

## PROPOSED BY-LAW RELATING TO BUILDING REGULATIONS

### 1. PURPOSE

To provide for the regulation and control of building activities in respect of construction, demolition aesthetics, standard setting, building plans and inspection, and to provide for matters incidental thereto.

### 2. DEFINITIONS

- 2.1 In this by-law, words used in the masculine gender include the feminine, the singular includes the plural and vice versa and, except where otherwise provided, all words and phrases have the same meanings as those contained in the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977), the National Building Regulations promulgated thereunder and the User's Code for the application of the National Building Regulations, SABS 0400/1990 –

**"adequate" or "effective"** means adequate or effective in the opinion of the Council;

**"approved"** means approved by the Council, regard being had, in all cases, to all the circumstances of the particular case and to accepted principles of drainage installation and, in the case of any appliance, fitting or other object, to the purpose which it is intended to serve;

**"anti-siphonage pipe"** means any pipe or portion of a pipe provided for the protection by ventilation of the water seal or trap against unsealing by siphonage or back pressure;

**"cleaning eye"** means an access opening to the interior of a discharge pipe or trap provided for the purposes of internal draining and which remains permanently accessible after completion of a drainage installation;

**"communication pipe"** any pipe leading from a main to the premises of any consumer as far as the street boundary of such premises situated nearest to such main, or, in cases where the meter is installed inside the premises of any consumer in terms of this part of these by-laws, as far as the inlet of the meter;

**"connecting sewer"** means that part of a sewerage system which is vested in the Council and by means of which a drain is connected to the Council's sewer;

**"connection"** means the point where a drain is connected to the connecting sewer;

**"conservancy tank"** means a tank which is used for the retention or temporary retention of the discharge from a drainage installation and which is emptied at intervals determined by the Council;

**"consumer"** means -

- (a) the occupier of any premises with whom or which the Council has contracted to supply water or
- (b) the owner or any person who has entered into a contract with the Council for the supply of water or
- (c) who is lawfully obtaining water from the Council;

**"Council"** means the Council of the Mangaung Metropolitan Municipality or any political structure, political office bearer, councillor or any staff member acting under council's delegated or sub-delegated power;

**"drain"** means that portion of a drainage installation other than soil-water pipes, waste-water pipes, ventilation pipes and anti-siphonage pipes, which is vested in the owner of the premises and which has been laid in the ground and is used or intended to be used for conveying sewage to the connecting sewer or to a common drain or a conservancy tank or septic tank which is situated on the premises;

**"drainage installation"** means an installation vested in the owner of the premises and includes any drain, soil-water pipe, stack, waste-water pipe, ventilation pipe, anti-siphonage pipe, soil-water fitting, waste-water fitting, mechanical appliance or any other appliance or fitting or combination thereof for the collection and conveyance of sewage;

**"drainage work"** means the construction or reconstruction of or any alteration or addition to,  
or any work done in connection with a drainage installation but must not include any work  
undertaken solely for purposes or repair or maintenance;

**"gully"** means a pipe fitting incorporating a trap into which waste water is discharged;

**"industrial effluent"** means any liquid, whether or not containing matter in solution or suspension, which is emitted in the course of or as a result of any trade or industrial operation, including any mining operation, and includes any liquid besides soil-water, waste-water or storm-water

**"main"** means any pipe, aqueduct or other work which is under the exclusive control of the Council and used by it for the purpose of conveying water to consumers, but does not include any communication pipe, as herein defined.

**"Municipality/City"** means Mangaung Metropolitan Municipality established by the Provincial Notice No. 261 of 28 March 2011, issued in terms of section

12 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);

**"Municipal Manager/City Manager"** means the person appointed by the Council of the City as Municipal Manager in terms of section 54A of the Local Government Municipal Systems Act, 2000, as amended by Local Government: Municipal Systems Amendment Act, 2011 (Act No. 7 of 2011) and shall include any person acting in that position or to whom authority is delegated.

**"owner"** in relation to immovable property means the person in whom the legal title is vested and includes:

- (a) a person receiving the rent or profits of any land or property from any tenant or occupier thereof, or who would receive such rent or profits if such land or property were leased, whether for his/her own account or as agent for any person entitled thereto;
- (b) in 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 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 such Act, the person in whose name such section is registered under a sectional title deed, and includes the lawfully appointed agent of such a person;

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

- (a) a general plan or diagram registered in term 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 term of the Sectional Titles Act, 1986 (Act No. 95 of 1986),

**"purified sewage effluent"** means the water discharged from a water care works after purification, either into a water course or for purposes of re-use;

**"sanitary fitting"** or **"sanitary appliance"** means any soil-water fitting and any waste-water fitting;

**'Schedule 1'** hereto attached forms part of this By-law

**"septic tank"** means any tank designed to receive sewage and to effect the adequate decomposition of organic matter in sewage by bacterial action;

**"sewage"** means soil-water, waste-water or industrial effluent whether separately or together;

**"sewer"** means any pipe with fittings, vested in the Council and used or designed or intended for use for or in connection with the conveyance of sewage;

**"soil-water"** means any liquid containing human or animal excreta

;

**"soil-water fitting"** means any fitting used for the reception and discharge of soil-water;

**"soil-water pipe"** means any pipe, other than a drain, used for the conveyance of soil-water with or without waste-water;

**"stack"** means the main vertical component of a drainage installation or any part thereof other than a ventilation pipe;

**"storm water"** means any liquid resulting from natural precipitation or accumulation and includes rain-water, spring-water and ground-water;

**"tariff"** means the tariff of charge regarding the Council's sewerage services, as determined by the Council from time to time in terms of Section 75A of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) or any other applicable law;

