

MANGAUNG METROPOLITAN MUNICIPALITY

BY-LAWS RELATING TO WATER SERVICES

as promulgated in Provincial Gazette
№ 60 of 25 October 2013

WATER SERVICES BY-LAWS

To provide for the regulation and management of activities in respect of the delivery of Water Services, and to provide for matters in connection therewith

Preamble

WHEREAS the Constitution established local government as a distinctive sphere of government, interdependent, and interrelated with the national and provincial spheres of government; and

WHEREAS there is agreement on the fundamental importance of local government to democracy, development and nation-building in our country; and

WHEREAS there is fundamental agreement in our country on a vision of democratic, accountable and developmental local government, in which municipalities must strive within its financial and administrative capacity, to achieve their constitutional objectives by ensuring the provision of sustainable, effective and efficient municipal services to communities, by promoting social and economic development, by promoting a safe and healthy environment, and by encouraging the involvement of communities in the matters of local government; and

WHEREAS the Constitution authorizes and empowers municipalities to administer the local government matters listed in Part B of Schedules 4 and 5, which include municipal markets and any other matter assigned to it by national or provincial legislation, by making and administering by-laws for the effective administration of these matters;

BE IT THEREFORE ENACTED by the Municipal Council of the **MANGAUNG** Metropolitan Municipality as follows:-

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CHAPTER I: GENERAL PROVISIONS

Part 1: Definitions

1. Definitions

In these By-laws, unless the context otherwise indicates -

- “account”** means any account rendered for Municipal services provided;
- “accommodation unit”** in relation to any premises, means a building or section of a building occupied or used or intended for occupation or use for any purpose;
- “affected person”** means a person who has been served with a designated notice
- “Act”** means the Water Services Act, 1997 (Act No. 108 of 1997), as amended from time to time;
- “actual consumption”** means the measured consumption of any consumer;
- "approved"** means approved by the Municipality or an authorised person;
- "authorised person"** means a person authorised by the Municipality to perform any act, function or duty in terms of, or exercise any power under, these By-laws;
- “average consumption”** means, for instances where a meter is or was dysfunctional, the estimated average consumption of a consumer of a Municipal service during a specific period, which consumption is calculated by dividing the total measured consumption of that Municipal service by that consumer –
- (a) during the preceding three months by three; or
 - (b) during the corresponding period in the previous year by three; or
 - (c) during the following three months by three;
- “average consumption”** means, for instances where actual meter readings could not be obtained from a meter in working order, means the estimated average consumption of a customer of a Municipal service during a specific period, which consumption is based on the average consumption of that

meter over the previous 12 months. This amount may be recalculated and then updated at the request of the customer;

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

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

“best practicable environmental option” means the option that provides the most benefit or causes the least damage to the environment as a whole, at a cost acceptable to society, in the long term as well as in the short term;

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

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

“City Manager” means the person appointed by the Municipality as the Municipal Manager of the Municipality in terms of Section 2(1) of the Local Government: Municipal Systems Amendment Act, 2011 (Act No. 7 of 2011) and includes any person –
(a) acting in such position; and
(b) to whom the City Manager has delegated a power, function or duty in respect of such a delegated power, function or duty;

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

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

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

“communal water

services work”	means a consumer connection through which water services are supplied to more than one person;
"connecting point"	means the point at which the drainage installation joins the connecting sewer;
"connecting sewer"	means a pipe owned by the Municipality and installed by it for the purpose of conveying sewage from a drainage installation on a premises to a sewer beyond the boundary of those premises or within a servitude area or within an area covered by a wayleave or by agreement;
“connection”	means the point at which a consumer gains access to Municipal services;
"connection pipe"	means a pipe, the ownership of which is vested in the Municipality and installed by it for the purpose of conveying water from a main to a water installation, and includes a “communication pipe” referred to in SABS 0252 Part I;
"consumer"	<p>means –</p> <ul style="list-style-type: none"> (a) any person who occupies premises to whom, and in respect of which premises, the Municipality – <ul style="list-style-type: none"> (i) has agreed to provide water services; (ii) is actually providing water services; (iii) has entered into an agreement with the Municipality for the provision of water services to or on any premises; (b) the owner of any premises to which the Municipality is providing water services; (c) where water services are provided through a single connection to a number of accommodation units or consumers or occupiers, means the person to whom the Municipality has agreed to provide such water services; and (d) any end-user who receives authorised water services from the Municipality or other water services institution.
“consumer period”	means the period between successive monthly readings or reading estimates irrespective of the period between reading dates;
“conventional water meter”	means a meter where the account is issued subsequent to the consumption of water;
“domestic purposes”	in relation to the supply of water means the general use of water supplied for personal and residential uses, including health and hygiene, drinking, ablution, culinary, household and garden maintenance;
"drain"	means that portion of the drainage installation that conveys sewage from a building to a communal drain or any other

sewage disposal system which is situated on the premises concerned or to a sewer;

"drainage installation" means an installation which is situated on the premises and which is intended for catchments, conveyance, storage or treatment of sewage, including sanitary appliances, drains, septic tanks, sewage treatment works or matching mechanical appliances;

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

"duly qualified sampler" means a person who takes samples for analysis from any source and who has been trained to do so;

"effluent" means any liquid whether or not containing matter in solution or suspension which emits from any premises either into the storm water system or the sewerage system;

"emergency" means any situation that poses a risk or potential risk to life, health, the environment or property;

"environmental cost" means the full cost of all measures necessary to restore the environment to its condition prior to the damaging incident;

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

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

"household" means the family unit of persons, or individuals, in occupation of a building or part of a building, designated for residential occupation by such family unit, or individuals, determined as follows :

For formal buildings on a stand zoned for single residential purposes, the number of households will be the sum of the main unit plus the number of dwelling units for which the area of the units do not differ by more than 80% from the main dwelling unit; or

For all flats, townhouses and duet houses occupied by separate households the number of households will be the sum of the applicable separate units; or

In the case of other residential dwellings where more than 8 (eight) persons are staying permanently in one or more units on a single stand, the number of households will be determined after an application has been made to the Municipality with sufficient proof to calculate a separate household for every 8 (eight) persons or part thereof staying on the stand: Provided that it will automatically revert back to one household should the number of persons decrease since the original application.

