



DRAFT WATER SUPPLY BY-LAWS

By-law

To provide for the provision, management and regulation of water supply within the municipal area of the municipality and to provide for matters incidental thereto.

BE IT ENACTED by the Municipality of the Mafube Local Municipality, as follows:

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CHAPTER 1: DEFINITIONS

1. Definitions

For the purpose of these by-laws, any word or expressions to which a meaning has been assigned in the Water Services Act 108 of 1997, the Local Government: Municipal Systems Act 32 of 2000 or the National Building Regulations made in terms of the National Building Regulations and Building Standards Act, 1977 shall bear the same meaning in these by-laws and unless the context indicates otherwise and a word in any one gender shall be read as referring also, to the other two genders —

“account” means an account rendered for municipal services provided;

“Act” means the Water Services Act 108 of 1997 as amended from time to time;

“agreement” means a contractual relationship between the municipality and a customer that arises, either as a result of the municipality’s approval of a written application for municipal services made in terms of the municipality’s by-laws relating to credit control and debt collection;

“approved” means approved by the Municipality in writing;

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

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

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

“Building Regulations” means the National Building Regulations made in terms of the National Building Regulations and Building Standards, 1977;

“charge” means the rate, charge, tariff, flat rate or subsidy prescribed by the municipal Municipality;

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

“commercial customer” means any customer other than domestic customer, including, but not limited to, a business, industrial, governmental or institutional customers;

“commercial use” means the use of water for trading purposes;

“communal water connection” means a connection through which water services are supplied to more than one customer, and "communal water services work" has a corresponding meaning;

“connecting sewer” means a pipe owned by the municipality and installed by it for the purpose of conveying sewage from a drainage installation on a premises to a sewer beyond the boundary of those premises or within a servitude area or within an area covered by a way-leave or by agreement;

“connection” means the point at which a customer gains access to water services;

“connection pipe” means any pipe leading from a municipal main to the premises of any consumer as far as the outlet of the meter box case where the meter is installed outside the premises, or in the case where the meter is installed inside the premises of any consumer in terms of these bylaws as far as the outlet of the meter box;

“water connection pipe” means a pipe, owned by the municipality and installed by it for the purpose of conveying water from a main to the customer's water installation, and includes a “water communication pipe” referred to in SANS 0252 Part I;

“sewage conservancy tank” means a covered tank used for the reception and temporary retention of sewage and which requires emptying at intervals;

“consumer” means a person to whom the Municipality has agreed to supply water or is actually supplying with water, or if there is no such person, the owner of the premises;

“Municipality” means Mafube Local Municipality, established in terms of section 12(1) read with section 14(2) of the Local Government: Municipal structures Act, 1998;

“customer” means a person with whom the municipality has concluded an agreement, or is deemed to have concluded, an agreement for the provision a municipal service as provided for in the municipality's by-laws relating to credit control and debt collection;

“determined” means determined by the municipality;

“domestic customer” means a customer who, primarily for residential purposes, occupies a dwelling, structure or premises;

“domestic purposes” in relation to the supply of services means services supplied to premises used predominantly for residential purposes;

“domestic use” means the use of water for every kind of household purpose;

“drainage installation” means a system situated on any premises and vested in the owner thereof and which is used for or intended to be used for or in connection with the reception, storage, treatment or conveyance of sewage on that premises to the connecting sewer and includes drains, fittings, appliances, septic tanks, conservancy tanks, pit latrines and private pumping installations forming part of or ancillary to such systems;

“estimated consumption” means the consumption that a customer, whose consumption is not measured or accurately measured during a specific period is deemed to have consumed during a specific period, based on an estimate by the municipality on rational grounds such as the average consumption of municipal services by the users of a service within the area where the service is rendered or the average consumption of municipal services by the customer during a prior or later period;

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

“french drain” means a soil soak pit for the disposal of sewage and effluent from a septic tank;

“household” means a family unit, as determined by the municipality as constituting a household by taking into account the number of persons comprising a household, the relationship between the members of a household, the age of the persons who are members of it and any other factor that the municipality considers to be relevant;

“industrial effluent” means effluent emanating from the use of water for industrial purposes and includes for purposes of these by-laws any effluent other than standard domestic effluent or storm water;

“industrial use” means the use of water for manufacturing, generating electricity, landbased transport, construction or any related purpose;

“infrastructure” means the facilities, installations or devices required for the rendering of a municipal service, or for the functioning of a community including, but not limited to, facilities, installation or devices relating to water, power, electricity, transport, sewerage, gas and waste disposal;

“water installation work” means any work done in respect of a water installation, including construction, rehabilitation, improvement and maintenance;

“interest” means interests as may be prescribed by the Minister of Justice in terms of section 1 of the Prescribed Rate of Interest Act 55 of 1975;

“local authority area”, means the area or district placed under the control and jurisdiction of the Municipality;

“manhole” means any access chamber to the interior of the sewer provided for the purpose of maintenance and internal cleaning;

“main” means a pipe, other than a connection pipe, of which the ownership vests in the municipality and which is used by it for the purpose of conveying water to customers;

“water meter” means any meter, method, procedure, process, device, apparatus or installation that enables the quantity of water services provided to be quantified and includes any method, procedure or process whereby the quantity is estimated or assumed;

“municipality” means—

(a) the ... municipality, a local / district municipality established in terms of section 12 of the Structures Act and its successors-in-title; or

(b) the municipal manager or

(c) an authorised official or agent of the municipality;

“municipal Municipality” means a municipal Municipality as referred to in section 157(1) of the Constitution of the Republic of South Africa, 1996;

“municipal services” means, for purposes of these by-laws, services provided by a municipality, including refuse removal, water supply, sanitation, electricity services and rates;

“normal flow” means between 50 % and 55 % of the maximum flow capacity of the meter;

“occupier” includes any person who occupies any, or any part of any, land, building, structure or premises without regard to the title under which he or she occupies it or them, and includes any person who, for someone else’s remuneration or reward, allows a lodger or tenant, or any other similar person, to use or occupy any, or any part of any, land, building, structure or premises;

“on-site sanitation services” means any sanitation services other than water borne sewerage disposal through a sewerage disposal system;

“owner” means—

(a) the person in whose name the ownership of the premises is registered from time to time or his agent;

(b) where the registered owner of the premises is insolvent or deceased, or for any reason lacks legal capacity, or is under any form of legal disability, that has the effect of preventing him from being able to perform a legal act on his own behalf, 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) where the municipality is unable to determine the identity of the owner, a person who has a legal right in, or the benefit of the use of, any premises, building, or any part of a building, situated on them;

(d) where a lease has been entered into for a period of 30 (thirty) years or longer, or for the natural life of the lessee or any other person mentioned in the lease, or is renewable from time to time at the will of the lessee indefinitely or for a period or periods which, together with the first period of the lease, amounts to 30 years, the lessee or any other person to whom he has ceded his right title and interest under the lease, or any gratuitous successor to the lessee;

(e) in relation to—

(i) a piece of land delineated on a sectional plan registered in terms of the Sectional Titles Act, 1986, the developer or the body corporate in respect of the common property, or

(ii) a section as defined in the Sectional Titles 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; or

(iii) a person occupying land under a register held by a tribal authority or in accordance with a sworn affidavit made by a tribal authority;

“person” means any person, whether natural or juristic;

“plumber” means a person who has passed a qualifying Trade Test in Plumbing or has been issued with a certificate of proficiency in terms of the Manpower Training Act 56 of 1981 or such other qualification as may be required under national legislation;

“pollution” means the introduction of any substance into the water supply system, a water installation or a water resource that may make the water harmful to health or environment or impair its quality for the use for which it is normally intended;

"pre-payment meter" is a measuring device that includes a mechanism that limits the volume of water supplied through the measuring device to a free basic amount per month and an amount in excess of the free basic amount in proportion to the amount pre-paid by the customer;

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

(a) a general plan or diagram registered in terms of the Land Survey Act 8 1997 or in terms of the Deeds Registries Act 47 1937

(b) a sectional plan registered in terms of the Sectional Titles Act 95 1986 ; or

(c) a register held by a tribal authority or in accordance with a sworn affidavit made by a tribal authority;

'prescribed' means adopted by the Municipal Municipality by means of a Municipality resolution.

"professional engineer" means a person registered in terms of the Engineering Profession Act, 2000 as a professional engineer;

"public notice" means publication in the media including one or more of the following:

(a) publication of a notice, in the official languages determined by the municipal Municipality:

(i) in any local newspaper or newspapers circulating in the area of supply of the municipality;

(ii) in the newspaper or newspapers circulating in the area of supply of the municipality determined by the municipal Municipality as a newspaper of record; or

(iii) on the official website of the municipality;

(iv) by means of radio broadcasts covering the area of supply of the municipality;

(b) displaying a notice in or at any premises, office, library or pay-point of either the municipality, or of its authorised agent, to which the public has reasonable access; and

(c) communication with customers through public meetings and ward committee meetings;

"record" means reading taken on the premises over a non-fixed period either by Municipality or through contractors employed by the Municipality;

"residential premises" means any premises used or intended for use solely for domestic purposes and which is not used for trade, business, manufacturing or industrial purposes;

"SANS" means the South African National Standard;

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

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

“septic tank” means a water tight tank designed to receive sewage and to effect the adequate decomposition of organic matter in sewage by bacterial action;

“service agreement” means a contract concluded between the Municipality and any person in terms of section 7 for the supply of water by the Municipality to such person;

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

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

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

“standpipe” means a tap and associated fittings that is free standing and is located outside of any structure;

“standard domestic effluent” means domestic effluent with the characteristics normally associated with sewage discharges from domestic premises within the jurisdiction of the municipality, but shall not include industrial effluent;

“stormwater” means water resulting from natural precipitation or accumulation and includes rainwater, subsoil water or spring water;

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

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

“trap” means a pipe fitting or portion of a sanitary appliance designed to retain water seal which serves as a barrier against the flow of foul air or gas, in position;

“treasurer” means City, Town or Metro Treasurer or any other officer authorised to act on his behalf;

“unauthorised connection” means a connection to any system through which a municipal service is provided which is not in terms of an agreement with, authorised or approved by, the municipality;

“unauthorised service” means the receipt, use or consumption of any municipal service which is not in terms of an agreement with, authorised or approved by, the municipality;

“water connection” means the stopcock, water meter and meter box provided at the end of a connection pipe for the supply of water to any premises; a water connection provided by the Municipality on a water main by means of a connection pipe, water meter and isolating valve for the supply of water to any premises;

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

"water main" means a pipe forming part of the Municipality's water reticulation system, but does not include a connection pipe;

“water service” means supply of water from a water main by means of an approved connection provided by the Municipality pursuant to a service agreement;

“water supply services” has the same meaning assigned to it in terms of the Act and includes for purposes of these by-laws water for industrial purposes and fire extinguishing services;

“water supply system” means the structures, aqueducts, pipes, valves, pumps, meters or other apparatus relating thereto of which the ownership vests in the municipality and which are used or intended to be used by it in connection with the supply of water, and includes any part of the system; and

"water tariff", in relation to a local authority area, means the tariff of charges, fees and other moneys determined by the Municipality concerned in terms of section 80(b) of the Local Government Ordinance, 1939.

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

CHAPTER 2: APPLICATION OF BY-LAWS

2. Application of By-laws

Water services rendered to a customer by the municipality are subject to the municipality's by-laws relating to credit control and debt collection.

CHAPTER 3: SERVICE LEVELS

3. Service levels

(1) The Municipality may provide the following levels of service - (source)

(a) Level 1: A metered or un-metered communal stand pipe within a maximum radius of 200meters from consumer households and a ventilated improved pit latrine on each stand;

(b) Level 2: A metered stand pipe on each stand and a ventilated improved pit latrine on each stand;

(c) Level 3: A metered stand pipe on each stand and a pour flush toilet not directly connected to a water connection but connected only to a sewer connection;

(d) Full service: A metered water connection on each stand and a sewer connection on each stand.

(2) The municipality must install either a credit meter or a pre-payment meter as determined by the municipality as a measurement device for water consumption.

CHAPTER 4
CONDITIONS FOR THE SUPPLY OF WATER
Part 1: Connection to Water Supply System

4. Municipality's sole right to supply water from water main

(1) No person shall obtain the supply of water or take any water from a water main other than by means of a water connection provided by the Municipality pursuant to a service agreement concluded in accordance with the provisions of these regulations.

(2) Any person who uses water services provided by the Municipality does so subject to any applicable condition as set by the Municipality.

5. Prerequisites for supply of water by Municipality

(1) The Municipality shall not be obliged to supply water to any premises in the local authority area, whether for household, business or industrial purposes, unless:

- a) the owner or occupier of such premises has concluded with the Municipality a service agreement; and
- b) all other requirements prescribed by these regulations for procuring such supply have been complied with by such owner or occupier.

(2) Notwithstanding subsection 3(1), the Municipality shall not be obliged to conclude with any person a service agreement if a water main is not available at a point within the close proximity of such premises of such owner or occupier from where it is reasonably possible to provide a service connection to the premises.

6. Application for the supply of water

(1) No person shall gain access to water from the water supply system, unless he or she applied to the Municipality on the prescribed form for such service for a specific purpose and to which such application has been agreed.

(2) Application may be made to the Municipality by or on behalf of the owner or occupier of any premises:

- (a) for the initial connection of any premises to a water main; or
- (b) for a reconnection of the supply of water where a previous service agreement in respect of the premises has been terminated, whether for the supply of water to the previous consumer or to any subsequent owner or occupier of the premises.

(3) An application in terms of subsection 7(1) shall be made in the form provided by the Municipality for the purpose and shall be submitted to the Municipality:

- (a) in the case of an application for an initial connection, at least 21 working days; and

- (b) in the case of an application for a reconnection, at least 14 working days, before the date on which the supply of water to the premises in question is required.
- (4) Where application is made for the initial connection of any premises to a water main, the applicant shall, if he or she is not the registered owner of the premises, lodge, together with the application, the written permission of the registered owner that such connection may be made.
- (5) When submitting an application in terms of subsection 7(1), the applicant shall:
- (a) sign a service agreement for the supply of water; and
 - (b) pay to the Municipality the fee determined by the Municipality for an initial connection or a reconnection for the supply of water, whichever is applicable.
- (6) If the requirements of subsection 7(5) have been complied with, the official authorised by Municipality shall sign on behalf of the Municipality the service agreement bearing the applicant's signature.
- (7) The supply of water by the Municipality to a consumer shall be subject to the provisions of these regulations and the conditions contained in the relevant service agreement.
- (8) Water services rendered to a consumer are subject to the provisions of these Bylaws and the conditions contained in the relevant agreement.
- (9) If a service agreement is not in place between consumer and Municipality, the Municipality can discontinue the service after giving 31 days' notice to the consumer.

7. Provision of Water Supply Connection Pipe

- (1) If an agreement for water supply services in respect of premises has been concluded in accordance with the municipality's by-laws relating to credit control and debt collection and no connection pipe exists in respect of the premises, the owner shall make application on the approved form and pay the prescribed charge for the installation of such a pipe.
- (2) If an application is made for water supply services, in accordance with the municipality's by-laws relating to credit control and debt collection, which are of such an extent or so situated that it is necessary to extend, modify or upgrade the water supply system in order to supply water to the premises, the municipality may agree to the extension provided that the owner shall pay for the cost of the extension, as determined by the municipality.
- (3) Only the municipality may install a connection pipe but the owner may connect the water installation to the connection pipe.
- (4) No person may commence any development on any premises zoned for a level of service other than a communal level of service unless the municipality has installed a connection pipe and water meter.

