



**WATER AND ELECTRICITY BY-LAWS  
FOR MAFUBE LOCAL MUNICIPALITY**

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

## **PREAMBLE**

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

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

WHEREAS the Mafube Municipal Council recognises – (a) the need to regulate access to water services in an equitable way, taking into account financial, technological, socio-economic and conservation factors; (b) the duty of customers to pay reasonable charges; (c) the right of the municipality to limit or discontinue the provision of water services if there is a failure to comply with reasonable conditions set for the provision of such services; (d) the need to manage the conflict between different uses and users in different catchments; (e) the need to provide a means of providing access to water services to those who are still without such access; (f) the need to maintain and improve services already supplied in a sustainable manner; (g) the need to provide various measures to assist those who are economically unable to meet normal service charges; and (h) the need to provide water services in support of all forms of economic development and to carry out the above in a manner which supports the preservation of impacted ecosystems;

WHEREAS the Water Services Act establishes the Municipality as a water services authority and the Municipality's Water and Sanitation Unit as a water services provider for the Municipality's area of jurisdiction;

WHEREAS the Mafube Municipal Council has competence in terms of Part B of Schedule 4 of the Constitution of the Republic of South Africa, 1996 relating to such matters as the control of the provision of water services;

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

AND WHEREAS the Mafube Municipality has a duty to make By-laws for the provision of water services in terms of section 21 of the Water Services Act;

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

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## CHAPTER 1 INTERPRETATION

Definitions 1. In this By-law, unless the context indicates otherwise – “approved” means approved by the Municipality;

“authorised official” means a person authorised to implement the provisions of this By-law, including but not limited to – (a) peace officers as contemplated in section 334 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977); (b) municipal or metropolitan police officers as contemplated in the South African Police Service Act, 1995 (Act No. 68 of 1995); and (c) such employees, agents, delegated nominees, representatives and service providers of the Municipality as are specifically authorised by the Municipality in this regard: Provided that for the purposes of search and seizure, where such person is not a peace officer, such person must be accompanied by a peace officer;

“backflow” means the flow of water in any pipe in a direction opposite to the normal direction of flow;

“back siphonage” means the backflow of water resulting from negative pressures in a water installation or in the water supply system;

“borehole” means a hole sunk into the earth for the purpose of locating, abstracting or using subterranean water;

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

"chase" means a space or groove in a masonry wall or through a floor for pipes or ducts;

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

“commercial purposes” means for the purpose of carrying on a business or trade;

“communication pipe” means a pipe which is vested in the Municipality and installed by it for the purpose of carrying water from a main to a water installation;

“compliance certificate” means a certificate issued on the prescribed form by a registered contractor or a registered responsible plumber certifying that the work complies with this By-law and other required standards;

“Constitution” means the Constitution of the Republic of South Africa, 1996;

“Council” means the eThekweni Municipal Council, a municipal council referred to in section 157(1) of the Constitution;

"credit authority" means any arrangement made by written agreement for the payment of any arrears in instalments, concluded between a customer and the Municipality;

“customer” means any person with whom the Municipality or its authorised agent has entered into an agreement for the provision of a municipal water service to the premises of which such person is an owner, including any person who is authorised by the owner to enter into such an agreement with the Municipality in respect of the owner's premises;;

“domestic purposes” means the supply of water to dwelling units for purposes including drinking, ablution and preparation of food;

“dwelling unit” means accommodation intended for human habitation which has – (a) its own metered electricity supply; (b) its own exclusive entrance; and (c) a kitchen for the sole use of its residents;

"finished ground level" means the level of the earth or any other surface on the ground;

“fire installation” means a water installation which conveys water solely for the purpose of fire fighting;

“flow limiter” means an electronic device which allows for a normal flow rate but restricts the daily volume to a pre-set amount of 300 litres per day;

“flow restrictor” means a washer which is installed in the water connection which allows a daily consumption of approximately 360 litres in a six hour period but at a low flow rate;

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

“Head of Department” means the person appointed by the Municipality as the head of the municipal department responsible for the supply of water;

“illegal connection” means any connection to the water supply system which has not been authorised or approved by the Municipality;

“industrial purposes” in relation to the supply of water, means water supplied to premises which are used for the manufacturing, production, extraction, adaptation, alteration, renovation, repair, processing or servicing of any article or material and includes the use thereof – (a) as a factory; (b) by a building contractor for the storage of builder’s material; (c) for the stacking, storing or preparation for resale of scrap material; (d) as a storage warehouse; (e) as an office, caretaker’s flat if it is 100m<sup>2</sup> or less, or for any other purpose which is incidental to or reasonably necessary in connection with the use thereof as a factory, builder’s yard or scrap yard, but does not include the use of any land or building as a fuelling or service station;

“installation work” means construction or any other work carried out on a water installation;

"ISO 6509 of 1981" means the International Standards Organisation's requirements relating to the determination of dezincification of brass;

“leak period” means either the metering period – (a) immediately before the date on which a leak is repaired; or (b) during which a leak is repaired: Provided that the leak period does not exceed 65 days;

“main” means a pipe, other than a communication pipe, which vests in the Municipality and is used by it for the purpose of carrying water to customers;

"member" means a constituent part of a structural whole;

“metering period” means the time interval between two successive billed meter readings but excludes any leak periods;

"Municipality" means the Mafube Local Municipality, a category B Municipality as envisaged in terms of section 155(1) of the Constitution.

"Municipal Manager" means the official of the Municipality appointed as contemplated in section 54A of the Systems Act;

"occupier" includes – (a) any person, including the owner, in actual occupation of premises regardless of the title under which he or she occupies those premises, if any; and (b) in the case of premises let to more than one tenant, the person who receives the rent payable by the tenants, whether for his or her own account or as an agent for a person entitled to the rent;

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

"owner" means – (a) the person who is the registered owner of the premises in the relevant Deeds Office; (b) where the registered owner of the premises is insolvent or dead, or is under any form of legal disability whatsoever, the person in whom the administration and control of his or her property is vested as curator, trustee, executor, administrator, judicial manager, liquidator or other legal representative; (c) where the Municipality is unable to determine the identity of such person, a person who is entitled to the benefit of the use of the premises or a building or buildings on the premises; (d) where such premises have been leased for a period of 30 years or longer, the lessee of the premises; or (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) as common property, 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;

"pollution" means the introduction into the water supply system, or a water installation, of any substance which could make the water harmful to health or impair its quality;

"premises" means any piece of land whose external surface boundaries 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) sectional plan registered in terms of the Sectional Titles Act;

"prescribed" means as determined by resolution of the Council;

"prescribed charge" means a charge prescribed by resolution of the Council;

"Provincial Gazette" means the official Gazette of the province concerned;