“head of department”	means a person appointed by the Municipality as head of one of the departments into which the administrative of the Municipality is organised, and also a person legally acting in that position;
“illegal connection”	means a connection to any system through which Municipal services are provided_and which connection is not authorised or approved by the Municipality;
"industrial effluent"	means effluent emanating from industrial use of water, whether or not containing matter in suspension, and includes for purposes of these By-laws, any effluent other than standard domestic effluent or stormwater;
"installation work"	means work in respect of the construction of, or carried out on a water installation;
"main"	means a pipe, other than a connection pipe, vesting in the Municipality and used by it for the purpose of conveying water to a consumer;
“measuring device”	means any method, procedure, process or device, apparatus, installation that enables the quantity of water services provided to be quantified and includes a method, procedure or process whereby quantity is estimated or assumed;
“meter”	means a water meter as defined by the Regulations published in terms of the Trade Metrology Act, 1973 (Act No. 77 of 1973), or, in the case of water meters of size greater than 100 mm, a device which measures the quantity of water passing through it;
"Municipality"	means the Mangaung Metropolitan Municipality and its legal successors, and when referred to as- <ul style="list-style-type: none"> (i) a legal entity, means Mangaung Metropolitan Municipality as described in section 2 of the Local Government: Municipal Systems Act,2000 (Act No. 32 of 2000); (ii) a geographic area, means the municipal area of the Mangaung Metropolitan Municipality as determined from time to time in terms of the Local Government : Municipal Demarcation Act, 1998 (Act No 27 of 1998); and (iii) a person, means an authorised representative of the Mangaung Metropolitan Municipality;
"occupier"	means a person who occupies any premises or part thereof, without regard to the title under which he, she or it occupies;
"owner"	means -

- (a) the person in whom from time to time is vested the legal title to premises;
- (b) in a case where the person in whom the legal title to 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 Municipality is unable to determine the identity of such person, a person who is entitled to the benefit of the use of such premises or a building or buildings thereon;
- (d) in the case of premises for which a lease agreement of 30 years or longer has been entered into, the lessee thereof;
- (e) in relation to -
 - (i) a piece of land delineated on a sectional plan registered in terms of the Sectional Titles Act, 1986 (Act No. 95 of 1986), the developer or the body corporate in respect of the common property, or
 - (ii) a section as defined in the Sectional Titles Act, 1986 (Act No. 95 of 1986), the person in whose name such section is registered under a sectional title deed and includes the lawfully appointed agent of such a person;

"person"

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

"plumber"

means a person who has passed a qualifying Trade Test in Plumbing or has been issued with a certificate of proficiency in terms of the Manpower Training Act, 1981 (Act No. 56 of 1981) or such other qualification as may be required under the SAQA Act.

"pollution"

means the introduction of any substance into the water supply system, a water installation or a water resource that may directly or indirectly alter the physical, chemical or biological properties of the water found therein so as to make it –

- (a) less fit for any beneficial purpose for which it may reasonably be expected to be used; or
- (b) harmful or potentially harmful –
 - (i) to the welfare, health or safety of human beings;
 - (ii) to any aquatic or non-aquatic organism;

"premises"

means any piece of land, the external surface boundaries of which are delineated on -

- (a) a general plan or diagram registered in terms of the Land Survey Act, 1927 (Act No. 9 of 1927), or in terms

of the Deeds Registries Act, 1937 (Act No. 47 of 1937); or

- (b) a sectional plan registered in terms of the Sectional Titles Act, 1986 (Act No. 95 of 1986);
- (c) a register held by a tribal authority.

“prepayment meter” means a meter that can be programmed to limit the flow of water into a water installation to the amount which has been previously purchased, and which complies with the requirements of SANS1529-9;

“prepayment measuring system” means a system, approved by the Municipality, designed to measure and allocate to a consumer the quantity of water pre-purchased by himself or herself;

"prescribed fee" means a tariff or charge determined and approved by the Municipality from time to time;

"public notice" means publication in an appropriate medium that may include one or more of the following –

- (a) publication of a notice, in the official languages determined by the Municipality, -
 - (i) in the local newspaper or newspapers in the area of the Municipality;
 - (ii) in the newspaper or newspapers circulating in the area of the Municipality determined by the Municipality as a newspaper of record; or
 - (iii) by means of radio broadcasts covering the area of the Municipality; or
- (b) displaying a notice at appropriate offices of the Municipality; or
- (c) communication with consumers through public meetings;

“SABS” means South African Bureau of Standards, or its successor in law;

“sanitation services” has the same meaning assigned to it in terms of the Act and includes for purposes of these By-laws water for industrial purposes and the disposal of industrial effluent;

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

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

"sewage disposal system" means the structures, pipes, valves, pumps, meters or other appurtenances used in the conveyance through the sewer reticulation system and treatment at the sewage treatment plant under the control of the Municipality and

which may be used by it in connection with the disposal of sewage;

- "sewer"** means any pipe or conduit which is the property of or is vested in the Municipality and which may be used for the conveyance of sewage from the connecting sewer and shall not include a drain as defined;
- "soil-water"** means any liquid containing excreta;
- "domestic effluent"** means effluent with prescribed strength characteristics in respect of chemical oxygen demand and settleable solids as being appropriate to sewage discharges from domestic premises within the jurisdiction of the Municipality, but shall not include industrial effluent;
- "storm-water"** means water resulting from natural precipitation or accumulation and includes rainwater, subsoil water or spring water;
- "water tariff"** means the latest water tariff structure as approved by Council
- "terminal water fitting"** means a water fitting at an outlet of a water installation that controls the discharge of water from a water installation;
- "trade premises"** means premises upon which industrial effluent is produced;
- "unauthorised services"** means receipt, use or consumption of any Municipal service which is not in terms of an agreement, or authorised or approved by the Municipality;
- "waste-water"** means used water which is not polluted and does not include stormwater;
- "water fitting"** means a component of a water installation, other than a pipe, through which water passes or in which it is stored;
- "water installation"** means the pipes and water fittings which are situated on any premises and vested in the owner thereof and used or intended to be used in connection with the use of water on such premises, and includes a pipe and water fitting situated outside the boundary of the premises, which either connects to the connection pipe relating to such premises or is otherwise laid with the permission of the Municipality ;
- "water services"** means water supply services and sanitation services, as defined in these By-Laws and includes the collection and disposal of industrial effluent;
- "water supply services"** means the abstraction, conveyance, treatment and distribution by the Municipality, of water for domestic, industrial and commercial purposes;

"water supply system" means a structure, aqueduct, pipe, valve, pump, meter or other apparatus relating thereto which are vested in the Municipality and are used or intended to be used by it in connection with the supply of water, and includes any part of the system;

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

"working day" means a day other than a Saturday, Sunday or public holiday.