8. Location of Water Connection Pipe

- (1) A water connection pipe provided and installed by the municipality shall:
- (a) be located in a position determined by the municipality and be of a suitable size as determined by the municipality;

(b) terminate at:

- (i) the boundary of the land owned by or vested in the municipality, or over which it has a servitude or other right; or
- (ii) at the outlet of the water meter or isolating valve if it is situated on the premises.

(2) The municipality may on application agree, subject to such conditions as the municipality may impose, to a connection to a main other than that which is most readily available for the provision of water supply to the premises; provided that the applicant shall be responsible for any extension of the water installation to the connecting point designated by the municipality and for obtaining at his cost, any servitudes over other premises that may be necessary.

(3) The prescribed connection charge must be paid before a connection is made to the connection pipe.

9. Connections to other water supply systems

No water installation pipe, tank, cistern or other apparatus for storing or conveying water supplied by the Municipality shall be directly connected with any system or source of water supply other than that of the Municipality.

10. General conditions of supply

(1) The provision of a water connection by the Municipality for the supply of water shall not constitute an undertaking by it to maintain at all times or at any point in its water supply system:

- a) an uninterrupted supply of water;
- (b) a specific pressure or rate of flow in such supply; or
- (c) a specific standard or quality of water.

(2) The Municipality may specify the maximum height to which water will be supplied from a water main and the maximum rate of extraction from such main.

(3) A consumer who requires securing the maintenance of any of the conditions mentioned in subsection 13(1) on the premises occupied by such consumer might make the necessary provision for that purpose in the installation on such premises.

(4) The Municipality may interrupt the supply of water to any premises without prior notice.

(5) If in the opinion of the Municipality the consumption of water by a consumer adversely affects the supply of water to another person, the Municipality may apply such restrictions as he or she may deem fit to the supply of water to the consumer in order to ensure a reasonable supply of water to such other person.

11. Specific Conditions of Supply

(1) The granting of a supply of water by the municipality shall not constitute an undertaking by it to maintain at any time or any point in its water supply system:

- (a) an uninterrupted supply, subject to the provisions of regulations 4 and 14 of Regulation 22355 promulgated in terms of the Act on 8 June 2003; or

(b) a specific pressure or rate of flow in such supply other than requires in terms of regulation 15(2) of Regulation 22355 promulgated in terms of the Act on 8 June 2003.

(2) The municipality may, subject to the provisions of sub-section (1)(b), specify the maximum pressure to which water will be supplied from the water supply system.

(3) The municipality may, in an emergency or during maintenance, 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, it may apply such conditions or restrictions as it may consider fit, to the supply of water to customer in order to ensure a reasonable supply of water to the other customer and must notify that customer about the restrictions.

(5) The municipality shall not be liable for any damage to property caused by water flowing from any water installation that is left open when the water supply is re-instated, after an interruption in supply.

(6) Every steam boiler, hospital, industry and any premises which requires, for the purpose of the work undertaken on the premises, a continuous supply of water shall have a storage tank, which must comply with the specification for water storage tanks as stipulated in SANS 0252 Part 1, with a capacity of not less than 24 hours water supply calculated as the quantity required to provide the average daily consumption, where water can be stored when the continuous supply is disrupted.

(7) No customer shall resell water supplied to him by the municipality unless approved by the municipality, and only subject to the maximum prescribed reselling price and such other conditions that the municipality may impose.

12. Disconnection of Water Installation from the Connection Pipe

The municipality may disconnect a water installation from the connection pipe and remove the connection pipe on termination of an agreement for the provision of water supply services in accordance with the municipality's by-laws relating to credit control and debt collection.

13. Payment of deposit

(1) Every consumer, other than the Government of South Africa, shall before the supply of water is given by the Municipality, deposit with the Municipality a sum of money equal to the maximum as security in payment of charges which is due and payable or may become due and payable to the Municipality. Such deposit shall not be regarded as being payment or part payment of any account due for the supply of water. The deposit amount shall be determined on a basis of the maximum consumption of water, which the applicant, in the treasurer's opinion is likely to use during any two consecutive months.

(2) The Municipality may from time to time review the sum of money to be deposited by a consumer in terms of subsection 8(1) and, in accordance with such review:

(a) require that an additional amount be deposited by the consumer; or

(b) refund to the consumer such amount as may be held by the Municipality in excess of the reviewed deposit.

(3) Notwithstanding the foregoing provisions of this section the Municipality may, in lieu of a deposit, accept from the applicant, guarantee for an amount calculated in accordance with or received in terms of and in the form prescribed by the Municipality, as security for the payment of any amount that may become due by the applicant for, or in respect of the supply of water. Provided that no such guarantee shall be accepted unless the estimate monthly account in respect of the supply to the consumer concerned amounts to at least R200 000.

(4) If a consumer fails to deposit an additional amount in terms of subsection 8(2) within 30 days after being required by the Municipality in writing to do so, the Municipality may suspend the supply of water to such consumer until such additional amount and the fees determined in the water tariff for such suspension and the subsequent restoration of the supply, are paid.

(5) Subject to subsection 8(5), an amount deposited with the Municipality in terms of subsection 8(1) or 8(2) shall not be regarded as being in payment or part payment of an account due for the supply of water.

(6) If, upon the termination of a service agreement of supply in terms of section 9, an amount remains due to the Municipality in respect of water supplied to the consumer, the Municipality may apply the deposit in payment or part payment of the outstanding amount and refund any balance to the consumer.

(7) No interest shall be payable by the Municipality on the amount of a deposit held by it in terms of this section.

(8) The Municipality shall refund any sum deposited by or on behalf of a consumer within 3 weeks after the termination of the service agreement, after deduction of any amount due to the Municipality.

(9) Subject to the provisions of subsection 8(8) any person claiming a refund or deposit or part thereof, shall either surrender the receipt which was issued for payment of the deposit, or if such receipt is not available, sign a receipt prescribed by the Municipality for the refund to him of such deposit or part thereof, and satisfy the Municipality that he is the person entitled to such refund.

(10) If a deposit or part thereof has been refunded in accordance with subsection 8(9), the Municipality shall be absolved from any further liability in respect thereof.

(11) The service agreement, may contain a provision that any sum deposited by the consumer, shall be forfeited if is not claimed within 1(one) year after either such agreement having been terminated or for any reason that the consumer has ceased to receive a supply in terms of such agreement.

14. Termination of service agreement for the supply of water

(1) A consumer may terminate a service agreement by giving the Municipality not less than 7 days' notice in writing.

(2) Subject to subsection 9(3) and 9(4), the Municipality may terminate a service agreement for the supply of water if the consumer concerned:

- (a) has not consumed any water during the preceding six months and has not made arrangements to the satisfaction of the Municipality for the continuation of the service agreement;
- (b) has committed a breach of these regulations, and has failed to rectify such breach within 48 hours after being required in writing by the Municipality to do so; or
- (c) receives the supply of water from another water supply authority by virtue of an arrangement between the Municipality and such authority.

(3) In the case of the termination of a service agreement in terms of subsection (2) (a), the Municipality shall give to the consumer concerned not less than 7 days' notice of its intention to terminate the service agreement.

(4) The Municipality may without notice terminate a service agreement for supply of water if the consumer concerned has vacated the premises to which such service agreement relates, without having made arrangements to the satisfaction of the Municipality for the continuation of the service agreement for supply of water.

15. Removal of water connection

The Municipality may disconnect and remove a water connection provided by the Municipality to any premises if:

- (a) the service agreement has been terminated in terms of section 9 and no subsequent application for the supply of water to such premises has been received in the period of 90 days following such termination; or
- (b) the building on such premises has been demolished.

16. Suspension of water supply

(1) If a consumer before the expiry of the last day does not pay an account rendered by the Municipality in respect of the supply of water for such payment specified in the account, the Municipality may forthwith:

- (a) Suspend the supply of water to such business consumer until the consumer together with the applicable charges referred to in subsection 11(3), pays the amount due;
- (b) Restrict the supply of water to such domestic consumer, until the amount due is paid by the consumer, together with the applicable charges referred to in subsection 11(3)

(2) If the Municipality considers it necessary as a matter of urgency to prevent any wastage of water, unauthorised use of water, damage to property, danger to life or pollution of water, and national disaster or if sufficient water is not available for any other reason the Municipality may, without prior notice and without prejudice to the Municipality's power under section 9(2) (b):

- (a) suspend the supply of water to any premises;

- (b) enter upon such premises and carry out, at the owner's expense, such emergency work, as the Municipality may deem necessary; and
- (c) by written notice require the owner to carry out such further work, as the Municipality may deem necessary within a specified period.

(3) If the supply of water to any premises is suspended or restricted under subsection 11(1) or 11(2), the consumer concerned shall, before such supply is restored by the Municipality, pay both the charges determined for the suspension or restriction of the supply of water and for the restoration of such supply.

(4) After the charges under subsection 11(3) have been fully paid, Municipality shall be under obligation to restore the supply of water to the premises within 3 working days provided that no restoration of such water supply shall be done outside of normal working hours.

17. Unauthorised use of water

No person who has not entered into an agreement with the Municipality for the supply of water and otherwise complied with the requirements of these Bylaws, shall take any water from or make or cause to be made any connection with any main, standpipe, reservoir, hydrant, conduit pipe, cistern or other place containing water belonging to the Municipality except, when written permission has been obtained from the Municipality.

18. Damage to water supply systems

No person shall wilfully or negligently damage or cause to be damaged any main, standpipe, meter or other plant or apparatus belonging to the Municipality and used or intended to be used by it in connection with the supply of water.

Part 2: Standards

19. Quantity, Quality and Pressure

Water supply services provided by the municipality must comply with the Compulsory National Standards and Measures to Conserve Water Published under GN R509 in GG 22355 of 8 June 2001.

20. Testing of Pressure in Water Supply Systems

The municipality may, on application by an owner and on payment of the prescribed charge, record and furnish the owner with the minimum and maximum pressure recorded in the water supply system relating to his premises over such period as the owner may request.

21. Pollution of Water

An owner must provide and maintain approved measures to prevent the entry of any substance into:

- (a) the water supply system; and
- (b) any part of the water installation on his premises.

22. Special water restrictions

(1) The Municipality may for purposes of water conservation or where, in its opinion, drought conditions are imminent or existing, by public notice:

- (a) restrict the supply of water in the whole or any part of its area of supply to such hours as it may determine;
- (b) prohibit or restrict the use of water-
 - (i) during specified hours of the day or on specified days;
 - (ii) for any specified purpose or for any purpose other than that specified.
- (c) determine and impose-
 - (i) limits on the quantity of water, which may be consumed over a specified period;
 - (ii) special charges, which shall be levied in respect of water, consumed in excess of the limit imposed under subsection 12 (c)(i);
 - (iii) a general surcharge on the prescribed charges in respect of the supply of water; or
- (d) impose restrictions or prohibitions on the use or manner of use or disposition of an appliance by means of which water is used or consumed, or on the connection of particular appliances to a water installation.

(2) A notification in terms of subsection 12(1) may be limited to apply only to specified areas or to specified categories of consumers, premises or activities.

(3) The Municipality may:

- a) take, or by written notice require a consumer to take at his or her own expense, such measures, including the installation of measuring devices or devices for restricting the flow of water, as may in the opinion of the Municipality be necessary to ensure compliance with a notice in terms of subsection 12(1); or
- (b) suspend or, restrict the supply of water to any premises for such period, as the Municipality may deem fit, in the event of a contravention of, or failure to comply with, the terms of a notice in terms of subsection 12(1) on such premises.

(4) Where the supply of water to any premises has been suspended or restricted under subsection 3(b), it shall only be restored upon payment of the charges determined in the water tariff for the suspension or restriction and restoration of the supply of water.

(5) The provisions of this regulation and any notice in terms of subsection 12(1), unless otherwise specified in such notice, shall apply also in respect of water supplied by the Municipality to consumers outside its area of jurisdiction, notwithstanding anything to the contrary in the conditions of any agreement governing such supply.

23. Water pressure

(1) Subject to the provisions of these bylaws, no undertaking or guarantee shall be presumed on the part of the Municipality to maintain any specified pressure of water at any time at any point in the Municipality's water supply system.

(2) Where application is made for a supply of water to or where a supply is required for any premises or part thereof situated above a level that can be served by the normal pressure in the Municipality's main, it shall be the duty of the applicant or consumer to provide and maintain a supply to such premises or part thereof at the cost of the consumer. Provided that, subject to the provisions of section 14, the Municipality may grant a supply to such

premises from its main where such supply is available on such conditions as the Municipality may impose.

(3) (a) Where in the circumstances set out in subsection 14(2) it is necessary for the consumer to pump water to maintain the supply, any pump installed for the purpose shall not be connected directly to the Municipality's main.

(b) The suction pipe of any such pump shall be connected to a storage tank supplied with water from the Municipality's main.

(c) Such tank shall be constructed in accordance with the requirements of section 67 and shall have a minimum capacity of not less than one-eighth of the average daily requirement of the consumer, as determined by the Municipality, or one hour's capacity of the pumping system, whichever is the greater.

(d) Such tank shall be fitted with an inlet control valve of the correct size at the cost of the consumer to admit water to the tank from the Municipality's main at a rate equal to the average hourly requirement of the premises.

(e) The said pump shall be self-priming, float or electrode controlled and fitted with electrical safety devices for the protection of the pump, the drive motors, or both in the event of stoppage of the supply of water from the Municipality's main.

(f) Before the installation of any such pumping systems, full details there of shall be submitted to the Municipality for approval and authorisation.

24. Sale of water by consumers

Except in accordance with a special agreement entered into with the Municipality in terms of section 83, no person shall:

a) sell or supply, or cause or permit to be sold or supplied, any water supplied by the Municipality to any premises in terms of these sections; or

(b) remove, or cause or permit to be removed, any of such water from such premises to any other premises for purposes of consumption on such other premises.

Part 3: Measurement

25. Measurement of Quantity of Water Supplied

(1) The municipality—

(a) shall provide either a credit meter or a pre-payment meter on every new water supply connection pipe used to supply water to a customer,

(b) shall progressively fit a credit meter or a pre-payment meter on every existing water supply connection pipe used to supply water to a customer; and

(c) may provide a credit meter or a pre-payment meter on a water supply connection pipe used for a communal water supply.

(2) The municipality may replace a credit meter with a prepayment meter as a means of limiting the flow to a customer who is in arrears, after meeting the notice requirements provided for in the municipal by-laws relating to credit control and debt collection.

(3) The municipality shall, at regular intervals, record the quantity of water that was supplied through a credit meter.

(4) Any water meter and its associated apparatus through which water is supplied to a customer by the municipality, shall be provided and installed by the municipality, shall remain its property and may be changed and maintained by the municipality when it consider it necessary to do so.

(5) The municipality may install a water meter (credit meter or prepayment meter), and its associated apparatus, at a point on the water installation instead of or in addition to installing a meter on the water connection pipe.