"SABS" means that South African Bureau of Standards established in terms of the Standards Act, 1945 (Act 24 of 1945);

"SABS specification 241-1971" means the Water for Domestic Supplies specifications published in the Government Gazette under General Notice 463 dated 9 July 1982;

"Sectional Titles Act" means the Sectional Titles Act, 1986 (Act No. 95 of 1986);

“schedule of accepted pipes and water fittings” means the list of approved pipes and water fittings for use in water installations as prescribed by the Municipality, together with any conditions relating to the use of such pipes or fittings;

“service pipe” means a pipe which is part of a water installation and which connects with the communication pipe;

“storage tank” means a tank forming part of a water installation and used for the storage of water, but excludes a – (a) cistern serving a water-closet pan or a urinal; and (b) tank used for the storage of hot water;

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

“urine diversion toilet” means a toilet which separates urine and faecal matter and which consists of – (a) two pits, used alternatively and with provision made for the manual emptying of each pit by the occupier once the material has dried and is safe to remove; (b) a cover slab; (c) a superstructure; (d) a vent pipe to each pit; and (e) a special pedestal and separate urinal to divert urine to soak away such that only faecal matter collects in the pit;

“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 – (a) which are situated on any premises; (b) vested in the owner of the premises; and (c) used or intended to be used in connection with the use of water on the premises, and includes a pipe and water fitting situated outside the boundary of the premises, which either connects to the communication pipe relating to such premises or is otherwise laid with the permission of the Municipality;

“water services” means the supply of potable water and sundry services;

“Water Services Act” means the Water Services Act, 1997 (Act 108 of 1997);

“water supply system” means the structures, aqueduct, pipes, valves, pumps, meters or other appurtenances 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; and

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

Interpretation of By-law 2. If there is a conflict of interpretation between the English version of this By-law and a translated version, the English version prevails.

Object of By-law 3. The object of this By-law is to regulate water supply in a manner which –

(a) ensures the efficient, affordable, economical and sustainable provision of water services taking into account financial, technological, socio-economic and conservation factors; (b) provides for the duty of – (i) customers to pay reasonable charges; and (ii) the Municipality to provide certain

assistance to customers who are unable to meet normal services charges; (c) allows for the right of the Municipality to limit or discontinue the provision of water services in appropriate circumstances; (d) ensures the environment is protected for the benefit of present and future generations; and (e) complies with the Water Services Act.

Application of By-law 4. This By-law applies to all areas which fall under the jurisdiction of the Mafube Local Municipality and is binding on all persons to the extent applicable.

## **CHAPTER 2 LEVELS OF SUPPLY: HOUSEHOLDS AND INFORMAL SETTLEMENTS**

### Supply of potable water to households

1. Potable water may be supplied for domestic purpose only via one of the following water supply systems:

- (a) a manually-operated water dispenser or standpipe;
- (b) an individual household yard supply which supplies 300 litres per day either via –
  - (i) a ground tank, where the flow is regulated through an electronic bailiff unit or metered flow limiting device; or
  - (ii) a yard tap, where the flow is regulated through a metered flow limited device;
- (c) a semi-pressure supply provided through a roof tank;
- (d) a full pressure supply;
- (e) a full pressure supply with a restrictor, such as a flow limiter;
- (f) internal metering to individual units installed on private property and supplied through a bulk meter installed outside the boundary; or
- (g) internal metering to all multi-occupancy buildings installed after 2005.

### Temporary supply of water to informal settlements

(2) The minimum level of supply of potable water to an informal settlement must be a water dispenser or standpipe within 200 metres of every household.

(3) The water dispenser or standpipe contemplated in subsection (2) must either be located on the boundary of the settlement or, where it exists along an established road.

## CHAPTER 3 APPLICATION FOR SUPPLY OF WATER

### Application for supply of water

4.(1) No person may take, or be supplied with, water from the water supply system unless he or she has applied to the Municipality on the prescribed form for the supply of water and the application has been granted.

(2) An application for water supply must be on the form prescribed by the Municipality and must be accompanied by such information and supporting documents as the Municipality may require.

(3) When the Municipality grants an application for water supply, this constitutes a binding contract between the Municipality and the customer, which takes effect on the date –

(a) referred to or stipulated in the application form; or

(b) of the Municipality's approval.

(4) A customer is liable for the prescribed charges for the supply of water granted to him or her until the agreement referred to in subsection (3) has been terminated in accordance with section 10.

### Special agreements

5.(1) The Municipality may enter into a special agreement for the supply of water –

(a) if the supply of water to an applicant inside its area of jurisdiction necessitates the imposition of conditions not contained in the prescribed form; and

(b) with an applicant outside its area of jurisdiction.

(2) If the Municipality, in terms of a special agreement, provides a supply of water to an applicant outside its area of jurisdiction it may permit him to sell water to other persons outside its area of jurisdiction, subject to any conditions that may be imposed by the Municipality .

### Purpose of supply

6. Water supplied by the Municipality must be used solely for the purpose specified in the agreement for a supply of water.

### Termination of agreement for supply of water

7. (1) A customer may terminate a water supply agreement by giving not less than five working days' written notice to the Municipality.

(2) The Municipality may, on not less than five (5) working days' written notice, terminate an agreement to supply water to a customer if –

- (a) the customer has not consumed any water during the preceding six months and has not made arrangements satisfactory to the Municipality for the continuation of the agreement;
- (b) the customer has committed a breach of this By-law or any other law and has failed to rectify that breach when given notice to do so;
- (c) the Municipality cannot continue to supply him or her with water; or
- (d) in terms of an agreement with another municipality, that municipality is to supply water to the customer.

(3) The Municipality may without notice terminate an agreement for supply of water if a customer has vacated the premises to which the agreement relates.

#### Provision of security

8.(1) Subject to the Credit Control and Debt Collection By-law, the Municipality may, as security for payment, require an applicant to deposit with it, at the same time as submitting his or her application, a sum of money representing the cost of the quantity of water which in the Municipality's opinion would be supplied to the customer during a period prescribed by the Council from time to time.

(2) A deposit paid in terms of subsection (1) may not be regarded as being in payment of a current account due for the supply of water.

(3) Subject to the Credit Control and Debt Collection By-law the Municipality may, by notice in writing, require the customer to increase the deposit, as the case may be, by an amount specified in the notice.

(4) If a customer fails to comply with a notice referred to in subsection (3) within 30 days of the date of issue, the Municipality may reduce or discontinue his or her supply, until such time as an additional deposit is provided.

(5) Subject to the Credit Control and Debt Collection By-law the Municipality may, of its own accord or at the request of a customer, reduce the amount of a deposit if it is satisfied that –

- (a) the reduction is justified in the light of the present supply of water to the customer; or
- (b) there was a change in the circumstances pertaining to the assessment of the original amount of the deposit.