2. Meaning of certain words the same as in Acts

Any word or expression used in these By-laws to which a meaning has been assigned in –

- (a) the Act will bear that meaning; and
- (b) the National Building Regulations and Building Standards Act, 1997 (Act No. 103 of 1977) and the Building Regulations will bear that meaning, unless the context indicates otherwise.

3. Levels of Service

- (1) The Municipality may provide various levels of service as set out in subsection (2) to consumers at the prescribed fee.
- (2) The levels of service shall comprise –
 - (a) Service Level 1, which must satisfy the minimum standard for basic water supply and sanitation services as required in terms of the Act and its applicable regulations, and must consist of –
 - (i) A water supply from communal water points, made available as public standpipes; and
 - (ii) A ventilated improved pit latrine located on each site;
 - (b) Service Level 2, which must consist of –
 - (i) A restricted water connection to each stand that shall allow 333 litres per day to be consumed through some form of restricting device; and
 - (ii) A low-flow septic tank system, the effluent from which shall be connected to either a Municipal sewer or a shallow communal sewer system; or
 - (iii) A closed-circuit waterborne effluent disposal system, which shall consist of a conservancy tank divided into two compartments, reactor tank and catchment tank.
 - (c) Service Level 3, which must consist of –
 - (i) A metered full-pressure water connection to each stand; and
 - (ii) A conventional water-borne drainage installation connected to the Municipality's sewer; or
 - (iii) A full water-borne sewerage system with toilet structures and erf sewerage and plumbing.

- (3) The level of service to be provided to a community may be established in accordance with the governing policies of the Municipality and subject to the conditions determined by the Municipality.

Part 2: Application for Water Services

4. Application for water services

- (1) No person, other than a consumer on Service Level 1, shall gain access to water services from the water supply system, sewage disposal system or through any other sanitation services unless he or she has applied to the Municipality on the prescribed form for such services for a specific purpose and to which such application has been agreed.
- (2) The Municipality must on application for the provision of water services by a consumer inform that consumer of the different levels of services available and the prescribed fee or charges associated with each level of services.
- (3) A consumer must elect the available level of services to be provided.
- (4) A consumer may at any time apply to alter the level of services elected in terms of the agreement entered into, provided that such services are available and that any costs and expenditure associated with altering the level of services will be payable by the consumer.
- (5) An application agreed to by the Municipality shall constitute an agreement between the Municipality and the applicant, and such agreement shall take effect on the date referred to or stipulated in such agreement.
- (6) A consumer shall be liable for all the prescribed fees or charges in respect of water services rendered to him or her until the agreement has been terminated in accordance with these By-laws or until such time as any arrears have been paid.
- (7) In preparing an application form for water services the Municipality will endeavour to 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. In the case of illiterate or similarly disadvantaged persons, the Municipality will take reasonable steps to ensure that the person is aware of and understands the contents of the application form.
- (8) An application form will require at least the following minimum information –
 - (a) acknowledgment by the applicant that he or she understands the contents of the form;
 - (b) acceptance by the consumer of the provisions of the By-laws 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;
 - (c) name of the consumer, and his or her identity or passport number, where applicable;

- (d) address or stand number of premises to or on which water services are to be rendered or the communal water services work where water services will be used;
 - (e) address where accounts will be sent;
 - (f) if water will be supplied, the purpose for which the water is to be used;
 - (g) the agreed date on which the provision of water services will commence; and
 - (h) a copy of any applicable lease agreement or written confirmation from the owner or the owners agent, stating the date of occupation.
- (9) Water services rendered to a consumer are subject to the provisions of these By-laws and the conditions contained in the relevant agreement.
- (10) If the Municipality refuses an application for the provision of water services, is unable to render such water services on the date requested for such provision of water services to commence or is unable to render the water services the Municipality will inform the consumer of such refusal and / or inability, the reasons therefore and, if applicable, when the Municipality will be able to provide such water services.

5. Special agreements for water services

The Municipality may enter into a special agreement for the provision of water services to -

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

Part 3: Prescribed Fees and Charges

6. Prescribed fees and charges for water services

All tariffs and or charges payable in respect of water services rendered by the Municipality in terms of these By-laws, including but not limited to the payment of connection charges, fixed charges or any additional charges or interest in respect of failure to pay such tariffs or charges on the specified date will be set by the Municipality by a resolution passed by the Council from time to time in accordance with –

- (a) its Tariffs policy;
- (b) any By-laws in respect thereof; and
- (c) any regulations in terms of Section 10 of the Act and regulations made thereunder.

7. Fixed charges for water services

- (1) The Municipality may, in addition to the prescribed fees for water services actually provided, levy a monthly fixed charge, annual fixed charge or once-off fixed charge in respect of the provision of water services in accordance with –

- (a) its tariff policy or resolution passed by the Council in this regard;
 - (b) any By-laws in respect thereof; and
 - (c) any regulations in terms of Section 10 of the Act and regulations made thereunder.
- (2) Where a fixed charge is levied in terms of Subsection (1), it shall be payable by every owner or consumer in respect of water services provided by the Municipality to him or her, whether or not water services are used by him or her.

Part 4: Payment

8. Payment of deposit

- (1) Every consumer must on application for the provision of water services and before such water services will be provided by the Municipality, deposit with the Municipality a sum of money determined in terms of the Municipality's Tariffs Policy except in the case of a pre-payment system or fixed-quantity water delivery system being used by the Municipality.
- (2) The Municipality may require a consumer to whom services are provided and who was not previously required to pay a deposit, for whatever reason, to pay a deposit on request, within the period specified by the Municipality.
- (3) The stipulations of the Municipality's Tariffs By-laws has further relevance with regards to deposits

9. Payment for water services provided

- (1) Water services provided by the Municipality to a consumer shall be paid for by the consumer at the prescribed fee set in accordance with Sections 4 and 5, for the particular category of water services provided.
- (2) A consumer shall be responsible for payment for all water services provided to the consumer from the date of an agreement until the date of termination thereof.
- (3) The Municipality may estimate the quantity of water services provided in respect of a period or periods within the interval between successive measurements and may charge 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 Municipality in terms of an agreement and as a consequence is charged at a rate lower than the rate which should have been charged, the Municipality may make an adjustment of the amount charged in accordance with the rate which should have been charged and recover from the consumer the 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 charging the consumer in respect of the tariffs or charges –

- (a) it shall be deemed that the same quantity of water 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 or her or its obligations in terms of water consumed to the Municipality. A consumer shall remain liable for such an obligation not paid to the Municipality or its approved agent.