(6) If the municipality installs a measuring device (credit meter or prepayment meter), together with its associated apparatus on a water installation, the owner shall-

(a) provide a place satisfactory to the municipality in which to install it;

(b) ensure that unrestricted access is available to it at all times;

(c) be responsible for its protection and be liable for the costs arising from damage to it, excluding damage arising from normal fair wear and tear;

(d) ensure that no connection is made to the pipe in which the measuring device is installed between the measuring device and the connection pipe serving the installation;

(e) make provision for the drainage of water which may be discharged from the pipe, in which the measuring device is installed, in the course of work done by the municipality on the measuring device; and

(f) not use, or permit to be used on any water installation, any fitting, machine or appliance which causes damage or which, in the opinion of the municipality, is likely to cause damage to any meter.

(7) No person other than the municipality shall-

(a) disconnect a water meter and its associated apparatus from the pipe on which they are installed;

(b) break a seal which the municipality has placed on a meter; or

(c) in any other way interfere with a water meter and its associated apparatus.

26. Measuring of Water Supply to Several Customers on the Same Premises

(1) Where water is supplied to any premises on which several occupiers are located, the municipality may, in its discretion, provide and install either-

(a) a single water meter in respect of the premises as a whole or any number of such occupiers; or

(b) a separate water meter for each occupier or any number thereof.

(2) Where the owner, or the person having the charge or management of any premises on which several accommodation units are situated, requires the supply of water to such premises for the purpose of supply to the different accommodation units, the Municipality may, in its discretion, provide and install either:

(a) a common water meter in respect of the premises as a whole or any number of such accommodation units; or

(b) separate water meters for the different accommodation units or any number thereof.

(3) where the Municipality has installed a common water meter as contemplated in subsection (2) (a), the owner or the person having the charge or management of the premises, as the case may be, shall-

(a) if the Municipality so requires, install and maintain on each branch pipe extending from the service pipe to the different accommodation units-

(i) a separate water meter; and

(ii) an isolating valve; and

(b) be liable to the Municipality for the charges levied for all water supplied to the premises through such common water meter, irrespective of the different quantities consumed by the different consumers served by such common water meter.

(4) Notwithstanding subsection 17(1), the Municipality may authorise that more than one water connection be provided on the water main for the supply of water to any premises comprising sectional title units or if, in the opinion of the Municipality, undue hardship or inconvenience would be caused to any consumer on such premises by the provision of only one water connection.

(5) Where the provision of more than one water connection is authorised by the Municipality under subsection 17(4), the charge determined in the water tariff for the provision of a water connection shall be payable in respect of each water connection so provided.

(6) An owner of any premises shall ensure that no interconnection exists between the water installation on the premises of such owner and the water installation on any other premises or, in the case of premises on which more than one accommodation unit is located, between the water installations of two or more of such accommodation units.

(7) Where two or more erven are consolidated, only one water connection shall be permitted for the consolidated erf, unless the consolidated erf comprises sectional title units, and the owner or occupier shall be responsible for the removal of any such water connections not authorised.

27. Quantity of Water Supplied to Customer

The quantity of water supplied to a customer during a billing period will be measured or estimated in accordance with the credit control and debt collection by-laws

28. Special Measurement

If the municipality requires, for purposes other than charging for water consumed, to ascertain the quantity of water which is used in a part of a water installation, the municipality may, after written notice and at own cost, install a water meter at any point in the water installation that it may specify.

29. No reduction of Amount Payable for Water Wasted

A customer shall not be entitled to a reduction of the amount payable for water wasted or lost in a water installation.

Part 4: Audit

30. Water Audit

- (1) The municipality may require a customer to undertake a water audit at the customer's own cost.
- (2) The audit may include a report on the following-
 - (a) the amount of water used during the financial year of the municipality;
 - (b) the amount paid for water during the financial year of the municipality;
 - (c) the number of people living on the stand or premises;
 - (d) the number of people permanently working on the stand or premises;
 - (e) the seasonal variation in demand through monthly consumption figures for the financial year of the municipality;
 - (f) the water pollution monitoring methods;
 - (g) the current initiatives for the management of the demand for water;
 - (h) the plans to manage the demand for water;
 - (i) a comparison of the report with any report that may have been made during the previous three years;
 - (j) estimates of consumption by various components of use; and
 - (k) a comparison of the above factors with those reported in each of the previous three years, where available.

Part 5: Installation Work

31. Approval of Installation Work

- (1) An owner must obtain the municipality's approval prior to doing installation work; provided that approval shall not be required in the case of water installations in dwelling units or installations where no fire installation is required in terms of SANS 0400 or in terms of any Municipal by-laws, or for the repair or replacement of an existing pipe or water fitting.
- (2) Application for the approval referred to in sub-section (1) shall be made on an approved form and shall be accompanied by-
 - (a) the prescribed charge, if applicable; and
 - (b) copies of the drawings as may be determined by the municipality, giving information in the form required by Clause 4.1.1 of SANS Code 0252: Part I;
 - (c) a certificate certifying that the installation has been designed in accordance with SANS Code 0252: Part I by a professional engineer.
- (3) The municipality may specify the validity period for any approval to do installation work.
- (4) A complete set of approved drawings of the installation work must be available at the site of the work at all times until the work has been completed.
- (5) If installation work has been done in contravention of sub-section (1) or (2), the municipality may on notice order the owner-

- (a) to rectify the contravention within a specified period;
- (b) if work is in progress, to cease the work; and
- (c) to remove all such work which does not comply with these by-laws.

32. Persons Permitted to do Installation and Other Work

(1) Only a plumber, a person working under the control of a plumber, or another person authorised in writing by the municipality, shall be permitted to

- (a) do installation work other than the replacement or repair of an existing pipe or water fitting;
- (b) replace a fixed water heater or its associated protective devices;
- (c) inspect, disinfect and test a water installation, fire installation or storage tank;
- (d) service, repair or replace a back-flow preventer; or
- (e) install, maintain or replace a meter provided by an owner in a water installation.

(2) No person shall require or engage a person who is not a plumber to do the work referred to in sub-section (1).

(3) Notwithstanding the provisions of sub-section (1), the municipality may permit a person who is not a plumber to do installation work on his own behalf on premises owned and occupied solely by himself and his immediate household, provided that such work must be inspected and approved by a plumber at the direction of the municipality.

33. Provision and Maintenance of Water Installations

(1) An owner must provide and maintain his water installation at his own cost and except where approved by the municipality, must ensure that the installation is situated within the boundary of his premises.

(2) An owner must install an isolating valve at a suitable point on the service pipe immediately inside the boundary of the property in the case of a meter installed outside the boundary, and in the case of a meter installed on the premises at a suitable point on his service pipe.

(3) Before doing work in connection with the maintenance of a portion of his water installation, which is situated outside the boundary of his premises, an owner shall obtain the written consent of the municipality or the owner of the land on which the portion is situated, as the case may be.

34. Technical Requirements for a Water Installation and an Electrical Storage Water Heater

All water installations shall comply with SANS 0252 Part 1 and all fixed electrical storage water heaters shall comply with SANS 0254.

35. Use of Pipes and Water Fittings to be approved

(1) No person shall, without the prior approval of the municipality, install or use a pipe or water fitting in a water installation unless it-

- (a) bears the standardisation mark of the South African Bureau of Standards in respect of the relevant SANS specification issued by the Bureau;

(b) bears a certification mark issued by the South African Bureau of Standards to certify that the pipe or water fitting complies with an SANS Mark specification or a provisional specification issued by the SANS; or

(c) is on a schedule of pipes and fittings specifically approved by the municipality.

(2) The municipality may, in respect of any pipe or water fitting whether or not certified by SANS or whether or not it is included on a schedule of pipes and fittings specifically approved by the municipality, impose such conditions, as it may consider necessary in respect of the use or method of installation.

(3) The municipality may sell copies of the schedule of specifically approved pipes and fittings as well as its conditions of use and installation at the prescribed charge.

36. Water Demand Management

(1) Where the plumbing has been designed to balance the water pressures on the hot and cold water supplies to the shower control valve, a shower head with a maximum flow rate of greater than 10 litres per minute may not be installed.

(2) The maximum flow rate from any tap installed on a wash hand basin may not exceed 6 litres per minute.

Part 6: Communal Water Supply Services

37. Water Supply from a Communal Standpipe

(1) The municipality may install a communal standpipe for the provision of water supply services to several customers at a location it considers appropriate provided that the maximum walking distance to the stand pipe from any premises is not greater than 200 (two hundred) meters.

Part 7: Temporary Water Supply Services

38. Water Supplied from a Hydrant

(1) The municipality may approve a temporary supply of water from one or more fire hydrants specified by it, subject to such conditions imposed by it and for any period and on payment of such prescribed charges, including a deposit.

(2) Application for such a water supply from a fire hydrant must be made on an approved form.

(3) The municipality shall install a water meter and the fittings necessary to enable the temporary supply of water from a fire hydrant on payment of the prescribed deposit.

(4) The water meter and fittings provided by the municipality for the temporary supply of water from a fire hydrant remain the property of the municipality.

Part 8: Boreholes

39. Notification of Boreholes

(1) No person may sink a borehole on premises situated in a dolomite area.

(2) The municipality may, by public notice, require-

(a) the owner or occupier of any premises to register the borehole on an approved form and to provide it with such information about the borehole that it may require; and

(b) that the sinking of a borehole may not commence without the prior approval of the municipality.

(3) The municipality may require the owner or occupier of any premises who applies to sink a borehole, to undertake an environmental impact assessment of the intended borehole, before granting approval for the borehole.

(4) The municipality may by notice to an owner or occupier or by public notice, require an owner or occupier who has an existing borehole that is used for water supply services to-

(a) obtain approval from it for the use of a borehole for potable water supply services in accordance with sections 6, 7 and 22 of the Act; and

(b) the municipality may impose conditions in respect of the use of a borehole for potable water services.

Part 9: Fire Extinguishing Connections and Installations

40. Fire Extinguishing Connections

(1) The municipality may at its sole discretion grant or refuse an application for the connection of a fire extinguishing installation to the municipality's main and may at its sole discretion impose conditions for such a connection.

(2) No water connection shall be made to any fire extinguishing installation until the municipality has approved that the installation complies with the requirements of these and any other by-laws of the municipality.

(3) If in the municipality's opinion a fire extinguishing installation is not being properly maintained, or is being used for purpose other than for fire extinguishing, the municipality may on 14 (fourteen) working days' notice order the installation to be disconnected from the main or may itself disconnect it at the customer's expense.

(4) A fire extinguishing installation must comply with the provisions of SANS Code 0252-1: 1994 or any revision or substitution thereof.

(5) No new fire extinguishing installation may share a connection with a water supply installation unless otherwise approved by the municipality, and subject to any conditions that the municipality may impose.

(6) Every connection pipe to a fire extinguishing installation must be fitted with valves and a water meter which shall be

(a) supplied by the municipality at the expense of the owner of the owner of the premises; and

(b) installed in such a position as may be determined by the municipality.

(7) The municipality does not guarantee any minimum or maximum pressure at any time in any connection used for fire extinguishing purposes.

(8) The pipe leading from a header tank to a fire extinguishing sprinkler installation may be in direct communication with the main, provided that such a pipe must be equipped with a

reflux valve which, if for any reason the pressure in the main fails or is reduced, will prevent backflow from the header tank to the main.

(9) Where a fire extinguishing sprinkler installation is provided with a duplicate supply from a separate main, each supply pipe must be equipped with a reflux valve situated within the premises.

41. Use of Water from a Fire Installation Connection

(1) A connection pipe for the sole purpose of fire extinguishing services may only be used for extinguishing fires or for servicing and testing the fire extinguishing installation and no water may be taken for any other purpose.

(2) Except where a system is a combined fire extinguishing and general water supply installation with a combination meter, all private hydrants and hose-reels must be sealed by the municipality and the seals must not, except for the purposes of opening the hydrant or using the hose when there is a fire, be broken by any person other than by the municipality in the course of servicing and testing.

(3) The owner must give the municipality at least 48 hours' notice prior to a fire extinguishing installation being serviced and tested.

(4) The cost of resealing fire hydrants and fire hose-reels shall be borne by the owner except when the seals are broken by the municipality's authorised officers or agents for testing purposes.

(5) Any water consumed through a fire installation or sprinkler system shall be paid for by the owner at the charges determined by the municipality.

CHAPTER 5

UNAUTHORISED WATER SERVICES

Part 1: General provisions relating to metered supplies

42. Connection to water main

(1) Where a service agreement has been concluded, the Municipality shall, subject to section 4:

(a) In the case of an initial connection, provide and install from the water main a water connection pipe to the premises at such position on the water main as the Municipality may determine.

(b) In the case of a reconnection of the supply of water, cause such reconnection to be made.

(2) The Municipality may, either of its own accord or at the request of a consumer, alter the position of a connection on the water main at the expense of the consumer where the consumer requests such alteration.

(3) Where a water connection is provided by the Municipality to any premises, it shall be the responsibility of the consumer concerned, and not of the Municipality, to provide and install and maintain, in accordance with the provisions of these regulations, and at his or her own cost, the water installation on the premises.

(4) The charges payable for:

- (a) The provision of a water connection, including a water connection pipe, isolating valve and water meter;
- (b) the alteration of the position of a water connection on the water main at the request of a consumer, shall subject to subsection 16(5), be as determined in the water tariff.

(5) Where the Municipality is required to provide a water connection by means of a water connection pipe of a size or length for which no charge is determined in the water tariff, or if, because of any special circumstances, the amount so prescribed is insufficient to cover the actual costs of providing and installing such water connection pipe, water meter and isolating valve, the consumer shall be liable to pay to the Municipality an amount equal to the actual costs incurred by the Municipality in respect of material, labour and transport for providing the water connection, plus 15% of the amount of such costs to cover additional indirect costs.

(6) Any charge payable in terms of subsection 16(4) shall be paid to the Municipality in advance and, in a case contemplated in subsection 16(5), an amount estimated by the Municipality to cover the sum payable in terms thereof shall be deposited by the consumer with the Municipality before the work is commenced by the Municipality.

43. Provision of water meter

(1) The capacity of the water meter to be provided and installed by the Municipality on a water connection to any premises shall be determined by the Municipality.

(2) If so required by the Municipality, the consumer shall indicate an acceptable position for the installation of the water meter.

(3) Municipality shall install all water meters at the cost of the owner after payment as prescribed in the tariff has been paid to Municipality in full.

(4) If a meter must be replaced with a different size or different type of meter due to an increase or decrease in water consumption, changes in consumption pattern or on request of the consumer, the consumer shall be liable for the replacement cost of such a meter, as prescribed in the tariff.

44. Ownership of water connection pipe, water meter and isolating valve

The water connection pipe, water meter and isolating valve provided and installed by the Municipality on any premises, shall at all times remain the exclusive property of the Municipality and be under the sole control of the Municipality.

45. Provision and position of stopcock

(1) The Municipality shall, for its exclusive use, install a stopcock between the meter and the main.

(2) The consumer shall, at his own expense, or the Municipality may in its discretion and at the consumer's expense and for his exclusive use, provide and install a stopcock at a suitable point on the communication pipe-

(a) immediately inside the boundary of the property in the case of a meter installed outside the boundary, and

(b) in the case of a meter installed on the premises at a suitable point on the consumer's side of such a meter. Provided that the Municipality may, in its discretion and at such consumer's expense provide and so install such stopcock for the exclusive use of such consumer.

