorides (as C -)	1 000 mg/l
10.	Flouride (as F-)	5 mg/l
11.	Phenols (as phenol)	10 mg/l
12.	Cyanides (as CN -)	20 mg/l
13.	Settleable Solids	
14.	Suspended Solids	400 mg/l
15.	Total Dissolved Solids	5 000 mg/l
16.	Electrical Conductivity	400 mSiemens/m
<u>Heavy Metal Limits</u>		
17.	Copper (as Cu)	5 mg/l
18.	Nickel (Ni)	5 mg/l
19.	Zinc (Zn)	5 mg/l
20.	Iron (Fe)	50 mg/l
21.	Boron (B)	5 mg/l
22.	Selenium (Se)	1 mg/l
23.	Manganese (Mn)	50 mg/l
24.	Lead (Pb)	5 mg/l
25.	Cadmium (Cd)	1 mg/l
26.	Mercury (Hg)	1 mg/l
27.	Chromium [CR(iii)]	25 mg/l
28.	Chromium [CR(vi)]	0 mg/l
29.	Arsenic (As)	1 mg/l
30.	Titanium (Ti)	20 mg/l
31.	Molybdenum (Mo)	1 mg/l
32.	Phosphates (P)	20 mg/l
33.	Free Saline Ammonia (N)	80 mg/l
34.	Total Kjeldahl Nitrogen	100 mg/l

Special Limitations

1. No calcium carbide or any other substance whatsoever liable to give off explosive or offensive gases or vapours in the sewage disposal network.
2. No radioactive waste or isotopes.
3. No yeast or yeast wastes, molasses spent or unspent.
4. No substance which has an open flash point of less than 65 degrees centigrade or which gives off a poisonous vapour below 65 degrees centigrade.
5. Any substance which, whether alone or in combination with other matter, may in the opinion of the authority or authorised provider, cause a nuisance of any kind to the public or, in particular, injury to, or danger to the health of persons entering sewers or manholes or carrying out any work in connection therewith or working at the sewage treatment works, or which may be injurious to the sewers, sewage treatment works or any land used for disposal of sewage, or which shall in any way injuriously affect any of the processes whereby sewage is treated or the re-use of treated sewage effluent.