10. Payment in respect of prepayment meters

- (1) When the Municipality is delivering the supply of water through a pre-payment meter system, and water is supplied to a customer by means of a prepayment system, in addition to the requirements of the preceding subsections –
- (a) no refund of the amount tendered for the purchase of water credit shall be given at the point of sale after initiation of the process;
 - (b) when a consumer vacates any premises where a prepayment system is in use or installed, no refund for the credit remaining in the meter and/or system shall be made to the customer; and
 - (c) the Municipality shall not be liable for the reinstatement of credit in a prepayment system lost due to tampering with, or the incorrect use or the abuse of, any part of the prepayment system.

Part 5: Accounts

11. Accounts

- (1) Accounts will be rendered on a monthly basis by the Municipality to consumers, except consumers making use of a prepayment system for the amount due and payable at the address last recorded with the Municipality.
- (2) Failure by the Municipality to render an account does not relieve a consumer of the obligation to pay any amount due and payable.
- (3) The Municipality's Tariffs By-laws are furthermore applicable with regards to accounts rendered for water consumption.

Part 6: Termination, Limitation and Discontinuation of Water Services

12. Termination of agreement for the provision of water services

- (1) A consumer may terminate an agreement for the provision of water services by giving to the Municipality not less than seven (7) working days' notice in writing of his or her intention to do so.
- (2) The Municipality may, by notice in writing of not less than seven (7) working days, advise a consumer of the termination of his, her or it agreement for the provision of water services if –

- (a) he, she or it has not used the water services during the preceding six months and has not made arrangements to the satisfaction of the Municipality for the continuation of the agreement;
 - (b) he, she or it has failed to comply with the provisions of these By-laws and has failed to rectify such failure to comply on notice in terms of Section (23) or to pay any tariffs or charges due and payable after the due dates set out in the notice issued to the consumer requiring payment by a set date (c) in terms of an arrangement made by it with another water services institution to provide water services to the consumer.
- (3) The Municipality may, after having given notice, terminate an agreement for services if a consumer has vacated the premises to which such agreement relates.
- (4) If it is determined by a body legally empowered to do so, other than the Municipality, that an existing water service on a private property, or emanating from private property, is creating environmental damage or water pollution or water wastage, and the owner of the property or the consumer, whichever is applicable, is directed to carry out such measures as are required under any Act or law to rectify the situation, the Municipality is not liable for any damages arising as a result of the measures required to be taken or in respect of damages suffered as a result of a permanent or temporary termination of the services.
- (5) Should the consumer fail to carry out such measures as determined through subsection (4), the Municipality may, subject to the provisions of these by-laws, undertake the measures required, and any expenditure incurred may be recovered from the owner of the premises or the consumer, as the case may be.

Limitation and discontinuation of water services provided

13. (1) The Municipality may limit or discontinue water services provided in terms of these By-laws
- (a) on failure to pay the prescribed fees or charges on the date specified in terms of a notice or account rendered or after payment became due in terms of the stipulations of the Municipality's Credit Control and Debt Collection By-laws;
 - (b) at the written request of a consumer;
- (i) if the agreement for the provision of services has been terminated in terms of Section 12 and it has not received an application for subsequent services to the premises within a period of 90 (ninety) days of such termination and the Finance Directorate authorised such limitation or discontinuation;
 - (ii) the building on the premises to which services were provided has been demolished;
 - (iii) if the consumer has unlawfully interfered with the water installation in any way;
 - (iv) in an emergency;
 - (v) if there has been material abuse of the water services by the consumer or an occupier of the premises; or
 - (vi) if the use of the water services is creating significant environmental damage or water pollution.

- (2) The Municipality will not be liable for any damages or claims that may arise from the limitation or discontinuation of water services provided in terms of Subsection (1).

Restoration of water services

14. When a consumer enters into an agreement for the payment of the arrears amount in instalments after the receipt of a final demand notice or a discontinuation notice the water services will be restored to the type of service the consumer elected in terms of the agreement for the provision of water services, within 7 (seven) working days.

Part 7: General Provisions

Responsibility for compliance with these By-laws

- 15(1) The owner of premises is responsible for compliance with these By-laws in respect of all and any matters relating to any installation.
- (2) The consumer is responsible for compliance with these By-laws in respect of matters relating to the use of any water and sanitation services rendered.

Exemption

- 16 (1) The Municipality may, in writing exempt an owner, consumer, any other person or category of owners, consumers or other persons from complying with a provision of these By-laws, subject to any conditions it may impose, if it is of the opinion that the application or operation of that provision would be unreasonable, provided that the Municipality shall not grant exemption from any section of these By-laws that may result in –
- (a) the wastage or excessive consumption of water;
 - (b) the evasion or avoidance of water restrictions;
 - (c) significant negative effects on public health, safety or the environment;
 - (d) the non-payment for services;
 - (e) the installation of pipes and fittings which are not approved in terms of these By-laws; and
 - (f) the Act, or any regulations made in terms thereof, is not complied with.
- (2) The Municipality may at any time after giving written notice of at least thirty days, withdraw any exemption given in terms of subsection (1).

Unauthorised use of water services

17. (1) No person may gain access to water services from the water supply system, sewage disposal system or any other sanitation services unless an agreement has been entered into with the Municipality for the rendering of those services.
- (2) The Municipality 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 in contravention of these By-laws or without an agreement with the Municipality for the rendering of those services, -

- (a) to apply for such services in terms of Sections 2 or 3;
 - (b) to undertake such work as may be necessary to ensure that the consumer installation through which access was gained complies with the provisions of these By-laws;
 - (c) to be liable for all Municipal costs associated with the identification and rectification of the unauthorised use; and
 - (d) to be liable for payment in retrospect for services received for the duration of the period of unauthorised use, as determined by the Municipality. and
 - (e) payment of all standard tariffs in this regard
- (3) The provisions of Section 21 shall apply to a notice in terms of subsection (2) above.
- (4) The Municipality may restrict the water flow until all abovementioned payments have been made in full

Change in purpose for which water services are used

18. Where the purpose or extent for which water services are used is changed, the consumer must enter into a new agreement with the Municipality.

Interference with water supply system or any sanitation services

19. (1) No person other than the Municipality shall manage, operate or maintain the water supply system or any sanitation system unless authorised by these By-laws or an authorised agent.
- (2) No person other than the Municipality shall effect a connection to the water supply system or sewage disposal system or render any other sanitation services.

Obstruction of access to water supply system or any sanitation services

20. (1) No person shall prevent or restrict physical access to the water supply system or sewage disposal system.
- (2) If a person contravenes Subsection (1), the Municipality may –
- (a) by written notice require such person to restore access at his or her own expense within a specified period; or
 - (b) if 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.