**"trap"** means a pipe fitting or portion of a sanitary appliance designed to retain a water seal in position;

**"Ventilation pipe"** means any pipe or portion of a pipe not conveying any liquid and used to ventilate a drainage installation in order to prevent the destruction of water seals and which leads to the open air at its highest point;

**"waste-water"** means used water that has not been polluted by soil-water or industrial effluent, and does not include storm water,

**"waste-water fitting"** means any fitting used for the reception and discharge of waste-water; **"waste-water pipe"** means any pipe, other than a drain, used for the conveyance of water-waste only;

**"water care works"** means any water works for the purification treatment or disposal of effluent;

**"water seal"** means the water in a trap, which serves as a barrier against the flow of foul air or gas;

### **3. APPLICATION**

3.1 This by-law applies to every building, sewerage installation and/or

water installation, and, regarding sewerage and water installations in particular, to the operation and maintenance of any such installation in any new building or existing building with or without any alteration or addition to such an existing installation, whether or not required by the Municipality to be made or altered in terms of the National Building Regulations or this by-law.

### **4. CAT-HEADS, CRANES AND PLATFORMS**

Cat-heads, lifting cranes, platforms and other such contrivances must not overhang any street or sidewalk without the prior written consent of the Municipality.

### **5. SLABS FOOTWAYS OR PAVEMENTS**

5.1 The owner or occupier of an erf adjoining a street, may lay or fix slab footways or pavements on any street sidewalk or footway.

5.2 Paving or slabs must be laid to the grade, line and cross-fall pointed out by the Council and must conform to the following further requirements:

- (a) For ordinary paving or slabs, the minimum cross-fall must be 1:100 and the maximum cross-fall 1:25.
- (b) Non-skid paving or slabs of a type to be approved by the Council must be used for cross-falls between 1:25 and 1:15: provided that the maximum cross-fall must not exceed 1:15.
- (c) Longitudinal grades must not be steeper than 1:25 for ordinary paving. Slabs and non-skid paving or slabs may be used for longitudinal grades between 1:25 and 1:15: provided that the maximum longitudinal grade must not exceed 1:15.

5.3 When carriage openings are formed in kerbs and cross footways or pavements, such openings must be paved or slabbed.

5.4 The Council may, for purposes of this section, impose such conditions as it may deem necessary in the interests of public safety, the preservation of municipal property and for any such purpose necessitating the imposition of such conditions.

### **6. PLANTING ON FOOTWAYS AND SIDEWALKS**

6.1 The owner or occupier of an erf adjoining a street may, at his or her

own cost, grade and plant with grass any land lying between the erf and that part of the street intended, laid out or made up for the use of vehicular traffic.

- 6.2 The owner or occupier of an erf aforesaid may plant flowers or small shrubs in a strip of land not exceeding 1 meter in width immediately adjoining the said erf.
- 6.3 The Municipality may impose such conditions as it deems necessary, regard being had to public safety, the preservation of municipal property and for any such purpose necessitating the imposition of such conditions.

## **7. STREET GUTTER BRIDGES**

No person must bridge over or enclose any gutter or storm water drain under the control of the Municipality without the prior written consent of the Municipality.

## **8. ENCROACHMENTS**

- 8.1 A cantilevered overhanging roof may be erected over the street boundary or building line, at a height of at least 2,75m above the finished ground level, measured from the finished ground level to the lowest point of the overhanging roof.
- 8.2 Foundations that are at least 0,75m under the ground level may exceed a street boundary or building line with a maximum of 0,5m.
- 8.3 Sunshades and overhead lamps may exceed a street boundary or building line: provided that there is a head clearance of at least 2, 1m, measured from the finished ground level to the lowest point of such sunshades or overhead lamps.
- 8.4 Eaves projections may exceed the street boundary or building line.

## **9. RESTRICTION ON THE ERECTION OF BUILDINGS WITHIN THE ONE-IN FIFTY YEAR FLOOD LINE**

- 9.1 No building must without the prior permission of the Municipality be erected so that it is, at its nearest point, nearer to the centre of any natural watercourse than a line, as may be determined by the Council, indicating the maximum level likely to be reached on an average every fifty years by flood water in the said watercourse.
- 9.2 For the purpose of this section, a natural watercourse means a topographic land depression which collects and conveys surface storm water in a definite direction, and includes any clearly defined natural

channel, which conveys water in a definite course along a bed between visible banks, whether or not its conformation has been changed by artificial means and whether or not such channel is dry during any period of the year, and includes any river, spruit, and stream.

## **10. MINIMUM ERF SIZE**

- 10.1 Subject to the town planning scheme of the Municipality and any other legislation, all erven within the jurisdiction of the Municipality must be at least 400 m<sup>2</sup> in size

## **11. RESTRICTION OF ADDITIONAL BUILDINGS**

- 11.1 No person may erect a building additional to a building already approved by the Municipality; provided that the Municipality may grant approval for such building subject to the applicable legislation.
- 11.2 If no prior approval for such building was obtained, the owner of the erf must within 14 days after receipt of a notice issued in accordance with section 41, demolish the building.
- 11.3 Should the owner fail to demolish the building within the time period, referred in subsection (11.2), the Municipality may demolish the building and the owner will be liable for the reasonable cost associated with such demolition.

## **12. RELAY OF STORM WATER FROM A HIGH LYING ERVEN TO A LOWER LYING ERVEN**

- 12.1 If, in the opinion of the Municipality, it is impracticable for storm water to be drained from any high-lying erf direct to a public street, the owner of any low lying erf is obliged to accept and permit the passage of such storm water and the owner of such high-lying erf, the storm water from which is discharged over the low-lying erf, is liable for a proportionate share of the cost of any pipe-line or drain which the owner of such low-lying erf may find necessary to construct for the purpose of conducting water so discharged.