46. Cost of installing meter

The consumer shall pay all charges in connection with the installation of any meter on his water installation as prescribed in the water tariff.

47. Safeguarding of water meters

(1) Every consumer or property owner, if the property is rented out and no consumer can be traced, shall take such measures as are reasonably necessary to prevent any damage to be caused to the water meter installed by the Municipality on the premises of the consumer.

(2) Where, by reason of any failure on the part of a consumer or property owner, if the property is rented out and no consumer can be traced, to comply with the provisions of subsection 22(1), the water meter installed on the premises of such consumer or property owner, if the property is rented out and no consumer can be traced, is damaged or destroyed, such consumer or property owner, if the property is rented out and no consumer can be traced, shall be liable to pay to the Municipality the amount prescribed in the water tariff list for the repair or substitution of such water meter.

(3) Every consumer shall ensure free and unimpeded access to the water meter, on the premises, at all times.

(4) Where, in the opinion of the Municipality, the space where the water meter is installed is no longer reasonably accessible, the consumer shall, at the request of the Municipality, provide a suitable space at a different approved position to which the water meter can be moved, and the consumer shall in such a case bear all costs incidental to such removal.

48. Tampering with or damage to water meter

(1) No person other than the Municipality or a person duly authorised thereto by the Municipality shall:

(a) the Prepaid Assembly remains a municipal asset and any tampering, bypassing or vandalism will be treated as contravention of the bylaws;

(b) tampering or vandalism where the meter requires replacement will usually be a fine of double the meter's value to the consumer;

- (c) disconnect or attempt to disconnect from the water connection pipe any water meter installed by the Municipality;
- (d) where the supply of water to any premises has been disconnected or suspended by the Municipality for any reason, make or attempt to make a reconnection of such supply or restore or attempt to restore the supply in any manner; or
- (e) in any other way tamper or interfere with the water meter installed by the Municipality on any premises, and no owner or occupier of such premises shall cause or permit any other unauthorised person to disconnect or reconnect or in any other way tamper or interfere with such water meter.

(2) Where a contravention of any of the provisions of subsection 23(1) occurred on the premises of any consumer the Municipality may, without prejudice to any other power conferred by these regulations:

- (a) cause the water meter installed on such premises to be moved to a position on the sidewalk or any other place outside the premises; and
- (b) recover from the consumer concerned the cost thereof.

(3) Any person who:

- (a) contravenes any provision of subsection 23(1); or
- (b) wilfully damages the water meter, the water connection pipe or isolating valve installed by the Municipality on any premises, shall be guilty of an offence.

49. Repair or substitution of water meter

(1) In the event of any repairs to any water meter on any premises being found necessary, the Municipality shall effect such repairs.

(2) The Municipality may at any time replace the water meter on any premises which is suspected of not registering accurately the supply of water to the premises concerned, or due to any other reason.

(3) The costs incidental to any repairs in terms of subsection 24(1), or the replacement of a water meter in terms of subsection 24(2), shall be done by the Municipality, but if the repairs or replacement is necessitated by reason of any failure on the part of a consumer to comply with the provisions of subsection 22(2) or because of an act performed in contravention of subsection 23(1), the Municipality shall be entitled to recover the costs from such consumer.

50. Determination of quantity of water supplied

(1) The quantity of water registered by the water meter installed by the Municipality on the premises of a consumer or, where applicable, estimated or determined by the Municipality through volume controlled measurement or determined by Municipality under any provision of these Bylaws, shall, for the purposes of these Bylaws, be considered to be the actual quantity of water supplied by the Municipality to the consumer.

(2) Where water supplied by the Municipality to any premises is in any way taken by the consumer without such water passing through the water meter of the Municipality, the Municipality may for the purpose of rendering an account estimate, in accordance with subsection 25(3), the quantity of water supplied to the consumer during the period from the

last previous reading of the water meter, back dated not longer than 36 months, until the date it is discovered that water is so taken by the consumer.

(3) For the purposes of subsection 25(2), an estimate of the quantity of water supplied to a consumer shall be based on, as the Municipality may decide-

- (a) the average monthly consumption of water on the premises during any three consecutive metering periods during the twelve months' period prior to the date on which the taking of water in the manner mentioned in subsection 25(2) was discovered; or
- (b) the average monthly consumption on the premises registered over three succeeding metered periods after the date referred to in subsection 25(3)(a).

(4) nothing in these regulations shall be construed as imposing on the Municipality an obligation to cause any water meter installed by the Municipality on any premises to be read at the end of every month or any other fixed period, and the Municipality may estimate the quantity of water supplied in respect of a period within the interval between successive readings of the water meter and render an account to a consumer for the quantity of water so estimated.

(5) When so requested by a consumer, the Municipality shall cause a special reading of the water meter to be made, in which event the consumer shall be liable to pay the charge determined in the water tariff for such a reading.

51. Payment for water supplied

(1) Water supplied by the Municipality to a consumer shall be paid for by the consumer at the rate or charges determined in the water tariff for the particular category of use for which the supply was granted.

(2) A consumer shall be responsible for the payment for all water supplied to the premises of the consumer from the date of the relevant service agreement until the date of termination thereof in terms of these regulations.

(3) An account rendered by the Municipality for water supplied to a consumer shall be paid not later than the last date for payment specified in such account.

(4) If payment of an account is received after the date referred to in subsection 26(3), interest as determined in the water tariff shall be payable by the consumer to the Municipality, calculated from the date that the account became due and payable.

(5) If a consumer uses water for a category of use other than that for which it is supplied by the Municipality in terms of the service agreement and as a consequence is charged at a rate lower than the rate which should have been charged, the Municipality may make an adjustment of the amount charged in accordance with the rate which should have been charged and recover from the consumer the charges payable in accordance with such adjustment for a maximum preceding period of three years.

52. Record of Municipality binding

In the absence of evidence showing either that the record of the Municipality has been incorrectly made or that the meter was at a time of such reading in default, every consumer shall be bound by the record of the Municipality, and it shall not be necessary to produce the person who read the meter, or the person who recorded any particular entry, in order to prove such reading or entry.

53. Payment for water supplied upon amendment of charges

If amendments to the water tariff of the Municipality in respect of the charges determined for the supply of water, or for the rendering of the service of water supply provided for in section 16, become operative on a date between meter readings-

- (a) it shall be deemed, for the purpose of rendering an account for water supplied by the Municipality, that the same quantity of water was supplied on every day during the interval between the meter reading.

54. Objection to account rendered by Municipality for water supplied

(1) If a consumer disputes the correctness of the quantity of water supplied as reflected on an account rendered by the Municipality, the consumer may in writing object to such account and request that the Municipality test the water meter.

(2) An objection and request in terms of subsection 29(1) shall:

- (a) set out the reasons for the objection and the request;
- (b) be delivered to the Municipality not later than 90 days after the receipt of the account in question; and
- (c) be accompanied by the deposit determined in the water tariff for the testing of a water meter.

(3) If the provisions of subsection 29(2) have been complied with, the Municipality shall forthwith cause the water meter concerned to be tested in accordance with the section relating to water meters published under the Trade Metrology Act, 1973 (Act 77 of 1973).

(4) A meter to which the Bylaws referred to in subsection 29(1) shall be deemed to be defective if it is found to have a percentage error in over-registration or under-registration greater than 5% at any one of the rates of flow 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%.

(5) If, upon the testing of a water meter in accordance with subsection 29(3) or 29(4), it is found not to be defective, the Municipality shall retain the amount deposited by the consumer, but if it is found to be defective, the Municipality shall-

- (a) refund to the consumer the amount deposited in terms of subsection 29(2)(c) ;
- (b) repair the water meter or install another meter which is in good working order, without charge to the consumer, unless the costs thereof are recoverable from the consumer in terms of section 22(2) ; and
- (c) determine the quantity of water for a maximum preceding period of three years for

which the consumer shall be charged in lieu of the quantity registered by the defective water meter as calculated by the Municipality, by taking as basis for such determination, and as the Municipality may decide-

- (i) the quantity representing the average monthly consumption of the consumer during the 3 months preceding the month in respect of which the reading is disputed and adjusting such quantity in accordance with the degree of error found at the rate of normal flow in the reading of the defective water meter;
- (ii) the average consumption of the consumer during the succeeding three metered periods after the defective water meter has been repaired or replaced; or
- (iii) the consumption of water on the premises recorded for the corresponding month of the previous year.

55. Complete failure of meter to register supply of water

(1) The Municipality shall repair or replace a water meter which has ceased to register the supply of water to the premises of any consumer and shall bear the costs in connection therewith, unless the provisions of subsection 22(2) are applicable.

(2) Where a water meter ceases to register the quantity of water supplied to a consumer, the quantity of water supplied during the period between the date of the last reading of the water meter (prior to the reading consequent on which the failure was discovered) and the date of its repair or replacement, shall be estimated by the Municipality in accordance with subsection 30(3).

(3) An estimate for the purposes of subsection 30(2) shall be based on, as the Municipality may decide:

- a) the average daily consumption of water registered by the water meter, which has ceased to register, calculated on the preceding three meter readings taken before the meter ceased to register;
- (b) the average daily consumption of water registered by the replaced or repaired water meter, calculated on two successive meter readings taken after the repair or replacement of the defective water meter; or
- (c) the consumption of water at the same water connection recorded for the corresponding period in the previous year.

56. Unmetered non fire connection pipe

The Municipality shall install a water meter to register the supply of water to the premises where an unmetered connection is found; the consumer shall bear the following costs;

- (a) payment of deposit as prescribed in section 8;
- (b) the calculated amount of water used for a maximum period of 36 months preceding the discovery of such unmetered use, where the calculated amount is based on average daily demand for the period of one month after installation of the water meter;
- (c) the consumer shall pay charges in connection with the installation of any meter on his installation as are prescribed in the water tariffs;
- (d) payment of a fine as prescribed in the water tariff;

57. Special conditions relating to temporary supply of water

- (1) Where a special agreement to that effect has been entered into in terms of section 83, the Municipality may supply water on a temporary basis from a fire hydrant or any other source of supply of the Municipality.
- (2) The supply of water in terms of subsection 32(1) shall be measured by means of a portable water meter provided by the Municipality for that purpose.
- (3) A portable water meter, and all other fittings and apparatus used for the connection of such portable water meter to a hydrant or other source of supply of the Municipality, shall remain the property of the Municipality.
- (4) The consumer shall pay to the Municipality in advance the deposit determined in the water tariff in respect of each portable meter supplied by the Municipality as security for its return in proper working order and for the payment of the charges in respect of water supplied to the consumer under an agreement referred to in subsection 32(1).
- (5) The charges for water supplied and for the use of the portable meter in terms of this section shall be paid at the rate determined in the water tariff.
- (6) An account rendered by the Municipality for the charges referred to in subsection 32(1) shall be paid to the Municipality within ten days of the date on which it is rendered.
- (7) Where a consumer takes water from a hydrant, which is not measured by means of a water meter, the consumer shall be guilty of an offence.
- (8) A consumer to whom a portable water meter is provided in terms of subsection 32(2) shall maintain and return such water meter and all other fittings and apparatus supplied in connection therewith, in a proper working order to the Municipality.
- (9) If the consumer fails to return the portable water meter, or returns it in a damaged condition, the consumer shall forfeit the deposit paid to the Municipality, or the Municipality may, where applicable, recover the cost of repairs or replacement of such water meter from the consumer, and may deduct such cost from such deposit.

Part 2: Prevention of undue water consumption

58. Water audit

- (1) Water users using more than 3 650 kl per annum, excluding those comprising multiple dwelling units, must within one month after the end of each financial year of the Municipality undertake an annual water audit at their own cost
- (2) A copy of the audit must be available for inspection by officials from the Department of Water and Sanitation, and the Municipality.
- (3) The audit must contain details in respect of-

- (a) the amount of water used during the financial year;
- (b) the amount paid for water for the financial year;
- (c) the number of people living on the stand or premises;
- (d) the number of people permanently working on the stand or premises;
- (e) the seasonal variation in demand through monthly consumption figures;
- (f) the water pollution monitoring methods;
- (g) initiatives to manage the demand for water;
- (h) estimates of consumption by various components of use; and
- (i) a comparison of the above factors with those reported in each of the previous three years, where available.

59. Waste of water

(1) No owner or occupier of any premises shall permit on such premises –

- (a) the purposeless or wasteful discharge of water from any water installation and/or water main;
- (b) the use of maladjusted or defective water installations; or
- (c) an overflow of water to persist.

(2) An owner or occupier shall after written notice by the Municipality, and within a period specified in the notice, repair or replace any part of the water installation on the premises of the consumer which is in such a state of disrepair that, in the opinion of the Municipality, it is causing or is likely to cause an occurrence mentioned in subsection 34(1).

(3) If an owner fails to comply with a notice referred to in subsection 34(2), the Municipality may, without prior notice, take such measures as the Municipality may deem fit and recover the cost incidental thereto from the owner.

(4) A consumer shall ensure that any equipment or plant connected to the water installation on the premises of the consumer uses water in an efficient manner.

(5) The Municipality may by written notice to any consumer prohibit such consumer from using any specific equipment in a water installation if, in the opinion of the Municipality, its use of water is inefficient, and any such equipment shall not be returned to use until its efficiency has been restored and a written application to do so has been approved by the Municipality.

(6) Any person who contravenes any of the provisions of subsection 34(1) or 34(4) or fails to comply with a notice referred to in subsection 34(2) or 34(5) shall be guilty of an offence.

60. Use of water as heat exchange medium

(1) No person shall allow water, used as a heat exchange medium in any equipment or plant and supplied from a water installation, to run continuously to waste except for maintaining a required level of total dissolved solids in a recirculating plant.

(2) Any person who contravenes subsection 35(1) shall be guilty of an offence.

61. Hot water distribution systems

(1) A pipe conveying hot water directly from a fixed water heater or from the point of draw off from a hot water circulating system, to terminal water fitting shall not be capable of containing more than 4 litres of water.

(2) A central hot water system shall be of the circulating type, and the circulating pipes shall be insulated with material which-

(a) has a coefficient of thermal conductivity of not more than 0,04 watt per metre degree Celsius; and

(b) is capable of maintaining the temperature at its external surface under normal operating conditions at not more than 6 degrees Celsius above the ambient temperature.

(3) The electrical heating element of a fixed water heater having a capacity of more than 500 litres shall be installed in such a manner that it can be removed without loss of water from the heater.

(4) An owner of any premises shall ensure that an overflow pipe or heat expansion pipe from any water heater forming part of the water installation on such premises is installed in such a position and in such a manner that any discharge of water there from will be readily visible and will not directly enter into a sewer or storm water system.

(5) A person who contravenes subsection 36(4) shall be guilty of an offence.

62. Prevention of wasteful discharge or overflow of water

(1) The owner of any premises shall ensure that-

a) any terminal water fitting forming part of the water installation on such premises, other than a float valve serving a cistern or a storage tank; and

(b) the primary overflow from any water closet cistern or tank forming part of the water installation on such premises,

(c) is installed in such a position and in such a manner that any discharge of water there from will be readily visible and will not directly enter into a sewer or a storm water system.

(2) A person who contravenes any of the provisions of subsection 37(1) shall be guilty of an offence.