Notices and documents

21. (1) A notice or document issued by the Municipality in terms of these By-laws must be deemed to be duly authorised by the signatory.

- (2) If a notice or document is to be served on an owner, consumer or any other person in terms of these By-laws such service shall be effected by –
- (a) delivering it to him or her personally or to his or her duly authorised agent;
 - (b) delivering it at his or her residence, village or place of business or employment to a person not less than sixteen years of age and apparently residing or employed there;
 - (c) if he or she has nominated an address for legal purposes, delivering it to such an address;
 - (d) if he or she has not nominated an address for legal purposes, delivering it to the address given by him or her in his or her application for the provision of water services, for the reception of an account for the provision of water services;
 - (e) sending 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

22. (1) The Municipality may, by written notice, order an owner, consumer or any other person who fails, by act or omission, to comply with the provisions of these By-laws or of any condition imposed thereunder to remedy such breach within a period specified in the notice, which period shall not be less than thirty days.
- (2) If a person fails to comply with a written notice served on him or her by the Municipality in terms of these By-laws within the specified period, it may take such action that in its opinion is necessary to ensure compliance, including –
- (a) undertaking the work necessary itself and recovering the cost of such action or work from that owner, consumer or other person;
 - (b) limiting or discontinuing the provision of services; and
 - (c) instituting legal proceedings.
- (3) A notice in terms of subsection (1) will –
- (a) give details of the provision of the By-laws not complied with;
 - (b) give the owner, consumer or other person a reasonable opportunity to make representations and state his or her case, in writing, to the Municipality 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 Municipality –

- (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 Municipality may without prior notice undertake the work required by Subsection (3)(e)(i) and recover the costs from such person.
- (5) The costs recoverable by the Municipality in terms of Subsections (3) and (4) is the full cost associated with that work and includes, but is not limited to, any exploratory investigation, surveys, plans, specifications, schedules of quantities, supervision, administration charge, the use of tools, the expenditure of labour involved in disturbing or rehabilitation of any part of a street or ground affected by the work and the environmental cost.

Power of entry and inspection

23. (1) An authorised employee of the Municipality shall be entitled at all reasonable times and in case of emergency at any time 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;
 - (b) for any purpose connected with the implementation or enforcement of these By-laws, at all reasonable times, after having given reasonable written notice of the intention to do so, unless it is an emergency situation.

False statements or information

24. No person shall make a false statement or furnish false information to the Municipality or falsify a document issued in terms of these By-laws.

CHAPTER II: WATER SUPPLY SERVICES

Part 1: Connection to Water Supply System

Provision of connection pipe

25. (1) If an agreement for water supply services in respect of premises has been concluded and no connection pipe exists in respect of the premises, the owner shall make application on the prescribed form and pay the prescribed erf connection charge¹ for the installation of such a pipe, which fees shall not apply to consumers on Service Level 1.
- (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 Municipality may agree to the extension subject to such conditions as it may impose.
-

- (3) The owner of the premises will be responsible for a stopcock directly after all water meters to the premises and on the owner's side of it
- (4) The stopcock on the Municipality's side of the meter is for use by the Municipality only and will not be used and maintained for the consumers system
- (5) The owner will not be allowed to alter, modify, cover, disturb, to hamper or prevent free access to the meter box and meter installation in any way without the Municipality's written approval and will be liable for any cost incurred to rectify the installation or access to the installation to the Municipality's requirements

Location of connection pipe

26. (1) A connection pipe provided and installed by the Municipality shall –
 - (a) be located in a position dictated by existing infrastructure and be of a suitable size as determined by the Municipality;
 - (b) terminate at –
 - (i) the boundary of the land owned by or vested in the Municipality, or over which it has a servitude or other right; or
 - (ii) the outlet of the water meter if it is situated on the premises; or
 - (iii) the isolating valve if it is situated on the premises.
- (2) In deciding on the location of a connection pipe, the Municipality shall ensure that the owner is aware of –
 - (a) practical restrictions that may exist regarding the location of a connection pipe;
 - (b) the cost implications of the various possible locations of the connection pipe;
 - (c) whether or not the Municipality requires the owner to indicate the location of the connection pipe by providing a portion of his or her water installation at or outside the boundary of his or her premises, or such agreed position inside or outside his or her premises where the connection is required, for the Municipality to connect to such installation.
- (3) A Municipality 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 Municipality and for obtaining at his or her cost, such servitudes over other premises as may be necessary.
- (4) An owner must pay the prescribed erf connection charge.

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

27. (1) Notwithstanding the provisions of Section 28, only one connection pipe to the water supply system may be provided for the supply of water to any premises, irrespective of the number of accommodation units, business units or consumers located on such premises.
- (2) Where the owner, or the person having the charge or management of any premises on which several accommodation units are situated, requires the supply of water to such premises for the purpose of supply to the different accommodation units, the Municipality may, in its discretion, provide and install either -
- (a) a single measuring device in respect of the premises as a whole or any number of such accommodation units; or
 - (b) a separate measuring device for each accommodation unit or any number thereof.
- (3) Where the Municipality has installed a single measuring device as contemplated in subsection (2)(a), the owner or the person having the charge or management of the premises, as the case may be, -
- (a) must, if the Municipality so requires, install and maintain on each branch pipe extending from the connection pipe to the different accommodation units –
 - (i) a separate measuring device; and
 - (ii) an isolating valve; and
 - (b) will be liable to the Municipality for the prescribed fees for all water supplied to the premises through such a single measuring device, irrespective of the different quantities consumed by the different consumers served by such measuring device.
- (4) Notwithstanding subsection (1), the Municipality may authorise that more than one connection pipe be provided on the water supply system for the supply of water to any premises comprising sectional title units or if, in the opinion of the Municipality, undue hardship or inconvenience would be caused to any consumer on such premises by the provision of only one connection pipe.
- (5) Where the provision of more than one connection pipe is authorised by the Municipality under subsection (4), the prescribed fees for the provision of a connection pipe is payable in respect of each water connection so provided.
- (6) Where the provision of more than one connection pipe is authorised by the Municipality under subsection (4), and the consumer category differs between the connections, then the tariff based on the sum of the volumes of water consumed, divided by the number of households, shall apply.
- (7) Where premises are supplied with water by a number of connection pipes, the Municipality may require the owner to reduce the number of connection points and later his or her water installation accordingly at the owner's expense.

Interconnection between premises or water installations

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

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

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

Disconnection of water installation from connection pipe

29. The Municipality may disconnect a water installation from the connection pipe and remove the connection pipe if –
- (a) the agreement for supply has been terminated in terms of Section (13) and it has not received an application for a subsequent supply of water to the premises served by the pipe within a period of 90 days of such termination; or
 - (b) the building on the premises concerned has been or is in the process of being demolished pursuant to the grant of a permit for such demolition in terms of law.