## **13. ENCLOSURES**

- 13.1 Where any erf is enclosed in whichever manner, such enclosure must be designed, erected and maintained according to sections 14, 15 and 16.

## **14. HEIGHT RESTRICTIONS**

- 14.1 No enclosure except those on Industrial and Business zoned erven irrespective of the type of material used, may exceed a height of 2.1m.



- 14.2 Apart from the provisions of subparagraph (1) hereof, barbed wire or similar wire and safety spikes may be erected only from a height of 1.75m.

## **15. DESIGN AND APPEARANCE**

- 15.1 An enclosure which is visible from an adjacent street or public open space must comply with the following conditions -

- (a) All surfaces which are visible from such street or public open space must –
  - (i) be skillfully finished;
  - (ii) be of good quality material;
  - (iii) be without defect; and
  - (iv) have an exposed or finished side;
- (b) painted surfaces visible from such street or public open spaces, must be white only or a different colour as approved by the Council.
- (c) If such enclosure is made of precast material and is visible from such street or public open space, it must only have a brick pattern and be painted white or a different finish or colour as approved by the Council.
- (d) If wood forms part of such enclosure, it is thoroughly treated with a wood-preserving agent.

- 15.2 An enclosure, as provided in sub section (1) which is visible from any adjacent erf, must comply with the following requirements –

- (a) All surfaces fronting on the adjacent erven must be –
  - (i) skilfully finished;
  - (ii) of good quality material;
  - (iii) without defect; and
  - (iv) maintenance free
- (b) if applicable, the struts, posts and columns of such an enclosure must show on the owner's side



- (c) If wood forms part of such enclosure, it must be thoroughly treated with a wood-preserving agent.

**15.3 Notwithstanding the provisions in these By-laws –**

- (a) the enclosure, as provided in subsection (1), must, within a distance of 4.5m from any street boundaries or public open space boundaries be splayed or lowered to a height of 1m, if the Municipality so requires;
- (b) no barbed wire or similar wire and safety spikes in any area Industrial -zoned erven excluded may be visible from any street, public open space or adjacent erf;
- (c) the enclosure must be properly maintained to the sole satisfaction of the Municipality;
- (d) the height of any enclosure or wall will be measured from natural ground level.

**16. ROOFS**

16.1 Sheet metal which is used for roofs and is visible from the street or surrounding erven must be properly painted within fifteen months after construction thereof if the Municipality so requires.

16.2 No roof surface may have a luminous finish.

**17. CONNECTION TO SEWER**

17.1 No part of any drainage installation must extend beyond the boundary of the piece of land on which the building or part thereof served by the drainage installation is erected: provided that, where it considers it necessary or expedient to do so, the Council may permit the owner to lay a drain at his or her own expense through an adjoining piece of land upon proof of the registration of an appropriate servitude or of a notarial deed of joint drainage, as the Council may require.

17.2 Subject to the provisions of subsection 17.3, and without prejudice to the provisions of the National Building Regulations regarding the inspection and testing of drainage installations, the owner of a premises must, 14 days before the drainage installation on his or her premises will be ready for connection to a connecting sewer, advise the Council of his or her intention to so connect. As soon as the Council has provided the connecting sewer, he or she must connect the drain to it at his/her own expense.

17.3 Any alternative or additional connection required by the owner must be subject to the approval of the Council and is effected at the owner's

expense.

- 17.4 No person must permit the entry of any substance whatsoever other than clean water for testing purposes into any drainage installation before the drainage installation has been connected to the sewer.
- 17.5 Save as may be otherwise authorized by the Council in writing, no person other than an official duly authorized to do so, may lay and connect any connecting sewer to the sewer.
- 17.6 The conveyance of sewage from two or more premises by means of a common drain to a connecting sewer may be authorized by the Council.

## **18. DISCONNECTION OF DRAINAGE INSTALLATIONS AND CONSERVANCY AND SEPTIC TANKS**

- 18.1 If an existing conservancy tank or septic tank is no longer required for the storage or treatment of sewage, or if permission for such use is withdrawn, the owner must cause it to be disconnected and either completely removed or completely filled with earth or other suitable material: provided that the Municipality may require such tank to be otherwise dealt with, or may permit it to be used for some other purpose subject to such conditions as the Municipality may consider necessary, regard being had to all the circumstances of the case.
- 18.2 After all the requirements of the National Building Regulations in regard to disconnection have been complied with and on request by the owner, the Municipality must issue a certificate to the effect that the disconnection has been completed in terms of the National Building Regulations and that any sewerage charges raised in respect of the disconnected portion of the drainage installation must cease to be raised with effect from the first day of the month following the issue of such certificate: provided that, until such certificate is issued by the Municipality, any such charges must continue to be raised.
- 18.3 When a drainage installation is disconnected from a sewer, the Municipality must seal the opening so made and must recover from the owner the cost of such work in terms of subsection 19(5).
- 18.4 Any person who, without the permission of the Municipality, breaks or removes or causes or permits the breakage or removal of any such seal referred to in subsection (18.3), is guilty of an offence.
- 18.5 Where a soil-water fitting has during the month been connected to or disconnected from a drainage installation which discharges into a sewer system, the tariff, excluding the fixed tariff for every erf, stand, premises or other area, with or without improvements, which, in the opinion of the Municipality, can be connected to a sewer, must be calculated as if such connection or disconnection had taken place on the first day of the month following the month in which such connection or disconnection

was effected.