## CHAPTER 4 PROVISIONS REGULATING SUPPLY OF WATER BY THE MUNICIPALITY

### Unauthorised use of water

9. A person may not take water from the water supply system except through a communication pipe or from a hydrant.

### Communication pipes

10.(1) If an application for a supply of water in respect of premises has been granted and no communication pipe exists in respect of the premises, the owner must apply on the prescribed form, and pay the prescribed charge, for the installation of such a pipe.

(2) If an application is made for a supply of water to premises which is so situated that it is necessary to extend the water supply system in order to supply water to the premises, the Municipality may agree to the extension subject to any conditions it may impose.

(3) A communication pipe provided and installed by the Municipality must –

- (a) be located in a position determined by the Municipality; and
- (b) terminate at a point between 140) and 160 millimetres inside the boundary of land owned by or vested in the Municipality or over which it has a servitude or other right.

(4) The Municipality may provide and install a communication pipe of the size requested by the applicant, if any.

(5) The owner of the premises must, at his or her own cost, effect the connection between his or her water installation and the communication pipe serving his or her premises, unless the Municipality directs otherwise.

(6) The Municipality may specify –

- (a) the type of joint which must be used to connect to the connection pipe; and
- (b) regarding the portion of the service pipe between the communication pipe and the owner's isolating valve, the –
  - (i) material of which this portion of service pipe is made; and
  - (ii) method of installation of this portion of service pipe.

(7) The owner must secure the portion of the communication pipe and the owner's isolating valve against movement.

(8) The Municipality may determine the number of communication pipes which may serve a water installation.

(9) A water installation may be connected only to the communication pipe or pipes provided for it by the Municipality: Provided that if two or more parts of a water installation are served by separate communication pipes, the parts may not be interconnected without the prior written permission of the Municipality and are subject to such conditions as it may impose.

(10) No water installation may be supplied with water through a communication pipe which was installed to provide water for building construction purposes until a compliance certificate has been received by the Municipality.

(11) If the Municipality considers that the size of an existing communication pipe is unsuitable by reason of the quantity of water supplied to a customer, it may by written notice require the owner to pay the prescribed charges for the removal of the existing communication pipe and the installation of a communication pipe of a size acceptable to the Municipality.

(12) The Municipality may, in the case of premises which are divided into separately occupied portions, by written notice require the owner at his or her own cost and within the period specified in the notice to—

- (a) alter the water installation serving any one portion so that it is separate from, and independent of, the water installation serving any other portion;
- (b) make application for a communication pipe to serve each portion; and
- (c) connect the water installation referred to in paragraph (a) to the communication pipe referred to in paragraph (b).

(13) The Municipality may give the occupier of a portion referred to in subsection (12)(a) notice in writing that he or she is required to make application for a supply of water.

(14) If the Municipality intends to replace a communication pipe, it must give the owner of the premises concerned not less than 10 working days' written notice of the date after which the owner must effect a connection between his or her water installation and the replacement communication pipe.

#### Interconnection between premises

11. An owner of premises must ensure that no interconnection exists between the water installation on his or her premises and any water installation on other premises, unless he or she has obtained the prior written consent of the Municipality and has complied with any conditions it may have imposed.

#### Conditions of supply

12. (1) The granting of a 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 such water.

(2) If an owner requires the maintenance of any of the conditions referred to in subsection (1) on his or her premises, he or she must make provision in his or her installation for such requirement.

(3) The Municipality may 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 customer adversely affects the supply of water to another customer, the Municipality may apply such restrictions as it deems fit to the supply of water to the first-mentioned customer in order to ensure a reasonable supply of water to the other customer.

(5) The Municipality may specify the maximum height to which water may be supplied from the water supply system.

#### Cutting-off and restricting

13.(1) Without prejudice to any other right the Municipality may have, the Municipality may, if a customer has –

- (a) failed to pay a sum due to the Municipality in terms of this By-law or any other applicable By-law; or
- (b) committed a breach of this By-law and has failed to rectify such breach within the period specified in a written notice served on him or her requiring him or her to do so, by written notice inform him or her of its intention to cut off or restrict his or her supply of water on a specified date and it may on or after that date so cut off or restrict such supply.

(2) If in the opinion of the Municipality it is necessary to cut off the supply of water as a matter of urgency to prevent waste of water, damage to property, danger to life or pollution of water, the Municipality may –

- (a) without prior notice, cut off the supply of water to any premises and enter any premises to do emergency work at the owner's expense, as he or she deems necessary; and
- (b) by written notice require the owner to do any further work, at his or her cost and within a specified period, as the Municipality may deem necessary.

(3) The customer must pay the following charges before the restoration of water supply:

- (a) the prescribed charge for the cutting-off or restricting of his or her supply in terms of subsection (1) or (2); and
- (b) the prescribed charge for restoration of the water supply.

#### Interruption of supply at customer's request

14.(1) The Municipality may, at the written request of a customer –

- (a) turn off the supply of water to his or her premises; and
- (b) reinstate the supply, on the dates requested by him or her.

(2) The customer must prior to the reinstatement of his or her water supply as contemplated in subsection (1)(b) pay the prescribed charge for the turning-off of his or her supply of water, and for its reinstatement.

## Disconnection of water supply

14.(1) The Municipality may disconnect a water installation from the communication pipe and remove the communication pipe if the –

- (a) agreement for supply has been terminated in terms of section 17 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) building on the premises concerned has been demolished.

## Metering of supplies

15.(1) All water supplied to a customer by the Municipality must pass through a meter for the purpose of measuring the quantity of the water: Provided that the Municipality may dispense with the use of a meter in the case of –

- (a) an automatic sprinkler installation if supplied directly through the communication pipe. This is not applicable to an automatic sprinkler that is supplied through a storage tank and pumped into the system which would be through the metered connection;
- (b) a fire installation in respect of which steps have been taken to detect unauthorised draw-off of water for purposes other than fire fighting; and
- (c) special circumstances at the Municipality's discretion.

(2) A meter referred to in subsection (1), and its associated apparatus –

- (a) must be provided and installed by the Municipality;
- (b) remains the Municipality's property; and
- (c) may be changed by the Municipality whenever it deems necessary.

(3) The Municipality may install the meter, and its associated apparatus, serving a water installation at any point in the installation.

(4) If the Municipality installs a meter in a water installation in terms of subsection (3), it may install a section of pipe and associated fittings between the end of its communication pipe and the meter, and such section must be deemed to form part of the water installation.