Part 2: Communal Water Services Works

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

30. (1) The Municipality may install a communal water services works for the provision of water services to several consumers at a location it deems appropriate, provided that –
- (a) the consumers to whom water services will be provided through that water services work has been consulted in respect of the level of service, the tariff that will be payable and location of the work.

Part 3: Temporary Supply

Water supplied from a hydrant

31. (1) The Municipality may authorise a temporary supply of water to be taken from one or more fire hydrants specified by it, subject to such conditions and period as may be prescribed by it.
- (2) A person who desires a temporary supply of water referred to in subsection (1) must apply for such water services in terms of Section (2).
- (3) The supply of water in terms of subsection (1) must be measured.
- (4) The Municipality may for purposes of measuring provide a portable water meter to be returned to the Municipality 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 Municipality and will be provided subject any conditions imposed by the Municipality.

Part 4: Standards and General Conditions of Supply

Quantity, quality and pressure

32. Water supply services provided by the Municipality 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

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

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

- (2) The Municipality may specify the maximum height to which water will be supplied from the water supply system. Where a consumer requires water to be supplied at a greater height or pressure the consumer will be responsible therefore.
- (3) The Municipality may, in an emergency, interrupt the supply of water to any premises without prior notice.
- (4) If in the opinion of the Municipality 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.
- (5) The Municipality will not be liable for any damage to property caused by water flowing from fittings left open when the water supply is reinstated following an interruption in supply for any reason.
- (6) The Municipality does not undertake to maintain sufficient pressure in the water supply system to ensure the operation of manually-activated toilet flushing valves or any other device which require a specified minimum pressure to operate.

Part 5: Measurement of Water Supply Services

Measuring of quantity of water supplied

34. (1) The Municipality will measure the quantity of water supplied at regular intervals.

- (2) Any measuring device through which water is supplied to a consumer by the Municipality and its associated apparatus shall be provided and installed by the Municipality, shall remain its property, and may be changed and maintained by the Municipality when deemed necessary by it.
- (3) The Municipality may install a measuring device, and its associated apparatus, on premises at any point on the service pipe.
- (4) If the Municipality installs a measuring device on a service pipe in terms of subsection (3), it may install a section of pipe and associated fittings between the end of its connection pipe and the meter, and such section shall be deemed to form part of the water supply system.
- (5) If the Municipality 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 Municipality in which to install it;
 - (b) ensure that unrestricted access is available to it at all times;
 - (c) be responsible for its protection and be liable for the costs arising from damage thereto, 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 Municipality on the measuring device.
- (6) No person other than an authorised agent shall –
 - (a) disconnect a measuring device and its associated apparatus from the pipe in which they are installed;
 - (b) break a seal which the Municipality has placed on a meter; or
 - (c) in any other way interfere with a measuring device and its associated apparatus.
- (7) If the Municipality 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 meter installation charge for the installation of the meter.
- (8) The Municipality may require the installation, at the owner's expense, of a measuring device to each dwelling unit, in separate occupancy, on any premises, for use in determining quantity of water supplied to each such unit; provided that where fixed quantity water delivery systems are used, a single measuring device may be used to supply more than one unit.

Quantity of water supplied to consumer

35. (1) For purposes of assessing the quantity of water measured by a measuring device installed by the Municipality on the premises of a consumer or, where applicable, estimated or determined by the Municipality in terms of any

provision of these By-laws, it will, for the purposes of these By-laws, 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;
 - (c) the entries in the records of the Municipality were correctly made; and
 - (d) provided that if water is supplied to, or taken by, a consumer without its passing through a measuring device, the estimate by the Municipality of the quantity of such water shall be deemed to be correct.
- (2) Where water supplied by the Municipality to any premises is in any way taken by the consumer without such water passing through any measuring device provided by the Municipality, the Municipality may for the purpose of rendering an account estimate, in accordance with subsection (3), the quantity of water supplied to the consumer during the period from the last previous reading of the water meter until the date it is discovered that water is so taken by the consumer.
- (3) For the purposes of subsection (2), an estimate of the quantity of water supplied to a consumer shall be based on, as the Municipality may decide -
 - (a) the average monthly consumption of water on the premises during any three consecutive measuring periods during the twelve months' period prior to the date on which the taking of water in the manner mentioned in subsection (2) was discovered; or
 - (b) the average monthly consumption on the premises registered over three succeeding measuring periods after the date referred to in subsection (3)(a).
- (4) Nothing in these By-laws shall be construed as imposing on the Municipality an obligation to cause any measuring device installed by the Municipality on any premises to be measured at the end of every month or any other fixed period, and the Municipality may estimate the quantity of water supplied over any period during the interval between successive measurements of the measuring device and render an account to a consumer for the quantity of water so estimated.
- (5) The Municipality must, on receipt from the consumer of written notice of not less than 7 (seven) days and subject to payment of the prescribed fee for meter reading, 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.
- (6) If a contravention of subsection 34(6) occurs, the consumer shall pay to the Municipality the cost of such quantity of water as, in the Municipality's opinion, was supplied to him or her.
- (7) Until such time a measuring device have been installed in respect of water supplied to a consumer the estimated or assumed consumption of that consumer must be based on the average consumption of water supplied to the specific zone within which the consumer's premises is situated, during a specific period.
- (8) Where in the opinion of the Municipality it is not reasonably possible or cost effective to measure water supplied to each consumer within a determined

zone, the Municipality may determine a basic tariff or charge to be paid by each consumer within that zone irrespective of actual consumption.

- (9) A tariff or charge determined in terms of subsection (8) will be based on the estimated average consumption of water supplied to that zone.
- (10) Where water supply services are provided through a communal water services work the amount due and payable by consumers registered with the Municipality as the consumers at that communal water services work who gain access to water supply services through that communal water services work must be based on the estimated average consumption of water supplied to that water services work.