## **19. DRAINAGE WORK WHICH DOES NOT COMPLY WITH THE REQUIREMENTS**

- 19.1 Where any drainage installation has been constructed or any drainage work has been carried out which fails in any respect to comply with any of the provisions of the National Building Regulations or these by-laws, the owner must, on receipt of a written notice by the Municipality to do so and notwithstanding the fact that he may have received approval of plans in respect of the said installation or work in terms of the National Building Regulations or previous by-laws, carry out such repairs, replacements, maintenance work or alteration to the installation as and within the time which the said notice may specify.
- 19.2 When, in the opinion of the Municipality, a nuisance exists as a result of the emission of gas from any trap or sanitary fitting or any other part of a drainage installation, the Municipality may require the owner, at his or her own expense, to take such action as may be necessary to prevent the recurrence of the said nuisance.
- 19.3 Where any sewage, after being discharged into a drainage installation, enters or overflows any soil-water fitting or waste-water fitting connected to the same drainage installation and leaks from the drainage installation whether by reason of surcharge, back pressure or any other circumstance, the Municipality may, by notice in writing, require the owner to carry out, within the period specified by such notice, any work necessary to abate such entry, overflow or leakage of sewage and to prevent any recurrence thereof.
- 19.4 The Municipality may, instead of serving notice as aforesaid or where such notice has not been complied with within the time prescribed therein, without prejudice to its right to also prosecute the person or body to whom the notice was directed, because of an infringement of the National Building Regulations or these by-laws, proceed itself to carry out any such alteration, removal or other work as it may deem necessary for compliance with the provisions of the National Building Regulations or these bylaws and may recover the cost thereof from the owner by the ordinary process of law in terms of subsection (5).
- 19.5 Where any work other than that for which a fixed charge has been determined, is undertaken by the Municipality, the costs of which it is entitled in terms of these bylaws to recover from any person, there may be included in such costs such claim to be determined by the Municipality as will cover all expenditure reasonably incurred by the Municipality.

## **20. MAINTENANCE**

Where any part of a drainage installation is used by two or more owners or occupiers, they are jointly and severally liable in terms of this section for the maintenance and repair of such drainage installation.

## **21. DRAINAGE AND SEWER BLOCKAGES**

- 21.1 No person must cause or permit such an accumulation of grease, oil, fat, solid matter or any other substance in any trap, tank, pipe, drain or fitting as will cause its blockage or ineffective operation.
- 21.2 When the owner or occupier of a premises has reason to believe that a blockage has occurred in any drainage installation thereon, then he must forthwith inform the Municipality of the facts and take steps to have it cleared.
- 21.3 Where a blockage occurs in a drainage installation any work necessary for its removal shall, subject to the provisions of subsection (21.5), be undertaken by or under the supervision of a plumber or registered person as required in the National Building Regulations in regard to the control of plumbers and plumbing work.
- 21.4 Any plumber or registered person as aforesaid must, before proceeding to remove any blockage from a drainage installation, notify the Council by telephone or otherwise of his or her intention to do so, and must when he or she has done so, notify the Municipality of that fact and of the nature, location and cause of the said blockage.
- 21.5 The Municipality must, whether or not it has been requested by the owner to do so, be entitled, at its own discretion, to remove a blockage from a drainage installation and may recover the costs thereof from the owner in accordance with Section 19(5).
- 21.6 Should the clearing by the Municipality of any blockage in a drainage installation necessitate the removal or disturbance of any paving, lawn or other artificial surfacing on any premises, the Municipality is not liable for the reinstatement thereof.
- 21.7 Should any drainage installation on any premises overflow as a result of an obstruction in the connecting sewer, and the Municipality is reasonably satisfied that such obstruction was caused by objects emanating from the drainage installation, the owner of the premises served by the drainage installation is liable for the cost of clearing the blockage and the Municipality may recover such cost from the owner. in accordance with Section 19(5).

- 21.8 Where a blockage has been removed from a drain or portion of a drain which serves two or more pieces of land, the charges for the clearing

of such blockage is recoverable in the first place in equal portions from each of the owners thereof, who must however, be jointly and severally liable for the whole charge.

## **22. INTERFERENCE WITH OR DAMAGE TO SEWERS AND WATER CARE WORKS**

Any damage caused to the Municipality's sewer or any part of its sewerage or water care works by or in consequence of the non-compliance with or contravention of any provision of the National Building Regulations or this by-law must be rectified or repaired by the Municipality at the expense, of the person responsible for the said non-compliance or contravention or of causing or permitting same.

## **23. ENTRY ONTO PREMISES**

- 23.1 An official authorized by the Municipality has the right to enter upon any premises at any reasonable time in order to take samples of or test sewage or industrial effluent or to carry out any inspection or work in connection with a drainage installation which the Municipality may deem necessary.

- 23.2 Any owner or occupier of premises is guilty of an offence if-

- (a) denies or causes or instructs any other person to deny entry to premises to any official demanding the same in terms of subsection (23.1), or
- (b) who obstructs or causes or instructs any person to obstruct such official in the performance of his or her duties, or
- (c) who withholds or causes or instructs any other person to withhold information required by the official for the purpose of carrying out his said duties, or
- (d) who gives or causes or instructs any other person to give to the official any information which is to his/her knowledge false.

## **24. MANHOLES ON MUNICIPAL PROPERTY**

- 24.1 Where, for any reason whatsoever, the provision of adequate means of access to the Municipality's connecting sewer is impracticable on any private premises, the Municipality may at the expense of the owner, cause or permit a manhole to be constructed over the Municipality's connecting sewer in such public place and in such position and of such materials and dimensions as the Municipality may decide and, in addition, the owner must bear the cost, as assessed by the Municipality, of any alteration to existing services in the public place

which may, by reason of the construction of the manhole, be necessary.