(5) If the Municipality installs a meter, together with its associated apparatus, in a water installation in terms of subsections (3) and (4), the owner must –

- (a) provide a place satisfactory to the Municipality in which to install the meter;
- (b) ensure that unrestricted access is available to the meter at all times;
- (c) be responsible for the meter's protection and be liable for the costs arising from loss or damage of the meter or its associated apparatus;
- (d) ensure that no connection is made to the pipe in which the meter is installed, between the meter and the communication pipe serving the installation; and
- (e) make provision for the drainage of water which may be discharged from the pipe in which the meter is installed, in the course of work done by the Municipality on the meter.

(6) No person may, other than an authorised official, –

- (a) disconnect a meter and its associated apparatus from the pipe in which they are installed;
- (b) break a seal which the Municipality has placed on a meter; and
- (c) in any other way interfere with a meter and its associated apparatus.

(7) If the Municipality considers that the size of a meter is unsuitable by reason of the quantity of water supplied to the premises, the Municipality may install a meter of such size as it deems necessary, and may recover the prescribed charge for the installation of the meter from the owner of the premises concerned.

(8) The Municipality may require the installation, at the owner's expense, of a meter to each unit on the premises which is separately occupied for the purpose of determining the quantity of water supplied to each such unit.

#### Quantity of water supplied to a customer

16. (1) For the purpose of assessing the quantity of water supplied through a meter to a customer over a specified period, it must be deemed, unless the contrary can be proved, that –

- (a) such quantity is represented by the difference between readings of the meter taken at the beginning and end of the period;
- (b) the meter was registered correctly during the period; and
- (a) c) the entries in the records of the Municipality were correctly made.

(2) The estimate by the Municipality as to the quantity of water supplied or taken, and the amount owing by the customer concerned to it, must be deemed to be correct if –

- (a) water is supplied to, or taken by, a customer without its passing through a meter; and
- (b) a contravention of the provisions of section 19(6) occurs.

#### Water restrictions

21.(1) The Municipality may, by notice –

- (a) prohibit or restrict the consumption or use of water –
  - (i) for specified purposes or otherwise than for specified purposes;
  - (ii) during specified hours of the day or on specified days or otherwise than during specified hours of the day or on specified days; and
  - (iii) in a specified manner or otherwise than in a specified manner;
- (b) determine and impose –
  - (i) limits on the quantity of water which 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 (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 nature 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 in subsection (1) to specified areas and classes of customers, premises and activities, and provide for and permit deviations and exemptions from, and relaxation of, any of the provisions on such grounds as it deems fit.

(3) The Municipality may –

- (a) take, or by written notice require a customer at his or her own cost to take such measures as may in its opinion be necessary to ensure compliance with a notice published in terms of subsection (1) including, but not limited to, the installation of measurement devices and devices for restricting the flow of water; and
- (b) disconnect , or for such period as it deems fit, restrict the supply of water to a premises in the event of a contravention of, or failure to comply with, the terms of a notice published in terms of subsection (1), and where the supply has been cut off it may only be reinstated when the prescribed charge for disconnecting and reconnecting the supply has been paid.

(4) In addition to the person who contravened, or failed to comply with, a notice published in terms of subsection (1), the customer to whom the water is supplied is presumed also to have committed the contravention or to have failed to comply, unless it is proved that he or she took all reasonable steps to prevent the contravention or failure to comply by any other person: Provided that the fact that the customer issued instructions to another person may not of itself be accepted as sufficient proof that he or she took all such reasonable steps.

(5) The provisions of this section also apply to water supplied directly by the Municipality to customers outside its area of jurisdiction, despite anything to the contrary in the conditions governing that supply, unless otherwise specified in the notice published in terms of subsection (1).

#### Special metering

16.(1) If the Municipality wants to determine the quantity of water being used in a part of the water installation for purposes other than charging for water consumed, the Municipality may, after written notice to the owner concerned, install a meter at a specified point in his or her water installation.

(2) The installation of a meter referred to in subsection (1), its removal, and the reinstatement of the water installation after such removal must be carried out at the cost of the Municipality.

(3) The provisions of sections 19(5) and (6) apply, with any changes required by the context, to a meter installed in terms of subsection (1).

## CHAPTER 5 WATER SUPPLY TO HOUSING DEVELOPMENTS

### Public participation

17. (1) The Municipality must, determine the levels of water supply, and any applicable conditions relating to water supply –

- (a) to municipal housing projects;
- (b) to sectional title developments; and
- (c) to mini-sub residential developments;

(2) Before making a determination contemplated in subsection (1), the Municipality must publish a notice –

- (a) informing the public that a draft document setting out levels of water supply and applicable conditions is available for inspection at a specified location and between specified hours;
- (b) inviting interested and affected persons to attend a public meeting; and
- (c) inviting comments and objections from the public, to be received by the Municipality by a specified date not less than 30 days after the publication of the notice.

(3) The notice referred to in subsection (2) must –

- (a) contain a summary of the key aspects of the levels of water supply and applicable conditions; and
- (b) be published in two local daily newspapers that circulate in the area: Provided that if a community newspaper which is free to the public is circulated in the area, then the notice may be published in the community newspaper and one local daily newspaper that is circulated in the area.

(4) The public meeting referred to in subsection (2) must be held not less than seven days or more than 60 days after the date of the publication of the notice referred to in subsection (2).

(5) At the public meeting, the Municipality must –

- (a) present and explain the levels of water supply and applicable conditions;
- (b) reasonably respond to any queries related to levels of water supply and applicable conditions;
- (c) give interested and affected parties an opportunity to make comments and to lodge objections; and (d) keep minutes of the meeting.

(6) The Municipality must consider all objections or comments received from the public regarding levels of water supply and applicable conditions.

(7) After having considered the comments and objections, the Council may, within a reasonable period from the commencement of the public participation process –

- (a) adopt the levels of water supply and applicable conditions;
- (b) amend and adopt the levels of water supply and applicable conditions; or
- (c) reject the levels of water supply and applicable conditions.

(8) Notwithstanding the provisions of section 59 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), the Council may not delegate the decision-making powers referred to in subsection (7).

(9) If the Council adopts levels of water supply and applicable conditions, a notice must be published in the manner contemplated in subsection (3), as well as in the Provincial Gazette –

- (a) confirming that the levels of water supply and applicable conditions have been adopted;
- (b) giving notice of the commencement date of the levels of water supply and applicable conditions;
- (c) summarising the key aspects of the levels of water supply and applicable conditions; and
- (d) confirming that levels of water supply and applicable conditions are available for inspection at a specified location and between specified hours.