Defective measurement and Testing of Measuring Devices

- 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 Municipality is defective he or she may, against payment of the prescribed fee for a water meter test apply in writing for the measuring device to be tested.
- (2) If it is alleged that a measuring device is inaccurate, the device must be subjected to a standard industry test to establish its accuracy.
- (3) The consumer referred to in subsection (2) must be informed of the prescribed range of accuracy then applicable, and the possible cost implications including the estimated cost of such test, as set out in subsection (5)(a) prior to such a test being undertaken.
- (4) If the outcome of any test shows that a measuring device is –
 - (a) within a prescribed range of accuracy, the consumer will be liable for the costs of such test and any other amounts outstanding which amounts will be debited against the consumer's account; or
 - (b) outside a prescribed range of accuracy, which is not due to any act or omission of the consumer, then the Municipality will be liable for the costs of such test and the consumer must be informed of the amount of any credit to which he, she or it is entitled.
- (5) The prescribed fee paid by a consumer for the testing of a measuring device –
 - (a) may be retained by the Municipality if the measuring device is found not to be defective; or
 - (b) must be refunded to the consumer if the measuring device is found to be defective, and the defect is not due to any act or omission of the consumer.
- (6) If the measuring device is –
 - (a) A meter to which the regulations relating to water meters published under the Trade Metrology Act, 1973, are applicable, it will be deemed to be defective if, when tested in accordance with SABS 1529 Part I, it is found to have a percentage error in over-registration or under-registration greater than that permitted for a meter in use in terms of that specification;

- (b) A meter of a size greater than 100mm diameter but not exceeding 800mm diameter to which the specification referred to in subsection (a) is not applicable, it will be deemed to be defective, when tested in accordance with SABS 1529 Part 4 – 1998 if it is found to have a percentage error in over-registration or under-registration greater than that permitted for a meter in terms of that specification;
 - (c) A prepayment water measuring system shall be deemed to be defective if, when tested in accordance with SABS 1529 Part 9 – 2002, it is found to have a percentage error in over-registration or under-registration greater than that permitted in terms of that specification.
- (7) In addition to applying the provisions of subsections (6) and, or (7), if the measuring device is found to be defective, the Municipality must-
- (a) Repair the measuring device or install another device which is in good working order, without charging the consumer, unless the costs thereof are recoverable from the consumer where Section 34(6) has been contravened;
 - (b) Determine the quantity of water services for which the consumer will be charged in lieu of the quantity measured by the defective measuring device by taking as basis for such determination, and as the Municipality may decide –
 - (i) The quantity representing the average monthly consumption of the consumer during the three months preceding the month in respect of which the measurement is disputed and adjusting such quantity in accordance with the degree of error found in the reading of the defective water meter;
 - (ii) The average consumption of the consumer during the succeeding three metered periods after the defective water meter has been repaired or replaced; or
 - (d) The consumption of water on the premises recorded for the corresponding period in the previous year.
- (8) A consumer is entitled, on giving the Municipality reasonable notice of his, her or its intention, to be present at the testing of any meter in which the consumer is interested.
- (9) Any meter removed for testing by the Municipality must be retained intact and be available for inspection for a period of three months after testing.

Special measurement

- 37 (1) If the Municipality wishes, for purposes other than charging for water consumed, to ascertain the quantity of water which is used in a part of 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 Municipality.

- (3) The provisions of Sections 34(5) and 34(6) shall apply insofar as they may be applicable in respect of a measuring device installed in terms of subsection (1).

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 or water losses 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, the Municipality 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 three successive measurements subsequent to the replacement of the measuring device; or
 - (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 Municipality 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 Municipality's written approval; provided that approval shall not be required in the case of water installations in dwelling units or installations where no fire installation is required 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 fee, if applicable;
 - (b) copies of the drawings as prescribed by the Municipality, 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 or has been designed on a rational basis.

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

Persons permitted to do installation and other work

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

Provision and maintenance of water installations

42. (1) An owner must provide and maintain his or her water installation at his or her own cost and, where permitted in terms of subsection (2), 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 or her premises, an owner shall obtain the written consent of the Municipality or the owner of the land on which such portion is situated, as the case may be.

Use of pipes and water fittings to be authorised

43. (1) No person shall, without the prior written authority of the Municipality, install or use a pipe or water fitting in a water installation within the Municipality's area of jurisdiction unless it is approved by the authorised employee of the Municipality .
- (2) Application for the approval of a pipe or water fitting referred to in subsection (1) must be made on the form prescribed by the Municipality and be accompanied by the prescribed charge.
- (3) A pipe or water fitting may be considered by the municipality in terms of 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 Municipality may, in respect of any pipe or water fitting that is approved, 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 not be permitted or allowed if it –
- (a) no longer complies with the criteria upon which its inclusion was based; or
 - (b) is no longer suitable for the purpose for which its use was accepted.

Labelling of terminal water fittings and appliances

44. 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

45. An owner shall provide and maintain approved measures 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.

Water restrictions

46. (1) The Municipality may by public notice to prevent the wasteful use of water in terms of Section (47) or in the event of a water shortage, drought or 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 Municipality 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 Municipality may –
- (a) take, or by written notice require a consumer at his or her own expense to take, such measures, including the installation of measurement devices and devices for restricting the flow of water, as may in its opinion be necessary to ensure compliance with a notice published in terms of subsection (1); or
 - (b) 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); and
 - (c) where the supply has been discontinued, it shall only be restored when the prescribed fee for discontinuation and reconnecting the supply has been paid.
- (4) The provisions of this section shall also apply in respect of water supplied directly by the Municipality to consumers outside its area of jurisdiction, notwithstanding anything to the contrary in the conditions governing such supply, unless otherwise specified in the notice published in terms of subsection (1).

Waste of water unlawful

47. (1) No consumer shall permit –
- (a) the purposeless or wasteful discharge of water from terminal water fittings;
 - (b) pipes or water fittings forming part of a water installation to leak;
 - (c) the use of maladjusted or defective water fittings;
 - (d) an overflow of water from a water installation to persist; or
 - (e) an inefficient or wasteful use of water to persist.
- (2) An owner shall repair or replace any part of his or her water installation which is in such a state of disrepair that it is either causing or is likely to cause an occurrence listed in subsection (1).
- (3) If an owner fails to take measures as contemplated in subsection (2), the Municipality shall, by written notice in terms of section 21, require the owner to comply with the provisions of subsection (1).
- (4) A consumer shall ensure that any equipment or plant connected to his or her water installation uses water in an efficient manner.
- (5) The Municipality may, by written notice, prohibit the use by a consumer of any equipment in a water installation if, in its opinion, its use of water is inefficient. Such equipment shall not be returned to use until its efficiency has been restored and a written application to do so has been approved by the Municipality.