- 24.2 The owner of the private premises referred to in subsection (24.1) must, if so required by the Municipality, pay rental to the Municipality for the space occupied by the manholes in the public place.

## **25. MECHANICAL FOOD-WASTE OR OTHER DISPOSAL UNITS**

- 25.1 No person must incorporate into a drainage installation a mechanical food waste or other disposal unit or garbage grinder which has a power capacity in excess of 500W, unless a standard water meter, which the Municipality installs and seals at the cost of the owner and to which the Municipality has the right of access at all times, has been connected into the supply pipe which provides water to the unit or grinder; provided that-

- (a) The Municipality installs and seals the water meter at the cost of the owner; and
- (b) The Municipality has the right of access to the water meter at all times..

- 25.2 The Municipality may require the owner or occupier of any premises on which a food-waste or other disposal unit or a garbage grinder has been installed, or the owner of such unit or grinder, either to remove, repair or replace any unit which, in the opinion of the Municipality, is functioning inefficiently or which may impair the working of the Council's sewerage system.

- 25.3 The owner must, upon the removal of any such unit or grinder, notify the Municipality in writing within 14 days of its removal.

- 25.4 The charges as prescribed in the applicable tariff must be paid in respect of the discharge of a food-waste, other disposal unit or a garbage grinder referred to in subsection (25.1).

## **26. SEWAGE OR OTHER POLLUTANTS NOT TO ENTER STORM WATER DRAINS**

- 26.1 The owner or occupier of any piece of land on which steam or any liquid other than potable water is stored, processed or generated, must provide all facilities necessary to prevent any discharge, leakage or escape of such liquid to any street, storm water drain or watercourse except where, in the case of steam, the Municipality has specifically permitted such discharge.

- 26.2 Where the hosing down or flushing by rainwater of an open area on any private premises is, in the opinion of the Municipality, likely to-



- (a) cause the discharge of objectionable matter into any street gutter, storm water drain, river, stream or other watercourse, whether natural or artificial, or
- (b) to contribute towards the pollution of any such watercourse,

the Municipality may instruct the owner of the premises to execute, at his/her own cost, whatever measures by way of alterations to the drainage installation or roofing of the area it may consider necessary to prevent or minimize such discharge or pollution.

## **27. STORM WATER NOT TO ENTER SEWERS**

No person must discharge or cause or permit to be discharged any storm water or any substance other than sewage into a drainage installation.

## **28. DISCHARGE FROM FOUNTAINS,BOREHOLES,WELLS,RESEVOIRS OR SWIMMING POOLS**

Water from fountains, boreholes, wells, reservoirs or swimming pools situated on private premises is discharged into a drainage installation only with the prior written consent of the Municipality and subject to such conditions as to place, time, rate of discharge and total discharge as the Council may impose.

## **29. PERMISSION TO DISCHARGE INDUSTRIAL EFFLUENT**

- 29.1 No person must discharge or cause or permit to be discharged into any sewer, any industrial effluent or other liquid or substance other than soil-water or waste-water without the prior written permission of the Municipality or, if such permission has been obtained, otherwise than in strict compliance with any and all of the conditions of such permission.
- 29.2 Every person must, before discharging any industrial effluent or other liquid substance into a sewer, make application in writing to the Municipality for permission to do so on the prescribed form, to be completed in duplicate, and must thereafter furnish such additional information and submit such samples as the Municipality may require.
- 29.3 The Municipality may, at its discretion, having regard to the capacity of any sewer or any mechanical appliance used for sewage or any water care works, whether or not vested in the Municipality and subject to such conditions as it may deem fit to impose, including the payment of any charge assessed in terms of the relevant tariff, grant permission for the discharge of industrial effluent from any premises into any sewer.
- 29.4 A person to whom permission has been granted in terms of subsection (29.3) to discharge industrial effluent into a sewer s must, before doing or causing or permitting to be done anything which results in any



change in the quantity or discharge or nature of that effluent, notify the Municipality in writing of the date on which it is proposed that the change must take place and of the nature of the proposed change.

- 29.5 Any person who discharges or causes or permits to be discharged any industrial effluent into the sewer without having first obtained permission to do so in terms of subsection (29.3) is guilty of an offence and is-
- (a) liable to such charge as the Council may assess for the conveyance and treatment of the effluent so discharged and for any damage caused as a result of such unauthorized discharge; and
  - (b) liable for any damage caused as a result of the unauthorized discharge.
- 29.6 Without prejudice to its rights in terms of subsection (29.5) or of section 32.2(c), the Municipality is entitled to recover from any person who discharges into a drain or sewer any industrial effluent or any substance which is prohibited or restricted in terms of Section 32 or which has been the subject of an order issued in terms of Section 32.2, the whole cost of expenses or charges incurred or to be incurred by the Municipality or of losses suffered or to be suffered as a result of any or all of the following:
- (a) Injury to persons, damage to the sewer or any water care works or mechanical appliance or to any property as the result of the breakdown, either partial or completely of any sewer or water care works or mechanical appliance, whether under the control of the Municipality or not; or
  - (b) A prosecution in terms of the National Water Act, 1998 (Act No. 36 of 1998), as amended, or any action against the Municipality consequent on any partial or complete breakdown of any water care works or mechanical appliance caused directly or indirectly by the said discharge, including fines and damages which may be imposed or awarded against the Municipality.
- 29.7 Due to any change in circumstances arising from a change in the sewage treatment process or the introduction of new or revised or stricter or other standards by the Municipality or in terms of the National Water Act, 1998 (Act No. 36 of 1998), or as a result of any amendment of these by-laws or due to any other reason, the Municipality may from time to time-
- (a) review, amend, modify or revoke any permission given or any conditions attached to such permission ;
  - (b) impose new conditions for the acceptance of any industrial effluent into the sewer or
  - (c) prohibit the discharge of any or all such effluent into the sewer provided that-

- (i) Municipality giving adequate written notice in advance of its intention to do so, and,
- (ii) upon expiration of such period of notice the previous permission or conditions, as the case may be, are regarded as having lapsed and the new or amended conditions, if any, as the case may be, must forthwith apply.