63. Requirements in relation to flushing devices

(1) Subject to subsection 38(2):

(a) no type of flushing device shall be used to serve a water closet pan or urinal other than a flushing device, which is actuated-

(i) manually by a person using such pan or urinal; or

(ii) automatically by means of an approved apparatus which causes the flushing device to operate after each use of such pan or urinal;

(b) a flushing device installed in a cistern serving a water closet pan shall not be capable of discharging:

(i) in the case of a single flush unit, more than 6 litres of water during one complete flush; or

(ii) in the case of a dual flush unit, more than 6 litres of water during one complete flush when the full flush level is actuated, and more than 3 litres of water during one complete flush when the low flush lever is actuated and such a device shall only be connected to a type of water closet pan in which the trap is cleared in one flush;

(c) an automatically operated flushing device shall be of such a design that no flush will take place if it malfunctions;

(d) every wall-mounted urinal or stall urinal shall be served by a separate flushing device and where any slab urinal installed on any premises exceeds 1,8 metre in length, a sufficient number of flushing devices shall be used so as to ensure that a single flushing device will not serve any part of such urinal exceeding 1,8 metre in length;

(e) no flushing device used to serve any urinal shall be capable of discharging more than 2 litres or less than 1 litre of water during one complete flush;

(f) no automatic cistern or tipping tank shall be used for flushing a urinal.

(2) If, on the date on which these regulations become applicable to the Metropolitan area, there is installed on any premises in such area:

(a) any flushing device to serve any water-closet pan or urinal, not being a flushing device which conforms to the requirements of subsection 38(1) ;

(b) any slab urinal which is not served by a flushing device or flushing devices in conformity with the requirements of subsection 38(2)(d) of subsection 38(1); or

(c) an automatic cistern or tipping tanks to serve any urinal;

The owner of such premises shall cause such steps to be taken or such adjustments to be made as may be necessary to ensure that the requirements of subsection 38(1), as may be applicable, are complied with not later than the date to be fixed by the Municipality in accordance with subsection 38(3) as being the last day for compliance with the requirements of subsection 38(1).

(3) The date to be fixed by the Municipality for the purposes of subsection 38(2):

(a) shall not be sooner than 2 years after the commencement of these regulations; and

(b) shall, in a manner, which the Municipality considers most expedient, be publicly announced by the Municipality not less than 6 months before such date arrives.

(4) The owner of premises who fails to comply with, the requirements of subsection (1) shall be guilty of an offence: Provided that, in relation to any owner of premises referred to in subsection 38(2), this sub section shall not apply until a date as contemplated in that subsection has been fixed by the Municipality in accordance with subsection 38(3) and such date has lapsed.

64. Metering devices for taps and showers

(1) Subject to subsection 39(2)-

(a) each wash basin in a battery of three or more on any premises, other than residential premises, shall be fitted with a metering type of tap which limits the discharge of water in each usage to not more than 1 litre per operation;

(b) each shower in a battery of showers of two or more on any premises, other than

residential premises, shall be fitted with a metering valve which limits the discharge of water in each usage to not more than 2,5 litres per operation;

(c) the maximum discharge rate of water of any showerhead installed on any premises, including residential premises, shall not exceed 10 litres per minute under maximum flow conditions.

(2) If, on the date on which these sections become applicable to the local authority area there is installed-

a) on any premises, other than residential premises-

(i) any tap serving any wash basin referred to in subsection 39(1), not being a tap which conforms to the requirements of that paragraph; or

(ii) any showers referred to in subsection 39(1) which are not fitted with metering valves in conformity with the requirements of that paragraph; or

(c) on any premises, including residential premises, any shower head which does not conform to the requirements of subsection 39(1), the owner of such premises shall cause such steps to be taken or such adjustments to be made as may be necessary to ensure that such requirements are complied with not later than the date to be fixed by the Municipality in accordance with subsection 39(3) as being the last day for compliance with the requirements of subsection 39(1).

(3) The date fixed by the Municipality for the purposes of subsection 39(2):

a) shall not be sooner than 2 years after the commencement of these regulations;

(b) shall, in a manner, which the Municipality considers most expedient, be publicly announced by the Municipality not less than 6 months before such date arrives.

(4) The owner:

(a) of any premises, other than residential premises who fail to comply with any of the requirements of subsection 39(1)(a) and 39(b);

(b) of any premises, including residential premises, who fails to comply with the requirements of subsection 39(1)(c);

(c) shall be guilty of an offence: Provided that, in relation to an owner of premises referred to in subsection 39(2), this sub regulation shall not apply until a date as contemplated in that subsection has been fixed by the Municipality in accordance with subsection 39(3) and such date has lapsed.

65. Terminal water fittings outside buildings

(1) No owner or occupier of any premises, other than residential premises, and no person to whom a temporary supply of water to any premises is provided in terms of section 32, shall install or use on such premises a terminal water fitting outside a building unless such fitting

a) incorporates a self-closing device;

(b) has a removable handle for operating purposes;

(c) is a demand type of tap which limits the quantity of water discharged in each operation; or

(d) is provided with a lock to prevent unauthorised use.

(2) If, on the date on which these regulations become applicable to the local authority area, there is installed on any premises referred to in subsection 40(1) in such area any terminal water fitting outside a building which does not conform to the requirements of that

subsection, the owner of such premises shall cause such steps to be taken or such adjustments to be made as may be necessary to ensure that such requirements are complied with not later than the date to be fixed by the Municipality for the purposes of this subsection 40(3) as being the last day for compliance with the requirements of subsection 40(1).

(3) A date fixed by the Municipality for the purposes of subsection 40(2):

- (a) shall not be sooner than 2 years after the commencement of these Bylaws; and
- (b) shall, in a manner, which the Municipality considers most expedient, be publicly announced by the Municipality not less than 6 months before such date arrives.

(4) The owner of any premises referred to in subsection 40(1), who fails to comply with the requirements of subsection 40(1) shall be guilty of an offence: Provided that, in relation to an owner of premises referred to in subsection 40(2), this subsection shall not apply until a date as contemplated in subsection has been fixed by the Municipality in accordance with subsection

40(3) and such date have lapsed.

66. Installation of separate private meters on premises with several accommodation units may be required

When the water consumption on any premises provided with a single water meter serving two or more accommodation units on such premises is in the opinion of the Municipality substantially higher than in the case of other premises of a similar nature, the Municipality may, if such a requirement has not been made under section 17(3), require from the owner of such premises to install, at the owner's expense, separate water meters to serve such accommodation units individually for the purpose of registering the quantity of water supplied to each such unit.

67. Measures for conservation of water in relation to gardens and car washing facilities

(1) The following requirements shall be applicable to every consumer within the local authority area:

- (a) No water shall be used for the irrigation or watering of any garden during such hours of day as the Municipality may determine and announce publicly from time to time.

(2) Any commercial vehicle washing facility shall be constructed and operated in such a manner that 70% of the potable water used by such facility is recycled for reuse in the facility.

(3) Any person who:

- (a) Contravenes subsection (1)(a) and (2);
- (b) fails to comply with the requirements of paragraph (b) thereof, shall be guilty of an offence.

CHAPTER 6 UNAUTHORISED WATER SERVICES

68. Unauthorised Services

(1) No person may gain access to water services unless it is in terms of an agreement entered into with the municipality for the rendering of those services in accordance with the municipality's by-laws on credit control and debt collection.

(2) The municipality may, irrespective of any other action it may take against a person in terms of these by-laws,

(a) by written notice of 14 (fourteen) working days

(i) order a person who is using unauthorised services to apply for such services; and undertake any work that may be necessary to ensure that the customer installation, by means of which access was gained, complies with the provisions of these or any other relevant by-laws, or

(ii) rectify the non-compliance and recover the cost from the unauthorised user; or

(b) disconnect the service,

69. Interference with Infrastructure for the Provision of Water Services

(1) No person other than the municipality shall manage, operate or maintain infrastructure through which water services are provided.

(2) No person other than the municipality shall make a connection to infrastructure through which water services are provided.

(3) The municipality may recover any costs associated with repairing damage caused as a result of a contravention of sub-sections (1) and (2) including, but not limited to, the cost associated with repairing the damage, any exploratory investigation, surveys, plans, specifications, schedules of quantities, supervision, administration charge, the use of tools, the expenditure of labour involved in disturbing or rehabilitation of any part of a street or ground affected by the repairs and the environmental cost.

(4) The municipality may enter any premises for the purposes as indicated in sub-section (1) and (2), at all reasonable times, after having given reasonable written notice to the occupier of the premises of the intention to do so, where appropriate.

70. Obstruction of Access to Infrastructure for the Provision of Water Services

(1) No person shall prevent or restrict the physical access of the municipality to infrastructure through which water services are provided.

(2) If a person contravenes sub-section (1), the municipality may—

(a) by written notice require such person to restore access at his own expense within a specified period; or

(b) on notice restore access itself and recover the cost from such person.

(3) The costs recoverable by the municipality is the full cost associated with restoring access including, but not limited to, any exploratory investigation, surveys, plans, specifications, schedules of quantities, supervision, administration charge, the use of tools, the expenditure

of labour involved in disturbing or rehabilitation of any part of a street or ground affected by restoring access and the environmental cost.

71. Waste of Water

(1) No customer shall permit—

- (a) the purposeless or wasteful discharge of water from terminal water fittings;
- (b) pipes or water fittings to leak;
- (c) the use of maladjusted or defective water fittings; or
- (d) an overflow of water to persist.

(2) An owner shall repair or replace any part of his water and sanitation installation which is in such a state of disrepair that it is either causing or is likely to cause an occurrence listed in sub-section (1).

(3) If an owner fails to take measures as contemplated in sub-section (2), the municipality shall, by written notice, require the owner to comply with the provisions of sub-section (1).

(4) The municipality may, by written notice, prohibit the use by a customer of any equipment in a water or sanitation installation if, in its opinion, its use of water is inefficient. Such equipment shall not be returned to use until its efficiency has been restored and a written application to do so has been approved by the municipality.

72. Unauthorised and Unlawful Discharges

(1) No person may discharge or cause or permit any sewage to be discharged directly or indirectly into a storm water drain, river, stream or other watercourse, whether natural or artificial.

(2) No person shall allow the discharge or leakage of any liquid other than natural runoff or potable water to any street, storm water drain or watercourse, whether natural or artificial, except where the municipality has approved such discharge.

(3) Where the hosing down or flushing by rainwater of an open area on any premises is in the opinion of the municipality is likely to cause the discharge of objectionable matter into any street, storm water drain, river, stream or other watercourse, whether natural or artificial, or to cause or contribute towards the pollution of any such watercourse, the municipality may, by notice, require the owner of the premises to take reasonable measures to prevent or minimise such discharge or pollution.

(4) No person may discharge or cause or permit the discharge into a drainage installation of—

- (a) any substance, including storm water or swimming pool backwash, other than sewage, domestic waste water or approved industrial effluent;
- (b) any sewage, industrial effluent or other liquid or substance which—
 - (i) in the opinion of the municipality may be offensive to or may cause a nuisance to the public;
 - (ii) is in the form of steam or vapour or has a temperature exceeding 44° C at the point where it enters the sewer;

- (iii) has a pH value less than 6.0;
- (iv) contains any substance of whatsoever nature likely to produce or release explosive, flammable, poisonous or offensive gases or vapours in any sewer or treatment plant;
- (v) contains any material of whatsoever nature, including oil, grease, fat or detergents capable of causing obstruction to the flow in sewers or drains or interference with the proper operation of a sewerage treatment works;
- (vi) shows any visible signs of tar or associated products or distillates, bitumens or asphalts;
- (vii) contains any substance in such concentration to produce an undesirable taste after chlorination or an undesirable odour or colour, or excessive foam;
- (viii) has either a greater PV or COD (Chemical Oxygen Demand) value, a lower pH value, or a higher caustic alkalinity or electrical conductivity than specified in Schedule A, without the prior approval and subject to the payment of relevant charges and such conditions as the municipality may impose;
- (ix) contains any substance which in the opinion of the municipality—
 - (aa) cannot be treated at the sewage treatment work to which it could be discharged; or
 - (bb) will negatively affect the treatment processes at the sewage treatment work to which it could be discharged or
 - (cc) will negatively impact on the ability of the sewage treatment work to produce discharges that meet the waste water discharge standards set in terms of the National Water Act, 1998 (Act No 36 of 1998), or
- (x) either alone or in combination with other substance may—
 - (aa) generate or constitute a toxic substance dangerous to the health of persons employed at the sewage treatment works or entering the council's sewers or manholes in the course of their duties; or
 - (bb) be harmful to sewers, treatment plant or land used for the disposal of treated waste water; or
 - (cc) adversely affect any of the processes whereby sewage is treated or any re-use of sewage effluent.

(5) No person shall cause or permit the accumulation of grease, oil, fat or solid matter in any drainage installation that will adversely affect its effective functioning.

(6) The municipality may, notwithstanding any other actions that may be taken in terms of these by-laws, recover from any person who discharges industrial effluent or any substance which is unauthorised or illegal all costs incurred, by the municipality as a result of such discharges, including costs that result from injury to persons, damage to the sanitation system.

73. Unauthorised and Unlawful Re-Connections

(1) No customer whose access to water supply services have been restricted or disconnected may reconnect to services without approval.

(2) A customer who contravenes sub-section (1) shall on written notice be disconnected.

74. Interference with Infrastructure

(1) No person may interfere with infrastructure through which the municipality provides municipal services.

(2) If a person contravenes sub-section (1), the municipality may—

(a) by written notice require such person to seize or rectify the interference at his own expense within a specified period; or

(b) on notice itself, prevent or rectify the interference and recover the cost from such person.

75. Pipes in Streets or Public Places

No person shall lay or construct a pipe or associated component on, in or under a street, public place or other land owned by or under the control of any municipality, except with the approval of the municipality and subject to such conditions as it may impose.

76. Use of Water from Sources Other than the Water Supply System

(1) No person shall use or permit the use of water for domestic, commercial or industrial purposes obtained from a source other than from the water supply system or from rain water tanks which are not connected to the water installation, except with the prior approval of the municipality, and in accordance with such conditions as it may impose

(2) Any person applying for the approval referred to in sub-section (1) shall provide the municipality with evidence that the quality of the water referred to in sub-section (1) complies, whether as a result of treatment or otherwise, with the requirements of SANS 241: Drinking Water, or that the use of such water does not or will not constitute a danger to health.

(3) Any consent given in terms of sub-section (1) may be withdrawn if, in the opinion of the municipality —

(a) a condition imposed in terms of sub-section (1) is breached; or

(b) the water quality no longer conforms to the requirements referred to in sub-section (2).

(4) The municipality may take samples of water obtained from a source, other than the water supply system and cause the samples to be tested for compliance with the requirements referred to in sub-section (2).

(5) The prescribed charge for the taking and testing of the samples referred to in sub-section (4) above shall be paid by the person to whom consent was granted in terms of sub-section (1).

(6) If water obtained from a borehole or other source of supply on any premises is used for a purpose which gives rise to the discharge of such water or a portion thereof into the municipality's sewerage system, the municipality may install a water meter in the pipe leading from such borehole or other source of supply to the point or points where it is so used.

(7) The provisions of section 13 shall apply insofar as they may be applicable in respect of the water meter referred to in sub-section (4).