Part 8: General Provisions

Notification of boreholes

48. (1) The Municipality may, by public notice, require –
- (a) the owner of any premises within the area of jurisdiction of the Municipality upon which a borehole exists or, if the owner is not in occupation of such premises, the occupier thereof, to notify it 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 Municipality may require the owner or occupier of any premises who intends to sink a borehole to undertake an environmental impact assessment for such intended borehole, to the satisfaction of the Municipality, before sinking the borehole.
- (3) Boreholes are subject to any requirements of the National Water Act, 1998 (Act No. 136 of 1998).
- (4) The Municipality may by notice to an owner or occupier or by public notice require owners and occupiers on who has existing boreholes used for water services to –

- (a) obtain approval from it for the use of a borehole for water services in accordance with Sections 6, 7 and 22 of the Act;
- (b) impose conditions in respect of the use of a borehole for water services; and
- (c) impose a fixed charge in respect of the use of such a borehole.

Sampling of water

49. (1) The Municipality may take samples of water obtained from a source, authorised in terms of Sections 6 or 7 of the Act, other than the water supply system 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) of the Act.

Supply of non-potable water by Municipality

50. (1) The Municipality may on application in terms of Section (3) agree to supply non-potable water to a consumer, subject to such terms and conditions as the Municipality 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 Municipality, may give rise to a health risk.
- (3) No warranty, expressed or implied, shall apply to the purity of any non-potable water supplied by the Municipality or its suitability for the purpose for which the supply was granted.
- (4) The supply of non-potable water shall, both as to condition and use, be entirely at the risk of the consumer, who shall be liable for any consequential damage or loss arising to himself, herself or others arising directly or indirectly therefrom, including the consequences of any bona fide fault of the Municipality or the malfunction of a treatment plant.

Testing of pressure in water supply systems

51. The Municipality may, on application by an owner and on payment of the prescribed fee for pressure tests, 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 street or public place

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, vested in, or under the control of any Municipality, except with the prior written permission of that Municipality and subject to such conditions as it may impose.

Special Provisions for fire services

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

Payment for fire services

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

Dual and combined installations

55. Any new building erected after the adoption of these By-laws must comply with the following requirements in relation to the provision of fire extinguishing services as set out in the Fire Fighting Services By-laws of the Municipality.

Connection pipes for fire extinguishing purposes

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

Valves in connection pipe

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

Inspection and approval of fire extinguishing installation

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

Connection to be at the discretion of the Municipality

- 59.(1) The Municipality is entitled, in its absolute discretion, to grant or refuse an application for the connection of a fire extinguishing installation to its main.
- (2) If in its opinion a fire extinguishing installation which it has allowed to be connected to its main is not being kept in proper working order or is otherwise not being properly maintained, or is being used in contravention of Section 56(3) or 56(4), the Municipality is entitled to either require the installation to be disconnected from the main, or itself carry out the work of disconnecting it at the expense of the owner or consumer, as the case may be.

Meter in fire extinguishing connection pipe

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

Sprinkler extinguishing installation

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

Header tank or double supply from main

- 62.(1) Unless a sprinkler installation is provided with a duplicate or reserve supply from a separate main, the consumer must install a header tank on or in the building or structure at such elevation as will compensate for any failure or reduction of pressure in the Municipality's main.

The main pipe leading from such header tank to the sprinkler installation may be in direct communication with the main from which the principal supply of water is drawn, provided that such main pipe must be equipped with a reflux valve which, if the pressure in the main fails or is reduced for any reason, will shut off the opening to the main.

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

CHAPTER III: SANITATION SERVICES

Discharge of Industrial Effluents

- 63) The Discharge of Industrial Effluents and all matters related are prescribed and regulated in terms of the Municipality' Discharge of Industrial Effluent By-laws.

CHAPTER IV : MISCELLANEOUS

Delegation of Powers

64. The Municipality may, subject to the conditions that it may impose, delegate any power conferred on the Municipality by these by-laws, and may in like manner amend or withdraw such delegation.

Obstruction of Officials and Employees in the Performance of Duties

65. It shall be an offence to hinder or obstruct an official or employee of the Municipality in the performance of his duties in consequence of these by-laws.

Service of Notice, Order or Other Document

- 66.(1) Whenever any notice, order or other document is under these by-laws required or authorised to be served -
- (a) on any person, it shall be deemed to be duly and sufficiently served if it is sent by registered or certified post to that person at his last-known address, or if it is left thereat with him personally or with some adult inmate thereof;
 - (b) on an owner or occupier of any land or premises and the address of such owner or occupier is unknown, it shall be deemed to be duly and sufficiently served if it is posted up in some conspicuous place on such land or premises.
- (2) It shall not be necessary in any notice, order or other document given under these by-laws to an owner or occupier of land or premises to name him, if the notice, order or document describes him as the owner or occupier of the land or premises in question.

Offences and Penalties

67. (1) A person who –
- (a) unlawfully and intentionally or negligently interferes with any water services works of the Municipality ;
 - (b) fails to provide information or provide false information reasonably requested by the Municipality ;
 - (c) fails or refuses to give access required by a Municipality to perform work or execution functions in terms of these by-laws;

- (d) obstructs or hinders a Municipality in the exercise of his or her powers or performance of his or her functions or duties under these By-laws;
- (e) contravenes or fails to comply with a provision of these By-laws;
- (f) contravenes or fails to comply with a condition or prohibition imposed in terms of these By-laws;
- (g) unlawfully and intentionally or negligently interfere with any water services works of the Municipality;
- (h) contravenes or fails to comply with any conditions imposed upon the granting of any application, consent, approval, concession, exemption or authority in terms of these By-laws; or
- (i) fails to comply with the terms of a notice served upon him or her in terms of these By-laws;

shall be guilty of an offence and liable on conviction to a fine not exceeding R20 000,00 or in default on payment, to imprisonment for a period not exceeding 4 months and in the event of a continued offence to a further fine not exceeding R2 000,00 for every day during the continuance of such offence after a written notice from the Municipality has been issued, and in the event of a second offence to a fine not exceeding R4 000,00 or, in default on payment, to imprisonment for a period not exceeding 8 months.

- (2) Any expense incurred by the Municipality as a result of a contravention of these by-laws or in the doing of anything which a person was directed to do under these by-laws and which he or she failed to do, may be recovered by the Municipality from the person who committed the contravention or who failed to do such thing.

Repeal

68. The following by-laws are hereby repealed:

- (1) The Bloemfontein Water Supply Regulations as published by Administrator's Notice No 110 of 25 April 1975 as amended;
- (2) The Water Supply Regulations of the Bainsvlei Local Board as promulgated under Administrator's Notice No. 81 of 21 April 1978, as amended; and
- (3) The Water Supply Regulations of the Bloemspruit Local Board as promulgated under Administrator's Notice No. 324 of 11 December 1981 as amended.

Short Title and Commencement

69. These by-laws shall be called Mangaung, Water Services By-law and shall come into operation on the date of promulgation thereof.