### **30. CONTROL OF INDUSTRIAL EFFLUENT**

30.1 The owner or occupier of any premises from which industrial effluent is discharged into a sewer, must provide adequate facilities such as overflow level detection devices, standby equipment, overflow catch-pits or other appropriate means effectively to prevent the accidental discharge into any sewer, whether through the negligence of operators, power failure, failure of equipment or control gear, overloading of facilities, spillage during loading or unloading or for any other similar reason, of any substance prohibited or restricted or having properties outside the limits imposed in terms of these by-laws.

30.2 The owner or occupier of any premises on which industrial effluent originated and who intends applying treatment to such effluent before discharging it, must obtain prior written permission from the Council.

30.3 The Municipality may, by notice served on the owner or occupier of any premises from which industrial effluent is discharged, require him or

her, subject to any other provision of the National Building Regulations or these by-laws, to do all or any of the following:

- (a) to subject the effluent before it is discharged into the sewer, to such pre-treatment as will ensure that it will at all times conform in all respects with the requirements of Section 32(1) or to modify the effluent cycle of the industrial process to such an extent and in such a manner as in the opinion of the Municipality is necessary to enable any water care works receiving the said effluent, whether under the control of the Municipality or not, to produce treated effluent complying with any standards which may be laid down in respect of such works in terms of the National Water Act, 1998 (Act No. 36 of 1998);
- (b) to restrict the discharge of effluents to certain specified hours and the rate of discharge to a specified maximum and to install, at the expense of the owner or occupier such tanks, appliances and other equipment as in the opinion of the Municipality may be necessary or adequate for compliance with the said restrictions;
- (c) to install a separate drainage installation for the conveyance of industrial effluent and to discharge the same into the sewer through a separate connection, as directed by the Municipality, and to refrain from discharging the said effluent through any

drainage installation intended or used for the conveyance of domestic sewage or from discharging any domestic sewage through the said separate installation for industrial effluent;

- (d) to construct at his or her own expense any drainage installation conveying industrial effluent to the sewer one or more inspection, sampling or metering chambers of such dimensions and materials and in such positions as the Municipality may prescribe;
- (e) to pay, in respect of the industrial effluent discharged from the premises, such charge as may be calculated in terms of the tariff: Provided that, where, due to the particular circumstances of any case, the actual chemical oxygen demand (COD) or permanganate value (PV) and the concentration of metals in the effluent cannot be assessed by means of the method of assessment prescribed by the SABS, the Municipality may use such alternative method of assessment as it may deem expedient and the charge to be levied is assessed accordingly;
- (f) to provide all such information as may be required by the Municipality to enable it to assess the charges payable in terms of the tariff; and
- (g) for the purposes of subsection (f) to provide and maintain at his or her own expense a meter or meters measuring the total

quantity of water drawn from any borehole, spring or other source of water, excluding that of the Municipality, used on the property and discharged as industrial effluent into the sewer.

### **31. METERING AND ASSESSMENT OF THE VOLUME AND COMPOSITION OF INDUSTRIAL EFFLUENT**

31.1 The Municipality may incorporate, in such position as it determines in any drainage installation conveying industrial effluent to a sewer, any meter or gauge or other device for the purpose of ascertaining the volume or composition of the said effluent, and it is an offence for any person to pass, open, break into or otherwise interfere with or do damage to any such meter, gauge or other device: provided that the Municipality may, at its discretion, enter into an agreement with any person discharging industrial effluent into the sewer, determining an alternative method of assessing the quantity of effluent so discharged.

31.2 The Council is entitled to install and maintain any such meter, gauge or device as aforesaid at the expense of the owner of the premises on which it is installed.

31.3 The owner of any premises on which is situated any borehole or well used for a water supply for trade or industrial purposes must:

- (a) register such borehole or well with the Municipality;
- (b) provide the Municipality with full particulars of the discharge capacity of the borehole or well; and
- (c) if the Municipality has reason to doubt the reliability of the particulars given, carry out, at the expense of the owner, such tests on the discharge capacity of the borehole or well as may, in the opinion of the Municipality, be necessary for the purpose of these by-laws.

## **32. PROHIBITED DISCHARGE**

32.1 No person must discharge or cause or permit the discharge or entry into any sewer of any sewage, industrial effluent or other liquid or substance which:

- (a) in the opinion of the Council, may be offensive to or may cause a nuisance to the public;
- (b) is in the form of steam or vapour or has a temperature exceeding 44°C at the point where it enters the sewer;
- (c) has a pH value less than 6.0 or greater than 10,0;
- (d) contains any substance of whatsoever nature likely to produce or emit explosive, flammable, poisonous or offensive gasses or vapours in any sewer;
- (e) contains any substance having a flashpoint of less than 90°C or which emits a poisonous vapour at a temperature below 93°C;
- (f) contains any material of whatsoever nature, including, oil, grease, fat or detergents capable of causing interference with the proper operation of water care works;
- (g) shows any visible signs of tar or associated products or distillates, bitumens or asphalts;
- (h) contains any substance in such concentration as is likely in the final treated effluent from any water care works to produce an undesirable taste after chlorination or an undesirable odour or colour, or excessive foam;
- (i) exceeds any of the limits or concentrations of substances specified in the Annexure: provided that the Municipality may approve such greater limits or concentrations for such period or on such conditions as it may specify on consideration of the effect of dilution in the sewer and of the effect of such substance

on the sewer or any sewage treatment process if the Municipality is satisfied that, in the circumstances, the discharge of such substance will not:

- (i) damage any sewer, mechanical appliance, water care works or equipment; or
  - (iii) prejudice the use of sewage effluent for re-use; or
  - (iv) adversely affect any waters into which purified sewage effluent is discharged, or any land or crops irrigated with the sewage effluent;
- (j) contains any substance of whatsoever nature which, in the opinion of the Municipality:
- (i) is not amenable to treatment at the water care works, or which causes or may cause a breakdown or inhibition of the normal sewage treatment processes; or
  - (ii) is of such nature as is or may be amenable to treatment only to such degree as to prevent the final treated affluent from the water care works from satisfactorily complying in all respects with any requirement imposed in terms of the National Water Act, 1998 (Act No. 36 of 1998); or
  - (iv) whether listed in the Annexure or not, either alone or in combination with other matter may:
    - (aa) generate or constitute a toxic substance detrimental to the health of persons employed at the water care works or entering the Municipality's sewers or manholes in the course of their duties; or
    - (bb) be harmful to sewers, water care works or land used for the disposal of purified sewage effluent; or
    - (cc) adversely affect any of the processes whereby sewage is purified or any re-use of purified sewage effluent.

- 32.2 (a) Any person receiving from an official duly authorized thereto by the Municipality a written order instructing him to stop the discharge into the sewer of any substance referred to in subsection (32.1), must forthwith stop such discharge.
- (b) Any person who contravenes the provisions of subsection (32.1) or who fails to comply with an order issued in terms of subsection (32.2)(a), is guilty of an offence.

- (c) Notwithstanding the provisions of subsection (32.2)(b). should any person have failed to comply with the terms of an order served on him or her in terms of subsection (32.2)(a) and such discharge is likely, in the opinion of the Municipality, to cause damages to any sewer or mechanical or other appliance or to seriously prejudice the efficient operation of any water care works, the Municipality may, after further written notice, refuse to permit the discharge of any industrial effluent into the sewer until such time as the industrial effluent complies in all respects with the Council's requirements as prescribed in terms of these by-laws, in which event the person responsible for the discharge must forthwith stop it, or if he or she fails to do so, the Municipality may prevent him from proceeding with the discharge.

### **33. CONNECTIONS FROM MAIN**

- 33.1 All communication pipes which are intended for preventive or automatic use in case of fire must be laid by the Municipality as far as the boundary of the consumer's property.
- 33.2 Such communication pipes must be used only for fire extinguishing purposes.
- 33.3 No take-off of any kind is made, other than those in connection with automatic sprinklers and drenchers, hydrant connections or necessary  
  
for a pressure tank upon the top of a building, which tank must controlled by a suitable ball tap.

### **34. VALVES IN COMMUNICATION PIPES**

- 34.1 Every communication pipe must be fitted with a proper stop valve, which said valve must be –
  - (a) supplied by the Council at the expense of the consumer;
  - (b) installed between the consumer's property and the main;
  - (c) of the same diameter as the communication pipe;
  - (d) in such position as must be determined by the Municipality.

### **35. ADDITION TO SYSTEM**

No further sprinkler must be added or connected without the prior written consent of the Municipality to any existing fire extinguishing system after such system has been connected to the mains.

### **36. EXTENSION OF SYSTEM TO OTHER PREMISES**

No extension or connection from any fire extinguishing system to other premises must be made. In the event of any such connection or extension being made, the Municipality is entitled to enter upon any premises and to take all steps necessary to disconnect such connection or extension at the cost of the persons responsible for such extension or connection.

### **37. INSPECTION AND APPROVAL OF FIRE EXTINGUISHING SERVICES**

- 37.1 No supply of water must be made or given until the fire extinguishing system has been inspected and the Municipality has certified in writing that –
- (a) such service is in accordance with these by-laws and
  - (b) the work has been carried out to the Municipality's satisfaction

### **38. CONNECTION TO BE AT PLEASURE OF THE MUNICIPALITY**

Connection to the mains is at the pleasure of the Municipality, which is entitled to disconnect any fire extinguishing services at any time.

### **39. INSTALLATION OF REFLUX VALVES**

In all private installations where a fire pump connection is installed, a reflux valve to close off the supply from the Municipality's mains when the fire pump connection is being used must be installed between the boundary of the property and the fire pump connection.

### **40. SPRINKLER SYSTEM**

- 40.1 A sprinkler system may be installed in direct communication with the main, but the Municipality must not be deemed to guarantee any specified pressure of water at any time.
- 40.2 When an automatic sprinkler system has been installed and completed, the owner must advise the Municipality in writing within 14 days of the date of completion of the installation of such sprinkler system.

### **41. HEADER TANKS AND DUPLICATE SUPPLY FROM MAIN**

In the event of a header tank being installed above ground level, it must be provided with an overflow pipe, which must discharge in such a position as to be readily observable, and must not be led away by any down-pipe to any drain.

### **42. NOTICES**

- 42.1 Every notice, order or other document issued or served by the Municipality in terms of these by-laws is valid if signed by the Municipal



Manager or an official of the Municipality duly authorized thereto by the said Municipal Manager.