Amendment, revocation and review of water supply levels

18. The Council –

- (a) may amend or revoke an adopted levels of water supply and applicable conditions subject to the provisions of the Promotion of Administrative Justice Act ,2000 (Act No. 3 of 2000) after following the public participation process set out in section 23; and
- (b) must review adopted levels of water supply and applicable conditions as the Municipality deems fit.

Servitudes

19.(1) In the event that water services are required to transverse property which is not registered in the name of, or vested in the Municipality, those services must be laid within servitudes registered in favour of the Municipality.

(2) Where the services are laid in a private road, the servitude must be registered over the full width of the road to cover both water and sewerage reticulation networks and individual freehold site connections.

(3) The servitude agreement for each property must contain a clause –

- (a) indemnifying the Municipality against all claims arising from any failure of either the water mains or sewage reticulation owned by the Municipality but situated on private property; and
- (b) permitting the Municipality staff or designated contractors free and unimpeded access to attend to any matters or work at any time on the property.

## CHAPTER 6 APPROVAL OF INSTALLATION WORK

Approval to be obtained for installation work to be done

20.(1) If an owner wishes to have installation work done, he or she must first obtain the Municipality's written approval: Provided that approval is not required for the repair 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) must be made on the prescribed form, and must be accompanied by the prescribed –

- (a) charge; and
- (b) number of copies of the drawings referred to in section 28 of the proposed work.

(3) The provisions of subsections (1) and (2) do not apply to a registered contractor who replaces a fixed water heater or its associated protective devices: Provided that he or she notifies the Municipality on the prescribed form not more than five working days after completing this work.

(4) Approval given in terms of subsection (1) must, subject to section 27, lapse after the expiry of a period of twenty four months after the month following the month in which the authority is given.

Extension of period of approval

21. The Municipality may, on written application by the owner prior to the expiry of the original period concerned and subject to payment of the prescribed charge, from time to time extend the period of validity of approval given in terms of section 26 –

- (d) for a period not exceeding twelve months at a time; and
- (e) subject to such conditions as it deems fit.

Drawings

22. (1) Drawings submitted in terms of section 26 must, unless otherwise permitted by the Municipality –

- (a) indicate the nature and extent of the installation work to be done;
- (b) be on sheets not smaller than A4 size; and
- (c) contain the –
  - (i) title deed description of the premises;
  - (ii) name of every street on which the premises abuts; and
  - (iii) scales of the drawings and the north point.

(2) The drawings referred to in subsection (1) must indicate –

- (a) the position and size of the existing and proposed communication pipe serving or to serve the premises;
- (b) the location of every pipe, its size and the material of which it is manufactured;
- (c) the location of every water fitting and its description;
- (d) the location of every storage tank and its capacity;
- (e) the location of every pump;

- (f) details of the proposed accommodation for the Municipality's meter if it is to be installed within the premises;
- (g) the pressure for which the installation has been designed;
- (h) the position of all overflows;
- (i) equipment or plant which uses water as a heat exchange medium for cooling or heating purposes which is or may be connected to a water installation; and
- (j) any other information that the Municipality may require.

(3) If the details of the water installation on more than one floor of a building are identical, these details may be drawn for one floor only.

(4) If more than one water installation is to be installed in a building, such installations may be shown on the same drawing: Provided they are clearly differentiated from each other.

(5) A schedule must be provided with each drawing or set of drawings, indicating the number of each type of terminal water fitting and its nominal size.

Copies of drawings to be kept on site .

23. A complete set of approved drawings of installation work must be available at the site of the work at all times until receipt by the Municipality of the compliance certificate submitted in terms of section 38(1)(d).

Unauthorised work

24. If installation work has been done in contravention of this By-law, the Municipality may by written notice require the owner of the premises concerned, at his or her cost, if the work –

- (a) is complete, to take steps to ensure that the work complies with the provisions of this By-law; or
- (b) (b) is in progress, to cease the work and remove all the work to the extent that it does not comply with the provisions of this By-law.

## CHAPTER 7 CONTROL OF INSTALLATION AND OTHER WORK

Persons permitted to do installation and other work

25. (1) A person who is not a contractor registered with the Municipality in terms of section 32 may not –

- (a) do installation work for which approval is required in terms of Chapter 6;
- (b) replace a fixed water heater or its associated protective devices;
- (c) inspect, disinfect and test a water installation, fire installation or a storage tank; (d) service, repair or replace a backflow preventer; or
- (d) install, maintain or replace a meter provided by an owner in a water installation.

(2) A person may not require or engage a person who is not a registered contractor to do the work referred to in subsection (1).

(3) The provisions of subsection (1) do not apply to a person acting in the scope of his employment with a registered contractor.

(4) Notwithstanding the provisions of subsection (1), a person who, in terms of any law in force immediately prior to the commencement of this By-law was entitled to do the work described in subsection (1) may continue to do such work for a period not exceeding twelve months after the commencement of this By-law.

(5) The Municipality may permit a person who is not a registered contractor to do installation work on his or her own behalf on premises owned and occupied solely by him or herself and his or her immediate household: Provided that –

- (a) such person must make application in the prescribed form for permission and pay the prescribed fee; and
- (b) the work must, on completion, be inspected and tested by an authorised official or a registered contractor, and may not be put into use until it has passed the test and the completion certificate referred to in section 38(1)(d) has been issued.

Registration of contractors

26 .(1) Application for registration with the Municipality as a contractor must be made on the prescribed form and be accompanied by the prescribed fees.

(2) An applicant for registration as a contractor must –

(a) be a person who –

- (i) is registered in terms of this By-law as a responsible plumber in accordance with section 33, or who employs on a full-time basis a person registered as a responsible plumber; and
- (ii) conducts his or her business from premises satisfactory to the Municipality; and

(b) nominate an address for the purpose of the serving of notices and legal documents in terms of this By-law.

(3) Registration as a contractor expires on 31 December of each year unless a contractor was registered on or after 1 November in any year, in which case his or her registration expires on 31 December of the following year.

(4) An application for renewal of registration as a contractor must be lodged with the Municipality before 1 December and must be accompanied by the prescribed fees.

(5) If a change takes place in the particulars reflected in an application referred to in subsection (1), the contractor must, within 14 days of the change, notify the Municipality of the change in writing.

(6) Notwithstanding the provisions of this By-law, a person who, in terms of any law in force immediately prior to the commencement of this By-law was entitled to do the work described in subsection (1), may continue to do such work for a period not exceeding 12 months after the commencement of this By-law.

#### Registration of responsible plumbers

27.(1) Application for registration with the Municipality as a responsible plumber must be made on the prescribed form and must be accompanied by the prescribed charge.

(2)(a) An applicant for registration must –

- (i) have the qualifications prescribed by the Municipality;
- (ii) have not less than five years' practical experience in installation work obtained after achieving the qualifications referred to in sub-paragraph (i); and (iii) provide proof satisfactory to the Municipality as to his or her knowledge of the provisions of this By-law.