Part 3: Prevention of water pollution

77. Pollution of surface water

(1) No person shall:

- (a) bathe in any stream, reservoir, aqueduct, or other place which contains water belonging wholly or partly to the Municipality or under the control or management of the Municipality and which is used for or in connection with the supply of water to the inhabitants in the Municipality's area of supply;
- (b) wash, throws, or cause or permit to enter any animal therein;
- (c) throw any rubbish, night soil, excreta, industrial waste, chemical substance, oil, dirt, filth, or other deleterious matter into such stream, reservoir, aqueduct, or other place within the catchments of a surface dam;
- (d) wash or cleanse in any such water any clothes, leather or any other material or object of whatever nature;
- (e) cause or permit the water from any sink, sewer, drain, engine, boiler or any other polluted water or liquid or oil for the control of which he or she is responsible, to run or be brought into any such stream, reservoir aqueduct, or other place; or
- (f) do any other act whereby the supply of water to the inhabitants of the Municipality's area of supply may be polluted.

(2) A person, who contravenes any of the provisions of subsection 43(1), shall be guilty of an offence.

An owner must provide and maintain approved measures to prevent the entry of any substance into—

- (a) the water supply system; and
- (b) any part of the water installation on his premises.

78. Mixing of water from other source with water supplied by Municipality

(1) No person shall, on any premises to which water is supplied by the Municipality, connect or cause or permit to be connected to any service pipe or any other part of the water installation on such premises, any cistern, tank, or other receptacle used or intended for use for the reception or storage of water obtained from a source other than from a water main.

(2) No person shall cause or permit rainwater to flow into any tank or cistern supplied with water by the Municipality.

(3) A person who contravenes subsection 44(4) or 44(2) shall be guilty of an offence.

79. Obligation of owner to prevent pollution of water

(1) An owner of premises shall provide and maintain approved measures to prevent the entry of any substance which may be a danger to health or adversely affect the potability of water into-

- a) the water supply system of the Municipality, or
- (b) any part of the water installation on the premises.

(2) The owner of any premises:

- a) on which a fire or combined installation is installed;
- b) on which a general installation serves:

- (i) any activity in relation to the medical treatment of people or animals, medical, pharmaceutical or chemical research or manufacturing, agriculture, including dairies and nurseries, photographic processing, laundering or dry-cleaning, metal plating, or the treatment of hides and skins;
- (ii) any mortuary, abattoir, sewage purification works, refuse pulverising works, harbour, oil processing and storage facilities or any winery, distillery, brewery, or yeast or cold drink factory; or

- (d) to whom the Municipality has given written notice to do so, shall provide and maintain approved measures in the water installation on such premises to prevent the back flow of water from such water installation to the water main.

(3) The measures required in terms of subsection 45(2) shall include (a) the discharge of water from the service pipe into a storage tank through an air gap in accordance with paragraph 7.5.3.2

- (a)(i) of SABS 02521: 1994;
- (b) the passing of such water through:
 - (i) a reduced pressure back flow preventer; or
 - (ii) a double check back flow preventer

(4) An owner shall ensure that no connection is made to the service pipe on the premises of such owner between:

- (a) the point of discharge from the pipe into the storage tank referred to in subsection 45(3)(a)
- (b) the back flow preventer installed in terms of subsection 45(3)(b).

(5) No consumer shall connect anything to a water installation or use it in a manner which may affect the potability of the water in it without first providing adequate measures or devices to prevent deterioration in water quality in the water installation.

80. Installation and maintenance of back flow preventers

(1) Any back flow preventer installed on a water installation shall comply with the requirements asset out in paragraphs 5.4.1, 6.3 and 8.2.2 of SABS 0252 1994:

Provided that-

- (a) a back flow preventer shall be installed in a readily accessible position where it may be inspected and from which it may be removed for the purpose of servicing, repair or replacement without alteration to the water installation or the structure within which it is situated; and
- (b) a back flow preventer which provides for the discharge of water to the atmosphere shall be installed above ground in such a position that it cannot be submerged in water or any other liquid.

(2) The owner of any premises on which a reduced pressure or a double check back flow preventer is installed shall at his or her own expense ensure that the back flow preventer:

- (a) is inspected and serviced by a registered plumbing contractor not less than once in every twelve months to ensure that it is in proper working order; and

(b) is replaced or completely overhauled once in every 5 years.

(3) The owner shall maintain a record of the inspections and services referred to in subsection 46(2):

(a) stating the name and registration number of the registered plumbing contractor by whom it was carried out;

(b) the date on which it was carried out; and

(c) detail of repairs and replacements that were effected, and shall keep such record available for inspection by the Municipality at any time during office hours.

81. Protection of water installation

(1) An owner shall, apart from the back flow preventers referred to in sections 45 and 46, provide and maintain the following additional measures to prevent the back siphonage into the water installation of any substance which is likely to be a danger to health or affect the potability of water:

(a) The lowest point of discharge of the outlet of a terminal water fitting shall not be less than 25 millimetres above the flood level of a fixed receptacle into which such fitting discharges.

(b) No interconnection shall be made between a general installation and a fire installation if they are supplied through separate water pipes.

(2) If the Municipality is of the opinion that an activity carried out or intended to be carried out on any premises could give rise to a substance which would have a toxic effect if it gained entry into a water installation, the Municipality may by written notice require from the owner to install a storage tank from which the water needed for such activity shall be drawn.

(3) The entry of water into a tank referred to in subsection 47(2) shall be solely from a pipe which discharges water at a height of not less than 75 millimetres or twice the diameter of the pipe, whichever is the greater, above the flood level of the tank.

82. Laying of pipes in places prone to pollution

(1) Subject to subsection 48(2), no pipe which is supplied or intended to be supplied with water by the Municipality, shall be laid or installed through or in any sewer or drain or waste dump or any pit or place used for the dumping or accumulation of manure or any other substance which may, in the event of the pipe becoming unsound, pollute the water conveyed through the pipe.

(2) Where it is impracticable to lay or install a water pipe otherwise than in a manner referred to in subsection 48(1), the Municipality may, upon application, approve that it be so laid or installed, but in such an event, the part of the pipe so laid or installed shall be carried through a cast iron or other approved tube or box of sufficient length and strength and of such construction as will, in the opinion of the Municipality, effectively protect the pipe and render any leakage of the pipe readily detectable.

(3) Where any water pipe has been laid or installed contrary to the provisions of subsection 48(1) or 48(2), the Municipality may by written notice to the owner or occupier of the premises concerned direct that the necessary steps be taken to eliminate the contravention within a period specified in the notice.

- (4) If the owner or occupier concerned fails to comply with such notice-
- (a) the Municipality may suspend the supply of water to the premises concerned until the necessary steps have been taken; and
 - (b) such owner or occupier shall be guilty of an offence.

(5) Where the supply of water is suspended in terms of subsection 48(4), the owner or occupier shall be liable to pay the prescribed charges for such suspension and the subsequent restoration of the supply.

83. Use of tanks for water intended for human consumption

(1) Except for a tap discharging water from a hot water system or serving any shower or bath, no tap used on any premises for the purpose of supply for human consumption shall be connected to any tank without the permission of the Municipality, who in granting such permission may require that an apparatus be installed to maintain a free chlorine level of at least 0,2 milligram per litre at the furthest terminal water fitting.

(2) Where:

- (a) any damage or danger to persons might arise from an interruption of the supply of water; or
- (b) the pressure in the service would be otherwise inadequate, a tank or tanks shall be provided which, with respect to size and level of installation, conform to the requirements prescribed in paragraph 7.4 of SABS 02521:1994.

84. Storage of water supplied by Municipality in underground tanks

Except with the permission of the Municipality and subject to such conditions as it may determine, no tank or other container buried or installed in an excavation in the ground on a consumer's premises shall be used for the storage or reception of water supplied by the Municipality if such water is intended for human consumption.

85. Measures to prevent development of *bacterium Legionella pneumophila*

(1) Every new water installation shall, for the purpose of preventing the development of *bacterium Legionella pneumophila*, comply with the requirements set out in paragraph 7.1.1.2 of SABS 02521:1994.

(2) Every owner of any premises on which any installation for the storage of potable water or an air conditioning cooling water system is being used, whether installed before or after the commencement of these regulations, shall at intervals not exceeding 90 days, reckoned from the date of commencement of these regulations or the date of installation, whichever is applicable, cause every such water installation and every such system to be inspected by a professional engineer to evaluate such installation for conditions conducive to the development of *bacterium Legionella pneumophila*.

(3) A professional engineer who carries out an inspection referred to in subsection 51(2) shall provide the owner concerned with a written report on the result of his or her inspection and state whether or not the requirements referred to in subsection 51(1) are being complied with and, where applicable, particulars of any noncompliance with those requirements.

(4) If a report in terms of section 51(3) shows any noncompliance with the requirements referred in that subsection, the owner of the premises concerned shall, within 14 days after receipt of the report, take such steps as may be necessary to bring the installation in conformity with those requirements.

(5) Where the construction of any new water installation is completed on any premises where potable water is or will be stored, or upon the installation of any airconditioningcooling water system on any premises, the owner of the premises shall submit to the Municipality a certificate issued by a professional engineer stating that such installation complies with the requirements referred to in subsection 51(1).

(6) Any person who:

(a) fails to comply with the provisions of subsection (2) or (4) ; or

(b) puts into use any new water installation or an air-conditioning cooling water system installed on any premises without having complied with the provisions of Subsection (5), shall be guilty of an offence.

86. Testing of water in a water installation

(1) The Municipality may at any time take samples of water from the water installation on any premises and cause the samples to be tested for compliance with the standards prescribed in SABS 241 (Water Domestic Supplies).

(2) If, after a series of follow up tests of samples of water taken from a water installation in terms of subsection 52(1), it is found that such water does not comply with the standards referred to in that subsection, and the Municipality is of the opinion that the quality of such water is attributable to the condition of the water installation, the owner of the premises concerned shall, when so instructed by the Municipality-

(a) cause the water installation to be tested and disinfected in accordance with the provisions of section 60 and 61; or

(b) investigate the cause of the problem and rectify it within a period specified by the Municipality.

(3) The owner of such premises shall clean any tank on any premises in which potable water is stored regularly at intervals not exceeding two years.

Part 4: Provisions relating to consumer's water installation

87. Standard specifications and codes of practice applicable

For the purpose of these regulations the relevant SABS standards and codes shall be applicable, but the Municipality may also approve the use of any other specification and codes where in its opinion it is appropriate to do so, and it shall in considering any application for such approval be guided by accepted practice and international specifications and codes of practice.

88. Provision of water installation

Every owner or consumer shall, at his own expense, provide, install, lay down and maintain his own water installation.

89. Information and drawings

- (1) In respect of every new water installation, or changes to an existing water installation necessitated by any alteration or extension of an existing building, the owner of such premises shall submit for approval to the Municipality, in the format determined by the Municipality, the information and drawings as provided for in Chapter 4 of SABS 02521:1994: Provided that the information relating to a water installation to be installed on any premises may be indicated on the same drawing as the drainage installation.
- (2) A complete set of approved drawings of the water installation shall be kept available at the premises.
- (3) Where any installation work has been done in contravention of subsection 55(1), the Municipality may by written notice require from the owner of the premises to comply within a specified period with the provisions of that subsection, in which event-
 - a) Work in progress shall cease until the approval required by that subsection have been granted;
 - b) work that does not comply with these sections shall be removed from the premises.

90. General requirements for design and construction of water installation

- (1) Any water installation or service pipe shall be designed and constructed in such a way that:
 - (a) velocities in pipes do not exceed 2 metre per second;
 - (b) only pipes and fittings be specified and installed that will be able to withstand (
 - (i) the corrosion which may be caused by the water conveyed in the installation; and
 - (ii) any corrosive conditions, which may be, related to the soil conditions on the premises;
 - (c) the installation be functional to the users of the building taking due cognisance to the population and class occupancy of such building;
 - (d) provide adequate fire protection where it is required in terms of any other law;
 - (e) all components and materials used on the installation are watertight;
 - (f) the installation will not cause any danger to the health of the users of the building;
 - (g) that all pipes and fittings are able to withstand loads and forces which it may normally be subjected to and where necessary is properly protected against damage;
 - (h) should a water leak or a water pipe burst occur, it would not jeopardise the structural safety of the building.
- (2) An isolating valve shall be installed in the service pipe of a water installation not more than 1,5metres inside the boundary of the premises concerned.
- (3) The requirements of subsection 56(1) shall be accepted to be satisfied where the water installation complies with the requirements of-
 - (a) SABS 02521:1994 (Water supply installations for buildings) ;
 - (b) paragraph PP 13(2) of SABS 04001990P relating to the number of the sanitary fittings with adequate water supply required for the population of the building;

(c) SABS 04001990Part W in relation to any fire installation.

(4) No person shall connect to a water installation a water fitting or apparatus, which causes or is likely to cause damage to the water supply system or another water installation as a result of pressure surges.

91. Design of a proposed water installation

(1) The Municipality may require that a professional engineer designs a proposed water installation or other approved competent person in cases where the Municipality is of the opinion that a detail design is necessary due to the complexity of the installation.

(2) Any designer of a water installation shall take the necessary care in the detail design that the water installation shall fully comply with the requirements as set out in these regulations and in Chapters 2, 3,4,5,6 and 7 of SABS 02521: 1994.

92. Materials, fittings and components

(1) Only SABS approved materials, fittings and components as listed in Chapter 2 and discussed in Chapter 5 of SABS 02521: 1994 or similar pipes, joints and fittings approved by the Municipality shall be used on any water installation.

(2) Notwithstanding anything to the contrary in these regulations or any relevant SABS standards and codes, the Municipality may determine that only pipes, joints and fittings of specified materials resistant to or adequately protected against corrosion shall be used should the water be corrosive or aggressive soil conditions occur in the Metropolitan area.

(3) Solar water heating systems shall be installed in accordance with SABS 0106.

93. Control over work on water installation

(1) Subject to subsection 59(2), the installation of a water installation shall be carried out

- (a) according to drawings approved in terms of section 55 and detail specification for the installation; and
- (b) in conformity with the requirements of Chapter 8 of SABS 02521:1994.

(2) Every person carrying out or exercising control over the installation of any water installation shall ensure that-

- (a) where copper pipes are used in the installation-
 - (i) such pipes shall be properly inspected and cleaned before installation so as to prevent any carbonaceous film being present in such pipes;
 - (ii) only solder of copper tin or silver tin is used in capillary soldered joints on such pipes;
- (b) no lead chalked joints are used on any cast iron pipe;
- (c) no solvent cement welded joints is used on any unplasticised polyvinyl chloride (uPVC) pipes;
- (d) no underground pipe is laid more than 1 metre below the finished ground level on the premises or shallower than 400mm;
- (e) no pipe is installed within the cavity of a wall, except where it crosses the wall.

94. Cleaning, inspection, testing and disinfection of water installation

(1) Subject to sub regulation 60(2), every water installation shall be properly cleaned, inspected, tested and disinfected in accordance with Chapter 9 of SABS 02521: 1994.

(2) Every water installation shall on completion-

- (a) be properly cleaned to remove any foreign matter;
- (b) be inspected by the representative of the Municipality;
- (c) be tested under pressure in accordance with paragraph 9.2 of SABS 02521:1994; and
- (d) be disinfected in accordance with paragraph 9.3 of SABS 02521:1994.

(3) At least 2 working days' notice shall be given to the Municipality for the purpose of any inspection to be carried out in terms of subsection 60(2)(b).