- 42.2 If a notice is to be served on a person in terms of this by-law, such service is effected by:
- (a) delivering the notice to him or her personally or to his or her duly authorized agent;
  - (b) delivering the notice at his or her residence or place of employment to a person apparently 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, by delivering the notice to such an address;
  - (d) registered or certified post addressed to his or her last known address.
  - (e) in the case of a body corporate, by delivering it to the registered office or the business premises of such a body corporate; or
- 42.3 If service cannot be effected in terms of sub-section (42.2) by affixing it to the principal door of entry to the premises, or displaying it on a conspicuous place on the land to which it relates.
- 42.4 Any notice, order or other document served in terms of this by-law on any person must be so served by delivering it, or a true copy thereof, to the person to whom it is addressed personally or at his or her last known residence or place of business or by posting it to him or her by registered post.
- 42.5 In every notice, order or other document issued or served in terms of this by-law, the premises to which it relates must be specified but the person for whom it is intended may be referred to as "the owner" or "the occupier" if his or her name is not known.

### **43. OFFENCES AND PENALTIES**

- 43.1 Any person who contravenes or fails to comply with any provision of this by-law is guilty of an offence and liable upon conviction to-
- (a) a fine not exceeding R3 000, 00 or imprisonment for a period not exceeding three months or both such fine and such imprisonment;
  - (b) in the case of a continuing offence, an additional fine not exceeding R1 500, 00 or an additional period of imprisonment not exceeding one month both such additional fine and additional

period of imprisonment , and

- (c) a further amount equal to any costs and expenses found by the court to have been incurred by the Municipality as a result of such contravention or failure

#### **44. CONFLICTING LAWS**

If there is any conflict between a provision in this By-law and a provision of any other by-law of the Municipality, the provisions of this By-law prevail.

#### **45. REPEAL OF LAWS**

Any by-laws relating to building regulations adopted by the Municipality or any municipality now comprising an administrative unit of the Municipality is repealed from the date of promulgation of these by-laws.

#### **46. SHORT TITLE AND COMMENCEMENT**

This By-law is called **Mangaung, Building Regulations By-law** and comes into operation on the date of promulgation thereof in the Provincial Gazette.

## SCHEDULE 1

### LIMITS OF CONCENTRATION OF CERTAIN SUBSTANCES

Subject to the provisions of Section 29(1) of these by-laws:

- (1) The limits of the PV, pH and electrical conductivity of sewage are as follows:
  - (a) PH-within the range 6,0-10,0;
  - (b) Electrical conductivity not greater than 300m/Sm at 20°C.
- (2) The maximum permissible concentrations of pollution expressed in milligrams per liter [mg/l] are as follows:
  - (a) GENERAL:
    - (i) PV-not to exceed: 1 400mg/l;
    - (ii) Caustic alkalinity (expresses as  $\text{CaCO}_3$ ): 2 000 mg/l;
    - (iii) Substances in suspension (including fat, oil, grease, waxes and like substance); 2 000mg/l;
    - (iv) Substances soluble in petroleum ether. 500mg/l;
    - (v) Sulphides, hydro-sulphides and polysulphides (expressed as S): 50mg/l;
    - (vi) Substances from which hydrogen cyanide can be liberated in the drainage installation, sewer or water care works (expressed as HCN): 20mg/l;
    - (vii) Formaldehyde (expressed as HCHO): 50mg/l;
    - (viii) Phenolic compounds: 1.0mg/l;
    - (ix) Non-organic solids in suspension: 100mg/l;
    - (x) Chemical oxygen demand (COD): 5 000mg/l;
    - (xi) All sugars and/or starches (expressed as glucose): 1 500mg/l;
    - (xii) Available chlorine (expressed as Cl): 100mg/l;
    - (xiii) Sulphates and sulphites (expressed as  $\text{SO}_4$ ): 1 800mg/l;
    - (xiv) Fluorine-containing compounds (expressed as F): 5mg/l;
    - (xv) Anionic surface activators: 500mg/l;
    - (xvi) Orthophosphate (expressed as P): 10mg/l.
  - (b) METALS
    - (i) Group 1:
      - (aa) Chromium (expressed as Cr);

- (bb) Copper (expressed as Cu);
- (cc) Nickel (expressed as Ni);
- (dd) Zinc (expressed as Zn);
- (ee) Silver (expressed as Ag);
- (ff) Cobalt (expressed as Co);
- (gg) Cadmium (expressed as Cd);
- (hh) Manganese (expressed as Mn),

The total collective concentration of all metals in Group 1 (expressed as indicated above) in any sample of the effluent, must not exceed 20mg/l, nor must the concentration of any individual metal in any sample exceed 5mg/l.

(ii) Group 2:

- (aa) Lead (expressed as Pb);
- (bb) Selenium (expressed as Se);
- (cc) Mercury (expresses as Hg).

The total collective concentration of all metals in Group 2 (expressed as indicated above), in any sample of the effluent must not exceed 50mg/l, nor must the concentration of any individual metal in any sample exceed 20mg/l.

(iii) Group 3:

- (aa) Arsenic (expressed as As);
- (bb) Boron (expresses as B).

The total collective concentration of the metals in Group 3 (expressed as indicated above) in any sample of the effluent must not exceed 20mg/l.

(c) RADIO-ACTIVE WASTE:

Radio-active waste or isotopes: such concentration as may be laid down by the Atomic Energy Corporation or any State Department: Provided that, notwithstanding the requirements set out above in this Annexure, the Council reserves the right to limit the total mass of any substance or impurity discharges per 24 hours into the sewers from any premises: Provided further that the method of testing in order to ascertain the concentration of any substance mentioned above is the test normally used by the Council for this purpose. Any person discharging into a sewer any substance referred to in the Annexure, may ascertain the details of the appropriate test from the Council.