(3) Registration of every responsible plumber must expire on 31 December of every year, and application for renewal thereof must –

- (a) be lodged with the Municipality before 1 December; and
- (b) be accompanied by the prescribed charge: Provided that if such registration takes place on or after 1 November in any year, it must expire on 31 December of the following year.

(4) Notwithstanding the provisions of this By-law, a person who was registered as a responsible plumber on the date of commencement of this By-law is deemed to be a responsible plumber for the purposes of this By-law.

#### Registration certificates

28. (1) The Municipality must issue a registration certificate to a contractor or a responsible plumber registered with the Municipality in terms of section 32 or 33.

(2) A registration certificate must state the name of the registered contractor or responsible plumber, and the date of its issue.

(3) A person may not make an alteration to a registration certificate.

(4) A registration certificate must –

- (a) be issued without alteration; and
- (b) at the request of an authorised official, be produced to him or her by the holder within three working days.

### Replacement of certificates

29.(1) A person whose registration certificate has been lost, destroyed or damaged, must as soon as is reasonably possible apply to the Municipality on the prescribed form for the replacement of such certificate.

(2) An application in terms of subsection (1) must be accompanied by –

- (a) an affidavit as to the circumstances in which the certificate was lost or destroyed; or
- (b) the damaged certificate, and the prescribed charge.

### Register of contractors and responsible plumbers

30. (1) The Municipality must maintain a register of registered contractors and responsible plumbers.

(2) The register must be available for inspection at the relevant office of the Municipality during normal working hours.

### Cancellation of registration

31.(1) The registration of a registered contractor or responsible plumber may be cancelled if he or she –

- (a) has given false information on an application form;
- (b) has submitted a false or incorrect certificate to the Municipality;
- (c) contravenes or fails to comply with any provision of this By-law; or
- (d) allows his or her registration certificate to be used in a fraudulent manner.

(2) If the Municipality believes that there are grounds for cancelling the registration of a registered contractor or responsible plumber, the following procedure must be followed:

- (a) the Municipality must give the registered contractor or responsible plumber at least 21 days' written notice by hand delivery or registered mail of the Municipality's intention to suspend or withdraw the registration;
- (b) the notice referred to in paragraph (a) must include –
  - (i) a statement setting out the nature of the proposed action;
  - (ii) the reasons for the proposed action;
  - (iii) an invitation to make written representations on the matter;
  - (iv) an address at which representations may be submitted; and
  - (v) the date, time and place of a hearing, which may not be less than 15 days from the date of the notice, to consider the cancellation of registration, and an indication that the registered contractor or responsible plumber may submit representations and appear at the hearing;
- (c) the registered contractor or responsible plumber must be given an opportunity to, either personally or through his or her duly authorised representative, appear at a hearing and to make representations before the authorised official;
- (d) if a registered contractor or responsible plumber wishes to appear at a hearing and to oppose the proposed action, he or she must, within seven days of receiving the notice or within a further period that the Municipality may allow, submit representations in writing by hand or by registered mail to the address indicated in the notice; and

(e) after the hearing, the authorised official must give a ruling on whether or not to cancel the registration and must give the registered contractor or responsible plumber reasons for the ruling in writing not later than 14 days after the date of the conclusion of the hearing.

(5) A registered contractor or responsible plumber must, within seven days of being notified in writing of the cancellation of his or her registration, surrender his or her registration certificate to the Municipality.

(6) If the Municipality cancels the registration of a registered contractor or responsible plumber, an application for re-registration from that person may not be considered until a period of 12 months has lapsed after the date of the cancellation.

#### Responsibilities of a registered contractor

32.(1) A registered contractor must –

- (a) unless he or she is also a registered responsible plumber, at all times have at least one registered responsible plumber in his or her full-time employment who has –
  - (i) been nominated by the registered contractor in the form referred to in paragraph (c) or the notice referred to in subsection (2); and
  - (ii) acknowledged acceptance of the nomination by signing the form or notice;
- (b) ensure that work undertaken by him or her is carried out under the control of the registered responsible plumber in his or her employment;
- (c) notify the Municipality on the prescribed form of his or her intention to commence work referred to in section 31, not less than three working days prior to the commencement; and
- (d) within five working days of the completion of the work request for a compliance inspection by the relevant Water Inspector and, if the installation complies, a compliance certificate will be issued by the Water Inspector.

(2) A registered contractor must, within five working days of a change of a registered responsible plumber referred to in subsection (1)(b), or any subsequent registered responsible plumber nominated in terms of this subsection, by written notice to the Municipality nominate another registered responsible plumber who must indicate in writing his or her acceptance of such nomination.

#### Responsibilities of a registered responsible plumber

33. A registered responsible plumber must –

- (a) ensure that installation work done by him or her and any person under his or her control complies with this By-law;
- (b) certify on the prescribed form that installation work complies with this By-law and any standards prescribed by the Municipality; and
- (c) Where a completion certificate is required for installation work, engage with the Water Inspectorate Section.

Work done by persons who are not registered contractors

34.(1) If installation work is being done in contravention of this By-law, the Municipality may by written notice require the owner of the premises concerned to ensure that the work is suspended until the owner has employed a registered contractor to do the work.

(2) If installation work has been done in contravention of this By-law, the Municipality may by written notice require the owner of the premises to employ a registered contractor to

- (a) inspect the work and rectify any part of it which does not comply with this By-law;
- (b) test and disinfect the work in terms of this By-law; and
- (c) engage with the Water Inspectorate Section to inspect and issue a compliance certificate.

## **CHAPTER 13 WATER METERS**

Defective meters

35.(1) If a customer has reason to believe that a meter used for measuring water supplied to him or her by the Municipality is defective, he or she may, against payment of the prescribed charge, make application on the prescribed form for the meter to be tested.

(2) The prescribed charge contemplated in subsection (1) must be –

- (a) retained by the Municipality if the meter is found not to be defective; or
- (b) refunded to the applicant if the meter is found to be defective.

(3) A meter to which the regulations relating to water meters published under the Trade Metrology Act, 1973 (Act No. 77 of 1973) are applicable, must be deemed to be defective if, when tested in accordance with such regulations, 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 those regulations.

(4) A meter to which the regulations contemplated in subsection (3) are not applicable, is deemed to be defective if, when tested at the following percentages of its designed maximum rate of flow–

- (a) not less than 75%;
- (b) between 50% and 55% ; and
- (c) not more than 20%, it is found to have a percentage error in over-registration or under-registration greater than 5% at any one of the said rates of flow.