95. Municipality may require testing or disinfection of water installation

(1) The Municipality may by written notice require any owner to employ a registered plumbing contractor to test and disinfect the water installation on the premises of such owner.

(2) The owner of the premises concerned shall bear the costs incidental to the testing and disinfection of any water installation required in terms of subsection 61(1).

96. Covering of water installation

When any water installation is being or has been installed or any alteration or extension of any existing water installation is being or has been carried out, no person shall cover any part of such installation, alteration or extension or cause, permit or suffer it to be covered until it has been inspected and approved by the Municipality.

97. Leakage of taps or pipes

(1) No person shall cause or permit any pipe, tap or fitting to leak, and no tap or fitting shall be installed in such position that any leakage cannot readily be detected.

(2) No consumer shall be entitled to any rebate in respect of the wastage of water due to faulty fittings or undetected leakage in any part of the water installation.

(3) Any work or repair, digging or replacement, or any other operation which the Municipality undertakes to enable a consumer to carry out repairs or other work to his own water installation, shall be undertaken by the Municipality at the consumer's expense.

98. Pipes and stand pipes to be securely fixed

(1) All pipes, except those laid in the ground, shall be securely fixed at frequent intervals to that portion of the wall or other rigid portion of the structure along which they pass.

(2) All stand pipes or other pipes projecting above the ground and not otherwise secured to any structure shall be securely fixed to a stake securely driven into the ground, or by other means approved by the Municipality, in such a manner as to prevent undue movement of such stand pipes or pipes.

99. Taps for domestic use

Other than those discharging from the hot water system, taps to supply water for domestic purposes indwelling houses or residential buildings or for drinking purposes on any other type of premises shall be connected to a water installation pipe at a point before such pipe enters a cistern or tank and shall not be supplied from any cistern or tank: Provided that in buildings where a water supply is required at a level at which a regular and adequate supply is not available from the mains, it may be taken from a tank or cistern which shall be constructed in accordance with the provisions of these Bylaws.

100. Connection of sundry apparatus

(1) No person shall cause or permit any water installation pipe to be connected directly to any water closet, urinal, steam boiler or trade vessel or apparatus.

(2) Every water closet, urinal, steam boiler, trade vessel or apparatus shall be fed separately and directly from a cistern installed solely for that purpose: Provided that the Municipality may approve of any such fitment, except a water closet being connected direct to the water installation without the interposition of a cistern or break pressure tank.

(3) The inlet to every such cistern referred to in subsection 66(2) shall discharge above the overflow level or maximum water level, as the case may be, of the cistern: Provided that in the case of a cistern supplying a water closet or urinal, a silence pipe discharging below the normal water level of the cistern may be fitted: Provided further that an approved anti syphonic device is incorporated in the inlet valve.

(4) No pump of whatever nature shall be connected to a water installation for the purpose of pumping water directly from the Municipality's mains, unless prior written authority is obtained from the engineer.

(5) Where water is supplied to a bath, or washbasin, or tank, swimming pool, dam, animal drinking trough, or any other water containing structure by a pipe in direct communication with the water installation, such pipe shall discharge above the maximum water level of such water containing structure.

101. Cistern or tank

(1) No person shall install, fit, use or cause or permit to be installed, fitted or used upon any premises a cistern or tank for the reception or storage of water, other than a cistern used for flushing water closets or other sanitary fittings, unless:

(a) the cistern or tank is constructed of a material which in the opinion of the engineer is sufficiently strong for the purpose and capable of resisting corrosion;

(b) the cistern or tank is watertight, vermin proof, and properly covered and ventilated;

(c) the cistern or tank provided with access covers which shall be bolted down locked in position at all times, except when opened for inspection;

(d) the inlet pipe to the cistern or tank discharges above the overflow level of the cistern or tank, and is provided with a stopcock located near the cistern or tank, and a float valve

- or similar device of a type approved by the engineer;
- (e) the cistern or tank is so placed that it may be readily drained and inspected and cleansed inside and outside;
 - (f) a stopcock is fitted to the outlet pipe near to each cistern or tank so that repairs to any pipe leading from or to apparatus fed by the cistern or tank can be effected without emptying the latter;
 - (g) a brass sampling cock is fitted to the cistern or tank to enable the engineer to draw samples of the water stored therein when necessary for testing purposes;
 - (h) the cistern or tank is provided with an adequate drainage system to ensure that the premises are not flooded in the event of leakage or accidental overflow, the capacity of such drainage system to be such that it will be capable of discharging water at a rate at least equal to the rate of flow of the incoming supply and the outlet of the drainage discharge pipe to be so situated that the discharge of water may be readily detected.

(2) In the event of water stored in the cistern or tank becoming contaminated in any way, the consumer shall on instructions from the Municipality take immediate steps to drain the cistern or tank, cleanse it and disinfect it to the standards set by the Municipality before refilling and replacing in service.

(3) When a cistern or tank on account of age or deterioration or for any other reason, no longer complies with the requirements of this section, the consumer, shall adequately repair or entirely replace the tank or cistern within 60 days of receipt of written notice from the Municipality to do so.

(4) When a continuous, supply of water to the premises is required, the required cisterns or tanks shall be provided in duplicate.

102. Overflow pipe to cistern or tank

Every cistern or tank shall be provided with an overflow or waste pipe, the position of which shall admit the discharge of water being readily detected.

103. Capacity of cistern

Every steam boiler and any premises, which require, for the purpose of the work undertaken on the premises, a continuous supply of water, shall have a cistern holding not less than half a day's supply calculated according to the average daily consumption.

104. Distance between water installation and electric wires

(1) No portion of the water installation shall, except where it is part of a specifically approved water installation, be laid, installed or maintained within 300 mm of, or be in metallic contact with, any electrical apparatus: Provided that this requirement shall not be taken as preventing electrical bonding as required by any bylaws or regulations for the supply and use of electrical energy and for the wiring of premises.

(2) No tap, valve or similar apparatus shall be laid, installed, fixed or maintained within 2m of an electrical socket outlet, appliance or distribution board without the prior written approval of the Municipality.

Part 5: Special provisions relating to fire extinguishing equipment

105. Provision of water connection for fire fighting purposes

(1) Notwithstanding anything to the contrary contained in these regulations, the Municipality may, where a special agreement there for has been concluded with the owner of any premises under section 83, provide a water connection on a water main for the purposes of any fire extinguishing installation on such premises, subject to the provisions of this Chapter.

(2) The costs incidental to the provision by the Municipality of water connection for a fire installation, including a water meter, isolating valve and other ancillary fittings, shall be borne by the owner concerned and shall be as determined in the water tariff.

(3) The pipes necessary for providing the water connection shall be installed by the Municipality up to the boundary of the premises concerned, and which shall not be used for any purpose other than to serve the fire installation on the premises.

(4) No branch connection of any kind shall be made from a water connection pipe, except for the purpose of serving automatic sprinklers, drenchers, hydrants or a pressure tank.

(5) A water meter capable of handling the design flow for fire extinguishing purposes and normal water use shall be provided by the Municipality on the water connection pipe provided for the premises.

(6) Every water connection pipe for a fire installation shall be fitted with an approved isolating valve provided by the Municipality, which shall-

- (a) be of the same nominal diameter as the water connection pipe;
- (b) be placed in such position as may be determined by the Municipality; and
- (c) be installed in front of the water meter.

106. Design of fire installation

(1) In any fire installation adequate pumping connections and means to measure water pressure shall be provided, with enough isolating valves to control the flow of water to points within the installation, at the required quantity and pressure to ensure enough flow of water to any hose reel, hydrant or sprinkler system connected to the installation.

(2) The requirements of subsection 72(1) shall be considered as being satisfied where a fire installation is designed by a professional engineer or other approved competent person according to a detailed design or where the fire installation complies with paragraph 3 of Part W of SABS 0400, and approved by Municipality.

(3) The discharge from any pressure tank shall be controlled by a suitable ball valve.

107. General requirements for fire installations

(1) Where an existing sprinkler installation has been connected to the water main, no additional sprinkler heads shall thereafter be connected to such sprinkler installation, without the written consent of the Municipality.

(2) No extension or connection from any existing fire installation to premises other than that for which it was approved, shall be made, and in the event of any such connection or extensions being made the Municipality may take any steps necessary to disconnect such a connection or extension and recover the costs incidental thereto from the owner or any other person responsible for such connection or extension.

(3) No supply of water shall be made or given until the fire installation has been inspected and the Municipality has certified in writing that such installation is in accordance with these regulations and the work in connection therewith has been carried out to his or her satisfaction.

(4) Any existing unmetered water connection provided by the Municipality to the water main for the purposes of a fire installation shall be at the pleasure of the Municipality, which shall be entitled to discontinue the service providing such connection at any time after at least 30 days notice of its intention to do so had been given to the owner concerned and if such owner has failed to show good cause for the retention of such connection.

(5) All fittings provided by an owner of any premises for fire fighting purpose, including hose reels, hydrants and sprinkler systems shall comply with the Municipality's regulations on fire protection.

(6) Any person who contravenes the provisions of subsections 73(1), 73(3) and 73(5) or who makes or causes or permits to be made any connection or extension in contravention of the provisions of subsection 73(2), shall be guilty of an offence.

108. Payment for water supply to a fire installation

The charges for the supply of water to a fire installation shall be as determined in the water tariff.

109. Inspection and approval of fire extinguishing system

No water shall be supplied to any fire extinguishing system until it has been inspected and the Municipality or his duly authorised representative has certified in writing that such water installation complies with the requirements of these Bylaws and the work has been carried out to his satisfaction.

110. Provision of pressure gauge

A pressure gauge indicating the water pressure in kPa shall be fixed on all fire extinguishing Systems inside the premises of the consumer.

111. Installation of reflux valve

(1) When a fire extinguishing installation includes a fire pump connection, a reflux valve of a type approved by the Municipality shall be fitted on the premises in an accessible position permitting of its ready inspection, repair and removal.

(2) The said reflux valve shall be used to shut off the domestic supply from the Municipality's main whenever or for so long as the fire pumps connection is in use.

(3) The said reflux valve shall be serviced at least once annually by a registered bona fide firm approved by the engineer as being capable of undertaking such work.

(4) When called upon to do so by the Municipality, the consumer shall produce a certificate from the said firm that the service has been done.

112. Sprinkler extinguishing installation

A sprinkler installation may be installed in direct communication with the main, but the Municipality shall not be deemed to guarantee any specified pressure of water at any time.

113. Header tank or double supply from mains

(1) Unless a duplicate supply from a separate main is provided for the sprinkler installation, the consumer shall install a header tank at such an elevation as will compensate for any cessation or reduction of pressure in the Municipality's main.

(2) The main pipe leading from the header tank to the sprinkler installation may be in direct communication with the main: Provided that in such case it is fitted with a reflux valve which will close against the main and open to the main pipe leading from the tank should the pressure in the main not be available for any reason.

(3) An overflow pipe shall be fitted to such tank, which pipe shall discharge in such a position as to be readily observable, and shall not be led away by any down pipe to any drain.

(4) Where a duplicate supply from a separate main is provided, each supply pipe shall be fitted with a reflux valve situated on the premises.

(5) The reflux valves installed in terms of subsection 79(2) and 79(4) shall be serviced annually and should also comply with subsections 77(3) and 77(4).

114. Annual charges for sprinkler and drencher installation

(1) The annual charges prescribed in the water tariff for the inspection and maintenance of the communication pipes leading from the Municipality's main to the boundary of a stand, stand or other area of land shall be payable in advance and shall become due in respect of every such pipe as soon as the Municipality has notified the owner of the land that the pipe has been laid and is ready for connection to a fire extinguishing installation on the stand.

(2) The charges in terms of subsection 80(1) shall cover also the emptying and refilling of any tanks which may be necessary.

(3) The charges to be paid in terms of subsection (1) shall be calculated according to the volume of the tank, disregarding the level to which the tank is filled.

115. Annual charges for private hydrant installations

The annual charges in terms of the tariff for the maintenance of connections and the inspection of private hydrant installations, other than sprinklers, shall be paid in advance.

116. Sealing of private fire hydrants

(1) The Municipality shall seal all private hydrants and no person shall break such seal except in case of fire.

(2) The cost of resealing such hydrants shall be borne by the consumer except when such seals are broken by the Municipality's officers for testing purposes.

(3) Any water consumed after the breaking of the seal, other than in the course of testing by the Municipality or in case of fire, shall be paid for by the consumer at the rates prescribed in the water tariff. The Municipality shall determine the quantity thus consumed.

(4) Until a fire connection has been metered, the fire connection shall not be used for any other purpose other than fire fighting purpose.

(5) Any person who fails to comply with subsection 82(3) and 82(4) will be guilty of an offence.

CHAPTER 6 EMERGENCY SITUATIONS

117. Declaration of Emergency Situations

(1) The municipal council may at any time declare by public notice, that an emergency situation exists in a supply zone or geographical area in respect of a municipal service, if, in its opinion, a significant risk to the financial viability or sustainability of the municipality, or the sustainable rendering of a specific municipal service to the community exists.

(2) In the event of the declaration of a supply zone as an emergency area in accordance with sub-section (1) the municipal services to that supply zone may be limited

(3) The municipality must submit a monthly report to the municipal council on the status of the emergency and of actions being taken to relieve the emergency:

(4) The municipal council must by public notice declare an area no longer to be an emergency area if the situation on which the declaration was based improves to such an extent that the risks referred to in sub-section (1) no longer warrants that supply zone being declared an emergency area.

CHAPTER 7 NOTICES

118. Power to Serve and Compliance with Notices

(1) The municipality may, by written notice, order an owner, customer or any other person who fails, by act or omission, to comply with the provisions of these by-laws, or to fulfil any condition imposed in it, to rectify his failure within a reasonable period specified in the notice.

(2) If a person fails to comply with a written notice served on him by the municipality in terms of these by-laws within the specified period, it may take such action that in its opinion is necessary to ensure compliance, including—

(a) undertaking the work necessary itself and recovering the cost of such action or work from that owner, customer or other person;

- (b) restricting or discontinuing the provision of services; and
- (c) instituting legal proceedings.

(3) A notice in terms of sub-section (1) must—

- (a) give details of any provision of the by-laws that has not been complied with;
- (b) give the owner, customer or other person a reasonable opportunity to make representations and state his case, in writing, to the municipality within a specified period, unless the owner, customer or other person was given such an opportunity before the notice was issued;
- (c) specify the steps that the owner, customer or other person must take to rectify the failure to comply;
- (d) specify the period within which the owner, customer or other person must take the steps specified to rectify such failure; and
- (e) indicate that the municipality—
 - (i) may undertake any work that is necessary to rectify a failure to comply with a notice and the cost to the municipality of rectification may be recovered from the owner, customer or other person who has failed to comply with it; and
 - (ii) may take any other action that it considers necessary for ensuring compliance.

(4) In the event of an emergency the municipality may, without prior notice to anyone, undertake the work required by sub-section (3)(e)(i) and recover the costs from a person who, but for the emergency, would have to be notified in terms of sub-section (1).

(5) The costs recoverable by the municipality in terms of sub-sections (3) and (4) are the full costs associated with that work including, but not limited to, any exploratory investigation, surveys, plans, specifications, schedules of quantities, supervision, administration charge, the use of tools, the expenditure of labour involved in disturbing or rehabilitation of any part of a street or ground affected by the work and the environmental cost.

CHAPTER 8

APPEALS

119. Appeals against Decisions of the Municipality

(1) A customer may appeal in writing against a decision of, or a notice issued by, the municipality in terms of these by-laws.

(2) An appeal in terms of sub-section (1) must be made in writing and lodged with the municipality within 14 (fourteen) working days after a customer was informed of the decision or notice and must—

- (a) set out the reasons for the appeal; and
- (b) be accompanied by any security determined by the municipality for the testing of a water meter, if the testing of a water meter was requested.

(3) The customer must be informed of the outcome of the appeal and the reasons for the municipality's decision within 21 (twenty one) working days after an appeal was lodged, or if

the municipality is unable to decide the matter within that time, the municipality must inform the customer when the appeal will be decided.

(4) The decision of the municipality is final.

(5) The municipality may condone the late lodging of appeals or other procedural irregularities.

CHAPTER 9 OFFENCES

120. Offences

(1) Subject to sub-section (2), any person who—

(a) obstructs or hinders the municipality in the exercising of the powers or performance of functions or duties under these by-laws;

(b) uses, tampers or interferes with municipal equipment, the water supply system, sanitation system and reticulation network or consumption of services rendered;

(c) contravenes or fails to comply with a provision of these by-laws other than a provision relating to payment for municipal services;

(d) fails to comply with the terms of a notice served upon him in terms of these by-laws;

(e) reconnects or restores services that have been disconnected or limited without the municipality's approval.

is guilty of an offence and liable on conviction to a fine or in default of payment to imprisonment for a period not exceeding 6 months.

(2) No person shall be liable to imprisonment if he is unable to afford to pay a fine, and shall instead be liable to a period of community service.

(3) Any person committing a breach of the provisions of these by-laws shall be liable to recompense the municipality for any loss or damage suffered or sustained by it in consequence of the breach.

CHAPTER 8 GENERAL PROVISIONS

121. Special agreements

(1) Where, by reason of the purpose for which the supply of water is required by a consumer, the nature or situation of the premises concerned, the quantity to be supplied, the availability of supply or the method of supply, the Municipality considers it desirable that such supply should be provided subject to special conditions or a special charge, the Municipality may, notwithstanding anything to the contrary contained in these regulations, enter into a special agreement with such consumer for such supply on the terms and conditions as may mutually be agreed upon.

(2) Without prejudice to the generality of the provisions of subsection 83(1), but subject to the provisions of the Act, a special agreement may provide for any one or more of the following matters:

- (a) Where a supply in bulk is given to any consumer outside the Municipal area, the Municipality may permit such consumer to resell the water to other consumers outside the Municipal area.
- (b) If the Municipality permits a consumer to resell water-
 - (i) it may impose conditions fixing the maximum price at which the water may be resold by such consumer and
 - (ii) require that plans of any proposed reticulation system be submitted to the Municipality for approval as a condition precedent to authority to resell being given.
- (c) Where any consumer is given a supply by means of more than one connection to the water main, the Municipality may stipulate the manner in which and the times during which the consumer may use the supply from any one or more of such connections.
- (d) The Municipality may stipulate the maximum quantity to be supplied to any consumer and may fix the hours or periods during which any consumer shall be entitled to supply.
- (e) The Municipality may stipulate the price at which the supply is to be given to any consumer.

(3) Where, in terms of a special agreement a consumer is authorised to resell water supplied by the Municipality, the Municipality may at any time demand from the consumer to submit to the Municipality for inspection the records of such consumer relating to the resale of water to other persons and the income derived by the consumer from such resale, and may, where sub-meters have been installed by the consumer, demand that the consumer have any of such sub-meters tested to the satisfaction of the Municipality at the consumer's cost, and that any meter which is found to be defective be repaired or replaced.

(4) Except as is otherwise provided in a special agreement the supply of water under such agreement shall be subject to the provisions of these regulations.

122. Supply of non-potable water by the Municipality

(1) The Municipality may on application made by any consumer and under a special agreement enter into in terms of regulation 83, grant the supply of non-potable water to such consumer.

(2) Any supply of non-potable water in terms of subsection 84(1) shall not be used for domestic purposes which, in the opinion of the Municipality, may give rise to a health hazard and has been specified by the Municipality.

(3) No warranty, expressed or implied, applies to the purity of non-potable water supplied by the Municipality or its suitability for the purpose for which the supply of such water was granted.

(4) The supply of non-potable water by the Municipality shall, both as to condition and use, be entirely at the risk of the consumer, who shall be responsible to exercise control over the use of such water on the premises by any other persons.

(5) Where non-potable water supplied by the Municipality is used for irrigation purposes, the consumer shall:

- (a) ensure that it is applied uniformly over the irrigated areas and in such a way as to prevent the forming of pools; and
- (b) take such steps as may be necessary to prevent any runoff of surplus water from irrigated areas.

(6) On premises on which non-potable water is used, the consumer shall ensure that-

- (a) every terminal water fitting and every appliance which supplies or uses such water is clearly marked with a weatherproof notice indicating that the water therefrom is unsuitable for drinking or other domestic purposes; and
- (b) every tap used for the discharge of such water can only be operated by means of a detachable key or handle and which shall be removed from such tap after every use thereof.

(7) In an area where treated sewage effluent is used the consumer shall erect weatherproof notices in permanent positions warning that such effluent is not suitable for domestic purposes.

(8) The consumer shall adhere at all times to any conditions or guidelines with respect to health risks in the use of non-potable water for irrigation purposes as may be laid down by the Ministry of Health and Social Services from time to time.

(9) If the consumer fails to take any of the steps referred to in subsections 84(5) (b), 84(6), and 84(7), the Municipality may by written notice require that such steps be taken by the consumer within a specified period and if the consumer fails to comply with such notice, the Municipality may-

- (a) cause such steps to be taken at the consumer's expense; or
- (b) suspend the supply of non-potable water to the premises concerned until the consumer has complied with such notice.

(10) Every owner of premises supplied with non-potable water by the Municipality:

- a) shall take special care that every pipe and fitting linked to the non-potable water system on the premises is properly identified to prevent any cross connection with the potable water system on such premises; and
- (b) shall not, without the approval of the Municipality, extend or alter such non-potable Water system or cause it to be extended or altered.

(11) A person who contravenes any provision of subsection 84(10) shall be guilty of an offence and the Municipality shall permanently terminate the supply of non-potable water to such premises.

123. Private boreholes

(1) If, on the date of commencement of these regulations, any bore hole exists on any premises from which water is abstracted for any purpose, the owner of such premises shall not later than 90 days after the date of such commencement:

- (a) notify the Municipality in writing of the existence of such borehole; and
- (b) provide the Municipality with full particulars of the discharge capacity of such borehole.

(2) Without deviating from the provisions of any other law relating to the drilling of boreholes, no new borehole shall be drilled within the local authority area without the prior written approval of the Municipality, which may be granted subject to such conditions as the Municipality may determine, but subject thereto, in every case that-

- (a) the proposed position of the borehole is clearly indicated on a site plan;
- (b) any unsuccessful borehole is properly sealed;
- (c) The geological information and the depth of the borehole are recorded;
- (d) the discharge capacity of the borehole is determined;
- (e) the rest water level is recorded after the drilling of the borehole.

(3) Except with the prior written approval of the Municipality, no existing borehole situated within the area of jurisdiction of the Municipality shall be replaced or drilled deeper.

(4) If the Municipality has reason to doubt the reliability of any particulars given in terms of subsection 85(1) (b) or any information recorded in terms of subsection 85(2), it may by written notice require that the owner of the premises in question carries out, at the consumer's expense and within the period specified in the notice, such test as may be so specified for determining the discharge capacity of the borehole.

(5) The Municipality may, at the expense of the owner of the premises concerned, install a separate meter to record the consumption of water from a borehole on the premises.

(6) If, in the area of jurisdiction of the Municipality, the Municipality may determine a quota for the maximum abstraction of water from a borehole on private premises.

(7) Whenever the Municipality considers it necessary for the purpose of determining the ground water level within the Municipal area, the Municipality may cause the water rest levels of any borehole on any property in such area, to be measured, and any person designated by the Municipality to perform such task may enter the premises for that purpose.

(8) Any person, who contravenes or fails to comply with any of the provisions of subsections 85(1), 85(2) or 85(3), shall be guilty of an offence.

124. Laying of pipes in streets or public places

(1) Except with the prior written approval of the Municipality and subject to such conditions as may be imposed by it, no person shall, lay or construct any pipe or associated component on, in or under a street or public place or any other land vesting in or under the control of the Municipality, for the purpose of conveying water derived from whatever source.

125. Obstruction of access to water connection on premises

(1) No person shall prevent or restrict the Municipality or any duly authorised official of the Municipality from gaining access to any part of the water connection on any premises.

(2) If it is not reasonably possible for the Municipality or an official referred to in subsection 87(1) to gain access to the relevant part of the water connection on the premises by reason of any object, including any construction of bricks, stone, iron, wood or any other material obstructing such access, the Municipality may by written notice to the consumer concerned, and without prejudice to the Municipality's powers under section 88, require that the consumer removes such object and restores such access within a period specified in the notice.

(3) If, in a case contemplated in subsection 87(2), the Municipality is of the opinion that the situation is a matter of urgency or if reasonable grounds exist for suspecting that a contravention of any provision of these regulations has been or is being committed, the Municipality may cause the object concerned to be removed and any other steps to be taken to gain access, and the Municipality may recover from the consumer the cost incurred for that purpose.

(4) The Municipality shall not be liable for any damage resulting from any action taken under subsection 87(3), but shall restore such premises to the former condition should no breach of these regulations be discovered.

(5) A consumer who refuses or fails to comply with a notice referred to in subsection 87(2) shall be guilty of an offence.

126. Power of entry and inspection

(1) An officer may for any purpose connected with the implementation or enforcement of these regulation, at all reasonable times or in an emergency at any time, enter premises, request information and carry out such inspection and examination as he or she may deem necessary, and for those purposes operate any water fitting of the water installation.

(2) If the Municipality considers it necessary that work be performed to enable an officer to perform a function referred to in subsection 88(1) properly and effectively, it may-

- (a) by written notice require the owner of occupier of the premises at his or her own expense to do specified work within a specified period; or
- (b) if in its opinion the situation is a matter of urgency, without prior notice do such work or cause it to be done at the expense of the owner.

(3) If the work referred to in subsection 88(2) is carried out for the sole purpose of establishing whether a contravention of these regulations has been committed and no such contravention is established, the Municipality shall bear the expense connected therewith together with that of restoring the premises to their former condition.

(4) If an officer requires the presence of:

- (a) an owner at an inspection of his or her water installation; or
- (b) a registered plumber doing installation work at an inspection of such work; he or she give such person written notice of not less than five working days to that effect,

indicating the date and time when and the place where he or she proposes to carry out the inspection.

127. Penalties

- 1) Any person convicted of an offence under these regulations shall be liable to a fine not exceeding R5 000 or to imprisonment for a period not exceeding 6 months;
- 2) If the consumer cannot pay the fine immediately it will be included in the monthly rates and taxes invoice until paid off;
- 3) If a consumer bypassed a meter either conventional or prepaid it is seen as theft of a municipal service (water) which can carry up to a R 10 000,00 fine for first offence;
- 4) For a second offence of bypassing, a case of theft may be opened against the consumer at the local SAPS office; and
- 5) Crime Code 3200 of the Criminal Matters Amendment Act (usually applies to electricity but can be applicable for water theft as well).

128. Tariffs

Water tariff will be determined from time to time, by the Municipality in terms of the relevant legislation.

129. Provision of Information

An owner, occupier, customer or person within the area of supply of the municipality must provide the municipality with accurate information requested by the municipality that is reasonably required by the municipality for the implementation or enforcement of these by-laws.

130. Power of Entry and Inspection

- (1) An authorised official or agent of the municipality may enter and inspect any premises for any purpose connected with the implementation or enforcement of these by-laws, at all reasonable times, after having given reasonable written notice to the occupier of the premises of the intention to do so.
- (2) Any entry and inspection must be conducted in conformity with the requirements of the Constitution of South Africa, 1996, and any other law and, in particular, with strict regard to decency and order, respect for a person's dignity, freedom and security, and personal privacy.
- (3) The authorised official or agent of the municipality may be accompanied by an interpreter and any other person reasonably required assisting the authorised official in conducting the inspection.
- (4) The authorised official or agent of the municipality must, on request, provide his identification.

131. Indemnification from Liability

Neither employees of the municipality nor any person, body, organisation or corporation acting on behalf of the municipality is liable for any damage arising from any omission or act done in good faith in the course of their duties.

132. Exemption

- (1) The municipality may, in writing exempt an owner, customer, any other person or category of owners, customers, ratepayers, users of services from complying with a

provision of these by-laws, subject to any conditions it may impose, if it is of the opinion that the application or operation of that provision would be unreasonable, provided that the municipality shall not grant exemption from any section of these by-laws that may result in—

- (a) the wastage or excessive consumption of water supply services;
- (b) significant adverse effects on public health, safety or the environment;
- (c) the non-payment for services, other than as provided for in the bylaws on credit control and debt collection;
- (d) the Act, or any regulations made in terms of it, not being complied with.

(2) The municipality may at any time after giving written notice of at least 14 (fourteen) working days, withdraw any exemption given in terms of sub-section (1).

133. Conflict of Law

If there is any conflict between these by-laws and any other by-laws of the municipality, the most recently approved by-laws will prevail.

134. Repeal of Existing Municipal Water Services By-laws

The provisions of any by-laws relating to water supply and sanitation services by the municipality are hereby repealed insofar as they relate to matters provided for in these by-laws.

135. Transitional Arrangements

(1) Installation work authorised by the municipality prior to the commencement date of these by-laws or authorised installation work in progress on that date shall be deemed to have been authorised in terms of these by-laws; and the municipality may, for a period of 90 (ninety) working days after the commencement of these by-laws, authorise installation work in accordance with the by-laws that regulated that work immediately prior to the promulgation of these by-laws.

(2) Any reference in these by-laws to a charge prescribed by the municipal council shall be deemed to be a reference to a charge prescribed by the municipal council under the by-laws repealed by these by-laws, until the effective date of any applicable charges that may be prescribed by the municipal council in terms of these by-laws, or the by-laws relating to credit control and debt collection, and any reference to a provision in the by-laws repealed by these by-laws shall be deemed to be a reference to a corresponding provision in these by-laws.

(3) Any approval, consent or exemption granted under the by-laws repealed by these by-laws shall, save for the provisions of sub-sections (2) and (4), remain valid.

(4) No customer shall be required to comply with these by-laws by altering a water installation or part of it which was installed in conformity with any by-laws applicable immediately prior to the commencement of these by-laws; provided that if, in the opinion of the municipality, the installation, or part, is so defective or in a condition or position that could cause waste or undue consumption of water, pollution of the water supply or a health hazard, the municipality may by notice require the customer to comply with the provisions of these by-laws.

136. Short Title and Commencement

(1) These by-laws are called the Water Supply By-laws of the Mafube Local Municipality.

(2) The municipality may, by notice in the Provincial Gazette, determine that provisions of these by-laws, listed in the notice, do not apply in certain areas within its area of jurisdiction listed in the notice from a date specified in the notice.

(3) Until any notice contemplated in sub-section (2) is issued, these by-laws are binding.