Adjustment of quantity of water supplied to customer through a defective meter

36.(1)(a) If a meter is found to be defective, the Municipality must estimate the quantity of water supplied to the customer during the period in which, in the opinion of the Municipality, the meter was defective.

(b) The estimate contemplated in paragraph (a) must be based on the basis of the average daily quantity of water supplied to the customer over a period –

- (i) between two successive meter readings subsequent to the replacement of the meter;
- (ii) in the previous year corresponding to the period in which the meter was defective; or

(iii) of three months subsequent to the replacement of the meter, whichever the Municipality considers most appropriate.

(2) If the quantity of water supplied to a customer during the period when his or her meter was defective cannot be estimated in terms of subsection (1), the Municipality may estimate such quantity on any basis that is available to it.

#### Adjustment of account if meter is defective

37.(1) The adjustment of the account of a customer who has been charged for water supplied through a defective meter, must be made over the period determined in accordance with section 95(1).

(2) For the purpose of adjusting an account in terms of subsection (1) it must be deemed that the same quantity of water has been supplied in each interval of 24 hours during the period referred to in subsection (1).

### **CHAPTER 14 PROTECTION OF WATER SUPPLY SYSTEM**

#### Trespassing on water supply system

38. (1) A person may not enter – (a) into an area used by the Municipality in connection with its water supply system –

- (i) which is enclosed by a fence; or
- (ii) where entry is prohibited by notice boards; and

(b) a structure used by the Municipality in connection with its water supply system, without prior written permission from the Municipality.

#### Interference with water supply system

39. An unauthorised person may not interfere or tamper with the water supply system.

#### Unauthorised connections

40. A person may not make an illegal connection to the water supply system.

#### Damage to water supply system

41.(1) A person may not damage or endanger the water supply system or cause or permit it to be damaged or endangered.

(2) Any person who intends performing work which may cause damage to the water supply system on land, owned by or vested in the Municipality or over which it has a servitude or other right, must, before beginning the work, obtain written confirmation from the Municipality as to whether any part of the water supply system is situated on that land and, if so, the location of that water supply system.

(3) If the authorised official believes that any work which is being performed or is to be performed on land contemplated in sub-section (2), or on land adjacent thereto, could damage or endanger the water supply system, he or she may by notice in writing require the person concerned not to commence, or to cease performing, the work until such time as that person has complied with the conditions specified in the notice.

#### Obstruction of access to water supply system

41.(1) A person may not prevent or restrict access to the water supply system.

(2) If any person contravenes the provisions of subsection (1), the Municipality may – (a) by written notice require the person to restore access at his or her or her own cost within a period specified in the notice; and (b) if it believes that access must be restored as a matter of urgency, without prior notice, restore access and recover the cost from the person who contravened the provisions of subsection (1).

#### Pollution of water supply

42.(1) A person may not do anything which causes, or might cause, the pollution of water in –

- (a) a reservoir; or
- (b) any other place owned, controlled by or vested in the Municipality either in whole or in part, and used by it in connection with the supply of water, unless that act is specifically authorised in writing by the Municipality.

(2) A person may not, except at such places as are designated by notice boards or in such receptacles as are provided by the Municipality, deposit or discharge any waste as defined in the Municipality's Waste Removal By-law, on any portion of a catchment area relating to the Municipality's water supply which has been designated by notice boards as being an area where such acts are prohibited.

(3) In the event that a person contravenes the provisions of subsection (1) or (2), the Municipality may–

- (a) give notice in writing, requiring that the person to immediately stop the contravention and take specified action within a specified period; or
- (b) if it believes that action is urgently required, without prior notice, take such steps as it deems necessary to remedy the situation and recover the cost from the person in contravention.

#### Pipes in public places

43. A person may not lay or construct a pipe or an associated component on, in or under a street, public place or other land owned by, vested in, or under the control of the Municipality, without the prior written permission of the authorised official and subject to such conditions as he or she or she may impose.

## CHAPTER 15 SERVICE CHARGES

### Payment for water supplied

44.(1) All water supplied by the Municipality must be paid for by the customer at the prescribed charge for that particular category of use for which the supply was granted.

(2) A customer must pay for all water supplied to him or her from the date of the agreement to supply water until the date of termination of that agreement.

(3) The Municipality may estimate a quantity of water supplied in respect of a period or periods within the interval between actual successive readings of the meter and may render an account to a customer for the quantity of water so estimated to have been supplied to him or her during each such period.

(4) The amount of an account rendered for water supplied to a customer becomes due and payable on the due date stipulated in the account.

(5) If a customer is dissatisfied with an account rendered for water supplied to him or her by the Municipality, he or she may, prior to the date stipulated in the account, object in writing to the account setting out his or her reasons: Provided that the lodging of an objection does not entitle a customer to defer payment, except with the written consent of the Municipality.

(6) If a customer uses water for a category of use other than that for which it is supplied by the Municipality, and as a result is –

- (a) not charged for water so used; or
- (b) charged for the water at a rate lower than that at which he or she should be charged, such customer is liable for the amount due to the Municipality in accordance with the prescribed charges in respect of the –
  - (i) quantity of water which, in the Municipality's opinion, the customer has used and for which he or she has not been charged; or
  - (ii) difference between the cost of the water used by the customer at the rate at which he or she has been charged and the cost of the water at the rate at which he or she should have been charged.

### Amendments to prescribed charges for water supplied

45. If amendments to the prescribed charges for water supplied become operative on a date between meter readings, it must be deemed, for the purpose of rendering an account in respect of the charges, that the same quantity of water was supplied in each period of 24 hours during the interval between the meter readings.

### No reduction of amount payable for water wasted or leakage undetected

46. A customer is not entitled to a reduction of the amount payable for water supplied to him or her if –

- (a) water is wasted; or
- (b) a leak in his or her water installation is undetected.

## Other charges

47. The Municipality may, in addition to the prescribed charges for water consumed, prescribe and levy any of the following charges:

- (a) a monthly charge payable by the owner in respect of premises which in the opinion of the Municipality can reasonably be connected to the water supply system but is not so connected, the charge being due from a date determined by the authorised official, until the date of the agreement to supply water;
- (b) a charge payable by the customer in respect of each communication pipe or meter provided by the Municipality to serve the premises occupied by him or her, whether or not water has been supplied to him or her, the charge being due from the date of the agreement to supply water; and
- (c) a monthly charge payable by a customer in respect of a minimum quantity of water, whether or not water has actually been supplied to him or her.

## Water supplies from a hydrant

48.(1) The Municipality may grant a temporary supply of water from one or more fire hydrants specified by him or her.

(2) A person who desires a temporary supply of water referred to in subsection (1) must make application therefor on the prescribed form in accordance with section 7.

(3)(a) Water supplied in accordance with subsection (1) must pass through a meter.

(b) The meter together with the appurtenant apparatus required to enable it to be connected to a hydrant must be provided by the Municipality and remain property.

(4) Before an applicant is provided with a meter in accordance with subsection (3), he or she must pay a –

(a) deposit contemplated in section 11; and

(b) prescribed deposit in respect of each meter and appurtenant apparatus supplied by the Municipality, as security for their return in proper working order.

(5) If the Municipality requires that an authorised official be in control of the meter provided in accordance with subsection (3), the customer must pay the prescribed charge for the attendance of the authorised official.

(6) If the Municipality does not require an authorised official to be in control in accordance with subsection (5), a customer to whom a meter and appurtenant apparatus are supplied in accordance with subsection (3) is responsible for the safekeeping and the proper use thereof and must –

- (a) return the meter forthwith if it is damaged or becomes defective;
- (b) make the meter available for reading purposes before the 7th day of each month, or at such other intervals as the Municipality may prescribe, at a place designated by it; and
- (c) return the meter and apparatus to the Municipality on the termination of the agreement for supply.

(7) The customer must, in addition to paying for the water supplied to him or her by the Municipality, pay the prescribed charge for the use of a meter which is supplied to him or her.

(8)(a) If a customer fails to comply with subsection 6(a), (b) or (c), the Municipality may render an account to him or her for a quantity of water which it deems to have been supplied to him or her since the last reading of the meter concerned, basing such quantity on the maximum specified rate of flow of the meter in continuous use over a period of eight hours per day for five days per week or on such lesser rate or period as the Municipality deems appropriate.

(b) The charge contemplated in paragraph (a) must continue to be levied until the customer returns the meter and appurtenant apparatus, or notifies the Municipality in writing that he or she is unable to do so. (c) Notwithstanding the provisions of paragraph (a) and (b), if a customer returns the meter in working order and with its seal intact after being charged for water in accordance with paragraph (a), the Municipality must adjust the amount charged to the cost of the water actually supplied to him or her.

(9) If a customer to whom water is supplied in accordance with subsection (1) –

- (a) takes water from a hydrant which is not specified by the authorised official;
- (b) is found to be taking, or to have taken, water from a hydrant without its passing through a meter; or
- (c) fails to comply with any provision of subsection (6), the Municipality may forthwith terminate his or her agreement for supply.

#### Resale of water supplied by Municipality

49.(1) A customer who is supplied with water in terms of this By-law may not sell such water unless

- (a) provision has been made therefore in a special agreement as contemplated in section 8; or
- (b) he or she has obtained the prior written permission of the Municipality to do so.

(2) If the Municipality grants the permission contemplated in subsection (1), it may stipulate the maximum price at which the water may be sold and impose such other conditions as it deems fit.

(3) The Municipality may at any time withdraw the permission contemplated in subsection (1).

#### Liability for charges

50. The owner of a premises, and not the tenant, is liable in respect of the charges for water supplied to that premises.

#### Conditions relating to charges

51. The Municipality may prescribe conditions and requirements relating to the metering of water supplied to different categories of customers, and the liability of those customers to pay the prescribed charges for water supplied.

#### Leak repair policy

52. The Municipality may, prescribe the following after following the public participation process contemplated in section 23:

- (a) a leak repair policy;
- (b) a credit control and debt collection policy relating to water supplied to domestic customers;
- (c) a debt relief policy; or
- (d) a policy dealing with free basic water services for indigent people.

#### Domestic water insurance

53.(1)(a) Domestic customers are entitled to insure themselves against undetected underground leaks by payment of a monthly premium, which is raised on the consolidated bill and forwarded to a private insurance company.

(b) The relationship is between the customer and the private insurance company and the Municipality acquires no obligations in respect of any insurance which a customer may choose to acquire.

(2) The customer's account may be suspended for disconnections to water for a period of 60 days to facilitate the insurance process contemplated in subsection (1).

(3) Accounts may not be suspended where there are disputes with respect to the amount paid by the insurance company.

(4) An adjustment, determined in accordance with the terms and conditions of the water loss insurance policy for individually metered dwelling units, will be made in respect of sewage disposal charges raised against any domestic or non-domestic customer where the sewage disposal charges arise from any underground water leaks which were repaired correctly and timeously.

#### Service subsidy

54. Domestic residential customers supplied via a low pressure roof tank are entitled to a reduction on the standard tariff for consumption up to thirty kls per month

#### Unallocated consumption

55. When water consumption is recorded on a property during a period for which there is no registered customer against whom a bill can be raised, the relevant charges for water services must be raised against the registered owner on his or her consolidated bill.

Deceased estates 56.(1) The executor of a deceased estate is liable, in his or her official capacity as such, for the payment of all debts on the property.

(2) Where the estate has not been finalised, the occupants of the property are deemed to be the owners for the purposes of any amounts due relating to water services provided that the deemed owner may, subject to the terms and conditions of the Municipality's water policy, apply for –

- (a) a flow limiter; and
- (b) the debt relief programme.

## CHAPTER 16 NOTICES

Notices and documents 57.(1) A notice or document issued by the Municipality in terms of this By-law must be deemed Notices and documents 57.(1) A notice or document issued by the Municipality in terms of this By-law must be deemed to be duly issued if it is signed by an authorised official.

(2) If a notice or document is to be served on a person in terms of this By-law, such service must be effected –

- (a) by delivering it to him or her personally or to his or her duly authorised agent;
- (b) by delivering it at his or her residence or place of business or employment to a person apparently –
  - (i) not less than 16 (sixteen) years of age; and
  - (ii) residing or employed there;
- (c) if he or she has nominated an address for the receipt of notices and other legal documents, by delivering it to that address;
- (d) if he or she has not nominated an address for the receipt of notices and other legal documents, by delivering it to the address given by him or her in his or her application for a supply of water, for the reception of an account for water supplied;
- (e) in the case of a body corporate, by delivering it at the registered office or business premises of such body corporate;
- (f) by registered or certified post addressed to his or her last known address; or
- (g) if service cannot be effected in accordance with paragraphs (a) to
- (h) (f), by affixing it to a principal door of entry to the premises concerned.

### Compliance notice

58.(1) The Municipality may by written notice order a person who is in contravention of this By-law or any condition or requirement prescribed in terms of this By-law to stop that contravention within a period specified in the notice.

(2) If a person fails to comply with a written notice served on him or her in terms of this Bylaw within the specified period, the Municipality may take such action or do such work as it deems necessary to ensure compliance, and recover the cost of such action or work from the person.

### False statements or information

59. A person may not make a false statement or furnish false information to the Municipality, nor falsify a document issued in terms of this By-law.